



**GREATER
DANDENONG**
City of Opportunity

AGENDA MONDAY 23 AUGUST 2021

Commencing at 7:00 PM
COUNCIL MEETING

Statement - Coronavirus (COVID-19)

At the time of printing this Agenda, the Council Meeting to be held on Monday 23 August 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

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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 Mrs Ursula Aruma from the Sri Sathya Sai Organisation, a member of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 9 August 2021.

Recommendation

That the minutes of the Meeting of Council held 9 August 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.

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 23 August 2021 for signing and sealing as follows:

1. A letter of recognition to Damian Karaitiana, Business, Engineering and Major Projects Services for 30 years of service to the City of Greater Dandenong; and
2. A letter of recognition to Jane Grierson, Corporate Services for 20 years of service to the City of Greater Dandenong.

Recommendation

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 Meeting Procedure Local Law. These are also tabled.

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received no new petitions and no new joint letters prior to the Council Meeting of 23 August 2021.

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.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
3/08/21	<p>• Petition Text (Prayer)</p> <p>Petition for a Public Toilet in Alan Corrigan Reserve at Corrigan Road, Keysborough. This petition from the residents below asks City of Greater Dandenong council to construct a public toilet in the public park.</p> <p>Alan Corrigan reserve is the most popular community park in Keysborough used by many residents. There are BBQ facilities, children's playgrounds, and new facility for adult exercise. This park has been used by people from nearby suburbs as well.</p> <p>This park has many facilities which encourage the community groups to use the park. Currently this park does not have any public toilet. Sometimes the children's and adults are forced to use the bush or behind the tree due to lack of toilet.</p>	37	In progress	Tabled at Council Meeting 9 August 2021 3/08/2021 Responsible Officer – Director Business, Engineering and Major Projects. 3/08/2021 Acknowledgement Email sent to the head petitioner by Governance.

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
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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
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2.2.1 Petitions and Joint Letters (Cont.)

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

2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Planning Delegated Decisions Issued -July 2021

File Id:	qA280
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Delegated Decisions Issued -July 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 July 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.

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DELEGATED DECISIONS ISSUED -
JULY 2021**

ATTACHMENT 1

**PLANNING DELEGATED DECISIONS ISSUED
JULY 2021**

PAGES 10 (including cover)

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

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/07/2021 to 31/07/2021

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA20/0298	PinAppAmd	No	Land 42 Princes Highway DANDENONG VIC 3175	VKAS Design Group Pty Ltd	This permit application seeks to amend Planning Permit PLN17/0243.01 pursuant to Section 72 of the Planning and Environment Act 1987 by the way of the following: Amend the plans endorsed to the permit (DECLARED AREA)	Amend endorsed plans to update all floor levels and various changes	Delegate	AmendPerm	05/07/2021	Cleeland
PLA21/0005	PinAppAmd	No	46 Brooks Drive DANDENONG SOUTH VIC 3175	Southern Steel Properties Pty Ltd	AMENDMENT TO: Use of the land for industrial, construction of an industrial building and associated works, removal of native vegetation, reduction in car spaces, parking and reduction to the bicycle facilities required (PLN19/0176)	Amend permit address and amend plans and related documentation pursuant to Conditions 1 and 2 of the permit	Delegate	AmendPerm	14/07/2021	Dandenong
PLA21/0024	PinAppAmd	No	49 King Street DANDENONG VIC 3175	Atlas Architects	Amendment to PLN17/0615 issued for the development of the land for ten (10) triple storey dwellings, to allow for additional buildings and works	Amend permit conditions 1d for the pathway pavers, 1f window elevations, 1k location of solar system, 2i for the balcony planter boxes and 2j for the paving or deck areas to be on permeable base and the endorsed plans.	Delegate	AmendPerm	23/07/2021	Cleeland
PLA21/0025	PinAppAmd	No	23 Prince Street SPRINGVALE VIC 3171	Abacus Design & Planning	AMENDMENT TO: Development of the land for six dwellings (five (5) triple storey dwellings and one (1) double storey dwelling) (PLN19/0082)	Amend permit Condition 4 relating to Sustainable Design Assessment	Delegate	AmendPerm	29/07/2021	Springvale North
EANTOS				1					02/08/2021	

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA21/0035	PinAppAmd	No	89/112 Stud Road DANDENONG VIC 3175	Atelier Red + Black	AMENDMENT TO: To use the land for the purpose of a Retired Persons Residential Community to contain 116 independent living units and 100 hostel type units, and the stage development of a Nursing Home (1905)	Amend endorsed plans for extension to make home wheelchair accessible and replace timber framed canopy	Delegate	AmendPerm	28/07/2021	Cleeland
PLA21/0036	PinAppAmd	No	131-149 National Drive DANDENONG SOUTH VIC 3175	Pellicano Investments Pty Ltd	AMENDMENT TO: Buildings and Works (Warehouse) and reduction in car park requirements (PLN19/0515)	Amend permit to allow increase of warehouse size from 10753sqm to 11522sqm and reduction in car parking requirements	Delegate	AmendPerm	02/07/2021	Dandenong
PLA21/0045	PinAppAmd	No	41 Bowman Lane KEYSBOROUGH VIC 3173	Zai Pty Ltd	AMENDMENT TO: Development of the land for one (1) double storey dwelling	Amend endorsed plans for revision of dwelling siting, alterations to ground floor, first floor and to the elevations	Delegate	AmendPerm	30/07/2021	Keysborough South
PLA21/0047	PinAppAmd	No	5/10-12 South Link DANDENONG SOUTH VIC 3175	Paintex Pty Ltd	Amendment to PLN20/0114 issued for the construction of a mezzanine floor, to allow for a reduction in car parking, and construction of a fence	The proposal is in breach of Covenant AE457239G, is inconsistent with Clause 15.01-2S (Building Design), Clause 15.01-1S (Urban Design), Clause 18.02-4S (Car Parking), Clause 52.06 (Car Parking) and Clause 65	Delegate	Refusal	30/07/2021	Dandenong
PLA21/0057	PinAppAmd	No	220 Chapel Road KEYSBOROUGH VIC 3173	220 Chapel Road Keysborough Pty Ltd C/- SUB Planning Pty Ltd	AMENDMENT TO: Development of buildings and works for a four storey use development, use of the site for dwellings and restricted recreation facility and removal of native vegetation (PLN17/0370)	Amend permit to allow deletion of conditions 14 DCPO & 15 public open space	Delegate	AmendPerm	29/07/2021	Keysborough South
PLA21/0060	PinAppAmd	No	220 Chapel Road KEYSBOROUGH VIC 3173	220 Chapel Rd Keysborough Pty Ltd	AMENDMENT TO: Subdivision of the land into 123 lots (PLN21/0091)	Delete permit condition 1.1 relating to car parking and amend condition 14 relating to DIL	Delegate	AmendPerm	29/07/2021	Keysborough South

02/08/2021

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EANTOS

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA21/0062	PinAppAmd	No	2 Grace Avenue DANDENONG VIC 3175	Strat-Line Builders & Draflers Pty Ltd	AMENDMENT TO: To develop the land for two (2) dwellings (1 existing single storey dwelling and 1 new double storey dwelling), all in accordance with the endorsed plans (PLN08/0575)	Delete permit Condition 1.6 and amend endorsed plans	Delegate	AmendPerm	21/07/2021	Cleeland
PLA21/0066	PinAppAmd	No	9 Flynn Street SPRINGVALE VIC 3171	Melbourne Subdivision	AMENDMENT TO: Development of the land for two (2) dwellings (one single storey to the rear of a double storey) and subdivision of the land into two (2) lots (PLN19/0417)	Delete permit condition 1.10 relating to subdivision	Delegate	AmendPerm	21/07/2021	Springvale North
PLA21/0067	PinAppVicA	Yes	39/830 Princes Highway SPRINGVALE VIC 3171	Marchi Design Group Pty Ltd	AMENDMENT TO: Development of the land for an internal mezzanine with a reduction of the car parking requirement. VICSMART (PLN21/0094)	Amend endorsed plans to add cubicles to mezzanine and wall beside staircase	Delegate	AmendPerm	15/07/2021	Springvale North
PLN09/0320.03	PinAppAmd	No	2-4/44-48 Mills Road DANDENONG VIC 3175	Bingo Property Pty Ltd	AMENDMENT TO The use of the land for Materials Recycling	Delete permit Conditions 1A to 1A4, 1.2, 1.3, 1.5 & 1.6 relating to plans and amend Conditions 1 and 2 relating to plans	Delegate	AmendPerm	02/07/2021	Dandenong
PLN20/0019	PinApp	No	2-4/44-48 Mills Road DANDENONG VIC 3175	Bingo Property (Vic) Pty Ltd	Development of the land for an industrial building, construction of weighbridges, office/amenity buildings, tanks, and associated works, and reduction to the car parking requirement	Industrial 1 Zone, 2670sqm, construction of new shed, three weighbridges, installation of palisade fence, self-bunded fuel tank	Delegate	PlanPermit	01/07/2021	Dandenong
PLN20/0390	PinApp	No	18 Rutherglen Street NOBLE PARK VIC 3174	Poninn Ear	Development of the land for three (3) double storey dwellings	General Residential 1 Zone, 919sqm	Delegate	PlanPermit	06/07/2021	Noble Park
EANTOS					3				02/08/2021	

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN20/0454	PinApp	No	1D Merton Street SPRINGVALE VIC 3171	3 Corners Pty Ltd	To construct two (2) single-storey dwellings on a lot and to vary restrictive Covenant PS645485Y (17/02/2017) on Lot 1 of Plan of Subdivision 645485Y, to allow the construction of more than one (1) dwelling on the lot.	Proposal fails to comply with Clause 15 (Built Environment and Heritage), Clause 15.01-1S (Urban Design), Clause 15.01-2S (Building Design), Clause 15.01-5S (Neighbourhood Character), Clause 21.04 (Land Use) and Clause 21.05 (Built Form)	Delegate	Refusal	05/07/2021	Springvale North
PLN20/0466	PinApp	No	49 James Street DANDENONG VIC 3175	Bridnel Realty Pty Ltd	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	15/07/2021	Cleeland
PLN20/0567	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, 994sqm	Delegate	PlanPermit	15/07/2021	Springvale North
PLN20/0568	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	22/07/2021	Springvale North
PLN20/0569	PinApp	No	11B Ross Street DANDENONG VIC 3175	Vanessa Shenoit Burton	Development of the land for three (3) double storey dwellings	General Residential 1 Zone, 779sqm	Delegate	NOD	09/07/2021	Cleeland
PLN21/0018	PinApp	No	238 Railway Parade NOBLE PARK VIC 3174	Paul Truong	Use of the land for Industry (food production) and a reduction of one (1) of car parking space as required under Clause 52.06-5	Commercial 1 Zone, commercial kitchen, reduce number of parking spaces by 1	Delegate	PlanPermit	05/07/2021	Yarraman
PLN21/0040	PinApp	No	121 Kelvinside Road NOBLE PARK VIC 3174	Architekton Ltd	Subdivision of the land into two (2) lots	Proposal fails to comply with Clause 15.01-3S (Subdivision Design), Neighbourhood Character objective of Sch 1 to Clause 32.08 General Residential Zone, Clause 56 & 65.02	Delegate	Refusal	09/07/2021	Springvale North
PLN21/0047	PinApp	No	70 Quantum Close DANDENONG SOUTH VIC 3175	Dale Grant Building Design & Documentation Pty Ltd	Extension to an existing warehouse building	Commercial 2 Zone, 216sqm	Delegate	PlanPermit	15/07/2021	Dandenong
PLN21/0050	PinApp	No	11-21 Lascelles Street SPRINGVALE VIC 3171	Just Commercial Automotive	Use of the land for Motor Repairs, Panel Beating and Motor Vehicle Sales and a reduction in car parking requirements	No response to further information request	Delegate	Lapsed	09/07/2021	Springvale North
EANTOS									02/08/2021	

ORDINARY COUNCIL MEETING - AGENDA

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0061	PinApp	No	16 Curtin Crescent DANDENONG NORTH VIC 3175	Whitnell Designs Pty Ltd	Development of the land for two (2) dwellings (one double storey dwelling and one single storey dwelling to the rear)	General Residential 1 Zone, 557sqm	Delegate	PlanPermit	23/07/2021	Cleeland
PLN21/0069	PinApp	No	28-32 Arctic Court KEYSBOROUGH VIC 3173	CS Mana Arctic Court Pty Ltd	Use of the land for Industry (Pet Food Production - Stage 1)	Industrial 1 Zone, pet food production	Delegate	PlanPermit	07/07/2021	Keysborough South
PLN21/0070	PinApp	No	7 Park Drive DANDENONG SOUTH VIC 3175	Vic Civil Pty Ltd	The development of the land for a Cement Silo	Industrial 1 Zone, 1765sqm	Delegate	PlanPermit	15/07/2021	Dandenong
PLN21/0109	PinApp	No	25 Glasscocks Road DANDENONG SOUTH VIC 3175	Glasscocks 25 Pty Ltd C/- KLM Spatial	Development of the land for a warehouse and ancillary offices	This proposal fails to comply with Clause 43.04-02 (Development Plan Overlay) and Clause 65	Delegate	Refusal	30/07/2021	Dandenong
PLN21/0110	PinApp	No	25 Princess Avenue SPRINGVALE VIC 3171	Andrew Ferris Drafting & Design Pty Ltd	Development of the land for two (2) double storey dwellings	Proposal is inconsistent with Urban Design Objectives and Strategies of Clause 15.01-1S and Clause 15.01-2S and fails to comply with Clause 21.05-1 (Urban Design, Character, Streetscapes and Landscapes)	Delegate	Refusal	27/07/2021	Springvale Central
PLN21/0128	PinApp	No	35 Aspen Circuit SPRINGVALE VIC 3171	Moto Ridenow Pty Ltd	Use the land for motor vehicle sales	Industrial 1 Zone	Delegate	PlanPermit	08/07/2021	Springvale North
PLN21/0136	PinApp	No	38 First Avenue DANDENONG NORTH VIC 3175	Nadiabbi Shakh	Development of the land for a second single storey dwelling to the rear of an existing single storey dwelling and alterations and additions to the existing dwelling	Neighbourhood Residential 1 Zone, 882sqm	Delegate	PlanPermit	23/07/2021	Dandenong North
PLN21/0136	PinApp	No	38 First Avenue DANDENONG NORTH VIC 3175	Mohamadanih Mohamadhanif Shakh	Development of the land for a second single storey dwelling to the rear of an existing single storey dwelling and alterations and additions to the existing dwelling	Neighbourhood Residential 1 Zone, 882sqm	Delegate	PlanPermit	23/07/2021	Dandenong North

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02/08/2021

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2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0145	PinApp	No	2-24 Pound Road West DANDENONG SOUTH VIC 3175	Human Habitats	Construction of a truck canopy to an existing warehouse	Commercial 2 Zone, 264sqm	Delegate	PlanPermit	29/07/2021	Dandenong
PLN21/0162	PinApp	No	1638 Centre Road SPRINGVALE VIC 3171	Jova Drafting Consultants	Development of the land for a mezzanine (Property: 22/1628 Centre Road, Springvale)	Industrial 1 Zone & Urban Floodway Zone, 10.82sqm	Applicant	Withdrawn	05/07/2021	Springvale North
PLN21/0164	PinApp	No	22 Royal Avenue SPRINGVALE VIC 3171	Prime Surveying and Land Development Consultants	Subdivision of the land into six (6) lots SPEAR	Residential	Delegate	PlanPermit	16/07/2021	Springvale Central
PLN21/0168	PinApp	No	1638 Centre Road SPRINGVALE VIC 3171	Jova Drafting Consultants	Development of the land for a mezzanine (Property: 24/1628 Centre Road, Springvale)	Industrial 1 Zone & Urban Floodway Zone, 6.74sqm	Delegate	PlanPermit	29/07/2021	Springvale North
PLN21/0173	PinApp	No	26-30 Parsons Avenue SPRINGVALE VIC 3171	Stephen D'Andrea P/L	Development of the land for two (2) warehouse buildings (Future Lot 8 on PS816233)	Industrial 1 Zone, 774sqm	Delegate	PlanPermit	19/07/2021	Springvale North
PLN21/0176	PinApp	No	26-30 Parsons Avenue SPRINGVALE VIC 3171	Stephen D'Andrea	Development of the land for two (2) warehouse buildings (Future Lot 9 on PS816233)	Industrial 1 Zone, 774sqm	Delegate	PlanPermit	19/07/2021	Springvale North
PLN21/0184	PinApp	No	23 Timor Circuit KEYSBOROUGH VIC 3173	PistonHeads Cars Pty Ltd	Use of the land as a Retail Premises (Motor Vehicle Sales)	Industrial 1 Zone	Delegate	PlanPermit	28/07/2021	Keysborough South
PLN21/0198	PinApp	No	1-19 South Park Drive DANDENONG SOUTH VIC 3175	Ahrens Group Pty Ltd C/- KLM Spatial	Construction of buildings and works and a reduction of the existing requirements associated with an Industry under Clause 52.06 of the Greater Dandenong Planning Scheme	Industrial 2 Zone, 7475sqm	Delegate	PlanPermit	29/07/2021	Dandenong
PLN21/0211	PinApp	No	95-99 Rodeo Drive DANDENONG SOUTH VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into two (2) lots SPEAR	Industrial	Delegate	PlanPermit	16/07/2021	Dandenong
PLN21/0234	PinApp	No	43 French Street NOBLE PARK VIC 3174	Nacha Moore Land Surveyors Pty Ltd	Subdivision of the land into seven (7) lots SPEAR	Residential	Delegate	PlanPermit	28/07/2021	Yarraman
EANTOS									02/08/2021	

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2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0247	PinApp	No	31 Newcomen Road SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	20/07/2021	Springvale North
PLN21/0249	PinApp	No	337 Springvale Road SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into two (2) lots SPEAR	Commercial	Applicant	Withdrawn	20/07/2021	Springvale Central
PLN21/0253	PinApp	No	51 Jesson Crescent DANDENONG VIC 3175	Mohammed Haroon Sabir	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	29/07/2021	Cleeland
PLN21/0257	PinApp	No	5/18-20 Golden Grove SPRINGVALE SOUTH VIC 3172	Merissa De La Luz Collaco-Sandoval	Development of the land to extend one existing double storey dwelling	General Residential 1 Zone, 207sqm	Delegate	PlanPermit	28/07/2021	Springvale South
PLN21/0262	PinApp	No	1/28 Fifth Avenue DANDENONG VIC 3175	Archangelo Gammaldi	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	09/07/2021	Yarraman
PLN21/0264	PinAppVic	Yes	Building 1 Suite 1/3 Ordish Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea	Buildings and works (To enclose an existing balcony and provision of car parking) VICSMART	No response to further information request	Delegate	Lapsed	21/07/2021	Dandenong
PLN21/0273	PinApp	No	2-106 Bayliss Road DANDENONG SOUTH VIC 3175	Scheider Electric	To construct and display an internally illuminated sign with a display area exceeding 1.5 square metres	Industrial 1 Zone, internally illuminated business identification signage	Delegate	PlanPermit	23/07/2021	Dandenong
PLN21/0274	PinApp	No	25 Baldwin Avenue NOBLE PARK VIC 3174	Smith Land Surveyors	Subdivision of land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	15/07/2021	Noble Park
PLN21/0275	PinApp	No	21 Wattle Street SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	15/07/2021	Springvale North
PLN21/0279	PinAppVic	Yes	3 Alma Court SPRINGVALE VIC 3171	Weidong Zhang	Subdivision of land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	15/07/2021	Springvale Central
PLN21/0282	PinApp	No	77 Kemp Street SPRINGVALE VIC 3171	Jim Tsikaris	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	05/07/2021	Springvale North

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2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0289	PinAppVic	Yes	22 Timor Circuit KEYSBOROUGH VIC 3173	Volume Carpenters	The development of the land for an internal mezzanine floor level with a reduction of the car parking requirement VICSMART	Industrial 1 Zone, 80.37sqm	Delegate	PlanPermit	09/07/2021	Keysborough South
PLN21/0293	PinApp	No	1 Harris Street SPRINGVALE VIC 3171	Hien & Hung Nguyen	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	09/07/2021	Springvale North
PLN21/0311	PinApp	No	1/7 Springfield Court NOBLE PARK NORTH VIC 3174	Nilsson Noel & Holmes (Surveyors) Pty Ltd	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	21/07/2021	Noble Park North
PLN21/0312	PinApp	No	1 Haresta Avenue DANDENONG VIC 3175	Anthony Ford & Associates C/- Vicki Arowsmith	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	29/07/2021	Dandenong
PLN21/0319	PinApp	No	1080 Heatheron Road NOBLE PARK VIC 3174	AMS Pty Ltd	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	16/07/2021	Noble Park
PLN21/0320	PinApp	No	12 Agnes Street NOBLE PARK VIC 3174	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	21/07/2021	Noble Park
PLN21/0325	PinApp	No	1 Stephenson Street SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into four (4) lots	Residential	Delegate	PlanPermit	22/07/2021	Springvale North
PLN21/0326	PinApp	No	5 Boyd Street DANDENONG NORTH VIC 3175	Jova Drafting Consultants	Buildings and Works (Alterations to Rooming House)	General Residential 1 Zone, 678sqm	Applicant	Withdrawn	16/07/2021	Cleeland
PLN21/0327	PinAppVic	Yes	82 View Road SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into two (2) lots (VICSMART) SPEAR	Residential	Delegate	PlanPermit	13/07/2021	Springvale Central
PLN21/0330	PinApp	No	12 Bruce Street DANDENONG VIC 3175	Hooke Architecture Pty Ltd	Change of Use and Buildings and Works (Community Care Accommodation)	Use and Buildings and Works sought are exempt from a planning permit	Delegate	NotRequire	23/07/2021	Cleeland
PLN21/0344	PinAppVic	Yes	11-61 Jayco Drive DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Development of the land for three (3) canopies and to relocate car parking VICSMART	Industrial 1 Zone, 59940sqm, extension of canopies on existing buildings and relocation of some car parking spaces	Delegate	PlanPermit	02/07/2021	Dandenong
EANTOS									02/08/2021	

2.3.1 Planning Delegated Decisions Issued -July 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0345	PinAppVic	Yes	35-45 Frankston Dandenong Road DANDENONG SOUTH VIC 3175	Robert Davies	The development of the land for a roofed extension to an existing building VICSMART	Industrial 1 Zone, 440sqm, addition of roof to warehouse	Delegate	PlanPermit	07/07/2021	Dandenong
PLN21/0352	PinAppVic	Yes	90-110 Thomas Murrell Crescent DANDENONG SOUTH VIC 3175	Alex Fraser Asphalt Pty Ltd	Development of the land for buildings and works (workshop) and to reduce the car parking requirements VICSMART	Industrial 2 Zone, 140sqm, construction of new workshop, roof structure and reduction in car parking requirements	Delegate	PlanPermit	13/07/2021	Dandenong
PLN21/0356	PinApp	No	418-424 South Gippsland Highway DANDENONG SOUTH VIC 3175	Urban Fields Consulting	Display of business identification signs including an internally-illuminated business identification sign	Commercial 2 Zone, 1 x internally illuminated sign, 1 x non-illuminated sign	Delegate	PlanPermit	29/07/2021	Dandenong
PLN21/0367	PinAppVic	Yes	17 Bass Court KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	Buildings and Works (Warehouse) VICSMART	Industrial 1 Zone, 1100sqm, construction of warehouse with ancillary office and associated car parking	Delegate	PlanPermit	29/07/2021	Keysborough South
PLN21/0373	PinAppVic	Yes	1/41 Kylla Avenue DANDENONG VIC 3175	PM Kennedy Land Surveyor	Subdivide the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	21/07/2021	Dandenong
PLN21/0391	PinAppVic	Yes	1/25 Gibb Street DANDENONG NORTH VIC 3175	Kelvin Andrew Hicks	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	28/07/2021	Dandenong North

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2.3.2 Planning Decisions Issued by Planning Minister's Delegate - July 2021

File Id:	qA280444
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Declared Area Delegated Decisions - July 2021

Report Summary

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

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in July 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 PDA#.01 or similar, are applications making amendments to previously approved planning permits.

Recommendation

That the items be received and noted.

2.3.2 Planning Decisions Issued by Planning Minister's Delegate - July 2021 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DECISIONS ISSUED BY PLANNING MINISTER'S DELEGATE
JULY 2021**

ATTACHMENT 1

**PDA DELEGATED DECISIONS ISSUED JULY
2021**

PAGES 2 (including cover)

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

2.3.2 Planning Decisions Issued by Planning Minister's Delegate - July 2021 (Cont.)

City of Greater Dandenong

PDA Delegated Decisions Issued 01/07/2021 to 31/07/2021

Application ID	PropertyAddress	Applicant	Description	Notes	Authority	Decision	Decision Notified	Ward
PDA21/0001	28 Pickett Street DANDENONG VIC 3175	Human Habitats	Multi Dwelling Development x 15 (3 level building to the front, 4 level building to the rear) and reduction in car parking requirement	Residential Growth Zone 1, 2026sqm	Delegate	NOD	22/07/2021	Dandenong
Total :							1	

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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. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures

File Id:	qA 439037
Responsible Officer:	Director Business, Engineering & Major Projects
Attachments:	TENDER INFORMATION (CONFIDENTIAL)

1. Report Summary

This report outlines the tender process undertaken to select a suitably qualified and experienced contractor for the provision of **Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art and Parks Structures** 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 two (2) twelve-month extensions at the sole and absolute discretion of Council.

2. Recommendation Summary

This report recommends that Council awards **Contract 2021-48** for the **Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art and Parks Structures** to **Blue Sky Services (VIC) Pty Ltd** for the schedule of rates as tendered. The estimated annual cost of this contract is **Five Hundred & Thirty Nine Thousand, Three Hundred & Ninety Six Dollars & Forty One Cents (\$539,396.41)** including GST of \$49,036.04 for Programmed Services in the first year of the contract, plus a Schedule of Rates for Reactionary Services as required.

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

3. Background

The purpose of this Contract is for the provision of a programmed and reactionary cleaning service of Council's public toilets, barbecues, bus shelters, picnic shelters, playgrounds and art structures.

The rates for programmed services per site includes all necessary labour, materials (including consumables), plant and equipment and cleaning frequencies required for the cleaning and maintenance of the Council assets listed in the table below.

The number and type of facilities to be cleaned and maintained are as follows:

<u>Facility Category</u>	<u>Number of Locations</u>
Public Toilet Cleaning	43 Locations
Barbeque Cleaning	56 Locations
Bus Shelter Cleaning	51 Locations
Picnic Shelter & Furniture Cleaning	49 Locations
Playground Cleaning	117 Locations
Art Structure Cleaning	19 Locations
Other Minor Activities as specified	Various Locations

Reactionary services will be initiated by Council's Contract Superintendent as required via the tendered schedule of rates.

The previous contract for this service was terminated prior to the end of the contracted term. Since that time the service has been delivered in-house with the deployment of agency staff. This afforded Council officers the opportunity to undertake benchmarking of the service to confirm that this service is best delivered via a contractor. Price, flexible resource deployment and availability and the limitations of Council's Operations Centre to accommodate more staff and equipment were determining factors.

This service delivery will support Council's vision as Greater Dandenong being a safe and vibrant city of opportunity for all – to visit, work, live and play.

4. Tender Process

The tender was advertised in The Age Newspaper on Saturday 10 April 2021 and closed at 2:00pm on Friday 7 May 2021.

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

At the close of the tender advertising period twenty (20) tender submissions were received as indicated below:

1. **All Industries Solutions Pty Ltd**
2. **Alpha Corporate Property Services Pty Ltd**
3. **Fernando Enterprises (Australia) Pty Ltd trading as Ausbright Facilities Management**
4. **The Trustee for Makkim Unit Trust trading as Australian Environmental Cleaning Services**
5. **Bogdan Investments Pty Ltd trading as BG Corporate Services**
6. **Blue Sky Services (Vic) Pty. Ltd.**
7. **Bluegum Services Group Pty. Ltd**
8. **Kumar Praveen trading as Cleano Australia**
9. **Crown Property Services Pty Ltd**
10. **G.J. & K. Cleaning Services Pty. Limited**
11. **K C Facility Services Pty Ltd**
12. **New Age Cleaning Services Pty. Ltd.**
13. **Peopleworks Cleaning Services Pty Ltd**
14. **Premium Corporate Property Services Pty. Ltd.**
15. **Shiners Facility Services Pty Ltd**
16. **Silvans Services Pty Ltd**
17. **Solo Services Group Australia Pty Ltd**
18. **SSX Group Pty Ltd**
19. **Storm International Pty. Limited**
20. **Urban Maintenance Systems Pty Ltd**

Tenderers were requested to provide their annual rate/price per site for each facility category taking into account the cleaning frequency to create an estimated total annual cost per facility category (Programmed Services). The total price for each facility category was then combined to create an estimated annual sum price per tenderer.

Tenderers were also requested to provide a schedule of rates for urgent cleaning works (Reactionary Services) and to complete Council's Risk Management Questionnaire.

5. Tender Evaluation

The evaluation panel consisted of Council's Service Unit Leader – Parks & Waste, Team Leader Cleansing, and the Contracts Officer, with Occupational Health & Safety and Environmental Management consultants providing specialist advice.

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

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	35%
2	Track Record (including Relevant Experience / Capability / Capacity)	30%
3	Quality Assurance Plan	20%
4	Social Procurement	5%
5	Local Industry	5%
6	Statement of Environmental	5%
7	OH&S Management Systems (OH&S)	Pass / Fail
8	Environmental Management Systems (EMS)	Pass / Fail

Evaluation Criteria 1 – 6 are given a point score between 0 (Not Acceptable) and 5 (Excellent) as detailed in the table below. The Evaluation Criteria 7 & 8 are given a Pass or Fail.

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

Tender submissions were assessed against all evaluation criteria, to ensure that the tenderers met the standards required for Council contractors.

The tender submissions received from the following companies offered an estimated annual price greater than 50% above the median price of all tender submissions received, and automatically received a price points score of zero, therefore these tender submissions were not evaluated for the non-price evaluation criteria. They are;

1. Bluegum Services Group Pty Ltd
2. Kumar, Praveen trading as Cleano Australia

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

3. K C Facility Services Pty Ltd
4. Premium Corporate Property Services Pty. Ltd.
5. Shiners Facility Services Pty Ltd
6. Solo Services Group Australia Pty Ltd
7. Storm International Pty. Limited
8. Urban Maintenance Systems Pty Ltd

The remaining twelve (12) tender submissions were each assessed against the non-price evaluation criteria (listed above). Each criterion is ranked on a point score between 0 (Not Acceptable) and 5 (Excellent). These rankings are then multiplied by the pre-determined weighting to give a weighted attribute ranking for each criterion and totalled to give an overall evaluation score for all criteria as detailed on the following table:

Note: 1: The higher the price score – lower the tendered price.

Note: 2: The higher the non-price score – represents better capability and capacity to undertake the service.

Tenderer	Price Points	Non-Price Points	OH&S	EMS	Total Score
Blue Sky Services	1.36	2.78	PASS	PASS	4.14
Alpha Corporate Property	1.25	2.88	PASS	PASS	4.13
New Age Cleaning Services	0.92	2.85	PASS	PASS	3.77
Ausbright Facilities Management	1.27	2.23	Awaiting Verification in Rapid Global	Awaiting Verification in Rapid Global	3.50
GJK Facility Services	1.37	2.11	Not Assessed	Not Assessed	3.48
Silvans Facility Services	1.41	1.71	Not Assessed	Not Assessed	3.12
Australian Environmental C S	1.12	1.94	PASS	PASS	3.08
Peopleworks Cleaning	0.93	1.56	Not Assessed	Not Assessed	2.49
Crown Property Services	0.83	1.43	Not Assessed	Not Assessed	2.26

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

All Industries Solutions	1.24	0.78	Not Assessed	Not Assessed	2.02
BG Corporate Services	0.99	0.95	Not Assessed	Not Assessed	1.94
SSX Group	0.77	0.88	Not Assessed	Not Assessed	1.65

In accordance with the advertised tender conditions the highest rated tender submissions were assessed against the Pass/Fail evaluation criteria of OH&S Management Systems and Environmental Management Systems. If tenderers are registered and verified with the Rapid Global System (Council's Contractor Risk Management Compliance database) then their verification status is recognised with a Pass.

At the conclusion of the preliminary evaluation of the remaining (12) tender submissions the four highest ranked tenderers; 1) Alpha Corporate Property Services Pty Ltd, 2) Ausbright Facilities Management, 3) Blue Sky Services (VIC) and 4) New Age Cleaning Services Pty Ltd were invited to attend a pre selection interview process where they presented their company and provided responses to questions regarding their tender submission and the requirements of the contract. A great deal of scrutiny was undertaken in order to determine the preferred contractor.

At the completion of the tender evaluation process described above the evaluation panel agreed that **Blue Sky Services (VIC) Pty Ltd** would provide a reliable and responsive service which will deliver suitable quality, safety and environmental standards. Locally based in Clayton, Blue Sky Services displayed a strong understanding and connection to our community.

Blue Sky Services (VIC) Pty Ltd has an accredited integrated management system, with a sound approach to programming and monitoring service delivery performance, supported by a continuous improvement ethos. Council's Contract Superintendent will adopt a program of performance monitoring and regular contract meetings to further ensure the suitable performance of the contract.

6. Financial Implications

This contract is a Schedule of Rates contract 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. The schedule of rates submitted includes the costs for prescribed cleaning programs and rates for reactive cleaning. The rates submitted by the preferred contractor for the programmed services is \$539,396.41 compared to the annual budget allocation of \$617,176. The remaining funding will make provision for:

6.1 Syringe Collection

Specialist service providers were separately contracted via quotation to service councils syringe receptacles predominantly located in public toilets. The cost of service is \$47,349.

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

6.2 Reactive Cleaning

Reactive cleaning is required to cover additional toilet in the event of emergencies and to support council events.

7. Social Procurement

Blue Sky Services is committed to providing employment opportunities and to support Greater Dandenong Council's local community. They have committed to employing two (2) full time staff, four (4) part time staff and five (5) casual staff. All 11 staff members proposed are to be recruited from the Greater Dandenong community, this represents 85% of total staff allocated to this contract. These staff will be provided with training and induction in-line with the Blue Sky onboarding processes and they will be employed throughout the period of the contract.

7.1 Social Enterprises

Blue Sky Services proposes partnering with Axis community employment services to employ up to 7 new staff members of diverse multicultural and/or generational backgrounds and at least three new staff members from Aboriginal and Torres Strait Islander peoples by end of December 2021 to work on this contract. They also are proposing to become a member of Supply Nation and to work with suppliers who are part of the Supply Nation portfolio for 20% of their procurement by end of December 2021.

7.2 Outcomes

Currently they have over 32% of Blue Sky Services staff members living in the City of Greater Dandenong. They say that they will be employing a minimum of 85% of staff employed for this contract from the City of Greater Dandenong if they are the successful tenderer.

Blue Sky will be purchasing from two local business suppliers residing in the City of Greater Dandenong if successful in this contract (see Local Industry).

7.3 Corporate Social Responsibility

In order to eliminate emissions, Blue Sky Services are proposing to purchase 60 tonnes of carbon offset credits for the City of Greater Dandenong from Carbon Neutral Australia.

Blue Sky Services is absolutely committed to a sustainable future and thus has undertaken a number of initiatives to work towards achieving this.

Some of these include;

- In the last 2 years they have implemented biodegradable bin liners at 100% of their clients;
- 60% of the chemicals which they use are eco certified;
- Microfibre cloths are used in their cleaning and they are laundered; and

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

- Blue Sky Services has initiated and conducted waste audits with the aim of reducing waste with several clients.

Blue Sky Services will also implement the Tersano Lotus Pro Cleaning System at feasible Council sites resulting in a 70% reduction in chemical usage at these sites. Blue Sky Services will be using Recycled Consumables and green cleaning products.

8. Local Industry

Blue Sky Services has indicated the percentage estimates shown below that they intend to spend at Greater Dandenong businesses in the form of labour, materials, plant and supervision.

ITEM	PERCENTAGE OF LOCAL CONTENT	VALUE OF LOCAL CONTENT (exclude GST)
Labour	95%	\$380,000
Materials	100%	\$25,000
Plant & Vehicles & Other	100%	\$60,000
Supervision	100%	\$17,000
Other:- \$5,000		
	%	90% of total price
	TOTAL	\$487,000

9. Consultation

9.1 Safety & Environmental

During the tender evaluation process and in preparation of this report, relevant Council Officers from Council's Operations Centre and Council's Occupational Health & Safety and Environmental Planning were all consulted.

9.2 Quality Standards

Consultation occurred with Council officers to confirm suitable cleaning applications and regimes were included in the tender specification.

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

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 (Schedule 8), Fair Work Questionnaire for Potential Contractors (Schedule 9) and the Victorian Child Safe Standards Questionnaire (Schedule 10).

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.

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).

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

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 7). 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 7A). 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 Blue Sky Services were assessed and determined to be satisfactory in the context of Climate change and Sustainability.

14. Conclusion

At the conclusion of the tender evaluation process, which included a preselection interview, the evaluation panel agreed that the tender submission from **Blue Sky Services (VIC) Pty Ltd** represented the best value outcome for Council and should be accepted due to:

- 1) Their conforming and very well priced tender submission;
- 2) Their relevant experience working with Victorian Government and Local Government authorities on similar cleaning contracts;
- 3) Their level of experience and staff resources allocated to this Contract;

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

- 4) Receiving a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems;
- 5) Receiving a satisfactory result for the Standard Financial & Performance Assessment (Procurement) Company Check undertaken by Corporate Scorecard;
- 6) They are registered and verified / compliant with Rapid Global (Council's Contractor Risk Management Compliance database); and
- 7) Reference checks were undertaken on four similar cleaning contracts currently being serviced by Blue Sky Services (VIC) Pty Ltd for three Victorian Local Government authorities and one private organisation where they were highly rated and received very good responses to questions about their work performance.

15. Recommendation**That Council:**

1. **awards Contract 2021-48 for the Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art and Parks Structures to Blue Sky Services (VIC) Pty Ltd for the tendered Schedule of Rates for Programmed and Reactionary Cleaning Services for the initial contract term of three (3) years from the date of commencement;**
2. **reserves the option to extend the initial contract term by two (2), twelve (12) month extensions at the sole and absolute discretion of Council; and**
3. **signs and seals the contract documents when prepared.**

4.1.1 Contract No. 2021-48 Cleaning of Public Toilets, BBQ's, Bus Shelters, Public Art & Parks Structures (Cont.)

REPORT
Contracts

23 August 2021

CONTRACTS

**CONTRACT NO. 2021-48 CLEANING OF PUBLIC TOILETS,
BBQ'S, BUS SHELTERS, PUBLIC ART AND PARKS
STRUCTURES**

ATTACHMENT 1

**TENDER INFORMATION
(CONFIDENTIAL)**

PAGES 5 (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 Council Performance Report End of Year 2020-21

File Id:	A7910097
Responsible Officer:	Executive Manager Communications & Customer Service
Attachments:	Council Plan End of Year Performance Report 2020-21

1. Report Summary

This report details a summary of Council's progress for the period 1 July 2020 to 30 June 2021 against performance targets outlined in the Council Plan 2017-21.

2. Recommendation Summary

This report recommends that Council adopts the achievements against the Council Plan Indicators for the year ending 30 June 2021.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

3. Background

Council adopted the Council Plan 2017-21 on Monday 26 June 2017. The Council Plan is revised each year and the 2020 revision along with the Annual Plan 2020-21 was adopted on Monday 22 June 2020.

The Council Plan 2017-21 outlines the vision and objectives of the current Council over the four years of its term in office. This document guides service delivery, innovation and good governance, and provides the foundation for the corporate planning framework for all business activities. The Council Plan also guides the budget, service delivery priorities and the continuous improvement of our services.

The Council Plan 2017-21, Annual Plan 2020-21 and Annual Budget 2020-21 are made available to residents through the Customer Service Centres, libraries and on Council's website www.greaterdandenong.vic.gov.au

Progress against performance targets for the period 1 July 2020 to 30 June 2021 is outlined in the end of Year Performance Report which details the achievements for the Council Plan Indicators from the Council Plan 2017-21 and actions from the Annual Plan 2020-21.

The COVID-19 pandemic has continued to have an impact on Council's ability to complete some activities for the 2020-21 year. It has particularly affected planned events, performances and exhibitions which have had to be postponed or in some cases cancelled. These are highlighted in Attachment 1.

Attachment 1: The Quarterly Performance Report for the period 1 July 2020 to 30 June 2021

Performance highlights against the Council Plan strategic objectives include:

A vibrant, connected and safe community

- Council delivered three online versions of regular events, including the Children's Festival, The Big Day In (formerly the Little Day Out) and the Greater Dandenong Carols concert.
- Council facilitated corporate donations of food, material aid relief, and sanitation products to support the COVID-19 material aid procurement work supporting Anti-Poverty consortium agencies.
- Youth and Family Services delivered a range of leadership and personal development programs to over 900 people.
- Council continued to implement Community Safety Infrastructure Grant funding and is finalising the procurement and design of safety upgrades and CCTV in the Walker Street car park, Boyd Lane and the Springvale Community Hub.
- The draft Reconciliation Action Plan was endorsed by Council and provisional endorsement by Reconciliation Australia was received in January.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

- 5,148 adolescents were immunised as part of the Victorian Secondary School vaccination program.
- Council endorsed nine grants totalling \$259,311 for projects and activities that promote gender equity and support the right of women to engage and participate equally in all aspects of community life.

A creative city that respects and embraces diversity

- The Children's Plan 2021-26 has been finalised and is awaiting Council endorsement.
- 11 arts and cultural heritage exhibitions were delivered.
- 11 artists were supported through residencies and commissioned projects.
- 62 community arts participation workshops and opportunities were provided.
- Over 100 children attended the online Children's Forum providing their voice to the new Council Plan, laneways within the city, library resources and programs, waste management, and programs at the Drum Theatre.

A healthy, liveable and sustainable city

- Work continues on implementing the actions and initiatives of both the Sustainability Strategy 2016-30 and the Climate Emergency Strategy.
- The Sustainability Festival, rebranded as Forever Fest, was delivered in May with over 500 attendees. 80 entries were received for the Sustainability Awards which is the largest number yet.
- A Food and Garden Organics collection service was introduced in April which included the provision of kitchen caddies to households.
- A draft Urban Forest Strategy has been completed after a process of community consultation and is expected to be endorsed early in the new year.
- 32 inspections were made of recycling and green waste processing sites across the city.
- 93 per cent of capital works projects were delivered by the end of the financial year.
- The road resurfacing program was completed.

A city planned for the future

- The Housing Strategy 2014-24 has been reviewed and the revised strategy will be presented to Council in the new financial year.
- The Springvale Community Hub project is now complete.
- Design documentation for the Keysborough Community Hub is being finalised and a tender process is expected to commence in October.
- A Kindergarten Infrastructure Service Plan has been developed with the Department of Education and Training for the rollout of 3 year old Kindergarten in 2022.
- A business case for the new aquatic and wellbeing centre in Dandenong is now complete and has been endorsed by Council.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

- The revised Open Space Strategy 2020-30 was adopted in August 2020.
- Construction on the Greater Dandenong Gallery of Art has advanced and the project is due for practical completion later this year.

A diverse and growing economy

- Funds have been secured for a study pertaining to a development facilitation, investment and implementation options paper to grow central Dandenong.
- The “Take a Swing for Charity” annual golf day raised \$43,000 for the Keysborough Learning Centre and Asylum Seeker Resource Centre. These funds will be used to enhance services to the most vulnerable people in our community.
- 61 network activities were delivered including events, workshops and network group sessions, with over 1,100 participants.
- A refreshed Local Economic and Employment Development Strategy has been completed.
- Four editions of the Talking Business magazine were produced along with monthly enewsletters.

An open and effective Council

- Council again received very positive results overall in the Community Satisfaction Survey for 2021. All indicators scored above the state average and above or equal to the metropolitan average.
- Council’s social media channels grew by 19 per cent which was 1.7 per cent on last year.
- Council’s Annual Budget and Revenue and Rating Strategy were adopted by Council on 28 June.
- Community consultation has been completed for the new Council Plan and Long Term Financial Plan. Both documents are due to be endorsed by Council in October.
- Over 204 online forms have been developed to supplement manual processes both internally and externally. These forms have been used 76,919 times over the past 12 months.

4. Proposal

This report proposes that Council adopts the report of achievements against performance targets outlined in the Council Plan 2017-21 for the period 1 July 2020 to 30 June 2021.

5. Financial Implications

There are no financial implications associated with this report.

6. Consultation

The Chief Executive Officer, Directors and all business unit managers were consulted in the preparation of this report.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

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*
- *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*

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:

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*

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Opportunity

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

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

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

This report has been prepared in accordance with these principles and provides transparency of Council's actions over the past financial year and highlights Council's priority in achieving the best outcomes for the municipal community, including future generations. It also considers the supporting principles regarding strategic planning (89) and service performance (s106).

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 Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter. Council's activities as highlighted in the Council Plan 2017-21 and Annual Plan 2020-21 support the human rights of all residents. The development of these plans also supports, through its community engagement activities, the right to take part in public life.

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.

The content/topic/issue (of this report) is purely administrative in nature and 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.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

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 report. A number of the actions reported on as part of this performance report include progress updates on Council's mitigation and planning for climate change risks.

13. Related Council Policies, Strategies or Frameworks

This report is in accordance with Council's policy of providing regular information and feedback to Council.

14. Conclusion

Greater Dandenong City Council provides a performance report against organisational objectives on a quarterly basis. The reporting procedures and systems in place provide Councillors and the community with the opportunity to monitor progress against Council Plan indicators. This ensures that all resources are managed effectively and accountably.

15. Recommendation

That Council adopts the report against performance targets outlined in the Council Plan 2017-21 for the period 1 July 2020 to 30 June 2021.

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

POLICY AND STRATEGY

COUNCIL PERFORMANCE REPORT END OF YEAR 2020-21

ATTACHMENT 1

**COUNCIL PERFORMANCE REPORT END OF
YEAR 2020-21**

PAGES 55 (including cover)

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

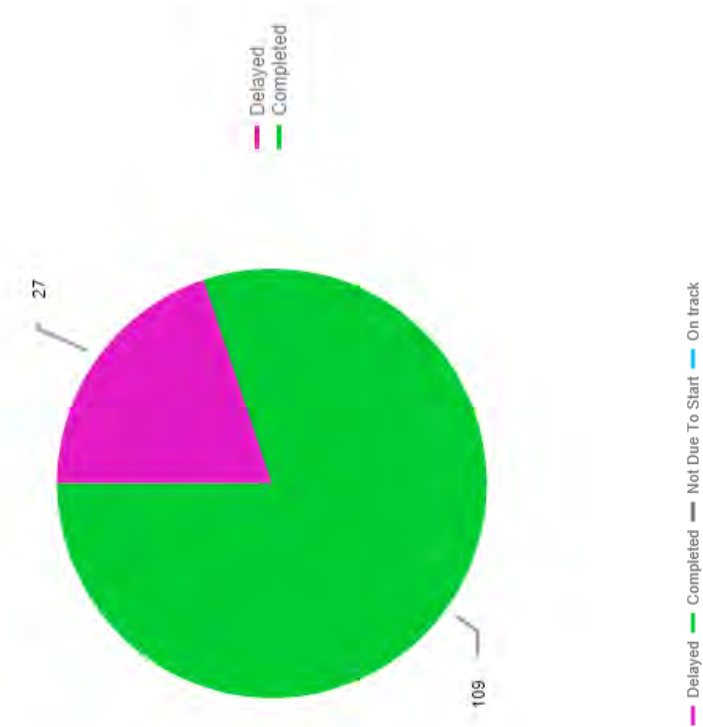
4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



**Council Plan
End of Year Performance Report
2020-21**



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

End of Year Performance Summary – July 2020 to June 2021









4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Strategic Objective 1: A vibrant, connected and safe community
A city with high community participation

Priority	Action	Progress	Status
Advocate for increased employment opportunities, particularly for vulnerable community groups	Deliver initiatives which enhance the employment capability of young people	During 2020-21 Youth and Family Services have promoted volunteering as a pathway to improve work readiness and employability. 31 young people were engaged in the IMPACT youth volunteering programs to gain hands-on experience. Two social media campaigns were delivered, reaching 4150 people.	
Increase community participation in physical activity through our leisure, recreation and sports services	Develop and deliver a program of festivals and events across the City that are accessible and inclusive, financially and environmentally sustainable and contribute to the creativity and vibrancy of Greater Dandenong	The last year was one of massive disruption to events due to COVID-19 restrictions. Despite the unprecedented disruption, Council's program of festivals and events was delivered as scheduled wherever it was possible to do so. Two of Council's most high-density events - Springvale Snow Fest and New Year's Eve - were not able to proceed. Poor weather disrupted Keysborough's Big Picnic on the day of the event, which was also not able to proceed. Council has however successfully delivered online versions of three events, the Greater Dandenong Children's Festival, The Big Day In (formerly the Little Day Out) and the Greater Dandenong Carols concert. Council also delivered two in-person events this year, the Open Air Cinema series which received a record 100 per cent satisfaction rating from the public and the Australia Day celebrations.	




 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Develop female physical activities and sporting opportunities as part of the 'Make Your Move' Physical Activity Strategy	The This Girl Can program, whilst delayed due to COVID-19, was a successful event with participants from Burke and Beyond getting active online with the South Side Flyers WNBL players. Feedback from the program was positive and has kicked off further discussion on how Council and South Side Flyers can work together.	
	Implement the year one actions of the 'Make Your Move' Physical Activity Strategy	Out of the 27 MYM Actions for Year One, eight are complete, 12 are in progress and seven were placed on hold due to COVID-19. Actions that are still in progress or are on hold will be moved to Year two or have been changed slightly taking into consideration COVID-19 and resourcing.	
Provide quality and affordable community facilities to enable effective programs and activities for all	Manage the new permanent Pop Up Park (constructed by Development Victoria)	Park works are fully complete and a licence agreement has been signed with Development Victoria for Council to manage the operations of the facility. The Sport and Recreation team are responsible for its day to day management.	
	Review governance structures for kindergarten and child care provision across the municipality	License agreements and a governance review will roll out in the new financial year. This has been delayed due to the pandemic restrictions and late changeover of committees of management for a governance review with approved service providers.	
Support agencies, schools, neighbourhood houses and community groups to work collaboratively to build resilience and social connectedness	Develop an Informal Recreation Infrastructure Plan	The Informal Recreation Infrastructure Plan is now in its final draft form ready to be reviewed. The Plan will be presented to Council once consultation is complete which is expected to be in October 2021.	
	Develop and implement a governance framework that will guide engagement, support and business with community organisations	A project brief has been developed and public consultation is due to commence in September 2021.	

 Delayed
  Completed
  Not Due To Start
  On track



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Finalise the review of the Community Development Framework and Community Hub Framework</p>	<p>The review of the Community Development Framework and Community Hub Framework has been finalised and Council endorsement is scheduled for 12 July.</p>	
	<p>Implement a new network approach to connect and build the capacity of Not for Profit agencies through corporate support and sponsorship</p>	<p>Council has facilitated corporate donations of food, material aid relief, and sanitation products to support Council's COVID-19 material aid procurement work supporting the Anti-Poverty Consortium agencies. A framework for supporting connection and building capacity of Not for Profit agencies through corporate support and sponsorship is under development.</p>	
	<p>Support young people to participate in civic and community activities which enhance leadership and personal development</p>	<p>Youth and Family Services have delivered a range of leadership and personal development programs both online and in-person. These include, Young Leaders, Freeza Committee, Holiday Activities Committee and Game On. (Total 949 contacts). Highlights have included the establishment of new programs, including Kick Start and Change Makers. The 2020 Young Leaders delivered two community projects, 'Healthy Minds, Healthy Lives' (an online forum for 90 students at Noble Park English Language School, promoting positive mental health), and the Youth Leadership Forum (engaging 50 students from 8 local secondary schools). The Freeza Committee produced two online events showcasing local youth talents, and supported delivery of two key events (Youthfest and Soccer Tournament) in the April school holidays.</p>	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
<p>Support and promote volunteering through the Council volunteer program, Greater Dandenong Volunteer Resource Service and community groups</p>	<p>Continue to support, train and recognise Council volunteers through regular training and recognition events</p>	<p>Council Volunteers were provided with relevant training, recognition and support through the year. New strategies were implemented to achieve this due to COVID-19 restrictions which resulted in retaining volunteer numbers and service standards. Two recognition events were held through the year. A fortnightly Enews was established to support, inform and connect volunteers and new safe volunteering opportunities were sourced. Karma Knitters provided over 410 knitted items which were donated to Cornerstone, CoCo social enterprise and OzChild as well as some Meals on Wheels clients.</p>	
	<p>Increase opportunities for volunteering within Council programs</p>	<p>Volunteers continue to stay committed to Council programs. Though most roles were suspended for half of the year new volunteering opportunities were sourced and offered ie Online Book Club, Karma Knitters, Conduct Material Aid Surveys, assisting Community Care with QR Code sign in at Senior Clubs and Sustainability Festival. New roles with Sports and Leisure, Parks and Gardens and Community Care are being considered for the future. All Volunteer position descriptions have been reviewed and updated. The Volunteer webpage has been updated, resulting in a more informative and user-friendly webpage for those seeking information on volunteering.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)


A safe community

Priority	Action	Progress	Status
Advocate for increased police resources for our city to assist with reducing crime	Assist Victoria Police with targeted enforcement of speeding and hoon behaviour, through ongoing liaison and data provision	Due to COVID-19 restrictions, Council was not requested to assist the police this financial year. Hooning and excessive speeding issues raised by the public were passed onto the Victoria Police for enforcement.	

█ Completed
 █ Not Due To Start
 █ On track
 █ Delayed






ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Improve safety within the community by advocating for additional police resources and addressing identified hot spots while also continuing to monitor community perceptions</p>	<p>Council continues to implement Community Safety Infrastructure Grant funding and is finalising the procurement and design of safety upgrades and CCTV locations in Walker Street Car Park, Boyd Lane and the Springvale Community Hub. A Building Safer Communities Grant has also been obtained to implement the Hemmings Street Precinct Action Plan to improve safety through upgraded lighting, additional CCTV, landscaping and sightlines. Council will partner with the State Government to further build social cohesion and increase support options for the Precinct community. Council has continued to collaborate with other agencies and Victoria Police to manage crime and social concerns in six central Dandenong hotspot locations, three in Noble Park, four in Springvale, three key 'hooning' hotspots and five major parks across the municipality. The rate of alleged offences in Greater Dandenong has declined 14 per cent in the four years to 2021, though is 42 per cent higher for overall offences compared with Metropolitan Melbourne. This included a 15 per cent decrease in violent offences and 18 per cent in property offences, while drug offences rose 3 per cent. Victoria Police officer numbers have increased by 34 in Greater Dandenong, with personnel coming from the Police Academy.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track





4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Develop safe and well-designed public spaces which encourage public access	Develop and implement the Domestic Animal Management Plan 2020-21	Public consultations for the new DAMP is commencing in August 2021. Following this consultation phase the timetable for ensuring the completion of the DAMP by the end of 2021 (in line with the State Government's requirement) has been mapped out and is ready for implementation.	
	Maintain the Safe City CCTV system in accordance with specified performance standards	Council's Safe City CCTV system is currently meeting all specified performance standards.	
Increase cyber safety awareness in the community	Review the Municipal Emergency Management Plan as part of ongoing continuous improvement activities	Continuous improvement initiatives are discussed at each meeting of the emergency management committee.	
	Maintain eSmart Libraries accreditation to equip libraries and connect communities with the skills needed for smart, safe and responsive use of technology	Library Services continues to retain eSmart accreditation through ongoing education and information provision of cyber safety practices through Library programs, e-news and the Libraries' webpages.	
Promote gender equity, and support the right of women to engage and participate equally in all aspects of community life	Work with young people to address the impact of racism and discrimination	Youth and Family Services have delivered online campaigns addressing homophobia (total reach 3,769), surveyed young people about their experiences of racism during the COVID-19 pandemic, and formulated the Change Makers youth project team, who will develop and deliver a community project addressing racism during the 2021-22 year. In addition, 78 youth work professionals were engaged in a Greater Dandenong Youth Network meeting on the topic of young people's experiences of racism and discrimination.	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA




4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Provide information on road laws and ensure road safety messages are culturally sensitive and available in languages other than English	In association with RoadSafe South East, continue to advocate for and promote the implementation of programs that address road laws and highlight the impact that alcohol and drugs (legal and illegal), fatigue, speed, hoon behaviour and distractions have on driving abilities	Uptake of the program has been low due to COVID-19. Applications for program funding in 2021-22 have been submitted.	
	Provide ongoing funds for local road safety treatments to address priority locations, where the greatest road safety risks are identified (via Council's Local Area Traffic Management prioritisation program)	All works for the 2020-21 LATM Program have been completed. Initial concept designs are being prepared for the next sites likely to receive treatments in the 2021-22 financial year.	
Support those experiencing family violence and work with agencies and Victoria Police to address the causes	Deliver support services for vulnerable families, including those experiencing or at risk of, family violence	Family Support engaged 215 families and 494 children, providing 9,956 contact hours of support.	
	Host the 2020 Walk Against Family Violence	The 2020 Walk was completed online due to COVID-19 restrictions.	

 Delayed
  Completed
  Not Due To Start
  On track





4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

A well informed and connected community with improved health and wellbeing

Priority	Action	Progress	Status
Enhance the health and wellbeing of our community through key initiatives of the Community Wellbeing Plan	Continue to develop and implement an Anti-Poverty Collective Impact program with high community and cross Council departmental involvement	The Anti-Poverty Collective Impact program has continued with the focus on material aid procurement in response to additional emergency food demand on agencies as a result of the COVID-19 pandemic. Council staff supported the direct procurement of food for distribution to 12-14 Anti-Poverty Consortium agencies on a weekly basis until 31 March. For Q4 direct procurement of food ceased and a new model of grant funding to Anti-Poverty agencies was introduced to provide either food or vouchers to clients after initial assessment.	
	Endorse and begin implementation of the next Reconciliation Action Plan	The draft Reconciliation Action Plan 2021-23 was endorsed by Council at the 14 September 2020 Council meeting with provisional endorsement by Reconciliation Australia received in January 2021. The artwork for the Reconciliation Action Plan was completed in early June. Final endorsement by Reconciliation Australia has not yet been received but is anticipated for mid-July. The delayed recruitment of a RAP officer has meant some actions have not been achieved in anticipated timelines. This recruitment will be finalised in July.	
	Maintain food safety - inspect all registered food premises annually and report outcomes	The Public Health Unit successfully conducted 90 per cent of the annual inspections of all businesses. This was despite the fact that many businesses were impacted by the pandemic and temporarily closed during 2020 that prevented Council from being able to undertake the annual inspection. All food businesses will be inspected within the registration period that expires 31 July 2021.	

 Delayed  Completed  Not Due To Start  On track


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Maintain food safety and public health standards - interact with other local authorities, Environmental Health Professionals Australia (EHPA), Municipal Association of Victoria (MAV), and State Government departments	The Public Health Unit continues to work closely with key stakeholders to promote and maintain public health standards. The team's involvement has been critical to assisting DHHS in responding to the COVID-19 pandemic. This has involved being a key stakeholder on HRAR taskforce, working with Monash Health, EAC, DJPR and DHHS in supporting both business and community, responding to potential outbreaks within the municipality and developing guidance materials for the industry for both local government and businesses.	
	Monitor adolescent immunisation rates and report on the number of adolescents immunised according to the National Immunisation Program (NIP) Secondary School Program	5,148 adolescents were immunised this year according to the Victorian secondary school vaccination program. This result compared to last year's result of 4,024, which was impacted with disruption of the program because of the COVID-19 pandemic. The immunisation service program has worked hard to complete student secondary school vaccinations outstanding from 2019-20.	
	Monitor immunisation rates and report on the number of children and adolescents under 20 years of age immunised according to the National Immunisation Program (NIP)	2,528 children < 20 years of age were immunised (not including the secondary school program) in the City of Greater Dandenong, according to the National Immunisation Program. This programming attendance has been impacted by the COVID-19 pandemic.	
	Promote gender equity, and support the right of women to engage and participate equally in all aspect of community life	Council endorsed nine grants totalling \$259,311 for projects and activities that promote gender equity and support the right of women to engage and participate equally in all aspects of community life.	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Report on services and initiatives targeting vulnerable people in the community who may be at risk of being unimmunised or under immunised</p>	<p>Council has been able to continue services and initiatives targeting vulnerable people in the community at risk of being unimmunised or under immunised, despite disruption to scheduled session dates and venues due to the COVID-19 pandemic. The Providing Refugee Immunisation, Monitoring and Education (PRIME) project initiatives for people on humanitarian visas continue to be recognised by the State Government and funding has been extended into 2021-22. There has been a noticeable decline in numbers referred to these projects due to closed borders during the pandemic.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



Enhanced partnerships with agencies and stakeholder groups to deliver quality services

Priority	Action	Progress	Status
Provide community funding programs to increase capacity of strategic partners and community groups	Engage with and monitor organisations funded through the Community Partnership Funding and Sponsorship Program to ensure delivery of outcomes.	Funded agencies have signed grant agreements and engaged with Council to report on the effect of COVID-19 on program delivery, including delays to implementation or changes to delivery to comply with COVID-19 safety requirements. Annual Reports include reporting against specific outcomes are due in August 2021.	
	Implement the endorsed recommendations of the Community Transport Review 2020 which aims to develop an improved Community Transport Program for older frail residents and residents with a disability to foster greater social connectedness and health and wellbeing	Following extensive consultation across Council and with relevant groups in the community, Council endorsed a Community Transport report and new policy. This policy provides guidance and definition for Community Transport into the future and supports the broadening of both the users of the transport service and the way in which the transport service is delivered including a loop model which will allow for access to most venues/services across the municipality. This will be implemented as COVID-19 restrictions ease. Essential transport for vulnerable and with appropriate COVID safe measures in place restrictions. Subject to further lockdown restrictions transport is now back to full capacity. The introduction of additional shopping trips has been well received. Implementation of further actions from the Community Transport report and new policy will be implemented over the coming months.	

 Delayed
  Completed
  Not Due To Start
  On track



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Strategic Objective 2: A creative city that respects and embraces its diversity
A city well known for working together with its community

Priority	Action	Progress	Status
Provide community members of all abilities and backgrounds with access to community and council information, services and events	Implement Year Four actions of the Disability Action Plan 2017-23	Medium term actions have been prioritised and the mid-term review of the Disability Action Plan has been endorsed by the Disability Advisory Committee. New objectives and actions have been incorporated into the Disability Action Plan for implementation in 2021-22.	
	Implement Year Four actions of the Positive Ageing Strategy 2017-25	Medium term actions of the Positive Ageing Strategy have been prioritised with a particular focus on transport and social connection, however, COVID-19 restrictions have had a negative impact on the delivery of some of these actions whilst also providing the opportunity to implement unique programs like the Seniors Phone Chat group. As restrictions have eased programs including day trips, social connection groups and exercise programs have commenced.	


 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Provide programs and events for people to participate in community activities and civic life	Monitor and analyse the recommendations of the Aged Care Quality and Safety Royal Commission final report due November 2020 with a view to preparing an Options Paper which identifies the possible impacts for older residents of Greater Dandenong and the role of Aged Services post June 2022	The Aged Care Quality and Safety Royal Commission final report was released in February 2021 after delays related to the COVID-19 pandemic. Community Care has analysed the issues raised through the Royal Commission and has sought the input of the Positive Ageing Advisory Committee, the MAV and other Councils in order to understand the potential impact on our local community. The Government response to the Aged Care Quality and Safety Royal Commission was released in May and Aged Care reforms announced in conjunction with the budget. The Positive Ageing Advisory Committee provided feedback to Council about the reforms. Further details about the aged care reforms are expected to be released over the coming months and Community Care will utilise this information to prepare an Options Paper for the future of aged care services at the City of Greater Dandenong.	
	Facilitate the implementation of a new Children Youth and Family Strategy 2020-24 for children and families	The Children's Plan 2021-26 has been completed and is awaiting Council endorsement. The Youth and Family Strategy is due to be endorsed by Council early in the new financial year.	





 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
<p>Advocate against all forms of discrimination</p>	<p>Continue to improve the inclusion, recognition and community understanding of the LGBTIQ community</p>	<p>Council celebrated a number of days of significance for LGBTQIA+ communities (IDAHOBIT, Wear It Purple Day), by raising the Pride Flag at Harmony Square and illuminating the Drum Theatre in rainbow colours.</p> <p>Other events such as Unwrapped, provided a safe and supportive place for LGBTQIA+ artists, residents, and visitors to express themselves without fear of condemnation. Events such as these have also raised community awareness about the rights of LGBTQIA+ members and the artistic excellence that exists within the rainbow communities.</p> <p>Council is continuing to investigate options to create a regional LGBTQIA+ Network, that brings together an array of organisations that work with LGBTQIA+ communities.</p> <p>In addition, monthly topics discussed in Council's Internal Rainbow Network have also provided an opportunity for Council staff to develop their cultural awareness of issues affecting LGBTQIA+ communities, and how to best support communities.</p>	<p></p>

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track





4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Advocate for and assist Asylum Seekers and Refugees living in the community	Continue to support the Back Your Neighbour campaign and the activities of the Local Government Mayoral Taskforce Supporting People Seeking Asylum	Activity for the Back Your Neighbour campaign continued to highlight the impacts of COVID-19 on people seeking asylum by activation of regular social media posts. Greater Dandenong Council (and other Taskforce member Council representatives) participated in the Palm Sunday - Justice for Refugees Rally in late March. Advocacy for additional State Government funding was successful with \$3.9 million being allocated across Victoria to support people seeking asylum for the financial year.	
	Deliver the Home exhibition and program that features artists from refugee backgrounds including people seeking asylum	This project was delivered successfully in quarter one.	
Celebrate diversity through a range of cultural activities	Support implementation of yearly actions from the Greater Dandenong People Seeking Asylum and Refugee Action Plan 2018-21	The Multicultural and People Seeking Asylum Advisory Committee regularly reviews and updates the Part B Actions from the Refugee and People Seeking Asylum Action Plan at the Advisory Committee's bi-monthly meetings.	
	Provide support and guidance to community organised festivals, events and cultural celebrations	Community events and celebrations continued this year despite the extraordinary impact of COVID-19 restrictions across the entire events sector. A total of 15 in-person events were facilitated on Council land in the last year, and one online event - an Afghan vigil - was also facilitated by Council for the local community.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Increased participation in creative and cultural activities

Priority	Action	Progress	Status
Provide community arts participation for artists, residents and businesses through performances, exhibitions and programs	Deliver at least 12 arts and cultural heritage exhibitions and supporting programs annually through cultural facilities	The capacity to deliver exhibitions has been significantly affected by COVID-19 restrictions. Whilst only eleven exhibitions have been delivered a greater focus has been placed on the provision of supporting participatory activities. As a result a full program of activations has occurred supporting the exhibition content, including 34 programs, workshops and other participatory outcomes.	
	Deliver the 2020 Short Cuts Film Festival	This program was cancelled due to COVID-19 restrictions.	
	Implement Year Five actions of the Greater Dandenong Arts and Cultural Heritage Strategy 2016-26	Demonstrated commitments were shown in all identified areas, with many outcomes pivoting successfully to respond to COVID-19 restrictions. Highlights have included: - Ongoing construction of the new Dandenong New Art facility - Appointment of three new members to the Arts Advisory Board - Delivery of a new Education partnership program to connect with local education providers - Continued connection with aged care facilities and engagement with local schools to deliver incursion activities.	
	Present a season of professional performances consisting of varied genres for the Encore seniors program, family and children's program as well as general programming with broad appeal	The digital offerings this season included shows to appeal to older audiences with some Encore-style programming, particularly at Christmas. Families were encouraged to assist members of their family unaccustomed to online environment to access these programs.	

 Delayed
  Completed
  Not Due To Start
  On track


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Promote and support artists locally through engagement, networking, residency and development activities	<p>Eleven artists were supported through residencies and commissioned projects, as well as the establishment of multiple partnership programs and in particular a new education partnership program.</p> <p>The Drum has focussed on partnerships with artists and community organisations including with the Southern Migrant Resource Centre, Multicultural Arts Victoria and the Sangam Performing Arts Festival of South Asia and the Diaspora. New partnerships with local artists have been developed working with young people to create work that is relevant and meaningful to them. This is part of the strategy to welcome more diverse audiences and creators into the Drum.</p> <p>Local artists were supported during the worst of the shutdown through commissioning short films and creating a new platform Drum Digital. Along with some virtual tours of the Drum Theatre, 16 short films had an audience reach of 60,060 and 16,132 views.</p>	●
	Promote greater artist engagement through The Drum's programs, performances and workshops	<p>A total of 62 workshops and opportunities were provided over the course of 2020-21.</p> <p>The Children's Forum was held online via Microsoft Teams with over 100 children participating in the forum providing their voice and feedback on the new Council Plan, Laneways within CGD, Library resources and programs, waste management and programs at the Drum Theatre.</p>	●
Provide opportunities for children and young people to participate in civic and community activities	<p>Provide 20 community arts participation opportunities for artists, residents and businesses through performance and exhibition programs and other projects</p> <p>Host the 2020 Children's Forum</p>		●

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

ORDINARY COUNCIL MEETING - AGENDA



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Record, protect and promote local heritage including support of the historical societies and Cultural Heritage Advisory Committee	Enhance Council's ability to store and protect the City's heritage collections in collaboration with local historical societies	<p>The Springvale and District Historical Society (SDHS) have progressed planning their move to Springvale Community Hub with induction commencing.</p> <p>The COVIDSafe Plan for the Shared Archive has been finalised with staff and Historical Societies being briefed on requirements. Long-term and short-term archival and collection storage will continue to be assessed in consultation with the Historical Societies.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track




4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Strategic Objective 3: A healthy, liveable and sustainable city
A city that delivers a clean and healthy environment for people to enjoy

Priority	Action	Progress	Status
Engage with the community to increase their awareness of the environment and sustainability	Develop and deliver a 2020-21 Waste Education Program	<p>The Waste Education Plan 2020-21 was developed, approved and implemented.</p> <p>Key highlights included:</p> <ul style="list-style-type: none"> - Successful roll out of Food Organics into the Garden Waste Stream, which involved 20 webinars and face to face workshops. - Introduction of a new "Waste Smart Kindies" program - 14 Kindies/Early Learning Centre's provided EOI's. - Forever Fest event attended by the Waste Services team on day one engaging with the community and a live webinar focusing on recycling. <p>A number of programs have not been delivered due to the ongoing COVID-19 restrictions/lockdowns.</p>	
	Implement the Greater Dandenong Plastics Policy	<p>The implementation of the Greater Dandenong Plastics Policy was greatly delayed due to the COVID-19 pandemic, however is now back on track. A key highlight in the 2020-21 financial year included the development of a "Plastic Wise" educational guide for Council's operations, events, sports clubs, community groups and facility hiring. In addition, multiple workshops have been held with the Sports and Recreation team to develop a framework for rollout of the policy in recreation and aquatic centres, ensuring sports clubs and associations are able to make the transition to a single use plastics free facility smoothly.</p>	

 Delayed
  Completed
  Not Due To Start
  On track





4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Implement the Greater Dandenong Sustainability Strategy 2016-30 and undertake the five year review	Work continues on implementing the actions and initiatives outlined in the Greater Dandenong Sustainability Strategy 2016-30, in tandem with the implementation of the Climate Emergency Strategy as a supporting document which was adopted in August 2020. The five year review of the Sustainability Strategy is scheduled for presentation in October 2021 and will bring the strategy in line with the rapidly changing scientific targets, technologies and key strategies associated with the climate emergency.	
	Undertake the annual Sustainability Festival and Awards	The Sustainability Festival (rebranded as 'Forever Fest: Sustainable Living for Now and the Future') was successfully delivered in May 2021. A nine day 'hybrid' festival including virtual and face-to-face elements, the Fest saw over 500 attendees tune in from all over the world and was a bold step in bringing Council's existing events into a COVID-19 normal world. A review is now underway to assess the effectiveness and develop learnings for the 2022 Festival. The Sustainability Awards were successful, with over 80 entries - the largest cohort in the awards' history.	
Improve diversion from landfill rates	In conjunction with the Metropolitan Waste Resource and Recovery Group, participate in the current EOJ process and report back to Council at the key milestones that will inform the final tender stage	Council's commitment to the Advanced Waste Processing Contract procurement with the Metropolitan Waste and Resource Recovery Group and 15 other participating Councils in south east metropolitan Melbourne is well advanced into stage two of the tender procurement process, with final tenders to be called for late in 2021. Prior to calling for tenders, Council will make a formal decision to commit to participating in the final stage of the procurement process.	

 Delayed
  Completed
  Not Due To Start
  On track




ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Investigate the implications in implementing the Circular Economy Policy recommendations	<p>Council Officers have participated in forums to gain a clear understanding of the Circular Economy Policy. Aligned with this Council officers have:</p> <ol style="list-style-type: none"> 1. Participated in a procurement process to contract recycling processing services that will have clear alignment with the Circular Policy for the beneficial use of recyclables. 2. Submitted a Transition Plan to the State Government's Department of Environment, Water, Land and Planning (DEWLP) outlining our plans to introduce a Food and Organics (FOGO) and glass kerbside collection services to households, which includes implementation and cost consideration. 3. A FOGO Service was introduced on 1 April 2021. 	
	Offer a Food Organics Garden Organics (FOGO) service to our community as a means to divert this valuable resource from landfill	<p>A Food and Garden Organics collection service was introduced on 1 April 2021 and supported by a successful communications and engagement campaign, which included the provision of kitchen caddies to households.</p>	
	Review the recycling charges, whilst considering opportunities to introduce an incentive for increased recycling	<p>The Residential Garbage Levy (charge) was reviewed as a part of the budget process, with incentives for recycling considered to be satisfactory at this stage.</p>	
Protect and enhance the ecological value of land within the municipality	Finalise the Urban Forest Strategy	<p>A draft Urban Forest Strategy has been completed and presented to Councilors. Public consultation was completed in February 2021. The consultation outcomes have assisted in finalising the draft documents. The finalised draft Urban Forest Strategy will be the subject of a report to a Council meeting in the first quarter of the next reporting year.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)




Priority	Action	Progress	Status
	<p>Implement the Greater Dandenong Green Wedge Management Plan 2015-35</p> <p>Implement Year Three of the Urban Tree Strategy 2018-23</p>	<p>The implementation of the actions of the Greater Dandenong Green Wedge Management Plan 2015-35 are undertaken on an ongoing basis during the year.</p> <p>Tree planting and pruning contracts continue to deliver services in line with approved programs. Expert arboriculture advice on matters relating to tree retention and planting via planning referrals, subdivisions and capital projects continue to be provided. The Urban Tree Strategy has been referenced and recognised in the development of the draft Biodiversity Action Plan, Activity Centre planting plan and the draft Urban Forest Strategy. Stronger relationships continue to be built with utility service providers resulting in collaboration on major projects. Grant funding has been successfully secured to assist in delivering community education programs and tree planting programs.</p>	<p></p> <p></p>
Provide proactive waste 'pick up' throughout the municipality combined with a public education campaign	Monitor materials recycling and green waste processing sites across the municipality	<p>There was a total of 32 inspections of recycling and green waste sites. Since the inception of a High Risk Waste Sites officer there has been a steady increase in the facilitation of compliance requirements throughout the municipality. Previous non compliant sites continue to be investigated with new business being discovered weekly by compliance officers. Council continues to receive support from the EPA in the form of the Officer for the Protection of the Local Environment (OPLE) pilot program which has government funding approved for the next four years.</p>	<p></p>

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



A city that prepares for climate change

Priority	Action	Progress	Status
Develop and complete a Climate Change Strategy	Determine future approach re: ESD 2.0 (implementing zero carbon into the planning scheme)	In 2020-21 ESDv2.0 was a significant focus area for Council officers as comprehensive engagement, collaboration and review were required to draft the proposed elevated standards, target and framework. Work in this space continues and is expected to be delivered, subject to the approval of the Minister of Planning of the planning scheme amendment, by the conclusion of the 2021-22 financial year.	
	Develop an Electric Vehicle Fleet Transition Plan	Specialist consultants (Evensergi) have now completed the draft EV Transition Plan. A final report is to be provided by mid July 2021.	
	Embed climate emergency into decision making and governance processes	Key achievements in 2020-21 include Council's adoption of the Greater Dandenong Climate Emergency Strategy 2020-30, a comprehensive framework guiding Council's response to the climate emergency across all aspects of its decision making and operational processes. Additionally, officers have worked collaboratively on embedding climate change consideration into the annual budget, Long Term Financial Plan, and Council Plan 2021-25.	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Finalise and begin implementing the Climate Change Strategy and Action Plan	The Greater Dandenong Climate Emergency Strategy and Action Plan 2020-30 was adopted by Council in August 2020. Implementation continues steadily with key highlights including climate adaptation workshops in partnership with local community care organisations in the Greater Dandenong municipality, in partnership with Jesuit Social Services and RMIT. Within Council's operations, a sustainability scoring mechanism has been developed to inform City Improvement Project (CIP) bids, ensuring Council is able to consider the contribution a proposed project will make to fighting the climate emergency.	
Ensure new street plantings are compatible with increasing average temperatures, whilst increasing canopy cover throughout the municipality	Commence the development of the Biodiversity Action Plan	A draft Biodiversity Action Plan and Ecological Knowledge review have been completed. The draft Biodiversity Action Plan will be presented to Council in the first quarter of the new financial year with the view to consulting the broader community.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)






A network of quality parks, reserves and sportsgrounds

Priority	Action	Progress	Status
Upgrade Council parks and reserves through the implementation of the Capital Improvement Program	Undertake Dandenong Park improvements as per the Dandenong Park Masterplan 2007	All planned infrastructure upgrades have now been satisfactorily completed, initial feedback from the community has been really positive with the works undertaken. The park is now a "landscape showpiece" complementing the Lonsdale Street boulevard and providing a significant parkland for the community and visitors to the city to enjoy.	

█ Completed
 █ Not Due To Start
 █ On track
 █ Delayed

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)




Infrastructure that supports people and business

Priority	Action	Progress	Status
Increase the length and coverage of the shared path network	Deliver Council's Capital Works Program	93 per cent of projects were delivered or were in the process of finishing up at the end of the financial year.	
	Enable and showcase the opportunity for social activity on local streets, for example street parties, temporary playgrounds and events	Barriers/signage and documentation has been prepared. The roll out has been delayed due to COVID-19.	
	Finalise the Toilet Strategy to map out where there needs to be new or upgraded public toilets	This strategy is now complete.	
	Implement the Active Transport Infrastructure Priority Program improving pedestrian and cycling infrastructure	Design work is complete for the Hammond Road path between Dalgety Street and Kirkham Road. Construction has been tendered and is anticipated to be awarded in July 2021. There have been delays to review the impact to trees to determine what may be able to be saved and to determine replanting or offset planting opportunities in line with the Greening Our City strategy.	
	Undertake the road resurfacing program	This program is now complete.	

 Delayed
  Completed
  Not Due To Start
  On track


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Strategic Objective 4: A city planned for the future
An adequate supply of residential, commercial and industrial development

Priority	Action	Progress	Status
Appropriately zone sufficient land for ongoing industrial growth and development in the city	Process the Planning Scheme Amendment for the Sandown Master Plan	The Melbourne Racing Club have advised Council that they have placed the proposed Planning Scheme Amendment on hold pending the Clubs review of the implications of the State Governments policy changes announced in the 2021 State Budget.	
	Town Planning referral from Engineering. Compliance with statutory timeframes as defined by the Subdivision Act	Total no of applications received for the financial year = 457 with 90 per cent completed within timeframe.	
	Translate the existing Local Planning Policy Framework and Municipal Strategic Statement to the Planning Policy Framework in conjunction with DEWLP	The translation of the existing Local Planning Policy Framework and Municipal Strategic Statement to the Planning Policy Framework (PPF) in conjunction with DELWP was delayed as Council were awaiting the provision of draft material from DELWP for 12 months. Draft material was received in Q3 and has been reviewed by Council officers and returned to DELWP with comments expressing major concern on the proposed PPF. DELWP had undertaken to provide revised documentation by 30 June 2021. Given the DELWP delays, this project will extend into the next financial year.	

 Delayed  Completed  Not Due To Start  On track






4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
<p>Undertake a review of the number of dwellings constructed in each residential zone to ensure the aims of the Municipal Housing Strategy are being met</p>	<p>Review the Greater Dandenong Housing Strategy</p>	<p>The Greater Dandenong Housing Strategy 2014-24 has been reviewed and a revised Housing Strategy Action Plan will be presented to the Executive Management Team early in the next financial year. The need to review the Housing Strategy was due to significant changes in government policy and more recently available social data (2016 Census) since the adoption by Council of the Housing Strategy in 2015. There was also a need to provide greater connection to and consistency with key Council strategies and action plans adopted by Council since 2015.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track





4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Assets planned to meet future community needs

Priority	Action	Progress	Status
Advocate for improved transport options	Develop a Multi Modal Transport Infrastructure Plan for Noble Park Activity Centre	A draft document has been prepared however it has not been finalised due to input from the Department of Transport delayed until August 2021.	
	Finalise a Multi Modal Transport Infrastructure Plan for Dandenong Activity Centre	Finalisation of this plan has not been possible as the Department of Transport input has been delayed until August 2021.	
	Launch the Public Transport Advocacy Statement and advocate in accordance with the Statement	The statement has been finalised and advocacy and activity are occurring in alignment with the document. Advocacy to date has focused on two of the Key Priorities within the Statement - Keysborough South Bus Route and the Dandenong Station.	
Investigate the development of a municipal wide developer contributions plan for application to new development across the city	Complete the Springvale Community Hub Project	This project is complete.	
	Continue planning for a Dandenong Community Hub by developing the business case and concept plans	Consultants were engaged in April 2021. The project work is underway, with an initial round of community consultation and engagement taking place in May/June 2021. Site analysis work and concept design development is now progressing pending Council's consideration of service/facility inclusion and site/s determination.	

 Delayed  Completed  Not Due To Start  On track


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Continue to advocate for the proposed Dandenong Sports and Events Centre, as south east Melbourne's home for elite sporting competitions, major events, concerts and community festivals	Ongoing advocacy has led to a funding grant being received from the Victorian Government to undertake a feasibility review and business case for the proposed Dandenong Sports and Events Centre. This project will also be undertaken with support from the Melbourne City Football Club and City Football Group who have relocated to south east Melbourne.	
	Finalise the design and commence construction of the Keysborough South Community Hub	The design documentation is being finalised. It is expected the tender will occur in October 2021 and the construction commence in February 2022.	
	Review and implement the Municipal Early Years Infrastructure Plan to embed planning for three year old kindergarten	The annual infrastructure review is complete. A Kindergarten Infrastructure Service Plan has been developed with the Department of Education and Training for the rollout of 3 year old kindergarten in 2022.	
	Undertake detailed planning for the new Dandenong Aquatic and Leisure Centre in partnership with key stakeholders and in accordance with the Greater Dandenong Aquatic Strategy	A business case for the new aquatic and wellbeing centre in Dandenong is complete and was endorsed by Council. The project has now moved into the design phase.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



Increased sustainability of residential, commercial, industrial and Council developments

Priority	Action	Progress	Status
<p>Ensure that both private and new developments are site responsive, innovative, and achieve high quality urban design and environmentally sustainable outcomes</p>	<p>Increase access and availability of social housing stock in the municipality by activation of Council and community assets for delivery of social housing, and advocating for increased State and Federal Government provision</p>	<p>Greater Dandenong is one of 13 regional Charter Councils seeking to increase access and availability of social housing stock in each respective municipality. Briefings have been received from Homes Victoria (the newly formed State Government body responsible for implementing the Big Housing Build) as to the processes and opportunities for Councils to increase social housing supply. At the municipal level the Executive Management Team have given in principle agreement to purchase land in partnership with a local philanthropic and WAYS to secure social housing for women escaping family violence.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)





Quality public open space provided across the city

Priority	Action	Progress	Status
Increase supply of open space in areas currently deficient and achieve policy benchmark of 4.5ha per 1000 head of population for each of the areas outlined in the Greater Dandenong Open Space Strategy	Finalise the revised Open Space Strategy and commence the Planning Scheme Amendment Implement the Open Space Acquisition Targets	The revised Open Space Strategy 2020-30 was adopted at the 24 August Council meeting. Preparation of the Planning Scheme Amendment has commenced. Officers continue to identify opportunities to acquire properties that assist in delivering more open space in gap areas.	 

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



Revitalised activity centres

Priority	Action	Progress	Status
Amend the Greater Dandenong Planning Scheme to include and update policy provisions for Noble Park and Springvale Activity Centres	Finalise the Noble Park Activity Centre Structure Plan and commence the Planning Scheme Amendment	The Structure Plan was tabled and adopted at the 24 May Council meeting. The Planning Scheme Amendment preparation has commenced and will be sent to the Minister for Planning to request authorisation in the next reporting year.	
Deliver a collaborative approach to creating, enhancing and managing great people focused places that respond to and respect the unique qualities of the activity centres	Finalise the Planning Scheme Amendment for the Springvale Activity Centre Structure Plan	The Planning Scheme Amendment for the Springvale Activity Centre Structure Plan was approved by the Minister for Planning and gazetted on 24 April 2021.	
	Advocate for phase two of the Revitalising Central Dandenong project	Capital Alliance were selected for the next phase of the RCD project (sites 11-15) Foster Street Redevelopment. Grants were secured for a study to explore options for accessibility and safety improvements at the Dandenong station, and to undertake a study pertaining to a development facilitation, investment and implementation options paper to grow central Dandenong.	
	Construct the Greater Dandenong Gallery of Art	Construction is advancing with the main steel work now erected on the north and south sides of the building. The project has been delayed due to COVID-19 restrictions and material supply issues. The project is due for practical completion by late 2021.	

 Delayed
  Completed
  Not Due To Start
  On track




ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Continue to support the Little India Precinct including implementing the State Government grant to deliver Victorias first ever Indian Cultural Precinct</p>	<p>A Little India "Shopping Market" including the use of temporary outdoor dining furniture; partly funded via a State grant was implemented in April to promote and support the retailers in the precinct. The Place Score (2020) for Little India improved from 54/100 to 80/100. A shop front improvement program was delivered to a total of 39 shops.</p> <p>A Marketing Plan developed with traders has delivered a branding Style Guide, Facebook and Instagram page, seven human interest stories, "official trader" stickers for shops, bulletin header, social media campaign and 'discount sale' signs for traders. Improved vehicle signage at intersections around the cultural precinct periphery was delivered. Multicultural Affairs and Social Cohesion Division grant spending has been on hold pending the outcome of the EOJ/RFP process being undertaken for sites 11-15 Foster Street precinct, which has also impacted the Taskforce meeting.</p> <p>Support continued for implementation of a \$10,000 grant from Small Business Victoria.</p>	
	<p>Develop Vanity Lane as a new pedestrian link between Thomas and Lonsdale Streets, Dandenong</p>	<p>Ongoing complexities with demolition have delayed this project. Design work is progressing including additional works to fully document proposed portals. Demolition is planned to be finalised by late 2021, and construction of the laneway completed by mid 2022.</p>	

 Delayed
  Completed
  Not Due To Start
  On track


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Implement staged delivery of the Springvale Boulevard Project	Works during 2020-21 have focussed on external authority approval processes and accompanying complex technical design resolution; construction contract tender/award and commitment to honouring the project aspirations collected from the local Springvale community. The Victorian Government recently announced an investment of \$900,000 towards this project. Additional funds were also allocated in the 2021-22 budget ratified in June. Construction works are planned to escalate from late July and will occur over the next 12 month period.	
	Monitor the 10 year Infrastructure Plan for the Activity Centres	A 10 year program has been developed but will need adjusting pending limited available funding via CIP due to COVID-19 impacts. A review is scheduled for mid-late 2021.	
	Monitor, implement and promote Activity Centre parking changes	COVID-19 impacted on parking demand. Lonsdale Street free parking has been extended until July 2021. The parking sensors installation is complete in central Dandenong and testing is underway. A 2021-22 CIP bid has been approved for additional ramp improvements to No. 8 Balmoral Avenue car park in Springvale.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)


Strategic Objective 5: A diverse and growing economy
A city that is connected to the global economy

Priority	Action	Progress	Status
Continue to promote opportunities for businesses to compete and participate in the global economy	Deliver activities to business and industry that provide opportunities, awareness and exposure to global trends and markets	Global issues and speakers have been addressed by local and international specialists including Keith Suter; Bernard Salt AM; Melissa Sterry and Mark Thomas on a range of topics from Innovation and the Economy to New Markets and Leadership. Building on these speakers and activities exploring trends and opportunities across the globe, planning for a new SEBN export group has been completed and the launch, which was delayed due to the recent unexpected resurface of COVID-19, will now take place later this year.	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

ORDINARY COUNCIL MEETING - AGENDA




4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Support the Future of Manufacturing program and continue to explore the opportunities for a Manufacturing Connectivity Centre in partnership with SEMMA</p>	<p>Across all networks it has been reaffirmed that learnings are so much stronger if held face to face, enabling far deeper relationships to develop and foster - which is the basis for collaboration both for business and for social impact. New members have been added to the group to further strengthen its spirit of support and camaraderie. Discussion highlights include succession and people management, with a particular focus on the need to grow leadership capability in today's continuously changing environment. The growth of some individuals who have benefited from coaching and continual reinforcement within the group and managing issues such as employee mental health and wellbeing, together with sharing successes (and challenges) only serves to demonstrate the power that lies within when like-minded people are brought together and supported through the SEBN model.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)


A city that supports the economic contribution, strength and diversity of its industries

Priority	Action	Progress	Status
Market business and investment success stories	Develop an Activity Centre's investment prospectus	Work commenced on an Investment Attraction prospectus for Noble Park, Springvale and Dandenong activity centres however this is currently on hold pending the outcome of a new study for which a grant was sought and approved to review development opportunities in central Dandenong. Work will continue on the prospectus in 2021-22 and in part will be informed by the outcomes of this study.	
Provide information on investment options and facilitate streamlined processes for planning and investment	Develop an investment attraction prospectus for the City	Elements for a draft investment prospectus are being investigated. Council contributed to the draft consultants brief for a development facilitation, investment, and implementations options paper for Central Dandenong. This options paper will help inform future investment attraction work, as will learnings from Council's Better Approvals Project.	
	Undertake discussions with industry experts and stakeholders on future opportunities and strategies for revitalising central Dandenong	Funds have been secured for a study pertaining to a development facilitation, investment and implementation options paper to grow central Dandenong. Ongoing discussions have been held with various agencies, developers and investors to progress projects with three major projects now under construction, (1) Children's Court in Foster Street, (2) Launch Housing apartments in Cheltenham Road and (3) Salvation Army Mission Centre in George Street.	

 Delayed  Completed  Not Due To Start  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



A city where business and community work together

Priority	Action	Progress	Status
Support, promote and facilitate local social enterprises	Develop and deliver a program for social enterprises	This project was slightly delayed due to the recruitment of a replacement officer and other COVID-19 recovery initiatives taking priority.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)


A great place for business

Priority	Action	Progress	Status
Support businesses through education, awareness, collaboration, networking and trade opportunities	Host the CGD-industry "Take a Swing" golf day event to raise funds in support of the local community	This year's "Take a Swing for Charity" golf day held in February at Victoria Golf Club, culminated in a dinner and auction, raising a total of \$43,000 shared between the Keysborough Learning Centre and the ASRC, enhancing services to those most vulnerable in our community. Exploring charitable organisations and increasing sponsorship are well underway for the 2022 event which is scheduled for Victoria on 23 February 2022.	
	Monitor and report the number of network activities conducted with a target of 50	Totals for the Year: 61 activities and in excess of 1,100 participants. A strong base was maintained which is a significant outcome given the impacts of COVID-19 and the plethora of distractions, activity and online offerings.	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Provide activities that encourage opportunities for women and promote women in business</p>	<p>Many topics and issues have been addressed throughout the year designed to support women in all sectors and spheres of business. Personal development and mental health took a particular step up over the last 12 months as COVID-19 impacted so many women in the workplace. All activities were, of necessity, delivered online and whilst we were able to continue to deliver meaningful sessions and events, 'online fatigue', together with the myriad additional activities that many participants were undertaking both inside and outside the work environment, certainly had an impact. Council took the opportunity of a slightly lighter WIB workload to develop a new network and events framework for 2021-22 to broaden women in business engagement and events.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

A resilient employment hub

Priority	Action	Progress	Status
Work collectively with and across government, industry, service providers and educational organisations to facilitate long term solutions to both the supply and demand of employment	<p>Continue to implement the refreshed Local Economic and Employment Development Strategy</p> <p>Deliver a minimum of one key event for secondary school students that promotes the diversity of career opportunities in the region, particularly within the manufacturing sector</p>	<p>The final draft of the refreshed strategy has been completed. Actions continue to be implemented in a "working with COVID-19" business environment.</p> <p>The 2020 Lunch with the Winners was a successful event and remains an annual 'go to' for students from local secondary schools. Due to COVID-19, this event was held virtually for the first time and despite the fear that students were 'zoomed out', the attendance and interaction of the students consolidated the strong reputation this event has built over more than a decade. As this year's report is being finalised, preparations for returning to a face to face event in September 2021 are well under way with some exciting young leaders scheduled to participate.</p>	<p></p> <p></p>

■ Completed
 ■ Not Due To Start
 ■ On track
 ■ Delayed


4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	<p>Oversee and implement the Community Revitalisation and One Per Cent project and continue to develop the capability and capacity of the disadvantaged/disengaged jobseekers in our community</p>	<p>A major research piece Making the Match has been completed and will be launched in August. The CEAV's program of individualised support has developed jobseeker work readiness which due to COVID-19 has led to an unexpected increase in their digital literacy, further enhancing their skills. Design of a dedicated 'Employment' section of the CGD website is advanced and will provide all sectors access to reliable, current and accurate information on job seeking/recruitment. A suite of videos showcasing local businesses is in production and will be hosted on the CGD website. The provision of additional State Government funding for a new program, Strengthening Pathways to Economic Participation (SPEP) will underpin CGD's ongoing commitment to improve the local employment landscape. To be delivered over 4 years, the SPEP action plan will be designed in partnership with the community for the benefit of all stakeholders - employers, jobseekers, employment services and training/education.</p>	
	<p>Publish four editions of 'Talking Business' magazine and relevant e-newsletters</p>	<p>Four editions of Talking Business were published and distributed on time. Monthly e newsletters were also published and distributed on time. Importantly, a number of ad hoc newsletters were delivered quickly to help businesses with urgent COVID-19 related information during lockdowns. Quantitative and qualitative feedback received from local businesses show the value they place on these publications as a "source of truth".</p>	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

A tourist destination attracting new visitors



Priority	Action	Progress	Status
Undertake effective marketing, events and tourism activities to promote Greater Dandenong	Continue to implement the Tourism and Regional Food Strategies	A wider, local audience has been reached with new partnerships for marketing the city. Support offered to businesses has strengthened, including via the outdoor dining initiative, Better Approvals process, COVID-19 business grants and marketing and promotions in Talking Business. Anecdotal data shows that local businesses acknowledge and appreciate council officers' support.	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)



Strategic Objective 6: An open and effective Council

A Council connected with the community, providing an effective voice on their behalf

Priority	Action	Progress	Status
Continue to be a strong advocate on issues of community importance which are beyond Council authority	<p>Achieve an index score that is equivalent or higher than the average result of comparison Councils for community consultation and advocacy (Community Satisfaction Survey)</p> <p>Maintain a detailed advocacy register on Council's website and prepare an updated advocacy document for distribution to local Members of Parliament</p>	<p>Council achieved a score of 60 for consultation and engagement which was one point above the metropolitan average and four points above the state-wide average.</p> <p>A detailed advocacy register is available and up to date on Council's website. This was reviewed and updated for the launch of Council's new website in November 2020 and is now fully functional. All of Council's advocacy documents are available online, including that which was recently completed and distributed to Members of Parliament at the ALGA conference held in Canberra in June. This booklet highlights a number of projects that could quickly be mobilised if stimulus funding were to become available following the COVID-19 pandemic, as well as longer term projects that will provide much needed resources for the Greater Dandenong Community.</p>	
Undertake proactive communication on key issues to foster community understanding	Facilitate Community Forums as requested by Councillors	<p>The October Local Government elections (caretaker period) together with the COVID-19 restrictions reduced Councillor capacity to host in-person community forums in 2020-21. Discussions were held to deliver online community forums and in some instances small group meetings were held between Councillors, Council officers and interested residents on issues of specific concern/importance, however these meetings were not defined as a community forum.</p>	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)






Priority	Action	Progress	Status
	<p>Grow Council's social media following by 10 per cent from a base figure of 26,000</p>	<p>Total Yearly growth (Facebook, Twitter, Instagram, YouTube and LinkedIn CGD Official Channels combined) = 19 per cent Facebook - +619 followers. Total growth = 4 per cent Twitter - +25 followers. Total growth = 0.5 per cent Instagram - +332 followers. Total growth = 8 per cent YouTube - +199 subscribers. Total growth = 18 per cent LinkedIn - +954 followers. Total growth = 13 per cent</p>	
	<p>Manage VEC contract for conduct of the 2020 Council elections and conduct candidate forums across Greater Dandenong community.</p>	<p>All requirements of Council and the CEO in relation to the elections and under the Local Government Act 2020 were met. The VEC met all contracted obligations and reported regularly on all outcomes. Further work is still being undertaken by the VEC in collecting infringement penalties.</p>	

■ Delayed
 ■ Completed
 ■ Not Due To Start
 ■ On track

ORDINARY COUNCIL MEETING - AGENDA






4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

A well-managed and high performing Council

Priority	Action	Progress	Status
Ensure best practice risk management through the implementation of the Risk Management Strategy	Enhance the Pulse risk management system across Council for improved performance reporting, risk identification and mitigation	PULSE is now Council's repository for recording, reporting and tracking action against public liability incidents/claims. Some enhancements to the Pulse system were implemented in 2020-21. Others have been identified and will be implemented in 2021-22.	
	Ensure Local Government Act general compliance across the organisation through the ongoing management of the legislative compliance system	The new Legislative Compliance Policy provides a framework for regular updates to delegations and accountable responses to internal audit recommendations. It will assist to foster compliance that is not restrictive but educative and will empower officers to understand the legislative environment in which they work.	
Maintain and annually review Council's Long Term Financial Strategy to ensure financial sustainability	Review and update the Audit Advisory Committee Charter	The Audit and Risk Committee Charter was reviewed and submitted to the Audit and Risk Committee in June 2021 and will be endorsed by Council on 12 July.	
	Develop a Revenue and Rating Strategy	Council's Revenue and Rating Plan 2021-25 was adopted by Council on 28 June 2021.	
	Maintain sound financial practices by completion of the Annual Financial Statements for the year ended 30 June 2020 and receive full audit clearance by the legislated time frame of 30 September (including compliance with the Model Financial Report)	This task has been completed and the Annual Financial Statements have been submitted to the Minister for Local Government as part of the Annual Report 2019-20.	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
	Review the Long Term Financial Strategy and seek Council adoption of the revised framework	A proposed Long Term Financial Plan has been prepared and is currently under a formal deliberative engagement/community consultation process. The Long Term Financial Plan is set to be adopted by Council by 31 October 2022 in accordance with the transitional provisions under the new Local Government Act 2020.	
Maintain Council as an employer of choice and provide a safe work environment	Complete a Workforce Management Plan	Work on this process will commence in line with the requirements and timelines of the new Local Government Act. To date there has been some preliminary collaborative work done with a number of other Councils in relation to the development of a Workforce plan.	
	Complete the development of a CEO remuneration policy	Work on this policy has now commenced with examples of policies from other councils being reviewed and a draft document started. Maddocks Lawyers are also finalising a template policy for LG that can be amended to suit. Once this is published this will be reviewed and considered as part of the policy development process for CGD.	
	Develop a professional development and training program for Councillors	While the Councillor Induction program is largely complete, officers are still recognising training opportunities resulting from new policy development required under the Local Government Act 2020 and will offer several additional modes of training over the next 12 months.	
Provide high quality, timely customer service	Achieve an index score of 76 or higher for customer satisfaction (Community Satisfaction Survey)	Council achieved a score of 74 for customer service in 2021, one point higher than the previous year. This result is equal to the metropolitan average and four points ahead of the state-wide average.	

 Delayed
  Completed
  Not Due To Start
  On track

ORDINARY COUNCIL MEETING - AGENDA



4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Priority	Action	Progress	Status
Seek to establish and maintain strategic partnerships and alliances which enhance Council performance	Maintain all public registers required in accordance with the Local Government Act and associated regulations Manage the effective leasing of Council's commercial property portfolio including seeking new lease opportunities for spaces which are currently vacant	All Public Registers have been maintained in accordance with the current Local Government Act 2020 and associated Regulations. Managing the effective leasing of Council's Commercial Property portfolio including seeking new lease opportunities for spaces which are currently vacant has been completed for the financial year with all lettable commercial properties being occupied. Commercial Property along with Community Property have suspended the investigation of options for an EOI for the leasing of an additional 'surplus to Council requirements' property being the former Yarraman Kindergarten and Early Years offices due to the the property being used for COVID-19 related purposes. Incoming revenue was halved due to rental waivers during the COVID-19 lockdowns and continue to be impacted in activity centres.	● ●

■ Completed
 ■ Not Due To Start
 ■ On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)




An innovative and technologically connected Council

Priority	Action	Progress	Status
Implement the Digital Strategy	Continue to develop on-line digital forms to supplement current manual processes and promote these products to the community	Over the past 12 months IT implemented over 204 new online forms both internal and external (used 76,919 times), additional reporting and modules in systems to improve business processes.	
	Implement Council's Information Technology and Digital Strategy 2020-25	An action plan has been developed and some of the key projects completed include: - Online Planning Portal - Online Forms - Microsoft Teams Deployment - Webmarshal replacement with Zscaler	

 Delayed
  Completed
  Not Due To Start
  On track

4.2.1 Council Performance Report End of Year 2020-21 (Cont.)

Decision making which is transparent and accountable

Priority	Action	Progress	Status
Continue to implement mechanisms that enhance community access and understanding of Council decision making and the role of Council	Achieve an index score that is equivalent or higher than the average result of comparison Councils for making decisions in the interest of the community (Community Satisfaction Survey)	Council achieved a score of 63 for making decisions in the interest of the community which was two points above the metropolitan average and seven points above the state average.	
	Develop the new Council Plan 2021-25 and the Annual Plan 2021-22	All consultation activities and community panel sessions are now complete. A draft of the new Council Plan is expected to be out for public consultation at the end of August and the final plan approved by Council in October 2021. All project updates can be found on Council's website at www.greaterdandenong.vic.gov.au/council-plan-2021-25	
Ensure compliance with the Local Government Act and Councillor/Staff Codes of Conduct	Produce and adopt the Annual Budget by 30 June 2021 in line with the new requirements of the Local Government Act	The 2021-22 Budget was approved by Council at its meeting on 28 June 2021.	

 Delayed
  Completed
  Not Due To Start
  On track

4.3 OTHER

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North.

File Id:	A6955761
Responsible Officer:	Director City Planning, Design & Amenity
Attachments:	Barry J Powell Reserve Master Plan CM 23 March 2020 (Minute 1381)

This report was deferred at Council's meeting of 30 November 2020 to seek clarification. Further information has been added and it is now tabled again for Council's consideration.

Report Summary

At the Ordinary Council Meeting on 24 April 2020, Councillors moved Notice of Motion (NoM) No. 80, to proceed no further with the development of the Wal Turner Reserve Master Plan and that a further Council report in response to Items 4a) and b) be presented to Councillors in November 2020.

At the Ordinary Council Meeting on 30 November 2020, a Council report was presented to Councillors in response to NoM No. 80. At that meeting, as per Minute 1381, Council moved to defer this Council report to a future meeting in 2021.

As a consequence, this 23 August 2021 Council report has been updated to reflect the current status of the Wal Turner Reserve capital works upgrade projects and the approved 2021/22 budget and timeframes for the Barry Powell Reserve stage 1 capital improvement projects.

This updated report provides the following:

1. Notes that no further development of the Wal Turner Reserve Master Plan has occurred since the NoM No. 80 was moved.
2. The short to medium term strategy for Wal Turner Reserve to enable the ongoing use of the reserve for sport. This includes the consultation with the Wal Turner Reserve sports clubs and the agreed capital works upgrade projects that have previously been approved for the existing sports infrastructure and Turner Pavilion.
3. Considerations regarding the transitioning of existing sports clubs out of Wal Turner Reserve to other facilities, such as Barry Powell Reserve.
4. Outlines the existing issues at Barry Powell Reserve regarding sports field/oval 2 and the pavilion that are limiting the reserve's opportunity to expand the sporting options at this reserve.
5. Outlines the scope of works required at Barry Powell Reserve to enlarge the sports field / oval 2 and to plan for the design of a new sports pavilion.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

6. Provides a sequence of stage 1 capital improvement projects, budget and timelines to facilitate the Barry Powell Reserve scope of works within the adopted 2021/22 budget.
7. Outlines the Stage Two unfunded works for Barry Powell Reserve where additional funding is required through Council's annual budget process.

The purpose of this report is to note the above in relation to Notice of Motion 80.

Recommendation Summary

This report recommends that Council notes the budgeted stage 1 projects for Barry Powell Reserve this financial year, in order to facilitate the expansion of oval 2 and commence the concept design of the pavilion. This report also notes the upgrade works for Wal Turner Reserve as previously approved.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

Background

At the Ordinary Council Meeting on 24 April 2020, Councillors moved the NoM No. 80 that:

1. *Council officers proceed no further with the development of the Wal Turner Reserve master plan;*
2. *No further expansion of sporting use of Wal Turner be planned and the existing sporting clubs which utilise Wal Turner as a home ground or practice space be consulted on opportunities that could emerge under part 4a of this resolution;*
3. *Officers pursue a Memorandum of Understanding with the Department of Education for the use by Silverton Primary School of areas of the Reserve, including the shared cost of maintenance thereof;*
4. *Officers bring to Council by 23 November 2020 a report which:*
 - a. *investigates new pavilion and sports fields/oval upgrades required at Barry Powell Reserve in order to accommodate the possible transition of the existing sporting clubs playing out of Wal Turner Reserve to other facilities, such as at Barry J Powell Reserve. That report must include costings and timelines associated with the required upgrades and the possible transitioning of sports clubs to new facilities as proposed;*
 - b. *proposes a short to medium term strategy for the ongoing use of Wal Turner Reserve and essential improvements to the Turner Pavilion while transitioning existing sporting clubs as per part 4a of this resolution; and*
5. *Nothing in this resolution intends to prevent the continued use of Wal Turner Reserve for less formal and junior sporting activities that could function within the existing, unmodified recreation spaces.*

Existing Sports Clubs and grounds – Wal Turner Reserve and Barry Powell Reserve

To provide context to the discussion in this report, the following summarises the existing sports clubs and sports grounds at each reserve.

Wal Turner Reserve is a neighbourhood level reserve and is currently home to the following sports clubs:

- Silverton Cricket Club (636 members) – 152 juniors and 48 seniors
- South East United Football (Soccer) Club (131 members) – 35 juniors, 66 seniors and 11 masters

Wal Turner Reserve occupies approximately 3.04 ha of land including the 2.66ha of Public Park and Recreation Zone (PPRZ) land owned by CGD and the southern corner section of approximately 3800m² of Public Use Zone – Schedule 2 (PUZ2) land owned by the Department of Education. This neighbourhood reserve has one sports oval that partly sits on the Department of Education and Training land. It has a synthetic cricket pitch and a cricket practice net, both of which are currently being upgraded.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

Barry Powell Reserve is a district level reserve and is currently home to the following sports clubs:

- Lyndale Cricket Club (141 members) - 49 juniors and 50 seniors
- Lyndale Football Netball Club (182 members) – 137 seniors
- Melbourne Eagles Cricket Club (179 members) – 35 juniors as well as 75 (seniors) who use Barry Powell for training in summer
- Melbourne Sixers Cricket Club (134 members) – 112 seniors use one of the grounds for matches during the summer season

Barry Powell Reserve occupies almost 10Ha of land and provides multi use sports and community facilities. In terms of sports grounds, there are two sports ovals, the main oval having a four-pitch cricket turf table, and the second oval having a synthetic cricket pitch. There is a three-lane cricket practice net.

NoM Item 4b:

Wal Turner Reserve – Negotiated Capital Works Projects approved following the NoM. 80 (24 April 2020)

Following on from the moving of the NoM. 80 on 24 April 2020 to proceed no further with the development of the Wal Turner Reserve master plan, the key stakeholders at this reserve, notably the Silverton Cricket Club reignited discussions and negotiations with council officers and councillors regarding investment in sporting infrastructure upgrades for cricket as well as improvements to the Turner Pavilion.

As an outcome of these negotiations, at a CBS Briefing on 6th July 2020 the following investment of \$635,000 in capital improvements to Wal Turner Reserve was agreed by Council to be undertaken in the 2020/2021 financial year.

These six projects and their current status are outlined in table 1 below:

Item	Project	Estimated Cost	Status
1	2 x new coaches' boxes (upgrade)	\$30,000	Completed
2	Upgrade of cricket nets to 3 lanes to replace the existing 2 cricket nets.	\$245,000	Completed
3	Replacement of the synthetic cricket wicket	\$30,000	Completed
4	Turner Pavilion - Unisex upgrade to the change room / toilet facilities	\$80,000	Completed
5	Turner Pavilion - Kitchen / canteen upgrade	\$150,000	Design and construction in 2021/22.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

			Deferred from 2020/21
6	Turner Pavilion - Construction of 2 new storage areas (externally accessed), including drainage and path works.	\$100,000	Completed by end August 2021
	Total Funding	\$635,000	

Table 1 – Wal Turner Reserve capital improvement projects

Table 1 – Wal Turner Reserve capital improvement projects

The sports infrastructure projects that are being implemented at Wal Turner Reserve are upgrade works which enable the continued use of the reserve for less formal and junior sporting activities that can function within the existing recreation space.

The Turner Pavilion required a short-term strategy to support the ongoing use of the reserve for sporting competition (cricket and soccer) and community use. There are currently two clubs that use the pavilion: Silverton Cricket Club and South East United Football (soccer) Club. These building improvements works, as outlined in Table 1 above will provide immediate and ongoing benefits to the users.

Key benefits to Turner Pavilion to highlight are the provision of female friendly facilities to service the growth in female cricket and soccer at the reserve, increasing the capacity of the building for storage and upgrading the kitchen to allow for increased use by the sports club and community events. These upgrades to the pavilion will allow for the continued use of the building’s facilities for the foreseeable future.

Following on from these capital improvements to Wal Turner Reserve, council officers will progress the discussions with the Department of Education to pursue a Memorandum of Understanding for the use of the areas of the reserve by Silverton Primary School, including the shared cost of maintenance thereof.

NoM Item 4a:

Transitioning existing sports clubs out of Wal Turner Reserve to other facilities, such as Barry Powell Reserve.

The development of the *Make Your Move Greater Dandenong Physical Strategy 2020-2030* and related Discussion Paper identified that cricket and soccer are the largest outdoor-based team sports within the municipality, with growth rates per year of 5% and 3% respectively. The number of new clubs and teams is expected to continue to increase into the future, despite the impacts of COVID. One of the priorities of the strategy is to increase female and junior participation in physical activity.

Currently, the municipality is near capacity in terms of grounds and pavilions for these sports. Therefore, it is noted that unless council continues to invest in the capital improvement of existing infrastructure, council will be unable to meet the needs of the community for these sports into the future. Focusing

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

on reserves that have multiple sporting grounds in the first instance is the priority and preferred direction, as these reserves provide the most value for money in terms of capital investment in pavilions, as the building can be shared across multiple sports fields and users.

The pavilion at Barry Powell Reserve is at the end of its service life and does not meet the required standards, particularly DDA compliance and female friendly standards. The redevelopment of the pavilion is a medium priority as per the Sports Facilities Plan – Implementation Plan 2018.

Lyndale Football Netball Club are the winter tenant at Barry Powell Reserve and have both male and female Aussie Rules football teams, in addition to female netball teams. They currently utilise the main full-sized oval, however the smaller second oval is unsuitable for play due to its current size. The lack of female friendly facilities in the pavilion is a significant barrier for the club, impacting the club's ability to recruit additional female participants and retain their existing members.

The summer tenant Lyndale Cricket Club only have male teams and have been unable to attract female teams in part due to the state of the pavilion. The cricket club currently utilise both ovals, however, are only able to use the second oval for junior teams due to the oval size. The Melbourne Sixers Cricket Club also utilise the second oval for senior Sunday cricket, however the size of the ground is inadequate for senior level cricket.

South East United Football (Soccer) Club are the winter tenant at Wal Turner Reserve. As a new club who have only been in existence for the past two years, the club have had significant growth in year-on-year participation. Discussions between the soccer club and council officers have considered what options may exist to move to a larger facility and/or access an additional ground. Barry Powell Reserve would be an option for the club in that the proposed future pavilion would meet current standards and the proposed second ground upgrades would allow greater capacity for this growing club.

Silverton Cricket Club currently utilises Wal Turner Reserve and Fotheringham Reserve. From discussions with this club they are not interested in moving in the short to medium term.

Outside of the existing tenanted clubs at both reserves there are numerous existing and potential new teams and/or clubs that could be accommodated at Barry Powell Reserve, provided the facilities were suitable to accommodate the teams, particularly in the winter season. Whilst further discussions are needed, council officers are of the understanding that currently, the following clubs are seeking additional sporting ground access. These include FC Noble Hurricanes (Soccer), Springvale White Eagles Football Club (Soccer) and Noble United Soccer Club.

Barry Powell Reserve - Existing Issues with the sports field/oval 2 and the pavilion

The key issues relating to sports field/oval 2 and the existing pavilion were outlined in the Barry Powell Master Plan Council report adopted by Council on 23 March 2020. (Refer to Attachment 1 – Barry J Powell Reserve Master Plan Council Report CM 23 March 2020 (Minute 1381). Figure 1 illustrates the location of these existing uses on an aerial photograph.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

To recap, the following summary of key issues needs to be addressed;

Sports field / oval 2

- The second oval is only large enough to be a junior field for either cricket or AFL football.

Existing Sports Pavilion Building

- The site topography limits the capacity to enlarge the ovals or to create strong physical connections between the sports fields and the pavilion.
- The sports pavilion building does not meet the current AFL community facility guidelines or DDA/ Australian Standard requirements.
- The sports pavilion building is poorly oriented to the second oval and to the Halton Road car park.
- There are no female change facilities to support female participation at the reserve.
- The pavilion building has a poor internal functional layout; the upgrade of the bar is incomplete; there is a lack of secured internal storage and the heating and cooling system is poor. There is also a lack of shade and bench seating along the pavilion's terracing/ spectator area.
- The poor condition of the umpires' change room.
- The indirect access from the change rooms to the main oval requiring players and umpires to walk around behind the pavilion building.



Figure 1 – Barry Powell Reserve – existing main uses

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

Barry Powell Reserve Master Plan 2020

The Barry Powell Reserve Master Plan's implementation plan (adopted by Council on [23 March 2020]) provides the guidance on both the design and construction sequence that is required to increase the capacity of the reserve to accommodate existing and potential future sports clubs. Figure 2 below identifies the location of these proposals on the Barry Powell Reserve master plan.



Figure 2 – Barry Powell Reserve Master Plan 2020 – location of proposed capital improvement works for oval 2 and the pavilion

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

Scope of Works - Sports Oval 2 Expansion and associated works

The following infrastructure works are required to occur to enlarge oval 2:

- Upgrading and enlarging the second sports oval to provide a full-size senior soccer pitch (105m x 68m) and a 50m radius playing field for cricket. This requires the demolition of the two un-serviceable southern tennis courts to provide enough space for this expansion.
- Providing a planted terrace to ameliorate the changing topographical level between the perimeter edge conditions of the second oval's levels and the main oval and circulation path.
- Creating a 2.5m wide pedestrian path network around the perimeter of oval 2 as part of the proposed walking circuit for the reserve to connect the various facilities. This also includes a path connection to the new kindergarten carpark.
- Designing the seating terraces levels to view the main oval with the oval 2 planted terraces to ensure the future integration of these works.
- As background, in early 2020 the Heritage Tennis Club relocated from Barry Powell Reserve to Lois Twohig Reserve and was named Heritage Tennis Club Incorporated. This was confirmed by a letter addressed to Council and dated 18 October 2019 confirming Heritage Tennis Club Incorporated's acceptance of this offer, which would come into effect in January 2020. The Lois Twohig Reserve tennis facilities, which previously did not have a club, have four floodlit tennis courts and a larger clubhouse which will support the growth and development of tennis within the community. (Refer to Attachment 1 – Barry J Powell Reserve Master Plan Council Report CM 23 March 2020 (Minute 1381) pages 25558 and 25559 for further information on this process)
- The demolition of the obsolete tennis pavilion and the two un-serviceable tennis courts is a high priority action of the Barry Powell Reserve Master Plan as there is now no tennis club at the reserve. The project which is aligned with the oval 2 expansion will facilitate the construction of the kindergarten carpark to service the needs of the kindergarten staff and parents. The two remaining tennis courts will become public access courts using Tennis Australia's 'Book a Court System'.
- The two un-serviceable tennis courts are currently dangerous to play on due to a large existing tree and its root system lifting the court surface up, which is creating significant trip hazards and OHS issues. Therefore, these two tennis courts cannot be replaced in their current location. As discussed previously, the demolition of these two un-serviceable tennis courts will enable the expansion of oval 2 to occur as determined in the adopted Barry Powell Master Plan 2020.

Scope of Works - new Sports Pavilion

To facilitate the opportunity to increase the capacity of the reserve to accommodate existing and potential future sports clubs, the planning and design for a new pavilion needs to be undertaken.

A new sports pavilion will ensure that the current deficiencies in this 'not fit for purpose' building meet current Building Code, Council, AFL Victoria, Cricket Victoria and Football Victoria standards. Key requirements for the pavilion design are as follows:

- The pavilion building to meet standards required by the AFL for community clubs, facilities for other sporting codes and as a community facility.
- Incorporating the grounds maintenance facilities.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

- Incorporating an externally accessible public toilet facility.
- Providing direct access and active interface between the new sports pavilion, the two sports fields and the future netball / multi-use courts.
- Providing a forecourt space with shade, seating and a drinking fountain between the new pavilion building and creating amenities for spectators on the game day or for broader community gathering at other times.

The footprint for a new pavilion building requires the following elements to be included in the concept design:

- Floor area – 840-900sqm
- Expected to be designed over three levels due to the site topography
- Four change rooms with adjoining amenities including accessible change spaces
- Two umpire change rooms
- Two first aid rooms
- Two timekeepers' / scorers' rooms
- Four storage spaces for summer and winter tenant clubs
- A storage space for Parks Maintenance
- Two meeting rooms
- Canteen / Kitchen
- Community storage space
- Multi-purpose space with adjoining internal toilets
- Public toilets

2020/2021 Council's Amended Budget to Fund project works at Wal Turner Reserve and Barry Powell Reserve

\$1.1 million was included in Council's 2020/21 amended budget to undertake capital improvement projects at both Wal Turner and Barry Powell Reserves. Discussions regarding the use of the budget for project works has resulted in the following:

- Wal Turner Reserve – previously approved six capital improvement projects to value of \$635,000.
- Barry Powell Reserve - stage 1 capital works as per this report utilising the remaining budget.

Consequently, the split of the \$1.1 million budget is as follows;

- Wal Turner Reserve – \$635,000 (committed 6 projects)
- Barry Powell Reserve - \$465,000 (refer to Proposal - Table 2 stage 1 projects)

The \$465,000 for the Barry Powell Reserve projects has been carried over into the adopted 2021/22 budget.

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)**Proposal**

The Barry Powell Reserve master plan implementation plan and the further research undertaken for this report provide guidance on the sequence of works that are required to expand oval 2 and undertake design for a future new pavilion.

Table 2 below outlines the sequence of projects, budget and timeframes that align with the \$465,000 adopted 2021/22 budget for Barry Powell Reserve. The stage 1 scope of works will commence this current financial year.

Table 2 – Barry Powell Reserve –funded stage one capital improvement projects

STAGE ONE				
No.	Project	Description of Works	Adopted Budget 2021/22	Timeframe
1	Demolition of obsolete tennis pavilion	Demolish the tennis pavilion Demolition works to allow for electrics, power relocation, switchboard and reinstatement of parkland etc.	\$90,000	January – June 2022
2	Design - Oval 2 Upgrade and Expansion Works	Design of oval 2 expansion, including engineering design, earthworks, retaining walls, review of crib wall and interface between the oval and the existing tennis courts and paths. Lighting design for oval 2 ## The design of the oval 2 expansion and carpark will be undertaken together to ensure that the engineering, level changes, access, DDA, retaining walls and interfaces between the expanded oval 2, carpark, kindergarten, main oval and tennis courts are fully integrated.	\$30,000	September – November 2021

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

3	Design of the Car park on former tennis pavilion site	Design and documentation of the carpark to service the kindergarten's need for additional staff parking and extra community parking for the reserve. Due to different site levels – the design to allow for steps and ramp access, DDA requirements and retaining walls in the design.	\$30,000	September – November 2021
4	Oval 2 expansion construction works	Expansion of oval 2 to the north. Construction of wall / interface between oval 2 and tennis courts and expansion of oval to the south east. Demolish the two southern tennis courts which encroach into the expansion area for oval 2.	\$205,000	February – April 2022
5	Two new coaches' boxes	Supply and installation of 2 coaches' boxes	\$30,000	July – August 2021
6	Sports Pavilion Concept Design	Concept design of the sports pavilion	\$80,000	July 2021 – June 2022
		Sub Total	\$465,000	

Stage Two unfunded works - additional funding required through Council's annual budget process

Table 3 below outlines the additional projects that are required to complete the sports ground expansion element of the Barry Powell Reserve master plan. These separate projects would be subject to additional funding being sought in future CIP bids as part of the annual budget process.

Kindergarten Carpark

The construction of the carpark to service the needs of the kindergarten staff and parents was identified as a high priority outcome in the Barry Powell Reserve master plan following on from the demolition of the tennis pavilion. Due to the existing \$465,000 budget being exhausted, the construction of the carpark is not able to be delivered this financial year. A capital works bid for \$250,000 to construct the carpark in 2022/23 will be submitted and will be subject to the support and funding of this capital works bid in the annual budget process.

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)Tennis Court Redevelopment

For the two remaining tennis courts to become public access courts, they need to be brought up to standard. A capital works bid for \$500,000 in 2022/23 will be submitted to redevelop the two courts, including resurfacing, fencing, lighting and implementing Tennis Australia's 'Book a Court System'. The project will be subject to the support and funding of this capital works bid in the annual budget process.

New Sports Pavilion

As outlined earlier in this report, the redevelopment of the Barry Powell pavilion is a medium priority as per the Sports Facilities Plan – Implementation Plan 2018. The funding and timeframes to implement the next two stages of the pavilion project is subject to consideration of council's other competing priorities and annual financial budget allocations for major capital works projects. Following on from the concept design in 2021/22, a capital works bid would be submitted for consideration in Council's 2022/23 annual budget process and opportunities for external funding would be actively pursued.

Sports Training Lights

The design of the oval 2 expansion includes the concept design of the sports training lights. A capital works bid for the detailed design and contract documentation, supply and installation of a new sports ground lighting system for oval 2 will be submitted for consideration in Council's 2023/24 annual budget process. Opportunities to actively apply for external grant funding for the sports lighting would be pursued.

Table 3 – Barry Powell Reserve – proposed unfunded future capital improvement projects

STAGE TWO – additional funding required (not included in \$465K Budget)				
No.	Project	Description of Works	Estimated Budget	Timeframe
Kindergarten Carpark				
1	Car park construction	Allowance for civil works, retaining walls, drainage and lights	\$250,000	At a date TBC
Oval 2 Lights				
5	New oval 2 lighting	Detailed Design and Contract documentation, supply and installation of new sports ground	\$450,000	At a date TBC

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

		lighting system, including all necessary electrical infrastructure for oval 2		
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Rationale for commencing the delivery of the stage one oval 2 expansion works in early 2022

Traditionally the months of March and April provide the most stable dry conditions, which are the ideal conditions for undertaking this type of construction work; wet conditions provide a much more difficult work environment when undertaking earthworks. If council were to experience an average winter and spring rains, then it is likely that the project may not commence until the months of October/November or even later if the seasonal weather conditions result in a very wet spring.

Mitigating future construction impacts

The current proposed package of works has considered and made allowance for future implementation works. Any future works will not be detrimental to what is constructed as part of this package.

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
- *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 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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

The strategies and plans that contribute to these outcomes are as follows:

- Barry Powell Reserve Master Plan 2020
- Make Your Move Greater Dandenong Physical Strategy 2020-2030
- Open Space Strategy 2020-2030
- Tennis Plan 2015
- Walking Strategy 2015-23
- Community Wellbeing Plan 2017-21 and Annual Action Plan
- Sports Facility Plan – Implementation Plan 2018
- Sport and Recreation Participation Study 2019

Related Council Policies

The related Council policies that are relevant to this process are;

- Asset Management Policy
- Cricket Wickets Policy
- Diversity Access and Equity Policy
- Financial Management Policy
- Multipurpose Use of Community Facilities Policy
- Sports Ground Floodlighting Policy 2015
- Sports Pavilion Management Policy 2017
- Sustainable Buildings Policy 2020

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

Victorian Charter of Human Rights and Responsibilities

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.

Financial Implications

The resource requirements associated with this report are \$1,100,000 which aligns with the annual budget allocation of \$1,100,000 for this purpose.

The 2020/21 amended budget included \$1,100,000 for the implementation of capital improvement projects at Wal Turner Reserve and Barry J Powell Reserve. The outcome of the previously approved funding negotiations determined that \$635,000 was allocated to the six projects at Wal Turner Reserve with the remaining budget of \$465,000 used to fund the stage 1 Barry Powell Reserve projects, as per Table 2 of this report. The \$465,000 for the Barry Powell Reserve projects is included in the adopted 2021/22 budget.

Consideration for funding of the unfunded stage 2 project works at Barry Powell Reserve, as per Table 3 of the report will need to be referred to the next annual budget process. For the 2022/23 capital works bid process, the following projects will be submitted for consideration as part of that annual budget process;

- \$250,000 - construct the kindergarten carpark
- \$500,000 – redevelop the two tennis courts for public use
- \$350,000 – Barry Powell Pavilion - detailed design and contract documentation

Future implementation and staging of the projects for Barry Powell Reserve will be subject to the support and funding of capital works bids and opportunities to actively pursue external funding as part of Council's annual budget process.

New Sports Pavilion

The Barry Powell Reserve pavilion building project is intended to be funded out of the Building Facility Renewal Program steered and directed by the Sports Facility Plan and Asset Renewal Program. The estimated budget and the timeframes for this major building project are to be considered with council's other competing priorities and annual financial budget allocations for the capital works program.

Consultation

The Barry Powell Reserve Master Plan 2020 (adopted by Council on [23 March 2020]) incorporated extensive community consultation.

Prior to NoM 80 to proceed no further with the Wal Turner Reserve master plan, extensive community and stakeholder consultation at key milestones had occurred. The consultation process was structured to inform Councillor and officer views and priorities across departments before the views of user groups, stakeholders and the wider community were canvassed. This ensured that all viewpoints

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

could be assessed and responded to in light of an understanding of wider Council policies, priorities and preferred directions. As outlined earlier in this report, after the adoption of NoM. 80, subsequent consultation occurred with the sports clubs to negotiate an agreed outcome for Wal Turner Reserve.

For both projects, a Project Control Group was established at the commencement of the project and included members from the Executive, Ward Councillors and Council Officers.

Conclusion

The capital improvement projects at Wal Turner Reserve have addressed the short to medium term requirements to enable the continued use of this reserve for sporting activities within the existing recreational area.

The approved 2021/22 budget for stage 1 works at Barry Powell Reserve will enable the enlargement of oval 2 and associated infrastructure works to be implemented this financial year. The upgrade of oval 2 to a senior sized sports field will facilitate the opportunity to provide greater capacity of sports offerings for the tenanted clubs. The realisation of a new senior sized oval 2 will provide certainty and allow council officers to pursue opportunities and discussions with various sporting clubs to transition to Barry Powell Reserve or other facilities.

The concept design for a new pavilion at Barry Powell Reserve is the first step in the process of developing a detailed design proposal and costings for this major capital works building project that will support the growth and development of sport within the municipality. Whilst the timeframes for the building's construction are yet to be determined, the expansion of oval 2 will certainly assist in the short to medium term of opening up greater capacity for the tenanted clubs at Barry Powell Reserve.

Recommendation

That Council:

- 1. notes the expenditure of \$465,000 in accordance with Table 2 for the implementation of the stage 1 works at Barry Powell Reserve in the 2021/22 financial year;**
- 2. notes that the future implementation of projects at Barry Powell Reserve will be subject to the support and funding of capital works bids in 2022/23 and beyond and that opportunities to actively pursue external funding as part of Council's annual budget process will be undertaken; and**
- 3. notes the upgrade works for Wal Turner Reserve as set out in Table 1 that are currently in progress and previously approved on 6 July 2020.**

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

OTHER

**RESPONSE TO NOTICE OF MOTION NO. 80 – PROPOSAL TO PROCEED
NO FURTHER WITH THE DRAFT WAL TURNER RESERVE MASTER PLAN,
NOBLE PARK NORTH**

ATTACHMENT 1

**BARRY J POWELL RESERVE MASTER PLAN
– CM 23 MARCH 2020 (MINUTE NO. 1381)**

PAGES 27 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 23 MARCH 2020

4.2 POLICY AND STRATEGY**4.2.1 Draft Barry J Powell Reserve Master Plan**

File Id:

Responsible Officer:

Director City Planning Design & Amenity

Attachments:

Barry J Powell Reserve Master Plan Final Report
February 2020

Report Summary

The draft Barry J Powell Reserve Master Plan 2020 establishes the long-term vision and direction for this district park in Noble Park North. The plan improves and maximises the potential of the reserve to support the development and provision of sporting, recreational and community facilities. Environmental benefits are integrated into the master plan to guide the infrastructure improvements and to support biodiversity opportunities planned for the reserve. This report provides a summary of the master plan development process, the consultation and the key directions for the master plan.

Recommendation Summary

This report recommends that the draft Barry J Powell Reserve, Noble Park North Master Plan and its staged implementation plan 2020 be adopted by Council.

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ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 23 MARCH 2020

4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)**Background**

In August 2018 Council engaged a consultant team to assist with the preparation of a draft Master Plan for Barry J Powell Reserve. One of the aims of the master planning process was:

To develop a Master Plan that will strengthen and progress Barry J Powell Reserve role as a district, multi-purpose park that provides for a broad range of passive and active recreational pursuits, that is well utilised and meets the needs of a growing population and diverse Noble Park North community. It will be recognised as a high-quality park with an emphasis on design excellence in terms of landscape, sports and recreational provision and flexibility of use and built form.

In addressing this aim, key considerations included:

- Meeting the future demands of population growth, changing sports and recreational needs, and community aspirations. Specifically, Barry J Powell Reserve's provision of facilities for football, netball, cricket and tennis.
- Provision of active sports infrastructure/ buildings that meets the functional requirements of the Australian Standards and Sports Codes and are consistent with the strategic planning of competition sport within the municipality.
- Provision of social and passive recreational infrastructure including park amenities, shared paths, and playgrounds that meet the size and play requirements of Council's Playground Strategy 2013.
- Addressing environmental issues and opportunities including the reserve's topography, drainage requirements and improving the current low level of tree canopy coverage across the reserve.
- Addressing other relevant Council's strategies and plans and allowing for the staged implementation of the masterplan.

Site Context

Barry J Powell Reserve is bounded by Halton Road to the south and Bakers Road to the east. The land use on the western boundary which addresses Jacksons Road and the northern boundary is residential. Residential land use also occurs along Halton Road and Bakers Road. Outside the immediate surrounding residential land, there is a cluster of industrial uses to the west of Jackson Road.

Barry J Powell Reserve occupies almost 10Ha of land and is classified in the Open Space Strategy 2009 as a district park that provides multi use sports and community facilities. It is an active and passive district park providing two sports ovals that currently provide facilities for Australian Rules Football and cricket. The main oval has a four-pitch cricket turf table, and the second oval has a synthetic cricket pitch. A three-lane cricket practice net constructed in 2017 is located to the north east of the main oval. The other sports facilities in the reserve include the four tennis courts located to the north and west of the Heritage Kindergarten.

There are five buildings located at Barry J Powell Reserve; the Barry J Powell Reserve Sports Pavilion (football, cricket), the Jan Wilson Community Centre (JWCC), the Heritage Tennis Club Pavilion, the Heritage Kindergarten, and a grounds maintenance shed located to the northeast of the main oval.

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ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Carparking within and around the reserve comprises the main onsite carpark accessible from Halton Road and the on-street carparks along Halton Road and Bakers Road.

Barry J Powell Reserve provides a range of passive recreational opportunities, including:

- The 'neighbourhood level' playground located on the south side of the park between the sports pavilion, main carpark and the Jan Wilson Centre.
- The small 'local level' northern playground located close to Bakers Road, to the north of the tennis courts.
- A designated dog-off-leash area is located to the north west corner of the main oval. This space is currently unfenced but is relatively contained within the natural topographical depression of the reserve and the neighbouring residential fencing.
- The reserve has three picnic tables including two sheltered tables located near the dog-off-leash area and the second oval and another unsheltered older picnic table near the northern play space with an independently located barbecue facility.

The overriding landscape character of Barry J. Powell Reserve is of open grassed spaces with scattered trees, in a mix of informal plantations distributed within the reserve.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)



Figure 1 – Existing Park Facilities Plan

Figure 1 – Existing Park Facilities Plan

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Barry J. Powell Reserve is currently home to:

- Lyndale Cricket Club (130 members)
- Lyndale Football Netball Club (150-165 members)
- Melbourne Eagles Cricket Club (100 members) *70 (seniors) use Barry Powell for training in summer
- Heritage Tennis Club (23 members as of Oct. 2018)
- Melbourne Sixers Cricket Club (85 members) – use one of the grounds for matches during the summer season
- **Master Plan Process**

In conjunction with the site analysis and functional assessment of the Barry J. Powell Reserve, the consultant team undertook extensive community and stakeholder consultation, to inform the development of the draft master plan. The master plan consultation was generally undertaken in two stages to engage with the community, ward Councillors, stakeholders and the sports clubs before and during the development of the draft masterplan.

The two consultation stages were:

- Stage 1 – Issues and Opportunities Discussion - 25 January to 1 March 2019
- Stage 2 – Exhibition of Draft Master Plan – 12 August to 8 September 2019

A Ward Councillor briefing occurred at the commencement of the project (29 October 2018), prior to stage one (15 January 2019) and prior to stage two (8 August 2019). There was also an on-site meeting with the project team and Councillors on 21 November 2019.

In conjunction with the engagement process, the consultant team undertook a thorough site analysis and functional assessment of Barry J Powell Reserve's facilities, buildings and environmental considerations to inform the development of the draft master plan. The site analysis and functional assessment of the reserve's facilities identified the following key issues and findings:

Summary of key reserve issues and findings

Sports Activities and Areas

- The main oval is smaller than the preferred oval size nominated by the 'AFL Facility Guidelines'.
- The second oval is only large enough to be a junior field for either cricket or AFL football.
- There are no netball facilities provided at the reserve to allow for combined training nights of the Lyndale Football Netball club.
- The two southern tennis courts are in poor condition.

Buildings and Facilities

- The sports pavilion building does not meet the current AFL community facility guidelines or DDA/ Australian Standard requirements.

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ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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ORDINARY COUNCIL MEETING - MINUTES

4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- The sports pavilion building is poorly oriented to the second oval and to the Halton Road car park.
- There are no female change facilities to support female participation at the reserve.
- The site topography limits the capacity to enlarge the ovals or to create strong physical connections between the sports fields and the pavilion.
- The existing maintenance shed is isolated and has no formal access.

Landscape and Passive Recreation Areas

- The existing playgrounds have limited play diversity and age offer and require an upgrade to align with the Playground Strategy hierarchy guidelines.
- The limited park infrastructure across the reserve, including seats, shelters and barbecue facilities limits the opportunity for larger family or community groups to use the reserve for social gatherings.
- There is limited provision of informal active recreation such as social basketball or exercise/fitness stations within the reserve.
- The existing dog-off-leash area has limited park facilities such as seating and has limited natural shade from trees.
- There is a general lack of mature tree planting and general park facilities such as seating throughout the reserve.

Access, Circulation and Parking

- While the site is easily accessible from Halton Road, the location and function of the car park access and egress points are not clearly identified and are easily missed.
- There is a lack of formal/ shared pedestrian and cycle paths through the reserve and there is not a well identified pedestrian park entry from Halton Road.
- Delivery vehicle access to the Jan Wilson Centre is dominant. This prevents the direct interaction of the building with its park setting.
- There is currently no off-street parking for the Heritage Kindergarten staff.
- There are concerns about the safety of pedestrians attempting to cross Bakers Road between the kindergarten and the nursing home.

Refer to Attachment 1 – Barry J. Powell Reserve Master Plan Report 2020 for a broader exploration of the site analysis and the key issues and findings.

Stage 1 - Stakeholder Consultation with the Sports Clubs

Consultation with the Lyndale Cricket Club and Lyndale Football Netball Club occurred on Tuesday 27th November 2018. This initial consultation was used to gain as much stakeholder input early in the master plan process to provide guidance on the development of the draft master plan.

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ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

A summary of the key comments from each club is outlined below:

Lyndale Cricket Club

- The club currently has 5 senior teams, 3 junior teams and an introductory program.
- The club currently has 130 members.
- All teams compete in the Dandenong District Cricket Association.
- The club uses Barry J. Powell Reserve as its' headquarters and training base.
- The junior teams train on Monday & Wednesday and the senior teams train on Tuesday and Thursday.
- The matches occur on Friday afternoon for U11s as well as on Saturday morning and afternoon on both ovals for the junior and the senior teams.
- There is a lack of at-grade storage for their equipment, which ideally should be co-located with the practice nets.
- The pavilion building has a poor internal functional layout; the upgrade of the bar is incomplete; there is a lack of secured internal storage and the heating and cooling system is poor. There is also a lack of shade and bench seating along the pavilion's terracing/ spectator area.
- The number, size and condition of the two ovals currently meet the Club's needs, but the club would be highly supportive of the widening of the second oval to meet the senior cricket and senior AFL football requirements.
- The club is satisfied with the provision of the three lane cricket practice nets and the onsite car park.
- The proximate location between the playground and the Barry J. Powell Pavilion and the main oval is important to the Club.

Lyndale Football Netball Club

- The club has three senior football teams (senior, reserve and women) and has not had any junior football team since early 2000's.
- The club has two netball teams which all compete in the Southern Football Netball League.
- The club has been based at Barry J. Powell Reserve since 1986.
- The women's team trains at the reserve every Tuesday and Thursday afternoon/ from 6pm, and the men's team trains on the same days from 6.30pm.
- The matches occur on Saturday for the men's team and Sunday for the women's team.
- The club uses the main oval during the competition season. The second oval is only used for pre-season training.
- The netball teams train at the Gloria Pyke Netball complex, Greaves Reserve and play their matches at the Springvale District Netball Complex (Dingley) on Saturday.
- The two main issues identified by the club were the non-functional layout of the pavilion building and the lack of onsite netball courts.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- Some of the functional and amenities issues of the Barry J Powell Pavilion building raised by the club include the following:
 - The amenities located in the player's change rooms do not comply with the current AFL community facility guidelines or DDA/ Australian Standard requirements.
 - The absence of change rooms for women.
 - The poor condition of the umpires' change room.
 - The indirect access from the change rooms to the main oval requiring players and umpires to walk around behind the pavilion building.
 - The incomplete upgrade of the bar.
 - The poor heating and cooling of the pavilion building.
- The other building issue relates to the lack of infrastructure that are commonly available in a more modern facility such as a separate timekeepers' room, a separate meeting room, and a location/ facility to film matches.
- The size and the condition of the main oval meets the club's needs, but they requested a back net to be installed behind the western goals to avoid balls running down the hill.
- The proximity of the playground to the Barry J. Powell Pavilion and the main oval is important to the club, with the club suggesting fencing the play space from the car park.
- Other suggestions to improve the sports facilities at the reserve include relocating the coaches' boxes to the north side of the oval, adding spectator shelter around the main oval, adding an electronic scoreboard, and providing a pedestrian/ shared path around the reserve.

Melbourne Eagles Cricket Club

The Melbourne Eagles Cricket Club did not respond to the invitation for the consultation meeting. However, it is noted that the Melbourne Eagles Cricket Club only uses the second oval in winter for one team playing in the Cricket Association.

Heritage Tennis Club

At the commencement of this master plan, the Heritage Tennis Club was a non-active club as there was no committee. During the stage 1 drop-in session, Council officers were made aware that the coach from Excel Tennis Coaching had begun entering junior teams in Saturday morning competition under the auspices of himself. Excel Tennis Coaching use the Barry Powell Reserve courts for coaching on Tuesday-Friday evenings and competition is held on Saturday mornings between 8am -12pm. There are currently four teams playing in the competition tennis under the Heritage Tennis Club name. The clubroom is currently used when coaching is scheduled at the courts, on Saturday during competition and during tennis-based holiday programs held at the courts.

A meeting with two members of the Heritage Tennis Club occurred on 16 April 2019 to provide them an overview of the issues and opportunities for the reserve. The rationale guiding the preparation of the draft masterplan was generally supported by the members. This included the rationale for the removal of the two southern tennis courts to enable the widening of the second oval and future expansion of the Heritage Kindergarten; the removal of the clubroom to provide for an off-street

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

carpark for the Heritage Kindergarten and the two retained tennis courts and the two northern tennis courts becoming a public access facility through the 'book-a-court' system. Improvements to the adjoining park area with the provision of shelters, seats and barbecue facility, an upgraded playground, fitness equipment and the provision of walking path around the reserve was a positive initiative.

It was explained to the Heritage Tennis club members that being a non-active club, Council officers were proposing to relocate the Heritage Tennis club to Lois Twohig Reserve's tennis facilities which did not have a club, whilst having four floodlit hardcourts and a larger clubhouse. The relocation of the Heritage Tennis Club to Lois Twohig Reserve and named Heritage Tennis Club Incorporated was confirmed by a letter addressed to Council and dated 18 October 2019 confirming Heritage Tennis Club Incorporated's acceptance of this offer, which would come into effect in January 2020.

Stage 1 – Barry J Powell Reserve Community Consultation

Community Consultation – Issues and Opportunities

Stage 1 of the community consultation was undertaken between 25 January and 01 March 2019. The purpose of this consultation was to further develop an understanding of the issues and opportunities from the community on what is working well and what needs to be improved at the park to provide guidance on the development of the draft master plan.

Stakeholder feedback from Stage 1 was primarily drawn from the following activities:

- "Our Say" online engagement platform
- Drop-in session in the park
- Comments via email submissions or phone
- Presentation to the Cultural Heritage Advisory Committee on 9 May 2019.

To widely advertise the Stage 1 consultation, the following promotions were undertaken:

- An article in The City Feb 2019;
- Four A0-size posters displayed at different locations across the park;
- A3 and A4 size posters were displayed at Council's libraries and Council's customer service counters, the Jan Wilson Community Centre and the Heritage Kindergarten.
- Postcard drop to the properties within 1km radius of the park.
- Social media posts notified and provided reminders of the start and closing of the "Our Say" online engagement platform, and the Drop-in session date.

Table 1: Stage 1 Participation

	Online survey	Drop-in session	Email Submissions	Total
Participants	11 (94 visits)	28	9	48

Table 1: Stage 1 Participation

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

The key themes from the Stage 1 community consultation is summarised as follows:

A more detailed description of each activity can be found in Attachment 1 – Barry J. Powell Reserve Master Plan Report 2020, Appendix B.

Table 2: Phase 1 Summary of themes and activities

Theme	TOTAL	Summary of Submissions	Officer Response / recommendation
Playground upgrades	13	There is support for the two playgrounds to be upgraded and expanded to attract all age groups. Provision of shade and seating for the play area users and family members was an important requirement.	Recommend for inclusion in development of the draft masterplan.
Sport and spectator facilities	19	Support for improving and upgrading the sport facilities and buildings. The toilets and the sheltered areas for spectators should be improved. Support for the installation of lighting at the tennis courts and an increase in court space for basketball and netball.	Recommend for inclusion in development of the draft masterplan.
Dog off-leash facilities	8	Support for fencing of the existing dog-off-leash area and increasing the provision of infrastructure such as bins and seats.	Recommend for inclusion in development of the draft masterplan.
Walking infrastructure	10	Informal walking/cycling recreation is important at the Reserve. Support for the inclusion of a designated path circuit with drinking fountains, shade, and exercise stations.	Recommend for inclusion in development of the draft masterplan.
Outdoor gym	7	Support for outdoor fitness equipment that would be appropriate at the park, such as near the Jan Wilson Community Centre.	Recommend for inclusion in development of the draft masterplan.

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Vegetation / tree planting	9	Support for enhancing the reserve's vegetation, as tree planting would provide shade and serve as windbreaks, as well as improve the general environment of the park.	Recommend for inclusion in development of the draft masterplan.
Social Infrastructure	11	Support for general park upgrades such as seating, toilets, shade, and BBQs to support social recreation.	Recommend for inclusion in development of the draft masterplan.

Stage 2 - Development of Draft Master Plan

After undertaking the functional analysis of the park and facility requirements and considering the submissions and feedback from the Stage 1 consultation, a draft master plan was developed from March to July 2019.

The community consultation on the draft master plan incorporated two options which provided two different locations and size for the southern playground. Apart from the two playground location options, the remaining elements of the master plan are identical.

Playground

The difference between the two playground options is:

Option 1

- Relocation of the existing southern 'neighbourhood' playground to the grass area to the west of the Jan Wilson Community Centre (JWCC). The relocation of the playground would enable it to be enlarged and become a 'district' level playground (approximately 1300m²).
- The existing lawn space to the southwest of the second Oval would become an informal lawn space (approximately 350m²) with tree planting and some picnic and barbecue facilities near the second sports oval.

Option 2 –

- Relocation of the southern 'neighbourhood' playground to the lawn space near the second sports oval. The playground would be retained as a similar sized 'neighbourhood' playground (approximately 350m²)
- The existing grass area to the west of the Jan Wilson Centre would become a large informal open lawn space (approximately 1300m²) with tree planting, picnic and barbecue facilities.

Apart from the above differences, both playground options include the following elements:

- Facilities such as shade, seating and a drinking fountain within the playground precinct footprint.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- Retention of the northern local level playground location next to Bakers Road. The proposal is to upgrade this 'local' playground and introduce nature play which integrates with the existing informal woodland. This precinct would incorporate an outdoor gym facility, picnic facilities and shade associated with the nature play and the retained tennis courts.

All the design elements outlined in the next discussion are applicable to both master plan Options.

Dog off-Leash, Landscaping and Passive Recreation Areas**Dog off-Leash**

- Retaining the existing dog off-leash area, whilst providing fencing and additional tree planting for shade.

Landscaping and Passive Recreation

- Providing a forecourt space with shade, seating and a drinking fountain between the proposed new pavilion building and the new netball and multi-use courts to create amenity for spectators and the community.
- Providing a planted terrace to ameliorate the topographical level changes between the proposed multi-purpose court and landscaped area and the higher topographical level of the reconfigured second sports oval.
- Demolishing the two southern tennis courts to allow for the potential future expansion of the Heritage Kindergarten and providing an area with tree planting and seating (in the short term).
- Providing additional planting with an environmental focus and seating to create a pause points within the existing north eastern informal woodland precinct.

Jan Wilson Centre Community Centre

- Creating a spill out area/ event space associated with the Jan Wilson Community Centre (JWCC) with some tree planting for the provision of natural shade. Upgrading the forecourt space of JWCC and retaining the existing enclosed play space for the community centre's programmes.

Sports Pavilion

- Upgrading the sports pavilion to meet the standards required by the AFL for community clubs, facilities for other sporting codes, community facility and grounds maintenance facilities and to provide a direct interface to all sporting precincts.

Sports Facilities

- Retaining the main sports oval and providing seating terraces to view the main oval with shelters for weather protection.
- Upgrading the second sports oval to provide a full-size senior soccer pitch and a 50m radius playing field for cricket.
- Constructing a netball court as a training facility with the potential for a second court/ multi use hard court.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- Retaining two tennis courts for community use and implementing a 'Book a Court' system and demolishing the two tennis courts on the west side of the kindergarten.
- Retaining the existing cricket practice nets.
- Removing the existing grounds maintenance shed.

Pedestrian Circulation

- Creating a 2.5m wide pedestrian path network throughout the reserve to connect the various facilities and to provide a walking circuit with distance markers.
- Retaining the existing pedestrian footpath along Halton Road.
- Providing a pedestrian crossing point along Halton Road at the pedestrian desire line from Halton Road to the future sports pavilion building.
- Formalise pedestrian connections through the car park with the provision of 'green connection'.
- Providing a pedestrian crossing point on Bakers Road between the kindergarten and the nursing home to improve people's safety.

Car Parking/ Vehicular Circulation

- Reconfiguring and enlarging the existing car park with ingress and egress at either end to improve circulation and providing planted kerb outstands within the carpark to mitigate the 'potential return' of the hoon behaviour.
- Retaining ambulance service access to JWCC whilst rationalising and providing a more direct and shorter route of ramped access for deliveries to JWCC.
- Removing part of the existing vehicular 'service' route to JWCC in order to provide direct pedestrian access and creating a stronger connection between JWCC and the park.
- Constructing a new carpark on the site of the existing tennis pavilion building to provide off road parking for the kindergarten.

Stage 2 Community Consultation – Draft Master Plan

Stage 2 of the community consultation was undertaken between 12 August and 8 September 2019. This second round of consultation was used to present and receive comments on the key directions proposed for the draft Barry J Powell Reserve master plan.

Stakeholder feedback was received from the following activities:

- Consultation with the Sports Clubs
- Online survey (via "Our Say" engagement platform)
- Drop-in Session at Barry J Powell Reserve on Saturday 17 August 12pm-3pm where participants could discuss both Barry J Powell and WJ Turner reserve master plans.
- Drop-in Session at WJ Turner Reserve on Sunday 01 September 2019 9am-12pm where participants could discuss both Barry J Powell and WJ Turner reserve master plans.
- Comments via email submissions or phone.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

To widely advertise the Stage 2 consultation, the following promotions were undertaken:

- An article in The City May 2019;
- Six A0-size posters displayed at different locations across the park;
- A3 and A4 size posters were displayed at Council's libraries and Council's customer service counters, the Jan Wilson Community Centre and the Heritage Kindergarten.
- Letter drop to the properties within 1km radius of the park were hand delivered on 22 August 2019.
- Social media posts notified and provided reminders of the start and closing of the "Our Say" online engagement platform, and the Drop-in session date.



Figure 2 – Exhibited Draft Master Plan – Option 1

Figure 2 – Exhibited Draft Master Plan – Option 1

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)



Figure 3 – Exhibited Draft Master Plan – Option 2

Figure 3 – Exhibited Draft Master Plan – Option 2

Stage 2 Consultation – Summary of responses to exhibited draft master plan options

The key themes and responses from the Stage 2 community consultation are summarised below. A more detailed description of each activity can be found in Attachment 1 – Barry J. Powell Reserve Master Plan Report 2020, Appendix B.

	Online survey	Drop-in session	Submissions	Total
Participants	18	20	14	51

Table 3 : Stage 2 Participation

Theme	TOTAL	Summary of Submissions	Officer Response / recommendation

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

General support	15	Majority of participants supported the key directions of the draft Master Plan.	Recommend inclusion of the overall master plan direction.
Options 1 and 2: playground	17	Option 1 - 70% support for a larger district-level play space to be located adjacent to the JWCC. Option 2 - 20% preferred this option for its location and better surveillance of the playground from other park spaces. 10% did not support either option and suggested an alternative location for the district playground near the Heritage Kindergarten.	Recommend inclusion of the Option1 playground location which delivers a larger district level playground to the west of the JWCC.
Public toilets	3	There is demand for publicly-accessible toilet facilities to be incorporated into the pavilion redevelopment.	Recommend inclusion of a publicly accessible toilet as part of a future new sports pavilion and at the new district playground. In the interim it is recommended that the public toilet at the existing sports pavilion building is re-opened.
Dog off-leash area	3	There is some demand for a dog-off leash area. Fencing around the DOL area is preferred.	Recommend inclusion of fencing to the dog off-leash area.
Support for additional vegetation	9	A key focus from respondents was support for greater vegetation at the reserve particularly native vegetation and extending the informal woodland to the southeast area of the Reserve.	Supported by recommendations in the exhibited draft masterplan.
Sport and recreation suggestions	7	Support for an increase in sport and recreation facilities, including the full-size soccer pitch, a full netball/ basketball court, portable goal storage and outdoor gym equipment.	Supported by recommendations in the exhibited draft masterplan.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Additional suggestions	9	A range of suggestions made including additional walking paths and seating, bike parking and improved lighting.	Supported by recommendations in the exhibited draft masterplan.
Additional comments	3	Some Stage 2 participants felt that the process was not adequately advertised, particularly to nearby residents in stage 1.	Noted. This issue was addressed by a letter drop delivered to the surrounding residents advising of the stage 2 consultation.

Summary of Consultation with the Sports Clubs and Victorian Sporting Associations

Lyndale Football Netball Club

A letter of support was received from the Lyndale Football Netball Club on the 27 August 2019, affirming the Club's need for a full-size netball court and their full support for the potential second netball court extension/ multi-use court as proposed in the draft master plan. They also highlighted that a half-netball court would not adequately address their club's needs.

Consultation with Victorian Sporting Associations

Council officers contacted Tennis Victoria, Football Victoria and AFL Victoria in June 2019 to obtain their views on the Barry J Powell Reserve Draft Master Plan. A summary is provided in table 5 below.

Table 5: Summary of Consultation with State Sports Peak Body Organisations

	Victorian Sporting Associations comments	Officer Response / recommendation
Tennis Victoria (TV)	TV wished to retain the Tennis Pavilion to retain the ability to accommodate a future club on the site.	This recommendation is not supported as the Heritage Tennis Club was relocated to Lois Twohig Reserve in January 2020.
Football Victoria (FV)	FV support the draft masterplan and suggest that appropriate fencing needs be used along some edges abutting the large slope.	Include this recommendation in the final masterplan
AFL Victoria	AFL Victoria questioned whether it is possible to enlarge the main oval.	This has been considered in the development of the draft masterplan. However, it is not viable due to the steep gradients of the site and the budget implications.

Table 5 : Summary of Consultation with State Sports Peak Body Organisations

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Proposal

The draft Barry J Powell Reserve master plan is proposed to be the exhibited Master Plan Option 1 with the inclusion of design changes in response to the community engagement outcomes from stage 2. The key master plan directions are outlined below.

The draft Barry J Powell Master Plan provides a clear direction on how the proposed land uses should be developed, infrastructure, movement and access objectives, built form and environmental initiatives can be developed and implemented to support and balance existing and future park infrastructure and park improvements. Refer to Figure 4 – Barry J Powell Reserve Master Plan.

Figure 4 – Draft Barry J Powell Master Plan

4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)



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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Overall Draft Master Plan

The overall draft master plan provides detailed direction in relation to the following elements as well as an implementation plan to guide the capital works program. (Refer to Attachment 1 – Barry J Powell Reserve Master Plan Report 2020). The draft Master Plan recommendations are aligned with the different activity areas within the park.

Sports Oval Precinct

- Retaining the main sports oval at its current size.
- Providing seating terraces to view the main oval with shelters for weather protection.
- Retaining the existing cricket practice nets in its current size.
- Upgrading the second sports oval to provide a full-size senior soccer pitch and a 50m radius playing field for cricket.
- Installing a new electronic scoreboard for each oval to replace the existing.
- Providing an informal lawn space with tree planting and a spectator's shelter, picnic and barbecue facilities near the second sports oval.
- Constructing a netball court as a training facility with potential for a second court/ multi use hard court.
- Providing a planted terrace to ameliorate the changing topographical level between the second oval level and the multi-purpose courts.
- Removing the existing grounds maintenance shed.
- Upgrading the sports pavilion building to meet standards required by the AFL for community clubs, facilities for other sporting codes, community facility and incorporating the grounds maintenance facilities and a public toilet facility into the new pavilion. In the interim re-opening the public toilet facility available at the existing sports pavilion building.
- Providing direct access and active interface between the new sports pavilion, the two sports fields and the netball / multi-use courts.
- Providing a forecourt space with shade, seating and a drinking fountain between the new pavilion building and the new netball courts precinct to create amenities for spectators on the game day or for broader community gathering at other times.

Jan Wilson Community Centre (JWCC) Precinct

- Retaining the Jan Wilson Community Centre (JWCC) building.
- Upgrading the Jan Wilson Community Centre (JWCC) forecourt space and retaining the existing enclosed play space for the Community Centre's programmes.
- Relocating and upgrading the southern neighbourhood playground to the park area west of the JWCC building to meet the benchmarks for a district level reserve (approximately 1300m²).
- Providing a stand-alone public toilet at the new district playground facility.
- Retaining ambulance service access to JWCC building whilst rationalising and providing a more direct and shorter route of ramped access for deliveries to JWCC.
- Removing a part of the existing vehicular 'service' route to JWCC in order to provide direct pedestrian access and a stronger connection between JWCC and the new district playground.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- Creating a spill out area/ event space associated with the Jan Wilson Community Centre with some tree planting for the provision of natural shade.
- Strengthening and improving the pedestrian access/ entry point from Halton Road to the new district playground location.
- Providing facilities such as shade, seating and a drinking fountain within the district playground precinct.

Dog-off-leash Precinct

- Retaining the existing dog off-leash area as a fenced space, whilst providing additional tree planting for natural shade.

Tennis Court and Nature Play Precinct

- Retaining the two tennis courts as a public access facility and implementing a 'Book a Court' system.
- Demolishing the two southern tennis courts to allow for the future potential expansion for the Heritage Kindergarten school (long term) and creating a pause point with tree planting and seating (in the short term).
- Replacing the northern local playground with nature play activities / playground and integrating it within the existing informal woodland area.
- Incorporating picnic facilities and shade associated with the nature play area and the tennis courts and providing an outdoor gym equipment within this nature play precinct.
- Providing additional planting with an environmental focus and seating within the existing and enhanced informal woodland area.
- Demolishing the tennis pavilion building and constructing a new carpark on the site of the demolished tennis pavilion building to provide for carparks and access to the kindergarten.

Halton Road Carpark Precinct

- Retaining the established trees on the existing carpark.
- Reconfiguring and enlarging the existing car park with ingress and egress at either end to improve circulation.
- Providing a pedestrian crossing point along Halton Road at the pedestrian desired line from Halton Road to the future sports pavilion building.
- Formalise pedestrian connections through the car park with the provision of 'green connection'.
- Providing planted kerb outstands at raised pedestrian crossing points and at entry to the deliveries ramp to mitigate the 'potential return' of the hoon behaviour.

Pedestrian Path Networks

- Creating a network of 2.5m wide shared bicycle and pedestrian paths throughout the reserve to connect the various facilities and to provide a walking and cycling circuit with distance markers.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

General Landscape Improvements

- Protecting the existing trees and significantly increasing the tree canopy cover and shade across the reserve to create a more diverse landscape park experience.
- Provision of additional trees and low shrub/groundcover planting to enhance the habitat and landscape character.
- Introduction of grouped areas of picnic shelters/ barbecues suitable for larger social/ family group with group seating.
- Provision of more park furniture across the reserve, particularly seating.

Implementation Plan

- The Implementation Plan provides the guidance on both the design and construction sequence that will need to be undertaken to implement the master plan.
- The implementation of the master plan is subject to the support and funding of capital works bids as part of Council's annual budget process.

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

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

Council Plan 2017-2021

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

The strategies and plans that contribute to these outcomes are as follows:

- Open Space Strategy 2009
- Playground Strategy and Action Plan 2013-2023
- Activate - Sport and Recreation Strategy 2014-19
- Tennis Plan 2015
- Walking Strategy 2015-23
- Community Wellbeing Plan 2017-21 and Annual Action Plan
- Cycling Strategy 2017-24
- Sports Facility Plan – Implementation Plan 2018
- Sport and Recreation Participation Study 2019
- Dog off-Leash Strategy 2019
- Make Your Move Discussion Paper 2020-2030

Related Council Policies

The related Council policies that are relevant to this process are;

- Asset Management Policy
- Cricket Wickets Policy
- Diversity Access and Equity Policy
- Financial Management Policy
- Multipurpose Use of Community Facilities Policy
- Sports Ground Floodlighting Policy 2015

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

- Sports Pavilion Management Policy 2017

Victorian Charter of Human Rights and Responsibilities

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.

Financial Implications

The 2019-20 capital works program has allocated \$100,000 for the implementation of the Barry J Powell Reserve master plan. This funding has been allocated to undertake preliminary works.

Future implementation and staging will be dependent on the inclusion of the master plan in Council's long-term financial plan. The funding to implement the projects is subject to the support and funding of capital works bids and opportunities to actively pursue external funding as part of Council's annual budget process.

The staging of the Barry J Powell Reserve Master Plan will be developed and guided by the master plan's implementation strategy, which identifies short, medium, and long-term projects. The redevelopment of Barry J Powell Reserve will represent a significant commitment by Council over the long term. To facilitate this park master plan over a ten year plus time frame the staged implementation plan outlines the sequential staging of projects and associated indicative costs as a funding guide. A headline figure of approximately \$14.6 million dollars has been estimated to implement all aspects of the proposed master plan. (Refer to Attachment 1 –Barry J Powell Reserve Master Plan Report 2020).

It is relevant to note that while the implementation of the master plan is a multi-year exercise and its full implantation costed as set out above, if desired, only selected elements of the whole plan could be implemented as part of the implementation response.

The building projects in the master plan are intended to be funded out of the Building Facility renewal program steered and directed by the Sports Facility Plan and Asset Renewal Program. The upgrade of the playground would be funded through the Playground Strategy Implementation Program.

Consultation

Extensive community consultation was undertaken at key milestones during the project. This is detailed in the earlier background section of this report. A Project Control Group was established at the commencement of the project and included members from the Executive, Ward Councillors and Council Officers.

The consultation process was structured to inform Councillor and officer views and priorities across departments before the views of user groups, stakeholders and the wider community were canvassed. This ensured that all viewpoints could be assessed and responded to in light of an understanding of wider Council policies, priorities and preferred directions.

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)**Conclusion**

The Barry J Powell Reserve Master Plan will enable the transformation of this district park as a community destination for active and passive recreational pursuits and community uses. This can be achieved through supporting the continued important role of the Jan Wilson Community Centre, together with the upgraded sports pavilion building, the introduction of netball and multi-use court facilities, a larger district level playground, an enhanced northern nature play and active node, supporting path networks, and other improved park infrastructure. The planting of trees across the reserve will enable an urban forest canopy to be developed across the reserve that frames the sporting uses as well as providing long term shade and environmental benefits for the community.

The Master Plan will strengthen and reinforce Barry J Powell Reserve's role as a district multi-purpose park that supports the growing sports clubs as well as providing new and improved sports ground infrastructure that supports the community's recreational pursuits, that is well utilised and meets the recreational and social needs of the diverse Noble Park North community.

The master plan has considered the long-term future of the reserve by ensuring that the sporting infrastructure caters for existing and future trends in sport and recreation. The inclusion of passive recreational and community facilities that are integrated with an enhanced landscaped environment will enrich the lives of the community. The Barry J Powell Reserve Master Plan successfully balances the recreational, social, economic and environmental objectives for the community.

Recommendation**That Council:**

1. **notes the Barry J Powell Reserve Master Plan has undergone a rigorous process of community and stakeholder engagement. The Barry J Powell Reserve Master Plan will respond to the long-term future requirements of the community and supports the established growth and development of the reserve for sport and passive recreational pursuits and environmental improvements; and**
2. **adopts the Barry J Powell Reserve Master Plan Report and the staged implementation plan.**

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4.3.1 Response to Notice of Motion No. 80 - Proposal to Proceed no further with the Draft Wal Turner Reserve Master Plan, Noble Park North. (Cont.)

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4.2.1 Draft Barry J Powell Reserve Master Plan (Cont.)

MINUTE 1381

Moved by: Cr Maria Sampey
Seconded by: Cr Peter Brown

That Council:

1. notes the Barry J Powell Reserve Master Plan has undergone a rigorous process of community and stakeholder engagement. The Barry J Powell Reserve Master Plan will respond to the long-term future requirements of the community and supports the established growth and development of the reserve for sport and passive recreational pursuits and environmental improvements;
2. adopts the Barry J Powell Reserve Master Plan Report and the staged implementation plan; and
3. prior to the implementation of the Barry Powell Reserve Master Plan, investigates the security aspect of the car park and in particular to the 2 drive-way entry points to the car park.

CARRIED

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4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong

File Id:	fA210772
Responsible Officer:	Director Community Services
Attachments:	Council Meeting Minutes 8 February 2021 (Minute 83). Research summary. Summary of existing mental health service responses to COVID-19. Summary of existing mental health advocacy efforts.

1. Report Summary

This report has been prepared in response to Notice of Motion No.3 which was endorsed by Council on 8 February 2021 and requested that:

1. Council promotes existing mental health services to the Greater Dandenong community on Council's website and social media pages.
2. Council reviews relevant localised research findings in partnership with the Primary Health Care Network and key stakeholders on the impacts of, and gaps in, the provision of mental health services within Greater Dandenong as a result of COVID-19.
3. A report be presented to a Council meeting outlining the responses from local research and the recommendations of the Royal Commission into Mental Health, including options for advocacy to the State and Federal Government for additional mental health supports in Greater Dandenong.

2. Recommendation Summary

This report recommends that:

1. Council continues to promote high quality and accurate information on mental health, mental health supports and Council services to the community via its website, social media channels, cultural networks and internal committees that provide cultural and communication expertise to reach cultural groups in the CGD.
2. Council will monitor council information and Council services against implementation recommendations from the Royal Commission into mental health, with particular reference to recommendations on responding to the mental health and wellbeing needs of a diverse populations (Final Report, Volume 3, Chapter 21), with updates to be provided to Councillors.
3. Council monitors funding opportunities announced in response to the Royal Commission and pursue grant funding to deliver local mental health initiatives with a focus on addressing stigma and supporting culturally diverse communities.
4. Council will advocate for improved mental health services and funding that meets the needs of a culturally diverse community in upcoming the state and federal elections.
5. A further review is to be tabled by December 2022 to consider a need for further advocacy based on feedback from Councillors and mental health stakeholders.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

3. Background

An extensive review of research and literature has been undertaken to understand the impact of COVID-19 on mental health services (refer to Attachment 2). This has been considered alongside recent consultation with key stakeholders and community members through the Greater Dandenong COVID-19 research project, as well as community consultations to inform the forthcoming Council Plan and Community Wellbeing Plan.

3.1 Key themes and issues

Key themes to emerge from this review include:

- Mental health continues to be identified as a key priority for the Greater Dandenong community through consultation with key stakeholders and community members.
- COVID-19 has resulted in an increased demand for mental health services across the lifespan. Individuals with pre-existing mental health conditions are at higher risk of poor mental health outcomes as a result of the pandemic, however many individuals may find themselves in need of mental health support for the first time due to the impacts of COVID-19.
- This demand has resulted in protracted waiting times, which were already significant prior to COVID-19. Services are reporting that those seeking help are presenting with more acute or complex issues, which further compounds the demand on the service system.
- Telehealth was a perceived barrier to accessing mental health support during the pandemic, with some individuals opting not to access support until face-to-face services resumed.
- There continues to be a gap around the delivery of culturally nuanced services and supports that meet the needs of diverse communities such as Greater Dandenong. Despite being at greater risk of poor mental health, many refugee and migrant community members remain reluctant to seek help.
- There is a need for greater investment in both the prevention and early intervention of mental health, alongside treatment and crisis support services. Mental health must be considered holistically with attention given to addressing various risk factors including those around economic supports (including social housing) and provision of family or parenting supports.
- Cost remains a key barrier to access support. Whilst the expansion of Medicare subsidised psychological supports is welcomed, there is limited availability of bulk billing providers. This can result in a significant gap payment for individuals accessing this support.

The Chief Executive of the South East Primary Health Network wrote to Council on 22 March 2021 to advise of their inability to assist Council in jointly reviewing and providing relevant localised research findings. This was due to being heavily committed in supporting the government's roll out of the COVID vaccine.

3.2 Royal Commission into Victoria's Mental Health System

The final report from the Royal Commission into Victoria's Mental Health system was tabled in Parliament on 2 March 2021. The report contains 65 recommendations, with the State Government providing a commitment to implement all recommendations.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

Timelines and priorities for progressing this work are not yet known, with a workforce and implementation strategy to be developed by the end of 2021. The State Budget, to be released in May 2021, is anticipated to contain preliminary investments in response to some of the most urgent recommendations.

Key themes arising from the Commission's report include:

- The need for a new legislative and governance framework to enhance accountability.
- Enhancing flexibility of mental health supports to reduce age and geographical barriers.
- Improving local and area mental health and wellbeing services, with separate streams for infant, child and youth (0-25 years) and adult services (over 25 years).
- Forthcoming development of a state-wide plan for the promotion of good mental health and the prevention of mental illness, with dedicated funding for promotion and prevention work.
- A focus on the development of anti-stigma programs, with long-term funding and prioritisation of healthcare settings, workplaces and schools.
- Establishing a 'community collective' in each local government area, with ongoing funding of 1 EFT to support community-led activity to promote social inclusion.
- Availability of gatekeeper training online and free for Victorian adults.
- Improving accessibility for diverse communities.
- Enhancing support for families, carers and supporters and promoting their involvement across the mental health system.

3.3 Council's Role in Promoting Mental Health Services

Greater Dandenong Council has a critical role in supporting the health and wellbeing of its community. In relation to mental health services, Council's role is principally contained to ensuring current and accurate information is provided on both its website and social media channels on the range of services available to members of the public.

The exception to this is Council's Youth and Family Services team who provide free and confidential counselling and support services to young people aged 12-25 who have a significant connection with the City of Greater Dandenong.

A review of existing mental health services and supports referenced on Council's website and social media channels highlights the imperative of capturing information from reputable sources of the various mental health supports that exist across the life span that are accessible to members of the Greater Dandenong Community.

Information should continue to include a complement of references where residents can access factual information on signs and symptoms; and further access support for both crisis response and general information on non-critical mental health supports. Information on available support services was updated as recently as May 2021, and will continue to be reviewed on a regular basis to ensure it reflects supports accessible to all community members, regardless of age, gender or cultural background.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

3.4 Advocacy

Significant investments have been made by both State and Federal Governments to address the impacts of COVID-19 on mental health, with further investment foreshadowed as part of a partnership agreement in response to the recommendations of the Royal Commission (refer to Attachment 3 for details).

In addition, advocacy is already well established in relation to enhancing mental health supports, including through the Southern Metropolitan Partnership, Youth Affairs Council of Victoria, Centre for Multicultural Youth and the Ethnic Communities' Council of Australia (refer to Attachment 4 for details).

Council will be best positioned to consider the next steps in extending its current advocacy efforts, once there is an understanding of the full extent of what will be implemented from the Royal Commission's recommendations

It is projected that this level of detail will not be available for 12 months.

4. Proposal

The COVID-19 pandemic has compounded challenges relating to mental health in the Greater Dandenong community, including increased demand for services and protracted waiting periods.

Already both state and federal governments have made significant investments into addressing these impacts and providing additional mental health services. Additionally, significant systemic reform is imminent as a result of the Royal Commission into Victoria's Mental Health System, with the final report published in March 2021.

This report and the proposed recommendations strengthen Council's principal role in relation to mental health as providing information to the community. Furthermore, it anticipates Council taking a greater role as a planner and advocate for improved health and wellbeing outcomes, as further details are released in relation to the implementation of the Royal Commission's recommendations.

5. Financial Implications

There are no financial implications associated with this report.

6. Consultation

The content of this report is not subject to Council's Community Engagement Policy under the Local Government Act 2020.

Thorough consultation was conducted with internal and external stakeholders (refer to Attachment 2) to ascertain information relating to the scope of this Notice of Motion. This report has also been informed by Council's recent community engagement processes including Youth and Family Services' COVID research project, and community consultation on the new Council and Community Wellbeing Plans.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

Council Officers have also attended sector-wide forums and professional development events to further their understanding of the impacts of COVID-19 and the findings of the Royal Commission into Mental Health.

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’

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:

People

- *Lifecycle and Social Support* – The generations supported

Opportunity

- *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:

People

- *A vibrant, connected and safe community*

Place

- *A healthy, liveable and sustainable city*

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

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

The Local Government Act states that priority is to be given to achieving the best outcomes for the municipal community. The Act also requires that regional, state and national plans and policies should be taken into account when making decisions, and that collaboration with other tiers of Government is to be sought.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

The recommendations of the Royal Commission into Victoria's Mental Health System will result in significant changes to the mental health system, including reform of legislation, governance, funding and models of service delivery. In Council's capacity as a planner and advocate for community health and wellbeing, it is incumbent on Council to monitor this reform work and to seek the best outcomes for enhancing mental health services in the community, particularly in light of the ongoing impacts of the COVID-19 pandemic.

Further, the recommendations support the principles of the Local Government Act by aligning with the Council Plan and Community Wellbeing Plan, and providing an opportunity for Council to explore future funding opportunities from state or federal government as they may arise (ensuring financial viability).

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).

The Charter of Human Rights and Responsibilities Act 2006 has been considered in the preparation of this report but is not relevant to its contents. The report is administrative in nature and does not impact on 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 but are not relevant to its contents. This report is purely administrative in nature and 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 Notice of Motion 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.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

It is purely administrative in nature and the methods by which the recommendations are actioned are purely driven by electronic means. No paper needs to be generated to action any of the reporting requirements within this report.

13. Related Council Policies, Strategies or Frameworks

The principal strategic documents relating to this report are:

- Council Plan 2016-2021
- Community Wellbeing Plan 2016-2021.

Additionally, as this report considers mental health across all age-groups in the community, a range of other Council policies may be relevant:

- Youth and Family Strategy 2021-2026 (draft)
- Children's Plan 2021-2026 (draft)
- Disability Action Plan 2017-2023
- People Seeking Asylum and Refugees Action Plan 2018-2021.

14. Recommendation

That:

- 1. Council continues to promote high quality and accurate information on mental health, mental health supports and Council services to the community via its website, social media channels, cultural networks and internal committees that provide cultural and communication expertise to reach cultural groups in the CGD;**
- 2. Council will monitor council information and Council services against implementation recommendations from the Royal Commission into mental health, with particular reference to recommendations on responding to the mental health and wellbeing needs of a diverse populations (Final Report, Volume 3, Chapter 21), with updates to be provided to Councillors;**
- 3. Council monitors funding opportunities announced in response to the Royal Commission and pursue grant funding to deliver local mental health initiatives with a focus on addressing stigma and supporting culturally diverse communities;**
- 4. Council will advocate for improved mental health services and funding that meets the needs of a culturally diverse community in upcoming the state and federal elections; and**
- 5. A further review is to be tabled by December 2022 to consider a need for further advocacy based on feedback from Councillors and mental health stakeholders.**

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

OTHER

**RESPONSE TO NOTICE OF MOTION NO.3 – IMPACT OF COVID-19 ON
MENTAL HEALTH IN GREATER DANDENONG**

ATTACHMENT 1

**CITY OF GREATER DANDENONG – COUNCIL
MEETING MINUTES 210208 (ITEM 5.2 –
NOTICE OF MOTION NO.3)**

PAGES 4 (including cover)

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

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 8 FEBRUARY 2021

5.2 Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong

File Id:

Responsible Officer: Director Community Services

Author: Cr Eden Foster

Preamble

The COVID-19 pandemic has disrupted or halted critical mental health services in 93% of countries worldwide while the demand for mental health services is increasing, according to a World Health Organisation (WHO) survey. The survey of 130 countries provides the first global data showing the devastating impact of COVID-19 on access to mental health services.

The pandemic is increasing demand for mental health services and issues such as bereavement, isolation, loss of income and fear are triggering mental health conditions or exacerbating existing ones. There are also concerns that demands on services may continue to increase in Greater Dandenong when government support systems such as Job Keeper/Seeker payments cease in 2021.

In addition to research on an international level, a number of National, State-wide and localised COVID-19 specific research projects have recently been undertaken by such organisations as:

- Australian Institute of Family Studies;
- Australian Human Rights Commission;
- The Centre of Multicultural Youth;
- Commission for Children and Young People;
- Australia Research Alliance for Children and Youth; and
- Greater Dandenong City Council.

This research states that:

- the pandemic has had a negative impact on mental health and wellbeing. Key issues reported included a lack of social contact, loss of routine, precarious employment or housing and general uncertainty about the future;
- people reported that the pandemic exacerbated existing mental health issues, such as anxiety and depression. Many service providers also report seeing increases in these experiences and acknowledge disruptions to some services or programs contributed to or exacerbated these issues; and
- a significant number of people reported inadequate access to mental health services, including the unavailability of programs, long wait lists and the lack of services tailored to young people.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 8 FEBRUARY 2021

5.2 Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

In research recently undertaken by the Greater Dandenong City Council, our city's young people reported increased feelings of stress and anxiety, and one third (34%) of respondents said that they felt sad or depressed "always" or "often" during COVID-19.

The Victorian Government's Royal Commission into Mental Health final report will be released on 5 February 2021. While the Commission's findings will not focus solely on COVID-19 impacts on mental health services, it is expected that there will be synergies in the provision gaps identified in the Commission's findings.

In response to the pending release of the State Royal Commission into Mental Health, and current research into the impact on mental health due to the COVID-19 pandemic, I propose the following Motion:

That:

- 1. Council promotes existing mental health services to the Greater Dandenong community on Council's website and social media pages;**
- 2. Council reviews relevant localised research findings in partnership with the Primary Health Care Network and key stakeholders on the impacts of, and gaps in, the provision of mental health services within Greater Dandenong as a result of COVID-19; and**
- 3. a report be presented to a Council meeting in April 2021 outlining the responses from local research and the recommendations of the Royal Commission into Mental Health, including options for advocacy to the State and Federal Government for additional mental health supports in Greater Dandenong.**

MINUTE 83

Moved by: Cr Eden Foster
Seconded by: Cr Tim Dark

That:

- 1. Council promotes existing mental health services to the Greater Dandenong community on Council's website and social media pages;**
- 2. Council reviews relevant localised research findings in partnership with the Primary Health Care Network and key stakeholders on the impacts of, and gaps in, the provision of mental health services within Greater Dandenong as a result of COVID-19; and**

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

City of Greater Dandenong
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 8 FEBRUARY 2021

5.2 Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

3. a report be presented to a Council meeting once the findings of the Royal Commission are announced, outlining the responses from local research and the recommendations of the Royal Commission into Mental Health, including options for advocacy to the State and Federal Government for additional mental health supports in Greater Dandenong.

CARRIED

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

OTHER

**RESPONSE TO NOTICE OF MOTION NO.3 – IMPACT OF COVID-19 ON
MENTAL HEALTH IN GREATER DANDENONG**

ATTACHMENT 2

RESEARCH SUMMARY

PAGES 2 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)**ATTACHMENT 2:
Research Summary**

Internal Research and Consultation	<ul style="list-style-type: none"> • Greater Dandenong COVID-19 Research Project (Youth and Family Services) • Dandenong Health Stakeholders Workshop (Community Wellbeing Plan consultation) • Council Plan consultation survey • COVID-19 and financial hardship – survey of material aid clients
External Research	<p>Australian Children and Young People's Knowledge Acceleration Hub (2020)</p> <ul style="list-style-type: none"> • Sector Adaptation and Innovation Shaped by COVID-19 <p>Australian Institute of Family Studies (2020)</p> <ul style="list-style-type: none"> • Life During COVID – Report No. 3 Help and Support <p>Black Dog Institute (2020)</p> <ul style="list-style-type: none"> • Mental Health Ramifications of COVID-19: The Australian Context <p>Centre for Multicultural Youth (2020)</p> <ul style="list-style-type: none"> • COVID Insights • Responding Together. Multicultural Young People and Their Mental Health <p>Commissioner for Children and Young People (2020)</p> <ul style="list-style-type: none"> • Mental Health Impacts (Snapshot) <p>UNICEF Australia (2020)</p> <ul style="list-style-type: none"> • Swimming With Sandbags <p>VicHealth (2020)</p> <ul style="list-style-type: none"> • Evidence Review: The Primary Prevention of Mental Health Conditions <p>YourTown and the Australian Human Rights Commission (2020)</p> <ul style="list-style-type: none"> • Impact of COVID-19 for Children and Young People Who Contact Kids Helpline <p>Youth Affairs Council of Victoria (2020)</p> <ul style="list-style-type: none"> • COVID-19 recovery plan for young people
Academic Research	<p>Whittle, S. (et al), (2020), <i>Parenting and Child and Adolescent Mental Health during the COVID-19 Pandemic</i>, University of Melbourne</p> <p>Westrupp E.M. (et al), (2020), <i>Child, Parent and Family Mental Health and Functioning in Australia during COVID-19</i>, Deakin University</p>

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

OTHER

**RESPONSE TO NOTICE OF MOTION NO.3 – IMPACT OF COVID-19 ON
MENTAL HEALTH IN GREATER DANDENONG**

ATTACHMENT 3

**SUMMARY OF EXISTING MENTAL HEALTH
SERVICE RESPONSES TO COVID-19**

PAGES 4 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)**ATTACHMENT 3:
Summary of Existing Mental Health Service Responses to COVID-19**

Council's primary role in mental health is to promote accurate health promotion and awareness messaging, as well as to provide information and referral to available support services. The exception is Youth and Family Services, who provide some youth and family counselling support services.

In response to the impacts of the COVID-19 pandemic on mental health, a range of initiatives have been mobilised or expanded across Council to enhance Council's role in promoting positive mental health within the Greater Dandenong community.

Council-Led	<p>Community Care:</p> <ul style="list-style-type: none"> • Conducted regular wellbeing checks on clients during lockdowns. • Noted an increase in referrals for people with a disability under the age of 65 years during the pandemic. • Positive Ageing Team kept in regular contact with Presidents of Seniors Clubs and Groups to check in on the mental health of club members. • Trained Community Care Workers to assist clients on how to use technology on their phones or other devices to assist them to maintain social connection. • During the lockdowns Social Support staff dropped off library books and other resources for other home-based activities for clients stuck in their own homes. • Since the beginning of 2021 the Positive Ageing Team have actively worked with seniors' clubs and groups to support and encourage them to restart the club's activities after almost 12 months of not being allowed to meet. Many club members continue to express some level of anxiety regarding leaving their homes whilst the pandemic continues. The COVID safe plan requirements for group meetings can also be seen as a barrier to these groups restarting. • Community Care have introduced a new service type over the past 12 months where a care worker can provide 1:1 support to a client to assist participation in their community outside their own home. This includes taking a client for a walk, out for lunch to a café, to a local seniors' club activity, to the library or local neighbourhood house. • Community Care Bus have also introduced bus trips and exercise sessions to encourage social connection with some of our most vulnerable clients. These activities have been very well received in the community. <p>Youth and Family Services:</p> <ul style="list-style-type: none"> • Maintained support for vulnerable families during lockdown, including adapting to contact via phone or video conferencing when home visits were not permitted. • Initiated wellbeing checks with young people during lockdown (1,334 contacts March-December 2020). Wellbeing checks were again reinstated during the 'circuit breaker' lockdown in June 2021,
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ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

	<p>recognising that mental health challenges are compounded by each subsequent lockdown.</p> <ul style="list-style-type: none"> • Initiation of a transitions program, supporting young people who moved from primary to secondary school in either 2020 or 2021. These young people have been identified as a priority group, with Council receiving a \$10,000 grant from VicHealth to deliver programs both in school and community settings. • Planning is underway for an event to be held during Mental Health Week – October 2021. Up to 150 students are expected to attend where they will participate in workshops to explore positive coping strategies. • Enhanced social media attention through Youth and Family Services' Facebook and Instagram accounts, including some content developed by young people for their peers. This includes posts at a minimum of one per fortnight, promoting mental health services, self-care and challenging stigma. Social media scheduling is flexible, with greater prominence given to mental health information during key events including the 'circuit breaker' lockdown in June 2021. • Maintaining a 'support services' page on the Youth Services website, which is regularly reviewed and provides links to mental health support services for young people and parents. • Information sharing and capacity building with professionals through the Greater Dandenong Youth Network. <p>Maternal and Child Health</p> <ul style="list-style-type: none"> • MCH Nurses increased provision of counselling for emotional health. For the period 1 July 2020 – 24 February 2021, MCH nurses had counselled for emotional health 208 times and made 39 referrals (comparable to 206 times and 41 referrals for the full financial year 1 July 2019 – 30 June 2020). <p>Children's Services</p> <ul style="list-style-type: none"> • Facilitate referrals for mental health support through Preschool Field Officers, Family Day Care and playgroups. • Support for vulnerable families was maintained throughout lockdown, by adapting to online playgroups, phone calls and video conferencing when home visiting was limited due to restrictions. • Family Day Care Educators are part of the Be You program, providing supportive and positive learning environments for children throughout lockdown and information for families on mental health supports for children and parents. • Information sharing through the Child and Family Partnership. <p>Community Development</p> <ul style="list-style-type: none"> • Facilitated consultation with a range of health stakeholders in Greater Dandenong to inform the development of Council's new Community Wellbeing Plan. Mental health emerged as a key priority including social isolation, anxiety and limited availability of culturally-appropriate services.
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ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

State Government	<p>Increased investment</p> <ul style="list-style-type: none"> • Provided significant investments (totalling more than \$138 million) to enhance surge capacity of the mental health system during 2020. • This included funding of online support platforms, increased capacity for Kids Helpline and support for headspace to provide additional outreach services. <p>Partners in Wellbeing</p> <ul style="list-style-type: none"> • A new service providing specialist psychosocial and wellbeing supports to people experiencing mental-ill health in response to the coronavirus pandemic. • Funded by the Victorian Government and delivered by EACH in the Greater Dandenong region.
State Government cont ...	<p>Royal Commission into Victoria's Mental Health System</p> <ul style="list-style-type: none"> • The Commission's report was tabled in Parliament on 2 March. The State Government has indicated an intention to implement all 65 recommendations. • Further detail on the timeline and prioritisation of these recommendations has not yet been released. The State Budget in May 2021 is expected to contain detail of initial priorities, with a full workforce and implementation plan to be developed by the end of 2021.
Federal Government	<p>Expansion of Medicare supported access to psychology services</p> <ul style="list-style-type: none"> • Individuals are now able to access up to 20 psychology sessions per calendar year (previously capped at 10), with a Medicare subsidy provided through a Better Mental Health Care Plan developed with a GP. <p>Royal Commission into Victoria's Mental Health System</p> <ul style="list-style-type: none"> • The Royal Commission calls for a partnership agreement between Federal and State Governments to improve access and coordination between funded services.

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)

OTHER

**RESPONSE TO NOTICE OF MOTION NO.3 – IMPACT OF COVID-19 ON
MENTAL HEALTH IN GREATER DANDENONG**

ATTACHMENT 4

**SUMMARY OF EXISTING MENTAL HEALTH
ADVOCACY EFFORTS**

PAGES 2 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

4.3.2 Response to Notice of Motion No. 3 - Impact of COVID-19 on Mental Health in Greater Dandenong (Cont.)ATTACHMENT 4:
Summary of Existing Mental Health Advocacy Efforts

Lead Organisation/Agency	Advocacy Position
South East Melbourne Primary Health Network (SEMPHN)	Unable to assist at the time of preparing a response to NoM # 3, due to being heavily committed in supporting the government's efforts in the COVID vaccine roll-out.
Southern Metropolitan Partnership	Advocating for improved service access and the development of a state-wide youth mental health strategy.
Youth Affairs Council of Victoria (YACVIC)	YACVIC are leading a cross-sector advocacy campaign for a COVID-19 recovery plan for young people, of which mental health is a key pillar. Their campaign focused on increased resourcing for outreach and prevention, as well as enhancing young people's mental health through family supports and support to engage in education and employment. (Note: Council's Youth and Family Services team are a member of YACVIC.)
Mental Health Australia (in partnership with the Federation of Ethnic Communities' Council of Australia and the National Ethnic Disability Alliance)	'Embrace' Project – a national platform for culturally appropriate resources, information and support for diverse communities.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements

File Id:	A7937768
Responsible Officer:	Executive Manager Communications & Customer Service
Attachments:	DMPL Constitution 2012 (Updated 2021) – Marked Up DMPL Constitution 2012 (Updated 2021) DMPL Management Service Agreement (Updated 2021) - Marked Up DMPL Management Services Agreement (Updated 2021) MOU – CGD DMPL (Update 2021) – Marked Up MOU – CGD DMPL (Update 2021)

1. Report Summary

Dandenong Market Pty Ltd (DMPL) is a wholly owned subsidiary company of the Greater Dandenong City Council, established in 2012.

There currently exists three key documents that set out the operating arrangements for DMPL and its relationship with Council. These are the Company Constitution, Management Services Agreement between Council and DMPL, and Memorandum of Understanding (MoU) between Council and DMPL. Since the company's inception, none of these have been reviewed and updated.

This report recommends a number of changes to those documents following a comprehensive governance review and the opportunity to critically assess how they have worked in practise.

2. Recommendation Summary

This report recommends that Council endorses a number of proposed changes to the various documents that set out the operating arrangements for Dandenong Market Pty Ltd (DMPL). This includes:

- Company Constitution;
- Management Services Agreement between Council and DMPL (and this Agreement is signed and sealed by Council); and
- Memorandum of Understanding between Council and DMPL.

The report also recommends these changes are effective from 1 July 2021.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

3. Background and Discussion

In 2020, Council initiated a review of the governance arrangements of DMPL. Recommendations made included:

- reviewing the Management Services Agreement;
- consideration of a revenue sharing model where DMPL may retain earnings and assume responsibility for some capital spending; and
- reviewing the MoU to clarify the role of the Council Representatives.

The key changes to each document are detailed below and provided in the attachments to this report, but can be summarised as follows:

3.1 Company Constitution

Changing the minimum number of directors from three to two and including a maximum term of nine consecutive years for Directors.

3.2 Management Services Agreement between Council and DMPL

Amending arrangement to reflect a 50/50 per cent profit share between Council and DMPL, where retained earnings are used to fund capital works to Dandenong Market, and clarifying the role and conduct of Council representatives.

3.3 Memorandum of Understanding between Council and DMPL

Changing the minimum number of directors from three to two and dealing with potential conflicts of interest.

4. Proposal

This report proposes a number of changes to the three key documents which set out the operating arrangements for DMPL and its relationship with Council. Copies of these documents with the changes marked up are provided in **Attachment 1**. In summary, the proposed changes are as follows:

4.1 Company Constitution:

1. Changing to the minimum number of directors from three to two.
2. Including a maximum term of nine consecutive years for directors in line with the Board Charter.

4.2 Management Services Agreement:

1. Clarifying who the Council Representatives are and their expected conduct [Clause 4.5].
2. Amending arrangements to reflect a 50/50 per cent profit share arrangement between Council and DMPL [Clause 5.2].
3. Defining how DMPL may use any retained earnings resulting from the profit share arrangement [clause 5.3].

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

4. Defining how capital works and major maintenance will be managed [clause 6];
5. General tidy up of some wording and terminology throughout the document reflecting:
 - Lease is on foot;
 - 2018 Strategic Plan has been agreed;
 - DMPL's trading history; and
 - Removing reference to Market Manager (previous agency arrangement).

4.3 Memorandum of Understanding:

1. Including minimum number of directors being two.
2. Removing reference to Director, Corporate Services.
3. Dealing with Representatives' potential conflicts of interest [Clause 4.4(e)].
4. Reformatting throughout to include numbering to allow easy identification of relevant sections.
5. General tidy up of some wording and terminology throughout.

5. Financial Implications

Based on a commencement date of 1 July 2021 the financial implications result in a net unfavourable change to the 2021-2022 Budget of approximately \$197,000. This is based on the projected payment by DMPL to Council minus the value of projects in the current capital works program that DMPL would assume responsibility for. This will be referred to the 2021-2022 Mid-Year Budget. Future years will be considered in the next review of Council's Long Term Financial Plan.

6. Consultation

Extensive consultation was undertaken amongst DMPL Board members, the Councillor representative and senior council staff. Dandenong Market's General Manager, Jennifer Hibbs and Chair of DMPL, Donna McMaster, presented the proposed amendments to Council at its Councillor Briefing Session held on 2 August 2021.

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
- *Cultural Diversity* – Model multicultural community

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Place

- *Sense of Place – One city many neighbourhoods*
- *Appearance of Places – Places and buildings*

Opportunity

- *Jobs and Business Opportunities – Prosperous and affordable*
- *Tourism and visitors – Diverse and interesting experiences*
- *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:

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*

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

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

This report has been prepared in accordance with these principles by ensuring priority in achieving the best outcomes for the municipal community, including future generations; innovation and continuous improvement; collaboration with other statutory bodies; and the ongoing financial viability of the Council.

It has also considered the supporting principles regarding public transparency (section 58), strategic planning (section 89), financial management (section 101) and service performance (section 106).

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (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 Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter. In particular, the proposed amendments to the DMPL documents protect the rights to privacy and reputation (13).

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 but are not relevant to its contents. The content is purely administrative in nature and does not benefit any one gender group over any other.

Similarly, the content of this report does not have a direct and significant impact on members of the Greater Dandenong community therefore a gender impact assessment is not required.

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 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. It is purely administrative in nature.

13. Related Council Policies, Strategies or Frameworks

The strategies, plans and policies that relate to this report are as follows:

- Council's 2021-22 Budget
- Long Term Financial Plan 2022-2031
- Asset Management Strategy

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- Councillor Code of Conduct
- Staff Code of Conduct

14. Conclusion

Having been nine years since the inception of DMPL and following a comprehensive governance review of procedures and operations, it was considered timely that these critical documents be updated. The proposed changes constitute best practice governance and set a high standard going forward for the interactions between DMPL and Greater Dandenong City Council.

15. Recommendation

That:

- 1. Council endorses a number of changes (as marked in Attachment 1) to each of the three documents that set out the operating arrangements for Dandenong Market Pty Ltd (DMPL) as provided. This includes the:**
 - **Company Constitution;**
 - **Management Services Agreement between Council and DMPL (and this Agreement is signed and sealed by Council); and**
 - **Memorandum of Understanding between Council and DMPL; and**
- 2. the changes be effective from 1 July 2021.**

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 1

**DANDENONG MARKET PTY LTD (DMPL)
CONSTITUTION (UPDATED 2021)
MARKED UP**

PAGES 21 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 6139288 0555
Facsimile 61 3 9288 0666
Info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne

Dated

Constitution

**CORPORATIONS ACT 2001
COMPANY LIMITED BY SHARES**

**Dandenong Market Pty Ltd
ACN 159 177 492**

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Maddocks

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Constitution

CORPORATIONS ACT 2001

A Company limited by Shares

DANDENONG MARKET PTY LTD ACN ##

1. Definitions

In this Constitution:

Act means the *Corporations Act 2001* (Commonwealth).

ASIC means the Australian Securities and Investment Commission.

Business Day means a day (other than a Saturday or Sunday) on which banks (as defined in the *Banking Act 1959* (Commonwealth)) are generally open for business.

Constitution means this Constitution and any supplementary, substitute or amended Constitution for the time being in force.

Company means the abovenamed company.

Delegate means a person appointed as a delegate of the Directors in accordance with clause 11.7.

Director means a Director for the time being of the Company including an attorney for a Director or alternate Director.

Directors means all Directors for the time being of the Company ~~and if there is only one Director, that Director.~~

Member means the Shareholder.

Nominated Interest Rate means the interest rate per annum calculated as the National Australia Bank Limited Base Rate plus 2% per annum.

Seal means the common seal of the Company and includes any official seal of the Company.

Secretary means any person appointed to perform the duties of a secretary of the Company.

Shares means shares in the capital of the Company.

Shareholder means Greater Dandenong City Council.

2. Name of the Company

The name of the Company is specified at the top of page one of this Constitution.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

3. Liability of Shareholder

The liability of the Shareholder is limited.

4. Limitations on Company

4.1 Members

Greater Dandenong City Council or its successor entities is the only Member of the Company.

4.2 Subscription

The Company prohibits:

4.2.1 any invitation to the public to subscribe for; and

4.2.2 any offer to the public to accept subscriptions for
any Shares in, or debentures of, the Company.

4.3 Deposits

The Company prohibits any invitation to the public to deposit money with, and any offer to the public to accept deposits of, money with the Company for fixed periods or payable at call, whether bearing or not bearing interest.

5. Replaceable Rules

Each of the sections or sub-sections of the Act which would apply to the Company as replaceable rules within the meaning of the Act, if not for this clause, are displaced and do not apply to the Company.

6. Share capital and variation of rights

6.1 General

6.1.1 Shares in the Company do not have a par value. The Directors will determine the issue price of all Shares issued.

6.1.2 Shares issued will be ordinary shares.

6.2 Entitlement to Share Certificates

6.2.1 A person whose name is entered as a Member in the register of Members is entitled to receive a certificate in respect of his or her Shares in accordance with the Act but, in respect of a Share or Shares held jointly by several persons, the Company is not bound to issue more than one certificate.

6.2.2 Delivery of a certificate for a Share to one of several joint holders is sufficient delivery to all such holders.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

6.3 Lost or Destroyed Certificates

Upon the loss or destruction of a Share certificate, it may be renewed upon payment of a fee not exceeding the prescribed amount pursuant to the Act and on provision of:

- 6.3.1 a statement in writing that the certificate has been lost or destroyed, and has not been pledged, sold or otherwise disposed of and, if lost, that proper searches have been made; and
- 6.3.2 an undertaking in writing that if it is found or received by the owner it will be returned to the Company.

7. Transfer of Shares

The Shareholder may not transfer its Shares to any other person or entity.

8. Decisions of Shareholder

- 8.1.1 If the Shareholder records the Shareholder's decision to a particular effect, the recording of the decision counts as the passing by the Member of a resolution to that effect at a general meeting of the Company.
- 8.1.2 A record made for the purposes of clause 8.1.1 also has effect as minutes of the passing of the resolution.
- 8.1.3 A record made for the purposes of clause 8.1.1 must be made in writing.

9. Appointment, removal and remuneration of Directors

9.1 General

- 9.1.1 The number of the Directors (not including alternate Directors) shall be not less than ~~three~~ two nor more than five.
- 9.1.2 The Shareholder, may by resolution:
 - (a) appoint a person as a Director for a term stated in their notice of appointment of up to 3 years; and
 - (b) increase or reduce the maximum number of Directors specified in clause 9.1.1.

9.1.3 A director who has reached the end of the term of their appointment under clause 9.1.2(a) is eligible for re-appointment, provided that their total continuous term of appointment as a director is not more than 9 years.

9.2 Retirement

- 9.2.1 Unless reappointed by the Shareholder, a Director is deemed to have retired at the expiry of the term stated in their notice of appointment under clause 9.1.2(a).
- 9.2.2 Any Director may retire from office on giving written notice to the Company and Shareholder of his or her intention to retire.
- 9.2.3 Any resignation of a Director will take effect from the date specified in the notice or if the date of resignation is earlier than the date of service of the notice on the Company, the resignation will take effect from the date of service on the Company.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.3 Filling of Vacancy

Subject to the Act, the Shareholder may by resolution appoint any person as a Director:

- 9.3.1 to replace a Director who has ceased to hold office; or
- 9.3.2 as an additional Director but so that the total number of Directors does not at any time exceed the number determined in accordance with clause 9.1.

9.4 Removal of Directors

- 9.4.1 The Shareholder may by resolution remove any Director before the expiration of his or her period of office and may by resolution appoint another person in his or her stead.
- 9.4.2 The person so appointed shall be subject to retirement at the same time as if he or she had become a Director on the day on which the Director in whose place he or she is appointed was last elected a Director.

9.5 Remuneration of Directors

- 9.5.1 The Directors shall be paid such remuneration as shall from time to time be determined by the Shareholder.
- 9.5.2 That remuneration shall be deemed to accrue from day to day.
- 9.5.3 The Directors may also be paid all travelling and other expenses properly incurred by them in attending and returning from meetings of the Directors or any committee of the Directors or general meetings of the Company or otherwise in connection with the business of the Company in accordance with a Directors' expenses policy approved by the Shareholder (if any).

9.6 Share Qualification of Directors

The Share qualification for Directors is nil.

9.7 Additional Circumstances for Vacation of Office

In addition to the circumstances in which the office of a Director shall become vacant by virtue of the Act, the office of a Director shall become vacant if the Director:

- 9.7.1 becomes of unsound mind or becomes a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- 9.7.2 resigns his or her office by notice in writing to the Company;
- 9.7.3 is absent without the consent of the Directors from meetings of the Directors held during a period of 6 months;
- 9.7.4 without the consent of the Company in general meeting holds any other office of profit under the Company except that of managing Director or principal executive officer or executive Director; or
- 9.7.5 has, subject to clause 9.8, a conflict of interest and fails to declare the nature of his or her interest as required by the Act.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.8 Conflict of Interest

- 9.8.1 A Director who has a material personal interest in a matter that relates to the affairs of the Company must give the other Directors and the Shareholder notice of the interest held at a meeting of Directors as soon as practicable after the Director becomes aware of their interest in the matter.
- 9.8.2 The Director shall declare the full details of the nature and extent of the interest and its relation to the affairs of the Company.
- 9.8.3 The Secretary shall record the declaration of a Director's interest in the minutes of the meeting.
- 9.8.4 The Director may give the other Directors standing notice of the nature and extent of the interest in the matter either at a Directors' meeting or to the other Directors individually and in writing.
- 9.8.5 If standing notice is given to the other Directors individually in writing, it must be tabled at the next meeting of Directors after it is given.
- 9.8.6 Notwithstanding any rule of law or equity to the contrary but subject to clause 9.7.5, no Director shall be or become disqualified from his or her office by contracting with the Company either as vendor or purchaser, or promoter or otherwise or from being employed or performing any service for or on behalf of the Company in any capacity, professional or otherwise, nor shall any such contract or arrangement be liable to be impeached, affected or avoided by reason of that Director being a party to or otherwise interested in that contract or arrangement, nor shall that Director be liable to account to the Company for any profit realised by or in respect of such contract or arrangement.

10. Powers and duties of Directors

10.1 General

Subject to the Act and to any other provision of this Constitution, the business of the Company shall be managed by the Directors, who may pay all expenses incurred in promoting and forming the Company and may exercise all such powers of the Company as are not, by the Act or by this Constitution, required to be exercised by the Company in general meeting.

10.2 Prohibition on Borrowing

The Company must not borrow money or charge any property or business of the Company or issue debentures or give any other security for a debt, liability or obligation of the Company.

10.3 Attorney for Company

- 10.3.1 The Directors may, by power of attorney, appoint any corporation, firm, person or persons to be the attorney or attorneys of the Company for such purposes, with such powers, authorities and discretions (being powers, authorities and discretions vested in or exercisable by the Directors), for such period and subject to such conditions as they think fit.
- 10.3.2 Any such power of attorney may contain such provisions for the protection and convenience of persons dealing with the attorney as the Directors think fit and may

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

also authorise the attorney to delegate all or any of the powers, authorities and discretions vested in him or her.

10.4 Execution of Cheques and Bills of Exchange

All cheques, promissory notes, bankers drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Company, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any 2 Directors or if the Company has only one Director, by that Director or in such other manner as the Directors determine.

10.5 Directors of Wholly-Owned Subsidiaries

When the Company is a wholly-owned subsidiary of the Shareholder, a Director may act in the best interests of the Shareholder if:

- 10.5.1 the Director acts in good faith in the best interests of the Shareholder;
- 10.5.2 the Company is not insolvent at the time the Director acts; and
- 10.5.3 the Company does not become insolvent because of the Director's act.

11. Proceedings of Directors

11.1 General

- 11.1.1 The Directors may meet together by electronic means or otherwise for the dispatch of business and adjourn and otherwise regulate their meetings as they think fit.
- 11.1.2 If there is a failure of the electronic means used in conducting a meeting of directors, the meeting shall be adjourned until the failure can be rectified. If that is not possible within one hour of the initial failure, the Directors who are able to communicate with each other must adjourn the meeting to a time, date and place determined by those Directors.

11.2 Decisions of Directors

- 11.2.1 Subject to this Constitution, questions arising at a meeting of Directors shall be decided by a majority of votes of Directors present and voting and any such decision shall for all purposes be deemed a decision of the Directors.
- 11.2.2 In case of an equality of votes, the chair of the meeting, in addition to his or her deliberative vote (if any), shall have a casting vote.

11.3 Director Interested in Contract with Company

Subject to clause 9.8, a Director may vote in respect of any contract or arrangement in which he or she is interested and may attest the affixing of the Seal to any document relating to any such contract or arrangement.

11.4 Quorum

At a meeting of Directors, the number of Directors whose presence shall be necessary to constitute a quorum shall be such number as shall be determined by the Directors and, unless so determined, shall be:

- 11.4.1 one Director, if the Company has only one Director; or

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- 11.4.2 50% of the Directors rounded down to the nearest whole number of Directors, if the Company has 2 or more Directors.

11.5 Vacancies

In the event of a vacancy or vacancies in the office of a Director or offices of Directors, the remaining Directors may act but, if the number of remaining Directors is not sufficient to constitute a quorum at a meeting of Directors, they may act only for the purpose of increasing the number of Directors to a number sufficient to constitute such a quorum or of convening a general meeting of the Company.

11.6 Chair

- 11.6.1 The Shareholder shall appoint one Director as chair of Directors' meetings and may determine the period for which that Director is to hold office.
- 11.6.2 The Directors may elect one of their number as deputy chair of their meetings and may determine the period of office for which that Director is to hold office.
- 11.6.3 The deputy chair shall chair the meetings of the Directors where the chair is absent or not present within 10 minutes after the time appointed for the time of the meeting or is unwilling to act.
- 11.6.4 Where a meeting of Directors is held and:
- (a) a chair has not been appointed as provided by clause 11.6.1 and a deputy chair has not been elected as provided by clause 11.6.2; or
 - (b) the chair and the deputy chair are both absent or not present within 10 minutes after the time appointed for the holding of the meeting or are unwilling to act,

the Directors present shall elect one of their number to be the chair of the meeting.

11.7 Delegation by Directors

- 11.7.1 The Directors may by resolution delegate any of their powers to a committee or committees of directors, a Director, an employee of the Company or any other person, consisting of such of their number as they think fit.
- 11.7.2 A Delegate must exercise the powers delegated in accordance with any directions of the Directors.
- 11.7.3 The exercise of the power of the Delegate is as effective as if the Directors had exercised it.
- 11.7.4 Directors who delegate their powers are responsible for the exercise of the power by the delegate as if the power had been exercised by the Directors themselves.

11.8 Committees of Directors

- 11.8.1 The members of any committee appointed pursuant to clause 11.7 may elect one of their number as chair of their meetings.
- 11.8.2 Where such a meeting is held and:
- (a) a chair has not been elected as provided by clause 11.8.1; or

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- (b) the chair is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act,

the committee members present may elect one of their number to be chair of the meeting.

- 11.8.3 A committee may meet and adjourn as it thinks proper.
- 11.8.4 Questions arising at a meeting of a committee shall be determined by a majority of votes of the members present and voting.
- 11.8.5 In the case of an equality of votes, the chair, in addition to his or her deliberative vote (if any), shall have a casting vote.

11.9 Resolutions of Directors

- 11.9.1 If all the Directors have signed a document containing a statement that they are in favour of a resolution of the Directors in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the Directors held on the day on which the document was signed and at the time at which the document was last signed by a Director or, if the Directors signed the document on different days, on the day on which, and at the time at which, the document was last signed by a Director.
- 11.9.2 For the purposes of clause 11.9.1, 2 or more separate documents containing statements in identical terms each of which is signed by one or more Directors shall together be deemed to constitute one document containing a statement in those terms signed by those Directors on the respective days on which they signed the separate documents.
- 11.9.3 A reference in clause 11.9.1 to all the Directors does not include a reference to a Director who, at a meeting of Directors, would not be entitled to vote on the resolution.

11.10 Decisions and Declarations of Single Director

- 11.10.1 If the Company has only one Director and the Director records the Director's decision to a particular effect, the recording of the decision counts as the passing by the Director of a resolution to that effect.
- 11.10.2 A record made for the purposes of clause 11.10.1 also has effect as minutes of the passing of the resolution.
- 11.10.3 If the Company has only one Director and the Director records the Director's declaration to a particular effect, the recording of the declaration and signing of the record counts as the making of a declaration to that effect made at a meeting of the Directors.
- 11.10.4 A record made for the purposes of clause 11.10 must be made in writing.

11.11 Validity of Acts of Directors

All acts done by any meeting of the Directors or of a Delegate or by any person acting as a Director are effective even if the appointment or the continuance of the appointment of the Director is invalid because the Company or Director did not comply with the Constitution or any provision of the Act.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

12. Managing Director

12.1 General

- 12.1.1 The Directors may with the prior written consent of the Shareholder appoint by written agreement one or more of their number to the office of managing director for such period and on such terms as are agreed, and, subject to the terms of any agreement entered into in a particular case, may revoke or vary any such appointment.
- 12.1.2 A Director so appointed shall not, while holding that office, be subject to retirement, but his or her appointment shall automatically terminate if he or she ceases for any cause to be a Director.

12.2 Remuneration of Managing Director

A managing director shall, subject to the terms of any agreement entered into in a particular case, receive such remuneration (whether by way of salary, commission or participation in profits, or partly in one way and partly in another) specified in the agreement between the company and the Managing Director.

12.3 Powers of Managing Director

- 12.3.1 The Directors may, upon such terms and conditions and with such restrictions as they think fit, confer upon a managing director any of the powers exercisable by them.
- 12.3.2 Any powers so conferred may be concurrent with, or be to the exclusion of, the powers of the Directors.
- 12.3.3 The Directors may at any time revoke or vary any of the powers so conferred on a managing director.
- 12.3.4 The Directors may delegate the responsibility for the day to day management of the operations of the Company to the managing director.
- 12.3.5 The managing director will carry out the directions of the Directors and report to the Directors.

13. Secretary

Subject to the Act the Company is not required to appoint a Secretary. However, any Secretary appointed shall hold office on such terms and conditions, as to remuneration and otherwise, as the Directors determine.

14. Seal

14.1 Custody of Seal

If the Directors resolve to have a Seal, the Directors shall provide for the safe custody of the Seal.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

14.2 Use of Seal

The Seal shall be used only by the authority of the Directors, or of a committee of the Directors authorised by the Directors to authorise the use of the Seal, and every document to which the Seal is affixed shall be:

- 14.2.1 signed by a Director and be countersigned by another Director, a Secretary or another person appointed by the Directors to countersign that document or a class of documents in which that document is included; or
- 14.2.2 if there is only one Director, who is also the only Secretary of the Company, signed by that person and it is stated next to the signature that the person witnesses the sealing in the capacity of sole Director and sole Secretary of the Company.

15. Accounts and inspection of records

15.1 Accounts

- 15.1.1 The Directors shall cause proper accounting and other records to be kept and also distribute copies of balance sheets as required by the Act.
- 15.1.2 The Directors shall, unless the Shareholder gives notice to the contrary in writing, cause to be prepared a financial report and Directors' report for a financial year.

15.2 Inspection of Records

The Shareholder or its nominee may inspect the accounting records and other documents of the Company at any reasonable time.

16. Dividends and reserves

16.1 Declaration of Dividends

Subject to the provisions of the Act and any special rights and restrictions attached to any Shares, the Directors may declare and pay dividends on shares provided that:

- 16.1.1 The Company's assets exceed its liabilities immediately before the dividend is declared and the excess is sufficient for the payment of the dividend;
- 16.1.2 the payment of the dividend is fair and reasonable to the Company's shareholders as a whole; and
- 16.1.3 the payment of the dividend does not materially prejudice the Company's ability to pay its creditors.

16.2 Calculation of Assets and Liabilities

For the purposes of declaring and paying a dividend in accordance with clause 16.1, assets and liabilities are to be calculated in accordance with accounting standards in force at the relevant time (even if the standard does not otherwise apply to the financial year of some or all of the companies concerned).

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

16.3 Interim Dividends

The Directors may declare and pay at any time such interim dividends provided the requirements in clause 16.1 have been satisfied.

16.4 Interest on Dividends

Interest shall not be payable by the Company in respect of any dividend.

16.5 Reserves

16.5.1 The Directors may, before recommending any dividend, set aside such sums as they think proper as reserves, to be applied, at the discretion of the Directors, for any purpose for which the profits of the Company may be properly applied.

16.5.2 Pending any such application, the reserves may, at the discretion of the Directors, be used in the business of the Company or be invested in such investments as the Directors think fit.

16.5.3 The Directors may carry forward so much of the excess remaining as they consider ought not to be distributed as dividends without trans erring those excess to a reserve.

16.6 Entitlement to Dividends

16.6.1 Subject to clause 16.6.4 and the rights of persons (if any) entitled to Shares with special rights as to dividend, all dividends shall be declared and paid according to the amounts paid or credited as paid on the Shares in respect of which the dividend is paid.

16.6.2 All dividends shall be apportioned and paid proportionately to the amounts paid or credited as paid on the Shares during any portion or portions of the period in respect of which the dividend is paid, but, if any Share is issued on terms providing that it will rank for dividend as from a particular date, that Share ranks for dividend accordingly.

16.6.3 An amount paid or credited as paid on a Share in advance of a call shall not be taken for the purposes of this clause 16.6 to be paid or credited as paid on the Share.

16.6.4 Where more than one class of Shares has been issued, the Directors may declare and pay a dividend or make a distribution of capitalised profits:

- (a) on the Shares of any one or more classes to the exclusion of any other class; or
- (b) on the Shares of any one class at the same rate, or a higher or lower rate than the dividend declared and paid or distribution made on the Shares of other classes.

16.7 Deductions from Dividends

The Directors may deduct from any dividend payable to a Member all sums of money (if any) presently payable by him or her to the Company on account of calls or otherwise in relation to Shares in, the Company.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

16.8 Dividends Paid from Specific Assets

- 16.8.1 The Directors when declaring a dividend may, by resolution, direct payment of the dividend wholly or partly by the distribution of specific assets, including paid up Shares in, or debentures of, any other corporation.
- 16.8.2 Where a difficulty arises in regard to such a distribution, the Directors may settle the matter as they consider expedient and fix the value for distribution of the specific assets or any part of those assets and may determine that cash payments will be made to any Members on the basis of the value so fixed in order to adjust the rights of all parties and may vest any such specific assets in trustees as the Directors consider expedient.

16.9 Payment of Dividends

- 16.9.1 Any dividend, interest or other money payable in cash in respect of Shares may be paid by cheque sent through the post directed to:
- (a) the address of the holder as shown in the register of Members, or in the case of joint holders, to the address shown in the register of Members as the address of the joint holder just first named in that register; or
 - (b) to such other address as the holder or joint holders in writing directs or direct.
- 16.9.2 Any one of 2 or more joint holders may give effective receipts for any dividends, interest or other money payable in respect of the Shares held by them as joint holders.

17. Capitalisation of profits

17.1 General

The Company may capitalise profits to:

- 17.1.1 pay up any amount unpaid on issued Shares; or
- 17.1.2 pay up Shares to be issued to Members as fully-paid bonus Shares.

17.2 Application of Capitalised Profits

The amount capitalised must be applied for the benefit of Members in the proportions in which the Members would have been entitled to dividends if the amount capitalised had been distributed as a dividend.

18. Notices

18.1 General

A notice may be given by the Company to any Member either by serving it on him or her personally or by sending it by post, facsimile transmission or electronic mail to him or her at his or her address as shown in the register of Members or the address, facsimile number or electronic mail address supplied by him or her to the Company for the giving of notices to him or her.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

18.2 Deemed Notice

Any such notice shall be deemed to have been given:

18.2.1 if by post on the day it would have been received in the normal course of post; and

18.2.2 if by facsimile transmission or electronic mail when the transmitting machine confirms successful completion of transmission during the recipient's normal business hours or, if transmission occurs after that time, during the normal business hours of the recipient on the next Business Day.

18.3 Joint Holders

A notice may be given by the Company to the joint holders of a Share by giving the notice to the joint holder first named in the register of Members in respect of the Share.

18.4 Death or Bankruptcy

A notice may be given by the Company to a person entitled to a Share in consequence of the death or bankruptcy of a Member by serving it on him or her personally or by sending it to him or her by post addressed to him or her by name, or by the title of the representative of the deceased or assignee of the bankrupt, or by any like description, at the address (if any) within the territory supplied for the purpose by the person or, if such an address has not been supplied, at the address to which the notice might have been sent if the death or bankruptcy had not occurred.

18.5 Service on Company

A document may be served on the Company by leaving it at, or by sending it by post to, the registered office of the Company.

19. Winding Up

19.1 Division of Property

If the Company is wound up, the liquidator may, with the sanction of a special resolution, divide among the Members in kind the whole or any part of the property of the Company and may for that purpose set such value as he or she considers fair upon any property to be so divided and may determine how the division is to be carried out as between the Members or different classes of Members.

19.2 Vesting of Property

The liquidator may, with the sanction of a special resolution, vest the whole or any part of any such property in trustees upon such trusts for the benefit of the contributories as the liquidator thinks fit, but so that no Member shall be compelled to accept any Shares or other securities in respect of which there is any liability.

20. Indemnity

20.1 Definition of Liability and Officer

In this clause 20:

20.1.1 Liability means costs, losses, liabilities and expenses.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

20.1.2 Officer means a Director, secretary or other officer of the Company.

20.1.3 References to Officers include references to former Officers.

20.2 Indemnity of Officers

Every Officer of the Company must be indemnified out of the assets of the Company against any Liability incurred by that Officer in the person's capacity as an Officer of the Company by reason of any act or thing done or omitted to be done by that person in that capacity or in any way in the discharge of that person's duties or by reason of or relating to the person's status as an Officer of the Company, but excluding any Liability from or against which the Company is not permitted by the Act to exempt or indemnify the Officer.

20.3 Indemnity for proceedings

Without limiting clause 20.2, every Officer of the Company must be indemnified out of the assets of the Company against any Liability incurred by that person in defending proceedings, whether civil or criminal, in respect of any act or thing done by the Officer in that person's capacity as such Officer but excluding any Liability from or against which the Company is not permitted by the Act to exempt or indemnify the Officer.

21. Interpretation

21.1 Persons

In this Constitution, a reference to a person includes a firm, partnership, joint venture, association, corporation or other corporate body.

21.2 Legislation

In this Constitution, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

21.3 This Document, Clauses and Headings

In this Constitution:

21.3.1 a reference to this or any other document includes the document as varied or replaced regardless of any change in the identity of the parties;

21.3.2 a reference to a clause, schedule or appendix is a reference to a clause, schedule or appendix in or to this Constitution;

21.3.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form; and

21.3.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Constitution.

21.4 Business Day

If a payment or other act is required by this Constitution to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

21.5 Number and Gender

In this Constitution, a reference to:

21.5.1 the singular includes the plural and vice versa; and

21.5.2 a gender includes the other genders.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Statement by persons who have consented to be Members

We, the persons whose full names and addresses are set out below and who consent to becoming a member of the Company agree to the form of the constitution of the Company set out above.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 2

**DANDENONG MARKET PTY LTD (DMPL)
CONSTITUTION (UPDATED 2021)**

PAGES 21 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 6139288 0555
Facsimile 61 3 9288 0666
Info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne

Dated

Constitution

**CORPORATIONS ACT 2001
COMPANY LIMITED BY SHARES**

**Dandenong Market Pty Ltd
ACN 159 177 492**

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Maddocks

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Constitution

CORPORATIONS ACT 2001

A Company limited by Shares

DANDENONG MARKET PTY LTD ACN ##

1. Definitions

In this Constitution:

Act means the *Corporations Act 2001* (Commonwealth).

ASIC means the Australian Securities and Investment Commission.

Business Day means a day (other than a Saturday or Sunday) on which banks (as defined in the *Banking Act 1959* (Commonwealth)) are generally open for business.

Constitution means this Constitution and any supplementary, substitute or amended Constitution for the time being in force.

Company means the abovenamed company.

Delegate means a person appointed as a delegate of the Directors in accordance with clause 11.7.

Director means a Director for the time being of the Company including an attorney for a Director or alternate Director.

Directors means all Directors for the time being of the Company.

Member means the Shareholder.

Nominated Interest Rate means the interest rate per annum calculated as the National Australia Bank Limited Base Rate plus 2% per annum.

Seal means the common seal of the Company and includes any official seal of the Company.

Secretary means any person appointed to perform the duties of a secretary of the Company.

Shares means shares in the capital of the Company.

Shareholder means Greater Dandenong City Council.

2. Name of the Company

The name of the Company is specified at the top of page one of this Constitution.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

3. Liability of Shareholder

The liability of the Shareholder is limited.

4. Limitations on Company

4.1 Members

Greater Dandenong City Council or its successor entities is the only Member of the Company.

4.2 Subscription

The Company prohibits:

4.2.1 any invitation to the public to subscribe for; and

4.2.2 any offer to the public to accept subscriptions for any Shares in, or debentures of, the Company.

4.3 Deposits

The Company prohibits any invitation to the public to deposit money with, and any offer to the public to accept deposits of, money with the Company for fixed periods or payable at call, whether bearing or not bearing interest.

5. Replaceable Rules

Each of the sections or sub-sections of the Act which would apply to the Company as replaceable rules within the meaning of the Act, if not for this clause, are displaced and do not apply to the Company.

6. Share capital and variation of rights

6.1 General

6.1.1 Shares in the Company do not have a par value. The Directors will determine the issue price of all Shares issued.

6.1.2 Shares issued will be ordinary shares.

6.2 Entitlement to Share Certificates

6.2.1 A person whose name is entered as a Member in the register of Members is entitled to receive a certificate in respect of his or her Shares in accordance with the Act but, in respect of a Share or Shares held jointly by several persons, the Company is not bound to issue more than one certificate.

6.2.2 Delivery of a certificate for a Share to one of several joint holders is sufficient delivery to all such holders.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

6.3 Lost or Destroyed Certificates

Upon the loss or destruction of a Share certificate, it may be renewed upon payment of a fee not exceeding the prescribed amount pursuant to the Act and on provision of:

- 6.3.1 a statement in writing that the certificate has been lost or destroyed, and has not been pledged, sold or otherwise disposed of and, if lost, that proper searches have been made; and
- 6.3.2 an undertaking in writing that if it is found or received by the owner it will be returned to the Company.

7. Transfer of Shares

The Shareholder may not transfer its Shares to any other person or entity.

8. Decisions of Shareholder

- 8.1.1 If the Shareholder records the Shareholder's decision to a particular effect, the recording of the decision counts as the passing by the Member of a resolution to that effect at a general meeting of the Company.
- 8.1.2 A record made for the purposes of clause 8.1.1 also has effect as minutes of the passing of the resolution.
- 8.1.3 A record made for the purposes of clause 8.1.1 must be made in writing.

9. Appointment, removal and remuneration of Directors

9.1 General

- 9.1.1 The number of the Directors (not including alternate Directors) shall be not less than two nor more than five.
- 9.1.2 The Shareholder, may by resolution:
 - (a) appoint a person as a Director for a term stated in their notice of appointment of up to 3 years; and
 - (b) increase or reduce the maximum number of Directors specified in clause 9.1.1.
- 9.1.3 A director who has reached the end of the term of their appointment under clause 9.1.2(a) is eligible for re-appointment, provided that their total continuous term of appointment as a director is not more than 9 years.

9.2 Retirement

- 9.2.1 Unless reappointed by the Shareholder, a Director is deemed to have retired at the expiry of the term stated in their notice of appointment under clause 9.1.2(a).
- 9.2.2 Any Director may retire from office on giving written notice to the Company and Shareholder of his or her intention to retire.
- 9.2.3 Any resignation of a Director will take effect from the date specified in the notice or if the date of resignation is earlier than the date of service of the notice on the Company, the resignation will take effect from the date of service on the Company.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.3 Filling of Vacancy

Subject to the Act, the Shareholder may by resolution appoint any person as a Director:

- 9.3.1 to replace a Director who has ceased to hold office; or
- 9.3.2 as an additional Director but so that the total number of Directors does not at any time exceed the number determined in accordance with clause 9.1.

9.4 Removal of Directors

- 9.4.1 The Shareholder may by resolution remove any Director before the expiration of his or her period of office and may by resolution appoint another person in his or her stead.
- 9.4.2 The person so appointed shall be subject to retirement at the same time as if he or she had become a Director on the day on which the Director in whose place he or she is appointed was last elected a Director.

9.5 Remuneration of Directors

- 9.5.1 The Directors shall be paid such remuneration as shall from time to time be determined by the Shareholder.
- 9.5.2 That remuneration shall be deemed to accrue from day to day.
- 9.5.3 The Directors may also be paid all travelling and other expenses properly incurred by them in attending and returning from meetings of the Directors or any committee of the Directors or general meetings of the Company or otherwise in connection with the business of the Company in accordance with a Directors' expenses policy approved by the Shareholder (if any).

9.6 Share Qualification of Directors

The Share qualification for Directors is nil.

9.7 Additional Circumstances for Vacation of Office

In addition to the circumstances in which the office of a Director shall become vacant by virtue of the Act, the office of a Director shall become vacant if the Director:

- 9.7.1 becomes of unsound mind or becomes a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- 9.7.2 resigns his or her office by notice in writing to the Company;
- 9.7.3 is absent without the consent of the Directors from meetings of the Directors held during a period of 6 months;
- 9.7.4 without the consent of the Company in general meeting holds any other office of profit under the Company except that of managing Director or principal executive officer or executive Director; or
- 9.7.5 has, subject to clause 9.8, a conflict of interest and fails to declare the nature of his or her interest as required by the Act.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.8 Conflict of Interest

- 9.8.1 A Director who has a material personal interest in a matter that relates to the affairs of the Company must give the other Directors and the Shareholder notice of the interest held at a meeting of Directors as soon as practicable after the Director becomes aware of their interest in the matter.
- 9.8.2 The Director shall declare the full details of the nature and extent of the interest and its relation to the affairs of the Company.
- 9.8.3 The Secretary shall record the declaration of a Director's interest in the minutes of the meeting.
- 9.8.4 The Director may give the other Directors standing notice of the nature and extent of the interest in the matter either at a Directors' meeting or to the other Directors individually and in writing.
- 9.8.5 If standing notice is given to the other Directors individually in writing, it must be tabled at the next meeting of Directors after it is given.
- 9.8.6 Notwithstanding any rule of law or equity to the contrary but subject to clause 9.7.5, no Director shall be or become disqualified from his or her office by contracting with the Company either as vendor or purchaser, or promoter or otherwise or from being employed or performing any service for or on behalf of the Company in any capacity, professional or otherwise, nor shall any such contract or arrangement be liable to be impeached, affected or avoided by reason of that Director being a party to or otherwise interested in that contract or arrangement, nor shall that Director be liable to account to the Company for any profit realised by or in respect of such contract or arrangement.

10. Powers and duties of Directors

10.1 General

Subject to the Act and to any other provision of this Constitution, the business of the Company shall be managed by the Directors, who may pay all expenses incurred in promoting and forming the Company and may exercise all such powers of the Company as are not, by the Act or by this Constitution, required to be exercised by the Company in general meeting.

10.2 Prohibition on Borrowing

The Company must not borrow money or charge any property or business of the Company or issue debentures or give any other security for a debt, liability or obligation of the Company.

10.3 Attorney for Company

- 10.3.1 The Directors may, by power of attorney, appoint any corporation, firm, person or persons to be the attorney or attorneys of the Company for such purposes, with such powers, authorities and discretions (being powers, authorities and discretions vested in or exercisable by the Directors), for such period and subject to such conditions as they think fit.
- 10.3.2 Any such power of attorney may contain such provisions for the protection and convenience of persons dealing with the attorney as the Directors think fit and may

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

also authorise the attorney to delegate all or any of the powers, authorities and discretions vested in him or her.

10.4 Execution of Cheques and Bills of Exchange

All cheques, promissory notes, bankers drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Company, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any 2 Directors or if the Company has only one Director, by that Director or in such other manner as the Directors determine.

10.5 Directors of Wholly-Owned Subsidiaries

When the Company is a wholly-owned subsidiary of the Shareholder, a Director may act in the best interests of the Shareholder if:

- 10.5.1 the Director acts in good faith in the best interests of the Shareholder;
- 10.5.2 the Company is not insolvent at the time the Director acts; and
- 10.5.3 the Company does not become insolvent because of the Director's act.

11. Proceedings of Directors

11.1 General

- 11.1.1 The Directors may meet together by electronic means or otherwise for the dispatch of business and adjourn and otherwise regulate their meetings as they think fit.
- 11.1.2 If there is a failure of the electronic means used in conducting a meeting of directors, the meeting shall be adjourned until the failure can be rectified. If that is not possible within one hour of the initial failure, the Directors who are able to communicate with each other must adjourn the meeting to a time, date and place determined by those Directors.

11.2 Decisions of Directors

- 11.2.1 Subject to this Constitution, questions arising at a meeting of Directors shall be decided by a majority of votes of Directors present and voting and any such decision shall for all purposes be deemed a decision of the Directors.
- 11.2.2 In case of an equality of votes, the chair of the meeting, in addition to his or her deliberative vote (if any), shall have a casting vote.

11.3 Director Interested in Contract with Company

Subject to clause 9.8, a Director may vote in respect of any contract or arrangement in which he or she is interested and may attest the affixing of the Seal to any document relating to any such contract or arrangement.

11.4 Quorum

At a meeting of Directors, the number of Directors whose presence shall be necessary to constitute a quorum shall be such number as shall be determined by the Directors and, unless so determined, shall be:

- 11.4.1 one Director, if the Company has only one Director; or

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- 11.4.2 50% of the Directors rounded down to the nearest whole number of Directors, if the Company has 2 or more Directors.

11.5 Vacancies

In the event of a vacancy or vacancies in the office of a Director or offices of Directors, the remaining Directors may act but, if the number of remaining Directors is not sufficient to constitute a quorum at a meeting of Directors, they may act only for the purpose of increasing the number of Directors to a number sufficient to constitute such a quorum or of convening a general meeting of the Company.

11.6 Chair

- 11.6.1 The Shareholder shall appoint one Director as chair of Directors' meetings and may determine the period for which that Director is to hold office.
- 11.6.2 The Directors may elect one of their number as deputy chair of their meetings and may determine the period of office for which that Director is to hold office.
- 11.6.3 The deputy chair shall chair the meetings of the Directors where the chair is absent or not present within 10 minutes after the time appointed for the time of the meeting or is unwilling to act.
- 11.6.4 Where a meeting of Directors is held and:
- (a) a chair has not been appointed as provided by clause 11.6.1 and a deputy chair has not been elected as provided by clause 11.6.2; or
 - (b) the chair and the deputy chair are both absent or not present within 10 minutes after the time appointed for the holding of the meeting or are unwilling to act,

the Directors present shall elect one of their number to be the chair of the meeting.

11.7 Delegation by Directors

- 11.7.1 The Directors may by resolution delegate any of their powers to a committee or committees of directors, a Director, an employee of the Company or any other person, consisting of such of their number as they think fit.
- 11.7.2 A Delegate must exercise the powers delegated in accordance with any directions of the Directors.
- 11.7.3 The exercise of the power of the Delegate is as effective as if the Directors had exercised it.
- 11.7.4 Directors who delegate their powers are responsible for the exercise of the power by the delegate as if the power had been exercised by the Directors themselves.

11.8 Committees of Directors

- 11.8.1 The members of any committee appointed pursuant to clause 11.7 may elect one of their number as chair of their meetings.
- 11.8.2 Where such a meeting is held and:
- (a) a chair has not been elected as provided by clause 11.8.1; or

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- (b) the chair is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act,

the committee members present may elect one of their number to be chair of the meeting.

- 11.8.3 A committee may meet and adjourn as it thinks proper.
- 11.8.4 Questions arising at a meeting of a committee shall be determined by a majority of votes of the members present and voting.
- 11.8.5 In the case of an equality of votes, the chair, in addition to his or her deliberative vote (if any), shall have a casting vote.

11.9 Resolutions of Directors

- 11.9.1 If all the Directors have signed a document containing a statement that they are in favour of a resolution of the Directors in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the Directors held on the day on which the document was signed and at the time at which the document was last signed by a Director or, if the Directors signed the document on different days, on the day on which, and at the time at which, the document was last signed by a Director.
- 11.9.2 For the purposes of clause 11.9.1, 2 or more separate documents containing statements in identical terms each of which is signed by one or more Directors shall together be deemed to constitute one document containing a statement in those terms signed by those Directors on the respective days on which they signed the separate documents.
- 11.9.3 A reference in clause 11.9.1 to all the Directors does not include a reference to a Director who, at a meeting of Directors, would not be entitled to vote on the resolution.

11.10 Decisions and Declarations of Single Director

- 11.10.1 If the Company has only one Director and the Director records the Director's decision to a particular effect, the recording of the decision counts as the passing by the Director of a resolution to that effect.
- 11.10.2 A record made for the purposes of clause 11.10.1 also has effect as minutes of the passing of the resolution.
- 11.10.3 If the Company has only one Director and the Director records the Director's declaration to a particular effect, the recording of the declaration and signing of the record counts as the making of a declaration to that effect made at a meeting of the Directors.
- 11.10.4 A record made for the purposes of clause 11.10 must be made in writing.

11.11 Validity of Acts of Directors

All acts done by any meeting of the Directors or of a Delegate or by any person acting as a Director are effective even if the appointment or the continuance of the appointment of the Director is invalid because the Company or Director did not comply with the Constitution or any provision of the Act.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

12. Managing Director

12.1 General

- 12.1.1 The Directors may with the prior written consent of the Shareholder appoint by written agreement one or more of their number to the office of managing director for such period and on such terms as are agreed, and, subject to the terms of any agreement entered into in a particular case, may revoke or vary any such appointment.
- 12.1.2 A Director so appointed shall not, while holding that office, be subject to retirement, but his or her appointment shall automatically terminate if he or she ceases for any cause to be a Director.

12.2 Remuneration of Managing Director

A managing director shall, subject to the terms of any agreement entered into in a particular case, receive such remuneration (whether by way of salary, commission or participation in profits, or partly in one way and partly in another) specified in the agreement between the company and the Managing Director.

12.3 Powers of Managing Director

- 12.3.1 The Directors may, upon such terms and conditions and with such restrictions as they think fit, confer upon a managing director any of the powers exercisable by them.
- 12.3.2 Any powers so conferred may be concurrent with, or be to the exclusion of, the powers of the Directors.
- 12.3.3 The Directors may at any time revoke or vary any of the powers so conferred on a managing director.
- 12.3.4 The Directors may delegate the responsibility for the day to day management of the operations of the Company to the managing director.
- 12.3.5 The managing director will carry out the directions of the Directors and report to the Directors.

13. Secretary

Subject to the Act the Company is not required to appoint a Secretary. However, any Secretary appointed shall hold office on such terms and conditions, as to remuneration and otherwise, as the Directors determine.

14. Seal

14.1 Custody of Seal

If the Directors resolve to have a Seal, the Directors shall provide for the safe custody of the Seal.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

14.2 Use of Seal

The Seal shall be used only by the authority of the Directors, or of a committee of the Directors authorised by the Directors to authorise the use of the Seal, and every document to which the Seal is affixed shall be:

- 14.2.1 signed by a Director and be countersigned by another Director, a Secretary or another person appointed by the Directors to countersign that document or a class of documents in which that document is included; or
- 14.2.2 if there is only one Director, who is also the only Secretary of the Company, signed by that person and it is stated next to the signature that the person witnesses the sealing in the capacity of sole Director and sole Secretary of the Company.

15. Accounts and inspection of records

15.1 Accounts

- 15.1.1 The Directors shall cause proper accounting and other records to be kept and also distribute copies of balance sheets as required by the Act.
- 15.1.2 The Directors shall, unless the Shareholder gives notice to the contrary in writing, cause to be prepared a financial report and Directors' report for a financial year.

15.2 Inspection of Records

The Shareholder or its nominee may inspect the accounting records and other documents of the Company at any reasonable time.

16. Dividends and reserves

16.1 Declaration of Dividends

Subject to the provisions of the Act and any special rights and restrictions attached to any Shares, the Directors may declare and pay dividends on shares provided that:

- 16.1.1 The Company's assets exceed its liabilities immediately before the dividend is declared and the excess is sufficient for the payment of the dividend;
- 16.1.2 the payment of the dividend is fair and reasonable to the Company's shareholders as a whole; and
- 16.1.3 the payment of the dividend does not materially prejudice the Company's ability to pay its creditors.

16.2 Calculation of Assets and Liabilities

For the purposes of declaring and paying a dividend in accordance with clause 16.1, assets and liabilities are to be calculated in accordance with accounting standards in force at the relevant time (even if the standard does not otherwise apply to the financial year of some or all of the companies concerned).

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

16.3 Interim Dividends

The Directors may declare and pay at any time such interim dividends provided the requirements in clause 16.1 have been satisfied.

16.4 Interest on Dividends

Interest shall not be payable by the Company in respect of any dividend.

16.5 Reserves

16.5.1 The Directors may, before recommending any dividend, set aside such sums as they think proper as reserves, to be applied, at the discretion of the Directors, for any purpose for which the profits of the Company may be properly applied.

16.5.2 Pending any such application, the reserves may, at the discretion of the Directors, be used in the business of the Company or be invested in such investments as the Directors think fit.

16.5.3 The Directors may carry forward so much of the excess remaining as they consider ought not to be distributed as dividends without trans erring those excess to a reserve.

16.6 Entitlement to Dividends

16.6.1 Subject to clause 16.6.4 and the rights of persons (if any) entitled to Shares with special rights as to dividend, all dividends shall be declared and paid according to the amounts paid or credited as paid on the Shares in respect of which the dividend is paid.

16.6.2 All dividends shall be apportioned and paid proportionately to the amounts paid or credited as paid on the Shares during any portion or portions of the period in respect of which the dividend is paid, but, if any Share is issued on terms providing that it will rank for dividend as from a particular date, that Share ranks for dividend accordingly.

16.6.3 An amount paid or credited as paid on a Share in advance of a call shall not be taken for the purposes of this clause 16.6 to be paid or credited as paid on the Share.

16.6.4 Where more than one class of Shares has been issued, the Directors may declare and pay a dividend or make a distribution of capitalised profits:

- (a) on the Shares of any one or more classes to the exclusion of any other class; or
- (b) on the Shares of any one class at the same rate, or a higher or lower rate than the dividend declared and paid or distribution made on the Shares of other classes.

16.7 Deductions from Dividends

The Directors may deduct from any dividend payable to a Member all sums of money (if any) presently payable by him or her to the Company on account of calls or otherwise in relation to Shares in, the Company.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

16.8 Dividends Paid from Specific Assets

- 16.8.1 The Directors when declaring a dividend may, by resolution, direct payment of the dividend wholly or partly by the distribution of specific assets, including paid up Shares in, or debentures of, any other corporation.
- 16.8.2 Where a difficulty arises in regard to such a distribution, the Directors may settle the matter as they consider expedient and fix the value for distribution of the specific assets or any part of those assets and may determine that cash payments will be made to any Members on the basis of the value so fixed in order to adjust the rights of all parties and may vest any such specific assets in trustees as the Directors consider expedient.

16.9 Payment of Dividends

- 16.9.1 Any dividend, interest or other money payable in cash in respect of Shares may be paid by cheque sent through the post directed to:
- (a) the address of the holder as shown in the register of Members, or in the case of joint holders, to the address shown in the register of Members as the address of the joint holder just first named in that register; or
 - (b) to such other address as the holder or joint holders in writing directs or direct.
- 16.9.2 Any one of 2 or more joint holders may give effective receipts for any dividends, interest or other money payable in respect of the Shares held by them as joint holders.

17. Capitalisation of profits

17.1 General

The Company may capitalise profits to:

- 17.1.1 pay up any amount unpaid on issued Shares; or
- 17.1.2 pay up Shares to be issued to Members as fully-paid bonus Shares.

17.2 Application of Capitalised Profits

The amount capitalised must be applied for the benefit of Members in the proportions in which the Members would have been entitled to dividends if the amount capitalised had been distributed as a dividend.

18. Notices

18.1 General

A notice may be given by the Company to any Member either by serving it on him or her personally or by sending it by post, facsimile transmission or electronic mail to him or her at his or her address as shown in the register of Members or the address, facsimile number or electronic mail address supplied by him or her to the Company for the giving of notices to him or her.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

18.2 Deemed Notice

Any such notice shall be deemed to have been given:

18.2.1 if by post on the day it would have been received in the normal course of post; and

18.2.2 if by facsimile transmission or electronic mail when the transmitting machine confirms successful completion of transmission during the recipient's normal business hours or, if transmission occurs after that time, during the normal business hours of the recipient on the next Business Day.

18.3 Joint Holders

A notice may be given by the Company to the joint holders of a Share by giving the notice to the joint holder first named in the register of Members in respect of the Share.

18.4 Death or Bankruptcy

A notice may be given by the Company to a person entitled to a Share in consequence of the death or bankruptcy of a Member by serving it on him or her personally or by sending it to him or her by post addressed to him or her by name, or by the title of the representative of the deceased or assignee of the bankrupt, or by any like description, at the address (if any) within the territory supplied for the purpose by the person or, if such an address has not been supplied, at the address to which the notice might have been sent if the death or bankruptcy had not occurred.

18.5 Service on Company

A document may be served on the Company by leaving it at, or by sending it by post to, the registered office of the Company.

19. Winding Up

19.1 Division of Property

If the Company is wound up, the liquidator may, with the sanction of a special resolution, divide among the Members in kind the whole or any part of the property of the Company and may for that purpose set such value as he or she considers fair upon any property to be so divided and may determine how the division is to be carried out as between the Members or different classes of Members.

19.2 Vesting of Property

The liquidator may, with the sanction of a special resolution, vest the whole or any part of any such property in trustees upon such trusts for the benefit of the contributories as the liquidator thinks fit, but so that no Member shall be compelled to accept any Shares or other securities in respect of which there is any liability.

20. Indemnity

20.1 Definition of Liability and Officer

In this clause 20:

20.1.1 Liability means costs, losses, liabilities and expenses.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

20.1.2 Officer means a Director, secretary or other officer of the Company.

20.1.3 References to Officers include references to former Officers.

20.2 Indemnity of Officers

Every Officer of the Company must be indemnified out of the assets of the Company against any Liability incurred by that Officer in the person's capacity as an Officer of the Company by reason of any act or thing done or omitted to be done by that person in that capacity or in any way in the discharge of that person's duties or by reason of or relating to the person's status as an Officer of the Company, but excluding any Liability from or against which the Company is not permitted by the Act to exempt or indemnify the Officer.

20.3 Indemnity for proceedings

Without limiting clause 20.2, every Officer of the Company must be indemnified out of the assets of the Company against any Liability incurred by that person in defending proceedings, whether civil or criminal, in respect of any act or thing done by the Officer in that person's capacity as such Officer but excluding any Liability from or against which the Company is not permitted by the Act to exempt or indemnify the Officer.

21. Interpretation

21.1 Persons

In this Constitution, a reference to a person includes a firm, partnership, joint venture, association, corporation or other corporate body.

21.2 Legislation

In this Constitution, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

21.3 This Document, Clauses and Headings

In this Constitution:

21.3.1 a reference to this or any other document includes the document as varied or replaced regardless of any change in the identity of the parties;

21.3.2 a reference to a clause, schedule or appendix is a reference to a clause, schedule or appendix in or to this Constitution;

21.3.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form; and

21.3.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Constitution.

21.4 Business Day

If a payment or other act is required by this Constitution to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

21.5 Number and Gender

In this Constitution, a reference to:

21.5.1 the singular includes the plural and vice versa; and

21.5.2 a gender includes the other genders.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Statement by persons who have consented to be Members

We, the persons whose full names and addresses are set out below and who consent to becoming a member of the Company agree to the form of the constitution of the Company set out above.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 3

**DANDENONG MARKET PTY LTD (DMPL)
MANAGEMENT SERVICES AGREEMENT
UPDATED 2021 – MARKED UP**

PAGES 31 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

| 
| ~~Date: 2:ie>/ 11 / 18~~

1. **Dandenong Market
Management Services Agreement**

Greater Dandenong City Council
ABN 41 205 538 060
and

Dandenong Market Pty Ltd
ACN 159 177 492

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Dandenong Market Management Services

Agreement Dated

Parties

Name **Greater Dandenong City Council ABN 41 205 538 060**
Address ~~39 Clow Street~~ 225 Lonsdale Street, Dandenong, Victoria 3175
Facsimile **03 9239 5196**
Email council@cgd.vie.gov.au
Contact ~~Mick Jaensch~~ Kylie Sprague, Manager Communications & Customer Service
Director Corporate Services
Short name Council

Name **Dandenong Market Pty Ltd ACN 159 177 492**
Address ~~39-40~~ Clow Street, Dandenong,
Victoria 3175
Email: info@dandenongmarket.com.au
Contact ~~Julie Busch~~ Donna McMaster, Chair
Short name DMPL

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Background

A. Council is the owner of the Dandenong Market at Cleeland Street, Dandenong.

~~B. Council has granted Existing Leases and Existing Licence Agreements in respect of premises at the Dandenong Market. Council has appointed a Market Manager to manage the day to day operation of the Dandenong Market on its behalf.~~

~~C.B. DMPL is a company registered under the Corporations Act 2001 wholly owned by Council.~~

~~D.C. Council has resolved to implement an independent arm's length governance framework for the Dandenong Market under which Council appoints DMPL to provide agreed Management Services to Council in respect of the Dandenong Market, including to:~~

~~C.1 manage the day to day operations of Dandenong Market on its behalf including entering into leases and licences with Market tenants and licensees.~~

~~D.4C.2 Develop and develop implementation of the a long term Strategic Plan for the future development and direction of the Dandenong Market for the consideration and approval of Council;~~

~~D.2C.3 develop an Annual Business Plan and Budget in respect of each financial year consistent with the with the Strategic Plan for the consideration and approval of Council;~~

~~D.3C.4 provide regular reports to Council in relation to the operations of the Dandenong Market, including progress in the development and execution implementation of the Strategic Plan, and Annual Plan & and Budget; and~~

~~D.4C.5 to perform its obligations under the Lease;~~

~~D.5 to use its best endeavours to procure licensees to agree to the novation of the Existing Licence Agreements from Council to DMPL;~~

~~D.6 to perform its obligations and enforce the terms of the Existing Licence Agreements which have been novated to DMPL, or assist Council in all respects to perform its obligations and enforce the terms of the Existing Lease Agreements which have not been novated to DMPL; and~~

~~D.7 receive reports from and provide instructions to the Market Manager as required from time to time.~~

~~E.D. In order to ensure the continued efficient operation of the Dandenong Market, Council grants to DMPL for the term of this Agreement:~~

~~E.1D.1 a Lease;~~

~~E.2D.2 the right to manage the Existing Lease and Licence Agreements, including the right to procure tenants and licensees to agree to the novation of the Existing Licence Agreements from Council to DMPL; and~~

~~E.3D.3 the right to receive rent and other income received in respect of the~~

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Dandenong Market during the Term.

~~F.E.~~ In consideration for Council's appointment of it under this Agreement and the benefits referred to in Recital ~~ED~~, DMPL undertakes to Council:

~~F.4E.1~~ to perform all of its roles, functions and duties with due care and skill;

~~F.2E.2~~ to ensure that it does not cause Council to breach or contravene ~~any lease or licence at the Dandenong Market or any of Council's obligations in relation to the Dandenong Market, including to the Market Manager; and~~

~~F.3~~ to indemnify Council in respect of any claims arising out of a breach of its obligations referred to in Recital ~~F.2~~; and

~~F.4E.3~~ to pay to Council ~~all rent and other income received in respect of the Dandenong Market, less DMPL's agreed Management Services Fee determined in accordance with the Annual Plan & Budget any fees or other sums due under this Agreement.~~

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

The Parties Agree

~~4.2.~~ Definitions

In this document unless expressed or implied to the contrary:

Annual Business Plan & Budget means the annual business plan and budget for the operation of the Dandenong Market which is consistent with the Strategic Plan ~~to be prepared by DMPL for consideration and approval by Council for Dandenong Market.~~

Business Day means Monday to Friday excluding public holidays in Victoria.

Council Representative means a Councillor or member of Council's executive appointed by Council as a liaison between Council and the DMPL Board.

Dandenong Market means the Dandenong Market including the land identified as the existing supermarket located at Cleeland Street, Dandenong as shown on the plan annexed in Schedule 1.

~~**Existing Leases** means all leases which have been entered into by Council at the Dandenong Market and which are on foot at the date of this Agreement (except for the Lease to Aldi).~~

~~**Existing Licence Agreements** means all licence agreements which have been entered into by Council at the Dandenong Market and which are on foot at the date of this Agreement.~~

Insolvency Event means any of the following events:

- (a) a party becomes insolvent;
- (b) a receiver, receiver and manager, administrator, controller, provisional liquidator or liquidator is appointed to a party or a party enters into a scheme of arrangement with its creditors or is wound up;
- (a) a party assigns any of its property for the benefit of creditors or any class of them;
- (b) an encumbrance takes any step towards taking possession or takes possession of any assets of a party or exercises any power of sale; or
- (c) the party has a judgment or order given against it in an amount exceeding ~~(c)~~ \$10,000.00 (or the equivalent in another currency) and that judgment or order is not satisfied or quashed or stayed within 20 Business Days after being given.

Lease means the Lease dated 30 November 2012 from and the new lease for the ALDI site between Council and DMPL over all the premises at the Dandenong Market (except the premises leased to Aldi), which operates as a concurrent lease with respect to those premises described in the Existing Leases.

Management Services means the management services to be provided by DMPL, to Council in respect of the Dandenong Market, including:

- (a) ~~managing the manage~~ the day to day operations of Dandenong Market;
- (a)(b) ~~to develop implementing the a long term~~ Strategic Plan for the future development and direction of the Dandenong Market for the consideration and approval of Council;
- (b)(c) ~~to develop~~ developing an Annual Business Plan & Budget in respect of each financial

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

year ~~consistent with~~ consistent with the Strategic Plan for the consideration and approval of Council;

- ~~(c)(d)~~ to provide providing regular reports to Council in relation to the operations of the Dandenong Market Dandenong Market, including progress in the development and execution of the Strategic Plan, ~~and~~ Annual Business Plan ~~and~~ Budget;
- ~~(d)~~ (e) ~~to perform~~ performing its obligations under the Lease;
- (f) ~~to use its best endeavours to procure licensees to agree to the novation of the Existing Licence Agreements from Council to DMPL to perform its obligations and enforce~~ ing the terms of the ~~Existing any Lease or Licence Agreements which have been novated to~~ with DMPL, ~~or assist Council in all respects to perform its obligations and enforce the terms of the Existing Lease Agreements which have not been novated to~~ DMPL;
- (g) developing and adopting a dispute resolution mechanism to address and resolve disputes with and issues raised by traders in relation to the Dandenong Market;
- ~~(e)~~ receive reports from and provide instructions to the Market Manager as required from time to time; and
- (h) providing such other services as may be agreed between Council and DMPL from time to time.

~~To avoid any doubt, the Management Services do not include any services to be exclusively or routinely provided by the Market Manager pursuant to its agreement with Council.~~

~~**Management Services Fee** means the amount agreed by Council and DMPL specified in the relevant Annual Plan & Budget and calculated by reference to DMPL's costs of providing the Management Services to Council.~~

~~**Market Manager** means the licensed estate agent appointed by Council to act on Council's behalf to manage the operation, licensing and leasing of the Dandenong Market from time to time, if any. At the date of this Agreement, the Market Manager is Savills (Aust) Pty Ltd ACN 056 426 834.~~

~~**Strategic Plan** means the long term 2018 S-strategic Pplan for the future development and direction ~~of~~ of the Dandenong Market ~~to be prepared by DMPL for the consideration and approval of~~ by Council.~~

~~**New Strategic Plan** means any Strategic Plan prepared by DMPL and approved by Council that replaces the 2018 Strategic Plan.~~

~~**Operating Profit** means DMPL earnings the proceeds from Dandenong Market operations after deducting operating expenses (excluding any depreciation or expenditure on capital items or leasehold improvements), from rents, licence fees and other income received, ~~but excludes any depreciation or spend on capital purchases or leasehold improvements.~~~~

~~**Return to Council** means the monies payable to Council under this Agreement pursuant to Clause 5.2.~~

~~**Term** means the term of this Aagreement determined in accordance with clause 3.~~

2.3. Appointment

Council appoints DMPL to provide the Management Services to Council for the Term ~~in~~ subject to and in accordance with the terms and conditions of this Agreement. DMPL accepts that appointment.

[5898801: 40494224_1]

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~3.4.~~ Term

3.1 Initial Term

This Agreement ~~and the appointment of DMPL~~ commences ~~with effect from the day the~~
~~Lease commences~~ 1 July 2021 and continues until 30 June 20~~26~~15 unless extended pursuant
to clause 3.2 or terminated sooner under clause ~~98.~~

3.2 Extinguish Earlier Agreement

~~Upon commencement of this Agreement, supersedes and replaces any earlier agreement~~
~~between the parties relating to the provision of Management Services in respect of~~
~~Dandenong Market is extinguished.~~

~~3.2.3~~ Renewal of Term

~~3.2.3.1~~ Not more than 12 months and not less than 6 months prior to the
expiry of the Term, Council may give DMPL written notice that it does not wish this agreement
to renew.

~~3.3.2~~ Unless Council gives DMPL a notice under clause 3.~~3.2~~.1, this Agreement will be taken to have
been renewed for a further term of 12 months commencing upon the date it would otherwise
have expired.

~~3.2.2~~

[5898801: 40494224_1]

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~3.2.33.3.3~~ This Agreement may only be renewed under this clause 3.32 so that the total term ~~of the~~ Agreement does not exceed 50 years from its commencement.

~~4.5.~~ Management Services

4.1 Provision of Management Services to Council

~~4.1.1~~ DMPL must provide the Management Services to Council:

- (a) in accordance with all laws and any requirements of any authority;
- (b) with reasonable care and skill;
- (c) in accordance with the Strategic Plan ~~approved by Council~~;
- ~~(d)~~ in accordance with any relevant Annual Business Plan ~~& and~~ Budget approved by Council;
- ~~(d)~~

~~(e)~~ to the extent required, in conjunction and consultation with the Market Manager so as to ensure a consistent approach to the management of the Dandenong Market.

4.1.2 DMPL must not ~~purport to bind~~ ~~or make~~ Council ~~liable to, or make it liable for,~~ the expenditure of any monies unless the expenditure has been provided for in the relevant Annual Business Plan ~~and~~ Budget or approved ~~in~~ writing by Council.

4.2 Strategic Plan

~~4.2.1~~ DMPL ~~has prepared the~~ must prepare and provide to Council within 6 months of the date of this Agreement a draft Strategic Plan for the future development and direction of the Dandenong Market ~~and the Council has approved the Strategic Plan.~~

~~4.2.2~~ DMPL must prepare a New Strategic Plan at least every five (5) years ~~during the Term of~~ ~~long at this agreement remains on foot.~~

~~4.2.4.2.3~~ Preparation of the New Strategic Plan must include a process for consulting Key Stakeholders ~~including~~ in consultation with the Council, the Market Manager, tenants, and licensees of the Market and any associations of tenants and / or licensees, consumers ~~customers~~ of the Dandenong Market and any other relevant stakeholders.

~~4.2.2~~ The draft Strategic Plan must contain a dispute resolution mechanism to address and resolve disputes with and issues raised by traders and members of the public in relation to the Dandenong Market and address any matters requested by Council to be addressed in relation to future development and direction of the Dandenong Market.

~~4.2.34.2.4~~ Council must review and approve or decline to approve the ~~draft New~~ Strategic Plan by notice in writing to DMPL.

~~4.2.34.2.5~~ If Council declines to approve the ~~draft New~~ Strategic Plan:

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- (a) Council must provide DMPL with written reasons for declining to approve the ~~draft-New~~ Strategic Plan;
- (b) DMPL must reconsider the ~~draft-New~~ Strategic Plan and Council's reasons for declining to approve it; and
- (c) DMPL must resubmit a further ~~draft-New~~ Strategic ~~P~~plan to Council for its review and approval.

~~4.2.6~~ Once Council approves the ~~draft-New~~ Strategic Plan, it is the Strategic Plan for the purposes of this Document.

~~4.2.5~~

[5898801: 40494224_1]

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~4.2.7~~ Council may request DMPL to review and update ~~the anythe~~ Strategic Plan from time to time.

4.3 Annual **Business Plan & and** Budget

~~4.3.1~~ ~~Until the first Annual Plan & Budget is approved by Council under this clause 4.3, DMPL must conduct its affairs in accordance with the transitional Annual Plan & Budget set out in Schedule 2.~~

~~4.3.24.3.1~~ DMPL must prepare and provide to Council a draft Annual **Business Plan & and** Budget for the operation of the Dandenong Market and the provision of the Management Services in respect of each financial year.

~~4.3.34.3.2~~ The draft Annual **Business Plan and&** Budget must:

~~(a)~~ ~~be prepared in consultation with Council and the Market Manager~~

~~(b)(a)~~ be consistent with the Strategic Plan, ~~once the Strategic Plan has been approved by Council under clause 4.2;~~

~~(e)(b)~~ address any matters requested by Council to be addressed in relation to the operation of the Dandenong Market;

~~(c)~~ contain a detailed budget for the operation of the Dandenong Market during the relevant financial year specifying expected

~~(1)~~ rental and other income, ~~DMPL's costs of~~

~~(2)~~ ~~expenses associated with providing its services and Management Fee managing the daily operations; and~~

~~(3)~~ ~~other expenses associated with the delivery of the Strategic Plan; and~~

~~(e)(4)~~ ~~payments to to~~ be made to Council;

~~(e)(d)~~ contain detailed performance indicators for the performance of the Dandenong Market;

~~(f)(e)~~ ~~in respect of each financial year commencing on or after 1 July 2013,~~ be provided to Council not less than ~~3-23~~ months prior to the commencement of the financial year to which it relates.

~~4.3.4~~ Council must review and approve or decline to approve the draft Annual **Business Plan and&**

~~4.3.3~~ Budget by notice in writing to DMPL.

~~4.3.54.3.4~~ If Council declines to approve the draft Annual **Business Plan and&** Budget:

(a) Council must provide DMPL with written reasons for declining to approve the draft Annual **Business Plan and&** Budget;

~~(b)~~ DMPL must reconsider the draft Annual **Business Plan & and** Budget and Council's

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

reasons for declining to approve it; and

- (c) DMPL must resubmit a further draft Annual Business Plan and Budget to Council for its review and approval.

~~4.3.6~~ Once Council approves the draft Annual Business Plan and Budget, it is the Annual Business Plan and

~~4.3.74.3.5~~ Budget for the relevant financial year for purposes of this Document.

~~4.4~~ Reports by DMPL to Council

~~4.4~~

~~4.4.1~~ DMPL must provide Council with Quarterly written reports on the performance of the Dandenong Market within ~~10 Business Days~~ 6 weeks of the end of each Quarter, including:

[5898801: 40494224_1]

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~(a) a summary financial performance of the Dandenong Market in the preceding Quarterquarter;~~

~~(a) the status of the key performance indicators in the current Annual Business Plan and Budget;~~

~~(b) Budget;~~

~~(c) any significant departures from the current Annual Business Plan and Budget or Strategic Plan; and~~

~~(d) any other potential issues in relation to the Dandenong Market which may have a significant positive or negative effect on the Dandenong Market or its performance in the future.~~

4.4.2 ~~Unless requested by Council in writing to the contrary, DMPL must prepare and provide Council with an audited financial report and directors' report for each financial year. This clause has effect as a notice to DMPL from its sole shareholder under clause 293 of the Corporations Act 2001.~~

4.5 Meetings between Council and DMPL

~~4.5.1 DMPL must meet regularly in accordance with its agreed meeting schedule.~~

~~Council may appoint up to two Representatives of Council Council Representatives to attend DMPL Board meetings in an ex-officio non-voting capacity.~~

~~4.5.2~~

~~4.5.3 Council Representatives will comprise:~~

~~(a) a Councillor; and~~

~~(b) a member of Council's executive.~~

~~4.5.1 and DMPL must meet regularly in accordance with an agreed meeting schedule and as requested by Council from time to time to discuss:~~

~~(a) the status of current and draft Strategic Plans and Annual Business Plan & Budgets;~~

~~(b) the performance of the Dandenong Market and issues affecting its performance or opportunities for improvement; and~~

~~(c) other matters relevant to the Dandenong Market as agreed or requested by Council from time to time.~~

~~4.5.4 DMPL must provide invite Council Representatives (or their delegate) to its scheduled Board meetings and provide both Council Representatives with a copy of each a notice of meeting and agenda for each meeting of DMPL's board the meeting and invite Council's Mayor and Director Corporate Services (or their delegates) to attend all meetings of its Board.~~

~~4.5.5 Council Representatives must at all times accord with standards of behaviour as established in the Board's Code of Conduct, any Memorandum of Understanding agreed between DMPL and Council and the relevant Role Statement for the position.~~

~~4.5.4.5.1 in an ex-officio non-voting capacity.~~

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~5. Lease~~

~~DMPL agrees has to entered into a Lease with Council in a form attached in Schedule 3.~~

6. Right to Receive Rent and Income, and Payment of Management Fee Return to Council and Retained Earnings

6.1 Right to Receive Rent and Income

5.1
6.1.1 Council assigns to DMPL the right to receive all rent and income derived in respect of the Dandenong Market during the Term.

~~6.1.2 Council must provide all reasonable assistance to DMPL including providing such payment directions as are necessary to the Market Manager, tenants and licensees necessary to enable DMPL to receive all rent and income derived in respect of the Dandenong Market during the Term.~~

[5898801: 40494224_1]

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~6.2~~ ~~Share of Profits and Payment Return to Council~~ ~~to Council~~

~~5.2~~

~~5.2.1~~ In consideration offer the Management Services provided by DMPL to Council, Council and DMPL have agreed to enter into will participate in a profit sharing arrangement, whereby each party with DMPL is entitled to retain a 50% share of the Operating Profit from the business in lieu of payment.

~~5.2.2~~ DMPL agrees to will pay a 50% share of the Operating Profit all monies received by DMPL less expenses and less its share of the Operating Profit as a Return to Council.

~~5.2.3~~ The Return to Council DMPL must will be paid to Council monthly in quarterly instalments at the end of each quarter throughout the corresponding financial year. Each quarterly instalment in arrears (or on such other basis as may be agreed in writing between Council and DMPL) all monies will be based on one eighth of the budgeted Operating Profit in DMPL's approved budget for the corresponding year.

~~5.2.4~~ Council will provide DMPL with a Tax invoice for each quarterly instalment of the Return to Council.

~~5.2.5~~ The Return to Council will be adjusted at the end of the financial accounting period relevant financial year based on the actual Operating Profit achieved. Council will provide DMPL with an adjustment Tax Invoice or credit for the adjusted amount, whichever is applicable.

~~5.2.6~~ Council and DMPL may by agreement vary the percentage of Operating Profit retained and any payment arrangements.

~~5.3~~ Retained Earnings

~~5.3.1~~ DMPL may treat its share of the Operating Profit as Retained Earnings.

~~5.3.2~~ Retained Earnings are to be invested for future intended to be used by DMPL to:

- ~~(a)~~ deliver the Strategic Plan;
- ~~(b)~~ fund capital improvements or significant repairs that are not otherwise funded by the Council's Capital Improvement or Capital Renewal Programs;
- ~~(c)~~ purchase capital equipment required by DMPL; or
- ~~(d)~~ fund any operating shortfall in future years.

~~5.3.3~~ Where the cumulative value of DMPL's Retained Earnings exceeds \$2.5 million, Council may direct DMPL to return any surplus amount to Council as a special dividend.

~~5.3.4~~ Nothing in 6.3.3 prevents DMPL and Council agreeing to allow DMPL to hold funds exceeding \$2.5 million for the purposes of completing projects contemplated as part of the Strategic Plan, provided such projects have been fully scoped and costed.

~~DMPL may, at its discretion, determine any Retained Earnings that are surplus to its needs be paid to Council.~~

~~6.2.1~~ received by DMPL less the Management Services Fee and any other deductions agreed in writing by Council.

~~6.2.2~~

~~DMPL must provide to Council a proper Tax Invoice in respect of the Management Fee deducted from any payment to Council under clause 6.2.1.~~

~~6.2.3~~

~~7.~~ Capital Improvement and Major Maintenance Works

~~6.1~~ Where DMPL uses its Retained Earnings to fund capital or other major improvements to Dandenong Market, such expenditure must be:

- ~~—~~ consistent with The Strategic Plan; or asset renewal plan for Dandenong Market;

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~a)~~

~~b) Included in an Annual or Revised Budget that has been approved by Council unless such expenditure is being used for the purposes of funding any operating shortfall.~~

~~— recognised and accounted for in accordance with any relevant Council policies for :~~

~~c) the treatment of fixed assets; and~~

~~d) in accordance with appropriate value for money principles and practices for the procurement of capital improvements.~~

~~6.2 DMPL must provide a detailed account of such expenditure to Council prior to the end of each financial accounting period and upon completion.~~

~~6.3 Generally, it is expected that DMPL will self-fund projects (whether defined as capital improvements or renewal) up to \$500,000.~~

~~6.4 Notwithstanding anything contained in the above, Council acknowledges that funding -~~

~~a) the delivery of the Strategic Plan; and/or~~

~~a)b) asset renewal works and significant maintenance or repairs~~

~~may require funds exceeding those held by DMPL as Retained Earnings.~~

~~In those circumstances, Council will provide any additional funds required by DMPL subject to its approval as part of its Capital Improvement Program.~~

~~7.8. Indemnity~~

~~7.1.1 DMPL must ensure that it complies with the terms of this Agreement and the Lease and does not do any act or make any omission that would cause Council to be in contravention or breach of any lease or licence or any obligation of Council in relation to the Dandenong Market, including in relation to the Market Manager.~~

~~7.1.2 DMPL must indemnify Council against the full cost to Council of any Claim arising out of any breach of clause 7.1.1, except to the extent that the Claim arises out of an act or omission by Council which was negligent, in breach of this Agreement or the law.~~

~~8.9. Termination~~

~~8.1 Termination by Agreement~~

~~Council and DMPL may terminate this Agreement at any time by written agreement.~~

~~8.2 Termination by Council~~

~~Council may terminate this Agreement at any time by written notice:~~

~~8.2.1 for convenience, by providing DMPL with not less than 3 months prior written notice; or~~

~~8.2.2 if DMPL has breached this Agreement in a way that is not capable of remedy; or~~

~~8.2.3 if DMPL has breached this Agreement and has not rectified the breach within 28 days of Council providing it with written notice requiring it to do so; or~~

~~8.2.4 if DMPL suffers an Insolvency Event.~~

~~2-10. GST~~

of

Page 10

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.1 GST Act

In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.

9.2 Exclusive of GST

Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

9.3 Recipient must pay

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 9.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

9.4 Tax invoice

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 9.3.

3.11. General

10.1 Amendment

This document may only be varied or replaced by a document duly executed by the parties.

10.2 Entire understanding

This document contains the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this document and have no effect.

10.3 Further assurance

-Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this document.

10.4 Legal costs and expenses

Each party must pay its own legal costs and expenses in relation to the negotiation, preparation and execution of this document and other documents referred to in it, unless expressly stated otherwise.

10.5 Waiver and exercise of rights

- 10.5.1 A single or partial exercise or waiver of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.
- 10.5.2 No party will be liable for any loss or expenses incurred by another party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

10.6 No assignment without consent

A party must not:

- 10.6.1 sell, transfer, novate, delegate, assign, licence; or
- 10.6.2 mortgage, charge or otherwise encumber

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

any right or obligation under this Agreement to any person without the prior written consent of the other party to this Agreement.

The Other Parties must not unreasonably withhold consent under this clause.

10.7 No relationship

Other than expressed to the contrary:

- 10.7.1 no party to this document has the power to obligate or bind any other party;
- 10.7.2 nothing in this document will be construed or deemed to constitute a partnership, joint venture or employee, employer or representative relationship between any of the parties;
- 10.7.3 nothing in this document will be deemed to authorise or empower any of the parties to act as agent for or with any other party.

10.8 Survival of indemnities

Each indemnity in this document is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this document.

10.9 Enforcement of indemnities

It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity conferred by this document.

10.10 No merger

The warranties, undertakings, agreements and continuing obligations in this document do not merge on completion.

10.11 Rule of construction

In the interpretation of this document, no rule of construction applies to the disadvantage of the party preparing the document on the basis that it prepared or put forward this document or any part of it.

4.12. Notices

11.1 Service of notice

A notice or other communication required or permitted, under this document, to be served on a person must be in writing and may be served:

- 11.1.1 personally on the person;
- 11.1.2 by leaving it at the person's current address for service;
- 11.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 11.1.4 by facsimile to the person's current number for service; or
- 11.1.5 by email to the person's current email address for service.

11.2 Particulars for service

- 11.2.1 The particulars for service of each party are set out on page one of this document

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

under the heading Parties.

11.2.2 Any party may change the address, facsimile or email number for service by giving notice to the other parties.

11-2.3 If the person to be served is a company, the notice or other communication may be served on it at the company's registered office.

11.3 Time of service

A notice or other communication is deemed served:

11.3.1 if served personally or left at the person's address, upon service;

11.3.2 if posted within Australia to an Australian address, two Business Days after posting and in any other case, seven Business Days after posting;

11.3.3 if served by facsimile, subject to clause 11.3.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;

11.3.4 if served by email, subject to clause 11.3.5, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient;

11.3.5 if received after 6.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

5-13. Interpretation

12.1 Governing law and jurisdiction

This document is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

12.2 Persons

In this document, a reference to:

12.2.1 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;

12.2.2 a person includes the legal personal representatives, successors and permitted assigns of that person; and

12.2.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

12.3 Joint and several

If a party consists of more than one person, this document binds them jointly and each of them severally.

12.4 Legislation

In this document, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

12.5 This document, clauses and headings

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

In this document:

- 12.5.1 a reference to this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;
- 12.5.2 a reference to a clause, schedule, appendix or annexure is a reference to a clause, schedule, appendix or annexure in or to this document all of which are deemed part of this document;
- 12.5.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form;
- 12.5.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this document;
- 12.5.5 where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning; and
- 12.5.6 where the expression **including or includes** is used it means 'including but not limited to' or 'including without limitation'.
- 12.6 Severance**
- 12.6.1 If a provision in this document is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.
- 12.6.2 If it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this document.
- 12.7 Counterparts**
- This document may be executed in any number of counterparts all of which taken together constitute one instrument.
- 12.8 Currency**
- In this document, a reference to '\$' or 'dollars' is a reference to Australian dollars.
- 12.9 Business Day**
- If a payment or other act is required by this document to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.
- 12.10 Number and gender**
- In this document, a reference to:
- 12.10.1 the singular Includes the plural and vice versa; and
- 12.10.2 a gender includes the other genders.
- 12.11 Property**
- In this document, a reference to any property or assets of a person includes the legal and beneficial interest of that person in those assets or property, whether as owner, lessee or lessor, licensee or licensor, trustee or beneficiary or otherwise.
- 12.12 Personal knowledge**

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

A reference to a matter being to the knowledge of a person means the matter is to the best of the knowledge and belief of the person after making proper enquiry including enquiry which a reasonable person would be prompted to make by reason of knowledge of a fact.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Signing Page

Executed by the parties

The Common Seal of the **Greater Dandenong City Council** was hereunto affixed in the presence of:

Chief Executive

Councillor

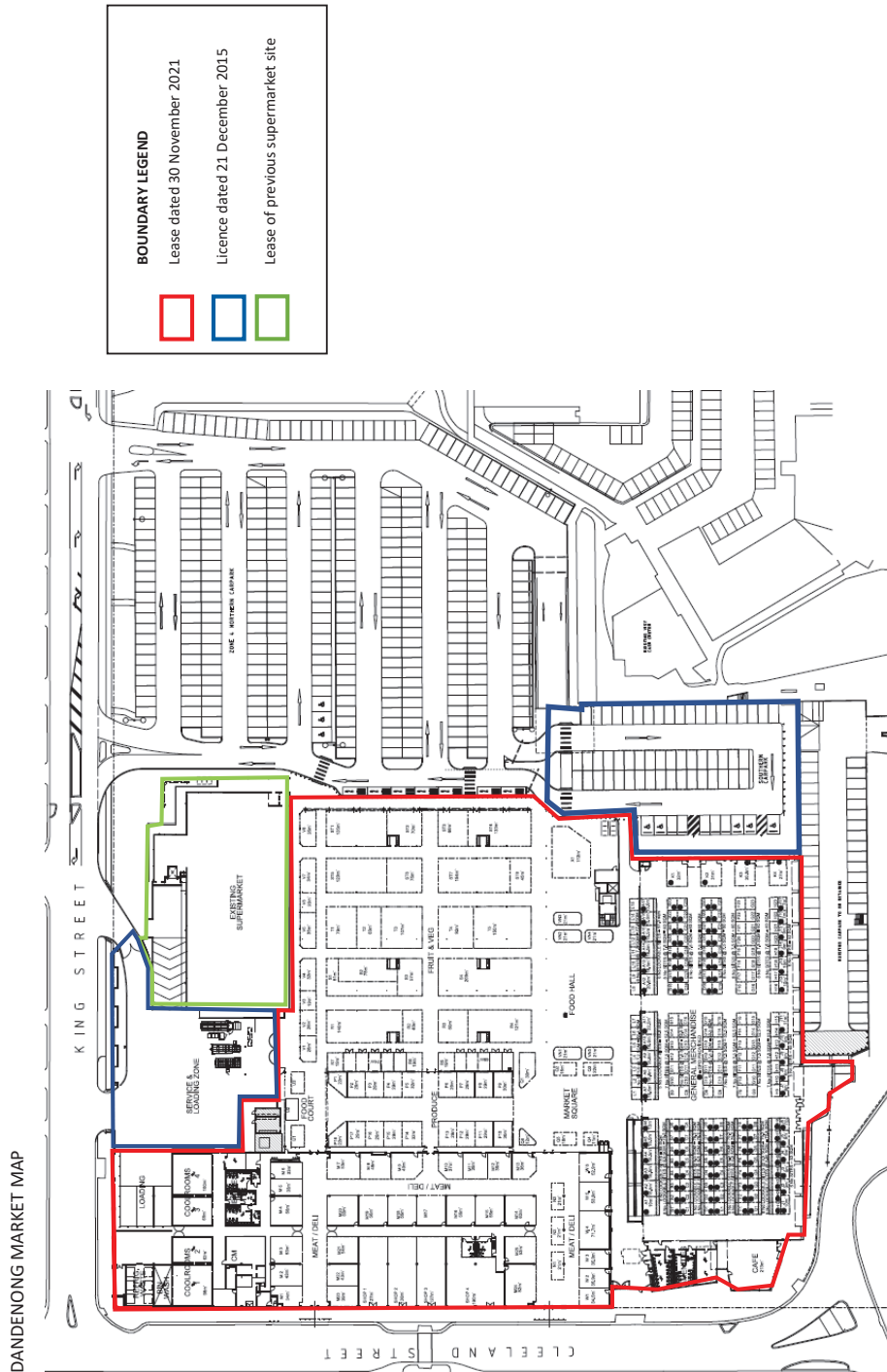
Executed by Dandenong Market Pty Ltd
ACN 159 177 492 in accordance with section
127(1) of the Corporations Act 2001 by being
signed by authorised persons for the
company:

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Schedule 1

Dandenong Market Plan

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)



4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

6.14. Schedule 2

Annual Business Plan ~~&~~ and Budget

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Transitional Annual Plan

The transitional Annual Plan for the Dandenong Market Pty Ltd comprises the following key tasks:

- Conducting appropriate consultation with all key stakeholders of the Dandenong Market;
- The development of a draft long term vision for the Market for presentation to the Greater Dandenong City Council;
- Establishing the administrative systems required to operate Dandenong Market Pty Ltd; Reviewing and making recommendations to Council in a timely manner on the future management arrangements of the Market;
- Reviewing and making formal recommendations to Council in respect of future trading days within the Market following appropriate research and consultation;
- Reviewing the present marketing arrangements in place for the Market and implementing any required changes;
- Commencing the transition of lease and licence agreements to the established company with the collection of rental to commence 1 July 2013.

Interim Budget

The interim Budget for the Dandenong Market Pty Ltd shall comprise of the following amounts:

Revenue	
Management Services Fee	\$150,000
Expenditure	
Directors Fees to 30 June 2013	\$82,500
System Purchase and Installation	\$30,000
Consultants	\$30,000
Board Meeting Administration	\$7,500
Total	\$150,000

It is noted that this interim budget represents an initial forecast only and may be varied by resolution of Council.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~7. Schedule 3~~
~~Lease~~

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4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 4

**DANDENONG MARKET PTY LTD (DMPL)
MANAGEMENT SERVICES AGREEMENT
UPDATED 2021**

PAGES 18 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Date

Dandenong Market
Management Services Agreement

Greater Dandenong City Council
ABN 41 205 538 060

and

Dandenong Market Pty Ltd
ACN 159 177 492

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

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	Schedule 2	15

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

**Dandenong Market
Management Services Agreement**

Dated

Parties

Name	Greater Dandenong City Council ABN 41 205 538 060
Address	225 Lonsdale Street, Dandenong, Victoria 3175
Facsimile	03 9239 5196
Email	council@cgd.vie.gov.au
Contact	Kylie Sprague , Manager Communications & Customer Service
Short name	Council

Name	Dandenong Market Pty Ltd ACN 159 177 492
Address	40 Clow Street, Dandenong, Victoria 3175Not applicable
Email	info@dandenongmarket.com.au
Contact	Donna McMaster , Chair
Short name	DMPL

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Background

- A. Council is the owner of the Dandenong Market at Cleeland Street, Dandenong.
- B. **DMPL** is a company registered under the *Corporations Act* 2001 wholly owned by Council.
- C. Council has resolved to implement an independent governance framework for the Dandenong Market under which Council appoints DMPL to provide agreed Management Services to Council in respect of the Dandenong Market, including to:
 - C1 manage the day to day operations of Dandenong Market on its behalf including entering into leases and licences with Market tenants and licensees.
 - C2 Develop and implement the Strategic Plan for the future development and direction of the Dandenong Market;
 - C3 develop an Annual Business Plan and Budget in respect of each financial year consistent with the Strategic Plan for the consideration and approval of Council;
 - C4 provide regular reports to Council in relation to the operations of the Dandenong Market, including progress in the implementation of the Strategic Plan, Annual Plan and Budget; and
 - C5 to perform its obligations under the Lease.
- D. In order to ensure the continued efficient operation of the Dandenong Market, Council grants to DMPL for the term of this Agreement:
 - D1 a Lease;
 - D2 the right to manage Lease and Licence Agreements, including the right to procure tenants and licensees; and
 - D3 the right to receive rent and other income received in respect of the Dandenong Market during the Term.
- E. In consideration for Council's appointment of it under this Agreement and the benefits referred to in Recital D, DMPL undertakes to Council:
 - E1 to perform all of its roles, functions and duties with due care and skill;
 - E2 to ensure that it does not cause Council to breach or contravene any of Council's obligations in relation to Dandenong Market; and
 - E3 to pay to Council any fees or other sums due under this Agreement.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

The Parties Agree

1. Definitions

In this document unless expressed or implied to the contrary:

Annual Business Plan and Budget means the annual business plan and budget for the operation of the Dandenong Market which is consistent with the Strategic Plan for Dandenong Market.

Business Day means Monday to Friday excluding public holidays in Victoria.

Council Representative means a Councillor or member of Council's executive appointed by Council as a liaison between Council and the DMPL Board.

Dandenong Market means the Dandenong Market including the land identified as the existing supermarket located at Cleeland Street Dandenong as shown on the plan annexed in Schedule 1.

Insolvency Event means any of the following events:

- 1.1. a party becomes insolvent;
- 1.2. a receiver, receiver and manager, administrator, controller, provisional liquidator or liquidator is appointed to a party or a party enters into a scheme of arrangement with its creditors or is wound up;
 - (a) a party assigns any of its property for the benefit of creditors or any class of them;
 - (b) an encumbrance takes any step towards taking possession or takes possession of any assets of a party or exercises any power of sale; or
 - (c) the party has a judgment or order given against it in an amount exceeding \$10,000.00 (or the equivalent in another currency) and that judgment or order is not satisfied or quashed or stayed within 20 Business Days after being given.

Lease means the Lease dated 30 November 2012 and the new lease for the ALDI site between Council and DMPL.

Management Services means the management services to be provided by DMPL to Council in respect of the Dandenong Market, including:

- (a) managing the day to day operations of Dandenong Market;
- (b) implementing the Strategic Plan for the future development and direction of the Dandenong Market for the consideration and approval of Council;
- (c) developing an Annual Business Plan and Budget in respect of each financial year consistent with the Strategic Plan for the consideration and approval of Council;
- (d) providing regular reports to Council in relation to the operations of the Dandenong Market including progress in the development and execution of the Strategic Plan, Annual Business Plan and Budget;
- (e) performing its obligations under the Lease;
- (f) enforcing the terms of any Lease or Licence Agreements with DMPL;
- (g) developing and adopting a dispute resolution mechanism to address and resolve disputes with and issues raised by traders in relation to the Dandenong Market.
- (h) providing such other services as may be agreed between Council and DMPL from time to time.

Strategic Plan means the 2018 Strategic Plan for the future development and direction of the Dandenong Market prepared by DMPL and approved by Council.

New Strategic Plan means any Strategic Plan prepared by DMPL and approved by Council that replaces the 2018 Strategic Plan.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Operating Profit means DMPL earnings from Dandenong Market operations after deducting operating expenses (excluding any depreciation or expenditure on capital items or leasehold improvements) from rents, licence fees and other income received.

Return to Council means the monies payable to Council under this Agreement pursuant to Clause 5.2.

Term means the term of this Agreement determined in accordance with clause 3.

2. **Appointment**

Council appoints DMPL to provide the Management Services to Council for the Term subject to and in accordance with the terms and conditions of this Agreement. DMPL accepts that appointment.

3. **Term**

3.1. **Initial Term**

This Agreement commences with effect from 1 July 2021 and continues until 30 June 2026 unless extended pursuant to clause 3.2 or terminated sooner under clause 9.

3.2. **Extinguish Earlier Agreement**

This Agreement, supersedes and replaces any earlier agreement between the parties relating to the provision of Management Services in respect of Dandenong Market.

3.3. **Renewal of Term**

3.3.1. Not more than 12 months and not less than 6 months prior to the expiry of the Term, Council may give DMPL written notice that it does not wish this agreement to renew.

3.3.2. Unless Council gives DMPL a notice under clause 3.3.1, this Agreement will be taken to have been renewed for a further term of 12 months commencing upon the date it would otherwise have expired.

3.3.3. This Agreement may only be renewed under this clause 3.3 so that the total term of the Agreement does not exceed 50 years from its commencement.

4. **Management Services**

4.1. **Provision of Management Services to Council**

4.1.1. DMPL must provide the Management Services to Council:

- (a) in accordance with all laws and any requirements of any authority;
- (b) with reasonable care and skill;
- (c) in accordance with the Strategic Plan;
- (d) in accordance with any relevant Annual Business Plan and Budget approved by Council.

4.1.2. DMPL must not purport to bind Council to, or make it liable for, the expenditure of any monies unless the expenditure has been provided for in the relevant Annual Business Plan and Budget or approved in writing by Council.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

4.2. **Strategic Plan**

- 4.2.1. DMPL has prepared the Strategic Plan and the Council has approved the Strategic Plan.
- 4.2.2. DMPL must prepare a New Strategic Plan at least every five (5) years during the Term of this agreement.
- 4.2.3. Preparation of the New Strategic Plan must include a process for consulting Key Stakeholders including the Council, tenants, licensees and customers of Dandenong Market.
- 4.2.4. Council must review and approve or decline to approve the New Strategic Plan by notice in writing to DMPL.
- 4.2.5. If Council declines to approve the New Strategic Plan:
 - (a) Council must provide DMPL with written reasons for declining to approve the New Strategic Plan;
 - (b) DMPL must reconsider the New Strategic Plan and Council's reasons for declining to approve it; and
 - (c) DMPL must resubmit a further New Strategic plan to Council for its review and approval.
- 4.2.6. Once Council approves the New Strategic Plan, it is the Strategic Plan for the purposes of this Document.
- 4.2.7. Council may request DMPL to review and update the Strategic Plan from time to time.

4.3. **Annual Business Plan and Budget**

- 4.3.1. DMPL must prepare and provide to Council a draft Annual Business Plan and Budget for the operation of the Dandenong Market and the provision of the Management Services in respect of each financial year.
- 4.3.2. The draft Annual Business Plan and Budget must:
 - (a) be consistent with the Strategic Plan;
 - (b) address any matters requested by Council to be addressed in relation to the operation of the Dandenong Market;
 - (c) contain a detailed budget for the operation of the Dandenong Market during the relevant financial year specifying expected
 - (1) rental and other income
 - (2) expenses associated with managing the daily operations; and
 - (3) other expenses associated with the delivery of the Strategic Plan; and
 - (4) payments to be made to Council;
 - (d) contain detailed performance indicators for the performance of the Dandenong Market;
 - (e) be provided to Council not less than 3 months prior to the commencement of the financial year to which it relates.
- 4.3.3. Council must review and approve or decline to approve the draft Annual Business Plan and Budget by notice in writing to DMPL.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- 4.3.4. If Council declines to approve the draft Annual Business Plan and Budget:
- (a) Council must provide DMPL with written reasons for declining to approve the draft Annual Business Plan and Budget;
 - (b) DMPL must reconsider the draft Annual Business Plan and Budget and Council's reasons for declining to approve it; and
 - (c) DMPL must resubmit a further draft Annual Business Plan and Budget to Council for its review and approval.
- 4.3.5. Once Council approves the draft Annual Business Plan and Budget, it is the Annual Business Plan and Budget for the relevant financial year for purposes of this Document.
- 4.4. **Reports by DMPL to Council**
- 4.4.1. DMPL must provide Council with Quarterly written reports on the performance of the Dandenong Market within 6 weeks of the end of each Quarter, including:
- (a) a summary financial performance of the Dandenong Market in the preceding quarter;
 - (b) the status of the key performance indicators in the Annual Business Plan and Budget;
 - (c) any significant departures from the Annual Business Plan and Budget or Strategic Plan; and
 - (d) any other potential issues in relation to the Dandenong Market which may have a significant positive or negative effect on the Dandenong Market or its performance in the future.
- 4.4.2. Unless requested by Council in writing to the contrary, DMPL must prepare and provide Council with an audited financial report and directors' report for each financial year. This clause has effect as a notice to DMPL from its sole shareholder under clause 293 of the *Corporations Act 2001*.
- 4.5. **Meetings between Council and DMPL**
- 4.5.1. DMPL must meet regularly in accordance with its agreed meeting schedule.
- 4.5.2. Council may appoint up to two Council Representatives to attend DMPL Board meetings in an ex-officio non-voting capacity.
- 4.5.3. Council Representatives will comprise:
- (a) a Councillor; and
 - (b) a member of Council's executive.
- 4.5.4. DMPL must invite Council Representatives (or their delegate) to its scheduled Board meetings and provide both Council Representatives with a copy of a notice of meeting and agenda for the meeting.
- 4.5.5. Council Representatives must at all times accord with standards of behaviour as established in the Board's Code of Conduct, any Memorandum of Understanding agreed between the DMPL and Council and the relevant Role Statement for the position.

5. **Right to Receive Rent and Income, Return to Council and Retained Earnings**

5.1. **Right to Receive Rent and Income**

- 5.1.1. Council assigns to DMPL the right to receive all rent and income derived in respect of the Dandenong Market during the Term.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

5.2. Share of Profits and Return to Council

- 5.2.1. In consideration of the Management Services provided by DMPL to Council, Council and DMPL will participate in a profit sharing arrangement, whereby each party is entitled to a 50% share of the Operating Profit from the business.
- 5.2.2. DMPL will pay a 50% share of the Operating Profit as a Return to Council.
- 5.2.3. The Return to Council will be paid in quarterly instalments at the end of each quarter throughout the financial year. Each quarterly instalment will be based on one eighth of the budgeted Operating Profit in DMPL's approved budget for the corresponding year.
- 5.2.4. Council will provide DMPL with a Tax invoice for each quarterly instalment of the Return to Council.
- 5.2.5. The Return to Council will be adjusted at the end of the relevant financial year based on the actual Operating Profit achieved. Council will provide DMPL with an adjustment Tax Invoice or credit for the adjusted amount; whichever is applicable.
- 5.2.6. Council and DMPL may, by agreement, vary the percentage of Operating Profit retained and any payment arrangements.

5.3. Retained Earnings

- 5.3.1. DMPL may treat its share of the Operating Profit as Retained Earnings.
- 5.3.2. Retained Earnings are intended to be used by DMPL to:
 - (a) deliver the Strategic Plan;
 - (b) fund capital improvements or significant repairs that are not otherwise funded by the Council's Capital Improvement or Capital Renewal Programs;
 - (c) purchase capital equipment required by DMPL; or
 - (d) fund any operating shortfall in future years.
- 5.3.3. Where the cumulative value of DMPL's Retained Earnings exceeds \$2.5 million, Council may direct DMPL to return any surplus amount to Council as a special dividend.
- 5.3.4. Nothing in 5.3.3 prevents DMPL and Council agreeing to allow DMPL to hold funds exceeding \$2.5 million for the purposes of completing projects contemplated as part of the Strategic Plan, provided such projects have been fully scoped and costed.

6. Capital Improvement and Major Maintenance Works

- 6.1.1. Where DMPL uses its Retained Earnings to fund capital or other major improvements to Dandenong Market, such expenditure must be:
 - (a) consistent with The Strategic Plan; or asset renewal plan for Dandenong Market;
 - (b) included in an Annual or Revised Budget that has been approved by Council unless such expenditure is being used for the purposes of funding any operating shortfall;
 - (c) recognised and accounted for in accordance with any relevant Council policies for the treatment of fixed assets; and
 - (d) in accordance with appropriate value for money principles and practices for the procurement of capital improvements.
- 6.1.2. DMPL must provide a detailed account of such expenditure to Council prior to the end of each financial accounting period and upon completion
- 6.1.3. Generally, it is expected that DMPL will self-fund projects (whether defined as capital improvements or renewal) up to \$500,000.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

6.1.4. Notwithstanding anything contained in the above, Council acknowledges that funding –

- (a) the delivery of the Strategic Plan; and
- (b) asset renewal works and significant maintenance or repairs

may require funds exceeding those held by DMPL as Retained Earnings. In those circumstances, Council will provide any additional funds required by DMPL subject to its approval as part of its Capital Improvement Program.

7. Indemnity

- 7.1. DMPL must ensure that it complies with the terms of this Agreement and the Lease and does not act or make any omission that would cause Council to be in contravention or breach of any lease or licence or any obligation of Council in relation to the Dandenong Market.
- 7.2. DMPL must indemnify Council against the full cost to Council of any Claim arising out of any breach of clause 7.1, except to the extent that the Claim arises out of an act or omission by Council which was negligent, in breach of this Agreement or the law.

8. Termination

8.1. Termination by Agreement

Council and DMPL may terminate this Agreement at any time by written agreement.

8.2. Termination by Council

Council may terminate this Agreement at any time by written notice:

- 8.2.1. for convenience, by providing DMPL with not less than 3 months prior written notice; or
- 8.2.2. if DMPL has breached this Agreement in a way that is not capable of remedy; or
- 8.2.3. if DMPL has breached this Agreement and has not rectified the breach within 28 days of Council providing it with written notice requiring it to do so; or
- 8.2.4. if DMPL suffers an Insolvency Event.

9. GST

9.1. GST Act

In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.

9.2. Exclusive of GST

Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

9.3. Recipient must pay

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 9.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

9.4. Tax invoice

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 9.3.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

10. General

10.1. Amendment

This document may only be varied or replaced by a document duly executed by the parties.

10.2. Entire understanding

This document contains the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this document and have no effect.

10.3. Further assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this document.

10.4. Legal costs and expenses

Each party must pay its own legal costs and expenses in relation to the negotiation, preparation and execution of this document and other documents referred to in it, unless expressly stated otherwise.

10.5. Waiver and exercise of rights

10.5.1. A single or partial exercise or waiver of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.

10.5.2. No party will be liable for any loss or expenses incurred by another party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

10.6. No assignment without consent

A party must not:

10.6.1. sell, transfer, novate, delegate, assign, licence; or

10.6.2. mortgage, charge or otherwise encumber

any right or obligation under this Agreement to any person without the prior written consent of the other party to this Agreement.

The Other Parties must not unreasonably withhold consent under this clause.

10.7. No relationship

Other than expressed to the contrary:

10.7.1. no party to this document has the power to obligate or bind any other party;

10.7.2. nothing in this document will be construed or deemed to constitute a partnership, joint venture or employee, employer or representative relationship between any of the parties;

10.7.3. nothing in this document will be deemed to authorise or empower any of the parties to act as agent for or with any other party.

10.8. Survival of indemnities

Each indemnity in this document is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this document.

10.9. Enforcement of indemnities

It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity conferred by this document.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

10.10. No merger

The warranties, undertakings, agreements and continuing obligations in this document do not merge on completion.

10.11. Rule of construction

In the interpretation of this document, no rule of construction applies to the disadvantage of the party preparing the document on the basis that it prepared or put forward this document or any part of it.

11. Notices

11.1. Service of notice

A notice or other communication required or permitted, under this document, to be served on a person must be in writing and may be served:

11.1.1. personally on the person;

11.1.2. by leaving it at the person's current address for service;

11.1.3. by posting it by prepaid post addressed to that person at the person's current address for service;

11.1.4. by facsimile to the person's current number for service; or

11.1.5. by email to the person's current email address for service.

11.2. Particulars for service

11.2.1. The particulars for service of each party are set out on page one of this document under the heading Parties.

11.2.2. Any party may change the address, facsimile or email number for service by giving notice to the other parties.

11.2.3. 11-.2.3 If the person to be served is a company, the notice or other communication may be served on it at the company's registered office.

11.3. Time of service

A notice or other communication is deemed served:

11.3.1. if served personally or left at the person's address, upon service;

11.3.2. if posted within Australia to an Australian address, two Business Days after posting and in any other case, seven Business Days after posting;

11.3.3. if served by facsimile, subject to clause 11.3.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;

11.3.4. if served by email, subject to clause 11.3.5, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient;

11.3.5. if received after 6.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

12. Interpretation

12.1. Governing law and jurisdiction

This document is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

12.2. Persons

In this document, a reference to:

- 12.2.1. a person includes a firm, partnership, joint venture, association, corporation or other corporate body;
- 12.2.2. a person includes the legal personal representatives, successors and permitted assigns of that person; and
- 12.2.3. any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

12.3. Joint and several

If a party consists of more than one person, this document binds them jointly and each of them severally.

12.4. Legislation

In this document, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

12.5. This document, clauses and headings

In this document:

- 12.5.1. a reference to this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;
- 12.5.2. a reference to a clause, schedule, appendix or annexure is a reference to a clause, schedule, appendix or annexure in or to this document all of which are deemed part of this document;
- 12.5.3. a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form;
- 12.5.4. headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this document;
- 12.5.5. where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning; and
- 12.5.6. where the expression **including or includes** is used it means 'including but not limited to' or 'including without limitation'.

12.6. Severance

- 12.6.1. If a provision in this document is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

12.6.2. If it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this document.

12.7. Counterparts

This document may be executed in any number of counterparts all of which taken together constitute one instrument.

12.8. Currency

In this document, a reference to '\$' or 'dollars' is a reference to Australian dollars.

12.9. Business Day

If a payment or other act is required by this document to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

12.10. Number and gender

In this document, a reference to:

12.10.1. the singular Includes the plural and vice versa; and

12.10.2. a gender includes the other genders.

12.11. Property

In this document, a reference to any property or assets of a person includes the legal and beneficial interest of that person in those assets or property, whether as owner, lessee or lessor, licensee or licensor, trustee or beneficiary or otherwise.

12.12. Personal knowledge

A reference to a matter being to the knowledge of a person means the matter is to the best of the knowledge and belief of the person after making proper enquiry including enquiry which a reasonable person would be prompted to make by reason of knowledge of a fact.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Signing Page

Executed by the parties

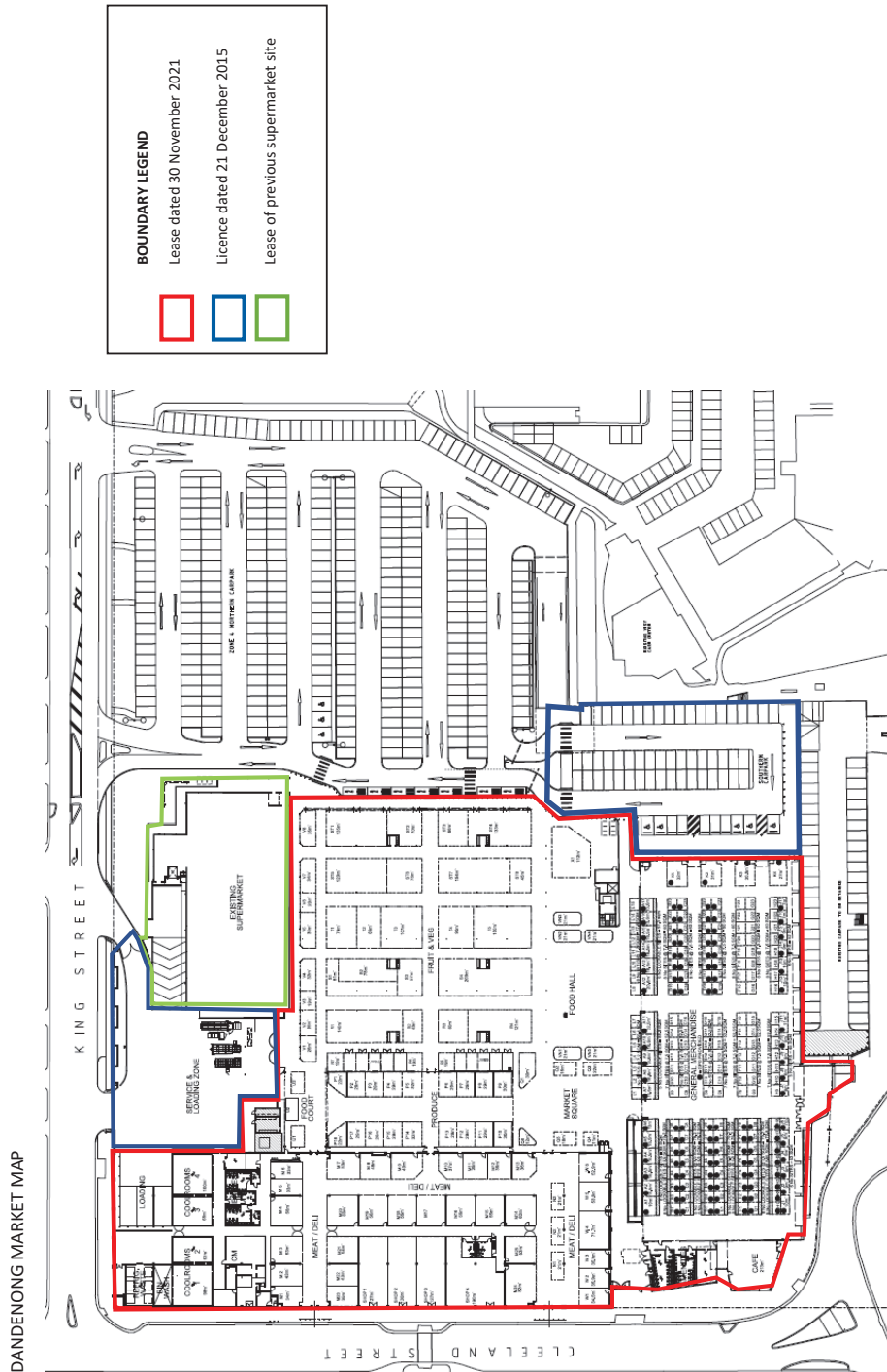
The Common Seal of the **Greater Dandenong City Council** was hereunto affixed in the presence of:

Chief Executive

Councillor

Executed by **Dandenong Market Pty Ltd ACN 159 177 492** in accordance with section 127(1) of the Corporations Act 2001 by being signed by authorised persons for the company:

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)



4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Schedule 2

Annual Business Plan and Budget

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 5

**MEMORANDUM OF UNDERSTANDING
BETWEEN DANDENONG MARKET PTY LTD
(DMPL) AND CITY OF GREATER
DANDENONG UPDATED 2021
MARKED UP**

PAGES 6 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

MEMORANDUM OF UNDERSTANDING BETWEEN DANDENONG MARKET PTY LTD (DMPL) AND CITY OF GREATERDANDENONG - ROLES AND RESPONSIBILITIES OF COUNCIL REPRESENTATIVES AT BOARD MEETINGS

1. PURPOSE

- 1.1 The City of Greater Dandenong (Council) has established the Dandenong Market Pty Ltd (DMPL) to govern and manage the Market, independent from Council, and Council appointed not less than two and not more than five Directors to the Company Board. The role of the Board is this company to guide the future direction of the Dandenong Market. The Directors have been appointed on the basis of their skill sets that they possess and relevant experience.
- 1.2 The DMPL is a company that is wholly owned by Council and the relationship between the two bodies parties is established within set out in the Management Services Agreement (MSA) dated [insert date once MSA executed] (as amended from time to time) between the two bodies. This agreement The MSA establishes a number of reporting and performance responsibilities for which of DMPL needs to account to for Council.
- 1.3 Council has further prescribed in the Management Services Agreement MSA that it appoints a Councillor and a member of Council's executive team or their successors as its appointed representatives (Council Representatives) to provide an interface between Council and the DMPL Board and the Director Corporate Services The Council Representatives will be invited to the meetings of the DMPL Board and may participate in these meetings as non- voting participants.
- 1.4 The purpose of this Memorandum of Understanding (MOU) is to define the relationship between the DMPL and Council Rrepresentatives to ensure all parties have a clear understanding of the roles, obligations and expectations moving forward.

2. ROLE OF DMPL

- 2.1 The role of ~~the~~ DMPL is to –
- a) Manage the day to day operations of Dandenong Market; and
 - b) Guide the strategic direction of Dandenong Market
- in accordance with Management Services Agreement the MSA and the Lease Agreement.
- 2.2 As appointed Each Directors to of DMPL, each Director has corporate obligations and responsibilities under Corporations Law.
- 2.3 The Management Services Agreement MSA requires ~~the~~ DMPL to establish formulate:
- a) a long-term strategic plan for the Dandenong Market for the

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- ~~consideration of Council. The DMPL is further required to develop~~
- ~~b) an Annual Budgets;~~
 - ~~c) an annual business plan with performance measures; and Annual Reports and~~
 - ~~d) quarterly performance reports; ing each of which are required to be tabled to the Council; and~~
 - ~~e) audited financial accounts (annually).~~

- 2.4 The ~~DMPL parties~~ acknowledge the importance of maintaining a positive relationship ~~with Council~~ where both ~~parties DMPL and Council~~ have a clear understanding of the roles and the long term direction of the Market.

3. ROLE OF COUNCIL

- 3.1 In establishing ~~the DMPL~~ as a separate legal entity and appointing ~~the a~~ Board of Directors ~~based on the basis of~~ their respective skills, ~~the City of Greater Dandenong Council~~ acknowledges that ~~the DMPL~~ should be provided with the support of Council to independently guide the future direction of the Market.
- 3.2 Councillors will ~~however have ties to the Community that individual directors do not and be privy to information to which have historical knowledge of the market that~~ the Board may not have access ~~to and As such~~ the Board welcomes the input and views of Council and individual Councillors.
- 3.3 Council's role is to manage the performance of DMPL against the ~~agreed Management Services Agreement MSA~~ and Lease. Council will also be responsible for:
- a) Considering and approving ~~the Market DMPL's Strategic Plans~~
 - b) Reviewing the Market ~~annual report Business Plans~~
 - c) Reviewing quarterly performance reports
 - d) Reviewing and approving ~~the Market DMPL's~~ annual Budget
 - e) Considering requests for capital funding at the Market.
- 3.4 In meeting these responsibilities it is expected that Council will interact with the ~~Directors of the DMPL Board on a number of several~~ occasions in a formal setting ~~during each financial each~~ year. These ~~points interactions~~ will allow Council to seek further detail from the DMPL Board in respect of the direction and performance of ~~the Dandenong Market~~.
- 3.5 It is further acknowledged that ~~Councillors~~ from time to time ~~Councillors~~ may have questions ~~or suggestions~~ for the Board ~~in respect of various issues or wish to input various views and suggestions. These inputs can be addressed by individual Councillors discussing these raising such~~ issues with the ~~Director Corporate Services, or the Councillor appointed representative to the Board Council Representatives~~, and requesting these issues be brought to the attention of the Board. All communication must ~~be based in the context of respecting~~ the role of the Board to manage the ~~m~~Market and not seeking to direct or influence the Board.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

4. ROLE OF COUNCIL REPRESENTATIVES AT THE BOARD MEETINGS

- 4.1 As part of maintaining a close and positive relationship between the ~~two~~ ~~bodies~~~~parties~~, the ~~Management Services Agreement~~~~MSA~~ provides ~~that for~~ the ~~Councillor appointed by~~ Council ~~as the~~ ~~Representatives~~ and the ~~Director of Corporate Services~~ ~~will be invited~~ to attend the Board meetings.
- 4.2 The ~~Council Representatives'~~ role ~~includes participation in~~ ~~of~~ ~~these~~ ~~two~~ ~~positions~~ ~~and~~ ~~the~~

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

~~responsibilities that attach to them must be clearly understood at the outset as they will have access to a great deal of information and discussion but not be accepting of any of the legal responsibilities that attach to the formal Director positions.~~

~~The following points set out the relationship, roles and responsibilities of these two appointed positions to the DMPL Board.~~

~~These positions exist to provide an interface between the DMPL Board and Council and will work towards ensuring the relationship between the two bodies is positive and harmonious;~~

~~The representative role is for the formal monthly a) Board meetings,
b) strategic planning sessions; and
c) and pre-scheduled sub-committee meetings, and~~

~~It does not include informal discussions of the Board, unless requested by the Board Chair.~~

4.3 ~~noting that all outcomes of Board sub-committees and informal discussions need to be reported and endorsed at formal Board meetings; and noting that Council representatives must be able are permitted to ask questions;~~

~~a) at Board meetings, sub-committee and other meetings they attend; and
b) about the discussions that occurred at sub-committees, planning meetings, at workshops and any informal discussions they have not attended so that they are fully adequately briefed on the basis of any subsequent Board reports or Board and decisions.~~

4.4

Council ~~R~~representatives;

~~a) Will work towards ensuring the relationship between the parties is positive, productive and harmonious;~~

~~b) can participate in the discussions held at the Board meetings but must recognise that the positions are no right to vote on any decision, non-voting in nature. The Council representatives~~

~~a) must respect the autonomy of the Board to make decisions and not seek to unduly influence or interfere with the running management or operation of the DMPL;~~

~~c) The Council representatives have~~

~~d) no power to direct the Board in its decision making;~~

~~e) The Council representatives must act and behave in the best interests of Council and the Company. Where there is a conflict between the interests of the Company and the interest of Council, the Council Representative will declare a conflict of interest;~~

~~b)f) Council representatives are encouraged to have communications with the Board Chair person outside of Board meetings to express any views or concerns;~~

4.5 The issue of confidentiality of Board information is paramount. No Council

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

Representative ~~can may~~ release (or cause to be released) any information ~~that to which~~ they ~~have~~ become privy ~~to~~ as a result of ~~their~~ –

- a) position as Council Representative;
- b) attend~~anceing~~ DMPL at Board meetings ~~and or~~
- c) receiving Board ~~Agenda's~~ and / or Committee documents.;

4.6 All Board meetings must remain open for the Council~~or~~ R~~e~~presentatives to ~~attend~~ unless the DMPL Board is considering matters relating to:

- a) –
- b) a) ~~(~~The relationship between DMPL and Council; ~~and~~
- b) ~~(~~The conduct of Council's representatives; ~~or~~
- c) the performance and employment of DMPL staff.

5. CONSULTATION

5.1 The DMPL and the ~~City of Greater Dandenong Council~~ acknowledge that a strong and positive relationship between the ~~two bodies~~parties is essential for the future direction of the Dandenong Market and are committed to respecting the role that each will play in this MOU.

5.2 ~~In the event that~~ ~~if~~ either ~~body~~ party has concerns ~~in~~ ~~regarding~~ ~~to~~ the successful implementation of this MOU, these concerns will be expressed in writing between the Mayor/CEO and the Board Chair~~person~~. Both the Board Chair~~person~~ and the Mayor/CEO will seek to resolve any dispute applying good governance principles and having regard to any code of conduct that each party may adopt from time to time.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

OTHER

**DANDENONG MARKET PTY LTD – AMENDMENTS TO COMPANY
ARRANGEMENTS**

ATTACHMENT 6

**MEMORANDUM OF UNDERSTANDING
BETWEEN DANDENONG MARKET PTY LTD
(DMPL) AND CITY OF GREATER
DANDENONG UPDATED 2021**

PAGES 5 (including cover)

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

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

MEMORANDUM OF UNDERSTANDING

BETWEEN DANDENONG MARKET PTY LTD (DMPL) AND CITY OF GREATER DANDENONG - ROLES AND RESPONSIBILITIES OF COUNCIL REPRESENTATIVES AT BOARD MEETINGS

1. PURPOSE

- 1.1. The City of Greater Dandenong (Council) has established Dandenong Market Pty Ltd (DMPL) to govern and manage the Market, independent from Council. Council appoints not less than two and not more than five Directors to the Company Board. The role of the Board is to guide the future direction of the Market. Directors are appointed based on their skills and relevant experience.
- 1.2. DMPL is a company that is wholly owned by Council and the relationship between the parties is set out in the Management Services Agreement (MSA) dated [insert date once MSA executed] (and as amended from time to time). The MSA establishes the reporting and performance responsibilities of DMPL for Council.
- 1.3. Council has further prescribed in the MSA that it appoints a Councillor and a member of Council's executive team or their successor as its representatives (Council Representatives) to provide an interface between Council and the DMPL Board. The Council Representatives will be invited to meetings of the Board and may participate in these meetings as non-voting participants.
- 1.4. The purpose of this Memorandum of Understanding (MOU) is to define the relationship between the DMPL and Council Representatives to ensure all parties have a clear understanding of the roles, obligations and expectations moving forward.

2. ROLE OF DMPL

- 2.1. The role of DMPL is to –
 - a) Manage the day to day operations of Dandenong Market; and
 - b) Guide the strategic direction of Dandenong Market
in accordance with Management Services Agreement and the Lease Agreement.
- 2.2. Each Director of DMPL has corporate obligations and responsibilities under Corporations Law.
- 2.3. The MSA requires DMPL to formulate:
 - a) a strategic plan;
 - b) an annual budget;
 - c) an annual business plan with performance measures;

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- d) quarterly performance reports; and
- e) audited financial accounts (annually).

2.4. The Parties acknowledge the importance of maintaining a positive relationship where both DMPL and Council have a clear understanding of their roles and responsibilities and the long term direction of the Market.

3. ROLE OF COUNCIL

- 3.1. In establishing DMPL as a separate legal entity and appointing a Board of Directors based on their respective skills, Council acknowledges that DMPL should be provided with the support of Council to independently guide the future direction of the Market.
- 3.2. Councillors will have ties to the Community that individual directors do not and will be privy to information to which the Board may not have access. As such the Board welcomes the input and views of Council and individual Councillors.
- 3.3. Council's role is to manage the performance of DMPL against the MSA and Lease. Council will also be responsible for:
 - a) Considering and approving DMPL's Strategic Plans
 - b) Reviewing the Market Business Plans
 - c) Reviewing quarterly performance reports
 - d) Reviewing and approving DMPL's Annual Budget
 - e) Considering requests for capital funding at the Market.
- 3.4. In meeting these responsibilities it is expected that Council will interact with the DMPL Board on several occasions in a formal setting each year. These interactions will allow Council to seek further detail from the DMPL Board in respect of the direction and performance of Dandenong Market.
- 3.5. It is further acknowledged that, from time to time, Councillors may have questions or suggestions for the Board. These can be addressed by individual Councillors raising such issues with the Council Representatives, and requesting these issues be brought to the attention of the Board. All communication must respect the role of the Board to manage the Market and not seek to direct or influence the Board.

4. ROLE OF COUNCIL REPRESENTATIVES AT THE BOARD MEETINGS

- 4.1. As part of maintaining a close and positive relationship between the parties, the MSA provides for the Council Representatives to attend Board meetings.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

- 4.2. The Council Representatives' role includes participation in –
- a) Board meetings;
 - b) strategic planning sessions; and
 - c) pre-scheduled sub-committee meetings.
- It does not include participation in informal discussions of Directors, unless requested by the Chair.
- 4.3. Council Representatives are permitted to ask questions:
- a) at Board, sub-committees and other meetings they attend; and
 - b) about discussions at workshops and informal discussions they have not attended so that they are adequately briefed on subsequent Board reports and decisions.
- 4.4. Council Representatives:
- a) will work towards ensuring the relationship between the parties is positive, productive and harmonious;
 - b) can participate in the discussions held at the Board meetings but have no right to vote on any decision;
 - c) must respect the autonomy of the Board to make decisions and not seek to unduly influence or interfere with the management or operation of DMPL;
 - d) have no power to direct the Board in its decision making;
 - e) must act and behave in the best interests of Council and the Company. Where there is a conflict between the interests of the Company and the interests of Council, the Council Representative will declare a conflict of interest;
 - f) are encouraged to have communications with the Board Chair outside of Board meetings to express any views or concerns.
- 4.5. The issue of confidentiality of Board information is paramount. No Council Representative may release (or cause to be released) any information to which they are privy as a result of their –
- a) position as Council Representative,
 - b) attendance at Board meetings or
 - c) receiving Board and/or Committee documents;
- 4.6. All Board meetings must remain open for the Council Representatives to attend unless the DMPL Board is considering matters relating to:
- a) the relationship between DMPL and Council;
 - b) the conduct of Council Representatives; or
 - c) the performance and employment of DMPL staff.

4.3.3 Dandenong Market Pty Ltd - Amendments to Company Arrangements (Cont.)

5. CONSULTATION

- 5.1. DMPL and Council acknowledge that a strong and positive relationship between the parties is essential for the future direction of the Dandenong Market and are committed to respecting the role that each will play in this MOU.

- 5.2. If either party has concerns regarding the successful implementation of this MOU, these concerns will be expressed in writing between the Mayor/CEO and the Board Chair. Both the Board Chair and the Mayor/CEO will seek to resolve any dispute applying good governance principles and having regard to any code of conduct that each party may adopt from time to time.

.....
Mayor
City of Greater Dandenong

.....
Chair
Dandenong Market Pty Ltd

4.3.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 July & 2 August 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 July and August 2021.

2. Recommendation Summary

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

4.3.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 July & 2 August 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 July and August 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) Current COVID-19 status. b) Upcoming local area roadworks. c) Agenda items for the Council Meeting of 26 July 2021. 	26 July 2021
2	<p>Engineering 101 – Waste and Cleansing Programs</p> <p>Councillors were provided with insight into all aspects of Council's Street Cleansing and Hard Waste Collection Services. A particular focus was placed on dumped rubbish and the importance of utilising Council's customer request system to ensure a timely response.</p>	2 August 2021
3	<p>Homelessness Presentation</p> <p>Councillors were presented with Launch Housing's Rough Sleepers' Initiative.</p>	2 August 2021

4.3.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 July & 2 August 2021 (Cont.)

4	<p><i>Dandenong Market Pty Ltd – Management Agreement Review</i></p> <p>Councillors were briefed on the outcome of a review of the Governance arrangements of Dandenong Market Pty Ltd. Changes to the management agreement and other associated documentation will be presented to the 23 August 2021 Council Meeting for endorsement. (Councillor Jim Memeti declared a conflict of interest in this item and left the meeting during its discussion).</p>	<i>2 August 2021</i>
5	<p><i>Proposed Review of Strategic Risk Register</i></p> <p>Councillors were advised on Council's Risk Management Framework, the need for continuous and regular review of the Strategic Risk Register and the implementation of identified risk controls.</p>	<i>2 August 2021</i>
6	<p><i>South East Leisure Inc</i></p> <p>Councillor feedback was sought on the proposed Role Statement for the Council Representative for South East Leisure Inc. An indication of interest was sought for a Councillor to fulfill the role.</p>	<i>2 August 2021</i>
7	<p><i>General Discussion</i></p> <p>Councillors and Council officers briefly discussed the following items:</p> <p>a) Update on the 'Jug' house proposed planning amendment. b) Media interest in the status of the Dandenong Town Hall. c) Agenda items for the Council Meeting of 9 August 2021.</p>	<i>2 August 2021</i>

5. Apologies

- Cr Loi Truong submitted an apology for the Councillor Briefing Session on 2 August 2021.

4.3.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 July & 2 August 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.

4.3.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 July & 2 August 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 the information contained in this report be received and noted.

4.3.5 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 2-13 August 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 2-13 August 2021.

Recommendation

That the listed items provided in Attachment 1 for the period 2-13 August 2021 be received and noted.

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

OTHER

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

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
2-13 AUGUST 2021**

PAGES 3 (including cover)

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

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



Correspondences addressed to the Mayor and Councillors received between 02/08/21 & 13/08/21 - for officer action - total = 3

Correspondence Name	Correspondence Date	Date Record Created	Objective ID	User Assigned
A letter of complaint from a resident regarding the dangerous state of Keys Road, Keysborough.	07-Aug-21	09-Aug-21	fA223616	Mayor & Councillors EA
A letter of concern from the Gaelic Sport Group to Councillors regarding GAA Park in Perry Road, Keysborough.	10-Aug-21	10-Aug-21	fA223781	Mayor & Councillors EA
A letter of complaint from a Keysborough resident regarding the state of Keys Road, Keysborough in relation to condition, dumped rubbish and hooning.	13-Aug-21	13-Aug-21	fA224118	Mayor & Councillors EA

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

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



Correspondences addressed to the Mayor and Councillors received between 02/08/21 & 13/08/21 - for information only - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A letter to the Mayor regarding National R U OK Day on 9 September 2021 and how Council can support it.	11-Aug-21	11-Aug-21	A7958233	Mayor & Councillors EA
An invitation to the Mayor and Councillors to attend the Parking Australia Convention & Exhibition in Adelaide from 10-12 October 2021.	02-Aug-21	11-Aug-21	A7958237	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 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.