Moreland City Council

COUNCIL AGENDA

WEDNESDAY 13 MAY 2020

COMMENCING 7 PM

THE COUNCIL MEETING WILL BE LIVESTREAMED ON MORELAND'S WEBSITE AND FACEBOOK PAGE

Language Link

This is the Agenda for the Council meeting.
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D20/185925

INFORMATION ABOUT COUNCIL MEETINGS

This meeting will be open to the public only via the livestream in accordance with the Ministerial Good Practice Guideline (MGPG) issued on 29 April 2020. If the livestream is not available the meeting will be adjourned until the issue can be rectified. These notes have been developed to help citizens better understand Council meetings. All meetings are conducted in accordance with Council's Meeting Procedure Local Law 2018.

WELCOME The Mayor, who chairs the meeting, formally opens the meeting, delivers an acknowledgement of country and welcomes all present. This Council meeting will be recorded and webstreamed live to Council's website and Facebook page. This recording will also be available as Video on Demand. Although every care is taken to maintain privacy, gallery attendees are advised they may be recorded.

APOLOGIES Where a Councillor is not present, their absence is noted in the minutes of the meeting.

DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS Under the *Local Government Act 1989*, a Councillor has a duty to disclose any direct or indirect pecuniary (financial) interest, s/he may have in any matter to be considered by Council that evening.

CONFIRMATION OF MINUTES The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

MINUTES/REPORTS OF SPECIAL COMMITTEES Council considers reports from Special Committees that Councillors represent Council on.

PETITIONS Council receives petitions from citizens on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Director for consideration.

COUNCIL REPORTS Officers prepare detailed reports, which are considered by Councillors and a Council position is adopted on the matters considered. The Mayor can invite firstly Councillors, secondly Officers, and then citizens in attendance to identify Council reports which should be given priority by the meeting and considered in the early part of the meeting.

NOTICES OF MOTION A motion which has been submitted to the Chief Executive Officer no later than 12 pm (noon) 10 days prior to the meeting which is intended to be included in the agenda. The motion should outline the policy, financial and resourcing implications.

NOTICE OF RESCISSION A Councillor may propose a motion to rescind a resolution of the Council, provided the previous resolution has not been acted on, and a notice is delivered to the authorised officer setting out the resolution to be rescinded and the meeting and date when the resolution was carried. For a decision of the Council to be rescinded, the motion for rescission must be carried by a majority of the votes cast. If a motion for rescission is lost, a similar motion may not be put before the Council for at least one month from the date it was last lost, unless the Council resolves that the notice of motion be re-listed at a future meeting. If a motion for rescission is not moved at the meeting for which it is listed, it lapses. A motion for rescission listed on a meeting agenda may be moved by any Councillor present but may not be amended.

FORESHADOWED ITEMS This is an opportunity for Councillors to raise items proposed to be submitted as Notices of Motion at future meetings.

URGENT BUSINESS The Chief Executive Officer or Councillors, with the approval of the meeting, may submit items of Urgent Business (being a matter not listed on the agenda) but requiring a prompt decision by Council.

CONFIDENTIAL BUSINESS Whilst all Council and Committee meetings of Council are open to its citizens, Council has the power under the *Local Government Act 1989* to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber or Meeting room while the matter is being discussed.

CLOSE OF MEETING The Mayor will formally close the meeting and thank all present.

NEXT MEETING DATE The next Council meeting will be held on Wednesday 10 June 2020.

1. WELCOME

2. APOLOGIES

3. DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS

4. MINUTE CONFIRMATION

The minutes of the Council Meeting held on 11 March 2020 and the minutes of the Special Meeting held on 25 March 2020 be confirmed.

5. MINUTES / REPORTS OF SPECIAL COMMITTEE

Nil.

6. PETITIONS

PET15/20	**RETAIN THE EXISTING CAROUSEL AT JOHNS RESERVE PLAYGROUND (D20/117090)**	**6**
PET16/20	**REQUEST FOR AN IMMEDIATE MORATORIUM ON ALL 5G INFRASTRUCTURE, INSTALLATION AND OPERATION IN MORELAND (D20/158007)**	**11**

7. COUNCIL REPORTS

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DCF14/20	**AMENDMENT C183 - MORELAND INTEGRATED TRANSPORT STRATEGY AND PARKING IMPLEMENTATION PLAN - DECISION GATEWAY 3 (D20/160785)**	**209**
DCD6/20	**COVID-19 PANDEMIC - BRINGING FORWARD PROGRAMS TO ASSIST RECOVERY (D20/174180)**	**265**
DCF15/20	**KERBSIDE WASTE SERVICE AND POLICY UPDATE (D20/106691)**	**269**
DCI5/20	**DRAFT MORELAND NATURE PLAN - ENDORSEMENT FOR COMMUNITY CONSULTATION (D20/143567)**	**278**
DCI6/20	**PARK CLOSE TO HOME PROPOSED FUNDING REQUIREMENTS AND TIMING (D20/157247)**	**351**
DCI7/20	**IDENTIFYING PLACES AND SPACES FOR GREENING AND SOCIAL CONNECTION IN JEWELL PRECINCT - RESPONSE TO NOTICE OF MOTION 2/20 (D20/145848)**	**358**

DCF16/20	**NIGHTINGALE CAR PARK OCCUPATION - BREESE STREET, BRUNSWICK (D20/70776)**	**368**
DCF17/20	**AMENDMENT C179 - PROPOSED REZONING OF 77-87 SOUTH STREET, HADFIELD - DECISION GATEWAY 1: AUTHORISATION AND EXHIBITION (D20/42164)**	**376**
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DCI8/20	**CONTRACT 895T - GILLON RESERVE FACILITY UPGRADES AND REFURBISHMENT - MAIN WORKS (D20/155886)**	**643**

8. NOTICES OF MOTION

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NOM23/20	**MORELAND'S TRANSPORT RESPONSE TO COVID-19 AND SOCIAL DISTANCING REQUIREMENTS (D20/174725)**	**649**

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9. NOTICE OF RESCISSION

Nil.

10. FORESHADOWED ITEMS

11. URGENT BUSINESS

12. CONFIDENTIAL BUSINESS

EMF14/20 FIRST RIGHT OF REFUSAL - 84A MCBRYDE STREET FAWKNER (D20/97201)

This report has been designated confidential by the CEO, pursuant to sections 77(2)(c) of the Local Government Act 1989 as it relates to council business information, as defind in section 3(1) of the Local Government Act 2020.

EMF15/20 MONTFORT PARK - DAR-ALAWDA COMMUNITY CENTRE (D20/132618)

This report has been designated confidential by the CEO, pursuant to sections 77(2)(c) of the Local Government Act 1989 as it relates to council business information, as defind in section 3(1) of the Local Government Act 2020.

PET15/20 RETAIN THE EXISTING CAROUSEL AT JOHNS RESERVE PLAYGROUND (D20/117090)

Two petitions (D20/116924 and D20/126431) have been received containing 130 and 22 signatures requesting Council retains the existing carousel during the forthcoming upgrade of Johns Reserve playground in Brunswick West.

Officer Recommendation

That Council:

1. Receives and notes the two petitions requesting Council retain the carousel during the forthcoming upgrade of Johns Reserve Playground, Brunswick West.
2. Refers the two petitions requesting Council retain the carousel during the forthcoming upgrade of Johns Reserve Playground, Brunswick West to the Director City Infrastructure for consideration and response.
3. Notifies both lead petitioners of any outcomes in relation to this matter.

Attachment/s

1⇩ Johns Reserve Playground Carousel Petition 1 D20/116924
2⇩ Johns Reserve Playground Carousel Petition 2 D20/126431

PET16/20 REQUEST FOR AN IMMEDIATE MORATORIUM ON ALL 5G INFRASTRUCTURE, INSTALLATION AND OPERATION IN MORELAND (D20/158007)

A petition (D20/173535) has been received containing 69 signatures requesting Council place an immediate moratorium on all 5G infrastructure, installation and operation in the Moreland region until it has been scientifically proven 100 per cent safe for human health and the environment.

Officer Recommendation

That Council:

1. Receives the petition, requesting an immediate moratorium on all 5G infrastructure, installation and operation in the Moreland region until it has been scientifically proven 100 per cent safe for human health and the environment.
2. Refers the petition requesting an immediate moratorium on all 5G infrastructure, installation and operation in the Moreland region until it has been scientifically proven 100 per cent safe for human health and the environment to the Executive Manager Finance for consideration and response.
3. Notifies the lead petitioner of any outcomes in relation to the petition.

Attachment/s

1⇩	Petition requesting an immediate moratorium on all 5G infrastructure, installation and operation in Moreland	D20/173535

EMF9/20 PROPOSED MORELAND CITY COUNCIL BUDGET 2020-21 (D20/141843)

Executive Manager Finance

Finance and Business Systems

Executive Summary

Each financial year Council must prepare and adopt an Annual Budget that contains financial statements and other matters required by regulations in accordance with section 127 of the *Local Government Act 1989* (the Act). The purpose of this report is to present Moreland City Council's proposed 2020-21 Annual Budget (the Proposed Budget) for endorsement for community consultation.

The Proposed Budget continues to deliver services to Moreland's 170,000 residents within the two per cent rate cap set by the State Government, funds Year 4 of the Council Plan 2017-2021 and delivers critical major projects while maintaining Councils financial sustainability. The Proposed Budget has been developed in an unprecedented and rapidly changing environment following the onset of the COVID-19 pandemic. The COVID-19 pandemic has had a significant impact on Councils revenue in 2019-20 and the financial impact is anticipated to continue in to the 2020-21 financial year. The Proposed Budget considers the evolving challenges and impacts from COVID-19 and proposes to continue the relief measures implemented on 25 March 2020 and provide an additional $1.2 million recovery and rebuild package.

Key features of the budget include:

- A $1.2 million recovery and rebuild package to offer support for Moreland's small business and arts communities and Moreland's community groups;
- An operating projects program of $8.5 million. Key projects in the program include:
  - Urban Forest Strategy - Planting of 5,000 new trees ($0.5 million);
  - Zero Carbon Moreland Climate Emergency Action Plan Implementation ($0.8 million) and Australian Energy Foundation Funding Agreement ($0.2 million);
  - Waste Strategy – Towards Zero Waste Program ($0.9 million);
  - Food System Strategy ($0.1 million);
  - Social Cohesion Implementation Plan ($0.1 million);
  - Youth Strategy Implementation ($0.2 million);
  - LXRA Coreworks Coordination ($0.5 million);
  - Coburg Square Redevelopment ($0.3 million);
  - Saxon Street Redevelopment ($0.2 million);
  - Community Vision and Council Plan community engagement ($0.2 million); and
  - Customer Service Improvement ($0.1 million)
- A capital works program of $56.0 million. Key projects in the program include:
  - Continuing the construction of the Wheatsheaf Community Hub ($16.0 million);
  - Gowanbrae Open Space Development ($0.4 million);
  - City Oval Grandstand and Pavilion ($2.2 million)
  - Spry Street Park Development ($0.9 million);
  - Park Close to Home ($3.13 million);
  - Coburg Leisure Centre ($2.0 million);

- Gillon Reserve Pavilion ($0.6 million);
- Library Books ($1.0 million);
- Footpaths and Bike paths ($3.17 million); and
- Roads and carparks ($9.21 million).

- The Proposed Budget continues Council's strong commitment to delivering on its major projects pipeline with a further $4 million set aside for the Significant Projects Reserve to fund future projects. The Wheatsheaf Hub project is being delivered over 2020-2023 with funding of Saxon Street Redevelopment and Fawkner Aquatic Centre redevelopment the next projects in the pipeline to be part funded from this reserve;
- A surplus of $0.3 million which is proposed to be kept aside for allocation following the public consultation submissions.

This report presents the Proposed Budget (Attachment 1), the Proposed Rating Strategy 2020-21 (Attachment 2) and the Proposed Strategic Resource Plan 2020-2025 (Attachment 3) for Council endorsement to make them available for public inspection and comment.

Council must invite and consider any written submissions it receives prior to final consideration and adoption of the budget. Additionally, in accordance with the *Local Government Act 1989*, Council must provide submitters the opportunity to speak in support of their submission should they indicate they wish to do so. A meeting is planned for Monday 15 June 2020 for this purpose, however the format of the hearing will be guided by any directives which may be issued by the State Government in relation to public gatherings. The details of this meeting will be finalised and communicated closer to 15 June.

Officer Recommendation

That Council:

1. Endorses the Proposed Budget 2020-21, at Attachment 1 to this report, for the purpose of community consultation, in accordance with Sections 129 and 223 of the *Local Government Act 1989*.
2. Endorses the Proposed Rating Strategy 2020-21, at Attachment 2 to this report, developed to inform the Proposed Budget 2020-21.
3. Endorses the Proposed Strategic Resource Plan 2020-2025, updated to inform the development of the Proposed Budget 2020-21, at Attachment 3 to this report.
4. Notes that $4.0 million will be transferred to Significant Projects Reserve to accumulate funding for Council's long-term significant priorities which include, but are not limited to, the Wheatsheaf Hub project and the Saxon Street project. This consists of:
    i. $3.0 million to be directly transferred to the Significant Projects Reserve; and
    ii. $1.0 million of building project contamination allowance at the end of the 2020-21 financial year should it not be used.
5. Gives public notice of the preparation of the Proposed Budget 2020-21 in accordance with section 129(1) of the *Local Government Act 1989* in *The Age* newspaper and invites written submissions in accordance with section 223 of the *Local Government Act 1989* until 5 pm on 11 June 2020.
6. Makes the Proposed Budget 2020-2021, Proposed Rating Strategy 2020-2021 and Proposed Strategic Resource Plan 2020-2025 available on the Council website.
7. Notes that due to the COVID-19 pandemic and the closure of Council Offices and Council libraries, a hard copy is not available for inspection at these locations and a copy of the Proposed Budget 2020-21, Proposed Strategic Resource Plan 2020-2025 or Proposed Rating Strategy 2020-21 will be mailed on request from any member of

the community.

8. Appoints the Mayor as Chair, and all Councillors to hear from submitters who indicate they wish to be heard in support of their submission in relation to the Proposed Budget 2020-21.

9. Sets the date and time of the meeting to hear submitters requesting to be heard in support of their written submissions to the Proposed Budget 2020-21 as 6 pm on 15 June 2020, to be held in Council Chamber, noting that the location and format of this is subject to change in accordance with COVID-19 restrictions.

10. Receives a further report at its meeting on 8 July 2020 outlining any submissions received on the Proposed Budget 2020-21, including a summary of the Hearing of Submissions meeting, and presenting a final Proposed Budget 2020-21, final Proposed Rating Strategy 2020-21 and final Proposed Strategic Resource Plan 2020-2025.

REPORT

1. Policy Context

The Proposed Budget 2020-21 (Proposed Budget) has been informed by Council priorities and commitments outlined in the Council Plan 2017-2021 and the Strategic Resource Plan.

2. Background

Council is required to produce a budget for each financial year by 30 June. Due to COVID-19, the Minister for Local Government has granted an extension to allow the budget to be adopted by Council by 31 August 2020. The *Local Government Act 1989* (the Act) requires Council to prepare a proposed budget and make it available for public comment, advising the community through a public notice. A period of 28 days is the minimum time Council can allow the community to make written submissions about a proposed budget.

The Proposed Budget is included as **Attachment 1** to this report. It is recommended that public notice be given, in accordance with the Act. The Proposed Rating Strategy 2020-21 (Proposed Rating Strategy) **Attachment 2** and the Proposed Strategic Resource Plan 2020-2025 (Proposed Strategic Resource Plan) **Attachment 3** are also included for Council endorsement.

3. Issues

Financial impact of COVID-19

The COVID-19 pandemic has caused what the International Monetary Fund (IMF) is forecasting as the worst recession in Australia since the Great Depression in the 1930s. The decline is sharp with Treasury forecasting unemployment to hit 10 per cent in the June 2020 quarter, with other commentators anticipating an unemployment rate of 11 per cent. Treasury estimates the employment rate would be much worse at 15 per cent if not for the JobKeeper wage subsidy program. It is anticipated that the economy will begin to recover in the September 2020 quarter, however, the recovery from a recession is always at a much slower rate than the decrease and it is also almost impossible to forecast. Councils Strategic Resource Plan does not yet capture the impacts of this recession on our long-term financial sustainability as it is still too early to understand the full impacts and the recovery rate. We do know, however, that the impact will be a negative one that will need to be managed carefully.

To maintain the financial sustainability of Council, we need to ensure that we retain funding where we can and maintain a tight control on expenditure to absorb the impacts of the recession as the economy recovers.

Proposed Budget 2020-21

In a ‘normal’ year, it can be challenging to fund the delivery of services to Moreland’s 170,000 residents and deliver on the ambitious goals contained in the Council Plan 2017-2021 all within the rate cap of 2 per cent set by the Minister for Local Government. The Proposed Budget delivers key outcomes for the Moreland community while maintaining Councils financial sustainability

This Proposed Budget provides for an underlying surplus of $11.9 million that excludes capital contributions and developer contributions. In this analysis, these items are excluded as they relate to capital commitments and as such are not used to fund the operations of Council – thus providing a clear view of Council’s financial sustainability.

Council remains in a healthy financial position through prudent financial management and ensuring that sufficient cash is available to fund our operations, projects and balance sheet items. Total Council expenditure will amount to $189.2 million and requires a Comprehensive Income Statement surplus of $26.8 million to meet the following requirements:

- $1.2 million in loan principal repayments. Repayment of loan interest is included in the income statement whilst the principal repayment is a balance sheet item and requires cash funding;
- $1.9 million transfer to the Defined Benefits Scheme reserve. This continues the process of replenishing the cash reserves that were used to repay the defined benefit liability in August 2013 and so to restore Council's liquidity; and
- $3.5 million in additional rates funded capital expenditure beyond depreciation. Depreciation being non-cash expenditure, reflects the level of asset consumption and is often a way of funding capital renewal expenditure. However, to gradually close the renewal backlog that Council faces, rates funded capital expenditure needs to exceed depreciation.

Recovery and Rebuild from COVID-19

Council is committing $1.2 million to recovery and rebuilding programs for Moreland's business community, arts community and community groups.

This stimulus package is additional support to the relief program implemented by Council on the 25 March 2020 which includes but not limited to:

- COVID-19 Financial Hardship Policy;
- Waiver of business registration fees for the remainder of 2020;
- Waiver of sporting ground allocation fees for the 2020 Winter season;
- Rent relief provided to tenants in Council's buildings who were impacted by the pandemic; and
- Community grants program specifically designed to help support through the COVID-19 pandemic.

Property Revaluations and the Rate Rise

As part of the budgeting process, officers have revised and updated the Proposed Rating Strategy, which provides the legislative and practical background for the rating framework and outlines the logic behind Council's current rating structure.

Average rates in 2020-21 will increase by 2.0 per cent, in line with the rate cap set by the Victorian Government under the Fair Go Rates System. The valuation function is centralised with the Valuer-General of Victoria and the valuation figures used in this 2020-21 proposed budget report are the preliminary valuations provided and yet to be certified. Certification is expected to be received during May and any changes to the preliminary valuations will be adjusted and reflected in the final budget report scheduled for the Council Meeting on 8 July 2020. Total rates revenue collected by the council will not increase as a result of any valuation changes.

A list of rating strategy recommendations is provided in Section 2 of the Proposed Rating Strategy **Attachment 2**.

Waste Charges

The 2020-21 Budget proposes the charge for an 80 litre bin to increase by 39 cents per week or $20.20 per year (to a total cost of $213.21 per annum), largely due to the proposed increase to the landfill levy increase imposed by the State Government, the replacement of waste trucks and the education phase of the new kerbside collection model roll out.

The charge per litre for an 80 litre bin ($2.67 per litre per annum) remains much lower to encourage reduced waste. The annual waste fees are directly linked to the cost of providing the waste services, on a cost recovery basis.

The State Government announced on 4 May 2020 (after the draft budget papers were finalised) that the first landfill levy increase will be delayed from 1 July 2020 to 1 January 2021. The saving will be fully passed on to ratepayers. The delay in the landfill levy increase reduces the Waste Charge by $349,220, reducing the charge for an 80 litre bin to $209.13 per annum, a reduction of $4.08 on the annual charge. Due to timing, the Waste Charge reduction is not included in the papers attached to this report, but will be included in the final budget for adoption on 8 July 2021.

The 2020-21 Operating Projects Program

- The operating projects program amounts to $8.5 million. This is another year of significant investment to progress key Council Plan initiatives. These projects are detailed in **Attachment 1** – Appendix A. Key projects in the program include:
  - Urban Forest Strategy - Planting of 5,000 new trees ($0.5 million);
  - Zero Carbon Moreland Climate Emergency Action Plan Implementation ($0.8 million) and Australian Energy Foundation Funding Agreement ($0.2 million);
  - Waste Strategy – Towards Zero Waste Program ($0.9 million);
  - Food System Strategy ($0.1 million);
  - Social Cohesion Implementation Plan ($0.1 million);
  - Youth Strategy Implementation ($0.2 million);
  - LXRA Coreworks Coordination ($0.5 million);
  - Coburg Square Redevelopment ($0.3 million);
  - Saxon Street Redevelopment ($0.2 million);
  - Community Vision and Council Plan community engagement ($0.2 million); and
  - Customer Service Improvement ($0.1 million).

The 2020-21 Capital Works Program

This Proposed Budget continues Council's strong commitment to delivering on its major projects pipeline with a further $4.0 million set aside for the Significant Projects Reserve to fund future projects. The Wheatsheaf Hub project is the next significant project to be delivered and will continue over 2020-2021 and 2021-2022.

The proposed new Capital Works Program amounts to $56.0 million ($29.1 million funded by rates, $3.2 million from grants and contributions, $14.2 million from reserves and $9.5 million from new borrowings). Key deliverables in the program include:

- Year two of the $30.1 million Wheatsheaf Community Hub project ($16.0 million)
- Funding to upgrade the spa and sauna and refurbish the change rooms at Coburg Leisure - as part of the Aquatics Infrastructure Program ($2.0 million).
- Renovation of Gillion Reserve pavilion ($0.6 million);
- Continuing the City Oval grandstand and pavilion ($2.2 million);
- Spry Street Park Development ($0.8 million);
- Continued investment in infrastructure ($24.4 million) including upgrades to roads and carparks ($9.2 million); footpaths and bicycle paths ($3.2 million) drainage ($1.0 million); and parks, open space and streetscapes ($8.6 million);
- A continued increase of our investment in footpaths and increased bike infrastructure so our top 10 cycling projects are completed within this term.

Projects not supported as a priority for funding in 2020-21

As usual, there are worthy project proposals which cannot be funded due to finite funds available and competing priorities. The following projects for the 2020-21 financial year are not included in the draft Budget 2020-21:

- Community Hire Venues – Auditing and Rolling Maintenance ($92,000);
- Trial of Reverse Vending Machines ($50,000);
- Waste and Litter Strategy implementation – surveillance cameras ($50,000);
- Mobile devices for Home Support Workers ($246,000);
- Additional Street Lighting budget ($100,000);
- MITS Road renewal improvement outcomes ($500,000);
- Relocate JC Decaux Advertising Bus Shelter and upgrade to DDA complaint standard - Argyle St Sydney Road, Fawkner ($80,000);
- Playground and Parks infrastructure maintenance program ($185,000);
- Recreational Facility Design Grants ($68,000); and
- Newlands Senior Citizen Centre Upgrade ($290,000).

Borrowings

Council was successful in obtaining a $9.5 million loan as part of the Community Infrastructure Loan Program administered by the State Government. This low interest loan enables the delivery of the Wheatsheaf Community Hub over 2020-2021 and 2021-2022.

Strategic Resource Plan

The Proposed Strategic Resource Plan is the financial plan which is required to enable Council to achieve its Council Plan goals over at least a four-year period. It was developed as part of the preparation of the Council Plan and has been updated to reflect recent financial matters. The draft version has guided the development of the Proposed Budget.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

This was the second year that Council has used an online budget simulator to seek community sentiment about spending priorities and it was pleasing to see a strong alignment in community priorities and Council expenditure - such as open space and parks, waste services and environmental sustainability. In conjunction with the budget simulator, Council also ran three community pop-up sessions within Moreland's activity centres.

Section 129 of the Act requires that a Council Budget be available for public inspection and comment for at least 28 days after a public notice is published, prior to the final approval of the budget. The Proposed Budget, Proposed Rating Strategy and Strategic Resource Plan will be made available on Council's website and hard copies will be available via post by request. The Proposed Budget will be advertised through *The Age* newspaper and Council's social media channels. It will be open for public submissions for 28 days from 15 May 2020 to 11 June 2020.

Section 129 (2) of the Act provides that a person has a right to make a submission on any proposal contained in the proposed budget or revised budget.

A person (or their representative) who makes a written submission is also entitled to be heard in support of their submission. A meeting has been planned for Monday 15 June 2020. Council will confirm the format and details of this meeting closer to 15 June.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Costs associated with the preparation of the Proposed Budget, including the cost of public notices, are funded from the 2019-20 operating budget allocations.

7. Implementation

Subject to Council's decision the Proposed Budget will be advertised followed by a 28 day public consultation period. Submissions will be heard at a meeting on 15 June 2020. Following consideration of those submissions, a final proposed budget will be presented for Council consideration and with a recommendation to declare the rates for 2020-21 at its meeting on Wednesday 8 July 2020.

Attachment/s

1⇩	Proposed Annual Budget 2020-21	D20/143966
2⇩	2020-21 Draft Rating Strategy	D20/143956
3⇩	Strategic Resource Plan 2020-2025	D20/143840
4⇩	Draft Fees and Charges 2020-21	D20/143849

DCF14/20 AMENDMENT C183 - MORELAND INTEGRATED TRANSPORT STRATEGY AND PARKING IMPLEMENTATION PLAN - DECISION GATEWAY 3 (D20/160785)

Director City Futures

City Strategy and Design

Executive Summary

Amendment C183 (the Amendment) to the Moreland Planning Scheme proposes to implement the changes to minimum parking requirements as envisaged by the Moreland Integrated Transport Strategy (MITS) 2019 as follows:

- For the Brunswick, Coburg and Glenroy Activity Centres, remove minimum parking requirements for all land uses, and introduce a maximum parking rate (above which a permit is required)
- For the 12 Neighbourhood Centres, reduce minimum parking requirements by 20 per cent
- For the above areas, plus local centres and other land zoned Commercial 1 Zone or Mixed Use Zone, introduce additional decision guidelines and requirements for car parking plans
- Make minor changes to the Municipal Strategic Statement and local planning policies to update references to MITS 2019 and relevant reference documents

At the 11 December 2019 Council Meeting, Council resolved to request the Minister for Planning to appoint an independent panel to hear submissions to Amendment C183 (DCF90/19). A Panel Hearing was held on 24 and 25 February 2020 and the Panel report was received on 1 April 2020.

The Panel report at Attachment 1 generally supported the underlying strategic basis for MITS and noted that the Amendment is supported by state and local policy. The Panel also agreed that supporting lower rates of car ownership through parking controls is a legitimate way to achieve Council's sustainable transport objectives.

However, the Panel considered that insufficient parking survey and modelling work had been undertaken to inform the Amendment and recommended to Council that further analysis is required to provide a more fulsome assessment of the consequences of the proposed Amendment.

Council officers recommend abandoning the Amendment at this time and beginning a new Amendment process following completion of the parking restrictions rollout and 12 month trial of the new suite of associated parking permits. Following this, the further survey and modelling work would be undertaken as recommended by the Panel.

Preliminary estimates for the cost of undertaking this survey and modelling work are in the order of $250,000 to $500,000 and the further Amendment process is estimated to cost $80,000 to $100,000. This expenditure would be referred to the budget process for the relevant financial years.

Subject to the length of the COVID-19 State of Emergency, indicatively the completion of the parking restrictions rollout is expected to occur in March to June 2021, enabling survey and modelling work in July to October 2022, and the new Amendment process from November 2022 (Decision Gateway 1) to November 2023 (Decision Gateway 3).

Officer Recommendation

That Council:

1. Notes the findings and recommendations of the Planning Panel appointed to consider Amendment C183 to the Moreland Planning Scheme, documented in the Panel Report dated 1 April 2020, at Attachment 1 to this report.
2. Using its powers as a planning authority under sections 23 and 28 of the *Planning and Environment Act 1987*, abandons Moreland Planning Scheme Amendment C183.
3. Writes to the Minister for Planning advising of Council's decision to abandon Moreland Planning Scheme Amendment C183.
4. Notifies all submitters of Council's decision in relation to Amendment C183.
5. Undertakes further parking survey and modelling work in and around Activity Centres and Neighbourhood Centres to develop a comprehensive car parking plan to fully understand the impacts of revised parking requirements and inform a future planning scheme amendment.
6. Refers the additional expenditure required to undertake survey and modelling work and to undertake a further planning scheme amendment to the annual budget process for the relevant financial year, likely 2022-23, noting the timing of these actions is subject to the duration of the COVID-19 State of Emergency in Victoria.

REPORT

1. Policy Context

Council Plan and Council Action Plan

The Council Plan 2017-2021 states a Key Priority for Council is to facilitate a demonstrable shift to more sustainable modes of transport that also targets a long-term reduction in car use.

The Council Action Plan (CAP) 2019/2020 identifies the following deliverable under 'Key Priority 2' to 'Facilitate a demonstrable shift to more sustainable modes of transport that also targets a long term reduction in car use':

- **CAP: 38** – Review of the Moreland Integrated Transport Strategy (MITS) with specific focus on achievement of this outcome to drive later years' action to enable mode shift and reduce traffic congestion
- **Action 2** – Progress planning scheme amendment to implement the MITS and Parking Implementation Plan.

The action to achieve this directive is to progress Amendment C183.

Planning and Environment Act 1987

The *Planning and Environment Act 1987* (the Act) outlines the objectives of planning in Victoria. Councils have a duty under section 12(1)(a) to implement these objectives. These include objectives to:

- Provide for the fair, orderly, economic and sustainable use, and development of land; and
- Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

Moreland Planning Scheme

Planning Policy Framework

The Planning Policy Framework (PPF) seeks to implement Plan Melbourne 2017-2050 through promoting the concept of the '20-minute neighbourhood,' where all residents have excellent access to a wide range of local amenities and services, including employment opportunities, shops, schools, public transport, parks and community services. The 20 minute neighbourhood concept also includes safe, accessible and connected routes for pedestrians and cyclists, high quality public realm, safer streets and greater housing affordability.

Key themes in the PPF include development supporting public realm, amenity, safety and access to walking and cycling environments, as well as increased housing choice and integration between development and sustainable transport modes.

Municipal Strategic Statement (MSS)

The MSS vision is to create sustainable neighbourhoods which allow people to walk and cycle to access their everyday needs.

To achieve this, Council is committed to improving the quality and design of the built environment and integrating transport and land use planning to optimise people's opportunity to walk, cycle and use public transport.

Moreland Integrated Transport Strategy 2019

The Moreland Integrated Transport Strategy (MITS) 2019 was adopted by Council in March 2019 (DCF12/19) and is Council's strategic direction for integrated transport planning for the next decade and beyond, aiming to achieve a reduction in car use.

A key action of MITS is to undertake a planning scheme amendment to reduce or remove minimum parking requirements for new development in the municipality's Major and Neighbourhood Activity Centres and which encourages new development in all of Council's Activity Centres to incorporate sustainable transport into its design

2. Background

Amendment C183

Amendment C183 to the Moreland Planning Scheme (the Amendment) proposes to implement the changes to minimum parking requirements as envisaged by the MITS 2019 as follows:

- For the Brunswick, Coburg and Glenroy Activity Centres, remove minimum parking requirements for all land uses, and introduce a maximum parking rate (above which a permit is required).
- For the 12 Neighbourhood Centres, reduce minimum parking requirements by 20 per cent.
- For the above areas, plus local centres and other land zoned Commercial 1 Zone or Mixed Use Zone, introduce additional decision guidelines and requirements for car parking plans.
- Make minor changes to the Municipal Strategic Statement and local planning policies to update references to MITS 2019 and relevant reference documents.

In March 2019, Council resolved to seek the Minister's authorisation to prepare the Amendment and following receipt of authorisation, to publicly exhibit the Amendment (DCF12/19). The Minister's authorisation to publicly exhibit the amendment was received on 18 August 2019.

The Amendment was publicly exhibited from 19 September to 11 November 2019. 265 submissions were received, including 29 late submissions that were forwarded directly to the Panel for consideration. Key themes raised in submissions included changes to minimum parking requirements in the planning scheme, parking policy as a lever to achieve mode shift, the consultation process, areas to be affected by the amendment, human rights concerns, parking restrictions, parking permits and the need for more public parking.

In December 2019, Council requested the Minister for Planning to appoint a Panel in accordance with Part 8 of the *Planning and Environment Act 1987* to consider unresolved submissions to Amendment C183 (DCF90/19).

A Panel Hearing was held at Planning Panels Victoria on 24 and 25 February 2020 and the report of the Panel was received on 1 April 2020 and released to the public on 29 April 2020.

3. Issues

Issues and recommendations in Panel report

The Panel report (at Attachment 1) generally supported the underlying strategic basis for MITS and noted that it is supported by state and local policy. The Panel also agreed that supporting lower rates of car ownership through parking controls is a legitimate way to achieve Council's sustainable transport objectives.

The Panel also noted that Council had met its legislative obligations with respect to consultation and human rights.

However, the Panel considered that insufficient parking survey and modelling work had been undertaken to inform the Amendment and recommended to Council that further analysis is required to provide a more fulsome assessment of the consequences of the proposed Amendment.

More specifically, the Panel considered that the requirements of the State Government's Planning Practice Note 57 – Parking Overlay (PN57) had not been met. Council officers submitted at the Panel hearing that this Practice Note constituted guidance only. PN57 is based on the traditional approach of conducting surveys to justify changing minimum parking requirements based on local conditions and does not envisage the kind of parking management Council is undertaking as an alternative approach. However, the Panel considered that PN57 had considerable status in the planning system and should be followed unless there were compelling reasons not to. The Panel was not convinced that there were compelling circumstances in this instance.

As such, the Panel's recommendations were that:

- The proposed changes to Activity Centres (new Parking Overlay 1) be abandoned until a comprehensive car parking plan is undertaken that clearly demonstrates that applying maximum car parking rates will not have adverse impacts.
- Prior to implementation of proposed changes to Neighbourhood Centres (new Parking Overlay 2), Council consider any adverse consequences identified in a more comprehensive car parking plan.
- Other changes in the Amendment be supported, including proposed changes to Local Centres and land in certain zones (new Parking Overlay 3), minor consequential changes to local policies, and post-exhibition changes proposed to the Amendment by Council to correct minor errors.

The Panel made recommendations for the content of the car parking plan, including surveys of on-street and off-street parking in all precincts in and around Activity Centres and Neighbourhood Centres over several time periods, modelling for each precinct considering land use and parking demand over different times of the day, consideration of whether a range of parking rates (using both minimum and maximum rates) should be used, consideration of the appropriate maximum rate to be applied based on modelling, and consideration of whether Glenroy should be treated differently to the Brunswick and Coburg Activity Centres.

The Panel raised concerns about removing minimum parking requirements and allowing zero parking as-of-right, because it was considered there was insufficient understanding of parking provision to provide guidance to developers on appropriate parking levels.

Finally, the Panel noted that many submissions related to Council's changes to parking restrictions and parking permit policy and agreed these were not relevant to the Amendment. At the time of the hearing Council had made a number of adjustments to parking policy. The Panel noted this confusion was understandable given the parking rollout and Amendment were being conducted simultaneously.

Next steps

Council officers note the recommendations of the Panel and its suggestion that conducting Amendment C183 and the parking restrictions rollout simultaneously has caused confusion for submitters and the community.

While Council had sought to rely on proactive management of on-street parking rather than extensive empirical assessment of parking supply and demand as a justification for the Amendment, Council officers accept the Panel's recommendation to undertake further empirical assessment prior to proceeding with the Amendment.

It is noted that the Panel report does not dispute the strategic alignment between the aims of the Amendment and state and local planning policy, or that supporting lower rates of car ownership through parking controls is a legitimate means to achieve Council's sustainable transport objectives. However the panel has recommended a comprehensive car parking plan be developed to better understand the likely consequences of the Amendment.

It is recommended that the Amendment be abandoned at this time and a new Amendment process be commenced following the completion of the parking restrictions rollout (after the COVID-19 state of emergency) and completion of a comprehensive car parking plan based on parking surveys and modelling.

It is recommended to undertake the survey and modelling work twelve months after the completion of the parking restrictions rollout to understand supply and demand issues after the community has adjusted to these parking restriction changes. This would also have the likely benefit of undertaking this assessment after the COVID-19 state of emergency (which has drastically changed transport behaviour) and significant disruptions caused by level crossing removal works on the Upfield and Craigieburn lines.

Any changes relative to the Amendment (for example, different minimum or maximum rates) resulting from this further work would then form part of a new Amendment which would also undergo exhibition and a public submissions process.

Exhibition of a new Amendment would benefit from not occurring simultaneously with introduction of new parking restrictions or further changes to parking permit policy, with submissions likely to be focused on proposed changes to the planning scheme.

Human Rights Consideration

The implications of Amendment C183 and other changes to parking being undertaken by Council have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities, as detailed in the December 2019 Council report (DCF90/19) and attached Human Rights Assessment.

No further human rights issues are raised by this report.

4. Consultation

No external consultation was undertaken in the preparation of this report, as it is based on the recommendation of the Planning Panel for Amendment C183. The Panel's recommendations were informed by public submissions made to the Amendment. The Panel report was made publicly available on 29 April 2020.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Preliminary officer estimates of the cost to undertake survey and modelling work as recommended by the Panel are in the order of $250,000 to $500,000. This estimate is based on previous survey work that has been undertaken in the Activity Centres and Neighbourhood Centres.

As the new Amendment would need to be exhibited again and be considered by a Planning Panel, a further $80,000 to $100,000 would be required for the Amendment process.

This additional expenditure would be referred to the Budget process for the appropriate financial year, likely 2022/23.

7. Implementation

It is proposed that further survey and modelling work in the Activity Centres and Neighbourhood Centres be conducted twelve months after the completion of the parking restrictions rollout, in order to allow time to adjust to these changes and therefore survey typical conditions.

Following the completion of this survey and modelling work, it is proposed to commence a new Amendment process informed by the findings of this work.

The following timeframes are indicative only, assume that resumption of the parking restrictions rollout is able to occur in early 2021, and are subject to the length of the COVID-19 State of Emergency:

- March to June 2021: Remainder of parking restrictions rollout within 200 metres of the Brunswick and Coburg Activity Centres, in nine Neighbourhood Centres, and in the Glenroy area to be determined by Council following completion of LXRP works on the Upfield railway line.
- July to October 2022: Survey and modelling work to be undertaken in the areas where parking restrictions have been introduced.
- November 2022: Revised Amendment package to Council – Decision Gateway 1.
- February to March 2023: Amendment exhibition.
- May 2023: Council decision post exhibition – Decision Gateway 2.
- July 2023: Panel hearing.
- November 2023: Council decision on Amendment post Panel hearing – Decision Gateway 3.

Attachment/s

1⇩ Amendment C183 Panel report D20/140451

DCD6/20 COVID-19 PANDEMIC - BRINGING FORWARD PROGRAMS TO ASSIST RECOVERY (D20/174180)

Director Community Development

Community Wellbeing

Executive Summary

At the Special Council Meeting on 25 March 2020, Council resolved, amongst other items, to receive a report at the next Council meeting on the possibilities of bringing forward other grants, programs or projects that may assist in relief and recovery for community and business.

Possible opportunities across Council have been examined and a listing of possible 'bring forwards' has been compiled. These are characterised by being flexible enough in their format and not requiring additional Council or other funding for delivery.

The benefits of these bring forwards will result in increased local economic activity and enhanced community support and economic development in the aftermath of the COVID-19 pandemic.

Council also approved a range of community relief and recovery measures on 25 March, including a hardship policy and special grants program. The draft 20/21 budget includes provision for $1.2 million in further relief and recovery measures to assist community, business and the arts, in addition to the measures approved in March 2020 and those set out in this report.

Officer Recommendation

That Council:

1. Endorses the list of grants and projects as detailed in this report and, when considering the final draft 2020-21 Budget for adoption, determines whether to allocate funding for:

    a) Community infrastructure – Frank Sedgeman Tennis Club - $23,000 capital expenditure;

    b) Community infrastructure – Holbrook Reserve female friendly facilities - $50,000 capital expenditure

    to be brought forward and implemented as part of the aim to support and increase community community support and economic development.

2. Endorses the change in purpose for the 2020-21 financial year for:

    a) Arts Activation Grants program and Arts Investment Grants program;

    b) Community Grants Program

    to support COVID-19 recovery;

3. Determines Activity Centre streetscape improvement preliminary works scheduled for 2020-21 will be brought forward to commence in 2019-20.

REPORT

1. Policy Context

The Council Plan 2017-20 has the overarching vision for Moreland to be a proudly diverse, connected, progressive and sustainable city in which to live, work and play. The Council Plan features a number of key priorities across all areas of Council.

2. Background

At the Special Council Meeting on 25 March 2020, Council resolved, amongst other items, to receive a report at the next Council meeting on the possibilities of bringing forward other grants, programs or projects that may assist in relief and recovery for community and business in the aftermath of the COVID-19 pandemic.

This is in addition to relief and support measures already adopted at the 25 March 2020 meeting:

- Adoption of the financial hardship policy which allows for deferral of rates without interest until June 2021
- Seven day payment terms for suppliers for the duration of the emergency.
- Waivers of food registration fees for food premises
- Waivers of sports ground fees and rental, and rent relief for most tenancies
- New COVID-19 Community Support Grants Program, in partnership with the Inner North Community Foundation, to deliver a range of community initiatives and supports
- Refunds of relevant payments for services that can no longer take place
- Additional support for vulnerable older residents including delivery of essential supplies.

Council staff have also been working closely with staff in the community sector to ensure resources are coordinated and meeting needs. This has included direct assistance to community organisations in some cases, e.g. in putting together food and relief packs for residents of rooming houses.

Council is currently coordinating relief packages for eligible residents, and has expanded its meal delivery capacity should it be needed.

A further $1.2 million is included in the draft 2020/21 budget for additional relief and recovery measures.

This report particularly focuses on existing programs and projects which could be brought forward or repurposed, to assist community and business recovery.

3. Issues

Possible bring forward opportunities across Council have been examined and are as follows:

1. Arts Activation Grants program ($50,000 in Base budget) and Arts Investment Grants program ($60,000 recommended in 2020/21 Budget) – The proposal is to combine these two programs for the 2020/21 financial year and modify the grant purposes to COVID-19 recovery projects in the Moreland arts community along with other community arts projects.

2. Activity Centre streetscape improvements - Facilitate employment creation and provide economic stimulus through undertaking preliminary works in 2019/20 facilitating designs associated with Activity Centre streetscape improvements scheduled for 2020/21 to enable earlier commencement (These works are best undertaken if businesses are still closed and not trying to recover if they have just re-opened, so timing is critical).

3. Community Grants Program ($100,000 in Base budget) - Modify the grant purposes for the 2020/21 funding round to include COVID-19 recovery projects along with other community benefit projects.

4. Community infrastructure – Frank Sedgeman Tennis Club ($23,000 currently shown in the 2022/23 Capex Budget) – Bring forward this project to 2020/2021 to complete the works needed and enable the courts to be used by the community.

5. Community infrastructure – Holbrook Reserve female friendly facilities ($50,000 currently shown in 2022/23 Capex Budget) - Bring forward the design component of this project to 2020/21 to enable the project to be shovel ready for future budget consideration and external funding support. When completed, this will make all Moreland's sporting pavilions female friendly.

In addition, Moreland Industrial Land Strategy (MILS) aligned re-zonings can be progressed in order to encourage investment and economic activity. Re-zonings such as C179 and C180 are aligned to MILS and are the subject of separate reports to Council. This would result in commencing the exhibition of authorised amendments associated with investment. This includes Planning Scheme Amendment C190 - Better Outcomes (recently authorised).

Social implications

The projects nominated for bringing forward will have positive and meaningful social and community benefits.

Economic implications

The projects nominated for bringing forward will have positive and meaningful economic benefits.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities and accord well with Action 18 – the right to take part in public life.

4. Consultation

Internal consultation has been undertaken to identify the proposals outlined.

Communications

Consultation and engagement will be undertaken as appropriate with each of the initiatives listed.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Each of the nominated initiatives have funding allocated and no additional funding is required.

7. Implementation

Implementation of brought forward measures will commence as soon as practicable. There will be particular timelines associated with each nominated project.

Attachment/s

There are no attachments for this report.

DCF15/20 KERBSIDE WASTE SERVICE AND POLICY UPDATE (D20/106691)

Director City Futures

City Change

Executive Summary

In April 2019 Council resolved (DCF20/19) to introduce kerbside collection of Food and Garden Organics (FOGO) across the municipality via the green waste service from 1 July 2019 and to discontinue the one-off connection fee for the green waste service. Council also endorsed the switch to weekly green (food and garden organics) waste service and fortnightly garbage and recycling as the foundation for detailed implementation planning and community engagement, with this change to be universally rolled out across the municipality in March/April 2021.

Kerbside collection of Food and Garden Organics (FOGO) was introduced from 1 July 2019, through addition of food waste into the fortnightly green waste service and dropping the one-off 'connection fee'. By end December 2019, 3,300 additional households had opted into the new food and garden organics kerbside service, meaning approximately 65 per cent of eligible households are connected to the food and garden organics service. There has been a 28 per cent increase in the organics captured compared to the same period last year (1 July 2019 to 29 February 2020) and a nine per cent decrease in waste going to landfill over that same period. Contamination of the organic waste is less than three per cent. While Multi-Unit Developments (MUDs), with use of shared bins, are a challenge, 34 per cent of Council-serviced MUDs now have access to the organics service.

Planning for the roll-out of Stage Two universal FOGO has been progressing but has been impacted by a range of factors including prior recruitment delays. Most significantly, the delayed release of the State Government's Recycling Victoria 10-year plan has affected planning. With the emerging COVID-19 response, engagement on the foundation model endorsed in April 2019 has been further impacted.

Final announcements in late February 2020 confirmed the State policy directions are for state-wide transition to a four-bin kerbside service, with transition to state-wide glass collection (by 2027) and FOGO (by 2030), along with introduction of a Container Deposit Scheme (CDS) by 2023.

The substantive nature of the change to kerbside service requires adoption of a new Kerbside Waste Services and Charges Policy, which should be informed by appropriate community engagement and consultation. Moreland's inner and middle ring urban context, including the greater mix of medium and high housing types, very diverse resident cohorts, and relatively high existing bin contamination rates, makes introduction of, and compliance with, a substantively changed kerbside service particularly challenging. To maximise the success of the future kerbside service, the new policy should be informed by as extensive community engagement and education as is possible.

This report provides three 'engagement options' relating to the nature and timing of community engagement and subsequent presentation of a draft and final Kerbside Waste Services and Charges Policy for Council adoption. Council officers recommend Option 3, reflecting preliminary community engagement about kerbside waste services during 2020 with the development of the policy in early 2021. Option 3 provides the most substantive opportunity to engage (potentially face to face) with community cohorts most likely to be challenged by the new service model (for example, renters, shared bin users in MUDs, Culturally and Linguistically Diverse communities), with potential to integrate measures into the policy to mitigate barriers to service uptake and compliance.

Option 1, where a new policy is presented to Council on the timeline set by Council's April 2019 is not considered a good option as it does not provide for a substantive update to the policy and has the greatest risk of community concern and potential greater contamination of the waste streams.

Option 2 provides for a draft policy in August 2020 to be finalised in March 2021. This option includes greater adjustment to the policy in response to the State policy directions and community engagement via digital platforms to develop the draft policy. The resultant policy position will not be as robust as one developed under Option 3.

Under engagement Option 3, following preliminary community engagement, a draft Kerbside Waste Services and Charges Policy would be presented to the March or April 2021 Council Meeting for endorsement for public consultation, with presentation of a final Policy proposed by June/July 2021. Under this option, the new four-bin kerbside service would be rolled-out in March 2022.

Officer Recommendation

That Council:

1. Notes the increased take up of Food Organics Garden Organics service across Moreland since 1 July 2019.
2. Notes the decrease in waste going to landfill since the introduction of the Food Organics Garden Organics service.
3. Subject to any limitations on effective community consultation arising during the State of Emergency, endorses Option 3, to receive a draft Waste Policy (informed by community engagement in 2020) at the Council Meeting in March 2021 for endorsement for public exhibition/consultation, as the model to engage with the community on the development of the Kerbside Waste Services and Charges Policy and the roll-out of the universal Food Organics Garden Organics Service.

REPORT

1. Policy Context

The Council Plan 2017-21 includes a key priority to "Enhance the environmental outcomes of Council waste services and increase the communities' awareness/participation in environmental initiatives to reduce waste to landfill".

CAP:59 of the Council Action Plan 2017-21 includes the action to progress actions as per Waste and Litter Strategy 2019 Action Plan including FOGO Rollout: Begin opt-in Food Organics/Garden Organics (FOGO) service and prepare for full FOGO roll out to whole municipality in 2021.

The Waste and Litter Strategy 2018-22 includes a target of zero waste to landfill by 2030 with an objective to introduce a kerbside food and garden waste collection service.

Zero Carbon Moreland (ZCM) 2040 Framework and five-year ZCM Climate Emergency Action Plan include priorities and actions to dramatically reduce the amount of organic waste sent to landfill, through an holistic approach including avoiding food waste, food re-distribution / sharing, onsite processing (composting / wormfarming etc) and diversion through the kerbside service.

At the 10 April 2019 Council meeting, Council endorsed implementation of option C - Hybrid, being to opt-in FOGO prior to proposed 'universal service' rollout in March/April 2021 of year two, as the foundation for detailed implementation planning and community engagement.

The description of Option C-Hybrid was laid out very clearly in the body of the April 2019 report(DCF20/19):

Year 2 (2020/2021)

- full universal service roll-out across the municipality in the second half of the 2020/21 financial year;
- weekly FOGO collection; and
- alternating fortnightly garbage and fortnightly recycling collection.

Council's Community Engagement and Public Participation Policy reflects that 'Council is committed to working with the people of Moreland to build a stronger city through purposeful engagement in a responsive, transparent and equitable manner'. The *Local Government Act 2020* will reinforces the requirement for community engagement and transparency in service planning, incorporating the requirement for 'deliberative' engagement for relevant matters.

2. Background

Food waste makes up approximately 52 per cent of Moreland's kerbside household waste sent to landfill (by weight). Introducing a food and garden organics collection at kerbside reduces greenhouse gas emissions, diverts food waste from landfill and supports the circular economy through the creation of nutrient rich compost, used by Victorian farmers and gardeners to improve soil quality.

Progress with fortnightly 'opt-in' FOGO

Council endorsed the implementation of the food and garden organics collection service in April 2019, with implementation to occur in two stages. Stage 1 commenced 1 July 2019 with fortnightly FOGO collections to existing and new 'opt-in' organic (green) waste service users. During July to December 2019 3,300 new households connected to the service and 1,016 households upsized to a larger bin. 65 per cent of eligible households (up from 59%) now have a green bin and therefore access to a fortnightly FOGO kerbside collection service.

There has been a 28 per cent increase in the (food and garden) organics captured compared to the same period last year (1 July 2019 to 29 February 2020) and a nine per cent decrease in waste going to landfill over that same period. Contamination of the organic waste is currently tracking at less than three per cent.

Given these results, the implementation of Stage 1 of the Council decision has been a great success with a six per cent increase in properties joining the service, a reduction in waste going to landfill, while maintaining the contamination rate under three per cent. Council also now has in place additional resources to work with the community on behaviour change and to continue education to maximise the material in the FOGO service and to work with the residents of Multi-Unit Developments (MUDs) and other cohorts of the community to further this work.

The intended Stage 2 FOGO would have seen the roll out of a 'universal' FOGO service by March/April 2021. All residential properties entitled to Council kerbside waste services (that is, paying the waste charge) would receive an organics bin and be encouraged to use the service. To maximise organics diversion and manage service cost, changes in bin sizes and collection frequencies were also planned, with organics bins to be collected weekly and recycling and garbage bins collected on alternating fortnights.

Planning for city-wide implementation is underway, however, recent developments and uncertainty in State policy direction have significant implications which require further consideration and decision-making to ensure successful broad community acceptance.

3. Issues

The Victorian waste and recycling industry has been operating in a state of uncertainty since the introduction of the China National Sword policy in 2018, which presents challenges for Council forward-planning and service design. The Victorian government has been undertaking several inquiries/reviews and recently released a state-wide policy that has significant implications for Moreland's planned 'universal' FOGO model.

State Government Recycling Direction

The State Government Recycling Victoria 10-year plan, released on 26 February 2020, announced a range of policy directions and initiatives including:

- a new four-bin household recycling system to separate recyclables (paper, plastic and metals), glass (by 2027), food and organics (by 2030);
- a container deposit scheme to be developed in consultation with councils and industry introduced by 2023;
- a state-wide education program to help households, businesses and councils transition to the new system.

The State Government noted that bin collection frequencies are determined by councils, and unfortunately provided no encouragement for the switch to fortnightly garbage collection when/if councils introduce weekly FOGO.

Uncertainties Regarding State Government Direction and Support

The policy directions announced were high level and many details and practicalities that should inform Council's service planning and analysis need to be worked through with stakeholders. Uncertainties relate to:

- **Funding support – extent, timing and for what.** Some funding support was announced to help councils to introduce the expanded kerbside service, available progressively from 2021, although the Municipal Association of Victoria (MAV) notes it will be insufficient.
- **Cost impacts on future waste contracts.** For example, whereas previously Council received payment for the recycled materials that offset the waste charge, recent dramatic changes in the recycling industry mean that Council now pays per tonne of co-mingled recyclables they receive/process. It is unclear what contract pricing would apply for disposal of cleaner recyclables (excluding glass) and for 'clean' glass from a new glass only bin.
- **How and when would recycling contractors transition to a regional or state-wide standard for co-mingled recyclables and organics processors.** Different recyclers currently accept different types of recyclable content and organics, which limits potential for regional and state-wide education campaigns aimed at reducing contamination. The introduction of the glass bin will effectively mean glass becomes a 'contaminant' in the yellow bin. Unlike Council's current organics processor, some regional organics processors accept use of 'cornstarch caddy liners' to contain kitchen food waste.
- **Design of the Container Deposit Scheme (CDS) and flow-on impacts on recycling and glass kerbside services.** Current information suggests that the CDS will accept plastic, aluminium and glass beverage containers (including wine bottles). The CDS could divert a significant volume of materials from kerbside yellow and purple bins, with implications for required bin capacity and collection frequency.

Requirement for a New Kerbside Waste Services and Charges Policy

Council's current policies relating to kerbside waste, the Waste Charge Policy and the Garbage, Recycling and Green Waste Services Policy were adopted in 2008.

To support introduction of universal FOGO and, ideally, integrate service changes implied by the recent State policy directions, a new Kerbside Waste Services and Charges Policy (Waste Policy) needs to be developed and adopted.

A new Waste Policy would establish/define:

- Service purpose and goals (including integrating Council's goal of 'zero waste to landfill by 2030');
- A hierarchy of service objectives /principles (to inform decision-making where a 'trade-off' is implicit for example, cost versus collection frequency);
- Service levels including:
    - Kerbside collection types (that is, garbage, FOGO, recyclables, glass etc);
    - Collection frequencies;
    - Standard bin sizes (and alternative options);
    - Business rules relating to service provision;
- Special conditions / options for non-standard service users (for example, in MUDs);
- Approach to calculation of the annual Waste Charge including any concessions, subsidies, reimbursements, exemptions or 'fee for service' options;

With sufficient time for development, a new Waste Policy could:

- Address whether the Waste Charge should continue to be based only on the size of the garbage bin;
- Be 'future-proofed' to integrate the introduction of the new purple bin and any changes to the municipal hard waste collection.

Implications for Council's Stage 2 FOGO approach

Release of the State policy directions creates two related issues for Council's currently endorsed FOGO Stage 2 roll-out model and timing:

1. The endorsed service model would require an upsize (from 120 litre to 240 litre) for most yellow (recycling) bins to accommodate the switch from weekly to fortnightly collection in March/April 2021. Subsequent introduction of the fourth glass (purple) bin and Container Deposit Scheme, may make the upsize of the yellow bin redundant for a majority of households. A city-wide changeover of recycling bins (from a standard 120 litre weekly collection, to a 240 litre fortnightly collection) could contribute up to $3.9 million to Stage 2 project costs. The switchover cost and unnecessary resource use could be minimised with an alternative roll-out model and timing that align with the review of recycling contracts and introduction of the purple bin (with State Government financial support).
2. To meet the March/April 2021 roll-out timeline, a new Kerbside Waste Services and Charges Policy will need to be finalised and adopted by August 2020, prior to commencement of the local government election period. This precludes the opportunity to meaningfully engage the Moreland community in informing a draft Waste Policy and limits time available for public exhibition of the draft Waste Policy, increasing the risk of community concern and greater contamination of the waste streams. It also precludes proper consideration and integration of the State policy directions (that is, the purple bin for glass) and its implications for service and project planning.

Development of a new Waste Policy – Options for engagement and timing of policy adoption

A new Waste Policy is required to provide policy backing to the roll-out of universal FOGO as part of a changed kerbside waste service and waste charge model.

Engagement options for developing and adopting a new Kerbside Waste Services and Charge Policy are:

Option 1 – To adopt final Policy by August 2020 in accordance with the Council decision in April 2019.

A draft Waste Policy would be presented to the June 2020 Council Meeting, to be followed by a three to four-week 'inform and consult' (late June/July) and presentation of a final Waste Policy to the August 2020 Council Meeting for adoption.

This option retains potential to deliver on universal FOGO rollout in March/April 2021, however it assumes no substantive changes to draft Waste Policy / service model and consideration of the additional purple bin would be a separate future project. This option involves the shortest period of community engagement and community awareness raising, at a time when COVID-19 public health restrictions limiting in-person gatherings are likely to still be in place. Lower community awareness could see potential greater contamination of the waste streams.

Option 2 – To present a draft Policy (informed by limited community engagement conducted on digital platforms) to the Council Meeting in August 2020 for community consultation following in early 2021.

Preliminary community engagement (from late May – June 2020, digital platforms only) would provide some opportunity to increase community awareness and understanding of Council's waste services and charges, the State Government policy directions including the future purple bin, key service costs and trade-offs, the rationale for universal FOGO, the service model understood to maximise diversion of waste to landfill, and alternatives.

A draft Waste Policy would then be presented to the August 2020 Council Meeting, informed by preliminary community views and some further information regarding State policy details. Subject to endorsement of the draft Waste Policy in August 2020, formal community consultation would be held over until early 2021, with potential that a final Waste Policy could be presented for Council adoption by March 2021.

Option 3 – To present a draft Waste Policy (informed by community engagement in 2020) to the Council Meeting in March 2021 for endorsement for public exhibition/consultation.

Like Option 2, preliminary community engagement would commence in digital format from late May to June/July 2020 however would then continue from late 2020 through early 2021. The preliminary engagement would focus on providing information to the community on the need for change, raise awareness of the issues and how to manage the waste generated and how to maximise the recycling of any waste generated. The later engagement could have a stronger focus on canvassing views about preferred service options (that is, bin collection frequencies, standard capacities etc).

This extended engagement period would also provide opportunity for social research and engagement (hopefully face-to-face, pending COVID-19 public health guidance) with target audiences that are most likely to experience additional barriers or challenges with service adoption and compliance (for example, renters, Community and Linguistically Diverse communities, families with young children, residents in MUDs etc).

Informed by the outcomes of the community engagement and further details relating to implementation of the State plan, the draft Waste Policy would be presented for endorsement for public exhibition/consultation in March 2021. Following a public exhibition period, the final Waste Policy could be presented for adoption by June 2021.

Kerbside Service Models

Under Engagement Options 2 and 3, Council's future kerbside service models, including the additional purple bin for glass, would be canvassed with the community. The service model understood to provide greatest diversion of organic waste from landfill would be:

Week 1: Green (food and garden organics), red (garbage)

Week 2: Green, yellow (recyclables)

Week 3: Green, red

Week 4: Green, yellow, purple (glass)

This model is consistent with Council's endorsed model and retains its many benefits. Depending on the timing of the Container Deposit Scheme and resolution of bin size, the new purple bin for glass may require fortnightly collection, rather than monthly.

Importantly, extended community engagement would enable the community to interrogate and inform the refinement of Council's final service model, as well as consider the cost benefit and impacts of alternative models (for example, costs of variation of bin sizes and of weekly versus fortnightly red bin collections).

Timing of the new kerbside service roll-out

The engagement option determined and timing for endorsement and adoption by Council would mean implementation of the new kerbside service would be:

Option 1 – assuming adoption of a final Waste Policy in August 2020, rollout of universal three bin service (weekly green, alternating fortnightly red and yellow) in March/April 2021. The purple bin would be the subject of a future engagement process;

Option 2 – assuming endorsement of a draft Waste Policy in August 2020 and adoption of a final Waste Policy in March 2021, rollout of universal four bin service by November 2021;

Option 3 – assuming endorsement of a draft Waste Policy in March/April 2021 and adoption of a final Waste Policy by June/July 2021, roll-out of universal four bin service by March 2022.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

A preliminary workshop to explore the social impacts of changes to the kerbside waste service and associated policy and charges has been held with staff from Community Development and Social Policy, Waste Services, Aged and Community Support, Youth Services, Strategy and Research and City Change.

A formal assessment of a draft Waste Policy once developed, would be undertaken against the Human Rights Charter. Extended engagement models would allow time for addressing identified social impacts in the policy development.

4. Consultation

Delays with engagement on future kerbside service

The Council decision in April 2019 provided for community engagement during the second half of 2019 to inform the community about the service model endorsed at that time (universal FOGO with change to all collection frequencies). Unfortunately, this broad awareness raising has not yet occurred, being impacted by several factors including: early focus on promoting the new ‘opt-in’ FOGO service and fine tuning the roll-out, recruitment timeframes and staff vacancies, capacity constraints within City Change, Waste Services and Communications and Engagement teams, and delays in the release of the State Government ‘Recycling Victoria’ policy and uncertainty around what its policy directions would be.

To date, where service users have enquired about or requested weekly rather than the current fortnightly FOGO collection Council officers have communicated the intent to transition to the ‘best practice’ service model in 2021 and noted the need for more extensive community engagement and education to ensure the success of this change.

Current state of engagement planning

Community engagement regarding the future kerbside waste service would ideally now take into account:

- Introduction of a fourth bin for glass (purple bin);
- Unfolding implications relating to COVID-19;
- Alignment with Council’s more recently adopted Community Engagement Framework and, as much as possible, with requirements of the Local Government Act 2020 regarding transparency and community engagement.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Implications for FY2020/21 Waste Charge

The total budgeted cost of Waste Services in 2019/20 was $16.9 million with a standard household Waste Charge of $193.01 (for an 80 litre garbage bin).

The 2020/21 budget has been prepared on the basis that Options 2 or 3 will be adopted by Council, including an allocation of $540,000 for communications and engagement. This would see an overall standard waste charge of $213.21 for an 80 litre bin. Most of the increase in the waste charge is due to the increased State Government landfill levy and the replacement of waste trucks.

Should Council adopt Option 1, then additional costs will be incurred in 2020/21 for the rollout of about $2.3 million. This would see the standard annual waste charge for an 80 litre bin for 2020/21 increase to $239.47.

[Note: as this report was being finalised, the State Government announced a six month delay in the new landfill levy increase. This will be fully passed on to ratepayers but the above estimated waste charges do not yet reflect this reduction.]

Further analysis is required into the potential for bin re-lidding within the rollouts, rather than bin replacement. Municipal-wide replacement of standard 120 litre yellow bins to 240 litre bins contributes up to $3.9 million to project costs over the full term of the project.

7. Implementation

Subject to Council's decision, Council officers will be commissioning and collaborating with specialist community engagement contractors and social researchers to plan and undertake community engagement activities to the greatest extent that is possible over the endorsed timeline. In the short-term, in light of COVID-19, the majority of engagement is expected to be via digital platforms (predominantly via Conversations Moreland). As well as informing a new Kerbside Waste Services and Charges Policy, community engagement and social research will inform later community education and preparedness communications that would be implemented in the lead up to rollout of the new service.

In addition to engagement with the community, Council officers will continue liaison with the State Government and Metro Waste Group to help plan for the operational and contractual changes implicit in this significant change to the kerbside waste service.

Attachment/s

There are no attachments for this report.

DCI5/20 DRAFT MORELAND NATURE PLAN - ENDORSE FOR COMMUNITY CONSULTATION (D20/143567)

Director City Infrastructure

Open Space and Street Cleansing

Executive Summary

The Moreland Nature Plan once completed, will provide the strategic direction to enhance biodiversity and celebrate nature in our City. The draft Nature Plan, at Attachment 1, has a vision that the City of Moreland will support a more diverse, connected and resilient natural environment where native birds and animals thrive. Our residents will value the local environment and appreciate opportunities to explore and connect with nature in the City.

Council has acknowledged we are in a state of climate emergency; that the world is facing an unprecedented environmental crisis and urgent action is required. This Nature Plan, along with strategies such as Zero Carbon Moreland, highlight Council's commitment to this call for action.

The draft Nature Plan is a result of an initial consultation phase undertaken between October and December 2019, with 107 responses to the question 'How would you like to see the natural landscape improve in Moreland over the next 10 years?' Attachment 2.

The draft Nature Plan captures and interrogates the extensive background information required to develop a clear implementation plan using a set of four themes:

1. Protecting and enhancing biodiversity on Council managed land
2. Seeking opportunities for the private realm to contribute positively to biodiversity
3. Connecting people to nature
4. Improving governance and collaboration in natural resource management.

The draft Nature Plan is the first dedicated plan towards the protection and enhancement of biodiversity in Moreland. Its timing is paramount, particularly in light of a growing population, urban consolidation, constrained budgets and climate change, such as extreme heat and extended drought, are all placing additional stress on our ecology and wildlife from our urban forest, and larger species of animals to smaller pollinating insects such as bees.

The development and delivery of a Nature Plan demonstrates Moreland's commitment to environmental responsibilities, to not only protect, but enhance the unique natural environment.

The draft Nature Plan is ready for community consultation, which is proposed to occur from 18 May 2020 to 26 June 2020, with a final plan scheduled for consideration by Council at the August 2020 Council meeting.

Officer Recommendation.

That Council:

1. Endorses the draft Moreland Nature Plan, at Attachment 1 to this report, for community consultation over four weeks between 18 May 2020 to 26 June 2020.
2. Receives a further report at the 12 August 2020 Council meeting, highlighting community feedback and presenting a final Moreland Nature Plan for adoption.

REPORT

1. Policy Context

Council Plan 2017-2021

The draft Nature Plan has been developed in line with the Council Plan's Strategic Objectives for a Connected Community, Progressive City and Responsible Council. It identifies priority actions to encourage greater connection to nature and delivers on the goal for a 'cooler, greener and more sustainable city' stated in the Municipal Public Health and Wellbeing Plan 2017-2021.

The Moreland Planning Scheme

The Moreland Planning Scheme recognises the importance of waterways through the inclusion of Environmental Significance Overlays. These overlays recognise the environmental, heritage and recreational values of these corridors and identifies a number of objectives to be achieved including protection and restoration of natural systems, waterway function, recreation use, landscape character and heritage (aboriginal and geological).

Open Space Strategy 2012-2022 (MOSS) and Urban Forest Strategy 2017-2027

The Open Space Strategy 2012-2022 and Urban Forest Strategy 2017-2027 recognise the importance of biodiversity as a significant element in Council's open space network and in creating a greener, more liveable city.

Goal 3 of the MOSS States; Prepare and implement a Biodiversity Strategy to identify priority measures for the protection, restoration and enhancement of native plant and animal communities.

Gowanbrae Development and Maintenance Plan and the Westbreen and Edgars Creek Conservation and Development Plan

The Gowanbrae Development and Maintenance Plan and the Westbreen and Edgars Creek Conservation and Development Plan provide localised recommendations for revegetation and biodiversity protection which form part of previous and future planned works.

Moreland Food Systems Strategy 2017-2020

The vision of the Moreland Food Systems Strategy is to create a sustainable, just and vibrant food system that contributes to a more resilient community and a healthier environment. In creating greater areas of edible gardens, this will support habitat improvement for pollinating insects that are vital for good bio-diversity outcomes.

2. Background

The Moreland Open Space Strategy 2012-2022 (MOSS), states that loss of biodiversity is a real threat in a changing climate. The effects of climate change on biodiversity will occur at many different levels – from individuals to ecosystems. Species may alter distribution, abundance, behaviour and the timing of events such as migration or breeding. The most susceptible species will be those with restricted or specialised habitat requirements, poor dispersal abilities or small populations.

Goal three of the MOSS outlines Council's commitment to Making Places for Nature. A key action in achieving this goal is to prepare and implement a Biodiversity Strategy to identify priority measures for the protection, restoration and enhancement of native plant and animal communities. This includes our larger urban forest in general, to revegetation of natural area with grasses and native plants as well as larger animals down to those smaller insects and pollinating species such as bees. Vital to successfully achieving this is increasing the capacity for the community to be involved in enhancing biodiversity in open space. These issues are addressed in the draft Nature Plan.

During initial planning for the Biodiversity Strategy, the word 'Biodiversity' was explored. What does Biodiversity mean to you, to Council, to our Community. It became evident that the meaning taken by most was 'Nature'. The project team concluded that a Moreland Nature Plan would be more appropriate, presenting as a tangible, more relatable document.

Council officers from Open Space Design and Development Unit have undertaken a review of existing literature and information, carried out preliminary community engagement and consultation with relevant stakeholders to develop the draft Nature Plan.

The draft Nature Plan at **Attachment 1** identifies clear projects for establishment and / or delivery within a four-year period and identifies ongoing actions which are considered to be part of Council's core service in open space / natural resource management with expectations to be delivered for the next 10 years and beyond.

3. Issues

Environmental implications

Natural areas in Moreland provide a number of environmental, social, ecological and economic services which are critically important. With the population expected to continue to grow, the way in which we manage our natural assets will impact on these services now, and for future generations. The MOSS refers to the importance of nature, and the Urban Forest Strategy 2017–2027 focusses on increasing tree canopy and vegetation cover. The Nature Plan will be the first dedicated plan committed to protecting, enhancing and celebrating biodiversity assets and demonstrates Council's commitment as an environmental leader.

Social implications

Natural areas offer wonderful places for recreation and restoration. They are important for children as wild places for free play and discovery which have significant benefits for physical, emotional and academic development.

There is strong evidence recognising the health and well-being benefits of a connection to nature. Research supports that a strong connection to nature makes people more likely to feel passionate about relationships with their friends and family.

Economic implications

While there is general agreement on the use of open spaces and benefits to human beings, these benefits typically do not have a market to reflect their monetary value and as such, the economic value of open spaces, and of investments within them, is not well understood.

An investigation into the economic benefits of open space in Moreland was undertaken in 2019 (Natural Capital Economics 2019) to better understand this connection. The study used an ecosystem services valuation approach and quantified the following key benefits from open spaces in Moreland for which data is readily available:

- Property price premiums;
- Recreation;
- Avoided health costs due to physical inactivity;
- Traffic decongestion from bicycle commute.

Based on the four benefits, the investigation identified Moreland's open spaces have an estimated value of $94 million per annum and indicated annual benefits of $152,000 per hectare.

Regional / strategic implications

While this is the first dedicated plan for biodiversity for Moreland, there are a number of existing strategies and legislation which relate to land and open space management and provide context for the Nature Plan.

Federal

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act) is the Australian Government's central piece of environmental legislation and provides a framework for the protection of biodiversity. It identifies species of national significance which includes communities and species that exist within Moreland such as temperate grasslands of the volcanic plains and legislates their protection.

State and regional

The State Government's Protecting Victoria's Environment - Biodiversity 2037 is the plan to stop the decline of Victoria's biodiversity and achieve overall biodiversity improvement over the next 20 years. Its vision is that 'Victoria's biodiversity is healthy, valued and cared for' and includes targets for connecting all Victorians with nature and ensuring there is a net improvement in the health of the environment.

Melbourne Water's Healthy Waterways Strategy 2018-28 identifies a collaborative approach to waterways management with objectives and actions for improving the health of Melbourne waterways shared across state and local government, water corporations and the community. It identifies a number of priorities for sub-catchments such as Merri and Moonee Ponds Creeks including revegetation and amenity improvement targets.

This Nature Plan also demonstrates commitment to the implementation of the Merri Creek Environs Strategy and Chain of Ponds Plan which provide direction for biodiversity and waterway improvements at a catchment scale.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Prior to the development of any document, Community engagement for the draft Nature Plan was launched through an initial phase on Council's new engagement platform 'Conversations Moreland' in October 2019.

Between October 2019 and December 2019, 107 submissions were received from the community in response to the question 'How would you like to see the natural landscape improve in Moreland over the next 10 years?' The responses are provided at **Attachment 2**.

The key themes identified in the responses are:

- Protect existing vegetation (especially trees and remnant) and plant more large canopy trees
- Continue revegetation programs with indigenous plants, particularly along waterways, and improve maintenance
- Strong interest in support for naturestrip planting
- Plant more wildlife and insect attracting plants – dense, diverse understorey planting
- Retain water in the landscape – wetlands, creek naturalisation and other Water Sensitive Urban Design
- Cat management
- Interest in fruit trees and other edibles in open space
- Work with Traditional landowners.

Development of the draft Nature Plan also included conservations with key stakeholders such as members of the Friends of Moonee Ponds and Merri Creeks and Upfield Urban Forest Group. Interviewees commented on the importance of connection to and protection of nature to themselves, the community and for future generations. Many of these stakeholders voiced appreciation for Moreland's current efforts in greening and the current support that Council currently gives to community groups.

Council officers from adjoining local government areas (LGAs) such as Yarra, Darebin, Moonee Valley, Hume and other LGAs across Melbourne such as, Cities of Melbourne, Boroondara and Whittlesea were consulted, gaining valuable feedback on their existing policies, plans and strategies relating to biodiversity.

The feedback from this early engagement has shaped the actions identified in the draft Nature Plan around four themes:

1. Protecting and enhancing biodiversity on Council managed land;
2. Seeking opportunities for the private realm to contribute positively to biodiversity;
3. Connecting people to nature; and
4. Improving governance and collaboration in natural resource management;

Key internal stakeholders have been consulted on the draft Nature Plan, particularly where actions relate to specific units.

These themes were also tested in a community session held on Sunday 15 March at Jones Park Wetland Brunswick, 'A Very Froggy Afternoon' was held by Council to educate on the animals attracted by the wetland and general biodiversity. Themes and focuses of the draft Nature Plan were rated through a 'Dotmocracy' process with very positive feedback.

Feedback was also received by experts in the field of ecological science highlighting the importance of fungi in the environment, and artificial habitats such as bird boxes to enhance bio-diversity which have also been referenced in the document.

Subject to Council's endorsement, the draft Nature Plan will be shared more broadly for feedback from the community and other key stakeholders, with community consultation planned to occur between 18 May 2020 and 26 June 2020, and the final Nature Plan scheduled for consideration at the Council meeting by August 2020. This consultation will involve the document being uploaded on Conversations Moreland for feedback from the community.

Given the current pandemic impacting consultation opportunities, the normal 4-week consultation period has been extended to 6 weeks, to allow more time to reach community members who have little or no internet access.

Whilst the current situation around social isolation inhibits drop in sessions and public events to promote the document, Conversations Moreland has proven to be a tool that enables virtual conversations to occur easily and is a great method of community engagement.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The draft Nature Plan includes a costed implementation plan, with actions allocated under the four key themes. Each action line includes a timeframe, budget estimate and if the required budget is from existing programs or if additional funds are required.

While many of the actions are already funded from existing programs within Council, the draft Nature Plan proposes that additional funding of approximately $200,000 per year is required to deliver the actions efficiently and effectively. The additional resources required are subject to business case submissions and external grant funding.

The additional resources include the appointment of a new Conservation Programs Officer, which, if funded, would be required to undertake a number of projects outlined in the plan as well as extend engagement with the community around other programs.

There is currently one full time equivalent Natural Resource Management Officer position, within the Open Space Design and Development Unit of Council. This role focusses on bushland conservation and capital works improvements within our natural resource management areas. There are limited resources available to focus on more strategic projects, support community conservation activities and implement nature engagement programs.

Without the additional funding and a Conservations Programs Officer role, delivery of the Nature Plan will be limited to the status quo. Below is a list of actions that require a new Conservations Programs Officer and additional funding to deliver:

- Establish a 'Gardens for Wildlife' program in Moreland;
- Review and reprint the sustainable gardening in Moreland booklet (or similar) resource;
- Reinvigorate the 'Adopt a tree' (verge program) to support the uptake of nature strip conversions, particularly along designated habitat corridors;
- Work with Northern Golf Course and Northern Metropolitan Cemetery Trust to encourage sympathetic management and conservation programs a critical habitat sites identified through MIVA (2012);
- Expand the level of support provided to Friends Groups and the like to undertake conservation activities on public land through the provision of site preparation, materials, plants, tools, planning and advice;
- Deliver an annual program of nature-based activities to engage residents in learning about and valuing the natural environment;
- Compile a list of fauna to be encountered in Moreland and develop interpretive and educational material for residents, schools and community groups;
- Partner with Traditional owners (for example, Narrap team) in Caring for Country in Moreland;
- Partner with research organisations to undertake field studies and investigation to better understand the impacts of greening activities on both social and environmental indicators and adjust programs accordingly.

7. Implementation

Subject to Council's endorsement of the draft Nature Plan, a thorough community consultation process will commence on 18 May 2020 and close 26 June 2020. This engagement will occur on Conversations Moreland, with key questions seeking feedback from the community. Key nature stakeholders from across the municipality will be consulted directly.

The feedback gathered during the four-week consultation period will be summarised into key themes and the draft Nature Plan will be revised in consideration of these key themes.

A clear summary of this consultation process will be provided to Council with the revised final Nature Plan.

Implementation of funded actions within the plan is in progress within existing programs, such as the Gavin Park wetland project, a key outcome of the Westbreen Creek Conservation and Management Plan. Any unfunded actions proposed in the Nature Plan will await adoption of the plan and future funding.

Attachment/s

1⇩	DRAFT Moreland Nature Plan	D19/511626
2⇩	Nature Plan - preliminary consultation raw feedback October December 2019	D20/105172

DCI6/20 PARK CLOSE TO HOME PROPOSED FUNDING REQUIREMENTS AND TIMING (D20/157247)

Director City Infrastructure

Open Space and Street Cleansing

Executive Summary

The A Park Close to Home Framework: A plan to fill open space gaps in Moreland was adopted by Council in December 2017. Since then, Council has purchased land to create new parks in Moreland in areas with limited access to open space. The specific sites purchased to date as part of the Park Close to Home Framework are;

- 1, 3, 5, 7 and 11 West Street and 29 and 31 Breese Street, Brunswick;
- 55-61Tinning Street, Brunswick;
- 14 Frith Street, Brunswick;
- 260 Sydney Road, Brunswick;
- 132-134 Cardinal Road, Glenroy;
- 41 and 43 Service Street, Coburg.

These land purchases will result in the provision of over one hectare of new open space for Moreland residents in priority gap areas. As Council has purchased this land to convert it into open space, there is need for an agreed delivery program over the coming years to develop the parks.

To create the new parks, a works program spanning the next two financial years has been developed, with a total value of $9,510,904. Previous Council decisions have confirmed $6,152,779 for the completion of these projects, leaving a required $3,358,125 additional funding required to complete them over the next two financial years. This program identifies the costs for each project including demolition and remediation of the sites, design and construction of the new parks.

The additional funds required for these projects are proposed to be allocated from the Public Resort and Recreation Land Fund.

- 2019/2020 $3,041,244 ($0 additional)
- 2020/2021 $3,129,660 ($1,070,425 additional)
- 2021/2022 $3,340,000 ($2,287,700 additional)

This report presents the proposed two-year program for delivery of the current Park Close to Home projects.

Officer Recommendation

That Council:

1. Endorses the proposed program timelines for current Park Close to Home projects as shown in Attachment 1 to this report.
2. Allocates additional funds each financial year from the Public Resort and Recreation Land Fund for the completion of all current Park Close to Home projects of up to $1,070,425 for 2020/2021 and $2,287,700 for 2021/2022.

REPORT

1. Policy Context

Council Plan

Strategic Objective 2 – Progressive City

Point 4 – Increase tree canopy cover, enhance existing open space and create at least two new parks, in areas with the lowest access to open space.

A Park Close to Home Framework

Adopted by Council on 6 December 2017, A Park Close to Home is a plan to fill open space gaps in Moreland. It is about creating and improving access to open space in the areas that need it most by identifying gap areas in the community where residents are not within walking distance to their closest park.

Moreland Open Space Strategy 2017-2022

The Moreland Open Space Strategy (MOSS) provides recommendations for maintaining Moreland's liveability in the context of steady population growth, by adding to the open space in the municipality and improving existing open space. The key issues affecting the provision of open space into the future addressed in the MOSS include population growth, protecting and enhancing environmental values, climate change and increasing urban temperatures.

2. Background

Since adoption of A Park Close to Home Framework in December 2017, Council has successfully purchased land to create six new parks in Moreland, as shown in the below table. The land purchases create 10,830 square metres; over a hectare of new open space for Moreland.

No.	Name	Suburb	Land size	Settlement date
1	Bulleke-bek Park (West / Breese Street)	Brunswick	2600m^2	31/07/2019
2	Garrong Park (Tinning Street)	Brunswick	2,000 m^2	31/01/2019
3	14 Frith Street	Brunswick	2,700m^2	12/04/2019
4	260 Sydney Road	Brunswick	570m^2	Pending
5	132-134 Cardinal Road	Glenroy	1,400m^2	20/01/2020
6	41 and 43 Service Street	Coburg	1,560m^2	23/04/2020

Funded by Council's Public Resort and Recreation Land Fund (PPRLF), the land has been strategically purchased to fill open space gaps in Moreland. In providing these new parks it will improve access to open space in areas where residents are not currently within walking distance of open space.

In March 2019, a celebratory event was held to announce the successful purchase of land at West / Breese Street (Bulleke-bek Park) and Tinning Street (Garrong Park), Brunswick, to create the first two new parks under the Park Close to Home Framework. A second event was held in July 2019 to announce the purchase of 14 Frith Street and 260 Sydney Road, for future open space purposes.

With the sites acquired, awaiting conversion to Open Space, a capital works program is required to ensure the well-planned implementation of exceptional open space outcomes for the community.

With completion of the newly named parks Bulleke-bek Park and Garrong Park planned for this calendar year, a proposed works program has been prepared for consideration of all sites currently purchased as part of the Park Close to Home program.

3. Issues

Bulleke-bek Park (West / Breese Street, Brunswick)

Extensive engagement with the local community resulted in a well-received design for the new park, with construction funding currently allocated. After long delays, demolition is nearing completion and construction is expected to commence mid-May, with a 16-week construction timeline.

At the Council meeting held on 11 March 2020, a report was presented Council (DCI2/20) made an additional allocation of $84,881 for this project covering all required funds for its completion.

Garrong Park (Tinning Street, Brunswick)

An engagement program resulted in a considered design featuring a landscape arbour, open lawn, BBQ and play space. Again, extensive delays have been experienced during demolition and construction is expected to commence mid-June 2020, with a 16-week construction timeline.

With lessons learnt from demolition complexities of the existing buildings at Bulleke-bek and Garrong Parks, the proposed program plans that the remaining Park Close to Home sites are delivered using a two-year project delivery model, with demolition design and community consultation in year one, followed by construction in year two.

At the Council meeting held on 11 March 2020 Council (DCI2/20) made an additional allocation of $700,898 for this project covering all required funds for its completion.

14 Frith Street, Brunswick

Preliminary investigation and conceptual design work has commenced for the new park at 14 Frith Street. The existing built form at Frith Street has complex heritage requirements to be addressed, as part of the design of the future park, resulting in planned design and demolition to be undertaken in the 2020/2021 financial year, with construction of the new park at 14 Frith Street in 2021/2022.

A funding application has been submitted through the Department Environment, Land, Water and Planning (DELWP) Local Parks Program for $1.3 million. This program aims to provide funding to Councils to assist in creating new parks and revitalising existing local parks, to provide much needed recreation space and green our suburbs in built up urban areas of metropolitan Melbourne. The result of this application for funding, if successful, would be a fantastic outcome for the project on this site.

At the Council meeting 13 March 2019, Council approved up to $1,000,000 (EMF9/19) for works to commence on this project.

At the Council meeting on 11 March 2020, Council approved (DCI2/20) an additional allocation of up to $210,000 for this project to begin design and demolition works.

Therefore, a total of $1,210,000 has already been allocated for this project.

260 Sydney Road, Brunswick

An engagement and activation program have been developed to commence on settlement of this site. This program will run until the permanent park construction commences.

As the site is currently utilised for outdoor night dining from the kebab stand located on the premises, transformation to a predominately daytime and early evening green space will need to be a slow and well-managed process.

Upon settlement, demolition and remediation works are set to take place. A temporary park will then be implemented with flexible infrastructure, furniture and built form, creating space for daily activities and site management presence will gather feedback over the life of the temporary park. While the interim or temporary park will be open shortly after settlement, the data collected throughout the activation and engagement period will provide an invaluable vision for the final design of the space, expected for completion late 2022.

Funding of $137,000 has already been allocated for demolition, design and temporary activation of this project, through the midyear budget process. The remaining funds to complete the project are currently being considered through the 2020/2021 Annual budget process.

132-134 Cardinal Road, Glenroy

Settlement occurred in January 2020 and plans for demolition have commenced, as an alternative temporary use for the building was unachievable. The proposed program has the demolition occurring this financial year, design and consultation in the 2020/2021 financial year, and construction in the 2021/2022 financial year.

At the Council meeting 13 November 2019, Council approved (EMF41/19) up to $400,000 for works to commence on this project.

41 and 43 Service Street, Coburg

With recent settlement, planning for demolition has commenced. The proposed program has the demolition, design and consultation in the 2020/2021 financial year, and construction in the 2021/2022 financial year.

At the Council meeting on 12 February 2020, Council approved (EMF5/20) up to $950,000 for works to commence on this project.

Although $950,000 was allocated, cost estimates for this project total $880,000.

Future Acquisitions for Park Close to Home

Any future acquisitions resulting in additional Park Close to Home project sites will require this program to be updated with proposed funding requirements and timing as part of the acquisition recommendation.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Extensive consultation has been undertaken for Bulleke-bek and Garrong Park, with ideas generated and feedback from the community influencing the final concept designs. Residents are being kept informed via the Conversations Moreland platform and Council's website. Council's Virtual Moreland project showcased a virtual reality experience for residents to immerse themselves in the proposed designs, proving highly popular amongst residents.

A similar engagement plan will be implemented for all Park Close to Home projects, with various opportunities for the community to have their say in creation of the new parks.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The costs involved in converting the current Park Close to Home sites to open space are outlined in the proposed program.

The total cost estimate for demolition, remediation, design, engagement and construction of all six parks is $9,510,904. As highlighted in this report, Council has already allocated a total of $6,152,779. This leaves an additional $3,358,125 required to be allocated for the completion of all projects related to these sites.

Site	Total Cost	Council Approved	Additional Funds Required
West/Breese	$1,584,881	$1,584,881	Nil
Tinning Street	$1,700,898	$1,700,898	Nil
260 Sydney Road	$482,000	$137,000	$345,000
14 Frith Street	$3,615,425	$1,210,000	$2,405,425
Cardinal Road	$887,700	$400,000	$487,700
Service Street	$880,000	$880,000	Nil
Landscape Architect	$360,000	$240,000	$120,000
TOTAL	**$9,510,904**	**$6,152,779**	**$3,358,125**

This includes extension of the current contract Landscape Architect position within the Open Space Design and Development Unit, to support continued implementation of the Park Close to Home projects.

If the funding submission to DELWP highlighted in this report is successful, the above recommended costs will be reduced by $1.3 million stretched over the next two financial years. Complete funding details are highlighted in the below table;

Location	2019/2020	2020/2021	2021/2022	Total Project Cost
West/Breese Street	$1,500,000	$84,881		$1,584,881
Tinning Street	$1,000,000	$700,898		$1,700,898
14 Frith Street	$210,000	$2,030,425	$1,375,000	$3,615,425
260 Sydney Road	$137,000	$40,000	$305,000	$482,000
Cardinal Road	$74,244	$43,456	$770,000	$887,700
Service Street		$110,000	$770,000	$880,000
Contract Landscape Architect	$120,000	$120,000	$120,000	$360,000
Total Annual Cost	**$3,041,244**	**$3,129,660**	**3,340,000**	**$9,510,904**
Already Allocated	$3,041,244	$2,059,235	$1,052,300	$6,152,779
Additional Required	**Nil**	**$1,070,425**	**$2,287,700**	**$3,358,125**
If DELWP Funding is Successful		**$420,425**	**$1,637,700**	**$2,058,125**

This funding program will see all current Park Close to Home projects completed by July 2022.

7. Implementation

Implementation is well under way with officers across the organisation focussed on completing the two new parks in 2020 as per the proposed Works Program at **Attachment 1**.

Initial design work will continue for the Frith Street Park and draft concept designs will be presented to the community when engagement can commence post COVID-19 pandemic, later this year.

Initial design work will commence early July 2020 for Cardinal Road and Service Street and draft concept designs will be presented to the community when engagement can commence post COVID-19 pandemic, later this year.

Any future acquisitions resulting in additional Park Close to Home project sites will require an updated program with proposed funding requirements and timing as part of the acquisition recommendation.

Attachment/s

1⇩ Park Close to Home Program of Works D20/173345

DCI7/20 IDENTIFYING PLACES AND SPACES FOR GREENING AND SOCIAL CONNECTION IN JEWELL PRECINCT - RESPONSE TO NOTICE OF MOTION 2/20 (D20/145848)

Director City Infrastructure

Open Space and Street Cleansing

Executive Summary

At the Council meeting held on 12 February 2020, a Notice of Motion (NOM2/20) - Identifying places and spaces for greening and social connection in Jewell Precinct, was considered and Council resolved:

That Council receives a report considering options for greening and cooling the Jewell Precinct that includes, but is not limited to:

1. *An occupancy count of the Black Street carpark and projects any future demand given the pending changes to the area.*
2. *In providing options for the conversion of the council-owned car park on the corner of Barkly and Black Street to open space, considering:*
    a. *Converting the whole of the carpark into open space, and*
    b. *Installing transportable garden bed infrastructure for edible canopy and indigenous tree species, as well as seating in a section of carpark*
3. *Greening options for the western end of Barkly Street.*
4. *Transferring the car park spaces from the council-owned car park to becoming on-street car parking on Barkly and/or Wilson Avenue after an assessment of impact on disability access.*
5. *The timing and cost of these works and the impact on the current adopted strategies.*
6. *Opportunities for engaging community members interested in helping maintain trees and streetscapes in the area.*

An occupancy count was completed on the Black Street Carpark and surrounding streets. This determined that carpark occupancy averaged 53 per cent at peak times (peaking at 90%). Car parking was close to capacity in Barkly Street (between Sydney Road and the railway line) averaging 72 per cent occupancy (peaking at 95%).

The Black Street Carpark is covered by a special charge scheme whereby surrounding businesses originally paid for the development of the asset. This makes it difficult to change the usage of the land permanently, for anything other than its original purpose - in this case for the provision of parking. Due to occupancy rates, it is recommended that a maximum of only two car parks be considered for removal to investigate small scale greening options.

Other works are either under way or planned which will achieve greening in certain parts of the Jewell Precinct and surrounding areas and are also highlighted in this report. These include the Wilson Avenue Park development, Jewell Precinct Development, tree planting and planning for a community garden. These activities have been worked through in various ways with the community however, engagement could be strengthened through an 'Adopt a Tree' type program, allowing the community to 'adopt' either specific trees or garden areas to maintain. This type of program forms part of the Moreland Nature Plan soon to be out for community consultation.

Officer Recommendation

That Council:

1. Acknowledges the work completed, and planned work, to improve greening opportunities within the Jewell Precinct.
2. When considering the final draft 2020-21 Budget for adoption, determines whether to allocate:
    a) $15,000 for temporary activation of the western end of Barkly Street, Brunswick in the form of a ‘Pop up Park’ as a trial; and
    b) $8,000 for the temporary activation of no more than two car spaces within the Black Street, Brunswick car park, installing seating and small garden beds
3. Receives a future report on the outcome of temporary activations at the western end of Barkly Street, Brunswick and in the Black Street, Brunswick car park.

REPORT

1. Policy Context

Urban Forest Strategy 2017-2027

The Urban Forest Strategy sets a vision to;

To promote and encourage the transformation of Moreland into a municipality where healthy trees and vegetation are a core part of the urban environment.

Council will achieve this vision for greening Moreland through the following objectives:

- Protect and enhance the urban forest in both the public and private realm;
- Value the urban forest as a core element of our urban space;
- Create a diverse urban forest of trees and other vegetation that will enhance urban ecology;
- Maintain the health of the urban forest;
- Manage and mitigate urban forest risks;
- Monitor and review progress to measure success and best practice;
- Strengthen community custodianship and engagement of the urban forest.

Park Close to Home: A Framework to Fill Open Space Gaps

The Park Close to Home Framework aims to provide strategic direction on funding the provision and development of land through the Public Resort and Recreation Fund (PRRLF), to provide open space within 500 metre walking distance from all households and 300 metre from all activity centres**.**

Food Systems Strategy 2017-2020

Aims to provide a sustainable, just and vibrant food system that contributes to a more resilient community and a healthier environment; ensures that nutritious food is socially and economically accessible to everyone; and protects and nurtures healthy food culture whilst celebrating diversity.

Council Plan 2017-2021

Increasing greening, opportunities to access open space and increasing passive surveillance of areas generally gives the perception of it being ‘safer. This is supported by the Council plan;

Strategic Objective 1. Connected Community

Key Priority 6. Help people feel safer in our Neighborhoods.

2. Background

At the Council meeting on 12 February 2020, a Notice of Motion (NOM2/20) - Identifying places and spaces for greening and social connection in Jewell Precinct, was considered and Council resolved that;

Council receives a report considering options for greening and cooling the Jewell Precinct that includes, but is not limited to:

1. An occupancy count of the Black Street carpark and projects any future demand given the pending changes to the area.
2. In providing options for the conversion of the council-owned car park on the corner of Barkly and Black Street to open space, considering:
    a) Converting the whole of the carpark into open space, and

b) Installing transportable garden bed infrastructure for edible canopy and indigenous tree species, as well as seating in a section of carpark

3. Greening options for the western end of Barkly Street.
4. Transferring the car park spaces from the council-owned car park to becoming on-street car parking on Barkly and/or Wilson Avenue after an assessment of impact on disability access.
5. The timing and cost of these works and the impact on the current adopted strategies.
6. Opportunities for engaging community members interested in helping maintain trees and streetscapes in the area.

Many projects have occurred in and around the Jewell Precinct over the past few years that have improved greening and open space outcomes. These works have ranged from major developments, to smaller works being completed around the precinct that have provided greening outcomes for the surrounding community.

Wilson Avenue Development

Wilson Avenue is the key street connecting Jewell Station with Sydney Road. In 2014, Council completed a new public space project, which involved a road closure and development of a public climbing wall. This space is successful and well used. Redevelopment of properties in Wilson Avenue, in particular the warehouses on the south side of the street, is anticipated with some permits in place.

The Urban Design Streetscape Improvement Program proposes an upgrade of Wilson Avenue between Jewell Station and the existing rock-climbing wall. Detailed design is proposed during the 2021/2022 financial year, with construction planned during the 2022/2023 financial year. Early concepts include street tree planting and water sensitive urban design.

These significant capital projects have and will transform the precinct. The public space project can be considered the leading edge of precinct regeneration, and as such will help shape its future as a vibrant, people-friendly and safe place.

Jewell Station Development

A new mixed-use development has recently been completed at Jewell Station by NeoMetro. This development includes upgrades to Jewell station the station forecourt and surrounding spaces around it.

Planned works at the park west of this development will also improve access and pedestrian flow through it. Whilst this land is currently available as open space for the community under a lease arrangement with VicTrack, planned works would significantly improve the space. These works include new access paths, lighting and furniture as well as new landscaping incorporating the retention of some existing vegetation and new vegetation as well as a proposed play space.

Tree Planting

Council officers have also worked with the community around this precinct to plant trees along the streets and in the carpark itself. A planting plan for Black Street (south of Barkly Street), Barkly Street (south side only) and the car park was developed together with local residents. The tree planting followed years of unsuccessful planting in this area due to high levels of vandalism related to the now closed Bridie Reilly's on Brunswick Road.

The tree planting was implemented in separate stages in 2017, 2018 and 2019. Eventually nineteen trees and eight climbers were planted with all trees in the Black Street car park surviving.

Proposed Community Garden

Initial engagement for a Community Garden within this precinct is ongoing. Council officers met with and advised a group of local residents who have had in principle approval from VicTrack for a short-term lease to establish a community garden at the corner of Brunswick Road and the Upfield Bike Path, just south of Jewell Station (267 Brunswick Road, Brunswick).

Safety Audit

In 2014, Council worked with local residents and Victoria Police to undertake a Community Safety Audit of the precinct. At the time, a large nightclub (Bridie Reilly's on Brunswick Road) was operating and there were significant anti-social behaviour issues after dark.

This process brought residents together with stakeholders to examine strategies to improve local safety. As of 2020, the nightclub has closed permanently and significant redevelopment in the immediate area has transformed the precinct, notwithstanding this, improvements can still be undertaken.

3. Issues

The Black Street car park and surrounding areas do not fall into a priority gap area for open space provision in relation to the Park Close to Home framework **Attachment 1**.

This framework was developed to identify priority areas lacking open space within 500 metres walking distance from all households and 300 metres from all activity centres. It aims to guide strategic purchase and acquisition of land within these priority areas for future development as open space.

Occupancy count of the Black Street carpark and projections of any future demand given the pending changes to the area.

An occupancy count was conducted on the Black Street car park (20 car spaces) along with Barkly Street between Sydney Road and the railway line (21 car spaces). This count occurred between 13 March 2020 – 19 March 2020. The count found that over this period of time the car park averaged 53 per cent occupancy at peak times (weekdays between 9 am and 7 pm), however peaked at 90 per cent at times.

On street parking is at or near capacity in the early afternoon most weekdays, averaging 72 per cent during peak times (weekdays between 9 am and 7 pm) however peaked at 95 per cent at times.

Based on the results of the parking survey, Council officers only support the potential removal of two car parks from the Black Street car park. The removal of any more spaces could lead to illegal parking, complaints from residents and businesses and traffic flow issues with vehicles circulating trying to find parking opportunities.

Due to the amount of development occurring in this area, future parking demands would likely increase due to increased traffic, creating higher demands on parking requirements.

Options for the conversion of the council-owned car park on the corner of Barkly and Black Street to open space, considering:

Converting the whole of the carpark into open space.
The carpark on the corner of Black Street and Barkly Street, Brunswick, forms part of the ‘Special Charge Scheme’. This makes it very difficult to utilise this space other than temporarily for anything other than its original purpose. Councils Property Unit is seeking further legal advice to clarify changing use of such areas under a special charge scheme.

As a Special Charge Car Park, there are two important aspects for Council relevant to any consideration to transform the council-owned car park to open space:

- The need to assess the impact of the request on available public parking and the impact to the current users of this car park; and
- The need to communicate with surrounding land owners and occupiers and beneficiaries of the Special Charge Scheme providing them details of:
  - Any proposed lease/permit;
  - Timeframe;
  - The level of assessment;
  - The reasonable timeframe to be provided prior to any occupation (that is, 7 to 14 days);
  - Identification of alternative car parking available

The occupancy surveys that have been carried out have identified there is little opportunity to accommodate any displaced parking nearby in Barkly Street. Accordingly, only spare capacity within the car park, being a maximum of two spaces, could be potentially removed.

Whilst not recommended, should Council pursue full conversion, the cost to convert an area this size to open space would be estimated in excess of $283,000 working on a $425/square metre rate, should such a change be possible following receipt of the legal advice. This cost would need to be confirmed based on site assessments relating to soil contamination which may increase the cost. This work, should it be feasible, would need to be undertaken over two financial years due to the level of community engagement that would be involved.

Installing transportable garden bed infrastructure for edible canopy and indigenous tree species, as well as seating in a section of the carpark
If consultation with special charge scheme beneficiaries confirms support for a temporary installation of street furniture and planter boxes in some parking bays within the car park the following options could be considered;

Parklet Model

Parklets are re-purposed parking bays which are designed to create spaces for pedestrian activity. Parklet setups could contain things like a platform with seating, greenery and bike parking facilities. Parklets are typically maintained by a host (such as a nearby café) and can run for a short term of 6 months or longer term of 1 year. Fees are as follows:

Short-term program:

a. One parking space, $2121.80

b. Each additional space, $1060.90

Long-term program:

a. One-off application processing fee, $212.20

b. One parking space, $530.45

c. Each additional parking space, $371.30

The cost to Council to install parklet equipment if purchased new for a specific project occupying two parking bays would be approximately $60,000. The need to purchase new equipment would be dependent on whether existing equipment was already installed in other parklets. An assessment of traffic movement and drainage issues would inform the location of the parklet (that is, which car parking bays to occupy).

Installation of a parklet without a host is not recommended as there is no day to day care for the asset. When a parklet has a host (for example, a nearby café), the host is responsible for the day to day care and is maintained well in this way. This is achieved through the host signing an agreement to be responsible for the day to day care of the parklet. A monthly checklist of maintenance is also required to be completed.

Seat and Garden Installation

Should a simpler model be introduced such as seating and smaller garden bed installation be preferred, this would have a cost implication of approximately $8,000.

Greening options for the western end of Barkly Street.

There is opportunity to implement greening at the western end of Barkly Street in the form of a small pocket park or green area. This would only be an approximate, 10 metre by 20 metre area which would cost an estimated $85,000 working on a $425/square metre rate.

There are no vehicle crossovers which would prevent this from occurring. In order to determine if this space would be successful and supported by the community, it is recommended that a temporary park "pop up park" be installed to attract interest and determine if we should proceed with this. An estimated $15,000 would be required to fund this testing "pop up park" period.

As mentioned above, successful tree planting has already occurred in some areas of this precinct. The north side of Barkly Street however, was held off due to pending development applications. Council is currently in pre-application discussions with a developer for Public Realm improvements on Barkly Street as part of a scorecard assessment. Council officers have proposed the developer plant six large canopy trees on the north side of Barkly Street and construct a kerb outstand on the south side of the street with the addition of two canopy trees and some bike hoops.

Additional tree planting will occur in Black Street close to Brunswick Road as part of the public realm works associated with the 49 Sydney Road development

Transferring the car park spaces from the council-owned car park to becoming on-street car parking on Barkly and/or Wilson Avenue after an assessment of impact on disability access

As anything other than temporary alternate use of the Black Street car park would be difficult under the Special Charge Scheme, any permanent relocation of a large number of car parks would be very difficult, though as mentioned further legal advice is being sought on this.

Transferring the car spaces within the current Black Street carpark to the northern side of Barkly Street was considered in 2016. This formed part of the airspace discussions when the carpark was being considered as a potential site for affordable housing. It was estimated that these car parks could be accommodated on the north side of Barkly Street. The design also incorporated small in road garden beds and raingarden. Cost estimates to achieve this were in excess of $250,000 which would be more today due top inflation (in excess of $280,000).

This would be in addition to the cost implications of the carpark conversion costs of $283,000. Therefore, the entire cost of these works would be in excess of $563,000.

Opportunities for engaging community members interested in helping maintain trees and streetscapes in the area.

All works that either have occurred or are planned within the Jewell precinct have gone through levels of consultation as with all projects within the municipality. This could be strengthened however, in terms of engagement with the community linking to nature, through an 'Adopt a Tree' type program, allowing the community to 'adopt' either specific trees or garden areas to maintain. This type of program forms part of the Draft Moreland Nature Plan which is proposed to be released for community consultation in May.

Environmental implications

All elements of this report align to strategies that aim to improve the environment by mitigating the effects of climate change across the municipality.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

All departments aligning to this report were consulted during its creation.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

There are many different options highlighted in this report regarding permanent conversion of the entire Black Street carpark site to open space (although less feasible), temporary conversion of two car parking spaces to open space using a parklet model, minor greening options as well as the conversion of the west end of Barkly Street to open space. Financial implications for all options are outlined below;

West End Barkly Street

Temporary activation

- Pop up park trial - $15,000

Permanent Activation

- Full conversion - $85,000

Black Street Car Park

Full Conversion

- Carpark into Open Space - $283,000
- Relocation of Car Spaces (North Side Barkly Street) - $280,000
- Total Cost - $563,000

Partial Conversion (Two Spaces)

- Parklet Model - $60,000
- Seat and Garden Model - $8,000

It is recommended that initially funding is considered as part of the 2020/2021 Budget process to fund an initial seat and garden model of greening within the Black Street carpark ($8,000) and a pop-up park trial at the western end of Barkly Street ($15,000), total funding required $23,000.

Following assessment of these works, if funded, more permanent works could be undertaken in the form of the Parklet model within the Black Street carpark ($60,000) and permanent activation of the western end of Barkly Street ($85,000), total funding required of $145,000. This funding would be assessed during future budget considerations.

7. Implementation

All works that have been mentioned in this report will be actioned within the timeframes aligned with them.

Attachment/s

1⇩ Black Street Car Park - Priority Gap Areas Park Close to Home D20/154566

DCF16/20 NIGHTINGALE CAR PARK OCCUPATION - BREESE STREET, BRUNSWICK (D20/70776)

Director City Futures

City Change

Executive Summary

The Nightingale Village development occupies two sites at 1-12 Duckett Street and 24-26 Hope Street, Brunswick. It has frontages to Hope Street and Duckett Street in Brunswick and will comprise 199 apartments and some retail space across six buildings.

The duration of the construction for the project is expected to be approximately two years to be enabled through the occupation of two Council-owned sites: a 600 square metre area of Duckett Street, and 39 of 60 car spaces in the 1-9 Breese Street car park (highlighted in light blue and red highlight for Duckett Street occupation in Attachment 1).

Due to the considerable scale of the project, large trucks, extended road closures and diversions are required throughout the duration of construction. An extension to the proposed construction time by not facilitating the occupation of these two sites would mean a longer, and thereby more significant, impact on residents, businesses and visitors to the area, which would be detrimental to the community.

The Breese Street car park provides 60 spaces and is predominantly unrestricted with no parking fees. It is located in a primarily commercial area and it is understood that local workers and residents use it for long-term parking.

Although Council officers have delegated authority in approving occupations and work zones abutting the property where the works are occurring, when objections are received a decision of Council is then required. Due to the size and nature of the land the occupation is seeking, it is highly likely there will be some objections from affected persons. Council officers are therefore referring the matter to the Council for a decision.

Additionally, the developer has requested the waiver of fees which requires a decision of Council. Given the ultimate use of the space being sought to be occupied and the public benefit to the community in its future redeveloped streetscape, Council officers recommend that the fee to occupy Duckett Street during construction be waived. Typically, developers do not return space that they occupy as improved public spaces for the community thereby warranting this consideration.

This report details the developer's request, explores the legal issues surrounding the use of a special charge car park and the availability of alternative nearby car parking, and considers the best means of facilitating the minimisation of disruption to the community during the project's construction along with the consultation challenges brought about by the COVID-19 pandemic State of Emergency circumstances. The report recommends Council supports the request and the waiving of fees in relation to the occupation of a portion of Duckett Street.

Officer Recommendation

That Council:

1. Approves the issuing of a permit for the occupation of Duckett Street for construction works for 18 months as contained in the Traffic Management Plan submitted by the developer dated 5 February 2020 and shown at Attachment 1 to this report.
2. Waives all appropriate traffic management / road occupation fees in Duckett Street, Brunswick for a period of up to 18 months.
3. Approves a Land Occupation Permit for the occupation of 39 parking spaces in the Council car park at 1-9 Breese Street, Brunswick (known as the Breese Street car park), as shown in Attachment 1 to this report.
4. Charges all relevant fees for this occupation of portion of the car park at 1-9 Breese Street Brunswick, in full, in accordance with the 2019/2020 and 2020/2021 Fees and Charges Schedule as adopted by Council.
5. Notifies nearby owners and occupiers of the Breese Street car park and Duckett Streets Brunswick and any relevant surrounding streets, and beneficiaries of the Special Charge Scheme for the car park at 1-9 Breese Street Brunswick Council's decision in relation to the occupations, providing all relevant information regarding reasons, timeframes and alternative parking options.
6. Does not reinstate fee parking in the 682-688 Sydney Road, Brunswick car park until the car park at 1-9 Breese Street Brunswick is fully available for public use.

REPORT

1. Policy Context

The Council Plan 2017-2021 outlines in its strategic objectives that Council move to a proactive approach to managing construction impacts resulting from population growth in our city.

The General Local Law 2018 and Parking Management Policy delegates approval of certain permits and Work Zones to Council officers to generally be approved on the street abutting the work site to minimise impact on the community and to facilitate quicker and safer construction. Under these delegations a work zone may only be granted up to twelve months after which applicants must reapply if an extension is required.

2. Background

The two sites at 1-12 Duckett Street and 24-26 Hope Street, Brunswick, are to be developed, with the project named Nightingale Village. It has frontages to Hope Street and Duckett Street in Brunswick and will comprise 199 apartments and some retail space across six buildings.

Duration of the project is expected to be approximately two years but is dependent on the approval of a proposed traffic management plan (as at **Attachment 1**).

The builder initially engaged and met with Council officers in 2019 to discuss construction options which considered safety of the construction processes, community impacts and constructability.

3. Issues

A recent meeting with the developer of this site has informed Council that, due to the scale of the development, two tower cranes are required; one serving the Hope Street site and the other serving the Duckett Street site.

Duckett Street, Brunswick

Duckett Street is relatively narrow, at approximately seven metres, and is a dead-end street for vehicles, but connects to the Upfield Shared Path along the rail corridor for pedestrians and cyclists. Most of Duckett Street is to be occupied for the duration of works, resulting in a loss of approximately eight on-street parking spaces. This occupation is essential in providing a safe construction method and safe vehicle movements.

Part of the approved development includes converting Duckett Street, Brunswick into a public space (parklet) to be paid for by the developer. The developer is seeking to occupy the same approximately 600 square metre portion of Duckett Street to manage construction, prior to undertaking works to convert the road into a public space. In doing so, the developer is seeking that the normal Council fees be waived to occupy this section of Duckett Street (the value equates to approximately $220,000 for the 18 month period being sought). The developer may also need to periodically occupy the remainder of Duckett Street to facilitate deliveries.

Given the ultimate use of the space being sought to be occupied and the public benefit to the community in its future redeveloped streetscape, officers recommend that the fee to occupy Duckett Street during construction be waived as it is not a typical construction situation. Typically, developers do not return space that they occupy as improved public spaces for the community. Council officers recommend that the fees to “occupy the road” are waived on this occasion.

Breese Street Car Park

The developer is proposing to occupy part of the Council car park at 1-9 Breese Street and bounded by Hope Street. The developer has requested this occupation to allow the unloading of large (semi-trailer) vehicles with the tower crane for construction of the Hope Street site (the larger of the two sites).

Council has been advised that should the occupation of the car park be prohibited, trucks would be required to use Duckett Street for loading and unloading. Duckett Street is narrow, has on-street parking and provides access to private car parking for a number of properties at the eastern end of the street (northern side). Even with the smaller trucks, access to Duckett Street is very restricted and high levels of traffic management would be required to enable manoeuvring safely into the street at Breese Street, at which time access to the existing dwellings would be restricted for periods of time, primarily for safety reasons.

The developer has advised that only using Duckett Street may extend the duration of the construction to approximately four years, as Duckett Street would be used to service both sites.

Unloading operations would be difficult in Duckett Street for both sides of this large development and use of Hope Street or Breese Street would require frequent road closures which is not desirable from a broader community perspective.

The car park currently provides 60 spaces, with:

- 40 x unrestricted spaces;
- 10 x No Stopping, 10pm-midnight, midnight-6am spaces;
- 7 x 3P spaces;
- 2 x carshare spaces;
- 1 x disabled space.

A total of 39 spaces are proposed to be occupied for the construction as follows:

- 26 x unrestricted spaces;
- 10 x No Stopping, 10pm-midnight, midnight-6am spaces;
- 2 x 3P spaces;
- 1 x disabled space (which can be relocated to ensure ongoing provision).

This car park was created through a Special Rate Scheme and accordingly Council holds the land in trust for the beneficiaries that paid for the car park's construction. Legally therefore there are two important considerations for Council relevant to Nightingale's request:

- The need to assess the impact of the request on available public parking and the impact to the current users of this car park; and
- The need to communicate with surrounding land owners and occupiers and beneficiaries of the Special Charge Scheme providing them details of:
  - Any proposed lease/permit;
  - Timeframe;
  - The level of assessment;
  - The reasonable timeframe to be provided prior to any occupation (i.e. 7 – 14 days);
  - Identification of alternative car parking available.

Impact on existing users of the Breese Street car park

The car park is highly utilised both during the day and at night and displacing these vehicles will cause disruption. Anecdotally, it is understood that turn-over is low at this car park and that it is used mainly for long-term parking assisted by minimal parking restrictions. The parking on the streets in the surrounding area is time restricted to generally two-hours on both sides of the street and is generally not fully occupied.

Officers have identified a car park at 682-688 Sydney Road (Little Jones Street) Brunswick which is approximately 400 metres away with 70 car parking spaces and could be considered nearby land for the purpose of temporarily providing replacement parking. Council recently temporarily removed the fee parking (associated with Council's Covid-19 response) and this car park has ample capacity for additional parking demand. It is recommended that this car park remain unrestricted free public parking until occupancy of the Breese Street car park is completed, directing current users of the Breese Street car park to parking at this location.

Level Crossing Removal Project Occupation

As part of the State Government's Level Crossing Removal Project (LXRP), four crossings along the Upfield Line are scheduled to be removed in 2020 – Bell Street, Munro Street and Reynard Street in Coburg, and Moreland Road in Brunswick. Whilst it is expected that major works for these removals will begin in late 2020, preliminary work and preparation are currently being carried out.

The LXRP has previously sought the possible full occupation of the Breese Street car park for two weeks in both June and October 2020 to cater for these preparation works. Council officers have provided an initial verbal agreement to this. The LXRP would be charged full fees for this occupation if it occurs (approximately $3,500).

Council officers will work with both parties to coordinate occupation, with priority given to LXRP as it has sought and been given verbal approval already.

West Street Park

Council recently purchased the land at 1 West Street in Brunswick which abuts the Duckett Street site. This land at 1-11 West Street is to be converted into a park as part of the Park Close to Home Framework to create new parks. Council approved its preferred name for this park at its February 2020 Council meeting. It is not recommended to delay the construction of the park, for use as an alternative car park during the construction of Nightingale Village.

Lease

Nightingale has requested to lease a part of Council land at 1 – 9 Breese Street, Brunswick for a two-year term.

A lease is not appropriate for this location primarily as a lease of Council land for more than 12 months requires consultation process in accordance with the *Local Government Act 1989*. Consultation and associated processes will take some time (up to 6 months) for Council to make a determination. A delay of this length to the project would be a significant financial impact.

A land occupation permit is considered more suitable.

Conclusion

In relation to the use of the Breese Street car park and given all of the above, it is recommended that Council supports the occupation, as alternative options would pose a significantly greater safety risk and disruption to the local community.

Prohibiting the occupancy of the Breese Street car park would likely mean an extended construction time (from two years to up to four years), as all unloading would be undertaken in Duckett Street. This would mean large vehicles would be frequently reversing into Breese Street, which is not supported by Council officers on safety grounds.

Use of Hope Street or Breese Street to unload would also not be supported, as it would mean frequent traffic stoppages and/or road closures. This could cause heavy congestion and increase safety issues due to the close proximity of the level crossing on Hope Street.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

The development of Nightingale Village does not limit or interfere with any Human Rights, in particular '*section 12 - right to freedom of movement'.* Although residents and workers in the area will be required to find alternate locations for parking, particularly in relation to the Council car park at 1-9 Breese Street, the Edward Street Council Park does have capacity to accommodate this parking and these changes are temporary.

Although a disabled parking bay will be removed if the proposed occupation area is endorsed by Council, a new space dedicated to people with disabilities will be relocated to the remaining, unoccupied section of the same car park. In this event, the use of the disabled parking space would be monitored and if need be additional bays for disabled parking permit holders installed.

4. Consultation

No consultation has occurred in relation to this report.

Subject to Council's decision, in relation to the Duckett Street occupancy, Council officers will write to nearby properties advising them of the approval and expected duration of the occupancy.

In relation to the Breese Street car park Council will need to write to surrounding land owners and occupiers and beneficiaries of the Special Charge Scheme providing them details of:

- lease/permit;
- timeframe;
- the level of assessment;
- provide a reasonable timeframe prior to the occupation (ie: 7 – 14 days);
- identification of the alternative car park available.

If Council receives objections, Council officers will work with residents / traders to identify parking options including relevant permits as part of the standard process.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The occupation is expected to last for two years. A lease is not appropriate for this location primarily as a lease of Council land for more than 12 months requires consultation process in accordance with the *Local Government Act 1989*. This is difficult to currently undertake in the current State of Emergency will take some time (up to 6 months) for Council to commence delaying the project commencement considerably. The developer has expressed a desire to start works as soon as possible.

Occupancy of the car park can be accommodated with a Land Occupation Permit authorised in Council's General Local Law 2018. Council's annual Fees and Charges 2019/20 indicates a fee for Rental of Council Off-Street Car Parks at $160 plus $35/Bay/Week which equates to a fee of approximately $142,000 for the occupation of 39 bays for two years. No exemption is being sought by the developer in relation to this fee.

However, the developer has requested the waiving of the fees associated with the occupancy of Duckett Street. Based on an 18-month occupancy (the remaining 6 months being the time the parklet will be constructed during the 24 months expected construction period), the relevant fee would be approximately $220,000. Unusually the occupation is not temporary and will culminate in the creation of a public parklet fully owned by Council. As the space will ultimately be greatly improved for the community's use at the developer's cost, on this occasion, it is recommended that this fee be waived.

7. Implementation

If Council resolves to approve the occupation of the Breese Street car park and portion of Duckett Street, the builder will finalise the relevant Traffic Management Plan for undertaking this set of works and notification of affected people will commence.

Attachment/s

1 Nightingale - Breese Street Traffic Management Plan D20/71086

DCF17/20 AMENDMENT C179 - PROPOSED REZONING OF 77-87 SOUTH STREET, HADFIELD - DECISION GATEWAY 1: AUTHORISATION AND EXHIBITION (D20/42164)

Director City Futures

City Strategy and Design

Executive Summary

The Moreland Industrial Land Strategy 2015-2030 (MILS) guides planning decisions for Moreland's Industrial land. The MILS identified a number of small industrial sites/precincts that are poorly located for industrial or alternative commercial premises into the future and determined that these sites/precincts can appropriately transition from industrial to residential use through land rezoning. This land rezoning will contribute to Moreland's housing supply and the establishment of quality residential environments.

Council received a request to amend the Moreland Planning Scheme to rezone land at 77, 79, 83, 85, and 87 South Street, Hadfield ('the precinct'). The precinct is classified in the MILS as 'Category 3: Transition - residential'. Land to the east, south and west of the precinct is in the Neighbourhood Residential Zone. Council's Operations Centre is located directly north of the precinct, across South Street.

Consistent with the MILS, the request seeks to facilitate a transition to quality residential environments that contribute to Moreland's housing supply, while ensuring risk from potential contamination from past land uses is managed by:

- Rezoning 77, 79, 83, 85, and 87 South Street, Hadfield from Industrial 3 Zone to a Neighbourhood Residential 1 Zone, and
- Applying the Environmental Audit Overlay.

Officer Recommendation

That Council:

1. Using its powers as a planning authority under sections 8A and 8B of the *Planning and Environment 1987*, seeks authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C179 as shown in Attachment 1 to this report.
2. Following receipt of the Minister's authorisation, exhibits the Moreland Planning Scheme Amendment C179 in accordance with Section 19 of the *Planning and Environment Act 1987* and as outlined in the Consultation section of this report.
3. Authorises the Director City Futures to make changes to the Moreland Planning Scheme Amendment C179 based on conditions imposed in any authorisation granted by the Minister for Planning and to make any grammatical changes and correct any errors in the relevant documents.

REPORT

1. Policy Context

Council Action Plan

The Council Plan 2017-2021 contains strategic initiatives to enhance liveability, affordability and sustainability by guiding growth, and excellence in urban design and development. The Council Plan 2017-2021 also acknowledges the challenge of growing the city's capacity to provide suitable housing and facilities for residents, while retaining and enhancing our streetscapes and public spaces.

The Council Action Plan (item 24) seeks to facilitate these initiatives through implementation of the Moreland Industrial Land Strategy 2015-2030 (MILS) through proponent led amendments.

State Planning Policy Framework

The State Planning Policy Framework at Clause 16 – Housing, of the Moreland Planning Scheme seeks to *'ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space'*.

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) in the Moreland Planning Scheme identifies that a limited number of industrial areas identified as Transition Residential Areas (Category 3) will contribute to housing supply in Moreland.

Zone selection and the associated scale and rate of change in these areas will be determined by the size and location of the site and the ability to manage off site impacts and integrate with the scale of the surrounding neighbourhood at site or precinct boundaries.

Moreland Industrial Land Strategy 2015-2030 and Economic Development Strategy 2016-2020

The MILS guides planning decisions about the future of Moreland's industrial land. The MILS categorises all industrial land, by site or precinct, into one of three strategic categories as follows:

- Category 1: Core Industrial and Employment Areas - maintain land for industry and other employment uses;
- Category 2: Support a transition to a broader range of employment uses and seek to prioritise employment uses over residential uses; or
- Category 3: Support change in some areas to facilitate quality residential development that contributes to housing supply

The MILS provides a clear framework for land rezoning and identifies when rezoning should occur. *Section 6 - Planning Scheme Recommendations* of the MILS states that:

> *Such amendment requests will be assessed against the relevant MILS category, any other relevant strategic directions for the site or precinct expressed in the MSS, and the site or precinct context.*

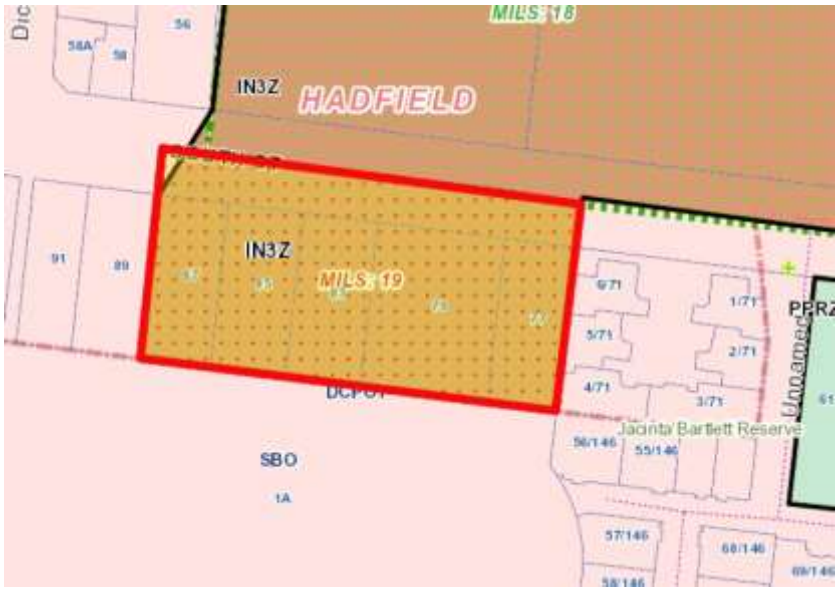
This proposed Moreland Planning Scheme Amendment C179 (the Amendment) is consistent with the strategic intent of MILS and the framework plan that identifies the site within Category 3: Transitional-Residential Areas. The MILS discourages the use of the Neighbourhood Residential Zone as this zone does not provide opportunity to significantly contribute to overall housing supply. However, this precinct comprises of only five sites and is surrounded to the south, east and west by existing Neighbourhood Residential Zoned sites. Therefore, it is appropriate to consider the use of the Neighbourhood Residential Zone in this circumstance.

2. Background

The Site and Surrounds

The properties to the east and west of the precinct at 77 and 87 South Street currently each contain a single storey detached dwelling. The central properties at 79, 83 and 85 South Street currently contain subdivided warehouses. The sites at 77-87 South Street, Hadfield comprise of five titles under separate ownership:

Site Address	Title Reference	Current Land Use
77 South Street Hadfield	Lot 15 on LP20111	Detached single storey dwelling.
79 South Street Hadfield	CP169067	Single storey warehouse used for motor vehicle parts / trade supplies.
83 South Street Hadfield	CP169066	Single storey warehouse building used for food production.
85 South Street Hadfield	CP169065	Single storey warehouse building presently used for an air-conditioning contractor's workshop and equipment store.
87 South Street Hadfield	Lot 10 on LP20111	Detached single storey dwelling.



The sites are located within MILS precinct 19 as shown above and in the maps at **Attachment 2**.

The sites are currently zoned Industrial 3, with an approximate combined land area of 3,400 square metres. 77 and 79 South Street are partially affected by the Special Building Overlay which runs past the front and rear of the sites. All sites are affected by the Development Contributions Plan Overlay (which affects the entire municipality).

The sites are bordered by residential land to the south, east and west, including retirement home to the south at 1A Virginia Street.

An industrial precinct is located opposite the sites on the northern side of South Street. This is identified within the MILS as a core Industry and Employment Area and is currently used for the Moreland City Council Depot.

3. Issues

Potentially contaminated land

Potentially contaminated land is defined in Ministerial Direction No. 1 – *Potentially Contaminated Land*, as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). This also includes land that may have been contaminated by other means such as by ancillary activities, including contamination from surrounding land, fill using contaminated soil or agricultural uses.

A desktop assessment of existing and historical uses at 77-87 South Street Hadfield indicates that the site has medium potential for contamination as defined in the Ministerial Direction and *Planning Practice Note 30 – Potentially Contaminated Land.*

The proposed zone will allow for residential use and other sensitive uses. To ensure that the environmental conditions of the land are appropriate for any sensitive use to operate on the site, an Environmental Audit Overlay (EAO) is proposed to be applied. The EAO will require an environmental audit to be conducted where a sensitive use or the construction of a building associated with a sensitive use is proposed on the land.

Existing industrial premises in the precinct

The land at 77-87 South Street Hadfield is located within *Category 3 Transition-Residential Areas* proposed within the Moreland Industrial Land Strategy (MILS) to be rezoned to allow for residential development to occur on land that is identified in the MILS to transition away from industrial land uses.

The Neighbourhood Residential Zone prohibits industrial uses, including industry, warehouse, office and retail premises. The existing businesses at 79, 83 and 85 South Street may continue operations supported by the provisions of Clause 63 of the Moreland Planning Scheme (Existing Use Rights).

Previous work undertaken to support the Moreland Industrial Land Strategy (MILS) provides the strategic justification for this proposed transition from industrial to residential land.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The proposed rezoning in this amendment does not limit or interfere with any Human Rights, in particular ‘Section 20’ – property rights. The amendment, if authorised, will go through a statutory process that includes public exhibition and consideration of submissions.

4. Consultation

The Department of Environment, Land, Water and Planning has been consulted on the proposed Amendment.

Public consultation will be conducted as part of the formal statutory exhibition process for the Amendment. It is anticipated that exhibition will occur mid-2020 for a period of four weeks after notice of the Amendment is published in the Government Gazette and in the local newspaper circulating the area. Letters of notice will be sent to prescribed Ministers, relevant public authorities, and owners and occupiers of land affected by the amendment, including properties directly adjoining the subject site.

Strategic Planning officers will be available during the public exhibition process to provide advice to individuals.

Council officers will seek an extension of time to postpone exhibition of the amendment, if authorisation is received immediately prior to the Council caretaker period.

All submissions will be considered as part of the consideration of the amendment by Council and any independent Panel appointed to consider submissions to the amendment.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The landowner will meet statutory fees and costs associated with the amendment. This includes all costs to exhibit and administer the amendment and costs resulting in the matter being considered by a Planning Panel appointed by the Minister.

Administrative costs associated with facilitating the amendment and Council officer resourcing will be met by the Strategic Planning Unit, Planning Scheme Amendments operating budget.

7. Implementation

The Planning Scheme Amendment process includes the following stages:

- Seek authorisation to prepare Amendment C179 from the Minister for Planning.
- Following authorisation, exhibit the amendment in accordance with section 19 of the *Planning and Environment Act* 1987.

The following timeline is broken down into key 'decision gateways' for Council. The timeline is approximate and subject to Ministerial approval timelines and Planning Panels Victoria reporting.

- Decision Gateway 1: Authorisation and exhibition (current report);
- Decision Gateway 2: Consider submissions and request a Panel (February 2021);
- Decision Gateway 3: Panel Report review and approval request (July 2021) .

Attachment/s

1⇩	C179 South Street MILS Project - Authorisation - Amendment Documentation	D20/112846
2⇩	C179 South Street MILS Project - Authorisation - MILS Area 19 and Current Zoning	D20/111478

DCF18/20 AMENDMENT C180 - PROPOSED REZONING OF 430-436 VICTORIA STREET AND 7 GARDINER STREET, BRUNSWICK - DECISION GATEWAY 1: AUTHORISATION AND EXHIBITION (D20/94580)

Director City Futures

City Strategy and Design

Executive Summary

The Moreland Industrial Land Strategy 2015-2030 (MILS) guides planning decisions about the future supply of Moreland's Industrial land to ensure positive long-term growth and investment certainty.

Council received a request for a Planning Scheme Amendment to rezone land at 430 – 436 Victoria Street and 7 Gardiner Street, Brunswick ('the Site'). The Site is located within the Brunswick Core Industry and Employment Precinct (Category 1 Core Industrial and Employment Area in the MILS) and is included in the Industrial 1 Zone (IN1Z). Consistent with the MILS, the amendment seeks to facilitate a broader range of employment generating uses whilst prohibiting residential uses by:

- Rezoning 430-436 Victoria Street and 7 Gardiner Street Brunswick, from Industrial 1 Zone to a Commercial 2 Zone;
- Applying a Design and Development Overlay 28 to restrict the height of any future buildings on the site and protect the amenity of Clifton Park;
- Applying an Environmental Audit Overlay to require a contamination assessment of the land (environmental audit) to ensure that the environmental conditions of land are appropriate where a sensitive use is proposed to operate on the site.

The amendment sought will provide an attractive avenue for investment at this location to facilitate a broader range of employment generating uses, including new and emerging industries identified for the Brunswick Design District whilst supporting the continued operation of existing industry. Residential uses will be prohibited.

Officer Recommendation

That Council:

1. Using its powers as a Planning Authority under sections 8A and 8B of the *Planning and Environment Act 1987*, seeks authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C180 as shown in Attachment 1 and Attachment 2 to this report.
2. Following receipt of the Minister's authorisation, exhibits Amendment C180 in accordance with Section 19 of the *Planning and Environment Act 1987* and as outlined in the Consultation section of this report.
3. Authorises the Director City Futures to make changes to the Amendment C180 based on conditions imposed in any authorisation granted by the Minister for Planning and to make any grammatical changes and correct any errors in the relevant documents.

REPORT

1. Policy Context

The Council Plan 2017-2021, contains strategic initiatives to:

- Enhance liveability, affordability and sustainability by guiding growth, and excellence in urban design and development.
- Support the local economy and trading environments to enhance economic activity and promote local jobs.

Council Action Plan item 24 seeks to facilitate these initiatives by implementing the Moreland Industrial Land Strategy 2015-2030 (MILS) through land owner initiated amendments.

Planning Policy Framework

The State Planning Policy Framework at Clause 17 - Economic Development of the Moreland Planning Scheme seeks *"to provide for a strong and innovative economy, where all sectors are critical to economic prosperity"* through fostering '*economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.'*

Municipal Strategic Statement

The Moreland Municipal Strategic Statement (MSS) in the Moreland Planning Scheme identifies three large concentrations of industrial zoned land in Brunswick, North Coburg and Newlands, as Core Industry and Employment Areas (Category 1) as outlined in the MILS. These industrial precincts have been identified for long term retention in zones that facilitate industry and employment uses and prohibit new residential uses. They are relatively unconstrained by residential or other sensitive uses and are intended to remain as priority areas for long term investment in industrial and other compatible businesses.

A key objective in the MSS for these Core Industry and Employment Areas is '*to reinforce and enhance Core Industry and Employment Areas as places for industry and complementary employment use'.*

Moreland Industrial Land Strategy 2015-2030

The MILS guides planning decisions about the future of Moreland's Industrial land and informs Council's Moreland Economic Development Strategy 2016-2020 to provide long term investment certainty for the business community. The MILS categorises all industrial land into one of three strategic categories as follows:

- Category 1: Core Industrial and Employment Areas - maintain land for industry and other employment uses;
- Category 2: support a transition to a broader range of employment uses and seek to prioritise employment uses over residential uses; or
- Category 3: support change in some areas to facilitate quality residential development that contributes to housing supply

The MILS provides a clear framework for land rezoning and identifies when rezoning should occur. *Section 6 - Planning Scheme Recommendations* of the MILS states that:

> *Such amendment requests will be assessed against the relevant MILS category, any other relevant strategic directions for the site or precinct expressed in the MSS, and the site or precinct context.*

This proposed amendment is consistent with the strategic intent of MILS and the framework plan that identifies the site within Category 1: Core Industry and Employment Area. The framework plan outlines that the Commercial 2 Zone is an applicable zone within Category 1 MILS areas and is appropriate to achieve the following key strategy for these areas:

> *Support the transition to a broader range of employment generating uses in Core Industry and Employment Areas, including a mix of industry and office based uses and other compatible employment uses, as permitted within the relevant zone.*

Creative State Strategy 2016-2020

The State Government's Creative State Strategy 2016-2020 aims to address major challenges to the sustainability and growth of creative industries in Victoria through growing Victoria's creative and cultural economy, boosting local creative enterprises, create new jobs and employment opportunities, and bring social and cultural benefits to Victorians. This strategy and its actions are supported by Plan Melbourne policy 4.2.2:

- Support the growth and development of Melbourne's cultural precincts and creative industries.

The Brunswick Design District, a collaborative project between Moreland Council, RMIT University and government body Creative Victoria, aims to realise a number of key objectives and strategies within Creative State Strategy 2016-2020, including:

- strengthening the creative industries ecosystem;
- supporting design businesses;
- broadening the impact of design;
- supporting the establishment of spaces for creative enterprises and collaboration

A Memorandum of Understanding (MOU) between Moreland Council, RMIT University and Creative Victoria sets out the intent and purpose between these parties to develop a shared vision and collaboration over the long term to achieve an integrated approach to the development of the Brunswick Design District.

2. Background

The Site and Surrounds

The site at 430-436 Victoria Street and 7 Gardiner Street, Brunswick (the Site) comprises several titles within single ownership. The site is approximately 6,000 square metres in size and located within MILS precinct 64 as shown in the maps at **Attachment 1**. The Site is currently occupied by Oceania Universal Paving Pty Ltd, a medium to large concrete contractor who provide form-working for developments across the metropolitan area. The Site is the businesses base and is predominantly used for the office administration and storage of materials. The Site is located within a large concentration of Category 1 Industrial Zoned land in Brunswick and is not affected by any overlays other than the Development Contributions Plan Overlay (which affects the entire municipality).

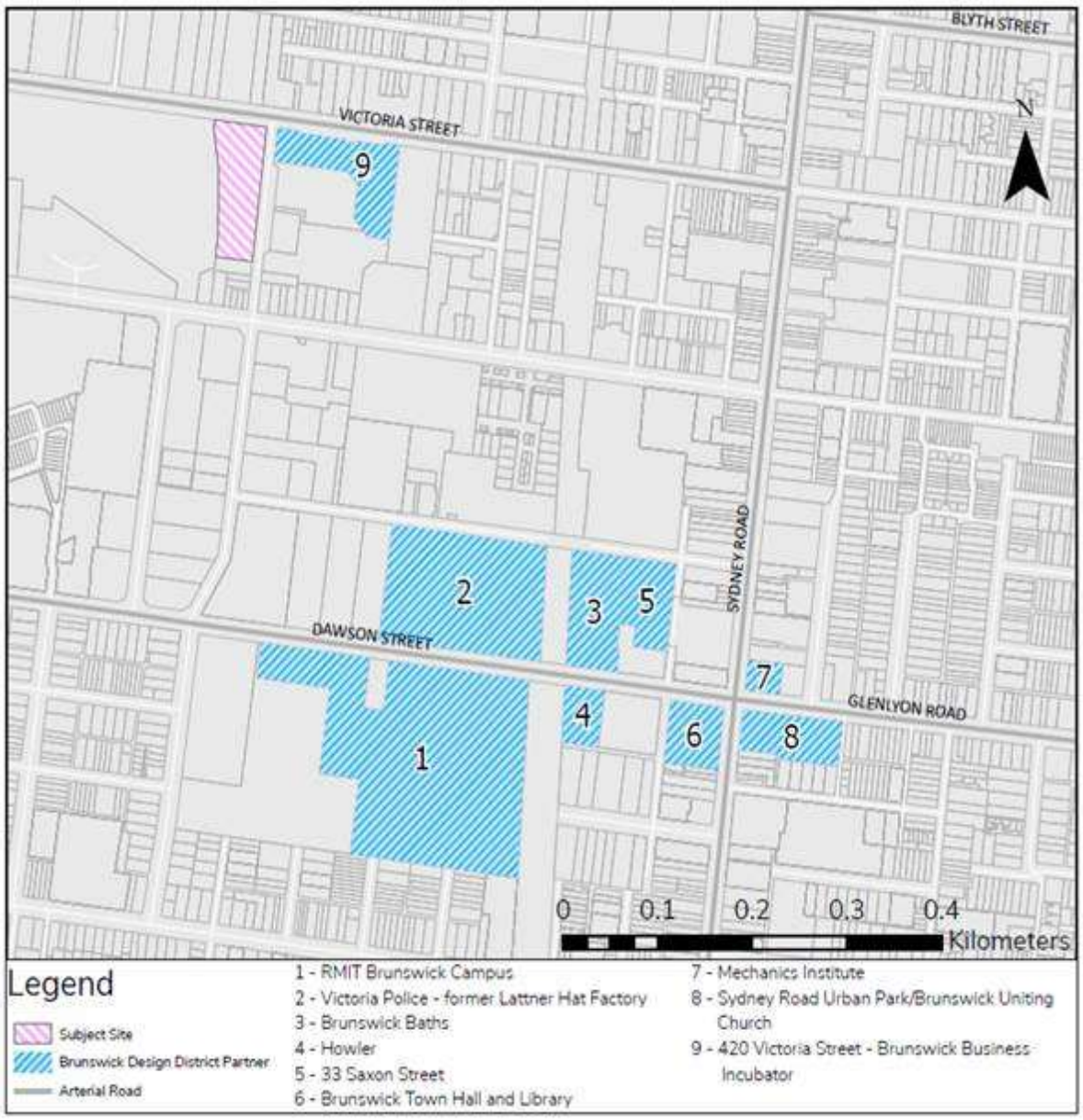
The site is bordered by industrial land to the north operating with a variety of uses, including retailers and manufactures servicing the construction industry.

Directly to the south is a motor repair business operating out of a large single storey brick warehouse built to its north, south and western boundary and which utilises the front setback for storage of car parts and other materials. Clifton Park, is located to the west. The Brunswick Business Incubator is located to the east, including a number of community organisations offering health and community services.

The Brunswick Design District

The Brunswick Design District (BDD) has no defined boundary but is centralised around a number of core sites in the heart of Brunswick. The Site is located adjacent to the Brunswick Business Incubator at 420 Victoria Street, a key focus and resource of the BDD.

Map of key sites of the Brunswick Design District in context of the Site



This BDD is intended to create long term value for the local community, Melbourne's north and Melbourne's economy by linking together land and buildings, shared infrastructure and local institutional strengths to encourage the growth of enterprise networks.

3. Issues

The Brunswick Core Industrial Area

The site to be rezoned is located within the Brunswick Core Industrial Area, and abuts industrial land to the north and south, Clifton Park (Public Park and Recreational Zone) directly to the west and Brunswick Business Incubator and Foundation House (Public Use Zone) to the east.

The MILS outlines that Moreland's core industrial areas are an important employment resource which support a broad range of different economic sectors, not limited to traditional industrial uses. The MILS framework plan specifies that a Commercial 2 Zone is an applicable zone to facilitate a broad range of employment generating uses for the long-term sustainability of Moreland's core industrial areas.

Amendment C180 proposes to rezone the land from Industrial 1 to Commercial 2 Zone as shown in the maps at **Attachment 1**. The Commercial 2 Zone will provide greater flexibility in the type of commercial uses permissible on the site whilst ensuring that residential development remains prohibited in this core industrial area, consistent with the MILS directions to support employment.

Supporting the Brunswick Design District

The Commercial 2 Zone permits a broader range of commercial uses 'as of right' including office, restricted retail, trade supplies, and some limited retail activity otherwise difficult to achieve in an Industrial 1 Zone.

The Commercial 2 Zone is expected to provide investment opportunities to support the BDD through its proximity to the Brunswick Business Incubator and a zoning that facilitates a broader range of commercial uses.

In the Commercial 2 Zone, an Industry or Warehouse is a Section 1 'As of Right' Use, subject to conditions being met.

The Commercial 2 Zone also allows a permit to be sought for a primary school use, and other sensitive uses such as a child care centre and pre-school centre currently prohibited within an Industrial 1 Zone, as shown in **Attachment 2**.

Built form outcomes

A Design and Development Overlay Schedule 29 (DDO29) is proposed to apply to the site as shown in **Attachment 2**. A DDO was considered necessary as there are no restrictions on height under the Commercial 2 Zone DDO29 is also proposed to provide built form guidance for the scale and interface treatment to the adjoining parkland setting.

DDO29 strikes a balance between allowing flexibility that will encourage an appropriate commercial development whilst providing design principles to guide appropriate development on the site, by directing:

- A high quality interface to Clifton Park and improved park surveillance;
- New buildings (including height, setbacks, mass and bulk) to limit overshadowing and visual impacts to Clifton Park;
- A high quality landscape design that visually integrates the development into the parkland context;
- A building design that will not undermine the ongoing operation of uses in the Industrial 1 Zone.

The Site's surrounding context has informed the design principles included in DDO29 such as:

- The built form at 460 Victoria Street Brunswick, guided by DDO6 that applies to land that abuts the western side of Clifton Park. This former industrial site includes multiple residential buildings of four to five storeys that front Victoria Street and Clifton Park, and a three storey form adjacent to the low scale residential to the site's west. As per DDO6, buildings are setback partly from the Clifton Park interface and landscaping is used to integrate the development with Clifton Park;
- The built form at 420 Victoria Street Brunswick, located to the east of the subject site. This site includes a building that has an approximate four storey scale;

- The design framework in DDO26 that applies to 395-429 Albert Street Brunswick, land abutting the southern and western side of Clifton Park. DDO26 outlines that development fronting Clifton Park should not exceed four storeys and eight storey's overall and include a landscaped setback to Clifton Park to integrate the park into the parkland setting;
- Industrial and public land zoning surround the site, separating the site from any residentially zoned land.

DDO29 seeks to maintain a consistent scale presenting to the park by directing a four storey form at the park interface. It also allows an additional storey up to five where the design response demonstrates that upper levels do not generate any unreasonable shadow impacts to the park and are visually recessive when viewed from within the park. DDO29 provides for the use of landscaping within side setbacks and along the Victoria Street frontage to help integrate new buildings within the parkland setting.

There is however no consistency to the overall maximum height on the sites surrounding Clifton Park. This is due to each site being unique in shape and size, and which have differing interfaces that influence the scale of buildings achievable. DDO29 proposes a five storey overall height. This height is three storeys lower than that directed at 395-429 Albert Street Brunswick, as the subject site is smaller and narrower and therefore could not achieve a visually recessive building to protect the parkland setting at an eight storey height. A maximum height of five storeys is comparable to the height of land at 460 Victoria Street Brunswick.

Potentially contaminated land

Potentially contaminated land is defined in *Ministerial Direction No. 1 – Potentially Contaminated Land* as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). This also includes land that may have been contaminated by other means such as by ancillary activities, including contamination from surrounding land, fill using contaminated soil or agricultural uses.

A desktop assessment of existing and historical uses at 430-436 Victoria Street and 7 Gardiner Street, Brunswick indicates that the site has high potential for contamination as defined in the Ministerial Direction and *Planning Practice Note 30 – Potentially Contaminated Land.*

The proposed zone will allow a permit application for a new sensitive use, a primary school, and other sensitive uses such as a child care centre and pre-school centre. To ensure that the environmental conditions of the land are appropriate for any sensitive use to operate on the site, an Environmental Audit Overlay (EAO) is proposed to be applied to the site. The EAO will require an environmental audit to be conducted where a sensitive use or the construction of a building associated with a sensitive use is proposed on the land. Conversely, commercial and industrial development that is intended for the site would not trigger any contamination assessment with an EAO applied to the land as these are not defined as sensitive uses.

Net community benefit of the rezoning

Employment generation

A Commercial 2 Zone will encourage investment in the site for a broader range of commercial uses and the creation of jobs to strengthen the existing industrial precinct and the developing BDD.

Public Realm Improvements and pedestrian link

The site currently offers no meaningful connection with the public realm with an industrial building fronting Victoria Street that includes an expanse of blank wall and minimal activation, and high impervious fencing running along the Clifton Park interface and Gardiner Street frontage. Through the application of DDO29, future development will improve the connections with the public realm with activation along each public interface. New buildings will be directed to be innovative in design, including a prominent feature at the Victoria Street and Gardiner Street corner, environmentally sustainable design elements, and improved public connections would be offered with Clifton Park through activation and landscaping along the park interface and the opportunity for a pedestrian link from Gardiner Street.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The rezoning and DDO29 requirements related to this amendment do not limit or interfere with any Human Rights, in particular 'Section 20' – property rights. The amendment, if authorised, will go through a statutory process that includes public exhibition and consideration of submissions.

4. Consultation

DDO29 was developed in consultation with Council's Strategic Planners, Urban Designers, Urban Planners, Transport Engineers and the applicant to determine appropriate design principles, height and scale of new built form, connectivity for new development, and to ensure the legibility and useability of the overlay.

The proposed amendment was presented to Councillors at a briefing on the 23 April 2019. The Department of Environment, Land, Water and Planning has also been consulted on the proposed amendment.

Upon authorisation from the Minister for Planning, the amendment will be exhibited in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*. There will be a one-month exhibition period, commencing with the publication of notice of the amendment in the *Victorian Government Gazette* and the local newspaper circulating the area. Letters of notice will be sent to prescribed Ministers, relevant public authorities, and owners and occupiers of land affected by the amendment, including properties directly adjoining the subject site.

Strategic Planning officers will be available during the public exhibition process to provide advice to individuals.

Council Officers will seek an extension of time to postpone exhibition of the amendment, if authorisation is received immediately prior to the Council caretaker period.

All submissions will be considered as part of the consideration of Amendment C180 by Council and any independent Panel appointed to consider submissions to Amendment C180.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The proponent will meet statutory fees and costs associated with the amendment. This includes all costs to exhibit and administer the amendment and costs resulting in the matter being considered by a Planning Panel appointed by the Minister.

Administrative costs associated with facilitating the amendment and Officer resourcing will be met by the Strategic Planning Unit, Planning Scheme Amendments operating budget.

7. Implementation

A Planning Scheme Amendment process includes the following stages:

- Seek authorisation to prepare Amendment C180 from the Minister for Planning;
- Following authorisation, exhibit the amendment in accordance with section 19 of the *Planning and Environment Act* 1987.

A timeline of Council decisions for the Planning Scheme Amendment process are broken down into key 'decision gateways'. The timeline is approximate and subject to Ministerial timelines and Planning Panels Victoria reporting.

- Decision Gateway 1: Authorisation and exhibition (this report);
- Decision Gateway 2: Consider submissions and request a Panel (February 2021);
- Decision Gateway 3: Panel Report review and approval request (July 2021).

Attachment/s

1⇩	C180 - Zone and Overlay Maps	D19/119580
2⇩	C180 - Proposed Design and Development Overlay Schedule 29 (DDO29) and Commercial 2 Zone Provisions	D19/110329

DCF19/20 TEMPORARY ROAD CLOSURE - SUMNER STREET, BRUNSWICK EAST (D20/96962)

Director City Futures

City Change

Executive Summary

At its meeting on 11 December 2019, Council resolved (DCF91/19) to maintain temporary road closure barriers in Sumner Street, Brunswick East and progress permanent road closure works for Peers Street, Brunswick East. These closures are an appropriate method of preventing traffic from the East Brunswick Village from using local streets east of Nicholson Street to rat-run, rather than using the arterial roads.

Council also sought a further report, once the Nicholson Street/Sumner Street intersection construction works were completed, to investigate the option of moving the point of closure on Sumner Street from Noel Street to Nicholson Street, Brunswick East.

The works to convert the Nicholson Street/Sumner Street intersection into a fully signalised intersection are complete, and Council officers have spoken to representatives from the Department of Transport and reviewed the costs and benefits of relocating the closure to the Nicholson Street intersection. This report provides those findings and recommends that this is a suitable alternative closure point. It is recommended Council now proceeds to a formal consultation process in accordance with Section 223 of the *Local Government Act 1989* in order that this might be facilitated.

Officer Recommendation

That Council:

1. Approves the commencement of the process under Section 207, Schedule 11, Clause 10(1)(c) of the *Local Government Act 1989* to erect temporary barriers in Sumner Street from Nicholson Street to a point 11 metres further east to block the passage of vehicles other than bicycles, for the purpose of a genuine traffic diversion experiment.
2. Gives public notice of the traffic diversion experiment proposal and calls for submissions in accordance with Section 223 of the *Local Government Act 1989* in *the Age* newspaper, or in the event the suspension of printing has been lifted, in the *Moreland* and *Northern Leader* newspapers
3. Publishes a copy of the public notice on Council's website and provides it to owners and occupiers of all properties abutting Sumner Street, Noel Street, Peers Street and Rupert Street, Brunswick East, and to those properties on the eastern side of Nicholson Street from Glenlyon Road to Peers Street in Brunswick East.
4. Appoints _____ as Chair, and Councillors _____, _____ and _____ to a Hearing of Submissions Committee to hear any submitters requesting to be heard in support of their written submission.
5. Notes the Hearing of Submissions Committee meeting will be held on a date and time to be set, at the Moreland Civic Centre, 90 Bell Street, Coburg.
6. Following the consultation process, receives a report outlining any submissions received, a summary of proceedings of any Hearing of Submissions held in relation to the proposed temporary traffic diversion experiment and the report from VicRoads on the proposal, with a recommendation on whether to proceed.

REPORT

1. Policy Context

Council's recently adopted Moreland Integrated Transport Strategy (MITS) includes Headline Action 3 – use of road closures to support mode shift, reduce rat-running, and encourage take up of cycling by less confident riders. Road closures reduce traffic in streets, thereby improving conditions for cyclists.

2. Background

In December 2019, Council considered a report to permanently close both Peers and Sumner Streets in Brunswick East (DCF91/19). This followed a process involving two sets of consultation with the local community – the first was on the temporary (trial) closure, and the second on a permanent closure as outlined in the graphic below:

After considering reports on the submissions following consultation, Council resolved:

1. *Under Section 207, Schedule 11, Clause 9 of the Local Government Act 1989, to maintain permanent barriers in Peers Street from Nicholson Street, Brunswick East to a point 11 metres further east to block the passage of vehicles other than bicycles.*
2. *Progresses the two road closures as follows:*
    a. *In Sumner Street maintain temporary barriers until such time as relocation of the barrier to Nicholson Street is resolved.*
    b. *In Peers Street at Nicholson Street for permanent road closure works from the funds allocated for road closures in the 2019/2020 budget*
3. *Following the completion of the Nicholson Sumner intersection construction works, seeks VicRoads approval and costings for the relocation of the Sumner Street road closure to Nicholson Street.*
4. *Receives a further report on the feasibility and cost of this alternative treatment and to consider approval of third Section 223 consultation process required to facilitate the relocation of the Sumner Street road closure to Nicholson Street.*
5. *Notifies all those who previously received a circular in relation to the proposal, including those who made written submissions and the Department of Transport, of Council's decision.*

In accordance with the Council decision:

- Those previously consulted have been advised;
- The Peers Street permanent road closure works have been programmed and detailed design works are underway based on the concept plan shown in **Attachment 1**;

- VicRoads has been consulted regarding relocation of the Sumner Street road closure to Nicholson Street and support provided (subject to a new consultation process process being undertaken and costs being borne by Council).

The temporary barriers in Sumner Street were erected at Noel Street instead of Nicholson Street because VicRoads had already approved the new Sumner Street traffic signals at Nicholson Street and the developer had issued the construction contract. Council would have had to pay VicRoads for checking amended plans and the developer would have required Council to pay its consultants for the design changes and pay its contractor whatever the contractor charged for the modifications. At that time, it was not considered viable to commit Council to pay unspecified costs to the developer's consultants and contractors.

3. Issues

Department of Transport

The Department of Transport has advised that it has no objection to a trial road closure in Sumner Street, Brunswick East at Nicholson Street, provided that all costs are borne by Council.

Affected Dwellings

Seven dwellings will have vehicle access relocated if the existing trial road closure in Sumner Street is relocated from Noel Street to Nicholson Street. Currently those dwellings have vehicular access from Sumner Street, direct into Nicholson Street via the new signalised intersection. The relocated closure will require them to drive an additional 300 metres via Noel Street and Glenlyon Road, to access Nicholson Street. This is considered to be an acceptable traffic management outcome in the context of the broader traffic benefits of the road closure.

Traffic Implications

A trial closure at Nicholson Street will close the eastern leg of the Nicholson Street/Sumner Street intersection and restore the intersection of Sumner Street and Noel Street. The residents of seven dwellings that wish to drive to Nicholson Street will be diverted to the Glenlyon Road intersection.

The seven dwellings are likely to generate, in normal (non-COVID-19) times, three car movements every peak hour, and a total of 30 movements per day. Even if all three peak hour movements were added to the Nicholson Street/Glenlyon Road intersection, it would have a negligible impact on traffic queues during peak hour.

Waste Collection and Parking Implications

Currently, waste collection vehicles do not enter Sumner Street from Nicholson Street, for safety reasons. The trucks cannot turn around in Sumner Street and it is unsafe to reverse into, or out of Nicholson Street (an arterial road). The affected residents currently take their bins to either Nicholson Street or Noel Street for emptying. Relocating the trial closure provides a potential opportunity to address this situation. Although the trucks cannot turn around in the street, the same scenario used in the Peers Street road closure can be applied. On waste collection mornings, the parking can be banned along the northern side of Sumner Street from Noel Street to Nicholson Street, to allow the waste collection trucks to reverse into this section of Sumner Street. The residents can then place their bins along the northern side of the street. This approach has been successful in Peers Street since the trial closure in July 2019 and has also been used successfully in many one-way streets around the municipality.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Preliminary consultation

After the December 2019 Council meeting, a preliminary questionnaire was distributed to the residents and owners of the seven properties that will be most affected by the relocated road closure. Eighteen responses were received from those seven properties. Every one of the seven properties were represented. Fourteen of the responses favoured relocating the closure.

The four submissions opposed, indicating there was no problem with the current arrangement, because they have direct access Nicholson Street via the traffic signals. The relocation of the trial closure will extend their journey considerably. This extended journey would be applicable also to the other fourteen people who indicated they were in favour.

Section 223 process

The proposed closure relocation, will relocate vehicle access for seven dwellings. This means that the consultation procedure in accordance with Section 223 of the *Local Government Act 1989* must be run again. A trial closure must be undertaken first, as a condition of the support that has been provided for the alternative closure point by the Department of Transport. This process requires publishing a public notice and inviting written submissions from community members that would be impacted. Written submissions may also include indication that the submitter would like to verbally address a committee established by Council.

In making its final decision, Council is required to consider all written submissions and the proceedings of any hearing of submissions.

Extent of consultation

The relocation of the road closure from Noel Street to Nicholson Street, only affects the vehicle access to seven dwellings. For all other properties in Sumner Street, there would be no change in access to that currently impacted by the temporary closure still in place.

Council has already heard and considered the issues of the community in relation to a road closure in Sumner Street. Therefore, the consultation for this trial road closure can be reduced to a smaller area as shown in **Attachment 2**. The recommendation is to notify the residents and owners of all properties abutting both sides of Sumner Street, Noel Street, Peers Street, Rupert Street, plus the properties on the eastern side of Nicholson Street between Glenlyon Road and Peers Street. The remainder of the community will be notified by notices on Council's website and in a local newspaper (on-line if not available in hard-copy).

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

High costs avoided

Prior to the completion of the new intersection with the East Brunswick Village, undertaking a road closure at this location would have been cost prohibitive because it would have delayed the intersection works and delayed the opening of the supermarket (a contractual obligation of the developer) leading to potential claims. In addition, the developer's contractor would have been able to charge Council high fees for all amended works.

Now that the intersection works are completed, the modifications will be carried out by Council and properly costed through Council's standard processes.

Trial closure

Relocating the trial closure is likely to cost around $25,000 which includes the Department of Transport fees to adjust the traffic signals. This could be funded from the Road Closure capital works budget in the 2020/21 financial year if approved as part of the budget process.

Permanent Closure

If the proposal proceeds to a permanent road closure, the costs to undertake infrastructure works to make the road closure permanent are likely to be around $100,000. This includes the Department of Transport fees (to make permanent changes to the traffic signals) which could be funded from a Road Closure capital works budget in a future financial year if approved as part of the annual budget process.

7. Implementation

Subject to Council's decision, the statutory consultation process will commence.

Attachment/s

1⇩	Road Closures - Sumner Street, Brunswick East - relocation - concept plan	D20/143962
2⇩	Road Closures - Sumner Street, Brunswick East - trial closure - properties to be consulted	D20/174662

EMF10/20 2019/20 THIRD QUARTER PERFORMANCE REPORT - INCLUDING THE FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 MARCH 2020 (D20/109925)

Executive Manager Finance

Finance Management

Executive Summary

This third quarter performance report gives an overview of Council's Performance through delivery of the Council Plan 2017-2021 (Council Plan), Financial Management and delivery of the Project Management program.

Delivery of the Council Plan, through the Council Action Plan 2019/20, during the third quarter saw the status of actions as 16 per cent achieved, 63 per cent on target and 20 per cent behind target.

Capital projects are progressing with 63 per cent delivery across the program as at 31 March 2020, while operating projects are behind their expected progress with 49 per cent delivery across the program as at 31 March 2020. Expenditure aligns to the delivery status and actions are being closely monitored to support planned delivery. The impact of COVID-19 on project delivery is being closely monitored through the last quarter of the financial year.

A detailed financial review was undertaken across the organisation at the end of March 2020, to form the 2019/20 third quarter financial forecast. This process provided the opportunity to review the financial performance to date and reallocate available financial resources to maximise the delivery on Councils strategic objectives. The results of this review are included in this report as the Full Year Revised Forecast. The forecast has been developed in an unprecedented and rapidly changing environment following the onset of the COVID-19 pandemic. The proposed forecast assumes the current lockdown strategy implemented by the Federal Government will be in place until at least 30 June 2020 and the assumptions of the associated financial impacts of the lockdown are included in the forecasted financial position for 30 June 2020.

The financial review is forecasting an unfavourable movement of $3.9 million in Council's underlying result from a forecasted surplus of $16.7 million to a forecasted full-year surplus of $12.7 million. This is primarily due to reduced parking infringements, paid parking and hall hire as well as additional costs relating to the closure of the leisure centres, all resulting from the COVID-19 pandemic. Other items that have impacted on Council's result are savings in base and operating expenditure in 2019/20. The financial impact of the pandemic has been softened by the agile response to realign priorities, providing support to the community.

After reviewing the Capital Expenditure program, there is a decrease to the 2019/20 budget of $10.2 million, with $2.5 million funded by reserves and a decrease of $8.9 million in rates funded. It is anticipated that $5.7 million of the Capital Expenditure program will need to be carried-forward to the next financial year for delivery.

Officer Recommendation

That Council:

1. Notes the 2019/20 Third Quarter Performance Report for the period ending 31 March 2020, including Council Action Plan progress, Financial Plan performance and Project Management performance.
2. Notes the status of the program of capital and operating projects for 2019/2020.
3. Notes the forecast that Council will meet the operating financial targets set in the 2019/2020 Annual Budget and that the forecasted deficit of $3.2 million is now forecast to be a deficit of $2.1 million at year end.

4. Notes the decrease to the full-year forecast for Operating income of $3.1 million and decrease to expenditure of $0.1 million arising from the 2019/2020 Third Quarter Financial Review.
5. Endorses the full-year forecast Capital Expenditure of $53.4 million, arising from the 2019/2020 Third Quarter Financial Review.
6. Carries forward the following operating project funding to the 2020/2021 year:
    i. Moreland Affordable Housing - $126,829;
    ii. Occupancy permits for Council managed community venues - $70,000;
    iii. Moreland Integrated Transport Strategy promotion - $63,371;
    iv. Process Mapping Software - $50,000;
    v. Collaborative Graffiti Intervention - $13,103;
    vi. Food System Strategy - $9,995;
    vii. Art Collection Insurance Valuation - $7,000;
    viii. Public Art Commission - Peace Memorial at Pentridge - $5,915.
7. Carries forward the following capital project funding to the 2020/2021 Capital Expenditure programs:
    i. Coburg City Oval Grandstand & Pavilion - $1,690,567;
    ii. Park Close to home (West & Breese Street) - $680,000;
    iii. Foot Bridge at Kingfisher Gardens - $670,000;
    iv. Edgars Creek Shared Path Bridge - $570,000;
    v. Road Reconstruction – Henkel Street, Brunswick - $1,126,515
    vi. Fleming Park Master Plan Implementation - $416,616;
    vii. Wheatsheaf Hub - $301,106;
    viii. Park Close to Home (260 Sydney Road) - $122,300;
    ix. Coburg Leisure Centre Spa and Sauna Refurbishment - $119,175;
    x. Coburg Leisure Centre pool shell painting $50,340;
    xi. Park Close to Home (Tinning Street) - $20,183;
    xii. Public Art Program - $9,626.
8. Notes the Council Finance Report for the year to date 31 March 2020 at Attachment 3 to this report.

REPORT

1. Policy Context

The Council Plan 2017-2021 (Council Plan) was adopted by Council on 24 July 2017. The Council Plan sets the vision, purpose, values, key strategic objectives and key priorities to be delivered over the four-year life of the plan. The Council Action Plan 2019/2020 (CAP) for year three of the Council Plan, contains the deliverables and the corresponding actions, measures and targets, delivered during the 2019/2020 financial year to achieve the vision articulated in the Council Plan.

The Annual Budget 2019/20 was adopted by Council on 24 June 2019. The Annual Budget sets out the resources required to deliver the Council Plan, Services and Capital Works Program for the 2019/20 financial year.

This report supports Council's continuing commitment to open and accountable management of the financial resources of Moreland on behalf of its ratepayers.

2. Background

The purpose of the third quarter performance review is to report the status of delivery against the Council Plan, Annual Budget and Council's program of projects as at 31 March 2020 and the forecast outcome for 30 June 2020.

Council received reports on the first quarter CAP, and first quarter financial review at the 11 December 2019 Council meeting. The second quarter performance review was considered by Council at the 12 February 2020 Council meeting.

COVID-19

On 12 March 2020, the World Health Organisation declared COVID-19 a global pandemic prompting governments to commence implementation of pandemic plans in an attempt to prevent increased spread of the virus.

On 16 March, a State of Emergency was declared in Victoria for four weeks, allowing Victoria's Chief Health Officer to implement measures to contain the spread and reduce the risk to health of the community (such as bans on mass gatherings). The State of Emergency (and social distancing restrictions) has been extended to 11 May 2020.

The situation and directives in responding to COVID-19 have resulted in disruption to Council operations with direct impacts on service delivery and operational adjustments. Council adopted a COVID-19 Financial Hardship Policy to support Moreland's residents and businesses who have been financially impacted by COVID-19 while ensuring Council operations and the cash required to continue operating are not compromised. Council's response to COVID-19 and relief measures have impacted some areas of performance in the third quarter, with greater impact anticipated in the fourth quarter (particularly as staff resources have been redirected to action Councils Business Continuity and Pandemic Plans).

3. Issues

The third quarter performance report is made up of:

- Council Plan Performance - Progress on the actions contained in the Council Action Plan for the 2019/20 year;
- Project Management Performance – Progress on the annual program of capital and operating projects for the 2019/20 year;
- Financial Performance – Financial Statements, including income statement, balance sheet and cash flow statement.

Council Action Plan Performance

Detailed results for third quarter CAP reporting, including summary charts, are in **Attachment 1**. A summary of progress on actions is shown below.

Status	Number	Percentage
Achieved	8	16 %
On Target	31	63 %
Behind Target	10	20 %
Discontinued	0	-
On Hold	0	-
Total	**49**	**100 %**

In the third quarter two CAP items were 'achieved'. This increases the total from six at the end of the second quarter to eight. The two completed items were:

- **CAP 49 - Deliverable P4c) Urban Forest Strategy,** is to guide the strategic direction of the management of Moreland's urban forest, aiming to create a municipality where healthy trees and vegetation are a core part of the urban environment
- **CAP 56 - Deliverable P7d) Implement Brunswick Structure plan,** is to deliver streetscape upgrade projects within the Brunswick Activity Centre

For **On target items,** from the 49 CAP items, 31 had one of more actions which were 'on target'. More detail is in **Attachment 1**.

For **Behind target items,** ten CAP items had one of more actions which were 'behind target'. Three of these were behind target at the end of the previous quarter (CAP 33, 47 and 52), with CAP 1, 17, 38, 40, 43, 59, 62 now falling behind in the third quarter. More detail for the ten 'behind target' CAP items is:

- **CAP 1 - Deliverable C1a) Social Cohesion Plan Development**, is to scope initiatives in the Human Rights Policy to improve social cohesion. The social cohesion project (being delivered by the Glenroy Neighbourhood Learning Centre) and the participants of the Democracy Lab were delayed because groups could not meet. A Councillor Connect article is now anticipated for April. The original target was to achieve Councillor Connect articles for the social cohesion project and Democracy Lab by March 2020. A proposed new Social Cohesion Plan, reflecting pandemic considerations, will be brought to Council for consideration in June 2020.
- **CAP 17 - Deliverable C6a) Lighting of Upfield Bike track**, is to ensure safety for users and increase useability. The Department of Transport is delivering the lighting as part of its Box Forest to Western Ring Road shared path project. The project also requires Vic Track approval. The Department of Transport has advised the project will now be delivered in 2021/22. The original target was for Department of Transport to do the works by June 2020.
- **CAP 33 - Deliverable P1m) Water Map**, is to implement initiatives which support a water sensitive city, improve water quality and efficiency outcomes. An expert consultant was appointed in mid-October. A final draft report was received in mid-March and a briefing to Councillors is expected in the fourth quarter. The original target was to present the plan at a Councillor briefing by February 2020.
- **CAP 38 - Deliverable P2a) Review of the Moreland Integrated Transport Strategy (MITS)**, is to implement the strategy enable mode shift and reduce traffic congestion. Council resolved at its Special Council Meeting in March to defer the implementation of the parking project until after the declaration of the

State of Emergency in Victoria has been removed. The original target was June 2020.

- **CAP 40 - Deliverable P2c) Extend the Upfield Bike Path to connect with the Western Ring Road Path**, is to continue advocacy with the Victorian Government. The Department of Transport is responsible for delivering these works and has recently advised the project will be done in 2021/22. The original target was for Department of Transport to do the works by June 2020.
- **CAP 43 - Deliverable P3a) Economic Development Strategy 2016-21**, is to facilitate the growth and diversity of local jobs. The MORESpaces program for the promotion of start-ups in vacant retail spaces is progressing. An initial trial has been rescheduled to April 2020 and now a further delay is anticipated. The original target was to develop the program by April 2020.

  Shopping strip activation improvements for Gaffney Street in Pascoe Vale and Bonwick Street in Fawkner are behind schedule. The original target was to facilitate the improvements by June 2020.

  Once COVID-19 restrictions are eased, the MORESpaces trial and Gaffney Street improvements will be implemented soon after.
- **CAP 47 - Deliverable P4a) More Open spaces and parks**, is to establish a framework or open space fund allocation and then purchase land and convert to open space. The demolition contractor has been appointed for both sites at Breese / West Street and Tinning Street, however authority approvals continued to delay works. A report was presented at the March 2020 Council meeting to highlight delays and flag September 2020 as a revised timeline. The original target was to demolish and remediate by January 2020 and construct by July 2020.
- **CAP 52 - Deliverable P6b) Zero Carbon Moreland**, includes implementing Year 2 program funding through the Moreland Energy Foundation Limited (MEFL). The Australian Energy Foundation (formerly MEFL) residential solar campaign continued and included paid digital and print advertising, adverts in bus shelters and backs of buses. A flyer was also included in the quarterly Rates notice. Annual targets (particularly in relation to solar for business) remain at risk. The original target was quarterly progress reporting to Zero Carbon Evolution Board.
- **CAP 59 - Deliverable P9a) Trial, education and implementation of initiatives to actively reduce waste to landfill**, is to progress actions for the Waste and Litter Strategy Action Plan. Whilst the community continues to opt-in to the fortnightly Food and Garden Organics Collection (FOGO) program, preparation for city-wide FOGO rollout was affected by the State Government's delayed release of the Recycling Victoria Action Plan. A Council report has been prepared to recommend a way forward for FOGO. The original target was to complete preparations, for future city-wide FOGO rollout, by June 2020.

  Work is also underway for a community education program about plastic use and recycling. During the third quarter this work continued the partnership with InfoActive, for an online platform to give residents more options for their waste management. A research project is also under way with Monash University to trial behaviour-change interventions. Several activities were put on hold to inspect bins and audit kerbside waste streams, whilst a pilot to encourage waste avoidance was deferred until 2020/21. The original target was to fully implement the program by June 2020.
- **CAP 62 - Deliverable R1b) Continuous Improvement in service delivery,** is to improve overall delivery by streamlining processes and improving the customer service experience. Various projects have improved customer request systems, enabled direct debits for youth services and assisted Council's

response to COVID-19. Other improvements are progressing. Two small projects have been delayed but will still be complete by June 2020.

Project Management Performance

At the end of the third quarter, 63 per cent of key milestones had been completed for capital projects in accordance with project timelines. Expenditure against capital projects at the end of the quarter is below the phased budget target (75%), which is in line with expected tolerances when compared to progress against schedule.

At the end of the third quarter 49 per cent of key milestones had been completed for operational projects in accordance with project timelines. Expenditure against operating projects at the end of the quarter is below the phased budget target (80%) but is better than expected tolerances when compared to progress against schedule.

The impact on both capital and operating projects due to the actions taken in addressing the COVID-19 pandemic are difficult to predict. Best estimates indicate that approximately 25 per cent of projects overall are likely to have delivery schedules adversely affected, but this will depend on future COVID-19 restrictions and impact.

Financial Performance

The Third Quarter Financial Review and forecast has been developed in an unprecedented and rapidly changing environment following the onset of the COVID-19 pandemic. The proposed forecast assumptions include three months of the current lockdown strategy implemented by the State and Federal Governments and the assumed associated financial impacts of the lockdown on Council's financial position as at 30 June 2020.

The 2019/20 Revised Forecast includes a total operating surplus of $28.7 million and an unrestricted deficit of $2.1 million. The Third Quarter Financial Review recognises projects that require funds to be carried forward into future years to complete delivery, projects that have declared savings and reallocation of 2019/20 budget to achieve objectives. Following consideration of all required amendments to the 2019/20 Forecast Budget, Council's cash outcome for the 2019/20 financial year is a cash deficit of $2.1 million.

Following a detailed review, the third quarter financial forecast anticipates an unfavourable movement in the Comprehensive Result of $3.1 million. This is primarily due to the impact of the COVID-19 pandemic. This includes a reduction in parking infringements, paid parking and hall hire as well as additional costs relating to closure of the leisure centres. Savings in expenditure, particularly employee costs, and operating projects have assisted in offsetting this variance.

The forecast also anticipates an unfavourable shift in Council's Underlying Result of $3.9 million from the Second Quarter Financial Review to $12.7 million. This is primarily due to anticipated reduced revenue. This result is important as it measures Council's ability to generate a surplus in the ordinary course of business—excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net result. A deficit or declining surplus suggests a decline in the operating position.

A decrease in Rates funded Capital Expenditure of $8.9 million, anticipated carried forward rates funding totalling $3.3 million for capital and $0.3 million for operating projects as well as transfers to and from the reserve reduces the deficit of $3.2 million to a deficit of $2.1 million, a favourable movement of $1.1 million from the Second Quarter review. The reduction of rates funded capital expenditure is primarily due to anticipating $4.8 million of capital budget expenditure being recognised as operating expenditure in materials and services, as per the trend of previous financial years.

Operating Budget

The forecast for the operating budget is an unfavourable decrease of $3.1 million, primarily due to decreased income.

After adjusting for the underlying result, the forecast for income is a decrease of $3.9 million, comprising of:

- Statutory fees and fines has decreased by $2.5 million due to reduced parking infringements and paid parking as a result of the Special Council Meeting on 25 March 2020.
- Other Income has decreased by $1.1 million due to a significant reduction in interest on investments due to lower than anticipated interest rates as well as a reduction in cash levels.

The forecast for expenditure is a decrease of $0.1 million, comprising of:

- Employee costs have decreased due to vacancies for part of the year ($4.7 million);
- Materials and services have increased by $4.8 million primarily due to:
  - $1.0 million relating to the closure of leisure centres for three months. The additional cost for closing the leisure centres is approximately $0.3 million per month.
  - $4.8 million relating to expenditure that was budgeted as capital;

These increases have been partially offset by:

- $1.1 million in various operating project savings;
- $0.3 million in various operating project requesting to carry forward funds into 2020-2021.

Attachment 2 provides the Income Statement and Underlying Result Statement, the Cash Flow Statement and Balance Sheet showing the Revised Forecast for the end of the financial year 2019/20.

Operating Projects – OPEX

The operating projects are forecast to decrease by $1.4 million from the forecast of $8.4 million to $6.4 million mainly as a result of $1.1 million of declared savings. Other variations include $0.3 million in carry forward requests into 2020/21 and minor budget increases required. These changes are included in the comprehensive result in the above operating budget. The following tables list the details of these movements, including funding source:

Projects to be carried forward into 2020/21:

Project	Source	$
Occupancy Permits for Council managed community venues	Rates	$70,000
MITS Promotion	Rates	$63,371
Process Mapping Software - Pro Mapp	Rates	$50,000
Collaborative Graffiti Intervention Program	Rates	$13,103
Food System Strategy	Rates	$9,995
Art Collection Insurance Valuation	Rates	$7,000
Public Art Commission - Peace memorial at Pentridge	Rates	$5,915
Rates funded operating projects carry forwards		**$219,384**
Moreland Affordable Housing Ltd	Reserve	$126,829
Reserve funded operating projects carry forwards		**$126,829**
Total operating carry forwards into 2020-2021		**$346,213**

Projects with declared savings:

Project	Source	$
LXRA Core-works Coordination	Rates	$218,241
City Change - Integrated Behaviour Change Program	Rates	$121,876
Community Vision/Council Plan Engagement Funding	Rates	$101,109
Zero Waste (and plastic wise) Community and Council	Rates	$96,103
Improve development/tree canopy via Planning Scheme	Rates	$52,855
Emergency Management Coordinator	Rates	$45,955
Victorian Combustible Cladding Audit & Compliance	Rates	$33,600
Developer Contribution Plan Review Implementation	Rates	$25,909
Fawkner Social Cohesion	Rates	$22,600
BBI Maintenance Costs	Rates	$20,000
ESD Engineer	Rates	$14,431
Heritage Study - Stage 2 Assessment	Rates	$12,794
After Call Surveys	Rates	$10,000
CAP 72 - Environmental Management System	Rates	$7,695
Coburg Square	Rates	$6,597
CAP 57 - Arts Investment Grants	Rates	$6,118
Art Collection Insurance Valuation	Rates	$6,000
Waste and Litter Strategy implementation - surveillance cameras	Rates	$3,036
Access and Inclusion Initiatives at Moreland's Festivals	Rates	$2,050
Rates funded operating projects savings		**$806,969**
Towards Zero Food Waste Program	Rates	$200,000
Waste charge funded operating projects savings		**$200,000**
Redevelopment 33 Saxon St Brunswick	Reserve	$92,000
Saxon Street building and Site maintenance costs	Reserve	$1,600
Reserve funded operating projects savings		**$93,600**
Total operating savings		**$1,100,569**

Projects requiring additional funds:

Project	Source	$
Aquatics and Leisure Management and Operations	Rates	$27,066
Urban Design Officer for medium density referrals	Rates	$19,476
Brunswick/Coburg Activity Centres - Car Parking	Rates	$10,166
MITS implementation position	Rates	$3,130
Rates funded operating projects - additional money required		**$59,838**
Total operating - additional money required		**$59,839**

Capital Projects – CAPEX

The capital expenditure program is forecast to **decrease** by $10.2 million from the Second Quarter Financial Review from $63.6 million to $53.4 million, mainly as a result of $5.8 million of projects being carried forward into 2020-2021 and the anticipation that $4.8 million of expenditure which was budgeted as capital will be expensed (recognised in increase to materials and services). The following tables list the details of these movements, including funding source:

Additional Capital Works expenditure:

Project	Source	$
NAV ERP Implementation	Rates	$170,643
IT Equipment Refresh	Rates	$158,277
Replace Council Fleet: Walter St depot	Rates	$100,000
Brunswick City Baths AV and IT systems	Rates	$76,259
Concrete Footpath & Bike-path Renewals: Various	Rates	$48,167
IT Devices for Councillors	Rates	$26,000
Accommodation Changes to Meet Service Demand	Rates	$21,668
Bluestone Pavement Program: Various Locations	Rates	$18,542
Brunswick Activity Centre Sydney Rd (Town Hall FC)	Rates	$11,866
Automated labelling of MOW Food containers	Rates	$3,733
Repair & maintenance of pits and walls: Various	Rates	$3,441
Rates funded - additional capital funding required		**$638,596**
Gillon Oval Redevelopment	External	$400,000
Sportsfield Stormwater Reuse: Municipal Wide	External	$350,000
Traffic Management Devices: Various Locations	External	$295,768
Inner City Netball Program	External	$106,000
COLE RESERVE, North (Football)	External	$ 50,000
Morris Reserve Oval and Cricket Nets	External	$50,000
Brunswick Activity Centre Sydney Rd (Town Hall FC)	External	$16,811
Rayner Reserve Pavilion Kitchen Refurb	External	$10,000
External funded capital projects		**$1,278,580**
Total capital additional funding required		**$1,917,175**

Projects to be carried forward into 2020-2021:

Project	Source	$
City Oval Grandstand & Pavilion	Rates	$1,690,567
Road Reconstruction Henkel Street, Brunswick	Rates	$1,126,515
Fleming Park Master Plan Implementation	Rates	$416,617
Coburg Leisure Centre - Pool shell painting	Rates	$50,340
Public Art Program	Rates	$9,626
Rates funded capital carry forwards		**$3,293,665**
Park Close to Home - West & Breese Street	Reserve	$680,000
Foot Bridge at Kingfisher Gardens	Reserve	$670,000
Edgars Creek Shared Path Bridge: Ronald street	Reserve	$570,000
Wheatsheaf Hub	Reserve	$301,106
Park Close to Home - 260 Sydney Road	Reserve	$122,300
Coburg Leisure Centre Spa & Sauna refurbishment	Reserve	$119,175
Park Close to Home - Tinning Street	Reserve	$20,183
Reserve funded capital carry forwards		**$2,482,764**
Total capital carry forwards into 2020-2021		**$5,776,429**

Projects with savings:

Project	Source	$
Waterfield Street: Bell - Victoria. Coburg	Rates	$451,590
Wilkinson Street 2-12 Carpark	Rates	$152,064
MITS - Road closures	Rates	$110,982
Bonwick Street works Shopping Strip Renewal	Rates	$107,405
Foch Avenue: Strathearn - Haig. Coburg	Rates	$100,520
Sportsfield Lighting: Various Reserves	Rates	$100,000
Rogers Street: Ross - Dead End. Coburg	Rates	$98,297
Glenora Avenue: Carlisle - Rennie. Coburg	Rates	$68,252
James Street: Whitby - Hope. Brunswick West	Rates	$64,113
Lorensen Avenue: Orvieto - Dead End	Rates	$ 53,902
Lighting in Public Open Space: Methven Park – Brunswick	Rates	$ 45,000
Becket Street: Gervase - Muntz. Glenroy	Rates	$35,489
Avenue The: Nicholson - Dead End. Coburg	Rates	$22,478
Brunswick City Baths - Reprofiling pool floor	Rates	$ 21,395
451-463 Sydney Rd, Coburg roof remediation works	Rates	$20,000
Corporate Carbon Reduction Plan (CCRP)	Rates	$16,236
Brunswick Activity Centre Upgrade Works	Rates	$10,342
Bicycle Route Glenroy to Broadmeadows	Rates	$ 3,486
Street Cleansing - Cigarette Butt Ballot Bins	Rates	$75
Rates funded capital savings		**$1,481,626**
Delivering a Park Close to Home	Reserve	$19,010
Reserve funded capital savings		**$19,010**
Total capital savings		**$ 1,500,636**

Solvency Assessment

Council officers have reviewed Council's liquidity (Current Assets divided by Current Liabilities) and the revised forecast is 3.0. The Victorian Auditor General's Office recommends that this ratio be 1.5 or higher. This is a positive result and shows that Council is solvent.

Environmental implications

The Council Plan delivers on Council's Strategic Objective 2 – Progressive City, addressing our key challenges through the following key priorities:

- Enhance liveability, affordability and sustainability by guiding growth, and excellence in urban design and development;
- Facilitate a demonstrable shift to more sustainable modes of transport that also targets a long-term reduction in car use;
- Increase tree canopy cover, enhance existing open space and create at least two new parks, in areas with the lowest access to open space;
- Move to a proactive approach to managing construction impacts resulting from population growth in our city;
- Develop a clear and funded approach to achieve zero carbon emissions by 2040;
- Invest in the revitalisation of shopping and trading precincts;

- Enhance the environmental outcomes of Council waste services and increase the communities' awareness/participation in environmental initiatives to reduce waste to landfill.

Social implications

The Council Plan delivers on Council's Strategic Objective 1 – Connected Community, addressing our key challenges through the following key priorities:

- Achieve higher levels of social cohesion for our multicultural, established and newly arrived community, by fostering opportunities for shared learning and celebration;
- Set a clear vision and strategy for aquatics, leisure and sporting facilities to meet ongoing community needs;
- Determine the best way for Moreland to continue supporting our community throughout, and after Aged Care and NDIS reforms;
- Enhance family and children's services to meet the needs of Moreland's growing population and increasing birth rate;
- Better equip our young people for employment and provide opportunities to actively participate in civic life;
- Help people feel safer in our neighbourhoods.

Regional/strategic implications

The Council Plan delivers on Council's Strategic Objective 2 – Progressive City, addressing our key challenges through the following key priorities:

- Support the local economy and trading environments to enhance economic activity and promote local jobs;
- Strengthen and invest in the significant creative sector in Moreland and enhance its standing as a destination for the arts.

The Council Plan delivers on Council's Strategic Objective 3 – Responsible Council, addressing our key challenges through the following key priorities:

- Improve resident satisfaction to 90 per cent with Council's performance in customer service;
- Reach the top 25 per cent of all Councils for improved community satisfaction with Council's engagement practices;
- Maintain and match our infrastructure to community needs and population growth;
- Provide transparent and effective governance of Council's operations;
- Operate without seeking an exemption from the rate cap through efficient use of Council's skills and financial resources;
- Enable Council's workforce to be mobile and accessible, supported by smart and efficient technologies.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Advice was sought from officers across Council to provide performance results for the Third Quarter CAP Performance report and Third Quarter Financial Review.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The actions in the CAP are funded through the 2019/20 budget and supported through the 2019/20 program of capital and operational projects.

The overall corporate objective is to deliver the 2019/20 budget with the best possible outcome for Council and the community and in line with the approved revised forecast targets.

7. Implementation

The CAP third quarter performance results will be made available on Council's website.

Subject to Council's decision, the matters outlined in the Third Quarter Financial Review will be implemented.

The financial position of Council will continue to be monitored and managed.

The progress on the Project Management Program will continue to be monitored and managed.

Attachment/s

1⇩	Council Action Plan 2019 20 - 3rd Quarter Progress Report	D20/173172
2⇩	2019/20 Third Quarter Financial Review (3RDQFR) Statements	D20/171099
3⇩	Council Financial Report for the nine months ending March 2020	D20/163074

DBT8/20 ESTABLISHMENT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 2020 (D20/147159)

Director Business Transformation

Corporate Governance

Executive Summary

The *Local Government Act 2020* (the *Act)* requires Council, under Division 8 of Part 2, to establish an Audit and Risk Committee. Council was required to have an Audit Committee under the *Local Government Act 1989* and has had an Audit Committee since the time of the Council amalgamations.

This report seeks to establish an Audit and Risk Committee (the Committee) as an advisory committee of the Council, established to assist the Council discharge its responsibilities under the *Act* to:

- Monitor the compliance of Council policies and procedures with:
  - the overarching governance principles;
  - the *Act* and the regulations and any Ministerial directions; and
  - other relevant laws and regulations;
- Monitor internal controls;
- Monitor Council financial and performance reporting;
- Monitor and provide advice on risk management and fraud prevention systems and controls;
- Oversee internal audit function;
- Oversee external audit functions; and
- Monitor related party transactions.

The Audit and Risk Committee Charter has been prepared to align to the *Act* and was endorsed by the current Audit and Risk Management Committee and recommended for Council adoption. This report provides further information to support the establishment of the Committee, including the proposed Committee Work Plan, Independent Member Position Description and Councillor Member Guide.

Appointments to the Committee are recommended from within the current membership of the Audit and Risk Management Committee, including independent members and Councillor members.

Subject to establishment and adoption of the Charter and appointment of members, the first meeting of the Committee will be held on 23 June 2020.

Officer Recommendation

That Council:

1. Accepts the recommendation of the Audit and Risk Management Committee and adopts the revised Audit and Risk Management Committee Charter at Attachment 1 to this report.
2. Notes the revised Audit and Risk Management Committee Work Plan at Attachment 4 to this report, as endorsed by the Audit and Risk Management Committee.
3. Notes the Independent Member Position Description at Attachment 2 to this report, as endorsed by the Audit and Risk Management Committee.
4. Notes the Councillor Member Guide at Attachment 3 to this report, as endorsed by the Audit and Risk Management Committee.
5. Appoints independent members to the Audit and Risk Committee, effective from 14 May 2020 as follows:
    - Mr John Watson as Chairperson for a period of 3 years to 14 May 2023;
    - Ms Joelle Tabone for a period of 2 years and 1 month to 30 June 2022;
    - Ms Lisa Tripodi for a period of 2 years and 7 months to 31 December 2022;
    - Mr Craig Burke for a period of 1 year and 1 month to 30 June 2021.
6. Confirms Councillor member appointments to the Audit and Risk Committee, effective 14 May 2020 to 24 October 2020 as follows:
    - Cr Lambros Tapinos, Mayor;
    - Cr Oscar Yildiz, Deputy Mayor;
    - Cr Mark Riley.
7. Establishes the Audit and Risk Committee in accordance with Division 8 of Part 2 of the *Local Government Act 2020*, with the first meeting to be held on 23 June 2020.

REPORT

1. Policy Context

The *Local Government Act 2020* (the *Act)* was passed into legislation on 24 March 2020 and commenced, in part, on 6 April 2020.

Victorian Councils are required, under Division 8 of Part 2 of the *Act*, to establish an Audit and Risk Committee (the Committee).

The Committee must include members who are Councillors of the Council and consist of a majority of members who are not Councillors. Committee members must collectively have expertise in financial management and risk and experience in public sector management. The Committee must not include any person who is a member of Council staff and the Chairperson must not be a Councillor.

The establishment of the Committee further supports Council's embedding of the governance principles, public transparency principles and financial management principles.

2. Background

Victorian Councils were required, under Section 139 of the *Local Government Act 1989*, to have an Audit Committee of Council. Moreland has had an Audit Committee since the time of the Council amalgamations. Council has had an independent Chair of the Audit and Risk Management Advisory Committee since 9 March 2016, following changes to the legislation requiring that the Chair of the Committee should be someone "independent of Council" (that is not a Councillor or a Council officer). This position has been held by John Watson since May 2017.

Council has introduced several transparency measures in recent years, including:

- Reporting of summary minutes to Council following each Committee meeting;
- An Annual Performance Report for the Audit and Risk Management Advisory Committee since the 2017/18 financial year;
- Briefing of Councillors by the Chair on the Annual Performance Report.

3. Issues

Audit and Risk Management Committee

Council is required, under Division 8 of Part 2 of the *Act*, to establish the Committee by 1 September 2020.

The Audit and Risk Committee is to be established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the *Act*, the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee is established to assist the Council discharge its responsibilities under the *Act* to:

- Monitor the compliance of Council policies and procedures with:
    - the overarching governance principles;
    - the Act and the regulations and any Ministerial directions; and
    - other relevant laws and regulations;
- Monitor internal controls;
- Monitor Council financial and performance reporting;

- Monitor and provide advice on risk management and fraud prevention systems and controls;
- Oversee internal audit function;
- Oversee external audit functions; and
- Monitor related party transactions.

Subject to Council's decision to establish the Committee the first meeting will be held on 23 June 2020.

Despite the repeal of section 139 of the *Local Government Act 1989*, the Audit and Risk Management Committee established by Council under this previous legislation continues in operation until the first Audit and Risk Committee is established by the Council under the new legislation.

Committee Charter

The Committee Charter has been prepared **Attachment 1** to incorporate the requirements of the *Act*. These requirements include:

- Committee membership and skill requirements in accordance with Clause 53(3) and 53(4);
- Inclusion of requirements of Committee members in accordance with Clause 53(5) with respect to the following sections of the Act:
    - Section 123 – Misuse of position;
    - Section 125 – Confidential Information; and
    - Division 2 of Part 6 – Conflict of interest;
- Reference to remuneration for independent members;
- The functions and responsibilities of the Committee in accordance with Clause 54(2);
- The requirement to adopt an annual work program in accordance with clause 54(3);
- The requirement for the Committee to undertake an annual assessment of its performance against the Committee Charter and to provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting in accordance with clause 54(4);
- The requirement for the Committee to prepare a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations; and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting in accordance with clause 54(5).

Independent Member Position description for the Committee

The Independent Member Position Description **Attachment 2**, endorsed by the Audit and Risk Management Committee, has been revised to incorporate specific reference to Sections 123 and 125 and Division 2 of Part 6 of the Act and to highlight the collective skills requirements of the *Act* against the Committee Skills Matrix**.**

This Independent Member Position Description will apply to independent members appointed to the Committee established by Council. Thereafter it will be maintained and updated by the Committee.

Council Member Guide for the Committee

The Councillor Member Guide **Attachment 3** has been prepared to incorporate specific reference to experience requirements and induction support, aligned to the Independent Member Committee Skills Matrix.

This Councillor Member Guide will apply to Councillor members appointed to the Committee established by Council. Thereafter it will be maintained and updated by the Committee.

Appointment of Independent Members of the Audit and Risk Committee

The approach to appointment of Independent Members of the Committee enables a programmed rotation of appointments to the Committee to minimise disruption and stage the introduction of new members where existing member terms end and the position is advertised in accordance with the Charter.

John Watson

John Watson was appointed Chair of the Committee in May 2017. It is recommended that he be appointed to the new Committee as Chair from 14 May 2020 to 14 May 2023.

Mr Watson was the Chief Executive Officer of the Shire of Bulla and Moonee Valley and Hume City Councils before spending 12 years in Local Government Victoria including 6 years as Executive Director. Mr Watson then served four years as Chair of the Panel of Administrators for Brimbank Council and has been Chair of the Victoria Grants Commission since 2016. Mr Watson has considerable experience as an Audit Committee member/chair in Victorian local governments and presently sits on a number of Audit Committees including as Chair of the Municipal Association of Victoria Audit Committee. Mr Watson is also a Board member of the Northern Hospital and the Metropolitan Waste and Resources Recovery Group. Mr Watson is a long-time advocate of the importance of Council Audit Committees and was largely instrumental in proposing the legislative change making Audit Committees mandatory in all Victorian municipalities.

Joelle Tabone

Joelle Tabone has been a member of the current Audit and Risk Management Committee since 15 November 2017. It is recommended that Ms Tabone be appointed to the new Committee as an Independent Member from 14 May 2020 to 30 June 2022.

Ms Tabone is currently Executive Director and Partner of Business Services with HLB Mann Judd, Chartered Accountants. Ms Tabone is also currently Non-Executive Director/Chair of Finance, Audit and Risk Committee of Ardoch Youth Foundation and is also advisor and director for numerous other companies. Ms Tabone is a Chartered Accountant and a Graduate of the Australian Institute of Company Directors and is a resident of Moreland.

Craig Burke

Craig Burke has been a member of the current Audit and Risk Management Committee since 15 November 2017. It is recommended that Mr Burke be appointed to the new Committee as an Independent Member from 14 May 2020 to 30 June 2021.

Mr Burke has over 20 years' experience in senior executive roles with the Victorian Auditor-General's Office, including leading its financial audit practice as the Assistant Auditor-General, Financial Audit. Mr Burke also has experience on a number of boards as a Non-Executive Director which includes membership of the relevant audit and risk committees, such as the Southern Metropolitan Cemeteries Trust. Mr Burke is a Fellow Certified Practicing Accountant and a Member of the Australian Institute of Company Directors.

Lisa Tripodi

Lisa Tripodi has been a member of the current Audit and Risk Management Committee since 25 June 2019. It is recommended that Ms Tripodi be appointed to the new Committee as an Independent Member from 14 May 2020 to 31 December 2022.

Ms Tripodi is a Certified Practising Accountant with over 25 years' experience in financial management, audit and risk management with specialisation in emerging technology risks. Ms Tripodi was an audit partner at Oakton and provided assurance services to Victoria Police, Victorian Planning Authority, City of Melbourne and Glen Eira City Council. Lisa has ten appointments as an independent member or chairperson of audit and risk committees, including Moonee Valley City Council, City of Greater Geelong, City of Darebin, Hobsons Bay City Council, City of Knox and Victorian Institute of Teaching. Lisa has a Bachelor of Commerce and Honours from Melbourne University.

3.6 Appointment of Councillor Members of the Committee

It is recommended that the three Councillor members currently serving on the Committee, continue to fulfil their roles on the new Committee until 24 October 2020, in accordance with Council's appointment on 13 November 2019. The Councillor Members are:

- Cr Lambros Tapinos, Mayor;
- Cr Oscar Yildiz, Deputy Mayor;
- Cr Mark Riley.

3.7 Committee Work Plan

A Work Plan has been established to align to the Committee Charter and support the Committee to fulfil its obligations throughout the four meetings per annum. The revised Work Plan, provided in **Attachment 4**, was endorsed by the current Audit and Risk Management Committee on 24 March 2020.

This Work Plan will be presented to the first meeting of the new Committee at its first meeting on 23 June 2020 for endorsement in accordance with clause 54(3) of the *Act*.

Environmental implications

The functions of the new Committee include:

- Monitor the compliance of Council policies and procedures with the overarching governance principles and the *Act* and the regulations and any ministerial directions. (Section 54(2a)). This includes the governance principle:
  - The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Monitor work by the Council to mitigate and plan for climate change risk.

Social implications

The functions of the new Committee include:

- Monitor the compliance of Council policies and procedures with the overarching governance principles and the *Act* and the regulations and any ministerial directions (Section 54(2a)). This includes the governance principle:
  - The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic implications

The functions of the new Committee include:

- Monitor the compliance of Council policies and procedures with the overarching governance principles and the *Act* and the regulations and any ministerial directions (Section 54(2a)). This includes the governance principle:
  - The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- Monitor Council financial and performance reporting, aligned to the financial management principles and public transparency principles contained within the *Act*.

Regional/strategic implications

All documents associated with the establishment of the Audit and Risk Committee have been attached to this report. This aligns with the public transparency principles contained within the *Act*.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The preparation for this report and attachments has been informed through consultation with the Chief Executive Officer, Executive Manager Finance, Director Business Transformation, Chair of the Audit and Risk Committee, Unit Manager Governance and Civic Protocols, the current Committee and regular attendees at Committee meetings including representatives from the Victorian Auditor General's Office and Council's internal audit contractor - Crowe.

The Committee received and discussed a report on the approach to implementation of the *Act* on 24 March 2020. This report outlined the detailed requirements of the *Act* and included the draft Committee Charter, draft Committee Work Plan, draft Independent Member Position Description.

Further refinements to these documents were circulated out of session on 8 April for approval by 20 April. The Councillor Member Guide was distributed out of session on 8 April for approval by 20 April, as an action arising from the meeting on 24 March.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The budget for remuneration of independent members and resourcing of secretariat support for the Committee is provided within the operating budget for the Corporate Governance Branch.

7. Implementation

Subject to Council's decision, Council officers will write to independent members to inform them of Council's decision with regard to the establishment of the new Committee in accordance with the *Act* and their appointment. A copy of the Committee Charter and the Independent Member Position Description will accompany the appointment letter.

The Committee Charter will be made available on Council's website.

The preparations for the first meeting of the Audit and Risk Committee, scheduled for 23 June 2020, will proceed in accordance with Council's decision.

Attachment/s

1⇩	Draft Audit and Risk Management Committee Charter	D20/83113
2⇩	Audit and Risk Committee Independent Member Position Description	D19/185703
3⇩	Audit and Risk Committee Councillor Member Guide	D19/483002
4⇩	Draft Audit Committee Work Plan	D20/83216

DBT9/20 GOVERNANCE REPORT - MAY 2020 - CYCLICAL REPORT (D20/111795)

Director Business Transformation

Corporate Governance

Executive Summary

The Governance Report has been developed as a monthly standing report to Council to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters.

This Governance Report includes:

- Reports from Committee to Council;
- Records of Assemblies of Councillors;
- Response to On Notice item from the 11 March 2020 Council meeting;
- Exercise of Chief Executive Officer delegation;
- Response to Notice of Motion 62/19 Councillor email addresses;
- Proposed motions to be submitted to the Municipal Association of Victoria (MAV) State Council meeting;
- Revocation of superseded policies;
- Response to a petition.

This report recommends that Council notes the Reports from Committee to Council, Records of Assemblies of Councillors, responses to On Notice Items, and the change of date of a Hearing of Submissions Committee meeting.

The report also recommends Council endorses proposed changes to Councillor support (IT and email) and the motions to be submitted to the MAV State Council meeting, when it is held, and revokes superseded policies.

Officer Recommendation

That Council:

1. Notes the reports from Committees to Council, at Attachment 1 to this report and:
    a) Accepts the recommendation of the Metropolitan Transport Forum that:

        The Metropolitan Transport Forum encourages member Councils to support the development of the Resilient Melbourne Metropolitan Cycling Network Model by providing financial support of up to $10,185 (ex GST) in Financial Year 2020/21 to expand coverage of the model to include their local government area.

    b) Notes the recommendations of the Moreland Arts Advisory Committee were accepted by the Chief Executive Officer, acting under delegated authority, for the purchase of:

        i. Karen Standke - ‘Now selling’ (2018) for $1,090.91 (ex GST);

        ii. George Matoulas - ‘The Nuclear Family’ (2017-18) for $5,454,55 (ex GST);

        iii. George Matoulas - ‘Map of Australia’, (2009) for $681.82 (ex GST);

        iv. Adrian Lazzaro - Not titled (2018) for $250 (ex GST);

        v. Dorothy Berry - ‘Billy Holiday’ (2013) for $430 (ex GST);

        vi. Steven Perrette - Not titled (2011) for $700 (ex GST);

        vii. Mark Smith - ‘Li'l Pearly Dreaming’ (2018) for $900 (ex GST).

2. Notes the Records of Assemblies of Councillors held between 1 February and 30 April 2020, at Attachment 2 to this report.

3. Notes the Public Question Time - On Notice item from the 11 March 2020 Council meeting has been responded to and the response to QT11/20 Councillor Social Media use at Attachment 3 to this report.

4. Notes the exercise of delegation by the Chief Executive Officer to award Contract 888T- Coburg Leisure Centre Specialist Aquatic Public Pool Filtration and Refurbishment Works to Commercial Aquatics Australia Pty Ltd.

5. Endorses the proposal to provide information and communications technology support to Councillors using Council staff, and to return to a .vic.gov.au domain for Councillor email.

6. Endorses the following motions for submission to the next Municipal Association of Victoria State Council meeting:

   a) That the MAV calls on the State Government to:

      - Review, improve and strengthen relevant legislation, Australian Standards and building codes to increase accessibility for people with a disability, with a focus on the retail sector. A reliance on advocacy, complaint-based legislation and building codes has done little to improve accessibility for many people with disability particularly in retail outlets.
      - Support businesses through awareness raising and resources to become more accessible
      - Uphold Article 9 of the Convention of the Rights of Persons with Disabilities, so that all people with a disability have the right to freedom of movement and equal access to all aspects of social, commercial and community life.
      - Promote the economic and employment benefits for better accessibility in the retail sector.

   b) That the MAV calls on the State Government to formalise and resource the work it is undertaking with the Council Alliance for a Sustainable Built Environment to develop a State-wide Environmentally Sustainable Design policy.

   c) That the MAV calls on the State Government to:

      Take action to strengthen planning scheme provisions to support the *Planning and Environment Act 1987* objective to facilitate the provision of affordable housing. The requirement for voluntary participation to negotiate an affordable housing contribution has led to negligible outcomes. The Minister for Planning appointed a Ministerial Advisory Committee (MAC) in September 2019 to consider these matters. The MAV reiterates the key proposals detailed in its submission to the MAC and calls for:

      - A suite of Affordable Housing Planning Provisions that can be used by councils to seek affordable housing contributions;
      - That the Provisions include mandatory (rather than discretionary) requirements
      - That the Provisions provide for land, dwelling, and/or cash affordable housing contributions and allows councils to specify the preferred form the contribution will take.

   d) That the MAV calls on the State Government to:

      Improve the Infrastructure Contribution Plan tool to make it a viable option for all Metropolitan Councils to access to better deliver community and other

infrastructure which meets the need of growing populations in established areas of Melbourne.

7. Notes a petition containing 40 signatures requesting Council to not use COVID-19 to delay implementing the Moreland Integrated Transport Strategy parking restrictions was received and the response provided to the lead petitioner at Attachment 5 to this report.

8. Revokes the Use of Municipal Offices and Meeting Rooms Policy and the Street Numbering Policy and notes the requirement to follow AS/NZS 4819:2003 “Geographical information – rural and Urban addressing” for all street numbering purposes.

REPORT

1. Policy Context

The appointment of Councillors to specific areas of responsibility and committees provides a framework for relationships between Councillors and the administration of Council and reporting back of these committees to Council is an important transparency mechanism. Council's advisory committees have been established to provide advice to Council on their area of focus.

The Moreland Art Acquisition and Collection Development Policy sets out the criteria for the purchase of art works for the Moreland collection.

Section 80A of the Act sets out the context in which the Assembly of Councillors Records must be reported to Council.

The Meeting Procedure Local Law 2018 provides for the Chairperson to take a question On Notice and a written response to be provided to the person, should the question require a detailed answer that is not available at the meeting. The Meeting Procedure Local Law also provides mechanisms for the acceptance of petitions.

Councillor support is provided in accordance with the Councillor Support, Expenses and Resources Policy and the *Local Government Act 1989*. The prescribed Resources and Facilities to be made available are contained in the State Government's Policy Statement on Local Government Mayoral and Councillor Allowances and the accompanying information Guide for Mayor and Councillor Entitlements. These IT resources.

The Municipal Association of Victoria (MAV) is the legislated peak body for local government in Victoria. Council appoints a representative to the MAV to participate at, amongst other things, the two State Council Meetings held annually, and vote in accordance with Council's policy positions.

2. Background

The Governance Report is a standing monthly report to Council to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters.

In accordance with best practice and good governance principles, and to ensure compliance with the requirements of the Act, this report incorporates matters including reporting of advisory committees, records of Assemblies of Councillors, items relating to the delegation of Council powers, and policy and strategy reporting.

3. Issues

Reports from Committee to Council

A summary of the key issues discussed at the following meetings, and subsequent follow up action, is provided at **Attachment 1** for Council's information:

- Moreland Libraries Advisory Committee held on 25 February 2020;
- Metropolitan Transport Forum held on 2 March 2020;
- Friends of Aileu Community Committee held on 3 March 2020;
- Moreland Arts Advisory Committee held on 3 March 2020; and
- Audit and Risk Management Committee held on 24 March 2020.

Metropolitan Transport Forum recommendation

Metropolitan Transport Forum encourages member Councils to support the development of the Resilient Melbourne Metropolitan Cycling Network Model by providing financial support of up to $10,185 (ex GST) in Financial Year 2020/21 to expand coverage of the model to include their local government area. The Network Model is included as part of the Committee Report **Attachment 1**.

Moreland Arts Advisory Committee recommendation

At its meeting on 3 March 2020, the Moreland Arts Advisory Committee reviewed of acquisition rationales presented by the Gallery Curator in relation to potential art work purchases for the Moreland Art Collection. The recommended purchases can be made with current available budget.

The Acquisition Rationale is included in **Attachment 1**.

The Chief Executve Officer accepted the recommendations of the Committee and authorised the purchases.

Audit and Risk Management Committee recommendations

At the Audit and Risk Management Committee meeting on 24 March, the Committee endorsed a revised charter and recommended it be adopted by Council. A revised work plan was recommended to Council for endorsement. These recommendations are addressed in the report to Council seeking the establishment of the Committee under the *Local Government Act 2020*.

Assemblies of Councillors

An Assembly of Councillors is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be the subject of a decision of the Council or delegate.

Some examples include Councillor Briefings, meetings with residents/developers/ clients/organisations/government departments/statutory authorities and consultations. Councillors further requested that all Assembly of Councillors Records be kept for Urban Planning Briefing meetings, irrespective of the number of Councillors in attendance.

Records of Assemblies of Councillors and Planning Briefings held during the period 1 February to 30 April 2020 are presented at **Attachment 2** for the:

- Councillor Briefings held on 3 and 10 February, 2, 10 and 23 March and 6, 14, 20 and 27 April 2020;
- Planning Briefing held on 24 February;
- Redevelopment of 33 Saxon Street, Brunswick Oversight Committee meeting held on 25 February 2020;
- Moreland Libraries Advisory Committee meeting held on 25 February 2020;
- Moreland Transport Advisory Committee held on 3 March 2020;
- Friends of Aileu Community Committee meeting held on 3 March 2020;
- Glenroy Advisory Group meeting held on 4 March 2020; and
- Moreland Housing Advisory Committee meeting held on 5 March 2020.

On Notice responses

At the 11 March Council meeting, one question asked during Public Question Time was taken on notice - ON14/20 Guard dogs on premises where they are not registered. The Team Leader of Local Laws and Animal Management has made contact with the resident as the Mayor indicated would occur.

At the 12 February Council meeting QT11/20 was not taken on notice, however Council resolved on 11 March 2020 (DBTX/20 Governance Report March 2020) that a response would be provided. The response is included at **Attachment 3** to this report.

Emergency Delegation to the Chief Executive Officer

At the Special Council Meeting on 25 March, called for Council to determine its response to the COVID-19 pandemic, Council adopted a modified instrument of delegation (Delegation) to the Chief Executive Officer (DBT7/20). The Delegation provides for an increased financial limit and Council noted that this increase in financial delegation would only be exercised in the event Council could not meet.

In responding to the directives relating to social distancing, the regular Council meeting schedule may need to be adjusted and meetings postponed. This will mean delays in awarding significant contracts that may be time sensitive for delivery.

As the 22 April Council meeting was cancelled, the Chief Executive Officer has exercised the delegation for:

- Awarding of Contract 888T – Coburg Leisure Centre Specialist Aquatic Public Pool Filtration and Refurbishment Works - for the lump sum tender amount of $749,780.50 (excluding GST) including a provisional sum of $51,462.50 (excluding GST), and tiling works of $132,000.00 (excluding GST).

Councillor Information and Communication Technology Support

Information and Communication Technology support for Councillors has been provided by external vendor Centorrino since October 2016 in order to provide a more 'round the clock' support model. The cumulative spend with this vendor is now approaching the threshold at which Council is required to go to tender in accordance with the *Local Government Act 1989*. In addition to the procurement considerations, Council resolved (NOM62/19) on 13 November 2019 that '…when the current contracts for Councillor IT services expires, the Council resumes responsibility for Councillor IT and ensures that all Councillors are on the same email system as Council staff'.

Council also resolved to receive a report outlining the impact of, immediately following the 2020 Council election, reverting all elected Councillor email addresses to a 'vic.gov.au' domain. The background to the Notice of Motion included concern that having Councillor email addresses hosted on a different domain (.org.au) to other Councils and Moreland staff (.vic.gov.au) causes confusion for community members and results in misdirected email.

Following consultation with Councillors about a preferred support model and an analysis of the usage and benefits of the externally provided model it is proposed to transition IT support for Councillors back in-house. Should the service be returned to in-house provision, the Councillor email addresses can revert to a .vic.gov.au domain. The .org domain was introduced in order to facilitate a secure external provision of IT support for Councillors.

The proposed in-house provision of support would use Council's standard IT support which is available from 8 am to 6 pm weekdays. In addition, one IT staff member would be available between 6 pm and 7 pm prior to each Council meeting to focus on any device related issues. After-hours support will also available from 6 pm to 8 pm weekdays and between 10 am and 12 noon and 2 pm and 4 pm on weekends for emergencies and critical issues.

Subject to Council's decision, Council officers will work with Centorrino to develop a migration plan to be enacted as soon as possible, whilst minimising any potential disruption to IT services.

Municipal Association of Victoria State Council Meeting –

The Municipal Association of Victoria (MAV) State Council meets twice a year to consider matters of state-wide significance. At its meeting in November 2019, Council appointed Cr Yildiz, with Cr Abboud as substitute, as Moreland's representative to the MAV.

Motions

Motions must have state wide significance or relevance across the Victorian local government sector and be related to current issues within the City of Moreland. Motions already adopted by the State Council remain active until they are completed, and the MAV has advised motions seeking the same outcomes as have been previously adopted will not be considered as complying with the criteria.

The May 2020 State Council Meeting has been deferred to a date to be determined.

Motions had been prepared and Council endorsement is sought in order that when a new date is set, they can be submitted without delay.

Proposed motions have been prepared (**Attachment 4**) for Council's consideration and endorsement in relation to:

- Disability and physical access;
- State-wide Environmentally Sustainable Design policy;
- Seeking action to strengthen planning scheme provisions to support the *Planning and Environment Act 1987* objective to facilitate the provision of affordable housing; and
- Seeking improvements to the Infrastructure Contribution Plan tool for all Metropolitan Councils to access to better deliver community and other infrastructure that meets the need of growing populations in established areas of Melbourne.

Change of date for the Hearing of Submissions - proposal to lease 406 (420) Victoria Street, Brunswick

At its meeting on 12 February 2020, Council set 18 March 2020 as the date for the Hearing of Submissions in relation to proposal to lease 406 (420) Victoria Street, Brunswick (DBT3/20 Governance Report – February 2020 – Cyclical Report).

One submission was received on 13 March 2020 and the submitter has requested to be heard. Preparations were not able to be made in time for the meeting on 18 March to proceed and the Chief Executive Officer, acting under delegation, determined to change the date of the meeting to now be held at 7 pm on 15 April 2020 in the Council Chamber. The submitter has been advised of the date and time. While there is a time imperative for the process, arrangements may need to be adjusted in light of social distancing requirements for the COVID-19 pandemic.

Petition requesting Council not use COVID-19 to delay implementing the Moreland Integrated Transport Strategy (MITS) parking restrictions

Council received a petition on 25 March 2020 containing 40 signatures requesting that Council not use COVID-19 to delay implementing the MITS parking restrictions. In line with the Meeting Procedure Local Law, the petition was listed to be presented at the, 8 April 2020 Council meeting.

At its Special meeting on 25 March 2020, Council resolved to defer the implementation of new parking restrictions under the MITS Parking Implementation Plan until after the State of Emergency has concluded. As a decision had already been made on the issue, a response was provided to the lead petitioner.

The first page of the petition and Council's response to the lead petitioner is at **Attachment 5**.

Superseded policies

During the policy status audit conducted in 2019, policies that have been superseded were identified, along with those due for review.

Use of Municipal Offices and Meeting Rooms Policy

The Use of Municipal Offices and Meeting Rooms Policy (the Policy) was adopted by Council in 1996 and reviewed and updated in 2003. The Policy had a review date of 2012 and Policy provided guidelines for the use of the meeting rooms in the Moreland municipal offices by Councillors. It was superseded by provisions included the Councillor Support and Expense Reimbursement Policy in 2014 (and all succeeding policies) but never formally revoked.

Street Numbering Policy

The Street Numbering Policy was reviewed in April 2017. Council is required to follow the Australian/New Zealand Standard AS/NZS 4819:2003 “Geographical information – rural and Urban addressing” to number properties in Moreland. The Street Numbering Policy contained information that conflicted with the standard and was removed from Council’s website. The remaining parts included how the community applies for renumbering and internal procedures. These sections will be appropriately documented on Council’s website and internal procedure documentation.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Advisory committees provide a valuable communication and consultation link between the organisation, Councillors, Council and the community.

The appointment of Councillors to specific areas of responsibility, ‘Councillors Responsible For’, provides a framework for relationships between Councillors and the administration of Council. Councillors have had an opportunity to express interest in ‘Councillor Responsible For …’ roles and Committee appointments.

Public Question Time is an important opportunity for members of the public to direct their questions to the Council and is included at ordinary Council meetings that are not designated for consideration of Planning and Related Matters, in accordance with the Meeting Procedure Local Law 2018.

Councillor views were sought in relation to the IT support model and councillor email address domains.

Motions for the MAV State Council were developed following consultation with Councillors and Council officers.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in these matters.

6. Financial and Resources Implications

The $7,730 required for the acquisition of art works is available in the 2020/2021 budget.

There are other no resources or financial implications arising from this report.

7. Implementation

Governance activity, including reports of committees to Council, Assemblies of Councillors and On Notice items, will continue to be reported to Council monthly.

Subject to Council's decision the proposed motions will be submitted for the MAV State Council meeting and the migration plan for Councillor IT support will be finalised.

Attachment/s

1⇩	Reports from Committees to Council April 2020	D20/125138
2⇩	Assembly of Councillor Record - February to April 2020	D20/114678
3⇩	Response to QT11/20 - Councillor use of Social Media	D20/146162
4⇩	Proposed Motions MAV State Council May 2020	D20/125415
5⇩	Petition and Response - Request not to delay MITS implementation	D20/167756

EMF11/20 PROPOSED TELECOMMUNICATION LEASE WITH TELSTRA - FRANCIS STREET, OAK PARK (D20/128970)

Executive Manager Finance

Property

Executive Summary

Council owns land 1A Francis Street, Oak Park also known also John Pascoe Fawkner Reserve. Visionstream, acting on behalf of Telstra, approached Council to construct a new telecommunications facility within a part of Council's land, shown circled in Attachment 2.

At its meeting on 9 October 2019 (EMF34/19) Council resolved to commence the procedures to advertise the proposed lease pursuant to the provisions of Sections 190 and 223 of the *Local Government Act 1989*, public notice was given in the *Moreland* and *Northern Leader* newspapers and on Council's website on 21 October 2019.

In addition, 140 letters were mailed to land owners and occupiers in the immediate vicinity of the subject site advising of the proposal and inviting submissions to the proposed lease.

Eleven submissions were received (shown in Attachment 5), two of those submissions were in favour of the proposal. Three submitters requested to be heard in support of their written submission.

A Hearing of Submissions Committee meeting was held on Wednesday 25 March 2020. A summary of the procedings is detailed in Attachment 4. On 16 April 2020, Council received a petition containing 70 signatures objecting to a 5G facility in Moreland.

Council, having satisfied its statutory requirements, is now in a position to make a decision regarding the Lease of the land at 1A Francis Street, Oak Park to Telstra.

This report presents the public notice process, reviews the issues raised by the submitters and recommends that Council enters into a lease arrangement with Telstra for part of the site at 1A Francis Street, Oak Park.

The proposed 20 year lease would provide a revenue of approximately $450,000 to Council.

Officer Recommendation

That Council:

1. Notes public notice was given in the *Moreland* and *Northern Leader* newspapers and on Council's website on 21 October 2019 and 140 letters were mailed to land owners and occupiers in the immediate vicinity of the subject site advising of the proposal and inviting submissions to the proposed lease of part of Council's land at John Pascoe Fawkner Reserve at 1A Francis Street, Oak Park.
2. Notes 11 submissions were received, two in support of the proposal, nine opposing including three where the submitters wished to be heard.
3. Notes a Hearing of Submissions Committee meeting was held on Wednesday 25 March 2020.
4. Having considered the submissions received and satisfied the statutory requirements of sections 190 and 223 of the *Local Government Act 1989,* enters into a lease agreement for part of its land (shown in attachments 1 & 2 to this report) at John Pascoe Fawkner Reserve at 1A Francis Street, Oak Park to Telstra to construct a telecommunication facility.
5. Authorises the Executive Manager Finance to do all things necessary to affect the lease of the site to Telstra for 10 years with two further options of five years.

REPORT

1. Policy Context

The Council Plan 2017–2021 articulates Council's provision of a large range of services for our community. These externally facing service areas are supported by a range of Council teams that include the management of the community's Council owned property and assets.

2. Background

Visionstream, acting on behalf of Telstra, approached Council to construct a new telecommunications facility within a part of Council's land at John Pascoe Fawkner Reserve at 1A Francis Street, Oak Park. Council officers and Telstra representatives met onsite to determine a suitable location, shown in Attachments 1 & 2.

The facility will not be a Low Impact Facility as defined in the *Telecommunications (Low Impact Facilities) Determination Act 1997* and will therefore require a planning permit.

Visionstream proposed the following lease terms on behalf of Telstra for Council's consideration:

Rent	$17,000 plus GST per annum
Term	10-years
Option	2 x further 5-year options
Rent Reviews	3% increase per annum compounding
Permitted Use	Mobile Telecommunication Installation

At its meeting on 9 October 2019 (EMF34/19) Council resolved to commence the procedures for proposed lease as required by section 190 of the *Local Government Act 1989*.

As part of the statutory procedures public notice of the proposal was published in the *Moreland* and *Northern Leader* newspapers and on Council's website. In addition, 140 letters were sent to owners and occupiers in the vicinity of the John Pascoe Fawkner Reserve.

Eleven submissions were received (**Attachment 5**), two of those submissions were in favour of the proposal. Three of the submitters requested to be heard.

A Hearing of Submissions Committee meeting was held on Wednesday 25 March 2020. The summary of proceedings is at **Attachment 4**. On 16 April 2020 Council received a petition containing 70 signatures objecting to a 5G facility in Moreland.

3. Issues

The submitters raised the following concerns:

What exactly is Telstra proposing to use the 12 square metres of land for?

The proposed lease area will incorporate a new 40 metre high monopole which will replace an existing monopole, providing lighting to the sports grounds, and an outdoor cabinet, bollards, 5U/G conduits to accommodate feeder cables and Telstra fibre pit.

Telstra agreed to complete a sports field lighting design to Council officer's approval and in accordance with the appropriate lighting standards (100LUX) at their cost. Telstra will install one light pole and associated lighting infrastructure (a new Council asset), that will enable the sportsground to operate at a greater capacity (such as, appropriate extended night use) which will provide a community benefit. The Telstra telecommunication antenna will be attached to the light pole.

2. Where exactly will the telecommunications facility be located?

The telecommunications facility will be located within the John Fawkner reserve at 12 Francis Street, Oak Park VIC 3046. It is proposed to replace a current light pole with a 40 metre monopole with six antennas on a triangular headframe. The proposed facility will have an overall height of 41.3 metres.

The precise co-ordinates for the proposed facility are detailed in **Attachment 2** and shown as Latitude -37.1960, Longitude 144.91091.

What type of telecommunications facility will be installed - A mobile phone tower, or small cell facility with 4G or 5G capability?

The proposed facility will be a mobile phone tower (40 metre monopole with an overall height at the top of the antennas of 41.3 metres). At this stage the facility is proposed to incorporate 4G technology only. This telecommunications facility is proposed to provide added capacity to the existing Telstra network and to improve and maintain local mobile network services.

What levels of radiation will be emitted into the atmosphere from this facility?

According to the current Environmental Electromagnetic Energy (EME) Report for the site RFNSA No. 3046012 the maximum EME level calculated for the proposed facility is 0.29 per cent out of 100 per cent of the public exposure limit, which is equivalent to the EME levels of a home internet modem.

Will there be a tower? If so, how high? Will it overlook the sporting facilities and/or houses?

The proposed facility will be a 40 metre high monopole with six antennas on a triangular headframe. The facility will be located adjacent to the sports field as it is proposed to include sports ground flood lights.

Will there be any noise emissions from the facility and how will this be handled?

There will be limited noise emissions from the site. There is an air conditioner within the proposed equipment shelter at the base of the pole which is similar to a domestic air conditioner.

Will there be any electromagnetic emissions/radiation? If so, how much? How will this be monitored and how can we be assured of safe enjoyment of our property without increased risk of cancer or other autoimmune illnesses? If we do end up unwell as a result, what recourse do we have?

The proposed facility will need to fully comply with Australia's Safety Regulations (RPS3) set by ARPANSA. The environmental standards limits the networks signal strength to a level low enough to protect all people, in all environments, 24 hours a day.

The safety limit itself, recommended by the World Health Organisation (WHO), has a significant safety margin or precautionary approach built into it. See **Attachment 3** for more explanation.

I would propose that due to the proximity to the sporting facilities, native flora and fauna, and residences, JP Fawkner reserve is a poor choice for this facility. There are considerable parcels of land further along Moonee Ponds creek path that are not inhabited that would be more suitable.

This location was chosen with extensive consultation with officers from Council's Open Space Design and Development, and from Sports and Recreation.

A public notice was not installed at the Reserve and Council has not been transparent enough regarding the proposal.

As part of the statutory procedures a public notice of the proposal was published in the *Moreland* and *Northern Leader* newspapers and on Council's website. Further notification was undertaken in the vicinity of the reserve with a distribution of more than 140 letters sent to land owners and occupiers within a 200 metre radius of the proposed facility.

There is no requirement under the *Local Government Act 1989* for a proposal to lease to include a notice at the location. This will be a requirement during the advertising of the any Planning Permit application, should the lease proposal proceed.

There are already 6-night light poles at the Reserve.

There are plans to upgrade the existing light poles within the next 12 months to LED lighting that has a better control lighting spill into the sports grounds and conforms with the new lighting regulations. The proposed facility will replace one of the existing light poles.

Not to state the proposal from Telstra includes the installation of 5G technology is very misleading and devious.

Telstra is only proposing to incorporate 4G technology at this stage. 5G has not been discussed with Council. Should Telstra seek to upgrade in the future, the public will be consulted during the Planning Permit process.

The community needs to have assurance of safety.

The proposed facility will need to fully comply with Australia's Safety Regulations (RPS3) set by the Australia Radiation Protection and Nuclear Safety Agency (ARPNSA). **Attachment 3** is a Fact Sheet issued by the ARPNSA which was updated in August 2016.

Seems every second house was missed when distributing the notice of proposal

The mailing list included odd and even street numbers within a 200 metre radius of the proposed facility.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Relevant Council officers have been consulted during the negotiations of the proposed location of the facility.

Sporting Clubs have been consulted.

No objections were received to the proposal.

In accordance with sections 190 and 223 of the *Local Government Act 1989*, Council must consult with the community about the proposed lease. The consultation process includes giving public notice and inviting written submissions, noting that any submitters who wish to be heard in support of their written submission will be given that opportunity.

A public notice was placed in the *Moreland* and *Northern Leader* newspapers, on Council's website and more than 140 letters were sent to owners and occupiers in the vicinity of the proposed lease location.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The proposed 20 year lease will provide a revenue of approximately $450,000 to Council.

7. Implementation

Subject to Council's decision, lease negotiations will commence with Telstra.

Attachment/s

1⇩	Proposed location of Telstra Telecommunication Lease - Oak Park	D20/175130
2⇩	Lighting Design Telecommunication Lease Vision Stream	D19/387858
3⇩	Mobile Phone Base Stations Fact Sheet	D19/493031
4⇩	Hearing of Submissions Committee - Summary of Proceedings - 25 March 2020	D20/123428
5⇩	Proposed telecommunications lease 1A Francis Street Oak Park - Submissions	D20/131366

EMF12/20 RIGHT OF WAY DISCONTINUANCE AND SALE - LAND ENCLOSED AT 112 BARKLY STREET, BRUNSWICK EAST (D20/143316)

Executive Manager Finance

Property

Executive Summary

The purpose of this report is to recommend the discontinuance of the Right of Way (ROW) and sale of land from the former road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East to the property owner(s) of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, shown at Attachment 1 to this report.

On 20 March 2019, the lawyer on behalf of the owner of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, contacted Council expressing an interest in acquiring the sections of ROW enclosed within the building of the two properties.

The encroachment had prevailed for at least 53 years, it ranges from approximately 3.66 metres to 2.74 metres in width and 20.47 metres in length, measuring approximately 70 square meters in total.

Ownership of the commercial property at 112 Barkly Street and 85-89 Brunswick Road, Brunswick East recently changed. The new owner wishes to rectify the portion of building built on ROW and continue to process commenced by the previous owner.

At its December 2019 meeting, Council resolved (EMF43/19) to commence the procedure to discontinue the enclosed section of ROW and sell the land in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989*. As part of the statutory process, public notice of the proposal was given. Two submissions were received.

The proposed sale of the former road to the owner of 112 Barkly Street, Brunswick East will provide income of $30,800 to Council. This amount has been agreed upon in principle by the applicant for the purchase subject to a Council decision. This transaction would result in the removal of the road status for the section of road built over to the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East.

Officer Recommendation

That Council:

1. Notes internal and external referrals provided no objections, to the proposed discontinuance and sale of the road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, and determines the road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, is not reasonably required as a road for public use.
2. Approves the discontinuance and sale of the road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, as shown highlighted in blue at Attachment 1 to this report, by private treaty to the property owners, in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* and Council's Rights of Way Associated Policies 2011 and the Rights of Way Strategy.
3. Authorises the Executive Manager Finance to do all things necessary to affect the discontinuance and sale of the section of road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East to the adjoining property owner.
4. Publishes notice of the approval of the discontinuance and sale of the road enclosed within the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East in the *Victoria Government Gazette.*
5. Updates the Register of Public Roads in accordance with section 19 of the *Road Management Act 2004,* following the discontinuance being published in the *Victoria Government Gazette*, without a further report to Council.

REPORT

1. Policy Context

The Council Plan 2017–2021 articulates Council's provision of a large range of services for our community. These externally facing service areas are supported by a range of council teams that include the management of the community's Council–owned property and assets.

Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 have been used in assessing this proposal.

2. Background

On 20 March 2019, the lawyer on behalf of the owner of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East, contacted Council expressing an interest in acquiring the sections of the Right of Way (ROW) enclosed within their building boundaries. The proposed road discontinuance area is shown highlighted in blue on the plan as shown at **Attachment 1** to this report.

The ownership of the commercial property at 112 Barkly Street and 85-89 Brunswick Road, Brunswick East has recently changed. The new owner wishes to rectify the portion of building built on ROW and the previous owner initiated the process by applying for the discontinuance and sale of the section of built upon ROW at the rear of 112 Barkly Street and 85-89 Brunswick Road, Brunswick East.

The road is located on Volume 9083 Folio 691, title plan 163748Q.

At the 11 December 2019 Council meeting (EMF43/19), Council resolved to commence the procedures to discontinue the enclosed section of road and sell the land in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989*.

The discontinuance and transfer the land from the former road will not change the current status of the road and will formalise the occupation of the section of road that is currently built over from the original abutting property building and enclosed in the property.

3. Issues

The encroachment ranges from approximately 3.66 metres to 2.74 metres in width and 20.47 metres in length, measuring approximately 70 square meters in total.

The built over section of road does not currently provide carriageway rights to any other properties, nor does this section serve any municipal road purposes. Council records indicate this section of ROW has been enclosed and built over when the original building was built on the property at 112 Barkly Street. It has not been used for road purposes since at least 1966, for a minimum of 53 years.

The ROW has not previously continued in an east west direction. Prior to the building at 112 Barkly Street being built, the ROW reached a dead end at the adjoining property, between 114 and 116 Barkly Street and 95-101 Brunswick Road.

The proposed discontinuance and transfer of land from the road will not change the current status and use of the road and will formalise the occupation of the section of road that is currently enclosed in the property.

Council officers recommend that Council discontinue the 70 square metre section of road and sell the land from the former road in accordance with the procedures of the *Local Government Act 1989* and Council's Rights of Way Strategy and Rights of Way Associated Policies.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Officers from the following Council units have been consulted:

- Engineering Services;
- Development Engineer;
- Transport Development Engineer;
- City Development;
- Building Services.

No objections have been received.

The relevant service authorities have been consulted and no objections have been received. A Yarra Valley Water sewer pipe runs from the building at the rear of 85-89 Brunswick Road, and there are no other service assets in the section at the rear of 112 Barkly Street, Brunswick East.

Public notice of Council's intention to discontinue the ROW and sell the land appeared in the *Moreland Leader* newspaper on 2 March 2020. The proposal was made available on Council's website and 10 adjoining owners were notified in writing.

Two submissions were received.

Submitter one was supportive of the proposal, their key issues raised were:

1. The building at 112 Barkly Street is built over the occupied portion of ROW.
2. Council previously wrote to the owner confirming;
    a. Council's aerial photos indicate that the building has been in the same location continuously since at least 1979 and no records indicating use of the occupied portion of ROW;
    b. Council has no evidence the occupied portion was ever available for use by the public or evidence that this portion reached public highway status.
3. Council has offered to sell the occupied portion in the event the discontinuance is approved;
4. To the owner's knowledge and information provided by the previous owner, the occupied portion has:
    a. Never been used by the public, or by neighbouring property owners;
    b. Only been used by the occupiers of the building as part of the building on 112 Barkly Street since the building was constructed;

Submitter two objected to the proposal, their key issues raised were:

1. Opposition to the sale to a private purchaser.
2. The Right of Way not continuing through, preventing pedestrian access.

This submitter suggested putting a covenant on the title of three properties to open accessibility in the case of redevelopment. This submitter did not elect to be heard in support of their submission.

Council does not have the power to register a covenant on private titles. None of the three adjoining property owners objected to the proposed discontinuance and sale. The ROW does not continue beyond 112 Barkly Street, Brunswick or provide access to any other abutting properties.

The occupied section of road did not become a public highway through common law or construction by Council. The applicant has accrued long term legal possessory rights to this section of road, the discontinuance and sale of this section of road, approximately 70 square metres will formally resolve the occupation.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The applicant has paid a deposit of $1,200 for the application to discontinue the road and purchase the land pending a Council decision.

In accordance with 3.4.2 of Council's Rights of Way Associated Policies, the former road will be sold to the owner in physical occupation.

In accordance with section 3.5.1 for property owners with a commercial interest ROW shall be sold at market rates plus administration costs. The proposed sale of the road to the owner of 112 Barkly Street will provide income of $30,800 to Council.

This amount has been agreed upon in principle by the applicant for the purchase pending Council's decision. This transaction will result in the removal of the road status for the section of ROW enclosed at the rear of 112 Barkly Street and 85-89 Brunswick Road Brunswick East.

Once discontinued and sold the approximately 70 square meters land will become rateable.

7. Implementation

Subject to Council's decision, officers will proceed with the formal discontinuance of the ROW and prepare the transfer documentation.

Attachment/s

1⇩ 112 Barkly St Brunswick East Map D19/463432

EMF13/20 RIGHT OF WAY DISCONTINUANCE AND SALE ADJOINING 6-10 PIMBIAL COURT AND 45-51 DAVIES STREET, HADFIELD (D20/124252)

Executive Manager Finance

Property

Executive Summary

The purpose of this report is to recommend the discontinuance of the land-locked Right of Way (ROW) and sale of the land adjoining 6-10 Pimbial Court and 45-51 Davies Street Hadfield to the adjoining property owners.

On 29 December 2017, Council received a request to acquire a section of this ROW from a property owner of one of the adjoining properties.

The ROW road was created in 1850, located on Old (General) Law title in Book I, number 435. The ROW originally ran from Middle Street to South Street. Part of the ROW to the south of Pimbial Court was claimed via adverse possession by a large development.

At the 14 August 2019 meeting (EMF29/19), Council resolved to commence the statutory procedures to discontinue a larger section of the land-locked ROW and sell the land in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989*. As part of the statutory process, public notice of the proposal was given, and submissions invited, shown at Attachment 1 to this report.

During the public notice period, a letter was received from a lawyer acting on behalf of the Owners Corporation and units at 1-7/51-53 Middle Street (shown in green in Attachment 1) instructing Council that their clients are making an adverse possession claim for the ROW adjoining and enclosed at 51-55 Middle Street. They requested Council immediately remove the land being claimed from the discontinuance process. The owner has accrued their possessory right as the occupation has prevailed for more than 15 years which provides them with the opportunity to make a claim via Section 60 of the *Transfer of Land ACT* 1958. Due to this northern section of ROW being subject to an adverse possession claim, Council is unable to pursue the road discontinuation and sale for this section and it is now excluded from the process.

The remaining ROW is a long, narrow enclosed strip, measuring approximately 1.82 metres in width and 45 metres in length, measuring approximately 81.83 square metres in total, shown in blue at Attachment 1 to this report.

This section between Pimbial Court and Davies Street was previously occupied by an old factory site between 1989 to 2012. This site was demolished in 2014, residential development started in 2016, developing and subdividing properties to create 6, 7, 8, 9 and 10 Pimbial Court abutting the ROW.

Three (3) owners have responded with an interest in purchasing. The proposed combined sale of the former ROW to the adjoining property owners at Pimbial Court and Davies Street will provide total income of $28,875 to Council.

The original applicant has agreed in principle to purchase a portion of the ROW subject to a Council's decision. This transaction would result in the removal of road status for the narrow length section of ROW.

Officer Recommendation

That Council:

1. Approves the discontinuance of the road between the rear of 6-10 Pimbial Court and 45-51 Davies Street, Hadfield, as shown highlighted with blue outline at Attachment 1 to this report, to sell by private treaty to the adjoining property owners, in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* and Council's Rights of Way Associated Policies 2011 and the Rights of Way Strategy.
2. Notes internal and external referrals provided no objections to the proposed discontinuance and sale of the road enclosed within the rear of Pimbial Court and Davies Street, Hadfield and determines the road enclosed within the rear of Pimbial Court and Davies Street, Hadfield, is not reasonably required as a road for public use.
3. Authorises the Executive Manager Finance to do all things necessary to effect the discontinuance and sale of the narrow section of road adjoining the rear of Pimbial Court and Davies Street, Hadfield to the adjoining property owners.
4. Publishes notice of the approval of the discontinuance and sale of the road adjoining the rear of Pimbial Court and Davies Street, Hadfield in the *Victoria Government Gazette.*
5. Updates the Register of Public Roads in accordance with section 19 of the *Road Management Act 2004,* following the discontinuance being published in the *Victoria Government Gazette*, without a further report to Council.

REPORT

1. Policy Context

The Council Plan 2017–2021 articulates Council's provision of a large range of services for our community. These externally facing service areas are supported by a range of Council teams that include the management of the community's Council owned property and assets.

Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 have been used in assessing this proposal.

2. Background

On 29 December 2017, Council received a request to acquire a section of the Right of Way (ROW) from a property owner adjoining 2/47 Davies Street.

The ROW road was created in 1850, located on Old (General) Law title, in Book I, number 435. The ROW originally ran between Middle Street to South Street. Part of the road to the south of Pimbial Court was claimed via adverse possession by a large development.

The ROW is a long, narrow, enclosed strip, measuring approximately 1.8 metres in width and 118.5 metres in length, measuring approximately 213.3 square metres in total. The ROW is occupied on the west side at units 1-7/51-53 Middle Street and 6-10 Pimbial Court and adjoins the east side of 45-51 Davies Street, shown at **Attachment 1** to this report.

At its 14 August 2019 meeting (EMF29/19), Council resolved to commence the statutory procedures to discontinue the land-locked ROW and sell the land in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989*. As part of the statutory process, public notice of the proposal was given.

Part of the northern section of road is occupied by a development built in the 1970's these are Units 1-7 of 51-53 Middle Street. South of this, the section between Pimbial Court and Davies Street was previously occupied by an old factory site between 1989 to 2012. This site was demolished by 2014, residential development started in 2016, developing and subdividing properties to create 6, 7, 8, 9 and 10 Pimbial Court abutting the ROW.

During the public notice period, a letter was received from a lawyer acting on behalf of the Owners Corporation and units at 1-7/51-53 Middle Street (shown in green in **Attachment 1**) instructing Council that their clients are making an adverse possession claim for the ROW adjoining and enclosed at 51-55 Middle Street. They requested Council immediately remove the land being claimed from the discontinuance process. The owner has accrued their possessory right as the occupation has prevailed for more than 15 years which provides them with the opportunity to make a claim via Section 60 of the *Transfer of Land ACT 1958*. Due to this northern section of ROW being subject to an adverse possession claim, Council is unable to pursue the road discontinuation and sale for this section and it is now excluded from the process.

The remaining ROW is a long, narrow, enclosed strip, measuring approximately 1.82 metres in width and 45 metres in length, measuring approximately 81.83 square metres in total, shown in blue at **Attachment 1** to this report.

The proposed ROW discontinuation and sale will formalise the occupation of the properties in Pimbial Court wishing to purchase and assign ownership to the landlocked sections of road to the abutting properties in either Pimbial Court or Davies Street.

3. Issues

The ROW at the north end is occupied by the properties at Units 1-7 of 51-53 Middle Street, these unit owners have accrued proprietary rights as the occupations have prevailed for more than 30 years.

To the south of this development, the ROW is also landlocked. It was previously occupied by a factory site, which has since been demolished, with the subdivided lots recently being sold and developed in Pimbial Court.

The ownership of the road is still in the name of the original subdivider since 1850. As the road is located on 'Old system' or 'General Law' title, it will need to be converted during the conveyancing process to the current, Torrens Law title.

Investigations show the land-locked ROW is not used as a road. Council records also indicate this ROW has not been used as a road, or for pedestrian rear access and does not serve as a link.

A Yarra Valley Sewer asset is located along the length of the road and as such an easement will need to be created and vested in Yarra Valley Water (YVW).

Council officers recommend discontinuing the ROW and selling the land in accordance with the procedures under *Local Government Act 1989* and Council's Rights of Way Strategy and Rights of Way Associated Policies.

4. Consultation

Public notice of Council's intention to discontinue the former road and sell the land was given in the *Moreland Leader* newspaper on 9 September 2019 and *Northern Leader* newspaper on 10 September 2019. The proposal was made available on Council's website and the 20 adjoining owners were notified in writing.

The property owners adjoining the ROW at Units 1-7 of 51-53 Middle Street, 6-10 Pimbial Court and 45-51 Davies Street, Hadfield were consulted regarding the proposal, by mail.

In the case of the properties occupying the ROW on the west side, in Pimbial Court and the units at 51-53 Middle Street, in accordance with section 3.2 of Council's Rights of Way Associated Policies, Council will give preferential allocation to persons demonstrating continuous exclusive occupation.

During the public notice period, the Owners Corporation at 51-53 Middle Street engaged a lawyer and elected to adversely possess the ROW adjoining and enclosed within the units and common property.

Submissions to the proposal were received from adjoining owners, some requesting further information and some expressing an interest in purchasing the ROW abutting their properties.

Three submitters, the adjoining owners of 9 and 10 Pimbial Court and 2/47 Davies Street confirmed an interest in purchasing.

A Dial Before You Dig search was undertaken to locate external services in the location of the proposed road discontinuance. The relevant service authorities have been consulted and no objections have been received. Yarra Valley Water has a sewer asset running along the length of the remaining ROW. An easement will be shown and saved in favour of Yarra Valley Water on the Certificate of Title.

Council officers from the following Council units have been consulted:

- Engineering Services;
- Development Engineer;
- Transport Development Engineer;
- City Development;

- Building Services;
- Street Cleansing;
- Open Space.

No objections have been received from these units.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

One owner in Davies Street has paid a deposit of $1,200 for the application to discontinue the road and purchase the land pending a Council decision.

In accordance with section 3.5.1 of Council's Rights of Way Associated Polices, the former road is proposed to be sold for market value, unless the market value of the land will be less than administrative costs associated with the closure. The owner from Davies Street has agreed to the purchase price of $9,625 pending Council's decision.

If all three (3) owners remain interested in purchasing, the proposed combined sale of the former ROW to the adjoining property owners at Pimbial Court and Davies Street will provide total income of $28,875 to Council.

Once discontinued and sold the 81.83 square metre (in total) section of land will become rateable.

7. Implementation

Subject to Council's decision, officers will proceed with the formal discontinuance of the ROW indicated in blue at **Attachment 1** and prepare the transfer documentation.

Attachment/s

1⇩ Full section highlighting 2 parts D20/183325

DCI8/20 CONTRACT 895T - GILLON RESERVE FACILITY UPGRADES AND REFURBISHMENT - MAIN WORKS (D20/155886)

Director City Infrastructure

Capital Works Planning and Delivery

Executive Summary

The Gillon Reserve upgrades and refurbishments is a capital works project to improve and refurbish the multipurpose community and sporting club social pavilion, umpire change rooms and scoreboard for a variety of community and sporting groups. The project is funded by the State Government to the amount of $1,000,000.

The facility is used by the Brunswick Sports Club, comprising of the Brunswick Football Club, Brunswick Junior Football Club, Brunswick Cricket Club and the Brunswick Netball Club. Council also uses the facility for local multicultural community and senior groups to meet, hold functions and remain connected.

The procurement process was by public tender, advertised in *The Age* newspaper on the 14 March 2020, and via Council's tender portal system. Tenders called for a fixed price lump sum for the project and closed on 15 April 2020.

Twenty-one suitably qualified and experienced contractors submitted tenders for the project. The tenders were assessed in accordance with Council's Procurement Policy.

Following detailed assessment and value management to meet the budget for the project, Notion Partners were identified as the preferred contractor for the Gillon Reserve Upgrade and Refurbishments project.

This report seeks recommends Council enters in to a contract with Notion Partners.

Officer Recommendation

That Council:

1. Awards Contract 895T – Gillon Reserve Upgrades and Refurbishments project to Notion Partners for the lump sum amount of $752,890 (exclusive of GST).
2. Allocates a contingency of $75,289 (exclusive of GST) Contract 895T – Gillon Reserve Upgrades and Refurbishments project, bringing the total approved expenditure to $828,179.
3. Authorises the Director City Infrastructure to do all things necessary to execute the contract and any other required documentation.
4. Advises all tenderers of its decision in relation to Contract 895T - Gillon Reserve Upgrades and Refurbishments project.

REPORT

1. Policy Context

This report supports the 'Connected Communities' and 'Responsible Council' objectives of the 2017-2021 Council Plan:

- Set a clear vision and strategy for aquatics, leisure and sporting facilities to meet ongoing community needs; and
- Maintain and match our infrastructure to community needs and participation growth.

The refurbishment of Gillon Oval pavilion also aligns to the Moreland Sports and Active Recreation Strategies three key strategic directions:

1. Increasing participation by Moreland residents in sport and active recreation and fostering strong relationships with local recreation clubs, associations, peak bodies and government agencies.
2. Ensuring an adequate supply and distribution of good quality sporting infrastructure used in the most effective and efficient manner possible.
3. Ensuring Moreland City Council's approach to sport and active recreation provision is underpinned and well informed by robust policies, strategies and plans.

2. Background

Gillon Reserve is located at 133A Hope Street, Brunswick. Located at the site is the A.G. Gillon Oval - a full size football and cricket ground – a grandstand, social club rooms and two sets of change rooms and associated amenities. The oval has sports field lighting and cricket practice nets and is an immensely popular passive and active recreation site for club members, local schools, residents and visitors.

As patronage and club numbers increased, the quality of the amenities was not an accurate reflection of Gillon Oval's popularity.

In 2016, the change room amenities – showers and toilets - were upgraded as part of a State Government election commitment with additional funding matched by Council. These facilities provided new and up to date amenities for the change rooms.

The social club rooms and umpire change rooms remain largely untouched since being constructed.

As female participation in sport has grown across the municipality, it is appropriate that resources and facilities cater for the current and projected growth in participation, for both males and females. The Brunswick Sports Club (the Club) enjoys strong participation rates from junior to senior, male and female, through the sporting codes affiliated with the Club.

The existing umpire change rooms are not unisex or female friendly and have poor amenities. The project will provide these new required amenities and help cater for the growth of sport within the Gillon Reserve precinct

The social club plays a vital role in the vibrancy of the club, hosting events, meals, functions and the gathering place for the Club. The kitchen facilities, much like the social rooms, have remained relatively untouched since being constructed. Council's Social Support unit also use the facility for local seniors and community groups to meet and stay connected. The social rooms upgrade will include a refurbished compliant kitchen.

To further develop the facility, a new scoreboard is to be installed on the north side of the oval.

In 2018, as part of its State re-election campaign, the Labor government announced a $1,000,000 commitment for further refurbishment of the Gillon Reserve facilities. Upon re-election, the State Government announced the funding agreement in late 2019, through the Community Sports Infrastructure Fund, for the refurbishment of the umpire amenities, social pavilion kitchen and construction of a new scoreboard at Gillon Reserve.

3. Issues

Tender Process

A public request for tender was advertised in *The Age* newspaper on 14 March 2020 and using Moreland Council's tender portal. Tenderers were requested to provide a fixed lump sum for the project and closed on 15 April 2020.

Twenty-one submissions were received from suitably qualified and experienced contractors, listed in the table below:

Tenderer
AAT Turner Builders
Alchemy Construct Pty Ltd
Allmore Construction Pty Ltd
Ausbuild Constructions PL
Bay Building Services Pty Ltd
Builtplus
Construction and Building Design Pty Ltd
Edgecorp Constructions Pty Ltd
FIMMA Constructions Pty Ltd
Formula Interiors
Harris HMC Interiors Pty Ltd
Kingdom Constructions Group Pty Ltd
Lango Group
Loaram Constructions
Master Menders Building Group
McCormack Property Services
Notion Partners
SwithCo
Keast Construction
Total Construction PL
United Project Solutions

Tender Evaluation

The tender evaluation was undertaken by a panel comprising Council officers across Building Projects and Recreation Services.

The tender submissions were evaluated based on the following predefined criteria:

- Cost;
- Compliance with terms and conditions;
- Cohesive and suitable team;
- Relevant expertise and past performance, technical / professional and systems capability;
- Resource commitment, current workload and ability to meet timeframes and program;
- Adequate insurances;
- Sustainability:

- Social;
- Environmental;
- Economic.

All submissions were deemed compliant to the request for tender and scope of works.

The tender evaluation has been concluded with a recommendation agreed to by the panel for the preferred contractor, Notion Partners. Detailed evaluation criteria, scoring and weighting is reflected in the attached Tender Evaluation Matrix **Confidential Attachment 1.**

Notion Partners' submission was competitively priced with a good approach to all project criteria. It displayed relevant experience in similar projects. Notion Partners has previously demonstrated ability in delivering projects for Council with previous works undertaken to a high standard and in a timely manner. Notion Partners has current capacity to undertake the project to the required program.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

External stakeholder consultation with the sporting clubs has been undertaken by the project manager during the design development phases. Internally, consultation was held with Council's Recreation Services Unit.

The result of this consultation has contributed to the concept design which has captured user group requirements.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The allocated budget (external funding) is $400,000 for financial year 2019/2020 and $600,000 in 2020/2021. Total project budget is $1,000,000.

The summary of the project budget and cost are as follows:

Building Works Contract	$752,890	
Contingency (10%)	$75,289	
Total Recommended Tender Cost (895T)		**$828,179**
Professional Fees	$89,000	
Other Minor Works	$80,000	
Total Project Cost		**$997,179**

7. Implementation

It is proposed that the Director City Infrastructure is authorised to do all things necessary to execute the contracts and any other required documentation.

The contract will be executed as soon as possible following Council's decision and the construction is programmed to commence in May 2020, concluding October 2020.

Attachment/s

1 Gillon Oval Tender Assessment Matrix D20/157019

Pursuant to sections 77(2)(c) of the Local Government Act 1989 and 39(1)(g)(ii) of the Local Government Act 2020 this attachment has been designated as confidential by the Chief Executive Officer because it relates to private commercial information.

NOM22/20 TREES AND INDIGENOUS PLANTINGS IN THE CITY (D20/174714)

Cr Natalie Abboud

1. Background

Cr Abboud's background:

Council, over the last few years has been able to purchase several key parcels of land across the city that form part of a valuable green corridor along the Merri creek in the north of the city. We have also had some success with the goals of the open space strategy and the urban forest strategy as we maintain and improve plantings in our green open space. However, these is opportunity to see further improvements in our success rate and start to 'renovate' areas with weeds such as prickly pears and other inferior plants left behind from days of old. We also have a very important and valuable relationship with many different community groups who have boots on the ground and partner in this type of work with us.

2. Policy Context

Officer comments:

Moreland Open Space Strategy 2012-2022

The Moreland Open Space Strategy has many key goals relating to Councils open space network. Goal 3 of the strategy has 16 actions related to management of conservation areas and undertaking significant revegetation works along creek corridors.

As part of Goal 3 various strategies have been developed and are being implemented which work towards maintaining and improving the plantings in the green open space.

3. Financial Implications

Officer comments:

There will be no direct financial implications in preparing the proposed report.

4. Resources Implications

Officer comments:

Council officers can prepare the proposed report within current resources.

Motion

That Council:

1. Receives a report at the July 2020 Council meeting outlining:
    a) The maintenance and planting guidelines which are in place for bushland and creek/waterways plantings undertaken by both Council and Community Groups/Organisations.
    b) If there are any changes to the maintenance and planting guidelines which could be adopted which could achieve higher success rates.
    c) The status of the actions detailed in the strategic works programs for waterways revegetation as identified in Goal 3 of the Moreland Open Space Strategy.
    d) Options for engaging with the local creek management bodies to determine how the remaining actions from the strategic works plans can be completed.
    e) Opportunities for potential partnerships, to expand or create new indigenous revegetation areas along the waterways and in open space areas in an effort to recognise the true value, financial and otherwise of council owned land.

NOM23/20 MORELAND'S TRANSPORT RESPONSE TO COVID-19 AND SOCIAL DISTANCING REQUIREMENTS (D20/174725)

Cr Jess Dorney

1. Background

Cr Dorney's background:

The COVID-19 pandemic and its associated shut downs and social distancing requirements is highlighting some unique challenges in the space of pedestrian and cyclists and how they maintain social distancing requirements particularly as there is anecdotal evidence at least of increased foot traffic, as well as more people taking up cycling, which is evidenced in the large uptick in people purchasing bikes. Both Internationally and within Australia there are many examples of new measures being taken by governments to ensure that people walking and cycling for exercise and essential travel remain safe and are able to employ social distancing requirements during this time. This Notice of Motion seeks to understand what opportunities and levers Moreland Council has available both directly and through advocacy to do the same for our residents and those working in the city.

2. Policy Context

Officer comments:

Social distancing is currently required to be observed to reduce the infection risk from COVID-19, which includes maintaining a distance of at least 1.5 metres between people. Retail activities that have been permitted to continue must ensure that there is at least 4 square metres of undivided space per person in an indoor space.

In many locations on Moreland's footpaths, social distancing may be difficult to maintain due to footpath width, obstructions and potential increase in pedestrian activity. Where customers are queueing outside businesses in order to maintain 4 square metres per person in indoor space, this may impede access for other pedestrians, making it difficult to observe social distancing of 1.5 metres between person or reduce customer access to the business, where there is insufficient room to queue. This may also reduce pedestrian access to local businesses overall if they are concerned about the ability to maintain safe distances.

Since restrictions have been put in place in Victoria to address the COVID-19 pandemic, travel has reduced overall including traffic volumes and public transport patronage.

This motion is generally consistent with the Moreland Integrated Transport Strategy (MITS) 2019 in terms of providing greater priority and space for pedestrians and cyclists. The following specific elements of the motion are also supported by MITS 2019:

- Reducing speed limits on local roads to 40km/h;
- Conducting a 12-month trial of 30km/h speed limits in selected areas of Moreland;
- Reallocating road space according to the road user hierarchy, particularly for pedestrians and cyclists;
- Increasing pedestrian and cyclist priority at signals and crossings;
- Increasing the frequency of public transport services.

It is not clear at this time what role temporarily suspending public transport fares would play in encouraging a return to public transport use once it is safe to do so and there is greater demand for travel. If the State Government was to temporarily waive fares this could potentially incentivise some people to use public transport again, but may not be the most important consideration relative to hygiene and safety concerns. Waiving fares would also represent foregone revenue at a time when significant state resources have been required for pandemic response and recovery and the financial stability of public transport is struggling.

3. Financial Implications

Officer comments:

Items such as planter boxes, paint or traffic cones to be used to demarcate areas where car parking spaces have been temporarily repurposed for pedestrian access and social distancing may already be owned by Council. Costs for these works up to $5,000 could be incurred to undertake these works and could be met within existing budgets in the City Change branch. For works above $5000, greater information could be provided in the June Council report on costings and feasibility for ongoing support.

4. Resources Implications

Officer comments:

This motion can be actioned within existing resources.

Motion

That Council:

1. Authorises the Chief Executive Officer to temporarily remove car parking to be repurposed as additional space for pedestrians to facilitate social distancing, under the following circumstances:
    a) The re-purposing of parking spaces would provide greater opportunity for pedestrians to pass each other while maintaining social distancing, including where customers are queuing outside a business while observing maximum occupancy requirements or waiting for take-aways;
    b) No more than three parking spaces are repurposed at each location;
    c) All reasonable efforts are made to contact the occupiers of properties abutting the spaces to be repurposed to discuss the proposed change;
    d) Temporary low-cost infrastructure (e.g. parklet platforms, pedestrian ramps, bollards, planter boxes, traffic cones) is used to demarcate the area for pedestrian use;
    e) Any parking spaces repurposed in this manner are reviewed within three months of the end of the COVID-19 State of Emergency in Victoria.
2. Writes to the Minister for Roads The Hon. Jaala Pulford advocating for the following measures to support people safely walking and cycling during the COVID-19 State of Emergency:
    a) Temporary suspension of clearway restrictions which could allow for footpath extensions, cycle lanes, or more opportunities for people to access street parking near shops;
    b) Speed limit reductions to 40km/h for all local streets in Moreland, as per the Moreland Integrated Transport Strategy (MITS) 2019;
    c) Increased pedestrian and cyclist priority at signals and crossings, as per MITS 2019;

d) A grants program to be made available to local governments to quickly deliver pedestrian and cyclist improvements to support safe movement and social distancing during the COVID-19 pandemic.

3. Writes to the Minister for Public Transport The Hon. Melissa Horne advocating for the following outcomes to encourage a safe return to public transport use following the COVID-19 State of Emergency:

   a) Suspension of myki fares on the public transport network effective immediately until at least three months after the end of the state of emergency to provide financial relief to passengers, encourage the return to public transport use once it is safe to do so, and reduce health risks by reducing contact between passengers, myki machines and public transport staff including Authorised Officers;

   b) Investment to increase the frequency of off-peak services to support social distancing through reduced crowding.

4. Receives a report at the June Council meeting detailing further opportunities to support safe movement for pedestrians and cyclists during the COVID-19 state of emergency including:

   a) Opportunities to repurpose car parking to support safe pedestrian or cyclist movements;

   b) Locations for trials of 30km/h speed limits on local roads, as per MITS 2019;

   c) Pedestrian and cycling improvements that could be delivered in the short term.

NOM24/20 GROWING FOOD IN SOME LANEWAYS (D20/174735)

Cr Jess Dorney

1. Background

Cr Dorney's background

The Moreland community has a long history and relationship with growing food, and the food systems strategy work has allowed us to think differently about how we use our private and public spaces to continue foster and support people to grow food across our city. We have many laneways in the city, all with varying degrees of function and usage. There are some councils, such as Yarra where they have a more nuanced policy approach to being able to use laneways to grow food https://www.yarracity.vic.gov.au/services/living-sustainably/grow-your-own-food/how-do-i-get-a-planter-box-or-a-laneway-garden#tab-laneway-garden

2. Policy Context

Officer comments:

In preparing the report, there would be some regulatory issues that would need to be investigated:

- A laneway or Right of Way (ROW) that is in use is on Council's road register is identified as a public road and subject to State Road Safety Regulations. Road Rule 208 requires that a three-metre wide space is provided for access of any registered vehicle. This would need to be further investigated and Yarra City Council would have useful information as to their approach to this.
- The Moreland Rights of Way Strategy 2011-2021 currently requires that for laneways to be considered for community gardens, they should no longer be required for 'public access, services or Council purposes'. That means if vehicles use the laneway, planter boxes are not currently permitted under Moreland's strategy.

3. Financial Implications

Officer comments:

The financial implications of adopting a laneway garden program will be determined as part of a feasibility assessment

4. Resources Implications

Officer comments:

The feasibility assessment will require Council officer time.

If a Laneway Garden program similar to Yarra City Council was to be adopted, including a permit system, Council officer time will be required to implement and manage.

Motion

That Council receives a report at the July 2020 Council meeting that examines the feasibility for growing food in laneways, drawing from programs such as the City of Yarra Laneway Gardens program.