**Council AGENDA**

**Wednesday 14 September 2022**

**Commencing 7 pm**

**Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg**



**Acknowledgement of the traditional custodians of the City of Moreland**

Moreland City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Moreland, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

**Information about Council Meetings**

These notes have been developed to help people better understand Council meetings. All meetings are conducted in accordance with Council’s Governance Rules.

**WELCOME** The Mayor, who chairs the meeting, formally opens the meeting.

1. **APOLOGIES** Where a Councillor is not present, their absence is noted in the minutes of the meeting. Council may also approve leaves of absence in this part of the meeting.
2. **DISCLOSURES OF CONFLICTS INTERESTS** A Councillor has a duty to disclose any direct or indirect financial or other interests, they may have in any matter to be considered by Council that evening.
3. **CONFIRMATION OF MINUTES** The minutes of the previous meeting are put before Council to confirm the accuracy and completeness of the record.
4. **ACKNOWLEDGEMENTS AND OTHER MATTERS** At each Council Meeting provision of 10 minutes will be made in the Agenda for the Mayor and Councillors to acknowledge and recognise achievements of local individuals and organisations; and raise matters considered important to Council.
5. **PETITIONS** Council receives petitions from citizens on various issues. Council formally accepts petitions at Council meetings.
6. **PUBLIC QUESTION TIME** This is an opportunity (30 minutes), for citizens of Moreland to raise questions with Councillors.
7. **COUNCIL REPORTS** Council 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.
8. **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.
9. **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 CEO or delegate setting out the resolution to be rescinded and the meeting and date when the resolution was carried. 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.
10. **FORESHADOWED ITEMS** This is an opportunity for Councillors to raise items proposed to be submitted as Notices of Motion at future meetings.
11. **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.
12. **CONFIDENTIAL BUSINESS** Whilst all Council meetings of Council are open to the public, Council has the power under the *Local Government Act 2020* to close its meeting to the 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.
13. **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 12 October 2022 commencing at 7 pm, in the Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg. The next Council Meeting for Planning and Related Matters will be held on Wednesday 28 September 2022 commencing at 6.30 pm, in the Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg.

**WELCOME**

**1. APOLOGIES/LEAVE OF ABSENCE**

**2. DISCLOSURES OF CONFLICTS OF INTEREST**

**3. MINUTE CONFIRMATION**

The minutes of the Council Meeting held on 10 August 2022 and the Special Council Meeting held on 22 August 2022 be confirmed.

**4. ACKNOWLEDGEMENTS AND OTHER MATTERS**

**5. Petitions**

Nil.

**6. PUBLIC QUESTION TIME**

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**9. Notice of Rescission**

Nil

**10. Foreshadowed Items**

**11. URGENT BUSINESS**

**12. Confidential Business**

12.1 Contract award for operation of Epping Animal Welfare Facility

*Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this report has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

**7. Council Reports**

7.1 Amendment C208more - Implementation of the Heritage Nominations Study - Gateway 3 - Consideration of Panel's Recommendations and Decision on the Amendment

**Director Place and Environment Joseph Tabacco**

**City Strategy and Economy**

## Officer Recommendation

That Council:

1. Notes the findings and recommendations of the C208more Planning Panel.

2. Adopts the changes to the final *Moreland Heritage Nominations Study 2022* reference document and *Moreland Heritage Exemptions Incorporated Plan* *2022*, shown at Attachment 1 to this report.

3. Using its powers as a planning authority under section 29 of the *Planning and Environment* *Act* 1987, adopt Moreland Planning Scheme Amendment C208more as shown in Attachment 1 of this report.

4. Submit the adopted Amendment to the Minister for Planning.

**REPORT**

**Executive Summary**

Amendment C208more (the Amendment) seeks to implement the recommendations of the *Moreland Heritage Nominations Study* and complete the implementation of the *Moreland Heritage Gap Study*, to:

 Apply the Heritage Overlay to 45 individual heritage places, 1 serial listing, 7 new precincts and 3 precinct extensions

 Update the heritage value of 4 heritage places and 2 heritage precincts

 Fix mapping irregularities and heritage overlay boundaries

 Delete existing overlays from properties within the new serial listing

 Add the Moreland Heritage Nominations Study 2020 and a statement of significance for each place and precinct as a reference document

Council adopted the *Moreland Heritage Nomination Study* and resolved to commence the preparation of a planning scheme amendment to apply the HO to these properties at its meeting in August 2020 (DCF35/20). The Amendment was exhibited to the public for a period of 7 weeks and 43 submissions were received. Council resolved in December 2021 to request the Minister for Planning to appoint an independent Panel to consider the submissions received during exhibition of the Amendment.

A Panel Hearing was held on 1-3 March and 3 & 6 May 2022. The Panel report was generally supportive, noting that the Amendment was well founded and strategically justified. The Panel recommends that the Amendment be adopted subject to changes, generally related to updating information in the heritage citations and to remove seven places and two precincts from the Amendment.

Officers support the majority of Panel’s recommendations but recommend that the Walsh Street Precinct (HO599) remains in the Amendment.

A copy of the Panel’s report can be viewed at [Amendment C208 Moreland Heritage Nominations Study Implementation](https://www.moreland.vic.gov.au/building-and-business/planning-and-building/strategic-planning/current-amendments/amendment-c208-moreland-heritage-nominations-study-implementation2/).

**Previous Council Decisions**

**Amendment C174 – Moreland Heritage Gap Study Decision Gateway 3 – Consideration of Panel Report and Decision on the Amendment – Council Action Plan Item** – 13 March 2019

*That Council:*

*1. Notes the findings and recommendations of the C174 Panel included at Attachment 1 to this report.*

*a) Splits Amendment C174 to the Moreland Planning Scheme into two parts as follows:*

*b) Amendment C174 Part 1 (as described in Attachment 2 to this report).*

*2. Amendment C174 Part 2 (151A Lygon Street, Brunswick East).*

*3. Adopts Amendment C174 Part 1 to the Moreland Planning Scheme with the changes shown at Attachment 2, pursuant to section 29(1) of the Planning and Environment Act 1987.*

*4. Adopts the final Moreland Heritage Gap Study 2019 reference document as shown at Attachments 3, 4, 5 and 6 to this report.*

*5. Adopts the proposed changes to the Moreland Heritage Exemptions Incorporated Plan 2019, shown at Attachment 7 to this report.*

*6. Adopts the proposed changes to Amendment documentation and Design and Development Overlay – Schedule 18 discussed at section 3 of this report as shown at Attachment 8.*

*7. Submits Amendment C174 Part 1 to the Moreland Planning Scheme to the Minister for Planning for approval, pursuant to section 31 of the Planning and Environment Act 1987.*

*8. Defers adoption of Amendment C174 Part 2 until after a decision is received in relation to the VCAT hearing for 151A Lygon Street, Brunswick East.*

*9. Requests that the Minister for Planning prepare, adopt and approve a prescribed amendment pursuant to section 20A of the Planning and Environment Act 1987 as shown at Attachment 9 to extend the interim heritage controls for 151A Lygon Street, Brunswick East for a period of 12 months while the VCAT process for the site is undertaken and to enable a decision to be made on Amendment C174 Part 2.*

10. *Notifies all submitters of Council’s decision in relation to Amendment C174.*

**Amendment C208 – Moreland Heritage Nominations Study – Gateway 1 – Authorisation and Exhibition** – 12 August 2020

*That Council:*

*1. Endorses the report Moreland Nominations Study 2020 at Attachments 1 and 2 to this report, as a reference document listed in Clause 22.06 – Heritage. This report outlines the rationale and evidence which underpins the proposed planning scheme changes.*

*2. Requests that the Minister for Planning prepare, adopt and approve prescribed Moreland Planning Scheme Amendment C207 (interim heritage controls) pursuant to section 20A of the Planning and Environment Act 1987 as shown in Attachments 3 and 4 to this report.*

*3. 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 C208 (permanent heritage controls) as shown in Attachments 5 and 6 to this report.*

*4. Following receipt of the Minister’s Authorisation, exhibits Amendment C208 in accordance with Section 19 of the Planning and Environment Act 1987 and as outlined in the consultation section of this report.*

*5. Authorises the Director City Futures to make changes to Amendment C208 based on conditions imposed in any Authorisation granted by the Minister for Planning and to make minor changes.*

*6. Using its powers as a planning authority under Sections 23 and 28 of the Planning and Environment Act 1987, abandons Moreland Planning Scheme Amendment C174 Part 2.*

*7. Writes to the Minister for Planning advising of Council’s decision to abandon Moreland Planning Scheme Amendment C174 Part 2.*

**Amendment C208more – Heritage Nominations Study – Decision Gateway 2 – Consideration of Submissions –** 8 December 2021

*That Council:*

*1. Using its powers as a planning authority under s 23(1) of the Planning and Environment 1987, requests that the Minister for Planning appoint an independent Panel to consider all submissions to Moreland Planning Scheme Amendment C208more.*

*2. Endorses the response to submissions as set out in Attachment 1 to this report to form the basis of Council’s submission to an Independent Planning Panel.*

*3. Notes that the recommended form of the Amendment to be presented to the Independent Planning Panel to respond to submissions is included in Attachment 1 to this report.*

*4. Refers any late submissions to the Independent Planning Panel appointed to consider the Amendment and submissions.*

*5. Authorises the Director City Futures to make minor changes to Moreland Planning Scheme Amendment C208more and to give direction on issues which arise in the course of the Panel hearing in response to expert evidence and submissions if required, so long as any further changes are generally in accordance with the Moreland Heritage Nominations Study.*

*6. Endorses the Moreland Thematic History 2020 in Attachment 2 to this report.*

*7. As part of the review of the Moreland Heritage Action Plan 2017-2032 provide Council with information about the scope and cost of a review of early, mid and late Victorian era cottages in Moreland to determine if there are any additional individual buildings or group/serial precincts worthy for inclusion in a heritage overlay, noting that the Heritage Action Plan review will be reported to Council in 2022.*

## 1. Policy Context

### Council Action Plan

Creating ‘Vibrant spaces and places in Moreland’ is a key theme (Theme 4) of Moreland’s 2021-2025 Council Plan. One strategy to achieve the Strategic Objective of Theme 4 is:

4.4 Create a sense of place while retaining what is valued about heritage including First Nations

### Heritage Action Plan

The Moreland Heritage Action Plan 2017-32 (HAP) includes heritage actions to identify, conserve and manage the city’s heritage. This includes:

 Action K5 - Commission heritage expert assistance to undertake a preliminary assessment of the potential heritage places identified as part of the public nomination process held in 2016.

 Action K14 - Commission heritage expert assistance to undertake a heritage study of Pre-War and Post War Modern architectural style heritage places identified as part of the public nomination process held 2016 (this action is based on the outcomes of the Preliminary Assessment as per Action K5). Note two studies may be prepared i.e. Pre-War and Post War.

 Action P3 – Prepare a planning scheme amendment to introduce the places identified and assessed as part of the Pre-War and Post War Modern architectural style Heritage Study(s) (aligned with Actions K5 and K14) into the Moreland Planning Scheme, via application of the Heritage Overlay.

 Action K12 - Update the City of Moreland Thematic History by simplifying some of the major themes and improving the current structure of Theme 6: Building Moreland’s Houses and Theme 9: Shopping and Retailing in Moreland.

The Moreland Heritage Nominations Study, Amendment C208more and the update to the Moreland Thematic History align with these actions.

### Planning and Environment Act 1987

The *Planning and Environment Act 1987* (the Act) states the objectives of planning in Victoria. It directs Councils under section 12(1)(a) to implement the following objective:

Provide for the fair, orderly, economic and sustainable use, and development of land. Conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Amendment C208more aligns with this objective of the Act by conserving places that are significant in Moreland.

### Moreland Planning Scheme

#### Clause 15.03 - Heritage

Heritage conservation is an objective of State planning policy. This objective is supported by the following strategies at Clause 15.03-1S (Heritage Conservation) of the Scheme:

Identify, assess and document places of natural or cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Amendment C208more is consistent with this heritage conservation policy. The Moreland Heritage Nominations Study has identified significant places to Moreland. Amendment C208more seeks to protect them and manage development of them by including them in the Moreland Heritage Overlay.

Clause15.03-1L – Heritage includes added built form guidance for places in the heritage overlay. This policy applies to all land affected by a heritage overlay.

#### Clause 43.01 - Heritage Overlay (HO)

The purpose of the Heritage Overlay is to:

Conserve and enhance heritage places of natural or cultural significance.

Conserve and enhance those elements which contribute to the significance of heritage places.

Ensure that development does not adversely affect the significance of heritage places.

Conserve heritage places by allowing a use that would otherwise be prohibited if it assists with the conservation of the place.

If Council resolves to adopt Amendment C208more and it is gazetted by the Minister, the properties added to the Heritage Overlay will be subject to the requirements of Clause 43.01 of the Moreland Planning Scheme.

## 2. Background

### Moreland Heritage Gap Study Public Nominations

The Moreland Heritage Gap Study (MHGS) investigated the outstanding recommendations of earlier heritage studies and panel reports. The MHGS was completed in two stages:

 Stage 1: Preliminary assessment - A review of all the remaining places to short list which ones were worthy of further assessment. This stage was completed in May 2016.

 Stage 2: Detailed heritage assessment - Involved the heritage assessment of the places short listed in Stage 1. Stage 2 was completed in October 2018.

Amendment C174more implemented the findings of the MHGS. This Amendment was approved by the Minister on 5 January 2021.

### 151A Lygon Street, Brunswick

Council received a late submission to Amendment C174more for 151A Lygon Street, Brunswick East. This submission was received after the C174more planning panel hearing and could not be considered as part of the Amendment.

The matter was heard by VCAT and the way forward settled between Council and the land owners. The property was added to C208more to provide another opportunity for the landowner to participate in the amendment and panel hearing process.

### Moreland Heritage Nominations Study

The Moreland Heritage Nominations Study 2020 (MHNS) investigated the heritage significance of the places nominated by the public in 2016. This study was prepared in two stages.

Stage 1: Preliminary Assessment

The Stage 1 study was completed in May 2019 by the heritage consultants GHD Context Pty Ltd. The purpose of this stage was to work out which places were worthy of a detailed heritage assessment. The assessment found 620 places were worthy of a more detailed assessment.

Stage 2: Detailed heritage assessment

The Stage 2 study was completed in June 2020 by heritage consultants Extent Heritage Pty Ltd. This study involved:

 A detailed assessment of the places short listed in Stage 1

 The assessment of extra places found through fieldwork

 Update of heritage descriptions of four places already in the Moreland Heritage Overlay.

The Moreland Heritage Nominations Study (Stage 2) was prepared in accordance with Heritage Victoria Guidelines, the Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter) and its guidelines. The study involved historical research, site visits and a research of existing heritage places and precincts in Moreland to assess the place against the National Heritage Convention (HERCON) criteria. The HERCON criteria is a standard measure of heritage assessment used across Australia. It includes criteria that consider historical significance, rarity and aesthetic characteristics of places.

The Stage 2 study found 340 places as being locally significant to Moreland. The study forms the basis of Amendment C208more and recommends including the following in the heritage overlay:

 44 individual places

 1 serial listing

 7 new precincts

 3 precinct extensions

The Stage 1 and Stage 2 MHNS can be viewed at [Amendment C208 Moreland Heritage Nominations Study Implementation](https://www.moreland.vic.gov.au/building-and-business/planning-and-building/strategic-planning/current-amendments/amendment-c208-moreland-heritage-nominations-study-implementation2/)

### Authorisation of Amendment C208more

On 17 September 2020 Council sought Authorisation from the Minister of Planning to prepare and exhibit Amendment C208more. On 24 September 2020 Council received a letter from the Department of Environment, Land, Water and Planning (DELWP) stating the amendment required further review. The review required Council officers to check and confirm which properties were subject to active planning permits.

Authorisation of the Amendment was granted on 9 July 2021 and included a number of conditions relating to:

 Minor edits to the Amendment documentation to reference the new Planning Policy Framework and fix administrative errors

 Removal of 18 Kendall Street Coburg from the Amendment despite a heritage assessment confirming that the property was locally significant to Moreland. This was on the basis that a planning permit had been issued for redevelopment of the land. The dwelling has now been demolished.

DELWP’s letter of Authorisation also noted that the State Government had an interest in the redevelopment of 31 The Avenue Coburg. Council was encouraged to contact Development Victoria before preparing the amendment documents for exhibition.

Council Officers met with Development Victoria representatives to discuss the future development of the land. The existing heritage significance of the Grove precinct and the proposed heritage overlay for the Moreland Secondary College and former Kangan TAFE Campus were discussed. Development Victoria was notified when the Amendment was on Exhibition. This provided them with an opportunity to put in a submission and be part of the Amendment process.

### Interim heritage controls – Amendment C207more

On 17 September 2020, Council requested the Minister for Planning to apply a heritage overlay to the places in the Moreland Heritage Nomination Study on an interim basis. This was to protect the places while the Amendment process was being undertaken. This request was granted on 30 September 2021 and a heritage overlay was applied with an expiry of 31 May 2022.

The expiry of these interim heritage overlays was extended by Amendment C220more on 26 May 2022 applying an expiry of 23 May 2023.

## 3. Issues

### Panel recommendations

The Panel recommended the Amendment be adopted as exhibited, subject to a number of changes.

This section provides a summary of the Panel’s five recommended changes, and an officer response to each proposed change. The Panel’s findings and recommendations are included in the Planning Panel Report.

| **Panel recommendation** | **Council Officer response** |
| --- | --- |
| **1. Delete the Heritage Overlay from:** |  |
| a) Duke Street Precinct (HO593) | This is consistent with Council’s adopted position post exhibition.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(a)*** |
| b) Walsh Street Precinct (HO599) | Council Officers do not support the Panel’s recommendation.  Panel outline that there may be a case for Walsh Street Precinct to be locally significant to Moreland as demonstrating the historical development in Coburg but that the Statement of Significance ‘barely’ addresses the important aesthetic qualities of the precinct. They further outline that 26 Walsh Street clearly contributes to the development of Walsh Street and should have been included within the Precinct in the Heritage Nominations Study.  Officers disagree with the Panel’s findings and recommendation not to proceed with HO599 at this time. It is considered that the precinct meets the threshold for aesthetic significance.  Further work to reconsider 26 Walsh Street’s inclusion in the precinct can be noted in the Heritage Action Plan.  **Council officer recommendation:**  ***Retain HO599 in the Amendment***  Close with solid fill***Note for the Heritage Action Plan, work that considers 26 Walsh Street Coburg’s inclusion in the precinct.*** |
| c) 151A Lygon Street, Brunswick East (HO505) | Council Officers support the Panel’s recommendation. The Panel considered that 151A Lygon Street has aesthetic interest, as an attractive small building in the jazz deco style but is not elevated to individual significance on its own.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(c)*** |
| d) Lorreto, 198 Edward Street, Brunswick East (HO552) | Council Officers support Panel’s recommendation. Panel considered Lorreto could well be a contributory place if within a precinct, however the heritage assessment does not provide adequate justification that it has importance as a representative example to warrant individual heritage value.  Future heritage work that considers the significance of Victorian Terraces as part of a wider cottage study should include this property. A heritage study for Victorian cottages will be noted in the updated Heritage Action Plan.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(d)*** |
| e) CERES Community Environment Park, 7 Lee Street, Brunswick East (HO559) | Council officers support the Panel recommendation.  The Panel outlined in their report that CERES Community Park is likely to have sufficient significance to justify the HO, and further work will help clarify the elements that need to be managed. This further work will then provide a clearer basis for assessment of future planning applications.  There is a low level of risk in not proceeding with the heritage overlay at this point in time as the site is not under any pressure for redevelopment and the land is under Council’s management.  Panel’s conclusion that further work to manage the heritage attributes of this site is being addressed in the Heritage Action Plan review.  **Council officer recommendation:**   Checkmark with solid fill***Support Panel’s recommendation 1(e)*** |
| f) Joe’s Market Garden, 131 Harding Street, Coburg (HO572) | Similar to CERES, the Panel outlined in their report that Joe’s Market Garden has sufficient significance to justify the HO and further work will help clarify the elements that need to be managed.  There is a low level of risk in not proceeding with the heritage overlay at this point in time as the site is not under any pressure for redevelopment.  The Panel’s conclusion that further work to manage the heritage attributes of this site is being addressed in the Heritage Action Plan review.  **Council officer recommendation:**   ***Support Panel’s recommendation 1(f)***  Checkmark with solid fill |
| g) 31 The Avenue, Coburg (HO580) | Council Officers support the Panel’s recommendation. The Panel outlined that the place being of Brutalist architecture is not in itself a reason for significance. They were not satisfied that the heritage assessment adequately demonstrated that this building displayed high quality aesthetic characteristics to elevate the building to the point of individual significance or importance.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(g)*** |
| h) 13 Ash Grove, Oak Park (HO586) | This recommendation is consistent with Council’s adopted position post exhibition.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(h)*** |
| i) 413 Gaffney Street, Pascoe Vale (HO590). | Council Officers support the Panel’s recommendation. The Panel outlined that a post war heritage study would provide the necessary context for determining whether 413 Gaffney Street, Pascoe Vale is of sufficient heritage significance to apply the Heritage Overlay. There is not adequate justification to consider the property of individual heritage significance.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 1(i)*** |
| 2. Remove 78 Albion Street, Brunswick East from the Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85). | Council Officers support this recommended change. The Panel recommended that 78 Albion Street be removed from the Amendment following submissions to the Amendment and an additional review by Council’s heritage expert at the hearing. This was based on the property’s position at the edge of the precinct and that it displayed uncharacteristic form and site history to the remainder of the contributory properties in and proposed for HO85, rendering it to have a non-contributory heritage value.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 2*** |
| 3. Amend the Statement of Significance for: |  |
| a) Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85) in accordance with the Panel preferred version at Appendix E1 of this report. | The Panel has recommended that the Statement of Significance be amended in accordance with the Panel’s preferred version attached as an Appendix to the panel report.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(a)*** |
| b) Coonan’s Hill Precinct (HO207) in accordance with the Panel preferred version at Appendix E2 of this report | Council Officer’s support this recommended change. The original house and front terracing at 487 Moreland Road have been demolished since the Study and preparation of the Amendment. The large bluestone retaining wall however remains. The Panel recommendation that the heritage value of 491 Moreland Road be non-contributory and also remain in the precinct is therefore appropriate. The typography, terracing and large retaining walls are a key feature of this heritage streetscape and retaining 487 Moreland Road in the precinct will ensure future development respects the heritage values of the Precinct and the adjacent contributory Moreland Road properties.  The citation and Statement of Significance will be updated as per Attachment 1, including correcting any incorrect spelling of the precinct name to Coonans Hill Precinct.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(b)*** |
| c) Hanover Street Precinct (HO594) to refer to 32 and 54 Hanover Street, Brunswick as non-contributory. | This is consistent with Council’s adopted position post exhibition. Both 32 and 34 Hanover Street have permits to build a new dwelling on the land. Panel recommended that since the dwelling at 32 Hanover Street had been demolished, its heritage value should change to non-contributory. An administrative error with referencing the wrong dwelling has occurred in the Panel Report. 34 Hanover Street is currently a vacant lot and 32 Hanover Street still contains the original dwelling.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(c)*** |
| d) 383 Brunswick Road, Brunswick (HO550) in accordance with the Panel preferred version at Appendix E3 of this report. | Officer’s support the minor grammatical edits to the Statement of Significance recommended by Panel.  The citation and Statement of Significance will be updated as per Attachment 1.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(d)*** |
| e) 113 Nicholson Street, Brunswick East (HO563) in accordance with the Panel preferred version at Appendix E4 of this report. | Officer’s support the minor grammatical edits to the Statement of Significance recommended by Panel.  The citation and Statement of Significance will be updated as per Attachment 1.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(e)*** |
| f) Coburg Market 415-423 Sydney Road, Coburg (HO577) in accordance with the Panel preferred version at Appendix E5 of this report. | Officers support the update of the citation and statement of significance to describe timber and steel trusses.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(f)*** |
| g) 28 McMahons Road, Coburg North (HO583) in accordance with the Panel preferred version at Appendix E6 of this report. | Officers support the modification of the citation and statement of significance to more accurately capture the physical characteristics of the place.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 3(g)*** |
| h) ‘Bluestone Retaining Walls, Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street and Xavier Street, Oak Park’ (HO585) to:   remove 64 Vincent Street, Oak Park from the map showing the Heritage Overlay curtilage   amend the wording of ‘What is significant?’ to state:  *The bluestone retaining walls at Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street (apart from 64 Vincent Street) and Xavier Street, Oak Park are significant.* | Removing the part of the HO adjacent to 64 Vincent Street from the curtilage map is consistent with Council’s adopted position post exhibition. Council Officers support Panel’s recommended approach to describe that the walls adjacent 64 Vincent Street are not significant in the Statement of Significance.  The citation and statement of significance will be updated as per Attachment 1.  **Council officer recommendation:**  ***Support Panel recommendation 2(h) with minor a change to the wording to clarify that the retaining walls are on public land and not on 64 Vincent Street.***  Checkmark with solid fill |
| 4. Amend the Moreland Heritage exemptions Incorporated Plan to:  a) show 29, 32 and 54 Hanover Street, Brunswick as non-contributory. | See recommendation 3 (c). This is consistent with Council’s adopted position post exhibition.  **Council officer recommendation:**  ***Support Panel recommendation 4 by amending the Moreland Heritage Permit Exemptions Incorporated Plan to show 29, 34 and 54 Hanover Street as non-contributory.***  Checkmark with solid fill |
| 5. Before adopting the Amendment, confirm and if necessary correct the Heritage Overlay number for the Coburg Velodrome at 30 Charles Street, Coburg North | The exhibited Statement of Significance incorrectly references the sites proposed heritage overlay as HO591 instead of HO582.  The Statement of Significance will be updated as per Attachment 1.  Checkmark with solid fill**Council officer recommendation:**  ***Support Panel recommendation 5.*** |

### Other Changes

##### Administrative error

It has been recognised that the 32 and 34 Hanover Street Brunswick (properties within the Hanover Street Precinct) have existing planning permits to construct a new dwelling. During the Panel process it was identified that the dwelling at 34 Hanover Street Brunswick had been demolished and the original dwelling at 32 Hanover Street still remains. Based on this, Officers recommended that 34 Hanover Street’s value be modified to non-contributory to reflect accurately the site’s contribution to the Precinct.

Panel in outlining this occurrence, has made an administrative error by referring to 32 Hanover Street as the site with the dwelling demolished and recommending the heritage value of 32 Hanover be modified. As the original dwelling at 32 Hanover Street still remains, it should retain its contributory heritage value to the precinct.

##### Precinct Extensions merged citation

During the Panel hearing, the Panel requested Council circulate a citation that merged the content of the Heritage Nominations Study with the current citation for Coonans Hill Precinct so there is only one citation to reference when seeking information about the extended Precinct. The Panel further outlined in their report that this is their preferred version.

With this in mind, Council Officers have updated the Moreland Heritage Nominations Study Volume 2 to include a final citation for the following three extended precincts that merged the existing citation with the work included in the Moreland Heritage Nominations Study:

 HO85 – Glenmorgan Street, Albion Street and Clarendon Street Precinct

 HO87 – Gordon Street and Devon Avenue Precinct

 HO207 – Coonans Hill Precinct

*Correct spelling of HO207*

The Panel identified that that HO207 was spelt in parts incorrectly as Coonan’s Hill Precinct, instead of Coonans Hill Precinct. The citation has been updated to correct all reference to HO207 as Coonans Hill Precinct.

### 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 notification carried out as part of the Amendment, the ability to be part of the Panel hearing process and the proposed overlay do not limit or interfere with any Human Rights, in particular ‘Section 13: The right to privacy and reputation’, ‘Section 18: The right to take part in public life’, and ‘Section 20: Property rights’. The following is noted:

 Council utilises existing personal information held by Council to ensure owners of affected and adjoining properties are notified. This is required by the *Planning and Environment Act* 1987.

 Any person may elect to take part in the process by providing a submission to the Responsible Authority.

 All submitters are invited to take part in the Panel hearing process and it is their choice if they wish to take part.

 No parties are deprived of any legal or proprietary interest in land, or the ability to use and develop that land in accordance with the planning regulatory framework.

 A person is considered to be deprived of their property rights if a regulation has the effect of substantially depriving a property owner of the ability to use his or her property or part of that property. Amendment C208 implements existing planning scheme policy.

It is considered that the proposed changes to the Moreland Heritage Overlay as set out in this Report will not have a direct or significant impact on gender equality.

## 4. Community consultation and engagement

Amendment C208more to the Moreland Planning Scheme was publicly exhibited for 7 weeks from 13 August 2021 to 1 October 2021.

As a result of public exhibition, 43 submissions were received. Council report 7.6 presented to the December 2021 Council meeting includes a detailed response to the results of exhibition and the process that was undertaken.

All submitters have been notified of the timing of this report.

## 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 associated with the Amendment are included within the Strategic Planning Unit operational budget.

It is anticipated that the amendment will come into effect in the 2022/2023 financial year. The inclusion of approximately 340 places within the Heritage Overlay by Amendment C208more is likely to generate approximately five additional planning permit applications annually. The impacts are expected to be minimal and can be managed within the existing resources of the Urban Planning Unit.

## 7. Implementation

### Amendment Process

The following timeline is broken down into key ‘decision gateways’ for Council. The timeline is approximate and subject to not only Council’s continued approval at key decision gateways, but also Ministerial approval timelines and Planning Panels Victoria reporting.

#### Decision Gateway 1: Authorisation and Exhibition (Completed)

***Decision Gateway 2: Submission review and referral to a Panel (Completed)***

***Decision Gateway 3: Review Panel report and final decision (this report)***

 September 2022: Report on the Panel’s recommendations and consider adoption of final version of the Amendment

 September 2022: Submit the Amendment to the Minister of Planning for approval

 March 2023: Anticipated approval by the Minister of Planning.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | C208more Gateway 3 - Changes to citations and Heritage Permit Exemptions Incorporated Plan maps | D22/397482 |  |

**7.2 2021-22 Financial Statements and Performance Statements**

**Director Business Transformation Sue Vujcevic**

**Finance Management**

**Officer Recommendation**

That Council, in accordance with the recommendations of the Audit and Risk Management Committee, and having considered Council’s Financial and Performance Statements for 2021/2022 Statements at Attachments 1 and 2 to this report:

1. Approves ‘in principle’ the Financial and Performance Statements 2021/2022;

2. Authorises the Mayor, Cr Mark Riley, Deputy Mayor, Cr Lambros Tapinos, and the Chief Executive Officer, Cathy Henderson, to certify the Financial and Performance Statements for 2021/2022 in their final form;

3. Notes the unrestricted cash surplus of $1.004 million transfers to the Significant Projects Reserve;

4. Carries forward the $2.066 million of tied grant funding or contributions that were not spent as at 30 June 2022;

5. Carries forward the $102,000 of operating projects into the 2022/23 Operating Projects Expenditure Program;

6. Carries forward the $25.089 million of capital project funds into the 2022/23 Capital Expenditure program;

7. Authorises the Principal Accounting Officer to implement any minor administrative changes to the Financial and Performance Statements for 2021/22 if recommended by the Auditor-General upon final review, for approval by the Chief Executive Officer.

**REPORT**

**Executive Summary**

Council’s Financial and Performance Statements (the Statements) for the 2021/22 financial year have been prepared and reviewed by the Victorian Auditor General Offices appointed auditor, RSD Audit and Council’s Audit and Risk Management Committee.

This report seeks Council’s ‘in principle’ approval of the Statements and the appointment of 2 Councillors and the Chief Executive Officer to sign the 2021/2022 Statements in their final form.

Council is reporting an accounting surplus of $47.978 million for the financial year 2021/2022. This accounting surplus includes items such as non-cash contributions, capital grants, loan redemptions and committed capital or operational expenditure for future years.

After excluding non-cash items included in the accounting surplus, capital expenditure and committed funding requirements, Council had an unrestricted surplus of $1.004 million.

It is recommended that Council commits the unrestricted surplus of $1.004 million to the Significant Projects Reserve.

**Previous Council Decisions**

Nil.

**1. Policy Context**

Section 99 of the *Local Government Act* *2020* (the Act) requires a Council to:

 Pass a resolution giving its approval, ‘in principle’, to the Financial and Performance Statements before they are submitted to the Auditor.

 Authorise 2 Councillors to certify the Statements in their final form, after any changes recommended or agreed by the Auditor have been made.

This report is in keeping with Council’s commitment to accountability and sound financial management.

**2. Background**

Preliminary audit work has been completed by RSD Audit, and Council officers have prepared a draft set of the Financial and Performance Statements for 2021/22 (the Statements) for submission to the Auditor-General in accordance with the Act (the Statements are included at **Attachments 1** and **2**.

RSD Audit has advised the Audit and Risk Management Committee that, subject to a review of the final version by the Victorian Auditor General’s Office (VAGO), it intends to recommend to the Auditor-General that Council’s 2021/22 Statements should be given confirming audit opinions without qualification.

The Financial Statements and Performance Statement have each been:

1. prepared by Council staff

2. reviewed by the Victorian Auditor General’s External Agent (RSD Audit); and

3. presented to the Audit and Risk Committee.

The following process is required to ensure Council’s 2021/22 Statements are submitted to the Auditor-General in a timely manner, enabling the Auditor-General to officially express their opinion and ensure that the annual report is presented to a council meeting (open to the public) by 31 October 2022.

 The draft statements have been reviewed by the Audit and Risk Committee on the 6th September and recommended to Council to approve in principle;

 RSD Audit checks the approved ‘in principle’ Statements, these statements are then forwarded to VAGO for review;

 Council must review the draft Statements, approve the Statements ‘in principle’ and authorise 2 specific Councillors and the Chief Executive Officer to sign the Statements; the ‘in principle’ Statements and the Council resolution are provided to VAGO;

 The Auditor-General reviews the Statements and requests changes where appropriate;

 The Principal Accounting Officer considers any changes requested by the Auditor-General and, where appropriate, incorporates them into the ‘in principle’ Statements;

 The Principal Accounting Officer will identify matters of significance, if any, including proposed qualification issues, not previously considered by the Council, for approval by the Chief Executive Officer in consultation with the Mayor and Deputy Mayor;

 If Council and the Auditor-General are satisfied with the Statements in their final form, the Statements are to be signed by the 2 authorised Councillors and the Chief Executive Officer, and forwarded to the Auditor-General;

 The signed Auditor-General’s Audit Reports will be issued to Council once the formally signed Statements have been received and checked by VAGO;

 The annual report must be presented to a council meeting (open to the public) by 31 October 2022.

**3. Issues**

**Key outcomes of the 2021/22 accounts**

Council is reporting an accounting surplus of $47.978 million for the financial year 2021/22. This accounting profit includes items such as non-cash contributions, capital grants, loan redemptions and committed capital or operational expenditure for future years.

**Significant income statement movements**

Major differences in the income statement compared to last year include:

**Revenue**

 Increase in rates and charges of $8.655 million. This was primarily driven by Council rates increasing by 1.5 per cent, the annualised impact of supplementary rates from 2020/21 and an increase in the waste charge due to the associated costs relating to the waste reform roll-out and increase in the landfill levy;

 An increase in statutory fees and fines of $3.539 million. This is primarily due to the easing of COVID restrictions;

 A decrease in grants operating of $7.774 million, primarily due to the Working for Victoria program ceasing in 2020/21; and

 Increase in grants – capital by $3.166 million primarily due to the revenue recognition of the Local Roads Community Infrastructure grant in 2021/22.

**Expenses**

 Decrease in employee costs of $7.945 million. This is primarily due the Working for Victoria program ending in 2020/21. This program employed 309.2 FTE on a 6-month temporary basis in jobs that supported the community during the coronavirus pandemic; and

 Decrease on the net loss on disposal of property, infrastructure, plant, and equipment of $2.320 million due to a reduction in the completion of capital works projects, resulting in a reduction in the disposal of assets.

**Capital works statement**

1. Council capitalised $56.660 million in the 2021/22 financial year as compared to $38.811 in 2020/21. Despite several large capital projects being uncompleted in 2021/22, this large increase is explained by the Glenroy Community Hub being capitalised in 2021/22.

**Cash flow statement**

Cash and cash equivalents reduced from $57.425 million in 2020/21 to $17.051 million in 2021/22. This is primarily due to $43.0 million in term deposits <90 days being converted to term deposits >90 days and subsequently being held as Other Financial Assets. There was also a significant early repayment of a loan ($8.0 million).

**Carry Forwards**

Base carry forwards include any grants or contributions that were received during the 2021-22 financial year, which have agreed spending obligations or conditions that have not been fully completed as at 30 June 2022. These are grants or contributions that do not meet the conditions or materiality threshold to be treated as a liability as per accounting standards.

Operating projects have a year-end carry forward position of $0.1 million.

The 2021/22 Capital Works Program saw a year-end carry forward position of $25.089 million. The third quarterly forecast was endorsed at the April 2022 Council Meeting which forecasted capital carry forwards to be $15.108 million. The year-end position was an increased carry forward position that was $9.981 higher than forecast. **Attachment 3** provides a breakdown of these carry forwards, when they are anticipated to be complete and what was the main cause of the delay.

**VAGO financial sustainability ratios**

Council uses financial sustainability ratios, as defined by VAGO to monitor trends and performance, and assess longer term financial risk. Result of Council’s performance against these ratios is outlined in the table below.

| **Indicator** | **2021/22** | **2020/21** | **2019/20** | **2018/19** | **2017/18** |
| --- | --- | --- | --- | --- | --- |
| **Net result (%)**  Net result/Total revenue | 19.3%  (Green) | 12.3%  (Green) | 14.1%  (Green) | 11.0%  (Green) | 26.4%  (Green) |
| A positive result indicates a surplus, and the larger the percentage, the stronger the result.  Council’s five-year average, being 16.6% is greater than 0%, this indicates Council’s ability to generate surpluses consistently.  (Long-term risk indicator: Green) | | | | | |
| **Adjusted underlying result**  Adjusted underlying surplus/Adjusted underlying revenue | 16.1%  (Green) | 4.7%  (Amber) | 18.0%  (Green) | 17.4%  (Green) | 17.7%  (Green) |
| Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business.  Council’s five-year average, being 14.8% is greater than 5%, this indicates that Council generates sufficient surpluses to fund operations.  (Long-term risk indicator: Green) | | | | | |
| **Liquidity (ratio)**  Current assets/Current liabilities | 3.62  (Green) | 2.41  (Green) | 2.63  (Green) | 2.13  (Green) | 3.48  (Green) |
| A ratio of one or more means there are more cash and liquid asses than short-term liabilities. A ratio greater than 1 means an entity can sufficiently fund its short-term liabilities.  Council’s five-year average, being 2.9, suggests that there are no immediate issues with repaying short-term liabilities as they fall due.  (Long-term risk indicator: Green) | | | | | |
| **Internal financing (%)**  Net operating cash flow/Net capital expenditure | 131.5%  (Green) | 104.3%  (Green) | 137.2%  (Green) | 74%  (Red) | 143%  (Green) |
| This measures the ability of an entity to finance capital works from generated cash flows.  As Council’s five-year average, being 118% is greater than 100%, this confirms that Council is generating enough cash from operations to fund new assets.  (Long-term risk indicator: Green) | | | | | |
| **Indebtedness (%)**  Non-current liabilities/own-sourced revenue | 12.7%  (Green) | 14.1%  (Green) | 13.5%  (Green) | 15.7%  (Green) | 21.3%  (Green) |
| The higher the percentage, the less the entity is able to cover non-current liabilities from the revenues the entity generates.  Council’s five-year average, being 15.5%, is well below the benchmark of 40%. This suggests that there are no concerns over the ability to repay debt from own-source revenue:  (Long-term risk indicator: Green) | | | | | |
| **Capital replacement (ratio)**  Cash outflows for property, plant and equipment/Depreciation | 1.72  (Green) | 1.42  (Amber) | 1.99  (Green) | 2.95  (Green) | 2.13  (Green) |
| Comparison of rate of spending on infrastructure with its depreciation. A ratio higher than 1 indicates that spending is faster than the depreciation rate.  Council’s five-year average, being 2.04, is well above the benchmark of 1.5, thus confirming that there is a low risk of insufficient spending on asset renewal.  (Long-term risk indicator: Green) | | | | | |
| **Renewal gap (ratio)**  Renewal and upgrade expenditure/depreciation | 0.95  (Amber) | 0.96  (Amber) | 0.79  (Amber) | 1.31  (Green) | 1.24  (Green) |
| Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. A ratio higher than 1 indicates that spending on existing assets is faster than the deprecation.  Council’s five-year average is 1.05, against a benchmark of 1.00. This may indicate insufficient spending on the renewal of existing assets if the focus is not maintained on this expenditure, however given the value of capital carry forward for the 2021/22 financial year, we expect this to correct in 2022/23.  (Long-term risk indicator: Green) | | | | | |

**Unrestricted cash surplus**

Council achieved an unrestricted cash surplus of $1.004 million for the 2021/22 financial year. This surplus is primarily due to reduced employee costs as well as higher than anticipated user fee income

It is important to note that Council’s restricted cash includes amounts required to complete carry-forward capital and operating projects, early payment of the 2022/22 Victoria Grants Commission allocation and other cash to be allocated to reserves.

It is recommended the unrestricted surplus of $1.004 million be committed to the Significant Projects Reserve.

**Audit and Risk Management Committee recommendation**

The Audit and Risk Management Committee met on 6 September 2022 to consider the draft Statements and recommended that:

 Council approves ‘in principle’ the Annual Statements for the year ending 30 June 2022;

 Council officers make administrative changes to the notes;

 Subject to review of the final version of the Statements, Council authorises the:

 Chief Executive Officer, Mayor and Deputy Mayor to certify the final version of the Statements;

 Principal Accounting Officer (Director Business Transformation) to implement any non-material changes to the statements as recommended by the Auditor-General and provide a summary of such changes to the Audit and Risk Management Committee at its next meeting. Any material changes will be discussed with the Chair of Audit and Risk Management Committee prior to being presented to Council; and

 Chief Executive Officer to send the statements to the Auditor-General.

**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. Community consultation and engagement**

Council’s Audit and Risk Management Committee examined the 2021/2022 Statements at its meeting on 6 September 2022.

**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 preparation of the Statements and the associated auditing fees are included in the approved budget and therefore do not have any further financial or resource impacts.

The outcome of the Statements, in particular the Auditor-General’s assessment of Council’s long-term financial sustainability will provide useful guidance for Council’s long-term financial planning.

**7. Implementation**

The Statements will form part of Council’s Annual Report and will be published on Council’s website. Council will publish a public notice announcing the report’s availability. It will also be formally received by Council at the October 2022 Council meeting.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | 2021-22 Draft Financial Statements | D22/399261 |  |
| **2** | 2021-22 Draft Performance Statements | D22/378510 |  |
| **3** | 2021-22 Finalised capital carry forward position | D22/385421 |  |

**7.3 Declaration of the Central Coburg Shopping Precinct Special Charge Scheme 2022 - 2027**

**Director Place and Environment Joseph Tabacco**

**City Strategy and Economy**

**Officer Recommendation**

That Council resolves that:

1. Having considered all submissions received and taken account of all objections and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act* 1989 (Act), and otherwise according to law, Council declares a Special Charge (Special Charge or Scheme) under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in (administratively only) providing funds to the incorporated body known and operating as the Central Coburg Business Association (CCBA) which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and CCBA, all of which are associated with the encouragement of commerce, retail, hospitality and professional activity, and employment in the Coburg Shopping Precinct.

2. The criteria which form the basis of the declaration of the Special Charge are the ownership or occupation (and the capital improved value (CIV)) of the rateable land within the Scheme area which is used, or reasonably capable of being used, for commercial, retail or professional purposes, together with their respective tiered benefit classifications as otherwise set out in this declaration. The land included in the Scheme is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this declaration are included.

3. In declaring the Scheme, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Moreland City, in particular the encouragement of commerce, retail, hospitality and professional activity, and employment within the area for which the Special Charge is declared.

4. The total cost of the performance of the function and exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total amount of the Special Charge to be levied by Council is referrable to the following:

a) For the first 9 months of the Scheme (being for the period 1 October 2022 to 30 June 2023), a pro rata amount of $155,280.39 (being an amount which is based on a 1.75 percent increase, pro-rata for three quarters, on the amount levied in the last year of the preceding special charge scheme) will be levied;

b) For the second year of the Scheme (being for the period 1 July 2023 to 30 June 2024), an amount of $210,665.15 (being an amount which is based on a 1.75 percent increase, pro-rata for four quarters, on the amount levied in the immediate preceding year) will be levied;

c) For the third year of the Scheme (being for the period 1 July 2024 to 30 June 2025), an amount of $214,351.79 (being an amount which is based on a 1.75 percent increase on the amount levied in the immediate preceding year) will be levied;

d) For the fourth year of the Scheme (being for the period 1 July 2025 to 30 June 2026), an amount of $218,102.95 (and being an amount based on a 1.75 percent increase on the amount levied in the immediate preceding year) will be levied; and

e) For the fifth year of the Scheme (being for the period 1 July 2026 to 30 June 2027), an amount of $221,919.75 (and being an amount based on a 1.75 percent increase on the amount levied in the immediate preceding year) will be levied.

These being amounts which, in total, will raise an amount of $1,020,320.03 over the 4 years and 9 months period of the Scheme.

5. The period for which the Special Charge is declared and will remain in force is a period of four years and nine months commencing on 1 October 2022 and ending on 30 June 2027.

6. The area for which the Special Charge is declared is all of the land referred to as the Central Coburg Shopping Precinct, as identified and shown on the plan set out in the attachment forming a part of this declaration (Attachment 1).

7. The land and the properties in relation to which the Special Charge is declared is all that ratable land described in the following street addresses and more particularly set out in Attachment 2 to this report:

a) 311-517 (inclusive) and 322-502 (inclusive) Sydney Road, Coburg;

b) 94-124 (inclusive) and 81B-133 (inclusive) Bell Street, Coburg;

c) 2-8 (inclusive) and 1-25 (inclusive) Munro Street, Coburg;

d) All properties in Louisa Street, Coburg;

e) All properties in Victoria Street, Coburg; and

f) All properties in Waterfield Street, Coburg.

8. The Special Charge will be declared and assessed in accordance with the amounts set out below as they are to be applied to each property in the attachment forming a part of this declaration (Attachment 2), such amounts having respectively been assessed and levied on the basis of a rate in the dollar applied to the capital improved value (CIV) of each property included in the Scheme (such values to be initially determined and as in force as at 1 April 2022 and remain unchanged until the Scheme ends); and

a) For the first 9 months of the Scheme (being for the period 1 October 2022 to 30 June 2023), the following amounts are specified as being payable by those properties in the following tiered benefit classifications (in order to raise a pro rata amount of $155,280.39):

i. Tier 1 (CIV $0 - $149,999.99) properties pay $210.62;

ii. Tier 2 (CIV $150,000 - $299,999.99) properties pay $281.59;

iii. Tier 3 (CIV $300,000 - $739,999.99) properties pay $331.19;

iv. Tier 4 (CIV $740,000 - $999,999.99) properties pay $466.27;

v. Tier 5 (CIV $1,000,000 - $1,999,999.99) properties pay $875.30; and

vi. Tier 6 (CIV $2,000,000 plus) properties pay $1,415.16,

b) For the second year of the Scheme (being for the period 1 July 2023 to 30 June 2024), the following amounts are specified as being payable by those properties in the following tiered benefit classifications (in order to raise an amount of $210,665.15):

i. Tier 1 (CIV $0 - $149,999.99) properties pay $285.74;

ii. Tier 2 (CIV $150,000 - $299,999.99) properties pay $382.03;

iii. Tier 3 (CIV $300,000 - $739,999.99) properties pay $449.32;

iv. Tier 4 (CIV $740,000 - $999,999.99) properties pay $632.57;

v. Tier 5 (CIV $1,000,000 - $1,999,999.99) properties pay $1,187.50; and

vi. Tier 6 (CIV $2,000,000 +) properties pay $1,920.49,

c) For the third, fourth and fifth years of the Scheme, the Special Charge payable by the properties in each of the above tiered benefit classifications will be based on an increase of 1.75 per cent percent on the respective amounts payable by the properties in the immediate, preceding year.

d) The levies, as they apply to each rateable property for Years 1 – 5 of the Special Charge Scheme, are included at Attachment 3.

9. The properties included in the Scheme will otherwise be subject to general revaluations and supplementary valuations on the same cycle as Moreland City Council general rates and charges.

10. The Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:

a) By 1 annual payment to be paid in full by the due date fixed by Council in the notice; or

b) By 4 instalments, to be paid by the dates which are fixed by Council in the notice.

11. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge, the viability of the Central Coburg Shopping Precinct as a business, commercial and retail area, and the value and the use, occupation and employment of the properties and the businesses included in the Special Charge Scheme area will be maintained or enhanced through increased economic activity.

12. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

13. CCBA is to be authorised to administer the proceeds of the Special Charge on the express condition that CCBA enters into a funding agreement with Council for the period of the Special Charge.

14. Council’s Director Place and Environment or the person for the time being acting in that position, for the purposes of paragraph 16 of this resolution, be authorised to prepare the funding agreement between Council and CCBA by which administrative arrangements in relation to the Special Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to CCBA, Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the Act to do so, and such funding agreement to be submitted to Council for signing.

15. Notice will be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 October 2022, outlining the following reasons for the decision:

a) Council considers that there is a broad level of support for the Special Charge from the owners and occupiers of all properties included in the Scheme;

b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act* 1989*,* having regard to its role, purposes and objectives under the Act, particularity in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;

c) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and

d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.

16. CCBA be advised of the matters specified in paragraphs 1, 13 and 14 of this resolution.

**REPORT**

**Executive Summary**

At its meeting held on 11 May 2022, Council resolved to commence the statutory process to reintroduce a Special Charge Scheme (the Scheme) for the Central Coburg Shopping Precinct (Precinct).

The purpose of the Scheme is to defray expenses in relation to the performance of a function of the Council, if Council considers that the performance of the function will be of benefit to the persons required to pay the special charge. The funds are then provided to the Central Coburg Business Association Inc (CCBA) to be used for promotional, advertising, marketing and business development expenses associated with the encouragement of commerce, retail, hospitality and professional sectors activity and employment in the Precinct.

If declared, the Scheme will remain in force for the period commencing on 1 October 2022 and ending on 30 June 2027 (being a period of 4 years and 9 months).

The land and the properties in relation to which the Scheme is to be declared is the land and properties shown in the Precinct boundary map at Attachment 1 and remains unchanged from the most recent Scheme, which ended on 30 June 2022.

For the period of the Scheme, a total of $1,020,320.03, will be levied by Council.

Following a Hearing of Submissions Committee meeting held on 1 August 2022, the Committee referred all submissions, objections and letters of support to be considered at the ordinary meeting of Council to be held on 14 September 2022.

The purpose of this report is for Council to consider the submissions and objections received by Council as a result of the statutory consultation process and to make a decision on the declaration of the Central Coburg Shopping Precinct Special Charge Scheme.

**Previous Council Decisions**

**Notice of Intention to Declare a Special Charge Scheme - Central Coburg Shopping Precinct**  – 11 May 2022

**That Council:**

1.*Notes the letter sent by Council to the owners and occupiers of the properties included in the Central Coburg Shopping Precinct (the Precinct) proposing the renewal of a Special Charge Scheme, and the letter received from Central Coburg Business Association Inc (CCBA) requesting the renewal of a Special Charge Scheme, and, having otherwise considered all relevant matters, commences the statutory process under the Local Government Act 1989 to reintroduce a Special Charge Scheme (Special Charge Scheme) for the properties within the Precinct which is estimated to raise an amount of $155,280.39 in its first year (with corresponding amounts, as set out in the proposed Declaration of A Special Charge, in the second, third, fourth and fifth years of the Scheme (as adjusted)), commencing on 1 October 2022 and ending on 30 June 2027.*

*2. In accordance with sections 163(1A) and 163B(3) of the Local Government Act 1989, publishes a Public Notice on Council’s website and in ‘The Age’ newspaper, of its intention to declare a Special Charge at its meeting on 14 September 2022 in accordance with the proposed Declaration of A Special Charge, the Special Charge to be for the purposes of defraying expenses to be incurred by Council in providing funds to CCBA, which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a part time Precinct Manager, promotional, advertising, marketing, business development and other incidental expenses as approved by Council, and agreed to from time to time between Council and CCBA, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Precinct.*

*3. In accordance with section 163(1C) of the Local Government Act 1989, sends separate letters enclosing a copy of the Public Notice to the owners and occupiers of the properties referred to and set out in the schedule of properties forming part of the Proposed Declaration of A Special Charge, advising of its intention to declare the Special Charge at its meeting on 14 September 2022, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Charge) will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of A Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Local Government Act 1989.*

*4. Advises CCBA of the matters specified in paragraphs 1, 2 and 3 of this resolution.*

*5. Appoints Councillor …………..as Chair, and appoints Councillors …………and ………………to a Hearing of Submissions Committee, established by Council under section 223(1)(b)(i), to hear any persons who in their written submissions under section 223 of the Local Government Act 1989 have requested they be heard in support of their submissions.*

*6. Authorises the CEO to set the time, date and place of the meeting of the Hearing of Submissions Committee to hear submissions in relation to Council’s intention to declare a Special Charge Scheme for the Central Coburg Shopping Precinct.*

*7. Authorises the Director Place and Environment:*

*a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Local Government Act 1989; and*

*b) To prepare a funding agreement between Council and CCBA to formalise the administrative operations of the Special Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to CCBA, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the Local Government Act 1989 to do so.*

*8. Directs that the agreement specified in paragraph 7(b) of this resolution is to be subsequently submitted to Council.*

**Governance Report – June 2022 – Cyclical Report** – 8 June 2022

*3. As part of the statutory process to renew the Coburg Central Shopping Precinct Special Charge Scheme, appoints Councillor Pulford as Chair, and appoints Councillors Carli Hannan and Bolton to a Hearing of Submissions Committee, established by Council under section 223(1)(b)(i), to hear any persons who in their written submissions under section 223 of the Local Government Act 1989 have requested they be heard in support of their submissions.*

**1. Policy Context**

**Moreland’s Community Vision (2021-2031) includes within Theme 4:**

*Vibrant spaces and places in Moreland: Moreland’s public and commercial spaces bring people together in diverse ways. Acknowledging the unique strengths in different areas of Moreland, the council and community support the development of vibrant hubs of arts, businesses and recreation.*

**A Strategic Objective in the Council Plan 2021-2025 (within Theme 4) is:**

To create welcoming, unique spaces and places across Moreland that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity.

Further strategies from the Council Plan include:

4.10 Increase local jobs and economic activity through supporting local, micro, and social business and partnership efforts

4.11 Make Moreland a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion, and inclusion to support the implementation of the Council Plan objective, the relevant yearly actions in Council’s Action Plan 2022-2023 are to:

**Revenue and Rating Plan (2021 – 2025)**

In relation to special charge schemes, Council’s Revenue and Rating Plan (2021 – 2025) states:

*Moreland City Council generally applies special rate/charge schemes to commercial centres. The purpose of these schemes is to ensure the future prosperity and viability of commercial centres across the Moreland City Council, and the special rates/charges are raised to assist Council in conjunction with business associations to carry out promotional, marketing and business development activities within commercial activity centres.*

**2. Background**

The establishment of a Special Rate or Charge scheme is governed by provisions in Part 8 of the Local Government Act 1989 (Act). These provisions remain in force alongside provisions in the *Local Government Act* 2020.

Section 163 of the Act provides that Council can declare a special rate, a special charge or a combination of both for the purposes of defraying expenses in relation to the performance of a function of the Council.

The Act allows Council to levy a special rate or charge on properties within a defined geographic area, if Council considers that those properties will receive a ‘special benefit’ from the expenditure of the funds to be raised by the special rate or charge (or combined special rate and special charge). It is likewise proper for Council, given its role under the Act, to perform functions which seek to encourage and promote employment and commerce within the municipality.

The proposed Scheme boundary map is at **Attachment 1** to this report and remains unchanged from the most recent Scheme, which ended on 30 June 2022. The Scheme includes 282 properties.

The land and the properties to be included in the Scheme are described in the following street addresses (and are more particularly set out in **Attachment 2**):

 311-517 (inclusive) and 322-502 (inclusive) Sydney Road, Coburg;

 94-124 (inclusive) and 81B-133 (inclusive) Bell Street, Coburg;

 2-8 (inclusive) and 1-25 (inclusive) Munro Street, Coburg;

 All properties in Louisa Street, Coburg;

 All properties in Victoria Street, Coburg; and

 All properties in Waterfield Street, Coburg.

A Central Coburg Shopping Precinct Scheme has operated since 1997. The most recent Scheme commenced on 1 October 2017 and concluded on 30 June 2022. The May 2022 Council report (item 7.3) outlined the activities undertaken by CCBA to expend the funds received.

On 17 March 2022 Council received a written request from CCBA to begin the statutory process to reintroduce the Scheme for a further five-year period from 1 July 2022 to 30 June 2027.

Given the timing requirements of the statutory process and to reduce the burden on businesses that backdating the Scheme to commence on 1 July 2022 would create, the officer recommendation was to commence on 1 October 2022 and end on 30 June 2027, making it a 4 years, 9 month Scheme.

The proposed Scheme has been modelled to raise $1,020,320.03 over the life of the Scheme.

The Scheme will be administered by Council and CCBA will act on Council’s behalf to expend the funds raised by the Scheme for the purposes listed. All requirements, reporting and performance measures are documented within a draft funding agreement between Council and CCBA (**Attachment 4**). CCBA will provide a Marketing Plan and Budget to cover the first nine months of the Scheme (Year 1) and then annually for the subsequent financial year periods (Years 2 to 5). The expenditure of the funds by CCBA must always be approved by Council in accordance with the funding agreement, and each annual Marketing Plan and Budget. CCBA are an incorporated association, managed by an elected Committee of Management.

In accordance with Council’s statutory obligations under the Act, a public notice outlining the details of the Proposed Declaration of a Special Charge Scheme for the Precinct was published in The Age newspaper on Friday 13 May 2022 and included on Moreland City Council’s website and the Central Coburg website. Copies of the Declaration were also placed at the Coburg Library and the Coburg Civic Centre.

Council also sent letters to all affected property owners and occupiers included in the proposed Scheme. The letters:

 advised of Council’s intention to declare a Special Charge Scheme for the Central Coburg Shopping Precinct;

 advised of the commencement of the statutory process;

 included a copy of the public notice;

 provided an estimation of the Special Charge levy amount that would apply to the property for the life of the Scheme; and

 offered the owner and/or occupier the opportunity to provide to Council by 24 June 2022, a submission in support or against the Scheme.

Council received a total of 9 submissions against the Scheme (8 objections and one submission suggesting an alternative approach that was later clarified at the Hearings of Submissions Committee Meeting to be an objection) and 108 submissions in support of the Scheme. A summary of submissions is included at **Attachment 5**. The 108 submissions in support of the Scheme were in the form of a proforma individually signed by a person on behalf of their business that was attached to a cover letter signed by the President of the CCBA.

A Hearing of Submissions Committee meeting held online on 1 August 2022 heard from persons who chose to speak in support of their submission. Four submitters attended to speak against the Scheme and two submitters attended to speak in favour of the scheme. A summary of proceedings is detailed at **Attachment 6.** One submitter who spoke against the Scheme raised additional issues not included in their original submission. These issues and officer’s responses are included in **Attachment 5.**

The Committee has referred all submissions and letters of support received to be considered at a Council meeting.

**3. Issues**

**Submissions to the Scheme**

A summary of the main issues raised by the submitters against the renewal of the Scheme, and the officer’s response, is provided below.

*Issue:*Businesses experiencing financial difficulties from COVID lockdowns, the effects of which continue to be felt, will face an additional financial burden from the proposed Scheme.

*Officer Response:* It is acknowledged that many businesses have suffered through the pandemic and are facing a challenging time considering the prevailing economic conditions.

To make the Scheme more affordable for businesses:

 the renewed Scheme is proposed to commence on 1 October 2022 and the special charge will not be payable from 1 July to 30 September 2022 quarter, providing a saving to businesses in this financial year; and

 the annual increase to the charge over the lifetime of the proposed Scheme has been capped at 1.75 per cent per annum; below the prevailing rate of inflation and offering a further saving to businesses that will accumulate year on year.

It is also noted that the activities of the CCBA that the Scheme funds is aimed at increasing patronage to Coburg central, which will assist businesses recover from the impacts of the pandemic.

*Issue:*Owners (rate payers) can be liable for multiple levy payments for one site that has multiple occupant tenants

*Officer Response:* Council rates properties based on occupancy. Section 13DC (7A) of the Local Government Act provides if a portion of a parcel of land on which a building is erected is occupied separately, or is obviously adapted to being occupied separately, from other land in the parcel, that portion must be regarded as forming a separate rateable property and must be valued accordingly.

Further, Section 158A of the *Local Government Act* 1989 provides if the Council levies a rate or charge on any land, Council must separately levy that rate or charge in respect of each portion of the land for which the Council has a separate valuation.

*Issue:*Owners of vacant properties do not receive any benefit from the Scheme but still have to pay the levy and in addition, they do not receive any rental income but still pay property expenses.

*Officer Response:* The issue of vacant shops is of concern to Council, and it does not wish to see vacant shop fronts and properties.

The Special Charge allows the Central Coburg Business Association (CCBA) to undertake a range of marketing, promotional and business development actions. The aim of these activities is to increase customer patronage and spending and shopping strip viability and vitality. In doing so, it is considered this will increase the viability of businesses in the centre, reducing the likelihood that a shop front will become vacant and increasing demand from new businesses to take out retail space tenancies; thereby helping to address the issue of vacant shops. It is also noted that Council is unable to finance or resource these activities to the extent that CCBA can, when funded from the Special Charge.

It is also noted that Council has adopted additional programs to address the issue of vacant shops. The adopted Moreland City Council 2022/23 Budget includes funding for a Vacant Shop Grants Program. While this grant program will be independent of the Scheme, it has been designed to complement the work undertaken by CCBA.

*Issue:* Lack of effectiveness of the Scheme

*Officer Response:* Since the Scheme was last renewed in 2017, Central Coburg Business Association has carried out a range of activities including but not limited to social media activities, events and promotions, preparing business profiles, working with store owners to improve the presentation of shop fronts, communicating and liaising with businesses, and supporting businesses during Covid. It is acknowledged that trading conditions have been and continue to be particularly difficult for many businesses. However, it is considered that is due to circumstances (e.g. the pandemic, changing consumer habits, inflation, etc.) beyond the control of CCBA and that the activities of CCBA will have helped to mitigate these impacts.

The Scheme must, however, continue to deliver benefit and that CCBA should continuously strive to maintain and improve its performance. To that end, Council’s draft 2022-2027 Funding Agreement (**Attachment 4**) for the renewed Scheme includes new targeted key performance indicators (KPIs) and funding agreement requirements that will monitor the effectiveness of the Scheme and guide the formation of CCBA’s Annual Marketing Plans.

Requirements upon CCBA will include:

 Reporting quarterly to Council against the KPIs;

 Providing annual reports for each year of the Scheme;

 Completing annual shop front vacancy audits and related business-type composition analysis, and providing a report of issues and impacts to Council;

 Undertaking two comprehensive surveys of businesses to capture up-to-date feedback on CCBA’s activities and performance and identify any changing conditions and emerging issues; and

 Distributing quarterly email newsletters to businesses to provide up to date information about CCBA activities and provide contact details for receiving feedback.

*Issue:* Special Charge payments that continued during the two years of COVID should be repaid or used for the proposed Scheme.

*Officer Response:* CCBA implemented strategies throughout the pandemic that continued to benefit businesses in the Precinct. These included:

 increasing social media activity and online promotion that supported businesses to operate through an alternative business model, encouraged shoppers to purchase locally online and when appropriate return to the Precinct;

 promoting a safe shopping strip to both businesses and potential customers by sharing the message that businesses were following COVID safe practices and creating awareness of the businesses that were open;

 running key cultural celebration events when regulations allowed

 creating tailored communications for businesses that simplified the government COVID messages; and

 employing a COVID Safe Officer who supported businesses to understand and meet the changing COVID regulations.

**Community impact**

A vibrant and busy shopping precinct supports local traders and improves community health and wellbeing.

Victoria has been severely impacted by the COVID pandemic through six lockdowns, job losses and employment insecurity. The restrictions caused significant disruption to the local Moreland retail sector and led to a reduction of foot traffic in local shopping strips.

CCBA continued marketing, promotion and coordinated programs during the pandemic. Through the efforts of CCBA during the pandemic, Central Coburg businesses were also provided with a communication channel to stay in touch with their consumers, to support the maintenance of ‘business- and precinct-to-consumer relationships; and to generate on-line sales.

**Climate emergency and environmental sustainability implications**

The matters outlined in this report have no direct climate emergency or environmental sustainability implications.

**Economic sustainability implications**

The funding agreement will include as a first choice that CCBA and Council will use local suppliers when possible within this Scheme.

**Legal and risk considerations**

The statutory process to reintroduce the Scheme is governed by the *Local Government Act* 1989 (sections 154, 163-166. 185 and 223). Council has followed and adhered to all statutory requirements.

Council has sought legal advice on any issues that have arisen throughout the consultation process and the process to declare the Scheme.

**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. Community consultation and engagement**

At Council’s ordinary meeting held on 11 May 2022, Council resolved to commence the statutory process to reintroduce a Special Charge Scheme for the Central Coburg Shopping Precinct under the *Local Government Act* 1989.

Community consultation has included:

 A public notice outlining the details of the Proposed Declaration of a Special Charge Scheme for the Precinct published in The Age newspaper and included on Moreland City Council’s website and the Central Coburg website. Copies of the Declaration were also placed at the Coburg Library and the Coburg Civic Centre.

 Sending letters to all affected property owners and occupiers included in the proposed Scheme to advise of Council’s intention to declare a Special Charge Scheme. A copy of the public notice was also provided that included an estimation of the Special Charge levy amount and offered the opportunity to provide a submission in support or against the Scheme.

 A Hearing of Submissions Committee meeting that heard from persons who chose to speak in support of their objection or submission of support.

**Affected persons rights and interests**

Before making a decision that affects a person’s rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or person’s) to convey those views. The process of the Hearing of Submissions meeting and consideration of all written submissions ensure that affected persons rights and interests are taken into account.

**Communications**

A range of communications have been sent by Council and CCBA to business and property owners impacted by the Scheme that relate to the renewal of the Scheme. These communications commenced in December 2021 as part of the consultation plan to gauge business support or otherwise for the Scheme and continued through the statutory 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**

Council collects the Special Charge from rate payers impacted by the Scheme. Council will appoint CCBA to be the agent of the Scheme in order to administer the full expenditure of the monies raised by the Scheme for promotional, advertising, marketing, business development and other incidental expenses associated with the encouragement of commerce, retail, hospitality and professional activity and employment in the Precinct.

The administration of the Special Charge Scheme requires Council officer time with input predominantly from the Economic Development Unit. The resources required to action this resolution are budgeted for within the current year Economic Development (ED) budget and will continue to be incorporated within the ED base budget for the duration of the Scheme.

The proposed Scheme is modelled to raise an amount of $1,020,320.03 over the four-years, nine-month period.

**Table 1: Summary of Special Charge amounts levied annually.**

| 1. Scheme Year | 1. Amount collected |
| --- | --- |
| 1. Year 1 (1 Oct 2022-30 June 2023) | 1. $155,280.39 |
| 1. Year 2 (1 July 2023-30 June 2024 | 1. $210,665.15 |
| 1. Year 3 (1 July 2024-30 June 2025 | 1. $214,351.79 |
| 1. Year 4 (1 July 2025-30 June 2026) | 1. $218,102.95 |
| 1. Year 5 (1 July 2026-30 June 2027 | 1. $221,919.75 |
| 1. **Total Levy collected over the term of the Scheme** | 1. **$1,020,320.03** |

**7. Implementation**

If Council resolves to declare the renewal of the Central Coburg Shopping Precinct Special Charge Scheme, it will deliver the following implementation plan.

**Table 2: Implementation Plan**

|  |  |
| --- | --- |
| 1. Dates | 1. Implementation Plan |
| 1. 15 September 2022 | 1. Advise CCBA of Council’s decision |
| 1. 20 September 2022 | 1. Send communications to ratepayers, businesses, property owners and submitters to advise of Council’s decision and next steps. |
| 1. 20 September 2022 | 1. Commence discussions with CCBA to achieve signing of the Funding Agreement, the timely receipt of the first CCBA Annual Marketing Plan and Budget covering the first nine months of the Scheme (Year 1) and the first CCBA invoice for the transfer of Scheme funds from Council to CCBA. |
| 1. 01 October 2022 – 30 June 2027 | 1. Scheme is in effect. |
| 1. October 2022, and then in July of each subsequent year (i.e. 2023 – 2026) | 1. All affected property and business owners receive an initial annual rates notice which outlines their levy payment. |

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Central Coburg Shopping Precinct Special Charge Scheme 2022-2027 - Property Boundary Map | D22/166859 |  |
| **2** | Central Coburg Shopping Precinct Special Charge Scheme 2022-2027 - Rateable Property Addresses | D22/166861 |  |
| **3** | Central Coburg Shopping Precinct Special Charge 2022 - 2027 - Rateable Properties Special Rate Levies Years 1 - 5 | D22/395777 |  |
| **4** | Central Coburg Shopping Precinct Special Charge Scheme 2022 - 2027 Draft Funding Agreement | D22/265808 |  |
| **5** | Central Coburg Shopping Precinct Special Charge Scheme 2022-2027- Summary of Written Submissions | D22/354549 |  |
| **6** | Central Coburg Shopping Precinct Special Charge 2022-2027 - Hearing of Submissions Committee - Summary of Proceedings | D22/329311 |  |

**7.4 41-43 Service Street, Park Close to Home - Engagement Outcomes and Final Park Concept**

**Director City Infrastructure Anita Curnow**

**Open Space and Environment**

**Officer Recommendation**

That Council:

1. Thanks community members for their feedback on the design for the Park Close to Home project at 41-43 Service Street, Coburg;

2. Endorses the final amended concept plan for the new park at 41-43 Service Street, Coburg as provided at Attachment 2.

**REPORT**

**Executive Summary**

In early 2021, Council commenced a three-stage community engagement process leading to the proposed design of the new Park Close to Home at 41-43 Service Street, Coburg. This comprised:

**Stage 1**: to seek community ideas for our new park over a five-week period (online engagement). This consultation used a ‘Word Cloud’ to prompt for responses on people’s aspirations for the park. Among the 84 responses, ‘green’ was a dominant theme: trees, shade, lawn, native planting. Play opportunities also featured: seating, shelter, a playground that is inclusive with a variety of play opportunities including nature and water play, for all ages and abilities. A community garden and references to local histories were also requested. This initial feedback was used to inform the draft concept plan for the park.

**Stage 2**: to seek community feedback on a draft concept plan (online, letter box drops and two onsite sessions). This received very positive responses (41 responses overall). There were constructive suggestions for amendments to the design that would aid neighbouring properties in feeling more comfortable regarding potential overlooking or noise issues. These were built into the plan.

**Stage 3**: to loop back on stage 2 with the modified concept plan (email to earlier participants and Conversations Moreland invited comment). With only two further interactions, the changes were well received by the community and detailed design is now underway to form the basis of the procurement and construction process.

The proposed final concept is now presented to Council for endorsement, prior to officers proceeding to detailed design and construction of the park.

The park will be delivered within the remaining available budget of $664,581.00. The project is planned to be completed by April 2023.

**Previous Council Decisions**

*There are no previous Council decisions considered relevant to this report.*

**1. Policy Context**

**Council Plan**

Theme 1: An environmentally proactive Moreland

Strategic Objective 1: To strive for maximum protection of people’s health, plants and animals through leading an urgent response to the climate emergency and a regeneration of our natural environment

Strategy 1.4: Strategically increase accessible and inclusive open spaces based on local needs and other priorities for parks, playgrounds, dog parks, sporting facilities, community gardens, eating, toilets, etc.

**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 2012-2022**

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**

The properties at 41-43 Service Street, Coburg are two former residential properties, comprising a total of 1,547m2, which Council purchased with the intent of transforming the site into a new park for the local community as part of Council’s Park Close to Home program. The purchase of these two sites and development of a new park addresses a medium priority gap area within the framework.

**3. Issues**

**Community Engagement**

Three stages of community consultation have been conducted for this project. Firstly, an aspirational consultation seeking the community’s ideas on what they would like in their new local park. Their ideas and suggestions helped form the concept design for the new park after which a second round of consultation was conducted to gain feedback on the proposed design.

A final amended plan was formed after this feedback and provided for public comment to close the loop with the community and check back in to make sure that the final revised plan is consistent with the feedback received.

A detailed Public Consultation Summary Report can be found at **Attachment 1** to this report.

**Consultation Stage 1 – Community ideas**

Council received 84 individual requests/suggestions from a combination of responses to the Conversations Moreland site, phone calls and emails received over the 5-week consultation period.

A word cloud containing a range of possibilities and ideas was provided as a prompt to respond to:

Text

Description automatically generated

The initial phase of consultation highlighted a strong desire for lots of ‘green’ comprising trees, shade, lots of seating, lawn, picnic facilities, nature play, shelter, nature/sensory play, habitat for native fauna/flora, a ‘community garden’ (veggie growing) and a focus on opportunities for both relaxation and socialising. In addition to an engaging play space, water play and inclusive play with wheelchair access, were specifically requested and flagged as important.

There were some requests for a dog park or dog off-leash consideration however, the relatively small size of the park and proximity to neighbouring residents does not suit this use. This request was therefore, not included in the design but dog facilities in the area will be considered in the context of planning for the refresh of the Moreland Open Space Strategy.

Public toilets were also requested and considered; however, this is this is a new ‘Local Park’ in the middle of residential Coburg and as such does not meet the requirements of Council Policy for new Public Toilets.

**Consultation Stage 2 – Outcome of engagement on the draft concept plan**

We received 31 written responses for the draft concept plan from the website and a further 10 emails. The majority of responses were supportive of design however, requests for screening and adjusting the location of the shelter were requested to address the potential privacy concerns of the residents neighbouring the south of the park.

The following key changes to the draft concept were made in response to feedback from the community:

 Extending the screening/trellis with climbers to 2.5m on Southern boundary of park. An additional small tree has been added between the fence and play equipment to assist with screening also.

 Shelter has been moved to the northern boundary. Swapping the shelter and raised veggie garden positions for better solar access to the veggie garden and less communal activity next to the southern boundary close to residents.

 Extra screening and planting on southern boundary

 Shade for the water play area

 Bike parking outside of the park

**Consultation Stage 3 – Outcome of engagement on the revised concept plan**

The revised design was then subject to a further round of consultation, to close the loop with the public and allow the community ask questions about the changes made to the design. The final concept plan received 2 email responses, and both were positive about the changes and excited to see this park come to life! No further changes are proposed to this revised concept plan.

**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 it has been determined that no rights have been impinged through the processes and outcomes discussed in this report.

**4. Community consultation and engagement**

The outcomes of the community consultation process have been outlined in section 3 of this report and are contained within the Public Consultation Summary Report (**Attachment 1** to this report).

Community consultation was undertaken using a combination of Council’s ‘Conversations Moreland’ webpage platform, direct mailing to surrounding properties within 600m radius of the project site, onsite signage and email notification for registered users of the Conversations Moreland webpage and other interested parties.

**Affected persons rights and interests**

Before making a decision that affects a person’s rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

For this project the key affected persons are those who live, work or own property in the nearby vicinity of the future park. Opportunity to be involved in the process has been advanced through public promotion of the project and the utilisation of a public website platform that is open to all members of the community.

Officers have also made themselves available throughout the process to speak with community members and respond to questions about the design and process for the project.

**Communications**

Stage 1 – Ideas Consultation period:

15 January 2021 – 22 February 2021

Forms of notification:

 A dedicated project consultation page was provided on the Conversations Moreland webpage. Users were able to provide their ideas for what they wanted in their new local park.

 Postcards were delivered to properties within 600m of the site to prompt people to contribute.

 Posters were also displayed on site.

Stage 2 – Draft Concept Consultation period:

12 January 2022 – 15 February 2022

Forms of notification:

 The draft concept plan and example images of park features and play equipment were provided on the Conversations Moreland webpage. Users were able to provide general feedback on the plan.

 Postcards were delivered to properties within 600m of the site to prompt people to contribute.

 Email notifications were sent to registered users of the Conversations Moreland Website platform and emailed to an ‘interested parties’ list formed from the initial consultation response.

 Posters were also displayed on site.

 Two on-site consultation sessions were held (Saturday, 22 January 2022 and Saturday, 5 February 2022) to communicate the concept with locals and to answer any questions in person.

Stage 3 – Final Concept Consultation period:

30 May – 22 June 2022

Forms of notification:

 The final concept design (**Attachment 2** to this Report) with a list of all changes in response to feedback were made available on the Conversations Moreland webpage. Users were able to ask questions of Council officers about the revised design.

 Email notifications were sent to registered users of the Conversations Moreland webpage platform.

 Posters were also displayed on site.

**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**

41 and 43 Service Street, Coburg were originally purchased by Council for $2,550,000 in April 2020. The funds required deliver the park were budgeted for within the 2020-2021 and 2021-2022 financial years. However, due to requirements for staff to prioritise other projects with external funding deadlines and COVID restrictions and outbreaks amongst staff in the Open Space Design and Development Unit over the last year, this project has been on hold and subsequently funds have been carried forward for delivery of this project in the 2022-2023 financial year.

A total budget for design and construction of $770,000 was allocated for the project and has been carried forward across the various financial years. With prior expenditure for demolition, site preparation and consultation activities, the remaining $664,581 is available and sufficient for the construction of the park in line with the final concept design.

**7. Implementation**

Subject to greater delays than anticipated, for the procurement of equipment and materials, the construction of the park is planned to commence in October 2022 and be completed by April 2023.

The Conversations Moreland webpage for the project will be updated to include the outcome of this report. A notification will be sent to registered website users who have subscribed for updates for this project.

Detailed design drawings will be prepared, and Officers will proceed to procure equipment and services required for the construction of the new park.

The webpage will be updated to include indicative timeframes for the construction of the new park and anticipated opening, once lead times for the procurement of equipment and materials are confirmed.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Park Close to Home - Service Street - Consultation Summary Report | D22/383519 |  |
| **2** | Park Close to Home - Service Street - Concept Plan Final | D22/383521 |  |

**7.5 Naming the Park at 132-134 Cardinal Rd Glenroy - proposed shortlist**

**Director Place and Environment Joseph Tabacco**

**Property, Place and Design**

**Officer Recommendation**

That Council:

1. Having invited the community to put forward suggestions for names for a new park at 132-134 Cardinal Road, Glenroy, establishes a voting poll on Council’s Conversations Moreland website and notifies submitters, owners and occupiers in the immediate community.

2. Endorses, for inclusion in a voting poll, the following five names for the new park:

a) ‘Bagung Djerring Park’,

b) ‘Citadel Park’.

c) ‘Stewart Murray Park’,

d) ‘Walert Park’,

e) ‘Yubup Park’ and

3. Receives a further report with the results of the voting poll, with a recommendation for Council to adopt a name for the park at 132-134 Cardinal Road, Glenroy.

**REPORT**

**Executive Summary**

A new park has been created at 132-134 Cardinal Road, Glenroy as part of Council’s ‘Park Close to Home’ project. A locality plan is shown in Attachment 1. This report proposes a shortlist of names for the community to vote upon.

An initial public consultation seeking naming suggestions for the new park was listed on Council’s website and letters were sent to surrounding properties for a period of 42 days, until 4 February 2022.

Two submissions were received, with only one suggesting a park name from this consultation process. Council officers also put forward one naming submission from a previous project. These two names; ‘Citadel’ to commemorate the previous site owners, the Salvation Army and ‘Bagung Djerring’ meaning Gather Together in Woi Wurrung language, were reported to the Council meeting held on 13 July 2022.

On 13 July 2022 Council deferred a decision on item 7.3 *Naming of Park at 132-134 Cardinal Rd Glenroy – Proposed Shortlist*, to extend the community consultation process to invite additional names, reconsider other possible names previously submitted for other naming projects, and then receive a further report in September 2022 to endorse for inclusion in a voting poll a list of names for the park.

Following this, on 1 August 2022 a second round of community consultation commenced on Council’s Conversations Moreland website. Further advertising was undertaken on Facebook, Instagram, public radio, to nearby local schools and community centres.

Previously submitted names from other naming projects have also been assessed and three names selected as meeting the naming rules and Council’s preference criteria for this park.

From the extended consultation, eleven new submissions were received. A list of the names suitable for this park from other naming projects and the names from both community consultation processes can be viewed in Attachment 2.

One of the names chosen from a previous naming project was also a submission received in the extended consultation process, this name is a commemorative name and family permission has been granted.

Council officers also re-consulted with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation for the proposed use of three indigenous names from previous naming projects for this park and permission has been granted.

The below five names have met the mandatory Geographic Names Victoria’s (GNV) Naming rules for places in Victoria, statutory requirements for naming roads, features and localities, and Council’s preference criteria in the Naming Moreland Places Policy (the Policy).

Council will consult with the community to understand their preferences via a voting poll. The names proposed to be included in the voting poll are:

 Bagung Djerring Park

 Citadel Park

 Stewart Murray Park

 Walert Park

 Yubup Park

The proposed process for carrying out the poll is in accordance with the Naming Rules. Access to the poll will be via Council’s Conversations Moreland website and written responses via email or letters will also be considered.

Once voting is complete, a further report will be presented to Council with the results and a recommendation for a new name to be lodged.

**Previous Council Decisions**

**Naming of Park at 132-134 Cardinal Rd Glenroy – Proposed Shortlist** - 13 July 2022

*That Council defers this item to:*

*1. Extend the community consultation process and further invites additional names to be submitted for the park at 132-134 Cardinal Road, Glenroy.*

*2. Reconsider other possible additional names previously submitted for other naming projects and provide a briefing to Council accordingly.*

*3. Receive a further report in September 2022 to endorse for inclusion in a voting poll a list of names for the park at 132-134 Cardinal Road, Glenroy.*

**1. Policy Context**

Submissions for naming must meet the mandatory naming rules and principles of *Geographic Names Victoria’s (GNV) Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2022* (the Naming Rules).

Submissions are also considered with preference given to Council’s Place Naming Preference Criteria as set out in *Naming Moreland Places Policy* (the Policy).

**2. Background**

A new park has been created at 132-134 Cardinal Road, Glenroy as part of Council’s ‘Park Close to Home’ project. A locality plan is shown in **Attachment 1**. This report proposes a new shortlist of names for the community to vote upon.

The procedure for naming the new park is being undertaken in line with the procedures outlined within the Naming Rules and the Policy.

On 10 August 2021 Council received a petition, “asking for the park to be named in a way that reflects the contribution The Salvation Army made to residents of all denominations and ethnic backgrounds, including our indigenous community in well over 50 years”.

An initial public consultation was conducted to seek names from the community, as outlined in the Policy. From this consultation, Council received two submissions, only one of which put forward a name for consideration: ‘Citadel’. The other submission requested a plaque to commemorate the early history of the site.

Council officers suggested an indigenous name, ‘Bagung Djerring’ meaning ‘gather together’ in the Woi Wurrung language be put forward for consideration also. This name was suggested for a previous naming project and permission to consider it for this project was granted from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

On 13 July 2022, Council deferred item 7.3 *Naming of Park at 132-134 Cardinal Rd Glenroy – Proposed Shortlist* to:

1. Extend the community consultation process and further invites additional names to be submitted for the park at 132-134 Cardinal Road, Glenroy.

2. Reconsider other possible additional names previously submitted for other naming projects and provide a briefing to Council accordingly.

3. Receive a further report in September 2022 to endorse for inclusion in a voting poll a list of names for the park at 132-134 Cardinal Road, Glenroy.

Following this decision, previously submitted names from other naming projects have been assessed for suitability. Three names have been selected as meeting the naming rules and council’s preference criteria for naming this feature. These names are: ‘John Murray’, ‘Walert’ and ‘Yubup’.

A second round of community consultation was also commenced with a fresh approach on Council’s Conversations Moreland website from 1 August to 19 August 2022. Further advertising was also promoted on Facebook, Instagram, Mayor’s message on public radio, and nearby local schools and community centres.

From this consultation, eleven new submissions were received. A list of the names suitable for this park from other naming projects and the names from both community consultation processes can be viewed in **Attachment 2**.

One of the names chosen from previous naming projects was also a submission received in the extended consultation process, ‘John Murray’, this name is a commemorative name and family permission has been sought and granted. Following research and discussions with the family, the recommended name to be put forward is ‘Stewart Murray’ as this is what the person being commemorated was commonly known as, rather than ‘John Murray’ his official name. Stewart was John Murray’s middle name.

Council officers have re-consulted with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation for the use of names ‘Bagung Djerring’ ‘Walert’ and ‘Yubup’ for the proposed use at this park.

The five names have been assessed against the Naming Rules and Council’s preference criteria within the Policy. These names are recommended for endorsement by Council before seeking the community’s response to these proposed names via a voting poll process. The eligible names are shown below.

**Naming submissions meeting requirements of the Naming Rules and the Policy**

|  |  |
| --- | --- |
| **Park Name** | **Explanation** |
| Bagung Djerring | Means ‘gather together’ in Woi Wurrung language.  This name was provided by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation to Council. |
| Citadel | To recognise the contribution the Salvation Army made to the local area. Citadels are places of worship/meeting for the Salvation Army. |
| Stewart Murray | John Stewart Murray enlisted in the Australian Imperial Force in 1941, volunteering to serve in World War II beginning in 1943 to discharge in 1946 and promoted to Lance Corporal in 1945.  Murray was an Indigenous rights activist, he became Victoria’s second Aboriginal justice of the peace and in 1984 he was awarded the (OAM) Order of Australia Medal.  Murray and his family moved to Glenroy in the mid 1950’s and were the only Aboriginal family and possibly the first in suburban Moreland. This house is still the home of Murray family. |
| Walert | Means ‘possum’ in Woi Wurrung language |
| Yubup | Means ‘parrakeet’ in Woi Wurrung language |

An assessment was conducted of the names against the criteria listed in the Policy. In the criteria table, a tick indicates the proposed name meets the identified criterion.

**Submissions assessed with Council’s preference criteria**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Name | Aboriginal / Koori Heritage | Community Group | Multicultural | Social / Historical | Women |
| Bugung Djerring | **✓** |  |  |  |  |
| Citadel |  | **✓** |  | **✓** |  |
| Stewart Murray | **✓** |  |  | **✓** |  |
| Walert | **✓** |  |  |  |  |
| Yubup | **✓** |  |  |  |  |

**Criteria explanation**

***Bagung Djerring***

Bagung Djerring meets the Aboriginal/Koori Heritage criteria of the Policy.

 Section 1: Council will encourage the use of traditional Aboriginal/Koori names.

***Citadel***

Citadel meets the Social/Historical criteria and the Community Group criteria of the Policy.

 Section 2: Preference is to be given to names that acknowledge the role of groups or communities within Moreland.

 Section 4: Preference will be given to names that acknowledge the important social and historical events which have fashioned Moreland’s character in particular to that belonging to the site’s geographical location.

***John Murray***

John Murray meets the Aboriginal/Koori Heritage criteria and Social/Historical criteria of the Policy.

 Section 1: Council will encourage the use of traditional Aboriginal/Koori names.

 Section 4: Preference will be given to names that acknowledge the important social and historical events which have fashioned Moreland’s character in particular to that belonging to the site’s geographical location.

***Walert***

Walert meets the Aboriginal/Koori Heritage criteria of the Policy.

 Section 1: Council will encourage the use of traditional Aboriginal/Koori names.

***Yubup***

Yubup meets the Aboriginal/Koori Heritage criteria of the Policy.

 Section 1: Council will encourage the use of traditional Aboriginal/Koori names.

**3. Issues**

As only one name was submitted during the initial consultation, Council deferred the endorsement of the shortlist of names to proceed to a voting poll. Instead, Council extended the community consultation process to invite additional names, also reconsider other possible additional names previously submitted for other naming projects and then receive a further report in September 2022 to endorse for inclusion in a voting poll a list of names for the park.

Following this decision, the community consultation process was recommenced with an additional approach and previously submitted names from other naming projects along with the submitted names have been assessed for the naming of this park.

The two key factors considered when shortlisting names for a voting process are whether a proposed name adheres to both the Naming Rules and the Policy. Council officers reviewed the naming suggestions against these requirements.

In line with the Naming Rules, a search of the names was conducted within the VicNames database to ensure that the names, or similar sounding names are not used within a 5 kilometre radius of the park location. All names were also checked to meet all other principles of the Naming Rules.

Council must obtain approval from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation for the use of indigenous names in the Woi Wurrung language. Council has consulted with the Wurundjeri Corporation for the proposed use of three names for the new park and permission to use these names have been granted.

For the use of commemorative names, permission must be sought from the family, permission has been granted for the use of one commemorative name for this park from the family of John Stewart Murray.

Names that have been proposed to be included in the vote meet both the Naming Rules and the Policy criteria. It is proposed that this shortlist of names be presented to the community via a public voting poll.

If Council resolves to change, or add to the proposed names before the vote, the names must be assessed against the Naming Rules and Criteria before they are advertised.

Once a public vote has taken place and consideration given to any objections, the name with the majority of votes will become the official name, subject to Council endorsement.

If Council then resolves to refine, change, or add to public voted name, then Council must then undertake another round of community consultation to determine community support for the name/s.

**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 the following basic rights and freedoms:

Section 14 - The right to freedom of thought, conscience, religion and belief: People have the freedom to think and believe what they want, for example, religion. They can do this in public or private, as part of a group or alone.

Section 15 – The right to hold an opinion without interference: People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

Section 19 – The right to enjoy culture: People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages. Aboriginal persons hold distinct cultural rights.

**4. Community consultation and engagement**

The first round of public consultation seeking names occurred on 24 December 2021 until 4 February 2022, for a six week period. A public notice was placed on Council’s website and letters were sent to owners and occupiers of properties within a 200 metre radius of the park site.

Initial consultation occurred with the following key groups as outlined in the Policy:

|  |  |  |
| --- | --- | --- |
| Brunswick Community History Group | Ceres Community Environment Park | East Coburg Community House |
| Northwest Neighbourhood House Network Inc. | Friends of Edgars Creek | Friends of the Merri Creek |
| Glenroy Neighbourhood Learning Centre | Lions Club of Glenroy | Merri Creek Management Committee |
| Friends of the Moonee Ponds Creek | Newlands Community House | Returned and Services League - Glenroy Sub Branch Inc. |
| Reynard Street Neighbourhood House | Rotary Club of Moreland | The Broadmeadows Historical Society Inc. |
| The Broadmeadows Progress Association | The Coburg Historical Society |  |

The extended public consultation ran from 1 to 19 August 2022. Via the Conversations Moreland website, all were invited to submit a name along with an explanation or in writing including via email and/or letters during this period. Further advertising was promoted on Facebook, Instagram, Mayor’s message on public radio on 5 August, a flyer displayed at the Glenroy Community Hub and Coburg Senior Citizen's Centre and sent via email to the following local schools and nearby community centres:

|  |  |  |
| --- | --- | --- |
| Glenroy Private School | Glenroy Specialist School | Glenroy Central Primary School |
| Glenroy College | Corpus Christi Primary School | Belle Vue Park Primary School |
| Northwest Neighbourhood House Network Inc | East Coburg Community House | Glenroy Neighbourhood Learning Centre |
| Newlands Community House | Reynard Street Neighbourhood House |  |

Council is required to consult with the community to ensure any chosen name will have community support. Should the shortlisted names in this report be endorsed by Council, these names will go to formal consultation via a poll.

The proposed process is in accordance with the Naming Rules and this process also meets the requirements of Council’s Community Engagement Policy 2020. The public voting poll process will be available for no less than 30 days on Council’s Conversations Moreland website and any written responses (including email and letters) will also be considered. One vote per household will be counted.

**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 will be met within the current budget.

**7. Implementation**

Following Council’s decision:

 A voting poll will be advertised on Council’s Conversations Moreland website and notification will be sent to surrounding properties for submitters to choose a name for the new park.

 Following the poll a further report will be presented to Council regarding the results of the voting.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Park Naming Cardinal Rd Aerial Mar22 | D22/380696 |  |
| **2** | Council Briefing and Report Attachment Park Naming in Cardinal Rd Glenroy | D22/377225 |  |

7.6 Children, Young People and Families Plan 2021-2025 - Implementation of Year 1 Actions

**Director Community Eamonn Fennessy**

**Early Years and Youth**

## Officer Recommendation

That Council notes the Children, Young People and Families Plan 2021-2025 annual review and implementation of Year 1 actions.

**REPORT**

**Executive Summary**

The Moreland Children, Young People and Families Plan 2021-2025 (the Plan) aims to improve health, wellbeing and educational outcomes for children, young people and families to enact the Plan’s vision of ‘a community where children, young people and families are healthy, resilient, empowered, safe and belong’.

The Plan’s associated Implementation Plan 2022-2025 details the actions and activities that will be undertaken in each of the Plan’s three outcome areas. The Plan takes a whole of Council approach in its implementation and seeks to engage children, young people and families in program planning and decision making. To fulfil the vision of the Plan, Council has continued to collaborate with community, partner organisations and the State Government to achieve the implementation of year 1 actions.

The annual review of the Plan highlights the volume and breadth of work undertaken despite the challenges of COVID, particularly to service delivery. The annual review has identified the achievements of the Plan in Year 1 of its implementation and are outlined in detail in **Attachment 1.**

**Previous Council Decisions**

**Children, Young People and Families Plan 2021-2025** - 9 June 2021

*That Council adopts the Children, Young People and Families Plan 2021-2025.*

**Children, Young People and Families Plan Implementation 2022-2025** - 13 April 2022

*That Council adopts the Children, Young People and Families Implementation Plan 2022-2025.*

## 1. Policy Context

The Plan aligns with key policy documents:

 Community Vision 2021-2031 (in particular, Theme 3: A Healthy and Caring Moreland, Theme 4: Spaces and Places in Moreland and Theme 5: An empowered and collaborative Moreland)

 Council Plan 2021-2025 (Major initiative and priority 21: Implement the Children, Young People and Families Plan)

 Council Action Plan 2021-2022 (Action 35: Implement Year 1 Actions of the Children, Young People and Families Plan).

The Plan aligns with and contributes to Council’s adherence to key legislative requirements:

 Victorian Child Safe Standards (in particular, Standard 3, 4, 5 and 6).

The Plan aligns with key international policy on the human rights of children and young people (0-17 years of age):

 United Nations Convention on the Rights of the Child.

## 2. Background

On 9 June 2021, Council endorsed the Children, Young People and Families Plan 2021-2025. The Plan provides an integrated strategy to improve the health, wellbeing and educational outcomes of children and young people aged 0-24 years and their families. The Plan was developed through extensive consultation with key stakeholders including children, young people, families, community members, local organisations and education providers. Consultation methods were diverse and targeted to ensure barriers to participation were reduced.

The Plan is structured with three key outcome areas:

 Outcome 1: Inclusive City and Community

 Outcome 2: Improved Health and Wellbeing

 Outcome 3: Lifelong Learning and Participation

In each outcome area, there are several strategic objectives that contribute to achieving the broader outcome.

On 13 April 2022, Council endorsed the associated Children, Young People and Families Implementation Plan 2022-2025 (the ‘Implementation Plan’). The Implementation Plan details the range of actions and activities developed through previous consultations that Council will undertake in collaboration and partnership to meet the objectives of the Plan.

An annual review of the Plan and associated Implementation Plan is undertaken on an annual basis to monitor progress and ensure that key issues impacting achievements are addressed. This Report highlights the key achievements following the Plan’s Year 1 annual review.

## 3. Issues

### Community impact

The implementation of the Plan continues to positively impact children and young people through their consultation and participation in decision making and program planning in matters that impact them.

### Climate emergency and environmental sustainability implications

The climate emergency continues to be raised as a significant concern by young people. Council has supported young people to advocate and take action on climate related issues. Council has supported children to increase their understanding and awareness of the climate emergency and environmental sustainability implications through activities with educational institutions.

### Legal and risk considerations

Council continues to operate in adherence with Victorian Child Safe Standards and ensures precautions are taken and risks assessed to support child safety. Due to the changing nature of contact with children and young people to an increasing online format, Council has developed an Online Engagement Policy and Procedure Manual which is adhered to in online service delivery with young people.

Council officers are exposed to the risk of COVID infection in face-to-face service delivery. To mitigate these risks, officers act in line with Council’s Occupation Health and Safety Policy and COVID Safe Plans.

### 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 have been found to positively impact the rights of children and young people. The Plan aligns with the United Nations Convention on the Rights of the Child and has a strong focus on access, inclusion, and participation. Children and young people’s voices are actively sought and included in decision making, upholding their right to be listened to when decisions are made that impact them.

## 4. Community consultation and engagement

In accordance with the Plan’s focus on increasing the involvement of children and young people in decision making, a range of engagement activities were undertaken with various projects during the Year 1 implementation of the Plan. Key opportunities for consultation and engagement were:

 **Youth Ambassadors**

The Youth Ambassadors have been regularly consulted both in-person and online to inform Council’s plans, polices and projects including the Fawkner Leisure Centre Development, review of the Disability Access and Inclusion Plan and the Renaming Project.

 **Intergenerational Project**

Both older people and primary aged children were consulted in the establishment of an intergenerational Art Project between Council’s Social Support Unit, Children’s Services Unit and Coburg Primary School. Participants were engaged in-person throughout the delivery of the program and their positive feedback will inform future intergenerational projects.

 **Children’s Reference Group**

Local primary school Principals were engaged and consulted both in person and a selected group via an electronic survey to inform the development of the Children’s Reference Group model. The next phase will involve children in developing, refining and testing the model.

 **Early Years Infrastructure Plan**

Parents, carers and early years service providers were consulted to inform the Early Years Infrastructure Plan. Feedback was sought via an electronic survey and small group online consultations.

### Communications

The Plan’s Year 1 implementation review and highlights of achievements will be communicated with community via social media and website updates.

## 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 funds required to continue the implementation of the Plan are currently resourced through existing operational budgets. Where additional funds are required for implementation of the Plan, they will be referred to the annual budget process for consideration or subject to external grants.

## 7. Implementation

The Plan’s Year 2 Review and highlights of achievements will be presented to Council in September 2023.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Children Young People and Families Plan 2022-2025 Year 1 Review | D22/376250 |  |

7.7 Human Rights Policy 2016-2026 (revised)

**Director Community Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council adopts the revised Human Rights Policy 2016-2026.

**REPORT**

**Executive Summary**

Moreland’s first Human Rights Policy was adopted in 2016 and in 2022 has been updated to reflect the changed social, political, economic, environmental and health context. This report outlines the process undertaken to revise the policy and the resulting key changes.

During 2021-22 a process to revise the policy was undertaken. This involved aligning the policy to new legislative frameworks; namely the Local Government Act 2020 and the Gender Equality Act 2020, identifying emerging trends and issues that impact on human rights and social justice, benchmarking the policy against other Local Government’s approaches, consulting staff around implementation and effectiveness and engaging community members.

The policy has been further strengthened by a stronger Acknowledgement of Country and recognition of First Nations people, updated context to account for Climate Change and Climate Justice, and a recognition of the impact of COVID-19 and greater inequalities.

Inclusion of updates on priority group descriptions in line with contemporary understandings and inclusion of ‘priority issues’. The policy also includes a stronger statement on Council’s role in advocacy.

Beyond compliance, Moreland Council takes a proactive approach to promoting a culture of human rights, valuing diversity and inclusion both internally at Council and in the community. Acknowledgement of Council’s role in working towards social justice and in providing conditions for all people to have access to opportunities and control over their own lives is an important addition to the revised policy.

**Previous Council Decisions**

**Moreland Human Rights Policy 2016-2026** – 13 July 2016

*That Council resolves to endorse the Moreland Human Rights Policy 2016 – 2026, subject to minor editorial amendments as required.*

## 1. Policy Context

The Human Rights Policy addresses health inequities which result from the unfair and avoidable differences in health outcomes and life expectancy across groups in society, as outlined in the Council Plan (p.10). The key themes and outcome areas all align with the Themes of the Council Plan:

 Empowerment and Participation – Theme 5 - An empowered and collaborative Moreland

 Equitable and Accessible Services – Theme 3 A Healthy and Caring Moreland and also Theme 5 - Empowered and Collaborative Moreland

 Accessible Places and Spaces- Theme 4 - Vibrant Spaces and Places and Theme 2 Moving and living safely in Moreland.

 Advocacy and Leadership - Theme 5 - An empowered and collaborative Moreland.

This policy aligns with Commonwealth, Victorian and Local Government policies and legislation, and aims to achieve consistency in Council’s approach to diversity. The policy also conforms to international Human Rights instruments which seek to protect the rights of all people.

The revised Human Rights Policy 2016-2026 is related to and aligned with following policies, plans, strategies and legislation:

• Charter of Human Rights and Responsibilities Act 2006

• Equal Opportunity Act 2010

• Racial and Religious Tolerance Act 2001

• Multicultural Victoria Act 2011

• Disability Act 2006

• Carers Recognition Act 2012

• Local Government Act 2020

• Gender Equality Act 2020

• Public Health and Wellbeing Act 2008

• Privacy and Data Protection Act 2014

• Change or Suppression (Conversion) Practices Prohibition Act 2021

• Moreland Council Plan 2021 – 2025

• Moreland Human Rights Policy 2016 – 2026

• Accessible and Inclusive Communications Policy 2021-2024

• Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland

• Affordable Housing Action Plan (AHAP) 2021 to 2022

• Living and Ageing Well in Moreland Framework

• Moreland Children, Young People and Families Plan 2021-2025

• Affordable Housing Action Plan (AHAP) 2021 to 2022

• Moreland Integrated Transport Strategy

• Disability Discrimination Act (1992)

• Victorian Disability Act (2006)

## 2. Background

In recognition of the changed social, political, economic, environmental and health context since the Human Rights Policy was developed in 2016, a process of revision was undertaken to ensure the policy remains relevant over the coming 5 years.

The revision process considered the extent to which the Human Rights Policy 2016–2026 provides a framework and objectives for the implementation of Council’s human rights obligations and where should Council efforts be prioritised over the coming 5 years. It also addressed how can the policy best respond to emerging.

The following developments provide an updated context for the policy from 2022 onwards.

 Climate change and climate justice - Since the development of the policy in 2016, it has become evident that climate change is a dangerous threat to people, plants and animals and there is a need for human rights and social justice to be considered within this context. Climate change does not affect everyone equally. People suffering from socioeconomic inequality feel the effects of climate change more than others. Council recognises that climate change is as much a symptom of inequality as it is a force that exacerbates it.

 *Local Government Act 2020* - requires Council to focus on community accountability and be guided by the overarching governance principles as well as legislates that “services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community” (sec 106 (2) a and b).

 *Gender Equality Act 2020* - to improve workplace gender equality in the Victorian public sector - which includes local Councils and strengthens Council’s requirement to provide equitable and inclusive policies/ programs/ services for the community.

 Foregrounding the rights of First Nations people and communities - recognising Australia’s First peoples and the right to self-determination for Aboriginal and Torres Strait Islander people is the foundation for all Council’s human rights and social justice commitments. It is important Council is proactive in getting ‘treaty ready’, to respond to, and participate with First Nations communities in truth telling processes and build on the partnerships with Wurundjeri Woi-wurrung and local Aboriginal and Torres Strait Islander communities.

 COVID-19 and greater inequalities - COVID-19 has exacerbated existing inequalities and will continue to impact on the opportunities, resources, health and human rights of communities around the world, and locally. The pandemic has affected businesses, increased demand for food relief, heightened social isolation and mental health issues, increased family violence and child abuse, provided challenges for volunteers and volunteering and highlighted the digital divide in the community. It has also revealed great resilience across Moreland and a strong sense of community.

The revised policy restates Council’s obligations as a public authority around human rights and associated legislation and reaffirms Council’s approach to embedding a human rights culture across Council and the Community. This involves working towards social justice, inclusion, diversity and equity.

## 3. Issues

In addition to the above-mentioned developments and trends, the policy provides the flexibility for Council to consider future needs of newly emerging priority areas, groups and issues not identified in the original policy. In the 2022 refresh, Council identified the following additional priorities when considering human rights:

• **An age and lifespan lens**, with attention to children, young people and older people - acknowledging the specific vulnerabilities associated with ages and stages across the lifespan. It is essential all ages have the rights, supports and access to resources to fully participate in community life and local decision.

• **Poverty, inequality and socioeconomic status** - a class or socioeconomic status lens, with particular attention to poverty and its impacts, people on low incomes and/or in housing stress and intergenerational disadvantage are essential when considering human rights.

• **Climate change and climate justice** - Climate change is one of the greatest threats facing humanity, but is also an opportunity to create a more just and sustainable world.

• **Issues exacerbated by COVID-19** – including addressing the digital divide between those who have access and can afford devices and the internet and those who don’t, community safety, particularly discrimination, racism, family violence and child abuse, all of which have been exacerbated by Covid-19. Mental health and wellbeing remain an ongoing concern for the community, embed a mental health lens of all Councils policies, plans, services and place initiatives pathways to employment need to be prioritised particularly for groups who face barriers to participation, access to healthy, safe, affordable food.

• **Carers, volunteering and civic participation (unpaid carers/contributions)** - Unpaid carers and volunteers contribute enormously to the community, economy and society. Council is committed to people who are caring for people with disability, for carers of older people and carers of children (parents, foster parents and particularly sole parents), and Council also acknowledges the importance of volunteering, as a way of realising the right to participate in public life, for people to contribute and gain skills and the role volunteerism plays in building resilient and cohesive communities.

In addition to inclusion of these priority issues, the policy has been strengthened to include:

• A stronger focus on social justice, equity, inclusion and diversity - a proactive and strengths approach to human rights

• Data on our community – updated from the 2021 Census

• Updated priority group descriptions in line with changing and evolving identities

• A stronger statement on Council’s role in advocacy - where a policy or law is harmful to the human rights of communities, particularly those in priority groups or where priority issues are impacted

• Council’s roles and responsibilities in implementing the policy

• A commitment to develop a monitoring and evaluation framework.

### Community impact

### The revised Human Rights Policy will lead to a stronger human rights culture at Council and in the community, which will result in communities realising their rights and greater access and inclusion, and more opportunities and participation for people from all backgrounds in the community. Furthermore, fewer human rights related complaints are expected as a result of proactive measures which reduce discrimination and human rights breaches.

### Climate emergency and environmental sustainability implications

Since the development of the policy in 2016, it has become evident that climate change is a dangerous threat to people, plants and animals and there is a need for human rights and social justice to be considered within this context. More extreme heatwaves, flash floods and loss of reliable seasonal rains are just some of the impacts hurting our communities and local environment.

In July 2022, the United Nations General Assembly declared that everyone on the planet has a right to a healthy environment. The General Assembly said that climate change and environmental degradation were some of the most pressing threats to humanity's future. It called on states to step up efforts to ensure their people have access to a "clean, healthy and sustainable environment." This follows on from the UN Human Rights Council declaring in April 2022 access to a "clean, healthy and sustainable environment" a human right.

Climate change does not affect everyone equally. People suffering from socioeconomic inequality feel the effects of climate change more than others. Council recognises that climate change is as much a symptom of inequality as it is a force that exacerbates it. The revised Human Rights Policy will assist Council to work towards climate justice.

### Legal and risk considerations

There is a risk that Council can be sanctioned for breaching Charter of Human Rights and Responsibilities Act 2006.

The Human Rights Policy is Council’s key policy to ensure that Council does not breach the Human Rights of a worker or member of the public.

The policy guides officers to continue to ensure that staff not only understand their obligations under the Human Rights Act, but they are also able to understand how this impacts the implementation of relevant policies and strategies.

Given the Human Rights Policy is underpinned by legislation that upholds the rights of people, it provides Council staff with a legislative roadmap for the favourable treatment of people from all backgrounds, thereby minimising the number and severity of human rights related complaints filed at Council.

### Human Rights Consideration

### The Human Rights Policy 2016–2026 provides a framework and objectives for the implementation of Council’s human rights obligations. It is aligned with the Victorian Charter of Human Rights and Responsibilities Act 2006.

The policy aims to meet Council’s requirement under the Charter of Human Rights and Responsibilities (2006) and promote social justice, diversity and inclusion across Council and in the community. A human rights assessment was not conducted as this is not a new policy.

**Gender Equality**

The revised policy includes reference to the Gender Equality Act 2021 and Council’s requirement to provide equitable and inclusive policies/ programs/ services for the community, and our obligation to promote gender equality in the workplace. Key to implementation is promotion an impact assessment tool to be integrated into planning for new or to be revised policies, programs and services with a direct and significant impact on the public. Further, mandating progress reporting every 2 years on gender impact assessments conducted and actions taken in response.

## 4. Community consultation and engagement

A range of community engagement methods were implemented for the Human Rights policy revision including the opportunity for public submissions via Conversations Moreland, the Human Rights and Inclusion Advisory Committee and associated committees, Council staff and other Councils. A diverse group of stakeholders participated in the process.

A total of 4 discussion sessions were held with members of the Human Rights and Inclusion Advisory Committee and associated reference groups. Members had the opportunity to shape the refresh process, input into changes to the policy and comment on the updated policy. The Human Rights and Inclusion Advisory Committee endorsed the policy, following their meeting on Thursday 18 August 2022.

There was an opportunity for community to make submissions into the Human Rights Policy refresh via Conversations Moreland between 27-07-2022 and 10-08-2022. Almost 300 people viewed the Conversations Moreland page, with a total of 8 submissions received. See **Attachment 2** for a summary of issues addressed by submitters.

Officers were consulted as part of the revised policy process across a range of teams from over 20 Council program areas. This input informed the policy revisions and will be used to form the implementation plan.

Twelve Councils were consulted to ascertain current practice across the Local Government sector and learn from good practice in human rights, social justice, equality and inclusion/diversity.

**Affected persons rights and interests**

The Human Rights Policy proactively identifies key rights and Council’s responsibilities in ensuring these rights are upheld, including the requirement for those most directly affected and provision of an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

## 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

Responsible units across Council will develop and cost actions within their annual planning and budgeting cycle. Where additional resources may be required, this will be sourced through grants, sponsorships, partnerships or a budget bid by the appropriate area of Council.

## 7. Implementation

A Human Rights Implementation Plan including goals, actions and responsibilities will be developed in consultation with staff, the Human Rights and Inclusion Advisory Committee and other key stakeholders. The Implementation Plan will be aligned with the goals of the Human Rights Policy and will be released as a separate document to coincide with the re-launch of the policy.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Human Rights Policy 2016 - 2026 Revised | D22/385346 |  |
| **2** | Human Rights Policy Consultation Outcomes\_ | D22/385101 |  |

7.8 Summer 2022-23 Sports Ground Tenancy Allocations

**Director Community Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council:

1. Allocates sports grounds and pavilions for the 2022-23 summer season to the clubs nominated in Attachment 1 to this report.

2. Notes that any club owing ground or pavilion fees from previous seasons, or with outstanding utility fees, will not be offered summer 2022-23 ground allocation until payment is made, or an agreed payment plan is in place, in accordance with the information in confidential Attachment 2, relating to seasonal allocations.

3. Notes that clubs will be required to provide all compliance documentation prior to receiving their summer 2022-23 sports ground seasonal allocation, including compliance documents.

4. Authorises the Director Community to make changes to the allocation of facilities for the duration of the 2022-23 summer season as required.

5. Notes current proposed junior and female participation levels in Attachment 1 at sports clubs contained within this Summer 2022-23 Sports Ground Allocations report.

**REPORT**

**Executive Summary**

Council has a strong commitment in providing its community with sporting and recreational facilities and opportunities, encouraging them to stay active to improve their health and wellbeing outcomes.

Council’s Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 (the Policy) provides a framework for the annual and seasonal allocation of sporting grounds and pavilions to clubs through a tenancy agreement.

In line with the Policy, facilities are allocated to clubs with sound governance structures, open membership for men, women and juniors, and a demonstrated commitment to social responsibility, including participation in club development programs.

Fourteen summer seasonal tenancy applications were received from clubs and all requests can be accommodated. This report also provides an update on progress of the club’s levels in junior and female participation. Several clubs are still in the process of submitting their compliance documentation which is required prior to receiving their summer 2022-23 sports ground seasonal allocation.

The Allocations Policy is currently being reviewed for Council consideration in late 2022.

**Previous Council Decisions**

**Summer 2021-22 Sports Ground Seasonal Tenancy Allocations** – 8 September 2021

*That Council:*

*1. Allocates sports grounds and pavilions for the 2021-22 summer season to the clubs nominated in Attachment 1 to this report.*

*2. Notes that any club owing ground or pavilion fees from previous seasons, or with outstanding utility fees, will not be offered summer 2021-22 ground allocation until payment is made, or an agreed payment plan is in place, in accordance with the information in confidential Attachment 2, relating to seasonal allocations.*

*3. Notes that clubs will be required to provide all compliance documentation prior to receiving their summer 2021-22 sports ground seasonal allocation, including COVID Safe Plans and compliance.*

*4. Authorises the Director Community Development to make changes to the allocation of facilities for the duration of the 2021-22 summer season as required.*

*5. Notes current proposed junior and female participation levels in Attachment 1 at sports clubs contained within this Summer 2021-22 Sports Ground Allocations report.*

*6. Notes that the Summer season start dates will depend largely on Victorian restrictions and Council Officers from Recreation and Open Space are working closely together with local Leagues and Associations to support grounds and clubs to prepare for the season.*

**2022 annual and winter sports facilities and grounds tenancy allocations –** 9 March 2022

*That Council:*

*1. Allocates sports grounds and pavilions for the 2022 annual and winter season to the nominated clubs shown in Attachment 1 to this report with the exception of Hosken Reserve EAST sports field, as its future use is to be decided at the April Council meeting, noting that the Pascoe Vale Soccer Club have used this field informally for many years.*

*2. Authorises the Director Community to make any changes necessary to the allocation of facilities for the 2022 annual and winter season.*

*3. Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, as outlined in Confidential Attachment 2 to this report, will be informed that no ground allocation will be granted until payment is made or a payment plan has been agreed to.*

*4. Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2022 annual and winter season.*

*5. Notes current junior and female participation levels at sports clubs contained within this 2022 Annual and Winter Sports Ground Tenancy Allocations report.*

*6. Requests officers to undertake a review of the Allocations and Use of Sporting Facilities, Grounds and Pavilions Policy (February 2016) for Council consideration in 2022.*

## 1. Policy Context

The Moreland City Council Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 (the Policy), together with the Sporting Facilities, Grounds and Pavilions User Guide (the User Guide) provide a framework for the allocation for Council’s sports facilities and outline the terms and conditions of use.

Council’s Sport and Active Recreation Strategy 2020 is closely aligned to Health and Wellbeing outcomes which are now integrated in the Councils Plan 2021-2025. It also closely aligns to the Moreland Open Space Strategy.

The Council Plan 2021-2025 includes the theme ‘Healthy and Caring Moreland’, with the key Strategic Objective being ‘To support Moreland to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services and facilitating local partnerships and programs.

The Victorian State Government recently released the Fair Access Policy Roadmap   
(2022). This Policy supports gender equitable access to, and use of, community sports infrastructure in Victoria. Moreland is well placed in adhering to the policy expectations of ensuring infrastructure is accessible, earlier than the first benchmark of 1st October 2024.

## 2. Background

At the Council meeting in February 2016, Council adopted the revised Use of Sporting Facilities, Grounds and Pavilions Policy. The revision of the Policy, together with the User Guide, outlines the terms and conditions of use for Council’s sports facilities.

It is a requirement of the Policy for facilities to be allocated to clubs who are registered as non-for-profit organisations, with sound governance structures, open membership for men, women and juniors, and a demonstrated commitment to social responsibility. This includes participating in club development programs. The policy also ensures that in leasing and allocating Council facilities, they will only be provided to clubs whose membership provides the following in their respective sporting codes:

* At least one junior team/side;
* At least one female team/side;
* Registered sport association development programs; and
* Female representation on club committee and/or board.

Priority leasing and allocation of facilities will be given to clubs that:

* Are inclusive of people with disabilities, and actively support juniors, females and people from culturally and linguistically diverse backgrounds (CALD) to participate in recreation;
* Demonstrated participation by Moreland residents;
* Comply with all previous occupancy requirements; and
* Completed approved capital work projects to the satisfaction of Council.

Clubs providing sport, recreation and physical activity opportunities must develop and demonstrate policies, strategies and active programs that increase the participation, general health and wellbeing of juniors, girls and women.

All fourteen summer seasonal clubs will field junior teams and girls/women’s teams for 2022-23 summer season and comply with the current policy.

## 3. Issues

**Capacity of Moreland’s sporting grounds**

Tenancy and allocation applications are considered firstly in relation to the capacity of Moreland’s sporting grounds, and secondly with respect to the club’s compliance to the Policy.

Council’s cricket facilities consist of the following number of fields:

 13 turf table wicket sports fields

 17 synthetic wicket sports fields

Each ground will have a different capacity for use, which is dependent on the sporting code played, age groups, team sizes, Sporting Associations competition schedule, season/weather, soil profile, grass type, irrigation, and drainage. Cricket will also have the added aspect of turf wickets, with each turf table varying in how many wickets can be used and prepared for competitions.

When assessing ground usage levels and capacities, Open Space Maintenance and Recreation Services refer to the Classification List and Recommended Hours of Use Per Ground which can be found in the [Sports Facilities, Grounds and Pavilions User Guide](https://www.activemoreland.com.au/-/media/recreation/lgas/activemoreland/documents/sport-in-moreland/sports-clubs-forms-and-policies/sporting-facilities-grounds-and-pavilions-user-guide-202223.ashx?la=en&hash=E4842B088BB05551999075792A20B6DEBD7C687F) (page 12).

**Sporting ground and pavilion allocation policy compliance - summer 2022-23**

A list of the fourteen clubs applying for a summer 2022-23 sports ground and pavilion allocation is listed in **Attachment 1** along with the participation levels of genders in juniors and seniors, including numbers of teams each club has. The data is requested as part of each club’s tenancy application prior to season starting.

For the upcoming 2022-23 summer season, all 12 cricket clubs have registered a female and junior team with their associated competition as part of each club’s tenancy application. Council officers have been liaising with the local cricket associations who have advised delays to season starting dates, which may impact team and player registrations. Actual team and player registrations will be confirmed by cricket associations prior to the commencement of the season.

Should any club fail to maintain a junior or female team for the 2022-23 season competition, the Policy indicates that they will be considered non-compliant, and Council will reserve the right not to allocate facilities for this upcoming season or provide access on a casual fee basis only.

### Community impact

Moreland clubs have submitted their proposed teams and ground requests for the upcoming summer season, with leagues and associations adjusting back to a standard season for competitions.

Due to the many interruptions to community sport over the past two seasons, managing the community’s expectations on summer usage will require targeted communication to ensure the community is informed.

A summary list of weekly ground allocations will be available for the community to view on the Active Moreland website.

### Capital Works Projects

Nine facilities will benefit from significant upgrades during 2022-23 which may affect club operations, training, and competition fixtures:

**Hosken Reserve (soccer)**

Implementation of the master plan with redevelopment of North and South pitches. The closure of both pitches will impact club operations, training and fixtures, and will require Council Officers to find suitable venues to relocate during the project.

**Richards Reserve**

The project will see a redevelopment of the current pitch which will impact access to the ground for training. Further planning is underway to determine project costs and likely timing.

**Martin Reserve**

This minor project will see the installation of new coaches’ boxes for the sports field, as well as a new scoreboard. The new infrastructure will enhance the venue and support the club’s operations on game day to deliver quality match day conditions for the sporting community.

**JP Fawkner East**

This project will see minor upgrades to the internal change rooms, amenities, and umpires’ change room to create female friendly spaces. This will impact club operations as they will be unable to access these areas while the project is carried out.

**JP Fawkner West**

This project will see minor upgrades to the internal change rooms, amenities, and umpires’ change room to create female friendly spaces. This will impact club operations as they will be unable to access these areas while the project is carried out.

**Sumner Park**

The pavilion upgrade at Sumner Park will see the transformation of the existing change rooms to create female friendly spaces. There will also be the construction of two additional female friendly change rooms, plus amenities, referee rooms, first aid room, and public toilets.

**Mutton Reserve**

This project will see minor upgrades to the internal change rooms, amenities, and umpires’ change room to create female friendly spaces. This will impact club operations as they will be unable to access these areas while the project is carried out.

**Wallace Reserve West (soccer/cricket)**

This project will see minor upgrades to the internal change rooms, amenities, and umpires’ change room to create female friendly spaces. This will impact club operations as they will be unable to access these areas while the project is carried out.

**Wallace Reserve East (soccer)**

This project will see minor upgrades to the internal change rooms, amenities, and umpires’ change room to create female friendly spaces. This will impact club operations as they will be unable to access these areas while the project is carried out.

### Climate emergency and environmental sustainability implications

The Moreland Sports Grounds Management and Maintenance Policy aims to provide guidance to Council staff, user groups and the community so that sports grounds can be sustainably managed to ensure an appropriate use, quality and service levels.

The ability of Council to provide safe playing grounds of a suitable quality for competition levels, and to maintain acceptable quality of playing surfaces is an important factor to consider. The type of use, age of users and intensity of use, level of competition and compatibility between the varieties of users is a major factor in Council being able to provide sport grounds which meet acceptable standards.

The management of each sports facility is also discussed regularly with clubs, to educate and facilitate the appropriate use of each sports field, pavilion, and other sports infrastructure (e.g. sports field lighting, training nets/facilities and turf wickets). Clubs play an integral role in reactive management of these facilities, with routine checks for safe playing surfaces, and mitigating risks for shared community use.

Sports field usage capacity is defined as the number of hours of use that a surface can sustain before it deteriorates to a point where short-term recovery is not achievable. Sports grounds have been classified into three broad categories with each type having an estimated usage capacity.

The usage capacities are the potential maximum hours of use which includes match play, training and casual use and may be modified by weather conditions, type of sport played, time of year, surface conditions (cover, turf-type, compaction etc.) and the level of maintenance.

In practice the actual usage of many sports grounds often exceeds the recommended usage capacity due to the ever-increasing demand for sports facilities. However, the surface quality of these sports grounds will continuously be monitored and cannot be guaranteed should recommended usage hours be exceeded.

Over the past 6 years Councils sport ground lighting upgrades have been undertaken with new LED lighting system in accordance with the relevant Australian Standards. Some of the benefits of LED lighting systems include much higher efficiency lamp sources. much lower electrical load (i.e. demand on supply) and energy consumption and typically 50,000 hours life of lamps, compared with typically 2,000 to 4,000 hours for a metal halide lamp.

Several reserves have rainwater tanks and water harvesting systems in place to reduce the consumption of water for irrigation programs. Several pavilions also have solar panels installed through club initiative and grants programs to support renewable energy.

### Economic sustainability implications

The clubs and associations applying for annual and summer allocations are non-for-profit organisations, predominantly operated by volunteers.

Clubs and associations are often experiencing volunteer fatigue, where the work of many falls on a few. The burnout of volunteers is a regular occurrence, impacting the information, skills and knowledge needed to maintain club operations. The ripple effects of COVID have had a lasting impact on who would normally have capacity to help, whether it be fear, or actual health risks. Officers are working with club committee members to address this and provide as much support as practical.

### Legal and risk considerations

The governance audit ensured clubs maintained their incorporation, as State Sporting Association insurance policies would deny indemnity to clubs that have allowed their incorporation to lapse putting Council at risk to cover injury claims.

### Human Rights Consideration

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. Access to sport and physical activity reflects Sections 12 and 18 of the Human Rights Charter which relate to freedom of movement and taking part in public life.

## 4. Community consultation and engagement

Summer applications opened on 6 July 2022 and closed on 3 August 2022. During this time, Council officers liaised regularly with clubs and associations providing advice and guidance on the application process, availability of facilities and grounds and answer questions from club committee members.

While all summer clubs have submitted their applications, registrations for players and teams have not yet been finalised by the relevant leagues and associations. State Sporting Associations and local leagues are responsible for managing the competitions Moreland clubs enter. Officers work closely with their staff to monitor team numbers, player registrations, competition conditions including COVID safe training conditions.

For the summer allocations 2022-23, the following associations will be consulted to confirm participation numbers the season:

 Cricket Victoria

 Softball Victoria

 Ultimate Victoria

To ensure Council can provide appropriate facilities, regular communication and consultation occurs internally to ensure suitability of facilities and grounds to meet competition standards. Supporting this, clubs communicate frequently with Council officers about their needs, and this is monitored as the season approaches.

**Affected persons rights and interests**

All ensuing actions will be progressed in a manner that does not adversely affect individual rights and interests.

### Communications

 All clubs and associations will be notified of the Council resolution within 14 days.

 Annual and winter allocations will be approved for each club or association via IMS Reserves Manager as soon as the Policy and application compliance is confirmed.

 A summary list of weekly ground allocations will be available to view on the Active Moreland website. This list is subject to change based on the seasonal requirements for ground usage (e.g. preseason, in season fixtures, finals).

## 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 estimated fees and charges income for the 2022-23 summer sports ground and pavilion allocations is $110,216.

All clubs owing money as shown in **Confidential Attachment 2** have been formally notified regarding their outstanding fees and will not be provided access to their allocated facilities until all accounts are paid or there is an approved payment plan in place.

**Outstanding fees**

Council officers monitor the payment of fees, and clubs with outstanding debts are advised that these debts could affect future ground allocations. All clubs with outstanding debts receive in writing a request to finalise payment. Relevant State Sporting Associations are also advised.

**Confidential Attachment 2** details current debtors at the time of this report. It is recommended that these clubs are not provided with an allocation until these debts have been paid.

## 7. Implementation

Officers will work with clubs to ensure any outstanding documentation is received and outstanding fees are paid prior to allocation confirmation. Once adopted, clubs will receive written notification of their allocation within 14 days.

Officers will continue to actively support clubs that do not currently comply with the requirements of the Policy to develop strategies and actions to establish female and junior teams.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Summer sports ground allocations 2022-23 | D22/373062 |  |
| **2** | Confidential Outstanding Debtors 2022-23  *Pursuant to section 3(1)(a) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*  *Outstanding debtor - to be resolved..* | D22/373064 |  |

7.9 Hockey Feasibility Study

**Director Community Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council:

1. Notes the Brunswick Hockey Club Second Hockey Field Feasibility Study, at Attachment 1.

2. Notes that Parker Reserve North Coburg and Macdonald Reserve Coburg are recommended by the feasibility study as possible sites for a second hockey field, subject to further consideration, community engagement and funding availability

3. Defers further consideration of this study until the second half of 2023.

**REPORT**

**Executive Summary**

In 2021, the Brunswick Hockey Club approached Council seeking support for the construction of a second synthetic hockey pitch. Council resolved in June 2021 to commission a feasibility report to investigate and identify a suitable location.

The report has now been received and is at **Attachment 1**.

The feasibility report recommends Parker Reserve in Coburg North and MacDonald Reserve as the preferred sites for further investigation. Costings in the report suggest $8 million - $12 million (depending on scope) for Parker Reserve, and $10 million - $14 million for McDonald Reserve (depending on scope). This significant scale project is not currently funded in Council’s forward capital works program and other projects would need to be deprioritised in order to fund it. Council continues to face significant financial pressure on its capital works program.

The costings in the feasibility report require further analysis and more detailed costings will be required to further inform the possibility of a second hockey field in Moreland.

The study also further highlighted the need for more detailed site planning particularly in relation to ensuring a greater analysis of the triple bottom line - environmental, social and economic - assessment of not only the playing field surfaces options but the social benefits of this project.

In addition, since this study was commissioned, Council resolved in August 2022 to request a report and development of a policy on managing sports fields and open spaces surfaces. a report to consider a policy regarding sports playing surfaces across Moreland. This report will consider Council’s current demand for, use and management of all sports surfaces – natural and synthetic - with consideration of Council’s stance on the Climate Emergency, Integrated Water Management, Urban Heat Island Effect and zero waste by 2030 goals.

This officer report recommends deferring decisions on the outcomes of the Hockey Feasibility Study until the second half of 2023. Between now and then, funding options can be investigated, the capital works program will be reviewed as part of the annual budget process, and the report on sports playing surfaces will be completed.

**Previous Council Decisions**

**Feasibility study for a second hockey pitch in Moreland** – 9 June 2021

*That Council:*

*1. Undertakes a feasibility study to identify a suitable location for a second synthetic/hybrid hockey pitch including all surface options within Moreland which would include a triple bottom line - environmental, social and economic - assessment of the pros and cons for the different playing field surfaces options.*

*2. Receives a report to determine whether Moreland has a suitable location for the establishment of a second synthetic/hybrid hockey pitch in Moreland.*

*3. Refers the funds required ($40,000) to action this resolution to the 2021/2022 budget for consideration.*

**Developing a policy regarding sports playing surfaces in City of Moreland**– 10 August 2022

*That Council:*

*1. Requests a report and development of a policy on managing our sports field surfaces in particular, and open spaces surfaces more generally, that gives consideration to our stance on the Climate Emergency, Integrated Water Management, Urban Heat Island Effect and our goal of zero waste by 2030, including:*

*a) Consideration of the triple bottom line principles of environmental, social and financial sustainability including new and emerging natural turf and soil management, soil organic carbon sequestration or carbon sink potential options and best practice turf management.*

*b) Consideration of the impact of other synthetic surfaces being used by other land users within the municipality (e.g., schools) on community wellbeing.*

*c) Tabling a report to Council by 30 June 2023, given the breadth and complexity of the imminent Open Space Strategy Review.*

*d) Noting the process will follow Council’s consultation and engagement processes with the community, including tools like Conversations Moreland, and submissions and throughout review process.*

## 1. Policy Context

This report aligns with key policy documents:

 Community Vision 2021-2031 (Theme 3: A Healthy and Caring Moreland and Theme 4: Spaces and Places in Moreland)

 Council Plan 2021-2025 (Strategy 3.3: Ensure Moreland residents are more active more often at all stages of life by providing a diverse range of accessible and affordable recreation opportunities that reflect our diverse community and develop and maintain partnerships to enhance participation options).

 Sport and Active Recreation Strategy 2020

 Increase participation by Moreland residents in sport and active recreation and foster strong relationships with local recreation clubs, associations, peak bodies and government agencies

 Ensure an adequate supply and distribution of good quality sporting infrastructure used in the most effective and efficient manner possible.

## 2. Background

In early 2021, the Brunswick Hockey Club approached Moreland City Council seeking support for the construction of a second synthetic hockey pitch in the municipality. A second pitch would include provision of supporting infrastructure such as lighting, parking and clubrooms to cater for growth in the club’s membership, to allow the club to run and expand its community programmes and to provide a safe, welcoming, and friendly environment for players, officials, spectators and their families.

The Brunswick Hockey Club was established in 1923, making it one of the oldest sporting clubs in the municipality. The club is also one of Melbourne largest with over 450 members with an affordable fee structure that encourages participation from many parts of the community. Since 2008 the Brunswick Hockey Club have been playing at Brunswick Secondary College synthetic hockey pitch which was constructed by Moreland City Council in partnership with the Department of Education and Training Victoria. The club leases two player changerooms and one umpire changeroom from the school. In 2017 the changerooms were modified to create a small canteen and small storeroom. These modifications were fully funded by the club. The synthetic field was refurbished by Council in 2018.

The club has enjoyed considerable growth particularly in the junior and women’s sections. Due to continued growth in player numbers the existing synthetic hockey pitch is now at full capacity for training, matches and active community programs.

## 3. Issues

In August 2022, Council requested a report and development of a policy regarding the future management of sports fields – both natural and synthetic – which considers climate change, environmental sustainability issues and other triple bottom line considerations.

Council is experiencing unprecedented demand for sports field allocations across the municipality for wide range of community sport. Demand for fit for purpose public open space that can support multiple values for the existing and forecast community will also be considered in a forthcoming review of the Moreland Open Space Strategy. The report into the development of a policy relating to sports surfaces will be an important input into this review.

Competition field hockey is only played on synthetic surfaces. Consideration of a potential second hockey field in Moreland needs to be considered in the context of the broader report and policy regarding the future management of Council’s sports fields.

Any further consideration of the feasibility study and suggested sites will require detailed community consultation and engagement.

### Community impact

The scope of the feasibility report did not include broader community and resident engagement however any further considerations of this report will consider the broader impacts on the community.

### Climate emergency and environmental sustainability implications

Competition field hockey is only played on synthetic grass fields. Whilst the environmental and social impacts have been outlined in the report (Attachment 1), Council needs to consider the broader impact of the introduction of synthetics at both the sites recommended in the study – Parker Reserve and McDonald Reserve.

### Human Rights and Gender Considerations

As this report was based on a feasibility study, the implications of this report have not yet been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. A gender impact assessment has also not been undertaken. Dependant on the outcomes of this report, both considerations will be a priority.

## 4. Community consultation and engagement

Broader community engagement was not in scope for this feasibility study. The Brunswick Hockey Club were asked for their comment on the suitability of sites recommended in the report (Attachment 1). Dependant on the outcome of the resolution a more targeted and extensive community consultation and engagement plan would be developed and the views of the community would be considered.

## 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

Council officers have provided advice that whilst the Quantity Surveyors costings are included in the report (attachment 1), they require further scrutiny.

Council’s forward capital works program does not include provision for this major project which could be $8 million - $15 million.

All levels of government are currently facing significant cost pressures on capital works costs. Inclusion of this project in Council’s forward capital works program would require other projects to be deprioritised.

## 7. Implementation

Subject to the outcome of this Council report, officers will commence ensuring this project is highlighted and further considered in the development of the forthcoming policy regarding sports field surfaces.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Moreland City Council, Brunswick Hockey Club, 2nd Hockey Field Feasibility Assessment, Draft Report, August 2022, V2 - word version | D22/382164 |  |

7.10 Hardship Policy

**Director Business Transformation Sue Vujcevic**

**Finance and Procurement**

## Officer Recommendation

That Council:

1. Adopts the revised Hardship Policy, at Attachment 1 to this report;

2. Writes to submitters to thank them for their submission and advise them of the outcomes of Council’s decision, including as it relates to their specific submission.

**REPORT**

**Executive Summary**

Council’s draft hardship policy was presented to Council at its meeting on 13 July 2022, for endorsement for community consultation. Council invited community submissions between 2 August 2022 – 16 August 2022 via Conversations Moreland.

Whilst the hardship policy was on display for community consultation, the COVID hardship policy was extended until 30 September 2022. This allowed Council to continue to assist residents with short-term payment deferrals.

To address the observations made in the Victorian Ombudsman’s “Review of Hardship - Local Councils” as published in May 2021 and to assist in recovery of our community following the impacts of COVID-19, Council has prepared a Hardship Policy (shown at Attachment 1), which is guided by the principles of:

 Transparency, efficiency, capacity to pay and equity by treating all debtors consistently and in a fair manner

 Customers are encouraged to utilise financial counselling, legal and other supports

 Legal action to recover debt should be the last resort.

At the close of the submission period, 4 submissions were received. A summary of the submissions received, together with Council Officer responses is provided in Attachment 2. This report does not recommend any further amendments to the draft Hardship Policy as a result of the submissions received, as summarised in the Issues section of this report and included in Attachment 2.

**Previous Council Decisions**

**Review of Hardship Policy** – 13 July 2022

*That Council:*

*1. Endorses the Draft Hardship Policy (provided as Attachment 1 to this report), for the purpose of community exhibition.*

*2. Invites feedback on the Draft Hardship Policy for the 10-day public consultation period from Tuesday 2 August until Tuesday 16 August 2022 at 5pm.*

*3. Makes the Draft Hardship Policy available on the Council website and hard copies available at the three customer service centres and all libraries.*

*4. Receives a further report at its meeting on 14 September 2022 outlining any feedback received on the Draft Hardship Policy; and presenting a final Proposed Hardship Policy for consideration for adoption.*

*5. Extends the application of the COVID Hardship Policy until 30 September 2022.*

## 1. Policy Context

**Victorian Ombudsman’s Review of Hardship – Local Councils**

With the COVID-19 pandemic threatening to increase financial hardship in the community, the Ombudsman launched an investigation into the issue in August 2020 (Report issued May 2021). The Victorian Ombudsman heard concerns from ratepayers, financial counsellors and community lawyers about the way local councils treat people who cannot afford their council rates.

Of the 79 Councils investigated, the review found that whilst some policies were good, some councils had policies that were inaccessible, and in some cases, unfair and wrong. Many people struggling to pay rates were told their only option was a payment plan, whereas the legal framework includes waivers and deferrals – which some councils have a blanket policy of refusing. Some councils took victim of family violence and those with mental health issues to court over unpaid rates, and people in hardship were charged penalty interest they could not pay back.

 96 per cent of councils have a hardship policy in some form but they vary greatly.

 77 per cent of councils published their standard hardship policy on their website. Information about hardship relief can be hard to find.

 48 per cent of councils do not include rate waivers as part of standard hardship policies and Councils do not always tell ratepayers their rates can be deferred or waived.

 26 councils limit use of deferrals as part of standard hardship policies.

 Many councils charge 10 per cent penalty interest even in hardship circumstances.

 97 per cent of councils use debt collectors.

 7 councils mention family violence in their hardship policies.

 Councils offered relief to ratepayers during COVID-19.

**Key Recommendations arising from the review:**

 Capping councils’ ability to charge high penalty interest.

 A stronger oversight of debt collectors.

 New laws requiring councils to publish hardship information making it easier for ratepayers to know their rights.

 Issuing standards for rates hardship relief, including where rates debts are associated with family violence.

 Legal action to be the last resort.

 It is likely that FinPro and/or LGV will provide guidance and a standardised Hardship Policy for consideration by Councils within the next 12 months. This is not expected to result in significant changes but may provide an opportunity for further alignment with other councils.

The full ombudsman report can be viewed [at](https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-how-local-councils-respond-to-ratepayers-in-financial-hardship/) <https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-how-local-councils-respond-to-ratepayers-in-financial-hardship/>

**Local Government Amendment (Rating Reform and Other Matters) Bill 2022**

An initial review of the *Local Government Legislation Amendment (Rating and Other Matters) Bill 2022* has been completed for changes that may impact the Draft Hardship Policy. The introduction of this Bill follows the earlier release of the Local Government Rating Systems Review and the Ombudsman's investigation into how local councils respond to ratepayers in financial hardship

The proposed Bill is still before Parliament and if approved, is not scheduled to come into effect until July 2023. Future review of Council’s Hardship Policy may be triggered through this legislative change.

Key Proposals included in the Bill include:

 New Division 4 – Payment Plans, inclusion of new definition and provisions which expanded current references to instalment plans, with a requirement to offer payment options before advancing debt collection and sale of land.

 Changes to the ability of Councils to pursue debt collection in the Magistrates Court and Sale of Land (ss 180, 181) to include payment plans and notifications.

Council Officers have reviewed the findings of the Victorian Ombudsman’s Review of Hardship and consider that our processes were amongst the better councils and the gaps were considered low. The existing underlying Debtor Management (Including Financial Hardship Policy) 2019 EMF–CL 2019 and information on the Council website provide for a transparent process. During the past two years, Moreland has encouraged the use of payment plans and accepted payment deferrals to support those in need. We withheld interest on accounts with special arrangement and have worked with our financial councillors to improve training and support by our teams.

The Draft Hardship Policy seeks to further improve our existing process and to improve transparency to anyone seeking assistance to access Hardship provisions.

The Draft Hardship Policy is aligned to the requirements S170-172 of the current *Local Government Act 1989* in relation to deferred payment, waivers and interest charged on unpaid rates. The Draft Hardship Policy also considers the implication of the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022 that is before Parliament by increasing the referral to legal action until the resident has failed to enter into payment arrangements with council for at least 24 months This is in alignment with the recommendations of the Ombudsman’s report.

## 2. Background

Council commonly enters transactions where payment is not received for provision of the goods and services or application of fines. Thus, Council provides credit to those parties from the time that the service or good is provided (or fine levied) until they pay the full amount due.

During that time, Council must recognise those parties as debtors.

In considering all aspects of debt collection, Council must consider that some debtors may be experiencing financial hardship and in the principles of fairness, transparency and equity, relief may be provided to those individuals.

Financial hardship is a circumstance of experiencing a lack of financial means, which may be either ongoing or temporary. Council’s existing Debtor Management (including Financial Hardship) Policy only allows for financial hardship experienced by a residential ratepayer’s primary residence.

The current COVID Hardship Policy expires on 30 September 2022. The COVID Hardship Policy was implemented as a temporary relief measure that was implemented in response to the need to support the community during COVID.

Prior to the COVID Hardship Policy, council policy did not provide for interest rate relief for residents with special payment arrangements in place and did not allow for special payment arrangements to be entered into by Commercial rate payers. The Draft Hardship Policy proposes to include these relief measures as an ongoing support mechanism.

## 3. Issues

The COVID Hardship Policy expires on 30 September 2022. The COVID Hardship Policy was a temporary relief measure that was implemented in response to the need to support the community during COVID.

The COVID Hardship Policy included several relief provisions that had not been included in previous hardship policies of council. Key features of the COVID Hardship policy included:

 special payment arrangements for both residential and commercial debtors

 interest holds on debt accumulated during the COVID-19 pandemic

 held off on all legal action for the collection of rates and charges. This does not include legal action to recover the payment of fines.

The Draft Hardship Policy (included at attachment 1) includes the continuation of many of the provisions that were included in the temporary COVID Hardship Policy on the basis that they align with good practice and the recommendations provided by the Ombudsman.

**Review Period**

The Ombudsman’s report has called for greater consistency in application of Hardship provisions across all councils. This work is still in progress, and it is likely that some further changes to the policy will result from the FinPro and/or LGV review of Council Hardship Polices however, the timing of any resulting reports is unknown at this time.

If the outcomes of these reviews are significant or if there are further changes to legislation, the Hardship Policy may require review and amendment accordingly. If no further changes are forthcoming, it is proposed that the Draft Hardship Policy will be reviewed in June 2032.

**Submissions received on the Draft Hardship Policy**

Council received 4 submissions relating to the hardship policy. A detailed listing of all submissions and Council officer comments are included in **Attachment 2,** which issummarised below:

1. Wanting further clarity on how large the debt before legal action is commenced (i.e. adding a dollar value threshold). Council Officers do not recommend further changes to the policy in response, as the policy already sets out that it is the length of time that triggers any legal action (rather than dollar value of the debt).

2. Seeking Council to include low-income health care card holds to receive a discount on rates (in alignment with pensioners). Council Officers do not recommend further changes to the policy in relation to further discounts or rebates on rates as it is in alignment with the state-wide rates concession scheme, which is funded and regulated by the State Government under the State Concessions Act 2004 (Vic) and administered by local councils. Additionally, Council currently supports pension and health care card holders by offering a 50 per cent rebate on animal registration, desexing for cats and subsidised desexing for dogs.

3. Positive support for the policy. No further changes recommended by Council Officers necessary, positive response is noted.

4. Positive feedback and seeing the policy as balanced as long as the theory of the policy matches what is practiced in terms of ‘up to scratch’ evaluation and monitoring of the policy. Council Officers do not recommend further changes to the policy as internal processes are utilised to ensure that outstanding debt is monitored and reported.

Refinements to the Draft Hardship Policy have already been made as a result of the Ombudsman’s report, prior to seeking community feedback in August.

**Affected persons rights and interests**

The rights of persons affected by Council’s decision have been provided with the opportunity to contribute their views through the Community Engagement process.

### Climate emergency and environmental sustainability implications

No implications.

### Economic sustainability implications

The Draft Hardship Policy allows for special payment arrangements to be entered into by both commercial and residential debtors.

### Legal and risk considerations

The Draft Policy ensures that customers are encouraged to utilise financial counselling, legal and other supports. Legal action to recover debt should be the last resort.

### 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 this Policy addresses the Human Rights considerations:

 The right to privacy and reputation

 The right to protection of families and children.

## 4. Community consultation and engagement

In accordance with Council’s Community Engagement Policy 2020 the Draft Hardship Policy requires engagement of the community at the level of ‘involve’ the IAP2 spectrum to prepare policies that impact the community on the Policies to be presented to Council for adoption.

The Draft Hardship Policy commended a public exhibition period on Tuesday 2 August until Tuesday 16th August via a digital submission form on the Conversations Moreland Page; four submissions were received as summarised in the Issues section of this report and also in **Attachment 2**.

Email address/phone numbers were provided as well, for those who do not wish to use the online form. Communication will include promotion via Social media, the My Moreland email newsletter, and website notice.

## 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 recommendations set out in this report responds to the difficulties being experienced by residential and commercial rate payers in Moreland and the vulnerability of the community during COVID. The recommendations proposed seek to balance the need for council to manage the debtor balances and impacts on council cash flow against the difficulties being experienced by residents.

The recommendations encourage residents to interact with Council to avoid penalties associated with non-payment of arrears.

The changes proposed in this report are not expected to materially impact the performance against budget for interest on arrears or on cashflow.

## 7. Implementation

Subject to Council’s decision, when endorsed, the revised policy will be uploaded to the internet as a public policy and communicated to relevant Council officers.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Hardship policy | D22/362550 |  |
| **2** | Draft financial hardship policy - community consultation | D22/348312 |  |

7.11 Review of Instrument of Delegation Council to Council Staff

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council, in the exercise of the powers conferred by section 11 of the *Local Government Act 2020* and the other legislation referred to in the attached instrument of Delegation:

1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment 1 to this report, the powers, duties and functions set out in that Instrument subject to the conditions and limitations specified in that Instrument and determines:

a) The instrument comes into force immediately the common seal of Council is affixed to the instrument.

b) On the coming into force of the instrument, the previous delegation to members of Council staff adopted 9 March 2022 is revoked.

c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**REPORT**

**Executive Summary**

This report proposes the updated instrument of delegation to Council in accordance with section 11 of the *Local Government Act 2020* (the Act).

Instruments of Delegation represent the formal and authorised delegation for powers of Council under the Act and enable the business of Council to be carried out efficiently and in line with Council approved policies. This instrument is essential to enable Council staff to effectively carry out operational duties, particularly in areas that involve enforcement, such as town planning, local laws, environmental health, building enforcement, asset protection, animal management and parking control.

Powers are delegated to a role or position title rather than to a person or name. Where there are changes to organisational titles, roles or responsibilities, or applicable legislation, the delegations require review, and are reviewed and updated biannually.

The proposed instrument at **Attachment 1** reflects changes in regards to legislative provisions (i.e. the *Planning and Environment Act 1987*) and changes to officer titles.

**Previous Council Decisions**

**Review of Instrument of Delegation Council to Council Staff** – 9 March 2022

*That Council, in the exercise of the powers conferred by section 11 of the Local Government Act 2020 and the other legislation referred to in the attached instrument of Delegation:*

*1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment 1 to this report, the powers, duties and functions set out in that Instrument subject to the conditions and limitations specified in that Instrument and determines:*

*a) The instrument comes into force immediately the common seal of Council is affixed to the instrument.*

*b) On the coming into force of the instrument, the previous delegation to members of Council staff adopted 13 October 2021 is revoked.*

*c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**Statutory Review of Instruments of Delegation** – 13 October 2021

*That Council:*

*…*

*3. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment 3 to this report, the powers, duties and functions set out in that Instrument subject to the conditions and limitations specified in that Instrument and determines:*

*a) The instrument comes into force immediately the common seal of Council is affixed to the instrument.*

*b) On the coming into force of the instrument, the previous delegation adopted 14 April 2021 to members of Council staff is revoked.*

*c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

## 1. Policy Context

Section 11 of the Act and the other legislation referred to in **Attachment 1** set out the Power of Delegation and that a Council may by Instrument of Delegation delegate any power, duty, function under this Act or any other Act other than a power, duty or function specified.

## 2. Background

The delegation of powers, duties and functions is essential in enabling Council staff to effectively carry out operational duties and day to day management decisions particularly in areas that involve enforcement, such as town planning, local laws, environmental health, building enforcement, asset protection, animal management and parking control. Delegations are conferred to a role or position title, rather than to a person or name, and are reviewed and updated biannually, pending legislative or organisation change.

Council utilises the Maddocks Lawyers subscription service aimed at assisting councils in the effective allocation and control of decision-making powers via its delegations.

The service provides councils with template instruments of delegation to properly delegate their powers, functions and duties under State legislation to members of council staff. The service covers a broad range of Victorian Acts and Regulations under which councils have powers and responsibilities which they are able to formally delegate.

The proposed Instrument of Delegation (**Attachment 1**) considers legislative changes which have occurred since Council last adopted this delegation in March 2022.

## 3. Issues

**Changes to the Instrument of Delegation from Council to members of Council staff**

The current Instrument of Delegation from Council to members of Council staff was adopted by Council in March 2022.

The proposed instrument at **Attachment 1** reflects changed legislative provisions and/or officer titles across the organisation. Amendments are notated in the attachment.

Changed legislative provisions in the proposed instrument only relate to the *Planning and Environment Act 1987* and include:

 Section 4I of the Act has been amended to refer to the duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with the public available requirements.

 Amendment of a typographical error at s 14 of the Act.

 Sections 18, 21(2), 26(2) and 46V(3) of the Act have been amended to include a note as to the period the documents must be made available in accordance with the public availability requirements.

 Section 22(1) of the Act has been amended to clarify which submissions must be considered.

 Section 22(2) of the Act has been inserted in two parts, which relate to the power to consider late submissions and the separate duty to consider late submissions.

 Section 46GZF(3) removes reference to s 46GZF(3)(a) from delegation.

 Sections 46V(4), (5) and (6) of the Act have been included with respect to the Melbourne Airport Environs Strategy Plans.

 Sections 84(6) and 86 amended to replace ‘working days’ with ‘business days’.

 Section 96J of the Act has been amended to refer to the duty rather than as a power.

 Section 185B of the Act has been inserted, which relates to the duty to comply with a request from the Minister for information.

This Instrument will be reviewed again in February/March 2023 in line with the biannual subscription schedule and subjected to any changes, presented to Council in March/April 2023.

### Human Rights Consideration

The review of Council’s delegations has been assessed and undertaken in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006* and do not impact on any of the protected rights or freedoms.

## 4. Community consultation and engagement

The Chief Executive Officer, Directors, Managers and relevant Council officers were consulted in the review and preparation of the Instrument.

## 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 no financial or resource implications in the preparation and adoption of the revised Instruments of delegation.

## 7. Implementation

Subject to Council’s decision:

 The Instrument of Delegation at **Attachment 1** (Council to ‘s of staff) of this report will be executed, communicated to Council staff (including but not limited to the delegates), and made publicly available on Council’s website.

 Council’s Public Register of Delegations held and maintained in accordance with section 11(8) of the Act, will be updated and published on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Proposed Instrument of delegation - Council to Members of staff - September 2022 | D22/348638 |  |

7.12 Governance Report - September 2022 - Cyclical Report

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the reports from Advisory Committees to Council, at Attachment 1 to this report.

2. Accepts the recommendation from the First Nations Advisory Committee meeting of 21 July 2022 and advocates to the State Government in relation to securing the Ballerrt Mooroop site in Glenroy for on-going community uses, with the support of the Wurundjeri Woi-wurrung Traditional Owners.

3. Accepts the recommendation of the Arts Advisory Committee meeting of 4 August 2022 and in accordance with the Moreland Arts Acquisition and Collection Development Policy, approves the purchase of the following artwork for the Moreland Art Collection:

a) Hayley Millar Baker, *I Will Survive 2 & 5,* $5,909.09 each

b) Hootan Heydari, *Nostograph 1*, $1,750

c) Raafat Ishak, *Cairo*, $6,818.18

d) Vicki Couzens, *noombapee*, $1,500.

4. Accepts the recommendation of the Arts Advisory Committee meeting of 4 August 2022 and in accordance with the Moreland Arts Acquisition and Collection Development Policy, accepts the donation of the following artwork for the Moreland Art Collection:

a) Alana Holmberg, *Porch Diaries*, artist donation

b) Jazmina Cininas, A two-legged dingo stole Lindy’s tears, artist donation

c) William Kelly OAM, *Violence to Non-Violence: Prints from the Peace Project folio*, donation from the Sidney Myer Foundation.

5. Accepts the recommendation of the Human Rights and Inclusion Advisory Committee meeting of 18 August 2022 and:

a) Endorses the organisational members to the Human Rights and Inclusion Advisory Committee as:

 Merri Health

 Welcoming Cities

 Brotherhood of Saint Laurance.

b) Endorses the Reference Group representatives as:

 Lauren Henley – Age-Friendly Reference Group

 Maeve McLennan and Ciri Stanek – LGBTIQA+ Reference Group

 Mellem Rose – Disability Reference Group

 Tamanah Rahim and Linda Kader – Gender Equality Reference Group.

c) Endorses the reduction of Human Rights and Inclusion Advisory Committee members from 13 to 12 members.

6. Notes the Records of Meetings, at Attachment 2 to this report.

7. Notes the Record of Meetings of Council Representatives with Elders from the Traditional Community and community members to discuss the renaming of Moreland City Council, at Attachment 3 to this report.

8. In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*:

a) Appoints and authorises Council staff referred to in the Instrument at Attachment 4 of this report, as set out in the instrument.

b) Determines the instrument comes into force immediately, the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.

c) Authorises the affixing of Council’s common seal.

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

a) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

d) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**REPORT**

**Executive Summary**

The Governance report is prepared as a monthly standing report to Council which provides a single reporting platform for a range of statutory compliance, transparency, and governance related matters.

This Governance report includes:

 Reports from Advisory Committees to Council, with a recommendation that Council notes the reports.

 Acceptance and endorsement of various recommendations from Advisory Committees to Council as listed in the officer recommendation.

 Records of Meetings, with a recommendation that Council notes the records.

 Records of Meetings of Council Representatives with Elders from the Traditional Community and community members to discuss the renaming of Moreland City Council, with a recommendation that Council notes the record.

 A recommendation that Council appoints and authorises the Council officers referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

 Councillor initiated proposed motions for Council’s consideration and endorsement to the Municipal Association of Victoria State Council meeting, on the following topics:

o Accessible Public Transport

o Municipal Rates Concession

o Commonwealth Home Support Program

o Standard Advocacy Approach for Public Transport

**Previous Council Decisions**

**Governance Report – June 2022 – Cyclical Report** – 8 June 2022

*That Council:*

*…*

*4. In the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987 and section 313 of the Local Government Act 2020:*

*e) Appoints and authorises Council staff referred to in the Instrument at Attachment 3 of this report, as set out in the instrument.*

*f) Determines the instrument comes into force immediately, the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.*

*g) Authorises the affixing of Council’s common seal.*

*…*

**Governance Report - April 2021 - Cyclical Report** – 14 April 2021

*That Council:*

*…*

*5. 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.*

**1.** **Policy Context**

Reports from Advisory Committees to Council provided in accordance with the Terms of Reference.

The Moreland Art Acquisition and Collection Development Policy guides the acquisition of pieces for the Moreland Art Collection, whether by purchasing or commissioning artworks, or as the recipient of donations, gifts or bequests.

The *Local Government Act 2020* (the Act) and the Governance Rules set out the requirements for keeping and reporting records of meetings held under the auspices of Council.

Council’s Governance Rules contains provisions which enable the Chairperson to take a question On Notice, with a considered written response being provided to the questioner, in circumstances including where the question requires information that is either not available or accessible at the time of that meeting, or where the time allowed for Public Question Time has elapsed.

Authorisation of planning officers under the *Planning and Environment Act 1987* is done in accordance with said Act.

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 prepared as a monthly report to Council to provide a single reporting platform for a range of statutory compliance, transparency, and governance related matters.

In accordance with best practice principles and good governance practice, and to ensure compliance with the requirements of the Act, this report incorporates matters including reporting of Advisory Committees, records of meetings held under the auspice of Council, items relating to the delegation of Council powers and duties, and policy and strategy reporting.

## 3. Issues

**Reports from Committee to Council**

A summary of the minutes from the following Advisory Committees are provided at **Attachment 1** for Council’s information:

 Human Rights and Inclusion Advisory Committee meeting held 19 May 2022

 First Nations Advisory Committee meeting held 21 July 2022

 Environmental Sustainability Advisory Committee meeting held 2 August 2022

 Arts Advisory Committee meeting held 4 August 2022

 Human Rights and Inclusion Advisory Committee meeting held 18 August 2022.

**Records of Meetings held under the auspice of Council**

Records of matters discussed at meetings organised or hosted by Moreland that involve Councillors and Council officers are kept in accordance with the Governance Rules.

Meeting Records must include meeting attendees, including organisations represented by external presenters; the title of matters discussed; and any conflicts of interests disclosed and whether the declarant of a conflict of interests recused themselves from the meeting.

Some examples include Councillor Briefings, meetings with residents/developers/ clients/organisations/Government departments/statutory authorities and consultations.

Records of Meetings received since the August Council Meeting are presented at **Attachment 2** as follows:

 Councillor Briefing – 3 August 2022

 Councillor Briefing – 8 August 2022

 Councillor Briefing – 17 August 2022

 Planning Briefing – 22 August 2022

 Councillor Briefing – 31 August 2022.

A Record of Meetings of Council Representatives with Elders from the Traditional Community and community members to discuss the renaming of Moreland City Council is presented at **Attachment 3**.

**Appointment and Authorisation to enforce the *Planning and Environment Act 1987***

The appointment of Authorised Officers facilitates the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council. Authorisations are made to specific Council officers in accordance with their roles and responsibilities.

In accordance with the *Planning and Environment Act 1987*, Authorised Officers can only be appointed by the Council as the Act prohibits delegation of the power to appoint Authorised Officers.

Council staff can only take action to enforce provisions of legislation where they have been properly and lawfully authorised. The authorisation proposed appoints the staff member as an Authorised Officer which will enable that Officer to take action and commence proceedings against people who have breached permit conditions or otherwise not complied with the *Planning and Environment Act 1987* or regulations.

The Instrument of Appointment and Authorisation at **Attachment 4** is a routine, administrative update to ensure all Planning staff have a correct and up-to-date authorisation. Updates are reviewed internally each quarter to ensure relevant staff are authorised. The last update was presented to Council at the June 2022 meeting. The next update, if required, will be presented to Council at the December 2022 meeting.

**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 December 2021, Council appointed Cr Riley, with Cr Pulford 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 State Council Meeting is scheduled for Friday 14 October 2022. Councils must submit motions no later than midnight on Friday 16 September 2022.

The proposed motions have been prepared based on suggestions from Councillors and are provided in **Attachment 5,** for Council’s consideration and endorsement in relation to:

 Accessible Public Transport

 Municipal Rates Concession

 Commonwealth Home Support Program

 Standard Advocacy Approach for Public Transport.

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

## 4. Community consultation and engagement

Public Question Time provides an opportunity for the community to engage with and direct their questions and statements directly to the Council. On

## 5. Officer Declaration for a Conflict of Interests

Council officers involved in the preparation of this report have no conflicts of interest in the matters contained therewith.

## 6. Financial and Resources Implications

The purchase of the artwork is included in the adopted Budget 2022/23.

There are no other financial and/or resource implications as a result of this report.

## 7. Implementation

Governance activity, including reports of Committees to Council, Records of Meetings and Community Question Time items will continue to be reported to Council monthly.

Subject to Council’s decision the next steps include:

 Writing to the State Government in relation to securing the Ballerrt Mooroop site in Glenroy for on-going community uses, with the support of the Wurundjeri Woi-wurrung Traditional Owners.

 Purchasing the artworks listed in the Officer Recommendation.

 Accepting the donation of the artworks in the Officer Recommendation.

 Updating the Human Rights and Inclusion Advisory Committee Terms of Reference to reflect the change in Committee member numbers.

 The Instrument of Appointment and Authorisation to enforce the *Planning and Environment Act 1987* will be executed and the Register of Delegations updated and published on Council’s website.

 The proposed motions will be submitted for the MAV State Council meeting.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Reports from Advisory Committees to Council | D22/390953 |  |
| **2** | Records of Meetings - September 2022 | D22/391549 |  |
| **3** | Records of Meetings of Council representatives with Elders from the Traditional Committee and community members to discuss the renaming of Moreland City Council | D22/398536 |  |
| **4** | S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987 | D22/360869 |  |
| **5** | Proposed Motions MAV State Council - October 2022 | D22/400937 |  |

**7.13 RFT-2022-287 - Provision of an Integrated Parking Management Solution**

**Director City Infrastructure Anita Curnow**

**Transport**

**Officer Recommendation**

That Council authorises the Chief Executive Officer to:

1. Make a formal offer to DCA Cities Holdings Pty Ltd trading as DCA Cities ABN 77 620 056 715 to award Contract RFT-2022-287 for the Provision of an Integrated Parking Management Solution at a cost of $3,821,828 (excluding GST) over a five-year term.

2. Allocate contract expenses of up to $50,000 each year for annual operating costs (not indexed) and include an annual CPI uplift allowance to the base contract of 5 per cent, bringing the total expenditure approval for Contract RFT-2022-287 to $4,493,750 (excluding GST).

3. Negotiate and finalise the terms of the contract between Council and the contractor.

4. Do all things necessary to execute any required documentation for the contract.

5. Advise all tenderers of Council’s decision in relation to the contract.

**REPORT**

**Executive Summary**

This report seeks the award of the preferred contractor, DCA Cities Holdings Pty Ltd (DCA Cities), for contract RFT-2022-287 Provision of an Integrated Parking Management Solution.

Presently there are two separate contracts for the management of Council’s parking related services: firstly, contract 649T covering parking sensors, infringement issuing software, online parking permits (ePermits) and viewing parking infringements online; and secondly, contract 537ST covering parking ticket machines and ticketless mobile phone application payments.

Council undertook a tender process to combine all parking management services under one contract eliminating the need for two parking applications and bringing together the benefit of having an all-in-one integrated parking management solution.

The tender for the new contract was released on 30 April 2022 and closed on 30 May 2022. Six responses were received and assessed, with three short listed and interviewed by the assessment panel. An addendum and comprehensive pricing schedule template was then sent to the respondents to clarify and assist with the evaluation of tender prices. The preferred supplier is DCA Cities.

The tender complies with section 109(1) of the *Local Government Act 2020.*

The relevant Director was given delegation to approve up to 20 per cent annual operating costs for unforeseen maintenance and support expenses on top of the contracted amounted each year for contract 649T under a previous Council resolution (ref Council Resolution DCF84/19 from the 13 November 2019 Council meeting). This amounted to approximately $100,000 per year. These expenses can include relocation/replacement of parking sensors and associated infrastructure as well as replacing ticket machine rolls etc. It is not expected that the 20 per cent contingency will be required for this new contract, but rather officers are seeking a $50,000 per annum (not indexed for inflation) contingency allowance for unforeseen maintenance expenses under this new contract.

Although this tender allows for five 2-year contract extension options, these costs were not requested from the tenderers and as such Council approval will be requested prior to contract extension options being exercised.

**Previous Council Decisions**

*There have been no prior Council decisions in relation to this contract.*

**1. Policy Context**

The Moreland Community Vision includes as one of its key themes “Moving and living safely in Moreland”. The aspiration of the community under this theme includes “In 2031, Moreland is safe. Our streets are safe for pedestrians and cyclists, day and night.”

The Council Plan Strategy relating to this commits that we will:

- build more, better paths for people to get around without a car

- advocate for better access to public transport for everyone

- encourage more people to walk, cycle or take public transport

- consult the community before removing parking or road space

- improve the safety of our roads and paths for everyone.

The Moreland Integrated Transport Strategy 2019 (including Parking Implementation Plan) was adopted by Council in March 2019. While Council has subsequently resolved to move away from some of the parking initiatives in the Strategy, the need for safe, fair and orderly parking in the municipality and the tools and technologies to support this remains.

Fee parking is a key demand management tool that can be used to shift the way people travel, away from private vehicles, and parking sensors assist parking enforcement which in turn encourages vehicle turnover.

**2. Background**

In May 2017 Council Awarded Contract 537ST (D17/152221) for the provision of an electronic payment system to Reino International Pty Ltd trading as Duncan Solutions Australia. This contract included supply and maintenance of 10 parking ticket machines and a mobile phone application called EasyPark.

The contract was awarded for a total of $188,730 over a (5) year term with (2) optional 12-month extensions. The initial contract ended on 26 May 2022. A 6-month contract extension option has been exercised, bringing the contract end date to 30 November 2022 and aligning the expiry date with that of Contract 649T.

Contract 649T (ref D17/422182) was awarded on 15 November 2017 to Sarb Management Group Pty Ltd trading as Database Consultants Australia (DCA). The current 649T contract covers Council’s parking sensors network, parking enforcement platform Pinforce, and Council’s ePermit platform via a mobile phone application called Paystay. Contract 649T expires on 30 November 2022.

The contract was awarded for $502,450 in year one (with CPI increases in subsequent years to give an estimated cost of $2,512,250 over five years), with a further five (5) two (2) year options for extension exercisable at Council’s discretion. This contract is not being extended beyond the initial five years as Council has decided to combine all parking services under one contract and re-tender.

There have been five contract variations over the five-year period including:

1) Images online - enabling parking infringements to be viewed online by the public,

2) ePermits module – enabling the issuing of parking permits online, annual support and maintenance,

3) ePermits Hosting – DCA hosting the ePermits service

4) ePermits merchant fees

5) Licence Plate Recognition trial

At present, there are two mobile phone parking applications operating in Moreland, namely:

 PayStay which residents use to obtain parking permits (ePermits) under the DCA contract, and where the community can view parking occupancy in real time, and

 EasyPark which is used for parking meter payments under the Reino contract.

Combining the contracts eliminates the need for two parking applications and brings together the benefits of having an integrated parking solution. It allows for Council to seek value-added services, emerging technologies from the market such as licence plate recognition and the ability to identify further integration opportunities such as electric vehicle charge stations and streamlined processes providing efficiencies and cost savings. From a community perspective, the Easy Park application is currently used to pay for parking where ticket machines are present and PayStay to apply for and pay for resident parking permits and use the live parking occupancy component. Integrating the systems will allow for a more streamlined and efficient customer experience.

A Procurement and Probity Plan was also developed for this tender (**Attachment 1**)

**Tender Evaluation**

An advertisement was placed in *The Age* newspaper from 8 AM (Melbourne Time) Saturday 23 April inviting tenders via the e-tender portal from suitably experienced contractors for the Provision of an Integrated Parking Management Solution.

The tender closed on 3pm on the 30 May 2022 and 6 tenders were received from the following contractors:

|  |  |
| --- | --- |
| Arthur D Riley and Company Pty Ltd trading as AD Riley | ABN 40 622 995 71 |
| [Australian Parking and Revenue Control Pty Limited](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl07$ctl00','')) trading as APARC | **ABN 1 31 621 666** |
| Ocean Air Group P/L trading as [Becas Technology](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl05$ctl00','')) | **ABN  40 621 074 735** |
| DCA Cities Holdings Pty Ltd trading as DCA Cities | **ABN 77 620 056 715** |
| Reino International trading as [Duncan Solutions](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl08$ctl00','')) | **ABN 75 079 147 20** |
| CellOPark Australia Pty Ltd trading as [Smarter City Solutions](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl06$ctl00','')) | **ABN 63 130 676 149** |

The membership of the tender evaluation panel was as follows:

| Title of Council officer | Full Voting / Advisory Member |
| --- | --- |
| Senior Project Officer | Full |
| Manager Transport | Full |
| Manager Amenity & Compliance | Full |
| Coordinator Applications and Databases | Full |
| Unit Manager Transport | Advisory |
| Manager Information Technology | Advisory |
| GIS Coordinator | Advisory |
| Unit Manager Compliance Operations | Advisory |
| Senior Finance Business Partner | Advisory |
| Acting Team Leader Business Support Team | Advisory |
| Zero Carbon Moreland Technical Lead | Advisory |
| Procurement Partner | Advisory |

The tenders were evaluated in accordance with Council’s Procurement Policy.

In assessing the tenders, consideration was given to the following predefined evaluation criteria:

| **Evaluation Criteria** | **Description including Guidance for Evaluation Team** | **Weighting** |
| --- | --- | --- |
| **Price** | Price was assessed based on Life Cycle Cost of the product including implementation, training and on-going licences, maintenance and support | **30%** |
| **Capability and Resources** | Contractor relevant experience from projects of a similar nature, capabiity to undertake the works, qualifications, skill, adequate resources and capacity to provide the required services | **15%** |
| **Work Methodology Including Program** | Program on how the services will be implemented including transition phase and providing an on-going maintenance and support regime | **5%** |
| **Solution Capability** | Technical questions response | **25%** |
| **Solution Architecture** | How the system operates and integrates between software andhardware | **15%** |
| **Economic Sustainability** | Business based in Moreland, employing locals, procuring and supporting local suppliers and businesses | **3%** |
| **Environmental Sustainability** | Environmental Management System or policy, commitment to reducing waste and recycling practices | **3%** |
| **Social Sustainability** | Social Procurement Policy, Equal Employment Opportunity policy, gender equitable and inclusive employment for people with a disability, promotion of partnerships and opportunities within the community | **4%** |
|  | **Total** | **100%** |

The tender covered enforcement grade parking sensors, parking meters/ticket machines, infringement issuing software, online parking permits and mobile phone applications or equivalent. Also sought though the tender as optional products/services were an end-to-end infringement lifecycle processing system, licence plate recognition and Electric Vehicle charging stations.

Interviews were held with the 3 shortlisted respondents which provided an opportunity for Council to gain a greater understanding of the contractor’s ability to deliver on Council’s requirements and ability to meet Council’s expectations. It also allowed the opportunity for the tender respondents to showcase their systems and software. In particular, this involved discussions on relevant components of the tender, such as integration of systems and capabilities. The three shortlisted were [Database Consultants](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl04$ctl00','')), [Duncan Solutions](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl08$ctl00','')) and [Smarter City Solutions](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl06$ctl00','')).

To assist Council with clarifying prices an opportunity, via way of an Addendum, was then provided to 5 of the tenderers only as [Arthur D Riley and Company Pty Ltd](javascript:__doPostBack('ctl00$cphMain$subSelector$pgvSubmissions$ctl03$ctl00',''))’s submission was deemed non-conforming. Additional information provided to the respondents included: the number of licences required, parking permits currently issued, volume of parking infringements and the breakdown and volume of fee parking receipts. Additional information requested from the respondents included a breakdown of their prices annually, confirming if licences are concurrent or by device, leasing, service level agreement details and support and maintenance clarifications.

The evaluation process identified DCA Cities Holdings Pty Ltd trading as DCA Cities as the preferred tenderer based on the results of the confidential tender evaluation matrix (as at **Attachment 2).**

**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 / Recommendation from Management**

Internal consultation occurred in developing the tender specification and with respect to the tender evaluation. This involved members from Transport, Amenity & Compliance, Finance, and IT teams.

**5. Declaration of Conflict of Interest**

Council Officers, external consultants and all other parties involved in the preparation of this report have no conflict of interest in this matter.

**6. Financial and Resources Implications**

The tender response from Addendum 2 from DCA indicated a price over five years of $3,733,148.13. This price includes an option for parking ticket machines that pay by tap/card reader only. Council however requires our ticket machines to also accept coins as well as cards to ensure maximum accessibility to all members in the community. As such the option to include coins was added to their price. A difference of $88,680 creating a new total price of $3,821,828.13.

This contract price can be funded from Council’s existing budget.

Experience from the last ten years indicates there will be situations outside of Council’s and the contractor’s control along with other material expenses. In these instances, the Chief Executive Officer will have the authority to approve contract expenses up to $50,000 each year.

This allowance will also ensure damaged sensors and other infrastructure (outside of the contractor’s responsibility) can be replaced. It is important to ensure sensors are always operating and the allowance provides the scope for this.

It is expected that once all current sensors are replaced by the end of year three the operating costs will likely decrease. This is because the new sensor technology has built in SIM cards which do not require supporting infrastructure that current sensors have in place to operate.

Council officers will seek avenues to ensure these contract variations can be offset by savings in other areas to ensure the variations are cost neutral.

It is also feasible that officers may seek Council approval of optional components in the tender such as the Licence Plate Recognition units or the fully hosted end-to-end infringement management system in the future.

**7. Implementation and Timeline**

It is proposed that the Chief Executive Officer be authorised to do all things necessary to execute the contract and any other required documentation.

The contracts will be drawn up following Council endorsement for execution by the Chief Executive Officer with a formal contract commencement date of 1 December 2022.

A two-and-a-half-month lead time is included for all components of the Integrated Parking Management Solution contract to be in place by 1 December 2022. As DCA is the incumbent provider of most components included in the new contract, there is minimal risk of downtime and service disruption. The only component of their submission that is not already in place is the installation of new parking ticket machines and the PayStay Application configured for the machines. A comprehensive implementation plan that will see all critical components of the contract in place by 1 December 2022 was provided to Council as part of the tender submission.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Strategic Procurement and Probity Plan - RTF-2022-287- Final  *Pursuant to section 3(1)(f)(h), and of the Local Government Act 2020, this attachment has been designated as confidential because it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs, and confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).* | D22/388699 |  |
| **2** | Tender evaluation Matrix PDF - RFT-2022-287  *Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.* | D22/360129 |  |

**8. Notices of Motion**

**8.1 Central Coburg Metropolitan Activity Centre Advocacy**

**Cr Lambros Tapinos**

## Motion

That Council:

1. Writes a letter and advocates to the Ministers for Planning, Business Precincts, Economic Development and Suburban Development to redesignate Coburg to a Metropolitan Activity Centre to recognise its significant potential for jobs growth that could serve a regional market; acknowledging the significant investment in elevating the railway line and new Moreland station, now completed, the development of Pentridge Coburg and the proposed Health Precinct, which are regionally significant, and the excellent transport options in the Activity Centre. That a copy of the advocacy letter be sent to Peter Khalil MP for Wills, NorthLink, M9 and NCA.

2. As part of Council’s submission to the next review of Plan Melbourne, advocates for elevation of Coburg to A Metropolitan Activity Centre.

3. That Council seeks a State Government partnership to revitalise central Coburg, the Sydney Road Shopping Strip and Batman Corridor, such as through making Coburg a designated ‘Business Precinct’, given the recent investment in level crossing removal, Council’s landholdings, the potential for future housing and jobs growth and Coburg’s distinctive qualities.

## 1. Background

Cr Tapinos’s background:

The attributes offered by Coburg exceed meeting suburban needs. It is considered to be a higher order centre that can provide a range of jobs, activities and housing for regional catchments that are well served by public transport. In recent years, Coburg has seen strong residential development in Pentridge Coburg with hundreds of dwellings, a hotel and the opening of a supermarket and retail precinct, cinema and public piazza. Council is also seeking to redevelop its land holdings within Coburg to create a new town square, improved streets and mixed-use retail, commercial and residential outcomes. Together, these projects will catalyse regeneration of central Coburg and increase jobs and people living in the centre which is a long-held Moreland aspiration.

The sustainable transport merits of central Coburg are well established. In 2020 the Bell Street level crossing west of Sydney Road was removed and a new Coburg train station opened. Together with the Upfield off-road bike path, Sydney Road tram services and the local and orbital bus routes servicing Bell Street, the Coburg health precinct is in one of the most accessible locations for public, active and private transport in the northern region.

## 2. Policy Context

Officer’s comments:

Metropolitan Melbourne has a network of activity centres that are defined within Plan Melbourne. They are classified into three main types: Metropolitan Activity Centres, Major Activity Centres and Neighbourhood Activity Centres. Moreland has 3 designated Major Activity Centres and 12 Neighbourhood Activity Centres. Brunswick, Coburg and Glenroy are Moreland’s Major Activity Centres.

Major Activity Centres are places that provide a suburban focal point for services, employment, housing, public transport and social interaction.

Metropolitan Activity Centres are higher-order centres intended to provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport. These centres will play a major service delivery role, including government, health, justice and education services, as well as retail and commercial opportunities.

Outside of Moreland, existing Metropolitan centres are in Box Hill, Broadmeadows, Dandenong, Epping, Footscray, Fountain Gate-Narre Warren, Frankston, Ringwood and Sunshine. Future centres will be located in Lockerbie and Toolern.

Coburg Activity Centre was identified as a primary health and office location as part of the Colours of Coburg Place Framework prepared in 2010, having considerable scope and zoning to include additional office space that can also support the activities of a hospital or major health facility.

Plan Melbourne is the Victorian Government’s long-term plan to guide future growth and development of the city until 2050. Plan Melbourne notes that Metropolitan centres will be the focus for state investment and growth. One of the actions in Plan Melbourne is to develop land use framework plans for the Melbourne Metropolitan regions, the plans will help guide how growth, jobs, housing, infrastructure, major transport improvements and open space are managed at a regional level over the next 30 years.

In 2021, draft framework plans were released for comment. In November 2021, Council endorsed a submission to the draft Northern Metro Region Land Use Framework Plan. Part of this submission advocated for designation of the Coburg health precinct (precinct 5 in the Coburg Activity Centre) as a Regional Health Precinct.

Plan Melbourne has a 5 year implementation plan that ends in 2022. The 2020 report on progress on the implementation of Plan Melbourne noted that Plan Melbourne is scheduled for review in 2022. To date there has been no announcement about this review.

## 3. Financial Implications

Officer’s comments:

The advocacy sought through the motion can be met within existing budgets.

## 4. Resources Implications

Officer’s comments:

The advocacy sought through the motion can be met within existing resourcing.

**8.2 Accessible Tram Stops**

**Cr Sue Bolton**

**Motion**

That Council:

1. Provides more assistance to the campaign for accessible tram stops by:

a) Providing the free use of a Council venue to the Disability Resources Centre for a public meeting regarding accessible tram stops.

b) Assisting with advertising the public meeting regarding accessible tram stops to groups that haven’t had an involvement in the past such as seniors’ groups, childcare centres, Maternal and Child Health Centres and in Council’s newsletter.

2. Notes that a separate motion will be considered as part of the Governance Report of this Council meeting agenda that Moreland submits a motion to the Municipal Association of Victoria State Council meeting calling on the State Government to set a clear goal on making the 2026 Commonwealth Games accessible to all by making public transport in Melbourne and regional areas as accessible as possible by the time of the Commonwealth Games.

**1. Background**

Cr Bolton’s background:

Fully accessible public transport was federally legislated under the *Disability Discrimination Act 1992.*

In 2002, standards came into effect requiring public transport infrastructure in all states and territories to be fully accessible by the end of 2022. That includes all tram, train and bus stops and includes everything from access paths, ramps, doorways and lifts to toilets surfaces, hearing augmentation, handrails and grab rails, lighting and signs. With only three months to go, no state or territory will meet this deadline, and public transport won’t be accessible by 2032 either.

The last time that Victoria’s public transport was audited for accessibility, only 15% of tram services were fully accessible with a low floor tram with a level access tram stop. At the current rate of progress, Melbourne’s tram system won’t be fully accessible until 2066. Massive numbers of people are affected by the lack of accessible tram stops. Almost 20 per cent of people in Victoria have a disability.

On top of this are people who have a temporary disability because of illness or an accident, there are frail elderly people and there are parents and carers with children or babies in prams. For all of these people, tram services are inaccessible. Not all people with disabilities are eligible for taxi vouchers, but for those who are eligible, the taxi fares are often higher than the amount that taxi vouchers cover.

Moreland has supported the Disability Resources Centre’s campaign for accessible tram stops but there is a need to make this a bigger public issue to speed up the installation of accessible tram stops.

**2. Policy Context**

Officer’s comments:

A key objective in the Moreland Disability Access and Inclusion Plan states:

“Foster partnerships and collaboration”

Strategy 4.3 states:

“Council will work in partnership with other spheres of government, business, other organisations and the community to improve access and inclusion for people with a disability.”

Council’s supporting advocacy priorities, adopted at the 13 April 2022 Council Meeting, include advocating to the State Government to invest in accessible tram stops along the Sydney Road Route 19 tram line and partner with Council to engage with local residents, traders and our wider community on making the Sydney Road Route 19 tram line more accessible for residents of all abilities.

With a higher number of residents in Moreland requiring assistance with core daily activities in comparison to greater Melbourne (6.2% compared with 4.9% respectively), Council has long advocated for investment to ensure all public transport is accessible for people of all abilities.

A person with a mobility restriction cannot have an accessible tram journey without both a level-access stop and a low floor tram. Council recognises that provision of level-access tram stops requires a partnership between State and Local Government and has demonstrated significant commitment to developing plausible options in consultation with the community.

A 2018-2019 Victorian Auditor General Report (VAGO) into tram stop accessibility found that many of Moreland’s tram services do not meet the accessibility needs of passengers with mobility restrictions. The VAGO report identified that for 2018-2019, North Coburg’s tram route 19 was found to provide for 71 per cent of low-floor tram departures but only 14 per cent from level access stops. So despite the accessible trams, passengers had limited opportunities to get on and off them in Moreland.

**3. Financial Implications**

Officer’s comments:

Production of promotional material highlighting the issue of disabled access to public transport can be provided through existing budget for promotional purposes.

Council’s current Community Use of Council Managed Venues Policy provides for the waiver of the hall hire cost only. The cost of hiring the Brunswick Town Hall is $1922 per day or $215 per hour. The cost of hiring the Coburg Town Hall is $1684 per day or $178 per hour. These costs can be met through Council’s existing budget.

However, the Community Use of Council Managed Venues Policy requires that all associated costs such as a bond ($600), public liability insurance, crowd controller requirements and equipment hire, be paid prior to the event date. These costs are not normally waived.

**4. Resources Implications**

Officer’s comments:

Production of material advertising the issue of accessible public transport could be addressed using existing officer resources.

**8.3 Supporting Trans and Gender Diverse People**

**Cr James Conlan**

## Motion

That Council:

1. Release a public statement of support for the inclusion of trans and gender diverse inclusion in all sports in Moreland/Merri-bek, and in opposition to transphobia and transmisogyny.

2. Reviews its policies regarding trans and gender diverse inclusion, anti-discrimination, and diversity and inclusion, in consultation with the LGBTIQA+ Reference Group.

3. Requests the Chief Executive to prepare a report that considers the development of an LGBTIQA+ Action Plan and provides for timeline, budget allocation requirement and other governance details, and requests that the report be presented to Council by no later than November 2022.

## 1. Background

Cr Conlan’s background:

In recent years we have seen increased opposition to and weaponisation of transgender peoples’ rights and identities. This has been particularly concentrated within conservative political movements seeking to use these people and their lived experiences for political gain. During the 2022 Federal election this issue was weaponised by conservative parties and gained significant media attention.

Trans and gender diverse people have long been an integral part of the Queer rights, women’s rights, environmental, and other social justice movements. They are also active and engaged members of our local community, especially community sport. They need safe and inclusive spaces so that their value and contribution to society is recognised and celebrated.

The following motion is proposed to affirm Council’s commitment to the safety and dignity of our trans and gender diverse community members.

## 2. Policy Context

Officer’s comments:

This Notice of Motion aligns with the Human Rights Policy 2016-2026, with one of the priority groups included being the LGBTIQA+ communities.

Goals: Deliver inclusive and accessible services; Be an inclusive organisation; Advance inclusion and social cohesion in the community.

Focus areas: Empowerment and Participation; Equitable and Accessible Services; Accessible Places and Spaces; Advocacy and Leadership.

## 3. Financial Implications

Officer’s comments:

There will be financial implications to review policies and to develop an LGBTIQA+ Acton Plan. Budget requirements will be included in the report back to Council requested in item 3.

## 4. Resources Implications

Officer’s comments:

Policy reviews will require reallocation of existing resources and further advice will be provided to Council regarding the resource requirements to develop an LGBTIQA+ Action Plan. Other elements of the motion can be supported within existing resources.

**8.4 Retrospective planning amendments**

**Cr Sue Bolton**

## Motion

That Council:

1. Affirms the established practice of Council planning officers, that when an application is received for retrospective planning approval, that it is not exempt from public notice by planning scheme provisions, in accordance with Section 52 of the *Planning and Environment Act 1987*, notice of the retrospective application for a planning permit or an amendment to a planning permit will be given to nearby properties and those original objectors who may suffer material detriment as a result of the proposal.

2. Includes statistics on the number of applications for retrospective new and amended permits, in the city development reports that come to Planning and Related Matters Council meetings. The information should also include the number of retrospective permit applications which get approved.

## 1. Background

Cr Bolton’s background:

From time to time, developers apply for retrospective amendments to planning permits. These applications can be for a range of reasons - developers may not have abided by all of the conditions of their planning permits, their development might have encroached on the public street or more purely technical reasons.

Retrospective planning permits can cause community members to lose confidence in the planning system. Therefore it is important that information on regarding retrospective permit applications be reported to council meetings and that the community be informed when a retrospective application has been applied for.

## 2. Policy Context

Officer’s comments:

The planning enforcement practices of Moreland City Council and other Councils are to explore the possibility of retrospective approval in the circumstances when there is a potential of such approval being issued.  This approach is encouraged by Magistrates and the Victorian Civil & Administrative Tribunal to avoid unnecessarily taking up Court or Tribunal time on planning matters capable of gaining approval.

The *Planning and Environment Act* 1987 (the ‘Act’), sets the regulatory framework for statutory planning, including planning enforcement.  It is important to note that the Victorian planning system does not preclude the approval of a planning permit for retrospective development and/or use.  In Darrage v Moreland CC [2007] VCAT 1751 (3 October 2007) VCAT considered a retrospective application and noted at paragraph 17 that:

*The Tribunal has over many years considered applications to amend permits in circumstances in which a building has been constructed in contravention of a permit or conditions on a permit. In general terms the Tribunal has held that it could grant a permit in such circumstances but the fact that the building has been completed or substantially completed is a circumstance neither in favour of the applicant nor against it when considering whether or not a permit should be granted. Similarly it has been held that a building constructed in contravention of a permit should not be authorised simply because it is there. If the building fails to meet the tests laid down in the planning scheme then consequences of such a finding rest with the applicant*.

The Act contemplates that elected officials (or Councillors) have a role to play in statutory planning decision-making.  To assist Council, the Department of Environment Land Planning and Water (DELWP), has created guidance material which sets out principles for delegating powers, discretions, or functions under the Act to an officer of a council to improve consistency in delegations across councils.  Principle 3 and 4, are detailed below:

*Principle 3 – Use the significance and broad community interest test*

*Principle 4 - Call ups should not be common practice*

Council has resolved Guidelines for the Exercise of Delegation of Planning Applications, which were updated in February 2022. These guide officer actions for all planning applications excluding Vic Smart applications, for generally minor matters, determined under delegation from the CEO, rather than Council.

Moreland City Council’s delegation guidelines seek to ensure that the more significant or controversial applications are considered by Council e.g. applications above height limits or applications that receive a significant number of objections.  This approach is consistent with the guidance material from DELWP. Retrospective applications are currently captured by the delegation guidelines.

Many planning applications for retrospective approval are relatively minor in nature. Current examples being assessed by officers include:

 Alterations to the roof of a heritage dwelling

 Construction of a deck to a heritage building

 Construction of a fence on common property surrounding a block of flats

 Construction of retaining walls within the backyards of a multi-unit development

The Act and Moreland Planning Scheme, sets the requirements for public notice and requires a case-by-case assessment of whether a planning application will cause ‘material detriment’ to any person to decide to require the giving of public notice. Statewide provisions in the planning scheme also provide that in some circumstance applications are exempt from public notice. It is therefore not appropriate for Council to resolve blanket requirements for the giving of public notice for those application that seek retrospective approval.

The established practice of Council planning officers is that when an application is received for retrospective planning approval, and it is not exempt from public notice by planning scheme provisions, public notice of that retrospective application will be given to nearby properties and those original objectors who may suffer material detriment as a result of the proposal.

The performance of the Urban Planning Unit and Planning Enforcement Unit is reported to the Planning and Related Matters (PARM) Council meeting on a Quarterly basis.

Council received in the order of 60 planning permit or amendment to a planning permit applications each year seeking retrospective approval of matters identified through its planning enforcement activities. New reporting can be developed to include data on these applications within the quarterly City Development Activity Reports to PARM.

## 3. Financial Implications

Officer’s comments:

The inclusion of additional reporting on retrospective planning applications can be accommodated within the City Development Branch base budget.

## 4. Resources Implications

Officer’s comments:

The resource implications of additional reporting on retrospective planning applications can be accommodated within City Development Branch current resources.

**8.5 Community Forum on Strategies to Improve Funding and Resourcing of Government Schools In Moreland's North**

**Cr Monica Harte**

**Motion**

That Council:

1. Acknowledges and supports the ongoing campaigns in the North of Moreland to improve funding and resources at public Secondary schools in Moreland's North.

2. Provides the use of hall with waivering of fees for a Community Forum to bring together teachers, students, parents and community to build strategy and a campaign for the funding and resourcing for public school students in Moreland's North.

**1. Background**

Cr Harte’s background:

In recent months there has been significant focus on the funding and resource needs for secondary school students in North of Moreland, particularly students of Glenroy and John Fawkner Colleges. Important voices in this debate are the voices of those who work in the industry, students, and parents alongside the wider community. In March 2021 The Australian Education Union launched a campaign Every School. Every Child, with a focus on funding public schools to a minimum of 100 per cent of the Schooling Resources Standards (SRS ) which is recognised as the minimum funding requirement to give every child, regardless of their background, the greatest opportunity to achieve their full potential.

Currently every single student who attends a public school in the Broadmeadows region (including Glenroy and John Falkner Colleges) is underfunded by $1917 every year. The Broadmeadows Regional Branch of the AEU (covering Moreland North ) would like to hold a community forum to involve staff . students, parents, and community in campaigning on strategies to improve funding and resourcing of State Government Schools in the North of Moreland. They wish to hold this meeting in the lead up to the State election. It is not a candidates forum but a strategy meeting and the participation of candidates will be invited and welcomed. alongside the wider community.

The assistance of Council in providing a venue would much appreciate. It would also reflect that funding for education is an issue for community .as a whole. Teachers are well placed in identifying needs and targeting of resources but it is linking of this knowledge within the wider community that is the driving force for better schools and education

**2. Policy Context**

Officer’s comments:

Council has a strong commitment to improve educational outcomes for children and young people. The adopted Children, Young People and Families Plan and associated Implementation Plan 2022 -2022, has a vision that all children, young people and families in Moreland live in a community where they are healthy, resilient, empowered, safe and belong.

The Children, Young People and Families Plan has three key outcome areas to achieve its goal to improve outcomes across a range of domains of early learning, development and wellbeing.

The three outcome areas of the Plan include: Outcome 1: Inclusive City and Community; Outcome 2: Improved Health and Wellbeing; and Outcome 3: Lifelong Learning and Participation.

This Notice of Motion relates to Outcome 3: Life Long Learning and Participation and more specifically Objective 3.3: Collaborate with education providers to support quality education settings. This objective has a further action under 3.3.1 to build stronger partnerships with primary and secondary schools across Moreland.

**3. Financial Implications**

Officer’s comments:

There are no direct financial implications in relation to Resolution 1 in regard to supporting campaigns to improve funding and resources for schools in Moreland’s north, including the provision of a hall for a community forum.

**4. Resources Implications**

Officer’s comments:

There are no significant resource implications in relation to either Resolution.