**Council MEETING AGENDA**

Wednesday 8 November 2023

Commencing 7 pm

Council Chamber, Merri-bek Civic Centre, 90 Bell Street, Coburg



**Acknowledgement of the traditional custodians of the City of Merri-bek**

Merri-bek City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek, 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 Merri-bek 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 business 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 6 December 2023 commencing at 7 pm, in the Council Chamber, Merri-bek Civic Centre, 90 Bell Street, Coburg. The next Planning and Related Matters meeting will be held on Wednesday 22 November 2023 commencing at 6.30 pm.

**WELCOME**

**1. APOLOGIES/LEAVE OF ABSENCE**

**2. DISCLOSURES OF CONFLICTS OF INTEREST**

**3. MINUTE CONFIRMATION**

The minutes of the Council Meeting held on 18 October 2023 be confirmed.

**4. ACKNOWLEDGEMENTS AND OTHER MATTERS**

**5. Petitions**

Nil.

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**10. Foreshadowed Items**

Nil

**11. URGENT BUSINESS**

**12. Confidential Business**

12.1 Strategic Land Acquisition – Open Space

*Pursuant to section 3(1)(a) of the Local Government Act 2020 this report 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.*

12.2 Contract 2021-203 Management of Council's Aquatic and Leisure Services - Proposed Variation to guaranteed contract sum Y2 2023-2024

*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 Confirmation of Minutes - 13 September 2023 Council meeting

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council confirms the minutes of the Council Meeting held on 13 September 2023, provided as Attachment 1, to this report.

**REPORT**

**Executive Summary**

At its meeting of 18 October 2023, Council resolved to the defer the confirmation of the minutes of the 13 September Council meeting because the minutes as previously circulated did not contain the outcomes of its deliberations in relation to item 7.1 - Conclusion of Kent Road Separated Bike Lane Trial and next steps for Coburg to Glenroy bike route.

The outcomes relating to Item 7.1 were removed from the proposed minutes to ensure that it could not be deemed under Council’s Governance Rules, that this item had been actioned by officers following the receipt of the Notice of Rescission.

As the Notice of Rescission has now been determined by Council, this report recommends that Council confirm the proposed minutes for the 13 September Council meeting, provided as **Attachment 1** to this report.

**Previous Council Decisions**

**Confirmation of Minutes** – 18 October 2023

*That Council defers the confirmation of minutes of the Council Meeting held on 13 September 2023 to the next Council meeting.*

## 1. Policy Context

Section 3.9.15 (3) of Council’s Governance Rules provides for a Councillor to propose a Motion to rescind or alter a previous resolution of Council, provided the previous resolution has not been acted on.

Section 3.11 of Council’s Governance Rules contains provisions which outline the requirements for the keeping and confirmation of Council meeting minutes.

## 2. Background

At its meeting of 18 October 2023, Council resolved to the defer the confirmation of the minutes of the 13 September Council meeting because the minutes as previously circulated, did not contain the outcomes of its deliberations in relation to item 7.1 - Conclusion of Kent Road Separated Bike Lane Trial and next steps for Coburg to Glenroy bike route, which were omitted as a result of this item being subject to a Notice of Rescission.

As the Notice of Rescission relating to this matter was considered at the Council meeting of 18 October 2023, the proposed minutes for the 13 September Council meeting provided as **Attachment 1** to this report, have be amended to include the previously omitted meeting records and a notation that the resolution for item 7.1 - Conclusion of Kent Road Separated Bike Lane Trial and next steps for Coburg to Glenroy bike route, was rescinded by Council at its meeting of 18 October2023.

## 3. Issues

The outcomes relating to Item 7.1 were removed from the proposed minutes as a result of procedural legal advice received by Council officers which stated that the draft minutes would record what occurred at the meeting except in respect of that item that is the subject of a Notice of Rescission. It was advised that the item should be left blank, apart from a note that reads that the item was the subject of a Resolution but a Notice of Rescission has been delivered concerning that Resolution and reference that the Notice of Rescission will appear on the agenda for Council’s next meeting.

This advice was provided based on consideration of the requirements contained in Council’s Governance Rules relating to Notices of Rescission, which are detailed below:

 Section 3.9.15(5) of the Governance Rules, states that a resolution of Council will be deemed to have been acted on if its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council’s website.

 Section 3.9.15(6) of the Governance Rules of Rules states that the Chief Executive Officer or member of Council staff must defer implementing a resolution which has not been acted on; and is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Sub-Rule (2), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.

Therefore, in this situation it was necessary to ensure that no decision relating to item 7.1 - Conclusion of Kent Road Separated Bike Lane Trial and next steps for Coburg to Glenroy bike route was published in the proposed minutes. This ensured that it could not be deemed that this item had been actioned by Council officers, following the receipt of the Notice of Rescission.

It is now recommended that Council confirm the proposed minutes for the 13 September Council meeting provided as **Attachment 1**.

## 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 are no financial implications associated with the preparation or implementation of this this report.

## 7. Implementation

Subject to Council’s decision, the confirmed minutes of the Council meeting held on 13 September 2023, will be published on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Meeting Minutes - September 2023 | D23/524419 |  |

**7.2 Moving Around Merri-bek - Draft Transport Strategy for Consultation**

**Director City Infrastructure Anita Curnow**

**Transport**

**Officer Recommendation**

That Council:

1. Endorses the Draft Transport Strategy *Moving Around Merri‑bek* (Attachment 1) and associated Action Plan (Attachment 2) for public exhibition for 5 weeks from Monday 13 November until Sunday 17 December 2023.

2. Notes the Draft Community Engagement Report detailing the methodology and findings of community engagement on the *Moving Around Merri‑bek* Discussion Paper (Attachment 3).

3. Appoints Councillor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Chair, and Councillors \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the Draft Transport Strategy *Moving Around Merri-bek* on Tuesday, 30 January 2024 at 6pm, at the Coburg Civic Centre.

4. Receives a further report at the March 2024 Council meeting with a final version of *Moving Around Merri‑bek* Strategy and associated Action Plan that demonstrates feedback received in terms of quantity, source and themes of feedback from the consultation survey, any written submissions received and from the Hearing of Submissions and how this feedback has influenced the final version of *Moving Around Merri‑bek*.

**REPORT**

**Executive Summary**

*Moving Around Merri‑bek* was developed in response to the Council decision in April 2021 to undertake further work to fully revise the Moreland Integrated Transport Strategy (MITS) 2019. Developments in transport policy, travel patterns and behaviour, have also changed since the adoption of MITS 2019 and there is an opportunity to consider these issues and opportunities through the strategy review. These changes include shifts in work patterns due to the COVID-19 pandemic, innovations in electric vehicles, e-bikes, and shared transport services, as well as an increasing need to reduce transport emissions.

The Draft Transport Strategy, *Moving Around Merri‑bek*, is laid out in three sections. The first section sets out the proposed vision and six values. These values guide the way Council manages and make changes to our transport system. They are: safe, accessible, sustainable, liveable, healthy, and inclusive. Each value includes a description of that value and translates it to transport objectives.

The second section is the Transport System. This is an adaptation from the framework outlined in the *Transport Integration Act 2010*. It has been adapted to better fit the local government context. The Transport System consists of distinct transport network layers that integrate to enable people to move around the city and to meet their daily transport needs. The objectives and actions related to this section will be informed and guided by the vision and values of the strategy.

The transport network layers include: pedestrian, cycling, public transport (trains, trams, and buses), driving (including parking and freight), and land-use. Each section details the planned approach for supporting the functions of that mode as well as the actions proposed to achieve the relevant objectives.

The third section is titled ‘Streets for People’. It outlines a new approach for selecting, analysing, designing, and delivering streetscape improvements across the transport system. The intention is to approach transport capital works projects in a more holistic way that considers improvements to all modes of transport, urban design, and the natural environment. Council will develop and refine our Streets for People design approach using the existing street improvement projects that are confirmed in the 2024/25 Capital Works Program, such as Victoria Street, Harding and Munro Streets and Albert Street that were referred to the 2024/25 Budget process at the Council Meeting on 18 October 2023, for Making it Safer and Easier to Walk and Ride in Merri-bek.

An Action Plan accompanies *Moving Around Merri‑bek* as a separate but linked document. The Action Plan outlines practical actions in the immediate term (2024/25) and foreshadows actions beyond that year (2025+) to apply the values and achieve objectives outlined in the strategy. The Action Plan follows the same heading structure as the strategy. It has been designed this way so the community can easily read and compare the two documents.

**Previous Council Decisions**

**Making It Safer And Easier To Walk And Ride In Merri-Bek - Response to Notice of Motion** – 18 October 2023

*That Council:*

*1. Endorses an accelerated program of active travel projects as detailed in Option 2 in this report (subject to the 2024/25 Council Budget process) including:*

*a) An increase in annual expenditure on upgrades to pedestrian accessibility, public lighting and roundabouts.*

*b) An increase in the funding to deliver outcomes from the Fawkner Transport Study from $100,000 to $300,000 (in 2025/26).*

*c) Earlier delivery of the Coonans Road (2025/26) and Reynolds Parade (2026/27) separated bicycle lane projects previously identified in Council’s ten-year active travel program.*

*d) Commencing a program of “Streets for People” projects to improve walking, cycling and place outcomes, commencing with designs for Harding Street, Coburg and Albert Street, Brunswick in 2024/25.*

*e) Project management resources to deliver the above projects.*

*2. Advocates to the Victorian Government for a financial contribution towards these projects, particularly those on Strategic Cycling Corridors.*

*3. Refers the additional expenditure required to the 2024/25 Council Budget process, noting that it will need to be considered alongside other capital budget pressures.*

*4. Notes that project cost estimates are indicative and subject to change following design of and community engagement on individual projects.*

*5. Incorporates these actions into the relevant Transport Strategy Action Plans by March 2024.*

*6. Notes that a report on the opportunity to index the per capita spend on active travel will be presented to the November 2023 Council meeting.*

**Notice of Motion - Making It Safer And Easier To Walk And Ride In Merri-Bek** - 20 June 2023

*That Council resolves to receive a report by October 2023 that details how Council could accelerate the roll out of active transport infrastructure to make it safer, easier and more comfortable to ride and walk around our city, including by:*

*1. Bringing forward active transport projects that have been prioritised by community members and groups through recent consultations, including on our 10 Year Capital Works Programs for Walking and Cycling, in our Capital Works Program.*

*2. Increasing the $10 per head minimum spend on active transport infrastructure each year in line with inflation.*

**Active Travel (Walking and Riding) 10 Year Capital Program** - 8 June 2022

*That Council:*

*1. Adopts the 10 Year Capital Works Program for Active Travel (Walking and Riding) at Attachment 1 to this report with the following changes:*

*a) Maintain separate bike and pedestrian budgets, and create a third budget category ‘shared paths’, for genuinely shared infrastructure such as the bridges over the creeks. This is to maintain maximum transparency.*

*b) Reinstate the O’Hea Street shared path to Derby St and the proposed separated lanes on De Carle Street to the first two years of the capital works program.*

*2. Notes the feedback on possible separated bicycle lanes on Glenlyon Road in Brunswick and Brunswick East, and Munro and Harding Streets in Coburg.*

**Moreland Integrated Transport Strategy – Review** – 14 April 2021

*That Council:*

*…*

*2. Endorses the commencement of further work to fully revise MITS 2019 and related documents including revised mode shift targets, implications for Council’s aspirations to achieve net zero carbon emissions by 2040, and potential additional MITS actions to meet mode shift and carbon emission objectives to continue to achieve this aspiration.*

*3. Receives a further report when the costs of this additional work has been fully scoped and costed, noting an early indication of this budget is in the order of $60,000 to $80,000.*

*…*

*12. Notes the significant work involved in undertaking the consultation process for the revised PMP and further refining the MITS and, in particular, that limited progression will occur on the other MITS actions during this time while the extensive COVID transport program is continued to be rolled out as well.*

**Moreland Integrated Transport Strategy - Review Notice of Motion** – 09 December 2020

*That Council:*

*1. Reaffirms the objective of mode shift to more sustainable transport options, noting that this requires strong investment in public transport, cycling, walking and other sustainable transport infrastructure, as well as incentives and encouragements to take up sustainable transport.*

*2. Recognises that using sustainable alternatives to driving is difficult for many in Moreland, partly due to lack of investment in the public transport system by the state government, particularly in the North of Moreland.*

*…*

*5. Receives a report in April 2021 which:*

*a) Recommends amendments to the Moreland Integrated Transport Strategy to reflect the above changes to parking restrictions and parking requirements and acknowledge that some households require a car.*

*…*

**1. Policy Context**

**Council Plan 2021-2025**

The Council plan sets out Council’s and community’s vision for the future. Key objectives and strategies related to this report include:

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Merri-bek, especially via walking, cycling and public transport.

 2.1. Build safe, accessible, and high-quality bike and pedestrian infrastructure to create links between areas of high pedestrian and cycling demand, especially the Coburg to Glenroy bike path.

 2.5. Facilitate substantially increased use of active transport in the community through targeted programs which include a focus on children, young people, families and older people.

 2.6. Collaborate with the community to improve pedestrian and cycling infrastructure on a case-by-case basis.

**Moreland Integrated Transport Strategy (2019)**

Until the adoption of Council’s new Transport Strategy in 2024, Moreland Integrated Transport Strategy (MITS) 2019 remains Council’s transport strategy. MITS encourages greater take up of sustainable transport alternatives, a priority reinforced in engagement to date for the new Transport Strategy. The strategy includes actions which commit Council to:

 Reallocate road space and car parking according to the road user hierarchy (in descending order, pedestrians, cyclists, public transport users and motorists).

 Work together with state government to, among other things:

 Continue to implement 40 km/h speed limits on local roads.

 Install direct, safe and convenient crossings where lots of pedestrians and cyclists want to cross, even where VicRoads warrants aren’t met.

 Increase pedestrian and cyclist priority at signals and crossings.

**Zero Carbon Merri-bek**

Council’s Zero Carbon Merri-bek 2040 Framework outlines the community vision and strategic directions for the transition to zero carbon in Merri-bek by 2040. In 2019/20, transport was recorded to contribute 17 per cent of all carbon emissions in the Merri-bek local government area and 13 per cent were from private motor vehicles. The 2040 vision for Sustainable Transport includes:

 Most people choose to walk or cycle to get around locally because its healthy, free, safe and convenient.

 Merri-bek is known for its pedestrian and cycle-friendly streetscapes.

This overarching Framework informed 5-yearly action plans to drive the transition to zero emissions including:

 Investing in infrastructure to support active travel and public transport.

 Reallocate space used for private vehicle travel and parking to support sustainable transport use and other purposes.

In addition, Council resolved in December 2021 to adopt an interim target towards the Zero Carbon by 2040 goal of a reduction of emissions by 75 per cent by 2030.

**Community Engagement Policy (2020)**

Council has a Community Engagement Policy (2020) that aligns with the *Local Government Act 2020*. It sets directions for how Council will engage with the community on decisions that impact them, including future bicycle and pedestrian projects.

**2. Background**

The Moreland Integrated Transport Strategy was adopted in 2019 providing a vision, objectives and actions for Council to pursue over a ten-year period.

In December 2020 Council resolved not to implement two key actions relating to parking, and (after further consultation with relevant communities) remove parking restrictions that had been implemented in some Major Activity Centres and Neighbourhood Centres following adoption of MITS in 2019. This followed a finding in February 2020 of the Planning Panel reviewing the publicly exhibited Amendment C183more that while the strategic intent of the intended parking restrictions was a legitimate approach, there had been insufficient parking survey and modelling undertaken to inform the Amendment.

Council adopted an approach to parking restrictions based on local need and usage. (It is noted that the Parking Management Policy is under review at present and has recently been consulted upon as resolved by Council in April 2021.)

In making the December 2020 resolution, Council also reaffirmed the objective of mode shift to more sustainable transport options, noting that this requires strong investment in public transport, cycling, walking and other sustainable transport infrastructure, as well as incentives and encouragements to take up sustainable transport.

In April 2021, Council resolved, among other things, that work should commence on fully revising MITS 2019 and related documents, recognising the contribution of transport to achieving net zero carbon emissions.

The scoping of a full revision of MITS 2019, in light of the above and when set against other significant changes in transport technology (electric vehicles, personal electric mobility devices, and share mobility), changed movement patterns following the pandemic, the heightening of the Climate Emergency (and Council’s associated adoption in December 2021 of an interim target towards the Zero Carbon by 2040 goal of a reduction of emissions by 75 per cent by 2030), officers determined that a new Transport Strategy was required.

Prior to commencing the revision of the Transport Strategy, Merri‑bek Council commissioned JWS Research to develop a social research report on transport in Merri‑bek to understand transport uses, barriers and options for different cohorts and neighbourhoods throughout Merri‑bek. This report informed the development of the *Moving Around Merri‑bek* Discussion Paper.

The Discussion Paper presented six core themes and possible actions for inclusion in the Draft Transport Strategy which were informed by the social research report. This Discussion Paper sought community feedback on the themes as well as key issues and opportunities in Merri‑bek’s transport system. The Discussion Paper themes were, Safety, Accessibility, Sustainability, Health, Liveability and Collaboration and have since been updated in the Draft Transport Strategy based on feedback received during community engagement.

The Discussion Paper was released in July and community engagement was undertaken from 24 July until 2 September 2023. Feedback was sought through a broad and comprehensive communications and engagement campaign that involved community pop-ups, reference group presentations and engagement sessions with key stakeholders such as schools and traders associations to reach a broad audience. This resulted in 478 English language surveys completed and over 60 translated surveys received.

The outcomes of the community engagement period have informed the development of the Draft Transport Strategy, including changes to the strategy’s values, objectives and actions. Since the conclusion of community engagement on the discussion paper, the Draft Transport Strategy and Action Plan has been developed and prepared for public exhibition and feedback.

**3. Issues**

**Strategy Structure**

An important factor in developing a new transport strategy was to provide a robust structure to the strategy. The current MITS 2019 policy targets and strategic objectives sought to use parking policy changes to facilitate change in the way Merri-bek’s transport system functions to enhance sustainable transport modes, create better travel choices and address increasing congestion. This structure meant the success of MITS was highly dependent on the outcomes of specific actions within the strategy. With the abandonment of the two key parking actions in December 2020, the main driver of MITS was removed. In response, *Moving Around Merri‑bek* has been developed with a new structure that is designed to be more robust and is more able to respond to changes in the transport system and policy environment while ensuring Merri-bek is pursuing a clear strategic direction to create better streets and improved transport system for the community.

*Moving Around Merri‑bek* is structured into three parts: Vision and Values, the Transport System, and Streets for People.

First, our Vision and Values sets out the vision (using the Community Vision) and the six values that we will draw on to manage and make changes to our transport system. These values are: safe, accessible, sustainable, healthy, liveable, and inclusive.

The second part, the Transport System, outlines the multiple transport networks that make up our transport system. This includes the pedestrian, cycling, public transport, and driving networks, as well as consideration of land use and planning. We outline the directions we will take within each subsection and what success looks like for each.

The third section, Streets for People, is the synthesis of bringing our vision and values together with our transport system to undertake a holistic approach to designing and implementing changes to our transport system. This approach draws upon Movement and Place and Healthy Streets assessments to understand how streets work at the network level, how the street is experienced at the human scale, allows us to consider opportunities to improve our streets for everyone.

**Streets for People**

***Connecting Movement and Place***

Movement and Place is a conceptual framework developed by the Victorian Government. This framework outlines that every street has both a movement function and a place function. The extent of each function depends on the unique characteristics of each street; a freeway has a high movement function but a low place function, whereas an activity centre street has a relatively lower movement function but higher place function. Movement and Place provides a common framework for talking about how our streets currently work, our aspirations for how we’d like our streets to function in the future, and what interventions may be appropriate for a given streets context.

***Healthy Streets***

Healthy Streets is an assessment tool developed in the UK and has spread internationally in recent years. It provides a framework for assessing streets at the human scale. This includes whether there are places to stop and rest, how welcoming the street feels, levels of noise, clean air, ease to walk and cycle, among others. This tool helps us to review how a street currently performs and identify opportunities to make improvements to the street.

***Streets for People Framework***

Combining Movement and Place, which considers how a street functions in relation to the rest of the transport system and sets the parameters for how we want that street to contribute to the performance of the transport system, and Healthy Streets which looks at the qualitative components of a street at the human scale, allow us to consider opportunities to improve a street for everyone. This is illustrated in the diagram below.

Within the strategy, we have outlined how we will do this, within a ‘Streets for People’ framework. This framework outlines a multi-stage process for identifying streets for interventions, considers how those streets perform at the network level via Movement and Place, and at the human scale with Healthy Streets, which then inform potential design options to be considered by the community, prior to a preferred design option being implemented. This process provides a clear rationale for selecting streets and the opportunities to improve them in a holistic way. It is hoped that this process ensures broad community buy-in for these projects, with more of the community seeing direct benefit for themselves. The Streets for People Framework will be developed over the course of 2024, as it is applied to existing projects, with a final Framework presented at the end of 2024.

**Draft Action Plan Structure**

The Draft Action Plan details the specific actions council will undertake to achieve the vision and values of the Transport Strategy. The plan is structured to align with the strategy clearly by listing actions that relate to each Value and associated objectives, as well as actions relevant to each component in the Transport System (e.g., Driving Network and Pedestrian Network).

The plan provides detailed actions to be delivered by June 2025 and lists actions for consideration in the 2025-29 Action Plan. Each specific action in the 2024-25 Action Plan identifies the branch responsible for delivery, what resources are required, and any milestone dates relevant to delivering the action. This allows the action plan to integrate with councils planning and reporting framework to ensure the actions are being delivered and reporting is coordinated with other council actions.

**Climate emergency and environmental sustainability implications**

Transport emissions are the second largest source of emissions in Victoria and are set to become the largest source in the coming years.

Reducing transport emissions and the effects of climate change is a key focus of the transport strategy. We aim to reduce transport emissions by providing infrastructure that enables people to use zero emission transport modes such as walking and cycling, by supporting our community to switch to electric vehicles, by advocating to the State Government for improvements to public transport infrastructure and services, and by supporting increased densities in activity centres and around transport hubs.

We have outlined specific actions to calculate our communities existing transport emissions and develop scenario pathways to zero emissions.

**Economic sustainability implications**

The Draft Transport Strategy is important to ensuring the sustainability of Merri‑bek’s local economy and its contribution to the economy in Greater Melbourne and Victoria. The strategy specifically addresses issues and opportunities for improving access to local businesses and freight movement via a variety of transport modes.

Merri‑bek’s transport system provides crucial support to local businesses and this role is reflected in specific actions and objectives while also being embedded into the values of the strategy. For example, the strategy recognises changing trends in local delivery services and their adoption of new modes and technologies that support local business deliveries. For example, the Transport System section details how Council can support and enhance sustainability of local freight and delivery services and involve local businesses in how we manage and use valuable kerb-side space.

The Streets for People Framework also details Merri‑bek’s approach to enhancing the liveability and accessibility of activity centres and local destinations. This is reflected in the application of Movement and Place and the Healthy Streets approach to selecting projects and the strategic objectives that inform the design process. The Streets for People Framework will therefore improve accessibility and patronage of local businesses by enhancing the safety, comfort and amenity of local trips that support the local economy.

**Legal and risk considerations**

Transport is an issue of high interest to the community. The level of community engagement undertaken to date and planned for the exhibition phase of the Strategy is considered to have met Council’s aspirations as outlined in the Community Engagement Policy, which is a requirement under the *Local Government Act 2020*. The comprehensive engagement process taken is detailed in Section 4.

*Moving Around Merri‑bek* has been prepared to align with the transport system objectives and decision making principles of the *Transport Integration Act 2010*, expressed within the local Government context and specific to the municipality of Merri‑bek.

**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 *Gender Equality Act 2020.*

Under the *Gender Equality Act 2020* Council has a duty to promote gender equality in new or revised policies/ programs and services with a direct and significant impact on the community. The tool that we are asked to use are gender impact assessments and the Act requires us to demonstrate how our recommendations and actions will:

 meet the needs of people of different genders

 address gender inequality and

 promote gender equality.

Project managers for the actions included in the final action plan that require a gender impact assessment will be asked to address this requirement by applying a gender lens in their action planning and implementation and to report actions taken in the next Council progress report to the Commission, due in October 2025.

**4. Community consultation and engagement**

**Background**

We commissioned independent social research that undertook quantitative and qualitative research on community views and aspirations for transport between January and March 2023. The research found geographic disparities with access to transport. We heard that public transport is less accessible in the north and north-west of the municipality, particularly east-west bus services and low service frequency. East-west cycling connectivity was found to be lacking as well. The Social Research Report is available on the Conversations Merri-bek project page.

Following the Social Research Report, we undertook community engagement on a Discussion Paper as a precursor to the Draft Strategy. Engagement ran from 24 July to 2 September. It included a range of face-to-face activities, workshops, and online engagement activities. **We received feedback from over 1,000 people including 532 survey responses (58 surveys in other languages).**

Community engagement found that the key reasons why people do not choose walking and cycling, despite selecting it as options they’d like to use more frequently, more often involved the lack of safety and lack of convenience (the journey takes too long, and services are not near people).

The theme of safety featured strongly throughout the feedback and was the most prominent challenge in *Moving Around Merri‑bek* and a major barrier to choosing more active or sustainable modes of transport.

Reflecting the overall feedback, most suburbs had the following key ideas / priorities in common:

 Safer, better, increased paths for cycling and walking

 Increased, improved, extended public transport services (with Brunswick West, Glenroy and Fawkner mentioning bus services)

 Advocating for accessible public transport stops/ services

 Traffic calming and slowing cars down/ reducing speed limits

Brunswick East and Brunswick respondents specifically mentioned improving Sydney Road, making it more attractive and safer for pedestrians and cyclists.

Brunswick, Brunswick West, Glenroy, Coburg North, and Pascoe Vale respondents mentioned improved connections for bikes and public transport either East West and/ or North South.

Coburg respondents prioritised safety, increased lighting and more/ safer crossings.

Three advocacy ideas presented in the survey scored highly in terms of importance including advocating for:

 increased public transport services (87.5% Very Important / Important);

 increased accessible public transport and low-floor vehicles (83.2% Very Important/ Important); and

 improved safety and security on public transport (79.4% Very Important/ Important).

Please see the Discussion Paper Community Engagement Report **(Attachment 3)** for further details on the engagement findings.

In response to community feedback, we have changed one of the ‘themes’ (now called Values) from *Collaboration* to *Inclusive*.

We have also developed a new section, titled ‘Streets for People’, that lays out the basis for a more holistic way of planning and delivering infrastructure projects.

**Forthcoming activities**

Engagement and Communications activities for the Draft Strategy and Action Plan stage include:

The Sustainable Transport Advisory Committee was briefed on the draft strategy and action plan on Tuesday 24 October 2023.

If the recommendation is adopted, engagement will launch on Monday 13 November, following the November council meeting (pending any final adjustments).

Engagement is planned to close on Sunday 17 December, providing opportunity for community feedback across 5 weeks.

Engagement will include:

 An updated Conversations Merri-bek project page

 A short survey (available digitally on Conversations Merri-bek, digitally via Microsoft Forms in 7 languages other than English, and in hard copy format at all public-facing council facilities and upon request).

 A municipal wide letter informing the community of the project, explaining the Draft Strategy, and inviting them to provide feedback

 An overview/summary of the strategy translated into the 7 languages other than English

 An Easy English/low literacy overview/summary of the strategy

 Draft Strategy, Draft Action Plan, Easy English overview/summary and in-language summary/overviews all available in hard copy

 Running a workshop with the Merri-bek Connectors to facilitate feedback from our CALD communities

 An email to all community members who engaged with the Discussion Paper and who provided their contact details to remain informed about the development of the strategy to inform them of the Draft Strategy and to seek their feedback.

 An email to all Council committee members and reference group members to inform them of the Draft Strategy and to seek their feedback.

 An email to surrounding Councils, relevant State Government departments, and local MPs

 Inclusion in all relevant Merri-bek e-newsletters and physical newsletters informing of project and requesting feedback

 Posters displayed in all Council facilities, Neighbourhood Houses, local sporting clubs, local businesses informing of project and requesting feedback

 Postcards available in all Council facilities, Neighbourhood Houses, local sporting clubs, local businesses informing of project and requesting feedback

 Targeted social media advertising in English and 7 languages other than English

 Engage with local media via media release

A public hearing of submissions will conclude the engagement for the Draft Strategy and this is proposed to be held on Tuesday 30 January 2024.

**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.

Officers pursued a rigorous engagement process to reach a broad range of community members to inform the development of the Draft Strategy. Officers recommend a public exhibition period for the Draft Strategy to allow all affected community members the opportunity to provide feedback on the strategy and action plan. Changes to the document will then be considered that directly address the ideas or concerns of all affected persons before the strategy and action plan is finalised.

**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 is no direct impact this draft strategy will have on the current council budget, as the resources to prepare and consult on the strategy are in existing budgets. Council officers will undertake a full financial and resource impact on the final strategy prior to being presented to Council for the final document.

We will provide an updated assessment of budget implications when the final documents are presented for endorsement. The strategy and action plan does recommend actions for future years that will require consideration through the annual budget processes including the 5-year Capital Works Program.

It is important to note that construction costs, particularly for Streets for People projects, carry significant uncertainty and are subject to change following the design stage of each project. Once construction estimates are better understood additional funding (Council or external grants) may be required, or projects may be staged across multiple years. Delivery of additional projects may require additional project management resources.

**7. Implementation**

Community feedback will be sought on *Moving Around Merri‑bek* and the accompanying Action Plan between Monday 13 November and Sunday 17 December 2023. A public Hearing of Submissions will be held in early 2024, likely Tuesday 30 January.

We will review feedback and revise the draft documents into a final version throughout January and following the Hearing of Submissions.

Officers will prepare a report for council detailing findings of the engagement on the draft strategy and present the final updated version of the strategy and Action Plan to the March 2024 council meeting.

We will seek endorsement of the final *Moving Around Merri‑bek* and Action Plan at the March 2024 Council meeting. Development of a future action plan will take place during 2024 and will be presented to Councillors for endorsement late 2024.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Draft Moving Around Merri-bek | D23/532851 |  |
| **2** | Draft Moving Around Merri-bek Action Plan | D23/532848 |  |
| **3** | Moving around Merri-bek - Consultation Findings Report (Final 231023) | D23/532860 |  |

**7.3 Making it Easier to Walk and Ride in Merri-bek - Options for Indexation of Per Capita Spending on Active Transport**

**Director City Infrastructure Anita Curnow**

**Transport**

**Officer Recommendation**

That Council refers to the 2024/25 Budget process the adoption of a simple increase in the per capita spend of rates funding on active transport infrastructure to $12 per head, to operate as a minimum spend, from 2024/25.

**REPORT**

**Executive Summary**

This report responds to the Resolution of Council on 20 June 2023 for a report on indexing the $10 per capita spend on active transport infrastructure to inflation.

The report canvases various options for establishing an index and the pros and cons of these. For any scenario, there are a wide range of assumptions that need to be made in setting and testing an index. Options considered are:

 inflation as an index (which needs to be forecast and which can be highly variable),

 an index of 1 per cent per annum, which applies to other parts of recurrent capital spending (which produces a moderate increase in minimum spend)

 an index of the rate increase (which is nominated in time to be accounted for in a coming budget year)

These options all feature a ‘multiplier effect’ with both population growth and an index on the per capita spend. Population growth is forecast at a little over 1 per cent p.a. at present.

A further option is to remove the ‘per capita’ component of the indexing and adopt the rate increase instead, applying this to the $10 per capita figure applying in 2023/24. The basic assumption for a rate increase is 2 per cent pa.

Another variable for these options is the impact of a changing ‘base year’ for indexing – a base year of 2019/20 produces much higher indexation over the next 5 years than a base year of 2023/24.

The actual spend in the 5-year Capital Works Program is already higher than many of the resulting indices and if the Option 2 from the accelerated program of active transport spending is adopted in the 2024/25 budget then it would exceed all scenarios over the next 5 years.

The report recommends the simple approach of a one-off increase to $12 per capita of spending on active transport infrastructure, as a middle ground of the scenarios contemplated, to guard against unintended consequences of externally imposed variables impacting future inflation and unknown rates increases.

**Previous Council Decisions**

**Making it safer and easier to walk and ride in Merri-bek - response to Notice of Motion** – 18 October 2023

*That Council:*

*1. Endorses an accelerated program of active travel projects as detailed in Option 2 in this report (subject to the 2024/25 Council Budget process) including:*

*a) An increase in annual expenditure on upgrades to pedestrian accessibility, public lighting and roundabouts.*

*b) An increase in the funding to deliver outcomes from the Fawkner Transport Study from $100,000 to $300,000 (in 2025/26).*

*c) Earlier delivery of the Coonans Road (2025/26) and Reynolds Parade (2026/27) separated bicycle lane projects previously identified in Council’s ten-year active travel program.*

*d) Commencing a program of “Streets for People” projects to improve walking, cycling and place outcomes, commencing with designs for Harding Street, Coburg and Albert Street, Brunswick in 2024/25.*

*e) Project management resources to deliver the above projects.*

*2. Advocates to the Victorian Government for a financial contribution towards these projects, particularly those on Strategic Cycling Corridors.*

*3. Refers the additional expenditure required to the 2024/25 Council Budget process, noting that it will need to be considered alongside other capital budget pressures.*

*4. Notes that project cost estimates are indicative and subject to change following design of and community engagement on individual projects.*

*5. Incorporates these actions into the relevant Transport Strategy Action Plans by March 2024.*

*6. Notes that a report on the opportunity to index the per capita spend on active travel will be presented to the November 2023 Council meeting.*

**Making it safer and easier to walk and ride in Merri-bek** – 20 June 2023

*That Council resolves to receive a report by October 2023 that details how Council could accelerate the roll out of active transport infrastructure to make it safer, easier and more comfortable to ride and walk around our city, including by:*

*1. Bringing forward active transport projects that have been prioritised by community members and groups through recent consultations, including on our 10 Year Capital Works Programs for Walking and Cycling, in our Capital Works Program.*

*2. Increasing the $10 per head minimum spend on active transport infrastructure each year in line with inflation.*

**1. Policy Context**

**Council Plan 2021-2025**

The Council plan sets out Council’s and community’s vision for the future. Key objectives and strategies related to this report include:

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Merri-bek, especially via walking, cycling and public transport.

o 2.1. Build safe, accessible, and high-quality bike and pedestrian infrastructure to create links between areas of high pedestrian and cycling demand, especially the Coburg to Glenroy bike path.

o 2.5. Facilitate substantially increased use of active transport in the community through targeted programs which include a focus on children, young people, families and older people.

o 2.6. Collaborate with the community to improve pedestrian and cycling infrastructure on a case-by-case basis.

**Zero Carbon Merri‑bek**

Council’s Zero Carbon Merri‑bek 2040 Framework outlines the community vision and strategic directions for the transition to zero carbon in Merri‑bek by 2040. In 2019/20, transport was recorded to contribute 17 per cent of all carbon emissions in the Merri‑bek local government area and 13 per cent were from private motor vehicles. The 2040 vision for Sustainable Transport includes:

 Most people choose to walk or cycle to get around locally because its healthy, free, safe and convenient.

 Merri‑bek is known for its pedestrian and cycle-friendly streetscapes.

This overarching Framework informed 5-yearly action plans to drive the transition to zero emissions including:

 Investing in infrastructure to support active travel and public transport.

 Reallocate space used for private vehicle travel and parking to support sustainable transport use and other purposes.

In addition, Council resolved in December 2021 to adopt an interim target towards the Zero Carbon by 2040 goal of a reduction of emissions by 75 per cent by 2030.

**2. Background**

In June 2023, Council adopted its 2023-27 Budget which included a Transport Program of works. At the same meeting, Council resolved to receive a report on accelerating investment in walking and riding infrastructure and indexing the minimum per capita spending on active transport, which has remained at $10 per capita since its introduction in the 2019/20 budget.

At the October 2023 Council meeting, the opportunity to accelerate walking and cycling infrastructure projects was presented and Option 2 was endorsed for consideration in the 2024/25 budget process. This program of accelerated projects would require an additional $906,000 per year on average between 2024/25 to 2028/29, and would increase average annual per capita spending on active travel during this period from $11.34 to $15.70.

The second aspect of the June 2023 resolution was to report on indexation of the per capita spending on active transport. This was not covered in the October 2023 report and is the subject of this report.

With a new Transport Strategy and associated Action Plan under preparation, there is a good opportunity to consider the approach to future funding for active transport infrastructure.

**3. Issues**

There are several possible approaches to indexation, and officers recommend that Council considers these closely in determining whether indexation should apply to the $10 per capita spending on active transport infrastructure.

The current population forecast for the current and next 5 financial years is shown in the table below. This represents growth at approximately 1.1 per cent each year.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 |
| Population forecast | 176,422 | 178,362 | 180,324 | 182,308 | 184,313 | 186,340 |

It is noted, and is proposed to continue to be the case, that the $10 per capita has the following parameters applying to it:

 The best available forecast of resident population for a given year is used to determine $10 per head

 The figure applying is that known when the budget for the subsequent year is set, and applied to the 5 year Capital Works Program, with annual updates to population projections where available as the Capital Works Program is refreshed each year.

 The $10 per capita is for spending on improvements to existing assets to help walking and riding, rather than spending on maintenance or renewal of assets such as footpaths and bike paths.

 Where grant funding is obtained for walking and riding infrastructure, this is in addition to the $10 per capita figure. Sometimes, this will mean deducting expenditure from the calculation if a grant has been able to substitute rates funding for a certain project.

 Where road safety and amenity projects are introduced that are not specific to walking and riding infrastructure, there may be some attribution of spending to walking and riding, but not the full 100 per cent. Typically, 50 per cent of this funding would be allocated to the $10 per capita calculation where people walking and riding are beneficiaries of the project, unless there is good reason to vary up or down from this figure.

It is further noted that in the annual budget presentation, there is explicit reference to the level of spending per capita for the forthcoming budget year and the outlook demonstrated in the Capital Works Program.

Some of this funding, especially that used for project design and that for projects in the later years of the 5-year Capital Works Program, is shown in a general funding line (for example, Pedestrian Facilities – Unallocated or Bike Facilities – Unallocated, or Transport Project Design, Evaluation and Monitoring). This funding is included in calculations of the per capita spend in accordance with the parameters outlined in the above list.

The specific June 2023 Council resolution being addressed in this report is:

*To receive a report by October 2023 that details how Council could accelerate the roll out of active transport infrastructure to make it safer, easier and more comfortable to ride and walk around our city, including by Increasing the $10 per head minimum spend on active transport infrastructure each year in line with inflation.*

**Inflation as a means of indexation**

Officers have presented analysis of indexing to inflation in this report. However, there are some complexities and cautions with respect to using inflation as an index.

Inflation has two main characteristics relevant to the proposal to use it for indexing future budget spending.

 As has been seen in recent years, **inflation varies considerably** and sometimes unpredictably. While recent high inflation may make this appear to be a way of increasing the per capita spend, inflation can also track quite low and could dampen increases in spending (or even reduce spending under a deflating economy). It would make a very significant difference to the per capita figure if it were indexed according to inflation experienced for the 5 years from 2016/17 compared to the 5 years from 2019/20.

 **Inflation is, by definition, a lagging indicator**. That is, inflation figures are released after the end of each quarter, and are backwards looking. Applying inflation to a future-facing budget year is therefore not possible. There are forecasts of inflation released by the Reserve Bank of Australia (RBA) for an outlook of approximately 18-24 months, and these outlooks are understood to be based on the objectives of the RBA in managing inflation to within a target 2 to 3 per cent range[[1]](#footnote-1). For example, the recent history of **actuals** and *current RBA estimates* of inflation are:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Jun 2021 | Dec 2021 | Jun 2022 | Dec 2022 | Jun 2023 | Dec 2023 | Jun 2024 | Dec 2024 | Jun 2025 | Dec 2025 |
| **3.8** | **3.5** | **6.1** | **7.8** | **6.0** | *4.1* | *3.6* | *3.3* | *3.1* | *2.8* |

Source: <https://www.rba.gov.au/publications/smp/> for various time periods Accessed 26/10/2023

It is possible to use RBA forecast inflation to determine the next year’s per capita index. However should the actual inflation considerably exceed this amount, this raises questions about the suitability of using this method and whether adjustments are to be made to the per capita spend amount ‘on the fly’.

Data showing the application of inflation to determine the best way to index per capita spend is provided in the options tables below. However, this approach is not recommended by officers.

**Alternatives to using inflation as an index**

There are two other options for indexing the per capita spend to account for the increasing costs in delivery of infrastructure projects; applying the rate increase adopted by Council (generally assumed to be the rate cap) and applying a 1 per cent increase.

It is noted that other parts of the Capital Program with annual allocations of funding do not apply inflation or even the rate increase figure to them.

***Applying a 1 per cent increase***

Recurrent funding in the Capital Works Program is either annually fixed (without any indexing) or a figure of 1 per cent per annum is applied. While under most circumstances this results in a reduction in real terms in spending, it promotes fiscally responsible budgets and prioritisation of spending of recurrent funds on the most important things. Where contracts are in place with third party providers that have in-built indexing to CPI, these are considered on a case by case basis during the budgeting process to reach agreement on the figures needed to meet our contractual obligations.

In recent times, the specific project funding identified in the Capital Works Program for future years has been reviewed when the annual rolling forward of the program occurs, to reflect recent experience with costs of projects and aligned with current market rates. This means that, where there is no change in the budget envelope, there are fewer projects able to be funded and this applies universally across our Capital Works Program.

The tables below show the scenario of applying a 1 per cent increase to the per capita spend on active transport infrastructure. There is no uncertainty attached with applying a 1 per cent increase to the per capita figure every year.

***Applying the rate increase***

The most ‘intuitive’ index to apply to the per capita figure, given the figure applies directly to rates funding, is to apply the rate increase adopted by Council for that year in the budget. In recent times at Merri-bek, this has always been the rate cap declared by the Essential Services Commission in late December, six months out from the adoption of the next financial year’s budget.

The timing of the declaration of the rate cap suits the timing of compilation of the budget (noting that the income side of Council’s budget is very significantly impacted by the rate increase that is applied).

The table below shows the level of variation in the rate cap compared to the level of variation in inflation in recent years.

Council may consider the option of applying the rate increase to the per capita spend in active transport infrastructure.

**Spending growth with population as well as growth in per capita figure**

Officers have presented analysis of each of the indexation options alongside the growth in population to show the resultant spending levels that would be derived from applying both the population growth resulting from using a ‘per capita’ approach as well as an index to the ‘per capita’ figure itself. This would result in a double multiplier being applied to the active transport infrastructure spend each year.

Council may consider shifting from a ‘per capita’ basis for the calculation of spending on active transport infrastructure to instead elect to vary the minimum total spending of rates funding on active transport infrastructure to the rate increase, without having the second multiplier of the population growth applied.

**Notes on the actual spend per capita compared to the ‘spending floor’ or ‘safety net’ approach**

In recent years, as shown in the tables provided, there has been a budgeted spend greater than the $10 per capita spend, in some years, this has amounted to several dollars per capita. It is recommended that any indexed figure continues to represent a minimum spend and therefore act as a ‘safety net’ or ‘floor’ of spending, and that Council may choose to spend higher amounts of rates funding on active transport investments. This is also the case for the project spend in the current 5-year Capital Works Program.

**Assumption of the ‘base year’ for indexing spending**

***From the date the $10 per capita spend level was set***

It is assumed that the base year for indexing spending for active transport infrastructure is to be the year the $10 per capita spending was introduced. This was 2019/20 and therefore, applying an index to this from that date would result in the ‘floor’ of spending creeping up over that time (noting that this has generally been achieved each year given higher than $10 per capita being spent).

***From the 2023/24 figure***

Given this decision is being put forward for consideration in the 2024/25 budget year, there is a plausible argument for it being considered from this year forward, using 2023/24 figure of $10 per capita as the base.

**One-off adjustment of per capita spend**

Council may consider an alternative by which a one-off decision is made to increase the per capita spend to a different figure, higher than $10. A figure of $12 per capita is shown in the table against the other options. It is noted that previously, before the $10 per capita was adopted, the previous level was $5 per capita. So there is precedent for a one-off increase in per capita spend.

This option is recommended by officers, as a simpler and effective minimum spend.

**Community impact**

The greatest impact on the community from adopting the recommendation of this report is on the investments that may not be included in the Capital Works Program due to the need to adhere to the policy position adopted.

Over time, the multiplier effect of the recommendation is such that active transport infrastructure will consume proportionally more and more of rates funding, meaning this impact on spending for other asset categories (or indeed on other Council services) will be more greatly felt, unless a further decision of Council is made in future that modifies or adjusts the indexation approach.

**Climate emergency and environmental sustainability implications**

At the highest level, the more funding that is spent on active transport infrastructure, the greater the rate of improvement to this infrastructure and the greater the encouragement for people to use active transport.

However, it is noted that equivalent funds could be spent on behavioural transport programs to encourage take up of active transport modes or on other programs encouraging reduction in carbon emissions such as degasification and solar thermal programs.

**Economic sustainability implications**

The officer recommended approach is one that accounts for the need for Council’s budget to be economically sustainable. There are always opportunities for grant funding that are pursued by officers for transport projects, and these are considered to be a useful approach to supplementing spending of rates funding on transport projects.

**Legal and risk considerations**

There is no connection to any legal requirement for spending on improvements for active transport infrastructure. This is purely a policy position of the Council that is entirely within its control.

**Human Rights Consideration**

Spending on active transport infrastructure can engage the right to recognition and equality before the law (section 6 of the Charter of Human Rights and Responsibilities Act 2006) and the right to freedom of movement (section 12).

Walking and riding projects generally positively impact the right to freedom of movement for people using these modes, and can positively impact people’s right to recognition and equality before the law where project outcomes positively address inequality on the basis of age, gender, disability, etc.

There are no adverse human rights impacts identified from the recommendations of this report.

**4. Community consultation and engagement**

This report was informed by engagement the 2023-27 Council Budget, including consideration of the many community submissions on the 2023-27 Council Budget seeking increased funding on active transport infrastructure, especially protected bike lanes.

**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.

As a general report about funding levels, and with no specific projects in mind, there is no specific person whose rights may be affected by the recommendations of this report. These considerations apply when individual projects are being designed, developed and implemented.

**Communications**

There are no specific communications proposed with respect to this report, however officers are available to address queries that may arise, and the annual consultation undertaken as part of the 2024/25 Budget will provide a further opportunity for the community to have their say on the matter of indexing the per capita spend level on active transport infrastructure.

**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 table and chart that follow show the resulting spend from the range of scenarios contemplated in the Issues section. It is clear that there are many different options available for indexing of spending. It is also clear that the currently budgeted spend over the next 5 years is higher than most of the index-calculated scenarios, and the Option 2 scenario outlined in the October 2023 Council report and resolved to be put to the 2024/25 Budget process shows considerably higher levels of investment than any of the index scenarios.

The light grey line shows the index that was requested in the original June 2023 Notice of Motion (having clarified that this would be from the 2019/20 base year). While this is consistent with the Option 2 spending for the foreseeable future, it will continue to increase steadily (depending on what inflation actually does) and would, under constant inflation of 3.1 per cent, add $1 million per year in 10 years to the safety net, while applying rates funding without a population-related increase would increase by as little as $400,000 in that time. A progressively increasing spend would mean trade-offs with other parts of the capital program would be inevitable over time.

Officers recommend a simple increase of the per capita rate to $12 per head from 2024/25 (red line). Officers’ next suggestion would be applying the rate increase to the per capita rate each year with a 2019/20 base year (yellow line).

Opportunities for larger investments in active transport infrastructure should be taken when capacity in the budget is able to be found, such as the fixed term injection that Option 2 would afford. These sorts of changes should not be built into the base as they compromise Council’s ability to manage emerging budget pressures and changes external environments.

***Minimum annual spend on active transport infrastructure from rates funding under different scenarios***

*Note: colours align with the colours of lines on the subsequent chart*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 |
| Population estimate | 176,422 | 178,362 | 180,324 | 182,308 | 184,313 | 186,340 |
| current scenario spend ($10/head) | $ 1,764,220 | $ 1,783,620 | $ 1,803,240 | $ 1,823,080 | $ 1,843,130 | $ 1,863,401 |
| index at 1% per annum spend base year 2019‑20 | $ 1,835,854 | $ 1,874,603 | $ 1,914,176 | $ 1,954,589 | $ 1,995,846 | $ 2,037,974 |
| rate increase with base year 2019-20 spend | $ 1,923,507 | $ 1,983,552 | $ 2,045,478 | $ 2,109,343 | $ 2,175,192 | $ 2,243,097 |
| inflation with base year 2019-20 spend | $ 2,131,152 | $ 2,221,380 | $ 2,315,435 | $ 2,413,479 | $ 2,515,663 | $ 2,622,173 |
| inflation with base year 2023-24 spend | $ 1,764,220 | $ 1,819,292 | $ 1,876,091 | $ 1,934,667 | $ 1,995,063 | $ 2,057,345 |
| jump to $12/head spend in 2024-25 | $ 1,764,220 | $ 2,140,344 | $ 2,163,888 | $ 2,187,696 | $ 2,211,756 | $ 2,236,081 |
| index spending at the rate increase from 2023-24 $10 per capita base | $ 1,764,220 | $ 1,799,504 | $ 1,835,494 | $ 1,872,204 | $ 1,909,648 | $ 1,947,841 |
| budgeted spend, current 5 year CWP | $ 2,102,269 | $ 2,442,146 | $ 2,204,138 | $ 2,388,997 | $ 2,194,860 | $ 2,194,860 |
| with Option 2 additional spend | $ 2,102,269 | $ 3,017,146 | $ 3,119,138 | $ 4,153,997 | $ 2,559,860 | $ 2,959,860 |

**7. Implementation**

The implementation of the decision of Council on the matter of the figure to be set for per capita spend in coming budgets is to be made when the draft 2024/25 budget is consulted upon and when the final 2024/25 budget is adopted. The budget is presented as a four-year budget and will therefore span the years 2024/25 to 2027/28 and the 5-year Capital Works Program presents an additional year of proposed spending, aligned with the 10-year Long Term Financial Plan.

During the compilation of the 2024/25 Budget, officers will be consulting with Councillors on the priorities to be included in the draft Budget as it is formally brought to Council for decision. Officers will be tracking the per capita spend on active transport components of the budget as it is presented, including the Option 2 projects resolved to be presented at the October 2023 Council meeting, to assist Council in making budget decisions in 2024.

**Attachment/s**

There are no attachments for this report.

7.4 Rainbow Tick accreditation - requirements, priorities, phasing, and costs for Council services and programs

**Director Community Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council:

1. Notes the requirements, phasing and required resources necessary to achieve Rainbow Tick accreditation.

2. Approves in principle the preparation and application for Rainbow Tick accreditation for the following services, subject to the 2024/25 budget process: Aged and Community Support, Library Services, Youth Services, Maternal and Child Health, and Preschool Field Officer program.

3. Refers costs of $248,332 to support the required preparation for Rainbow Tick accreditation to the 2024/2025 budget process for consideration.

**REPORT**

**Executive Summary**

The Rainbow Tick accreditation is widely recognised as one of the most impactful ways to measure and demonstrate LGBTIQA+ inclusion in organisational practices and service delivery. This report outlines that Rainbow Tick accreditation is an ambitious process that has the potential to have the most impact when implemented as part of an overall plan for change within the Council which works in partnership with the community and other organisations.

Based on benchmarking with other councils and internal assessment the following Merri-bek Councils services should be considered to prepare for and receive Rainbow Tick accreditation: Aged and Community Support, Library Services, Youth Services, Maternal and Child Health and Preschool Field Support Team.

To successfully achieve Rainbow Tick accreditation additional operating and staff resourcing totalling $248,332 is recommended to be referred to the 2024/25 budget process for Council's consideration. This includes:

1. Specialist staff resources to effectively drive Rainbow Tick readiness at a cost of $91,666 per year for 2 years totalling $183,332.

2. Three-year accreditation costs and fees of approximately $45,000.

3. External expertise to assist the Rainbow Tick Steering group will cost $20,000 in the 2024/25 financial year only.

Benchmarking shows that the Council should allow at least 18 months to conduct gap analysis, consult with communities, introduce measures that address gaps and allow at least 6 months to fully implement new strategies before the accreditation is invited to undertake the assessment.

Once the Council receives the accreditation, a mid-cycle review process is conducted every 18 months and every 3 years a full re-accreditation is required. Accreditation beyond the initial 2 years will require consideration of further budget and officer resourcing in line with the 2026/27 Budget process.

**Previous Council Decisions**

**Merri-bek LGBTIQA+ Action Plan** – 10 May 2023

*That Council:*

*1. Endorses the Merri-bek LGBTIQA+ Action Plan 2023-2026, and requests that the following additional actions be included:*

*…*

*b) A report be presented to Council in 2023 that outlines the requirements, priorities, phasing, and costs for Council services and programs to move towards Rainbow Tick accreditation in line with activity 2.5 of the LGBTIQA+ Action Plan, to inform 2024/2025 Council budget consideration.*

*…*

## 1. Policy Context

Council Plan 2021-2025 Strategic Objective 3 supports Merri-bek to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services, facilitating local partnerships and programs, mitigating the effects of climate change and supporting the community to adapt and build climate resilience. Strategy 3.5 commits the Council to: Enhance social cohesion by strengthening relationships and developing opportunities for cultural and social connection and addressing the physical, cultural, and financial system barriers to access, inclusion and participation by all people, in particular culturally and linguistically diverse communities. This should also include measures to address racism and LGBTIQA+ discrimination.

Council’s first Human Rights Policy was adopted in 2016 and in 2022 was updated to reflect the changing social, political, economic, environmental and health context. This policy commits Council to ensure that Merri-bek is a safe and welcoming city for Lesbian, Gay, Bisexual-plus, Transgender (and gender diverse), Queer or Questioning, Asexual and Aromantic and Intersex people (LGBTIQA+) and will strive to ensure that its services are accessible to and appropriate to the needs of our LGBTIQA+ residents and visitors and staff. We acknowledge that the full diversity of sexes, genders and sexualities goes beyond the LGBTIQA+ acronym and that while some issues may overlap, many will be unique for individual communities.

The Merri-bek LGBTIQA+ action plan 2023 – 2026 formalises operations across the organisation to ensure that our work is genuine in supporting LGBTIQA+ communities. The action plan is guided by and supports the implementation of the Human Rights Policy to achieve improved outcomes across our city. Priority area 2 says Merri-bek City Council will work towards creating safe, accessible and inclusive services, that are informed by evidence and the voices of LGBTIQA+ communities. Action number 2.5 commits to: Investigate, accreditation standards across appropriate Council services.

## 2. Background

Rainbow Tick accreditation is an inclusion framework developed by Rainbow Health Australia at La Trobe University for LGBTQ-inclusive service delivery for health and human services organisations. Previously known as Gay and Lesbian Health Victoria (GLHV), Rainbow Health Victoria has played an important role in improving the lives of LGBTQIA+ Victorians since 2003.

Rainbow Tick accreditation is provided through an independent assessment, provided by Quality Innovation Performance (QIP) and the Australian Council on Healthcare Standards (ACHS).

The Rainbow Tick is for health and human services organisations seeking to provide a safe and inclusive workplace and services for the LGBTQIA+ community. The six standards it incorporates are designed to be used by the whole organisation but can also be applied to specific services or sites within an organisation.

Rainbow Health Victoria created Rainbow Tick as a quality framework to help organisations show that they are safe, inclusive and affirming services and employers for the LGBTQIA+ community. The Rainbow Tick is built upon a set of voluntary LGBTQIA+ -practice guidelines outlined in the Victorian Government’s Well Proud: A Guide to GLBTI-inclusive Practice for Health and human services.

Rainbow Health Victoria’s first LGBTQIA+ inclusive practice guide was published in 2013 to accompany the development of the Rainbow Tick. An updated version was subsequently released in 2016.

In 2020 in the lead-up to the Local Government elections, the Victorian Pride Lobby developed a Rainbow Local Government campaign designed to support and promote the efforts of local governments to foster a culture that is inclusive, responsive and accessible to LGBTIQA+ Victorians. This campaign asked Council election candidates to pledge support to Rainbow Tick accreditation, set up LGBTIQA+ advisory committees, and LGBTIQA+ action plans and fly the rainbow flag.

## 3. Issues

Rainbow Tick accreditation is an ambitious process and only 5 local governments have achieved partial accreditation to date. Benchmarking with other Councils such as Moonee Valley, Darebin and Monash City Councils and Rainbow Tick accredited organisations such as Merri Health identified the following considerations:

**Prioritise customer-facing services to limit scope and cost**

The Rainbow Tick has originally been developed for LGBTQIA+ inclusive service delivery for health and human services organisations. To date, no Local Government organisation has received Rainbow Tick for the whole organisation. Only 5 Local governments across Victoria received Rainbow Tick accreditation for dedicated services such as the City of Port Phillip or Moonee Valley City Council for their Aged and Disability Services or Whittlesea City Council for Youth Services.

Limiting the scope for accreditation is necessary because of practical considerations related to the workload and the cost and process of accreditation which are affected by the number of staff, the number of sites, and the specific areas of the organisation. Darebin City Council has chosen only 4 areas to pursue accreditation due to cost and workload considerations which include Youth Services, Family & Children’s Services, Toy Library and the Early Years Education Support, Supported & Connected Living Department at the cost of the accreditation estimated to be $20,000.

Based on considered internal assessment and scoping of costs the following Merri-bek Council services are recommended to prepare for and ideally receive Rainbow Tick accreditation: Aged and Community Support, Library Services, Youth Services, Maternal and Child Health, and Preschool Field Officer program.

Costs for independent accreditation for accreditation for the above five service areas is estimated to be approximately $45,000 every three years.

**Allow at least 18 months to the pre-accreditation phase**

Benchmarking shows that the Council should allow at least 18 months to conduct a gap analysis, consult with communities, introduce measures that address gaps and allow at least 6 months to fully implement new strategies before the accreditation is invited to undertake the assessment.

It is essential to allow enough time for the preparation and setting up of an internal steering group. Ethical practice requires a commitment to ongoing active listening to the lived experience of LGBTQIA+ communities and a willingness to reflect on individual and organisational blind spots. Input must be sought from a broad range of people, representative across the letters in the LGBTQIA+ acronym, and including a diversity of experiences of different ages, abilities and cultural backgrounds, as well as other intersecting experiences.

**Resourcing and expertise requirements**

The process of preparing for accreditation is complex and requires resources and will require additional specialist staff resourcing.

To meet the Rainbow Tick standards Council needs to develop policies that clearly outline the role of any consultation groups and their place within organisational governance structures and what will happen with the information provided by service users. Council also needs to remunerate and acknowledge LGBTQIA+ community representatives and organisations appropriately for their participation.

Therefore, it is essential to set up a working group approach involving staff from selected sites, managers, and other stakeholders who have lived experience. This group will co-design an organisational community participation strategy.

Based on consultation with other organisations it is recommended an additional suitably qualified staff resource be supported.

An additional budget of $20,000 is also recommended for external specialist services to support the design of internal and external consultation and to advise on accreditation preparation.

**Commit to long-term re-accreditation**

To be successful whole Council change is required to ensure cultural safety for LGBTQIA+ people. This includes a commitment to:

 A thorough and honest appraisal of current systems and capabilities to establish a baseline for improvement.

 An investment in staff capability to drive the process.

 A commitment to engaging LGBTIQ service users, staff and community.

Once the Council receives the accreditation a mid-cycle review process is conducted every 18 months and every 3 years full re-accreditation needs to be undertaken.

This process will require continuous improvement which will require ongoing effort and resourcing. Merri Health has implemented ongoing training in preparation for the re-accreditation which includes compulsory training of new staff and quarterly training for all staff. Merri Health also suggested the need to allocate full-time staff for intensive re-accreditation phases at least 3 months before the re-accreditation.

**Rainbow Tick and Merri-bek LGBTIQA+ action plan**

There are 11 shared actions between Rainbow Tick accreditation and the Council’s LGBTIQA+ action plan. These shared actions focus mostly on workforce training, communications, and advocacy for LGBTIQA+ staff. The council's LGBTIQA+ action plan includes 41 actions aimed at enhancing the well-being and inclusivity of Merri-bek’s LGBTIQA+ population. The effectiveness and longevity of Rainbow Tick accreditation are contingent upon the Council's responsiveness to emerging issues identified in the action plan. A coordinated approach that synchronises pre-accreditation resourcing and action plan implementation is recommended.

**Community Impact**

Rainbow Tick is now widely recognised as one of the most impactful ways to measure and demonstrate LGBTIQA+ inclusion in organisational practices and service delivery.

Rainbow Tick accreditation has the most impact when implemented as part of an overall plan for change in a system or sector. This could involve supporting and encouraging key organisations in a service system to achieve accreditation, while also developing referral systems to create local or state-wide networks to ensure accessible services for LGBTIQA+ people.

The biggest potential impact will be on the LGBTIQA+ community across the spectrum of ages. However, overlapping systems of inequality and discrimination can influence both the experiences and specific needs of LGBTIQA+ people. This includes experiences of inequality and discrimination based on culture, Aboriginality, ethnicity, socio-economic status, ability, geography, age, migration status, religion and other factors. These intersecting social experiences are important in understanding how individuals and communities may describe or feel about being LGBTIQA+, and where people may turn for advice and support.

**Legal and risk considerations**

There is a potential reputational risk for the Council arising from not committing to Rainbow Tick accreditation, in particularly the risk within the LGBTIQA+ community and wider community that Council is not willing to support becoming more LGBTIQA+ inclusive.

**Human Rights Consideration**

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

LGBTIQA+ rights are protected under the Victorian Charter of Human Rights and Responsibilities and cross-over with the Equal Opportunity Act 2010. The Equal Opportunity Act prohibits direct and indirect discrimination, sexual harassment and victimisation and requires the Council to have a positive duty to eliminate and prevent these.

The Rainbow Tick accreditation assumes that the Council demonstrates an understanding of LGBTIQA+ specific human rights in health and community services including the right to bodily integrity and autonomy, and the right to legal and social recognition of identity and relationships.

**Gender Impact Assessment**

The endorsed LGBTIQA+ Action Plan demonstrates affirmative action towards gender equality, particularly for transgender and gender diverse communities. The action plan’s intersectional approach considers the impacts of gender on lived experiences and the need to consider this in programs, services and policies to ensure they are inclusive to people of all genders. Importantly the action plan demonstrates positive action, consistent with the requirements of the *Gender Equality Act* 2020

## 4. Community consultation and engagement

The Rainbow Tick accreditation proposal was discussed at the Merri-bek LGBTIQA+ Reference group meeting in September 2023 which led to the endorsement of the LGBTIQA+ action plan that states that “Council is a leader in providing inclusive and informed services across all life stages, demonstrated by working towards community endorsed standards.”

The broader LGBTIQA+ action plan had wide community engagement and involved in-person consultation at Midsumma Carnival 2023 and online engagement activities via the Conversations Merri-bek platform between 16 February 16 – 2 March 2023. The draft action plan has been developed in collaboration with members of the LGBTIQA+ reference group. This final engagement process allowed for additional comments to be made and any feedback to be incorporated.

This engagement did not gauge specific support for a Rainbow Tick process but did highlight a desire for Council to be more inclusive in its services and programs and to prioritise community-led initiatives.

**Affected person's rights and interests**

The Rainbow Tick framework is designed to support organisations to improve the quality of care and services they provide to lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQA+) service users, staff and volunteers. Therefore, this decision will be communicated to those service users, staff and volunteers via multiple channels and opportunities.

## 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

To successfully achieve Rainbow Tick accreditation additional operating and staff resourcing total of $248,332 is recommended to be referred to the 2024/25 budget process for Council's consideration. This includes:

1. Specialist staff resources to effectively drive Rainbow Tick readiness at a cost of $91,666 per year for 2 years totalling $183,332.

2. Three-year accreditation costs and fees of approximately $45,000.

3. External expertise to assist the Rainbow Tick Steering group will cost $20,000 in the 2024/25 financial year only.

Accreditation beyond the initial 2 years will require consideration of further budget and officer resourcing in line with the 2026/27 Budget process.

## 7. Implementation

If supported and endorsed the following steps will be taken towards the Rainbow Tick accreditation:

 By February 2024 set up the Rainbow Tick steering group to start self-assessment

 By June 2024 appoint a suitable expert who will assist the steering group in applying the 6 Rainbow Tick standards and co-design the engagement strategy

 By August 2024 appoint LGBTIQA+ Inclusion Officer to lead and complete the Rainbow Tick gap analysis.

 Book the formal Rainbow Tick accreditation for May/June 2025

 By June 2025 receive Rainbow Tick Accreditation valid till June 2028

## Attachment/s

There are no attachments for this report.

7.5 Children, Young People and Families Plan 2021-2025 - Implementation of Year 2 Actions

**Director Community Eamonn Fennessy**

**Early Years and Youth**

## Officer Recommendation

That Council notes the Children, Young People and Families Plan annual review and implementation of Year 2 actions.

**REPORT**

**Executive Summary**

The Children, Young People and Families Plan 2021-2025 (the Plan) aims to improve health, wellbeing and educational outcomes for children, young people and families with a 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 of Inclusive City and Community, Improved Health and Wellbeing, and Lifelong Learning and Participation.

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 2 actions.

The annual review of the Plan has highlighted the range of activities that have been completed and the challenges that present to implement the Early Years Infrastructure Program and respond to the emerging needs of children, young people and families in a post-pandemic environment. The annual review has identified the Plan’s achievements in Year 2 which are outlined in detail at **Attachment 1.**

**Previous Council Decisions**

**Children, Young People and Families Plan 2021-2025 – Implementation of Year 1 Actions** – 14 September 2022

*That Council notes the Children, Young People and Families Plan 2021-2025 implementation of Year 1 Actions.*

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

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

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

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

## 1. Policy Context

The Plan aligns with the following key policy documents and legislative requirements:

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

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

 Council Action Plan 2022-2023 (Action 126: Implement actions of the Children, Young People and Families Plan).

 Child Safe Standards.

The Plan aligns with key international policy on the human rights of children and young people:

 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 has 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 report on achievements. The key achievements in Year 2 included the continued implementation of the Early Years Infrastructure Plan and Building Blocks Partnership which resulted in a refurbishment and expansion project at Turner Street Kindergarten and Park Street Early Learning Co-op, and a new modular kindergarten at Doris Blackburn Preschool. Further achievement highlights included processes to amplify the voices of children and young people in decision making through the establishment of the Children’s Reference Group and continued success of the Youth Ambassadors. Infants and families were also supported through a range of partnership programs such as the implementation of INFANT (helping families with healthy eating and active play from the start of their baby’s life), sleep and settling sessions and Dads Group events. Council has also continued to support and collaborate with Merri-bek Toy Library to increase access to low-cost, sustainable play equipment across its two branches in Pascoe Vale and West Brunswick. The Year 2 review report outlines the detail related to all actions and activities completed in the reporting period.

## 3. Issues

### Community impact

The Plan continues to positively impact children and young people through their consultation and participation in decision making on matters that impact them through the Children’s Reference Group and Youth Ambassadors program.

### Climate emergency and environmental sustainability implications

Climate change has been raised by children and young people as a significant concern. Efforts have been made to empower young people to take action through climate emergency initiatives.

Environmentally sustainable design (ESD) in early years infrastructure has been discussed with the Victorian Schools Building Authority and Department of Education. ESD upgrades were recently installed at a new kindergarten modular at Doris Blackburn Preschool and will be a significant focus in the detailed design process for the Brunswick Early Years Hub, which is currently being developed.

### Legal and risk considerations

There is continued adherence to the Victorian Child Safe Standards and legislation on working with children checks for all staff who have regular contact with children and young people. As an additional measure, all staff in Early Years and Youth are required to have a valid working with children check, regardless of their level of direct contact with children and young people. Where there is online engagement with young people, staff adhere to the Online Engagement Policy and Procedure Manual.

### 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 Plan is being implemented in accordance with the Charter, in particular the right to protection of families and children (section 17). The Plan also aligns with the United Nations Convention on the Rights of the Child and in particular, the right to express views and the views of the child to be taken seriously (Article 12).

## 4. Community consultation and engagement

Community engagement and consultation is a key consideration in the Plan’s actions and activities. Key opportunities for consultation and engagement during the Year 2 reporting period were:

 Children’s Reference Group

The Children’s Reference Group was established in partnership with primary schools and 12 children aged 10-12 years were appointed. The members were consulted on the Arts and Culture Strategy, Open Space Strategy, child safe resources and civic participation activities.

 Youth Ambassadors

A new recruitment process resulted in over 50 applications and 14 members were appointed. Consultations have included Arts and Culture Strategy, Open Space Strategy and child safe resources.

 Early Years Infrastructure

Children, families and community members were consulted during the Doris Blackburn Preschool modular expansion project and the Brunswick Early Years Hub initial concept design.

**Affected persons rights and interests**

The Plan has been assessed as having a positive impact on children, young people and families’ rights and interests. Early years infrastructure projects may impact local members interests although mitigation strategies are considered and on balance, these projects provide a positive impact, enabling early years education and care.

### Communications

The Plan’s Year 2 review and highlights of key achievements will be communicated 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

Financial and resource implications to implement Year 2 actions were resourced through operational budgets, external grants and through the annual budget process.

## 7. Implementation

The communication of the Plan’s Year 2 review and key achievements will be implemented. An annual report on the Plan’s Year 3 review and key achievements will be presented in Council in October 2024.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Children, Young People and Families Plan 2021-2025 Year 2 Review | D23/505104 |  |

**7.6 Sportsgrounds Surface Study**

**Director City Infrastructure Anita Curnow**

**Open Space and Environment**

**Officer Recommendation**

That Council:

1. Adopts the revised Sportsgrounds Surface Policy (the Policy) at Attachment 1, based on feedback from the recent community engagement.

2. Notes the Community Feedback Report at Attachment 2 that has shaped the revised Policy.

3. Endorses the development of decision-making guidelines for Sportsground Surface investment decisions to be published online and referenced in the Policy.

4. Endorses the use of ‘consult’ level of engagement for ahead of procurement for future Sportsground Surface projects, following Council’s Community Engagement Policy.

**REPORT**

**Executive Summary**

The draft Sportsgrounds Surface Policy outlines Council’s approach to the management of our sportsgrounds and gives consideration to the triple bottom line principles of environmental, social and financial sustainability. In August 2023 Council endorsed release of the Draft Policy for consultation, expanding its application to other synthetic playing surfaces such as lawn bowls, tennis and hockey.

The Policy was open for public exhibition during August and September 2023. The community was invited to provide feedback on all aspects of the Policy. A report is attached summarising community feedback and how this has been considered in formulating the revised Policy recommended in this report. Council received minimal feedback with some statements and constructive feedback provided

The feedback provided has been included in the revised Policy. These changes include:

 addition of text making the decision-making process transparent for tailored upgrades and management practices;

 amending the decision-making framework in the policy to re-order the decision making cycle commencing the cycle with stakeholder and community engagement;

 (as resolved by Council in August 2023) the extension of the coverage of the policy to other sports surfaces including lawn bowls, tennis, hockey and other synthetic surfaces.

In addition to these policy amendments, it is recommended that decision-making guidelines be developed and made public for Sportsground Surface investment decisions to be published online on Conversations Merri-bek or Council’s website.

This report recommends the Sportsground Surface Policy with minor amendments be endorsed by Council.

**Previous Council Decisions**

**Sportsground Surface Study** – 9 August 2023

*Resolution that Council:*

*1. Endorses the Draft Sportsgrounds Surface Policy (Attachment 1) for public exhibition from 11 August 2023 until 11 September 2023, with the following amendments:*

*a) Incorporate the allocated weekly hours and actual demand use of the synthetic field at John Fawkner College next to CB Smith Reserve jointly managed by the school and Council, before releasing the report for public exhibition.*

*b) Apply the proposed policy to* *other sports surfaces including lawn bowls, tennis, hockey and other synthetic surfaces.*

*2. Notes the background research report “Merri-bek Sportsgrounds Surface Study” (Attachment 2) which has provided key evidence to inform the Sportsgrounds Surface Policy.*

*3. Conducts a trial of best-practice, natural turf management practices at a local sports ground in Merri-bek as part of an upcoming upgrade, which considers similar, successful trials of this approach, such as Middle Head Oval in NSW. The results of this trial, including preliminary results, to be presented back to Council before the August 2024 Council meeting.*

**Notice of Motion - Developing a policy regarding Sports Playing Surfaces in City of Moreland**– 10 August 2022

*Resolution 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**

The Sportsgrounds Surfaces Policy relates to, and is influenced by, several Council policies, strategies and action plans.

The driver for zero carbon in the **Zero Carbon Merri-bek** Climate Emergency Action Plan is a factor in considering how synthetic surface waste products are managed. It also informs the opportunity cost of having emissions-reducing natural turf on surfaces in lieu of emissions-generating synthetic surfaces (during manufacture in particular).

The quality of water that makes its way to creeks, the consumption of water in irrigation of sportsground surfaces and the permeability of surfaces to slow stormwater runoff are relevant to the **Merri-bek Integrated Water Management Strategy 2040** and associated Action Plan and the **Climate Risk Strategy** and Foundational Action Plan.

The Climate Risk Strategy also identifies increasing consideration of Sustainable Infrastructure for civil works (including sportsground surfaces) and use of climate-resilient materials.

The heat-retaining (synthetic) or cooling (natural turf) characteristics of sportsground surfaces is relevant to the **Merri-bek Urban Heat Island Effect Action Plan**.

The contamination of runoff with plastic particles and the ultimate disposal method for end-of-life synthetic pitches is relevant to Council’s **Waste and Litter Strategy** (and its forthcoming replacement, the Circular Economy Strategy) and in particular the Zero Waste to Landfill goal set when that Strategy was adopted.

Council’s **Active Recreation and Sport Strategy** highlights the benefits of increasing the participation in sport by girls, women, and gender diverse teams, requiring sportsground allocation to adjust to the additional teams including making greater use of existing surfaces across the week. The considerable benefits of recreation extend to physical and mental wellbeing, connection and community building.

The current **Open Space Strategy** includes (and it is expected the forthcoming new Strategy for 2024 will also include) a recognition of the vital role of sportsgrounds in our open spaces, their use for passive and active recreation and the opportunity for an enhanced approach to the sharing of these spaces between different users.

The **Long-Term Financial Plan** for Council recognises at the high-level future funding capacity predictions and, coupled with the **10-Year Asset Plan**, foreshadows the degree of capital investment anticipated.

**2. Background**

Our community’s growing demand for access to quality public open spaces, driven by population growth, urban densification, and increased diversity of sport participants, necessitates crucial decisions about the types of playing surfaces and management practices that can accommodate this need to be made by Merri-bek City Council.

Given the projected deficit of sports fields over the next two decades in inner Melbourne, the divided community sentiment regarding synthetic turf, and the complexities arising from Merri-bek’s unique climatic, geotechnical, and environmental conditions, it is critical that Merri-bek City Council has a clear process for making decisions about sportsground surfaces.

In preparation for the development of a draft of the Sportsgrounds Surface policy, a study was commissioned to establish a research framework that examines the social, economic, and environmental effects of sportsground surface options in the context of Merri-bek. By analysing the most up-to-date evidence relating to Merri-bek’s climate, community, and financial circumstances, this study provides the Council with valuable insight into the consequences, advantages, and limitations of using natural turf, synthetic turf, and alternative technological solutions and management techniques. Ultimately this research will help inform future decision-making related to sportsground surfaces in Merri-bek.

Merri-bek City Council is committed to fostering a vibrant, safe, healthy, resilient, innovative and regenerative community. Our Sportsgrounds Surface Policy is a testament to this commitment, embodying our vision and outlining our strategic objectives for sports ground surface management and decision-making within our municipality. The Policy outlines Council’s approach to the management of our sportsgrounds and gives consideration to the triple bottom line principles of environmental, social and financial sustainability.

This Policy applies to sportsgrounds, as defined in the Merri‑bek Open Space Strategy 2012-2022, as areas reserved for sporting pursuits such as baseball, soccer, cricket or football. In August 2023 Council endorsed the Draft Sportsgrounds Surface Policy to also cover other sports surfaces including lawn bowls, tennis, hockey and other synthetic surfaces.

**3. Issues**

**Community Engagement process and feedback**

The Draft Policy was made available on Conversations Merri-bek for the period 11 August to 11 September 2023 for submissions.

The exhibition period was promoted to those who had participated in the Draft Policy’s development, including community groups and organisations, and was also promoted broadly across Council’s social media and e-news channels.

This resulted in the Conversations Merri-bek submission page receiving 305 visitors who reviewed the page 419 times and included 136 downloads of the Policy. From these, 8 submissions were made to Council from 7 submitters.

Additional minor amendments raised through the community engagement

People who engaged provided either statements or constructive feedback. The constructive feedback from the community has resulted in the following recommended minor amendments to the attached Policy (**Attachment 1**):

 The removal of the word “Harmoniously” from the aim in recognition that it would unlikely be possible to harmoniously integrate opposing needs of our community.

 The addition of text “and make the process transparent” to the strategy for Stakeholder and Community Engagement to ensure transparency with the community on the decision-making process for tailored upgrades and management practices.

 Amending the decision-making framework in the policy to re-order the decision making cycle to commence with stakeholder and community engagement. The new cycle order is:

1. Stakeholder and community engagement

2. Aligning with the Policy

3. Data gathering for informed decision-making

4. Understanding intensity of use

5. Identifying the options

6. Managing risks

7. Evaluating the options

In addition to the minor amendments referred to above the Policy has also been amended to extend the coverage of the policy to other sports surfaces including lawn bowls, tennis, hockey and other synthetic surfaces.

In addition to these policy amendments, it is recommended that decision-making guidelines be developed and made public for Sportsgrounds Surface investment decisions to be published on Conversations Merri-bek.

Further detail on how Council has considered community feedback and responded to the submissions is available in **Attachment 2** of this report.

This report therefore recommends the amended Sportsgrounds Surface Policy (**Attachment 1**) be adopted by Council.

**Community impact**

Decisions relating to sports turf surfaces, and particularly the use of synthetic turf, generally attracts a high level of community and sporting association interest. Often, there is agreement on the need to increase capacity to support community sport and active recreation – however, there are different perspectives on the best surface type to meet this growing demand. It is often not a clear-cut decision over which turf types is best suited to the use, the local context, and environmental, economic and social considerations. Desktop research into local perspectives has shown many community groups are concerned with the environmental and social impacts of synthetic turf.

The principles contained within the Policy and the recommended associated guidelines for decision-making will ensure Council’s Sportsground Surface investment decision-making is transparent, inclusive, accessible and timely, giving members of the community the opportunity to participate in Council decision-making.

**Climate emergency and environmental sustainability implications**

Merri-bek City Council is committed to fostering a vibrant, safe, healthy, resilient, innovative and regenerative community. Our Sportsgrounds Surface Policy is a testament to this commitment, embodying our vision and outlining our strategic objectives for sports ground surface management and decision-making within our municipality. The Policy outlines Council’s approach to the management of our sportsgrounds and gives consideration to the triple bottom line principles of environmental, social and financial sustainability.

The Policy is supported by the Sportsground Surface Study. The Study concluded that although research and evidence is limited in some areas, there are clear social, environmental and economic implications associated with the decision to upgrade a natural turf field to a synthetic playing surface. The unsuitability of hybrid turf as a viable widespread, whole field option except for in very high use/wear areas at present for Council means that a decision needs to be made that weighs the climate and environmental disbenefits of synthetic turf with the significant social value of participation in sport and recreation.

**Economic sustainability implications**

In ensuring a systematic data gathering approach, using the Policy, decisions that Council ultimately make are based on sound economic viability principles. This will be predicated on the factors for final consideration such as maintenance costs, resilience, and adaptability to future demand changes. The upfront investment cost can be extensively justified, and all alternatives have been explored.

**Legal and risk considerations**

One of the principles in the Policy is that Council should take a precautionary approach to decision making particularly where potential environmental impacts are unknown. Prioritising risk avoidance and harm prevention in all decisions is a major consideration. When making decisions around sportsground surface type and management practices, the draft Policy intent is that the best decision is made for today and for years to come.

**Human Rights and Gender Impact Considerations**

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. Gender and Human Rights implications will be assessed in the implementation of the Policy where decisions on individual sportsgrounds will be undertaken.

**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**

Decisions to renew and / or change a sportsground surface will be made as part of Council’s capital works and annual budget processes. The Policy when adopted will be used to guide these future decisions and the financial resources required for different options will be accounted for in those decisions.

**7. Implementation**

Upon Council approval, the Policy will be provided on Council’s website and notified to those who participated in the engagement. It will then be applied to forthcoming capital projects.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Merri-bek Sportsground Surface Full Policy and Framework Final | D23/516820 |  |
| **2** | Sportsfield Surface Policy - Community Responses | D23/516818 |  |

**.7 Towards a place-based, Community Co-management of Parks and Open spaces - Project Report**

**Director City Infrastructure Anita Curnow**

**Open Space and Environment**

**Officer Recommendation**

That Council:

1. Notes the successful outcomes achieved in partnership with the community and the findings of the report.

2. Updates all park pages under the ‘Find a Park’ section of Council’s website with current photos, park features and for those with a sportsground, links to sporting club pages with training and game time information.

**REPORT**

**Executive Summary**

1. In response to a Council Resolution and decision through the 2022-23 budget process a trial project was commenced in September 2023 on initiatives on place-based community co‑management of parks and open spaces. The trial initiatives aimed to improve community visibility of activities undertaken within a park and the level of involvement of the community with Council in open space management. The trial was conducted at ATC Cook Reserve in Glenroy and Allard Park/Jones Park in Brunswick East through to the end of July 2023.
2. The trial was received positively by the communities utilising the two parks. Outcomes achieved with the community included establishing a native garden and native lawn, the opening up of a car park, a litter pick up day and supporting the delivery of a Global City Nature Challenge entry event and a community festival at the adjoining Ballerrt Mooroop.

The project found that whilst there was a willingness of the community to participate in the maintenance and activation of the parks and open spaces they needed to be continuously supported by the project officer to coordinate activities and maintain engagement. The community also expressed a clear desire for information relating to the park and training and game times for organised sport on the sportsgrounds. Officers recommend updating all park pages under the ‘Find a Park’ section of Council’s website with current photos, park features and for those with a sportsground, links to sporting club pages with training and game time information.

**Previous Council Decisions**

**Shared Use of Reserves** - 12 May 2021

*That Council:*

*1. Notes the importance of Moreland’s open space reserves for informal recreation, dog-walking and organised sport.*

*2. Notes that there are certain times when all these user groups compete for usage of the reserves such as after work on weekdays and on weekends.*

*3. Receives a report which considers:*

*a) Whether the allocation of hours for shared use reserves is equitable between the different parts of the community which use the reserve for informal and formal recreation is equitable, particularly for the after-work weekday/weekend time slot;*

*b) A better means of communicating the allocated times to the community such as with signage at the reserves and council communication channels;*

*c) A better means of communication to the community about any change to the allocated hours such as during school holidays, or when clubs are playing away games; and*

*d) Whether there needs to be improved signage at reserves which are off-lead dog parks as well as for organised sport regarding whether dogs can be off-lead during sports matches and training.*

**Notice of Motion - Towards Place-Based Community Co-Management of Parks and Open Spaces** - 8 July 2020

*That Council:*

*1. Receives a report in time for it to be considered as part of the next Council Plan and/or budget process proposing a design and a pilot of a place-based community co-management of a park or parks which would include:*

*a) Expanding and clarifying the key concepts of place-based community co-management of parks for their specific application in Moreland (that is, move from concept to operations);*

*b) Identifying appropriate sites;*

*c) Identifying a trial methodology, including an evaluation framework. The proposed pilot should include such matters as:*

*i. Who could potentially be involved in managing or steering the park’s planning and how people can get involved in the planning and when this is likely to occur and how people can expect to be invited to participate at key points in time;*

*ii. Consideration of a variety of management approaches utilising committees or steering groups that could be used to advise and/or collaborate with Council to plan ahead and manage the park(s) and any criteria for broadening the rollout across the city (noting which parks are not likely to be significant enough to garner enough interest in a community management approach);*

*iii. Describing what each trial park’s maintenance and care schedule involves and the frequency entailed;*

*iv. A summary description of the plans for upgrades to the park and the time frames expected for these (short/medium/long term) with links to more detailed plans;*

*v. The cost of establishing online diaries/web pages for parks and such management/steering groups along with the potential benefits for Council and the community*.

**1. Policy Context**

**Council Plan 2021 - 2025**

**2. Background**

This report responds to two resolutions of Council (NOM30/20 and NOM 8.4 on 12 May 2021), which relate to community visibility of activities undertaken within a park and the level of involvement of the community with Council in open space management.

The proposal was to trial a place-based, community co-management model for open space at ATC Cook Reserve in Glenroy and Allard Park/Jones Park in Brunswick East for a period of 12 months.

The premise for the proposal was that the expansion of co-management of parks could play a role in advancing the engagement process between different community groups and Council leading to improved management of parks and reserves. The involvement of the different community user groups in the management of local parks would contribute to an improved visible condition of the grounds, garden beds and play spaces, more equitable use of spaces, increased activation, improved safety, shared knowledge and understanding between user groups and improved maintenance of parks through the combination of community care activities and Council coordinated maintenance.

The trial proposed exploring increased engagement with the community through a place-based co-management methodology that included an interactive portal through the Conversations Merri-bek website, in park signage and QR codes and a working committee/steering group made up of representatives from different community user groups, Council officers and Councillors. The intent was to make the system easily accessible and interactive so that members of the community, sporting clubs and Council can interact, share, and seek information about the management of the parks using both face to face and online forums.

**Project Methodology**

The project officer commenced in September 2022 and ran the project to the end of July 2023 using the following methodology.

1. Established baseline data to determine optimum park usage:

a. Identified key internal and external stakeholders

b. Conducted a basic SWOT analysis for each of the parks:

i. Conducted a survey using a Post-Occupancy Evaluation Methodology Framework looking at current park usage. Who is doing what, where and when. Establishing the park is being used as intended and is ‘fit for purpose.’

ii. Conducted surveys and interviews with internal and external stakeholders.

2. Developed a methodology and schedule of evaluation to monitor progress.

3. Short listed a group or groups of people to form an informal advisory or reference committee for each of the parks.

4. Identified opportunities for events and activities in the park that will attract a range of demographics.

5. Attempted to identify and develop volunteer opportunities in the maintenance and upkeep of the park that will promote an ecological and environment awareness.

6. Considered options for digital engagement including a Conversations Merri-bek page with points for community participation.

7. Maintained a schedule of ongoing engagement with the local community in each park.

**Project Results and Observations Summary**

As a generalisation the community surrounding Jones Park in East Brunswick were more actively involved in the park than the community around ATC Cook Reserve.

The project officer identified and met with key internal Council stakeholders: Open Spaces Maintenance, Open Space Development (Design and Nature Conservation), Recreation Services, Youth Services and Community Wellbeing to identify strengths and weakness around usage, management, and communication.

Council conducted a survey over representative days, evenings and weekends through January 2023 – March 2023 using a post-occupancy survey methodology (who is doing what, where, when and why) to identify park issues.

**Allard and Jones Parks**

Allard/Jones Parks were unique in the park holdings given that they have two distinct spaces clearly dedicated for different user groups.

 Allard Park is specifically a sports field used by the North Brunswick Football Club and the Brunswick Ultimate Disc Society. It has a dedicated Bocce Club and Clubhouse on site. It is a dog on leash site.

 Jones Park on the other hand is a passive recreation space with a hill, large swaths of open lawns, wetlands and a grove of trees popular for picnics and small gatherings.

On average the informal survey noted that the parks attract over 300 people a day (excluding specific sporting events).

**ATC Cook Reserve**

ATC Cook Reserve is primarily a sports field used by the Glenroy Football Club and the Pascoe Vale United Cricket Club with the popular Glenroy Bowls and Tennis Club on the perimeters of the field. There is a lateral section of the park adjoining Daley Street with a playground for young children, a barbecue area and a section of exercise equipment.

The Reserve is popular during the day with the Nepalese Community, particularly a group of seniors who gather there daily and it has become a known gathering place for this community. Aside from the Bowls Club and the Tennis Club, the Park appears to be underutilised averaging around 70 people a day. There is demonstrated scope for expanding regular usage of the park as people noted that during the COVID lockdowns, the park was very popular with the local community attracting ‘hundreds’ of people at a time.

**Survey results**

Top line survey results are shown in the table below:

|  |  |  |
| --- | --- | --- |
|  | **Allard/Jones** | **ATC Cook** |
| Condition of the Park | 85% rated as excellent | 45% rated as excellent |
| Cleanliness | 87% rated as excellent | 30% rated as excellent |
| Feeling of safety | 92% rated as excellent | 32% rated as excellent |

The survey showed that Jones Park is cared for, considered well serviced and very popular with the locals who enjoyed the respite from a fairly dense urban environment.

ATC Cook Reserve was perceived as suffering from deterioration was generally underutilised by the local community. There was evidence of hooning and anti-social behaviour and large amounts of litter and dumped rubbish across the park during that period.

Through the process of surveying, the project officer asked individuals and those with leadership positions in sporting groups, clubs or ethno-cultural groups and organisations in each of the parks if they would be willing to be part of a reference or advisory group for each of the parks. The project officer identified:

 15 key individuals for Allard/Jones Park,

 6 sporting groups (including a number of Nepalese cricket teams who use the space informally), two cultural groups (Nepalese and Pacific Islander) and 6 individuals for ATC Cook Reserve.

**Engagement Projects undertaken as a part of the pilot project**

***Allard / Jones Park***

Engagement undertaken as part of the project at Allard / Jones Park is listed below:

 In collaboration with Open Space maintenance staff the project officer expanded a community engagement initiative to establish a native garden with a local resident to include a native lawn along the strip of the park bordering on Galada Way.

 Council is working with the residents of the apartment building at the corner of Galada Way and Allard Park on a mural for the park facing side of the building which is in progress.

 The project officer worked with residents around ongoing concerns with the ad hoc pump track developed by teenagers during the COVID lockdown which has impacted on a grove of trees planted at the base of the hill.

 In collaboration with the Recreation team worked on opening the Bocce Club which was underutilised for general community usage.

 In collaboration with the Conservations Programs Officer, developed and delivered the Merri-bek entry for the Global City Nature Challenge on Sunday 30 April at Jones Park. The event attracted over 30 participants and was well received.

***ATC Cook Reserve***

Engagement undertaken as part of the project at ATC Cook Reserve is listed below:

 Council worked with the Glenroy Bowls Club on promoting a series of music events to further activate the area.

 Council organised to have the row of rocks that locked off the car park to mitigate hooning activity opened up.

 The project officer worked with the Nepalese Community that uses the park as a gathering space on activities to support their presence there. Supported budget proposals to have a permanent shelter erected, and in recognising the large number of seniors using the space, for age-appropriate exercise equipment to be installed.

 Organised with the Volunteer Group Clean-Up Glenroy for a litter-pick up on a Sunday 16 July 2023 at the Reserve. The event attracted 15 volunteers from both the local and wider Glenroy Community.

 Worked with the Social Policy and Projects Officer in the development and delivery of a community festival at the adjoining Ballerrt Mooroop site that adjoins ATC Reserve. The event ran on 28 May 2023 as part of National Reconciliation Week and attracted around 200 people from the local community

 In May and June 2023, in collaboration with the Early Childhood Development Unit, introduced a schedule of child’s play events developed and run by Victoria University.

**Findings**

The overall findings from the trial included:

 This pilot project found that the community appreciated and valued the parks and open spaces in their neighbourhoods.

 There was, when actively supported by Council, a capacity and a willingness of the community to participate in the maintenance of parks and open spaces in a variety of practical and creative ways. People wanted to have responsibility and ownership, but they needed to be continuously supported by the project officer and given agency by Council.

 There was an indication that people were willing to work through co-sharing issues i.e sports use vs dog owners, if there were clear and transparent regulations in place and the regulations were enforced.

People wanted clear information about maintenance procedures and schedules, particularly about the methods for weed control and mowing schedules. It was explained that Council can only release the most general information about schedules as weather and environmental conditions constantly disrupt schedules.

People also asked for accurate and timely information on the use and availability of sports grounds. The information available on Council websites is not always accurate (due to last minute changes of training and game times and locations made by sporting clubs and associations). There is an opportunity to develop links on park website pages to the relevant sporting club game and training time pages as an improved information source.

**Further Actions**

Officers recommend updating all park pages under the ‘Find a Park’ section of Council’s website with information including:

 Current photographs of the park and the amenities.

 A short statement on the history of the park and the rational for the name (with photographs where available).

 A statement about the area of the park pre colonisation recognising the Indigenous history of a given area

 A listing of the amenities available in the park.

 A listing of flora and fauna to be found in the park.

 A schedule of activities in the park.

Links to the websites of sporting groups, organisations, or associations with scheduled activity in the park.

**3. Issues**

**Community impact**

The pilot program established that there is an appetite and capacity in the community for more active participation in the management and maintenance of parks and open spaces. By involving stakeholders in the decision-making processes, a model of co‑management empowers local communities fostering a sense of ownership and responsibility. The place-based model ensures that the specific needs and conditions of a given park or open space are addressed. The increased participation enhances the effectiveness of conservation efforts, ensures better understanding of and compliance with regulations and reduces conflict with park authorities as well with and between communities.

**Climate emergency and environmental sustainability implications**

Co-management models promote active engagement of local communities, including indigenous groups who possess traditional knowledge and deep connections to the land. The involvement of community members who are aware and engaged in issues of the environment and sustainability leads to improved conservation outcomes as they collectively contribute their knowledge and expertise, monitor biodiversity and enforce sustainable resource use.

**Economic sustainability implications**

A co-management model for park management can mobilise a community-based volunteer workforce to assist with the maintenance of the park thus alleviating resource pressure on maintenance crew, effectively and timely managing issues such as hand weed control and litter pick up.

**Human Rights Consideration**

The co-management model for park management can help ensure the active participation of all stakeholders, including marginalised or vulnerable groups, in the decision-making processes. The place-based model inherently respects and protects the interests of local communities and ensures a balance of conservation efforts with the sustainable use of natural resources. The process ensures that the benefits of parks and open spaces are distributed equitably among different social and economic groups. The process can also provide capacity-building initiatives to empower local communities, enabling them to actively participate in the co-management process.

**4. Community consultation and engagement**

The pilot program was an effective engagement process that highlighted the need for support of a dedicated community engagement resource to maintain continual community participation for parks and open spaces. Sporting groups, cultural associations, individuals from a range of communities as well as groups with an interest in environmental and sustainability issues were consulted during the process of the project.

**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 recommended action of updating all park pages under the ‘Find a Park’ section of Council’s website can be undertaken utilising existing Open Space budgeted resources.

**7. Implementation**

The recommended action of updating all park pages under the ‘Find a Park’ section of Council’s website will be completed incrementally over the next 12 months.

**Attachment/s**

There are no attachments for this report.

**7.8 Brunswick Early Years Hub - Project Update**

**Director Community Eamonn Fennessy**

**Early Years and Youth**

**Officer Recommendation**

That Council:

1. Notes the key project milestones which have been achieved to progress the development of the Brunswick Early Years Hub.

2. Notes the progress of an Environmental Audit to identify and mitigate site contamination risks which is due for completion in March 2024.

**REPORT**

**Executive Summary**

The Brunswick Early Years Hub will be a custom designed contemporary facility that will consolidate, integrate, and expand early years’ service capability and provide premium learning and care environments for Merri-bek families. The Hub project involves the relocation of: Tinning Street Childcare Centre, 77 Tinning Street, Brunswick; owned by Council and operated by Moreland Community Child Care Centre Inc, (MCCCC); and Council’s Maternal Child Health Centre, 482 Victoria Street, Brunswick West. The Hub will include up-to 138 Long Day Care, Kindergarten and Nursery places, providing 68 newly created places and will include space for playgroups.

This Report provides an update on key actions which have been completed to date and a scope of works to occur to progress the project in readiness for construction, estimated to commence in late 2024. Feedback received from community and stakeholder consultation and engagement will be incorporated into the detailed design of the new facility which is scheduled to occur in early 2024. The Report includes an update on the environmental audit process which is currently occurring in relation to the development site situated on Council owned land at 346, Albert Street, Brunswick. The full environmental audit process is due for completion in March 2023.

**Previous Council Decisions**

**Proposed Brunswick Early Years Hub** – 12 April 2023

*That Council:*

*1. Notes the key steps undertaken in assessing the feasibility to develop a new purpose-built Early Years Hub on Council owned land situated at 346 Albert Street, Brunswick.*

*2. Authorises the Chief Executive Officer or Delegate to:*

*a) Enter a Memorandum of Understanding with Moreland Community Child Care Centres, outlining roles, responsibilities, and shared commitments in relation to the project.*

*b) Make application to the Victorian School Building Authority, Department of Education for funding towards the cost of the project, to be lodged by 30 June 2023.*

*3. Endorses the concept plan at Attachment 1 and release for community and stakeholder consultation.*

*4. Receives a further Report in July 2023 highlighting community feedback and proposed project timelines.*

**Early Years Infrastructure Plan** – 8 June 2022

*That Council:*

*1. Adopts the Early Years Infrastructure Plan 2022–2030.*

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

*That Council:*

*1. Adopts* *the Children, Young People and Families Plan 2021-2025.*

**Kindergarten Infrastructure Services Plan** – 14 July 2021

*That Council:*

*1. Endorses the agreed Kindergarten Infrastructure and Service Plan (KISP)*

*2. Authorises the Chief Executive Officer to negotiate and sign a Memorandum of Understanding with the Department of Education and Training to enter a Building Blocks Partnership.*

**1. Policy Context**

In 2018 the Victorian State Government commenced implementation of a 10-year Early Childhood Reform Plan with a strong focus on subsidised kindergarten, significant capital infrastructure investment and more equitable, innovate and inclusive early childhood services, supports and facilities. Since then, the Government has announced further expansion and substantial investment in kindergarten programs including the introduction of funded 3-year-old programs (15 hours per week) from 2022 to 2029; and in 2022 that the Best Start, Best Life initiative would be expanded, with three major new elements to be implemented over the next decade, at a cost of $9 billion:

 Making kindergarten free across the state.

 A new year of universal Pre-Prep for 4-year-olds comprising 30 hours per week, a doubling of the current 15 hours provided (to be rolled out over the next decade); and

 Establishing 50 government owned and operated childcare centres in areas of high need, one of which will be co-located with Moomba Park Primary School in Fawkner and a further centre to be established in Glenroy.

To align and maximise the opportunity to expand and improve services Council has developed and adopted:

 Kindergarten Infrastructure and Services Plan 2020 (KISP).

 Merri-bek Children, Young People and Families Plan 2021-2025.

 Merri-bek Community Infrastructure Plan 2022.

 Merri-bek Early Years Infrastructure Plan 2022-2030; and

 Building Blocks Partnership (BBP) funding agreement and Memorandum of Understanding 2022, which commits the State Government to co-contributions of $10.7 million funding towards 11 new and expanded kindergartens across the municipality over the coming years.

Together, the State Government and Council policy settings outlined above lay the strategic foundations to enable co-investment in a program of kindergarten and early years infrastructure projects, including the Brunswick Early Years Hub.

**2. Background**

In 2019 Council was approached by the Board of Management of the Moreland Community Child Care Centres Inc (MCCCC) regarding the need to undertake an assessment of two of the services ageing facilities at Mitchell and Tinning Streets, Brunswick, due to concerns about the escalating cost of maintenance and to discuss options for their renewal or replacement in the longer term. Preliminary investigations were undertaken and since that time Council and MCCCC have been in dialogue about long term options for the renewal or replacement of the facilities.

In 2020, Council undertook a comprehensive analysis of the projected future demand for kindergarten programs across the municipality - the Kindergarten Infrastructure and Services Plan (KISP) projected a shortfall of 313 kindergarten places across Brunswick and Brunswick East by 2029, highlighting the need for an expansion of existing early years infrastructure, or the creation of new infrastructure in the coming years. The limited availability and high cost of suitable land in Brunswick has posed a significant challenge for Council and early years services in identifying options to expand existing service capacity.

In July 2022 Council, through the Chief Executive Officer, was advised by the Victorian School Building Authority offering enhanced funding support via the Building Blocks Partnerships, providing the possibility of a significant funding contribution towards the development of a new Early Years Hub in Brunswick.

In 2022, Council undertook a site analysis to identify and assess the suitability of any existing Council owned property that could meet the requirements of the proposed Hub. This process identified a preferred site located on Council owned land at 346, Albert Street, Brunswick.

**3. Issues**

**Existing facilities not fit for purpose**

In addition to the projected short fall in kindergarten places in the coming years and the growing and unmet demand for childcare places in Brunswick, a key driver for the project is that two of the three proposed existing facilities to be relocated into the Hub are not fit for purpose. Due to their size and lack of land to expand, along with their age and deteriorating condition the ongoing maintenance, or renewal has been assessed as not being cost effective.

This is confirmed in a comprehensive Building Assessment of the Tinning and Mitchell Street Centres, undertaken in February 2023 which identified the following key points:

 cost to bring the buildings to meet full compliance with regulatory requirements would exceed the cost of building replacement.

 estimated maintenance cost of $30,000 per year, per building for the next ten years to maintain basic functionality; and

 Without significant maintenance these buildings will become unusable in 5 years.

**Concept Plan**

Council engaged an architect and quantity surveyor to develop a concept plan and cost estimate which determined that the proposed site is suitable to accommodate a facility required to deliver the outcomes sought, including the right mix of services to meet community needs. The concept plan provides for up-to 138 long day care, kindergarten, and nursery places.

In summary, the design incorporates:

 A two-level building; including space for long day care, kindergarten programs and Maternal Child Health Service.

 A separate play and multi-purpose space for playgroups and community use.

 Storage and outdoor play space.

 On site car parking for staff.

 Drop off/pick up zone; and

 Environmentally sustainable features including rainwater harvesting which may also service adjoining Gilpin Park.

**Key Project Milestones**

The following actions have occurred to progress the project:

 An analysis of data in relation to current utilisation of the existing services along with future demographic projections, in particular the projected unmet demand for kindergarten places in the coming decade, along with mapping of existing service users and travel impacts.

 A Memorandum of Understanding has been entered into between Council and Moreland Community Child Care Centres (MCCCC) setting out a shared vision and the roles and responsibilities of both parties in jointly progressing the project.

 Town planning advice confirming that the proposed project is consistent with existing zoning requirements.

 An arborist report identified that existing vegetation on site includes twelve mature trees, none of which achieved a ‘high’ arboriculture rating status. The concept plan requires the removal of five trees, while seven will be retained and supported by a complementary landscape plan including several new trees.

 Geotechnical Site Investigations identified 1.5 meters of fill over the natural soil with the site been classified as ‘Class P’ in accordance with Australian Standard. This would likely require bored piers foundations then the traditional concrete slab approach.

 A Preliminary Site Investigation (PSI) and Soil Waste Classification (SWC) identified traces of the lowest rated contaminates ‘Category D’ in some selected bore holes.

 A ‘peer review’ of all existing environmental data and reports was undertaken by an accredited auditor who recommend the site be subject to a full environmental audit given the proximity of a former landfill at Gilpin Park which adjoins the proposed site and potential for methane gas vapour to rise to the surface.

**Environmental Audit**

Following routine soil testing which occurred as an initial stage of the project it was decided to undertake a full environmental audit of the site, given its classification as a sensitive use site. An auditor approved Sampling and Analysis Quality Plan (SAQP) was developed which involves additional testing for:

 Soil Contamination.

 Land Fill Gas; and

 Ground Water Contamination.

Bores and wells are installed on-site with samples collected on or about every 6 weeks with a minimum of three separate rounds of testing with data utilised to inform the final Auditors Report. The first round of sampling re-confirmed ‘Category D’ contamination with no further testing required; no methane gas vapour was detected in the land fill gas bores; and no elevated contaminants of concern were detected in the groundwater well (fuels, volatiles, PFAS etc).

The second round of groundwater monitoring occurred on 2 October 2023 which was generally consistent with the first round of sampling with minor elevated levels of copper, nickel, zinc, chloride, sulphate and fluoride observed. It is suggested that this is likely regional elevated levels, rather than contamination originating from the site.

Landfill gas was also monitored on 2 October 2023, with similar results to the first round. Note, this was undertaken during the requested ‘worst case scenario setting’, so it is very positive there was no methane gas vapour detected. There was a marginal increase in CO2, which may need to be reviewed by the Auditor and their landfill gas risk assessor. The third round of testing is due on or about 13 November with a fully completed report forecast for completion by March 2023.

**Community impact**

The new Hub will be a custom designed modern facility that will consolidate, integrate, and expand early years’ service capability and provide premium learning and care environments for Merri-bek families and will assist in meeting the projected increased demand for kindergarten places in the coming years. The proposed Hub will enable the service to achieve optimal efficiency in terms of staffing and other operational considerations.

**Climate emergency and environmental sustainability implications**

It is proposed that the new Hub will incorporate the most suitable and practical environmentally sustainable design measures in line with Councils exiting policy.

A significant feature currently proposed is the potential to capture rainwater from the Hub to be utilised at Gilpin Park.

**Economic sustainability implications**

The proposed Hub provides both short and long-term economic benefits, both through the boost to employment during the planning and construction phases of the project; and expanded infrastructure creates increased ongoing employment opportunities as additional staffing numbers are required in line with the increased number of kindergarten places. Improved learning opportunities and educational outcomes for children also provides long term benefits in terms of young people’s capability to transition from education to employment and contribute to the City’s economic wellbeing.

**Legal and risk considerations**

The principal risk for Council relates to the potential for methane gas emissions, which to date has not been detected after two rounds of sampling. The full environmental audit process is due for completion on or about March 2023.

Council will continue to progress the project through the design tender process and commence preliminary design work, prior to the conclusion of the environmental audit.

If the final environmental audit report recommends that the proposed site is not suitable due to significant contamination, it is estimated that between $50,000-$100,000 of architectural works may have commenced which would not be recoverable.

After further consultation with the environmental contractors and known risks, it is considered reasonable for Council to proceed with the project as scheduled.

**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 aligns with Council’s Human Rights Policy. The provision of early years infrastructure aligns with the aspirations of the Convention on the Rights of the Child, which forms part of the Universal Declaration of Human Rights, particularly in relation to children’s rights to education and health care and supports children to reach their full potential in life.

**Gender Impact Assessment**

Applying a gender lens in the planning and development phase for new facilities will ensure the needs of people of different genders are met and supports the aspiration to promote gender equality, as required under the Gender Equality Act.

**4. Community consultation and engagement**

**Affected persons rights and interests**

The interests of children and families are the primary focus of this proposal. As outlined, the Hub when completed will deliver multiple benefits for children, young people and families.

**Communications, community and stakeholder engagement**

The project proposal was developed in collaboration with MCCCC with information and input provided by other key stakeholders including the Victorian School Building Authority. Community and stakeholder consultation has included:

 Briefing provided to MCCCC Board, staff and families. This occurred following an initial briefing to Council in March 2023. Briefings included a presentation outlining the key drivers for the project, the options explored and the identification of the preferred site at 346 Albert St, Brunswick. These meetings highlighted a number of aspirations regarding the design, environmental considerations, orientation of the building and its relationship to Gilpin Park. The outcomes of these discussions will be incorporated into the detailed design process which is tentatively scheduled to occur in early 2024 and will include “workshopping” with delegates from MCCCC.

 The project has been profiled on the Conversations Merri-bek web page from 18 September to 13 October with promotional posters displayed at Victoria Street - Maternal Child Health and Tinning Street Childcare. In summary, sixteen formal responses were received by way of Conversations Merri-bek which on balance were constructive and supportive. Key response themes include integration with Gilpin Park; sufficient bike parking and trails; sustainable design features; and ensuring the centre is a safe and welcoming place.

**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**

**Enhanced Grant Funding Opportunity**

Council has been advised by the Department of Education (Victorian School Building Authority) that a grant of approximately $4,500,000, (subject to Ministerial approval) will be provided to support the development of the Brunswick Early Years Hub.

**Project Cost Estimate and Opportunities**

The concept plan has been reviewed by a Quantity Surveyor estimating a total project cost of $11,520,000 (Excl. GST) at **Attachment 1.**

The current cost plan includes $662,747.00 for site remediation works.

**Financing Strategy**

The proposed finance strategy is contingent upon co-investment by the Victorian School Building Authority, Department of Education to the value of $4,500,000.

The direct Council financial impacts require new spending of $7,820,000.00 as outlined in the table below and are included in the adopted 5 year capital budget program.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **FY24** | **FY25** | **FY26** | **Total** |
| Rates | $1,240,000.00 | $3,900,000.00 | $2,680,000.00 | $7,820,000.00 |
| Grants | $1,850,000.00 | $1,480,000.00 | $1,170,000.00 | $4,500,000.00 |
| **Totals** | **$3,090,000.00** | **$5,380,000.00** | **$3,050,000.00** | **($11,520,000.00)**  **$12,320,000.00\*** |

\*The project is currently estimated to cost $11,520, 000.00. If grant funding of $4.5m is confirmed and the project cost estimate remains at $11,520,000.00 Council will be in a position to reduce the rates contribution to the project from the $2,680,000.00 currently allocated in the 2026 financial year, to $1,880,000.00.

**7. Implementation**

 Release Architect Tender: November 2023

 Close Architect Tender: Mid-December 2023

 Tender Evaluation and appointment of Architect; Mid-January 2024

 Detailed Design Completion: February to May 2024

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Proposed Brunswick Early Years Hub - Concept Design - February 2023 | D23/98691 |  |

.9 Suburb Boundary Realignment - Bridges Avenue Coburg North / Pascoe Vale

**Director Business Transformation Sue Vujcevic**

**Finance and Procurement**

## Officer Recommendation

That Council approves the suburb boundary realignment to the western boundary of 2/18 Bridges Avenue, in order to ensure that the development is located wholly within the suburb of Coburg North, along with the rest of Bridges Avenue, as outlined in this report.

**REPORT**

**Executive Summary**

The need for a minor realignment of a suburb boundary has emerged as a consequence of the subdivision of land on the parcel currently known as 2/18 Bridges Avenue, which lies partly within the suburb of Pascoe Vale and partially within Coburg North. The current and proposed suburb boundary realignment is indicated in the maps in Background and Issues sections of this report.

As the land parcels are located within two suburbs, Council is unable to issue street numbering for the proposed subdivision. Without the provision of street numbers from Council, the development is unable complete the subdivision process for the release of new titles to purchasers.

This recommendation is independent of any current or future planning processes or decisions regarding this development.

It seeks to resolve the suburb boundaries, which cannot bisect the development and bring the entirety of Bridges Avenue into the same suburb. The proposed boundary realignment is considered to be most effectively resolved by including the entire lots within the suburb of Coburg North.

**Previous Council Decisions**

## A planning permit SP/2023/161 was issued under delegated authority of Council for the subdivision of the land at 2/18 Bridges Avenue Pascoe Vale in August 2023.

## 1. Policy Context

*The Naming rules for places in Victoria 2022, Statutory requirements for naming roads, features and localities – 2022* uphold the guidelines in the *Geographic Place Names Act 1998*. The naming rules are based on national standards and policies.

Council as a naming authority, in line with *The Naming rules for Places in Victoria 2022 section 1.5.2*. has the following responsibility in this matter;

*“Naming authorities are responsible for submitting naming proposals that comply with these naming rules to the Registrar.”*

To adhere to the relevant guidelines below, the suburb should be amended prior to new addresses been resolved.

Below is the relevant legislation.

NOTE: Gazetted Localities are the officially recognised boundaries of suburbs (in cities and larger towns) and localities (outside cities and larger towns).

**AS NZS 4819-2011 Rural and Urban Addressing.**

Section 3.3.2 Selections of locality boundaries

d) A locality boundary, where possible, should not bisect properties in common ownership or land parcels. Some exceptions may apply to large areas, e.g. forest, lakes or national parks.

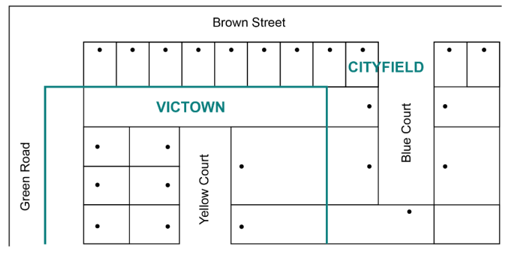
Section 3.4.2 Review of localities

Boundaries of localities in areas that are subject to development should be reviewed and amended where appropriate.

**Official Naming Rules for Places in Victoria**

Section 5.2.1

3. In dead-end roads and cul-de-sacs, the locality boundary should wrap around the properties at the end of the road so that all properties accessed from the same road are addressed to the same locality



## 2. Background

Historically the suburb boundary between Pascoe Vale and Coburg North ran behind properties along Sussex Street Pascoe Vale. Previous development has led to parts of the back parcels becoming properties that front Bridges Avenue instead. The boundary was not moved at that stage and has created the bisection we see below.

**A map of a neighborhood

Description automatically generatedCurrent boundary:**

A subdivision permit has been issued for an two dwelling development on the shaded land parcel (Lot 3 RP3160) known as 2/18 Bridges Avenue Pascoe Vale. All other properties in Bridges Avenue are addressed to the suburb Coburg North.

As per the Official Naming Rules for Places in Victoria *‘ the locality boundary should wrap around the properties at the end of the road so that all properties accessed from the same road are addressed to the same locality’*.

As such, all properties in the Bridges Avenue cul-de-sac should be addressed to, and form a part of Coburg North. The finalisation of the subdivision process involves the release of new street numbering by Council, and as such can be resolved to adhere to the Naming Rules.

As part of the regular subdivision application lodged on 10 August 2023, a request that Council provide new property addresses pursuant to its powers and responsibilities under the *Geographic Place Names Act 1998* was requested on 30 August 2023.

The Addressing Standards and official Naming Rules for Places in Victoria both require that parcels not be bisected by a suburb boundary. The Australian Standard, AS NZS 4819-2011 Rural and UrbanAddressing requires that the suburb boundary should be adjusted prior to new addresses being released.

For council to issue street numbering, the minor boundary realignment must be resolved.

As per Section 5.2.1 of the Official Naming Rules for Places in Victoria the appropriate resolution is to realign the suburb and cul-de-sac fully into Coburg North.

Once resolved, addressing can be issued and the suburb boundary realignment is submitted to Geographic Names Victoria Registrar for finalisation and gazettal whereby the Land Victoria maps are amended.

**Proposed Boundary:**

**A map of a neighborhood

Description automatically generated**

The proposed suburb boundary realignment as shown in the map above:

 Conforms to the statutory requirements in Section 5.2 of the Official Naming rules for Places in Victoria.

 As the names of the locality themselves are not changing, all naming rules are being adhered to.

 The name is not an estate or linked to a subdivision name and the size is appropriate.

 The locality boundaries sit wholly within Merri-bek municipality therefore Council does not need to consult with neighbouring municipalities.

 As the amendment is a small realignment, no impact has been made to United Nations Group of Experts on Geographical Names resolutions, Sustainable Development Goals, or Victorian Aboriginal Affairs Framework goals.

As Council is the naming authority for locality (suburb) boundaries, Council officers have assessed that this proposal meets all relevant statutory requirements. Once Council resolves to realign the boundary it is submitted the Geographic Names Victoria Registrar for finalisation whereby the Land Victoria maps are amended.

## 3. Issues

Currently Council is unable to issue the street numbering as the development is bisected by the boundary between Pascoe Vale and Coburg North. This delays the subdivision process which if unresolved will delay the lodgement to Land Victoria for the release of Certificates of Title and in turn the settlements for new residents.

In order to issue the new numbering for the development, Council is required to realign the suburb boundary to meet the guidelines in the Official Naming Rules for Places in Victoria and AS NZS 4819-2011 Rural and Urban Addressing.

By realigning the boundary as per officer recommendations, council will bring the Bridges Avenue cul-de-sac fully into Coburg North as per Section 5.2.1 of the Official Naming Rules for Places in Victoria.

### Community impact

No other members of the community are affected by the suburb boundary adjustment.

### Legal and risk considerations

There is a risk of cost escalation and other impacts to both the developer and new residents should the suburb addressing delay the subdivision process and settlements of the new properties.

### Human Rights Consideration

### The implications of this report have been assessed in accordance with Human Rights Consideration.

## 4. Community consultation and engagement

Council's Community Engagement Policy 2020 states that for matters related to Council’s internal organisational operations Council will not engage the community. Therefore, as this proposed boundary realignment has a negligible impact on the community, nor can the realignment be influenced significantly by the community; only the identified affected persons have been contacted directly. A public notice was displayed on conversations Merri-bek for 30 days in line with the Naming Rules consultation guidelines.

**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.

There are three properties that have been identified as affected persons.

The owner of the development site itself at 2/18 Bridges Avenue Pascoe Vale, and the adjoining owners at 1/18 Bridges Avenue Coburg North and 20 Bridges Avenue Coburg North.

A public notice was also issued on the Merri-bek website.

The consultation period was open for 30 days and no objections were received. Support was received from the owners abutting the development.

## 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 implications of this report. The issuing of street numbers reflecting the suburb boundary change can be completed with the current resources in the Finance and Procurement Branch.

## 7. Implementation

Should Council support the recommendation of this report, Council officers will issue the new street numbering. This will enable the development to connect utility services, as well as progress the subdivision and enable the lodgement to Land Victoria for the release of Certificates of Title and in turn the settlements for new residents.

Council officers will submit the resolution to Geographic Names Victoria Registrar for finalisation whereby the Land Victoria maps are amended.

## Attachment/s

There are no attachments for this report.

**7.10 Public Litter Bins - Change Over Update**

**Director City Infrastructure Anita Curnow**

**Open Space and Environment**

**Officer Recommendation**

That Council:

1. Updates Technical Notes Part B – B140 Bins as part of Merri-bek Technical Notes Review to include signage for each stream that encourages correct public bin usage and colour coding in line with the Australian Standard.

2. Continues to provide public litter bins for general rubbish and mixed recyclables (in some locations) and introduces standardised signage on public bins across the municipality and limits the supply of 4 bins to residents and businesses.

3. Refers the following to the 2024/25 budget process:

 Any additional resources required to create a standard look and feel to the public litter bins.

**REPORT**

**Executive Summary**

Merri-bek City Council is committed to diverting waste from landfill and reducing the greenhouse gas emissions associated with waste management. The recent roll out of glass recycling and food and garden organics bins to all households will increase the amount and quality of materials recovered for recycling through the kerbside system.

Work is currently ongoing to identify priority waste materials across our local economy to inform the development of the new Circular Economy Strategy, which will replace the now expired Waste and Litter Strategy.

Since this time the internal and external context of waste management has changed significantly. Reforms to the kerbside waste collection service, the upcoming introduction of a Container Deposit Scheme, and the state-wide ban on 7 key single use plastic items will all impact on the performance of public litter bins.

Further work is needed to determine the costs and benefits of increasing public litter bin infrastructure.

This report addresses Items 3 and 4 in the Council Resolution Action Memo, 13 October 2021 as stated in the Previous Council Decision, that addressed the feasibility of including additional bins in public places to replicate the 4-bin program for residents and businesses.

The introduction of standardised signage to improve our current diversion and contamination levels is recommended as an initial phase. The introduction of additional bins for the food and garden organics and glass recycling streams can be assessed following the assessment of the effectiveness of the Kerbside Waste Reform and Container Deposit Scheme.

A 12-month trial of public place recycling bins in collaboration with the Brunswick 5Th Scouts Group has been set up in Methven Park to audit contamination levels and test various signage strategies to educate the public and minimise contamination levels.

In addition to the new initiatives Council will continue to monitor contamination in public litter bins and test and monitor effectiveness of strategies. Council will seek to collaborate, share information and learn from other councils addressing similar challenges.

**Previous Council Decisions**

**Public Litter Bins - Cost of Standardisation - Response to Notice of Motion** - 13 October 2021.

*That Council:*

*…*

*3. In light of these costs and risks, rather than seeking funding to implement a new system of public bins in the 2022/2023 budget cycle, requests officers to provide a report by June 2022 on a changeover policy towards a common “look and feel” of the bins at end of life informed by good practice urban design principles and that suits the different contexts of the bins.*

*4. Seeks consideration of the business case for adding recycling, glass and food organic / garden organics bins at public litter bin sites, including the ongoing delivery model and costs to deliver, to feed into the Waste Strategy review.*

*…*

**Notice of Motion -** [**From struggle to peace: Addressing the war on waste in our homes, streets and parks** - 14 April 2021](el://D21%2f151187?db=ML&edit)

*That Council:*

*…*

*3 Seeks Council officers to provide a report in October 2021 on the cost of streamlining the look and feel of public litter bins, including the colour and messaging consistent with residential bins, to enable consideration in the 2022/2023 budget cycle*

*…*

**1. Policy Context**

Council Plan 2021 - 2025

**Theme 1: An environmentally proactive Merri-bek**

Strategic Objective: 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: Strive for zero waste to landfill with best practice municipal waste minimisation through reform of kerbside services, community education and innovation.

**Theme 4: Vibrant Places and Spaces in Merri-bek**

Strategic Objective: 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.

Strategy: Promote the amenity and liveability of the public realm with services, facilities, community participation, strong local laws and compliance activities.

**Council Action Plan 2023/2024 - Major Initiatives and Priorities**

32. In consultation with the community, develop and implement a new Public Realm Amenity Service Plan to keep our spaces and places clean, safe and inviting. (New - incorporating Public Toilet Strategy, Graffiti Strategy, Waste and Litter Strategy).

**2. Background**

Since the Council resolution in October 2021 much has changed in relation to managing waste and litter at a local, state and federal level, and this in turn has impacted Council’s strategic direction.

In July 2022, a new authority called Recycling Victoria, was established to manage the waste and resource recovery sector. This authority is currently developing a service standard for kerbside waste collections, which will include a list of prescribed items for each of the four waste streams.

Possibly the most significant change in relation to litter is the planned introduction of a container deposit scheme (CDS) in Victoria in November this year. This scheme will reduce the amount of beverage containers in the litter stream. The 2016 *Public Place Recycling and Litter Bin Audit* did not count CDS eligible containers however, based on the categories used it’s possible to estimate that around 10 per cent to 20 per cent of waste bins and 40 per cent to 60 per cent or recycling bins could be diverted for recycling through the CDS.

Another significant change in the waste and litter landscape is a policy shift by state and federal government, to consider how we use and manage materials and resources through a circular economy lens. This broadscale policy change provides the opportunity to refocus efforts on waste reduction through better product design, product stewardship, reuse, repair and repurposing as preferred options over recycling, recovery and residuals management.

This shift in the traditional approach to waste management by local and state government, led to a revision in the development of the refreshed Waste and Litter Strategy. The new strategy, called the Circular Economy Strategy – Towards a Zero Waste Merri-bek, will have a focus on the three fundamental principles of a Circular Economy, which are to:

1. Design out waste and pollution.

2. Keep products and materials in use at their highest value.

3. Regenerate natural systems.

This refocus means that strategy actions will seek higher order outcomes to reduce waste, with a focus on priority materials, and will include initiatives to work with businesses to rethink material use across the local economy.

**Public Place Litter Bins**

The public litter bin system manages approximately 673 tonnes of waste to landfill per year which is equivalent to just 1 per cent of total waste managed by Council.

There are 626 public place litter bins plus 37 smart compaction bins installed across the municipality. These are serviced by the Street Cleansing unit using two waste trucks dedicated to emptying public litter bins. The litter bin trucks work from established schedules to service bins and dispose directly at the Cleanaway landfill in Ravenhall, at the end of the day’s operations.

The 37 smart bins are installed in areas identified as problem areas for bin overflows as well as out of the way areas where there are few bins. The objective of installing smart bins is to maximise bin capacity using automated crushing hardware to compact the contents within the bin by up to 85 per cent as well as reducing the frequency of service.

The introduction of the Container Deposit Scheme (CDS) will increase diversion from landfill from public litter bins. Eligible containers accepted through the CDS are commonly consumed away from home and disposed of through the public litter bin system. The introduction of deposit points for CDS eligible containers will reduce the amount of beverage containers in public litter bins and will reduce the need for additional mixed recycling and/or glass bins.

It is therefore recommended to determine the percentage of recyclables in the public litter bin system (general rubbish and mixed recycling) after CDS has been established before making a determination on installing additional public place recycling bins and adding glass bins.

**Public place recycling bins that will require standardised signage**

There are currently 61 recycling bins across the municipality, 4 located north of Bell Street, the remaining 57 are located to the south with the majority along Sydney Road. Contents are transported to Visy Recycling in Banyule.

An audit conducted on public place litter and recycling bins in 2016 found contamination to be 21 per cent of the recycling stream. Most of this contamination was food waste. At the time the contamination rate was 5 per cent higher than in household recycling. Since this time household recycling contamination has increased significantly and now sits at 31 per cent of the recycling stream, it is assumed that public place recycling bin contamination rate has also increased in line with household recycling.

A 12-month trial of public place recycling bins has been set up in Methvyn Park to audit contamination and test various signage strategies to educate the public and minimise contamination levels. This trial is being undertaken in collaboration with the Brunswick 5Th Scouts Group as an initiative to engage and seek ideas from young members in our community on recycling challenges and provide an educational opportunity at the same time.

**Locations of garbage bins**

The table below shows the distribution of the 626 public place garbage bins throughout Merri-bek.

|  |  |
| --- | --- |
| 1. **No** | 1. **Location** |
| 1. 75 | 1. Near Public Transport stops |
| 1. 240 | 1. Within or next to Parks and Reserves |
| 1. 7 | 1. Along Bike Paths |
| 1. 12 | 1. Within or next to Car Parks |
| 1. 292 | 1. Along Main Street and Roads |

The listed locations will all require standardised signage to assist with appropriate disposal of waste.

**3. Issues**

**Community impact**

Development of consistent signage for use across existing and new public place bins will assist people to use bins correctly. This would reduce contamination and improve the quality of the recovered material streams. The standard design of waste units and placement in the public realm that will improve the aesthetic of the area.

The roll out of CDS deposit points will change behaviour around disposal of beverage containers which will impact the volume of material collected through the public litter bin system. Further analysis on the composition of public litter and recycling bins following the introduction of CDS will be required to determine the need for additional bins.

**Climate Emergency and Environmental Sustainability Implications**

Waste going to landfill remains a significant environmental issue, however waste to landfill through the public litter bin system represents just 1 per cent of total waste managed by Council. Whilst important, it should be recognised that far greater impact on Green House Gas emissions generated by waste to landfill can be made through improvements to residential and commercial waste collection services. It is therefore proposed that the focus for public litter bins should be on increasing diversion and improving the quality of the material recovered through the existing public litter bin system prior to investing in additional infrastructure.

**Economic Sustainability Implications**

Further strategies will be investigated to assess options for treatment of public place litter and recycling bins in Merri-bek in the future. This includes the trial at Methven Park and potential further audit of public litter and recycling bins, following the implementation of CDS, to determine whether the percentage and quality of recyclables in the public litter bin system justifies the cost of additional bins.

The October 2021 Council report outlined the cost to paint all silver bins red, in line with the Australian Standard for waste and recycling colour coding, was estimated to cost $217,000 (at $1,000 per bin). It is recommended to replace public bins in a staged approach within Council’s existing allocated budget, continue to implement strategies to extend the life and minimise graffiti of existing bins and improve messaging on bins.

**Human Rights Consideration**

All external treatment of bins and any graphics used on the bins will take into consideration the Human Rights Charter and the Merri-bek Human Rights Policy implications in regard to access.

**4. Community consultation and engagement**

**Affected Persons Rights and Interests**

Council will consult with any person potentially impacted by the installation of additional public place bins.

**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**

All costs associated with the end-of-life replacement, the trial at Methven Park and current strategies to extend the life and minimise graffiti of existing bins and improve messaging on bins will be undertaken within the existing budget.

**7. Implementation**

The recommendations of this report will be implemented as part of Council’s business as usual processes with the update of the Technical Notes undertaken as part of the annual review process of Technical Notes and a staged implementation of signage on public bins.

**Attachment/s**

There are no attachments for this report.

**7.11 Community support during extreme heat events**

**Director Community Eamonn Fennessy**

**Aged and Community Support**

**Officer Recommendation**

That Council:

1. Supports the community during extreme heat events through:

a) Making community venues available in Merri-bek for the 2023-2024 summer for people to seek respite during extreme heat events, including extended operating hours, as outlined in the report;

b) Other actions as set out in the report, including monitoring of vulnerable clients of Council services and targeted communications to the wider community and vulnerable groups.

2. Continues to liaise with other Councils, Emergency Services agencies and the State Government to ensure the adequacy of planning and resourcing of community support during extreme heat events.

**REPORT**

**Executive Summary**

Climate science research forecast a likely increase in the duration and severity of extreme heat and heatwave events in the future and the confirmation of an El Nino weather event in Victoria which increases the likelihood of high temperatures during the 2023 – 2024 summer season. Extreme heat events can cause a substantial impact on the community and the quality of life of individuals and in some cases can cause severe health impacts and even death. The failure of energy, transport and other critical infrastructure can greatly compound the health impact of an extreme heat event. This Report outlines the range of measures taken by Council to support the community during periods of high or extreme heat, including the availability of cool venues such as libraries and swimming pools.

Extreme Heat is identified as a high risk within Merri-bek in the Community Emergency Risk Assessment (CERA), given its likelihood and potential consequences. This risk rating informs the Extreme Heat Plan which is a sub-plan of the Municipal Emergency Management Plan which outlines Council’s roles and responsibilities during emergencies including periods of extreme heat as outlined in this Report.

**Previous Council Decisions**

**Community Support During Extreme Heat Events** – 13 September 2023

*That Council:*

*1. Receives a report on what community centres will be available for people to seek respite from extreme heat in Merri-bek in the 2023-2024 summer.*

*2. Consults with Blacktown City Council in Western Sydney regarding their experience with heat refuges (Cooling Centres)*

*3. Advocates to the state government to update the State Heatwave Plan to state the role of local government more explicitly in a heatwave, including what resources will be made available to local councils to support the community, including measures such as providing Cooling Centres to members of the community who aren’t able to stay cool in their homes.*

**1. Policy Context**

Council has an Extreme Heat Plan which is a sub-plan of the Municipal Emergency Management Plan. An associated Action Plan outlines Councils operational response to extreme heat and is updated annually. Extreme Heat is identified as a high risk in the municipality via the Community Emergency Risk Assessment (CERA), given its likelihood and potential consequences.

Council has a number of other plans that contribute to reducing the impact of extreme heat on the community, including the Urban Heat Island Effect Action Plan 2016-2026; the Urban Forest Strategy 2017-2027; and Climate Risk Foundational Action Plan 2023-2025.

**2. Background**

In Victoria, a heatwave is defined as a period of abnormally and uncomfortably hot weather that could impact on human health, community infrastructure and services. The Bureau of Meteorology issues a heatwave warning for local weather districts for two types of heatwaves:

 Severe Heatwaves are likely to be more challenging for vulnerable people such as older people, particularly those with medical conditions.

 Extreme Heatwaves which will put people at risk if they do not take precautions to stay cool – even if they are healthy. Extreme Heatwave warnings are a rare occurrence.

Warnings are sent to Health and Emergency Management agencies and issued through the Bureau of Meteorology website and Weather App which Council officers are registered to.

The Department of Health, through the Chief Health Officer, also issues Heat Health Warnings notifying the community, local governments, hospitals, health and community services of the risk and likely impact on people's health during a heatwave, or on occasion when it is considered that forecast temperature poses a health risk, for example a single day of extremely high temperatures.

The heat health warning triggers elements of Council’s Heat Plan including community information, education and monitoring of vulnerable communities including Aged and Community Support clients. The Extreme Heat Plan focusses on building individual and community resilience to extreme heat through the provision of information and support for pre-planning.

**3. Issues**

**Community impact**

Extreme heat events can cause a substantial impact on the community and the quality of life of individuals and in some cases can cause severe health impacts and even death. Climate science research forecast an increase in the duration and severity of extreme heat and heatwave events. Extreme heat can affect anybody, including the young and healthy; however, there are certain population groups that are more at risk than others. These include people aged 65 years and over, people who have a medical condition and people taking medicines that affect the way the body reacts to heat. The failure of energy, transport and other critical infrastructure can greatly compound the health impact of an extreme heat event.

**Building Community Resilience**

Emergency Management Victoria’s Extreme Heat Sub-Plan emphasises the importance of: “individuals taking responsibility for their own health and the health of those in their care, and actively planning and preparing for extreme heat events.”

The Department of Health has lead responsibility for preparing messages and general information about management in an extreme heat event. Fact sheets are provided on the Department’s website and the Better Health Channel website. A media toolkit has been prepared for use by local government. This toolkit comprises a range of electronic documents that can be used to ensure media releases are localised.

While in most instances the safest option for people during high heat days is to stay home, The Dept of Health’s community information brochure “How to Cope and Stay Safe in Extreme Heat” includes the following reference: “Spend as much time as possible in cool or airconditioned buildings (shopping centres, libraries, cinemas or community centres).”

The Department (and Council) also provides information to the community about how to keep your home cool during hot weather. The notion of creating a “cool room” is being promoted as a measure for staying safe and comfortable at home. However, for some households without air conditioning, it is simply not possible to maintain a comfortable indoor temperature during periods of extended heat, particularly when the overnight minimum remains high during a declared heatwave (3 consecutive days or more).

The Department of Families, Fairness and Housing has several programs aimed at preparing and reducing the impact of heat events on Victorians in public housing. These programs include:

 Weekly contact services for tenants aged 75 years and over and a further phone call when there is an expectation of hot weather. The phone call includes tips about keeping their homes cool;

 Cooler places located in community facilities within public housing that allow residents to attend for respite; and

 Electricity generators for high-rise public housing apartment buildings.

**Cool venues during high heat days**

Council operates several community facilities that can offer patrons cool venues during high heat days including libraries; swimming pools; community venues and Glenroy Hub etc. These venues are well dispersed across the municipality.

The table below lists Merri-bek Community Venues which are accessible to the community during periods of high heat.

|  |  |
| --- | --- |
| Leisure Centres:  Seasonal Outdoor Pools:  - Coburg Olympic  - Pascoe Vale  - Fawkner Leisure (Under redevelopment) | The *Hot Weather Strategy* for Council’s summer seasonal pools (Pascoe Vale and Coburg Olympic) see them extend their hours of operation if the weather is 32 degrees and above as follows:  School Term   Weekdays - 1pm to 7pm   Weekends – 10am to 7pm  School Holidays:   Weekdays – 10am to 7pm   Weekends – 10am to 7pm |
| Year Round Leisure Centres:  - Brunswick Baths (Indoor and outdoor pool)  - Coburg Leisure Centre (indoor pool only)  - Oak Park Sports and Aquatic Centre (outdoor pool only) | Brunswick Baths and Oak Park Sports and Aquatic Centre outdoor pools are open regardless of the weather conditions during the summer. For extreme weather conditions and demand, hours may be extended pending staff availability. |
| Brunswick Library | Mon-Thurs: 9am-8pm  Friday: 9am-6pm  Saturday: 9am-4pm  Sunday: 1pm-5pm |
| Campbell Turnbull Library | Monday:1pm-5pm  Tuesday:10am-8pm  Wednesday-Friday:10am to 5pm  Saturday:10am to 1pm |
| Coburg Library | Monday-Friday: 9am to 8pm  Saturday: 9am to 4pm  Sunday: 1pm to 5pm |
| Fawkner Library | Monday, Wednesday, Thursday and Friday: 10am-5pm  Tuesday:10am to 8pm  Saturdays from 10am to 1pm |
| Glenroy Library | Monday-Wednesday: 9am to 8pm  Thursday: 9am to 10pm  Friday: 9am to 6pm  Saturday: 9am to 4pm  Sunday: 1pm to 5pm |
| Maternal Child Health Centres (16 locations) | Monday-Friday: 8.30am-4.30pm  Monthly at two Centres on Saturdays 8.30am-12.30pm |

In addition to extended hours in the case of swimming pools a number of other measures are implemented on high heat days to support the community, with a particular focus on vulnerable residents. These include:

 Monitoring of local impacts by Council Officers in line with their Emergency Management roles and communication with external emergency services and support agencies and internally across Council.

 Communications and engagement: passing on Dept of Health advice to community members on how to stay safe during periods of high heat and information about local impacts including any changes to Council services or events.

 Monitoring of vulnerable people who receive Council services such as Aged and Community Support and Maternal and Child Health (MCH) clients.

 MCH clients can stay longer than usual at centres if they wish to, following a routine appointment on days of high heat.

 Seasonal outdoor pools offer extended opening hours on high heat days (32 degrees and above).

 Merri-bek libraries make drinking water available to the public in libraries on high heat days and this is always available at Glenroy Community Hub.

 Engagement with community leaders and connectors to discuss heat health and planning and develop specific strategies and communications to reach isolated or at-risk communities.

 Council partner agencies also monitor vulnerable clients, including Vincent Care who have measures in place on high heat days to support homeless people.

**Trial establishment of Cooling Centres - Blacktown City Council, Sydney**

1. Council officers consulted with Blacktown City Council, who with financial support from the NSW State Government undertook a project over two years to explore the feasibility and establish several Cooling Centres to be activated during periods of high heat, triggered by the issue of a severe or extreme heatwave warning (Usually 3 – 7 days in advance). The program was trailed in the 2021/22 summer which was characterised by cooler and wetter conditions, with no extreme heatwave events. The trial was conducted on days where the maximum temperature ranged between 32⁰C and 35⁰C.

The trial did not involve the use of transport to help people attend the cool centres and advertising was done through Council’s social media channels and community service networks. Staffing and other resourcing was through a collaborative arrangement between the Council, emergency and community service agencies and was also supported through community volunteers.

The evaluation included the following findings:

 Those impacted by the heat are only able to seek respite during the day, but are leaving a cool centre to return to hot homes.

 The service is not reaching those socially isolated e.g., elderly and disabled people who are not being checked on.

 Residents are not comfortable visiting or staying in cool centres. Some may prefer staying at home despite the heat; and

 Some people did not access the centres as these did not cater to the needs of pets/animals.

**Climate emergency and environmental sustainability implications**

Council officers have recently led a process of assessing the vulnerability of several Council buildings to climate change. The project assessed eight sample buildings in Merri-bek for resilience to climate change, considering their existing functions. Some of these buildings may be used by community during extreme heat events including Brunswick Town Hall, Brunswick, and Coburg Library. Based on the assessment, a number of vulnerabilities have been found which will require further consideration and potential investment to improve their performance during extreme weather events.

**Local Government’s role within the State Emergency Management Plan**

The State Emergency Management Plan (SEMP) Extreme Heat Sub Plan outlines responsibilities of local government in the preparedness and planning for extreme heat. Section 5.2.8 states:

“Municipal councils and multi-agency MEMPCs both play a critical role in preparing their community for extreme heat events. Within any respective MEMP extreme heat-related sub-plans, there will likely be context-specific information for communities to utilise local services, such as community centres, libraries, shopping centres and areas with significant tree canopy ahead of extreme heat events.Municipal councils may develop their own preparedness activities to ensure community members and in particular those most at risk during extreme heat events are protected.”

Advocacy in relation to resources and availability is made through the Regional Emergency Management Planning Committees as a request for further information and support. The Municipal Association of Victoria and Local Government Victoria have also been involved in the ongoing discussions with extreme heat emergencies and their impacts on the community and current resources available to local councils.

Council officers are also involved in the Climate Emergency Action Basecamp group which brings together municipal councils across the country to discuss impacts of climate change, programs for extreme heat and share ideas and information.

**Economic sustainability implications**

Extreme heat can restrict the productivity of workers, particularly those working outdoors or in heat-exposed jobs. As extreme heat events become even hotter and occur more often, decreased labour productivity will become even more costly and will likely force changes in the workplace, such as a transition to working night shifts *(Climate Council Report (2014):* [*http://www.climatecouncil.org.au/heatwaves-report*](http://www.climatecouncil.org.au/heatwaves-report)*).*

Outages of infrastructure and utilities as a result of extreme heat events can constrain economic productivity and growth of the economy, as business may suspend, or products become unavailable for consumption. Individuals may also find themselves in economic hardship if they are dependent on costly methods of cooling, such as air conditioning.

**Legal and risk considerations**

Local Government has a clear duty of care in the context of climate change adaptation. The actions outlined in this report along other related strategies allow Council to understand, communicate, and proactively address climate risk. This will limit exposure to legal and financial liability which could otherwise result from a failure to appropriately plan, adapt and build resilience to now foreseeable and unavoidable climate impacts.

**Human rights consideration**

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities, particularly Sections 12 and 18 which relate to freedom of movement and taking part in public life respectively.

Building the climate resilience of Merri-bek’s community is closely tied to the effective delivery of Council’s human rights, gender equity and social cohesion work. Examples of this include actions related to reviewing existing solar and thermal grants to maximise climate resilience and social equity outcomes, and in ensuring continuing access to Council services by at risk clients in Early Years and Aged and Community Care Services during heatwaves.

**4. Community consultation and engagement**

**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.

Measures to support the community during heatwaves involve initiative-specific engagement with external stakeholders such as community service providers, emergency service agencies and at-risk cohorts.

**Communications**

As outlined in this report Council plays a key role in informing the community of ways to keep safe during heatwaves including up to date information about local impacts and changes to Council services. Timely and targeted information is provided to clients of Aged and Community Support and Maternal and Child Health Services in the lead up to summer, prior to and during periods of high and extreme heat. The broader community is also provided with information about how to stay safe and updates on other impacts of extreme heat such as disruptions to public transport, electricity or other essential services. Targeted “real time” information is provided via social media about capacity at Council swimming pools on high heat days or other changes to Council services or events.

**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 resolutions can be implemented within current resources.

**7. Implementation**

Council’s Emergency Management staff will activate the Extreme Heat Action Plan in collaboration with relevant Council Business Units as required to ensure the community are informed and supported to stay healthy in the heat.

**Attachment/s**

There are no attachments for this report.

7.12 Community Information and Support Merri-bek

**Director Community Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council:

1. Refers $50,000 to support the Community and Information Support Merri-bek (CIS Merri-bek) operational funding to the Quarter 1 2023/24 budget review and then a further $50,000 to the 2024/25 and 2025/26 budget process for Council's consideration.

2. Notes the leadership role CIS Merri-bek play in food relief coordination across the community and support them to continue providing food relief information via Council channels and coordinate the food relief network as part of any operational funding awarded by Council.

3. Supports Community Information and Support Victoria’s (CIS Vic’s) advocacy to the Victorian Government for operational funding.

**REPORT**

**Executive Summary**

This report is in response to a request to Council from CIS Merri-bek regarding its current and future funding needs. Community Information and Support Merri-bek (CIS Merri-bek) is located at 512 Sydney Road Coburg. The organisation provides emergency relief that supports residents who are in financial crisis and experiencing financial disadvantage with limited or no other means of support. CIS Merri-bek have delivered this service locally for more than 45 years. For a client accessing emergency relief, this could mean help with food, food vouchers, and help with household bills (utilities, travel, and medical costs) as well as information, advocacy and referrals. The organisation does not receive any operational funding for their coordination from government or philanthropic agencies and has no secure accommodation.

They were a critical part of the response during Covid-19 and will be an important part of supporting the community through other disasters, such as the upcoming heatwave.

CIS Merri-bek are seeking support from Council for operational funding to continue the service. They have previously had Councils organisational support grant, and then Covid-related funding via the State Government but they are no longer eligible for this funding and/or it is no longer available.

There is a broader campaign to gain State funding in the longer term, not just for CIS Merri-bek but across other Community Information and Support Services across the state.

In addition, the future accommodation of CIS Merri-bek is not secure, as their lease agreement with the Uniting Church of Australia, is on a month-to-month basis and the Uniting Church has entered into an arrangement with Assemble Futures to redevelop the current site at 512 Sydney Road.

It is understood that a preliminary proposal for the redevelopment of part of the site has been presented to the State Government as part of its Development Facilitation. Ultimately the proposal, should it progress, will be considered and determined by the Minister for Planning rather than Council. This process should allow for formal comments to be sought from Council and the surrounding community as part of the State Governments Development Facilitation Process.

Council Officers are investigating any possible suitable Council owned premises that may might provide suitable interim accommodation.

**Previous Council Decisions**

**Notice of Motion - Coburg Community Information Centre** – 14 June 2017

*Council resolves to:*

*1. Recognise the important social support that the Coburg Community Information Centre provides to the Moreland community through its provision of emergency relief and the No Interest Loans Scheme.*

*2. Refer an amount of $13,000 into the 2017-2018 budget process to assist the Coburg Community Information Centre to cover administration and overhead costs.*

*3. Receive a report on options to ensure the longevity of the service.*

## 1. Policy Context

**Council Action Plan 2021-25 Key Objectives**

(3.1.) Plan, deliver and advocate for services and good outcomes that meet the changing needs of Moreland’s diverse and growing population.

(3.11.) Support service coordination, information provision and community advocacy for people experiencing insecure housing.

**Community Grants Policy – July 2022**

Council Grants offers the Organisational Establishment category, but CIS Merri-bek are not eligible to apply as they are well established.

**Human Rights Policy 2022**

Council commits to reducing barriers for people in poverty, low-income families, or people experiencing economic hardship, homelessness, or intergenerational social-economic disadvantage by addressing poverty and disadvantage (p.14).

## 2. Background

CIS Merri-bek deliver an important emergency relief service to the Merri-bek community. The work that CIS Merri-bek undertook during the COVID pandemic was hard and complex, however proved that they are making a difference to all sections of the community.

CIS Merri-bek have a holistic philosophy of getting people back on their feet and dealing with underlying issues, to help people with referrals to relevant services. Under the leadership of their coordinator, they train up a dedicated team of students on placement and volunteers that staff the organisation. It is due to this coordinator role, that the organisation can bring an overall return of community value of more than $500,000 in in kind support such as casework for clients with complex needs, community donations, food relief and the energy assistance program.

CIS Merri-bek have approach Council seeking financial support to continue their operations and programs with greater certainty.

## 3. Issues

### Community Impact

CIS Merri-bek is one of the only secular organisations that provides emergency food relief and related services and promotes inclusion and diversity. The other major providers have religious affiliations, which for many in the community can create a barrier for them to seek help.

In financial year 2022/23, CIS Merri-bek received $150,000 of emergency relief funding from the Commonwealth. The total financial and in-kind contribution by CIS Merri-bek, is over $500,000. During this period, the total number of calls and community visits was 3412. Over 80 per cent of CIS Merri-bek clients receive a Centrelink benefit (Disability/Newstart and Aged pension).

CIS Merri-bek service are a unique, holistic model of community support responding to broader structural inequities that mean that peoples circumstances mean they cannot survive on Government payments. Issues impacting on clients who seek support from CIS Merri-bek includes housing and rental crisis support/advocacy, unemployment pressures, lack of secure work, casual labour force issues, rising utility costs, disability and illness, health events and unforeseen circumstances, where individuals and family have no financial buffer, and increasing food prices.

CIS Merri-bek provides a wraparound support service, assisting with emergency and food relief, utility bill relief and referral/advocacy, rental arrears and advocacy, pharmaceutical bills, public transport costs and referral to debt/financial support services. This is delivered through locally provided, non-judgemental impartial and one on one case work, referral and advocacy for clients.

During the pandemic and the creation of the Food & Material Relief Network, CIS Merri-bek demonstrated their role as an ‘anchor’ service and played the role of coordinating smaller agencies who were responding during the crisis without formal systems in place. They facilitated agencies providing support across the LGA, to regularly contribute to the Network. CIS Merri-bek led the group through discussions of fair provision of scarce resources, client assessment systems and wicked problem solving in consultation with the services. Inadequate resourcing means there is currently no network and a recognised gap in servicing the municipality.

**Funding Considerations**

Councils Community Grants policy does not have provision to support ongoing funding for organisations like CIS Merri-bek. Council Grants provides *Organisational Establishment Grants*, but CIS Merri-bek are not eligible to apply as they have operated for many years.

Council does fund a small number of organisations with operational support such as the Toy Library. It also provides operational and program support to Neighbourhood Houses.

Council’s past funding allocations to CIS Merri-bek are outlined in the below table. Up until June 2020, funding was principally used by CIS Merri-bek to pay for rent. After this period, CIS Merri-bek received Council and State funding via Council for one-off projects.

The average recurrent operational funding amount paid to Community Information and Support member agencies by local government in Victoria is $134,700. CIS Merri-bek is the only Branch office that receives no local government funding of this type or accommodation support from Council.

Of the 30+ CIS Vic member agencies that are funded by the Federal Government to deliver the essential service of emergency relief, CIS Merri-bek is the only agency that does not receive assistance from the Council in the form of venue and or operational / staffing costs.

**Council Support for Community Information and Support Merri-bek**

|  |  |  |
| --- | --- | --- |
| 2013/14 | Operational support | $26,670.49 |
| 2014/15 | Operational support | $4000 |
| 2015/16 | Operational support | $3200 |
| 2016/17 | Operational support | $2560 |
| 2017/18 | Operational support | $13,000 |
| 2018/19 – 2019/20 | Organisational Support Grant | $20,000 over 2 years |
| 2020/21 | Moreland Food & Material Relief Support Project\* | $50,000 |
| 2021/22 | State COVID-19 Multicultural Communities Taskforce\* (through Department of Families, Fairness and Housing) | $20,000 |
| 2022/23 | Covid Local Partnership Funding\* (through Department of Families, Fairness and Housing) | $15,500 |
|  |  | \*one-off funding |

**Human Rights Consideration**

CIS Merri-bek supports community members that are not only struggling with financial issues, but are experiencing complex issues such as social isolation, family violence, intergenerational poverty, housing stress and homelessness. There is no other agency in Merri-bek that deals with clients who are falling through the gaps in service provision and can offer information, advocacy and support.

### Climate emergency and environmental sustainability implications

The upcoming summer period is likely to include heatwave conditions, that will impact community members facing additional vulnerabilities and those with high exposure to heat due to inadequate housing. CIS Merri-bek is a key response agency in reaching isolated and vulnerable residents during a heatwave emergency, through the provision of home visiting service with emergency vouchers and food relief packs.

### Human Rights Consideration

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

While not contained in the Victorian Charter, the right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living and is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights. All human beings, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status have the right to adequate food and the right to be free from hunger.

## 4. Community consultation and engagement

Several consultations have been conducted between Council and CIS Merri-bek.

## 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

It is recommended to refer $50,000 to the Q1 2023/24 budget process for Council's consideration and then a further $50,000 to the 2024/25 and 2025/26 budget process.

## 7. Implementation

## Council officers will continue to communicate with CIS Merri-bek and explore any suitable potential accommodation options. Officers will also advise DFFH (Department of Families, Fairness and Housing) of CIS Merri-bek’s concerns and needs.

## Attachment/s

There are no attachments for this report.

7.13 Banning Fossil Fuel Advertising on Council Land

**Director Place and Environment Joseph Tabacco**

**Property, Place and Design**

## Officer Recommendation

That Council:

1. Not permit advertising on Council land which specifically promotes fossil fuel companies, or companies which are directly involved in the extraction, production and/or processing of coal, oil and gas.

2. Notes the definitions of ‘fossil fuel’, ‘fossil fuel company’ and ‘Council Land’ as provided in the Council report which articulate the scope of this resolution.

3. Includes in the draft Lease and Licence Policy, the draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy, and its accompanying User Guide to reference the prohibition of advertising of companies that produce or supply fossil fuels on Council land.

4. Notes that agreements with tenants relating to this initiative would be phased in as lease, licence, land-related contracts and allocation agreements are renewed or negotiated.

**REPORT**

**Executive Summary**

In 2018, Merri-bek declared a climate emergency and in 2019 Council passed the Zero Carbon Merri-bek Strategy to take a leading role in decarbonising our city, transitioning to net-zero emissions. The burning of fossil fuels is the major cause of the climate emergency. Climate action consistent with the science requires new coal, oil and gas to remain in the ground and our energy system to urgently transition to 100% clean renewable energy.

Council has been approached by Comms Declare, a volunteer run, nonpartisan group of communications professionals committed to a transition to a climate friendly future. Comms Declare has commenced a campaign to ban fossil fuel advertising in Australia and is seeking support from local Councils to ban fossil fuel advertising in their local communities.

A ban on advertising of fossil fuel companies on Council land could be a positive addition to the suite of existing Council initiatives designed to support tenants of Council-owned buildings and facilities to be less reliant on fossil fuels in the context of the climate emergency.

A survey was undertaken of all active tenants of Council owned and managed land, seeking input to understand what a ban on fossil fuel advertising would mean for them and what each organisation’s position was in relation to climate action. Of the 22 responses, all respondents indicated they had no current fossil fuel advertising, with 2% stating the introduction of such a ban may have an organisational impact: primarily relating to grants and funding.

Should a decision be made to introduce a ban on fossil fuel company advertising on Council land, updates would be made to Council’s draft Lease and License Policy, the draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy, and its accompanying User Guide incorporating this prohibition. Additionally, changes to formal agreements could be phased in as lease and licence agreements are renewed or negotiated.

**Previous Council Decisions**

**Notice of Motion – Banning Fossil Fuel Advertising on Council owned property** – 13 July 2022

*That Council:*

*1. Calls for a report on how Council can prohibit advertising on Council-owned property for companies involved in the production or supply of fossil fuels, and the impacts and implications of this proposal; and*

*2. Receives the report at a future Council meeting.*

## 1. Policy Context

**Council Plan 2021-2025**

The Council Plan 2021-2025 includes the Merri-bek Community Vision. Relevant themes to this report include:

 Theme 1: An environmentally proactive Merri-bek strives 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.

**Climate Risk Strategy (2022)**

The Climate Risk Strategy describes bow Council will proactively plan for and respond to the inevitable impacts of climate change and defines an integrated approach to:

 Managing climate-related risks to Council, our assets and the services we provide.

 Adapting Council’s infrastructure, open spaces, natural environment and community services to climate change, while also supporting the Merri-bek community’s adaptation journey.

 Building resilience within Council and across the municipality

**Merri-bek Zero Carbon 2040 Framework**

This Framework outlines our strategic directions for the transition to zero carbon in Merri-bek, aiming for the municipality to achieve 75 per cent emissions reduction by 2030 (against baseline year), net zero by 2035 and drawdown ('negative emissions') by 2040.

## 2. Background

There is clear evidence that the burning of fossil fuels exacerbates the climate crisis. To align with scientific findings, climate initiatives necessitate keeping fresh reserves of coal, oil, and gas untapped, while rapidly shifting energy infrastructure toward 100% renewable and clean sources.

Following Tasmania’s Waratah Wynyard Council, Yarra City Council resolved at its 18 July 2023 Council meeting to not permit advertising on Council property which specifically promotes fossil fuels, or by companies which extract, produce and/or refine fossil fuels.

Restrictions are already in place in France, the ACT, and at multiple county areas in the UK and the Netherlands. Other countries in the European Union, Germany, Sweden and Canada are debating the issue currently.

In 2018, Merri-bek City Council officially recognised the climate emergency and embraced the Zero Carbon Merri-bek Strategy, committing to spearhead the decarbonization of our city and the journey toward achieving net-zero emissions.

Council has been approached by Comms Declare, a climate advocacy group within the areas of advertising, marketing public relations and media in Australia seeking support to ban fossil fuel advertising in local communities (#FossilAdBan).

At its meeting on 13 June 2022 a Notice of Motion was received requesting a report on how Council can prohibit advertising on Council owned property for companies involved in fossil fuel production or supply.

The introduction of this initiative could be a positive addition to the substantial program of activities undertaken by Council to support tenants to become more environmentally conscious, including:

 installing solar panels on leased Council buildings.

 Community Climate Change and Energy Action Fund to support electrification

 Plastic Wise Sports Club pledge for clubs to transition from single use plastics

 installation of drinking fountains sports venues to reduce use of plastic

 gas equipment assessment to plan and budget for the electrification

 workshops on food waste reduction and reusable items, including cloth nappies

 trial of reusable crockery at our Town Halls to cut single-use waste

 reusable catering packs at Oxygen Youth Centre reducing single-use waste

 new four-bin waste system; glass and FOGO bins

## 3. Issues

In order to test the impact of a fossil fuel company advertising ban, all current formal tenants of Council land were asked to provide feedback on what a ban of this nature would mean for their organisation were it to be implemented. All tenants under a formal occupation agreement for Council’s owned and managed land received direct correspondence, a frequently asked questions list and a contact person to approach for further information.

Organisations were asked the following questions:

 *Do you currently have advertising on Council Land of companies involved in the production or supply of fossil fuels?*

 *Would the introduction of an advertising ban on companies involved in the production or supply of fossil fuels have an impact on your organisation?*

 *If you answered "yes" the ban would impact your organisation, please explain how.*

 *Do you support the banning advertising and promotion for companies involved in the production or supply of fossil fuels?*

 *Do you have any other comments?*

The survey yielded 22 responses, and in summary all survey respondents indicated no current fossil fuel company advertising, with two respondents stating the introduction of such a ban would have an organisational impact primarily due to the limitation of sponsorship and grant avenues which would create an additional burden on other sponsors, or the organisation itself. One respondent also cautioned the exclusion of companies who are currently transitioning to non-fossil fuels.

87 per cent of survey respondents supported the ban of advertising and promotion for companies involved in the production or supply of fossil fuels, with 9 per cent against and 1 per cent neutral.

On 10 October 2023, legal counsel provided the following summarised advice:

Where Council land is not subject to a lease, licence or other form of occupancy agreement, Council possesses complete authority over the land to manage and implement this initiative.

Where Council has entered into a lease, licence or other form of occupancy agreement, in respect of Council land, the ability to enforce a ban on advertising endorsing fossil fuel companies on that land will rely on the specific terms of the occupancy agreement in question.

For example, under a Council retail lease a tenant is required to obtain Council approval before installing signs within the premises that might be visible from the exterior. In situations where Council has issued a lease featuring a provision such as this, Council retains the authority to decline approval for an advertising sign promoting a fossil fuel company.

Under agreements such as a licence or seasonal allocation, Council possesses more extensive rights to regulate the kind of advertising that can be installed by the licensee or occupant, dependent on the specific terms of the agreement.

It is important to note that even where Council has the right under a lease, licence or occupancy agreement to prohibit this particular form of advertising, there is potential for non-compliance and a scarcity of Council resources for monitoring or enforcement.

When considering this initiative, it is important to clearly define ‘fossil fuel’, ‘fossil fuel company’ and ‘Council Land’ to ensure scope is articulated. For the purposes of this initiative:

 ‘Fossil fuel company’ would be defined as fuels including, but not limited to thermal coal, gasses such as gas and LPG, petrol and diesel which have been sourced from mining companies.

 ‘Fossil fuel company’ would be defined as a company or other organisation that engages in the exploration, production, utilisation, transportation, sale or manufacturing of fossil fuels or fossil fuel by-products.

 ‘Council Land’ would be defined as land which is owned or vested in Council or Crown land for which Council is the committee of management and where users need to enter into a formal agreement with Council for use.

Advertising activities on Council Land within the definition described above, could include:

i. Direct advertising approaches

ii. Short term hire agreements at community venues

iii. Long term agreements such as leasing, licensing and seasonal allocations

iv. Contracts which permit advertising, e.g., bus shelters

v. Other uses that require a permit or formal user agreement

The definition would not include footpaths, roads or nature strips not subject to a use agreement (such as an A frame board), construction or filming permits, nor land and assets not owned by Council which advertising occurs thereon.

Council has a range of agreements which can influence the type of advertising that can occur, these include tenant agreements, seasonal sport allocations, contracts and community venue hire.

Two key policy documents are to be updated this financial year which could reference the prohibition of advertising of companies that produce or supply fossil fuels on Council land.

**Draft Lease and Licence Policy**

This policy is currently in draft and is out for community consultation. It could be amended by including an additional paragraph under 4.2 Structure, which provides that all leases of Council Land must include a prohibition on signs which advertise fossil fuel companies.

In addition to this, lease, licence and occupancy agreement templates could be amended by including a new signage clause prohibiting the tenant from installing any sign which promotes fossil fuel companies.

Council currently has 146 active leases, including 25 sporting club leases (who are most likely to be impacted be this change).

**Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy, and its accompanying User Guide**

Section 5.7 of the Current User Guide outlines the process for sporting groups to apply for sponsor / club name / temporary activity signage including applying for relevant permits. Th Guide states that “*as part of the sporting ground tenancy application, all existing sponsorship signage must be identified by the club including the size of their signs. Any new signs will need to be assessed by the conditions set out in this section. The signs must not advertise tobacco or alcohol products, gaming activities or adult entertainment venues, or contain any offensive words, pictures or messages to the satisfaction of Merri-bek City Council*.” This section could be updated to include fossil fuel companies in the list of products or companies that must not be advertised.

Council can impose fossil fuel advertising bans through some of its existing contracts, working with tenants such as those at aquatic and leisure centres. More forward planning will need to be undertaken prior to negotiation for renewal of upcoming contracts such as permits for community events and activities.

**Other advertising contracts**

One potential contract that could be targeted for the prohibition of fossil fuel advertising is with a company that specialises in promoting street furniture, large-scale billboards, advertisements on public transportation, and self-service bicycle rental systems. Council has an existing agreement with this company for bus shelter advertising, this will conclude in 2027. Council has the ability to structure the upcoming contract, to explicitly prohibit the advertising of fossil fuels.

### Community/Social impact

The banning of fossil fuel advertising on Council Land can be part of a suite of measures designed to encourage a shift in attitudes needed to transition to safer and cleaner energy sources.

### Climate emergency and environmental sustainability implications

This action would support Council’s endorsed Climate Risk Strategy, and Climate Risk Foundational Action Plan, and demonstrate environmental leadership in rejecting the ongoing promotion of fossil fuels.

### Economic sustainability implications

Individual sports clubs may be impacted by the lessening of potential sponsors or advertisers. However, Council is actively supporting its tenants in becoming less reliant on fossil fuels in ways which also make them more financially sustainable, such as by installing solar panels on leased Council buildings to reduce tenants’ power costs.

### Legal and risk considerations

Legal and risk implications will be assessed when updating agreements for the use of land, including leases, licences and sporting club agreements for the banning of fossil fuel advertising subject to the proposed policies.

Leases are legally binding agreements and changes can only be made subject to the agreement to both parties. Therefore, any changes would be phased-in as agreements and leases are renewed or renegotiated.

### Human Rights Consideration

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not conflict with any human rights issues but supports the principles in the Charter such as section 18 Property rights including contractual rights and leases.

## 4. Community consultation and engagement

Internal consultation has taken place with the following units:

 Arts and Culture

 Aquatic and Leisure Services

 Council Facilities

 Property

 Recreation Services

 Sustainability and Climate

A survey of all active tenants on Council owned and managed land was undertaken from 14 September 2023 to 30 September 2023 which included a frequently asked questions list and a key contact person for additional information.

### 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.

### Communications

Key messages on the proposal to ban advertising of fossil fuel companies, and why this is being explored, would be developed and shared through social media.

## 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 in this report can be accommodated within existing budgets and workplans.

## 7. Implementation

 If this initiative is pursued, the recommended changes would be reflected in the draft Lease and Licence Policy (2023) and an updated version of Council’s Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy, and its accompanying User Guide.

 Implementation would be rolled out incrementally, as new leases are agreed or existing leases renewed or renegotiated. Leases are legally binding agreements and can only be changed according to their terms, or by mutual agreement of the parties.

## Attachment/s

There are no attachments for this report.

7.14 Aboriginal place names on postal channels

**Director Community Eamonn Fennessy**

**Community Engagement**

## Officer Recommendation

That Council:

1. Adopts the immediate implementation of traditional Aboriginal place name Wurundjeri Woi-wurrung Country as part of the Merri-bek City Council address;

2. Adopts a progressive implementation approach for the use of traditional Aboriginal place names in postal addresses for mail outgoing from Council, as becomes possible following staff training and systems upgrades.

**REPORT**

**Executive Summary**

In 2021 Council endorsed a Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander People, that recognises the Wurundjeri Woi-wurrung people are the Traditional Owners of the lands and waterways in Merri-bek. Implementing the traditional place names as part of the mailing address is a simple and proactive approach Council can adopt that aligns with our Statement of Commitment.

Use of traditional place names can help build cultural awareness, respect and understanding of First Nations history, language, and connection to country. Australia Post’s address guidelines include instructions on use of traditional place names in their postal service along with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Map of Indigenous Australia as a resource to locate the traditional place of different regions.

There are actions Merri-bek City Council can take to encourage and implement the use of traditional place names in Council’s day-to-day work, such as through address protocols. Actions that require changes to Council’s systems will require further consideration and enquiry to determine capability and impacts.

**Previous Council Decisions**

**Using indigenous place names on Australia Post items** - 20 June 2023

*That Council:*

*1. Produces a report that outlines the benefits and costs to Merri-bek City in meeting its Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Merri-bek, by implementing a practice of using indigenous place names on Australia Post and other delivery/postal items in Council’s day to day work.*

*…*

**Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland** – 12 May 2021

*That Council:*

*1. Endorses the Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland as approved by the Wurundjeri Woi-wurrung Board of Management on 4 March 2021.*

*…*

## 1. Policy Context

**Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Merri-bek**

Council recognises that:

 The Wurundjeri Woi Wurrung people are the Traditional Owners of these lands and waterways in Merri-bek.

Council supports:

 The right for Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander people to enjoy their identity and culture, maintain and use their language, maintain their kinship ties and maintain their distinctive spiritual, material and economic relationship with the land and waters as defined in the Victorian Charter of Human Rights and Responsibilities.

**The Moreland Human Rights Policy 2016 – 2026** makes a clear statement of commitment to Aboriginal and Torres Strait Islander Communities states that:

*“Merri-bek City Council’s vision for reconciliation is where Aboriginal and Torres Strait Islander people are recognised as the traditional custodians of the land, whose dispossession is addressed through respectful partnerships between Indigenous and non-Indigenous people.*

*Council is committed to reconciliation with Indigenous Australians, particularly the Wurundjeri people as traditional owners of the land we now call Merri-bek.”*

## 2. Background

The campaign to include traditional place names in postal addresses was led by Gomeroi woman, Rachael McPhail. Australia Post responded to the campaign by launching a newly designed Parcel Post and Express Post satchels with an official space for Indigenous place names.

A number of postal services have now joined the campaign and mail packaging has been designed to include an Acknowledgement of Country and a dedicated traditional place names field in the address.

Council’s use of traditional place names can be informed by Australia Post’s address guidelines, which includes instructions on use of traditional place names in their postal service and provides the Australian Institute of Aboriginal and Torre Strait Islander Studies (AIATSIS) – Map of Indigenous Australia as the recommended resource to locate the traditional place of different regions within Australia.

**Recommendations to implement use of traditional place names in postal addresses**

***Merri-bek City Council address***

Merri-bek City Council’s current written address format is expressed as follows:

Merri-bek City Council

90 Bell Street

Coburg 3058

To implement the use of traditional place names in Australian postal addresses in Council material it is recommended that address now be identified as:

Merri-bek City Council

Wurundjeri Woi-wurrung Country

90 Bell Street

Coburg 3058

***Outgoing mail from Merri-bek City Council***

It is recommended to implement a progressive roll-out for the use of traditional Aboriginal place names in postal addresses for mail outgoing from Council.

Internal communications and resources to educate staff will be implemented to increase awareness of this practice and encourage the use of traditional place names in addresses across the organisation.

Bulk outgoing mail from Council includes rates notices, resident parking permit renewals, animal registration renewals and the like.

The inclusion of traditional place names in the addresses of bulk outgoing mail will require further consideration to determine the capabilities of Council’s systems. Incorporating traditional place names on bulk outgoing mail can be rolled out progressively as systems allow or as systems upgrades occur.

## 3. Issues

### Community impact

Merri-bek City Council implementing the use of traditional places names in our delivery and postal services, public website and satellite services will have a broad positive impact for the Merri-bek community, by promoting reconciliation and social cohesion.

### Climate emergency and environmental sustainability implications

There are no direct climate emergency or environmental sustainability implications associated with this report.

### Economic sustainability implications

There are no economic sustainability implications associated with this report. Legal and risk considerations

There are no legal and risk considerations applicable.

### Human Rights Consideration

The implications of this report have been considered in accordance with the requirement of the Charter of Human Rights and Responsibilities. The report supports Charter Section 19 (2) Aboriginal Cultural Rights and Responsibilities which say that Aboriginal People hold distinct cultural rights and must not be denied the right to:

 Enjoy their identity and culture

 Maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources they have a connection under traditional laws and customs.

## 4. Community consultation and engagement

**Affected persons rights and interests**

This action does not require community engagement and does not impact service delivery of the experience of customers and residents.

**Consultation with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (Elders/Traditional Owners)**

The Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (Elders/Traditional Owners) have been consulted on the report and advised on the correct use of the traditional place name in Merri-bek as - Wurundjeri Woi-wurrung Country.

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) – Map of Indigenous Australia is to be used as the recommended resource to locate the traditional place of different regions within Australia.

### Communications

A communications plan will be developed that informs residents and customers of the introduction of traditional place names.

A communications plan and staff training will be developed that informs staff of the introduction of traditional place names in Merri-bek City Council’s address and in the addresses of outgoing mail.

## 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 implementation of this program/project can be achieved within existing council resources.

## 7. Implementation

Implementing the traditional place name in Merri-bek City Council’s address can occur immediately for online applications and in the short term for printed applications.

Implementing traditional place names in outgoing mail will be rolled out progressively as staff training and/or systems allow, noting that some systems upgrades may be required before this goal can be achieved.

## Attachment/s

There are no attachments for this report.

7.15 Proposed Sale - 2 Spry Street, Coburg North

**Director Place and Environment Joseph Tabacco**

**Property, Place and Design**

## Officer Recommendation

That Council:

1. Notes that the portion of land that Council acquired at Spry Street to create an open space buffer and path along the Merri Creek has now been subdivided and will remain in Council ownership

2. Notes the one submission received in relation to the proposed sale of the remainder of the land at 2 Spry Street, Coburg North.

3. Having fulfilled its obligations under Section 114 of the *Local Government Act* 2020 and Council’s Community Engagement Policy, supports the proposal to sell the site at 2 Spry St, Coburg North by a public process.

4. Writes to the submitter advising them of the Council’s decision.

5. Authorises the Director Place and Environment to do all things necessary to effect the sale of 2 Spry Street, Coburg North by a public process.

6. Returns the net proceeds of this sale to the Public Resort and Recreation Land Fund in accordance with the resolution of Council at its 6 August 2018 meeting.

**REPORT**

**Executive Summary**

In 2018, Council purchased the property at 2 Spry Street, Coburg North, a plan of which is shown in Attachment 1. The purchase was funded from the Public Reserve and Recreation Land Fund. The site was identified as a strategic open space acquisition, because it met *Goal 3 of the Open Space Strategy* - *to improve access and increase the vegetation buffer along the Merri Creek* and provided an opportunity to introduce an access pathway from Spry Street to the creek/shared trail.

The site measured 4,364 square metres and is zoned General Residential Zone and contained a double storey dwelling.

At its meeting on 6 August 2018, (an extract of the Council meeting minutes is attached to this report as Attachment 2), Council resolved in the event that it acquired the land to create a separate disposable lot and give public notice of its intent to sell the land and invite written submissions. The proceeds of any sale would be contributed to the Public Resort and Recreation Land Fund.

The subdivision process has been completed, a new lot has been created for the dwelling and part thereof land known as Lot 1 measuring 857sqm in Attachment 1.

At its meeting on 13 September 2023 Council confirmed its previous resolution:

 To declare the remaining 857m² of the site surplus to its requirements and resolved in accordance with section 114 of the *Local Government Act* 2020 to give public notice of its intention to sell the site in The Age newspaper, on Council’s Conversations Merri-bek website, on Council’s main website and by placing a notice on the site inviting written submissions.

 Notes that the dwelling needs costly repairs, has no identified Council use, and is unlikely to be of interest to social or affordable housing providers due to its relatively poor location, and the significant level of investment needed.

Public notice was given in *The Age* newspaper, on Council’s Conversations Merri-bek website, on Council’s main website and by placing a notice on the site inviting written submissions. Submissions closed at 5 pm on 16 October 2023.

One submission was received, in Attachment 3. The submitter did not request to be heard, so a Hearing of Submissions Committee meeting was not required.

Council, having satisfied its statutory requirements under Section 114 the *Local Government Act* 2020 and its Community Engagement Policy, is now in a position to make a decision on the proposed sale of the site at 2 Spry Street, Coburg North. This report recommends that Council proceeds with the sale of this site via a public process and return the funds to be used for future acquisition or improvement of open space.

**Previous Council Decisions**

**Proposed Sale of Land - 2 Spry Street, Coburg North** – 13 September 2023

*That Council:*

*1. Notes that the acquisition of land at 2 Spry Street Coburg has provided significant community benefit in the form of new open space, better access to the Merri Creek and improved vegetation of the creek corridor.*

*2. Confirms its previous resolution to declare the remaining 857m² of the site, being the subdivided house at 2 Spry Street, Coburg North, surplus to its requirements.*

*3. Notes that the dwelling needs costly repairs, has no identified Council use, and is unlikely to be of interest to social or affordable housing providers due to its relatively poor location, and the significant level of investment needed.*

*4. Notes that if Council were to consider retaining the site for a non-open space use, this would require identifying a separate budget in order to return funds to the Public Resort and Recreation Land Fund (Open Space Reserve) with which this site was purchased.*

*5. Resolves, in accordance with section 114 of the Local Government Act 2020, to authorise that public notice be given of its intention to sell the site in The Age newspaper, on Council’s official website as well as Council’s Conversations Merri-bek website and a sign erected on the site inviting written submissions.*

*6. Appoints the Ward Councillors and Cr Pulford as Chair to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of land.*

*7. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council’s intention to sell the subdivided house of the land at 2 Spry Street, Coburg North.*

*8. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee (if any) and presenting a recommendation regarding whether or not to proceed with the proposed sale.*

**Proposed Acquisition of Land - 2 Spry Street, Coburg North - *Confidential*** – 13 August 2018 (Attachment 2)

**Proposed Acquisition of Land - 2 Spry Street, Coburg North - *Confidential*** – 6 August 2018 (Attachment 2)

## 1. Policy Context

Council Plan

The Council Plan 2021-2025 sets out strategic objectives through delivery of major initiatives and priorities and ways to achieve these objectives. The Council Plan also outlines how the Council will protect, improve and promote public health and wellbeing within the municipality. The Council Plan includes the Merri-bek Community Vision and part of the key themes to achieve the community vision is to manage assets that meet changing needs over the long term.

## 2. Background

In 2018, Council purchased a property at 2 Spry Street, Coburg North as a strategic open space acquisition, to improve access and increase the vegetation buffer along the Merri Creek, an aspiration contained within the Moreland Open Space Strategy.

At its meeting on 13 September 2023 Council confirmed its previous resolution to declare the remaining 857m² of the site, in **Attachment 1**, being the subdivided house at 2 Spry Street, Coburg North, surplus to its requirements and resolved in accordance with section 114 of the *Local Government Act* 2020 to give public notice of its intention to sell the site in *The Age* newspaper, on Council’s Conversations Merri-bek website, on Council’s main website and by placing a notice on the site inviting written submissions.

Public notice was given in *The Age* newspaper, on Council’s Conversations Merri-bek website, on Council’s main website and by placing a notice on the site inviting written submissions. In addition, 195 letters were mailed to landowners and occupiers in the vicinity of the subject site advising of the proposal and inviting written submissions. Submissions closed at 5 pm on 16 October 2023.

One submission was received, in **Attachment 3**. The submitter did not request to be heard, a Hearing of Submissions Committee meeting was not required, and officers are able to present the matter to Council.

Council, having satisfied its statutory requirements under the *Local Government Act* 2020 and its Community Engagement Policy, is now in a position to make a decision regarding the proposed sale of the site.

## 3. Issues

| **Summary of Views Expressed in Submissions** | **Number of submissions** | **Officer comments** |
| --- | --- | --- |
| The submitter wrote on behalf of *Wholefoods Unwrapped Collective (WUC)* to propose that this property be used for a recycling drop off point/eco info centre. | 1 | The site is zoned General Residential Zone. Any change of use (ie recycling drop off point) would require a Planning Permit.  Alternative uses would require upgrades to the site to fulfill Council’s Essential Safety Measures requirements costed at over $350,000 prior to any occupation. Council has no identified budget to undertake these works.  The proceeds of the proposed sale are to be returned to the Public Resort and Recreation Land Fund as resolved by Council at its 6 August 2018 meeting.  These funds were used to purchase the property, and can only be used to acquire or improve open space. |

Council’s Building Maintenance Unit undertook a preliminary assessment of the dwelling identifying upgrades worth an estimated $375,000, as shown below.

|  |  |
| --- | --- |
| External works, i.e. painting, replacing gutters, fencing, floor boards, tiling, window wood rot and probable underpinning. | $153,500 |
| Internal works i.e. painting, plumbing, heating and cooling, replacement of staircase to make compliant, replacement of windows and light fittings. | $106,000 |
| Essential Services | $25,000 |
| Outhouse i.e., check and fix all rotted walls, electrical and plumbing. | $25,000 |
| Consultancy | $16,000 |
| 15% contingency | $48,825 |
| **Total** | **$374,325** |

No structural assessment or report has been undertaken. This would require a qualified building surveyor to provide a detailed report on compliance upgrades and any structural issues.

### Urban Planning

### The property at 2 Spry Street, Coburg North is located in the residential hinterland adjacent the Merri Creek.

### The land is currently included in a General Residential Zone and would not require rezoning prior to any sale. This zoning permits development of up to three storeys. The land to the north is included in a Public Park and Recreation Zone and forms part of the Merri Creek Trail. Land to the east and partly south has been purchased by Council for open space purposes and will be rezoned as part of a future amendment.

No change is required to the Environmental Significance Overlay and Erosion Management Overlay that apply to the site.

**Social and affordable housing**

The location scores 7/20 on the University of Melbourne Housing Access Rating Tool (HART). It is adjacent to open space and 600 metres from a tram and 1.1km from the nearest train. It does not score for proximity to other essential services.

The dwelling is an unrenovated four-bedroom house built pre-1945 requiring costly renovation to bring up to standard. It is unlikely to be considered for use as a group home or rooming house.

As a development site, the constraints of the General Residential Zone, its sensitive location adjacent to open space and its distance from key services makes this a less attractive site for the development of new social or affordable housing.

### Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Section 8 of the Charter of Human Rights and Responsibilities - Right to recognition and equality before the law which means that all Victorians have the right to be recognised as a person, to enjoy their rights without discrimination, to be treated equally under the law and protected from discrimination.

## 4. Community consultation and engagement

The following Council units were consulted with in relation to the site and seeking expertise in relation to other future uses for the site:

 Principal Advisor Social and Affordable Housing

 Social Policy and Early Years

 Transport

 Asset Management

 Strategic Planning

 Open Space Maintenance and Street Cleansing

 Open Space Design and Development.

 Youth and Leisure Services

### Council’s Principal Advisor Social and Affordable Housing Officer has assessed the site and advised it is not identified as a suitable site for affordable housing.

No alternate uses were identified, and no objections were received from these units in relation to the proposal to commence statutory procedures associated with the notice of intention to sell the site.

Public notice was also given in *The Age* newspaper, on Council’s corporate website and on Council’s Conversation Merri-bek platform on 18 September 2023 inviting written submissions. In addition, 195 letters were mailed to landowners and occupiers in the vicinity of the subject site advising of the proposal and inviting written submissions.

Council consulted with the community in accordance with Section 114 of the *Local Government Act* 2020 and Council’s Engagement Policy (IAP2 Spectrum and Statutory Projects).

## 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

## At its meeting on 6 August 2018, Council resolved that if the property a 2 Spry Street, Coburg North was to be sold, the proceeds of any sale would be returned to the Public Resort and Recreation Land Fund which is used for the purchase or upgrade of open space sites. The fund was used to purchase the land and can only be used for open space acquisition or improvements.

## At a further meeting on 13 September 2023 Council confirmed its resolution from a meeting held on 6 August 2018.

## 7. Implementation

If the officer recommendation is endorsed, officers will commence the process to sell the land and improvements at 2 Spry St, Coburg North by a public process.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | 2 Spry Street Coburg North - Plan | D23/385470 |  |
| **2** | Proposed acquisition of land - 2 Spry Street, Coburg North - extract of confidential Council meeting minutes - August 2018  *Pursuant to section 3(1)(h) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).*  *Confidential minutes Council..* | D23/421725 |  |
| **3** | Summary of Submissions Proposed Sale of 2 Spry St Coburg North | D23/508190 |  |

**7.16 Support for Neighbourhood Houses**

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

**Officer Recommendation**

That Council approves the extension of Council’s Community Liability Policy to provide cover for uninsured unincorporated hirers and individuals when hiring rooms from Neighbourhood Houses, providing protection in the event of public liability incidents.

**REPORT**

**Executive Summary**

1. This report is in response to Notice of Motion 8.2 Support for Neighbourhood Houses received at the Council meeting held 13 September 2023. At this meeting Council resolved to receive a report on options for Council to provide additional public liability insurance to neighbourhood houses for room hire to community groups.
2. There are seven independent neighbourhood houses within Merri-bek. They offer educational, social, recreational and support programs for people of all backgrounds, ages and cultures. Neighbourhood Houses also offer venue hire to unincorporated groups or individuals for the purpose of meetings, training, art and craft and birthday parties.
3. Unincorporated groups or individuals usually do not hold Public Liability Insurance and consequently, local community groups have become hesitant or unwilling to utilise Neighbourhood House facilities for their needs or are hiring a room or hall for an event without the adequate insurance cover.
4. Council’s Insurance broker has been successful in negotiating an extension of Council’s Community Liability Policy which will ensure unincorporated groups or individuals will be covered for public liability incidents when hiring rooms from Neighbourhood Houses, however there are specific conditions and an additional premium allocated to the Council. These conditions include approval processes through the Council for uninsured hirers, compliance with Council's hiring terms, single-day events with restrictions, exclusion of alcohol, and other safety and legal requirements. The Council will provide guidance to Neighbourhood Houses on how these conditions will be applied. The impact to budget is and additional $3,500 per year.

**Previous Council Decisions**

**Support for Neighbourhood Houses** – 13 September 2023

*That Council receives a report at the November Council meeting on options for Council to provide additional public liability insurance to neighbourhood houses for room hire to community groups.*

**1. Policy Context**

Council's current suite of insurance policies have limitations in situations where a Neighbourhood House rents a hall or room to an uninsured, unincorporated group or individual. While the hired hall or room is covered by the Council's Public Liability Policy, the specific activities conducted by the uninsured third party are not covered. For example, if an uninsured hirer hosts a birthday party and a guest is injured by tripping and falling on uneven floor, it would be covered. However, activities like serving a birthday cake that results in food poisoning would not be covered by Council's existing Public Liability Policy.

**2. Background**

1. Council’s seven Neighbourhood Houses play a crucial role as safe and welcoming hubs where people can forge connections, acquire new skills, and exchange ideas and experiences. They serve as vital drivers of social and economic inclusion. In addition to offering courses and organising neighbourhood house events, Neighbourhood Houses actively promote the use of their facilities by community groups and individuals to bring the community together, often at minimal or no cost.
2. As expected, unincorporated groups or individuals typically do not hold Public Liability insurance. Council has become aware that when Neighbourhood Houses hire rooms to unincorporated groups or individuals, they remain uninsured. Consequently, local community groups are now hesitant or unwilling to utilise Neighbourhood House facilities for their needs, which is impacting room hire revenue for Neighbourhood Houses.
3. Officers met with Neighbourhood Houses on numerous occasions regarding previous advice received by Councils insurer; at the time, Officers advised that the current conditions according to the Insurer would impede the hiring of Neighbourhood Houses by unincorporated groups. The conditions at the time included that a Council staff member would need to review each hire arrangement received from a Neighbourhood House and the Neighbourhood House would also be required to follow Council Hall hire policy as well as other relevant policies and hire conditions.

On further review with the insurer, officers believe a clearer set of guidelines can now be developed for the Neighbourhood Houses to ensure this cover is able to be included for the hire of Neighbourhood House venues uninsured third party(s).

**3. Issues**

1. Councils Insurance broker has been able to negotiate an extension of Council’s Community Liability Policy for the Hire of Neighbourhood Houses by unincorporated groups or individuals.
2. The cover is subject to the following conditions and an additional premium (allocated to Council):

 Any Uninsured Hirer to go through the usual process for approval/ decline via Council – not the Neighbourhood House.

 Any Uninsured Hirer to comply with Councils (not any Neighbourhood Houses) Hiring Terms, Conditions, Risk Management and COVID Plans.

 Must be single day events with a maximum duration of 6 hours and meeting/event must end by 10PM.

 Capacity restriction to 100.

 Exclusion of Alcohol.

1. Events where:

 Goods or services are NOT for sale.

 There are NO sports or games with a high risk of injury or damage is taking place.

 Children must be always supervised by guardians.

 Events must comply with Local Laws and/or necessary permits.

 Excludes events that are organised and managed by Council.

1. Council will provide guidance to Neighbourhood Houses on how the above conditions will be applied.

**Legal and risk considerations**

In order to obtain insurance, Council is bound by and must comply with conditions as outlined under any insurance policy, and therefore Council has no choice but to adhere to specified conditions in order to be covered by the related insurance policy.

**Human Rights Consideration**

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. Whilst previous decisions regarding limiting the use of Neighbourhood House venues due to limited Public liability insurance, may have prevented groups meeting at these venues, this report and the impending decision expands on the opportunities for community individuals and groups to convene. For example, Section 18 the right to participate in public affairs and Section 16: the right to peaceful assembly.

**4. Community consultation and engagement**

**Communications**

Officers met with the Neighbourhood House Networker and Managers to understand the requirements of community hirers. Officers followed up with Neighbourhood Houses in mid to late 2022 advising of the initial interpretation of the Insurers conditions. Formal advice was provided to Neighbourhood Houses in December 2022.

The Community Managed Halls (Jessie Morris and Hadfield Halls) purchase their own public liability insurance as part of their Lease arrangements with Council, but this does not provide coverage for uninsured hirers. Officers provided advice regarding Council's insurance requirements to the Community committees in July 2022 and previously in May 2017 during Lease renewals. Subject to Councils decision on this matter, Officers will update the Neighbourhood Houses on the changed level of cover, as outlined in the implementation section of this report.

**Affected persons rights and interests**

Prior to 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 their views regarding the effect on their rights, and for those expressed views to then 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**

Insurers will charge an additional premium of $3,500 per year to Council. Funds required to action this resolution can be met from the budget of the Governance and Strategy Branch.

**7. Implementation**

If endorsed, Officers will convey the outcome in writing to the seven Neighbourhood Houses in Merri-bek and the two Community Managed Halls, along with simple and clear guidance and amend Hiring policies and guidelines where appropriate. Community organisations affected by the implementation will be consulted on the new guidelines for hire arrangements.

**Attachment/s**

There are no attachments for this report.

**7.17 Adoption of Council's Governance Rules 2023**

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

Council Meeting at its meeting on 18 October 2023 resolved that the matter be deferred to the meeting to be held on 8 November 2023.

**Officer Recommendation**

That Council:

1. Adopts the revised Governance Rules, provided as Attachment 1 to this report.

2. Writes to the submitters, thanking them for their contribution and providing a copy of the outcome of Council’s decision (including a copy of responses as provided in Attachment 2).

**REPORT**

**Executive Summary**

At its meeting of 9 August 2023, Council resolved to endorse revised Governance Rules for community consultation for period of 21 Business days, via Conversations Merri-bek. At the close of the submission period, 7 submissions were received from 2 submitters.

Upon review of the submissions received, this report does not propose additional amendments to the revised Governance Rules as exhibited. Submissions received consisted of: matters that can be categorised as questions or statements; matters that are resolved through existing processes and legislation (i.e. not needing to be repeated in the Governance Rules); matters already included in the exhibited Governance Rules; and matters which Council officers have determined may conflict with established Governance Rules and/or have the potential to disrupt the flow/running of Council meetings inadvertently.

A summary of the submissions received, together with the Council Officer responses is provided in **Attachment 2**.

Although no additional amendments are recommended in response to community submissions received, Council officers recommend addressing an inconsistency that emerged during the 9 August 2023 Council meeting. This inconsistency relates to question time at unscheduled Council meetings. Whilst Council rejected an amendment to Rule 3.3.2 of the revised Governance Rules which sought to include public question time at every unscheduled meeting, a corresponding section 3.6.1 (2) was not updated, inadvertently keeping question time at all Council meetings (except for ceremonial, confidential, or Planning and Related Matters meetings).

To align with the Council's initial decision against including question time at unscheduled meetings, this report recommends an amendment to Rule 3.6.1 (2) Questions of Council and Community Statements to apply to scheduled Council meetings only.

The revised Governance Rules as presented in **Attachment 1** to this report for Council’s consideration for adoption reflects the change to Rule 3.6.1 (2) and also retains the amendments as exhibited, which include:

 Correcting anomalies and improving readability throughout the document.

 Amending the definition of a Special Meeting to describe it as an unscheduled meeting of the Council for specific purposes.

 Adding a new rule allowing the Chairperson to determine meeting procedures when not specified in the Governance Rules.

 Amending the process for calling a Special Meeting by the Mayor or Councillors.

 Providing a definition for addressing quorum issues in Council meetings.

 Adjusting the notice requirements and agenda distribution for meetings, including considering exceptional circumstances arrangements.

 Modifying the order of business for Council Meetings, to be determined by the Chief Executive Officer.

 Ensuring time for questions from the public at scheduled Council Meetings.

 Providing information to Councillors about the number of questions received.

 Distributing written questions to Councillors before the Council Meeting.

 Handling unasked questions by taking them "On Notice."

 Allowing the Chairperson to answer questions or delegate them to appropriate parties.

 Enabling the Chairperson to refer questions to the Chief Executive Officer.

 Allowing community members to make statements related to Agenda items at Council Meetings.

 Restricting Community Statements from directing questions to individual Councillors or Council staff.

 Defining how petitions with fewer than 10 signatures should be handled.

 Introducing a rule prohibiting the wearing of face masks or head coverings that disguise identity, except for specific reasons.

 Specifying the process for the Chairperson's casting vote in the event of a tie.

 Clarifying the process for moving and seconding motions.

 Adding a provision for the Chairperson to seek another mover or seconder if mover or seconder wishes to withdraw.

 Deleting a procedural motion rule.

 Updating the policy regarding the review of Council policies.

 Expanding the scope of matters to be recorded in meeting minutes.

 Clarifying the suspension of Standing Orders in Council Meetings.

 Modifying the rules for determining the election of the Mayor/Deputy Mayor.

 Establishing a quorum for Hearing Committees.

 Altering procedures related to conflicts of interest at advisory committee meetings and other Council-supported meetings.

 Updating the record-keeping requirements for various Council meetings and briefings.

 Revising rules related to the use of Council resources during election periods.

 Deleting a paragraph about an approval memorandum in the Election Period Policy.

 Deleting Appendix 1.

**Previous Council Decisions**

**Governance Rules Review** – 9 August 2023

*That Council:*

*1. Endorses the amended Governance Rules provided as Attachment 1 to this report, for community consultation for a period of 21 business days from 14 August 2023 and inviting feedback from the community to be received by 5pm, 11 September 2023, with the following amendments:*

*a) Rule 3.3.2 Special Meetings*

 *Amend Rule 3.3.2 (2) (a) to read as: Specify the preferred date and time and the business to be transacted.*

 *Amend Rule 3.3.2 (2) to remove point (c).*

*b) Rule 3.2.4 The Chairperson’s Duties and Discretions*

*Amend Rule 3.2.4 The Chairperson’s Duties and Discretions, Point (8) to read as:*

*Where the Governance Rules do not provide a procedure for the meeting, the Chairperson may determine the procedure to be followed in consultation with the Chief Executive Officer and relevant Governance officer.”*

*c) Rule 3.6.1 (2) Questions of Council and Community Statements*

*Amend to read as: Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every Council Meeting with the exception of ceremonial type meetings, meetings convened to consider confidential matters or meetings designated for Planning and Related Matters to enable members of the public to submit questions to Council.*

*d) Receives a report at the October 2023 Council meeting to consider the amended Governance Rules.*

**Governance Rules Review Process** - 8 February 2023

*That Council:*

*1. Notes the recent reviews of the Governance Rules and options for additional reviews.*

*2. Determines that option 2 is its preferred course of action:*

*To review only the specific sections of the Governance Rules nominated by Councillors and officers, as requiring further clarity or benchmarking for best practice.*

**Notice of Motion – Review of Governance Rules** – 7 December 2022

*That Council:*

*1. Receives a report at the February 2023 Council meeting, outlining the processes and resourcing required to undertake a full review of Council’s Governance Rules.*

*2. The scope of the review of the Governance Rules is to include:*

*a) undertaking a review against best practice in meeting procedure and a comparative benchmark with other metropolitan councils; and*

*b) outlining options for improving the Governance Rules which includes (but is not limited to):*

*i) enhancing community questions and submissions*

*ii) refining motions and debate*

*iii) clarifying conflicts of interest*

*iv) refining records of meetings held under auspices of Council being more inclusive; and*

*v) removing ambiguity in the interpretation and practical application of the Governance Rules.*

**Adoption of Council’s Governance Rules** - 10 August 2022

*That Council:*

*1. Adopts the revised Governance Rules, which provide for attendance and participation in Council meetings and delegated committees by electronic means of communication, provided as Attachment 1.*

*2. Thanks all submitters who provided feedback, and writes to submitters who may have provided feedback outside of the proposed amendments, explaining the purpose and rationale for the limitation of proposed amendment changes, and providing a copy of the outcome of Council’s decision (including a copy of responses as provided in Attachment 2).*

**Adoption of Council’s Governance Rules** - 8 December 2021

*That Council:*

*1. Adopts the revised Governance Rules, provided as Attachment 1.*

*2. Writes to the individual submitter, thanking them for their contribution and providing a copy of the outcome of Council’s decision (including a copy of responses as provided in Attachment 2).*

**Implementation of *Local Government Act 2020* - Governance Rules, Public Transparency Policy and Council Expenses Policy - for Adoption** - 12 August 2020

*That Council:*

*1. Adopts the Governance Rules at Attachment 1 to this report with the following amendment:*

 *Modify sub-rule 3.3.4 (3) to read: An Agenda for an Ordinary Meeting held in accordance with the schedule of Council meetings prepared in accordance with sub-rule (1) will be made available on Council’s website at least 6 days prior to the meeting.*

2. *Determines the commencement date for the Governance Rules to be 1 September 2020.*

…

**1. Policy Context**

Section 60 of the *Local Government Act 2020* (the Act) provides that a Council must develop, adopt and keep in force Governance Rules. In doing so, a Council may amend its Governance Rules subject to ensuring that a process of community engagement is followed in amending its Governance Rules.

**2. Background**

At its meeting held 9 August 2023, Council endorsed revised Governance Rules for community consultation that included the following amendments, which were proposed by officers and Councillors following an internal review process:

**Correction of anomalies and improved readability (various pages):**

Minor amendments have been made to update Council’s name change, correct any anomalies or errors and improve readability and flow of the document.

**Page 11: Amend the definition of Special Meeting, to read as:**

To mean an unscheduled Meeting of the Council to consider a matter that cannot be effectively dealt with in the schedule of Council Meetings and/or is convened for a particular purpose such as the Election of Mayor and Deputy Mayor.

**Page 8: Add new Rule 3.2.4(8) The Chairperson’s Duties and Discretions:**

Where the Governance Rules do not provide a procedure for the meeting, the Chairperson may determine the procedure to be followed in consultation with the Chief Executive and the Governance Officer.

**Page 17: Amend Rule 3.3.2 (2) Special Meetings (unscheduled), to read as:**

1. The Mayor, or at least three Councillors may by written notice to the Chief Executive Officer call a Special Meeting. A written notice to call a Special Meeting must:

(a) Specify the preferred date and time and the business to be transacted;

(b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Sub-Rule 3.3.4.

**Page 18: Amend Rule 3.3.3 (1) Call of the Council, to read as:**

If a quorum cannot be achieved or maintained repeatedly (3 or more times) due to the absence of Councillors, the Chief Executive Officer may require all Councillors to attend a Call of the Council Meeting.

**Page 18: Amend Rule 3.3.4 (2) Notice of Meetings, to read as:**

A notice of a Meeting, that is not a Special Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least six days before the Meeting. A period of less than six days may be justified if exceptional circumstances exist. If exceptional circumstances exist as to why a notice of the meeting cannot be given in accordance with this rule, the exceptional circumstances must be set out/explained in the agenda.

**Page 19: Amend Rule 3.3.4 (4) Notice of Meetings, to read as:**

1. An Agenda for a Special Meeting must be made available electronically to every Councillor at least 48 hours before the Meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

**Page 19: Amend Rule 3.3.4 (5) Notice of Meetings, to read as:**

1. An Agenda for a Special Meeting will be made available on Council’s website no less than 24 hours before the Council Meeting.

**Page 21: Amend Rule 3.5.2 Order of Business for Council Meetings, to read as:**

The order of business must be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. Generally, the order of business of any scheduled Council Meeting will be as follows:

**Page 24: Add new Rule 3.6.1 (9) Questions of Council and Community Statements:**

Prior to the hearing of questions of Council and Community Statements, councillors are to be informed by the Mayor of the total number of questions received for the Council meeting.

**Page 25: Add new Rule 3.6.2 (2)(e) Questions of Council:**

A copy of all questions received before 12noon on the day of the Council Meeting, will be distributed to Councillors as soon as reasonably practicable.

**Page 25: Amend order of Rule 3.6.2 (4) and (5) Questions of Council:**

Rotate order of appearance.

**Page 25: Amend Rule 3.6.2 (5) Questions of Council, to read as:**

Questions that are submitted in writing but not asked, will be taken On Notice.

**Page 25: Amend Rule 3.6.2 (8) – Questions of Council and Community Statements, to read as:**

The Chairperson may elect to answer the question themselves or nominate one appropriate Councillor to answer each question. Prior to responding, the Chairperson may seek contextual information from the person submitting the question.

**Page 25: Amend Rule 3.6.2 (9) – Questions of Council and Community Statements to read as:**

The Chairperson, may at their discretion refer the question to the Chief Executive Officer, who may refer it to a member of Council staff.

**Page 26: Amend Rule 3.6.3 (1) – Community Statements, to read as:**

A member of the community may make a statement, for up to 3 minutes, in relation to any matter listed on the Agenda for the Council Meeting that the statement is to be made.

**Page 26: Amend Rule 3.6.3 (2) – Community Statements, to read as:**

Community Statements must not be directed at individual Councillors or members of Council staff.

**Page 27: Amend Rule 3.6.5 (3) – Petitions and Joint Letters, to read as:**

Where a petition has been signed by less than 10 people, or does not otherwise conform to the requirements contained in rule 3.6.5(1), it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.

**Page 29: Add new Rule 3.6.9 (1) Prohibited items:**

Unless worn for either medical, health, cultural or religious purposes, a person must not wear a facemask or head covering that disguises their identity.

**Page 30: Amend Rule 3.7.1 (2) How a matter is determined to read as:**

In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise a Second vote (casting vote).

**Page 31: Amend Rule 3.9.1 (6) Moving a Motion to read as:**

After the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder reserves their right to speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and

**Page 32: Add new Rule 3.9.1 (8) Moving a Motion:**

If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.

**Page 35: Rule 3.9.13 (6) Procedural Motions:**

Delete the following procedural motion*: (6) Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply*. The rationale for this amendment is that the accompanying table clearly indicates where debate is allowed, making this inclusion redundant.

**Page 39: Amend Rule 3.9.16 (1) Change of Council Policy, to read as:**

Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by Council.

**Page 42: Amend Rule 3.11.1 (p) Keeping of Minutes, to read as:**

any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes and at the request of any Councillor; and

**Page 44: Amend Rule 3.12 Suspension of Standing Orders, to read as:**

Standing Orders are the Rules made to govern the procedure at Council Meetings as contained in these Governance Rules. The Standing Orders cover a range of matters including the order of business, Rules of debate, Procedural Motions and election procedures. Standing Orders can be suspended to facilitate the business of a Meeting but should not be used purely to dispense with the processes and protocol of the government of Council.

**Chapter 4, Election of the Mayor**

**Page 48: Amend Rule 4.6 (3)(h) Determining the election of the Mayor/Deputy Mayor, to read as:**

If a lot is conducted, the Chief Executive Officer will conduct the lot and the following provisions will apply:

**Chapter 5, Council Committees & Joint Council Meetings**

**Page 51: Add Rule 5.3 (3) Hearing Committees:**

A quorum for a Hearing Committee will be half of the Councillors appointed to the Hearing Committee.

**Chapter 6, Conflict of Interest**

**Page 55: Amend Rule 6.4 (8)** **Procedure at Advisory Committee Meetings and other Meetings organised, hosted or supported by Merri-bek, to read as:**

Meeting records and reports of conflicts of interest will be presented to Council for noting and inclusion on the public record.

**Chapter 9, Council Records**

**Page 60: Amend Rule 9.1 (1) Records of Meetings held under the auspices of Council, to read as:**

A record of the matters discussed at all Hearing of Submission Meetings, Advisory Committee Meetings and Councillor Briefings organised or hosted by Council, will be kept.

**Chapter 10, Election Period Policy**

**Page 64: Amend Rule 6.5 Council resources must not be used, to read as:**

Council resources must not be used by any Councillor or candidate in any way that supports an election campaign or in a way that is intended or likely to influence voting in any election.

**Chapter 10, Election Period Policy**

**Amend Rule 6.7.1 Electoral Matter, as follows:**

Page 65: Delete paragraph: Appendix 1 contains the approval memorandum required for a publication during the election period.

**Appendix 1:**

To be deleted.

**Attachment 1** to this report is the revised Governance Rules that reflect the proposed amendments resulting from the consultation with Councillors and the wider community.

**3. Issues**

**Submissions Received**

At the close of the public exhibition period, 7 submissions were received from 2 submitters. Council officers considered all submissions received and for the purposes of transparency, these have been included in **Attachment 2** which provides a breakdown of feedback received by each submitter together with Council Officer responses.

Council officers have thoroughly reviewed the received submissions and have not recommend additional changes to the final version of the Governance Rules. Below, is a summary of the issues raised in the submissions and an explanation as to why Council officers do not propose further amendments to the exhibited version (further detail can be found in **Attachment 2** to this report):

**1. Submitter 1**

 Wearing of facemasks in the Gallery (question by nature).

2. **Submitter** **2**

 Keeping of Council meeting minutes (addressed by existing processes and legislation).

 Change of Council policy (statement by nature).

 Moving a motion (covered in the revised Governance Rules as exhibited).

 Questions of Council and Community Statements (two submissions: the first submission conflicts with other guidelines established by the Governance Rules, the second submission is a statement by nature).

 Chairperson's duties and discretions (Council officers do not support this submission as it would cause disruption to Council meetings).

**Additional change recommended by Council Officers**

In addition to retaining amendments as exhibited, an additional amendment is recommended to rectify an inconsistency that emerged during the Council meeting on 9 August 2023.

At this meeting, Council rejected the following amendment:

*“b) Rule 3.3.2 Special Meetings (unscheduled)*

*Incorporate the following point (9) There shall be public question time at every unscheduled meeting with the exception of ceremonial type meetings, meetings convened to consider confidential matters, or meetings designated for Planning and Related Matters.”*

However, as part of a separate amendment, Council resolved as follows:

*Rule 3.6.1 (2) Questions of Council and Community Statements*

*Amend to read as: Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every Council Meeting with the exception of ceremonial type meetings, meetings convened to consider confidential matters or meetings designated for Planning and Related Matters to enable members of the public to submit questions to Council.*

This has created a conflict between Rules 3.3.2 and 3.6.1 (2) within the revised Governance Rules. To align with the Council's initial decision against including question time at unscheduled meetings, it is recommended an amendment to Rule 3.6.1 (2) Questions of Council and Community Statements to apply to scheduled Council meetings only as follows:

**Page 24: Amend Rule 3.6.1 (2)** **Questions of Council and Community Statements, to read as:**

Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every scheduled Council Meeting not designated for Planning and Related Matters to enable members of the public to submit questions to Council.

Accordingly, the Governance Rules presented for Council adoption (as exhibited and including the abovementioned correction) are provided in **Attachment 1**.

**Legal and risk considerations**

The amended Governance Rules as proposed, meet the requirements of *the Local Government Act 2020* and the *Regulatory Legislation Amendment (Reform) Act 2022.*

**Human Rights Consideration**

1. There has been careful consideration in upholding human rights as required by the Charter of Human Rights and Responsibilities (Victoria) through the amendment of the Governance Rules. In particular, the right to freedom of expression (section 15) providing that people are free to say what they think and want to say.
2. It is considered that the Governance Rules adopted had already captured this requirement appropriately, with the current existence of public questions, community statements and the ability to lodge petitions and joint letters at Council meetings.

**4. Community consultation and engagement**

1. In preparation of the revised Governance Rules, consultation with Councillors to review only the specific sections of the Governance Rules nominated by Councillors and officers, as requiring further clarity and/or benchmarking for best practice was undertaken at briefings held on 3 May 2023 and 19 July 2022.

The revised Governance Rules were made available on the Conversations Moreland website from 14 August 2023, inviting written submissions from the community to be received by 11 September 2023.

**Affected persons rights and interests**

Prior to 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 their views regarding the effect on their rights, and for those expressed views to then be considered. The provisions as outlined in the Governance Rules relating to affected persons are not proposed to be amended as part of this review. As outlined in the abovementioned consultation and engagement process, persons were invited to contribute to the review of the Governance Rules in line with Council’s Community Engagement and Public Participation Policy.

**Communications**

The adopted Governance Rules will be published on Council’s website, subject to Council’s decision.

**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 resources required to consult and prepare the amened Governance Rules are met within existing resource allocations.

**7. Implementation**

Subject to Council’s decision, the adopted Governance Rules will be published on Council’s website.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Governance Rules - September 2023 | D23/476154 |  |
| **2** | Governance Rules Review 2023 - Submissions and Responses Table | D23/469227 |  |

7.18 Year 3 Council Action Plan 2023-24 - First Quarter Performance Report

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the Council Action Plan 2023-24 – First Quarter Performance Report (provided as Attachment 1).

2. Notes the progress of the ‘Off Track’ or incomplete actions from Council Action Plan 2021-2022 and 2022-23 (as provided in the table below). These actions have continued to be tracked and will be reported (as resolved by Council, 10 August 2022 and 9 August 2023).

3. Endorse placing action 82 *‘Continue to review Neighbourhood Character provisions in the planning scheme’* on hold in the Year 3 Council Action Plan 2023-24.

4. Endorse the inclusion of new action in Year 3 Council Action Plan 2023-24 *‘Commence implementation of homelessness strategy’* under Theme 3: A healthy and caring Merri-bek in the 2023-24. This action was a direct result of a NOM from the 10 May 2023 Council Meeting.

5. Endorse the withdrawal of action 155 *‘Implement a meeting room booking system that enhances current system and encourages ease of new bookings’* from Year 2 Council Action Plan 2022-23 for continued reporting.

**REPORT**

**Executive Summary**

This First Quarter Performance Report (Attachment 1) provides an overview of Council’s performance through the delivery of the Council Plan 2021-25, specifically the Year 3 Council Action Plan 2023-24.

The final status of the 91 actions is as follows:

 2 per cent (2 actions) closed (achieved)

 92 per cent (83 actions) in progress (on track)

 2 per cent (2 actions) behind target (off track)

 1 per cent (1 actions) withdrawn (removed), proposed to be withdrawn, or on hold

Given that Council is in the first quarter of this financial year, some actions have yet to start and are planned for delivery in the second half of the year, and over 90% of actions are on track at the end of the first quarter.

Endorsement is sought to place 82 *‘Continue to review Neighbourhood Character provisions in the planning scheme’* on hold in the Year 3 Council Action Plan 2023-24 for continued reporting as it is dependent on the outcomes from the State Government Planning reforms.

An endorsement is also sought to amend the Year 3 Council Action Plan 2023-24 to include the following action: *‘Commence implementation of homelessness strategy’* under Theme 3: A healthy and caring Merri-bek. This action directly resulted from a NOM from the 10 May 2023 Council Meeting.

Further, it is proposed to withdraw action 155 ‘Implement a meeting room booking system that enhances current system and encourages ease of new bookings’ from Year 2 Council Action Plan 2022-23. After evaluating options, there was found to be no viable, cost-effective solution for this project.

This report also includes updates on those actions that were not achieved or ‘Off-Track’ in the 2021-22 and 2022-23 action plans and as resolved by Council on 10 August 2022 and 9 August 2023 to continue reporting on these actions separately, yet concurrently until their completion are outlined in the table below in section two of this report.

**Previous Council Decisions**

**Year 3 Council Action Plan 2023-24 - First Quarter Performance Report** - 9 August 2023

*That Council:*

*1. Noted the Council Action Plan 2022-23 – Fourth Quarter Performance Report (provided as Attachment 1).*

*2. Endorsed that ‘Off Track’ actions from the Council Action Plan 2022-23 will continue to be reported to Council through the quarterly reporting cycle of the Council Action Plan 2023-24.*

*3. Endorsed that ‘Off Track’ action 26 ‘Design, approval and construction of new shared paths along the Craigieburn Rail Corridor’ be deemed superseded and be included as a new action in the Council Action Plan 2023-24 entitled ‘Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding’; and amend the Council Action Plan 2023-24 accordingly.*

*4. Endorsed that Action 84 (as referred to the 2023-24 Council Action Plan) be amended to include affordable housing, and amend the Council Action Plan 2023-24 as follows:*

*a) ‘Continue to carry out research, technical studies, strategic planning, partnership building, engagement planning and* ***affordable housing****, to guide the future of central Coburg’; and*

*5. Endorsed, Council amend Action 84 (in Point 4 above), for continued reporting on Action 79 (as per the 2021-22 Council Action Plan: Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg) be incorporated into Action 84, as an integrated approach to revitalisation planning for Central Coburg.*

*6. Endorsed setting a completion date of December 2023 for the following actions from the 2021-22 plan to facilitate the subsequent phase of these projects:*

*a) Action 90 'Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program'; and*

*b) Action 91 'Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement.*

## 1. Policy Context

In accordance with sections 88 and 90 of the *Local Government Act 2020*, Council adopted its Community Vision 2021-31 and Council Plan 2021-25 in October 2021.

The Year 3 Council Action Plan, 2023-24 supports the implementation of the Council Plan 2021-25 for the third financial year of the 4-year period and included specific actions to be undertaken that were resourced through the 2023-24 annual budget (included in the 2023-27 budget).

This report supports Council’s continuing commitment to sustainable, equitable and transparent management of funds on behalf of ratepayers, key stakeholders and the broader community.

## 2. Background

The purpose of the first quarter performance report is to provide a status update on delivery against the Council Action Plan 2023-24 as at 30 September 2023.

This report also includes updates on those actions that were not achieved or ‘Off-Track’ in the 2021-22 and 2022-23 action plans and as resolved by Council on 10 August 2022 and 9 August 2023 to continue reporting on these actions separately, yet concurrently until their completion are outlined in the table below in section two of this report.

## 3. Issues

**Council Action Plan Performance 2023-24**

Council has 91 actions in Year 3 Council Action Plan 2023-24.

Detailed results for the first quarter performance 2023-24 are shown in Attachment 1.

**Completed actions (Achieved)**

Two actions have completed their objective in Council Action Plan 2023-24 with action updates presented in table below.

|  |  |  |
| --- | --- | --- |
| **Action #** | **Action Description and Q1 Update** | **Directorate** |
| 185 | **Liaise with and advocate to the State Government to maximise good design and delivery outcomes for the Brunswick level crossing removals**  Following the adoption of Council's advocacy position paper, 'Reshaping Brunswick' in April 2023, letters were sent to all relevant MPs and Departments outlining Council's position on the design and delivery outcomes of the Brunswick Level Crossing Removals. Presentations to all relevant officers within the Level Crossing Removal Project team, partners and consultants were also completed in April and May 2023. | Place and Environment |
| 188 | **Commence construction of the Saxon Street Brunswick facility and open space**  Construction commenced with early works starting in 2023. Expected to complete construction by October 2024. | City Infrastructure |

**On track (In Progress)**

83 actions or 92 per cent of actions are ‘in progress’ in Council Action Plan 2023-24. Detailed updates for the first quarter performance are shown in Attachment 1.

**Off track (At risk, support may be needed)**

Two or 2 per cent of actions are currently consider ‘off track’ in Council Action Plan 2023-24. Details are shown in the table below.

|  |  |  |
| --- | --- | --- |
| **Action #** | **Action Description and Q1 Update** | **Directorate** |
| **161** | **Construction of Dunstan Reserve (Brunswick West) stormwater harvesting system, subject to external funding**  Awaiting the appointment of a project manager to deliver on this project. Detailed design documents are complete, and the project is ready for tender. Expected commencement dates will likely be in the third quarter of this financial year, with completion to be in the 2024-25 financial year. | Place and Environment |
| **167** | **Deliver active travel capital works program**  The program is delayed while recruiting vacant roles to deliver the program. Engagement on De Carle Street bicycle infrastructure has commenced. Planning underway for Harding Street bridge, O'Hea Street separated bicycle lanes and shared zones in Brunswick East. | City Infrastructure |

**Action not started**

Three or 3 per cent of action are not yet started given only being in the first three months of the financial year. Reporting this way allows Council to be as transparent as possible with the Council and the Community on the status of the plan.

These actions are all reliant on preceding actions/projects to be completed before these actions can commence, further information provided in table below.

| **Action #** | **Action Description and Q1 Update** | **Directorate** |
| --- | --- | --- |
| **144** | **Commence Detailed Design for West Street streetscape renewal**  Concept design is underway. Detailed design will begin in the third quarter of this financial year. | Place and Environment |
| **145** | **Commence construction of Wheatsheaf Road Glenroy streetscape improvement**  Detailed design is almost complete. It is expected that construction will begin in in the third quarter of this financial year, January to March 2024. | Place and Environment |
| **146** | **Commence construction of the Stewart Street Brunswick streetscape improvement**  Detailed design is almost complete. It is expected construction will begin in January to March 2024. | Place and Environment |

**Withdrawn or hold**

One action is categorised as proposed to be put on hold in the 2023-24 Council Action Plan. Details are shown in the table below.

|  |  |  |
| --- | --- | --- |
| **Action #** | **Action Description and Q1 Update** | **Directorate** |
| **82** | **Continue to review Neighbourhood Character provisions in the planning scheme**  It is proposed to place this action on hold in the Year 3 Council Action Plan 2023-24. Dependant on the outcomes from the State Government Planning reforms relating to housing supply, it may be reactivated if necessary or amended accordingly. | Place and Environment |

**Inclusion in Council Plan 2023-24**

Endorse the inclusion of new action in Year 3 Council Action Plan 2023-24 *‘Commence implementation of homelessness strategy’* under Theme 3: A healthy and caring Merri-bek in the 2023-24. This action was a direct result of a NOM the went to the 10 May 2023 Council Meeting.

This action will be within base resource with the draft strategy was presented Council at the 18 October 2023 meeting.

**Council Action Plan 2021-22 and 2022-23 remaining actions progress report**

**Not - Achieved (Off-Track)**

Five were off track at the end of the Council Action Plan 2022-23. These actions were not identified in Council Action Plan 2023-24 and did not achieve their objective at the time of end-of-year reporting.

It was resolved to continue to report and track these 'Off Track' actions until completion concurrently through the quarterly updates for the Council Action Plan 2023-24 at the 10 August Council Meeting 2023. This is a mechanism Council has previously endorsed and confirms commitment to transparent reporting practices.

Additionally, at this meeting it was resolved that off-track action 26 ‘Design, approval and construction of new shared paths along the Craigieburn Rail Corridor’ would be superseded and replaced with a new Action in the Year 3 Council Action Plan.

This action was included in the Year 3 Council Action Plan 2023-24 as new action 196; *‘Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding’*.

This left four (4) actions remaining to be reported on with an additional two (2) actions carried over from the 2021-22 planned which were also endorsed for extension to be completed before moving to the next phase of these projects, leaving six (6) actions left for reporting.

However, it is now proposed to withdraw a further action from the 2022-23 plan, action 155: *‘Implement a meeting room booking system that enhances current system and encourages ease of new bookings’*; reasons are detailed below.

All other actions will continue to be delivered under existing resources to have them complete by December 2023.

|  |  |  |
| --- | --- | --- |
| **Action #** | **Action Description and Q1 Update:** | **Directorate** |
| 2022-23 Council Action Plan | | |
| **22** | **Investigate and implement measures to encourage reduced speed and improve pedestrian safety measures (special attention to accessibility) taking a precinct approach**  The Roads Minister in August 2023 has approved 40km/h on all local streets in Merri-bek. Planning is underway for communications and signage implementation. | City Infrastructure |
| **125** | **Undertake Detailed design of Stormwater Harvesting at AG Gillon and Gilpin Park (Brunswick Central Parklands)**  This action is progressing and is due to be finished in the third quarter of this year pending the following two barriers: 1) cleaning of the Hope Street drain which is underway and 2) resolving scope and design details for irrigation requirements which is underway. | Place and Environment |
| **139** | **Implement targeted dog on-leash signage that promotes off-leash areas**  The implementation of the targeted dog on-leash signage that promotes off-leash areas forms part of the wider Open Space strategy development; this piece of work will align with the timeline of the adoption of this strategy. | City Infrastructure |
| **155** | **Implement a meeting room booking system that enhances current system and encourages ease of new bookings**  Proposed to withdraw this action from the 2022-23 Council Action Plan for continued reporting.  After evaluating options, there was found to be no viable, cost-effective solution for this project and utilising current systems was found to be the most fiscally appropriate option. Council endorsement is now sought to withdraw this action for continued reporting. | Community |
| 2021-22 Council Action Plan | | |
| **90** | **Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program**  Functional layout plans 90% complete. Concept design is underway. Stage 2 community engagement to commence in October 2023. | Place and Environment |
| **91** | **Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement**  The detailed design is almost complete, pending the finalisation of flood modelling and drainage design (these have been unexpectedly complex and have caused delays). Currently awaiting approvals from the Department of Transport and Planning. Expect the design to be complete by mid-October 2023. | Place and Environment |

**Community impact**

Community impact is addressed throughout the Council Plan 2021-25 but primarily under strategic objective 5: To build community trust through encouraging participation, evidence-based decision making, stewardship of resources and being accessible and responsive.

**Climate emergency and environmental sustainability implications**

Climate emergency and environmental sustainability implications are addressed throughout the Council Plan 2021-25 but primarily under strategic objectives 1, 2 and 3:

1. To strive for maximum protection of people, plants and animals through leading an urgent response to the climate emergency and a regeneration of our natural environment

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Merri-bek, especially via walking, cycling and public transport.

3. To support Merri-bek 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.

**Economic sustainability implications**

Economic sustainability implications are addressed throughout the Council Plan 2021-25 but primarily under strategic objective 4: To create welcoming, unique spaces and places across Merri-bek that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity.

**Legal and risk considerations**

The Merri-bek Community Vision 2021-31 and Merri-bek Council Plan 2021-25 and processes associated with the development of these documents have been undertaken in accordance with the requirements of the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

**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

Community consultation and engagement was not required for this report as it reflects the performance against the Council Plan 2021 – 25.

Advice was sought from officers across Council to provide the performance updates.

**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. There are no individual rights or interests affected.

## 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

All actions documented in the Council Action Plan 2023-24 were resourced through the 2023-24 annual budget (included in the 2023-27 Budget). Actions deemed *‘Off Track’* will be delivered under existing budget and staff resources.

**7. Implementation**

The Year 3 Council Action Plan 2023-24 first quarter performance results will be made available on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Action Plan 2023-24 Q1 report | D23/508297 |  |

7.19 Financial Management Report for the Period Ended 30 September 2023

**Director Business Transformation Sue Vujcevic**

**Finance Management**

## Officer Recommendation

That Council:

1. Notes the Financial Management Report for the period ended 30 September 2023, at Attachment 1 to this report.

2. Approves the allocation of additional budget to three projects in the Capital Works Program (and to be incorporated into the Quarter 1 budget forecast) as follows:

a) $1,500,000 from the Significant Projects Reserve to the Saxon Street Community Hub project, taking the total project budget from $28,998,029.00 to $30,498,029.00.

b) $150,000 of savings from the Fleming Park Masterplan Implementation project and $50,000 of savings from the Park Street Kinder Roof replacement to the Wallace Reserve Pavilion Projects, taking the total combined project budget to $1,195,591.06

c) A further $80,000 of savings from the Fleming Park Masterplan Implementation project to the Commercial Tenancy Obligations Project, taking the total project budget to $330,000.

REPORT

**Executive Summary**

This report presents the Financial Management Report for the financial year to date period ending 30 September 2023.

The September Income Statement shows the Council surplus is $7.0 million better than the year-to-date revised forecast as a result of higher overall revenue and lower overall expenditure. These differences are considered largely timing in nature.

Council has spent $11.3 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of $20.7 million, with $116.1 million budget remaining.

This report also seeks Council approval for the allocation of additional budget to three projects in the Capital Works Program (Saxon Street Community Hub, Wallace Reserve Pavilions Project and Commercial Tenancy Project)for reasons including latent conditions causing delays and the need for re-design of some aspects of some of the projects; design challenges, resulting in an overall increase in cost and delivery timeframes; and additional works to maintain a compliant goods lift as outlined in the issues section of this report.

**Previous Council Decisions**

## 2022-23 Financial Statements and Performance Statements – 13 September 2023

*That Council:*

*1. Approves ‘in principle’ the Financial and Performance Statements 2022/23;*

*2. Authorises the Mayor, Cr Angelica Panopoulos, Deputy Mayor, Cr Helen Davidson, and the Acting Chief Executive Officer, Anita Curnow, to certify the Financial and Performance Statements for 2022/23 in their final form;*

*3. Notes the unrestricted surplus of $1.761 million transfers:*

*a) $1.0 million to the Significant Projects Reserve; and*

*b) $0.761 to the capital works program as a contingency allowance.*

*4. Carries forward the $723,565 of tied grant funding or contributions that were not spent as at 30 June 2023;*

*5. Carries forward the $54,846 of operating projects into the 2023/24 Operating Projects Expenditure Program;*

*6. Carries forward the $28.686 million of capital project funds into the 2023/24 Capital Works Program;*

*7. Carries forward the $0.535 million of capital project funds into the 2024/25 Capital Works Program; and*

*8. Authorises the Principal Accounting Officer to implement any minor administrative changes to the Financial and Performance Statements for 2022/23 if recommended by the Auditor-General upon final review, for approval by the Chief Executive Officer.*

**Saxon Street Redevelopment Project** - 19 April 2023

That Council:

*1. Authorises the Chief Executive Officer to:*

*a) Amend the formal offer ($24,967,260.00) previously made to McCorkell Constructions Pty Ltd (Contractor) for the contract ST-2022-314 for 33 Saxon Street Redevelopment Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:*

*i. for a fixed price design and construction contract for the lump sum of* *$25,147,116.00 being the revised value (excluding GST) and inclusive of any sum payable for Early Works as defined in the Letter of Intent dated 17 February 2023 and updated 6 April 2023; and*

*ii. approve any contract cost variation as delegated to the Chief Executive Officer in the Instrument of Delegation*

*b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:*

*i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and*

*ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;*

*2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:*

*c) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract;*

*d) Authorises the Chief Executive Officer to exercise the option to extend the Contract in accordance with the provisions within the Contract.*

**Contract Variation: RFT-2021-217 – Wallace Reserve North And South Refurbishments** - 8 February 2023

That Council:

*1. Approves the contract value variation of Contract RFT- 2021- 217 – Wallace Reserve North and South Refurbishments (originally executed under the Chief Executive Officer’s delegation) from $691,000.00 to $877,591.06 (an increase of $186,591.06 or 27 per cent) as follows:*

*a) Contract sum for building works of $816,753.39 (up from $610,000)*

*b) Further 5 per cent contingency of $40,837.67 (original 10 per cent contingency of $61,000 now included in item a)*

*c) Provisional sum of $20,000 (unchanged)*

*2. Notes that additional project budget of $190,144.60 is to be supported by reallocating savings in public toilet and road reconstruction projects and these budget adjustments will be presented to Council as part of the Q2 financial reports.*

*3. Notes that, related to the cost increases the project has also suffered delays in delivery schedule and, subject to the contract variation approval is now scheduled for completion by the end of April 2023.*

*4. Authorises the Chief Executive Officer to do all things necessary to execute the contract variation and related documentation.*

**Saxon Street Redevelopment Project** - 19 December 2022

*That Council:*

*1. Authorises the Chief Executive Officer to:*

a) *Make a formal offer to McCorkell Constructions Pty Ltd (Contractor) to award the contract ST-2022-314 for 33 Saxon Street Redevelopment Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:*

*i. for a fixed price design and construction contract for the lump sum of $24,967,260.00 (excluding GST)*

*ii. Approve a contingency sum for 10 per cent, being $ 2,496,726.00 as provision for cost escalation, options proposed as part of Tender, and other unforeseen cost risk.*

*iii. Note additional sum of $875,687 has been allowed for the costs associated with project management, building surveyor, Quantity Surveyor, legal matters etc.*

b) *Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:*

*i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and*

*ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;*

*2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:*

a) *Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract, subject to*

*i. the resolution of any town planning conditions that remain Council’s responsibility as the applicant, and*

*ii. that the 28-day statutory period for appeals to VCAT has elapsed without appeal regarding the decision to grant a permit for the development*

b) *Authorises the Chief Executive Officer to exercise the option to extend contracts in accordance with the provisions within the Contract; and*

c) *Advises all tenderers of Council's decision in relation to the Contract.*

*3. Approves an increase in budget for 33 Saxon Street Redevelopment Project from $23,295,356 to $28,998,029 in the 4-year capital works program. The budget to support this increase is to be approved with the following adjustments by fund source: $25,106,211 from the significant projects reserve (up from $22,795,356); $2,891,818 from the DCP Reserve (not included in previous budget); $1,000,000 in Commonwealth Government pledge of grant funding (up from estimate previously of $500,000). These sums are to be included and phased in the 2023-2027 4-year budget development.*

## 1. Policy Context

This report supports Council’s continuing commitment to open and accountable management of the financial resources of Merri-bek on behalf of its ratepayers.

## 2. Background

The Financial Management Report at **Attachment 1** provides Council’s financial statements for the year to date (YTD) period ending 30 September 2023. The actual results are compared to the revised forecast.

## 3. Issues

Council ended September 2023 with a surplus operating result of $151.9 million which is $7.0 million (5%) better than the YTD revised forecast of $144.9 million. These differences are considered largely timely in nature.

Significant variance explanations are provided below to clarify where the current YTD variances are expected to be a timing or permanent difference by 30 June 2024. A timing variance is a current difference between actual result and budget which is expected to be resolved before the end of the financial year. A permanent variance is a current difference between actual result and budget which will continue to the end of the financial year.

The main items contributing to the overall variance are:

### Revenue

 **Grants Operating** ended $1.9 million (47%) favourable due to Commonwealth Home Support Program funding being received for June through to December (timing).

 **User Fees** ended $1.2 million (104%) favourable due to the following:

o Calendar year food registrations being recognised earlier than anticipated ($0.6 million) (timing);

o Higher than anticipated tree related permits year to date ($0.1 million) (permanent); and

o Various minor favourable variances across the organisation (timing).

 **Other Revenue** ended $0.5 million (25%) favourable primarily due to insurance recoveries of $0.3 million and higher than anticipated interest on term deposits of $0.2 million (permanent);

 **Grants Capital** ended $0.5 million (100%) favourable due to the receipt of grant funding relating to capital projects which were carried forward from 2022/23 (timing).

These favourable variances are partially offset by a $0.5 million (21%) unfavourable variance in Contributions - Monetary due to the unpredictable timing of Public Open Space Contribution (timing).

### Expenditure

**Contacts, Materials and Services** ended $2.1 million (12%) favourable primarily due to the following:

 $1.8 million (65%) underspend in General Works & Services in the following areas:

o $0.9 million underspend in Operating projects throughout the organisation (timing); and

o $0.9 million underspend in Other Unclassified Contracts (timing).

 $0.5 million (21%) underspend in Insurance costs due to the timing of premium payments (timing);

 Financial expenses ended $0.3 million (22%) favourable due to the timing of Neighbourhood House and solar low-income grants (timing).

These favourable variances are partially offset by a $0.4 million (95%) unfavourable variance in Communications due to $0.3 million of data expenses relating to 2022/23 being paid in September.

### Key Definitions

Comprehensive operating surplus – the comprehensive operating surplus reflects the anticipated annual performance of the organisation’s day to day operations based on recurrent income and expenditures.

Underlying operating result – the underlying operating result is an important measure of financial sustainability as it excludes income which is to be used for capital from being allocated to cover operating expenses.

### Environmental Upgrade Agreements

No new Environmental Upgrade Agreements were approved in the quarter from 1 April 2023 to 30 June 2023. There are currently six agreements in operation, with a total value of $484,854 Environmental Upgrade Agreement payments that have not yet fallen due.

### Capital Projects – Capital Expenditure

The Capital Expenditure program year to date has an actual spend of $11.3 million which is tracking below the YTD forecast of $20.7 million (46%), with $116.1 million (91%) revised budget remaining.

### Cash

At the end of September, Council had cash and short-term investments of $112.9 million. This is $4.4 million lower than the cash position at the beginning of the financial year. Cash fluctuates frequently over the year due to a number of factors including the timing of payments and receipts.

### Solvency Assessment

Council’s liquidity ratio (current assets divided by current liabilities) is 5.55 as at 30 September 2023. The Victorian Auditor-General's Office recommends that this ratio be 1.5 or higher.

### Allocation of additional Funds to Capital Works Projects

### Saxon Street Redevelopment

33 Saxon Street Redevelopment project is identified as a major project in Council’s 2022-23, 2023-24 and 2024-25 capital works program. The scope of works is for a community facility that includes a creative production space, gallery exhibition, commercial café/hospitality and open space for events and recreation.

In December 2022 Contract ST-2022-314 was awarded for a sum of $24,967,260.00. In April 2023, following contract negotiations with respect to environmental approvals for the project, Council approved a higher contract sum of $25,147,116.00, with the contingency set at the level of the Instrument of Delegation.The total project budget including costs outside of this Contract is $28,998,029.00.

The redevelopment of 33 Saxon Street has experienced several latent conditions that were not allowed for in the project budget including contaminated soil through soft landscaped areas, requiring removal of the top 500 mm of soil; asbestos; lead paint; underground fuel tanks; extensive works for Wheeler House; and additional compliance needs for the north-building.

These latent conditions as described above, necessitate the need to request allocation from the strategic projects reserve of $1.5 million. This will reduce the balance in the Significant Projects Reserve from $2,410,000 to $910,000.

### Wallace Reserve Project

Wallace Reserve is located at 123 Justin Avenue, Glenroy**.** The facility is a large sporting reserve with four formal sports fields and two sports pavilions catering for soccer during the winter season, and cricket throughout the summer season.

The refurbishment to create female friendly change rooms for both north and south sports pavilions will benefit existing female teams from Glenroy Lions Soccer Club, Moreland Eagles Soccer Club, Glenroy Cricket Club and Pascoe Vale United Cricket Club and will provide an opportunity for clubs to continue to grow their female programs.

In 2021 Contract RFT-2021-217 was awarded for an amount of $691,000. The project has experienced latent conditions and unforeseen circumstances. This led to additional costs, and Council approved contract variations of $186,591.06, resulting in new contract value of $877,591.06.

Due to unforeseen circumstances, Council has now engaged a new contractor to complete the remainder of the project and an additional budget of $200,000 is required to complete the project, which can be offset from savings in the current year capital works program (ie. Fleming Park Masterplan Implementation project / Park Street Kinder Roof replacement).

### Commercial Tenancy Project

As part of commercial tenancy agreement for the 451-459 Sydney Road, Coburg, Merri‑bek City Council is required to provide and maintain a compliant goods lift. The current lift was deemed not suitable and compliant, hence a suitable contractor for these works has been procured. The original approved budget, set in 2022/23, for this project is $250,000, which was carried forward into the 2023/24 year. An additional budget of $80,000 to complete these works, based on quotations received (which can be offset from savings in the current year capital works program ie. Fleming Park Masterplan Implementation project).

### Community Impact

There are no community impacts identified in this report.

### Climate Emergency and Environmental Sustainability Implications

There are no climate emergency and environmental sustainability implications identified in this report.

### Economic Sustainability Implications

There are no economic sustainability implications identified in this report.

### Legal and Risk Considerations

There are no legal and risk considerations identified in this report.

### 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

This report has been prepared based on information provided by managers and reviewed by directors.

## 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 overall corporate objective is to deliver the 2023/24 budget with the best possible outcome for Council and the community and in line with the adopted budget targets.

These budget adjustments proposed in relation to Saxon Street Community Hub, Wallace Reserve and Commercial Tenancy Project can be made as part of the Q1 capital adjustment process.

## 7. Implementation

The financial position of Council will continue to be monitored and managed. Subject to Council endorsement, budget adjustments will support the continuation of the projects outlined in this report.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Financial Report - September 2023 | D23/504357 |  |

7.20 Audit and Risk Committee Charter Review

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council endorses the updated Audit and Risk Committee charter as provided in Attachment 2 to this report (as recommended by the Audit and Risk Committee).

**REPORT**

**Executive Summary**

In accordance with the *Local Government Act 2020* Council isrequired to establish an Audit and Risk Committee.

In doing so, Council must have in place an Audit and Risk Committee Charter that specifies the functions and responsibilities of the Committee. The current Audit and Risk Committee Charter stipulates that it be reviewed biennially.

The Audit and Risk Committee reviewed the Charter at its meeting held 5 September 2023. The Charter largely preserves many of the existing provisions, with Council officers recommending minor grammatical / administrative amendments, consolidating related provisions under dedicated sections for improved readability, and updating Council’s name and Council officer titles.

In addition to these improvements, the Audit and Risk Committee also endorsed changes and recommendations relating to the correction and duplication of reference to skills under section 12, removal of the signatory page, amending the evaluating performance of the committee to occur every two years via an evaluation survey, strengthening the recruitment of independent members and clarifying the process.

Further it is recommended to remove the requirement for the Strategic Internal Audit plan to be presented at Councillor briefing by the Chairperson. The removal of this requirement is recommended due to the necessity of presenting an Annual Committee Performance Report formally to Council.

**Previous Council Decisions**

**Audit and Risk Committee Charter Review and Appointment of Independent Member** – 14 July 2021

*That Council:*

…

*3. Endorses the updated Audit and Risk Committee charter as provided in Attachment 1 to this report (as recommended by the Audit and Risk Committee).*

**Establishment of the Audit and Risk Management Committee in accordance with the Local Government Act 2020** - 13 May 2020

*That Council:*

*1. Accepts the recommendation of the Audit and Risk Management Committee and adopts the revised Audit and Risk Management Committee Charter at Attachment 1 to this report.*

*…*

**Audit and Risk Management Committee** – 10 May 2017

*That Council:*

*1. Council approves the Draft Audit and Risk Committee Charter at Attachment 1.*

*…*

## 1. Policy Context

Division 8, Part 2 of the *Local Government Act 2020 outlines* the requirements for Council establishing an Audit and Risk Committee and the preparation and approval of an Audit and Risk Committee Charter.

Council’s current Audit and Risk Committee Charter is compliant with Council’s obligations as required by the Act.

## 2. Background

The Audit and Risk Committee is an advisory committee of Council established to assist the Council discharge its responsibilities as prescribed by the *Local Government Act 2020* (the Act) including supporting Council with embedding the governance principles, public transparency principles and financial management principles.

The Committee is not deemed a delegated committee of Council, thus has no executive powers, management functions, or delegated financial responsibility. As such, the Committee’s responsibilities and authority are outlined in the Audit and Risk Committee Charter (the Charter).

## 3. Issues

The Audit and Risk Committee Charter (as adopted September 2021) continues to be compliant with Council’s obligations under the *Local Government Act 2020*.

The Audit and Risk Committee reviewed the Charter at its meeting held 5 September 2023. The Charter retains much of the existing provisions, with proposed amendments including minor grammatical / administrative amendments, consolidating related provisions under dedicated sections for improved readability, and updating Council’s name and Council officer titles.

The Committee also endorsed the following changes:

 Clarification that evaluating performance of the committee will occur every two years via an evaluation survey;

 Explaining that recruitment of independent members occurs via a job recruitment website and outlining who makes up the selection panel; and

 Removal of the requirement for the Strategic Internal Audit plan to be presented at Councillor briefing by the Chairperson. The current Charter does not require Council approval of the Strategic Annual Internal Audit Plan. Instead, the Committee's responsibilities include preparing an Annual Committee Performance Report, which incorporates an annual evaluation of Committee performance based on the Audit and Risk Committee Charter as stipulated in Section 54(4a) of the Act. This report is to be submitted to the Chief Executive Officer for annual presentation to Council in accordance with Section 54(4b) of the Act and should also be made available on the Council's website. Given these requirements, whilst the Chairperson will continue to present this report informally through a Councillor Briefing or other mechanisms, it is considered unnecessary to explicitly state this requirement, given the report must be presented formally to Council.

The reviewed Audit and Risk Committee Charter (including track changes) is attached as **Attachment 1** as well as a clean copy of the updated Charter – **Attachment 2**.

## 4. Community consultation and engagement

As the Charter relates to the existing Audit and Risk Committee no community consultation and engagement is required.

The preparation for this report and attachments has been informed through consultation with the Audit and Risk Committee, Unit Manager Integrity, Risk and Resilience and Manager Governance and Strategy.

The Audit and Risk Committee received and reviewed the Charter at the Audit and Risk Committee meeting of 5 September 2023.

**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. There are no individual rights or interests affected.

### Communications

The revised Audit and Risk Committee Charter will be published on Council’s website subject to Council’s decision and after the Audit and Risk Committee formally receives Council’s adopted Audit and Risk Committee Charter at its 28 November 2023 meeting.

## 5. Officer Declaration of Conflict of Interest

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

## 6. Financial and Resources Implications

There are no financial or resource implications in adopting the proposed Charter.

## 7. Implementation

Should non-substantive amendments be received from Council, the Audit and Risk Committee will formally receive Council’s adopted Audit and Risk Committee Charter at its 28 November 2023 meeting.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Audit and Risk Committee Charter - with tracked changes | D23/520906 |  |
| **2** | Audit and Risk Committee Charter | D23/520427 |  |

7.21 Governance Report - November 2023 - Cyclical Report

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the summary of minutes from Advisory Committees to Council, at Attachment 1 to this report:

a) Sustainable Transport Advisory Committee meeting held on 12 September 2023.

b) Sustainable Transport Advisory Committee meeting held on 24 October 2023.

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

3. Notes the response to a question taken on notice during Public Question Time at the 12 July meeting Council meeting, at Attachment 3 to this report.

4. Notes the Merri-bek City Council Audit and Risk Committee Recommendations and Findings Report 2022-23, at Attachment 4 to this report.

5. Approves Merri-bek City Council – Friends of Aileu being registered as a fundraiser with Consumer Affairs Victoria in accordance with the Fundraising Act 1998, with respect to the East Timor Partnership Project.

6. Notes the requirements and arrangements for the registration of Merri-bek City Council – Friends of Aileu as a fundraiser:

a) The Project Officer, East Timor will be nominated as the appeal manager.

b) The CEO, Director Community, Manager Community Health and Wellbeing and Unit Manager Aquatics and Leisure and Community Venues are deemed as associates and will be requested to complete a Criminal Record and Insolvency Declaration.

c) All members of the Friends of Aileu Community Committee, including Merri-bek and Hume City Council Councillor representatives, community members and partner organisation representatives are deemed as associates and will be requested to complete a Criminal Record and Insolvency Declaration.

d) The Project Officer East Timor will complete the on-line registration, including obtaining and lodging:

i. The Beneficiary consent forms required to be completed by or on behalf of all beneficiaries of the fundraising.

ii. The Criminal record and insolvency declaration required to be completed by the appeal manager and all associates.

e) The Project Officer East Timor will be required to lodge to Consumer Affairs:

i. An annual financial return.

ii. A Fundraiser Change of Details form, annually or as required, for instance when the appeal manager or any associate changes.

iii. A fundraiser renewal every 3 years.

7. Sets the dates and times for Council meetings in 2024 as provided in Attachment 5 to this report, and designates those meetings indicated for consideration of Planning and Related Matters in accordance with the Governance Rules.

8. Sets the date and time for the election of the Mayor for 2024/25 as Wednesday, 20 November 2024, at 7 pm.

9. Appends the schedule of 2024 Council meetings to the minutes, publishes it on the Council website and makes it available at Customer Service Centres.

10. Approves the revocation of the Community Facilities and Directional Signage Policy and the Landscape Guidelines and Technical Notes for Various Developments Policy.

11. 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 6 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.

**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 the following items:

 A summary of the minutes of the Sustainable Transport Advisory Committee meetings held 12 September and 24 October 2023.

 Records of Meetings, with a recommendation that Council notes the records.

 Response to a Public Question Time item taken on notice at 12 July 2023 Council meeting, with a recommendation that Council notes the response.

 Merri-bek City Council Audit and Risk Committee Recommendations and Findings Report 2022-23.

 Registration of Merri-bek City Council Friends of Aileu as a fundraiser.

 Adoption of the Council Meeting Dates for 2024.

 Revocation of the Community Facilities and Directional Signage Policy and the Landscape Guidelines and Technical Notes for Various Developments Policy.

 A recommendation that Council appoints and authorises the Council officers referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

**Previous Council Decisions**

**Governance Cyclical Report – Instrument of Appointment and Authorisation (Planning and Environment Act 1987)** – 13 September 2023

*That Council:*

*…*

*6. 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.*

**Governance Cyclical Report - Minutes Friends of Aileu Community Committee meeting 7 July 2020** – 12 August 2020

*That Council:*

*1. Notes the reports from Committees to Council, at Attachment 1 to this report and in accordance with the recommendation of the Friends of Aileu Community Committee, endorses the Friends of Aileu Strategy Plan 2020.*

*…*

**Governance Cyclical Report - Friends of Aileu Annual Report 2019 and Draft Friendship Agreement 2020** – 10 June 2020

*That Council:*

*…*

*6. Notes the achievements outlined in the:*

*…*

*c) Friends of Aileu Summary Annual Report 2019, at Attachment 8 to this report.*

*7. Endorses the draft Friendship Agreement 2020 between the Municipality of Aileu, Timor-Leste, Hume City Council and Moreland City Council, at Attachment 9 to this report, as the basis for continuing the friendship relationship with the Municipality of Aileu, to be signed on a date to be confirmed.*

*…*

**1.** **Policy Context**

Reports from Advisory Committees to Council provided in accordance with the Terms of Reference.

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.

The Audit and Risk Committee’s Charter requires that a biannual report of recommendations and findings must be presented to Council.

Fundraising in the name of the Friends of Aileu, and the disbursement of these funds, is conducted in support of the Friendship Agreement 2020 between Moreland and Hume City Councils and the municipality of Aileu, Timor-Leste, and is consistent with the Friends of Aileu Strategy Plan 2020.

Council’s Governance Rules contain provisions which require Council to fix the date, time and place of all Council meetings for the following calendar year, including meetings designated for Planning and Related Matters.

Council’s Governance Rules also contain an Election Period Policy which outlines the requirements and limitations for the making of Council decisions in the 32 days prior to a Council election.

Section 26(1) of the *Local Government Act 2020* requires that a Mayor is to be elected no later than one month after the date of a general election.

Council-approved policies are reviewed every 10 years or earlier if there is a need for an early review or an earlier review is required by the policy.

Two policies approved by Council historically are now considered not to be required as Strategic Policies.

Authorisation of planning officers under the Planning and Environment Act 1987 is done in accordance with said Act.

## 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.

Council periodically reviews policies to ensure they continue to meet Council needs. The Community facilities and directional signage policy and the Landscape Guidelines and Technical Notes for Various Developments Policy have been reviewed and they are no longer required to be Strategic Policies, as they are operational in nature and provide technical guidance to officers making recommendations and decisions.

## 3. Issues

**Advisory Committee minutes**

A summary of the minutes of the Sustainable Transport Advisory Committee meetings held 12 September and 24 October 2023 is provided at **Attachment 1** for Council’s information.

The minutes of both meetings do not contain any recommendations from the Committee to Council.

**Records of Meetings held under the auspice of Council**

Records of matters discussed at meetings organised or hosted by Merri-bek 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 October Council Meeting are presented at **Attachment 2** as follows:

 Councillor Briefing – 16 October 2023

 Councillor and Planning Briefing – 23 October 2023.

### On Notice response – 12 July 2023 Council meeting

At Council Meetings, questions and/or statements are taken On Notice during Public Question Time, where persons submitting questions are not in attendance or where the maximum allowable time for public questions has elapsed.

Questions taken On Notice are provided with a written response following the meeting for which they are submitted and reported to Council at the next practicable meeting. The questions are recorded in the meeting minutes. Statements taken On Notice are provided to Councillors for information, with an abbreviated/summarised version recorded in the meeting’s minutes.

The on notice response at **Attachment 3** to this report relates to a question from 12 July Council meeting regarding the Draft Budget 2023-27 consultation.

**Audit and Risk Committee Recommendations and Findings Report**

The Audit and Risk Committee is required to report the recommendations it has made to Council biannually.

At the meeting of the Audit and Risk Committee on 5 September 2023, the Recommendations and Findings Report was endorsed by the Committee for presentation to Council. The report lists the recommendations to Council and findings for all reports presented to the Audit and Risk Committee throughout 2022-23 and has been prepared for reporting to Council at **Attachment 4**.

**Registration of Merri-bek City Council Friends of Aileu as a fundraiser**

Under the Fundraising Act 1998, any person or organisation who undertakes any fundraising in Victoria should register as a fundraiser with Consumer Affairs Victoria unless exempted under provisions of the Act.

Under the Act, municipal councils are not exempt organisations, at least some of the activities undertaken to raise funds in the name of the Friends of Aileu are not exempt activities, and funds raised in the name of the Friends of Aileu often exceed the limit of $20,000 per annum provided for in the fundraiser registration guidelines published on the Consumer Affairs Victoria website, a change from the $10,000 that was provided for in the Fundraising Act 1998.

The East Timor Partnership Project is a joint activity of Merri-bek and Hume City Councils, that includes fundraising and disbursement of funds in support of the Friendship Agreement 2020 between the two Councils and the Municipality of Aileu that is consistent with the Friends of Aileu Strategy Plan 2020.

Funds raised in the name of the Friends of Aileu are:

a) Raised with input from the Friends of Aileu Community Committee (a joint Working Group of the two Councils) and with direct participation by members of the Community Committee and other supporters of the Friends of Aileu.

b) Deposited in Merri-bek City Council’s bank account.

c) Disbursed to beneficiaries following Merri-bek City Council financial policy, systems and processes and relevant officer delegations, with input from the Friends of Aileu Community Committee.

**Adoption of Council Meeting Dates 2024**

The proposed Council Meeting Schedule (Schedule) for the period January to December 2024 provided as **Attachment 5** to this report, has been drafted to enable Council to effectively carry out its decision-making functions for the year.

The Schedule includes the times and dates for Council meetings and Council meetings designated for consideration of Planning and Related Matters.

Council meetings are generally held on a Wednesday evening in the Council Chamber at the Merri-bek Civic Centre.

Council currently conducts two scheduled Council meetings per month (with the exception of January), with a Council meeting occurring in the second week of the month and a Planning and Related Matters meeting occurring in the fourth week of the month. The proposed Council meeting dates for the 2024 year, mirrors the previous schedule for the most part.

However, due to the conduct of the general Council elections on 26 October 2024, only Council meetings to be held in the month of November 2024, will be for the swearing in of the newly elected Councillors and the election of the Mayor.

As the election of the Mayor must be held no later than one month after the date of a general election, it is proposed that this meeting be held on Wednesday 20 November 2024.

All Council meetings being conducted between 24 September 2024 and 26 October 2024, must be conducted in accordance with the requirements and limitations specified the Election Period Policy contained in Council’s Governance Rules.

**Strategic Policies to be revoked**

There are two historic Policies that were approved by Council, but which have been identified as no longer being required in this form.

In one case, the Policy plays a technical advice role aligned with the Technical Notes (Technotes) that are published on Council’s website. In the other case, the legal standing of the document is superseded due to changes in external context and other ways of achieving the same outcome.

It is therefore recommended that these two policies be revoked, noting that the equivalent information and guidance in these areas will still be provided publicly through Council’s Technotes.

The two policies are:

• Community Facility and Directional Signage

• Landscape Guidelines and Technical Notes for Various Developments

It is proposed to revoke both policies (which can be found on the Merri-bek website), for the reasons outlined below.

**Community Facility and Directional Signage – proposed revocation**

This policy was first prepared in 2009 and has not been updated since. Although the policy lists 2026 as the year for update, it is usual practice to review policies at least every 10 years and so a review is overdue.

This policy was created to address businesses and schools wanting directional signs years ago when VicRoads direction was not very clear. This hasn’t been an issue for more than five years.

Should a request for signage come in, having the same information in a Technical Note is an appropriate way of addressing incoming requests for signage, to ensure this is only provided when there is a genuine need.

Council’s approach is governed by both the Australian Standard AS1742.5 and the Traffic Engineering Manual Volume 2, and these provide good guidance.

The document will be updated to ensure contemporary references to the above documents and posted on Council’s website along with other Technotes on Street and Park Furniture.

**Landscape Guidelines and Technical Notes for Various Developments – proposed revocation**

The Landscape Guidelines and Technical Notes for Various Developments were first adopted by Council in 1998, and have not been updated since. A review was scheduled for 2003 and has not occurred.

The scope of the policy was cited as:

“This document applies to all developments which require a landscape plan to be submitted as part of a planning application. These include applications for multi-unit developments, commercial and industrial sites where landscaping is required as part of the planning approval. The guidelines will also be used more generally to encourage a strong and distinct Moreland landscape across private and public land-holdings.”

Today, these objectives are achieved through other means, and as a result, the policy is not required to be a stand-alone policy.

For example, in 2020, Council explored the use of landscape bonds to protect trees jeopardised by developments, and resolved:

That Council:

1. Notes the work undertaken to investigate the use of landscape bonds for the protection of trees on private land and the conclusion this is not a suitable tool in these circumstances.

2. Notes that the investigation of the use of bonds for the protection of trees on Council land is feasible and that work is continuing on investigating the process to require a bond equal to a percentage of the amenity value of a tree required to be retained and protected as part of the asset protection permit process.

3. Endorses the continuation of work towards the preparation of a Planning Scheme Amendment for the protection of trees on private land and receives a further report outlining the assessment of significant trees when finalised and the next steps.

The third item has been completed, and legal advice has been received that the Council’s enforcement powers around tree removal on public land are adequate and therefore, securing a bond is not required.

There are Landscape Technical Notes on Council’s website and the Urban Forest website contains significant advice about tree species that are appropriate and encouraged in the Merri-bek context.

As a result, there is no need for a separate policy document and so it is recommended that the Landscape Guidelines and Technical Notes for Various Developments be revoked.

**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 6** 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 September 2023 meeting. The next update will be presented to a future Council as required.

**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

Advisory committees provide a valuable communication and consultation link between the organisation, Councillors, Council and the community.

Public Question Time provides an opportunity for the community to engage with and direct their questions and statements directly to the Council.

## 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

There are no financial and/or resource implications as a result of this report.

Fundraisers are required to maintain accurate financial records and lodge an annual return.

## 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:

 The Project Officer will complete the process to register Merri-bek City Council – Friends of Aileu as a fundraiser under the Fundraising Act 1998 during November 2023.

 The schedule of Council meeting dates being published in Councils minutes, on Council’s website and being made available at Council’s Customer Service Centres.

 Reporting to Audit Committee on 28 November that these two policies have been revoked and are no longer overdue for review.

 Preparing the advice from the Community Facility and Directional Signage Policy into a Technote and adding it to Part B – Street and Park Furniture.

 Executing the Instrument of Appointment and Authorisation to enforce the *Planning and Environment Act 1987* and updating the Register of Authorisations for publishing on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Reports from Advisory Committees to Council - November 2023 | D23/527898 |  |
| **2** | Records of Meetings - November 2023 | D23/521623 |  |
| **3** | Response to question taken On Notice - November 2023 | D23/522887 |  |
| **4** | Audit and Risk Report (Recommendations and Findings) 2022-23 | D23/517158 |  |
| **5** | Council Meeting Dates 2024 | D23/517973 |  |
| **6** | Instrument of Appointment and Authorisation - Planning and Environment Act - November 2023 | D23/531121 |  |

**7.22 Contract Award - RFT-2023-452 - Road Reconstruction Works - Waratah Street, Pascoe Vale**

**Director City Infrastructure Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:

a) Make a formal offer to Presta Construction Group Pty Ltd (Contractor) to award to the Contractor contract RFT-2023-452 for the Road Reconstruction Works – Waratah Street, Pascoe Vale between Derby to Sussex Street (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the lump sum of $607,775.00 excluding GST plus provisional sum of $126,930.00 (excluding GST), totaling $734,705.00 (excluding GST).

b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:

i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and

ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;

2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:

a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and

b) Advises all tenderers of Council's decision in relation to the Contract.

**REPORT**

**Executive Summary**

Road reconstruction works along Waratah Street, Pascoe Vale between Derby Street to Sussex Street are identified in the 2023-2024 Capital Works Program. The works are required to address the poor condition of the kerb and channel, vehicle crossings and road pavement and provide underground drainage along this section of Waratah Street. The works are programmed to be completed in 2023-2024. Provision for bicycle facilities is not required as this section of Waratah Street does not play a strategic cycling role in the network.

Presta Construction Group Pty Ltd achieved the highest score through the evaluation process. Presta Construction Group Pty Ltd has previously undertaken road reconstruction works for Council and successfully delivered the works to a very good standard.

The project will be utilising recycled crushed concrete as bedding material in the road sub-base and as backfill to the new drainage pipes in the street. The use of recycled crushed concrete will reduce the need for raw materials by approximately 550 cubic metres.

This contract will also promote the use of increased recycled content in road construction activities by using an asphalt product in the wearing course (top layer) of the road pavement containing recycled glass, reclaimed asphalt product and HDPE plastic.

The tender complies with section 109(1) of the *Local Government Act 2020.*

**Previous Council Decisions**

There has been no prior Council decision in relation to this specific contract or project.

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy.

**2. Background**

The purpose of the report is to award a tender for the Road Reconstruction Works at Waratah Street, Pascoe Vale between Derby Street to Sussex Street as per the detailed plans and specification.

An advertisement was placed in The Age newspaper on Saturday, 15 July 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake the road reconstruction works.

Tenders closed on Tuesday, 8 August 2023 and 12 tenders received from the following contractors:

1. ADP Constructions Pty Ltd

2. CDN Constructors Pty Ltd

3. GP Bluestone Pty Ltd

4. Holman VIC Constructions Pty Ltd

5. Kaizen Civil Pty Ltd

6. MJ Construction Group Pty Ltd

7. New Horizon Construction Pty Ltd

8. Panhold Constructions Pty Ltd

9. Parkinson Group (VIC) Pty Ltd

10. Presta Construction Group Pty Ltd

11. Quantum Civil Pty Ltd

12. Melbourne Civil Works Pty Ltd

**Tender Evaluation**

All twelve (12) tenders received were conforming.

Tenders were evaluated in accordance with Council’s Procurement Policy and in accordance with the approved Procurement Evaluation and Probity Plan for this project.

The membership of the tender evaluation panel was as follows:

|  |  |  |
| --- | --- | --- |
| **Title** | **Speciality** | **Full Voting / Advisory Member** |
| Senior Construction Engineer | Construction | Full Voting |
| Transport Engineer | Transport | Full Voting |
| Project Engineer | Construction | Full Voting |
| Senior Procurement Partner | Procurement | Advisory Member |
| Unit Manager Sustainable Built Environment | Sustainability | Advisory Member |

In assessing the tenders, consideration was given to the following predefined evaluation criteria:

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Weighting** |
| **Pricing Response** |  |
| Tender Price | **40%** |
| **Qualitative Criteria Response** |  |
| Traffic Management and Works Program | 10% |
| Capability, Experience and Past Performance and Capacity | 15% |
| Quality Management System | 10% |
| Customer Service | 7% |
| Social Sustainability | 5% |
| Environmental Sustainability | 4% |
| Economic Sustainability | 4% |
| Environmental Sustainability Construction Options | 5% |
| **Total Qualitative Criteria Response** | **60%** |
| **Weighted Result** | **100%** |

The tender evaluation process identified Presta Construction Group Pty Ltd as the preferred tenderer based on the results of the evaluation matrix, included as **Confidential Attachment 1**.

Presta Construction Group Pty Ltd has previously undertaken road reconstruction works for Council and successfully delivered the works to a very good standard.

**3. Issues**

**Collaboration**

Note that section 109(2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Under this contract there are no opportunities to collaborate with other Councils or public bodies as:

 This is a locally based stand-alone road reconstruction project for which there is a healthy local market of contractors.

 The nature of the works is not dependent on works being undertaken by other Councils or public bodies.

Informal discussions between neighbouring Councils on collaborative procurement have identified these types of programmed works less attractive for collaboration that some other types of procurement given the health of the local contractor industry for works of this size and nature.

**Social Implications**

Presta Construction Group Pty Ltd has a social policy in place which has indicated that they provide support to the local communities.

**Environmental Implications**

Presta Construction Group have processes in place to recycle all waste and use recycled products where possible. They ensure that all excavated spoil, concrete and asphalt is taken to recycling facilities during the project.

Presta Construction Group Pty Ltd will be using recycled products as well on-site where possible including crushed concrete in road base and concrete pavement base.

**Local Implications**

Presta Construction Group Pty Ltd have a policy which indicated that they engaged with local communities and support job creation and workforce development.

Presta Construction Group Pty Ltd is located in neighbouring Darebin City Council within Northern Councils Alliance area.

**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**

Consultation with owners/residents along Waratah Street, Pascoe Vale between Derby Street to Sussex Street was undertaken via a letter drop in May 2023. Several residents responded advising they are in agreeance and support the proposed works.

Owners and residents will also be informed prior to the works commencing on site via a letter drop from Council and the Contractor.

**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**

An amount of $905,000.00 has been allocated in Council’s Capital Works Program for Road Reconstruction Works at Waratah Street, Pascoe Vale between Derby to Sussex Street.

The table below shows the anticipated expenditure for the contract.

| **Item** | **Amount (excluding GST)** |
| --- | --- |
| Tendered lump sum amount | $607,775.00 |
| Provisional sum | $126,930.00 |
| **TOTAL** | **$734,705.00** |

Should any variations be contemplated within the CEO’s delegation, additional funding would be sourced from the allocated budget for this project in Council’s Capital Works Program for Road Reconstruction Works at Waratah Street, Pascoe Vale between Derby to Sussex Street.

**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 documentation.

Works are planned to commence in May2024 and be completed in June 2024.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Tender Recommendation RFT-2023-452 - Road Reconstruction Works - Waratah Street, Pascoe Vale - Confidential  *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.* | D23/488933 |  |

**7.23 Contract Award - EXE-2023-501 Asset Management System and Associated Services**

**Director City Infrastructure Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to engage Brightly Software Australia Pty Ltd ACN 126 629 954 (**Contractor**) under contract EXE-2023-501 for the provision of software application support and maintenance for Council’s Asset Management System ‘Brightly’ (**Contract)**:

a) For an expenditure not exceeding $1,003,442.00 excluding GST

b) For a term commencing 1 February 2024 for an initial period of three (3) years, with a further two (2) extension options of two (2) years each at the discretion of Council subject to performance.

2. Authorises the Chief Executive too all things necessary to execute the Contract and any other required documentation.

3. Authorises the Chief Executive to exercise the options to extend and vary the Contract in accordance with the provisions within the Contract.

**REPORT**

**Executive Summary**

Council has in place as Asset Management System that manages Council’s asset register, operational and maintenance records, and asset accounting records.

In 2018, Council decided to upgrade existing on-premises Asset Management System (AMS) to Cloud Based Asset Management System Brightly (previously known as Assetic). At that time, Council entered year to year contract with 5 per cent increment.

The Contractor is the only vendor currently able to support our existing Asset Management System requirements. We seek to engage the Contractor in accordance with section 6.1.4.2(a) of the Procurement Policy exemption - Information technology resellers and software developers. This provision allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software, who holds the intellectual property rights to the software.

It is proposed to enter into a three (3)-year fixed term contract with a further two (2) extension options of two (2) years each.

The cumulative expenditure of the proposed contract will exceed the Chief Executive Officer’s financial delegation. Consequently, Council approval is required.

**Previous Council Decisions**

Nil.

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy. However, the Policy allows exemptions from tendering to renew software licences and maintenance and support or upgrade existing systems, where there is only one supplier of the software, who holds the intellectual property rights to the software.

**2. Background**

In 2011 Council awarded the contract to Assetic (now Brightly) for an Asset Management System. Since then Council has been using Assetic’s desktop based system to build asset repository and asset valuation data. In 2015, an extension was signed by Director City Infrastructure for continuation of the contract. In 2018, Council moved to Assetic’s Cloud based asset management system in order to align with Information Technology Strategy 2016-2019; given the following benefits:

 Increased productivity and ability to expand use of the Asset Management System to more teams and functions.

 Reduced overhead and resource cost.

 Potential integration with Customer Relationship Management system would reduce double handling and increase data transparency between the two systems.

 Higher mobility, having both Android and iOS applications.

 Future ability to implement a new chart of accounts within Assetic for a finance system link.

 Better health and safety outcomes for staff with introduction of apps.

 Improved audit trials.

Finally, a new contract was signed between Council and Assetic in December 2017 for Migration and Implementation of Assetic Cloud System.

During the project data related to assets, their valuations and their maintenance were cleansed and migrated to the cloud.

All financial asset classes previously residing in the Finance Register have been migrated to Assetic. Council generates all monthly and yearly fianancial reports such as Depreciation, Capitalisation, Disposal and Revaluation from Assetic System.

Road maintenance activities including inspections, scheduling and actions continue to be recorded in Assetic. Under Assetic’s cloud based system, this has been expanded to Fleet, Open Space, Buildings and part of Street Cleansing.

**3. Issues**

**Collaboration**

Note that section 109(2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies which may be available. This contract has no opportunity for collobration due to specific nature of our software requirement.

**Exemption from tendering**

Brightly Software Pty Ltd is the only vendor currently able to support our current Asset Management System, as it provides unique functionality and features that integrate with our current operating environment. An exemption from tendering is in accordance with section 6.1.4.2(a) of the Procurement Policy applying to *information technology resellers and software developers*, which allows Council to renew software licences and maintenance and support, or upgrade existing systems, where there is only one supplier of the software holding the intellectual property rights to the software.

Brightly Software Pty Ltd has provided a quote for the service which includes an annual subscription fee with an additional hosted environment (testing environment) and Assetic Predictor v5.0.

**Future market engagement**

Council is not currently able to consider changing its asset management system due to integration and linkages with other existing systems. However, Council officers will continue to research the current market offerings and determine the best course of action when extensions are being contemplated.

**Community impact**

No impact to the community.

**Climate emergency and environmental sustainability implications**

The Asset Management System provides the history of maintenance works. This will enable Council officers to determine the effect climate change has on each type of asset and propose appropriate action.

The need for close monitoring of assets to account for climate change and to assess climate resilience mean that having a functional asset management system is a requirement.

**Economic sustainability implications**

Nil.

**Legal and risk considerations**

There are no known legal risks associated with this contract.

A procurement risk assessment has been conducted.This assessment has determined the risk of extending the AMS Contract with Brightly is significantly less than the risk of engaging a new contractor to implement their AM system.

**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 no issues were identified.

**4. Consultation and engagement**

This is an internal service with no impact to the community.

**Affected persons rights and interests**

No individuals were identified whose rights and interests are affected by this matter.

**Communications**

Not applicable.

**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**

Brightly is used across the organisation. Any replacement system will need substantial changes to work processes and subsequent training which could become a costly exercise.

The estimated expenditure for 7-year period is not expected to exceed $1,003,442.00 excluding GST. Expenditure on the Assetic/Brightly contracts has been and continues to be charged to Information Technology Branch software budget.

**7. Implementation**

Subject to Council’s decision, Council will enter a contract with Brightly Software Pty Ltd to continue Asset Management System with Additional Hosted Environment and Assetic Predictor v5.0.

**Attachment/s**

There are no attachments for this report.

7.24 Contract EXE-2023-513 Telecommunications Services

**Director Business Transformation Sue Vujcevic**

**Information Technology**

## Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to engage Telstra Limited ACN 086 174 781 (**Contractor**) under the State Purchase Contract (SPC) for the provision of Telecommunications Services for telephony and data services EXE-2023-513 (**Contract**) for:

a) An amount not exceeding $1,049,889.60 excluding GST, and

b) A term of three years, commencing from the date executed by CEO and expiring three years from the execution date.

2. Authorises the Chief Executive officer to do all things necessary to execute the Contract, exercise future extension options, and vary the contract in accordance with the terms of the Contract.

3. Notes that the recommendation to engage Telstra does not comply with Council’s commitment to “excluding from future contracts, tenders or business dealings any companies involved in the Adani mine and associated rail infrastructure projects; and will be excluding from future contracts, tenders or business dealings from any companies involved in developing new coal mines” as set out in Council’s approved Procurement Policy 2021-2025.

**REPORT**

**Executive Summary**

Council has been using telephony and data services provided by Telstra Corporation Limited since 3 October 2014 under the Municipal Association of Victoria (MAV) Telecommunications Contract TC4322-2013 which expired on 20 August 2020.

Council is currently utilising the previous Telstra MAV carriage pricing agreement which expired on 20 August 2020. However, this contract had an automatic month-to-month renewal option that was being utilised.

This report seeks Council approval to enter an agreement with Telstra Corporation Limited (Telstra) for the provision of telephony and data services through the Victorian Telecommunication Services (VTS) panel contract, in accordance with the Department of Premier and Cabinet (DPC) State Purchase Contract VTS Head Agreement that complies with the Section 108 of the Local Government Act 2020. Tender #DPC-ICT-03- 2020/21 / ID: 450392 via the Victorian Telecommunications Services. This agreement is effective from 17 December 2021 until 17 December 2027.

This panel contract allows for the provision of Telecommunications: Core Services including: Data Services; Fixed Voice Services; and Mobile Services.

**Previous Council Decisions**

Nil.

## 1. Policy Context

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy. However, the Procurement Policy section 6.1.4.2(a) allows exemptions from tendering when relying on contracts and arrangements established by the State Government.

The Procurement Policy 2021-25 was re-endorsed at the May 2023 Council meeting and includes the following commitment statement: “Council is committed to addressing the climate emergency and will be excluding from future contracts, tenders or business dealings any companies involved in the Adani mine and associated rail infrastructure projects; and will be excluding from future contracts, tenders or business dealings from any companies involved in developing new coal mines.” The Issues section of this report addresses this matter further.

## 2. Background

Council has been using telephony and data services provided by Telstra Corporation Limited since 3 October 2014 under the Municipal Association of Victoria (MAV) Telecommunications Contract TC4322-2013 which expired on 20 August 2020.

Under this contract, multiple agreements have been executed. The initial agreement was from 3 October 2014 to 3 October 2017. A subsequent agreement was entered from 14 October 2017 to 14 June 2018. The most recent agreement was entered on 20 August 2018 for a further 24 months ending 20 August 2020. Since this time the agreement has continued on month-to-month basis in accordance with a clause in the contract.

**Previous Contracts**

Contract TC4322 – 2013 – Provision of telephone and data services was awarded to Telstra Corporation Limited for a period of 6 years, with a further 2 x 1 year extensions:

 Business Services Agreement (MAV) with Telstra on 3 October 2014 for 36 months ending 3 October 2017 was executed by the Chief Executive Officer.

 Business Services Agreement (MAV) with Telstra was entered into again on 20 August 2018 for a further 24 months ending 20 August 2020 by the Chief Executive Officer.

## 3. Issues

### Procurement Compliance

Council officers recommend engaging Telstra even though they do not fully comply with elements of the Merri-bek 2021-2025 Procurement Policy and objectives outlined in the Fossil Fuel Divestment Strategy 2015-2025.

### Service providers

In the wake of the initial COVID-19 lockdown imposed on Melbourne on March 31, 2020, the city experienced a series of lockdowns which extended until October 21, 2021. These lockdowns significantly impacted Council's ability to pursue the renewal of our telecommunications contract. During this period of uncertainty, the Council faced substantial pressure to ensure that our staff had reliable and increased access to data services for remote working, primarily relying on our existing telephone and data services. Council Officers made the strategic decision not to explore alternative telecommunication service providers or to implement significant changes in the management of our telecommunications services at the time.

This decision is in accordance with section 6.1.4.2(a) of the Procurement Policy which allows exemptions from tendering when relying on contracts and arrangements established by the State Government.

Council has more than 1,398 devices which use SIM cards. To change telecommunication service providers, the SIM cards in all of these devices would need to be physically replaced. Having to return these devices to have their SIM cards replaced would adversely affect Council’s ability to deliver services to the community, inconvenience Councillors and staff and require a significant amount of internal resources to enable to the changeover. Security, reliability and not interrupting service provision are key reasons for engaging Telstra; additionally the new contract is expected to yield some savings due to cheaper plans as set out in the financial section of this report.

Telstra was considered to have the best network coverage across the municipality, which is increasingly import for the efficient delivery of services to the community. Telstra has not had any data breach incident that is known to Council.

**Climate emergency and environmental sustainability implications**

Changing service providers would generate additional environmental waste through the need for additional SIM cards.

### Legal and risk considerations

### There are no known legal risks associated with this contract. A procurement risk assessment has been conducted.

### 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 no issues were identified.

## 4. Community consultation and engagement

All relevant areas were consulted in the creation of this report, including the Finance and Procurement team.

## 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

Analysis was conducted based on six months of usage from January to June 2023.

Based on the fleet size of 1,398 devices and an average monthly data consumption of 3.516 terabytes:

 The monthly average expenditure under the current agreement is $34,103.50 excluding GST.

 The proposed monthly expenditure under the new agreement is $24,303.00 excluding GST, which equates to $291,636.00 per annum excluding GST.

 The estimated savings per month is $9,800.50 excluding GST, which equates to $117,606.00 per annum excluding GST. This savings is due to cheaper plans and reduced excess data charges under the new agreement.

The total estimated expenditure over the three-year term allowing for 20 per cent contingency is $1,049,889.60 excluding GST. The contingency is for additional devices, additional data services and ongoing digitisation of manual processes.

|  |  |
| --- | --- |
| **Period** | **Amount excluding GST** |
| Year 1 | $291,636.00 |
| Year 2 | $291,636.00 |
| Year 3 | $291,636.00 |
| **Net** | **$874,908.00** |
| 20% Contingency | $174,981.60 |
| **Total** | **$1,049,889.60** |

## 7. Implementation

Subject to Council’s decision, Telstra Corporation Limited will continue to provide telephony and data services for 3 years from date of signed agreement.

## Attachment/s

There are no attachments for this report.

**7.25 Contract Award - RFT-2023-445 - Provision of Electrical Services**

**Director City Infrastructure Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:

a) Make a formal offer to High Profile Engineering Pty Ltd ACN 060 117 106, QA Electrical Pty Ltd ACN 124 222 760, La Candide Pty Ltd trading as Alert Electrical ACN 084 279 783, JNJ Electrics Pty Ltd ACV 085 334 434, AB & MB Electrical Contractors Pty Ltd ACN 084 670 100 (**Contractors**) to award to each Contractor panel Contract RFT-2023-455 for the Provision of Electrical Services (**Contract**) for a maximum spend of $2,040,000 ex GST across all Contractors over the life of the contract on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:

b) Negotiate and finalise the terms of the Contract between Council and the Contractors provided that:

i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and

ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;

2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:

a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and

b) Authorises the Chief Executive Officer to exercise the option(s) to extend contracts in accordance with the provisions within the Contract; and

c) Advises all tenderers of Council's decision in relation to the Contract.

**REPORT**

**Executive Summary**

The report seeks Council endorsement to award Contract RFT-2023-445, Provision of Electrical Services. This contract will provide electrical maintenance services via a panel arrangement for an initial contract term of 2 years with two additional extension options each of 2 years at the discretion of Council. The total contract term including options is 6 years.

Tenders were called for a panel of appropriately experienced and licensed qualified vendors to provide maintenance services to electrical infrastructure across Council-owned buildings and property. This tender provides a standing offer arrangement for a prequalified panel of contractors. Five companies are proposed to be awarded Contract RFT-2023-445, namely:

 AB & MB Electrical Pty Ltd

 Alert Electrical Group (Registered Name: La Candide Pty Ltd)

 High Profile Engineering Pty Ltd

 JNJ Electrics Pty Ltd

 QA Electrical Pty Ltd

There is no specific nominated budget under this contract; it will be dependent upon workload generated by projects, and reactive and planned maintenance works. However, the overall combined contract expenditure is limited to $2,040,000 ex GST over the life of the contract (up to 6 years).

Expenditure under this contract will be determined by available annual budget allocations and works required during the contract term.

The tender complies with section 109(1) of the *Local Government Act 2020.*

**Previous Council Decisions**

There has been no prior Council decision in relation to this specific contract.

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy.

**2. Background**

The current electrical services panel Contract 591T that commenced on 1 September 2017 (2) year term with an option of two further two (2) year extensions – totalling six (6) years has expired and new panel needs to be established, that is the subject of this report. The objective of establishing the electrical services panel is to ensure electrical infrastructure, equipment and fittings are properly maintained and monitored, and comply with statutory legislation and Australian Standards, and meet safety requirements.

The tender process was undertaken as a public tender which was advertised in The Age newspaper on 8 July 2023.

The Contract shall be effective for an initial 2-year period with an option of further two 2-year extensions. It provides electrical maintenance services to the entire municipality between the hours of 7am – 5pm and attend emergency call out works 24 hours a day, 7 days a week.

The Contract is not exclusive to the appointed Panel Contractors and not all work needs to be undertaken using the rates stipulated in the Contract. While suppliers have submitted their schedule of rates for this tender, officers can seek quotes for capital works to maintain competitiveness within the panel. Market testing of the panel may also be conducted via the seeking of quotes from outside the panel periodically throughout the life of the contract to ensure best value is being obtained.

**3. Issues**

**Tender Evaluation**

All tenders were evaluated in accordance with the approved Procurement Evaluation and Probity Plan for this contract.

The membership of the tender evaluation panel was as follows.

|  |  |  |
| --- | --- | --- |
| **Title and/or company** | **Project Mgr/ Generalist or Nominated Speciality** | **Full Voting / Advisory Member** |
| Building Maintenance Coordinator | Project Mgr (Chair) | Full |
| Unit Manager Building Maintenance | Generalist | Full |
| Essential Safety Measures Coordinator | Generalist | Full |
| Senior Procurement Partner | Procurement | Advisory |

In assessing the tenders, consideration was given to the following predefined evaluation criteria included in the Procurement Evaluation and Probity Plan.

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Weighting** | **Comments** |
| Price | 40% |  |
| Experience | 25% | Technical expertise, qualified personnel, and past performance in successfully taking on similar maintenance contracts and completing works within timeframes and on budget. |
| Quality | 15% | The contractor must have a quality assurance management system in place.  Level of quality of customer service provided whilst undertaking similar engagements.  Assess Contractor’s service delivery methodology, i.e. computerised recording systems, invoicing, reporting standards |
| Resources | 10% | The proposed team should have the ability to complete any works according to the schedule. The number of resources available for this contract must be adequate |
| Social | 3% | How social sustainability is considered as part of this project/deliverable e.g. creating jobs for disadvantaged groups, social equity, partnerships with the community, human rights, gender, disability etc  Diversity achievements/processes of the organisation submitting the tender  Corporate Social Responsibility achievement of the organisation submitting the tender  Social Procurement of the organisation submitting the tender |
| Economic | 3% | How economic sustainability is considered as part of this project/deliverable e.g. support of local businesses, opportunities to generate employment among disadvantaged residents/communities, social enterprises, Indigenous businesses, buy local |
| Environmental | 4% | How environmental sustainability is considered as part of the project/deliverable e.g. achievement of Zero Carbon Merri-bek, Integrated Water Management Strategy, Sustainable Council Buildings Policy, Waste and Litter Strategy and Plastic Wise Policy.  How environmental sustainability is considered/initiatives by the organisation submitting the tender that would directly benefit Merri-bek City Council.  How environmental sustainability is considered within the organisation submitting the tender own operations e.g. initiatives like energy saving, recycling etc. |

The submission of all the 14 tenderers were evaluated and the details are shown in the attached the Tender Recommendation Report **(Confidential Attachment 1)**.

**Collaboration**

Note that section 109(2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Under this contract, there are no opportunities to collaborate with other Councils because they have existing contracts that do not align with our contract current requirements.

**Social / Environmental / Local Implications**

The preferred contractors have internal policies supporting social sustainability, environmental management, and the use of local suppliers and businesses. Local employment opportunities are encouraged and implemented within their organisation values. The contractors are located within the municipality, or within proximity in adjacent municipalities.

**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**

Fourteen submissions were received via Council’s e-tendering portal on the closing date at 4:00pm on 24 July 2023 and evaluated in accordance with the Procurement Policy.

It was determined by the evaluation panel that five contractors are needed on the panel for electrical services to allow sufficient resource to adequately cater over the maximum 6 years of the contract.

The evaluation panel applied the pre-defined criteria to the tender submissions and determined that the following five Contractors provided suitable experience, rates and other quality and sustainability attributes to achieve the highest scores in the evaluation and therefore be recommended for the contract.

Price contributed 40 per cent to the overall evaluation and was calculated by applying the rates submitted by each contractor multiplied by the number of expected work requests and their average hour duration.

The table below identifies the five contractors recommended for the Panel Contract RFT-2023-445 and which other companies tendered but were not evaluated as favourably as those recommended.

| **Contractor** | **Range of scores (out of a maximum possible 100)** |
| --- | --- |
| **Recommended for the panel (in alphabetical order)** | |
| AB & MB Electrical Pty Ltd | 77 to 89 |
| Alert Electrical Group (Registered Name: La Candide Pty Ltd) |
| High Profile Engineering Pty Ltd |
| JNJ Electrics Pty Ltd |
| QA Electrical Pty Ltd |
| **Not recommended for the panel (in alphabetical order)** | |
| Adapt Essential Services Pty Ltd | 43 to 72 |
| A Grade Maintenance Services Pty Ltd |
| AVA Services Group Pty Ltd |
| CBC Facilities Management Pty Ltd |
| Commlec Services Pty Ltd |
| Eco Electrical Services Pty Ltd |
| High Access Cabling Pty Ltd (ATF HAC Trust) |
| Hede Electrics Pty Ltd |
| Ultralec Electrical Services (Registered Name: Sonec Services Pty Ltd) |

**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**

Expenditure under this contract will be determined by available annual budget allocations and works required during the contract term.

Spending on core electrical services for the last few years has averaged $220,000 ex GST per annum. The current year budget is $90,000 ex GST.

The schedule of rates provided are expected to be maximum chargeable by suppliers subject to CPI increase (where applicable). In calculating the maximum spend over the greatest possible Contract life of 6 years, it has been estimated that spending will stay at this level, with allowance for CPI growth.

It is important to note that the contractors from this panel will sometimes be used to provide electrical services related to capital projects using project budgets and/or emergency works using emergency budgets and this influences the level of spending which may be above the core budget available for electrical services maintenance.

The maximum spend includes an allowance for capital project works and emergency spending of up to $600,000 ex GST over the life of the contract. This is to be tracked separately to the ‘business as usual’ electrical maintenance activities.

Spending on RFT-2023-445 in any given year will be limited by budget capacity.

**7. Implementation and Timeline**

It is proposed that the CEO be authorised to do all things necessary to execute Panel Contract RFT-2023-445 with each of the five recommended Contractors and any other required documentation.

The contracts will commence on 15 November 2023.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | RFT-2023-445 Tender Recommendation Report  *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.* | D23/488954 |  |

**8. Notices of Motion**

**8.1 Pedestrian safety around Bonwick Street, Fawkner**

**Cr Sue Bolton**

**Motion**

That Council receives a report on improving pedestrian safety around the Bonwick Street shopping centre in Fawkner. Some safety aspects to be considered include:

1. Putting pedestrian-operated traffic lights on the pedestrian crossing on Jukes Road.

2. Erecting a pedestrian sign of the walking legs at the pedestrian crossing in the carpark on the eastern side of the shops.

3. Examine ways of improving the traffic flow to ensure that eastbound traffic turning right into Bonwick Street from Jukes Road doesn’t bank up across the pedestrian crossing.

**1. Background**

Cr Bolton’s background:

As the population of Fawkner has grown, the Bonwick Street shopping centre has become extremely busy with traffic being very congested. This is a situation which creates dangers for pedestrians. There have been a number of reports of near misses at the pedestrian crossing on Jukes Road and the pedestrian crossing in the carpark on the eastern side of the shops.

It was also raised by Fawkner resident at a community meeting in Fawkner on 15 October 2023 that Council consider reconfiguring the traffic around the Bonwick Street shops to make the shopping centre safer for pedestrians.

**2. Policy Context**

Officer’s comments:

As part of the delivering on the Council Plan, officers are currently developing project options following consultation on the Fawkner Transport Study that was conducted in September and October 2022. As part of the actions from this project includes the development of a prioritised list of transport related capital works for the Fawkner area. The projects presented in this motion can be considered as part of delivering this action.

**Council Plan 2021-2025**

The Council Plan sets out Council’s and community’s vision for the future. Key objectives and strategies related to this notice of motion fall in Theme 2: Living and moving safely in Merri-bek, and include:

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Merri-bek, especially via walking, cycling and public transport:

2.2. Scope and implement suburb based active transport (bike and pedestrian) improvements (prioritising Fawkner, Gowanbrae, Hadfield, Oak Park, Pascoe Vale and Glenroy)

**Integrated Transport Strategy**

Pedestrian safety is also a fundamental component of Council’s existing Integrated Transport Strategy. Ensuring the safety and accessibility of pedestrians and other vulnerable road users is at the heart of all the aims and objectives of this Strategy.

The Strategy aims to achieve liveability through more active transport trips (and fewer cars) which also delivers sustainability outcomes, clean air outcomes and greater participation in economic and community life. Active transport trips are greatly encouraged by a focus on transport safety and personal security and when barriers are reduced to improve access for all.

These themes are expected to remain central to the new Moving Around Merri-bek Strategy. This strategy is being developed and a final version will be presented back to Council in March 2024.

**3. Financial Implications**

Officer’s comments:

There are no financial implications to preparing an assessment to examine the options presented in this motion.

**4. Resources Implications**

Officer’s comments:

A report can be prepared to consider other pedestrian improvement projects in Fawkner that were considered within the Fawkner Transport Study and can be prepared within existing resource requirements.

**8.2 War in Gaza**

**Cr Sue Bolton**

**Motion**

That Council:

1. Mourns the tragic and horrific loss of civilian lives in the current conflict and condemns all attacks that target civilians.

2. Recognises that the constant bombing and the total siege of Gaza is traumatising for many Merri-bek residents who have relatives in the region or have come from war-torn countries. We express our solidarity with these communities.

3. Notes that the current conflict did not begin on 7 October 2023 – it began with the Occupation of Palestine, and the forced displacement of millions of Palestinians from their homelands as a result.

4. Condemns the words of senior Israeli politicians and military officials that seek to dehumanise Palestinians in Gaza to justify their war crimes. For example,

 On 8 October 2023, Nissim Vaturi, member of the Knesset for the far right and governing coalition party, Likud, [called](https://twitter.com/nissimv/status/1710694866009596169) for “erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.”

 On 9 October 2023, Israeli Defence Minister, Yoav Gallant, [stated](https://twitter.com/yoavgallant/status/1711335592942875097): “We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly”.

5. Notes that many global organisations and institutions, including Amnesty International, United Nations Special Rapporteurs, and the UN’s Independent International Commission of Inquiry on Occupied Palestinian Territory, have documented systematic evidence of war crimes committed by Israel and its army against Palestinians, including:

a) sustained bombing of residential neighbourhoods

b) the bombing of schools, health facilities, mosques and churches where civilians are sheltering

c) the use of white phosphorous (a chemical weapon which burns the skin)

d) the denial of food, water, fuel, electricity, internet, and medical supplies to the people of Gaza.

6. Notes that 800 scholars of international law, conflict studies, Holocaust and Genocide Studies declared in a public [statement](https://opiniojuris.org/2023/10/18/public-statement-scholars-warn-of-potential-genocide-in-gaza/) on 15 October:

“We are compelled to sound the alarm about the possibility of the crime of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip.”

7. Writes to the Prime Minister and Foreign Minister calling on the Australian government to:

a) Strongly condemn the war crimes being carried out by Israel against the Palestinians in Gaza.

b) Call for an immediate ceasefire and end to Israel’s indiscriminate bombing.

c) Call for the immediate lifting of the siege on Gaza to allow Palestinians in Gaza to have unlimited access to food, water, fuel, electricity, medical supplies and construction materials to repair damaged homes and civilian infrastructure.

d) Advocate for all Palestinian and Israeli hostages to be released.

e) Advocate for a political resolution to the decades-long conflict which includes an end to Israel’s illegal Occupation of Palestine in order for there to be a just and sustainable peace.

f) End all military, economic, political and diplomatic ties with the state of Israel until it complies with its obligations under international law.

8. Notes that boycotts, divestment and sanctions are legitimate, non-violent tactics used by individuals and organisations to pressure foreign governments over human rights abuses and war crimes, including Israel’s brutal and illegal colonisation of Palestine.

9. Receives a report to explore options for council to cancel contracts with companies that support Israel’s illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.

10. Amends the Community Flag Schedule outlined in Council’s Civic Flags Policy by raising the Palestinian flag at Council’s Coburg Civic Centre and Brunswick Town Hall until a cease fire is declared in Gaza.

**1. Background**

Cr Bolton’s Background:

The constituent councils that make up the City of Merri-bek, have previously expressed views on issues of war and peace. Previous issues where the constituent councils stated a position in support of peace included the referendums on conscription during World War One, the anti-nuclear weapons campaign in the 1980s, and opposition to the 1990 Gulf War (invasion of Iraq).

Many people in Merri-bek come from war-torn countries, some have relatives in Gaza and in the region and some of them come from other countries which have experienced genocide. A sizeable part of the community are horrified as they watch the wholesale attack on civilians which is occurring in Gaza More than 90 organisations including human rights organisations, trade unions, aid organisations, faith groups, and organisations representing Jewish and Palestinian people have signed a joint statement initiated by Amnesty International Australia.

The statement calls on the Australian government to act on the escalating humanitarian crisis in Gaza and call for an immediate ceasefire and for an end to the targeting of civilians in Gaza. Amnesty International stated that it is “greatly concerned about violations of international humanitarian law (the laws of war) by Israeli forces in Gaza.” Amnesty International has “collected evidence of horrific human rights abuses; from the use of white phosphorus, which burns the skin, to airstrikes pounding residential buildings, killing children, to the cutting off of water, food, fuel, and electricity to millions of people. Amnesty International’s statement added that “We cannot allow any country to commit war crimes with impunity.”

In spite of this, the Australian Parliament shamefully chose not to condemn the ongoing war crimes committed by Israel. On the international stage, Australia abstained from casting a vote in the UN General Assembly which called for an immediate humanitarian truce in Gaza.

Whole families in Gaza have been wiped out, whole neighbourhoods have been flattened with more than 42% of dwellings being destroyed or damaged according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). As of 30 October 2023, , more than 8,000 Palestinian civilians, including more than 3000 children, have been killed by Israel’s carpet bombing of Gaza. This includes many paramedics and other healthcare workers. In addition more than 50 UN relief workers and more than 30 journalists have been killed.

**2. Policy Context**

Officer’s comments:

The Merri-bek Human Rights Policy 2016–2026 states that Council will advocate to other spheres of government, business, partner organisations and the community to promote human rights and address issues of discrimination and marginalisation at the local, regional, national and international level.

Council’s Community Flag Schedule is a living document that can be added to by Council resolution.

**3. Financial Implications**

Officer’s comments:

The cost of implementing this motion can be met within existing budget allocations.

**4. Resources Implications**

Officer’s comments:

This motion can be actioned within existing resource allocations.

**9. Notice of Rescission**

**9.1 Conclusion of Kent Road Separated Bike Lane Trial and Next Steps for Coburg to Glenroy Bike Route**

**Cr Helen Pavlidis**

**Rescission Motion**

That Council rescind the resolution related to Item 9.1 *Conclusion of Kent Road Separated Bike Lane Trial and Next Steps for Coburg to Glenroy Bike Route* adopted at the Council meeting held on 18 October 2023.

That Council:

1. Declares the trial of the Kent Road separated bike lanes complete.

2. Approves making permanent the Kent Road separated bike lane infrastructure along the north (eastbound) side of Kent Road between Cornwall Road and Cumberland Road, and along the south (westbound) side of Kent Road between Cumberland Road and Cornwall Road.

3. Investigates and implements modifications to the Cornwall Road and Kent Road intersection so that the bike and pedestrian crossing points are clarified.

4. To install a zebra crossing outside the Pascoe Vale Health Medical Centre, noting this involves the removal of 5 parking bays.

5. Acknowledges and thanks the community for their time and effort over the extended two-year trial in both identifying issues and working on solutions, which has provided valuable insight into the application of on-road physically separated bike lanes in the local context.

**Executive Summary**

At the Council meeting held on 18 October 2023, Item 9.1 *Conclusion of Kent Road Separated Bike Lane Trial and Next Steps for Coburg to Glenroy Bike Route* was adopted.

Cr Pavlidis has given notice to rescind the motion.

Reference Material containing the officers report and attachments from the 13 September 2023 Council meeting, which relate to this matter have been separately circulated, with the Agenda.

**9.2 De Carle Street Bicycle Lanes**

**Cr Helen Pavlidis**

**Rescission Motion**

That Council rescind the resolution related to 7.2 *De Carle Street Bicycle Lanes* adopted at the Council meeting held on 18 October 2023.

That Council:

1. Approves the installation of protected bicycle lanes on De Carle Street between Rennie Street and Moreland Road in line with previous designs developed for consultation in November 2021.

2. Approves the removal of eight parking bays on the eastern side of De Carle Street between The Grove and Rennie Street to facilitate two-way vehicle movement.

3. Approves the removal of three parking bays between Moreland Road and The Avenue to enable two-way vehicle passing gaps every 80 to 100 metres.

4. Approves the installation of traffic calming treatments at roundabouts on De Carle Street between Moreland Road and Rennie Street to reduce vehicle speeds and address road safety risks.

**Executive Summary**

At the Council meeting held on 18 October 2023, 7.2 *De Carle Street Bicycle Lanes* was adopted.

Cr Pavlidis has given notice to rescind the motion.

Reference Material containing the officers report and attachments from the 18 October 2023 Council meeting, which relate to this matter have been separately circulated, with the Agenda.

1. <https://www.rba.gov.au/education/resources/explainers/australias-inflation-target.html> Accessed 26/10/2023 [↑](#footnote-ref-1)