**Council AGENDA**

**Wednesday 8 February 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 8 March 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 February 2023 commencing at 6.30 pm.

**WELCOME**

**1. APOLOGIES/LEAVE OF ABSENCE**

Mayor, Cr Panopoulos has requested a leave of absence from 10 August to 10 September 2023 inclusive.

**2. DISCLOSURES OF CONFLICTS OF INTEREST**

**3. MINUTE CONFIRMATION**

The minutes of the Council Meeting held on 7 December 2022 and the Special Meetings held on 13 and 19 December 2022, be confirmed.

**4. ACKNOWLEDGEMENTS AND OTHER MATTERS**

**5. Petitions**

5.1 Petition to improve the corner of John and St Phillip Streets, Brunswick East 6

**6. PUBLIC QUESTION TIME**

**7. Council Reports**

7.1 Library Hours Trial 10

7.2 Opportunities to influence better quality developments in Merri-bek City Council 15

7.3 Northern Regional Trails Strategy 2022 - Merri-bek Adoption 45

7.4 Traffic management opportunities for Cocoa Jackson Lane, Warburton Street and Horne Street, Brunswick - Response to Notice of Motion 169

7.5 Suburb Boundary Realignment - 119A and 121 Lygon Street Brunswick East 198

7.6 Council Action Plan 2022-23 - Second Quarter Performance Report 203

7.7 Financial Management Report for the Period Ended 31 December 2022 238

7.8 Contract Variation: RFT-2021-217 – Wallace Reserve North and South Refurbishments 250

7.9 Contract Award RFT-2022-333 Concrete and Drainage Works 255

7.10 Governance Rules Review Process 260

7.11 Governance Report - February 2023 - Cyclical Report 267

**8. Notices of Motion**

8.1 Box Forest Road Improvements - Northern Memorial Park 304

8.2 Public Toilets in Reserves 305

**9. Notice of Rescission**

Nil

**10. Foreshadowed Items**

Nil

**11. URGENT BUSINESS**

**5. Petitions**

**5.1 Petition to improve the corner of John and St Phillip Streets, Brunswick East**

A petition has been received containing 113 signatures requesting Council improve the corner of John and St Phillip Streets, Brunswick East and install a bike pump on the verge.

**Officer Recommendation**

That Council:

1. Receives the petition, requesting Council improve the corner of John and St Phillip Streets, Brunswick East and install a bike pump on the verge.

2. Refers the petition requesting Council improve the corner of John and St Phillip Streets, Brunswick East to the Director City Infrastructure for consideration and response.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Petition - Improve the corner of John and St Phillip Streets, Brunswick East - Signatures redacted | D22/581739 |  |

**7. Council Reports**

7.1 Library Hours Trial

**Director Community Eamonn Fennessy**

**Cultural Development**

## Officer Recommendation

That Council confirms the current trial opening hours for Merri-bek Libraries as outlined in this report will become permanent, effective immediately.

**REPORT**

**Executive Summary**

Following community engagement, Council endorsed a trial of proposed new library opening hours at the February 2021 Council meeting. The trial hours were introduced in May 2021. The trial of the new opening hours was interrupted by library closures and vaccine mandates during 2021, and the trial was extended into 2022 when service interruptions ceased.

Library use figures from 2022 have been reviewed for this report. Libraries have been well utilised during the additional hours added during the trial. The recommendation is to confirm the trial library hours as the permanent library opening hours effective immediately.

**Previous Council Decisions**

**Library Hours Trial** – 10 February 2021

*That Council:*

*1. Endorses a trial of new hours for Moreland Libraries as follows:*

 *Brunswick and Coburg Libraries opening at 9 am rather than 10 am Monday – Friday;*

 *Campbell Turnbull Library opening at 1pm rather than 11 am on Monday; at 10 am rather than 11 am Tuesday – Friday, and closing at 5 pm rather than 5.30 pm on Mondays and Thursdays;*

 *Fawkner Library opening at 10 am rather than 11am Monday – Friday and closing at 5 pm rather than 5.30 pm Monday and Thursday.*

*2. Receives a report at the July 2021 Council meeting evaluating the trial.*

## 1. Policy Context

A review of Library Opening Hours is an action identified in the Library Services Strategy 2019, Key priority 5 – Place – Planning and advocating for quality flexible spaces for our community to learn, discover and connect.

The Library Services Strategy is aligned with the Council Plan 2017-2021 in relation to Connected Communities Key Priority1.

Achieve higher levels of social cohesion for our multicultural, established and newly arrived community, by fostering opportunities for shared learning and celebration.

Specifically, Council Action Plan deliverable C1d Library Services Strategy 2019: Fostering community connectedness; lifelong learning, creativity and wellbeing Action 2: Undertake community consultation, costings and benchmarking regarding library opening hours.

The Library Hours Trial is aligned with the Council Action Plan 2021-2025 – Theme 4: Vibrant Spaces and Places in Merri-bek. Strategic Objective - 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.

## 2. Background

A review of Merri-bek’s Libraries was undertaken in 2018 and these findings informed the Library Services Strategy 2019. The review identified that the total number of opening hours offered in Merri-bek represented a high level of community access, but a common theme was that some users found the mid-morning opening times (10am) restrictive as those times do not fit easily with common routines such as school drop-offs. Users also commented that more accessible opening hours are needed for people who are studying.

*Beyond a Quality Service: Strengthening the Social Fabric: Standards and Guidelines for Public Libraries*, second edition 2012, defines the objective of library opening hours as ‘to open at times which enable members of the community to make the most effective use of the library service and to ensure that the library’s resources and services are as widely available as possible’.

A 2018 survey of library members and non-members was undertaken requesting feedback about library opening hours. The survey findings were considered alongside benchmarking of Victorian public libraries, usage statistics, and operational requirements to develop the proposed extended library opening hours.

The trial opening hours introduced in 2021 provide an additional 15 hours of library access per week across Merri-bek’s libraries. The additional 15 hours of operation can be delivered within existing budgets through minor operational changes.

The trial opening hours introduced in 2021 are:

**Campbell-Turnbull**

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Previously** |
| Monday | 1-5pm | 11am-5:30pm |
| Tuesday | 10am-8pm | 11am-8pm |
| Wednesday | 10am-5pm | 11am-5pm |
| Thursday | 10am-5pm | 11am-5:30pm |
| Friday | 10am-5pm | 11am-5pm |
| Saturday | 10am-1pm | 10am-1pm |
| Sunday | CLOSED | CLOSED |
| **Totals** | 38 Hours | 37 Hours |

**Fawkner**

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Previously** |
| Monday | 10am-5pm | 11am-5:30pm |
| Tuesday | 10am-8pm | 11am-8pm |
| Wednesday | 10am-5pm | 11am-5pm |
| Thursday | 10am-5pm | 11am-5:30pm |
| Friday | 10am-5pm | 11am-5pm |
| Saturday | 10am-1pm | 10am-1pm |
| Sunday | CLOSED | CLOSED |
| **Totals** | 41 Hours | 37 Hours |

**Brunswick**

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Previously** |
| Monday | 9m-8pm | 10am-8pm |
| Tuesday | 9m-8pm | 10am-8pm |
| Wednesday | 9m-8pm | 10am-8pm |
| Thursday | 9m-8pm | 10am-8pm |
| Friday | 9m-6pm | 10am-6pm |
| Saturday | 9am-4pm | 9am-4pm |
| Sunday | 1-5pm | 1-5pm |
| **Totals** | 64 Hours | 59 Hours |

**Coburg**

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Previously** |
| Monday | 9m-8pm | 10am-8pm |
| Tuesday | 9m-8pm | 10am-8pm |
| Wednesday | 9m-8pm | 10am-8pm |
| Thursday | 9m-8pm | 10am-8pm |
| Friday | 9m-8pm | 10am-8pm |
| Saturday | 9am-4pm | 9am-4pm |
| Sunday | 1-5pm | 1-5pm |
| **Totals** | 66 Hours | 61 Hours |

**New Hours for Glenroy Library at Glenroy Community Hub**

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Previously** |
| Monday | 9m-8pm | 10am-8pm |
| Tuesday | 9m-8pm | 10am-8pm |
| Wednesday | 9m-8pm | 10am-8pm |
| Thursday | 9m-10pm | 10am-10pm |
| Friday | 9m-6pm | 10am-6pm |
| Saturday | 9am-4pm | 9am-4pm |
| Sunday | 1-5pm | 1-5pm |
| **Totals** | 66 Hours | 61 Hours |

During 2022, Merri-bek’s libraries operated with the trial hours as approved by Council in 2021. When the new Glenroy Library opened in the Glenroy Community Hub in March 2022, its opening hours were updated to align with the 9am openings being trialled at Brunswick and Coburg Libraries.

During 2022, almost 30,000 additional library visits were made during the earlier opening times. There were no negative responses or complaints received from the community regarding the earlier opening times.

## 3. Issues

**Community implications**

There are varying requirements amongst our diverse community, using a new approach to community engagement enabled more input from those who do not currently use the library but may do so if the hours were more suitable.

**Usage implications**

The Campbell Turnbull Library has a minor increase (one hour) in opening hours over a slightly different pattern of operation. While the Campbell Turnbull Library is well-loved, it has lower attendance than other Merri-bek libraries. It is anticipated the new opening hours will enable more people to visit.

The current trial opening hours have made all libraries more accessible to members of the community, including current library users and those who have not used the library in the past.

Merri-bek Libraries continue to offer a 24/7 library service with an extensive range of eResources available online.

**Human Rights Consideration**

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

Specifically, Section 15 Freedom of Expression; the freedom to seek, receive and impart information and ideas will be enhanced by increased hours of operation of public libraries in Merri-bek.

## 4. Community consultation and engagement

The following community consultation was undertaken prior to March 2020 and was therefore not impacted by COVID-19 restrictions.

 2018 survey of users and non-users;

 Online platforms such as Good Karma networks;

 In person discussions in the community;

 Observations and in person discussions at the libraries;

 Feedback and observations from library staff.

The Libraries Advisory Committee recommended the proposed library opening hours at their meeting on 25 February 2020 and noted that the proposed earlier opening times would be appreciated by the community.

**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 public libraries are a service for the whole community, consideration was given to ensuring that a wide range of community members were able to input into the library hours proposal. In particular, effort was made to connect with community members who do not currently use the library to hear and consider their views, through in person discussions in shopping centres, community spaces and online forums not associated with libraries.

## 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

New Signage will be required at Campbell-Turnbull, Coburg and Fawkner Libraries. This cost can be accommodated within the library budget

There is no operational cost implication related to making the trial library opening hours permanent.

## 7. Implementation

During 2022, 30,000 library visits were made during the trial of earlier opening times. This additional service is able to be delivered within the current library budget. On approval, continuation of the new library hours will be advertised to the public via social media, website and e-newsletter. Signage will be updated as required.

## Attachment/s

There are no attachments for this report.

**7.2 Opportunities to influence better quality developments in Merri-bek City Council**

**Director Place and Environment Joseph Tabacco**

**City Development**

**Officer Recommendation**

That Council:

1. Note it has continually sought to influence better quality developments in Merri-bek City Council over many decades through improvements to the Planning Scheme and/or planning process including adoption of:

a) The Moreland Apartment Design Code;

b) Good Design Advice Sheets;

c) Planning Scheme Amendment to the Moreland Planning Scheme to increase tree canopy and landscaping outcomes;

d) Continued advocacy and leadership for Environmentally Sustainable Design, such as Towards Zero Carbon in Planning;

e) Design Excellence Scorecards; and

f) Various amendments to the Moreland Planning Scheme by introducing Design and Development Overlays that provides specific built form and design guidelines.

2. Undertake further work on how to influence better quality developments in Merri-bek City Council by:

i. Investigating, developing and trialling a process model that encourages better quality, planning scheme compliant two dwelling development, while maintaining public notice and rights of review to VCAT;

ii. Proceed with a 12-month trial period of the new process model as described in resolution 2i.

iii. Update Council’s current Good Design Advice sheets; and

iv. Commission the preparation of examples of better-quality medium density developments.

3. Note the proposal to refer the making of the current temporary fixed-term Urban Design Officer position permanent for consideration as part its 2023/2024 budget process, in order to maintain the resourcing capacity for expert urban design advice on medium density development applications.

**REPORT**

**Executive Summary**

The Victorian Planning legislative framework confines both Council and VCAT to deciding whether a planning permit application will produce *acceptable* outcomes. This report discusses options available to Council. Over many decades Council has strived to encourage development that achieves better than acceptable outcomes. This report explores what other levers are available to Council to go beyond the Planning Scheme.

Merri-bek City Council has sought to be a leader in the planning industry by continually pursuing improvements to planning and development outcomes for the community by exploring past initiatives such as the Moreland Apartment Design Code, Towards Zero Carbon in the Planning Scheme, Good Design Advice Sheets and the Design Excellence Scorecards, which continues to operate within existing resources. Additionally, the Moreland Planning Scheme has been amended through incorporating improved landscaping outcomes and introducing Design and Development Overlays that provide specific built form and design guidance. Regular monitoring of the Planning Scheme continues to be undertaken in the pursuit of improving the quality of developments at Merri-bek.

A review of other Councils, both locally and interstate, reveals a range of initiatives that have been undertaken to improve the quality of developments. Common initiatives include:

 design review panels;

 design competitions;

 award programs; and

 presenting case studies/development typologies to promote good design outcomes.

To inform this report, officers have explored models that seek to elevate the quality of developments either to design excellence or better-quality having regard to how best to influence a larger number of development proposals in Merri-bek.

Upon review of various models and current development activity, it is evident that Council would have the most impact in seeking to influence better-quality benchmark for a larger proportion of development, as opposed to pursuing further initiatives that seek a design excellence benchmark for a now much smaller number of major development projects occurring in Merri-bek.

New initiatives targeting multi-dwelling developments (representing approximately 30% of all planning applications) has the potential to deliver better-quality private developments at a larger scale. The recommendations of this report seeks to positively influence medium density development by updating Council’s good design advice sheets and commissioning the preparation of higher-quality design examples of medium density developments to provide clear guidance on Council’s expectations of better quality. In addition, the development and trial of a process model that encourages better quality, planning scheme compliant, two dwelling development is recommended.

**Previous Council Decisions**

The following previous Council decisions are of relevance to Council’s past work in seeking to influence better quality development:

 Moreland Apartment Design Code (Council Report DED70/15 – 12 August 2015)

 Various amendments to the Moreland Planning Scheme by introducing Design and Development Overlays that provides specific built form and design guidelines.

 Better Planning and Development Outcomes (Council Report DED25/18 – 9 May 2018), which resolved (amongst other things) to support:

*… a 12 month trial of an additional urban design officer to provide design advice in relation to development applications and pre-application meetings, subject to its inclusion in the adopted 2018/2019 Budget.*

 Amendment to the Moreland Planning Scheme to increase tree canopy and landscaping outcomes (Council Report DCF22/20 – 10 June 2020)

 Amendment C190 incentivising two lot dwelling applications through a streamline permit process (Council report 8.1 – 3 November 2021)

 Towards Zero Carbon in Planning (Council Report 7.8 – 8 December 2021)

 Design Excellence Scorecard - Trial Outcomes and Recommendations (Council Report 7.2- 2 February 2022). The Council resolution included:

*Receive a report in the second half of 2022 outlining further ways in which better quality developments can be encouraged and bad quality developments can be discouraged in Moreland (Merri-bek), including information on what initiatives other Councils have undertaken to improve the quality of development.*

This report focuses on this resolution, seeking to explore further ways to influence better-quality developments in Merri-bek.

**1. Policy Context**

**Victorian Planning Legislative Framework**

The Victorian Planning legislative framework confines both Council and VCAT to deciding whether a planning permit application will produce *acceptable outcomes* in terms of the Planning Policy Framework, the purposes and decision guidelines of the zone and overlays and any other decision guidelines in Clause 65.

In seeking to encourage development that achieves better than acceptable outcomes for the Merri-bek community, Council must look to other levers beyond the Planning Scheme.

**Council Plan**

The Council Plan 2021-2025 includes themes and strategies that seek to elevate the quality of development in Merri-bek, including Strategy 4.8:

*Influence the delivery of better-quality private developments through providing clearer guidance for environmentally responsive design, promoting and negotiating improved quality of development through the planning permit application process.*

**2. Background**

**What is Council currently doing to achieve better quality developments?**

Council has continually sought State Government support for Planning Scheme improvements over many decades. There have been numerous Council decisions that explored better quality developments. Of relevance is the Design Excellence Scorecard (the Scorecard), Amendment C190 and the Designing our Neighbourhoods project.

**Design Excellence Scorecards**

The Scorecards were developed in 2018 in consultation with Councillors, Council’s (then) Urban Environment Committee and key industry stakeholders and were adopted by Council in February 2019 (Council Report DCF3/19) for a 12-month trial period.

The trial was extended twice and adopted on a permanent basis in February 2022 subject to further enhancements to the Environmentally Sustainable Design (ESD) criteria, and changes to officer delegations so that Scorecard applications can be decided at a Planning & Related Matters Council Meeting (Council Report 7.2).

The Scorecards are a voluntary tool for planning permit applications which establish a benchmark for design excellence of medium and high-density developments in Merri-bek.

There are two scorecards, one for apartment development and the other for multi-dwelling developments. The scorecards operate in parallel to the planning application process at little to no ongoing implementation cost to Council. Since adoption in February 2019, seven developments managed to achieve the design excellence benchmarks of the Scorecards and only one of them relates to medium density development. These applications represent a small proportion of the approximately 1400 planning applications that are determined by Council each year.

The trail of the scorecards also positively influenced many other developments that sought to lift the bar in achieving some but not necessarily all of the requirements of the scorecards with higher levels environmental sustainability, accessible apartments, quality design and materials as well as other public benefit, including new public spaces and affordable housing. Outcomes that have been achieved across the seven Scorecard compliant projects include:

· 36 affordable housing dwellings;

· 285 dwellings meeting accessibility standards (104 more dwellings than what was required under the Planning Scheme);

· An average 7.5 star energy rating;

· All gas free dwellings and a contribution of 145kw of Solar PV; and

· Community benefits that have included upgraded streetscapes, new pedestrian connections and a commercial tenancy that is to be leased to a social enterprise.

The removal of officer delegation, when adopting the Scorecard on a permanent basis in February 2022, has further reduced the incentive for permit applicants to commit to achieving the Scorecard requirements which go beyond the acceptable requirements in the Planning Scheme. No new projects seeking to achieve the scorecards have been received since the removal of officer delegation. It appears that the additional investment required for commitment to higher levels of design quality, ESD, accessible apartment and deliver other public benefit, such as social and affordable dwellings is no longer being realised when faced with the uncertainty of a potential unfavourable decision at a Council meeting. **Attachment 1** includes the Design Excellence Scorecard - Guidelines

**Amendment C190 - Better Outcomes for Two Dwellings on a Lot**

As part of the adoption of the Medium Density Housing Review at the 10 October 2018 Council meeting (Council Report DED63/18), a recommendation of Council was to investigate the potential to incentivise applicants to design fully compliant and improved quality lower density developments. Amendment C190 is a response to this resolution.

Planning Scheme Amendment C190 proposed a change to the Planning Scheme to improve the quality of two dwelling developments by establishing a streamlined planning assessment process for proposals which are fully compliant with planning provision and go further by delivering best practice ESD and accessible homes for future Merri-bek residents. The amendment sought to streamline this form of development by expanding the existing ‘Vic Smart’ 10-day permit process with planning scheme compliant applications being exempt from public notice, objections and review to VCAT.

Amendment C190 was exhibited in 2020, and an expert independent Planning Panel hearing was conducted in October 2020. After hearing all submissions in support and opposed to the amendment, the Panel provided its report in December 2020, supporting the amendment subject to minor changes.

Subsequent to the Panel’s consideration of the amendment, the State Government released its Better Regulation Review which included a proposed new Vic Smart Plus package whereby applications would not be exempt from public notice. This pathway is yet to be implemented by the State Government.

At the Council meeting on 8 December 2021, Council resolved to defer its decision as the State Government is contemplating introducing a Vic Smart Plus planning permit application pathway.

**Designing our Neighbourhoods**

This project will review planning policy related to the features and design of residential areas. The project aim is to provide planning direction that helps to achieve safe, pleasant, and inviting neighbourhoods.

In July and August 2022 we asked our community what they valued about their street or neighbourhood. Feedback from the community included that vegetation, built form and streetscapes are the most highly valued characteristics in neighbourhood design. The next stage of this project is taking the community feedback to consider how it could be translated into updated planning scheme requirements with further community consultation to follow.

**What initiatives have other Councils undertaken to improve quality of developments?**

A review of better-quality design initiatives by other Councils, both locally and interstate, reveals a range of initiatives that have been undertaken. Common initiatives include:

A. design review panels whereby a panel of experts come together to provide design advice;

B. design competitions, whereby an independent panel of design professionals selects the successful design based on an agreed set of design related selection criteria;

C. presenting design excellence awards in various categories; and

D. presenting high quality development case studies or exemplars to showcase good design outcomes.

It is noted that the current Council initiatives operate within the existing resources, whereas many of the initiatives that other Councils have undertaken, require recurrent funding for ongoing implementation.

This report seeks to explore further ways that Merri-bek City Council can continue to influence better quality developments in the community.

**3. Issues**

An objective of the Council Plan 2021-2025 is to influence the delivery of better-quality developments in Merri-bek. The initiatives that Council has adopted so far, as discussed in Section 2, has sought to implement this objective within existing resources.

Matters to consider in influencing better-quality developments are how to influence at a larger scale and what benchmark is being sought (i.e. design excellence or better quality).

**Type of applications and benchmark**

A review of Council’s planning data in **Attachment 2** highlights that the number of multi-dwelling applications remains a common application type with more than 400 multi-dwelling applications being received annually compared to a now reduced number of 15 major applications annually for developments where estimated cost is more than $7 million.

Of the 400 multi-dwelling applications, approximately 200 of these applications are for two dwellings on a lot. It is considered that targeting the multi-dwelling applications will have the greatest impact in delivering better quality developments at a larger volume across the municipality.

Council would also need to consider the benchmark that is being sought to elevate the quality - i.e. whether Council is striving for ‘better’ quality which is exceeding the Planning Scheme requirements, or ‘excellence’ which is industry leading.

**Initiatives to elevate quality of development**

*Awards and design competitions initiatives*

Initiatives that promote design excellence include awards programs for private developments and design competitions for projects on Council land. The benefits of these models are having inputs of additional advice from various experts and showcasing developments that raise the profile of design excellence in Merri-bek.

The cost and resourcing associated with commissioning and administering processes for the provision of additional independent external design are not insignificant and need to be factored against the extent of developed projects that are potentially influenced.

Design competitions in particular are best suited for large scale applications noting that Council already has resolved the Design Excellence Scorecards tool to promote clear expectations of design excellence. Therefore, these initiatives are not recommended.

*Architectural Design Review Panel initiatives*

Architectural Design Review Panel (Panels) operate in a limited number of other Councils across Australia and through the Office of the Victorian Government Architect (OVGA). Relevantly, Council did establish the Coburg Design Review Panel which ceased in June 2016, due to a combination of the reduced development demand within central Coburg and the cost/resource burden of continuing the Panel.

Panels commonly only consider major planning applications of between 2 and 4 applications a month, generally comprise 3 or 4 members, and are only advisory in nature. Resourcing for Council, which would involve meetings and the associated costs for experts translated to a cost per application of between $9,000 to $15,000 or approximately $96,000 to $144,000 annually based on a panel that meets once per month.

Design Review Panels which influence, only a handful of applications at significant cost and resourcing are therefore not recommended.

The use of the current (temporary) in-house Urban Designer advice process is recommended over Architectural Design Review Panels. Inhouse expert Urban Design advice provides greater flexibility on the timelines of advice including the capacity to provide advice earlier in the planning process, when there is greater opportunity for changes to be made.

*Better quality Initiatives*

The better-quality initiatives are recommended as they focus on influencing a larger proportion of planning applications including two dwelling developments. In the model two dwelling development initiative, projects are designed at the outset to achieve full compliance with the residential development standards of the Planning Scheme, while also delivering best practice environmentally sustainable and accessible homes for future Merri-bek residents. The initiative would also seek to improve the architecture and quality of materials used. This initiative could be implemented while awaiting the outcomes of State Government Planning reform, including the introduction of the VicSmart Plus pathway.

Two complimentary initiatives would be to update Council’s good design advice sheets and commission examples of developments that Council considers as better-quality multi-dwelling developments. This would provide clear guidance to the developers on the expectations of what is better quality development.

Currently, the Medium Density Design Excellence Scorecard also seeks to lift the quality of medium density applications. However, since its adoption in 2019 only one medium-density development has met the Scorecard. It appears that the high benchmark of ‘design excellence’ sets too great a challenge and with too little incentive for the development industry to seek to achieve the Scorecard.

This highlights a potential for Council to look at other ways to influence the quality of medium density applications to a more achievable ‘better’ quality benchmark that still exceeds the Planning Scheme requirements.

With the current standard planning application process, these applications generally take 3 to 5 months for a decision to be issued and more than twice that length of time if a VCAT review is lodged. Much of this time is spent in the request to submit further information and in negotiating changes to improve the level of compliance with the residential development standards of the planning scheme and deliver ‘acceptable’ outcomes. The benefits of the better-quality initiatives will be to streamline the planning process by mandating pre-applications meetings where planning requirements and issues i.e. Urban Design, ESD and traffic are addressed upfront. This can result in the lodgement of a complete and compliant planning application leading to a quicker planning assessment and decision-making. Public notice and third-party rights will continue to be part of the process. **Attachment 3** provides an example of the application process of this model. Unlike Amendment C190 which delivers potential resource savings via the simplified Vic Smart process, this faster decision-making model would need to be incentivised through resourcing with a dedicated Urban Planner to review this stream of applications and continuing the employment of an additional Urban Designer for internal advice on medium density applications.

Having compared various initiatives and noting that multi-dwelling applications are the largest contributor of planning applications, it is considered that implementing the better-quality initiatives will be the most efficient and effective way to positively influence a larger scale of development in 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. In particular, the rights to freedom of expression and to take part in public life have been taken into consideration.

Public notice and third-party rights will continue to be part of the process in all models outlined in this report.

**4. Community consultation and engagement**

Once the trial of a process that encourages better quality, Planning Scheme compliant two dwelling proposals has been developed and prior to implementation, Council officers will engage with the community and the regular permit applicants to provide information about the model. Subsequently, a 12-month trial period is recommended to understand the interest and the success of the model.

**Affected persons rights and interests**

Public notice and third-party review rights at VCAT will remain as part of the recommended initiatives.

**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 financial and resources needed to support the better-quality initiatives will be as follows:

 For the 12-month trial period of the two dwelling process model, existing resources within the Urban Planning Unit can be utilised to review the stream of applications under this initiative. Should this be successful, and dependant on the number of applications being lodged in this stream, additional resourcing for a dedicated Band 5 Urban Planner (current salary range $79k to $90k) may be directed for consideration as part of Council’s 2024/25 budget process.

 The current temporary additional Urban Designer role established to increase team capacity for review of medium-density developments ends this financial year. The continuation of this position in a permanent capacity at a salary range of $93,000 to $102,000 is proposed to be referred to the 2023/24 Council budget process.

 During the trial period, existing resources within the Sustainable Built Environment team can be utilised to provide paid ESD certification at the pre-application stage for applications under this model. The ESD certification will ensure that there are agreed ESD outcomes which will be delivered through the planning application process. The fee for the certification could be established via the 2023/24 budget process and determined through a benchmarking exercise and included in Council’s draft Fees and Charges schedule. An online portal system would also be required to lodge and track this service which can be created using existing resources. Should this service be successful, dependent on the number of applications lodged, an additional resource for a dedicated ESD officer may be directed for consideration as part of the 24/25 budget process.

 Updating of the good design advice sheets can be accommodated within existing resources.

 A tender process would be followed, to select suitable architects that would assist with creating examples of medium density development to showcase better quality developments. Engaging an architect/s is estimated to cost between $30,000 and $50,000. Once architect/s have been chosen, the work to publish the content can be accommodated within the existing resources. The budget allocation for this component of the project, would need to be considered as part of 23/24 budget process.

**7. Implementation**

Should the officer recommendation be supported, Council officers will:

a) Commence investigating and developing a model that encourages better quality and compliant two dwelling development, in Quarter 1 of 2023

b) Commence the update good design advice sheets, in Quarter 2 of 2023;

c) Engage an architect to provide examples of developments that Council considers as better quality multi-dwelling developments in the Quarter 3, of 2023, subject to funding in the budget;

d) Road test the model with regular permit applicants and community groups in Quarter 4 of 2023 and prior to the implementation of a 12 month trial, commencing 2024;

e) Finalise guidance material (i.e. example development typologies) to support the 12 month trial, commencing 2024;

f) Promote the model with the support of the Communication Unit in 2024; and

g) Evaluate and measure the success of the trial including any resourcing implications in Quarter 1 of 2025.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Design Excellence Scorecard - Guidelines | D22/454126 |  |
| **2** | Type of applications in Merri-bek | D22/499658 |  |
| **3** | Standard process vs better quality compliant two dwellings on a lot model process | D22/499664 |  |

**7.3 Northern Regional Trails Strategy 2022 - Merri-bek Adoption**

**Director City Infrastructure Anita Curnow**

**Transport**

**Officer Recommendation**

That Council:

1. Endorses the Northern Regional Trails Strategy 2022 as at Attachment 1.

2. Supports efforts by the Northern Councils Alliance to pursue initiatives in the strategy with the State Government.

**REPORT**

**Executive Summary**

This report provides an update on the development of the Northern Regional Trails Strategy (the Strategy) 2022 (refer to Attachment 1) and seeks endorsement of the draft strategy.

The draft strategy has been reviewed by relevant officers of all member councils of the Northern Councils Alliance.

When endorsed, the Strategy will be a key advocacy document to attract funding to deliver the Northern Region Trail Network over the next decade and beyond. The State Government has provided approximately $11 million toward the current Strategy and is likely to continue to provide grants due the success to date.

The refresh is built upon the previous work completed in 2016, and makes several main changes, including updates to works completed, a focus on delivering regionally significant trails, additional actions to upgrade existing trails, and updates to the cost-benefit analysis.

The strategy identifies strategic cycling routes of regional significance in Merri-bek including:

 Merri Creek Trail

 Edgars Creek Trail

 Upfield Rail Trail (Shared Path)

 Craigieburn Line (Shared Path)

 Moonee Ponds Creek Trail

The Coburg North Linear Reserve Trail needed to be removed from the previous version as it is not of regional significance.

The major benefit for Merri-bek was the addition of upgrades required to existing trails. The two high priority projects for Council are the Harding Street Bridge replacement, and flooding at the Lower Merri Creek at Sumner Park. Both projects are expected to have high costs and are likely to require external funding. The addition of these projects to the Strategy creates another viable opportunity for external funding support.

A cost-benefit analysis was completed by an external consultant, and considered a range of additional factors like need, buildability, and community support. A Top 10 for the region, and for each Council, was created. It is important to note that this was a high-level estimate, and each project would require further investigation, and public consultation, to determine their feasibility and alignment.

The community consultation was led by Banyule City Council on behalf of all six council areas and was undertaken between 8 August and 28 September 2022.

The Shaping Banyule website was the primary point of contact with the community. Merri‑bek promoted the engagement through the Conversations Merri-bek website and Council’s social media channels.

There were 11 responses to the Merri-bek Top 10 which highlighted Sumner Park flooding, and Harding Street bridge replacement as the highest priority. This feedback aligns with previous community consultation.

**Previous Council Decisions**

**Endorsement of the Northern Regional Trails Strategy** – 13 April 2016

*Council resolves to:*

*1. Endorse the Northern Regional Trails Strategy.*

*2. Write to Nillumbik Shire Council thanking them for project managing The Strategy.*

*3. Join with the seven participating Councils in bringing the Northern Region Trails Strategy to the attention of the State Government, and to allocated funding to both new trails and upgrades to existing infrastructure.*

**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, and cycling.

 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

 2.2. Scope and implement suburb based active transport (bike and pedestrian) improvements (prioritising Fawkner, Gowanbrae, Hadfield, Oak Park, Pascoe Vale and Glenroy)

**Moreland Integrated Transport Strategy (2019)**

The Moreland Integrated Transport Strategy 2019 is Council’s current transport strategy, and it encourages greater take up of sustainable transport alternatives. Key action items are:

 Action 7: Work in partnership with adjoining municipalities to integrate cycling routes and wayfinding signage (including design standards for wayfinding signage) across borders.

 Action 10: Develop and maintain a ten-year capital works program of pedestrian and bicycle infrastructure, that includes communicating the success of programs

**Moreland Open Space Strategy 2012-2022**

The Moreland Open Space Strategy sets a framework for future provision, planning, design, and management of publicly owned open space that is set aside for leisure, recreation, and nature conservation purposes. It aims to encourage further investigations into potential cycle routes such as the Upfield Rail Trail through the centre of the municipality and gaps in access on the Merri and Moonee Ponds Creeks.

**2. Background**

In 2016 the original Northern Regional Trails Strategy was developed by the Councils in the Northern Councils Alliance including Merri-bek City Council, Banyule City Council, Darebin City Council, Hume City Council, Nillumbik Shire Council, Whittlesea City Council, with additional input from Yarra City Council, to establish a framework for the planning and development of trails of regional significance.

The first Strategy was adopted in 2016 by all Councils. The strategy successfully advocated approximately $11 million of State Government funding for the region to construct trails it highlighted. Unfortunately, Merri-bek did not receive any of this funding. However, Merri-bek did receive an allocation of $4 million being delivered by the Department of Transport for Upfield Shared Path improvements and extension as a part of other advocacy work (most of which were actions in the 2016 Strategy). These projects are currently planned to be delivered in 2023.

**3. Issues**

**Northern Regional Trails Strategy Update**

Due to the success of the Strategy, and some changes required, the Northern Councils Alliance agreed to refresh the strategy. The Strategy now:

 Provides updates to the work that was completed in the 2016 strategy;

 Focuses on delivering regionally significant trails that connect multiple municipalities (removing smaller local trails);

 Adds actions to upgrade sections of completed trails that were previously highlighted as just existing; and

 Prioritises projects based on the latest data and cost benefit analysis.

The projects that attracted State funding are either completed or on track to be completed. The draft 2022 Strategy provides a list of the 2016 Strategy funded action items and their status. This includes direct funding of $11 million toward projects within Strategy 2016, and other funding by alternative methods such as the Safer Cyclist and Pedestrian Fund, and Level Crossing Removal projects. Due to the success of the Strategy, officers from the State Government have indicated that future funding is likely.

The draft refresh advocates for trail improvements with region-wide priorities. This required the removal of trails that did not have regional significance. For Merri-bek, this meant the removal of the Coburg North Linear Parkland Trail. While this does not diminish the trail’s significance for Merri-bek it needed to be excluded from the refresh as it does not hold regional significance.

The 2016 version of the Strategy focused on growing the network of trails, however it did not address issues with the existing network. For example, the Merri-bek section of the Merri Creek Trail was stated to be existing (not requiring funding), however did not highlight any shortcomings that needed to be addressed.

As historically raised, there are many issues with the existing Merri Creek Trail that Council is actively progressing to find solutions. These include the replacement of the Harding Street bridge, which is too narrow and cannot be ridden across, and the flooding that occurs at the lower Merri Creek path near Sumner Park. Both projects are currently in the design phase to find appropriate solutions for the community. Additionally, both projects are costly and likely to require external contribution to complete. It is important that the Strategy highlights these projects to be of regional significance and in need of funding.

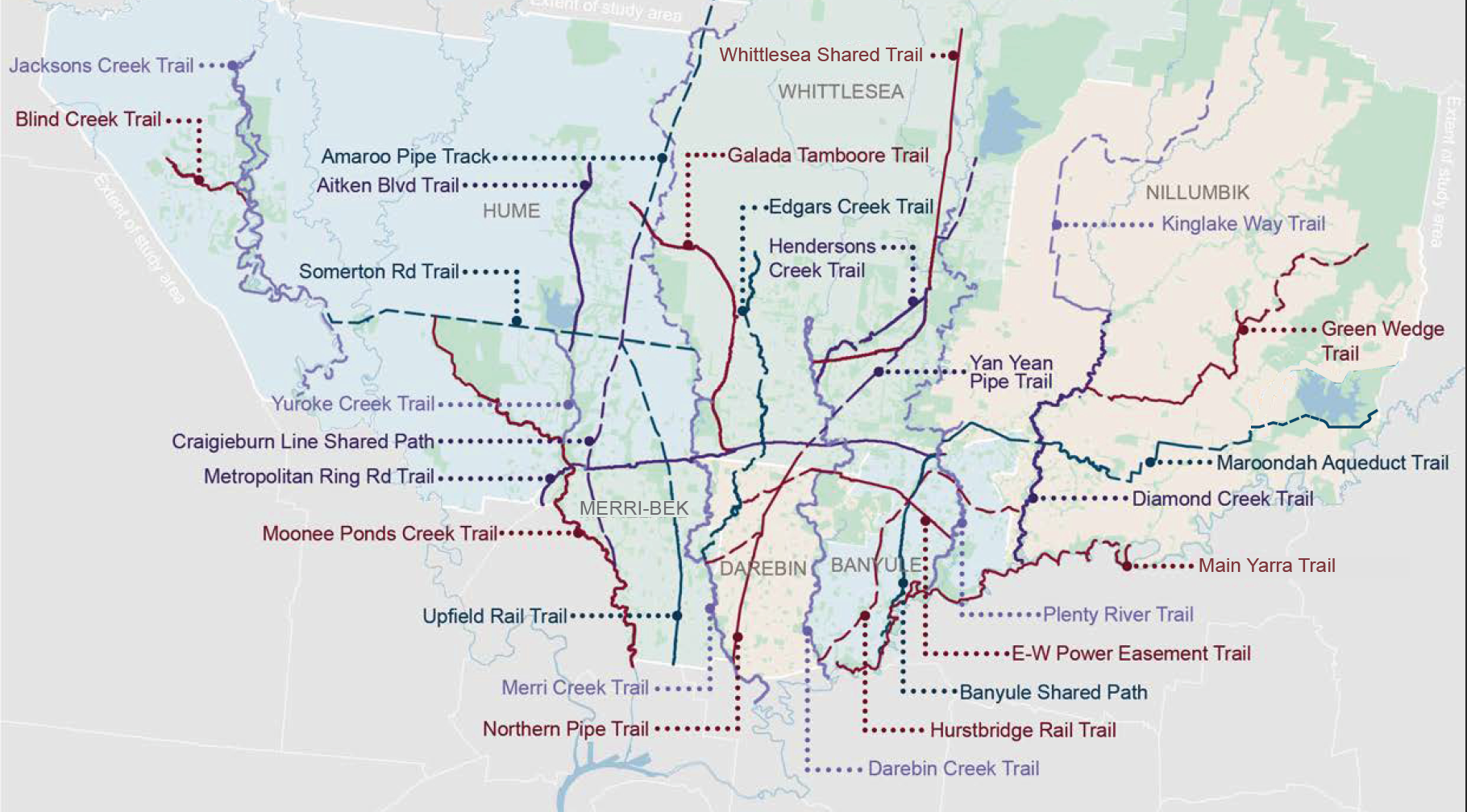


Image 1: The Northern Melbourne Regional Trail Network Map

A high-level cost-benefit analysis was completed by an independent consultant for all action items within the draft Northern Regional Trails Strategy 2022. It should be noted that the consultant needed to assume a solution and alignment for each action item. Each project will need to have detailed design, consultation with the community, and approval from the relevant authorities to determine the best solution, and true cost estimate.

Each of the action items were weighted by costs, and a range of other factors:

 Contribution to an integrated and connected network

 Encouraging use by spatial location

 Potential economic benefits

 Contribution to community health and wellbeing

 Contribution to uniqueness and the quality of the natural environment

 Encouraging diversity of use through facility quality and maximising usability

 Strategic alignment

 Ease of implementation

**Action Priority List - Top 10 Projects**

All actions within the Strategy were ranked in priority based on the consultant’s high-level cost estimated and factoring the previously mentioned other factors. From this an overall Top 10 for the region, and for each Council was developed.

It should be noted that this does not align with Merri-bek’s priorities, as the consultant focused on the network rather than more local desires. Projects such as the Harding Street bridge replacement is high priority for both Council and the local community however, it ranks ninth in the consultant’s Merri-bek Top 10 list.

**Overall Top 10 for the Northern Region**

| **No.** | **Trail action item** | **Description** |
| --- | --- | --- |
| 1 | 1. Maroondah   Aqueduct\_01 | Construct new section of trail connecting the Plenty River Trail near Lear Court, east along the aqueduct across Diamond Creek Road to the Diamond Creek Trail at Allendale Road. |
| 2 | MerriCreekTrail\_08 | Complete missing section of trail from the Metropolitan Ring Road to existing section of trail south of Horne Street |
| 3 | 1. Maroondah   Aqueduct\_02 | Construct new section of trail from Main Road Diamond Creek, along Eltham-Yarra Glen Road, Creek Road, Eltham Road and Carters Lane while ensuring minimal impact to the Warrandyte - Kinglake Nature Conservation Reserve |
| 4 | EdgarsCreekTrail\_01 | Construct new section of trail from the Merri Creek Trail to Ronald Street on the west bank |
| 5 | MerriCreekTrail\_02 | Partner with Parks Victoria and DELWP to extend the Merri Creek Trail from Merri Concourse (north) to Cooper Street |
| 6 | UpfieldRail\_02 | Advocate to Department of Transport to construct a new section of trail from the Metropolitan Ring Road to Somerton Road |
| 7 | WhittleseaShared\_01 | Construct a new trail along the train line from Mernda Station to Laurel Street, Whittlesea. Ensure there is provision for horse riders on parts of the trail |
| 8 | MerriCreekTrail\_03 | Advocate for and investigate the staged extension of the Merri Creek Trail from Cooper Street Somerton/Epping north to OHerns Road as a part of the Upper Merri Creek Regional Parkland Plan. |
| 9 | MerriCreekTrail\_04 | Advocate for and investigate the staged extension of the Merri Creek Trail from OHerns Road to Craigieburn Road as a part of the Upper Merri Creek Regional Parkland Plan. |
| 10 | KinglakeWay\_01 | Establish a new trail from Hurstbridge to Arthurs Creek. |

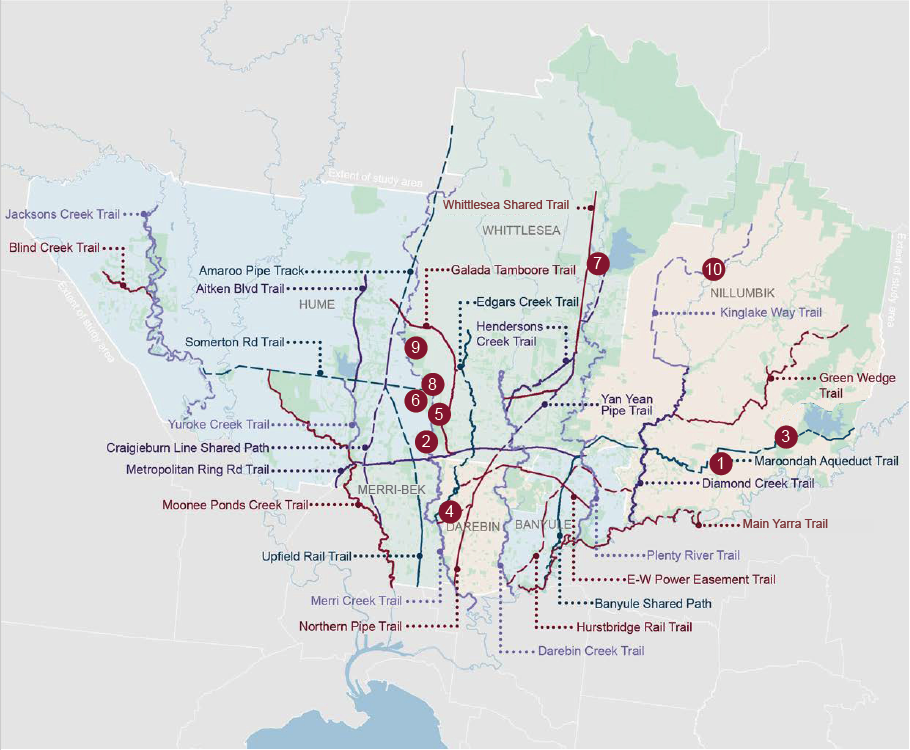


Image 2: Map of Top 10 Actions for the Region

**Top 10 for Merri-bek**

| **No.** | **Trail action item** | **Description** |
| --- | --- | --- |
| 1 | EdgarsCreekTrail\_01 | Construct new section of trail from the Merri Creek Trail to Ronald Street on the west bank |
| 2 | CraigieburnSharedPath\_01 | Construct new section of trail from the Moonee Ponds Creek Trail to Gaffney Street |
| 3 | CraigieburnSharedPath\_04 | Construct a new section of trail, on the western side of the train line, from Cartwright Street to Glenroy Road including fencing and lighting |
| 4 | CraigieburnSharedPath\_06 | Construct a new section of trail, on the eastern side of the train line, from Glenroy Station to Jacana Station including fencing and lighting |
| 5 | EdgarsCreekTrail\_02 | Construct new section of trail from Ronald Street to Carrington Road. Consider keeping the trail away from the creek and along development frontages |
| 6 | CraigieburnSharedPath\_03 | Construct a new section of trail, on the western side of the train line, from Bothwell Street to Devon Road including retaining, fencing, and lighting |
| 7 | MerriCreekTrail\_20 | Provide wayfinding signage along the length of the trail |
| 8 | MerriCreekTrail\_12 | Relocate and widen trail from Merri Creek Primary School to Sumner Park outside of flood zone |
| 9 | MerriCreekTrail\_15 | Replace the Harding Street Bridge to cater for shared use |
| 10 | MerriCreekTrail\_18 | Construct a new section of trail from Vervale Avenue to the bridge crossing to the north to provide an alternative route with a gentler grade |

**Human Rights Consideration**

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

**4. Community consultation and engagement**

The community consultation was led by Banyule City Council for all six council areas and was undertaken between 8 August and 28 September 2022.

The Shaping Banyule website was the primary point of contact with the community. Some basic demographic information was collected, such as postcode, age group, gender, ability, and language spoken.

Merri-bek promoted the engagement through the Conversations Merri-bek website and linked to the Shaping Banyule website.

There were 11 responses to the Merri-bek Top 10 which highlighted that MerriCreekTrail\_12 (Relocate and widen trail from Merri Creek Primary School to Sumner Park outside of flood zone), and MerriCreekTrail\_15 (Replace the Harding Street Bridge to cater for shared use) were the highest priority. This aligns with the feedback Council has historically received regarding these two issues. As both projects will be very expensive to deliver compared to other, the consultant was not able to shift them in the priority list based on the cost benefit analysis of the network. Despite this, Council is still pursuing both projects as a priority.

**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.

To date, Council has undertaken consultation online via the Conversations Merri-bek website. As this is a high-level broad advocacy document, people will have greater opportunity to engage with each project during the design, development, and consultation phase.

**Communications**

As outlined in Section 4 – Community Consultation and engagement, the bulk of this work was undertaken by Banyule City Council, with supplementary engagement on locally specific projects addressed through Conversations Merri-bek. Once endorsed, the Strategy continues to be an advocacy document on behalf of the member councils.

**5. Officer Declaration of Conflict of Interest**

One Council officer involved in the preparation of this report has a minor conflict of interest in this matter due to living near one of the trails. The conflict of interest is deemed negligible, as the trails chosen to have been decided based on regional significance, the report and analysis undertaken by an independent consultant, and reviewed by all Councils. Additionally, any works funded by the Strategy would need to have undertaken full design process and community consultation to be shovel ready.

**6. Financial and Resources Implications**

Projects will need to be shovel ready to be eligible for funding by the State Government. As such, all design, and consultation will need to be funded by Council. All of the projects that planned for external funding grants are costed within the existing 10-Year Active Transport Program.

No additional resources are required at this time. It should be noted that due to the scale of some of these projects, additional resources maybe required at the time.

**7. Implementation**

Merri-bek will join along with the other Councils will continue to advocate for funding for projects within the Strategy.

Council officers will continue to develop projects based on priorities based on existing programs such as the 10 Year Active Transport Program to make them eligible for funding via the Strategy.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Draft Northern Regional Trails Strategy 2022 | D23/28864 |  |

**7.4 Traffic management opportunities for Cocoa Jackson Lane, Warburton Street and Horne Street, Brunswick - Response to Notice of Motion**

**Director City Infrastructure Anita Curnow**

**Transport**

Council Meeting at its meeting on 07 December 2022 resolved that the matter be deferred to the meeting to be held on 08 February 2022.

**Officer Recommendation**

That Council:

1. Notes that Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted.

2. Addresses the concerns that some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane from Horne Street, by writing to nearby properties advising of the road rules and asking the community to adhere to them.

3. Authorises officers to reiterate the turn ban by increasing the size of the existing roadside no right turn signs on Horne Street.

**REPORT**

**Executive Summary**

On 13 April 2022, Council resolved to call for a report to be presented to the December 2022 Council Meeting investigating traffic management options in consultation with Warburton Street, Horne Street and Cocoa Jackson Lane residents including the option of bollards to prevent heavy vehicles accessing residential streets.

Council officers have since undertaken a thorough investigation of the laneway and the surrounding local streets. This investigation has included site visits, traffic volume surveys (vehicle, and people walking and bike riding), a review of crash history, vehicle queueing surveys, a review of historic community concerns and consultation on the option to install bollards with local residents.

This report details the concerns identified by nearby residents, and consideration of solutions to address these concerns.

The engagement identified that:

1. Some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane, Brunswick where it intersects with Horne Street

2. The loading activities associated with Reece, a plumbing company which has been operating out of the building at 123 Lygon Street for around 40 years, are creating noise and safety issues within Cocoa Jackson Lane.

It is likely that drivers who have been contravening the road rules at the intersection of Horne Street and Cocoa Jackson Lane, are local to the area as they are aware of the local traffic conditions and more willing to take the risk.

Infringements for what is known as “moving violations” such as speeding or ignoring turn ban signs are the responsibility of the Victoria Police to enforce. Council cannot enforce these violations. Rather, Council officers can refer the matter to the police for enforcement if deemed necessary, and/or investigate options to amend the road design to alleviate the problem behaviour.

On 7 November 2022, a letter was circulated to the nearby properties seeking feedback on the option to install bollards within Cocoa Jackson Lane, where it intersects Horne Street to prevent vehicle access. This option would directly address the concerns that drivers are contravening the road rules at this location. Responses were received from 33 residents via phone and email. Of those, 25 people were unsupportive, two were indifferent and six were supportive of the option to install bollards. Based on the feedback received, Council officers do not recommend pursuing this option any further at this time.

Officers investigated opportunities to lengthen the existing traffic island in Horne Street to further discourage these illegal right turn manoeuvres but due to an existing driveway, there is little scope for improvement. Council officers will circulate a letter to the owner and occupiers of properties within the nearby vicinity to help reinforce the road rules and address the driver behaviour issues. Council officers can also increase the size of the existing roadside no right turn signs on Horne Street to reiterate the turn ban.

A new mixed-use development is currently being constructed on the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street (referred to as “new development” in this report). It is very likely that the construction activities related to this new development are exacerbating any existing issues along the laneway, especially given the concerns raised by residents about the Reece loading operations overlap with the construction period. Once occupied, the estimated traffic generated from this development may have a noticeable impact on the operation of Cocoa Jackson Lane as the daily traffic volumes are expected to increase by approximately 160 per cent, but still expected to be within acceptable levels for the capacity of the laneway and surrounding streets.

At this stage, following a thorough investigation, Council officers recommend that the operation of Cocoa Jackson Lane be monitored and that the issues be responded to on an as need basis. Any significant changes to the traffic management in Cocoa Jackson Lane should be considered following the completion and occupation of the new development to garner a complete picture of the future operation of the nearby local streets.

**Previous Council Decisions**

**Traffic and Parking Management - Brunswick** - 13 April 2022

*That Council:*

*…*

*2. Calls for a report to be presented to the December Council Meeting investigating traffic management options in consultation with Warburton and Horne Streets and Cocoa Jackson Lane residents including the option of bollards to prevent heavy vehicles accessing residential streets.*

*…*

**1. Policy Context**

**Moreland Integrated Transport Strategy**

The review of the laneway aligns with Council’s adopted Moreland Integrated Transport Strategy 2019 as follows:

 Strategy 3: Protect our local streets from the impacts of increasing vehicle traffic.

 Strategy 6: Create a safer space for all users, day and night.

 Strategy 18: Support safe and efficient local freight, servicing and loading, being conscious of impact on liveability

**2. Background**

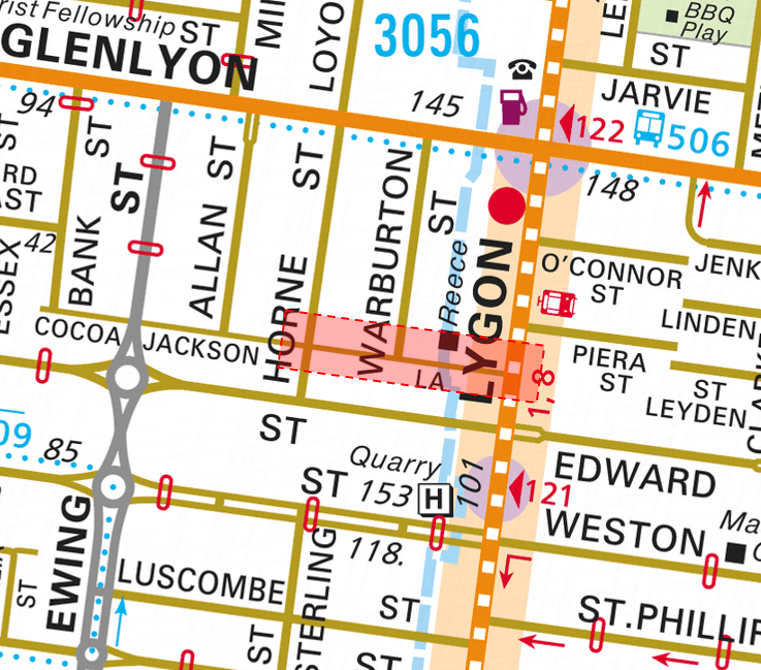
**Local Street Network**

***Local Streets***

As outlined in the Integrated Transport Strategy, the main function of local streets is to provide access to and from adjacent properties. They should prioritise walking and bike riding amenity and safety and support local bus movements, where they are present.

Cocoa Jackson Lane, Warburton Street and Horne Street in Brunswick form part of an area wide 40 km/h speed limit that is bounded by Glenlyon Road in the north, Lygon Street in the east, Brunswick Road in the south and Sydney Road in the west.

Figure 1 shows the location of Cocoa Jackson Lane, Horne Street, Warburton Street in the context with the wider local street network.



*Figure 1 Map highlighting Cocoa Jackson Lane within the local street network*

Descriptions of the local street network and traffic, walking and bike riding survey results can be found in **Attachment 1**.

**Crash History**

A review of the crash history database along Cocoa Jackson Lane between and including the intersections of Lygon Street and Horne Street found that in the most recent five-year period, there have not been any recorded crashes.

This is important to note as Council prioritises its annual Capital Works Program based on traffic speed, volumes, and casualty crash data. Sites with higher speed, volume, and road casualty data (including serious injury or fatality) are given a higher priority in funding.

**Laneway key land uses**

***Reece***

Reece has occupied the building at 123 Lygon Street for around 40 years. Pedestrian access for customers is provided directly from Lygon Street. The store has no on-site car parking and operates the loading and unloading of pipes and other materials directly from Cocoa Jackson Lane.

The vehicles that frequent the site include general customers picking up goods, Reece branded utility vehicles used for deliveries to construction sites and inbound trucks delivering goods to the store.

The store is open from 7 am-5 pm Monday to Friday and 8 am-12 pm Saturday. The store is closed on Sunday.

A council officer met with representatives from Reece on 28 September 2022 to observe the peak morning period and discuss the operation of the business.

Reece are looking into opportunities to cater for on-site loading and unloading in the next 18-24 months. This demonstrates that Reece are considering alternatives to loading and unloading from Cocoa Jackson Lane. They anticipate that once the new development is completed, they will likely have ongoing issues with their existing operation.

Council officers commissioned queuing surveys of Cocoa Jackson Lane adjacent to the Reece loading area. There were 52 vehicles recorded as queued in this area throughout the day (which accounts for half of the daily laneway traffic). Of the queued vehicles, 10 were classed as heavy vehicles. On average, it took seven minutes for the queue to clear.

As the daily traffic volumes recorded in Cocoa Jackson Lane near Lygon Street and Warburton Street were in the order of 100 vehicles per day, it is expected that Cocoa Jackson Lane is not used as a through route for drivers and the eastern end is predominately used by vehicles associated with Reece.

The survey results generally indicate that traffic is not excessive in Cocoa Jackson Lane

***New Development at 119a-121 Lygon Street***

The construction of a new seven-storey mixed-use development including 48 car parking spaces within the land at 119a-121 Lygon Street (new development) was approved at VCAT in 2018.

As taken from the expert evidence of the applicant’s Traffic Engineer, the proposal is estimated to generate 164 vehicle trip ends per day. This will have the result of increasing the traffic in the lane to approximately 25-27 vehicle movements in the peak hour. It is critical to note that whilst this increase in traffic can be readily accommodated within Cocoa Jackson Lane, it will result in an overall increase in daily laneway traffic in the order of 160 per cent. Therefore, the laneway could operate in a very different way post construction.

The vehicle access to the basement car park of the new development will be located adjacent to Lygon Street. To promote left-in and right-out movement between the car park and Cocoa Jackson Lane, the vehicle access will be angled towards Lygon Street. This will aid in reducing any potential conflict with vehicles loading and unloading within the laneway. It is also understood that between Lygon Street and the western edge of the vehicle access to the new development, Cocoa Jackson Lane will be locally widened to 6.2 m to better cater for two-way simultaneous vehicle access.

It is understood that the construction related activity is likely exacerbating the issues within Cocoa Jackson Lane. Council officers understand that:

 Construction of the building facade required vehicles to occupy the laneway which may have created flow-on impacts to Cocoa Jackson Lane and the Reece loading activities

 Large trucks that are delivering construction materials often use Cocoa Jackson Lane; increasing the heavy vehicle volumes

 Construction related traffic has generally occupied all the on-street car parking along the store frontage on Lygon Street, resulting in more customers accessing Reece via Cocoa Jackson Lane.

 As shown in the Figure 2, due to the black coloured temporary construction hoarding fencing for the new development, the usable width of the laneway has been reduced by 200mm and passing a propped vehicle in this section of the laneway has become more difficult.



*Figure 2 View of Cocoa Jackson Lane looking east towards the Reece loading area and the new development*

The development is forecast to finish at the end of 2022 but the completion date is likely to extend into 2023.

**3. Issues**

**Concerns raised**

There are two key concerns raised by residents which can be summarised as:

1. Some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane, where it intersects with Horne Street

2. The loading activities associated with Reece, which has been operating out of the building at 123 Lygon Street for 40 years, are creating noise and safety issues within Cocoa Jackson Lane.

These two key concerns have been expanded below.

***Horne Street intersection with Cocoa Jackson Lane***

Over the years, concerns have been raised about the Horne Street intersection with Cocoa Jackson Lane as some drivers are disobeying the road rules and turning right into and out of Cocoa Jackson Lane from Horne Street and as a result, some vehicles are impacting the fence of 27 Horne Street.

As shown in Figure 3, there have been two bollards installed to guide drivers away from the fence.



*Figure 3 Image of bollards at the corner of 27 Horne Street and Cocoa Jackson Lane*

It is understood the installation of these bollards has gone some way to appease the concerns from local residents that drivers are hitting the fence.

***Warburton Street intersection with Cocoa Jackson Lane***

Within the past 12 months, one resident has shared their concerns that trucks turning into Cocoa Jackson Lane from Warburton Street are damaging the street trees, dislodging bluestone blocks and damaging property including walls and fences.

***Operation of Cocoa Jackson Lane***

The same resident has shared their concerns that Reece generates a significant number of utility vehicles and truck movements, and that the use of Cocoa Jackson Lane for loading and unloading of goods is unsafe and potentially illegal.

The resident expressed concern that vehicles propped waiting to access the Reece loading area do so alongside their dwelling, causing noise issues due to the idling vehicle sounds and klaxon for reverse movements. There are also concerns that their children may be hit by passing traffic when they enter the laneway from their garage.

**Legal road uses**

For supplementary reading, the road rules that are relevant here to address the concerns shared by the community are discussed in **Attachment 2**.

**Opportunities**

Council officers have considered a number of opportunities to address the concerns raised. The opportunities that Council officers have included as a recommendation are discussed below. The opportunities that Council officers do not consider viable at this time have been included in **Attachment 3**.

**Horne Street and Cocoa Jackson Lane**

There are concerns that drivers are disobeying the road rules and turning right into and out of Cocoa Jackson Lane where it intersects with Horne Street, impacting the fence of 27 Horne Street.

***Install Bollards within Cocoa Jackson Lane at Horne Street***

Council officers have investigated opportunities to install bollards within Cocoa Jackson Lane, where it intersects Horne Street to prevent vehicle access. People walking and riding would still be able to access the laneway via Horne Street.

On 7 November 2022, a letter was circulated to the properties bound between Glenlyon Road, Lygon Street, Edward Street and Horne Street seeking feedback on the option to install bollards at this location.

Responses were received from 33 residents via phone and email. Of those, 25 people were unsupportive, two were indifferent and six were supportive of the option to install bollards. The key themes in the feedback were that installing the bollards would:

 Increase traffic and parking pressure on Warburton Street

 Create an inconvenience for those accessing Barkly Square and Sydney Road

 Do little to address the concerns that large trucks accessing Reece use Cocoa Jackson Lane

 Limit access to garages

 Make the intersection safer for people walking and riding, especially children

Based on the feedback received, Council officers do not recommend pursuing this option any further at this time.

***Notify residents via circular letter***

Given the daily vehicle volumes on Cocoa Jackson Lane are in the order of 100 vehicles per day only, it is likely that most drivers use the lane to access properties fronting Cocoa Jackson Lane or to properties where the vehicle access is from one of the two north-south laneways. It is likely that the drivers who choose to contravene the road rules by turning right out of and into Cocoa Jackson Lane at Horne Street are those who are living locally and familiar with the conditions.

To address this behaviour, Council officers will circulate a letter to properties in the vicinity to reinforce the road rules.

Infringements for moving violations such as speeding or ignoring turn ban signs are the responsibility of the Victoria Police to enforce. Council is not able to issue infringements for these violations.

***Improve linemarking and signage***

As shown in Figure 4 below, the existing line marking related to the Horne Street traffic island is clearly visible and does not required reinstating.



*Figure 4 View of Horne Street traffic island looking north toward Cocoa Jackson Lane*

There is existing no right turn signs in both the traffic island and within the left-hand side grass verge (roadside) for both approaches. To reinforce the road rules, Council officers will increase the size of the existing roadside no right turn signs on Horne Street.

**Summary**

The two main concerns in the laneway are that drivers are contravening the road rules on Horne Street by turning right into and out of Cocoa Jackson Lane and that large trucks and utility vehicles frequent Reece which creates noise and safety concerns for residents. To address the first concern and reinforce the road rules, there is an opportunity to inform the drivers of the nearby properties via a circular letter and increase the size of the existing roadside no right turn signs on Horne Street.

Following feedback from nearby residents on the opportunity to install bollards within Cocoa Jackson Lane, where it intersects Horne Street, Council officers do not recommend pursuing this option at this time.

Council officers are committed to managing the loading and unloading of goods at Reece in order to promote the safety of all road users in the laneway. The future operation of the Cocoa Jackson Lane will be influenced by the new development and any proposed traffic management changes should be carefully considered. For that reason, at this time, Council officers are proposing to investigate the operation of the laneway in 6-12 months to compare and contrast it to the existing conditions. At that time, Council officers can reinvestigate the need for traffic management treatments.

**Community Impact**

Council officers have concluded that Cocoa Jackson Lane, Horne Street and Warburton Streets are currently operating in a safe manner for all road users and are not proposing any traffic management treatments at this time.

Council officers acknowledge that this conclusion may not align with what one or two community members were hoping for.

As outlined in the opportunities discussion, implementing a traffic management treatment at this time would significantly impact the community and is not recommended until the new development has been completed and is occupied.

**Legal and risk considerations**

Council officers have demonstrated that legally we cannot prohibit access for heavy vehicles within the local street network.

**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 reports’ recommendations have not been found to impinge on these rights and responsibilities.

**4.** **Community consultation and engagement**

**Affected persons rights and interests**

All owners and occupiers of properties bounded by Lygon Street, Glenlyon Street, Horne Street and Cocoa Jackson Lane may be impacted by any future changes to Cocoa Jackson Lane and the surrounding streets.

**Communications**

On 7 November 2022, a letter was circulated to the nearby properties bound between Glenlyon Road, Lygon Street, Edward Street and Horne Street seeking feedback on the option to install bollards within Cocoa Jackson Lane, where it intersects Horne Street to prevent vehicle access.

Responses were received from 33 residents via phone and email. Of those, 25 people were unsupportive, two were indifferent and six were supportive of the option to install bollards. Based on the feedback received, Council officers do not recommend pursuing this option any further at this time.

To address concerns that drivers are turning right into and out of Cocoa Jackson Lane where it intersects Horne Street, a circular letter will be sent to owners and occupiers of properties in the local vicinity to reinforce the road rules.

It is important for the community to understand that Council is committed to maintaining a safer environment for all road users along Cocoa Jackson Lane. Council officers acknowledge that the noise and traffic generated from Reece can impact residential amenity. It is also important to communicate that Reece have been operating for 40 years from this site and any possible solution will need to balance the needs of the community.

Should an opportunity to address key issues be identified following a future review, a thorough consultation process can be undertaken with the owner and occupiers nearby properties. Councillors can be advised of this process, if necessary.

**5. Officer Declaration of Conflict of Interest**

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

**6. Financial and Resources Implications**

Council officers will continue to monitor the operation of the laneway and can undertake a second engineering review following the completion of the new development.

**7. Implementation**

The proposed circular letter will be sent to residents within 2 weeks of the Council meeting. Council officers are committed to ensuring that Cocoa Jackson Lane and the surrounding local streets operate in a safe manner and recommend that issues be monitored and responded to on an as need basis.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Local street descriptions and survey summary | D22/474561 |  |
| **2** | Relevant Road Rules and Regulations | D22/473530 |  |
| **3** | Discussion of unviable traffic management options with swept path assessments | D22/474412 |  |

7.5 Suburb Boundary Realignment - 119A and 121 Lygon Street Brunswick East

**Director Business Transformation Sue Vujcevic**

**Finance and Procurement**

## Officer Recommendation

That Council approves the suburb boundary realignment to the western boundary of 121 Lygon Street, in order to ensure that the development at 119A and 121 Lygon Street, is located wholly within the suburb of Brunswick East, 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 residential apartment development currently under construction on land parcels known as 119A Lygon Street, Brunswick East and 121 Lygon Street which lies partly within the suburb boundary of Brunswick and partly within Brunswick East. 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 of this new development. Without the provision of street numbers from Council, the development is unable to arrange services to be connected and therefore 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 dissect the new apartment development. The proposed new suburb boundary re-alignment is considered to be most effectively resolved by including the entire building in the suburb of Brunswick East.

Previous Council Decisions

Planning permit application MPS/2017/1021 for a 6 storey residential apartment building was refused under delegated authority of Council in May 2018. A planning permit for a modified development was subsequently issued at the direction of the Victorian Civil and Administrative Tribunal.

## A planning permit SP/2020/204 was issued under delegated authority of Council for the subdivision of the residential apartment building currently under construction of the land at 119A and 121 Lygon Street in December 2022.

## 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

4. The locality boundary for corner blocks should be the same as those for neighbouring properties accessed from the same road. There are four options for the location of boundaries, as shown in diagrams a, b, c and d below

Diagram d. shows one option on how to apply a locality boundary where multiple shop fronts or residences on one property have access to both Black Street and White Street.

5. If a property is situated on a corner and the block is subdivided with one or more of the new properties accessed from a road generally being addressed to a different locality, the locality boundary should be changed to incorporate the new subdivided properties

## 2. Background

Historically the suburb boundary between Brunswick and Brunswick East has dissected the property at 121 Lygon Street and ran along the western boundary of 119A Lygon Street as shown on the “Current Boundary” map below.

**Current boundary:**



A planning permit has been issued for an apartment development on the combined land of 119A-121 Lygon Street, Brunswick East. The construction of this development is well progressed. Council has also issued a planning permit for the subdivision of the land into 49 separate land parcels. The subdivision process is progressing however can only be finalised with the release of addressing and in turn Certificates of Title by Land Victoria.

Property settlements require official addressing to be provided to allow for completion of service authority connections (electricity, gas, water, drainage and telecommunication) to these new addresses.

The finalisation of the subdivision process involves the release of new street numbering by Council.

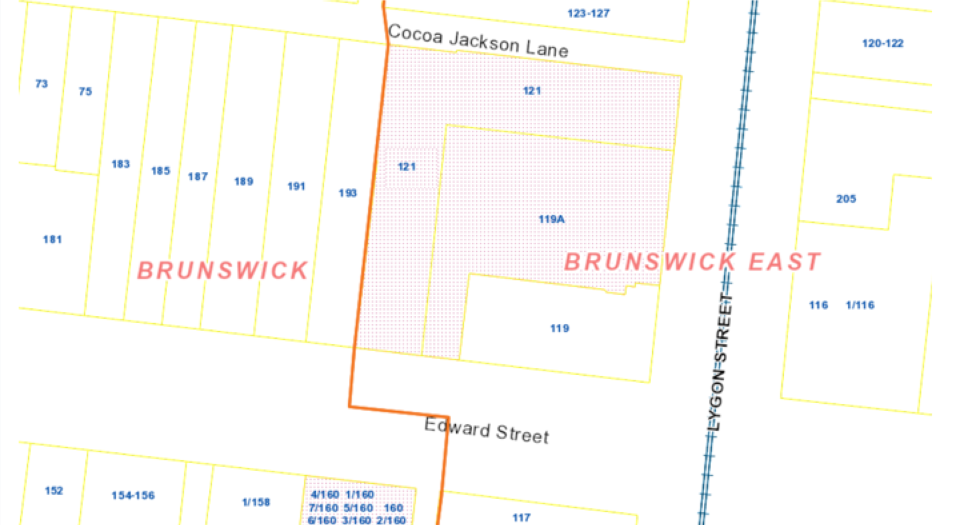
As part of the normal subdivision of land process, the property owner wrote to Council on 6 September 2022 requesting that Council provide new property addresses pursuant to its powers and responsibilities under the *Geographic Place Names Act 1998.*

Currently Council is unable to issue the new addresses/street numbering as the development is bisected by the boundary between Brunswick and Brunswick East. This is delaying the development with the connection of utility services, as well as 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.

The Addressing Standards and official Naming Rules for Places in Victoria both require that the building not be bisected within two suburbs and therefore the suburb boundary should be resolved. The Australian Standard, AS NZS 4819-2011 Rural and Urban Addressing require that the suburb boundary should be adjusted prior to new addresses being released. Once Council resolve to realign the suburb boundary it is submitted the Geographic Names Victoria Registrar for finalisation whereby the Land Victoria maps are amended.

As a majority of the parcel sits within Brunswick East and due to the current configuration of the boundary, the appropriate resolution is to realign the suburb boundary so that the entire development is encompassed into Brunswick East as per below. This is in line with the Official Naming Rules for Places in Victoria.

**Proposed Boundary:**



There is only one property that is impacted by this change being the development site itself at 119A & 121 Lygon Street. The landowner has written to Council confirming support of this proposal.

The proposed suburb boundary realignment:

 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. 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 new addresses/street numbering as the development is bisected by the boundary between Brunswick and Brunswick East. This is delaying the development with the connection of utility services, as well as 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 so that the entire development is encompassed into Brunswick East.

### Community impact

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

Council officers have also confirmed that the current development was marketed as apartments in Brunswick East and therefore all purchasers are of an understanding that the property will be located in Brunswick East.

### 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 apartments.

### Human Rights Consideration

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

## 4. Community consultation and engagement

Council's 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; and as the views of the affected land owner are known, with a letter of support having been received, Council has not carried out additional community 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.

This decision on proposed change of suburb boundary affects part of the land at 121 Lygon Street and has implications for the street numbering of the entire apartment development on the land comprising 119A and 121 Lygon Street. The owner of these land parcels have provided a letter of support to change the suburb as recommended in this report.

As no other persons are affected by the change in suburb boundary, and a letter of support has been provided by the owners, no further community consultation or engagement has been 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

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.

**7.6 Council Action Plan 2022-23 - Second Quarter Performance Report**

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

**Officer Recommendation**

That Council:

1. Notes the Council Action Plan 2022-2023 – Second Quarter Performance Report (provided as Attachment 1).

2. Endorses that action 145: 'Commence construction of Wheatsheaf Road streetscape improvement’ be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.

**REPORT**

**Executive Summary**

This Second Quarter Performance Report (shown at Attachment 1) gives an overview of Council’s performance through the delivery of the Council Plan 2021-2025, specifically the delivery of the Council Action Plan 2022-23 through to 31 December 2022.

The status of the 97 actions is as follows:

 6 per cent (6) closed (completed, achieved)

 89 per cent (86) in progress (on track)

 1 per cent (1) behind target (off track)

 1 per cent (1) critical (significantly delayed)

 1 per cent (1) actions not started (action not started)

 2 per cent (2) withdrawal or proposed withdrawal

There is the proposed withdrawal of action 145: *'Commence construction of Wheatsheaf Road streetscape improvement’* for delivery in 2022-23 and its referral for delivery to the 2023-24 Council Action Plan due to significant project complexities which are outlined in the report.

This report also includes updates on those actions that were not achieved or *‘Off-Track’* from the 2021-22 action plan. As resolved by Council on 10 August 2022, Council will continue to report on these actions until their completion (as outlined in the Issues section of this report).

**Previous Council Decisions**

**Council Action Plan 2022-23 – First Quarter Performance Report – 9 November 2022**

*That Council:*

*1. Notes the Council Action Plan 2022-2023 – First Quarter Performance Report (provided as Attachment 1).*

*2. Endorsed a new delivery timeframe for action 66 ‘Scope a coordinated approach and policy on digital inclusion in Merri-bek’ from delivery in quarter one of 2022-23 to quarter three (March 2023).*

*3. Notes the delay in delivering action 7 ‘Develop the Open Space Strategy’ and endorses that this Action be extended into the 2023-24 Council Action Plan.*

*4. Endorsed that action 146: 'Commence construction of the Stewart Street streetscape improvement' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.*

**Council Action Plan 2021-22 – Fourth Quarter Performance Report –** 10 August 2022

*That Council:*

*1. Notes the Council Action Plan 2021-2022 – Fourth Quarter Performance Report for the period ending 30 June 2022 (provided as Attachment 1).*

*2. Endorsed that action* *56 ‘Support the implementation of the Men at Work Pilot Program through facilitating local partnerships and promotion’ as identified for delivery in the Council Action Plan 2021-2022 be withdrawn and discontinued for delivery from the Council Action Plan entirely.*

*3. Endorsed that ‘Off Track’ actions from the Council Action Plan 2021-2022 will continue to be reported to Council through the quarterly reporting cycle of the Council Action Plan 2022-2023, until completion.*

**Council Action Plan 2021-22 – Third Quarter Performance Report –** 11 May 2022

*That Council:*

*1. Notes the Council Action Plan 2021-2022 – Third Quarter Performance Report for the period ending 31 March 2022 (provided as Attachment 1).*

*2. Endorsed that action 43 ‘Support sports clubs to deliver free activities through application to Council's community grants program’ is withdrawn for 2021/22 delivery (placed on hold) and will be added to the Council Action Plan 2022/23 as an action for year 2 of the Council Plan delivery.*

*3. Endorsed that action 66 ‘Scope a coordinated approach and policy on digital inclusion in Merri-bek’ is withdrawn for 2021/22 delivery (placed on hold) and will be added to the Council Action Plan 2022/23 as an action for year 2 of the Council Plan delivery and to be completed in the first quarter of 2022/23.*

*4. Endorsed that action 70 ‘Take forward place based and integrated approaches to meeting community needs by developing precinct plans’ is withdrawn for delivery in 2021/22 and discontinued for delivery from the Council Action Plan entirely.*

*5. Endorsed that action 102 ‘Develop community programs framework to support wellbeing and learning outcomes’ is withdrawn for 2021/22 delivery (placed on hold) and will be added to the Council Action Plan 2022/23 as an action for year 2 of the Council Plan delivery.*

**Council Action Plan 2021-22 - Second Quarter Performance Report** –9 March 2022

*That Council:*

*1. Notes the Council Action Plan 2021-2022 – Second Quarter Performance Report for the period ending 31 December 2021 (provided as Attachment 1).*

*2. Endorsed that action 75 ‘Council to adopt principles for design and location of public toilets and then identify and prioritise locations for new and upgraded public toilets as part of planning for community infrastructure, activity centres and open space, leading to an investment plan that feeds into the capital works program’ is withdrawn for 2021/22 delivery and placed on hold as an action for year 3 of the Council Plan.*

**Adoption of the Merri-bek Community Vision 2021-2031, Merri-bek Council Plan 2021-2025 and Merri-bek Council Action Plan 2021-2022** – 20 October 2021

*That Council:*

*1. Adopts Merri-bek Council Plan 2021–2025 (provided as Attachment 2) in accordance with legislative requirements of the Local Government Act 2020 and the Public Health and Wellbeing Act 2008, noting that it incorporates the Municipal Public Health and Wellbeing Plan 2021-2025.*

*2. Adopts Merri-bek Council Action Plan 2021-2022 (provided as Attachment 4) as the first year of actions to deliver against the Merri-bek Council Plan 2021-2025.*

**1. Policy Context**

In accordance with sections 88 and 90 of the *Local Government Act 2020*, Council adopted its Community Vision 2021-2031 and Council Plan 2021-2025 in October 2021.

The Council Action Plan 2022-23 supports implementation of the Council Plan 2021-2025 for the second financial year of the 4-year period and includes the specific actions to be undertaken that are resourced through the 2022-23 annual budget (included in the 2022-2026 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 second quarter performance report is to provide a status update on delivery against the Council Action Plan 2022-2023 as of 31 December 2022.

This report also includes updates on those actions that were not achieved or ‘Off-Track’ in the 2021-22 action plan and as resolved by Council in August 2022 to continue reporting on these actions separately, yet concurrently until their completion are outlined in the table below through Council’s quarterly reporting process.

**3. Issues**

**Council Action Plan Second Quarter Performance**

Council has 97 actions in the Council Action Plan 2022-23. The action status of the delivery is presented below in the following categories, and the percentages complete.

Detailed results for the second quarter performance are shown in **Attachment 1**.

The status of the 97 actions in the plan is as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Number** | **Percentage** | **Status** | **Definition** | **Traffic Light** |
| 6 | 6% | Achieved | Completed, achieved |  |
| 86 | 89% | In progress | On track |  |
| 1 | 1% | Off track | Behind target |  |
| 1 | 1% | Critical | Action is significantly delayed |  |
| 1 | 1% | Action not started | Action not started |  |
| 2 | 2% | Withdrawal or proposed withdrawal | On hold or removed |  |

**Completed actions (Achieved)**

6 actions or 6 per cent have been achieved with their objective complete as shown in the table below.

| **Action #** | **Action Description and Q2 Update** | **%**  **Complete** | **Directorate** |
| --- | --- | --- | --- |
| 29 | **Investigate the extensions of tram routes 19 and 58**  Council officers have investigated options for tram extensions for routes 19 and 58 and briefed Councillors in September 2022. This will help inform a future advocacy position of Council. This action was achieved in the first quarter of this year. | Achieved | City Infrastructure |
| 72 | **Investigate financial incentives to encourage maintenance of heritage buildings**  An investigation of financial incentives to encourage maintenance of heritage buildings was completed and reported to Council at its meeting 7 December 2022 - Report reference 7.2 Heritage Action Plan - Status Report. | Achieved | Place and Environment |
| 81 | **Review Merri-bek Planning Scheme and prepare a plan for implementing review recommendations**  A review of the planning scheme was completed and reported to the 12 October 2022 Council meeting - Report reference 7.3 Planning Scheme Review Report. | Achieved | Place and Environment |
| 95 | **Develop industry sector profiles and promote the value of these sectors to the broader community**  Officers have completed the development and release of the Industry Papers series celebrating Merri-bek's most important economic sectors. In the previous financial year, four industry papers (covering Health, Retail, Creative and cultural, and Manufacturing) were developed and launched. During the first half of this current financial year, two further papers related to (i) Professional, Scientific and Technical and the (ii) Education and Training sectors have been completed and promoted through various channels including social media and Council's website - on the 'Which sectors to invest in?' page. | Achieved | Place and Environment |
| 132 | **Finalise contract terms for the transfer of land for the purposes of a new health and community services precinct within Coburg**  Following detailed negotiations around community benefit and delivery requirements, the contract of sale to transact land at Bell Street, Coburg for the purposes of creating a health and community services precinct, was signed in December 2022. | Achieved | Place and Environment |
| 160 | **Finalise and begin implementing the change of the municipal name**  We are continuing to roll-out the implementation including branding guidelines, signage replacements across the municipality and uniform updates. A once off Renaming Community Support Grant was also established by Council in December 2022. This will commence in late February/early March 2023. | Achieved | Community |

**On track (In Progress)**

86 actions or 89 per cent of actions are in progress and on track to complete their objective in the Council Action Plan 2022/23 as shown in **(Attachment 1).**

**Off track (Behind Target)**

1 or 1 per cent of actions are considered as off track.

| **Action #** | **Action Description and Q1 Update** | **% Complete** | **Directorate** |
| --- | --- | --- | --- |
| 7 | **Develop the Open Space Strategy - The Strategy will assist with identifying priorities for new and expanded open space and for decision-making about the use of open space to support passive and active recreation, water management, nature and the urban forest.**  A project manager has been appointed to lead the development of the strategy; however, they won't commence working full time on the project until early 2023. Detailed project planning, including the development of a community engagement plan is under way. | 15% | City Infrastructure |

**Critical (Action is significantly delayed)**

1 or 1 per cent of actions are considered as off track.

| **Action #** | **Action Description and Q1 Update** | **% Complete** | **Directorate** |
| --- | --- | --- | --- |
| 26 | **Design, approval and construction of new shared paths along the Craigieburn Rail Corridor**  Significant works have been done in quarter two for the section between Gaffney Street and Bothwell Street (stage 3) to progress MTM/VicTrack approvals to access the corridor for surveys in order to then complete designs and undertake flood modelling. It was hoped to have this section constructed by 30 June 2023, but flood modelling has highlighted some issues that require further investigation and a possible redesign so this important work will continue in the next quarter with the reviewed aim to have a design approved by MTM/VicTrack by 30 June 2023 to be shovel ready for any future grant opportunities. | 40% | City Infrastructure |

**Action not started**

1 or 1 per cent of action are not yet started. Reporting in this way allows us to be as transparent as possible with the Councillors and the Community on the status of the plan. Some actions are not planned for delivery until the second half of the financial year. Further information is provided in the table below.

| **Action #** | **Action Description and Q1 Update** | **% Complete** | **Directorate** |
| --- | --- | --- | --- |
| 144 | **Commence Detailed Design for West Street streetscape renewal**  After the detailed design is completed in Quarter 3 (refer to Action 90 from Council Action Plan 2021/22) a tender for the construction of West Street will commence. Completion of this Action: Quarter 4 (June 2023). | Action not started | Place and Environment |

**Proposed Withdrawn Action**

Council endorsement is sought for action 145: *'Commence construction of Wheatsheaf Road streetscape improvement’* to be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.

**Officer reasoning:**

Due to complexities of having to site proposed new trees in the road reserve for the Wheatsheaf Road Streetscape Improvement Project, permission will need to be sought for the design from the State Government who owns and manages Wheatsheaf Road.

This is likely to take longer than was originally intended for the project, and construction is now expected to begin next financial year. Therefore, it is proposed that this action item is withdrawn for this financial year.

**Completion of this Action:** Next Financial Year 2023/2024.

**Additional financial information:** The Branch responsible for the delivery of this action will follow the appropriate Council process to carry forward the budget attached to this action and seek to realign it with the Capital Works budget.

**Previously Endorsed Withdrawn Action**

Council endorsed the withdrawal of action 146 “*Commence construction of the Stewart Street streetscape improvement”* in quarter one.

**Council Action Plan 2021/22 remaining actions progress report**

**Not - Achieved (Off-Track)**

There were sixteen (16) actions that were not achieved and deemed 'Off Track' as at the end of the Council Action Plan 2021-2022 reporting period.

At its meeting held 10 August 2022, Council resolved to continue to report on these actions (until their completion) through the quarterly reporting cycle of the Council Action Plan 2022-2023.

These actions (as highlighted in the table below) will be separately reported and presented concurrently with the quarterly updates for the Council Action Plan 2022-2023. The intention was to have these actions 'Achieved' by the end of quarter two 2022-2023, where possible.

Three (3) actions were achieved in the first quarter of this year, and a further nine (9) actions have been completed this quarter, leaving four (4) actions to complete by the end of this financial year. These actions will continue to be delivered under existing resources.

| **Action #** | **Action Description and Q4 Update** | **% Complete** | **Directorate** |
| --- | --- | --- | --- |
| 9 | **Design of the Dunstan Reserve Storm Water Harvesting System**  The Detailed Design for Dunstan Reserve Stormwater Harvesting has been completed. Pending budget approval as part of the annual budgeting process, next steps will be to tender and construct the system. | Action Achieved | Place and Environment |
| 10 | **Develop catchment scale placed-based plans for delivery of IWM outcomes**  The place-based final report has been received, reviewed and approved by the IWM Working Group including, Melbourne Water, Yarra Valley Water, DELWP and internal Merri-bek stakeholders. This will inform future years planning and budgeting. | Action Achieved | Place and Environment |
| 15 | **Finalise Kerbside Waste Service and Charge Policy and plan the communications and education to support roll-out of the reformed service**  Revisions to the Kerbside Waste Service and Charge Policy were endorsed by Council at the 7 December 2022 Council Meeting. Reporting on implementation of the communications and education plan for the reformed service will continue against the broader 2022-23 action to implement the reformed kerbside waste service (CAP no.120). | Action Achieved | Place and Environment |
| 23 | **Implement and finalise Covid-19 Safe Movement Pedestrian and Bicycle Transport Program**  All actions are completed. It is noted that some items such as the reduced speed limit of 40km/h on all local roads has not been formally approved by the State Government, but works are underway to seek approval which was the Council commitment for the COVID-19 safe movement of pedestrians and bike riders. | Achieved in Q1 | City Infrastructure |
| 33 | **Negotiate the Building Block Partnership MOU, project schedule and funding package with State Government**  The agreement was entered into on 22/7/22 and announced by the Minister for Early Childhood and Pre-prep at an event at Turner St Kindergarten Pascoe Vale on 23/8/22. | Achieved in Q1 | Community |
| 41 | **Investigate need and location options for a new synthetic hockey pitch and sports pavilion**  A council report was presented in September 2022, which outlined the feasibility of a number of sites and recommendations for a second Hockey pitch in Merri-bek, including anticipated costs. This action is complete, however Council resolved to investigate the appropriateness of recommended sites and report back at a future Council meeting, which will occur in 2023. | Achieved in Q1 | Community |
| 47 | **Develop the implementation plan for the Disability Access and Inclusion Plan and identify partner organisations**  The implementation plan has been completed and will be updated and adjusted as required. The key actions and updates on the implementation will be reported to the Human Rights and Inclusion Advisory Committee and Disability Reference Group. | Action Achieved | Community |
| 57 | **Include a gender affirming statement of 'what is gender' within the current gender equality commitment to be included in gender impact analysis**  The Gender Affirming Statement is being implemented through the development of Council's inclusive Language Guide, resources and training for the workplace. Further, the Commitment's Action Plan 2022-2024 has a focus on equitable access of people of all genders to services, programs and in our workplace. | Action Achieved | Community |
| 59 | **Scope the delivery of healthy eating initiatives and links to food security in the Food Systems Strategy**  The scoping of healthy eating initiatives across Merri-bek, other Local Governments and State programs has now been completed. The recommendations will inform Council's key partner, Merri Health, to finalise their Integrated Health Promotion Plan. A key project of the scoping activity included partnering with sporting clubs regarding healthy eating and the 'traffic light' system in partnership with the Healthy Eating Advisory Service. Other highlights include the Food Leadership Action Group focusing on further partnerships to develop Food insecurity approaches to incorporate healthy eating initiatives**.** | Action Achieved | Community |
| 62 | **Scope a coordinated approach to supporting volunteering in the community**  Scoping a coordinated approach in supporting volunteering in the community has been completed with comparison of National Standards of Volunteering and recommendations are being considered by all relevant internal stakeholders. A revised work experience policy will be expanded to include volunteers, which has been a direct output of the scoping actives. | Action Achieved | Community |
| 64 | **Develop and implement Council rough sleeping protocol**  The protocol (now referred to as a guideline) is finalised. Staff will be further supported to respond to anti-social behaviour and identify strategies for supporting rough sleepers, which will be supported by a social worker role within our libraries area. | Action Achieved | Community |
| 73 | **Review operational plans addressing removal of graffiti, unsightly properties, dumped rubbish, public litter bins, drinking fountains, public toilets, car park opening hours and public lighting**  Resources have been diverted to other priorities in the first half of 2022/23, the proactive aspects of these operational reviews will commence properly in quarter three. | 60% | City Infrastructure |
| 79 | **Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg**  In September 2022, Council endorsed a resolution to advocate to the State Government for a redesignation of Coburg as a Metropolitan Activity Centre and for a partnership approach to the revitalisation of the centre. Affordable housing would be considered as a key part of this revitalisation. | 50% | Place and Environment |
| 90 | **Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program**  This quarter we commenced community and stakeholder engagement planning in preparation for public consultation activities to be undertaken in February 2023. | 70% | Place and Environment |
| 91 | **Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement**  Activities undertaken this period include progressing the detailed design and negotiating with key stakeholders, including Service Authorities regarding impacts to underground assets and the Department of Transport. The project is currently on track to go to tender in early - mid 2023, pending Department of Transport approvals and Council endorsement. | 75% | Place and Environment |
| 110 | **Develop and implement a Digital Engagement Framework that provides community members with high quality online information and participation opportunities**  The Digital Framework is being rolled out across the organisation to ensure our online engagement efforts are clear and inclusive. The rollout will be ongoing. | Action Achieved | Community |

**Community impact**

Community impact is addressed throughout the Council Plan 2021-2025 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 2021-2025 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 2021-2025 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 2021-2031 and Merri-bek Council Plan 2021-2025 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 Action Plan 2021 – 2025 (Council Action Plan).

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 2022-23 are resourced through the 2022-23 annual budget (included in the 2022-2026 Budget).

It is proposed to withdraw Action145: *'Commence construction of Wheatsheaf Road streetscape improvement’* for delivery in 2022-23 and refer it for delivery to the 2023-24 Council Action Plan. The Branch responsible for the delivery of this action will follow the appropriate Council process to seek to carry forward the budget attached to this action and to realign it with the Capital Works budget.

**7. Implementation**

The Council Action Plan second quarter performance results will be made available on Council’s website.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Action Plan Q2 Report 2022-23 | D23/13224 |  |

7.7 Financial Management Report for the Period Ended 31 December 2022

**Director Business Transformation Sue Vujcevic**

**Finance Management**

## Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 December 2022, at Attachment 1 to this report.

REPORT

**Executive Summary**

This report presents the Financial Management Report for the financial year to date period ending 31 December 2022.

The December Income Statement shows the Council surplus is $2.2 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 $38.5 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of $48.3 million, with $58.3 million budget remaining.

**Previous Council Decisions**

## 2022-23 First Quarter Financial Report – 7 December 2022

*That Council:*

*1. Notes the 2022/23 First Quarter Financial Report for the period ending 30 September 2022, including operating performance and capital performance;.*

*2. Notes the status of the capital works program for 2022/23;*

*3. Notes the increase to the full-year forecast for operating income of $4.9 million and increase to expenditure of $4.7 million arising from the 2022/23 First Quarter Financial Review;*

*4. Notes the unrestricted surplus of $4.0 million to be transferred to the Significant Projects Reserve, leaving an unrestricted forecasted surplus of $0.2 million;*

*5. Endorses the full-year capital expenditure forecast of $101.1 million, arising from the 2022/23 First Quarter Financial Review;*

*6. Carries forward the following capital project funding to the 2023/24 Capital Works Program.*

 *Merri Trial – Sumner Park to Capital City Trail Flood Mitigation – Bridge across Merri Creek into Darebin - $190,000*

 *Merri Creek Trail Access and Safety Upgrades - $170,000*

 *Park Reserve Public Toilet Upgrade - $156,266*

 *Road Safety at the Intersection of Albion Street and Nicholson Street - $60,000*

 *Holbrook Reserve Female Friendly Change Rooms - $50,000*

 *Craigieburn Shared Path – Stage 2 (Design) - $50,000*

 *Fawkner Transport Study - $50,000; and*

 *Street Landscape Improvements - $17,228.*

## 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 31 December 2022. The actual results are compared to the revised forecast which includes changes made in the First Quarter Financial Review which was endorsed by Council at the December meeting.

## 3. Issues

Council ended December 2022 with a surplus operating result of $25.2 million which is $2.2 million (10%) better than the YTD revised forecast of $22.9 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 2023. 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

 **User Fees** ended $0.9 million (30%) favourable due to health registrations being invoiced for the 2023 calendar year. 50% will be allocated to FY24 (timing).

 **Grants Operating** ended $0.8 million (10%) favourable primarily due to the early receipt of funding for the Commonwealth Home Support Program and funding from the Department of Human Services (timing).

 **Other Revenue** ended $0.7 million (23%) favourable due to the receipt of an insurance excess payment ($0.2 million) and higher than anticipated interest rates on investments ($0.5 million) (permanent).

These favourable variances are partially offset by grants Capital which ended $0.8 million (23%) unfavourable due to the timing of grant funding.

### Expenditure

 **Depreciation** ended $1.8 million (13%) unfavourable due to the of the asset revaluations at 30 June 2022 (permanent).

### 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 July 2022 to 30 September 2022. 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 $38.5 million which is tracking below the YTD forecast of $48.3 million (20%). The revised forecast includes the adopted budget plus the $25.1 million of carried forward projects from 2021-22.

### Cash

At the end of December, Council had cash and short-term investments of $116.5 million. This is $2.5 million higher 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 1.8 as at 31 December 2022. The Victorian Auditor-General's Office recommends that this ratio be 1.5 or higher. The current ratio is similar to this time last year.

### COVID-19 Financial Impacts

The annual budget was adopted at the June 2022 Council meeting.

### 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 2022/23 budget with the best possible outcome for Council and the community and in line with the adopted budget targets.

## 7. Implementation

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

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Financial Management Report - December 2022 | D23/27615 |  |

**7.8 Contract Variation: RFT-2021-217 – Wallace Reserve North and South Refurbishments**

**Director City Infrastructure Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

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.

**REPORT**

**Executive Summary**

The two Wallace Reserve pavilions (north and south) were originally scheduled for refurbishment in 2021/22, with the planning and design work done during the initial strict COVID-19 restrictions in 2019/20. Several aspects of the design were undertaken without the usual site visits and as a result there are some latent conditions that were not accounted for when the project was tendered in late 2021.

In March 2022 the Chief Executive Officer awarded under delegation Contract RFT-2021-217 to United Project Solutions for these pavilion refurbishments. This followed a quotation process whereby Council invited quotations from suppliers on a tendered Procurement Australia (PA) panel. The contract was originally due to end in September 2022 and was expected to cost $610,000 (ex GST). The total approved contract expenditure was $691,000 including 10 per cent contingency and a $20,000 Provisional Sum.

This project has experienced delays due to encountering latent conditions and design challenges. This has resulted an overall increase in cost and delivery timeframe.

The contractor has made claims for increased costs totalling $206,753,39. Accepting these claims and adding a further 5 per cent of contingency would bring the total contract cost to $877,591.06, a 27 per cent increase, above the Chief Executive Officer delegation for variations over $700,000 of 20 per cent, and so requires approval of Council.

The report recommends that the contract RFT-2021-217 with United Project Solutions be increased in value to $877,591.06 including 5 per cent contingency and notes that adequate budget coverage exists within the Capital Works Program for this increase.

**Previous Council Decisions**

Nil.

**1. Policy Context**

The report is in line with the Council-approved S5 Instrument of Delegation to Chief Executive Officer, dated October 2021.

This Instrument of Delegation provides that:

1. The delegate (i.e. the Chief Executive Officer) must not determine the issue, take action, or do the act or thing which involves:

1.1 entering into a contract exceeding the value of $700,000 (excluding GST) except if it is a contract for the supply of Insurance;

1.2 varying a contract, either in one instance or in aggregate, that was awarded:

a) where the variation exceeds a total contract sum of 20 per cent above $700,000 (excluding GST) delegation limit

Under item 1.1, Contract RFT-2021-217 was executed by the Chief Executive Officer. This report relates to varying that contract, and the size of the variation exceeds the Chief Executive Officer’s delegation under 1.2 a), requiring Council approval.

**2. Background**

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. During the winter season, the Glenroy Lions Soccer Club are allocated the north and south soccer pitches.

In 2022 they had 10 junior teams (nine male and one female), and three senior teams (two male and one female). Moreland Eagles Soccer Club are allocated the east and west soccer pitches during winter. They had seven junior teams (six male and one female), and three senior teams (one male and two female).

During the summer season Wallace Reserve is an overflow facility for Merri-bek cricket clubs in the north, such as Glenroy Cricket Club and Pascoe Vale United Cricket Club. The refurbishment to create female friendly change rooms for both sports pavilions will have a significant impact on existing female players and will provide an exciting opportunity for clubs to continue to grow their female programs.

In 2019/20 some $63,000 was allocated to undertake the design of the refurbishment projects. This work was undertaken without site visits given the COVID-19 restrictions at the time, leading to assumptions being made about conditions at the site and therefore the costs of the works that were estimated and included in the 5 year Capital Works Plan, initially flagged for construction in 2021/22.

Quotations were obtained for the works via a tendered Procurement Australia panel in late 2021 and Contract RFT-2021-217 awarded to United Project Solutions under the Chief Executive Officer’s delegation in March 2022 with total authorised expenditure under the Contract being $691,000 (excluding GST). The tender assessment Memo is included at **Confidential Attachment 1**.

**3. Issues**

Since the commencement of works, the project has experienced latent conditions and compliance issues both unforeseen and underestimated. This has led to claims from the Contractor for additional costs totalling $206,753.39.

The key issues contributing to the cost claims are:

 Issues with the cricket pavilion internal ceiling structure between the amenities and the change rooms. Major issues with the ceiling supports required engineering investigation and amendment of the design.

 The existing concrete flooring in the wet areas of the cricket pavilion amenities rooms is not fit to take the future floor loads given stumps were found to be hollow. Once exposed further engineering design and geotechnical investigations were required to revise the footing design to support the refurbishment.

 The soccer pavilion refurbishments have been to upgrade the umpires change and amenities rooms. In order to limit cost increases, the scope of this project has been amended. The project will still provide improved the required gender inclusive change and amenities facility, and long-term benefits to the community.

Council has considered each claim thoroughly and re-engaged with the architect on matters raised by the Contractor. Some $144,527.39 of the claims have been validated and a further $62,226,00 of claims is under consideration and likely to be accepted.

In addition to the additional costs, the time taken for the additional investigations and redesign has also added to delivery timeframe. Further to time extensions previously granted, a time extension to the current contract is proposed to 28 April 2023.

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. There were no Human rights impacts identified.

**4. 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**

**Contract costs**

Accepting the Contractor’s claims for this project with allowance for a further contingency of 5 per cent will increase the contract sum to $816,753,39 and the total value of the contract to $877,591.06 excluding GST.

A summary of the current and proposed contract costs are as follows:

| **Items** | **Value** |
| --- | --- |
| ORIGINAL CONTRACT PROVISION |  |
| Building works contract sum | $610,000.00 |
| Construction contingency (10%) | $61,000.00 |
| Provisional sum Authority upgrade | $20,000.00 |
| Total recommended contract cost RFT-2021-217 | $691,000.00 |
| PROPOSED CONTRACT PROVISION |  |
| Building works contract sum – PROPOSED – made up of: | $816,753.39 |
| Building works contract sum – ORIGINAL | $610,000.00 |
| Variations agreed to date (within 10% contingency) – includes $40,000 for costs due to Covid-19 period and $21,000 of latent conditions | $61,000.00 |
| Further variations due to latent conditions agreed to date | $83,527.39 |
| Estimated future variations under consideration | $62,226.00 |
| Further construction contingency (5%) | $40,837.67 |
| Provisional sum Authority upgrade | $20,000.00 |
| Proposed contract cost RFT-2021-217 | $877,591.06 |
| Additional costs to be provided for | $186,591.06 |

**Budget position**

The project was budgeted as two separate projects, for the north and south pavilions. Budget amounts have been combined given the contract has bundled both projects. The table below outlines the current budget position, including prior year expenditure, current year budget; and identifies the shortfall. This table includes the contract-related costs for RFT-2021-217 as well as the additional project costs such as its design.

|  |  |  |  |
| --- | --- | --- | --- |
| Wallace Reserve pavilion projects – north (52690260) / south (52690261) | Costs relating to contract RFT-2021-217 (including contingency / provisional sum) | Other project costs (e.g. design consultants) | TOTAL |
| 2021/22 and earlier actuals | $ 209,108.95 | $ 72,530.05 | $ 281,639.00 |
| 2022/23 budget (carry forward from 2021/22) | $ 481,891.05 | $ 18,719.95 | $ 500,611.00 |
| Subtotal – current budget and prior actuals | $ 691,000.00 | $ 91,250.00 | $ 782,250.00 |
| 2022/23 shortfall – additional budget required | $ 186,591.06 | $ 26,750.00 | $ 213,341.06 |
| TOTAL | $ 877,591.06 | $ 118,000.00 | $ 995,591.06 |

In total, Savings totalling $213,341.06 are to come from the following projects and added to Wallace Reserve pavilion project south (52690261):

 HE Payne Reserve public toilet (52690329): $25,000

 Kirkdale Street Park public toilet (52690328): $50,000

 Hillview Avenue road reconstruction (52390219): $115,144.60

 O’Hea Street road reconstruction and (52390239): $23,196.46

These budget adjustments will be made as part of the Q2 capital adjustment process.

**7. Implementation**

Upon Council’s approval of the contract variation, it will be executed by the Chief Executive Officer and works on the project will continue towards the end of April 2023 completion date.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Wallace Reserve Tender Assessment Memo  *Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.* | D22/64464 |  |

**7.9 Contract Award RFT-2022-333 Concrete and Drainage Works**

**Director City Infrastructure Anita Curnow**

**City Services**

**Officer Recommendation**

That Council:

1. Awards Contract RFT-2022-333 - Provision of Concrete and Drainage works for the period of 3 years, with two further 1-year options, to the following suppliers:

a) AJ Civil Estimation & Construction Pty Ltd ABN: 47 722 115 506

b) S&J Investments (Australia) Pty Ltd trading as ASJ Concrete & Constructions ABN: 92 105 107 355

c) Samson Excavations and Concreting ABN: 66 809 858 712

d) GP Bluestone Pty Ltd ABN: 21 664 700 435

e) Grounds Paving Pty Ltd ABN: 25 105 850 235

f) JNR Civil Pty Ltd ABN: 18 608 122 747

g) Kaizen Civil Pty Ltd ABN: 18 619 423 068

h) Midcity Constructions Group Pty Ltd ABN: 54 282 901 947

i) New Horizon Construction Pty Ltd ABN: 29 360 54 3618

j) Novacon Group Pty Ltd ABN: 23 621 403 076

k) Melbourne Civil Works Pty Ltd ABN: 28 347 242 302

l) S & A Piccirillo Paving Pty Ltd ABN: 97 087 980 489

m) Tompsett Asphalt Pty Ltd ABN: 12 625 912 772

2. Authorises the Chief Executive Officer to do all things necessary to execute the contracts and approve contract extensions or other related variations.

**REPORT**

**Executive Summary**

Council is seeking to establish a concrete and drainage works panel to provide a range of civil works across Merri-Bek for the period 2023-2028.

Council recently sought suitably qualified and experienced contractors to submit a tender for Contract RFT-2022-333 for inclusion on Council’s Concrete and Drainage Works Panel. The panel will enable contractors to access works across the municipality for 2023-2028 (with a one plus one-year extension). These services are required to assist the City Works Unit in the delivery of road and footpath maintenance and capital projects. The panel members may also be called upon to deliver other relevant Council works.

The Tender was advertised in August 2022, seeking a panel of suitably experienced and qualified contractors to provide materials and services under the Contract RFT-2022-333 - Provision of Concrete and Drainage works.

A total of 15 submissions were received and 13 companies are recommended to provide concrete, and drainage works services. We have selected a greater number of contractors for this panel to tackle the wide variety of concrete and drainage works and maximise opportunities and availability of contractors to carryout specialised works.

The scope of services includes, but is not limited to:

 Footpaths

 Kerb and channel

 Vehicle crossings

 Rights of way

 Pram crossings

 Minor drainage works.

The purpose of this report is to seek approval to enter into contract with various suppliers for the provision of concrete and drainage works. The tender complies with section 109(1) of the *Local Government Act 2020.*

**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.

**2. Background**

Merri-Bek City Council’s City Works Unit maintains and upgrades the road, footpath and associated infrastructure across the municipality. Works range from minor concrete and asphalt footpath and road repairs, drainage works, Right of Way repairs and other similar infrastructure works.

To provide a reliable, efficient, and quality service, a panel of supply contractors is required. This tender was publicly advertised, and tenders invited, via Council’s ‘e‑tender’ system, for suitably qualified contractors to deliver the required services.

**Procurement Process**

In accordance with Council’s Procurement Policy, an open tender for Contract RFT-2022-333 was advertised in *The Age* newspaper on 27 August 2022 and closed at 3pm on 19 September 2022.

Council officers also emailed all providers that have existing relationships with Merri‑bek City Council to advise them of this tender opportunity via the Procurement Portal.

A total of 15 tenders were received from the following companies:

a) AJ Civil Estimation & Construction Pty Ltd ABN: 47 722 115 506

b) S&J Investments (Australia) Pty Ltd trading as

ASJ Concrete & Constructions ABN: 92 105 107 355

c) Civilink Group Pty Ltd ABN: 50 119 219 840

d) Samson Excavations and Concreting ABN: 66 809 858 712

e) GP Bluestone Pty Ltd ABN: 21 664 700 435

f) Grounds Paving Pty Ltd ABN: 25 105 850 235

g) Jeni Construction Pty Ltd ABN: 29 624 326 852

h) JNR Civil Pty Ltd ABN: 18 608 122 747

i) Kaizen Civil Pty Ltd ABN: 18 619 423 068

j) Midcity Constructions Group Pty Ltd ABN: 54 282 901 947

k) New Horizon Construction Pty Ltd ABN: 29 360 543 618

l) Novacon Group Pty Ltd ABN: 23 621 403 076

m) Melbourne Civil Works Pty Ltd ABN: 28 347 242 302

n) S & A Piccirillo Paving Pty Ltd ABN: 97 087 980 489

o) Tompsett Asphalt Pty Ltd ABN: 12 625 912 772

Tenderers were asked 12 questions covering the consideration of capacity, capability, and social / environmental / local aspects.

In assessing the tender, consideration was given to the following aspects of the tender responses:

 Experience - qualifications, skills and experience

 Capability and resources – background and proof of other similar work

 Resources – number of employees and resources and their availability

 Credibility:

 Financial interests/viability

 Quality Assurance Systems

 Referees

 Occupation Health and Safety

 Equal Employment Opportunity

 Environmental Management

 Risk Management

 Insurance level

 Compliance to conditions of contract

 Conflict of interest.

The evaluation criteria and weighting are provided in the following table:

|  |  |
| --- | --- |
| **Criteria** | **Weighting** |
| Capability, Experience & Past Performance and Capacity | 15% |
| OHS | 8% |
| Traffic Management and works program | 12% |
| Quality System | 6% |
| Customer Service | 6% |
| Social Sustainability | 4% |
| Environmental Sustainability | 4% |
| Economic Sustainability | 5% |
| Price | 40% |

The membership of the tender evaluation panel was as follows:

| **Title** | **Project Manager/ Generalist or Nominated Speciality** | **Full Voting / Advisory Member** |
| --- | --- | --- |
| Acting Unit Manager City Works | Project Manager (Chair) | Full |
| Unit Manager Engineering Services | Generalist | Full |
| Senior Construction Engineer, Engineering Services | Generalist | Full |
| Contracts and Procurement Officer | Procurement | Advisory |

**3. Issues**

The tenders were evaluated in accordance with Council’s Procurement Policy. Tenders were assessed by an assessment panel against set criteria. A summary report of the assessments in provided in the **Confidential Attachment 1.**

**Social / Environmental / Local Implications**

The tenders were evaluated against the relevant social policies of Council. The areas covered as part of the evaluation were Environmental Management and Equal Opportunity policies and performance and consideration were given to the location of the business.

**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**

Engineering Services, procurement and independent probity advisor were consulted during the tender evaluation.

**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 total value of the contract over its 5-year life, will exceed Chief Executive Officer delegation and therefore requires Council endorsement. All expenditure against this contract is covered from existing Base and Capital budget allocations. The Panel covers the following types of activities:

 Concrete footpath maintenance

 Kerb and channel maintenance

 Drainage maintenance (including pits and drains repairs)

 Stormwater drainage repairs

 Retaining walls

 Concrete grinding

 Footpath and bike path renewals

 Minor improvement works – transport

 Minor improvement works – engineering services

The anticipated expenditure for this contract over the 5-year contract term is $19,000,000.00 excluding GST.

**7. Implementation**

It is proposed that the Chief Executive be authorised to do all things necessary to execute the contracts and any other required documentation, including authorising contract extension options in the future up to two by one-year extensions.

The contracts will commence as soon as possible following Council approval to award and it anticipated to occur by end of February 2023.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Confidential Attachment 1 - Tender Assessment Matrix Panel Contract RFT-2022-333  *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.* | D23/40267 |  |

7.10 Governance Rules Review Process

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the recent reviews of the Governance Rules and options for additional reviews.

2. Determines that option \_\_\_ is its preferred course of action.

**REPORT**

**Executive Summary**

This report has been prepared in response to the Notice of Motion submitted by Cr Pavlidis and adopted at Council’s meeting of 7 December 2022, which requested that a report be prepared that outlines the process and resourcing that is required to undertake a full review of Council’s Governance Rules.

In accordance with the *Local Government Act 2020* (the Act) Council may amend its Governance Rules subject to ensuring that a process of community engagement is followed in amending its Governance Rules.

The full review of the Governance Rules (referred to as option 1 in this report) would require significant officer time and additional resources, with benchmarking supported by analysis of many varied technical governance provisions, utilised across multiple councils.

It is conservatively estimated that a review process of this scale could take approximately six to seven months and would require additional external resources to support this work, as this project would place additional demands on Council’s currently fully committed inhouse resources.

A second option as proposed in this report is to condense the timeline and scope of the review from a full review, to a review of only specific provisions of the Governance Rules, as nominated by Councillors and officers following internal consultation.

The third option proposed for Council to consider, is to not undertake a review of the Governance Rules, at this time recognising that a full review was completed in December 2021, with further updates made in August 2022.

**Previous Council Decisions**

**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).*

**Governance Rules - Regulatory Legislation Amendment (Reform) Act 2022 –** 13 July 2022

*That Council:*

*1. Endorses the amended Governance Rules provided as Attachment 1 to this report, for community consultation for a period of 10 days from 14 July 2022 and inviting feedback from the community to be received by 5pm, 24 July 2022.*

*2. Receives a report at the August 2022 Council meeting to consider the amended Governance Rules.*

**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

The purpose of this report is to outline the process and resourcing that is anticipated to be required to conduct a full review of Councils Governance Rules as proposed in the following resolution of Council dated 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.”*

Further to this it is important to note that the background information provided by Cr Pavlidis in the Notice of Motion, stated that:

*“A review of Council’s Governance Rules is sought to set out options to improve the Governance Rules in alignment with best practice in meeting procedure and benchmarking against other metropolitan councils. At times there is ambiguity and difference in the interpretation of the Rules. It would be beneficial if all Councillors and the Community had the same understanding on the application of the Governance Rules, and therefore the review should include but not be limited to:*

 *Enshrining a copy of all questions submitted prior to 12 noon on the day of the meeting will be circulated to councillors no later than 4pm on the day of the meeting.*

 *A written response being provided to all questions and a copy of the written response appearing in the Minutes of the next Council meeting.*

 *Establishing a seconder to a motion/amendment can reserve the right to speak.*

 *Clearly identifying when requesting a leave of absence, whether a Councillor does or does not have a general conflict of interest.*

 *Expanding upon the requirement of all internal Advisory Committees and Working Group Minutes/Notes to be presented to the Council for noting.”*

## 3. Issues

The most recent review of the Governance Rules was conducted in August 2022, in response to the requirements of the *Regulatory Legislation Amendment (Reform) Act 2022*, which resulted in changes to the *Local Government Act 2020* that provided for attendance and participation in Council meetings by electronic means of communication. However, this review was strictly limited to making amendments to the Governance Rules to meet the requirements of the legislated changes.

Further to this, Council had also undertaken a review of its Governance Rules in December 2021. In this review, much of the content of the current Governance Rules was retained, particularly as they were originally developed in line with the Model Governance Rules issued by Local Government Victoria in 2020.

This review resulted following changes being made to the Governance Rules:

 correcting anomalies and improving readability e.g. Rules and Sub-Rules are cross-referenced accurately and editorial amendments with the removal of preambles, overview notes and lengthy references to Act provisions

 defining the nature of Council Meetings

 provision of a new section titled Acknowledgments and Other Matters at Council Meetings to allow timely acknowledgement of community interest e.g. events

 revising and realigning Chapters for the purposes of alignment and consolidation

 amending availability of Council Agendas

 amending provisions relating Community statements

 enabling the mover of an amendment to have a ‘right of reply’

 amending provisions relating to Questions of Council

 increasing provisions regarding the safe use and storage of Council’s Seal

 amending provisions relating to Motions Moved in Block.

As the Governance Rules have already been reviewed twice during this Council term, this report outlines three options for Council to consider in relation to the proposal to review its Governance Rules. Each of the options is addressed below:

**Option 1**

The full review of the Governance Rules is a project that would require significant officer time, with benchmarking and analysis of a large number of technical governance provisions contained in the Governance Rules of multiple councils.

It is conservatively estimated that a review process of this scale, would take approximately six to seven months and require the support of external resources. The following timeline is an indicative guide of the process and time that would be required to undertake a comprehensive review of the Governance Rules:

**Stage 1 - Early 2023**

Detailed project planning and background research to be undertaken (incl. comprehensive benchmarking and technical analyses to identify best practices).

**Stage 2 – May 2023**

Councillor Briefing to discuss any opportunities for amendments as identified by Councillors, and those identified by Council officers as a result of the benchmarking process.

**Stage 3 - June 2023**

Councillor Briefing to discuss the draft amendments as proposed by officers.

**Stage 4 - July 2023**

Council considers the approval of the draft Governance Rules (as amended) for community consultation.

**Stage 5 - July 2023**

Community engagement process to be commenced, inviting community feedback on the proposed amendments to the governance rules.

**Stage 6 - August 2023**

Community feedback to be analysed and final proposed changes to the governance rules to be developed and incorporated in the draft document.

**Stage 7 - September 2023**

Council considers the draft Governance Rules for adoption.

This timeline is indicative only and would be subject to change if unforeseen complexities or contentious issues were to arise, such as matters requiring legal clarification or human rights advice etc.

As the Governance Unit already has a full work program for the year, it would be necessary to seek additional resources to assist with a review process of this scale. At the time of writing this report, officers have not been able to secure formal quotes from external agencies to assist with the review, however it is estimated that an external resource would be required for approximately 4-5 weeks to assist with the review. It is anticipated that the cost for the type of assistance, could be up to $20,000.

Furthermore, it should be noted that it is often challenging to remove all “ambiguity” from every part of the entire Governance Rules. Standing orders for meeting procedure will usually inevitably involve a degree of interpretation for some provisions, especially if an unusual situation arises that had not been predicted, however Council should always seek to improve and continue to deliver best practice with minimal ambiguity.

As part of the review process, Council officers would aim to make recommendations that reduce or mitigate as much ambiguity as possible.

**Option 2**

Should Council prefer to condense the timeline and cost for the review of the Governance Rules, another option is to consider the reduction of the scope of the review from a full review, to a review of only the specific sections of the Governance Rules nominated by Councillors and officers, as requiring further clarity or benchmarking for best practice.

**Option 3**

Council may also prefer not to undertake a review of the Governance Rules at this time. If this is Councils preferred option, it is anticipated that the next review of the Governance Rules would be undertaken following the commencement of the next Council term or as otherwise required to meet any future legislative changes.

### Legal and risk considerations

Council’s current Governance Rules satisfy the requirements of the *Local Government Act 2020*. It essential that during any review process, careful consideration is given to ensuring that any proposed amendments to the Governance Rules comply with all relevant legislative requirements.

### Human Rights Consideration

When reviewing the Governance Rules, consideration must be given to upholding people’s human rights as required by the Charter of Human Rights and Responsibilities (Victoria). In particular, the right to freedom of expression (section 15) providing that people are free to say what they think and want to say.

## 4. Community consultation and engagement

It is proposed that as part of the Governance Rules review process, consultation will be undertaken with Councillors at two Councillor Briefing sessions.

The draft revised Governance Rules would subsequently be made available on the Conversations Merri-bek website, inviting written submissions from the community.

The feedback received from the community would then be considered when preparing the final draft Governance Rules for presentation to Council, for final adoption.

**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. A review of the Governance Rules would require that Council invites affected persons to contribute to the review of the Governance Rules, in line with Council’s Community Engagement and Public Participation Policy.

## 5. Officer Declaration of Conflict of Interest

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

## 6. Financial and Resources Implications

The costs associated with conducting a full review of the Governance Rules can be partially met using inhouse resources, however, assistance from external resources will also be required. The estimated cost of the external resources required, is expected to be in the vicinity of $20,000.

The costs associated with undertaking a condensed review of the Governance Rules can be met within existing budget allocations.

## 7. Implementation

Should Council determine in favour of Option 1, to undertake a full review of the Governance Rules in accordance with the timeline as outlined in this report, officers will procure external resources and the initial research, benchmarking will commence in February 2023.

Should Council determine in favour of Option 2, to undertake a condensed review of the Governance Rules, officers will commence internal consultation process with Councillors, to ascertain any opportunities for amendments to the Governance Rules that may be identified by Councillors.

Should Council determine in favour of Option 3, to not undertake a review of the Governance Rules at this time, it is anticipated that the next review of the Governance Rules would be undertaken following the commencement of the next Council term or as otherwise required by future legislative changes impacting the current Governance Rules.

## Attachment/s

There are no attachments for this report.

7.11 Governance Report - February 2023 - Cyclical Report

**Director Business Transformation Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the summary of minutes from the Human Rights and Inclusion Advisory Committee meeting held 27 October 2022 and the Sustainable Transport Advisory Committee meeting held on 6 December 2022, at Attachment 1 to this report.

2. Notes the summary of minutes from the Audit and Risk Committee meeting held 20 December 2022, at Attachment 2 to this report*.*

3. Notes the Records of Meetings, at Attachment 3 to this report.

4. Notes responses to questions taken on notice during Public Question Time at the September and December 2022 Council meetings, at Attachment 4 to this report.

5. Appoints Councillor \_\_\_\_\_\_\_\_\_\_\_ as a representative to the Audit and Risk Committee for the 2022/2023 Mayoral year.

6. In accordance with the recommendation of the Independent Member Review Panel, reappoints Lisa Tripodi as an independent member of the Audit and Risk Committee for the period 1 January 2023 to 31 December 2025.

7. Approves the attendance of the Mayor Councillor Panopoulos and Councillor Riley at the Islamic Museum of Australia - Gala Dinner on Saturday on 18 February 2023, at the cost of $170 per ticket.

**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:

 A summary of minutes from the Human Rights and Inclusion Advisory Committee held 27 October 2022.

 A summary of minutes from the Sustainable Transport Advisory Committee meeting held on 6 December 2022.

 A summary of minutes from the Audit and Risk Committee held 20 December 2022.

 Records of Meetings, with a recommendation that Council notes the records.

 Responses to Public Question Time items taken on notice at the 14 September and 7 December 2022 Council meetings, with a recommendation that Council notes the responses.

 The appointment of a Councillor representative to the Audit and Risk Committee.

 The reappointment of Lisa Tripodi as an independent member of the Audit and Risk Committee for the period 1 January 2023 to 31 December 2025.

 A request seeking approval for the Mayor Cr Panopoulos and Cr Riley to attend the Islamic Museum of Australia - Gala Dinner on Saturday on 18 February 2023.

**Previous Council Decisions**

Nil

**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.

## 2. Background

The Governance Report is prepared as a monthly report to Council to provide a single reporting platform for a range of statutory compliance, transparency, and governance related matters.

In accordance with best practice principles and good governance practice, and to ensure compliance with the requirements of the Act, this report incorporates matters including reporting of Advisory Committees, records of meetings held under the auspice of Council, items relating to the delegation of Council powers and duties, and policy and strategy reporting.

## 3. Issues

**Human Rights and Inclusion Advisory Committee minutes**

A summary of the minutes of the Human Rights and Inclusion Advisory Committee meeting held 27 October 2022 is provided at **Attachment 1** for Council’s information. The minutes do not contain any recommendations from the Committee to Council.

**Sustainable Transport Advisory Committee**

A summary of minutes from the Sustainable Transport Advisory Committee meeting held on 6 December 2022 is provided at **Attachment 1** for Council’s information. The minutes do not contain any recommendations from the Committee to Council.

**Audit and Risk Committee minutes**

A summary of the minutes of the Audit and Risk Committee meeting held 20 December 2022 is provided at **Attachment 2** for Council’s information.

**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 of meetings organised or hosted by Council that include Councillors are Councillor Briefings, meetings with residents, developers, Government departments or statutory authorities and consultations.

Records of Meetings are presented at **Attachment 3** as follows:

 Councillor Briefing – 30 November 2022

 Councillor Briefing – 5 December 2022

 Councillor Training – 5 December 2022

 Planning Briefing – 12 December 2022

 Audit and Risk Committee – 20 December 2022

 Planning Briefing – 23 January 2023.

### On Notice responses – 14 September and 7 December 2022 Council meetings

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 responses at **Attachment 4** to this report relates to questions from September and December 2022 Council meetings regarding:

 North Coburg Rebels Baseball Club

 Cat Containment Strategy

 Community Engagement Policy Update

 Kent Road Bike Lanes

 Domestic Animal Management Act fines.

### Appointment of Councillor representative to the Audit and Risk Committee

The Audit and Risk Committee is a requirement of the *Local Government Act 2020* and governed by the Audit and Risk Committee Charter, adopted in July 2021. It comprises 3 Councillor members and 4 independent, external members.

At is meeting of 7 December 2022, Council appointed Councillors Panopoulos, Riley and Pavlidis as its members of the Audit and Risk Committee for the 2022/2023 Mayoral year. However, since that time Cr Pavlidis has tendered her resignation as a member of the committee. The appointment of another Councillor member is required to fill the current vacancy, to ensure the continued operation of the Committee.

### Reappointment of Independent Member, Lisa Tripodi to the Audit and Risk Committee

At its meeting held 10 July 2019, Council appointed Independent Member Lisa Tripodi to the former Audit and Risk Management Committee for a period of 3 years (under the old Charter and *Local Government Act 1989*). Ten months later at its meeting of 13 May 2020, Council appointed Lisa Tripodi for a period of 2 years and 7 months (until 30 December 2022), constituted under the new *Local Government Act 2020* and the newly adopted Audit and Risk Committee Charter. Effectively, Lisa Tripodi has now completed 1 term under the new Charter.

Therefore, in line with section 7 of the Audit and Risk Committee Charter - Evaluating Performance, the Chair, in conjunction with the Director Business Transformation has undertaken an independent review of Lisa Tripodi’s performance, in the form of the skills assessment (aligned to the position description for independent members). As a result of the completed assessment, it is recommended that Lisa Tripodi be reappointed to the Audit and Risk Committee for a second term of a further 3 years (1 January 2023 to 31 December 2025).

### Attendance at the Islamic Museum of Australia - Gala Dinner

The Islamic Museum – Gala Dinner is being held on Saturday 18 February 2023 at the Melbourne Convention and Exhibition Centre. The theme for the 2023 dinner is 'Connecting with Community Through Sport', which will highlight the contributions of Australian Muslim sportspeople, and the way sport can be a vehicle to deliver cross-cultural education and social cohesion. The cost to attend the Gala Dinner is $170 per person. An invitation to attend the dinner has been extended to Councillors, with Councillors Panopoulos and Cr Riley registering their interest in attending. This report seeks approval of Council for attendance at the Gala Dinner.

### 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

The cost of the attendance of Councillors at the Islamic Museum – Gala Dinner will be met from the Mayor and Councillor budget.

## 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:

 Inducting the newly appointed Councillor member to the Audit and Risk Committee.

 Writing to Lisa Tripodi confirming her reappointment as an Independent Member to the Audit and Risk Management Committee.

 Confirming the attendance of the Mayor Cr Panopoulos and Cr Riley at the Islamic Museum of Australia - Gala Dinner on Saturday 18 February 2023.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Reports from Advisory Committees to Council - February 2023 | D23/7628 |  |
| **2** | Audit and Risk Committee Summary Minutes - 20 December 2022 | D23/28656 |  |
| **3** | Records of Meetings - Governance Report - February 2023 | D23/29069 |  |
| **4** | Responses to questions taken On Notice - February 2023 | D23/37966 |  |

**8. Notices of Motion**

**8.1 Box Forest Road Improvements - Northern Memorial Park**

**Cr Lambros Tapinos**

**Motion**

That Council:

1. Receives a report at the April 2023 Council meeting with the key findings of the Road Safety Audit and Traffic Impact Assessment and comments about traffic management treatments and alterations to Box Forest Road including the creation of a slip lane to enter the cemetery:

a) The report includes financial options and timelines for the construction of these road works in partnership with the cemetery.

**1. Background**

Cr Tapinos’s background:

Fawkner Memorial Park spans over 113 hectares. As one of Australia’s largest cemeteries, they offer many burial options, memorials, cremation and private mausoleums. The entrance to the cemetery on Box Forest Road is very busy and safety concerns have been raised by residents, requiring traffic management treatment. The cemetery has approached the council with designs to explore the potential to alter the road alignment at the entrance on Box Forest Road. In May 2022 reports with the findings of Road Safety Audit and Traffic Impact Assessment were submitted to Council.

**2. Policy Context**

Officer’s comments:

Improvements to the entrance of the Fawkner Memorial Park on Box Forest Road is not in the Council Plan nor in any Council Action Plans.

Council officers have met with counterparts at the Great Metropolitan Cemeteries Trust (GMCT) on three occasions during the past 18 months on this issue and have not been convinced of the safety need for slip lane and revised intersection treatment. The slip lane will impact the kerb in the local area, widen the road, impact nearby driveways and impact on existing trees. Officers at GMCT were to come back to Council officers with evidence of the need for this treatment and are yet to do so.

**3. Financial Implications**

Officer’s comments:

There are no financial implications from preparing this report. It is noted however, that there is no budget allowance for any alterations to Box Forest Road in this location to enhance the entrance to the Fawkner Memorial Park.

**4. Resources Implications**

Officer’s comments:

If supported by Council, officers will prepare this report using existing resources. Time spent on preparing the report will be at the expense of addressing Customer Service Requests.

**8.2 Public Toilets in Reserves**

**Cr Sue Bolton**

**Motion**

That Council:

1) When reviewing the principles for design and location of public toilets as part of the 2023-24 Council Action Plan, gives consideration to:

a) Parks and reserves which have barbeque areas and children’s playgrounds but no public toilets.

b) Locating a public toilet in any sports pavilion upgrade in reserves without a public toilet.

**1. Background**

Cr Bolton’s background:

Access to public toilets is a human right. From the late 1800s/early 1900s, women campaigned for the right to have public toilets in Melbourne’s CBD so that they could visit the city. Merri-bek Council still has many parks and reserves which do not have public toilets despite having children’s playgrounds and in some cases barbeque areas. It is time to review Council’s Public Toilet Strategy which has not been reviewed since 2012.

**2. Policy Context**

Officer’s comments:

The Council Plan 2021-25 includes strategy 4.5 as follows:

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

In the delivery of actions against Strategy 4.5, an action was included in Council Action Plan 2021-22 that our public toilet strategy would be refreshed in that year. However, with resourcing constraints at the time and a full three years of forward public toilet projects in the Capital Works Plan, Council agreed to a deferral of this action to Council Action Plan 2023-24. As such, it is scheduled to be undertaken in 2023/24. The action is as follows:

*Council to adopt principles for design and location of public toilets and then identify and prioritise locations for new and upgraded public toilets as part of planning for community infrastructure, activity centres and open space, leading to an investment plan that feeds into the capital works program*

**3. Financial Implications**

Officer’s comments:

Cr Bolton’s motion would not add significantly to the cost of implementing the Council Plan Action in 2023/24 as outlined above.

**4. Resources Implications**

Officer’s comments:

The resources to implement the Council Action Plan action identified above will also be able to accommodate consideration of the two specific issues in Cr Bolton’s motion.