**Council MEETING AGENDA**

Wednesday 12 July 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 9 August 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 26 July 2023 commencing at 6.30 pm.

**WELCOME**

**1. APOLOGIES/LEAVE OF ABSENCE**

**2. DISCLOSURES OF CONFLICTS OF INTEREST**

**3. MINUTE CONFIRMATION**

The minutes of the Council Meeting held on 20 June 2023 be confirmed.

**4. ACKNOWLEDGEMENTS AND OTHER MATTERS**

**5. Petitions**

Nil

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Nil

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**11. URGENT BUSINESS**

**12. CONFIDENTIAL REPORTS**

 Nil

**7. Council Reports**

7.1 Draft Arts and Culture Strategy

**Director Community, Eamonn Fennessy**

**Cultural Development**

## Officer Recommendation

That Council:

1. Endorses the draft Arts and Culture Strategy 2023-2030 for public exhibition in July and August 2023.

2. Notes that the 2023/24 Action Plan is funded within existing operational budgets.

3. Refers additional funding recommendations contained in the draft strategy for consideration as part of the 2024/25 budgeting process.

**REPORT**

**Executive Summary**

The draft Arts and Culture Strategy 2023-2030 has been developed in 2023, following extensive community engagement, and is an aspirational, yet deliverable, reflection of the needs of the Merri-bek community.

The new Strategy focuses on making Merri-bek a place where creativity and culture thrive, through three key priority areas of creation, connection and investment. Over the life of the Strategy, five key commitments will be delivered upon, focusing on: increased opportunities for First Nations artists; increased programming in the north of the municipality, a refreshed and flexible festival program; increased access to affordable spaces for artists; and increased public art commissions.

The 2023/24 action plan will be delivered within current budget resources, with some new recommendations referred to the 2024/25 Council budget process for future consideration.

**Previous Council Decisions**

N/A

## 1. Policy Context

 Community Vision: Merri-bek is enhanced by all of us supporting our local businesses, arts communities and social organisations.

 Council Plan 2021-2024, Theme 4: Vibrant spaces and places in Merri-bek, Strategy 4.11 "Make Merri-bek a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion and inclusion.

 Council Action Plan 2022-2023:

o Develop and commence implementation of a new integrated arts and culture strategy.

o Continue to deliver festivals program and undertake a festivals review.

o Continue Renuwall Graffiti Intervention Program.

o Continue to build on the Brunswick Design District Strategic Plan that prioritises infrastructure projects, programs and activation activities and the recovery of the creative sector in Brunswick.

o Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations.

o In collaboration with local traders, residents, agencies and creatives, develop and implement activation programs for Brunswick/Coburg/Glenroy.

The draft Arts and Culture Strategy is aligned with the Human Rights Policy with links to the LGBTIQA+ Action Plan, the Gender Equality Action Plan, the Disability Access and Inclusion Plan, and the Children, Young People and Families Plan, the Climate Emergency Action Plan.

## 2. Background

Merri-bek is renowned for its thriving arts sector and creative industries and its Council-produced arts and culture program, which includes festivals, public art, the Counihan gallery, professional development and arts grants.

Arts and culture programs create opportunities for self-expression and civic participation and build a sense of belonging within a community. Arts and culture beautifies the city and creates opportunities for connection and celebration, from murals to building design to festivals. It has a significant economic impact, bringing customers to local businesses and providing local employment opportunities.

Council’s previous Arts and Culture Strategy expired in 2022. Since January 2023 we have been undertaking community and industry consultation and engagement since to inform the draft of a new Arts and Culture Strategy.

The new draft Arts and Culture Strategy aims to:

 Ensure Merri-bek is a welcoming and supportive place to create and work in the arts.

 Make Merri-bek a top destination for music, culture, events and visual arts.

 Be responsive to current and emerging challenges faced by artists and the cultural and creative industries.

The draft Arts and Culture Strategy articulates a seven-year vision, which is supported by annual actions plans to ensure that we can remain responsive to community needs and resource requirements.

The draft Strategy speaks to the identity, ambitions and passions of the Merri-bek community, a place where arts, culture and creative expression are valued. It has been created with diversity, equity and inclusion at its centre, and prioritises First Nations artists and audiences, opportunities for Aboriginal and Torres Strait Islander communities, migrant and refugee communities, people with disability, women, LGBTIQA+ people, young people and older people.

## 3. Issues

**Strategy Structure**

## The needs and ideas that we heard through this extensive consultation have directly informed the development of this strategy, its vision, and its key priority areas – *investment, creation and connection*.

The vision for the 2023-2030 Arts and Culture Strategy is: Merri-bek – where creativity and culture thrive.

The Strategy will be delivered through three priority areas to achieve strong social, environmental and economic outcomes for the Merri-bek community.

The Strategy will be supported by annual action plans, with the aim to deliver on five key commitments over the life of the strategy; additional resourcing will be sourced as required.

Key Priority Areas

Creation – a city that champions arts and cultural activity that is self-determined, intersectional, intergenerational, accessible and available across the municipality.

Connection – a city that foster connections between artists, audiences and community.

Investment – a city that invests in the creative community and generates opportunities for artists and the creative sector.

### Commitments

The draft Strategy recommends the following actions across its duration:

 Increased employment for First Nations artists.

 Increased arts and cultural programming and creative spaces in the North of the municipality.

 A refreshed festival program that is flexible, innovative, and more accessible across the municipality.

 Increased access to spaces and funding for artists and creatives to make, collaborate and present work.

 Consideration for additional public art to be built into Council capital works, urban design and open space projects.

### Community impact

Merri-bek is renowned for its thriving arts sector and creative industries, with 9.3 per cent of residents employed by the creative industries, well above the greater Melbourne average of 7.9 per cent. With such a significant creative population, it is vital that the draft Strategy considers and supports this community.

The municipality is home to a significant number of artist studios, artist-run galleries and artist-led initiatives and has a thriving design industry. Brunswick also has the largest population of songwriters in the country, and Coburg has the sixth largest. Live music venues are prevalent in the south and centre of the municipality. Coburg North industrial areas are thriving with pockets of artists' studios and event spaces and there is an increasing demand for opportunities for creation and presentation in the North of the municipality.

This Strategy also impacts the broader community and audiences, enabling exciting opportunities for participation and connection and beautifying the city.

### Climate emergency and environmental sustainability implications

The draft Strategy considers and responds to relevant climate emergencies and environmental sustainability policies and issues, specifically the possibility for arts programs to elevate issues of climate change.

### Economic sustainability implications

The creative industries attract residents and visitors are significant to Merri-bek, contributing $935 million to local output, generating $423 million in the region and supporting 4,340 jobs.

### Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. Key sections in the Charter that are relevant to this report are the right to freedom of expression and the right to peaceful assembly and freedom of association.

The Arts and Culture Strategy enables freedom of expression for artists and community participants and creates opportunities for community assembly and association.

## 4. Community consultation and engagement

**Community engagement to inform the draft strategy**

 Between January – May 2023, the arts and culture consultation engaged over 250 people across all platforms.

 Engagement was undertaken via 12 focus groups including artists, arts and community organisations, the live music industry, people with a disability and Glenroy service providers.

 Consultation was undertaken with Council reference groups including the Arts Advisory Committee, Age Friendly Reference Group, Disability, LGBTQI+, Children’s Advisory Groups and at the combined advisory committees/reference groups event in February 2023.

 Consultation also occurred with Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (Traditional Owners) and the First Nations Creative Consultation group across a number of sessions (see below).

 140 responses to an online survey were received hosted on Conversations Merri-bek.

 Consultation was also undertaken at Glenroy Festival.

**First Nations Creative Consultation**

A group of local First Nations artists were brought together in 2022 as a pilot program to enable self-determination for Council’s First Nations programming budget ($10,000). The group decided that a First Nations’ artists salon event for networking was needed; this event is currently being produced for Merri-bek Council by a First Nations producer.

Strong relationships with Council, and between members, developed out of this group. Supported by – but not led or facilitated by – Council’s Arts and Culture team, the group has continued to meet to consult on the new arts and culture strategy, and to inform Council programming. Individuals in the group have also been invited as expert panellists to aid Council in assessing grants, public art and exhibition programming.

The First Nations Creative Consultation made several suggestions that they have identified as key for Council’s new Arts and Culture strategy. These include increasing employment of First Nations artists, through increased presentation opportunities, and through the introduction of a First Nations fellowship. The group also strongly highlighted the need for self-determination in both these outcomes, and in First Nations programming more generally.

**Future Community Engagement**

Following Council’s consideration of the draft Strategy, it will be exhibited on Conversations Merri-bek and circulated for public comment from July for 3 weeks.

The final Arts and Culture Strategy and supporting action plans will be presented to Council for consideration in September 2023.

**Affected persons rights and interests**

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

Affected person include local artists and arts organisations, audiences and general community members, who were consulted extensively on the creation of this strategy.

### Communications

Information on how to provide feedback on the draft strategy and the final strategy, will be shared with the community through the Merri-bek City Council corporate channels, and through the Arts Merri-bek and Counihan Gallery e-news and social media.

Easy English and video versions of the strategy will be created for accessibility.

## 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

In developing this strategy serious consideration has been given to leveraging opportunities for collaboration and the action plan largely represents a shift in focus and existing resources to areas of identified need.

The 23/24 and 24/25 Action Plan will largely be funded by shifting focus and resources to areas of identified need, and through a minor redistribution of current budgets.

In 2023/2024 the financial impact of the Strategy is $2,404,580 (current Arts and Culture operating budget).

The 2024/2025 action plan includes $221,000 of new budget recommendations which will be referred to for consideration as part of Council’s 2024/2025 annual budgeting processes. The new recommendations include:

|  |  |
| --- | --- |
| **Item** | **Resources recommended** |
| First Nations designated role to participate in festival and gallery programming and grant and professional development program design and execution. | $95,000ongoing |
| Annual Merri-bek Art Collection exhibition in the north of the municipality. | $20,000ongoing |
| Redesign and staged roll out of more impactful and accessible arts grant program with increased budget to respond to community-identified needs and to attract organisations to the municipality. | $80,000Ongoing, with additional annual requests to bring grant pool to benchmarked levels across local government sector  |
| Increase Public Art maintenance budget to support recent acquisitions. | $26,000ongoing |

## 7. Implementation

 12 July 2023 – Draft Strategy presented for endorsement by Council

 17 July to 11 August 2023 – Community consultation on Draft Strategy

 13 September 2023 – Final Strategy presented to Council for endorsement

 September 2023 – Delivery of 2023/2024 Action Plan commences

 Annual reporting and presentation of action plans to Council

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | Arts and Culture - Arts Strategy 2023-2030 Final Draft for consultation | D23/289049 |  |

**7.2 Heritage Shopfronts in Coburg**

**Director Place and Environment, Joseph Tabacco**

**City Strategy and Economy**

**Officer Recommendation**

That Council:

1. Includes an action in the Heritage Implementation Plan 2022-2025 to undertake a preliminary heritage assessment of properties along Sydney Road within the Coburg Activity Centre (from Bell Street to Moreland Road), subject to funding allocation of $20,000.

2. Considers funding allocation of $20,000 in 2023/24 as part of the quarter 1 budget review.

3. Makes the following additional changes to the Heritage Implementation Plan 2022-2025:

a) Item P5: Prepare a Conservation Management Plan for CERES Community Environment Park and Joe’s Market Garden to support implementation of the findings of the Merri-bek Heritage Nominations Study - move to 2025/2026

b) Item P6: Undertake a preliminary assessment to understand extent of Victorian cottages in Brunswick that are within a Heritage Overlay, and those that are not - move to 2025/2026

**REPORT**

**Executive Summary**

Merri-bek City Council has a strong commitment to conserving the rich cultural heritage, which forms an important part of the city’s identity and character. It also plays a critical role in the identification, protection, management and promotion to our legacy of valued heritage places.

While there have been many heritage studies prepared for Coburg over the years, a specific analysis of buildings with original shopfronts along Sydney Road is warranted. It should be recognised that perceptions about what is valued and should be protected change over time.

At its May 2023 meeting, Council requested a report on options to undertake a heritage study for shopfronts on Sydney Road in the Coburg Activity Centre.

After investigating past heritage work in this location, a specific review of properties along the Sydney Road corridor between Bell Street and Moreland Road is merited.

Council’s Heritage Action Plan 2017-2032 and Implementation Plan 2022 – 2025 provides a framework for the identification, conservation, and management of the City’s heritage.

This report recommends including an action in the Implementation Plan 2022 - 2025 to undertake a preliminary analysis of heritage properties with specific focus on shopfronts along Sydney Road, Coburg. Consequently, heritage assessments planned for the 2024-2026 financial years will need to be reprioritised.

**Previous Council Decisions**

**Heritage Shopfronts in Coburg** – 10 May 2023

*That Council receives a report at the July 2023 Council meeting on options to undertake a heritage study for shopfronts on Sydney Road in the Coburg Activity Centre, with such a study to investigate individual buildings as well as the shopping strip as an entire precinct and including architectural, social and aesthetic considerations.*

**Community Heritage Action Plan 2022 - 2025** – 7 December 2022

*That Council:*

*1. Note the Heritage Action Plan 2017 – 2032 Implementation Plan for the 2022-2025 period as shown at Attachment 1.*

*2. Include an additional action in the Implementation Plan 2022-2025, to research and document the history of the Upfield Rail Line, with an anticipated budget requirement of $20,000.*

*3. Develop a Terms of Reference for and establish a Heritage and Local History Reference Group chaired by Cr Tapinos, which meets quarterly and includes representatives from local historical societies.*

*4. Refer unfunded items in the Heritage Action Plan 2017 – 2032 Implementation Plan 2022-2025 to the 2023/2024 budget process for consideration.*

**Planning Scheme Review Report October 2022** – 12 October 2022

*That Council:*

*1. Endorses the Planning Scheme Review 2022 report, at Attachment 1 to this report.*

*2. Submits the Planning Scheme Review 2022 report to the Minister for Planning in accordance with section 12B (1) of the Planning and Environment Act 1987.*

**1. Policy Context**

**Planning and Environment Act 1987**

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

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

**Council Plan and Action Plan**

The Council Plan 2021-2025 includes the following actions relating to heritage places under Theme 4: Vibrant spaces and places in Merri-bek:

*Action 72 - Investigate financial incentives to encourage maintenance of heritage buildings*

*Action 153 - In consultation with the Coburg Historical Society, commence development plans for the construction of a new storage annex, refurbishment of the bluestone cottage and creation of a heritage garden.*

*Action 154 - Local History Maintenance & Conservation: To commence planning for the collection, conservation and presentation of Merri-bek’s local history.*

**2. Background**

**Heritage Action Plan**

The Heritage Action Plan 2017 – 2032 was adopted by Council in June 2016 and assists Council to meet its heritage obligations outlined in various pieces of legislation. The Heritage Action Plan is supported by shorter-term implementation plans to guide the work of identifying, conserving, managing and celebrating history and heritage in Merri-bek in line with the Council Plan, Council Action Plans and other strategies.

Each action has been prioritised in terms of high, medium, low, or ongoing, in terms of implementation timeframes. Budget implications, delivery timeframes and measures have also been identified for each action.

At its meeting 7 December 2022 Council noted the 2022-2025 implementation plan and resolved to refer unfunded items to the 2023/2024 budget process for consideration.

At its meeting on 20 June 2023, Council adopted the 2023/2024 budget. A total of $200,000.00 has been allocated to items in the Heritage Implementation Plan. These funds have been allocated to heritage projects other than heritage assessments. The details of how future budget requests are to be allocated to various heritage assessments is included at section 6 of this report.

**Heritage Sydney Road Coburg**

In the Late 1850s, Merri-bek’s main north-south artery, Sydney Road was Melbourne’s principal road to Sydney. Acknowledging this rich history, the area has been subject to various heritage studies.

***Coburg heritage conservation and streetscape study by Timothy Hubbard (1991)***

This study identified, evaluated and documented heritage in the whole of the Coburg City Council municipality, and included a windscreen survey to identify significant buildings and areas to the municipality. This study identified a number individual places and areas of significance:

 Conservation Areas (Built form) – areas with historical and/or architectural

 Urban Design Areas – areas for their landmark and social value (not historical or aesthetic)

 Conservation Areas (Natural form) – areas with historical or landscape value

Of relevance to the shopfronts of Sydney Road is Urban Design Area O – Sydney Road that extends from O’Hea Street to Munro Street along Sydney Road. Urban Design Area O was classified in this study as having level 2 value for its landmark status.

Amendment L15 implemented the findings of this study, including applying a Heritage Overlay to a number of individually significant places along Sydney Road and the following Conservation Areas that include parts of Sydney Road:

B - Church and Municipal Reserves

K - Pentridge

M - The Grove / Sydney Road Precinct, Pentridge

The information in Urban Design Area O did not form part of this Amendment.

***The City of Moreland Heritage Review by Allom and Lovell (1999)***

This study reviewed the findings of previous studies undertaken in the former areas of Brunswick and Coburg following the Council amalgamation and new format planning scheme. Within it the study makes reference to the 1991 City of Coburg heritage study’s inclusion of Urban Design Area O, outlining that it was not part of the Planning Scheme. No further reference or investigation of this area was documented however eight properties along Sydney Road, Coburg were recommended for protection.

***Moreland Heritage Gap Study by Context Pty Ltd (2020)***

This study sought to resolve recommendations from previous studies that had never been completed. This study found two properties along Sydney Road Coburg as being locally significant to Merri-bek. Amendment C174more introduced a Heritage Overlay to those places in October 2020.

As part of this study, the consultants identified a number of places and a small precinct along the core Sydney Road commercial strip of Coburg for further investigation, including:

 492 Sydney Road Coburg (shop)

 470-474 Sydney Road Coburg (shops)

 489-509 Sydney Road and 94-112 & 81-91 Bell Street (precinct)

These places and precinct underwent a detailed assessment as part of the Nominations Study conducted by Extent Heritage (2019-2020), with them all being recommended for inclusion in the Heritage Overlay.

***Moreland Heritage Nominations Study by Extent Heritage (2022)***

This study sought to investigate the heritage significance of places and precincts nominated by the public and Council Officers and recommendations from the Gap Study. This study recommended a precinct at the corner of Sydney Road and Bell Street as being locally significant to Merri-bek, along with 3 other individually significant places. Amendment C208more introduced a permanent Heritage Overlay to those 3 places and the precinct and was enacted on 4 May 2023.

**3. Issues**

**Further Work**

Irrespective of the previous heritage work undertaken, a specific analysis of buildings with original shopfronts along Sydney Road is warranted. It should be recognised that perceptions about what is valued and should be protected change over time. Doing a heritage study involves gathering information about the heritage values and determining the heritage significance of a place. The process for doing a heritage study includes two stages and must be undertaken by a qualified heritage expert:

***Stage 1 – Preliminary Assessment***

This stage includes a preliminary assessment of a geographic area or group of places linked by a common theme. Places and precincts are identified and reviewed for potential heritage significance.

***Stage 2 – Detailed Assessment***

This stage confirms the significance of places identified in Stage 1 and includes a detailed study, documentation and recommendations for protection of heritage places and precincts. The *Planning and Environment Act* 1987 and the *Heritage Act* 1995 require criteria to be used when assessing the cultural heritage significance of places and objects. Criteria have been developed that assist in determining whether a place is likely to satisfy the local or state level threshold. Criteria refer to historic, aesthetic, technical or social value.

**Heritage Implementation Plan**

In December 2022, Council endorsed an implementation Plan for heritage actions to be delivered in the 2022 – 2025 period. The implementation plan assists Council to meet its heritage obligations outlined in various legislations. The following projects are unfunded and specifically relate to the preparation and protection of heritage places in the planning scheme.

**Current Heritage Implementation Plan**

| **Year**  | **Action**  | **Amount**  |
| --- | --- | --- |
| **2024/2025** |
|  | Undertake an audit of heritage places and precincts within the Moreland Industrial Land Strategy Areas. | $20,000 |
|  | Consultant to prepare background documentation to support a Planning Scheme Amendment to change the schedule to the Heritage Overlay to allow prohibited uses based on findings of the Moreland Industrial Land Strategy Heritage Analysis Report | $50,000  |
|  | Undertake a preliminary assessment to understand extent of Victorian cottages in Brunswick that are within a Heritage Overlay, and those that are not. | $20,000 |
|  | Prepare a Conservation Management Plan for CERES Community Environment Park and Joe’s Market Garden to support implementation of the findings of the Moreland Heritage Nominations Study. | $20,000 |

Approximately $20,000 is needed to undertake a preliminary assessment of the heritage shopfronts along Sydney Road, Coburg. It is recommended that the review of heritage buildings with original shopfronts on Sydney Road be allocated for investigation in the 2023/2024 financial year in anticipation of increased development pressure in the Activity Centre.

At its October 2022 meeting, Council endorsed the 2022 Planning Scheme Review report. This report outlines a number of actions, including that a review of the Coburg Structure Plan and Coburg Activity Centre Zone Schedule be undertaken, commencing in 2027.

A Community engagement program is proposed to take place in the 2023/2024 financial year in relation to the revitalisation of Central Coburg. The review of the Coburg Structure Plan and Activity Centre Zone Schedule would follow. Undertaking a preliminary assessment in the 2023/2024 financial year would support this review timeframe.

A recent Council resolution for the preparation of a Brunswick Activity Centre built form review which will include a heritage study is due to commence 2023/2024. This study is proposed to review the heritage significance of all land within the Brunswick Activity Centre which will include residential and commercial buildings and industrial sites.

To balance out the work program and ensure that all heritage-related actions can be achieved within existing resources, changes are proposed to the Heritage Implementation Plan. It is proposed that the preliminary assessment of Victorian cottages in Brunswick and CERES Community Environment Park and Joe’s Market Garden would commence in 2025/2026. With less development pressure in these locations, moving these projects out by a year is considered acceptable. The suggested updated actions, as per the recommendation of this report (in addition to undertaking the Brunswick Heritage study as recently resolved by Council) is as follows:

**Proposed Heritage Implementation Plan**

| **Action**  | **Amount**  |
| --- | --- |
| **2023/2024** |
| Undertake a preliminary heritage assessment of properties along Sydney Road within the Coburg Activity Centre (from Bell Street to Moreland Road) | $20,000 |
| **2024/2025** |
| Undertake an audit of heritage places and precincts within the Moreland Industrial Land Strategy Areas. | $20,000 |
| Consultant to prepare background documentation to support a Planning Scheme Amendment to change the schedule to the Heritage Overlay to allow prohibited uses based on findings of the Moreland Industrial Land Strategy Heritage Analysis Report | $50,000  |
| **2025/2026** |
| Undertake a preliminary assessment to understand extent of Victorian cottages in Brunswick that are within a Heritage Overlay, and those that are not. | $20,000 |
| Prepare a Conservation Management Plan for CERES Community Environment Park and Joe’s Market Garden to support implementation of the findings of the Moreland Heritage Nominations Study. | $20,000 |

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The process to undertake a preliminary heritage assessment of shopfronts on Sydney Road in the Coburg Activity Centre will be in accordance with the Charter as any future changes to planning controls will need to be exhibited and seek submissions in accordance with the Victoria Planning Provisions.

**4. Community consultation and engagement**

Internal consultation was undertaken with relevant Units across Council to scope the heritage project and timeframes.

Community engagement and feedback will form an element of the project when properties have been identified as potentially significant and the heritage research to confirm the heritage significance has been prepared.

**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**

This report recommends that the $20,000 required to undertake the Coburg Shopfronts assessment be considered as part of the 2023/2024 quarter 1 budget review process.

The 2024/25 and 2025/26 heritage assessments outlined in the Heritage Implementation Plan will require consideration as part of the respective budget processes.

**7. Implementation**

A new implementation plan will be developed 2025 / 2026 to further support the delivery of the Heritage Action Plan 2017–2032.

Upon successful funding and completion of the preliminary assessment of heritage shopfronts, a further report to Council will provide recommendations and outline costs for any second stage assessment.

**Attachment/s**

There are no attachments for this report.

7.3 Laneway Adjacent to Kastorian Association, North Coburg

**Director City Infrastructure, Anita Curnow**

**Capital Works Planning and Delivery**

## Officer Recommendation

That Council:

1. Includes the laneway from Elizabeth Street to the Kastorian Association entry in Council’s footpath network and undertakes appropriate maintenance.

2. Submits the name “Kastoria Lane” to the Registrar – Geographic Names for an exemption to be made to Principle J - Using Commercial and Business Names of the Naming Rules for Places in Victoria, Statutory Requirements.

3. Not pursues the upgrading of the remainder of the unmade laneway at this stage.

**REPORT**

**Executive Summary**

The Kastorian Association of Victoria is a cultural organisation based in North Coburg, established in 1968 by Kastorian immigrants from Greece.

This report responds to an April 2023 resolution calling for information about the potential renaming the unnamed laneway adjacent to the club’s premises in honour of the Kastorian Association.

The report recommends proceeding with the naming of the laneway.

The report also sets out how the replacement of about 6 square metres of concrete surface should occur as part of the maintenance of the Elizabeth Street end, and funded from existing Council footpath renewal budget. The report recommends that the remainder of the laneway is not upgraded, and remain unmade.

**Previous Council Decisions**

***Notice of Motion 8.3 - Kastorian Association – North Coburg*** *– 12 April 2023*

*That Council calls for a report on the following matters:*

*1. Reconstruct the unmade laneway to provide safe passage to the community facility.*

*2. Rename the laneway to Kastoria Lane to acknowledge the contribution of the club to the community and make the entranceway easier to find.*

*3. The report includes the engagement and consultation process for affected stakeholders.*

## 1. Policy Context

Council has adopted a Right of Way Strategy with an objective to manage and protect Rights of Way (ROW) or laneways. The vision of the strategy is:

*To provide a well-managed, accessible, safe and versatile Rights of Way network that enhances community life and provides opportunity for revitalisation.*

The laneway between 217 and 219 Elizabeth Street, is classified as an unmade laneway. Section 3.2.2 of the strategy prescribes process of construction of unconstructed ROW. The approach is for the cost of the construction of ROW to be borne by the adjacent property owners and recovered through a special charges scheme as allowed in the *Local Government Act*. Depending on the class of the ROW, Council has adopted a contribution proportion that Council will make towards the construction. The laneway between 217 and 219 Elizabeth Street is classed as a Class 2 laneway and Council contributes 25 per cent of the cost and the adjacent properties contribute 75 per cent.

It should be noted that Council’s footpath network has been established to provide an accessible all-weather path to the front of every residence and commercial venue. Laneways are generally not part of the footpath network.

## 2. Background

The Kastorian Association of Victoria is a cultural organisation based in North Coburg. The association was established in 1968 by Kastorian immigrants from Greece who settled in the area.

The Kastorian Association aims to promote and preserve the cultural heritage of the Kastorian people and to provide a social and support network for its members. The association runs various cultural events and activities throughout the year, including traditional dance performances, music concerts, and celebrations of important festivals such as Easter and Christmas.

The Kastorian Association is an important part of the Greek-Australian community in Melbourne and has played a significant role in preserving and promoting the cultural identity of the Kastorian people and fostering a sense of community among its members. It is an important cultural organisation that plays a vital role in promoting and preserving the cultural heritage of the Kastorian people in Melbourne.

The Kastorian Association is located at 219 Elizabeth Street, North Coburg. The entranceway is via an unmade laneway. Recently, the Association received capital grants from Council and State Government for building accessible toilets and kitchen, which have been completed, and have expanded the use of the hall. However, the unmade laneway still provides challenges and safety concerns for members of the club.

## 3. Issues

### Local Infrastructure Assessment

### Footpath Access

The property (219) is owned by the Kastorian Society who operate their rooms in the rear half of the premises and sublet the front of the premises. Access to the Society rooms is via a side door opening onto the laneway.

Although the laneway is classified as unmade and the designated footpath network does not extend up the laneway, a concrete surface from Elizabeth Street to the Society’s door has been in place since well before 2007. This surface needs only a little maintenance work, replacement of approx. 6m2 at the Elizabeth Street end, to provide a suitable all-weather path for pedestrians to access the Society’s entrance. This can be funded through Council’s existing footpath renewal budget.

### Vehicle Access

The existing unmade laneway provides access (dependent on weather conditions) to the rear of several properties. This access would not be utilised by the general public. Due to the standard width of 3.0 metres, parking is prohibited in laneways.

Roads (including laneways) are initially constructed at the cost of the landowners. Today, the *Subdivision Act 1988* ensures that the roads are constructed by the developer before the abutting house lots can be sold. However, historically the subdivision often came first, resulting in landowners constructing homes next to unconstructed roads, then the *Local Government Act* allowed Councils to charge the full cost of constructing the roads and drains to the abutting landowners. Once the road was constructed, Council had to maintain it forever. However, the 1989 version of the Local Government Act removed Council’s power to compel owners into a construction scheme. Today, a majority of abutting owners must agree to pay, before a construction scheme can proceed. Since 1989 this occurred only once.

Historically, the cost of construction was allocated using the length of property frontage and one-third the length of any property side-age (ie for corner blocks facing a different street). There are no recent examples to identify the current charging methodology.

### Naming of Laneway

Under the Rights of Way Strategy, laneways are named if there are properties with their only access via the laneway. Under the *Geographic Place Names Act 2010,* Council is a body which can submit a place name to the Registrar, Geographic Names for adoption after suitable public consultation. The naming of a laneway is covered under the Act.

Under the Naming Rules for Places in Victoria, Statutory Requirements, places should generally not be named after:

 commercial businesses

 trade names

 estate names (which are solely commercial in nature)

 not-for-profit organisations.

Exceptions may apply if the business, organisation or name had an association with the area over a substantial period of time and is held in high regard by the community, for example, Lions Park Mallacoota, Vegemite Way.

In these circumstances, the naming authority must apply in writing to the Registrar to seek exemption from this principle, including but not limited to evidence of the business or organisation’s association with the area and any known community views. This exemption request must be sought prior to commencing any public consultation or reaching a decision on the final naming proposal.

## 4 Community consultation and engagement

The Naming Rules requirements state -

Communities that will be affected by the proposed naming or boundary adjustment of a road, feature or locality should be consulted. The naming authority must decide whether the immediate community or the extended community should be consulted or notified of a change.

Roads: consult the owners of properties accessed from the road.

### 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.

### Setting of a precedent

The provision of a footway along part or the whole of a laneway has been undertaken previously where there is a significant community benefit.

The naming of this laneway is being undertaken to provide a precisely named path to a community service organisation. It does not provide a broad precedent for naming laneways. Where properties all have an alternative access, laneways remain unnamed. This ensures a consistent approach to the naming of Rights of Way (laneways) and numbering of properties in laneways including aiding emergency services to locate properties more efficiently.

## 5. Human Rights Consideration

## This report reinforces Human Rights; apart from the intersection between disability access and gender, does not raise additional Gender Equality issues requiring a Gender Equality Impact Assessment.

## 6. Officer Declaration of Conflict of Interest

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

## 7. Financial and Resources Implications

The ROW in question has not been designed for upgrade, as such, only a high-level estimate can be undertaken. Based on Council’s current unit rates, it is estimated that the cost of constructing the entire length of the ROW with possible drainage requirements will be approximately $100,000. Based on Council’s current approach of a shared cost with the adjacent properties, Council’s contribution will be approximately $25,000 and the collective contribution of adjacent properties will be $75,000. Altogether, there are 9 properties which could potentially access the ROW. Not all of these currently utilise the laneway for rear access.

Proposals to include a footway to the door or the Kastorian Club and name the laneway can be carried out within Council’s current operating budget.

Should Council decide to progress with upgrading the section of ROW, there will be additional resource required, both in the form of external consultants (Survey and Design) and internal existing resources (Project Manager, Construction Engineer, Communications and Engagement Officer/Advisor). There could also be resource implication due to administrative task of special charges.

## 8. Implementation

Following adoption of the recommendations of this report, the following will be undertaken:

1. The laneway from Elizabeth Street to the Kastorian entrance will be included in Council’s footpath register.

2. An exemption will be sought to use the name “Kastoria Lane” from the Registrar – Geographic Names (exemption to Principle J - Using Commercial and Business Names of the Naming Rules for Places in Victoria, Statutory Requirements).

3. The distressed concrete area at the start of the laneway will be scheduled for renewal.

4. The process to name the laneway will be undertaken following advice from the Registrar – Geographic Names.

## Attachment/s

There are no attachments for this report.

**7.4 Implementation of Council's new name - progress update**

**Director Community, Eamonn Fennessy**

**Community Engagement**

**Officer Recommendation**

That Council notes the update on actions to implement Council’s name change to Merri-bek City Council and the associated costs for the 2022/23 financial year.

**REPORT**

**Executive Summary**

On Monday 26 September 2022, Council’s municipal name was officially changed to Merri-bek City Council. The process to rename Council involved an extensive community engagement program that resulted in one of the highest participation rates experienced to date, with majority support expressed for the Wurundjeri Woi-wurrung word for ‘rocky country’, Merri-bek.

As part of the change to Council’s name, Council resolved to allocate $250,000 per year across two financial years to enable implementation of the name change. An implementation plan was developed with an allocated budget of $250,000 for the year 2022/23. This plan included updates to Council’s logo and visual identity, key signage, digital platforms, uniforms and other actions.

Council changed its corporate name only and has not required or requested local organisations, clubs, businesses, and groups to change their name unless they choose to do so. In December 2022, Council resolved to allocate $25,000 from the implementation budget towards support grants that were offered to local organisations and businesses who indicated they would like to align their name to the new municipal name.

This report responds to an October 2022 resolution requesting an implementation update to be reported to Council in July 2023. A list of implementation actions and costs for the first year of Council’s new name are included within this report.

**Previous Council Decisions**

**Merri-bek Naming Support Grant** –7 December 2022

*That Council:*

*1. Approves the reallocation of $25,000 from the $250,000 allocated this financial year through for implementation of Councils name change to a Merri-bek Naming Support Grant program in 2022/23 to assist community organisations and businesses who wish to update from ‘Moreland’ to ‘Merri-bek’ and require financial support to do so.*

*2. Refers an additional $25,000 to the 2023/24 Council budget process for consideration to continue the once-off Merri-bek Naming Support Grant program next financial year.*

**What’s In a Name? Moreland to Merri-bek** – 12 October 2022

*That Council:*

*…*

*3. In July 2023 and July 2024 present a report to Council detailing the implementation actions of the name change and associated costs in the previous financial years.*

**Proposed Renaming of Moreland City Council** –13 December 2021

*That Council:*

*…*

*6. Notes and refers to the budget process an additional $250,000 per year for two financial years ($500,000 total) to update Council’s digital platforms, signs at significant Council buildings and facilities and municipal entry signs and notes updating Council assets such as street and park signs, smaller facilities signage, staff uniforms and vehicles will be addressed incrementally within existing budget allocations and asset renewal programs over a 10-year timeframe.*

**1. Policy Context**

Implementing a new name for Council is aligned with the following key Council plans and policies:

 **Council Plan 2021-2025:** Theme 3: A healthy and caring Merri-bek

 **Statement of Commitment** to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Merri-bek

 **Human Rights Policy 2016-2026**

 **Social Cohesion Plan:** Theme 4: Diversity and Discrimination

**2. Background**

Council’s new name of Merri-bek City Council officially came into effect on Monday 26 September 2022, following notification from the Governor in Council and Minister for Local Government and an extensive community and stakeholder engagement over many months.

Council endorsed a budget allocation of $250,000 per year for two financial years to update Council digital platforms, signs at significant Council buildings and facilities and municipal entry signs and other actions.

In preparation for Council’s new name, an implementation plan was developed that mapped out a schedule of actions and estimated costs. The approach to updating Council’s new name was to apply simple and complementary updates, retaining the existing logo that has strong recognition and familiarity across the community.

As well as changing the corporate name within the Council logo, a new colour palette was introduced and the incorporation of Wurundjeri artist Mandy Nicholson’s ‘manna gum’ leaf as a supporting brand element.

Works to implement Council’s new name, including graphic design works, were resourced internally, assisting in keeping associated costs low.

**Implementation to date**

A number of key actions have been delivered in the first year of implementation, all within the allocated budget.

Other key actions include:

 **Council websites:** updates to the name, colour and logo on Council’s corporate website, Conversation’s Merri-bek engagement platform and other related websites. The URL and domain name for Council’s digital platforms has also been updated to reflect the new name Merri-bek.

 **Key communication channels:** Council’s key communication channels have been updated to reflect the new name including social media (Facebook, Instagram, LinkedIn, Twitter, YouTube), the Merri-bek Community Newsletter, My Merri-bek eNewsletter. All Council sub-brands have also been updated, for example Business Merri-bek channels, Zero Carbon Merri-bek, Arts Merri-bek etc. Since the official date of our new name, any new printed collateral was updated and any existing ‘Moreland’ material was distributed and replaced as needed.

 **Council fleet:** removal of old logo and artwork and replacement with new name of Council’s vehicle fleet – this includes waste trucks, street sweepers, community buses and other vehicles.

 **Signage at key locations:** While key signage has now been updated to reflect Council’s new name, remaining signage will be updated on an ‘as needs’ basis as assets age and are required to be replaced as part of Council’s renewal program. New signage artwork has been installed at key Council locations and facilities. This includes municipal entry signs, Maternal and Child Health Centres, Oxygen Youth Centre, and customer service centres. Signage at parks will be progressively updated on an ongoing basis.

 **Staff uniforms:** uniforms for front facing staff have been updated included Customer Service Officers, Local Laws Officers and Home Support team members. Other remaining uniforms such as Open Space Maintenance Crew Members will be updated progressively in year two of implementation and on an ongoing basis post 2023/24.

In December 2022 Council requested that support a grants program for local organisations and businesses who wished to change their name and brand to Merri-bek be included within the implementation budget. The first year of support grants have now been allocated to 6 organisations at a total of $25,000. Successful recipients include:

 Moreland City Band

 Moreland West Medical Centre

 Community Information and Support Moreland

 Moreland Darebin District Scouts

 St Alban’s and St Augustine’s Merri-bek

 Moreland Toy Library

**3. Issues**

**Community impact**

Consideration was given to the existing awareness and recognition of the Council logo, particularly within CALD communities. To accommodate this, the decision was made to retain the existing logo and change only the corporate name within the logo. Minor updates were then applied to the colour palette used for Council branded material. Community concern around the costs of implementation were also considered and much of Council’s name change was developed and delivered within existing resources to maintain low costs.

**Climate emergency and environmental sustainability implications**

Environmental sustainability was front of mind to avoid or reduce waste as much as possible, and in some instances assets or materials with ‘Moreland’ remain and will be replaced as they age as part of Council’s renewal program. A large portion of the renaming to Merri-bek involved digital assets which had minimal impact to the environment.

**Economic sustainability implications**

Local suppliers based in Merri-bek were predominantly engaged to supply services and materials as part of the implementation actions.

**Legal and risk considerations**

Only the Victorian Government can change Council’s corporate name. This was completed on 26 September 2022 as an Order in Council under section 235(g) of the *Local Government Act 2020* with reference to section 237(2)(f) altering the name of Moreland City Council to Merri-bek City Council.

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The report supports Charter Section 19 (2) Aboriginal Cultural Rights and Responsibilities which say that Aboriginal people hold distinct cultural rights and must not be denied the right to:

 Enjoy their identity and culture

 Maintain distinctive spiritual and economic relationship with the land and waters and other resource they have a connection under traditional laws and customs.

**4. Community consultation and engagement**

All residents, ratepayers, business owners and other community members were invited to vote on their preferred new municipal name from three Woi-wurrung name options over May and June 2022. Participation in the community engagement process was provided via digital platforms, hardcopy surveys and face-to-face activities.

**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**

As previously advised to Council, $250,000 per year for two financial years starting 2022/23 was required and approved. This has been included in the Council budget 2022/23 and 2023/24. Updating Council assets such as street and park signs, and smaller facilities signage will be addressed incrementally within existing budget allocations and asset renewal programs over a 10-year timeframe.

**Completed implementation 2022/23**

|  |  |
| --- | --- |
| Update digital platforms: corporate website, Conversations Merri-bek engagement platform, maintaining search engine results (e.g. Google) | $32,668 |
| IT Infrastructure: domain name change/URL, email addresses, SSL Certificate, Office 365 | $33,700 |
| Community awareness information of new name | $7,479  |
| Development of templates and materials: posters, flyers, email banners, social media tiles, update to brand guidelines | $10,454 |
| Stationery: lanyards, authorised officer ID, infringement notices, business cards etc. | $9,732  |
| Uniforms for front facing staff: customer service, local laws officers, Home Support Team etc. | $12,196 |
| Banners, portable signage, Council Chambers signs/logo  | $11,339 |
| Municipal signage and key facilities: entry signage, MCH Centres, Oxygen Youth Centre, customer service centres, leisure and recreation centres a number of park signs across municipality. | $92,432 |
| Operational fleet and vehicles: updating name and branding of Council vehicles including waste trucks, fleet vehicles, street sweepers, immunisation vehicle etc.  | $14,364 |
| Support grants to assist local organisations and businesses to change their name and brand to Merri-bek if they wish. | $25,000 |
| Total | $249,364 |

**Proposed second year implementation 2023/24**

The following list of actions and estimated costs will be delivered as part of the second year of implementation, and within the allocated budget of $250,000:

|  |  |
| --- | --- |
| Uniforms for outdoor staff (e.g. Open Space maintenance, Waste Services etc) | $26,000 |
| Signage for key facilities: parks, community halls, senior citizen centres  | $88,000 |
| Remaining stationery and collateral: staff ID, pull up banners, translated material for CALD communities, accessible signage etc. | $19,000 |
| Remaining fleet and vehicles: updating name and branding of Council vehicles including waste trucks, fleet vehicles, street sweepers, immunisation vehicle etc.  | $55,000 |
| Support grants to assist local organisations and businesses to change their name and brand to Merri-bek if they wish. | $25,000 |
| Contingency on escalations (additional infrastructure and supply chain costs) | $37,000 |
| Total | $250,000 |

**7. Implementation**

The above list of implementation actions and costs have been delivered within the first year of the change to Council’s new name in 2022/23. The second year of implementation actions will commence from 1 July 2023.

**Attachment/s**

There are no attachments for this report.

7.5 Financial Management Report for the Period Ended 31 May 2023

**Director Business Transformation, Sue Vujcevic**

**Finance and Procurement**

## Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 May 2023, 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 May 2023.

The May Income Statement shows the Council surplus is $2.2 million better than the year-to-date revised forecast as a result of lower overall revenue and lower overall expenditure. These differences are considered largely timing in nature.

Council has spent $60.1 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of $70.4 million, with $18.8 million remaining to be spent.

**Previous Council Decisions**

## 2022-23 Third Quarter Financial Report – 12 April 2023

*That Council:*

*1. Notes the 2022/23 Third Quarter Financial Report for the period ending 28 February 2023, 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 $0.2 million and decrease to expenditure of $2.9 million arising from the 2022/23 Third Quarter Financial Review;*

*4. Notes the unrestricted surplus of $2.5 million to be transferred to the Waste Reserve, leaving an unrestricted forecasted surplus of $0.3 million.*

*5. Endorses the full-year capital expenditure forecast of $78.9 million, arising from the 2022/23 Third Quarter Financial Review.*

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

 *Park Close to Home – Frith Street - $3,763,292*

 *Saxon St Community Hub - $2,800,000*

 *Replace Council Fleet – Walter St Depot - $1,024,655*

 *Kerbside Waste Reform - $914,899*

 *Turner Street Kindergarten Expansion - $635,114*

 *Lorne Street – From Hume to Wembley, Fawkner - $434,585*

 *Transport Trial Sites – Kent/Northumberland/Dawson Bike Lanes & Albert/Victoria Shared Zones - $340,362*

 *Richards Reserve Natural Turf Renewal - $337,850*

 *Doris Blackburn Kindergarten - $301,577*

 *CB Smith Reserve Precinct Safety Improvements - $300,000*

 *Pascoe Vale Community Centre – Children’s Area Refurb - $299,215*

 *Sportsfield Stormwater Reuse – Municipal Wide - $270,000*

 *Commercial Tenancy Maintenance Obligations - $250,000*

 *Accommodation Master Plan Implementation - $240,000*

 *Furniture & Fittings Replacement Program - $179,800*

 *Installation of Pedestrian Operated Signals (Biennial) - $165,000*

 *Kendall/Harding Footbridge over Merri Creek - $150,580*

 *40km/h Community & Engagement Strategy - $145,000*

 *Project Management – Hosken Reserve - $135,000*

 *Blackspot Project – Barkly St & Lygon St - $124,000*

 *Dog Parks in the North – Fawkner - $103,446*

 *Dog Parks in the North – Glenroy - $103,216*

 *Kingsford Smith Ulm Reserve - $100,000*

 *Park Close to Home – Service Street, Coburg - $100,000*

 *Moonee Ponds Creek Naturalisation Project - $97,500*

 *Upfield Path Upgrade at Railway Place and Refuge Island on Union Street – Brunswick - $91,922*

 *Upgrade Roundabouts to Improve Access - $84,600*

 *Fawkner Transport Study – Various - $80,000*

 *Craigieburn Shared Path Stage 4 Glenroy Road to Barina (Design) - $50,000*

 *Rostering System – Various - $46,000*

 *Corporate Carbon Reduction Plan (CCRP) - $30,000*

 *Traffic Management Devices – Various Locations Identified by Studies 22/23 - $30,000*

 *O’Hea Street Bike Path Extension – Sussex to Deby Street, Pascoe Vale - $27,120; and*

 *Core Systems Upgrade - $26,486.*

## 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 May 2023. The actual results are compared to the revised forecast which includes changes made in the Third Quarter Financial Review.

## 3. Issues

Council ended May 2023 with a surplus operating result of $42.8 million which is $2.2 million (6%) better than the YTD revised forecast of $40.5 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

 **Contributions Monetary** ended $1.1 million unfavourable due to the unpredictability in timing of Open Space contributions.

 **Grants Capital** ended $0.9 million (18%) unfavourable primarily due to the timing of grant funding for Saxon Street Community Hub ($0.5 million) and Park Close to Home – Frith Street ($0.3 million) (timing).

These unfavourable variances partially offset the favourable variances in expenditure.

### Expenditure

 **Contacts, Materials & Services** ended $3.6 million (6%) favourable primarily due to the following:

 $3.3 million (27%) underspends in General Works & Services in the following areas:

 $2.0 million underspend in operating projects throughout the organisation (timing); and

 $0.4 million underspend in parking sensors (timing).

 $0.2 million underspend in the pool & recreation management fee (permanent)

 $0.4 million (3%) underspend in Cleaning and Waste Removal due to lower than expected volumes in tipping fees and green waste removal (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 April 2023 to 30 June 2023. There are currently six agreements in operation, with a total value of $484,854 Environmental Upgrade Agreement payments that have not yet fallen due.

### Capital Projects – Capital Expenditure

The Capital Expenditure program year to date has an actual spend of $60.1 million which is tracking below the YTD forecast of $70.4 million (15%), with $18.8 million (24%) revised forecast remaining.

### Cash

At the end of May, Council had cash and short-term investments of $123.0 million. This is $8.9 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 3.49 as at 31 May 2023. 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.

### 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 Report ending 31 May 2023 | D23/292607 |  |

7.6 Contract 551T - Provision of Management of the Brunswick Mechanics Institute - Final Extension

**Director Community, Eamonn Fennessy**

**Cultural Development**

## Officer Recommendation

That Council approves the final extension to Contract 551T, Provision of Management of the Brunswick Mechanics Institute (value $120,000), to incumbent service provider, Next Wave.

**REPORT**

**Executive Summary**

Merri-bek City Council’s current contract with Next Wave for the management of the Brunswick Mechanics Institute is due to expire on 30 June 2023. It is recommended that the final extension on this contract be executed, with the new contract expiry date of 30 June 2025.

When Council approved this contract, delegation was given to Director Social Development. As this role no longer exists the contract extension is returning to Council for approval.

**Previous Council Decisions**

**Contract 551 - Management of Mechanics Institute –** 12 April 2017

*Council resolve:*

*1. To accept Lump Sum Tender/Schedule of Rates Tender from Next Wave (ABN 50 679 318 829) for the amount of $60,000 annually for the provision of Contract 551 - Management of Mechanics Institute*

*2. To award a preferred supplier contract, for a period of 2 years, with a further three x 2 year options for extension*

*3. That the Director Social Development be authorised to do all things necessary to execute the contracts.*

*4. That the tenderer be advised of Council’s decision in this matter and all other tenderers be notified of the outcome.*

## 1. Policy Context

 Community Vision: Merri-bek is enhanced by all of us supporting our local businesses, arts communities and social organisations.

 Council Plan item –Council Plan 2021-2024, Theme 4: Vibrant spaces and places in Merri-bek, Strategy 4.11 "Make Merri-bek a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion and inclusion."

 Arts and Culture Strategy

## 2. Background

Next Wave manages the Brunswick Mechanics Institute on Council’s behalf, as a performing arts venue for the development and presentation of new work.

A public tender process was held in 2017 and the Contract 551T was executed for a two year term with 3 x 2 year extension options. The contract with Next Wave began on 1 July 2017 and following the completion of this contract extension, a new tender process will be held for the contract from 1 July 2025.

In line with Contract Management Framework, the Contract Manager has reviewed the contract KPIs. The focus of the review is to assesses that the contractor is meeting performance obligations under the contract. The Contract Manager is satisfied with the performance of the contractor(s).

## 3. Issues

### Community impact

A new public tender process will be held prior to the expiration of the proposed extension.

### Legal and risk considerations

A contract extension risk assessment has been completed.

### Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. Key sections in the Charter that are relevant to this report are the right to freedom of expression and the right to peaceful assembly and freedom of association.

Brunswick Mechanics Institute provides a safe space for artists to create and present new artwork and opportunities for audiences and communities to connect with cultural expression.

## 4. Community consultation and engagement

N/A

**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.

Affected person include local artists and arts organisations, audiences and general community members.

### Communications

The contract extension will be shared through Arts Merri-bek, Merri-bek City Council and Next Wave communications.

## 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 Arts and Culture Unit is responsible for the budget and contract management. The approved budget for this project/service is $120,000 for the two-year extension. The total cost is within budget.

## 7. Implementation

Following Council’s decision, the contract will be extended with Next Wave.

## Attachment/s

There are no attachments for this report.

**7.7 Contract Award: RFT-2023-378 Hosken Reserve - Soccer Pitch and Reserve Revitalisation**

**Director City Infrastructure, Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:

a) Make a formal offer to Joslyn Group Pty Ltd (A.C.N.167 480 748) (Contractor) to award to the Contractor contract RFT-2023-378 Hosken Reserve - Soccer Pitches and Reserve Revitalisation (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the sum of $3,997,287.11 (excluding GST) or $4,397,015.82 (including GST).

b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:

i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and

ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer

2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:

a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; RFT-2023-378 Hosken Reserve - Soccer Pitches and Reserve Revitalisation including authorising any contract cost variation as delegated to the Chief Executive Officer in the Instrument of Delegation;

b) Advises all tenderers of Council's decision in relation to the Contract.

**REPORT**

**Executive Summary**

Hosken Reserve - Soccer Pitches and Reserve Revitalisation project is part of the Hosken Reserve Master Plan adopted by Council in October 2021. The scope of this project includes the refurbishment and lighting of north and south pitches, an active recreation zone, nature play area, BBQs and shelter, accessible shared paths and overall reserve revitalisation.

After being advertised on 8 April 2023 and closing on 23 May 2023, four tenders were received.

After extensive tender evaluation, options analysis, risk assessments, reference checks, and financial checks Joslyn Group has been recommended as the most suitable contractor for the award of RFT-2023-378 Hosken Reserve - Soccer Pitches and Reserve Revitalisation. The scope of the contract has been limited, incorporating upgrade of the north and south pitches, north field lighting, south field lighting, and 12 months maintenance of both pitches.

The overall timeline proposed by the Contractor for the completion of the works meets Council requirements. Joslyn Group has demonstrated extensive experience and available resources in delivering the sports field redevelopment works and has the capacity and capability to deliver these works.

The tender complies with section 109(1) of the *Local Government Act 2020.*

**Previous Council Decisions**

There has been no prior Council decision in relation to this specific contract.

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy.

**2. Background**

The Hosken Reserve - Soccer Pitches and Reserve Revitalisation tender is part of delivering the Hosken Reserve Master Plan adopted by Council in October 2021.

The scope of the tender included the refurbishment of north and south pitches, sports lighting, active recreation zone, nature play area, BBQs and shelter, accessible shared paths and overall reserve revitalisation.

The detailed designs were finalised and approved by key stakeholders in the first quarter of 2023.

In order to engage a suitable contractor to deliver on the scope of works, an advertisement was placed in The Age newspaper on Saturday, 08 April 2023 inviting tenders via the e-tender portal. The public tender was closed on 23 May 2023.

A total of 4 tenders were received from the following contractors:

 Evergreen Civil Pty Ltd

 Joslyn Group Pty Ltd

 McMahons Pty Ltd

 Turf One Pty Ltd

**3. Issues**

**Tender Evaluation**

All tenders were evaluated in accordance with Council’s Procurement Policy and in accordance with the approved Procurement and Probity Plan for this project. An external probity advisor, ArcBlue, was also appointed for this tender. The membership of the tender evaluation panel was as follows:

|  |  |
| --- | --- |
| **Title** | **Full Voting / Advisory Member** |
| Director City Infrastructure | Full |
| Senior Project Manger | Full |
| Manager Community Well-being | Full |
| Unit Manager Open Space Design and Development | Full |
| Senior Procurement Partner | Advisory member |
| Head of Building Projects | Technical |
| External Consultants | Advisory |

In assessing the tenders, consideration was given to the following predefined evaluation criteria:

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Weighting %** |
| **Pricing Response** |  |
| Price | **40%** |
| **Qualitative Criteria Response** |  |
| Relevant expertise and past performance (including OH&S), cohesive and suitable team | 20% |
| Methodology and task appreciation | 10% |
| Tender Program/ Works Program | 20% |
| Social Sustainability  | 3% |
| Economic Sustainability  | 3% |
| Environmental Sustainability  | 4% |
| **Total Qualitative Criteria Response** | **60%** |
| **Total Scores** | **100%** |

During the evaluation process, it was evident that the size and complexity of the tender was greater than the capacity of the construction industry at present.  During evaluation of tenders the panel determined that one or more of the following factors applied to each tenderer:

 Tenderer had extensive experience in sports field reconstruction, but not in civil works and this led to additional margins for civil works to account for this risk

 Tenderer had extensive experience in civil works, but not sports field reconstruction and this led to additional margins for sports field reconstruction to account for this risk

 In total, the magnitude of the job was greater than recent comparable engagements of the tenderer and the panel had low confidence regarding capacity to deliver the whole project

 General uncertainty affecting the construction industry caused the tenderer to add high margins to the whole tender

After extensive options analysis and negotiations, the panel, in consultation with the Probity Advisor, recommended that the overall scope of works to be delivered in two separate parts – the sports field reconstruction and associated works, and the civil works including landscaping, car park and shared path works and active recreation zone. The works associated with the sports fields was judged to be more time critical and so this report recommends awarding the works for sports infrastructure only with the intention of separately publicly tendering the civil and landscaping works.

Awarding sports fields works under this tender and subsequently tendering for remaining works is expected to not impact on overall delivery of Hosken Reserve Master Plan. It will ensure a smoother and more risk averse approach in current market environment.

The evaluation process identified Joslyn Group Pty Ltd as the preferred tenderer based on the reduced scope of works and results of the evaluation matrix, included as **Confidential** **Attachment 1**.

**Tender Probity**

An external probity advisor was engaged for this tender. The Probity Advisor has provided the following summary finding:

Based on oversight of this procurement project, the Probity Advisor observed no probity issues of concern and a robust evaluation process that was undertaken with appropriate due diligence. The following is a summary of overall probity performance for the addressed tender process:

 The procurement project was conducted in accordance with the provisions outlined in the tender documentation

 All relevant parties were made aware of their probity obligations

 Confirmation was provided that all relevant documents were kept in a secure manner and confidentiality was upheld at all times in line with Merri-bek City Council’s document security provisions and methodology

 All key meetings attended by ArcBlue were conducted in compliance with probity principles

 ArcBlue have identified no probity issues through our probity advisory activities which would create an impediment to the delegate considering the award recommendations outlined in the Tender Evaluation Report.

The full report of the Probity Advisor is referenced in Confidential Attachment 1 as Appendix B, and also separately provided as **Confidential Attachment 2**.

**Collaboration**

Note that section 109(2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other councils or public bodies which may be available.

Under this contract there are no opportunities to collaborate with other Councils or public bodies, because it is a local, stand-alone refurbishment project with specific timing requirements. This tender also has complex interactions with other improvement projects that will also contribute to the implementation of the Hosken Reserve Master Plan and needs to be managed programmatically, further contributing to the unsuitability of this tender for collaborative procurement.

**Social**

Joslyn Group Pty Ltd has a Social Procurement Policy in place. The policy is designed to address disadvantage and principles of diversity, acceptance, fairness, compassion, inclusiveness and access for all people and abilities.

**Economic Implications**

Joslyn Group Pty Ltd has indicated that most of its material suppliers for this project will be located within Merri-bek and surrounding municipalities.

**Human Rights Consideration**

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

**4. Consultation / Recommendation from Management**

Consultation with stakeholders was undertaken via public consultation and Conservations Merri-bek page from January 2021 to Aug 2021, followed by adoption of the Hosken Reserve Master Plan by Council in October 2021. Additional consultation with community and wider stakeholder was held in February 2023 primarily focused on design of Active Recreation Zone. During this engagement, several residents provided more general support for the proposed works to implement the Hosken Reserve Master Plan.

Nearby property owners and residents will be informed prior to the works commencing on site via a letter drop from Council and the contractor. While they have previously been engaged on scope and timing of works, the sporting clubs at Hosken Reserve will receive updated advice regarding the impending works to ensure impacts on their activities are understood and planned for.

The Conversations Merri-bek page on the Hosken Reserve Master Plan Implementation will also be updated including the timing of the works package that will deliver the remaining scope items from the Master Plan.

**5. Declaration of Conflict of Interest**

Council Officers, external consultants and all other parties involved in the preparation of this report have no conflict of interest in this matter.

**6. Financial and Resources Implications**

An amount of $ 4,130,000 has been allocated in Council’s Capital Works Program for Hosken Reserve – soccer pitches and sports lighting. This relates to the reduced scope of the tender as described above.

The table below shows the anticipated expenditure for the contract.

| **Item** | **Amount (excluding GST)** |
| --- | --- |
| Joslyn Group Pty Ltd – tendered lump sum amount including 12 months maintenance period | $3,997,287.11 |

Should any variations be contemplated within the CEO’s delegation and beyond the available budget, additional funding would be sourced from any available savings within the Hosken Reserve program of projects or the broader Capital Works Program and reported to Council in a quarterly finance update.

**7. Implementation and Timeline**

This report is seeking a Council resolution that the Chief Executive Officer be authorised to do all things necessary to execute the contract and any other required documentation.

Works are planned to commence in August 2023 and be completed in March 2024.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | RFT-2023-378 - Tender Recommendation Report*Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.* | D23/311945 |  |
| **2**  | Probity Advisory Report Merri-bek Hosken Soccer*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.* | D23/311946 |  |

**7.8 Contract Award: RFT-2023-409: Oak Park and Derby Street Kindergarten Expansion and Improvements Project**

**Director City Infrastructure, Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:

a) Make a formal offer to Notion Partners ANC 328 629 266 (Contractor) to award to the Contractor contract RFT-2023-409 for the Delivery of Oak Park and Derby Street Kindergarten Expansions (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:

- for a fixed lump sum construction contract, for the lump sum of $4,019100.00 (excluding GST)

b) Negotiates and finalise sthe terms of the Contract between Council and the Contractor provided that:

i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and

ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;

2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:

a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract, RFT-2023-409 Oak Park and Derby Street Kindergarten Expansion and Improvements Project including authorising any contract cost variation as delegated to the Chief Executive Officer in the Instrument of Delegation.

b) Advises all tenderers of Council's decision in relation to the Contract.

**REPORT**

**Executive Summary**

Oak Park and Derby Street Kindergartens have been popular kindergartens operating in the Merri-bek community for over 30 years. With the increasing population and higher demand, both centres require expansion to improve the internal and external facilities and provide more space for children and staff.

An advertisement was placed in *The Age* newspaper on Saturday, 25 March 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake Oak Park and Derby Street Kindergarten Expansions and Improvement Project - Tenders closed on Friday 4 April 2023 and 5 tenders were received.

Notion Partners achieved the highest score through the evaluation process.

The tender complies with section 109(1) of the *Local Government Act 2020.*

**Previous Council Decisions**

There has been no prior Council decision in relation to this specific contract.

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000 (incl GST) as well as the policy commitments contained in the Procurement Policy.

**2. Background**

Oak Park and Derby Street Kindergartens have been popular kindergartens operating in the Merri-bek community for over 30 years. With the increasing population and higher demand, both centres require expansion to improve the internal and external facilities and provide more space for children and staff.

Some of the additions to Oak Park Kindergarten will include a new kindergarten room that will accommodate an extra 33 children, a children’s bathroom to accommodate the new kindergarten room, alterations to the existing buildings providing more storage space, office space, staff breakout areas and overall improvements to the spatial environment of the centre, a new DDA compliant toilet, improvements to the existing car park and improvements in the playground areas.

Works to Derby Street kindergarten will include the demolition of the existing 4-year-old kindergarten room to develop two new rooms in the same location, the creation of a new entry to connect the existing building with the new building, a new kitchen, new office and staff areas, the creation of accessible hallways, doorways, and toilet facilities. There will also be improvements to landscaping associated with a new kindergarten rooms and entry, new fencing, and modifications to the existing carpark at the front of the building.

An advertisement was placed in *The Age* newspaper on Saturday, 25 March 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake Oak Park and Derby Street Kindergarten Expansions and Improvement Project - Tenders closed on Friday 4 April 2023 and 5 tenders were received.

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.

Conforming tenders are listed in table below – there was one no non-Conforming tenders.

| **Tenderer Name** | **Conforming** | **Non-Conforming** | **Comments (If Non-Conforming)** |
| --- | --- | --- | --- |
| Ascon Homes  | ☒ | ☐ | N/A |
| Constructive Group Pty Ltd | ☐ | ☐ | N/A |
| Exemplo Construction Pty Ltd | ☒ | ☐ | N/A |
| Kinetic Construction Pty Ltd | ☐ | ☒ | Did not complete Tender response document. |
| Notion Partners | ☒ | ☐ | N/A |

**Tender Evaluation**

Tenders were evaluated in accordance with Council’s Procurement Policy and in accordance with the approved Procurement and Probity Plan for this project.

The membership of the tender evaluation panel was as follows:

|  |  |
| --- | --- |
| **Title** | **Full Voting / Advisory Member** |
| Senior Project Manger | Full |
| Senior Project Manger | Full |
| Senior Project Manager  | Full |
| Senior Procurement Partner | Advisory member |

In assessing the tenders, consideration was given to the following predefined evaluation criteria:

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Weighting %** |
| **Pricing Response** |   |
| Price | **40%** |
| **Qualitative Criteria Response** |   |
| Relevant expertise and past performance (including OH&S),cohesive and suitable team | 25% |
| Methodology and task appreciation | 10% |
| Tender Program/ Works Program | 15% |
| Social Sustainability  | 3% |
| Economic Sustainability  | 3% |
| Environmental Sustainability  | 4% |
| **Total Qualitative Criteria Response** | **60%** |
| **Total Scores** | **100%** |

Summary of the initial scoring for shortlisting.

| **Initial scoring for Shortlisting** |
| --- |
| **Company** | **Financial score** | **Non-financial score** | **Total score** |
| Notion Partners | 19% | 46% | 65% |
| Constructive Group Pty Ltd | 16% | 40% | 56% |
| Exemplo Construction Pty Ltd | 14% | 35% | 48% |
| Ascon Homes | 40% | 12% | 52% |

**3. Issues and challenges**

Initially the centres were to be vacant during the construction stage. Due to the unavailability of space to decant the children from both centres into another space during construction, the proposed works will need to be staged to accommodate the children while the centres are being expanded and improved. This was a scenario that was mentioned in the tender documentation. The shortlisted contractors invited for interviews and were asked to prepare a methodology, price, and program for staging the works at both centres while occupied taking into consideration any unforeseen factors emerging that may impose any risks to the project and any OH&S risk to the staff and children.

**Collaboration**

Note that section 109(2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement must include information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

In this instance there are no opportunities for collaboration with other Councils or public bodies.

**Interviews**

Two contractors were short listed for interviews – Notion Partners and Constructive Group Pty Ltd

**Options**

The two contractors interviewed were asked to provide a revised price and program based on staging the proposed works.

It was decided Notion Partners performed better in the quantitative and qualitive criteria and that they would be awarded this project.

**Social / Environmental / Local Implications**

**Social**

Notion Partners have a Social Procurement Policy in place. The policy is designed to address disadvantage and principles of diversity, acceptance, fairness, compassion, inclusiveness and access for all people and abilities.

**Economic Implications**

Notion Partners has indicated that most of its material suppliers for this project will be located within Merri-bek and surrounding municipalities.

**Human Rights Consideration**

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

**4. Consultation / Recommendation from Management**

The social distancing restrictions have impacted Council’s ability to undertake engagement through usual approaches. As a consequence, Council officers have adjusted their approach to community consultation on this matter by using the Conversations Merri-bek website, digital solutions and by post.

As part of the planning process, the Merri-bek Urban Planning Department will be sending sent letters to the residents who live near the centres advising them of the proposed projects.

**5. Declaration of Conflict of Interest**

Council Officers, external consultants and all other parties involved in the preparation of this report have no conflict of interest in this matter.

**6. Financial and Resources Implications**

In 2023-2024 Capital Works Program, Council has adopted a total budget of $5,515,000.00 for Oak Park and Derby Street Kindergarten Expansions and Improvement Project. Below are details of individual budgets

|  |  |
| --- | --- |
| **Budget line item** | **Adopted Budget 2023 - 2024** |
| Derby St Kindergarten Children's Centre-122 Derby Street, Pascoe Vale | $3,075,000.00 |
| Oak Park Kindergarten-Oak Park | $2,440,000.00 |

The table below shows the anticipated expenditure for the contract.

|  |  |
| --- | --- |
| **Item** | **Amount (excluding GST)** |
| Notion Partners – tendered lump sum amount | $4,019,100.00 |

Should any variations be contemplated within the Chief Executive Officer’s delegation, additional funding would be sourced from any available savings within the Oak Park and Derby Street Kindergarten Expansion program or the broader Capital Works Program and reported to Council in a quarterly finance update.

**7. Implementation and Timeline**

This report is seeking a Council resolution that the Chief Executive Officer be authorised to do all things necessary to execute the contract and any other required documentation. Works are planned to commence in August 2023 and be completed in April 2024.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | RFT-2023-409 - Tender Recommendation Report for Oak Park and Derby Street Kindergarten Expansions and Improvements Project*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.* | D23/287495 |  |

**7.9 Contract Award: C2602/0336 Northern Council Alliance Road Maintenance and Associated Services**

**Director City Infrastructure, Anita Curnow**

**City Services**

**Officer Recommendation**

That Council:

1. Awards Contract RFT-2022-07 PA No. 2602/0336 NCA Maintenance and Associated Services for the period of 3 years, with two further 1-year options, to the following suppliers:

Part A - Combined contract which covers categories 1, 2, 3, 5, 6, 7, 8, 9 and 10 for Asphalt supply and install:

a) Asphaltech (VIC) Pty Ltd ABN: 42 105 883 154

b) Bild Bittumill Pty Ltd ABN: 28 097 282 981

c) Bitupave Ltd T/A NSW Boral Asphalt ABN: 87 004 620 731

d) Downer EDI Works ABN: 66 008 709 608

e) Fulton Hogan Pty Ltd ABN: 54 000 538 689

f) Prestige Paving Pty Ltd ABN: 84 140 970 912

g) RABS Paving Services Pty Ltd ABN: 60 145 446 939

h) Roadsafe Asphalt Pty Ltd ABN: 16 162 987 260

i) Silman Bros Asphalting Pty Ltd ABN: 43 156 451 464

j) The Trustee for Centofanti Families Unit Trust ABN: 80 633 466 905

Part B - Standalone contract for Asphalt Supply Ex Bin (Category 1):

a) Asphaltech (VIC) Pty Ltd ABN: 42 105 883 154

b) Citywide North Melbourne Asphalt ABN: 19 608 698 700

c) Downer EDI Works ABN: 66 008 709 608

Part C - Standalone contract Crack Sealing Works (Category 5):

a) Crack Sealing Solutions ABN: 86 498 158 899

b) Super Sealing Pty Ltd ABN: 22 868 781 289

Part D - Standalone contract Traffic Control Services (Category 8):

a) Altus Traffic Pty Ltd ABN: 84 102 768 061

b) Ausroads Traffic Management Pty Ltd ABN: 34 663 935 966

c) BBC Traffic Management Pty Ltd ABN: 59 635 691 799

d) Construct Traffic No2 Pty Ltd ABN: 35 659 146 808

e) Go Traffic Pty Ltd ABN: 19 124 150 090

Part E - Standalone contract Line Marking (Category 9):

a) Cooper Line Marking Pty Ltd ABN: 69 097 055 091

b) Image Line Marking Pty Ltd ABN: 15 082 074 708

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

3. Advises respondents to the tender of Council’s decision in this matter and all other tenderers be notified of the outcome.

**REPORT**

**Executive Summary**

The Northern Council Alliance Group of Councils (NCA) incorporating Banyule City Council, City of Whittlesea, Darebin City Council, Hume City Council, Merri-bek City Council, Mitchell Shire Council and Nillumbik Shire Council appointed Procurement Australia to conduct and manage a request for tender to seek the provision of Road Maintenance and Associated Services from capable and appropriate suppliers.

Road Maintenance Services for the period commencing 1 January 2024 and concluding 30 June 2026 with further 2 x 12-month extension options. The objective was to manage the transition of their current individual needs to a supplier panel arrangement for each respective Council that can offer services based on each individual Council’s requirements.

The decision as to which contracts are awarded by each individual Council will be determined as part of each individual Council’s review of the evaluation outcomes based on best outcome for their own Council.

Each council is to present recommendations to their respective delegated authority as part of the tender award process. The delegated authority will be different for each individual Council.

**First Tender**

The RFT event was released as a public event on 12 November 2022. A forum for questions to be submitted was established with a closing date of 7 December 2022.

The RFT event subsequently closed on 14 December 2022 at 3:00pm AEDT, with submissions received via the Tenderlink electronic tender box from 37 suppliers.

At the tender opening meeting, it was decided by the subject matter experts (SMEs) that the VicRoads Qualification requirement as a barrier or potential barrier to entry be removed. This made the initial tender ceased without award.

**Reissue of tender**

The RFT was reissued without the VicRoads Qualification requirement as a private event on 18 February 2023 to those suppliers that downloaded the documentation in the first tender period. A forum for questions to be submitted was established with a closing date of 15 March 2023.

The RFT event subsequently closed on 22 March 2023 at 3:00pm AEDT with submissions received via the Tenderlink electronic Tender box from 34 suppliers.

The purpose of this report is to seek approval to enter into contract with various suppliers for the provision of material and services listed above.

**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 has an extensive network of asphalt roads (531 kilometres) and footpaths (166 kilometres) across the municipality that require periodic maintenance. The maintenance of these roads and footpaths is carried out by Council’s in-house asphalt crew as well as a panel of contractors that assist with the large-scale road patching, potholes reinstatement, resurfacing and footpath renewal works. These works are currently covered by four contracts 789T, 881T, 839T and 30 17 2752 all of which expire 31 December 2023. To simplify the tender process the four contracts are being combined which also creates a larger contract, potentially attracting more tenderers.

Services provided under contract 2602/0336 NCA Maintenance and Associated Services are as follows:

 Category 1 – Asphalt Supply Ex Bin

 Category 2 – Asphalt Supply, Deliver & Lay

 Category 3 – Profiling

 Category 4 – Spray Sealing

 Category 5 – Crack Sealing

 Category 6 – Asphalt Patching

 Category 7 – Plant & Labour

 Category 8 – Traffic Control

 Category 9 – Pavement & Line Marking

 Category 10 – Adjustments of Utility Covers

 Category 11 – Unsealed Road Maintenance.

These services were grouped under 5 main parts:

 Part A- Combined contract which covers categories 1, 2, 3, 5, 6, 7, 8, 9 and 10 for Asphalt Supply and Install

 Part B - Standalone contract for Asphalt Supply Ex Bin

 Part C- Standalone contract Crack Sealing Works

 Part D- Standalone contract Traffic Control Services

 Part E- Standalone contract Line Marking

**Submissions First Tender Event**

Out of the 61 Suppliers who downloaded the tender documentation, 37 formally submitted a response to the first tender.

**Submissions Second Tender Event**

Out of the 61 suppliers who were privately invited to the second tender event, 34 formally submitted a response,

The evaluation criteria and weightings below were developed in consultation with the NCA.

| **Percentage Criteria** | **Criteria** | **Criteria Weighting** | **Sub-Criteria** | **Sub-Criteria Weighting** |
| --- | --- | --- | --- | --- |
| **Technical Criteria****60%** | Compliance(unweighted) | N/A | Compliance With InsuranceCompliance With the Terms & Conditions of The TenderCompliance With Terms & Conditions of The ContractApplicability To Modern Slavery LegislationCovid 19 Management PlanFair Work ComplianceOccupational Health & Safety compliance | N/A |
| Capacity and Capability | 70 | Organisational profile and experience, sub-contractors and consultants experience and Industry Membership / AccreditationResources to be Employed including Plant and EquipmentQuality AssuranceOccupational Health & SafetyIndustrial Relations History | 201812137 |
| Customer Service | 10 | Customer Service and Transitional Initiatives | 10 |
| SustainableProcurement | 20 | Social & Local ImpactEnvironmental ImpactWaste to Landfill MinimisationIndigenous Content | 10352 |
| **Price Related Criteria 40%** | Price | 100 | Cost of ServicePrice Hold PeriodPayment Terms | 801010 |

**3. Issues**

The tenders were evaluated in accordance with the Tender Evaluation Plan for Northern Council Alliance (NCA) Roads Maintenance and Associated Services (Reference No. 2602/0336). A tender evaluation report of the assessments and independent Probity Advisory report is provided in **Confidential Attachments 1** and **2**.

**Collaboration**

As per the requirement of section 109(2) of the *Local Government Act 2020*, Merri-bek City Council incorporated with NCA in collaboration with other participating councils and Procurement Australia as the agency to conduct and manage the request for tender to seek the provision of Road Maintenance and Associated Services from capable and appropriate suppliers.

**Social / Environmental / Local Implications**

The tenders were evaluated against the relevant evaluation criteria for Sustainable Procurement. The areas covered as part of the evaluation were Social and Local Impact, Environmental Impact, Waste to Landfill Minimisation and Indigenous content

**Human Rights Consideration**

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

**4. Consultation**

Technical subject matter experts, compliance and financial chairperson of tender evaluation panel from Procurement Australia, procurement specialist and independent probity advisor were consulted during the tender evaluation.

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

Council Officers, external consultants and all other parties involved in the preparation of this report have no conflict of interest in this matter.

**6. Financial and Resources Implications**

The 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 CAPEX budget allocations.

**7. Implementation**

The awarding of this contract will be by January 2024.

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

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | Tender Evaluation Report*Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.* | D23/298432 |  |
| **2**  | 2602-0336 NCA Probity Advisory Report*Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.* | D23/298439 |  |

**7.10 Outcomes of trial register for developer meetings**

**Director Place and Environment, Joseph Tabacco**

**Governance and Strategy**

**Officer Recommendation**

That Council:

1. Notes that the trial period for the opt in register of developer meetings with Councillors did not result in any disclosures during the period April 2021 through to May 2022.

2. Notes that two disclosures were recorded outside of the formal trial period between May 2022 and May 2023.

3. Notes existing requirements and policies to support transparency in decision making including Governance Rules, Councillor and Employee Codes of Conduct, Councillor and Council Staff Interaction Protocol and the Urban Planning delegates reports procedure.

4. Discontinues the trial register and continue with its existing legislative and policy framework relating to the disclosure of meetings with developers.

**REPORT**

**Executive Summary**

A trial opt in register, intended to capture voluntary disclosures of Councillor meetings with developers, operated between April 2021 and May 2022. During this timeframe no disclosures were submitted.

As pandemic health orders eased and regular business resumed, a total of two individual disclosures were submitted for recording in the trial register during the first quarter of 2023. Both disclosures related to discussions between individual Councillors and a developer following a decision of Council at the March 2023 Planning and Related Matters meeting.

Council remains committed to transparency in its decision making and continues to strengthen its protocols and practices in relation to conflicts of interest and disclosures. A robust legislative and policy framework exists and a range of registers are publicly available on Council’s website relating to the disclosure of relationships through Council’s:

 Summary of Personal Interest Returns

 Register of gifts, benefits and hospitality

 Council meeting minutes – including disclosure of conflicts of interest and records of meetings organised or hosted by Council

 Conflicts of interest register

 Summary of Election Campaign Donation Returns.

The opt in trial register excludes Planning Information Discussion meetings or other disclosures which are already captured and publicly reported in Council’s cyclical governance report.

It is considered that Council’s existing policy framework and requirements of the *Local Government Act* 2020 support integrity and transparency across Council’s operations and its decision making. Consequently, is it recommended that Council’s existing practices sufficiently ensure transparency and that the trial register for meetings with developers be discontinued.

**Previous Council Decisions**

**Transparency – Disclosures of Relationships with Developers – Response to Notice of Motion** – 14 April 2021

*That Council:*

*1. Notes the existing requirements and policies to support transparency in decision making outlined in this report, including the Governance Rules, Councillor and Employee Codes of Conduct, Councillor and Council Staff Interaction Protocol and Urban Planning delegates reports procedure.*

*2. Establishes a public registry of meetings of Councillors with developers, be they corporate or residential land owners, for a trial period of 12 months until 31 March 2022 and which would operate as an opt in system for Councillors, at least in the initial trial phase.*

*3. Receives a report on a review of the trial of the registry to be presented at a Council meeting in May 2022.*

**Increasing transparency in Planning and Development Matters** – 9 December 2020

*That Council:*

*1. Receives a report regarding meetings and relationships Councillors have, or may have, with developers and their associates with a view to developing a policy position. The report should also consider:*

*a) Matters related to Councillor communications with such persons including emails, correspondence, phone contact and so on, and incidental meetings in public too.*

*b) How relationships with developers and associates may otherwise be made clear and transparent to the public in conducting planning and other Council business.*

*c) Establishing a public register of communications and meetings between Councillors, Council staff, and property developers or their representatives.*

*d) How best to engage with the community in considering and developing the policy*

*2. Receives the report at the March 2021 Council meeting.*

**1. Policy Context**

Council adopted its first Public Transparency Policy in August 2020, setting out its commitment to transparency.

The Councillor Code of Conduct sets out the conduct to be observed by Councillors including:

 Councillors must not only avoid impropriety but must at all times avoid any occasion for suspicion and any appearance of improper conduct. This clause is specifically included in relation to statutory decision making.

 The Mayor and Councillors will share any information that will support informed decision making, including background information received from outside the organisation. This includes information received from developers or other parties to a planning process.

Records of meetings hosted or organised by Council involving Councillors and Council staff must be kept and reported to Council in accordance with the Governance Rules. These records must include the attendees of the meeting, the matters discussed and whether any conflicts of interest were disclosed.

The Councillor and Staff Interaction Protocol requires Councillors who receive planning objections or submissions (including from developers or applicants), to forward them to Urban Planning staff without delay. Submissions and objections received in this way will be reviewed and assessed with all other planning submissions or objections received in relation to the same proposal and considered as part of the application or amendment decision process.

The Act also sets out the requirements for disclosures of interest via biannual personal interest returns and declarations of conflicts of interest and requires Councillors to declare any conflicts of interest and not participate in decision making if a conflict of interest exits. Similar provisions exist for Council officers.

Serious penalties are applicable for a Councillor found to have misused their position, including participating in a decision on a matter in which the person has a conflict of interest.

**2. Background**

Transparency in decision making is critical to maintaining public trust and confidence in the functions of Council and the City.

Councils play a key role in facilitating growth and development within their municipal boundaries which includes providing advice and support to businesses, and about strategic land use planning, statutory planning and building services.

Councillors and Council officers are governed by a number of policies and processes, as well as the requirements of the Act, which support integrity and transparency across operations and Council decisions.

It remains that there does not appear to be examples of Victorian councils establishing a register or particular policies to govern meetings between developers and Councillors or Council staff as the existing transparency and accountability framework is considerable, although some are considering developing policies in relation to lobbying of Councillors, including by developers. Greater Geelong and Port Phillip councils considered implementing a register of the nature contemplated by Council but did not proceed with the establishment of a register.

There may be findings or recommendations following the release of the Operation Sandon investigation conducted by the Independent Broad-based Anti-corruption (IBAC) investigation into allegations of corrupt conduct involving councillors and property developers in the City of Casey that will be relevant across local government in Victoria and implementation. This report, has not at the time of writing this report, been released.

*Other jurisdictions*

The Independent Commission Against Corruption (ICAC) in New South Wales released guidance for Councillors in relation to lobbying in local government Councillors. This resource recognised that lobbying is common in local government and councillors are lobbied in relation to a number of issues, including development matters. The ICAC Guide includes the view that appropriate lobbying is normal however inappropriate lobbying, such as when a lobbyist tries to inappropriately influence a councillor’s decision making, may also be a risk. The Guide sets out recommendations for councillors, rather than the administration, to maintain transparency as follows:

*“Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways councillors can help ensure transparency whilst being lobbied.*

*These include:*

 *documenting meetings with proponents*

 *generally conducting meetings in official locations such as council premises*

 *having other people present during meetings*

 *inviting applicants who have approached them for a meeting to discuss a significant development to write to council seeking a meeting with all councillors and relevant staff*

 *providing copies of information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other councillors and filing as part of council’s records*

 *asking people who have requested a meeting to put their arguments in writing*

 *making a declaration at a council meeting about lobbying activities they have been engaged in that are not part of council’s formal processes.*

*Councillors can consider these options in situations where it would be beneficial to have some form of record about what transpired between themselves and a proponent”.*

The Council report for the 14 April 2021 Council meeting (responding to the December 2020 resolution) also outlined information from other jurisdictions.

**3. Issues**

Councillors are required to represent the diversity of interests in the community and in doing so make themselves available to various groups and individuals in the community. Councillors also maintain a commitment to transparency in decision making which is required in maintaining public trust.

In addition to biannual interest returns and conflicts of interest disclosures, meetings arranged or supported by Council staff, including scheduling the meeting or attending the meeting must have a Meeting Record kept which is then reported to Council. While this is not a stand-alone register, these records have the effect of putting on the public record meetings involving developers, Councillors and Council staff.

In recent years, the number of documents published on Council’s website that provide transparency around relationships has grown to include, in addition to Council meeting minutes:

 Summary of Personal Interest Returns;

 Register of gifts, benefits and hospitality;

 Conflicts of interest register.

All registers are included on the [Documents available for public inspection page on Council’s website](https://merri-bek.vic.gov.au/my-council/local-laws-and-legislation/documents-for-public-review/?st=Documents%20for%20public%20review&q=Documents%20available%20for%20public).

**The trial period**

The opt in trial occurred during a period of considerable disruption during the COVID-19 Pandemic and during a time where the volume of development applications started subsiding and traditional forms of engaging with stakeholders was difficult.

No disclosures were made by Councillors during the trial period and therefore the register was not published on Council’s website.

Whilst outside of the trial period, a total of two voluntary disclosures were submitted to the Director Place and Environment in 2023 which are outlined below. Both disclosures have no bearing influence on Council’s decision at the time. However, these disclosures demonstrate how such a register could be used.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Nature of Meeting / Detail** | **Councillors in attendance** | **Developer in attendance** | **Other Parties** |
| 24 March 2023 | Phone conversation with CEO of Nightingale Housing, post the March Planning and related Matters meeting refusal regarding the 8 Florence Street, Brunswick proposal. | Cr Mark Riley | CEO of Nightingale | - |
| 5 May 2023 | Online meeting, which occurred after Council’s Planning and Related Matters meeting where Council voted on the application at 8 Florence Street, Brunswick. At the meeting, Nightingale’s business model was discussed in more detail, particularly their classification as a not-for-profit developer, and their use of flexible planning controls to deliver affordable housing. | Cr James Conlan | CEO of Nightingale | - |

It is important to note that the opt in trial register excluded Planning Information Discussion meetings or other disclosures which are already captured in the cyclical governance report as part of the regular Council meeting agenda.

If Council decided to continue with a register, there would be an opportunity to digitise how Councillors could lodge disclosures, simplifying the process however this would need to be factored into workplans and appropriately established with some resourcing. However, this action is considered unnecessary given that existing policy provisions ensure that all conflicts of interest are declared and captured at time of decision making in the Chamber.

During the 12 month trial period from 1 May 2021 through to 30 April 2022 a total of 1319 planning applications were determined by Council of which 19 were reported to the Planning and Related Matters Council Meetings. A total of 2 Conflicts of Interest were declared at the Planning and Related Matters Council Meetings during that same period, one of which was disclosed as it related to amenity impacts and the second as a general conflict, demonstrating the existing protocols are working in providing for disclosures at these public meetings.

**Climate emergency and environmental sustainability implications**

There are no climate emergency or environmental sustainability implications associated with this report.

**Economic sustainability implications**

There are no economic sustainability implications associated with this report.

**Legal and risk considerations**

If Council determined it wished to develop an ongoing register, it would need to be considered in a legislative context. If a register is formalised, Council would need to ensure it meets the requirements of the *Privacy and Data Protection Act* 2014.

**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 are no human rights implications.

**4. Community consultation and engagement**

The discussion in this report primarily relates to existing obligations of Councillors and Council staff and examples from other jurisdictions. No community consultation was undertaken. Should Council determine to formalise an ongoing register/guideline/policy in relation to developer contact feedback from the broader community would be invited in accordance with Council’s community engagement policy.

**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.

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

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

**6. Financial and Resources Implications**

There are no financial or resource implications associated with the preparation of this report, apart from staff time.

**7. Implementation**

It is considered that there are sufficient protocols in place to capture conflicts of interest and that the trial is now discontinued.

**Attachment/s**

There are no attachments for this report.

**7.11 Chief Executive Officer Employment and Remuneration Matters Policy and associated Terms of Reference**

**Director Business Transformation, Sue Vujcevic**

**People and Safety**

**Officer Recommendation**

That Council:

1. Adopts the reviewed Chief Executive Officer Employment (CEO) and Remuneration Matters Policy at Attachment 1.

2. Adopts the reviewed Chief Executive Officer Employment and Remuneration Matters Advisory Committee Terms of Reference at Attachment 2.

**REPORT**

**Executive Summary**

Under section 45(1) of the *Local Government Act 2020* (the Act), Council must develop, adopt and keep in force a Chief Executive Officer (CEO) Employment and Remuneration Policy. The current CEO Employment and Remuneration Matters Policy (the Policy) was adopted by Council at its meeting on 10 November 2021. The Policy has recently been reviewed, as requested by Council at its meeting on 8 March 2023.

The key proposed changes to the Policy are generally administrative in nature and align to *Local Government Act 2020* requirements; the changes include:

 Amendments to refer to matters included in the Policy, are to be in accordance with the requirements of the *Local Government Act 2020* (some content has also been removed from the current Policy to align with the Act);

 Inclusion of ‘aims of the CEO’ in the Principles section;

 Various amendments to the ‘Appointment and reappointment of the CEO’ section including timeframes, inclusion that the reappointment of the CEO must be made by resolution and adjustments to’ test the market’ process;

 Amendments to CEO Contractual Requirements Section including reference to the employment term;

 Amendments to provide greater detail / clarity in various sections of the policy including e.g. in relation to performance monitoring and annual review;

 Inclusion of key references/Acts e.g. Fair Work Act 2009; and

 Other minor amendments to remove repetition, adjust numbering and improve readability.

The Terms of Reference for the CEO Employment and Remuneration Matters Advisory Committee was also reviewed, the recommended changes include:

 Amendments to ensure alignment to the Local Government Act 2020;

 Inclusion that attendance at Committee meetings can be attended either in person or by electronic/online means;

 Inclusion that the Committee will provide a confidential report to Council following each meeting, describing its activities, and making recommendations about any action to be taken by Council; and

 Inclusion that minutes will be taken at Committee meetings and distributed by email to all Councillors within 10 working days of the meeting.

Proposed changes to the policy are shown at **Attachment 1**, shown as track changes. Proposed changes to the Terms of Reference are shown at **Attachment 2**, shown as track changes.

**Previous Council Decisions**

**Chief Executive Officer Employment and Remuneration Matters Policy and associated Terms of Reference** – 10 November 2021

*That Council:*

*1. Adopts the Chief Executive Officer Employment and Remuneration Policy at Attachment 1 with the following amendment:*

*Under Item 3.1 Membership of the committee shall consist of the following:*

• *Mayor; and*

• *All other Councillors*

*The committee must be chaired by –*

*a) The Mayor; or*

*b) If the Mayor is not present at the committee meeting, the Deputy Mayor; or*

*c) If the Mayor or Deputy Mayor are not present at the meeting, a Councillor who is present at the committee meeting and is appointed by agreement of the Committee to chair the meeting*

*d) A quorum is 6 Councillors*

*2. Adopts the Chief Executive Officer Employment and Remuneration Advisory Committee Terms of Reference at Attachment 2 incorporating amendments as outlined in Point 1 above.*

**1. Policy Context**

The CEO Employment and Remuneration Policy is a requirement under Section45(1) of the Local Government (LGA) Act 2020 (the Act); Section 45(2) of the Act includes that the Policy must:

*(a provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and*

*(b) provide for the following —*

*(i) the recruitment and appointment process;*

*(ii) provisions to be included in the contract of employment;*

*(iii) performance monitoring;*

*(iv) an annual review; and*

*(c) include any other matters prescribed by the regulations.*

**2. Background**

The current CEO Employment and Remuneration Matters Policy (the Policy) was adopted by Council at its meeting on 10 November 2021. The proposed amendments to the policy seek to meet the requirements of the Local Government Act 2020 and ensure smooth processes and support effective relationships between Councillors and the Chief Executive Officer.

**3. Issues**

The key proposed changes to the Policy are generally administrative in nature and align to Local Government Act 2020 requirements; the changes include:

 Amendments to refer to matters included in the Policy, are to be in accordance with the requirements of the Local Government Act 2020 (some content has also been removed from the current Policy to align with the Act);

 Inclusion of ‘aims of the CEO’ in the Principles section;

 Various amendments to the ‘Appointment and reappointment of the CEO’ section including timeframes, inclusion that the reappointment of the CEO must be made by resolution and adjustments to’ test the market’ process;

 Amendments to CEO Contractual Requirements Section including reference to the employment term;

 Amendments to provide greater detail / clarity in various sections of the policy including e.g. in relation to performance monitoring and annual review;

 Inclusion of key references/Acts e.g. Fair Work Act 2009; and

 Other minor amendments to remove repetition, adjust numbering and improve readability.

The Terms of Reference for the CEO Employment and Remuneration Matters Advisory Committee was also reviewed, the recommended changes include:

 Amendments to ensure alignment to the Local Government Act 2020;

 Inclusion that attendance at Committee meetings can be attended either in person or by electronic/online means;

 Inclusion that the Committee will provide a confidential report to Council following each meeting describing its activities and making recommendations about any action to be taken by Council; and

 Inclusion that minutes will be taken at Committee meetings and distributed by email to all Councillors within 10 working days of the meeting.

Proposed changes to the policy are shown at **Attachment 1**, shown as track changes. Proposed changes to the Terms of Reference are shown at **Attachment 2**, shown as track changes.

**Community impact**

Refer to Section 4 of this report.

**Climate emergency and environmental sustainability implications**

There is no direct climate emergency and environmental sustainability implications resulting from Council endorsing a CEO Employment and Remuneration Policy (and associated Terms of Reference for the advisory committee).

**Economic sustainability implications**

The main cost associated is the remuneration of a person to provide independent advice to the advisory committee and cost of any legal advice. The Local Government Act 2020 provides for Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy.

**Legal and risk considerations**

Legal advice was provided on proposed amendments to the policy to ensure alignment with the requirements of the Local Government Act 2020 and other relevant legislation i.e. *Fair Work Act 2009*.

The amended CEO Employment and Remuneration Matters Policy and associated Terms of Reference presented to Council for decision has been developed to reinforce Council’s commitment to good governance practices and seeks to provide a consistent, fair and transparent framework for employment matters relating to the Chief Executive Officer (CEO) including recruitment, appointment, remuneration, performance monitoring and annual review.

**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**

**Affected persons rights and interests**

Councillor feedback was sought on the Policy and associated Terms of Reference, which was discussed at a CEO Employment and Remuneration Matters Advisory Committee meeting held on 27 June 2023 (also attended by Council’s Independent Advisor). Councillors in attendance at this Advisory Committee meeting included: the Mayor Cr Panopoulos; Deputy Mayor Councillor Davidson; and Councillors Carli Hannan, Conlan, Harte, Pavlidis, Riley and Tapinos.

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 such, the CEO submitted her feedback on Councillor proposed changes to the Policy, which was considered at the Advisory Committee meeting held on 27 June 2023.

Council's Community Engagement Policy 2023 states that for policy matters related to Council’s internal organisational operations, and/or that have no impact, or a negligible impact on the community; Council will not carry out community engagement.

Therefore, as the amended Policy and associated Terms of Reference primarily articulates Council’s legislated responsibilities, and cannot be influenced significantly by the community, Council has not carried out community engagement.

**Communications**

The current CEO Employment and Remuneration Matters Policy is available for public access through Council’s website. Subject to Council’s decision, the amended Policy will be updated on Council’s website to replace the current version.

**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 amended Policy and associated Terms of Reference will have nil financial impact.

**7. Implementation**

Subject to Council’s decision, the amended Policy will be updated on Council’s website.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | CEO Employment and Remuneration Matters Policy with track changes | D23/309112 |  |
| **2**  | Terms of Reference - CEO Employment and Remuneration Matters Advisory Committee with track changes | D23/309114 |  |

**7.12 Open Council Resolutions Report**

**Director Business Transformation, Sue Vujcevic**

**Governance and Strategy**

**Officer Recommendation**

That Council receives and notes the Open Council Resolutions Report provided as Attachment 1 and the summary of Closed Council Resolutions provided as Attachment 2.

**REPORT**

**Executive Summary**

The Open Council Resolutions Report provided as **Attachment 1**, has been prepared to inform Councillors and the community, of the actions taken to date to implement the Council resolutions that are currently still open and not yet finalised.

There is currently 53 Open Resolutions, with 3 of these relating to Petitions, 21 relating to Council officer reports, 7 relating to responses to Notices of Motion and 22 relating Notices of Motion.

A summary of Closed Council Resolutions has also been provided at **Attachment 2**. The summary lists the Council Resolutions that have been actioned since the commencement of the current Council term. A total of 526 resolutions have been actioned from November 2020 to June 2023.

An Open Council Resolutions Report will be presented to Council on a quarterly basis, to promote the transparency of how Council resolutions are being implemented.

**Previous Council Decisions**

N/A

**1. Policy Context**

Section 46(2) of the *Local Government Act 2020* states:

(a) that Chief Executive Officer has responsibility for ensuring that the decisions of the Council are implemented without undue delay.

(e) when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision.

This report also supports Council’s continuing commitment to transparent management of resources on behalf of ratepayers, key stakeholders and the broader community.

**2. Background**

The purpose of the Open Council Resolutions Report provided as Attachment 1, is to inform Councillors and the community of the actions taken to date, to implement the Council resolutions that are currently still open.

A summary of closed Council Resolutions has also been provided as Attachment 2.

**3. Issues**

The Open Council Resolutions Report (shown at **Attachment 1**) outlines the open resolutions and indicates that there is a total of 53 Open Resolutions, with 3 of these relating to Petitions, 21 relating to Council officer reports, 7 relating to responses to Notices of Motion and 22 relating Notices of Motion. Each open resolution in **Attachment 1**, also includes a target date for full completion.

The table below provides a breakdown of the open resolutions that have been allocated to each directorate for action:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Directorate** | **Petitions** | **Council Reports** | **Response to Notices of Motion** | **Notices of Motion** |
| Business Transformation | - | 1 | 1 | - |
| City Infrastructure | 3 | 8 | 5 | 9 |
| Community | - | 4 | - | 5 |
| Place and Environment | - | 8 | 1 | 8 |

Further to this, the summary of Closed Council Resolutions has also been provided, at **Attachment 2**, and includes a list of resolutions that have been made and actioned since the commencement of the current Council term. The summary shows that a total of 526 resolutions have been actioned from November 2020 to June 2023.

Attachments 1 and 2 exclude resolutions relating to Confidential and Planning and Related Matters items.

An Open Council Resolutions report will be presented to Council on a quarterly basis, to promote the transparency of how Council resolutions are implemented.

**Community impact**

Community impact is addressed through the Council Plan 2021-25 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**

There are no climate emergency and environmental sustainability implications associated with the preparation of this report.

**Economic sustainability implications**

There are no economic sustainability implications associated with the preparation of this report.

**Legal and risk considerations**

There are no legal and risk implications associated with the preparation of 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**

Community consultation and engagement was not required for this report as it reflects the current status of the implementation of Council Decisions that have been previously made.

**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**

Any financial implications associated with the preparation of this report have been met within existing resource and budget allocations.

**7. Implementation**

The reporting of the Open Council Resolutions will continue a quarterly basis, with the next report to be reported to Council in October 2023.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | Open Council Resolutions - Progress Update - June 2023 | D23/301515 |  |
| **2**  | Summary of Completed Council Resolutions to June 2023 | D23/301516 |  |

7.13 Governance Report - July 2023 - Cyclical Report

**Director Business Transformation, Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the summary of minutes from Advisory Committees to Council, at Attachment 1 to this report:

a) Human Rights and Inclusion Advisory Committee meeting held 27 April 2023

b) Sustainable Transport Advisory Committee meeting held 2 May 2023

c) Arts Advisory Committee meeting held 18 May 2023

d) Environmental Sustainability Advisory Committee meeting held 1 June 2023.

2. Endorses the recommendation of the Human Rights and Inclusion Advisory Committee:

a) That a joint forum with all Advisory Committees and Reference Groups is held regularly (annually or every 2 years).

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

4. Notes responses to questions taken on notice during Public Question Time at the 7 December 2022, 10 May 2023, and 20 June 2023 Council meeting, at Attachment 3 to this report.

5. Endorses the Merri-bek City Council Audit and Risk Committee Performance Report 2022/23, at Attachment 4 to this report.

6. Approves the registration of Cr Riley to attend the Victorian Greenhouse Alliance Conference at the cost of $110 (including GST).

7. Approves the Mayor Cr Panopoulos and the Deputy Mayor, Cr Davidson to attend the Asia Pacific Cities Summit and Mayors' Forum which is being held in Brisbane from 11 – 13 October 2023, at the estimated cost of $3,700 each (excluding GST).

8. Approves Cr Riley to participate in a joint Council / Friends of Aileu delegation to travel to Timor-Leste in October 2023, with an estimated cost of $4,000 (excluding GST).

**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 the minutes of Advisory Committee meetings held, with a recommendation that Council notes the minutes.

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

 Responses to Public Question Time items taken on notice at previous Council meetings, with a recommendation that Council notes the responses.

 An endorsement of the Merri-bek City Council Audit and Risk Committee Performance Report 2022/23 in accordance with the Audit and Risk Committee Charter.

 A request seeking Council approval for Cr Riley to attend the Victorian Greenhouse Alliance Conference on 4 August 2023.

 A request seeking Council approval for the Mayor Cr Panopoulos and the Deputy Mayor, Cr Davidson to attend the Asia Pacific Cities Summit and Mayors' Forum which is being held in Brisbane from 11 – 13 October 2023.

 A request seeking Council approval for Cr Riley to participate in a joint Council / Friends of Aileu delegation to travel to Timor-Leste in October 2023 in conjunction with representatives from Hume City Council.

**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.

The Audit and Risk Committee’s Charter requires that the annual performance report be presented to Council.

The Council Support, Expenses and Resources Policy requires that all overseas travel, and the attendance at ticketed events with a value of $100 or more per ticket, be approved by a resolution of Council.

## 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

**Advisory Committee minutes**

A summary of the following minutes of Advisory Committee meetings held are provided at **Attachment 1** for Council’s information:

a) Human Rights and Inclusion Advisory Committee meeting held 27 April 2023

b) Sustainable Transport Advisory Committee meeting held 2 May 2023

c) Arts Advisory Committee meeting held 18 May 2023

d) Environmental Sustainability Advisory Committee meeting held 1 June 2023.

The Human Rights and Inclusion Advisory Committee have recommended that a joint forum with all Advisory Committees be held regularly, either annually or every 2 years. Council officers note the Committee’s support for such events and advise that plans are already underway to hold a Joint Forum of Advisory Committees and Reference Groups in the next calendar year.

**Records of Meetings held under the auspice of Council**

Records of matters discussed at meetings organised or hosted by Merri-bek that involve Councillors and Council officers are kept in accordance with the Governance Rules.

Meeting Records must include meeting attendees, including organisations represented by external presenters; the title of matters discussed; and any conflicts of interests disclosed and whether the declarant of a conflict of interests recused themselves from the meeting.

Some examples include Councillor Briefings, meetings with residents/developers/ clients/organisations/Government departments/statutory authorities and consultations.

Records of Meetings received since the June Council Meeting are presented at **Attachment 2** as follows:

 Councillor Briefing – 19 June 2023

 Councillor Briefing – 21 June 2023

 Planning Briefing – 26 June 2023.

### On Notice responses – Previous 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 3** to this report relate to questions from 7 December 2022, 10 May and 20 June 2023 Council meetings regarding:

 Kent Road Bike Lanes

 Animal registration fees

 Budget 2023-2027 and Council Action Plan 2023-2024 adoption.

**Merri-bek City Council Audit and Risk Committee Performance Report 2022/23**

The Audit and Risk Committee is required to report its performance annually to Council.

At the Audit and Risk Committee meeting on 6 June 2023, the Merri-bek City Council Audit and Risk Committee Performance Report 2022/23 was endorsed by the Committee for presentation to Council for endorsement.

The message from the independent Chair contained in the Merri-bek City Council Audit and Risk Committee Performance Report 2022/23 includes:

*I am pleased to present this report which outlines the Audit and Risk Committee's achievements throughout the 2022-2023 period. I would like to thank Councillors, fellow independent members and Council staff for their valuable contribution and support. This report reflects Merri-bek City Council’s commitment to continuous improvement in governance and risk management practices and showcases the progress made throughout the year. We hope that this report will provide insight into the Committee's work and highlight our pledge to continuous improvement.*

The Merri-bek City Council Audit and Risk Committee Performance Report 2022/23 is shown at **Attachment 4.**

**Attendance at the Victorian Greenhouse Alliance Conference - 4 August 2023**

Cr Riley is seeking Council approval to attend theVictorian Greenhouse Alliance Conference on 4 August 2023. The cost to attend the conference is $110 (including GST).

The VGA Annual Conference brings together Victorian local government councillors, executive leaders and officers, working on and interested in climate change projects and advocacy. Victorian councils started working together to form Greenhouse Alliances over 20 years ago, and they have been leading on climate action ever since.

The next conference will be at theMelbourne Convention and Exhibition Centre. The Victorian Greenhouse Alliances will once again partner with the Council Alliance for a Sustainable Built Environment ([CASBE](https://www.casbe.org.au/)), with support from the Victorian Government's Supporting Our Regions to Adapt program and Sustainability Victoria.

This event is targeted at local government, with active participation from a range of organisations working directly with councils.

**Asia Pacific Cities Summit and Mayors' Forum**

The Mayor Cr Panopoulos and the Deputy Mayor, Cr Davidson are seeking Council approval to attend the Asia Pacific Cities Summit (APCS) and Mayors' Forum which is being held in Brisbane from 11–13 October 2023. The Mayor has submitted an application to the conference organisers to be considered as a presenter at the summit.

The APCS and Mayors' Forum has been welcoming city leaders, future makers and trailblazers for more than 25 years, creating a forum to share and propel government and business relations and showcase the capabilities of cities to the world. APCS offers an unsurpassed global opportunity for city and business leaders.

The APCS has become the hallmark event for those at the forefront of cities drawing the largest and most diverse gathering of mayors in the Asia Pacific. As an award-winning summit (Australian Event Awards Conference of the Year 2020), the alumni of participating cities now surpass 550.

In 2019, APCS attracted more than 1,400 delegates from 140 cities, representing a population of 405 million.

Over three days, more than 1,000 delegates will gather in Brisbane, including mayors, policy makers, business leaders, leading academics and industry professionals.

The central theme for this year’s program is Shaping Cities for Our Future, with the sub themes being Cities of Connection, Cities of Sustainability and Cities of Legacy.

It is estimated that the cost of registration, travel, accommodation and expenses related to each councillor is $3,700 (excluding GST). Councillor travel will be undertaken in compliance with the Council Support, Expenses and Resources Policy.

**Council / Friends of Aileu delegation to Timor-Leste 2023**

The Friends of Aileu Community Committee has indicated support for a joint Council / Friends of Aileu delegation to travel to Timor-Leste later this year.

Cr Mark Riley, Merri-bek Council’s representative on the Friends of Aileu Community Committee has indicated his interest in participating in the delegation and his availability should the delegation proceed in October. It is, however, recognised that other councillors may wish to nominate their interest in the delegation.

The Hume Council representatives on the Friends of Aileu Community Committee, Cr Joseph Haweil and Cr Naim Kurt, have also indicated their interest in participating in the delegation and their availability should the delegation proceed in October.

The most recent delegation to Aileu was in July 2019 when Cr Riley, together with Cr Haweil and Cr Karen Sherry of Hume City Council, spent one week in Dili and Aileu accompanied by Christopher Adams, Project Officer East Timor.

This proposed 2023 delegation is the first such visit to Aileu since 2019, when the Project Officer accompanied Cr Riley (Merri-bek) and Crs Haweil and Sherry (Hume).

The proposed 2023 delegation is considered necessary to:

 Maintain the necessary personal and organisational relationships, and cultural exchange, with our Agreement partners, the Timor-Leste Ministry of State and Aileu Municipal Administration, and with other government and non-government project partners

 See first-hand the changing environment in which our Agreement and project partners are operating in Aileu and more broadly in Timor-Leste

 Better understand the ongoing development of the organisation, roles, responsibilities and capabilities of the Aileu Municipal Administration, and of the public sector more generally, as the Timor-Leste Government’s decentralisation agenda is gradually implemented

 Better understand the ongoing development of the organisation, roles, responsibilities and capabilities of Friends of Aileu’s non-government project partners

 Discuss Aileu’s current and emerging issues and priorities relevant to the friendship and municipal cooperation relationships

 Inspect and assess projects and activities supported by the two Councils through the Friends of Aileu, and meet key stakeholders

 Collect photographic and video material to be used in future reports and promotion of the Friends of Aileu and the outcomes achieved through the projects and activities supported through our friendship and cooperation efforts.

Subject to approval for the delegation, a detailed program will be developed by the Project Officer in collaboration with the councillor representatives and our Agreement and project partners.

It is estimated that the cost of travel for a councillor is $4,000. Councillor travel will be undertaken in compliance with the Council Support, Expenses and Resources Policy.

**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 Cr Riley at the Victorian Greenhouse Alliance Conference is $110 (including GST), which will also be met from the Mayor and Councillors budget.

It is estimated that the cost of registration, travel, accommodation and expenses for Councillors Panopoulos and Davidson to attend the Asia Pacific Cities Summit and Mayors' Forum in Brisbane is estimated to be around $3,700 each (excluding GST), which will be met from the Mayor and Councillors budget.

It is estimated that the cost of travel, accommodation and car hire for Cr Riley to participate in the joint Council / Friends of Aileu delegation to Timor-Leste will be $4,000, which will be met from existing budget allocations.

## 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:

 Merri-bek City Council Audit and Risk Committee Performance Report 2022/23 will be published on Council’s website by 30 July 2023.

 Confirming the attendance of Cr Riley at the Victorian Greenhouse Alliance Conference on 4 August 2023.

 Confirming the arrangements for Councillors Panopoulos and Davidson to attend the Asia Pacific Cities Summit and Mayors' Forum in Brisbane from 11–13 October 2023.

 Confirming the arrangements for Cr Riley to participate in the joint Council / Friends of Aileu delegation to travel to Timor-Leste in October 2023.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1**  | Reports from Advisory Committees to Council - July 2023 | D23/300755 |  |
| **2**  | Records of Meetings - July 2023 | D23/300506 |  |
| **3**  | Responses to Questions taken On Notice - July 2023 | D23/298702 |  |
| **4**  | Audit and Risk Committee Performance Report 2022/23 | D23/268762 |  |

**8. Notices of Motion**

**8.1 Hope Street Traffic and Safety Concerns**

**Cr Mark Riley**

## Motion

That Council:

1. Engages with the residents who organised the survey to understand the specific speed and driver behaviour issues that are contributing to their concerns regarding safety in Hope Street, before the end of August 2023.

2. Identifies measures that may be suitable to address these issues, especially any low cost, short-term measures that could be implemented, including consideration of traffic calming measures including the suggested speed limit reduction and raising this with the Department of Transport and Planning if appropriate.

3. Implements measures (where possible) as soon as possible, and more substantial measures be referred to the appropriate identified projects list for prioritisation and future funding consideration.

## 1. Background

Cr Riley’s background:

Hope Street is a vibrant and active street used by vehicle drivers, cyclists, people with disabilities, pedestrians and their pets. While it provides essential access for the community, some residents are concerned that the 50km/h speed limit is too fast for a street as busy and narrow as Hope Street.

Merri-bek City Council’s traffic data for Hope Street (a ‘collector road’) shows that:

* Between 2500 and 4500 vehicles travel along Hope Street daily
* The speed limit along most of Hope Street is 50km/h. The maximum speed recorded every hour is almost 60km/h. This increases to up to 70km/h per hour at night.
* Hope Street encounters a higher proportion of heavy vehicles than comparable Collector Roads, sometimes as high as 8% of vehicle share daily.

A concerned group of Hope Street and nearby residents have been concerned about the speed and volume of car and heavy vehicle traffic on Hope Street.

They organised themselves and undertook a survey of householders and residents gauge broader concerns for users of Hope St and with a focus on safety.

The survey sought the views of walkers, riders, other active transport users and of course motor vehicle users. The imminent level crossing elevation proposals were also seen as an opportunity to seize in planning ahead for improvements in safety and community amenity.

The survey organisers noted that there were safety issues caused by the 50km/h speed limit including:

* Vehicle drivers traveling so fast that they cannot safely avoid cyclists and pedestrians, especially children crossing the street who are shorter than parked cars and therefore less visible.
* The narrowness of Hope Street does not always allow sufficient time and space for drivers to safely give way to oncoming vehicles.
* Cars parked near intersections along Hope Street make it difficult for drivers entering onto Hope Street to see oncoming traffic.

The survey was conducted in April/May 2023 some of the highlight results showed that respondents.

Some highlights:

* We received 297 reasonably complete responses.
* We have good coverage over the length of Hope St (Page 1), and across age groups (Page 2).
* There is overwhelmingly a high level of concern about the current traffic conditions (Page 3) - There is very strong support for undertaking improvements (Page 10).
* There is very strong support for most of the specific interventions we suggested (Page 10), with "lowering the speed limit to 40km/h" attracting the most support.
* We have 127 names/contact details of people who wish to be involved in further discussions (but we have deleted these identifying details from the attached report).

## 2. Policy Context

Officer’s comments:

Council’s Integrated Transport Strategy identifies Hope Street between Sydney Road and Melville as a Collector Road. Collector Roads are recommended to have a speed limit of 50 km/h as they “provide links between arterial and local roads”.

Council is currently planning for the implementation of 40 km/h speed limit on all local streets in 2023/24, including the section of Hope Street west of Melville Road.

## 3. Financial Implications

Officer’s comments:

Actioning these resolutions could be achieved for less than $5,000, subject to resource availability (see below).

Any identified traffic calming measures would need to be prioritised in line with the remainder of the capital works program which considers crash history, speed and volumes and other factors.

As envisaged in Cr Riley’s motion, any more substantial measures would then need to be referred for future budget consideration or identify if there are grant opportunities.

## 4. Resources Implications

Officer’s comments:

Officers will meet with the key resident contact(s) before the end of August to ensure the problem is understood and discuss the results of the survey undertaken by residents.

Identification of actions will be progressed as officer resources permit, in the last quarter of 2023.

Implementation of these measures then depends on relative priority and funding availability.

**8.2 Consideration of Airbnb and Shortstay Accommodation TAX**

**Cr James Conlan**

## Motion

That Council receives a report to the September 2023 Council meeting that considers:

1. The best available estimate of the number and availability of short-stay properties relative to the number of owner-occupied and rented dwellings in Merri-bek.

2. The ability of Council to limit the number and availability of short-stay accommodation in Merri-bek using powers available to Council.

3. The ability of Council to impose financial costs to short stay accommodation providers, in the form of taxes, fines and/or charges, using powers available to council. The examples of Warrnambool, Bass Coast Shire, Frankston and Mornington Peninsula Councils could be drawn upon.

4. The viability of options to effect positive change through policy or strategic advocacy.

## 1. Background

**Cr Conlan’s background**

Short stay accommodation providers, like Airbnb, are skyrocketing across many cities, including Melbourne.

While short stay accommodation is generating huge profits for some land-owners, an unregulated short stay market can have a devastating impact on local rental markets. When properties are converted to Airbnb listings, entire homes can be taken out of the rental market, reducing the supply of rentals and pushing up prices for renters.

According to the short stay accommodation public tracking website, Inside Airbnb, there were 861 Airbnb listings in Merri-bek (as of 28 June 2023). 98% of these listings were for short term rentals and 58% were entire homes. The average price for Merri-bek’s Airbnb listings is $306 per night, producing an average income for listing owners of $7,897 per year (based on advertised listing prices) and 41% of hosts have multiple listings.

These properties may be returning a nice profit for the owners who list them, but the phenomenon is adding to the cost-of-living and rental stress being felt by renters across Merri-bek. Other councils, such as Yarra, Warrnambool, Bass Coast Shire, Frankston and Mornington Peninsula Councils, have already taken action on this issue.

Warrnambool City Council recently introduced a $400 fee for short-stay accommodation providers (see: <https://www.abc.net.au/news/2023-02-07/warrnambool-introduces-short-stay-accommodation-provider-fee/101938376>). Mornington Peninsula Shire, Bass Coast Council and Yarra Ranges Council all charge fees for short stay properties. Some local governments have introduced a differential rating scheme too, e.g., the Borough of Queenscliff at 110% of residential rates.

In November 2021, the NSW government introduced short stay regulations, limiting the number of days a property could be on the market to 180 days of the year and no more than three consecutive months.

Overseas, many main cities regulate their short stay market, including Amsterdam (30-day cap), New York (banned entire-home short stays), London (90-day cap, or seek planning permission from council), Philadelphia (where owners require a hotel licence to rent out their homes), Paris (120 day cap, and limited to a person’s primary residence), Berlin (no limitations on a primary residence, 90-day limit for second residence), Ireland (no limitations on a primary residence, 90-day limit for second residence).

In the face of a cost-of-living and a rental crisis, and in a city where 34.7% of our population rents (2016 data), it is worth Merri-bek City and the Merri-bek community considering options in this space.

## 2. Policy Context

Officer’s comments:

The way in which Council currently rates properties is the same across all property types and is based on Capital Improved Value. There is no distinction made between whether a property is owner-occupied or rented.

Council’s General Local Law 2018 currently contains local laws regarding the appearance and safety of private property as well as prohibition against causing excessive noise. There are no local laws regarding how landowners can rent or lease their properties.

In all residential zones across Victoria, Accommodation is a permissible land use. The Accommodation land use definition includes (amongst other things) bed and breakfast, group accommodation and residential hotel. All of these land uses refer to accommodating people away from their normal place of residence in their definition but there is no distinction made between short-term and long-term accommodation. In residential zones, these uses are either as of right (don’t need a planning permit) or require a planning permit, depending on their size.

The use of buildings for short-term or long-term rental is not a relevant factor in the way in which buildings are classified in State and National building legislation.

The extent to which short stay accommodation is having a direct impact on the supply of long-term rental properties is unclear. Similarly, further investigation would be required to understand the value of contribution to the local economy that visitors to Merri-bek contribute.

## 3. Financial Implications

Officer’s comments:

Legal advice will need to be sought to assist with understanding the options available to Council. It is anticipated that this will cost between $10,000 and $15,000 and can be met within Council’s existing legal services budget.

The costs associated with officers preparing a Council report can be met within existing budgets.

## 4. Resources Implications

Officer’s comments:

The resourcing required for officers to prepare a report can be met within existing resourcing. With the need for legal advice, it is anticipated that a secondary report can be presented to a future Council meeting.

**8.3 Merri-bek Community Campaign Support for Yes to a Voice**

**Cr Mark Riley**

## Motion

That Council:

1. Notes that Merri-bek City Council’s 2021 Statement of Commitment supports the call contained in the Uluru Statement from the Heart and its aspirations for justice, truth-telling, Makarrata (agreement-making) and a voice.

2. Allocates resources to a community based Yes campaign to enable collateral (e.g., printing, core flutes, banners) to be produced, up to $5,000 in value.

3. Utilises Merri-bek libraries and civic reception areas as distribution sites.

4. Acknowledges that there is diversity of opinion both within and outside First Nations communities on the nature and timing of an Aboriginal and Torres Strait Islander Voice.

## 1. Background

Cr Riley’s background:

Merri-bek City Council has a long history of proactive and respectful efforts towards reconciliation with Aboriginal and Torres Strait Islander people.

Merri-bek City Council unanimously recommitted to a Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Merri-bek in October 2021, after entering into an initial statement of commitment in May 1998.

The 2021 Statement sets out Council’s support for many actions and strategies, including: “Council supports… The call contained in the Uluru Statement from the heart and its aspirations for justice, truth-telling, Makarrata (agreement-making) and a voice.” A First Nations Voice to Parliament, protected by the Constitution, is a key element of the Uluru Statement from the heart.

In March 2023, the Prime Minister Anthony Albanese announced the proposed referendum question, which has since passed through the lower house and the Senate. The referendum question which Australians will be asked to consider and is contained in the Bill is: ‘A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?’

An Aboriginal and Torres Strait Islander Voice to Parliament will advise the Federal Parliament about policies and laws and the best ways to deliver real and practical change in their communities, particularly on practical issues like health, life expectancy, education and employment. This is why a ‘Yes’ result to the referendum is important.

This Notice of Motion is furthering this local government’s commitment to the Wurundjeri Woi-wurrung Traditional Owners and to all Aboriginals and Torres Strait Islander people who live, work and visit our City, to justice and reconciliation.

## 2. Policy Context

Merri-bek City Council has an adopted position dating from May 2021 supporting the Uluru Statement from the Heart, in the Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities of the [then] City of Moreland.

On 4 May 2021 Council unanimously resolved to endorse the renewed Statement of Commitment. The renewed Statement of Commitment had previously been approved by the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation Board in March 2021. A joint signing ceremony took place in October 2021.

The Statement of Commitment is available on Council’s website and includes a section which endorses the Uluru Statement from the Heart including Justice, Truth-telling, Makarrata and a Voice:

*“Council supports*

 *A process towards self-determination and local, regional or national Treaty or Treaties that enshrine the rights of Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander Australians.*

 *The right for Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander people to enjoy their identity and culture, maintain and use their language, maintain their kinship ties and maintain their distinctive spiritual, material and economic relationship with the land and waters as defined in the Victorian Charter of Human Rights and Responsibilities.*

 *Campaigns for Aboriginal and Torres Strait Islander people’s rights, especially to land and waterways.*

 *The call contained in the Uluru Statement from the heart and its aspirations for justice, truth-telling, Makarrata (agreement-making) and a voice.*

 *The right of all Wurundjeri Woi-wurrung people and Aboriginal and Torres Strait Islander people in the City of Moreland to respect and equality and to live free from discrimination based on age, sex, gender identity, race, disability and any type of disadvantage.”*

## 3. Financial Implications

The motion, if passed, would allocate up to $5,000 towards communication and information materials.

## 4. Resources Implications

Implementation of the resolution, if adopted, can be accommodated within existing staffing resources.

**8.4 Quantifying housing need in Merri-bek**

**Cr James Conlan**

**Motion**

That Council receives a report outlining options to begin collecting construction commencement and completion data and translating this onto a publicly accessible portal, similar that of City of Melbourne.

**1. Background**

Cr Conlan’s background:

The housing crisis is a complex problem with many factors and solutions proposed by different commentators and stakeholders. One of the crucial factors to addressing the housing crisis is to fully understand the data around housing supply and demand. A key gap in the supply side data metrics is around housing construction rates.

While Council currently does collect data on planning permit approvals, it does not collect data on construction rates. While Council knows how many planning permits it issues each year, planning permits are simply pieces of paper - they don’t tell us how many buildings are actually started or completed.

Other councils, like Melbourne City Council have a data portal which maps and counts building commencement and completion rates, and maps these onto a publicly accessible portal. Such data would be incredibly useful for council in gaining a more holistic understanding of the housing challenges at a local level.

**2. Policy Context**

Officer’s comments:

Council’s ‘Supplying Homes in Moreland’ report was completed in 2019 and outlines the housing supply that Merri-bek needs to meet future demand for housing. This report relied on development data provided by the State Government, including the number of new dwellings constructed between 2005 and 2016. Council officers have also undertaken research on housing demand and housing capacity, culminating in the 2018 report ‘A Home in Moreland’ and the 2022 ‘Housing Capacity Study’. All of these pieces of research help Council understand the type and number of new houses that are needed to house Merri-bek’s growing and diverse population, how more housing and more affordable housing can be supplied and the capacity of land in Merri-bek to meet demand. These reports are publicly available and can be found at:

[Housing and employment research (merri-bek.vic.gov.au)](https://merri-bek.vic.gov.au/building-and-business/planning-and-building/strategic-planning/strategic-planning-projects/housing-and-employment-research/?st=Housing%20and%20employment%20research&q=supplying%20homes#autoAnchor1&_t_dtq=true)

This research will need to be reviewed and updated in the near future to take into account updated population forecasts and development data. It is expected that this review will commence in 2024.

Given that most building permits are issued and monitored by Private Building Surveyors, it is difficult for Council to have ready access to data about construction commencements and completions. In addition to relying on data collected by the State Government, subscriptions to development data collected by private companies may be an option, along with Council resourcing the gathering of this data ‘in house’.

**3. Financial Implications**

Officer’s comments:

The costs associated with investigating options and preparing a Council report can be met within the existing budgets of the relevant Business Units.

**4. Resources Implications**

Officer’s comments:

The resources required to investigate options and prepare a Council report can be met within the relevant Business Units.

**8.5 Closure of Glenroy Post Office**

**Cr Angelica Panopoulos**

## Motion

That Council:

1. Notes that the Mayor has written to Australia Post Chief Executive Officer and Managing Director, Paul Graham and the Federal Minister for Communications, Michelle Rowland:

a) Informing Mr Graham and Ms Rowland that Council opposes the decision to close the Australia Post Glenroy branch as an essential service to the community that will likely cause negative impacts. This includes the fact that there is a higher than average proportion of people without internet access at home and high number of elderly and culturally and linguistically diverse people in Glenroy. Many people in the community will lose their ability to undertake banking, bill paying, postage, parcel pick up and passport services independently in their local suburb.

b) Urging Australia Post to reconsider its decision and keep the Glenroy branch open.

c) Requesting Australia Post conduct a community impact assessment before any decision about closing a Post Office is made and that this assessment be made publicly available upon completion.

d) Requesting an opportunity to meet each of them to discuss the concerns further.

2. Notifies Federal Member for Wills, Peter Khalil, and State Member for Broadmeadows, Kathleen Matthews-Ward of the Mayor’s meeting requests and invites the Federal and State members to participate in any meeting that is organised.

3. Provides support and assistance to any community campaigns against the closure of the Glenroy Post Office, including encouraging community awareness of, and participation in the current community petition to Australia Post and any further community campaigns that may arise.

4. Writes to the Communications Workers Union Victoria – Postal and advises them about the Council and community concerns regarding the impacts of the closure of the Glenroy Post Office.

## 1. Background

Cr Panopoulos’ background:

Australia Post recently announced a sudden decision of the closure of the Glenroy Post Officer.

Many in the Glenroy community were shocked to hear of the upcoming closure of the Glenroy Post Office. It is an essential service for many in the community and is vital for banking, bill paying, postage, parcel pick up and passport services. It is especially important to consider the fact that Glenroy is home to a higher than average proportion of people without home internet access, and a high number of elderly and culturally and linguistically diverse people in Glenroy.

The Glenroy Post Office has been a core part of the Glenroy shopping precinct for over 20 years, and is a vital community asset. The closure of this branch would mean that local residents no longer have access to a Post Office that they can easily walk and catch public transport to. This will also likely disadvantage those without access to a car who will now have to travel further to reach the next nearest Post Office.

Given how busy the Post Office is, many are surprised to learn that it will be closing. It is unclear why this decision was made and, as such, it should be standard process for Australia Post to conduct a publicly available community impact assessment before any decision about closing a Post Office is made.

## 2. Policy Context

Officer’s comments:

This request is aligned with Council’s Human Rights Policy, which gives priority to people who are recognised as being at greatest risk from social and economic life because of access barriers.

The closure of the Glenroy Post Office would provide barriers to segments of our community relying on in person community services such as banking, bill paying and parcel pick up. Segments which would be impacted include elderly and those with lower levels of English as a first language, and who don’t have digital access or competency.

Glenroy has a high number of elderly community members residing in Glenroy (5.9% of the total Glenroy population aged 80 years and over, compared to 4% for Greater Melbourne) and the significant culturally and linguistically diverse community; 48.9% of people in Glenroy speak a language other than English (compared to the Greater Melbourne average of 34.1%).

Glenroy is also home to a higher-than-average proportion of people without home internet access; Merri-bek's Health Profile 2020 found that 16% of households had no internet access.

Other people impacted could be those who walk or catch public transport to access services, especially those without access to a car (around 10% of the Glenroy population, higher than the Greater Melbourne average of 8.2%) who will now have to travel further to access a post office.

## 3. Financial Implications

Officer’s comments:

The cost of planned activities and actions are available within existing budget allocations.

## 4. Resources Implications

Officer’s comments:

This motion can be actioned within existing resource allocations.

**8.6 Parking Permit Consultation**

**Cr Angelica Panopoulos**

**Motion**

That Council, given its decision to maintain the status quo on residential parking permits as part of the adoption of the 4-year Budget 2023-2027, amends the approach to consultation in relation to the Parking Management Policy (as resolved at its meeting held 14 April 2021), and proceed without seeking feedback on free residential parking permits.

**1. Background**

Cr Panopoulos’ background:

In April 2021, Council resolved to consult residents on a range of topics relating to parking and transport in the municipality. One such topic was regarding free residential parking permits. Since then, Council has discussed this topic at briefings and in the Draft Budget discussion at the Council meeting in April.

Council did not resolve to provide free residential parking permits for residents during any Budget or related Fees and Charges processes, instead maintaining the status quo. Additionally, there were 26 eligible community budget ideas and 121 budget submissions submitted by community members throughout the budget process. None of these requested free residential parking permits or consultation on whether to provide free residential parking permits.

Given Council unanimously approved the Budget last month and voted to maintain existing policy, it would not be reasonable to consult residents on a potential change that contradicts Council’s most recent decision. This proposal would also indirectly contradict the Council Plan’s core theme of “Moving and living safely in Merri-bek”, through encouraging more on-street parking, thus adding to congestion on our streets.

There are also relevant additional policy and practicality considerations. These are the following:

Ensuring best use of scarce on-street parking

Residential and business parking permits are used as one way to encourage the best possible use of valuable on-street parking space. The more access granted to parking permits that exempt people from the time restrictions on parking signs, the fewer parking spaces that are available for the target users of the time-limited parking.

There would also be fewer parking spaces available for those permit holders. An unintended consequence of policy change would mean more residents obtain a permit, and so more people would be competing for the same number of parking spaces on-street.

Where residents can park their vehicles off-street, having a cost for residential parking permits means the incentive remains to park off-street. If parking permits are free, there is no incentive to park off-street, and so people would consume parking spaces on-street, taking up the spaces that may be necessary for other car-users.

Cost impact of free residential parking permits

Council has been charging for on-street parking permits for many years. Most other metro-Melbourne Councils do this too.

Residential 1 (Resi 1) parking permits are available for eligible households where there is timed parking, giving an exemption from the time restrictions. There are a few locations across the municipality that are Permit Only zones.

Residential 2 (Resi 2) parking permits (a second permit) are only available to eligible households without off-street parking (that is, without a driveway), and provide the same restriction.

Throughout the municipality, there are about 0.7% of households with 2 permits and 3.2% of households with 1 permit.

Approximately 96.8% of households do not have a parking permit – noting that not all streets have timed restrictions in them.

Concession card-holders are also eligible for concession rates on their parking permit.

To offer the first permit free would mean reduction in income of approximately $90,000 per annum. This is a significant impact on the revenue supporting Council’s many services. As such, if it were determined that residential parking permits should be free, it would be necessary to refer this reduction in the overall operating position to the budget process.

Parking Management Policy

Exhibition of proposed changes with the proposed change to the scope of consultation with the community about the Parking Management Policy, the remaining items to be addressed from the April 2021 Council resolution with respect to the Parking Management Policy should proceed to consultation as envisaged.

**2. Policy Context**

Officer’s comments:

In December 2020, Council resolved that, with respect to the Moreland Integrated Transport Strategy 2019, it:

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

Council also stated that it:

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

In light of these two resolutions, Council also resolved to set aside two actions of the Moreland Integrated Transport Strategy 2019, namely, that Council:

 Abandons the planned future parking restrictions arising from the Moreland Integrated Transport Strategy in all Major Activity Centres (Coburg, Brunswick and Glenroy) and all Neighbourhood Activity Centres, in favour of an approach to parking restrictions based on local need and usage.

 Abandons the planning scheme amendment proposed in the Moreland Integrated Transport Strategy, which would have allowed the removal of minimum car parking rates in developments and the setting of maximum car parking requirements in activity centres.

These resolutions were actioned in 2021, including the removal of parking restrictions in the two Neighbourhood Activity Centres that had already seen the implementation of the new restrictions, following a community survey.

There was a further resolution in December 2020 for a report to return to Council in April 2021 covering a range of changes to the Parking Management Policy. This report was brought to Council in April 2021, and the resolutions in the table below were made with respect to the proposed updates to the Parking Management Policy for community consultation. An update on the current status of these resolutions is also provided.

| **Item** | **Resolution wording**That Council: | **Current status** |
| --- | --- | --- |
| 3 | Endorses the Draft Parking Management Policy (PMP) 2021 at Attachment 2 for community consultation, which includes the following changes to the existing PMP 2019: | Community consultation on the Draft PMP is scheduled in coming months |
| a) | Formalising transitional parking policies developed in anticipation of implementing MITS parking restrictions that remain relevant including: | The updated Draft PMP accounts for this. |
| i. | Allowing all residents who have an accessible parking permit to access a resident parking permit regardless of where they live | The updated Draft PMP accounts for this. |
| ii. | Allowing residents who live in properties subdivided after August 2011 to apply for an exemption to access visitor permits, where they can provide evidence from a relevant professional that they have a special need for these based on factors such as age, disability, health or specific threat to personal safety | The updated Draft PMP accounts for this. |
| iii. | Providing a 50 per cent discount on business parking permits for registered charities and not-for-profits, schools and early years services | The updated Draft PMP accounts for this. |
| b) | Allowing businesses (not only residents) to access service parking permits to cater for tradespeople, removalists, etc. | The updated Draft PMP accounts for this. |
| c) | Revising the home visit permit for organisations that provide services to clients’ homes in Moreland to be based on daily permits as needed rather than annual permits. | The updated Draft PMP accounts for this. |
| d) | Delegating authority to officers to make parking changes affecting no more than two parking spaces for safety or operational reasons consistent with the User Priority Guidelines in the PMP, and changes affecting more than two parking spaces where this is recommended by a road safety audit to address a safety issue. | The updated Draft PMP accounts for this. |
| e) | Providing additional decision making guidance for the appeals process to allow consideration of undue disadvantage arising from special circumstances and where it is reasonable to make an exemption. | The updated Draft PMP accounts for this. |
| f) | Removing references to implementation of MITS 2019 parking restrictions, other than relating to the Brunswick West and Hadfield areas where consultation will occur to determine whether there is community support to retain these restrictions. | The updated Draft PMP accounts for this (noting that the consultation has occurred and given lack of community support, all references to MITS 2019 parking restrictions will be removed). |
| g) | Minor changes to car share permit eligibility, operation and fees. | The updated Draft PMP accounts for this. |
| h) | Other minor changes such as updates to position titles, text revisions for greater clarity and reference to the new ePermit system. | The updated Draft PMP accounts for this. |
| i) | Other minor changes required to give effect to this motion. | The updated Draft PMP accounts for this. |
| 5 | Endorses the Draft PMP for community consultation as outlined in section 7 of this report subject to the allocation of the necessary funds outlined in section 6 of this reportwhich will be referred to the third quarter budget review process. | Resources have been identified to support this community consultation and this will proceed. |
| 6 | Notes benchmarking of parking permit eligibility and cost, as well as processes for considering changes to parking restrictions, at Attachment 3 and determines to undertake community consultation as part of the PMP consultation on the following change: | Council noted this in April 2021. |
| a) | The cost for the first standard residential parking permit be free. | This item is subject to Cr Panopoulos’s motion at this meeting. |

The retention of the charge for the first parking permit, which was resolved by Council to be included in the 2023/24 Budget at the June 2023 Council meeting at $46.80 and $23.20 (concession) respectively, is recommended by officers on the following grounds:

 The unintended consequences of flooding the streets with vehicles from residences that have off-street parking and have not seen the need to secure a residential parking permit with the costs above, thereby reducing parking available for those prepared to pay for a permit.

 The relatively low cost of a parking permit compared to the cost owning and operating a vehicle and the common expectation that in areas of high parking demand, parking should be valued to manage demand.

 The existence of the concession charge for the first parking permit which eases the burden on residents less able to pay.

 The financial implications of not collecting the revenue from these permits (see next section).

Only 3.2 per cent of Merri-bek households have a first parking permit. It is likely that residents in parts of the municipality not directly affected by this charge will respond to this consultation without the perspective of the parking demand pressures.

**3. Financial Implications**

Officer’s comments:

Incorporating Cr Panopoulos’s proposed change into the scope of the matters covered in the community consultation is cost neutral as the community consultation on the Parking Management Policy has not yet commenced and removing this item will not alter the cost of the community consultation.

If the community consultation on the first standard residential parking permit being free proceeded and this led to Council deciding to consider implementing this initiative, the cost would be of the order of $90,000 per annum and this would need to be considered in future budgets against other strategic priorities of Council.

**4. Resources Implications**

Officer’s comments:

If the decision is made by Council not to consult on the first residential parking permit being free, this can be readily accounted for in the current work to consult the community on the updated Draft Parking Management Policy.

As this would also simplify the consultation, it would also reduce the effort required in bringing the final Parking Management Policy to Council for adoption.