



Merri-bek
City Council

COUNCIL MEETING AGENDA

Wednesday 9 August 2023

Commencing 7 pm

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

Language Link

This is the Agenda for the Council meeting.
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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.

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.

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.

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

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.

PETITIONS Council receives petitions from citizens on various issues. Council formally accepts petitions at Council meetings.

PUBLIC QUESTION TIME This is an opportunity (30 minutes), for citizens of Merri-bek to raise questions with Councillors.

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.

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.

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.

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

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

CONFIDENTIAL BUSINESS Whilst all Council 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.

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 13 September 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 23 August 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 12 July 2023 be confirmed.

4. ACKNOWLEDGEMENTS AND OTHER MATTERS

5. PETITIONS

6. PUBLIC QUESTION TIME

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	Nil	
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	Nil	

7. COUNCIL REPORTS

7.1 SPORTSGROUNDS SURFACE STUDY

Director Community, Eamonn Fennessy

Community Wellbeing

Officer Recommendation

That Council:

1. Endorses the Draft Sportsgrounds Surface Policy (Attachment 1) for public exhibition from 11 August 2023 until 11 September 2023.
2. Notes the background research report “Merri-bek Sportsgrounds Surface Study” (Attachment 2) which has provided key evidence to inform the Sportsgrounds Surface Policy.

REPORT

Executive Summary

Given the projected deficit of sports fields over the next two decades in inner Melbourne, the range of community sentiment regarding synthetic turf, and the complexities arising from Merri-bek’s unique climatic, geotechnical, and environmental conditions, it is critical that Merri-bek City Council has a clear and evidence-based process for making decisions about sportsground surfaces. In this light, a draft Policy has been prepared and Council’s endorsement is sought for its public exhibition.

Developed in consultation with a range of our stakeholders and guided by evidence-based research, the draft Policy is a clear reflection of Council’s commitment to the sustainable use and enjoyment of our sportsgrounds that form part of our network of public open spaces.

The draft Policy outlines Council’s approach to the management of our sportsgrounds and gives consideration to the triple bottom line principles of environmental, social and financial sustainability.

To inform drafting of the policy, a study was commissioned to establish a research framework that examines the social, economic, and environmental effects of sportsground surface options in the context of Merri-bek. By analysing the most up-to-date evidence relating to Merri-bek’s climate, community, and financial circumstances, this study provides the Council with valuable insight into the consequences, advantages, and limitations of using natural turf, synthetic turf, and alternative technological solutions and management techniques. Ultimately this research will help inform future decision-making related to sportsground surfaces in Merri-bek and will be shared more broadly with other land holders within the municipality (e.g. schools) for consideration in their surface decisions.

Previous Council Decisions

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

That Council:

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

- a) *Consideration of the triple bottom line principles of environmental, social and financial sustainability including new and emerging natural turf and soil management, soil organic carbon sequestration or carbon sink potential options and best practice turf management.*
- b) *Consideration of the impact of other synthetic surfaces being used by other land users within the municipality (e.g., schools) on community wellbeing.*
- c) *Tabling a report to Council by 30 June 2023, given the breadth and complexity of the imminent Open Space Strategy Review.*
- d) *Noting the process will follow Council's consultation and engagement processes with the community, including tools like Conversations Moreland, and submissions and throughout review process.*

1. Policy Context

The sportsground surfaces study relates to, and is influenced by, several Council policies, strategies and action plans.

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

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

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

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

The contamination of runoff with plastic particles and the ultimate disposal method for end-of-life synthetic pitches is relevant to Council's Waste and Litter Strategy and in particular the Zero Waste to Landfill goal set when that Strategy was adopted.

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

The current Open Space Strategy includes (and it is expected the forthcoming new Strategy for 2023 will also include) a recognition of the vital role of sportsgrounds in our open spaces, their use for passive and active recreation and the opportunity for an enhanced approach to the sharing of these spaces between different users.

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

2. Background

Quality public open spaces make for liveable, sustainable, and healthy neighbourhoods. Public open spaces include parks, gardens, play spaces, public beaches, riverbanks, waterfronts, publicly accessible bushland and outdoor playing fields and courts. They provide us with places to exercise, play, rest, participate in social activities, and contribute to healthy, happy, and resilient communities.

Through a combination of busy lives and increasingly denser urban areas, access to public open spaces that enable multi-functional recreation (i.e., walking, cycling, dog-walking or formal or informal sport), is increasingly valuable to local communities.

Merri-bek currently has:

- 54 sportsgrounds (52 natural turf and 2 synthetic turf grounds)
- 58 tennis courts
- 28 outdoor netball courts
- 5 indoor sports stadiums
- 576 hectares of open space, which make up 177 reserves
- Play spaces such as skate parks and playgrounds
- Over 50 km of off-road bicycle paths an extensive network of walking paths

Council's sportsgrounds are very well utilised with multiple user groups allocated access through seasonal tenancy licence agreements or hiring (booking).

Public open space can contribute to biodiversity conservation by providing habitats for flora and fauna, enhancing micro-climates, as well as other ecosystem benefits such as stormwater management, temperature regulation (e.g., via shade, reduction in wind capacity) and urban heat island mitigation and biodiversity. They can also improve resilience to extreme weather events, such as bushfires, floods and heatwaves, by improving air quality and reducing temperatures and flood risk in urban areas, while sequestering carbon dioxide from the atmosphere.

Merri-bek has high biodiversity values particularly focused along its creek corridors of Merri Creek, Edgars Creek and Moonee Ponds Creek. These areas along with other flood zone areas are subject to increased flooding events exacerbated by climate change and are subject to moderate-high levels of urban heat.

Our community's growing demand for access to quality public open spaces, driven by population growth, urban densification, and increased diversity of sport participants, necessitates crucial decisions about the types of playing surfaces and management practices that can accommodate this need to be made by Merri-bek City Council. Given the projected deficit of sports fields over the next two decades in inner Melbourne, the divided community sentiment regarding synthetic turf, and the complexities arising from Merri-bek's unique climatic, geotechnical, and environmental conditions, it is critical that Merri-bek City Council has a clear process for making decisions about sportsground surfaces.

Merri-bek City Council is committed to fostering a vibrant, safe, healthy, resilient, innovative and regenerative community. Our Sportsgrounds Surface Policy is a testament to this commitment, embodying our vision and outlining our strategic objectives for sports ground surface management and decision-making within our municipality.

Developed in consultation with our stakeholders and guided by evidence-based research, this Policy is a clear reflection of our commitment to the sustainable use and enjoyment of our public open spaces.

This Policy outlines Council's approach to the management of our sportsgrounds and gives consideration to the triple bottom line principles of environmental, social and financial sustainability. This Policy applies to sportsgrounds, as defined in the Merri-bek Open Space Strategy 2012-2022, as areas reserved for sporting pursuits such as baseball, soccer, cricket or football.

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

3. Issues

Community impact

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

Climate emergency and environmental sustainability implications

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

The Study has identified clearly both the established evidence on the benefits and limitations of different turf options, as well as areas where research is unsettled and/or entails complexity or nuance in decision-making. Contested areas needing further exploration in partnership with other Councils and State Government include:

- Growing evidence of natural turf capacity and best practice grass types and management practices.
- Responding to concern over the loss of access to open space for informal use.
- Understanding modelling capacity versus actual demand, and the true operational cost of best practice synthetic turf maintenance (including irrigation to reduce heat).
- Weighing social and environmental impact into financial calculations.
- Responding to any emerging evidence regarding player injury, and methods to mitigate against pollution and stormwater impacts.
- Fully appraising and exploring alternative technology, including improved data collection, methods to manage usage through strategic lighting, location shifting and smart scheduling, and strategic approaches to siting and the utilisation of currently private open space for public use.
- Recycling/re-use options for synthetic turf products at end-of-life.
- Monitoring the further development of hybrid turf options that are financially attractive for local councils to install and maintain.

Economic sustainability implications

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

Legal and risk considerations

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

Human Rights and Gender Impact Considerations

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

4. Community consultation and engagement

A number of community members and sporting club representatives were consulted in the early stages of the study.

A further round of broad community engagement will be undertaken following the endorsement of this draft policy which will ensure a broad range of community voices can have their say. A more targeted approach to 'test' the assumptions in the policy will also be undertaken with key stakeholders identified.

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

Resources to oversee the public exhibition and report back to Council with a proposed Final Policy can be accommodated within existing budgets. There are no further financial or resource implications related to developing this Policy.

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

7. Implementation

Following Council consideration, the draft Sportsgrounds Surface Policy will be exhibited for public comment from Friday 11 August through to Monday 11 September.

A further report outlining the feedback received along with a final Policy will be presented to Council in November 2023.

Attachment/s

1	Merri-bek Sportsgrounds Surface Policy Final Draft	D23/347716
2	Merri-bek Sportsgrounds Surface Study Final	D23/347699



Draft Sportsground Surface Policy

1. Introduction

At Merri-Bek City Council ('Council'), we are committed to fostering a vibrant, safe, healthy, resilient, innovative, and regenerative community. Our Sportsground Surfaces Policy is a testament to this commitment, embodying our vision and outlining our strategic objectives for sportsground surface management and decision-making within our municipality.

Developed in consultation with our stakeholders and guided by evidence-based research, this Policy is a clear reflection of our commitment to the sustainable use and enjoyment of our public open spaces.

This Policy outlines Council's approach to the management of our sports grounds, and gives consideration to the triple bottom line principles of environmental, social and financial sustainability. This Policy applies to sports grounds, as defined in the Merri-bek Open Space Strategy 2012-2022, as areas reserved for sporting pursuits such as baseball, soccer, cricket or football. The primary purpose of our sports grounds is to facilitate organised sport for our community. With limited amounts of open space, we want to maximise the use of sports grounds by our community for diverse uses outside of organised sport hours. Our aim is to manage sports grounds in a way that maximises use and provides the highest quality grounds to support community demand within budget allocations.

2. Context

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

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

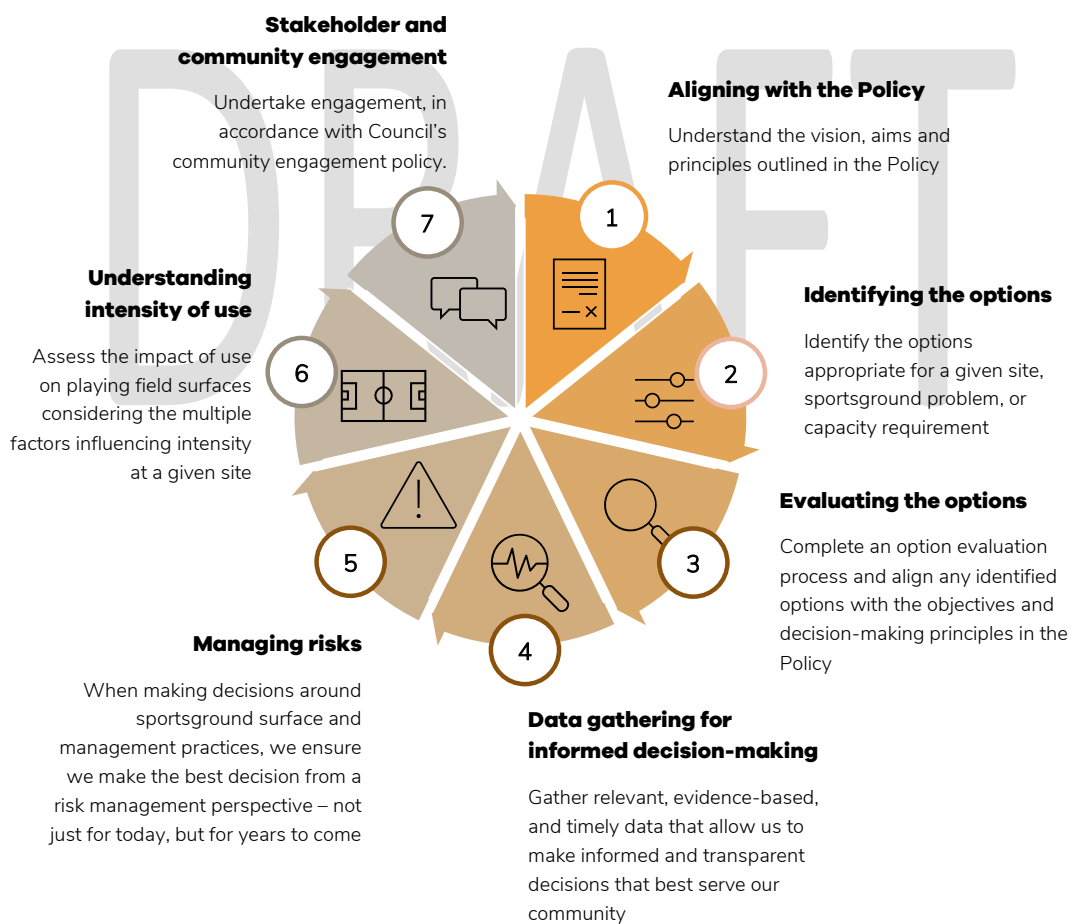
3. Policy



4. Decision-making framework

Merri-bek City Council has a supporting decision-making framework for internal use to ensure this Policy is enacted with robust, transparent, and evidence-based decision-making. It aligns Council's decision-making on sportsground surfaces and management practices with the unique social, economic, and environmental considerations impacting our community, coupled with a steadfast commitment to safeguarding access to sport and recreation and the enjoyment of our public open spaces for all members of the community.

Our framework for making decisions about our sportsground surfaces follows the following process and makes use of a multi-factor decision making tool informed by our objectives and decision-making principles outlined above.



Merri-bek Sportsgrounds Surface Study

Final Report



Prepared by Ethos Urban & Otium
For Merri-bek City Council

13 July 2023 | 3230023

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Wurundjeri Woi Wurrung people, of the Kulin Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.




'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.

The river system illustrated in this visual image is bound in greens and golds to acknowledge the warmth often felt in a colder climate. The rich earth hues of green, reds and browns reflect the local landscapes of this state while the extensive use of rhythmical patterning captures the unique landscapes of flat and mountainous areas. The use of earth colours imparts a sense of strength and serenity while contrasting greens throughout the image reminds us of the lushness of the natural world, where animals and humans once lived in harmony – it reminds us of the importance to protect the lands, waterways and skies and care for our localised environment. Scattered throughout the image are bold colours of oranges – a source of energy that continues to be felt as a life-giving source. The orange hues also portray the varying sunsets in which many Victorians enjoy seeing.

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[Redacted] 07/07/2023		[Redacted] 13/07/2023	
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3.0 (FINAL)	13/07/2023	[Redacted]	[Redacted]
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 Ethos Urban Pty Ltd ABN 13 615 087 931 Level 8, 30 Collins Street, Melbourne VIC 4000 (Wurundjeri Woi Wurrung Land) Melbourne +61 3 9419 7226 ethosurban.com			

Executive Summary

Purpose of this report

The aim of this study is to establish a research framework that examines the social, economic, and environmental effects of sportsground surface options in the context of Merri-bek. By analysing the most up-to-date evidence relating to Merri-bek's climate, community, and financial circumstances, this study provides Merri-bek City Council (Council) with valuable insight into the consequences, advantages, and limitations of using natural turf, synthetic turf, and alternative technological solutions and management techniques. Ultimately this research will help inform future decision-making related to sportsground surfaces in Merri-bek.

Council engaged Ethos Urban and Otium Sport and Leisure to prepare this sportsground surface study as a starting point to forming a policy position and decision-making framework.

Methodology

The methodology for this Study was largely desktop-based, relying on a variety of quantitative and qualitative sources to draw conclusions on existing evidence base and the gaps therein. Throughout this study, a distinction has been made between considerations that are well established in academia and the industry, and those which are contested and unsettled.

The following sources constituted the bulk of the analysis:

- Literature review: identifying key existing academic and industry research from an Australian and international context.
- Stakeholder analysis and qualitative dimensions: including an understanding of community sentiment
- Ethos Urban site visit and field observations to understand everyday context of Merri-bek sportsgrounds.
- Stakeholder interviews with key people representing the diverse perspectives and interests across the Merri-bek community.

Recognising the need to identify where the industry has consensus on the evidence and where it is contested, this Study takes a two-stage approach to comparatively assessing the turf options:

- Identifying the established benefits and limitations for each turf typology, natural turf, synthetic turf, and alternative turf technology (**Sections 3.2, 4.2, and 4.3**).
- Outlining the complex topics for which the evidence is not established, across all turf surfaces (**Section 2.5**) and specific for each turf typology (**Sections 3.3, 4.3, and 5.3**).

This Report also outlines:

- The context informing sportsground surface decision-making in Merri-bek (**Section 2.0**)
- Emerging best practice management approaches and an evaluation of options against state sporting association standards (**Section 6.0**)
- Conclusion and key findings (**Section 7.0**)

The following disclaimers to this Report are noted:

- This Report does not go into detail on resolving competing uses between sports and active/passive recreation, beyond noting where the selection of different sportsground surfaces will have impacts on different patterns of use (e.g., formal versus informal use). The Open Space Strategy, currently in development, will go into more detail on this topic.
- The primary focus of this Report is on sportsground surfaces on Council-owned land. This generally gives greater weight to field sport usage, however other uses such as tennis courts, lawn bowls, and the use of synthetics on cricket wickets have been considered. Further detail relating to responding to the use of different sportsground surfaces on privately owned land and non-sportsgrounds will form part of the policy and decision-making framework this Report accompanies.

Key Findings

This table summarises the findings overall findings this report:

Subject	Findings
Merri-bek context	<p>Quality public open spaces make for liveable, sustainable, and healthy neighbourhoods. In the context of growing sporting demand in Merri-bek associated with population growth, increasing urban density, and an increasing diversity of sport participants (including demand for informal use/community recreation) decision-making surrounding the type of surface needed to accommodate growing demand is critical (see Section 2.1 – 2.2).</p> <p>Demand modelling for inner Melbourne has pointed to a clear deficit of fields across all sports that will grow significantly over the next 20 years. This demand, driven by population growth and a deficit in the delivery of new sporting grounds to match, remains challenging to meet because of the spatial constraints in inner Melbourne and the predominance of other growth needs. This comes in the context of divided community sentiment regarding synthetic turf surfaces (see Section 2.3) and complexities in relation to Merri-bek's climatic, geotechnical, and environmental conditions (see Section 2.4).</p> <p>The key issues for Merri-bek arising from this context include (see Section 2.5):</p> <ul style="list-style-type: none"> • The need to balance the social benefit of increasing community participation in sport and recreation with competing priorities such as the growing impact of climate change on our community, adverse impacts of some sportsground surfaces on water quality and urban heat, and council's commitment of Zero Waste to Landfill by 2030 as well as some community opposition and concern in relation to the social, environmental, and economic impacts of synthetic turf. • Merri-bek has high biodiversity values along Merri Creek, is subject to increased flooding events exacerbated by climate change and is subject to moderate-high levels of urban heat.¹ In this context, the decision around type and location of sportsground surface takes on an increased importance. • Concern over the loss of access to open space and the need to accommodate for diverse users, both formal and informal, is a consideration for both the decision between different turf playing surfaces and the design of fields in a way that allows for multipurpose use. • Modelling capacity can differ substantially from actual demand. When considering which sporting field surface to use, an accurate understanding of actual demand is needed. • Synthetic turf is only more economically efficient from a cost per hour basis over the 15-year lifecycle of a sportsground, when actual demand and usage is optimised, providing for about 54-60 hours per week. • The research on player injury is not settled, although points to differences between playing surface products which must be considered in decision-making.
Literature review	<ul style="list-style-type: none"> • Most existing analysis on the subject tends to evaluate different surface materials from the perspective of sports users, rather than from the perspective of informal community users. • There are few Australian-specific studies on key issues, including heat, UV, injury, chemical leeching, and comprehensive economic and carbon life cycle analyses.² • There are some Victoria-specific discussion papers and guidelines for decision makers.³ • While environmental and economic analyses of synthetic turf are widely available overseas, research on its social impact remains limited. However, what studies have

¹ See, eg Merri-bek Municipal Emergency Management Plan.

²Football NSW n.d., *Increasing capacity with synthetics: The impact of investing in synthetic pitches on the operation of a club*, GHD for Horticulture Innovation Australia Limited 2020, *Living turf fire benefits study – Literature review*, April 2020 <https://www.horticulture.com.au/globalassets/hort-innovation/resource-assets/tu17008-literature-review-living-turf-fire-benefits-study.pdf>; Lamble, P & Battam, M n.d., "Creating sustainable open spaces – using compost to deliver liveability, sustainability and economic outcomes," and technical paper prepared for OzWater; Smart Connection Consultancy 2017, *The Smart Guide to Synthetic Sport Fields Rubber Infill*; Smart Connection Consultancy 2019, *The Smart Guide to Synthetic Sports Surfaces: Volume 3: Environmental and sustainability considerations*, accessed 17 May 2021 <https://www.smartconnection.net.au/wp-content/uploads/2019/11/Vol-3-Environmental-and-Sustainability-Considerations-v1.01.pdf>; WA Department of Local Government, Sport and Cultural Industries nd., *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>.

³ See, Sport and Recreation Victoria 2011, *Artificial Grass for Sports*, Department of Planning and Community Development https://sport.vic.gov.au/_data/assets/pdf_file/0025/55591/download.pdf

Subject	Findings
	<p>shown is that a synthetic turf field can accommodate almost twice as many users as a fully irrigated natural turf field.</p> <ul style="list-style-type: none"> Long-term studies into the effects of playing on synthetic sportsground surfaces are currently limited, however there are several studies underway in Europe and the United States which reflect growing community concern with the long term health impacts of synthetic turf surfaces.
Natural Turf	<p>Natural turf is multifaceted, providing more than just a playing surface for formal sports teams. However, the benefits of natural fields must be weighed against their established limited capacity compared to synthetic fields, even with the implementation of best practice construction and management.</p> <ul style="list-style-type: none"> Natural turf requires specific soil management to create and maintain a quality playing surface Commonly cited capacity figures suggest natural turf supports around 20-30 hours per week Vulnerable to drought condition and water restriction - natural turf requires irrigation to maintain a quality playing surface Natural turf typically offers enhanced social benefit and amenity associated with access to nature, although must be balanced with the social benefit of access to and capacity to accommodate formal sport and recreation Natural turf mitigates the urban heat island effect Sportsfields with natural turf are permeable surfaces, allowing water to be absorbed during rain events Can contribute to positive biodiversity outcomes Generally supports informal use by the community. Natural turf has lower up-front costs when compared to synthetic options, yet can often have higher maintenance costs. Natural turf is highly vulnerable to climate impacts, although may act as a carbon sink (depending on the end of life of grass clippings).⁴
Synthetic Turf	<p>Synthetic turf options have evolved considerably over the past few decades, becoming more amenable to formal sports userbases. Far from being a one-dimensional material, the diverse range of application and evolving sustainability management strategies demonstrates a need for a considered approach to synthetic options in strategic locations.</p> <ul style="list-style-type: none"> Synthetic turf is an evolving product that is responsive to the changing needs of a diverse range of sports Can support 40-70 hours of use a week, depending on a range of factors Higher upfront cost than natural turf, but with lower maintenance costs over lifecycle Sporting code preference amongst some winter sports such as Hockey, and acceptance amongst other major codes such as AFL, Cricket and Football Negative impact on heat island effect: Surface absorbs and radiates heat making use during hot days potentially unsafe Negative impacts on biodiversity and environmental and human health associated with stormwater runoff and microplastics. Loss of amenity for local community and informal sports due to synthetic sportsgrounds typically being publicly inaccessible (depending on its design) Higher CO2 lifecycle emissions and environmental waste The cost effectiveness of synthetic turf vis a vis natural turf depends on its actual level of use
Alternative Turf Surfaces	<p>It is ultimately concluded that in Merri-bek's context, hybrid turf is not seen as an immediately viable option for Council due to local growing conditions and financial constraints. However, profile reinforcement and the combination of natural and synthetic turf in high-use areas is generally supported as a viable option.</p>

⁴ See Eric Sanjaya, Gustavo Weihs, and Ali Abbas, 'Environmental Impact of Synthetic Turf: A Life Cycle Analysis (LCA) Review and Circular Economy Perspective', in Chief Scientist and Engineer NSW, *Independent review into the design, use and impacts of synthetic turf in public open spaces* (October 2022), 5.

Subject	Findings
	<ul style="list-style-type: none"> • There are three main types of alternative turf technology and management approaches. These are a hybrid turf profile, natural turf profile reinforcement, and the use of synthetic turf in high wear areas of a natural turf field. • Hybrid turf is commonly touted as an alternative to natural and synthetic turf, as it is seen as being more durable and providing higher usage hours than natural turf without the associated high surface temperatures and environmental impacts of synthetic products • Higher ongoing maintenance cost and capital cost, associated with the complexity of the product and the need for ongoing irrigation • Local growing conditions in Merri-bek substantially limit the potential for hybrid turf to form a suitable alternative, due to its expense and lack of suitability with warm season grasses.
<p>Alignment with best practice</p>	<p>Ultimately, this research found several management methods employed by Councils in Australia to better drive utilisation and cost efficiency, including improved data collection and analysis, methods to manage usage, and strategic siting considerations.</p> <p>Key findings for Merri-bek include:</p> <ul style="list-style-type: none"> • There are a number of code-specific guidelines and standards which apply to both natural and synthetic turf • Improved data collection and analysis, and the strategic management of use, can improve decision-making and ensure that existing fields are fully utilised • Siting will be critically important for Merri-bek. Positioning any new synthetic turf field, if pursued, away from waterways and sensitive natural areas and prioritising brownfield sites within the centre urban area of the LGA will assist in limiting the potential environmental impacts of synthetic products. • There are a range of natural turf management practices which can improve the performance of natural turf fields. Trialling solutions, and closely monitoring the results, will assist Merri-bek in making informed steps towards improving its natural turf fields. • There are some potential mitigations for synthetic turf fields to improve its environmental and human health accreditations. Merri-bek Council should monitor the development of alternative synthetic turf construction methods and materials. • There are a range of options available to Merri-bek to counteract reactive soils and undulating typologies. The path chosen will depend on the individual requirements of single sites.
<p>Key issues for Merri-bek</p>	<p>Ultimately, this Study has concluded that although research and evidence is limited in some areas, there are clear social, environmental, and economic implications associated with the decision to upgrade a natural turf field to a synthetic playing surface. The unsuitability of hybrid turf as a viable option at present for Council means that a decision needs to be made that weighs the disbenefits of synthetic turf across numerous factors with the significant social value of participation in sport and recreation.</p> <p>There are a number of innovative management and design approaches that can go some way to responding to growing sportsground demand in Merri-bek – however difficult and complex decisions are likely to be required which prioritise synthetic turf in strategically justified locations.</p> <p>The Study has identified clearly both the established evidence on the benefits and limitations of different turf options, as well as areas where research is unsettled and/or entails complexity or nuance in decision-making. Contested areas needing further exploration in partnership with other Councils and state government include:</p> <ul style="list-style-type: none"> • Monitoring the further development of hybrid turf options that are financially feasible for local councils to install and maintain • Growing evidence of natural turf capacity and best practice grass types and management practices • Responding to concern over the loss of access to open space for informal use • Understanding modelling capacity versus actual demand, and the true operational cost of best practice synthetic turf maintenance (including irrigation to reduce heat) • Weighing social and environmental impact into financial calculations

Subject	Findings
	<ul style="list-style-type: none"> • Responding to any emerging evidence regarding player injury, and methods to mitigate against pollution and stormwater impacts • Fully appraising and exploring alternative technology, including improved data collection, methods to manage usage through strategic lighting, location shifting and smart scheduling, and strategic approaches to siting and the utilisation of currently private open space for public use. • Recycling/re-use options for synthetic turf products at the end of its lifecycle.
Next Steps	<p>The following steps will be undertaken to form Council's policy position:</p> <ul style="list-style-type: none"> • Consultation with the community and key stakeholders, and Merri-bek Councillors. • Deliver the Merri-bek Sportsground Turf Policy. This Policy will outline the vision and objectives for sportsground surface management and the principles guiding Council decision-making in alignment with key existing policies and procedures. • Deliver the decision-making framework: clearly outlining the implications of choices for policy decisions based on the evidence in this Study, including a quantitative multi-criteria tool and scenario testing tailored to the Merri-bek context. • Presentation to Merri-bek Councillors.

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Key terms

Demand / User Demand

This is the assessment of the actual hours of use likely to form the demand for a field or sporting space. The actual hours of demand may vary considerably from the modelled capacity and should be considered when comparing the cost benefits of different options.

Engineered Natural Turf

Refers to natural turf fields which have been designed as a high quality and high resilience surface. This includes a complex mix of profiling, growing media, sand, soil, aggregate, sub soil drainage and turf species selection along with sophisticated management regimes.

Field Capacity / Modelled Capacity

Is the theoretical higher limit of use hours a field can tolerate or is likely to sustain. In the case of synthetic surfaces modelled capacity of 60 -70 hours per week is often compared with natural turf fields which can sustain 25-30 hours per week before significant surface degradation.

Hybrid Surface

Is a combination of synthetic fibres and natural grass. This has a higher resilience than natural turf, but does not have the capacity of a synthetic surface and is likely to be more expensive to maintain.

Infill

Is the fine granular material that sits on top of the synthetic carpet but at the base of the fibres. It is a critical part of the functioning of the surface and requires regular maintenance. Infill can be comprised of a range of natural and artificial materials.

Natural Turf and Grass

Refers to those sporting fields and courts that are constructed of natural materials and have a covering of selected grass species.

Grass refers to the plant species, while turf means the whole surface including grass, root mat and soil/sand.

Sporting Spaces, Sportsgrounds, Field of Play

Refers to those areas designed for specific formal sport training and competition and includes line marking, goals and sideline areas needed for the conduct of outdoor sport.

Synthetic Surface / Synthetic Turf

Is the combination of artificial fibres stitched into a carpet that is laid on an engineered constructed base including a "hard" base layer and shock pad. Synthetic fields usually have infill materials which help keep the fibres upright and functioning properly.

Urban Heat / Urban Heat Island

Refers to the increased temperatures retained within the built environment due to higher levels of heat absorption by materials such as asphalt, concrete, brick, etc. The urban heat island refers to the increased temperatures experienced within cities compared to surrounding rural areas due to urban heat.

1.0 Introduction

1.1 Purpose of this Study

The aim of this study is to establish a research framework that examines the social, economic, and environmental effects of sportsground surface options in the context of Merri-bek. By analysing the most up-to-date evidence relating to Merri-bek's climate, community, and financial circumstances, this study provides Merri-bek City Council ('Council') with valuable insight into the consequences, advantages, and limitations of using natural turf, synthetic turf, and alternative technological solutions and management techniques. Ultimately this research will help inform future decision-making related to sportsground surfaces in Merri-bek.

This research base will be accompanied by a policy and decision-making framework, assisting Merri-bek City Council in forming a balanced position on its sportsfield surfaces to ensure they meet the diverse needs of a growing and active community whilst upholding strong social, environmental, and economic credentials.

1.2 Project background

Across Australia, synthetic turf is often selected due to its perceived ability to support higher levels of use than most natural turf surfaces. This is particularly the case for sporting fields. Due to its drought resistance and ability to sustain heavy use during varying weather conditions, it is considered by some stakeholders as a more efficient and effective option. These advantages have been considered to offset higher upfront capital costs and has resulted in an increase in the use of synthetic turf.

However, there are growing concerns about the potential social, environmental, and economic impacts of using synthetic surfaces for recreation and sport uses. These include:

- The perception and tendency for synthetic fields to be exclusively available for organised sports, which often results in decreased access for informal community uses, such as dog walking, socialising, self-organised ball games and community events⁵
- The rubber and microplastic particles in synthetic turfs have been linked to increased air and water pollution⁶
- Adverse effects on thermal comfort as synthetic materials contribute to high ambient surface temperatures during hot weather, impacting user comfort, limiting use for recreational purposes, and contributing towards urban heat island⁷
- Whole of lifecycle costs, including maintenance and end of life disposal⁸
- Amenity impacts of extended use to adjacent residents including increased traffic, lighting and noise⁹
- Reducing the flexibility of the open space to accommodate different sports and local community recreation needs¹⁰
- Potential health impacts on users from infill materials, and synthetic compound¹¹
- Potential injury impacts on users, including abrasions and friction burns¹²
- The replacement of natural surfaces with synthetic materials, which can reduce the amenity of the area and make it less appealing to those who would like to use the open space for a range of recreational uses.¹³

⁵ Eddie R 2020, Coburg North residents blindsided by plans to cover oval in artificial turf, *The Age*, <<https://www.theage.com.au/national/victoria/coburg-north-residents-blindsided-by-plans-to-cover-oval-in-artificial-turf-20201005-p5621q.html>> As will be explored further below, the social dimensions of synthetic turf are under researched compared to the environmental and economic aspects.

⁶ Marsili L et al. 2014. "Release of polycyclic aromatic hydrocarbons and heavy metals from rubber crumb in synthetic turf fields: preliminary hazard assessment for athletes." *Journal of Environmental & Analytical Toxicology* 5:2, 265; *Artificial Grass for Sport*, Victoria Department of Planning and Community Development.

⁷ WA Department of Local Government, Sport and Cultural Industries, Natural Grass vs Synthetic Turf Study Report, <<https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>>

⁸ Ibid.

⁹ Local government stakeholders raised this issue during workshops undertaken to develop this Discussion Paper.

¹⁰ WA Department of Local Government, Sport and Cultural Industries n. d., Natural Grass vs Synthetic Turf Study Report, <<https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>>

¹¹ Synthetic Turf Council 2016, Executive Summary Catalogue of Available Recycled Rubber Research (march 3, 2016) http://cymcdn.com/sites/www.syntheticurfCouncil.org/resource/resmgr/docs/st_c_cri_execsummary2016-0303.pdf

¹² WA Department of Local Government, Sport and Cultural Industries, Natural Grass vs Synthetic Turf Study Report, <<https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>>

¹³ Ibid.

On the 10th of August 2022, Council passed a resolution that requested a report and development of a policy on managing Council's sportsgrounds giving consideration to:

- Council's policy positions articulated in the Climate Risk Strategy, Zero Carbon Merri-bek Climate Emergency Action Plan, Integrated Water Management Strategy 2040, Urban Heat Island Effect Action Plan and our goal of zero waste by 2030 as outlined in our Waste and Litter Strategy.
- The triple bottom line principles of environmental, social and financial sustainability including new and emerging natural turf and soil management, soil organic carbon sequestration or carbon sink potential options, water run-off, microplastics, recyclability and best practice turf management.
- The impact of other synthetic surfaces being used by other land users within the municipality (e.g., schools) on community wellbeing.

It is within this context that Merri-bek City Council have chosen to investigate sportsground surfaces and form a clear policy position for the municipality. Council has engaged Ethos Urban and Otium Sport and Leisure to prepare this sportsground surface study as a starting point to forming a policy position.

1.3 Methodology

The following sections outline the key methods used to inform this study.

1.3.1 Literature Review

A literature review was undertaken to identify key existing academic and industry research from an Australian and international context. This literature review was guided by two primary inquiries:

- What are the established social, economic, and environmental impacts associated with the process of replacing natural turf with synthetic surfaces?
- What is the current best practice of synthetic, natural, and hybrid turf installation and use in Victoria, and why?
- What are the established capacity limits for different sportsground surfaces, and how do these apply in a Merri-bek context?

The review used a two-step process:

1. Ethos Urban conducted key word searches to identify potentially relevant material published in English. The search included any study that referred to the social, environmental, and economic impacts of synthetic turf, with priority given to Australian studies. Ethos Urban also obtained additional relevant studies from the reference lists of identified articles, industry documentation, as well as from the research undertaken by interested Merri-bek residents.

Key search terms were:

- | | | |
|-----------------|--------------------|--------------|
| - Synthetic | - Satisfaction | - Generation |
| - Turf | - Heat | - Multi-use |
| - Sport | - Infill | - Australia |
| - Open space | - Replacement | - Victoria |
| - Recreation | - Redevelopment | - Moreland |
| - Artificial | - Disposal | - Merri-bek |
| - Environment / | - Cost | - Social |
| Environmental | - Fees and charges | - Community. |
| - Life Cycle | - Weather | |
| - Injuries | - Climatic | |

2. Ethos Urban screened all identified references to compile key findings and perspectives, and to identify potential gaps in research and areas for deeper inquiry.

This literature review identified that:

- Most existing analysis on the subject tends to evaluate different surface materials from the perspective of sports users, rather than from the perspective of informal community users.

- There are few Australian-specific studies on key issues, including heat, UV, injury, chemical leeching, and comprehensive economic and carbon life cycle analyses.¹⁴
- There are some Victoria-specific discussion papers and guidelines for decision makers. The latest guidance is provided by *Active Victoria – A strategic framework* for sport and active recreation in Victoria and an “Artificial Grass for Sport Planning Guidelines” prepared in 2011 by Sport and Recreation Victoria for decision makers considering the implementation of synthetic turf.¹⁵
- While environmental and economic analyses of synthetic turf are widely available overseas, research on its social impact remains limited. However, those studies available have shown is that a synthetic turf field can accommodate almost twice as many users as a fully irrigated natural turf field. This increased capacity allows for more people to participate in sports, resulting in improved health outcomes for participants (noting that in general, sport participants meet the Australian Physical Activity and Exercise Guidelines). As this report and associated policy continue to be developed, it is important to incorporate stakeholder and community feedback to conduct a more comprehensive and locally-focused assessment of social impacts -including the balance of competing social outcomes.

The key findings from this literature review have been incorporated throughout this study.

1.3.2 Stakeholder analysis and qualitative dimensions

Desktop research was conducted to gauge community perspectives on sports turf change. Examination of community sentiment relied on online sources, where contributors ‘self-select’ to participate in these discussions (and are not necessarily representative of community opinion). Therefore, this feedback is not regarded as a definitive representation of views within Merri-bek. As a qualitative research methodology, desktop research into stakeholder perspectives is useful for identifying potential community concern and hot-button issues through examining online activity (posting comments, starting petitions, writing and sharing opinions pieces). Research included:

- Online community forums and websites
- Community Facebook groups
- Local media coverage.
- Further consultation will be conducted as part of forming the Merri-bek policy position, and will ensure a broad, representative sample of community voices can have their say.

1.3.3 Ethos Urban Merri-bek site visit

At the commencement of the project, Ethos Urban conducted a site visit to a number of sportsgrounds with council officers. Conducting field observations across Merri-bek provided a tangible snapshot of the local social and environmental context. The site visit also underlined specific issues relating to turf quality, maintenance and informal use patterns which are largely unrecorded and ongoing. This provided a qualitative insight into the everyday context of Merri-bek sportsgrounds and their users. The following sites were visited on April 6, 2023:

- Coburg City Oval
- De Chene reserve
- McDonald Reserve
- Parker reserve.

¹⁴ See, however: Football NSW n.d., *Increasing capacity with synthetics: The impact of investing in synthetic pitches on the operation of a club*, GHD for Horticulture Innovation Australia Limited 2020, *Living turf fire benefits study – Literature review, April 2020* <<https://www.horticulture.com.au/globalassets/hort-innovation/resource-assets/tui7008-literature-review-living-turf-fire-benefits-study.pdf>>; Lamble, P & Battam, M n.d., “Creating sustainable open spaces – using compost to deliver liveability, sustainability and economic outcomes,” and technical paper prepared for OzWater; Smart Connection Consultancy 2017, *The Smart Guide to Synthetic sports Fields Rubber Infill*; Smart Connection Consultancy 2019, *The Smart Guide to Synthetic Sports Surfaces: Volume 3: Environmental and sustainability considerations*, accessed 17 May 2021 <<https://www.smartconnection.net.au/wp-content/uploads/2019/11/Vol-3-Environmental-and-Sustainability-Considerations-v1.01.pdf>>; WA Department of Local Government, Sport and Cultural Industries n.d., *Natural Grass vs Synthetic Turf Study Report*, <<https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>>.

¹⁵ See, Sport and Recreation Victoria 2011, *Artificial Grass for Sports*, Department of Planning and Community Development <https://sport.vic.gov.au/_data/assets/pdf_file/0025/55591/download.pdf>

1.4 Content of this Study

Recognising the need to identify where the industry has consensus on the evidence and where it is contested, this Study takes a two-stage approach to comparatively assessing the turf options:

- Identifying the established benefits and limitations for each turf typology, natural turf, synthetic turf, and alternative turf technology (**Sections 3.2, 4.2, and 4.3**).
- Outlining the complex topics for which the evidence is not established, across all turf surfaces (**Section 2.5**) and specific for each turf typology (**Sections 3.3, 4.3, and 5.3**).

This Report also outlines:

- The context informing sportsfield surface decision-making in Merri-bek (**Section 2.0**)
- Emerging best practice management approaches and an evaluation of options against state sporting association standards (**Section 6.0**)
- Conclusion and key findings (**Section 7.0**).

2.0 Context

This section outlines the context relevant to the provision and demand for sportsgrounds in Merri-bek.

2.1 Value of public open spaces

Quality public open spaces make for liveable, sustainable, and healthy neighbourhoods. Public open spaces include parks, gardens, play spaces, public beaches, riverbanks, waterfronts, publicly accessible bushland and outdoor playing fields and courts. They provide us with places to exercise, play, rest, participate in social activities, and contribute to healthy, happy, and resilient communities. The social, environmental, and economic benefits of access to green open space are well established, and include:

- **Encouraging physical activity:** Public open space help people to maintain healthy lifestyles by providing spaces that encourage physical activity, children's play, participation in sport and active transport. Public open space users are more likely to meet recommended levels of physical activity, and park amenities and improvements can increase park use and rates of physical activity.¹⁶ Inactivity is less common among residents of greener neighbourhoods.¹⁷
- **Social connection:** Public open spaces are the living rooms of cities, places where people of all ages, cultures, abilities, and socio-economic backgrounds come together. Sharing these spaces, including through participation in sport and enjoying public open space, promotes social interaction, connection, and cohesion. Socially cohesive communities are more likely to provide support and practical help to each other and provide a sense of belonging to their members.
- **Enabling participation in sport:** Public open spaces also play an important role in supporting participation in sport. In Victoria, many people participate in sport to improve their health and wellbeing, connect with others, including positive role-models, and build their physical and mental resilience.¹⁸ The 2021-22 Ausplay survey identified that 65% of Victorian residents participate in sport-related activities.¹⁹
- **Connection to nature:** Access to the natural environment is good for physical and mental health, but is increasingly difficult to maintain in high density, urbanised environments. Natural landscapes and semi-natural systems such as parks, rivers, bushland, and private gardens, are essential 'green infrastructure' that support quality of life in an urban environment.²⁰
- **Mental health and restoration:** Even brief contact with nature can improve emotional wellbeing and reduce psychological stress.
- **Place identity:** Public open spaces, including sportsgrounds, can strengthen attachment to place and a sense of community, which is strongly associated with improving mental health. Feelings of disconnection, and the experience of loss of place can have significant psychological impacts.
- **Reduced urban heat:** Natural public open spaces and canopy cover reduce urban heat by contributing to shade and evapotranspiration (the process by which the sun's energy is used to transfer water from plants into the atmosphere).²¹ They also provide cooling relief on hot days, enabling people to relax and interact with the public realm.²²
- **Climate change resilience:** Public open space can improve resilience to extreme weather events, such as bushfires, floods and heatwaves, by improving air quality and reducing temperatures and flood risk in urban areas, while sequestering carbon dioxide from the atmosphere.²³

¹⁶ NSW Health 2020, *Healthy Built Environments Checklist*, p.36, <https://www.health.nsw.gov.au/urbanhealth/Publications/healthy-built-enviro-check.pdf>

¹⁷ NSW Health 2020, *Healthy Built Environments Checklist*, p.56, <https://www.health.nsw.gov.au/urbanhealth/Publications/healthy-built-enviro-check.pdf>

¹⁸ May, C 2021, "Physical activity," Clearinghouse for Sport, <https://www.clearinghouseforsport.gov.au/kb/physical-activity>

¹⁹ Australian Sports Commission 2022, *AusPlay National Sport and Physical Activity Participation Report November 2022*, p. 95 <https://www.clearinghouseforsport.gov.au/_data/assets/pdf_file/0010/1077544/AusPlay-National-Sport-and-Physical-Activity-Participation-Report-November-2022-v2.pdf>

²⁰ NSW Health 2020, *Healthy Built Environments Checklist*, p.56, <https://www.health.nsw.gov.au/urbanhealth/Publications/healthy-built-enviro-check.pdf>

²¹ Scott, C 2015, *A brief guide to the benefits of urban green spaces*, p.6, https://leaf.leeds.ac.uk/wp-content/uploads/sites/86/2015/10/LEAF_benefits_of_urban_green_space_2015_upd.pdf

²² WSROC 2018, *Turn down the heat: Strategy and action plan*, p.28, p.55, <https://wsroc.com.au/media-a-resources/reports/send/3-reports/286-turn-down-the-heat-strategy-and-action-plan-2018>

²³ GANSW 2017, *Greener Places – draft for discussion*, p.16, <https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/discussion-papers/greener-places-discussion-draft-2017-11.pdf>

- **Supporting ecosystems:** Public open space can contribute to biodiversity conservation by providing habitats for flora and fauna,²⁴ enhancing micro-climates, as well as other ecosystem benefits such as stormwater management, temperature regulation (e.g., via shade, reduction in wind capacity) and urban heat island mitigation and biodiversity.²⁵
- **Economic benefits:** Well maintained and high amenity public open space may raise the prices of adjacent properties and stimulate economic activities in nearby businesses: *"The creation, maintenance and management of green space also generates employment opportunities and may have indirect benefits to local economies by encouraging further investment and property development in the area."*²⁶

2.2 Growing sporting demand

Through a combination of busy lives and increasingly denser urban areas, access to public open spaces that enable multi-functional recreation (i.e., walking, cycling, dog-walking or formal or informal sport), is increasingly valuable to local communities. An ever-increasing demand for public open space is driven by:

- **Population growth:** The population of Merri-bek City Council is forecast to reach approximately 228,000 residents by 2036, an increase of 23.2% from 2019 levels.²⁷ Population growth is placing pressure on existing open spaces that need to accommodate increased levels of demand and more diverse community aspirations. Ongoing growth will require improvement to the quantity, diversity, quality, and capacity of open space to meet the needs of the Merri-bek population.
- **Increasing urban density:** Access to high quality public open space is becoming increasingly important as Merri-bek becomes denser, and dwellings become smaller – and increasingly without access to private open space, such as backyards. Increasing urban densities is resulting in more people needing to use open space to maintain their physical and mental health and wellbeing.
- **Increasing diversity of participants in sport and outdoor recreation:** The profile of participants in organised sport is also changing. AFL, soccer, and rugby, once considered male-dominated sports, are seeing an increase in the number of female participants, with more participation from people over the age of 35. Furthermore, the cultural diversity of the Merri-bek community also drives change in community preferences and demand for open space.

Demand for increasing the capacity in existing sportsgrounds is primarily driven by two key factors:

1. The increasing demand for access to sporting fields.

An increasing population increasing pressure on existing sports facilities: Population growth is increasing demand for sport and recreational facilities. According to Vic Health, 866,736 Victorians participated in sports across the state in 2021, a 15.7% increase in total sports participants from 2015 levels, despite a slower return to sports following the COVID-19 pandemic amongst some cohorts.²⁸

2. A decreasing supply and the prohibitive cost to acquire land to develop new sportsgrounds.

Population growth, especially within cities, and the increasing residential densities resulting from infill development in established areas, have resulted in significant pressure on existing open space networks for both formal sporting use and general recreation. However, finding and acquiring land suitable for sporting use (i.e., large flat areas) is an increasingly difficult challenge. In some areas of higher density growth, councils can struggle just to achieve sufficient parkland for recreation.

Other factors driving demand within the sporting community include:

- **A high proportion of 'active years' age group (5-49 years) fuelling demand for organised sports programs and competitions.** Merri-bek is getting younger with the median age falling from 36 to 34 years between 2006 and 2016. Merri-bek has a very high proportion of people aged within the "active years", 5-49 years age group (65.9%) or 112,933 people.

²⁴ GANSW 2017, *Greener Places – draft for discussion*, p.16, <https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/discussion-papers/greener-places-discussion-draft-2017-11.pdf>

²⁵ Ives et al 2014, *Planning for green open space in urbanising landscapes*, final report prepared for Australian Government Department of Recreation, Natural Environment Research Program, Environmental Decisions Hub, RMIT, p.7, <https://www.environment.gov.au/system/files/pages/25570c73-a276-4efb-82f4-16f802320e62/files/planning-green-open-space-report.pdf>

²⁶ Ives et al 2014, *Planning for green open space in urbanising landscapes*, final report prepared for Australian Government Department of Recreation, Natural Environment Research Program, Environmental Decisions Hub, RMIT, p.82, <https://www.environment.gov.au/system/files/pages/25570c73-a276-4efb-82f4-16f802320e62/files/planning-green-open-space-report.pdf>

²⁷ Moreland City Council 2021, *Estimated population and forecast growth in Moreland*, p. 1, <https://www.merri-bek.vic.gov.au/globalassets/areas/researchlib-67333/revise-population-forecast-brief-january-2021.pdf>

²⁸ Vic Health 2021, *Sports participation in Victoria 2015-2021 The impacts of COVID-19 and the recovery of participations in sport*, Research summary, Vic Health, https://sport.vic.gov.au/_data/assets/pdf_file/0025/55591/download.pdf

- **Need for resiliency in all-weather conditions:** responding to changing climate conditions is another driver to the provision of synthetic sport field surfaces. The loss of playable hours on natural turf playing fields due to wet weather is often cited as a key reason for pursuing synthetic playing fields, ensuring consistent sport participation during the winter season when demand is typically at its highest (especially for football, rugby and AFL).
- **Higher return on investment:** synthetic surfaces are also perceived to have a greater ability to attract a higher return on investment than natural turf playing fields through user charges. The ability to charge increased hire costs, the number of hours a field can be hired, and the ability to plan and fund refurbishment are attractive to facility owners or operators. However, this is often seen by the community as privatisation of public open space.

The following breakout sections highlight key Victorian sportsground planning studies and their findings.

Inner Melbourne Action Plan – Regional Sports and Recreation Facility Planning Study

The M9 group of councils is unique in bringing local councils and government stakeholders together to develop and deliver regionally based actions. These are based on the goal of making the inner Melbourne region more liveable, setting out a series of outcomes that the partner Councils believe will need to be achieved in order for this goal to be realised. The municipalities of Melbourne, Port Phillip, Stonnington, Yarra, Darebin, Hobson's Bay, Moonee Valley, Merri-bek, and Maribyrnong are the partner Councils that make up the membership of the M9 group.

The group of 5 councils which preceded the M9 released The Inner Melbourne Action Plan (IMAP). While not strictly inclusive of Merri-bek council area until the expansion the group to form the M9, this strategy and the findings in relation to sport and recreation is considered relevant given that growth in the inner suburbs will inevitably place additional pressure on fields in Merri-bek.

This report found that the existing sports facilities are at capacity and the participation demand is set to double over the next 20 years. This will require significant investment, innovation and a fundamentally different approach to avoid a critical shortfall.

The study states that without a different approach to investment and delivery (embracing innovation), people will miss out on participation opportunities that will impact community health and well-being.

Key findings include:

- Current supply of aquatic and recreation facilities, indoor sports stadiums, playing fields, outdoor multi-purpose courts and skate facilities **does not meet the needs of the current or projected future population** over the next 30 years.
- Strategies to address this gap include **increasing capacity of existing facilities** and upgrading existing facilities. These actions alone do not provide sufficient capacity to meet future need.
- New facilities will be required in the medium to long term. **The current challenge is to acquire land** for this purpose, and to have a financial plan for the delivery of required facilities in the future.
- The **current funding mechanisms** are not allocating or prioritising funding to community sport and recreation infrastructure. The current focus is precinct funding not addressing municipal or cross municipal facilities.



Inner Melbourne sport and recreation demand statistics

Draft Port Phillip Strategic Sports Network Plan 2023

The Port Phillip City Council are currently preparing a *Strategic Sports Network Plan*. Their analysis found:

- All sportsgrounds were very well used and showing signs of overuse, with many allocated for 25+ hours of use each week.
- The population is forecast to grow by 48%. If using current Ausplay participation rates for field sports (Australian Rules football, football-soccer, cricket and rugby / touch football), the current participation of 15,230 participants will grow to 20,885 participants.
- The demand modelling shows a current shortfall of fields across all field sports that will grow significantly over the next 20 years.
- There is limited capacity in Port Phillip to build new sportsgrounds to address the future shortfall in fields. Introducing synthetic turf fields at strategic locations is considered one solution to meeting this challenge.

Moonee Valley Wider Sportsground Review 2021

The Moonee Valley City Council conducted a review into the supply and demand for field sports. The study found:

- All sportsgrounds were very well used and showing signs of overuse, with many allocated for 25+ hours of use each week. Some fields were often unfit for play in wetter months due to the overuse of fields, however Council had limited options to distribute training activity to alternative fields due to them being at capacity.
- Moonee Valley City Council manage 19 outdoor sporting reserve sites that service 43 sporting clubs and an estimated 9,066 players across Football-soccer, cricket and Australian Rules football and rugby / touch football.
- Football-soccer, cricket and Australian Rules football have recorded significant participation growth in the last 3 years, whilst rugby has maintained 150 participants. If current participation rates are maintained, there will potentially be an additional 3,506 players by 2032 (Total of 12,572 players).
- The demand modelling shows a current shortfall of fields across Football-soccer, cricket and Australian Rules football that will grow significantly over the next 20 years.
- There is limited capacity in Moonee Valley to build new sportsgrounds to address the future shortfall in fields. Introducing synthetic turf fields at strategic locations is considered one solution to meeting this challenge.

Draft Melbourne Recreation Facilities Master Plan 2022

The City of Melbourne conducted a supply and demand assessment for sports facilities. The Study found:

- A significant shortfall in sports facility infrastructure in the next 20 years.
- The population will grow by 43% in the next 20 years that will drive the demand for sports facilities, which is further intensified by 1 million commuters that come in and out of the City daily.
- Current sports facilities are very well used with multiple users. The analysis of sportsgrounds use shows many were allocated for 20+ hours of use each week and that the type of activity, quality of soil profiles, lack of drainage and irrigation and insufficient lighting meant this use could not be increased.
- The plan includes recommendations for upgrading natural turf fields to increase capacity to 25+ hours each week and introduce synthetic turf fields in strategic locations.
- New sportsgrounds are proposed in urban renewal areas, however the provision falls short of what the participation demand requires in the next 20 years.

The plan recognises that even with recommended improvements, Council will still realise a shortfall in sportsground requirements.

Banyule Regional Sport and Recreation Reserves Feasibility Study 2020

The Banyule City Council conducted a supply and demand assessment for sportsgrounds to respond to the impacts of the North East Link project. The Study found:

- A shortfall of sportsgrounds in the next 20 years to meet future participation demand.

- The short-term impact of sportsgrounds used for the North East Link project will require improvements to increase the capacity of other sportsgrounds to meet current participation demand.
- There is an opportunity to increase and improve the capacity of sportsgrounds at reserves impacted by the North East Link to address the shortfall of sports fields projected in the future.
- The plan includes recommendations for upgrading natural turf fields to increase capacity to 25+ hours each week and introduce synthetic turf fields in strategic locations.

2.3 State of our fields

Key Merri-bek sportsgrounds statistics

The following section synthesises existing data provided on Merri-bek sportsgrounds, based on Council's Active Moreland Policy and Open Space Strategy (2012-2022).

Merri-bek currently has:²⁹

- 54 sportsgrounds (52 natural turf and 2 synthetic turf grounds)
- 64 tennis courts
- 28 outdoor netball courts
- 5 indoor sports stadiums
- 576 hectares of open space, which makes up 177 reserves³⁰
- Play spaces such as skate parks and playgrounds
- 50km of off-road bicycle paths an extensive network of walking paths
- the provision of grants and funding to support clubs and other activity providers

Council's sportsgrounds are very well utilised with multiple user groups allocated access through seasonal tenancy license agreements or hiring (booking). A review of the fields shows:

To be supplemented with additional information from Council, if available.

- *Most natural turf sportsgrounds are allocated for 15+ hours each week.*
- *The Clifton Park synthetic turf soccer field is used 25 hours each week and by multiple clubs and teams.*
- *The Brunswick Secondary College synthetic turf hockey field is used 45 hours each week and is home to the Brunswick Hockey Club.*

2.3.1 Community perspectives

Decisions relating to synthetic turf surfaces generally attract a high level of community and sporting association interest. Often, there is agreement on the need to increase capacity to support community sport and active recreation – however disagreement on the best surface type to meet this growing demand.

For example, there is opposition to synthetic turf amongst some members of the Merri-bek community. Desktop research into local perspectives has shown many community groups are concerned with the environmental and social impacts of synthetic turf. The 2020 proposal for the implementation of a synthetic turf field at Hosken Reserve, Coburg North, led to sustained community campaign to 'save the reserve'.³¹ Climate Action Morland, a community action group, outlined concerns in a detailed essay submission,³² whilst online groups - 'Save Hosken Reserve' established a series of petitions attracting over 900 signatures,³³ with The Age also highlighting the issue.³⁴

²⁹ Sportsgrounds and facilities, *Active Morland*, <https://activemoreland.com.au/recreation/moreland-group/activemoreland/home/sport-in-merri-bek/sportsgrounds-and-facilities>

³⁰ Open space strategy 2012-2022, *Moreland City Council*, <https://www.merri-bek.vic.gov.au/globalassets/key-docs/policy-strategy-plan/open-space-strategy-2012-22.pdf>

³¹ Save Hosken Reserve 2020, <https://www.facebook.com/savehoskenreserve/>

³² Climate Action Morland 2021 < <https://climateactionmoreland.org/2021/04/11/synthetic-turf-and-the-tragedy-of-the-commons-in-moreland/> >

³³ Save Hosken Reserve 2022, *more than 900 have signed our petition* <<https://www.facebook.com/savehoskenreserve/>> Stephens T 2022, *Keep Moreland's reserves accessible for all*, *Get Up by me*, < <https://me.getup.org.au/petitions/keep-moreland-s-reserves-accessible-for-all> >

³⁴ Waters C 2022, *Turf war treaty: Council keep some parkland for community use*, *The Age*, < <https://www.theage.com.au/national/victoria/turf-war-treaty-council-keeps-some-parkland-for-community-use-20220418-p5ae8f.html> >

Key concerns expressed by community groups and online forums (Facebook groups, petition pages, community action forums) were as follows:

Table 1 Community sentiment analysis

Theme	Key concerns
Environmental	<ul style="list-style-type: none"> • Increased urban heat island effect. • Loss of biodiversity • Loss of surrounding vegetation • Waterway and soil pollution caused by synthetic infill. • Reduction in permeable surfaces in urban fabric, lowering capacity for water absorption • CO2 emission caused across the life cycle (production, transportation, disposal) of synthetic turf. • Pollution caused by turf disposal.
Social	<ul style="list-style-type: none"> • Overall reduction in community amenity caused by lack of access to sportsground (formal use only) • Lack of transparent community consultation • Community concerns of health issues related to environmental pollution caused by synthetic turf

Source: Ethos Urban, desktop review

Community opposition was successful in changing the overall design and scale of the Hosken Reserve renewal. The compromise – reserving one-third of the park for community green space and implementing a synthetic turf field – highlights the importance of community consultation to find common ground solutions.

From a sporting association perspective, support for synthetic surfaces is relatively common as some clubs struggle to meet growing demand on their sport. Pascoe Vale FC, for example, supported the Hosken Reserve renewal while recognising the need to balance formal and informal community use of sportsgrounds.³⁵ Additionally, The City Vista Sports Precinct, featuring two synthetic soccer pitches in the City of Melton, was widely supported by local clubs and soccer players for the increased opportunities to play the sport that it was seen as providing.³⁶

The following points are some of the key considerations noted by sporting clubs informing their general support for synthetic turf upgrades in Victoria, based on Ethos Urban's media scan:

- Perceived increase in capacity to program training and games on synthetic turf surfaces, 'up to 70 hours a week'.
- Enhanced quality and consistency of synthetic surfaces. This was particularly evident when relating to surfaces which were replacing older, badly maintained and poorer quality natural turf fields.
- The availability of substantial grant funding to allow for the installation of new synthetic pitches.
- Ancillary improvements to club facilities, lighting, and fencing.
- The social benefit of increasing access to sport, particularly for younger generations.

The high levels of media attention and community interest in synthetic turf field replacements for natural turf surfaces, such as in the case of Hosken Reserve Renewal, indicates high levels of concern relating to the social, environmental, and economic implications of sportsground surface decisions. This demonstrates the need for nuanced approaches to sportsgrounds renewal and public space management that align with community expectation and values.

2.3.2 Site visit

As discussed in the methodology section, at the commencement of the project, Ethos Urban conducted a site visit to a number of sportsgrounds with council officers. Conducting field observations across Merri-bek provided a tangible snapshot of the local social and environmental context. The site visit also underlined specific issues relating to turf quality, maintenance and informal use patterns which are largely unrecorded and ongoing. This provided a qualitative insight into the everyday context of Merri-bek sportsgrounds. The following sites were visited on April 6, 2023:

- Coburg City Oval
- De Chene reserve

³⁵ Eddie R 2020, Coburg North residents blindsided by plans to cover oval in artificial turf, *The Age*, <<https://www.theage.com.au/national/victoria/coburg-north-residents-blindsided-by-plans-to-cover-oval-in-artificial-turf-20201005-p5621q.html>>

³⁶ *Mirage News* 2019, Four new pitches a win for local soccer fans, <<https://www.miragenews.com/four-new-pitches-a-win-for-local-soccer-fans/>>

- McDonald Reserve
- Parker reserve.

The following factors were assessed:

- Levels of existing community access to sportsgrounds, both formal and informal
- Associated clubs and the type of turf surface
- Quality of turf surface, both natural and synthetic
- Shade
- Sense of inclusivity and accessibility to community, including presence of fencing.

Table 2 Site visit observations

Key observations	
Usage and demand	<ul style="list-style-type: none"> • High levels of informal use on sportsgrounds that are visually open to the public – especially De Chene Reserve, due to proximity and use by adjacent secondary school. • Observed competing use interests between formal sports groups and community members conducting non-sports related activities (principally dog walking). This was primarily observed (though not limited to) Coburg City Oval.
Maintenance	<ul style="list-style-type: none"> • Prevalence of divots caused by dog scratching and player use. • Grass patched used to infill divots – clubs responsible for small-scale patch maintenance. • Parker Reserve no longer for soccer or hockey due to undulations in the field.
Social	<ul style="list-style-type: none"> • High levels of informal, non-sports related informal use by community, especially in area adjacent of greenspaces – De Chene Reserve
Environmental	<ul style="list-style-type: none"> • Porous boundaries between greenspaces with native vegetation and sportfields along the Merri Creek – De Chene Reserve and Parker Reserve.

Source: Ethos Urban

2.4 Merri-bek's climatic, geotechnical and environmental conditions

The following maps show the community health and wellbeing indicators, biodiversity values and climate change effects impacting Merri-bek's open spaces. They have been prepared for the State Government's Open Space for Everyone 30 Year Investment Opportunity Framework project.

2.4.1 Community health and wellbeing indicators

The map below shows Merri-bek population will grow significantly across all areas of the municipality.

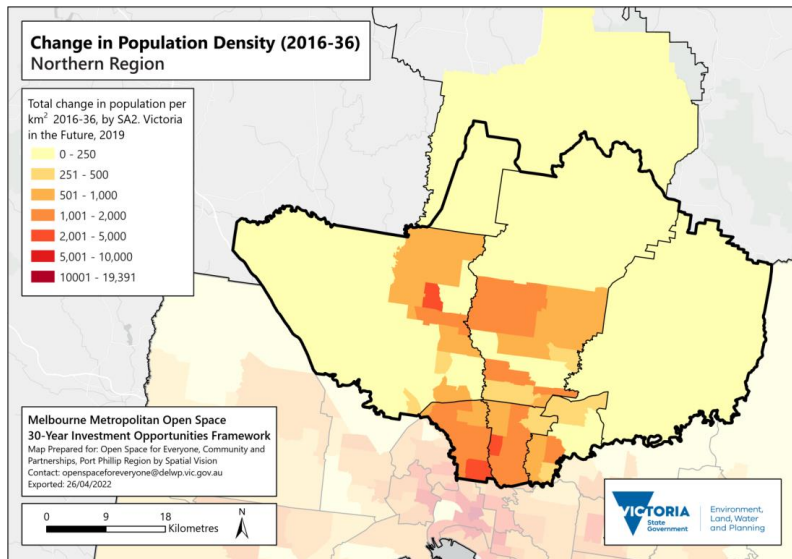


Figure 1 Change in Population Density (2016-36) – Northern Region

Source: *Open Space for Everyone: Open Space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

The map below shows that Merri-bek has a high proportion of people (41-44%) that exercise four days each week and therefore meet the Australian physical activity guidelines.

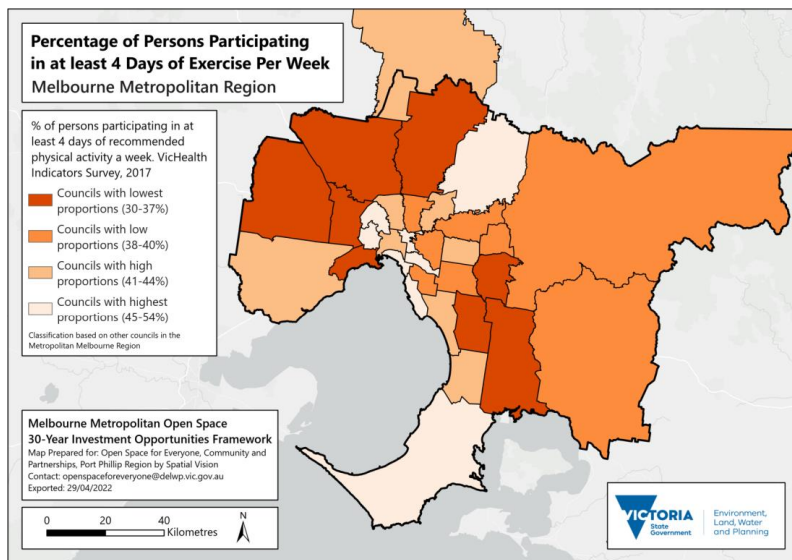


Figure 2 Percentage of Persons Participating in at least 4 Days of Exercise per Week

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

The map below shows that most residents are within 400m and 800m of publicly accessible open space.

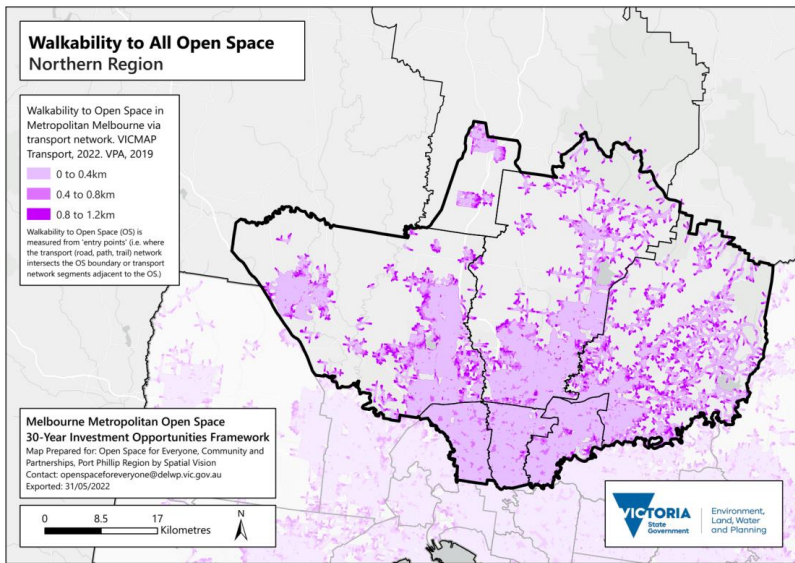


Figure 3 Walkability to All Open Space – Northern Region

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

The map below shows the strategic cycling corridors and principal bicycle network locations. These 'active' transport links connect with public transport and open spaces in Merri-bek.

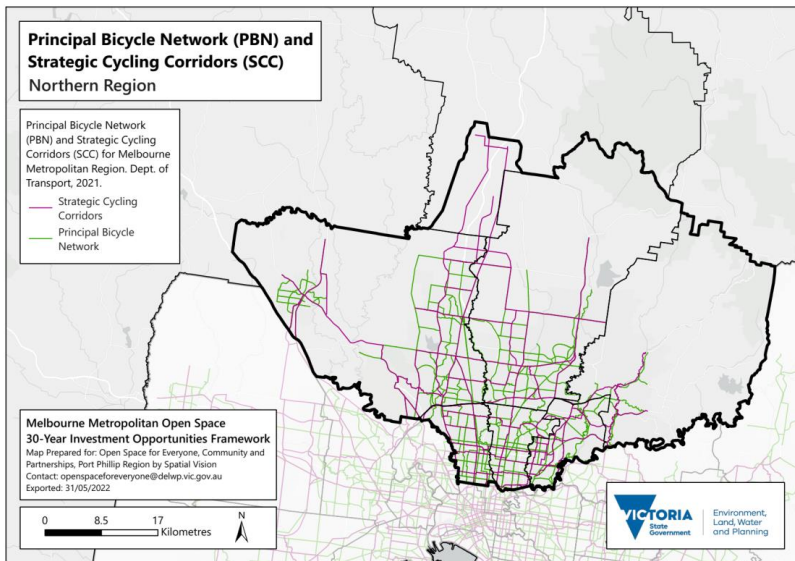


Figure 4 Principal Bicycle Network and Strategic Cycling Corridors – Northern Region

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

Providing access to a diverse mix of fit for purpose sport and recreation facilities within a 20-minute neighbourhood catchment has the capacity to foster the high levels of sport and physical activity participation in Merri-bek. For the significantly growing population, this will be critical to delivering positive health and wellbeing outcomes.

The map below shows the SEIFA (index of social disadvantage) rating in Merri-bek. Access to affordable sports facilities and programs will be important in the northern part of the municipality that has areas that are most disadvantaged in the northern region of metropolitan Melbourne.

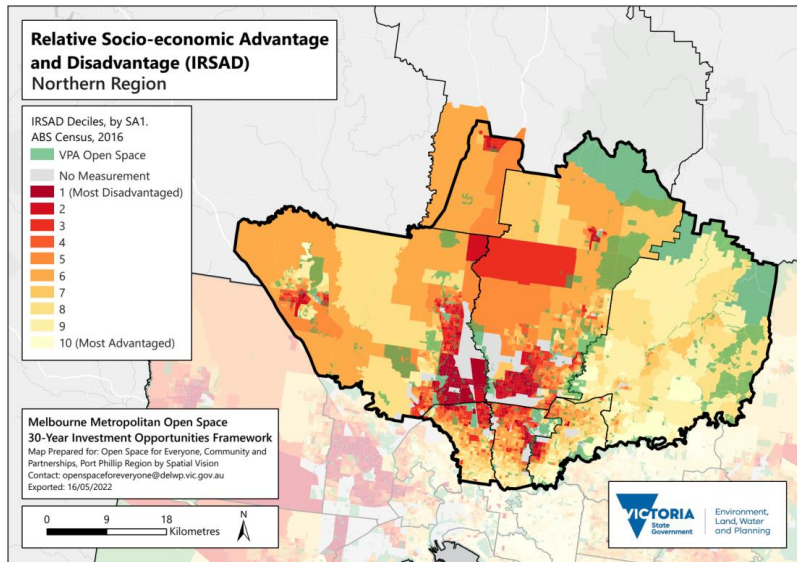


Figure 5 Relative Socio-economic Advantage and Disadvantage – Northern Region

Source: Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021 (Victorian Government, 2021)

2.4.2 Biodiversity Values

The map below shows the strategic biodiversity values in the northern region of metropolitan Melbourne. Merri-bek has low biodiversity values with high values only identified along Merri Creek.

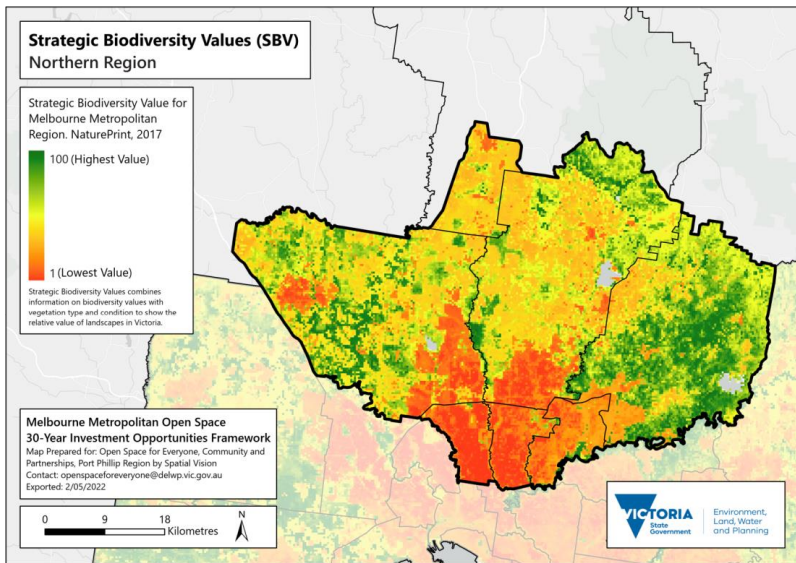


Figure 6 Strategic Biodiversity Values – Northern Region

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

The map below shows the environmental and significant landscape overlays that protect biodiversity values. The overlays protect the high values identified along Merri Creek.

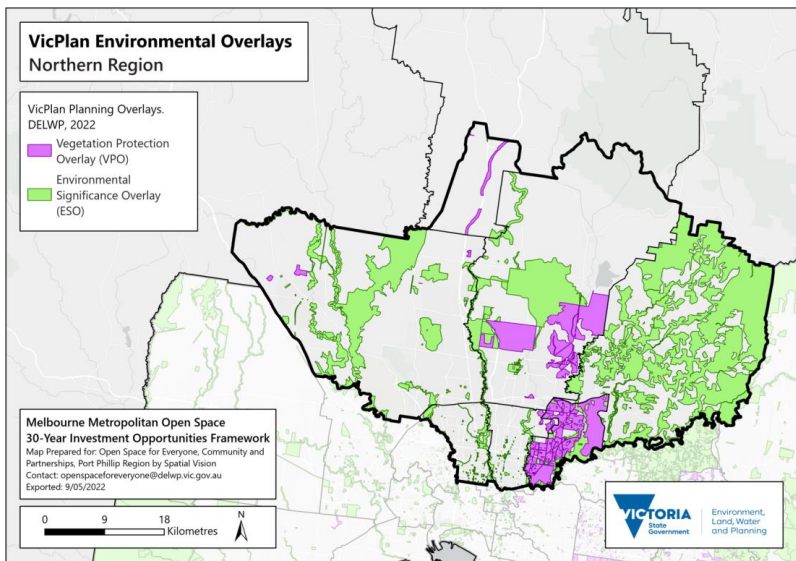


Figure 7 VicPlan Environmental Overlays – Northern Region

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

The map below shows the vegetation coverage of in Merri-bek. Most areas in Merri-bek have low vegetation coverage with pockets of high vegetation coverage including along Merri Creek.

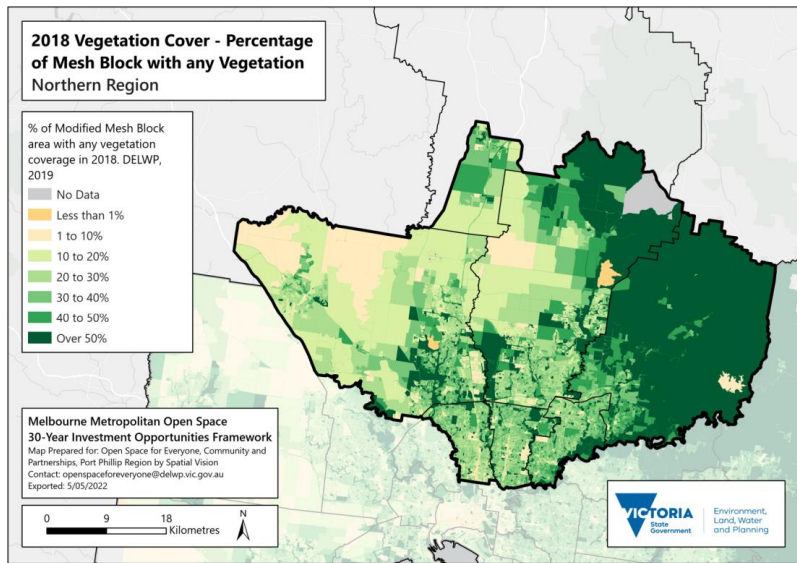


Figure 8 2018 Vegetation Cover – Percentage of Mesh Block with any Vegetation – Northern Region

Source: Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021 (Victorian Government, 2021)

2.4.3 Climate Change Impacts

The map below shows the urban heat island effect. Merri-bek has moderate to high levels of urban heat across the municipality. This shows the importance of open space mitigating the effect of urban heat in Merri-bek and providing people with a cool place to visit on hotter days.

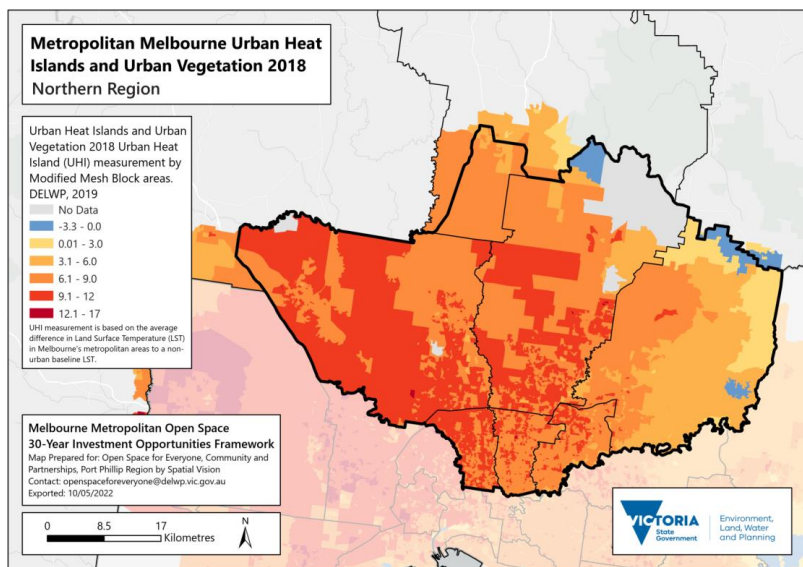


Figure 9 Metropolitan Melbourne Urban Heat Islands and Urban Vegetation 2018 – Northern Region

Source: Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021 (Victorian Government, 2021)

The map below shows the 100-year flood inundation level. Merri-bek is impacted by flood inundation along creek corridors in the east and north. Any modification to sportsgrounds within flood inundation areas need to be designed in a way that maintains storage capacity.

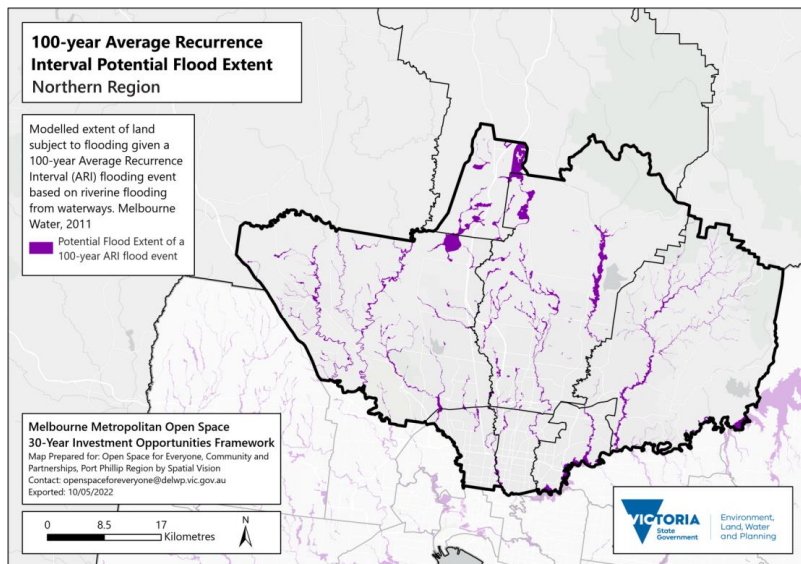


Figure 10 100-year Average recurrence Interval Potential Flood Extent – Northern Region

Source: *Open Space for Everyone: Open space Strategy for Metropolitan Melbourne 2021* (Victorian Government, 2021)

2.5 Contemporary sportsground surface issues

The use of synthetic turf in sportsgrounds has been a topic of discussion and debate for several years, with proponents and opponents of the technology holding strong opinions about its benefits and drawbacks. While synthetic turf has gained popularity in recent years due to its durability and ability to withstand harsh weather conditions, concerns have been raised about its environmental impact, and safety. This section will explore the general issues and discussion surrounding synthetic turf, including the contested aspects of the technology where there is a lack of consensus or clear evidence.

2.5.1 Diverse users and concern over the loss of access to open space

Arguments in favour of synthetic surfaces tend to focus on their ability to increase the capacity of existing open space for sporting activities. However, communities also value the opportunity to participate in a diverse range of recreational activities outside a formal sporting context.

Informal sport has been identified as a key process in generating a sense of belonging in multicultural communities. Access to sports grounds provides sites to gather and perform leisurely sporting activities, helping to form connections between diverse community members within causal contexts.³⁷

Examples of this informal use were identified in Merri-bek during the Ethos Urban site visit at De Chene Reserve, Coburg, wherein informal use of the soccer field and adjoining green spaces by significant numbers of primary school children was observed. Further, the *Melbourne Open Space Strategy (Open Space for Everyone)* aims to create a 'network of public open space that is shared and accessible by everyone'³⁸, reflecting community preferences for spaces

³⁷ Aquino et al 2020, *The right to the city: outdoor informal sport and urban belonging in the multicultural spaces*. *Annals of Leisure Research*. 25(4) 472-490 DOI: 10.1080/11745398.2020.1859391

³⁸ *Open Space Strategy for Metropolitan Melbourne 2021*, Department of Energy, Environment and Climate Action, 2021 < https://www.environment.vic.gov.au/_data/assets/pdf_file/0025/520594/Metro-Open-Space-Strategy-FA4-book-WEB.pdf >

that enable a range of sport and recreation opportunities including organised sport; and active recreation where you do not require memberships or scheduling for use.³⁹

It was evident during research undertaken for this Study that some community groups consider the installation of synthetic fields as a reduction in access to green open spaces that may be under pressure from densification, or even as a loss of open space (see **Section 2.3.1**). Key voices amongst the community have strongly opposed proposals for the implementation of synthetic turf on social and environmental grounds. In particular, the community organisation *Climate Action Moreland* strongly criticised the proposed synthetic turf in the Hosken Reserve Refresh in 2021 through a detailed discussion paper, indicating the social impact factor as significant in synthetic turf decision making in Merri-bek. While synthetic fields can often accommodate increased usage and greater intensity of formalised sporting use, they can displace informal users of natural turf fields unless carefully mitigated. The following considerations have been identified through a review of community sentiment and feedback surrounding the replacement of natural with synthetic surfaces:

- **Protection of the playing surface:** A synthetic field is a significant capital investment, and as a high value asset there is an increased focus on protecting that asset for its primary purpose. Often there is a need to manage use, preventing dogs from accessing the space and ensuring players clean boots to protect the surface and avoid contamination of the infill.
- **Restrictions on informal access:** As synthetic playing surfaces are generally installed to enable formal sporting use, facility owners may restrict the use of the field outside of organised sporting activities, including by fencing the field. However, there are equally examples of synthetic fields that are not fenced, and informal community use (of synthetic fields) does occur. However, there is clearly a perception within the community that the space is not available for informal or non-sporting use. Furthermore, the high frequency of formal sporting games and training, often results in little downtime for others to use the space.
- **Inappropriate for community events:** Synthetic turf cannot generally be used for community events, as these require marquees and other temporary infrastructure that can damage the underlying carpet of synthetic turf.
- **Reduced amenity:** Synthetic turf has reduced amenity for informal recreation and socialising (due to the touch and feel of the surface type, increased heat load and glare) which may discourage use of the field for alternate purposes even when access is not restricted.
- **Designed for specific codes or groups of codes:** Synthetic fields are usually managed for formal sporting use and therefore have less flexibility to accommodate informal and recreation use as they cannot easily be reconfigured to accommodate different types of use, such as an emerging code or different sport. Line markings on synthetic fields are often more permanent and the pile height and other features are specifically designed for a specific code or group of codes. There are several products of synthetic turf which are more general use and can accommodate a range of large ball sports; however, AFL, football and rugby all have specified performance features to certify synthetic turf as suitable for their sport.

The shared use of public open space and the increasing use of public open space for a diverse recreation offering (not just formalised sport) should be factored into any consideration when choosing surface type. Any conversion of natural turf to a synthetic playing field needs to consider the impact on other users in the community and should be factored into the investigation of the costs and benefits of design options.

Most natural turf fields are for club and community level sport and are open to other users and informal access when not booked for formal sporting use. When these facilities are modified to have a synthetic surface, access limitations can be imposed, such as fencing and restricted access to clubs and fee-paying users. While fencing and other use restrictions may not actually reduce public accessibility of playing surfaces, they can create restricted access. It is important to note that very high-quality natural turf fields designed and managed for sporting use (such as national level sport clubs) can also have restricted use (e.g., fences) to protect the playing surface.

Ultimately, balancing the need to manage adverse use to ensure that community investment is protected with diverse and informal use of public open spaces by the community should be undertaken in close consultation with the community, and considering both the site-specific and broader strategic context of the decision.

2.5.2 Modelling capacity versus actual demand

It is important to understand the actual demand for an open space or by a specific sport that aims to be accommodated, and to consider what might be the most cost-effective response to meeting that demand. When undertaken in the early planning stages of facility upgrade, this assessment should inform the scope of improvements

³⁹ *Open Space Strategy for Metropolitan Melbourne 2021*, Department of Energy, Environment and Climate Action, 2021 < https://www.environment.vic.gov.au/_data/assets/pdf_file/0025/520594/Metro-Open-Space-Strategy-FA4-book-WEB.pdf >

to facilities (surface change, lighting improvements etc.) but also be broadened to consider the impact of meeting this demand on the wider use of the public open space.

A cost-benefit analysis or business case undertaken for a proposed conversion to a synthetic surface compares the capital and operating cost (or life cycle cost) of a playing field against the sporting user hours to be accommodated. As identified above, the impact on non-sporting users and the "disbenefit" or cost of reducing multiple use and community access for other recreation use, is not often considered, or factored into the decision.

The capacity of synthetic fields to accommodate significantly increased sporting use, compared with natural turf, is commonly cited as a key advantage of synthetics over natural turf.

When considering demand, it is important to understand the real, not perceived, level of demand when considering which sporting field surface to use. Additionally, sportsgrounds are not always used solely for formalised sport. They are also places that the community use for dog walking, exercise and fitness, informal sports such as casual sport and many more activities.

Formalised sporting demand for access to sportsgrounds is underpinned by current and projected participation numbers and a club's programming for training and competition needs. Through the literature review it was noted that the peak demand for sporting use is predominantly after school hours and on the weekends. Without lights, field usage would stop at 6:00pm or earlier during winter months. With lights, usage might continue to 8:00pm or later and competition use might also extend further use on Friday evenings. Weekend demand can be across both days and may be as high as 8 hours per day.

The level of wear also depends on:

- Type of sport, e.g., rugby union can have a high impact due to scrums, The goal square areas for soccer and Australian Rules football attract higher use in training and competition, while cricket has a relatively low impact on the sportsground with training activity provided largely in cricket nets and intensity of play isolated to cricket pitch area.
- Age of players, i.e., young children have reduced impact on turf compared to adults due to size and speed of participant.
- Number of players, i.e. Australian Rules football has a higher number of players on a field for training and competition than cricket.
- Programming by clubs, i.e. If limited alternatives to training, fields can attract higher hours of play or number of participants than the field has capacity for.

If a field is supporting daytime use, such as by schools, then there may be additional hours of demand for some days of the week – most likely between 10am and 2pm. In addition, fields in places with high daytime populations may have demand for social sport or organised activity during lunch hours or before or after work.

2.5.3 Whole-of-life and cost per hour costings

The following table, prepared by Sport NZ,⁴⁰ provides a summary of playing field costs across a 30-year period including a breakdown of total lifecycle cost per hour (including consideration of disposal of the old synthetic turf). All costs shown below are in New Zealand Dollars (NZD), apart from the row showing the conversion cost to Australian Dollars (AUD). It is important to note that this table uses a modelled capacity and focuses on winter utilisation in a New Zealand context.

⁴⁰ Adapted from Sports NZ and Jacobs 2019, Guidance document for sports field development, December 2019 <<https://sportnz.org.nz/media/1409/sports-field-development-guide-final-2020-1-22.pdf>>

Table 3 Lifecycle and cost per hour (typical assumptions)

		Natural Turf (sand profile)	Hybrid	Synthetic
Utilisation (hours)	Weekly	25	35	60
	25-week season	625	875	1500
	30-year use	18,750	26,250	45,000
Life cycle costs	NZD Construction (incl. earthworks)	\$400,000	\$850,000	\$1,750,000
	NZD 30-year maintenance	\$750,000	\$1,200,000	\$750,000
	NZD Renewal	\$250,000	\$500,000	\$10,000
	NZD 30-year Disposal Costs		\$100,000	\$100,000
	NZD 30-year Life Cycle Costs	\$1,400,000	\$2,650,000	\$2,610,000
	AUD Life Cycle Costs*	\$1,302,000.00	\$2,464,500.00	\$2,427,300.00
Cost per hour	NZD Cost per hour	\$74.67	\$100.95	\$58.00
	AUD cost per hour*	\$69.44	\$93.89	\$53.94

Source: NSW Synthetic Turf Study (NSW DPE 2021), adapted from Sports NZ and Jacobs 2019, Guidance document for sportsground development, December 2019 < <https://sportnz.org.nz/media/1409/sports-field-development-guide-final-2020-1-22.pdf>>

*Note: Conversion rate applied: 1NZD equals 0.93AUD

The main reason that synthetic fields provide a lower cost per hour is the higher modelled use. It is important to consider the actual use hours that are likely to occur when comparing the lifecycle cost of options. It is also important to note that well-constructed and well-maintained natural turf playing fields are often able to provide for more than 25 hours of weekly winter use. This would therefore reduce the cost per hour rate.

In 2021, Otium Planning Group updated the assumptions identified by Sports NZ to compare across use and capacity scenarios to reflect best practice natural turf management and a different picture emerges when considering natural turf to synthetic. (Note that construction costs for natural turf increased by 10% to reflect best practice.)⁴¹

Table 4 shows the updated scenarios produced by Otium and demonstrates that if a natural turf field is able to accommodate 25-30 hours of use a week it competes favourably with synthetics on cost (even with an increased capital costs). Furthermore, if the likely "actual" use of a synthetic is less than 60 hours per week natural turf that accommodates approximately 30 hours per week is preferred over an artificial product.

Table 4 Cost per hour, revised assumptions

	Natural turf	Natural turf (10% increase on capital)	Synthetic	Synthetic	Synthetic
Hours of use / week	25	30	40	50	55
AUD cost per hour	\$69.44	\$59.52	\$75.96	\$64.73	\$58.84

Source: NSW Synthetic Turf Study, Ethos Urban and Otium Planning Group (2021), adapted from: Sports NZ and Jacobs 2019, Guidance document for sportsground development, December 2019 < <https://sportnz.org.nz/media/1409/sports-field-development-guide-final-2020-1-22.pdf>>

⁴¹ See NSW DPE 2021, NSW Synthetic Turf Study, <https://www.planning.nsw.gov.au/-/media/Files/DPE/Reports/Policy-and-legislation/Synthetic-Turf-Study-Final-Report.pdf?la=en>

Research by Battam and Lamble⁴² compared the lifecycle cost per unit of carrying capacity for a synthetic field, a “well built” natural turf field and a “traditional build” natural turf field. The research indicated that a “well built” natural turf field has a lifecycle cost of approximately \$16,000 per hectare compared to \$48,000 per hectare for a traditional build natural turf field and \$62,000 per hectare for synthetic playing field surfaces (in AUD).⁴³

2.5.4 Stormwater, flooding, and the Merri Creek

Sportsgrounds are frequently adjacent to large impermeable surfaces such as car parks, and therefore experience flooding from run-off. Some open space turf areas are also designed as flood detention basins, meaning they are designed to temporarily store excess stormwater so it can drain into the stormwater system or natural creek.⁴⁴

The location of the open space is important to consider for both natural and synthetic turf fields. Poorly located natural turf fields may become waterlogged and unusable during wet weather, although upgrades to the field (e.g., introduction of sand slit drains, grass swales to divert upstream runoff) can reduce the impact of excess rainfall on turf performance.⁴⁵

For example, if a synthetic turf field floods, the infill on the field (e.g., rubber crumb, cork granules), which is generally lighter than water, can float and be blown around the field, which causes a maintenance issue, or results in infill materials being washed into local waterways and bushland - becoming a source of pollution for local ecosystems.⁴⁶

Many sportsgrounds in Merri-bek are located on constrained sites, such as in close proximity to Merri Creek or landlocked by residential and industrial land uses meaning expansion is not possible. As a result, sportsgrounds in flood inundated areas are often subject to tidal inundation or flooding during periods of heavy rainfall.

Additionally, for Merri-bek's sportfields that are in close proximity to the Merri Creek, there is potential pollution caused by infill run-off and leaching of fungicides and pesticides into adjacent river eco-systems. Therefore, choosing environmentally friendly kinds of in-fill, pest and fungus control, and carefully considering the location of potential synthetic fields will be an important step towards mitigating some of the negative environmental implications caused any potential synthetic field (see case study below for example).

This can be somewhat mitigated by raising the field and developing a retention base under the field⁴⁷ or delivering a “lip” around the perimeter of the field.

2.5.5 Player injury

There is no consensus on whether there is a higher risk of injury on natural turf or synthetic turf. While second generation synthetic fields had a greater risk of abrasiveness on skin and a higher injury rate, there is insufficient evidence on current generation fields to draw such conclusions.

There is, however, strong evidence of a difference in injury patterns between natural and synthetic turf. Natural turf, for example, has been associated with an increase in concussion rates.⁴⁸ Comparatively, Mack et al identify a higher rate of lower extremity injury associated with synthetic surfaces in their recent study.⁴⁹

Ngatuvai et al confirm in a recent 2022 study that there is a higher risk of ACL injuries on synthetic turf compared with natural surfaces in both men and women's soccer, although note that this association was not statistically significant in

⁴² Battam, M & Lamble, P 2021, *Best Practice Natural Turf Fields*, presented at PLA NSW, presentation provided to NSW DPIE.

⁴³ Battam, M & Lamble, P n.d., *Creating Sustainable Open Spaces – Using Compost to Deliver Liveability, Sustainability, Recreation and Economic Outcomes*; provided to NSW DPIE.

⁴⁴ Sydney Water 2011, *Best practice guide for holistic open space turf management in Sydney*, p.60-61
<https://www.sydneywater.com.au/web/groups/publicwebcontent/documents/document/zgrf/mdq1/-edisp/dd_045253.pdf>

⁴⁵ Sydney Water 2011, *Best practice guide for holistic open space turf management in Sydney*, p.62
<https://www.sydneywater.com.au/web/groups/publicwebcontent/documents/document/zgrf/mdq1/-edisp/dd_045253.pdf>

⁴⁶ Smart Connection Consultancy, 2019, *The smart guide to synthetic sports surfaces: Volume 3: Environmental and sustainability considerations*, p.19, accessed 17 May 2021 < <https://www.smartconnection.net.au/wp-content/uploads/2019/11/Vol-3-Environmental-and-Sustainability-Considerations-v1.01.pdf>>

⁴⁷ Smart Connection Consultancy, 2019, *The smart guide to synthetic sports surfaces: Volume 3: Environmental and sustainability considerations*, p.19, accessed 17 May 2021 < <https://www.smartconnection.net.au/wp-content/uploads/2019/11/Vol-3-Environmental-and-Sustainability-Considerations-v1.01.pdf>>

⁴⁸ See Gosnell G et al 2022, *Playing Surface and Injury Risk: artificial Turf Vs. Natural Grass, Injuries and Sports Medicine*, July 2022. DOI: 10.5772/intechopen.106615

⁴⁹ Mack D et al 2018, *Higher rates of lower extremity injury on synthetic turf compared with natural turf among national football league athletes: epidemiologic confirmation of a biomechanical hypothesis*, *The American Journal of Sports Medicine*, 47(1) DOI: 10.1177/0363546518808499.

other sports.⁵⁰ Given that the lower extremity is the anatomic area most commonly injured in sports, which includes injuries to the hip, pelvis, leg, thigh, knee, and ankle, this is a potentially significant finding.⁵¹

While there is a difference in injury patterns between natural and synthetic turf, there is currently no consistent evidence suggesting an overall difference in injury rate. Given the multi-factorial nature of injuries, further studies are needed.

⁵⁰ Ngatuva MS et al "Epidemiological comparison of ACL injuries on different playing surfaces in high school football and soccer", *The Orthopaedic Journal of Sports Medicine*, 10(5), DOI: 10.1177/23259671221092321

⁵¹ Anderson J 2002, Lower extremity injuries in Youth Sports, *Pediatric Clinics* 49(3) DOI: [https://doi.org/10.1016/S0031-3955\(02\)00010-X](https://doi.org/10.1016/S0031-3955(02)00010-X)

3.0 Natural turf and soil management

3.1 What is natural turf?

3.1.1 Overview

The construction of natural turf varies considerably and has significantly evolved over time to enhance the capacity and durability of natural turf-based playing surfaces. Since the 1920s, research has investigated ways to improve the performance of natural turf playing fields, which has resulted, "almost universally" in the use of coarse-grained, quick-draining materials, such as sand being used to construct natural turf sportsgrounds.⁵²

The siting of natural turf fields can affect performance and resilience, but it is challenging to acquire land to deliver open space due to high land values on sites that are not flood-affected or prone to subsidence. The construction options for natural turf range from a basic soil-based grass field to a high-quality engineered sand-based field with profile reinforcement.

A typical natural turf playing surface profile consists of the chosen natural turf, rootzone sand profile (growing medium) and in-ground supporting infrastructure (drainage and irrigation).

The design of a best practice natural turf playing surface sand profile typically consists of:

- **Natural turf surface layer:** Comprising a layer of soil (e.g., sand, loamy sand, sandy loam, loam and clay) and grass.
 - **Grass/turf:** The species of natural turf has a bearing on its performance.⁵³ Some of the most common types include couch/Bermuda grass, kikuyu and rye. Natural turf experts and social scientists emphasise the importance of selecting appropriate grass species and soil (e.g., compost amended soils have lower water demand while supporting more tolerant turf growth),⁵⁴ as well as the importance of management. Section x below provides further detail in relation to the better performing grass species for Merri-bek.
 - **Soil:** Healthy soil is one of the most important aspects of open space management. The characteristics of soil affect the watering requirements, turf growth and drainage on the surface, and influence the incidence of weeds, pests and diseases.
- **Rootzone sand layer:** Provision of a homogeneous rootzone sand layer provide enough porosity to enable rainfall infiltration and moisture retention to promote strong root growth and reduces risk of compaction.
- **Gravel blanket:** Provision of a gravel drainage layer to convey infiltration to the drainage system.

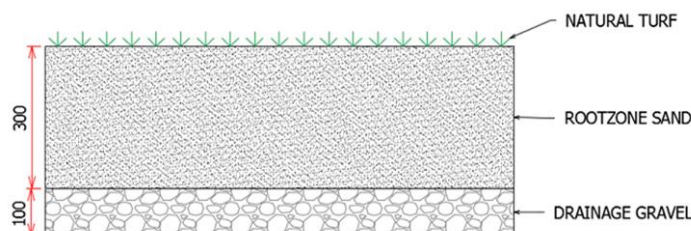


Figure 11 Natural turf profile

Source: SportEng.

SportEng, an engineering firm specialising in "fields of play," states that natural turf fields are becoming increasingly complex and designed to:

⁵² SportEng 2021, "What is natural turf?" *SportEng*, blog post dated 25 March 2021 <<https://blog.sporteng.com.au/what-is-natural-turf/>>

⁵³ Tafe NSW, *Turf Types*, accessed 14th May 2021 from common.turf.species.tafensw.edu.au

⁵⁴ Lamble, P & Battam, M n.d., "Creating sustainable open spaces – using compost to deliver liveability, sustainability and economic outcomes," technical paper prepared for OzWater.

- Drain more effectively while maintaining sufficient moisture content;
- Reduce reliance on water for irrigation;
- Tolerate more use; and
- Be available during or immediately after bad weather.⁵⁵

To respond to these requirements, the designs of natural turf fields are becoming more complex with highly specified materials and engineering solutions. Natural turf, like other surfaces, has significant maintenance requirements to maintain high levels of performance for all users, such as mowing, “resting” and re-surfacing the field. For example, amending soil with compost to improve its strength and durability.⁵⁶

3.1.2 Grass selection for Merri-bek

The Merri-bek local government area is located in the inner north of Melbourne which geographically places it within the temperate climate zone. This refers to the characteristically warm summers and cold winters in this region. Further classification using data provided by the Bureau of Meteorology identifies this area as having no dry season and therefore a uniform rainfall distribution.

SportENG, in their Technical Note prepared for this Study,⁵⁷ have formed the professional opinion that the turf species which will perform best in this region is couch grass (*Cynodon* sp.), with the preferred cultivar being Santa Ana (*Cynodon dactylon*).

Couch grass varieties are known for having the ability to provide a high-quality sports playing surface with reduced fertiliser and irrigation inputs. Key advantages of using couch grass varieties include:

- Very good performance during periods of both low and high rainfall.
- High wear tolerance – this surface will cope well under high usage hours.
- Very good heat tolerance.
- Good tolerance to salinity
- Shows good recovery following high wear activities
- Has a finer leaf and dense lateral growing habit which provides good surface traction for players.
- Typically requires lower levels of irrigation and fertiliser inputs.⁵⁸

A disadvantage of using couch grass varieties is their low tolerance for growing in heavily shaded areas. It is recommended that in fields which are heavily shaded a ryegrass (*Lolium* sp.) species is oversewn into the field surface. Ryegrasses are cool-season grasses which can survive with reduced sunlight availability and are particularly effective during the winter months.

3.1.3 Demand and capacity

Capacity is often measured in “field hours”. That is, the number of hours a field can be used before it degrades and becomes unsafe or unusable. All fields, regardless of construction, require time for maintenance and most facility managers will “block out” periods to allow for this.⁵⁹

There is significant debate within the existing literature about the “field hours” supported by different surface types. Commonly cited comparisons of capacity suggest natural turf supports around 20-30 hours per week of sporting use. Sports NZ cite high use hours for a 25-week winter period on sand based natural turf fields as around 25 hours per week, and synthetic surfaces at 40-70 hours per week.⁶⁰

⁵⁵ SportEng 2021, “What is natural turf?” *SportEng*, blog post dated 25 March 2021 <<https://blog.sporteng.com.au/what-is-natural-turf/>>

⁵⁶ Lamble, P & Battam, M n.d., “Creating sustainable open spaces – using compost to deliver liveability, sustainability and economic outcomes,” technical paper prepared for OzWater.

⁵⁷ SportEng 2023, *Natural Turf Technical Advice* (Technical note, 12/07/2023).

⁵⁸ Ibid.

⁵⁹ Synthetics need to be swept, cleaned and the infill layer needs to be levelled and topped up, whereas natural turf needs mowing, irrigation, management of compaction, remarking and pesticide/herbicide use. See: WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <<https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>>

⁶⁰ Sports NZ and Jacobs 2019, *Guidance document for sports field development*, December 2019 <<https://sportnz.org.nz/media/1409/sports-field-development-guide-final-2020-1-22.pdf>> These figures are based on use analysis undertaken in 2013, and may not reflect the advances in natural turf field construction that has occurred since then.

A natural turf fields usage (training and competition) and capacity levels are categorised as:

- **Level 1** – A natural turf field (soil based) with no drainage or irrigation, winter grasses = approximately 15 to 20 hours per week.
- **Level 2** – A natural turf field (soil based) with basic drainage, irrigation and winter grasses and lighting = approximately 20 to 25 hours per week.
- **Level 3** – A natural turf field (sand profile) with full drainage, irrigation and warm season grasses and lighting = approximately 25 to 30 hours per week. This is dependent on whether the climate is conducive to sand profile growing.

It is also noted that there are other considerations that impact the level of demand and the capacity of the field and should be considered when investigating options for upgrading the capacity of an existing field. These include:

- **Lighting:** Field lighting is essential to allow extended hours of use. The capital cost of installing a synthetic field or a high-quality natural turf field, should include lights if the benefit of increased capacity for use is to be realised.
- **Scheduling issues versus available capacity:** Clubs or user groups may favour specific time slots, such as Tuesdays and Thursdays for training and Friday night for competition. This can mean that actual demand is concentrated on a few nights only. As such, providing increased capacity via a synthetic field will not necessarily solve a demand issue as it can sometimes be a scheduling challenge.
- **Alternatives to concentrating use:** As sporting demand is more of an LGA-wide issue, the level of investment proposed to install a synthetic field should be compared with alternative strategies. The capital expenditure associated with synthetic turf installation could potentially provide a greater benefit across a number of locations by increasing capacity through lighting and upgrading natural turf surfaces. This can disperse rather than concentrate use and can reduce impacts on local residents through loss of open space, increased traffic and other impacts.
- **Opportunities to “unlock” other potential open spaces:** Patterns of under-utilised open space appropriate for sporting, such as local public or private schools, present alternatives to increasing sportsground capacity using synthetic turf by ‘unlocking’ these spaces for public use by the community.

3.1.4 Benchmarking against best practice natural turf quality

The OzWater *Best practice guidelines and benchmarks for turf open space in the lower hunter* identifies the following characteristics of a healthy soil profile, and can be used to evaluate the relative quality of natural turf soil:

- Adequate soil depth (>200mm topsoil, deeper required on some sites)
- Soil is moderately friable and does not set hard (i.e. is well structured)
- Soil has acceptable nutrient balance and holding capacity
- Topsoil and subsoil have appropriately matched characteristics
- Soil is appropriately amended so that it does not limit the performance of the field or increase the irrigation requirements.

The guideline further identifies the following metrics to achieve suitable water management and drainage:

- No surface water runs onto the field from upslope areas
- Excess water that falls on the surface is removed as run-off by ensuring that the field has sufficient crossfall (1 in 7p to 1 in 100) and slope lengths less than 70m. Alternatively, a slit drainage system can remove this water at a rate of at least 8mm/hr over the entire field area
- Downward movement of water in the rootzone is not impeded by soil layers
- Excess water reaching the base of the rootzone is removed at a rate of at least 2mm/hr by the subsoil and/or a subsoil drainage system.

The G & M Connellan Consultants (2015) Best Practice Guideline for Functional Open Space in Victoria provides additional guidance on natural turf management and quality.

In the following section, the evaluation of natural turf as a product assumes that best practice design, construction and management has occurred in line with the preceding guidelines.

3.2 Established pros and cons of natural turf

Table 5 over the page summarises the pros and cons of natural turf.

Table 5 Pros and cons of natural turf

	Consideration	Established benefit	Established issue	Mitigations/caveats
Social	Social impact	<ul style="list-style-type: none"> Generally, more amenable to informal community use. 	<ul style="list-style-type: none"> Generally, lower expected usage hours compared to other options at 25-30 hours per week. This can impact on the social benefits of participation in sport. 	<ul style="list-style-type: none"> The level of informal community use depends on a range of factors, such as presence of fencing, level of programming and formal utilisation, and the extent to which a field is perceived as professional.
	Amenity (inc. noise and glare)	<ul style="list-style-type: none"> Natural turf reduces noise and glare when compared with synthetic turf, which can affect sports participants, other site users and neighbouring land uses⁶¹ 	N/A	N/A
	Health (inc. pest and disease management, player injury).	<ul style="list-style-type: none"> Lower risk of heat stress, biological pathogens, microplastic ingestion and abrasion than other surface types Lower risk of lower extremity injury 	N/A	N/A
	Heat	<ul style="list-style-type: none"> Natural turf is known to mitigate the urban heat island effect – providing a relatively cool and absorbent surface for users.⁶² Cooler surface temperatures during warm months compared to synthetic turf. 	N/A	N/A
	Pollution	<ul style="list-style-type: none"> Relatively limited pollution compared to synthetic turf. Eliminates environmental risks associated with synthetic grass microplastics. 	<ul style="list-style-type: none"> Natural turf requires the use of toxic plant protection products (i.e., herbicides and pesticides), and these chemicals can leach into the surrounding environment, including waterways where they can encourage algal growth. Additionally, lawn mowing creates air pollution by burning diesel for fuel. 	<ul style="list-style-type: none"> The use of natural pesticides and electric/renewable generated mowers can fully mitigate this limitation.
Environmental	Water and flooding	<ul style="list-style-type: none"> High infiltration rates Natural turf retains rainwater, acting as local basins to mitigate against flooding and serving as important pieces in local rainwater management. 	<ul style="list-style-type: none"> High water needs – irrigation annual demand is around 8022kL/year per hectare of natural turf field. 	<ul style="list-style-type: none"> Creative engineering solutions, such as reusing collected rainwater and stormwater, can significantly reduce the amount of potable water required to irrigate fields.⁶³ Recent innovation in natural grass species has can be used to create natural turf surfaces that are more durable and with lower water requirements
	Drought resistance and dry conditions	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Drought and water restrictions can make it difficult to provide a safe and suitable natural grass surface for the community. During the Millennium drought, natural turf sportsgrounds across Victoria were unusable due to the prolonged implementation of water restrictions.⁶⁴ Drought are expected to become less predictable and more severe in the coming decades in Victoria due to Climate Change.⁶⁵ 	N/A
	Waste	<ul style="list-style-type: none"> Natural grass surfaces have limited end-of-life waste as they are naturally renewing and regenerating.⁶⁶ 	N/A	N/A
	Climate and carbon footprint	<ul style="list-style-type: none"> Over the lifecycle, natural turf is more carbon friendly as it actively pulls carbon out of the air through sequestration, requires less overall carbon use to produce and maintain.⁶⁷ While natural grass still contributes CO₂ through mowing and construction/maintenance, overall emissions are considerably less than synthetic turf. 	N/A	N/A
	Local microenvironments and biodiversity	<ul style="list-style-type: none"> Typical sportsgrounds are a somewhat monocultural environment, however natural turf is still home to local ecosystems and small-scale biodiversity. Natural turf sportsgrounds can be used as key sites to enrich urban ecologies.⁶⁸ Strategies to improve urban biodiversity emphasise the implementation of native plantings across green spaces adjacent to natural turf sportsgrounds.⁶⁹ The location of many Merri-bek sportsgrounds within the Merri Creek's tree-covered riparian zone, (such as De Chene Reserve and Parker Reserve) positively contributes to biodiversity outcomes. 	N/A	N/A

⁶¹ WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

⁶² WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

⁶³ SportEng 2021, "How irrigation for Field of Play works," *SportEng*, published 21 Feb 2021, accessed 17 May 2021, <https://blog.sporteng.com.au/how-irrigation-works>

⁶⁴ *Water for Victorians* Victorian Government Department of Water and Catchments 2016, https://www.water.vic.gov.au/_data/assets/pdf_file/0030/58827/Water-Plan-strategy2.pdf

⁶⁵ *Ibid.*

⁶⁶ WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

⁶⁷ See Sanjaya E, Weihs, G, and Abbas A 2022, Environmental Impact of Synthetic Turf: A Life Cycle Analysis (LCA) Review and Circular Economy Perspective, in Chief Scientist and Engineer NSW, *Independent review into the design, use and impacts of synthetic turf in public open spaces*.

⁶⁸ Wheeler, M., Crossinger, R., Ndayishimiye, E., Spotswood, E., Galt, R. and Carbone, C. (2020). Sports and urban biodiversity. A framework for achieving mutual benefits for nature and sports in cities. Gland, Switzerland: IUCN and San Francisco, USA: SFEI. <https://doi.org/10.2305/IUCN.CH.2020.16.en>

⁶⁹ Wheeler, M., Crossinger, R., Ndayishimiye, E., Spotswood, E., Galt, R. and Carbone, C. (2020). Sports and urban biodiversity. A framework for achieving mutual benefits for nature and sports in cities. Gland, Switzerland: IUCN and San Francisco, USA: SFEI. <https://doi.org/10.2305/IUCN.CH.2020.16.en>

	Consideration	Established benefit	Established issue	Mitigations/caveats
Financial	Capital/construction costs	<ul style="list-style-type: none"> Lower capital costs than other options at approximately \$60 + per m2 (grass and sand profile only, no surrounding infrastructure). A 2019 study⁷⁰ that investigated the use of compost amended soils to enhance playing field outcomes suggested that the indicative cost to construct a "well-built" natural turf field was in the order of \$370,000 per hectare compared to \$1,850,000 per hectare for synthetic fields. This assessment was based on a natural turf field built with a high carrying capacity using compost to amend the soil, irrigation and a turf cultivar (variety) capable of handling high levels of wear. 	N/A	N/A
	Operational/maintenance costs	<ul style="list-style-type: none"> The typical surface life cycle is 10 years. 	<ul style="list-style-type: none"> Higher performing natural turf fields require more maintenance which needs to be planned for by Council and facility owners. Maintenance costs are higher than synthetic turf at approximately \$55,000 per year. It includes fertilising, irrigating, weed and mite control, mowing, aeration and repairs. Irrigation contributes to this ongoing water cost (irrigation Annual Demand is around 8022kL/year per hectare – Minimum weekly irrigation of 25ml of water volume per field) May require amendments to improve moisture retention. 	Improvements to water retention and recycling can irrigate natural fields at a lower cost to facility owners.
	End of life, renewal, and replacement costs	<ul style="list-style-type: none"> Natural grass is self-renewing and therefore does not produce waste. As waste is biodegradable at the end of life, natural grass surfaces have almost no end of life cost. 	N/A	N/A

⁷⁰ Lamble, P & Battam, M n.d, Creating Sustainable Open Spaces – Using Compost to Deliver Liveability, Sustainability, Recreation and Economic Outcomes

3.3 Further discussion

The following section outlines key issues relating to natural turf and soil management, as well as areas requiring further consideration by Merri-bek.

3.3.1 Natural turf offering enhanced social benefit and amenity

Public green space provides a diverse range of value to urban communities. Local parks have been identified as sites where communities form social ties through everyday encounters.⁷¹ Often the distinction between green spaces designed for non-sport related leisure and sports is not firm, with communities using natural turf sportsgrounds for various informal activities – picnicking, dog walking, informal sports, and so on. Further, Ives et al note that the value of urban green space can also include aesthetic/scenic value, access to nature and native plants and animals, health and therapeutic values and social interaction.⁷² Changes to local amenity are a key social consideration.

3.3.2 Atmospheric climate impacts and resilience

The impacts of atmospheric climate on natural turf surfaces have become increasingly apparent in recent years, with extreme weather events such as heat waves, droughts, and heavy rainfall leading to significant damage and decreased resilience of natural turf. As a result, there has been a growing interest in synthetic turf as an alternative that offers increased resilience and durability in the face of these climate challenges.

In their 2021 study, Dingle and Mallen analyse community-level sports clubs in Australia and Canada, through a qualitative methodology of twenty-three organisations managing grass turf sport fields exposed to climatic extremes in temperate regions of both countries (including Melbourne).⁷³

The study found that natural turf fields experience high levels of vulnerability to climate impact, through both direct damage (e.g., from extreme climate events) and indirect impacts (e.g., higher injury risks, interrupted and/or cancelled competitions, insurance risks, and higher operating and capital costs). Ultimately, the study recommended the following outcomes in relation to adaptive management to increase climate resilience:⁷⁴

- The result confirms the climate-dependence of community-level natural grass sportsgrounds in Victoria – rendering them vulnerable to extreme climate impacts.
- Community sport is particularly vulnerable to climate impacts in Australia, making sport management at this level more complex than previously understood.
- Resilience to these climate extremes is achievable through organisational adaptation. These adaptations must focus on:
 - The management of water resources, including through on-site tanks, storm water harvesting, water capture, and best practice guidelines for field irrigation
 - Grass turf resource management, including selection of grass variety (see further **Appendix C**).

3.3.3 Compost use

A recent study from Battam and Lamble has identified the potential for compost to improve natural turf performance. Specifically, the Study identified that:

- Sports fields with compost amended soils have lower water demand and more fertile soils than fields built without any soil amendment
- Natural turf fields with compost and a high wear tolerant turf cultivar offer enhanced liveability outcomes and a lower whole of life cost than synthetic turf alternatives.

⁷¹ Aleksandre K, 2013, The contributions of local parks to neighborhood social ties, *Landscapes and Urban Planning*, 109(1) 31-44. DOI 10.1016/j.landurbplan.2012.05.007

⁷² Ives et al 2014, Planning for green open space in urbanising landscapes, final report prepared for Australian Government Department of Recreation, Natural Environment Research Program, Environmental Decisions Hub, RMIT, p.7 <<https://www.environment.gov.au/system/files/pages/25570c73-a276-4efb-82f4-16f802320e62/files/planning-green-open-space-report.pdf>>

⁷³ Dingle G and Mallen C 2021, "Community sports fields and atmospheric climate impacts: Australian and Canadian perspectives", *Managing Sport and Leisure* 26:4, 301-325, DOI: 10.1080/23750472.2020.1766375

⁷⁴ Dingle G & Mallen C 2021, "Community sports fields and atmospheric climate impacts: Australian and Canadian perspectives", *Managing Sport and Leisure* 26:4, 301-325, DOI: 10.1080/23750472.2020.1766375

In advice received for this Study, SportENG have outlined the following considerations when contemplating the use of compost in a Merri-bek context:⁷⁵

- SportENG have more recently seen compost being proposed for use within sports field construction to amend rootzone sand profiles so that they can increase moisture retention as other products such as coir fibre and peat moss become increasingly harder to source.
- The main concern with compost is the inconsistency of the product and in particular the presence of large particles and non-composted plant materials such as twigs and bark. This type of material can be hard to incorporate into the growing medium during construction and can often create difficulties when levelling the field. It may also clog up the profile reducing water infiltration into the soil. For this reason, compost should only be considered as an organic amendment if the product is composted through the thermophilic stage to the mesophilic maturation stage.
- The compost should be aged for one year to assure that it is fully mature. In addition, a rootzone mixture amended with compost should meet the physical performance parameters outlined in the USGA Guidelines. The USGA Guidelines also highlight the common problem with composts is that they can vary by source and from batch to batch within a source. Extreme caution must be exercised when using compost in rootzone mixtures.
- It is important to be aware that the current Australian Standard for compost is quite broad and there is little or no data to support its use or otherwise.
- SportENG recently undertook laboratory testing on a number of sand samples, which each had varying degrees of compost added. It was found that the capillary porosity (moisture retention) of the samples did increase when a significant amount of compost was added to the rootzone sand and that there was some reduction in the hydraulic conductivity or drainage rate of the soil.
- It should be noted that in poorly performing soils the addition of compost will not overcome the performance issues of the field. Poor quality soils which have an elevated silt and clay content are usually holding excess water in the profile during the winter months and therefore an increase in the moisture retention of the profile and a reduction in the hydraulic conductivity will not be beneficial to these fields.

On this basis there is a potential use for compost in sandier soils to improve the soil, however, this would need to be explored in a case-by-case basis. A trial site in Merri-bek would be a beneficial step for Council to take before investing in the addition of compost to a full field.

3.4 Natural Turf and soil management conclusions

This chapter outlined the strengths and limitations of natural turf and described the basic soil structure and maintenance regimes required to maintain high quality natural turf sportsgrounds. Natural turf's use case is multifaceted, providing more than just a playing surface for formal sports teams. However, the benefits of natural fields must be weighed against their established limited capacity compared to synthetic fields, even with the implementation of best practice construction and management.

Key Points:

- Natural turf requires specific soil management to create and maintain a quality playing surface.
- Commonly cited capacity figures suggest natural turf supports around 20-30 hours per week.
- Vulnerable to drought conditions and water restrictions - natural turf requires irrigation to maintain a quality playing surface.
- Natural turf typically offers enhanced social benefit and amenity associated with access to nature, although must be balanced with the social benefit of access to and capacity to accommodate formal sport and recreation
- Natural turf mitigates the urban heat island effect.
- Sportsfields with natural turf are permeable surfaces, allowing water to be absorbed during rain events.
- Can contribute to positive biodiversity outcomes through integration into urban greenspace networks alongside bio-diverse plantings.
- Generally supports informal use by the community.
- Natural turf has lower up-front costs when compared to synthetic options, yet can often have higher maintenance costs.
- Natural turf can be highly vulnerable to climate impacts, although can contribute to combatting climate change by acting as carbon sinks in urban contexts.

⁷⁵ SportEng 2023, Natural Turf Technical Advice (Technical note), 12/07/2023

4.0 Synthetic turf technology

4.1 What is synthetic turf?

4.1.1 Overview

Enhancing existing open space assets is an important response to the rising demand for open space. Some facility owners are adopting synthetic turf to achieve this, particularly to enable increased use for formalised sport.

Synthetic surfaces have been considered by most major field sporting codes in NSW, with sports such as Football, AFL and Hockey seeing increased use and acceptance for these surfaces. Sporting codes and councils alike have developed "performance criteria" for these surfaces to meet appropriate standards, targeted to the dominant use of a field.

The type of synthetic turf installed will depend on the use it is intended for. For example, hockey specifies a sand-dressed pitch, while football and rugby require infill and a longer pile height. As multi-purpose sportsground use becomes a more prominent demand, further consideration of the optimal construction method that caters for a variety of uses is required.

There are a diverse range of synthetic surfaces and construction methods used for synthetic surfaces across Victoria. Synthetic turf has been through several generations and continues to evolve with new solutions and applications emerging as the industry matures. The history and development of synthetic turf options is summarised in **Table 6**.

Table 6 Summary of evolution of synthetic turf options

	History	Users
First generation (1960s-70s)	<ul style="list-style-type: none"> Conceived in the 1960s by the Monsanto company. Simple artificial short-piled turf, high density knitted nylon; first generation synthetic pitches were coarse, capable of causing friction burns and wounds unless played on wet. Installed in the indoor Houston Astrodome due to failure of natural grass to grow under the stadium's translucent ceiling. Other USA stadiums also tried artificial grass but returned to natural turf as synthetics were not popular with baseball players or spectators. 	<ul style="list-style-type: none"> Baseball Hockey
Second generation (1980s)	<ul style="list-style-type: none"> Versatile and durable pitches based on medium pile height, reduced density of fibres, and filled with sand to provide stability and improved control of ball bounce. Adopted by English soccer clubs in the 1980s. Initially successful for community and elite level soccer, but were eventually rejected by elite soccer as ball bounced too high on synthetic turf and player footing was not reliable enough on synthetics. First generation fields continue to be used for hockey. 	<ul style="list-style-type: none"> Schools Hockey Tennis Soccer – community and professional
Third generation (late 1990s)	<ul style="list-style-type: none"> Development of third generation synthetic carpets, which were a very acceptable surface for sports including soccer and rugby union. Characterised by taller pile height, underlying shock pads and generally dressed with sand or rubber granules to improve stability of fibres. Most common type of turf installed in Australian community fields 	<ul style="list-style-type: none"> Community Football/Soccer Rugby AFL/Cricket
Fourth generation (2000s-now)	<ul style="list-style-type: none"> Diversified synthetic turf carpet systems, typically used for soccer, rugby, hockey, athletics and tennis. Alternative construction materials and methods, hybrid sports surface, removal of infill layers 	<ul style="list-style-type: none"> Professional level codes Advanced community use

Source: Victoria Department of Planning and Community Development, *Artificial Grass for Sport Guide*, 2011 <https://sport.vic.gov.au/_data/assets/pdf_file/0025/55591/download.pdf>

Generally, reference to synthetic turf refers to third generation turf construction as the most common type of turf installed in Australian community fields.

There is a range of synthetic turf surface systems on the market, and the profile consists of the synthetic grass fibres, infill, backing system and shock-pad. There are variations in the following:

- Synthetic grass fibres (monofilament, fibrillated tape).
- Infill (recycled rubber, virgin rubber, organic).
- Backing systems.
- Shock-pad.

The major components of contemporary synthetic turf construction are:

- **Pavement:** This is the foundation or base and requires engineered design to ensure both appropriate drainage and a stable surface for the playing surface
- **Shock pad:** Different sports require different levels of performance for shock pads, to reduce the risk of injury in sports where players fall, slide or land from a height. Materials are commonly rubber and/or polymer based with examples of recycled natural or synthetic rubbers used by different manufacturers
- **Turf carpet or mat:** This woven mat product has artificial grass blades stitched or tufted through which are normally made of polyethylene or polypropylene. The balance between the thickness and height of the fibre and the softness is key in creating surfaces that are safe and comfortable to play on, and reducing the risk of friction burns and abrasions
- **Infill:** This is the material that helps replicate a more natural surface and keeps the blades upright, provides for grip and give and assists with drainage. The infill is usually chosen carefully to match both the length of the synthetic "blades" and the proposed uses of the surface. Infill can be comprised of many different organic and inorganic materials. different layers and products to achieve particular performance outcomes. The most common types of infill include:
 - **Crumbed/shredded rubber** made from recycled end of life tires are the most widely used and one of the cheapest infills available. Purpose manufactured plastics or "artificial rubber" are also used
 - **Sand**, usually a silica sand which has a rounder grain, is chemically stable and non-toxic, and
 - **Cork** granules are increasingly adopted being explored as a potential infill for artificial turf, as it is a natural, environmentally friendly alternative. However, cork granules are generally more expensive and tend to deteriorate at a faster rate than rubber, requiring more frequent replacement.

Figure 12 is a cross-section of the construction method and materials in a typical third generation synthetic turf.

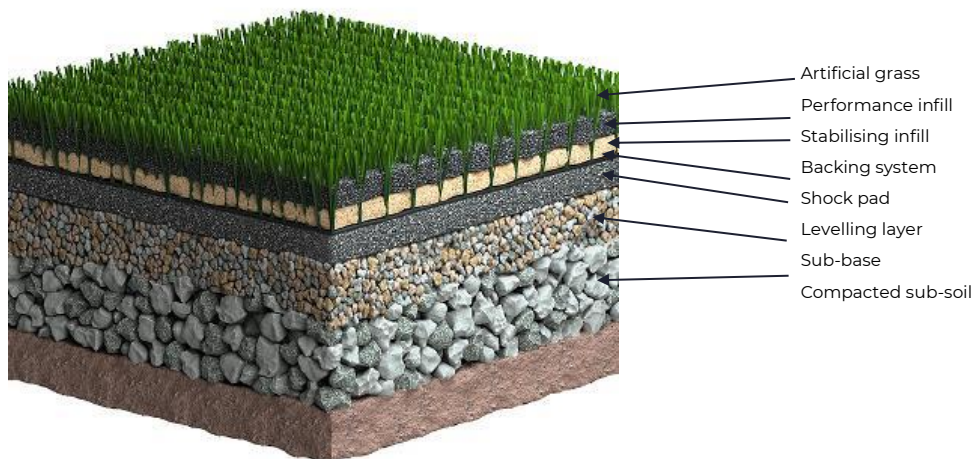


Figure 12 Typical third generation synthetic turf field construction

Source: CCGrass.

4.1.2 Demand and capacity

One of the few available solutions to address unmet demand is to increase the capacity of existing sportsground assets. This increased capacity requires a combination of lights (extending the hours of use) and upgrading the playing surface, either by conversion to synthetic turf or redevelopment as a high grade “engineered” natural turf sportsground.

A synthetic turf fields usage (training and competition) and capacity level is generally considered to support more than 40 hours per week, with some studies suggesting as much as 60+ hours per week.^{76 77}

Some of the key drivers of increased adoption of synthetic turf for sports users include:

- **Hours of use:** Synthetic turf is capable of supporting a high number of hours of use. A higher investment in maintenance costs for natural turf will be required to support higher hours of use on well-designed natural turf fields without displacing other users.
- **Consistency and quality of play:** Synthetic surfaces when maintained correctly, can provide a consistent and usable surface all year round for sport and physical activity. It should be noted that well maintained natural turf fields will also offer a more consistent and usable surface thought the year.
- **All-weather suitability:** The loss of playable hours on natural turf playing fields due to wet weather is often cited as a key reason for pursuing synthetic playing fields, ensuring consistent sport participation during the winter season when demand is typically at its highest. However, as will be discussed below, synthetic fields are significantly hotter during summer.
- **Sporting code preferences:** Some sporting codes (e.g., hockey) have a strong preference for synthetic fields compared to natural turf, as it supports improved performance. Some sporting governing bodies (i.e., International Athletic Associations Federation with Athletics, Federation of International Hockey with Hockey fields etc.) prescribe that if a particular level of game is to be played, there has to be access to an “all weather surface”.

4.2 Established pros and cons

Table 7 summarises the pros and cons of synthetic turf.

⁷⁶ Smart Connection Consultant 2019, *The smart guide to synthetic sports surfaces: Volume 1: Surfaces and standards*, p.8 <<https://www.smartconnection.net.au/wp-content/uploads/2019/11/Vol-1-Surfaces-and-Standards-v1.01.pdf>>

⁷⁷ Football NSW, 2017, *Synthetic fields: A guide to synthetic surfaces for football*, accessed 17 May 2021 <<https://footballfacilities.com.au/wp-content/uploads/sites/11/2018/10/SyntheticFields-v2-2017.pdf>>

Table 7 Pros and cons of synthetic turf

	Consideration	Established benefit	Established issue	Mitigations/caveats
Social	Social impact	<ul style="list-style-type: none"> Synthetic turf can be seen as more attractive than natural alternatives due to consistency of green surface. High quality and consistent surface, supporting higher expected usage hours than other options, has potential to support greater sporting and community use. 	<ul style="list-style-type: none"> Fenced synthetic fields reduce informal use of open spaces while prioritising sporting use. 	<ul style="list-style-type: none"> N/A
	Amenity (inc. noise and glare)	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> The aesthetic of synthetic turf is very different to and perceived as less attractive to natural turf. Natural turf reduces noise and glare when compared with synthetic turf, which can affect sports participants, other site users and neighbouring land uses.⁷⁸ 	<ul style="list-style-type: none"> N/A
	Health (inc. pest and disease management, player injury).	<ul style="list-style-type: none"> Slightly lower risk of concussion rate on Synthetic Turf, associated with a lower -max value⁷⁹ 	<ul style="list-style-type: none"> The higher heat load associated with most types of synthetic grass has the potential to impact on player and user comfort. Heat impacts can be severe on players and informal users,⁸⁰ especially children (heat stress, blisters, burns)⁸¹ Considerable risk factor associated with synthetic surfaces. Biological pathogens, toxic chemicals, and micro-plastic ingestion are all risks associated with synthetic materials. Some generations of synthetic turf (typically 1st, 2nd and 3rd) have a greater risk of abrasiveness on skin and higher injury rates. Leads to greater heat stress on players during hotter weather.⁸² Causes more lower extremity injuries than grass fields.⁸³ Enhances infection transmission risk.⁸⁴ 	<ul style="list-style-type: none"> The "all weather" nature of synthetics (i.e., durability during wet weather) is frequently used as an argument in favour of synthetics – however, the heat load associated with synthetic grass may make it unusable during very hot weather. Lower risk of concussion is only associated with well-maintained synthetic surfaces. The higher heat load can be somewhat mitigated with watering – however this negates some of the benefit associated with water savings for synthetic turf surfaces.
Environmental	Heat	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Synthetic turf generally absorbs, rather than reflects sunlight, causing the emission of heat. Further research is needed to evaluate the impact of heat on larger fields and the potential higher UV reflectivity of synthetic turf, generally, studies have concluded that third generation⁸⁵ synthetic turf fields can be between 1.3 -1.81 times hotter than its natural turf equivalent.^{86, 87, 88} Some synthetic turf, particularly those with non-organic infill (e.g., rubber) contribute to the urban heat island effect. Urban heat is increased when natural grass and trees are replaced by impervious surfaces which absorb heat. Urban heat increases heat-related health problems, particularly for children, older people, and people with chronic health conditions.⁸⁹ Climate change is intensifying this issue.⁹⁰ 	<ul style="list-style-type: none"> Environmental impacts of synthetic fields vary substantially depending on what type they are. Older synthetic fields (generation 2 and 3) are associated with significantly higher radiant heat and environmental pollution. Hybrid turf/profile reinforcement/combined hybrid and natural turf can reduce the heat load of fully synthetic turf; however, these have not been adequately tested in an Australian context. Hybrid turf works ideally for use with cool season natural turf (i.e., rye grass). In Australia, we use warm season turf which is a horizontally growing grass which effectively covers the hybrid fibres rendering them useless. It will still aid profile stabilisation, but not durability.

⁷⁸ WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgs.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

⁷⁹ Cosnell G et al, "Playing Surface and Injury Risk: artificial Turf Vs. Natural Grass", *Injuries and Sports Medicine*, July 2022. DOI: 10.5772/intechopen.106615

⁸⁰ Center for Sports Surface Research, 2012. *Synthetic Turf Heat Evaluation: Progress Report*. University Park, PA: Center for Sports Surface Research, Pennsylvania State University.

⁸¹ *Artificial Grass for Sport*, Victoria Department of Planning and Community Development, 53.

⁸² Jim 2017, Intense summer heat fluxes in artificial turf harm people and environment. *Landscape and Urban Planning*, 157, 561-576. 10.1016/j.landurbplan.2016.09.012.

⁸³ Mack CD, Hershman EB, Anderson RB, et al. Higher Rates of Lower Extremity Injury on Synthetic Turf Compared With Natural Turf Among National Football League Athletes: Epidemiologic Confirmation of a Biomechanical Hypothesis. *The American Journal of Sports Medicine*. 2019;47(1):189-196. doi:10.1177/0363546318806499

⁸⁴ Valeriani et al 2019, Artificial-turf surfaces for sport and recreational activities: microbiota analysis and 16S sequencing signature of synthetic vs natural soccer fields. *Heliyon*, 5, DOI: e02334. 10.1016/j.heliyon.2019.e02334.

⁸⁵ The most commonly installed fields in Victoria, these are characterised by taller pile heights, shock pad and are generally dressed with sand or rubber granules to improve stability, see Appendix C for more detail.

⁸⁶ *Artificial Grass for Sport*, Victoria Department of Planning and Community Development, 53.

⁸⁷ Pfautsch S, et al 2020, 'School Microclimates', Western Sydney University, p.3. <<https://researchdirect.westernsydney.edu.au/islandora/object/uws:57392>>

⁸⁸ Loveday J et al 2019, Seasonal and Diurnal Surface Temperatures of Urban Landscape Elements. *Sustainability*, 11, 10.3390/su1195280.

⁸⁹ See Center for Sports Surface Research 2012. *Synthetic Turf Heat Evaluation: Progress Report*, University Park, PA: Center for Sports Surface Research, Pennsylvania State University.

⁹⁰ See WSROC 2018, Turn down the heat: Strategy and action plan, <https://wsroc.com.au/media-a-resources/reports/send/3-reports/286-turn-down-the-heat-strategy-and-action-plan-2018>

Consideration	Established benefit	Established issue	Mitigations/caveats
Pollution	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> The industrial processes used to manufacture and dispose of synthetic turf are further polluting source in local environments, as is the synthetic turf itself, which needs to be disposed of at the end of its economic life (see Waste section below). Depending on the material used for the rubber infill, there can also be the potential leaching of toxic materials including Latex, Lead, and Zinc, the latter being problematically high in leachate from crumb rubber fields. While the use of heavy metals is not common, cheaper virgin rubbers used for infill may use them. Synthetic turf playing surfaces can generate pollution in the form of rubber crumb (i.e., the recycled rubber infill commonly used for the base of synthetic turf fields) and microplastics from synthetic turf fibres. These pollutants can be ingested by players and run off into waterways and soils in the surrounding area.⁹¹ Many existing sportsgrounds in Victoria have been delivered on flood prone land, and during extreme wet weather, can be flooded. When a synthetic turf field is flooded, microplastics and rubber crumb can leach into the surrounding area in high concentrations. The synthetic field can be rendered unusable from flood impact as well and a major refurbishment may be needed to restore infill to the field 	<ul style="list-style-type: none"> Natural alternatives for infill, including cork, have been implemented successfully to help mitigate against the run-off issues noted for synthetic turf.⁹² At the design stage, the type and source of infill should be carefully considered to ensure safety for players and minimal impact on local environments.
Water	<ul style="list-style-type: none"> Synthetic turf has been associated with some water savings, as it does not require as much irrigation as natural turf. 	<ul style="list-style-type: none"> Synthetic playing surfaces can have impacts on local stormwater systems. Synthetic turfs generally have a bitumen base, causing rainwater to collect and runoff into surrounding areas, thus changing local environments. 	<ul style="list-style-type: none"> Some solutions have been suggested for synthetic turfs which involve the collection of rainwater in storage tanks for recycling and re-use. For example, the State Netball Hockey Centre in Parkville, Victoria uses 45 kilolitre underground tanks to store and use water, irrigating both surrounding plants and the pitches themselves, reducing water use by 80 per cent. Ivanhoe Grammar School introduced a similar system, delivering on both water and financial savings.⁹³ It should be noted however that these systems can be expensive to implement.
Drought resistance and dry conditions	<ul style="list-style-type: none"> Drought and water restrictions can make it difficult to provide a safe and suitable natural grass surface for the community. Most synthetics (some surfaces require watering before use) usually require less irrigation than natural turf fields. 	N/A	<ul style="list-style-type: none"> In order to mitigate heat load issues, some watering of synthetic surfaces may be required.
Waste	N/A	<ul style="list-style-type: none"> The disposal of synthetic turf at the end of its useful life presents an additional environmental (and financial) challenge. Synthetic turf has a life cycle of approximately 8-10 years, requiring a disposal of materials (mostly the carpet) when refurbishment is due. It is purposefully designed to not breakdown quickly, and when it is disposed of it has the potential to stay in landfill for long periods. 	<ul style="list-style-type: none"> One proposed solution to address the issue of waste is the recycling of synthetic materials. However, this can be expensive, and is not factored into the life cycle costs quoted by many synthetic turf providers. The Victorian Synthetic Recycling facility is under construction, an Australian first
Climate and carbon footprint	N/A	<ul style="list-style-type: none"> There are carbon emissions associated with the production, transportation, disposal of, and maintenance of synthetic turf.^{94, 95} 	N/A
Local microenvironments and biodiversity	N/A	<ul style="list-style-type: none"> Implementing synthetic turf sportsgrounds in these contexts may negatively impact biodiversity outcomes. Porous boundaries between natural turf sportsfields and native green spaces with native vegetation will be disrupted by synthetic barriers. Sterilisation of soil beneath the synthetic turf has an impact on ecosystems. Synthetic surfaces inhibit living systems. Reduces soil biota, grass seeds, and insects, which can affect biodiversity and birdlife (Bernat Ponce)⁹⁶ 	N/A

⁹¹ Verschoor, A.J., van Gelderen, A. and Hofstra, U 2021. Fate of recycled tyre granulate used on artificial turf. *Environ Sci Eur* 33, 27 <<https://doi.org/10.1186/s12302-021-00459-1>>

⁹² Smart Connections. The Smart Guide to Synthetic sports Fields Rubber Infill, 2017, Page 15. Available from: <https://www.kennisbanksportenbewegen.nl/?file=7504&m=1484649736&action=file.download>.

⁹³ WA Department of Local Government, Sport and Cultural Industries, Natural Grass vs Synthetic Turf Study Report, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

^{94, 95} 14, citing Sahu R, 2008. Technical Assessment of the Carbon Sequestration Potential of Managed Turfgrass in the United States. Research Report, USA.

⁹⁶ Magnusson, Simon & Mácsik, Josef 2017, Analysis of energy use and emissions of greenhouse gases, metals and organic substances from construction materials used for artificial turf, *Resources, Conservation and Recycling*, 122, 10.1016/j.resconrec.2017.03.007.

⁹⁷ Wheeler, M., Crossinger, R., Ndayishimiye, E., Spotswood, E., Galt, R. and Carbone, C. (2020). Sports and urban biodiversity. A framework for achieving mutual benefits for nature and sports in cities. Gland, Switzerland: IUCN and San Francisco, USA: SFEI. <https://doi.org/10.2305/IUCN.CH.2020.14.en>

	Consideration	Established benefit	Established Issue	Mitigations/caveats
Financial	Capital/construction costs		<ul style="list-style-type: none"> The high initial capital cost of synthetic turf is often seen as a barrier to installation. The difference in capital cost between natural turf fields and synthetic playing fields is typically more than three times higher when compared with natural turf.⁹⁷ As of 2021, a rubber in-fill synthetic football field of 7,810sqm costs approximately \$1,300,000 or \$166 per sqm. This includes allowances for design, site establishment, base pavement, and the provision of a shock pad. This cost excludes the costs for fencing, lighting, and player dugout areas.⁹⁸ 	<ul style="list-style-type: none"> Capital costs for synthetic playing fields can vary depending on site establishment requirements, facility size, and specifications including the provision of a shock pad and supporting infrastructure such drainage systems, player dugouts, spectator fencing, security fencing and lighting. The local conditions of a candidate site can have a significant impact on costs or viability, as issues such as flooding, overland flow, past use as landfill and mitigating pollutant runoff, can all increase capital cost significantly. Partial installation/combined natural and synthetic turf can reduce the cost of delivery of synthetic surfaces.
	Operational/maintenance costs	<ul style="list-style-type: none"> Lower ongoing maintenance cost at approximately \$40,000 per year. Irrigation not always required. 	<ul style="list-style-type: none"> The more that the surface is used, the more maintenance it requires. 	N/A
	End of life, renewal, and replacement costs	N/A	<ul style="list-style-type: none"> As a general guide, synthetic playing field surfaces will require placement every 8 to 10 years with the shock pad requiring replacement approximately every 20 to 25 years. As of 2021, the cost to remove and dispose of the existing synthetic surface (carpet) and replace with new is approximately \$390,000 for a football (soccer) field or approximately \$52per sqm. Shock pad replacement costs approximately \$180,000.⁹⁹ High disposal cost at time of asset renewal. 	N/A

⁹⁷ WA Department of Local Government, Sport and Cultural Industries, Natural Grass vs Synthetic Turf Study Report, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

⁹⁸ Adapted from the Smart Guide to Synthetic Sports Surfaces, 2019. Smart Connection

⁹⁹ Adapted from the Smart Guide to Synthetic Sports Surfaces, 2019. Smart Connection

4.3 Further discussion

The following section outlines key issues relating to synthetic turf technology, as well as areas requiring further consideration by Merri-bek.

4.3.1 Economic considerations

Other economic considerations that may have an impact on replacing natural turf with synthetic turf include:

- **Valuing lost use hours due to extreme weather:** Intense rainfall can mean that natural turf is not useable for certain periods of time and these lost hours should be considered in any assessment of options. A well-designed natural turf field with good drainage systems will recover quickly from extreme rainfall but will still lose "useable hours". A synthetic designed properly can be used immediately after a high rainfall event and therefore the cost of "lost hours" would be less. Conversely, in extreme heat events, which are becoming more frequent, a natural turf field will remain playable for longer due to the cooling and heat absorption properties of the grass. Synthetic surfaces are significantly hotter and will have more lost hours from heat load and the need to protect players.
- **Potential improved revenue performance of synthetic fields:** As synthetic fields are perceived to be higher quality, more consistent and more "professional" surface by some sports it is possible that a facility owner can charge a higher hourly rate for use than for grass. This ability to charge more, a willingness from sports to pay more, and the promise of less down times from high rainfall events means that a better revenue projection may be attributable to synthetics. The decision around what level of cost recovery applies to access fees for sporting fields and facilities is subject to policy and strategy settings which are unique to each local government or facility manager. A potential impact to be considered with pricing strategies may be that a higher revenue model is used to support a business case, and this then can act as a cost barrier to sporting use and increase demand for/use of the cheaper natural turf fields.

Although synthetic surfaces have a high construction cost, their increased playing capacity and perceived lower maintenance cost is often the economic basis for the implementation of synthetic fields. The comparison of options is based on assumptions about the user hours that different surfaces can accommodate. As discussed above, a more detailed analysis of actual demand and recent research regarding increased capacity of natural turf may change some of the assumptions which have been used to support the economic rationale for synthetic turf implementation.

Typically cost benefit and business case assessments do not include a consideration or valuation of the disbenefit generated by converting natural grass to synthetic. While there are no currently accepted frameworks for valuing this "cost", local government stakeholders and recent media articles¹⁰⁰ have raised the following as impacts that should be included in any review of options:

- Loss of locally accessible open space
- Loss of amenity in the local open space network
- Synthetic surfaces acting as a disincentive for informal active and recreation use.

4.3.2 Changes to amenity

It was noted in the literature that the amenity and aesthetics of an open space can be negatively affected by the conversion of natural grass to synthetic turf. Examples noted include:

- **Heat:** Unlike natural turf, which mitigates urban heat island and provides a relatively cool surface for users, particularly in summer, synthetic turf generally absorbs, rather than reflects sunlight, causing the emission of heat. This can reduce the amenity of an open space for all users, including sporting players and informal users of the site. This was a core concern raised by stakeholders and community groups during the planning process of Hosken Reserve, Coburg North.¹⁰¹ Heat is a particular concern in the Victorian context, where summer day often exceed 30 degrees and extreme heat events are expected to become more frequent due to climate change.¹⁰² Although there is limited academic research on heat impacts of synthetic sportsgrounds in an Australian context, researchers from Western Sydney University recently published a report detailing the heat profiles of different materials across

¹⁰⁰ Power, J 2021, "Fake grass may be greener, but much hotter and less friendly to environment," *The Sydney Morning Herald*, 14 March 2021, accessed 17 May 2021 < <https://www.smh.com.au/national/nsw/fake-grass-may-be-greener-but-much-hotter-and-less-friendly-to-environment-20210312-p57a95.html> >

¹⁰¹ Climate Action Morland 2021 < <https://climateactionmoreland.org/2021/04/11/synthetic-turf-and-the-tragedy-of-the-commons-in-moreland/> >

¹⁰² Department of Environment, Land, Water and Planning, Victoria's Climate Science Report, September 2019, < https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0029/442964/Victorias-Climate-Science-Report-2019.pdf >

schools in Western Sydney.¹⁰³ Chief amongst the reports 20 recommendations was to avoid the use of synthetic turf in unshaded areas, with surface temperatures reaching 20+ degrees above the ambient air temperature on 30+ degree days.

- **Aesthetic considerations:** Synthetic turf fields provide a consistent green surface, while natural turf open spaces can be of variable quality depending on their construction and maintenance regime. However, community views expressed on social media have shown preference for the visual appeal of natural turf – citing its natural look and feel compared to synthetic turf, using the hashtag '#grassnotplastic'.¹⁰⁴
- **Connection to nature:** Spending time in nature is proven to reduce symptoms of stress, anger, depression, and fatigue, and lead to increases in happiness. Exposure to nature is linked to improved wellbeing by helping to restore attention and break routine in daily life, and by promoting recovery from stress. Emotional responses to aesthetically pleasing stimuli, such as public open spaces, also tend to decrease physiological arousal, thus making us feel relaxed.¹⁰⁵ Replacing natural grass with synthetic materials reduces connection to nature, and the associated feelings of relaxation and restoration.
- **Noise abatement, glare reduction and UV reflectivity:** Natural grass also reduces noise and glare when compared with synthetic turf, which can affect sports participants, other site users and neighbouring uses.¹⁰⁶

4.3.3 Climate credentials of synthetic products

BACF Corporation Eco-Efficiency Analysis in 2010 found that synthetic fields were 15 per cent lower in life cycle energy and raw materials and generation of solid waste over a 20-year average life cycle of natural grass fields.¹⁰⁷ Recent innovations in lifecycle sustainability for synthetic turf are expected to become available in the near-term future. As of January 2023, Sustainability Victoria received funding to build Australia's first synthetic turf recycling hub with a processing capacity of 7,680 tonnes per annum. The goal is to generate a circular economy that reduces landfill and greenhouse gas emissions associated with synthetic turf.¹⁰⁸

Building circular economies to manage the waste produced by synthetic turf will likely have a positive impact on the climate credentials of synthetic turf. However, the infrastructure and logistics needed to support synthetic turf recycling are still in the early phase of development in Victoria. Ultimately, more complete lifecycle assessments comparing natural turf with the many synthetic options and recycling initiatives is needed before any conclusions on carbon can be drawn.

4.3.4 Perceptions of operational costs

There is a common perception that synthetic playing fields require limited maintenance and hence lower operating costs. However, this is often not the case. Many synthetic playing fields require significant levels of maintenance, and in some cases higher levels of maintenance compared to natural grass alternatives:

*It is often widely believed that synthetic turf fields require less ongoing maintenance than natural grass. Even though they do not require watering and mowing they do have an extensive maintenance protocol, particularly if used regularly for a multitude of sports events or for elite level sport. Such maintenance is critical if the surface is to achieve its optimum performance, and full lifespan. Usually the installer's guarantee or warranty will usually be conditional on the recommended maintenance requirements being carried out.*¹⁰⁹

Maintenance requirements for synthetic fields can include:

- Cleaning, stain, and debris removal
- Grooming and drag/power brushing

¹⁰³ Pfautsch S, Rouillard S, Wujeska-Klaue A, Bae A, Manea A, Tabassum S, Staas L, Ossola A, Holmes K, Lieshman M 2020, School Microclimates, Western Sydney University, <https://researchdirect.westernsydney.edu.au/islandora/object/uws:57392>

¹⁰⁴ Save Hosken Reserve 2021, <https://www.facebook.com/savehoskenreserve>

¹⁰⁵ Bhullar, N 2019, "We know contact with nature makes you feel better. Can virtual contact do the same?" *The Conversation*, 19 June 2019, <
<https://theconversation.com/we-know-contact-with-nature-makes-you-feel-better-can-virtual-contact-do-the-same-11752>

¹⁰⁶ WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

¹⁰⁷ Smart Connections. The Smart Guide to Synthetic ports Fields Rubber Infill, 2017. p/16, available from: <https://www.kennisbanksportenbewegen.nl/?file=7504&m=1484649736&action=file.download>.

¹⁰⁸ Sustainability Victoria 2023, "Funded project – Building Australia's first Synthetic turf Recycling hub" *Sustainability Victoria*, <https://www.sustainability.vic.gov.au/projects/australias-first-synthetic-turf-recycling-hub>

¹⁰⁹ WA Department of Local Government, Sport and Cultural Industries, *Natural Grass vs Synthetic Turf Study Report*, <https://www.dlgsc.wa.gov.au/department/publications/publication/natural-grass-vs-synthetic-turf-study-report>

- Moss and algae prevention and removal
- Weed removal and herbicide application
- Line marking
- Check and top up infill levels (filled surfaces only)
- Joints and seam inspections
- Irrigation – some surfaces still require water to maintain a consistent moisture level in the sub-base material and to prevent movement and to improve playability, and
- Maintenance of drainage and runoff capture systems.
- The cost of the maintenance equipment is also a substantial contributor to the operating cost.

4.3.5 Toxicity and environmental hazard

The NSW Synthetic Turf Review has undertaken a comprehensive review of issues relating to pollution and end of life disposal, based on the latest evidence including from leading Australian researchers and government agencies. Key findings in relation to potential sources of pollution and environmental and/or human health impacts, where applicable to a Merri-bek context, include:

- **PAH and metals:** There is disagreement in the literature regarding the safety of some chemicals commonly found in synthetic turf products, particularly PAHs. The NSW Synthetic Turf Review (Chief Scientist, 2023) identifies that although current literature indicates that leachates from synthetic turf including heavy metals and PAHs are within acceptable limits for human health, the growing awareness of the health risks that these substances present in and of themselves (i.e., whether in a synthetic turf context or otherwise) warrant careful attention and further research. It is noted that the US EPA has listed 16 PAHs as chemicals of concern, with the EU restricting concentrations of eight of these PAHs to under 20mg/kg in crumb rubber used as infill material in synthetic turf products.
- **Microplastics:** The NSW Synthetic Turf Review (Chief Scientist, 2023) has concluded that the preliminary studies suggest that microplastics from synthetic turf fields may contaminate surrounding soil and drainage systems, with unknown health impacts.¹¹⁰ This is based on research undertaken by Palanisami. NSW Health further advocate for the application of a precautionary approach to microplastics runoff, due to the existing information gaps.¹¹¹
- **PFAS:** The NSW Synthetic Turf Review (Chief Scientist, 2023) has identified that although the concentrations of PFAS in synthetic turf products are highly variable, generally environmental and health impacts would be minimal as remaining within safe limits. However, the NSW Technical Advisory Group to which the Review relies does express the need to undertake targeted health studies in the context of synthetic turf, through the use of enHealth guidance on risk assessment and the Australia Water Quality Framework.

Overall, the authors of the present Study suggest that an absence of conclusive human and environmental risk should not prevent precautionary measures being taken to minimise the presence of PFAS in synthetic turf products in Merri-bek, given that there is a demonstrated correlation with health effects (notwithstanding a lack of demonstrable associated disease). The United States Environmental Protection Agency is in the process of characterising player exposure to toxins related to synthetic turf products, which is due to be released soon. Council is encouraged to monitor for this report as well as the evolving literature on the human and environmental effects of toxins found in these products.

4.3.6 End-of-life disposal

The most common methods used internationally to recycle or dispose of synthetic turf at its end of life are:

- Separation and mechanical recycling (chemical recycling is currently under research)¹¹²
- Disposal to landfill
- Incineration to produce energy.

¹¹⁰ See further Health Impact of Synthetic Turf (Artificial Grass) in NSW Chief scientist & Engineer 2022, Independent review into the design, use and impacts of synthetic turf in public open spaces Final Report, *NSW Chief Scientist & Engineer*

¹¹¹ NSW Health, Health Impact of Synthetic Turf (Artificial Grass), in NSW Chief scientist & Engineer 2022, Independent review into the design, use and impacts of synthetic turf in public open spaces Final Report, *NSW Chief Scientist & Engineer*

¹¹² Reciturf: turning fake lawn green (2021) <https://circulareconomy.europa.eu/platform/en/news-and-events/all-news/reciturf-turning-fake-lawn-green>

The NSW Synthetic Turf Review (Chief Scientist, 2023) identifies that:

- Australia's first synthetic turf recycling facility is being established in Victoria and is expected to be operational in 2023 with a reported processing capacity of 7,000 tonnes of used turf annually. The company reports an intent to process a mix of sporting fields and domestic surfaces using mechanical recycling techniques.
- Incineration is not a viable option in an Australian context due to regulation.
- Disposal to landfill is a costly option for local Councils, with exporting or recycling the end-of-life waste generally viewed as a more efficient option.

It is important to note that, although recycling of materials used in synthetic turf products may be possible theoretically,¹³ this is not always an available option for local Councils due to associated cost and access to suitable recycling facilities.

The first synthetic turf recycling facility is being developed in Victoria by Tuff Group and RE4ORM and is expected to be operational in 2023. The reported processing capacity is 7,680 tonnes of used synthetic turf carpet per year, with a goal of recovering 98 percent of raw materials. The Initiative received a \$500,000 from Sustainability Victoria. Recycling processes seek to recover sand and rubber for reuse. Plastic is intended to be pelletised and sold as a recycled material input for third-party manufacturing processes.¹⁴

4.4 Synthetic turf technology conclusions

This chapter examined the strengths, limitations, and key characteristics of synthetic turf. Synthetic turf options have evolved considerably over the past few decades, becoming more amenable to formal sports userbases. Far from being a one-dimensional material, the diverse range of application and evolving sustainability management strategies demonstrates a need for a considered approach to synthetic options.

Key points:

- **Synthetic turf is an evolving product that is responsive to the changing needs of a diverse range of sports.**
- **Can support 40-70 hours of use a week, depending on a range of factors.**
- **Higher upfront cost than natural turf, but with lower maintenance costs over lifecycle.**
- Sporting code preference for this turf amongst some winter sports such as Hockey, and acceptance amongst other major codes such as AFL, Cricket and Football.
- **Negative impact on heat island effect.**
- **Surface absorbs and radiates heat making use during hot days potentially unsafe.**
- **Negative impacts on biodiversity.**
- **Loss of amenity for local community and informal sports due to synthetic sportsgrounds typically being publicly inaccessible (depending on its design).**
- **Higher CO2 lifecycle emissions and environmental waste.**
- **The cost effectiveness of synthetic turf vis a vis natural turf depends on its actual level of use.**

¹³ See, eg., Jazbec, M. and Florin, N. (2022) Synthetic Turf in Public Spaces – Chemical composition of materials. A summary report prepared for the Office of the NSW Chief Scientist & Engineer by Institute for Sustainable Futures, 8-10.

¹⁴ Sustainability Victoria 2023, Funded project – Building Australia's first Synthetic Turf Recycling Hub, Accessed <<https://www.sustainability.vic.gov.au/projects/australias-first-synthetic-turf-recycling-hub>>

5.0 Alternative turf technology

5.1 What is alternative turf?

In addition to natural and synthetic turf, there are emerging alternative turf technological solutions and management techniques to enhance the capacity of existing open space assets. Some of these technologies include:

- **Hybrid turf profile:** Hybrid turf involves a combination of both natural turf and a synthetic turf fibre product. There are three ways in which a hybrid turf profile can be established:
 - In-situ grown mat laid system.
 - In-situ stitched system.
 - “Ready-to-play” hybrid turf rolls.

This system combines blades of synthetic grass with natural turf to provide a consistent playing surface, improved surface durability and stability.¹¹⁵ The hybrid system is still relatively new to Australia with only a few installations of a system including by Melbourne City Football Club training facility (discussed below). The system has become a popular option for international sporting codes such as the English Premier League and National Football League. This system is more durable than natural turf, due to the presence of synthetic grass fibres that provide traction even if natural grass is worn. However, hybrid turf can impede typical maintenance practices required for natural turf (in particular deep aeration/ decompaction), and further research is required to understand maximum carrying capacity of hybrid playing fields.

Examples of a hybrid turf systems in the Australian context include: Melbourne City Football Club training facility. This is a high usage field, utilised by the Club and international soccer teams requiring a training pitch. The Club required an elite-quality, consistent surface, and originally requested two elite pitches to enable them to rotate high wear usage, but the site constraints meant there was insufficient space available. SportEng designed a large square hybrid turf tablet, consisting of a proprietary product called DESSO Grassmaster.

- **Profile reinforcement:** In addition to hybrid systems, it is possible to incorporate synthetic elements within the soil or rootzone layer to improve the durability and stability of natural turf and reduce divoting (i.e., holes made in grass by sports activities, e.g. rugby scrums). Examples include:¹¹⁶
 - Fibre system, whereby various types of synthetic fibre are mixed into the soil or sand into which natural grass is grown, improving root stability.
 - Mesh-based system, where either a mesh or shredded mesh is mixed into the root zone area to stabilise the natural grass fibres.
- **Combining natural and synthetic turf:** some councils are exploring combining some high use areas of natural turf fields (e.g., the cricket wicket at the centre of an oval, around goal mounts) with synthetic turf (or a blend of both natural and synthetic), to improve durability without needing to convert the entire field. This approach is also used in elite facilities, for example the playing surface at Bankwest Stadium in Parramatta consists of a high-quality natural turf pitch, but synthetic grass is used around the pitch to maximise the extent of vehicular traffic without damaging the natural turf surface.

¹¹⁵ SportEng 2018, *SportEng Field of Play Surface Profiles*.

¹¹⁶ Smart Connection Consultancy 2019, *The Smart Guide to Synthetic Sports Surfaces: Volume 2: Football Turf – Synthetic and Hybrid Technology*, p.

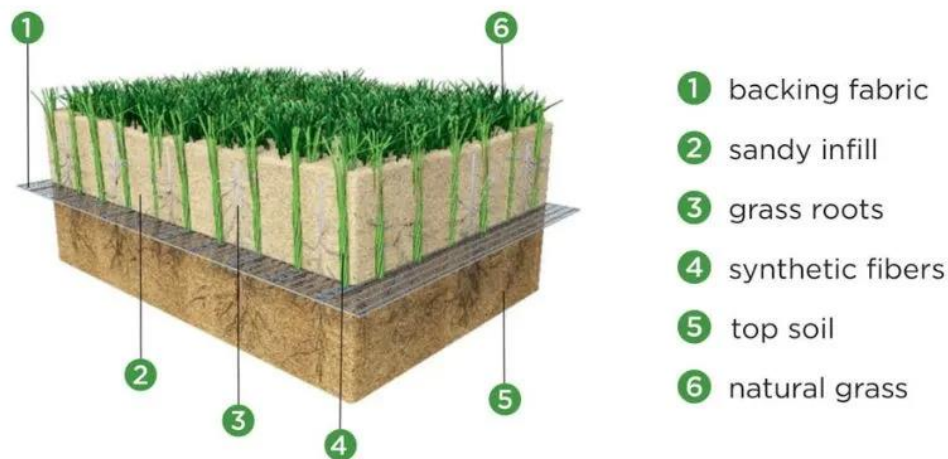


Figure 13 Example hybrid turf field construction

Source: Ekip grass 2023, <https://ekipgrass.net/what-is-hybrid-grass-turf/>

5.2 Established pros and cons

The annual maintenance costs for a single hybrid playing field are approximately 60% higher than a rubber or cork filled synthetic due to the need to maintain both natural turf and synthetic elements.¹¹⁷

Advantages:

- More durable and higher usage hours than natural turf surface. Hybrid turf may be used 30-40 hours a week, depending on the system¹¹⁸
- Improved playing surface stability and load-bearing capacity compared to natural turf
- Increased wear tolerance compared to natural turf
- Can be utilised as a 'ready-to-play' turf product
- Generally unnoticed by the user
- High infiltration rates
- Cooler surface temperatures during warm months compared to synthetic turf.
- Contributes to carbon capture.

Disadvantages:

- Higher ongoing maintenance costs at approximately \$55,000 per year¹¹⁹
- High capital cost at approximately \$160+ per m² (grass, synthetic and sand profile only excluding inground services or surrounding infrastructure)¹²⁰
- Higher ongoing maintenance costs at approximately \$55,000 per year¹²¹. Maintenance is similar to natural grass fields however with an increase in aeration processes such as verti-draining. An annual renovation is also required.

¹¹⁷ Based on comparison costs outlined in the 2019 Sport New Zealand report- *Guidance Document for Sports Field Development*

¹¹⁸ SportEng 2018, *SportEng Field of Play Surface Profiles*.

¹¹⁹ SportENG Technical Note 2023

¹²⁰ Ibid.

Specialised machinery and a 7-day program is developed to remove existing organic layer ready for re-establishing sward over a 7-8 week period.¹²¹

- Requires irrigation (ongoing water cost)
- Mostly used for stadiums and elite facilities
- A potential source of microplastics (e.g., "turf" fibres)
- The profile can feel 'harder' than a natural turf surface
- May limit maintenance works options
- Irrigation Annual Demand 9625kL/year per hectare.
- Recycling hybrid turf is generally seen as more complex and costly, where natural turf is combined with synthetic materials due to the need to separate these components out.¹²²

5.3 Local growing conditions and hybrid turf

Local growing conditions, including the type of turf grass utilised, has a pronounced effect on the efficacy and practicality of utilising hybrid turf options. Hybrid turf works ideally for use with cool season natural turf (i.e., rye grass). In Australia, Councils typically use warm season turf which is a horizontally growing grass which effectively covers the hybrid fibres rendering them useless. It will still aid profile stabilisation, but not durability.

It is understood that much of the research on hybrid turf options is at present unsettled. Considerations include:

- Lack of Australian research, including in cooler Victorian growing conditions
- Existing research, largely from the United States, has a focus on cool season turf species.
- The research is inconclusive and contested. Practitioners in the field tend to disagree on the precise extent of capacity and durability benefits associated with hybrid turf, particularly when transferring research in one context to another (for example, from NSW to Victoria).

In this context, hybrid turf is not seen as an immediately viable option for Council, as opposed to synthetic technology or best practice natural turf. The high expense associated with hybrid products, attracting some of the disadvantages of both natural turf (e.g., irrigation) and synthetic turf (e.g., microplastics) without solid research in a Victorian context suggesting that it is a feasible option for local Council. For example, while the Matildas field does utilise hybrid turf on a winter grass, this is noted to be highly expensive and requires extensive management that is likely out of the capability and funding of local council.

¹²¹ SportENG Technical Note 2023

¹²² NSW Chief scientist & Engineer 2022, Independent review into the design, use and impacts of synthetic turf in public open spaces Final Report, NSW Chief Scientist & Engineer .

5.4 Alternative turf technology conclusions

This chapter examined the strengths, limitations, and key characteristics of alternative turf technology. Ultimately this section concluded that in Merri-bek's context, hybrid turf is not seen as an immediately viable option for Council.

Key points:

- **There are three main types of alternative turf technology and management approaches. These are a hybrid turf profile, natural turf profile reinforcement, and the use of synthetic turf in high wear areas of a natural turf field.**
- Hybrid turf is commonly touted as an alternative to natural and traditional synthetic surfaces as it is seen as being more durable and providing higher usage hours than natural turf without the associated high surface temperatures and environmental impacts of synthetic products.
- **Higher ongoing maintenance cost and capital cost, associated with the complexity of the product and the need for ongoing irrigation**
- **Complexities in relation to the recycling and sustainable end-of-life disposal of hybrid turf products limit its use in Australia.**
- Local growing conditions in Merri-bek substantially limit the potential for hybrid turf to form a suitable alternative, due to its expense and lack of suitability with warm season grasses.

6.0 Aligning with best practice

6.1 Alignment with State Sporting Association Standards

Over the last ten years, the Victorian Government together with peak bodies of major field sports have developed preferred facility guidelines including for natural turf fields. The following links are provided to facility guidelines for each major field sport.

- AFL <https://www.aflvic.com.au/facilities-funding/afl-preferred-facility-guidelines>
- Football Victoria <https://footballvictoriafacilities.com.au/facility-guides/>
- Cricket Australia <https://www.community.cricket.com.au/clubs/running-your-club/facilities-and-infrastructure/facilities-guidelines>
- Rugby League <https://www.playrugbyleague.com/media/12508/nrl-preferred-facility-guidelines.pdf>

6.1.1 Synthetic turf guidance

Sport and Recreation Victoria have produced the Artificial Grass for Sport Guide¹²³ to assist councils, peak sporting bodies, clubs and schools in the planning, design, project delivery, management and maintenance of an artificial grass project.

The development of guidance for the use of synthetics in cricket and AFL was undertaken in 2007. The AFL, along with Cricket Australia, Sport and Recreation Victoria and JLT Trustees, commissioned the University of Ballarat to determine whether specific criteria could be developed for the use of synthetic grass in football and cricket. The University of Ballarat developed a set of criteria that would enable synthetic turf to mimic the performance characteristics of natural turf.

Since the development of the standards the AFL and Cricket Australia has established a licensing program to that ensures the quality of products being manufactured from a performance and longevity perspective and that the products comply with safety and insurance requirements.

It is important to note that Football-Soccer can use AFL and cricket standard synthetic turf fields, however FIFA synthetic turf standards do not meet the AFL and cricket standards. FIFA has recently introduced new Quality Performance Standards for synthetic turf fields.¹²⁴ These guidelines and standards provide detailed design advice and testing requirements to achieve certification.

6.1.2 Overview

The following table provides an overview of the different state sporting association standards, including specific guidance and level of support for the three main sportsground surface options.

Figure 14 State sporting association standards - overview

Code	Natural turf	Synthetic turf	Alternative turf
AFL	<ul style="list-style-type: none"> • Supports natural turf, although notes lower capacity • Playing field maintenance to reflect local environmental requirements and the standard of play • Subject to 'fit for play' oval inspection undertaken by both teams and officials prior to any games being played • To incorporate adequate sub-surface drainage and irrigation, and recommended use of drought resistant grasses, 	<ul style="list-style-type: none"> • Supports the use of synthetic turf • Synthetic Turf Product Certification System for AFL/CA 	<ul style="list-style-type: none"> • The capacity of natural turf can also be supported by the use of synthetic or hybrid turf surfaces in high traffic areas, such as goal squares, rather than full investment into synthetic oval installation or oval resurfacing.

¹²³ Sport and Recreation Victoria 2011, *Artificial Grass for Sport Guide*, accessed <https://sport.vic.gov.au/_data/assets/pdf_file/0020/56414/artificial20grass20for20sport20guide2028pdf2c202317kb29.pdf>

¹²⁴ FIFA, 2022, *FIFA Quality Program for Football Turf*, <<https://www.fifa.com/technical/football-technology/standards/football-turf>>

Code	Natural turf	Synthetic turf	Alternative turf
Football Victoria	<ul style="list-style-type: none"> Supports natural turf, with extensive guidance on construction and management 	<ul style="list-style-type: none"> Supports the use of synthetic turf, with extensive guidance on construction and management Notes community concerns and design considerations 	<ul style="list-style-type: none"> Support for hybrid turf, including partial installation in high wear areas such as goal square, centre bounces, soccer boxes, linesman runs, and cricket run-ups
Cricket Victoria	<ul style="list-style-type: none"> Supports natural turf, with a preference for warm season grasses. Some guidance on construction and management 	<ul style="list-style-type: none"> Supports the use of synthetic surface playing fields Synthetic Turf Product Certification System for AFL/CA 	<ul style="list-style-type: none"> Generally a consideration for synthetic pitch covering during winter season to protect the cricket pitch and for the safety of winter sport participants.
Rugby League	<ul style="list-style-type: none"> Supports natural turf, with some guidance on construction and management 	<ul style="list-style-type: none"> Synthetic turf may be used for rugby league games, provided they meet the synthetic turf field standards outlined in the 'National Rugby League's Performance and Construction Standards for Synthetic Turf' 	<ul style="list-style-type: none"> Supports appropriate sports floodlighting and strategic lighting

Source: Ethos Urban

6.2 Innovative management approaches

6.2.1 Improved data collection and analysis for facility owners

New technologies and approaches are offering facility owners improved data on the status and usage of sportsgrounds, enabling councils to better target maintenance, manage peak use and quiet periods, scheduling, and planning for use.

Examples of such technology include:

- Intelligent Play:** Intelligent Play is a system from the UK that uses machine learning and artificial intelligence to monitor sportsground use. The system works by mounting sensors above the perimeter of the sportsground to capture any usage of the field, and provide in-depth data about the status of the field, including the numbers of players using the field, which areas have been used, and how this translates to maintenance requirements.¹²⁵ There is value in this type of system for maximising use of both natural and synthetic turf sportsgrounds, however it is understood to be relatively expensive to implement.
- Telstra usage data:** Some local governments have partnered with Telstra to understand open space use, by installing sensors in open spaces which "ping" when people with mobile phones enter the space. This data can help to provide a more holistic picture of usage on a field, to better target maintenance or plan future upgrades, as well as to understand the diversity of uses on a field – other than organised sport, where clubs maintain registers of users.

6.2.2 Managing usage

Local governments around Australia have been testing innovative approaches to managing usage and reducing pressure on high-wear areas of a natural turf field, including around the goal mouths. Some approaches include:

- Strategically lighting the field at night and in the evening, to draw users away from areas of the field that require rest. For example, lighting the perimeter of a field to enable low-impact activities such as jogging or dog-walking along the edges, while discouraging use of the centre of a field for informal games.
- Shifting the location of the pitch through changing line markings to shift the area of play and help rotate high-wear areas.
- Smart scheduling and hire agreements can also manage usage by effectively balancing diverse users of the field to reduce the intensity of the use of the field.

¹²⁵ Intelligent Play n.d., FAQs, *Intelligent Play*, accessed 16 May 2021 <<https://www.intelligent-play.com/faqs/>>

6.2.3 Utilisation of spaces and siting considerations

There are a number of siting and planning considerations to alleviate pressures on existing fields and improve the quality and availability of open spaces in Merri-bek. These include:

- Sharing of funds to mitigate the anomalies associated with council boundaries impacting best case siting for synthetic fields
- Limiting the over-concentration of synthetic fields in specific areas to ensure that all residents have access to a natural open space close to where they live while also providing sufficient opportunities for formal sport
- Consider the potential for brownfield sites to support the provision of synthetic fields, including on hard surfaces such as rooftops
- Construct synthetic fields away from waterways and sensitive natural areas
- Reconsider private and education uses of open spaces, such as public and private schools, and golf courses, to allow community use and maximise existing natural surface options
- Concentration of synthetics in purpose built, regional scale facilities to maximise usage and ensure adequate supporting infrastructure.

6.3 Managing natural turf

Managing natural turf is a complex field of agronomy, although there are a number of common elements which must be considered. While each site must be treated individually with a tailored management approach, key considerations include:

- Maintaining regular maintenance practices
- Identification of issues limiting field performance at individual sites to develop tailored maintenance activities
- Aeration
- Adequate nutrition and effective control of weeds
- Regular independent soil testing to ensure nutrition requirements are being met.

Additionally, there may be a number of misconceptions regarding the management of natural turf that impact on its continuing use as a viable option for higher-intensity fields. The table below draws on Hunter Water leading practice guidance on some of the more common misconceptions.

Table 8 Common misconceptions impacting natural turf field management practices

Common misconception	Comment from best practice guidance
The best soil for turf is sand or 80:20 mix	It is unsuitable because it is too sandy for community fields
Using new turfgrass variety will give the best performance	Needs to be verified using small scale trials in high wear areas.
All fields require drainage	For drainage at an acceptable rate, waterlogging issues can be overcome using techniques that do not require slit drainage
All fields require automatic irrigation, and the sprinklers need to throw "head-to-head" coverage	May not be efficient or effective if not installed properly

Source: Hunter Water (in press). Best Practice Sporting Fields: A guide for turf surfaces in the Lower Hunter; Lambie, P., Askew, S. and Battam, M. (2022). Best practice guidelines and benchmarks for turf open space in the lower hunter. OzWater22

6.3.1 Organic management practices

While the existing literature on the use of organic fertilisers, insecticides and fungicides on natural turf is relatively limited and predominantly refers to turf species not commonly used in Australia, some potentially relevant findings include in relation to:

- The maintenance of warm season turfgrasses with organic and non-synthetic pesticides and fertilisers¹²⁶

¹²⁶ <https://www.proquest.com/docview/2410817329/8EEDBFDB27764ACCPQ/189>

- Utilising organic amendments for general suppression of dollar spot on creeping Bentgrass turf¹²⁷
- Effect of organic fertilisers on the greening quality, shoot and root growth, and shoot nutrient and alkaloid contents of turf-type endophytic tall fescue, *Festuca arundinacea*.¹²⁸

In advice received for this Study, SportENG have noted the following considerations applying to organic products:¹²⁹

- Often these products can have a lower efficacy and/or strike rate.
- There are some organic products which can overtime create a 'seal' over the field surface which can reduce water and oxygen infiltration into the profile.
- There can be community backlash over the strong smell of some organic products.

6.4 Synthetic turf mitigation

The production of synthetic turf products with the use of more organic materials is being explored by a number of manufacturers as a potential method to avoid the environmental and health impacts of synthetic turf surfaces.

Examples of such products include:

- Biobased synthetic turf (SYNLawn, 2017). Polyethylene can be produced from a sugar cane (SYNLawn) that is sustainably grown under environmental, social and industrial practices. The synthetic turf is combined with soy-based (EnviroLoc) backing technology making it a completely biobased synthetic turf.
- The use of infill to reduce or eliminate SBR. Options include the use of EPDM and TPE, and plant-based materials such as cork, coconut husks, a combination of organic materials or organic-manufactured combinations which can be composted.
- The use of yam blends to eliminate infill microplastics and reduce the heat associated with rubber infill.¹³⁰

However, it is important to fully appraise how the use of such surface types alters the typical cost equation and its impact on intensity of use to ensure that decisions are made on a site-by-site basis.¹³¹

It is recommended that Council continues to monitor the development of alternative synthetic turf construction methods and materials, including but not limited to:

- Monitoring of field performance for the pilot trial of a fully recyclable and compostable synthetic turf system at EHS'85 in Emmen, in collaboration with the Dutch Ministry of Health, Welfare and Sport.¹³²
- The effectiveness of drainage upgrades planned for natural turf fields in the NSW Central Coast.¹³³

6.5 Construction on Reactive Soils

6.5.1 Site investigation and requirements

An important initial step to determine the type of field that is required is to investigate and understand the following three aspects:

- Environmental Conditions - including soil type, water quality and availability and local climate.
- Recreational Needs – what is the current/forecast use of the field over the next 5-10 years? Which sports are to be played and at what levels e.g., junior soccer and senior cricket? What volume of use will these sports require e.g., elite level and 10 hours per week or community level at 25 hours per week?
- Maintenance Provision – The capacity for the field to be maintained to ensure the benefits of the capital expenditure and Client requirements are realised is critical. If the resources for maintenance are lower than required, it is likely that the field won't perform to level required which may result in increased reputational risk or increased cost to rectify poor condition field conditions e.g. turf replacement due to high wear.

¹²⁷ Beckley C and Roberts J 2021, Utilizing organic amendments for general suppression of dollar spot on creeping bentgrass turf, *International turfgrass society research journal*, 14(1) DOI: 10.1002/its2.55

¹²⁸ Cheng Z, Salminen S and Grewal P 2009, Effect of organic fertiliser on the greening quality, shoot and root growth, shoot, nutrient and alkaloid content of turf – type endophytic tall features, *Festuca arundinacea*, *Annals of applied biology*, 156(1), DOI: 10.1111/j.1744-7348.2009.00357.x

¹²⁹ SportEng 2023, *Natural Turf Technical Advice* (Technical note, 12/07/2023).

¹³⁰ See, eg, SportENG 2021, Dawn of the 4th Generation synthetic turf systems in Australia

¹³¹ See, eg, Smart Guide 4: Synthetic Sports Surfaces (Challenges, Perceptions and reality) (2021) Smart connections consultancy.

¹³² Sportsfields.info (2021) <https://sportsfields.info/world-first-biodegradable-artificial-turf-field/>

¹³³ Central Coast Football (2022). CCF Invests \$260,000 in field drainage upgrades. <https://ccfootball.com.au/2022/09/28/ccf-invests-in-260000-field-drainage-upgrades/>

A thorough and agreed understanding of the above aspects will better inform the type of field that is required and can be sustained for its expected period of useful life (20-25 years for natural turf fields).¹³⁴ As an example if the field is to accommodate a moderate level of community level junior sport it may be acceptable to provide a field that has surface undulations (+/- 50mm) which can be managed via maintenance practices such as aeration and topdressing however if the field is required to host regional or elite level play it may be unacceptable to have such variances and therefore the design and associated costs of the field will increase to match the demands of the environmental conditions and recreational needs.¹³⁵

6.5.2 Construction

When undertaking construction on reactive soils the use of a capping layer over the poor-quality soils is highly recommended. Reactive soils have a high clay proportion and will shrink when dry and swell when wet which creates movement beneath the surface. A capping layer protects the subgrade from rainfall and weathering and therefore restricts any shrinking and/or swelling from occurring. It is important that in sites where reactive soils are found extra budget is put aside to account for the increased cost of adding a capping layer to a project.¹³⁶

Perched Water Table (PWT) profile designs are also highly recommended for sites where reactive soils are present. A PWT (see Figure 2) consists of a rootzone sand layer over a drainage gravel layer. This profile is often recommended on reactive sites as it does not require any trenching into the reactive subgrade for subsoil drainage pipes. Utilising a flat panel drainage system (e.g., MegaFlo™) the pipes can instead sit on top of the subgrade within the drainage gravel layer. Whenever there is trenching into a reactive subgrade there is an increased risk of surface movement and undulations forming on the field over time.¹³⁷

6.5.3 Maintenance

When attempting to minimise undulations across an existing field surface the most effective maintenance practice is sand topdressing of the low field areas. Depending on the extent of the undulations this may need to be undertaken multiple times, no more than 10mm of topdressing sand should be applied at any one time. When undertaking sand top dressing it is imperative that the sand being used to topdress is a well-draining sand product with minimal fine materials.¹³⁸

6.6 Key findings for application in Merri-bek

Ultimately, this research found several management methods employed by councils in Australia to better drive utilisation and cost efficiency, including improved data collection and analysis, methods to manage usage, and strategic siting considerations.

Key points:

- There are a number of code-specific guidelines and standards which apply to both natural and synthetic turf
- Improved data collection and analysis, and the strategic management of use, can improve decision-making and ensure that existing fields are fully utilised.
- Siting will be critically important for Merri-bek. Positioning any new synthetic turf field, if pursued, away from waterways and sensitive natural areas and prioritising brownfield sites within the centre urban area of the LGA will assist in limiting the potential environmental impacts of synthetic products.
- There are a range of natural turf management practices which can improve the performance of natural turf fields. Trialling solutions, and closely monitoring the results, will assist Merri-bek in making informed steps towards improving its natural turf fields.
- There are some potential mitigations for synthetic turf fields to improve its environmental and human health accreditations. Merri-bek Council should monitor the development of alternative synthetic turf construction methods and materials.
- There are a range of options available to Merri-bek to counteract reactive soils and undulating typologies. The path chosen will depend on the individual requirements of single sites.

¹³⁴ SportEng 2023, *Natural Turf Technical Advice* (Technical note, 12/07/2023).

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

7.0 Conclusion

7.1 Key findings

The follow section summarises the key findings from this Study.

7.1.1 Merri-bek context

Quality public open spaces make for liveable, sustainable, and healthy neighbourhoods. In the context of growing sporting demand in Merri-bek associated with population growth, increasing urban density, and an increasing diversity of sport participants (including demand for informal use/community recreation) decision-making surrounding the type of surface needed to accommodate growing demand is critical (see **Section 2.1 – 2.2**).

Demand modelling for inner Melbourne has pointed to a clear deficit of fields across all sports that will grow significantly over the next 20 years. This demand, driven by population growth and a deficit in the delivery of new sporting grounds to match, remains challenging to meet because of the spatial constraints in inner Melbourne and the predominance of other growth needs. This comes in the context of divided community sentiment regarding synthetic turf surfaces (see **Section 2.3**) and complexities in relation to Merri-bek's climatic, geotechnical, and environmental conditions (see **Section 2.4**).

The key issues for Merri-bek arising from this context include (see **Section 2.5**):

- The need to balance the social benefit of increasing community participation in sport and recreation with competing priorities such as the growing impact of climate change on our community, adverse impacts of some sportsground surfaces on water quality and urban heat, and council's commitment of Zero Waste to Landfill by 2030 as well as some community opposition and concern in relation to the social, environmental, and economic impacts of synthetic turf.
- Merri-bek has high biodiversity values along Merri Creek, is subject to increased flooding events exacerbated by climate change and is subject to moderate-high levels of urban heat. In this context, the decision around type and location of sportsground surface takes on an increased importance.
- Concern over the loss of access to open space and the need to accommodate for diverse users, both formal and informal, is a consideration for both the decision to implement synthetic turf playing surfaces and the design of fields in a way that allows for multipurpose use.
- Modelling capacity can differ substantially from actual demand. When considering which sporting field surface to use, an accurate understanding of actual demand is needed.
- Synthetic turf is only more economically efficient from a cost per hour basis over the 15-year lifespan of sportsgrounds when actual demand and usage is optimised, providing for about 54-60 hours per week.
- The research on player injury is not settled, although suggests differences between playing surface products, which must be considered in decision-making.

7.1.2 Natural Turf

Natural turf is multifaceted, providing more than just a playing surface for formal sports teams. However, the benefits of natural fields must be weighed against their established limited capacity compared to synthetic fields, even with the implementation of best practice construction and management.

7.1.3 Synthetic Turf

Synthetic turf options have evolved considerably over the past few decades, becoming more amenable to formal sports userbases. Far from being a one-dimensional material, the diverse range of application and evolving sustainability management strategies demonstrates a need for a considered approach to synthetic options in strategic locations.

7.1.4 Alternative Turf

Ultimately this section concluded that in Merri-bek's context, hybrid turf is not seen as an immediately viable option for Council due to local growing conditions and financial constraints. However, profile reinforcement and the combination of natural and synthetic turf in high-use areas is generally supported as a viable option.

7.1.5 Aligning with best practice

This chapter examines innovative management approaches and alignment with state sporting association guidelines to ensure that guidance for Merri-bek considers the latest guidance. Ultimately this section found several management methods employed by Councils in Australia to better drive utilisation and cost efficiency, including improved data collection and analysis, methods to manage usage, and strategic siting considerations.

7.1.6 Key issues for further discussion

The Study has identified clearly both the established evidence on the benefits and limitations of different turf options, as well as areas where research is unsettled and/or entails complexity or nuance in decision-making.

The following issues are noted to need further discussion with Council and the community to determine relative significance when making policy decisions:

- When and to what extent the established social and environmental disadvantages of synthetic turf are outweighed by the social benefit of participation in sport and recreation. This includes the need to include social risk and impact into calculations of fiscal cost.
- Although synthetic surfaces have a high construction cost, their increased playing capacity is often the economic basis for the implementation of synthetic fields. The comparison of options is based on assumptions about the user hours that different surfaces will accommodate, and the level demand. As discussed above, a more detailed analysis of actual demand may change some of the assumptions which have been used to support the economic rationale for synthetic turf implementation.
- Financial equity and the extent to which the level of investment proposed to install a synthetic field is compared with alternative strategies across the LGA. The capital expenditure associated with synthetic turf installation could potentially provide a greater benefit across a number of locations by increasing capacity through lighting, natural turf surface upgrades, scheduling changes, unlocking existing private open space, and the various innovative management techniques, as outlined in **Section 6.2**.
- Decisions relating to the use of public open space are contested and involve nuanced decision-making for individual contexts. Given the complex social, economic, environmental, and governance considerations attached to synthetic alternatives to natural grass playing surfaces, each site must be treated on its own accord with a thorough understanding of the potential impacts and benefits to the community.
- The decision is not as simple as a dichotomy between a natural turf and synthetic option. There are complex considerations relating to the management and design of natural turf, and the management and type of synthetic product, which makes the decision less obvious. Understanding the full range of options available and the comparative impacts and benefits can enable clearer decision-making.
- Stakeholders have various, often competing, perspectives on the best decision which are sometimes motivated by perceptions of impact and value attached to both natural turf and synthetic turf solutions. Communicating clearly with the community, sporting users, and other stakeholders is vital – emphasising that these decisions do not mean that somebody 'loses', but can be made in a way that benefits all of the community who access the space.

These discussion points will guide conversations with the community and key stakeholders to enable a considered response. The accompanying policy and decision-making framework will navigate the complexities raised by these issues to guide a well-considered approach to holistic ground management that addresses the diverse needs of the Merri-bek community

7.2 Recommendations

Based on the findings of this Study, the following recommendations are made:

- To ensure that Merri-bek City Council fully understands the applicability of natural and emerging synthetic turf technology to its soil and climatic conditions before making substantial investment, conduct temporary trials of shortlisted surface types in selected high-wear areas, accompanied by comprehensive evaluation and open reporting.
- The Policy and decision-making framework should give weight to:
 - The precautionary principle. It is noted that, particularly with respect to the environmental and human health impacts of synthetic turf products, the precautionary principle is being increasingly relied upon by governments across the world to assist in mitigating against unforeseen or uncertain impacts.
 - Site-specific decision-making. The study has identified that, particularly when it comes to the design and construction of sportsgrounds and the maintenance of natural turf, every site comes with its own set of

- challenges and limitations. Undertaking site-specific analysis is needed to ensure that the root cause of poor performance for natural turf is explored, to enable informed decision-making for the field.
 - Strategic investment that considers financial equity. Value for money in terms of increasing intensity of use should consider strategic opportunities across the sportsground network as a whole to ensure that decisions create a return on investment that justifies the cost of mitigating any associated environmental and health impacts.
- Engage a technical review of the Study on select issues or themes requiring deeper exploration to inform Merri-bek's decision-making. The issues or themes should be identified in close liaison with the community and key stakeholders. This review will ultimately inform a further, regular update to the Policy to ensure that it remains up-to-date with the evolving evidence-base.

7.3 Limitations

Several limitations are noted to provide context to this Study:

- Due to the breadth of material covered by this Study, the inclusion criteria needed to accommodate a diverse range of research methods or standards across different health themes where exposure risks were still being established.
- For some topics, there is a paucity of studies investigating the wider and more indirect implications of synthetic turf use in general. For example, the contribution of synthetic turf to heat island effects and possible heat-related health impacts is limited. As such the authors relied on inferred findings from more tangential studies that considered the negative environmental impacts of impervious surfaces or the positive cooling effects of natural grass.
- This Study does not attempt to provide an exhaustive summary of the literature covering every topic in detail, but rather selected the most relevant, robust evidence available for each critical theme either because of its relevance to Merri-bek or where it was subject to competing views in the industry, academia and amongst the community.
- The analysis conducted is contingent upon the availability and quality of extant literature on sportsground surfaces. Disparities in the recency, comprehensiveness, or rigour of these studies could impinge upon the robustness of the conclusions drawn from this Study.
- The conclusions drawn in this Study are contextually bound to the circumstances under which constituent studies were executed. Variations in geographical, climactic, demographic, or other parameters could curtail the applicability of extant study findings in a Merri-bek context and must be treated with caution.
- This Study's reliance on secondary data, given the lack of primary, locally sourced data, should be supplemented in future with context-specific insights.
- This Study presents a temporal snapshot. The turf space and research on this topic is fast evolving. Any research emerging post-completion of this Study will not be captured, necessitating ongoing update and review.

7.4 Next steps

This stage of the process has been intended to provide the evidentiary scaffolding for the development of a policy, decision-making framework, and to guide engagement with the community and council stakeholders around key issues.

Specifically, the following next steps will be undertaken:

- Consultation with the community and key stakeholders.
- Deliver a draft Merri-bek Sportsground Turf Policy. This Policy will outline the vision and objectives for sportsground surface management and the principles guiding Council decision-making in alignment with key existing policies and procedures. It is based on the principle of ...
- Deliver the decision-making framework: clearly outlining the implications of choices for policy decisions based on the evidence in this Study, including a quantitative multi-criteria tool and scenario testing tailored to the Merri-bek context.
- Presentation to Merri-bek Councillors.

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Appendix B Strategic policy review

B.1 Management and Maintenance of Council's Sports Grounds Policy

Summary of key points

Resolved by council: 11 June 2014

Review date: 11 June 2017

Background

Council has 50+ sportsgrounds available for use in the City of Moreland (Merri-bek). These are currently very well utilised by a variety of user groups including sports clubs, Sports Associations, schools, community groups and residence of (Merri-bek). The demand on these facilities is ever increasing. While Council would like to have facilities available to meet all seasonal, annual tenancy and casual bookings requests this is becoming more difficult with the increasing demands on the existing sports grounds and the very limited opportunity for expansion.

Key take aways:

- Recognition of capacity limits
- Maintenance framework to improve field quality (for safety and greater use)
- Encourage diverse range of sports for across the diverse range of people in Merri-bek.

Key policy points

Specific policy goals:

- A programmed approach to sportsground maintenance based on a 3-tiered hierarchy
- To have a set specification covering sport field maintenance to appropriate quality standards within the budget allocation by Council. This specification will be reviewed prior to each season.
- To have a program of sport field renovations achievable within existing budget allocations.
- Sport grounds are closed for the last 2 weeks of March and 4 weeks in September for seasonal changeover and annual restoration works. No forward bookings for use of the playing surfaces will be taken for these periods.
- Watering systems to be used at all sport grounds and maintained as appropriate considering any water restrictions enforced by Melbourne Water.
- Sub-soil drainage systems are to be used and maintained as appropriate and installed where necessary.
- Cricket covers are to be used on turf wickets in winter, as well as summer to minimise damage to the turf wicket tables in wet conditions.
- Maintenance needs for sport grounds will be prioritised over requests for access from casual hirers.
- Capital works and ground reconstructions to be undertaken as required and according to available budget.

Specific sports ground schedule objectives:

- To identify a sportsground hierarchy to inform the maintenance regime and appropriate works
- Facilitate a diversity of sport activities for Merri-bek residents.
- Acknowledge that use and activities throughout the year will impact on the quality of the playing surfaces.
- Allow adequate time for maintenance activities.
- Ensure sport field maintenance works are undertaken at appropriate times during the year to achieve the best results possible which will benefit all users.
- Enable the cost of maintenance to be recognised and partially recouped via appropriate fee structures for hire.
- Identify Capital Improvements for sport grounds, to be included in the development of Plans of Management and capital works budgets.

The Sports Grounds Maintenance Schedule gives an order of preference of maintenance works that are necessary to be undertaken hence ensuring that sport grounds are managed throughout the year. It also lists

The ability of Council to provide safe playing grounds of a suitable quality for competition levels, and to maintain acceptable quality of playing surfaces is an important factor to consider.

<p>compatible uses between summer and winter seasons which will.</p> <ul style="list-style-type: none"> • Demand management and seasonal use compatibility • Booking guidelines and requirements • Quality, maintenance and service description • Sportsground upgrades and capital improvements • Demand management and seasonal use compatibility • Booking guidelines and requirements • Quality, maintenance and service description • Sportsground upgrades and capital improvements 	<ul style="list-style-type: none"> • A programmed approach to sportsground maintenance based on a 3-tiered hierarchy • To have a set specification covering sportsground maintenance to appropriate quality standards within the budget allocation by Council. This specification will be reviewed prior to each season. • To have a program of sportsground renovations achievable within existing budget allocations. • Sports grounds are closed for the last 2 weeks of March and 4 weeks in September for seasonal changeover and annual restoration works. No forward bookings for use of the playing surfaces will be taken for these periods. • Watering systems will be used at all sports grounds and maintained as appropriate considering any water restrictions enforced by Melbourne Water. • Sub-soil drainage systems are to be used and maintained as appropriate and installed where necessary. • Cricket covers to be used on turf wickets in winter as well as summer to minimise damage to the turf wicket tables in wet conditions. • Maintenance needs for sports grounds will be prioritised over requests for access from casual hirers. • Capital works and ground reconstructions to be undertaken as required and according to available budget
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B.2 City of Moreland Hybrid and Synthetic Sports Surface Needs Analysis

Summary of key points

Resolved by council: March 2017

Report issued: April 2018

Background,

The development of a Hybrid and Synthetic Sports Surfaces Study will support Council to achieve various sportsground objectives by embracing synthetic surface technology and encouraging more residents to be more active.

Key take aways:

- Considers implementation of synthetic turf based on formal sporting use analysis.
- Links to overall desire by council to increase formal sport participation rates.

Key take aways	Recommendations
<ul style="list-style-type: none"> • Needs analysis based on population growth and sportsgrounds use analysis • Advocates strongly for synthetic or hybrid turf solution to increase playable hours. • Detailed study and breakdown of synthetic surface types/ progress overtime • Detailed injury studies – conclusions found no increase in prevalence of injury on synthetic turf. • Acknowledges and discuss detrimental effect of Synthetic on urban head island. 	<ul style="list-style-type: none"> • Council to continue to invest and embrace the use the synthetic and hybrid technology to assist in meeting the growing demands for active recreation and sport as the population continues to grow A Strategic Focus and Intent to be adopted for embracing the technology and used to encourage sports peak bodies and local clubs to develop business cases and funding applications to allow Council to afford the use of the technology in key locations. • Moreland City Council is committed through Active Moreland to encourage participation in active living, play, recreation, and sport. By providing facilities for people to play, recreate and participate in sport the

sports surfaces need to be appropriate, safe and can cope with the intended usage. To this end, the City has developed this strategic intent and commitment.

B.3 City of Moreland Sports and Active Recreation Strategy

Summary of key points
Report issued in 2020

Strategy development drivers:

- Population growth
- Decreasing age profile, meaning more kids in sport
- Desire to improve health and wellbeing across the municipality.

Strategy aims	Target
<ul style="list-style-type: none"> • Moreland Sport and Active Recreation Strategy provides an evidence-based framework to respond to the needs and aspirations of our community and establishes principles to inform Council decision making, guide partnerships and prioritise the allocation of Council resources for the greatest • The Strategy provides a roadmap for further development and investment in sport and recreation to enable more people to be more active more often. Research and consultation has identified challenges and opportunities and provides direction to enable Council and other stakeholders to respond appropriately to changing community • The Strategy is closely aligned to the Moreland Public Health and Wellbeing Plan and the Moreland Open Space Strategy. Together these Strategies combine to deliver positive impacts for the overall health and wellbeing of the Moreland community. Importantly, the Strategy delivers on Councils commitment in the 2017 to 2021 Council Plan to: <ul style="list-style-type: none"> - Set a clear vision and strategy for aquatics, leisure and sporting facilities to meet ongoing community needs - Maintain and match our infrastructure to community needs and population growth. 	<ul style="list-style-type: none"> • Increasing participation by Moreland residents in sport and active recreation and fostering strong relationships with local recreation clubs, associations, peak bodies and government agencies. • Ensuring an adequate supply and distribution of good quality sporting infrastructure used in the most effective and efficient manner possible. • Ensuring Moreland City Council's approach to sport and active recreation provision is underpinned and well informed by robust policies, strategies and plans.

B.4 Moreland Sportsground Review, May 2017 (audit)

Background

Moreland (Merri-bek) City Council is a large municipality located in the inner northern suburbs of Melbourne and has over 50 active sporting reserves currently used for activities such as cricket, football, soccer, baseball, lacrosse and for school and informal activities. The aim of the sportsground review is to understand the specific characteristics of the diverse range of sportsgrounds offered within Moreland (Merri-bek), so that future needs analysis can be conducted.

Turf and soil	Drainage and irrigation
<ul style="list-style-type: none"> • Cricket Wickets: There are 31 sportsgrounds with cricket wickets: 18 synthetic and 14 turf benches. This 	<ul style="list-style-type: none"> • Drainage: Poor drainage will result in the soil remaining saturated for longer than desired. A saturated soil has an unstable surface that is easily

Turf and soil	Drainage and irrigation
<p>includes a synthetic and a turf bench at Morris Reserve.</p> <ul style="list-style-type: none"> • Turf Composition: There are 25 sportsgrounds (51%) which consist predominantly of cool season (ryegrass and <i>Poa annua</i>) and 21 sportsgrounds (43%) which consist of a mix of cool season and warm-season grasses (kikuyu and couch). There are only 3 sportsgrounds (6%) that consist predominantly of warm-season grasses. • Warm-season grasses have a lower water requirement in summer than cool-season however they have a relatively long winter dormancy period (i.e., no or very limited growth). They have no ability to repair or recover from wear or damage during winter and will only repair with the onset of the following spring growth. Hence there is a greater need to overseed ryegrass into any warm-season sportsgrounds that are heavily used to provide a durable winter cover. Only 6 sportsgrounds are overseeded in autumn with winter active turf type perennial ryegrass. • Soil Type: Ninety-two percent of the sportsgrounds (45) are constructed from fine-textured local soils (e.g. high silt & clay content) such as clay loams (43) and clays (2). These soils have poor drainage and are prone to compaction and water-logging which can result in extremely soft surfaces in winter and extremely hard surfaces in summer. The slow draining nature of these local soils can also reduce the playability of these sportsgrounds in wet weather. When play and heavy rainfall events coincide the grass surface can be quickly chopped up with the • Topsoil Depth: Approximately 37% (18) of the sportsgrounds have shallow (50 – 100mm) topsoil depth. There are 24 (49%) sportsgrounds with a moderate depth of topsoil (100 – 150mm) and only 5 sportsgrounds with a good topsoil depth (150 - 200mm) and the 2 and based sportsgrounds have an excellent profile depth (>200mm). <p>The depth of topsoil determines both the water retention capacity of the soil and rooting depth of the turf plants. The greater the depth of topsoil, the larger the 'reservoir' available to hold water for plant growth. Shallow topsoil (<100mm) also limits the depth of plant root growth. Both of these will in turn, affect the irrigation requirement and frequency of watering.</p> <ul style="list-style-type: none"> • Surface shape: The preferred shape for a sportsground is a dome or a ridge ('roof-top') design (i.e. sloping two ways from a central ridge), which allows surface water to move off the field in the 	<p>damaged. When a saturated soil is used or even trafficked by vehicles (e.g., mowers), the surface can become quickly 'cut-up' resulting in significant surface damage and consequently expensive repair works.</p> <ul style="list-style-type: none"> • Eighty-two percent of sportsgrounds (40 sportsgrounds) have no drainage and there are only 4 sportsgrounds with a complete network of subsurface drains and 5 sportsgrounds with partial drainage (sand slits, spoon drain etc). • A sportsground without sub-surface drainage may have excellent drainage due to its slope or profile; and conversely the drainage in a sportsground with sub-surface drainage may be poor. There are only 3 sportsgrounds (6%) considered by the Parks Department to have good drainage, 4 sportsgrounds (8%) with okay drainage and 42 sportsgrounds (86%) with poor drainage. • Irrigation: All active sportsgrounds require some supplementary irrigation to be able to sustain a dense sward that is capable of tolerating wear. All sportsgrounds are irrigated from late spring to early autumn with an automatic irrigation system (Maxicom). There are 26 sportsgrounds (53%) considered by the Parks Department to have good irrigation effectiveness, 7 sportsgrounds (14%) with okay effectiveness and 16 sportsgrounds (33%) with poor irrigation.

Turf and soil**Drainage and irrigation**

shortest distance. The least desirable option for surface shape is a 'one-way fall' where the water must move across the whole field before it is off the playing surface. However, site and cost constraints may dictate a less than ideal surface shape.

7.2 COBURG BLUESTONE COTTAGE COMPLEX REDEVELOPMENT

Director Community, Eamonn Fennessy

Cultural Development

Officer Recommendation

That Council:

1. Endorses Concept 1 as the preferred plan for the redevelopment of the Coburg Bluestone Cottage Complex project, including:
 - a) Refurbishment of the existing internal and external heritage fabric of the Bluestone Cottage and its detached kitchen;
 - b) Building a multi-purpose annex of 121sqm that is purpose-built to facilitate the storage and display of historical material, is fully dust and damp proof, and includes a DDA-compliant toilet;
 - c) Establishing a new historic-themed garden on the site;
 - d) Building 12 car parking spaces on the retained land.
2. Refers \$400,000 for the cost of design for the bluestone cottage redevelopment to the quarterly budget review process, if surplus funds are available.
3. Refers the packing, storage and moving the collection costs of \$50,000 to the 2024/25 budget development process for consideration.
4. Refers the \$2,830,000 construction costs to the 2024/25 capital works program budget development process for consideration, noting the following breakdown:
 - a) \$300,000 for car parking;
 - b) \$1,140,000 for heritage works;
 - c) \$1,590,000 for annex & garden works.
5. Notes the \$200,000 cash contribution from Coburg Health Hub Pty, the developer of the adjacent health and community services precinct, for construction costs and the additional in-kind support of a Project Manager.
6. Continues to consult with the Coburg Historical Society as the project progresses through design and construction, noting it will be delivered concurrently with the Coburg Health and Community Services Precinct, as set out in the contractual documents for this project.

REPORT

Executive Summary

This project stems from the Council decision to sell the land to create the Coburg Health and Community Services Precinct in December 2021. Officers were directed to commence a subdivision process to excise the Bluestone Cottage complex and the land to its west from the sale, retaining it in Council ownership, and begin the process of renewing the Coburg Historical Society's lease for the complex.

Subsequent Council resolutions requested that options be explored to refurbish the Bluestone Cottage, build a replacement annex and establish a new garden on the site, and ensure civic centre car parking of up to 18 spaces be established on the retained land.

A Bluestone Cottage Working Group was established in October 2022 consisting of Cr Mark Riley (Chair), senior officers and representatives of the leaseholders, Coburg Historical Society. The working group has met several times to consult on the abovementioned proposed scope of works.

This report sets forth two proposed concepts for the redevelopment of the Coburg Bluestone Cottage complex including heritage restoration of the Cottage and its detached kitchen; establishment of a new annex and establishment of a heritage garden. The establishment of up to 12 civic centre car parking spaces have also been planned for.

The officer recommendation is for Council to endorse Concept 1 as outlined in this report, which includes:

- a) Refurbishment of the existing internal and external heritage fabric of the Bluestone Cottage and its detached kitchen.
- b) Building a multi-purpose annex of 121sqm that is purpose-built to facilitate the storage and display of historical material, is fully dust and damp proof, and includes a DDA-compliant toilet.
- c) Establishing a new historic-themed garden on the site.
- d) Building 12 car parking spaces on the retained land.

The financial impact of the officer recommendation is \$3,230,000.

The existing annex will be removed as part of the site clearance of the Coburg Health Precinct in July – August 2024. This gives Council one year to design and build the replacement annex.

The benefit of this project is that the State listed heritage fabric of the Coburg Bluestone Cottage is restored and conserved as a Council asset.

The Coburg Historical Society will remain as leaseholders of the site, undertaking activities that have a community benefit including continuing to open the Coburg Bluestone Cottage Museum for 10 hours a month, and maintaining its historic collection.

Previous Council Decisions

Coburg Health and Community Services Precinct: Endorsement of the Coburg Health Precinct Masterplan – 10 August 2022

That Council:

1. *Notes recent community and stakeholder feedback provided to Coburg Health Hub Pty Ltd and how this has been incorporated into the draft masterplan for the proposed Coburg Health and Community Services Precinct.*
2. *Endorses the latest draft of the Coburg Health Precinct Masterplan (Attachment 1) to enable the project to progress to detailed planning and design, and the subsequent lodging of a planning application for consideration by the Planning and Related Matters Committee.*
3. *Receives a report to the December Council meeting which provides options for the size, functionality, design and estimated costs of the replacement annex/archives building, proposed historic garden adjacent to the Bluestone Cottage along with options for professional packing and storage of the historical objects in the Bluestone Cottage and current annex during the works and proposal.*
4. *Notes progress towards finalising and executing the Contract of Sale to Coburg Health Hub Pty Ltd or appropriate nominee, in line with Council's decision of 8 December 2021 and reflecting the key terms outlined within the Council report including long term lease arrangements for not-for-profit and community service providers within the precinct. Minutes of the Council Meeting held on 10 August 2022.*

5. *Notes the negotiations as part of the finalisation of the Contract of Sale include the lease of up to 58 car parking spaces for Council and community use for an initial term of 10 years with two further terms of ten and five years respectively, a substantial discount to market rent and an annual rent review of 3 per cent.*
6. *Notes steps taken to subdivide the land containing the bluestone cottage complex and the land to its west in order to retain them in Council's ownership, to renew the lease of the Coburg Historical Society, and to update the Contract of Sale to reflect the financial contribution to the works to the bluestone cottage complex by Coburg Health Hub Pty Ltd of \$200,000 and project management of these works at no cost to Council; acknowledging a) The project management aspect of the bluestone cottage complex upgrade will be funded by Coburg Health Hub Pty Ltd for an amount no less than \$120,000. b) Any unspent project management costs from the \$120,000 figure, will be redirected towards the financial contribution paid by Coburg Health Hub Pty Ltd towards the bluestone cottage complex upgrade. c) For the avoidance of doubt, the total minimum contribution (financial and in-kind) from Coburg health Hub Pty Ltd towards the bluestone cottage complex upgrade, will total no less than \$320,000, in line with the Council decision on 8 December 2021.*
7. *Continues to work with the Coburg Historical Society to progress concept plans for the refurbishment of the bluestone cottage complex including a new multi-purpose annex/archive and heritage garden.*

Coburg Health & Community Services Precinct: Proposed Sale of Land at Bell Street, Coburg – 8 December 2021

That Council:

1. *Notes submissions received in respect of Council's proposal to sell the land comprising of approximately 14,500 square metres contained in certificates of title volume 10192 folio 590, volume 11411 folios 002 and 003 and generally known as 29, 31, 46, 52, 60 and 62 Urquhart Street, Coburg, 72, 74 76, 78 and 80 Bell Street Coburg, (land), by private treaty to Coburg Health Hub Pty Ltd(CHH) and resolves to sell the land to facilitate a health precinct in accordance with the Coburg Structure Plan.*
2. *Authorises the Chief Executive Officer to make an application to commence the subdivision process to amend the subdivision boundary to excise the bluestone cottage complex and the land to its west from the sale, retaining it in Council ownership, and begin the process of renewing Coburg Historical Society's lease for the complex.*
3. *Notes the intention to include the refurbishment of the bluestone cottage complex (including the heritage-listed detached kitchen), the rebuilding of the annex (of around 110 square metres), and the creation of a new historic garden surrounding the cottage, in the contract with Coburg Health Hub so that this work can happen concurrently with the health precinct delivery and be done in an integrated and cost-effective way, to Council's scope of works. Further that the annex not be demolished until the replacement building is constructed and that a further discussion be held about the potential to reduce the size of the 18-car space car park in order to expand the area available for the bluestone cottage heritage precinct.*
4. *Resolves that the proposed sale of land is conditional upon Coburg Health Hub agreeing to an additional financial contribution of \$100,000 toward the refurbishment of the bluestone cottage and construction of new annex and historic garden within the bluestone cottage complex in addition to the \$100,000 already proposed in the Key Terms.*
5. *Notes that the total contribution from Coburg Health Hub toward the bluestone cottage complex improvements subject to point 4 above increases from \$220,000 to \$320,000 which includes an in-kind contribution currently estimated at \$120,000 for project management services.*

6. *Makes all relevant changes to the Heads of Agreement, contract of sale, and any other relevant documentation to implement points 4 and 5 above.*
7. *Resolves to sell the land to Coburg Health Hub, as set out in the updated Heads of Agreement amended to include points 4, 5 and 6 above and summarised in the Key Terms table of this report, for the purposes of creating a health and community services precinct.*
8. *Notes the email from the Coburg Historical Society to all Councillors dated 7/12/2021, outlining outstanding concerns about the refurbishment works and broader Coburg Health Hub redevelopment, and commits to working constructively with the CHS to iron out these technical and design issues.*
9. *Notes the proposed terms include measures to ensure the health and community services precinct includes a high proportion (over 50 per cent) of community and not for profit providers on long term leases, high quality publicly accessible open space, commitment to community engagement beyond the requirements of the planning process, requirements to commence and complete the project within agreed timescales, as well as other community benefits, and that the land not be transferred until these conditions have been satisfied.*
10. *Authorises the Chief Executive Officer to negotiate the final sale price and terms in accordance with this report and do all things necessary to affect the sale of the land to Coburg Health Hub, including signing any Heads of Agreement, Contract of Sale, Section 173 agreement, transfer documentation and any other documents required for the transfer of the land.*
11. *Notes the feedback from the community engagement process and the strong support for the provision of additional health services in Coburg and authorises the Director Engagement and Partnerships to write to each person who made a submission informing them of Council's decision and reasons for its decision in respect of Council's proposal to sell the land.*

1. Policy Context

Council Plan 2021–2025

Theme 4: Vibrant spaces and places in Moreland

- 4.4. Create a sense of place while retaining what is valued about heritage including First Nations.
- 4.11. Make Moreland a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion and inclusion.

Council Action Plan 2022–2023

Theme 4: Vibrant Places & Spaces in Merri-bek

- 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.
- 154. Local History Maintenance & Conservation: To commence planning for the collection, conservation and presentation of Moreland's local history.

Major Capital Works Program 2023–2028

- Not scheduled

Moreland Heritage Action Plan 2017–2032

- Theme 2 Protecting: Ensure protection is applied to significant heritage places and spaces in the city.

- Theme 3 Supporting: Continue to partner with active community historical organisations in raising awareness of Moreland's history.
- Theme 4 Communicating: Conserve and interpret places of cultural and archaeological heritage.

Community Infrastructure Plan 2022 –2032

- Not listed

2. Background

The Coburg Bluestone Cottage and its detached historical kitchen is located at 82 Bell Street, Coburg. It was built in 1864 as a residential dwelling for local prison warder James Smith (one of seven cottages owned and occupied by Pentridge Prison warders) and occupied by a single family until 1981. It is one of few remaining examples of the local bluestone architecture of the era.

In 1988 the bluestone cottage and its detached kitchen was listed on the Victorian Heritage Register.

The Coburg Bluestone Cottage complex was originally acquired by Coburg Council as part of site assembly in 1981, and a lease was granted to the Coburg Historical Society in 1983 as a temporary use in advance of precinct development. Discussions had taken place over several years about the potential for relocation of the Coburg Historical Society.

By the time statutory consultation took place around the sale of land in 2021, the Coburg Historical Society had developed a strong opposition to the sale of the cottage. Council subsequently decided to amend the plan of subdivision, keep the cottage in Council ownership, undertake some refurbishment works, rebuild the annex, and renew the society's lease.

3. Issues

Subdivision

The Plan of Subdivision has recently been further amended to retain more of the existing garden area in Council ownership, and to mirror the existing title. The additional few metres contain some mature trees of value to the Coburg Historical Society.

A small portion of the land parcel at its north will be used to create a pedestrian pathway between the health precinct and the civic precinct. All trees within this portion of the existing garden have been assessed at being of low value, and nearing end of life.

The proposed change to the Plan of Subdivision was welcomed by the Coburg Historical Society. This amended plan is now being progressed.

Community use of property

The Coburg Historical Society Inc is an incorporated, membership-based association dedicated to preserving the history of Coburg and surrounds. The Society was founded in 1972 on the initiative of the former Coburg City Council and has run continuously for 51 years. The aims and objectives of the Society are to promote and encourage the study of history pertaining to Coburg and surrounds, to promote the compilation and collection of records relating to Coburg, and to collect and preserve items of historical interest and make them accessible.

The Coburg Historical Society is a unique community organisation that plays a key role in the preservation and communication of local history in the Merri-bek area. They have established the Coburg Bluestone Cottage as a local history museum, and maintain a significant local history collection.

The Society is governed by the Committee of Management which operates according to its Rules of Incorporation. The Society maintains contemporary financial reports. The Society is a membership-based organisation that currently has 102 paid members.

The main activities of the Coburg Historical Society include:

- Operating the Bluestone Cottage Museum featuring exhibits about the history of Coburg and the Cottage and detached kitchen. The Museum is open for two hours a week on Fridays, and an additional two hours a month on a Sunday; it attracts 200 visitors a year including researchers, school groups and general public.
- The Society maintains a significant historical collection of items of relevance to Coburg and surrounds. The collection is estimated to be at 8000 items including objects, photographs and documents, and is aligned to the Society's Collection Policy. Coburg Historical Society estimates that the collection grows by approximately 5 – 10 per cent per year.
- The Society assists with research enquiries from historians, academics and the general public. The Society also publishes historical information, photos and reports via its newsletter and social media channels. They have a number of publications and reports available covering the history and heritage of Coburg.
- Advocacy for local history and heritage matters, with a particular aim to identify and protect the historically significant buildings of Coburg.
- Presentation of events including monthly talks at Coburg Library and other libraries which are very well attended.
- Volunteering opportunities within the organization; currently there are 25 volunteers.

When not displayed in the Cottage, the historic collection is stored in an on-site annex, which is a converted garage where items are at high risk of damage from damp and dust; damage from fire, floods or rodents are other potential risks. Items stored and displayed in the Coburg Bluestone Cottage and its detached historical kitchen are also at risk from damage caused by damp and dust; damage from fire, floods, rodents and building structural issues are potential risks. There is no Risk Management Plan in place, however informal risk management activities are undertaken by the Society. These risks have been taken into account when establishing the scope of works.

The historic collection is not presently valued or insured due to the cost of insurance being prohibitive to a volunteer organisation. Coburg Historical Society has public liability insurance through the Royal Historical Society of Victoria.

With regards to future use of the site, the Society does not have Strategic or Operational Plans in place. There are no current plans to extend community use of the site, such as through extended opening hours of the Museum.

Lease renewal

The lease renewal process is underway with Coburg Historical Society, in accordance with the Council resolution to start the process of renewal.

Parking

The sale of the land for the health precinct will result in a reduction of car parking for Council staff, visitors and Town Hall users. In order to offset the reduced parking, and meet permit requirements for the Civic Precinct, some new car parking spaces will be created on the new road and on the former childcare site to the west of the Bluestone Cottage complex.

Scope of works

Officers have aimed to define clear options for the Coburg Bluestone Cottage complex redevelopment and understand the benefits and implications of each option. As part of the scoping, officers undertook to understand and represent:

- The community impact of the proposed works, and organisational capacity of current leaseholders, Coburg Historical Society, to continue to deliver or expand the community use of land.
- The requirements for the ongoing storage of the historic collection stored in the annex and historic buildings, paying attention to risk mitigations in the concept phase.
- A plan for the decanting and storage of the historic collection during works, and an estimated cost.
- Options for the size and layout of the new annex, heritage gardens and car parking, with estimated costs.
- Options for civic centre car parking with estimated costs.
- Open space and asset maintenance implications.
- Lease renewal.

There were also the aspirations of the Coburg Historical Society to take into consideration. Through the Coburg Bluestone Cottage working group, the Coburg Historical Society requested that Council consider an expanded scope of works including:

- a DDA accessible toilet within the new annex, or a standalone DDA accessible toilet somewhere within the site
- increased annex size, on one floor (200sqm with provision for furniture, compactus, plan presses, shelving, lockable storage, space for digitising collection, space to inspection/registration of new items)
- increased annex size, additional floor or mezzanine (200sqm with above provisions)
- basic storage solution for collection (dust, damp and waterproof)
- advanced archive storage solutions including archival air control systems
- archive display (300sqm for public exhibition, with reception/entry space)
- Office (16sqm including storage)
- Meeting space (50sqm for committee meetings and public talks)
- Kitchenette (4sqm)
- Garden shed (6sqm)
- additional garden area (ideally extend landscaped area to front)

Heritage works

The Bluestone Cottage and its detached kitchen requires significant conservation works to ensure its heritage fabric is protected.

Heritage architect Bryce Raworth was appointed to assess the cottage and a refurbishment planned according to their recommendations. Structural engineering advice was also sought to ensure the buildings are structurally sound and safe.

Currently, the exteriors of the bluestone cottage and façade are in reasonable condition. The interior is in a more dilapidated state, with multiple cracks in the walls and ceilings. Its exterior rear weatherboard addition, a 1950s addition, is in satisfactory condition. The detached historical kitchen is in a poor state of repair and requires extensive structural works; serious plumbing issues in both buildings has been reported.

A schedule of heritage and structural works has been developed, aiming for rectification to ensure the heritage fabric of the buildings are protected.

Design intent

Architects Kennedy Nolan were appointed to create concept plans. Drivers for the design include complementing the form and materials of the bluestone cottage, creating a strong connection to the heritage buildings of the Civic Precinct, a strong address to the site's Bell Street frontage, excellent design and excellent environmental performance.

The design for the annex in both concepts mirrors the Bluestone Cottage's scale and form and creates visual and pedestrian links to the heritage buildings and landscaped areas of the Civic Precinct, strengthening the relationship between these buildings.

Building materials proposed for the annex have been guided by Council's Environmentally Sustainable Design guidelines and include a proposed palette of:

- Standing seam metal roofing
- Vertical corrugated metal cladding
- Exposed steel frame sliding doors with mesh inserts to openings
- Prefinished cement sheet

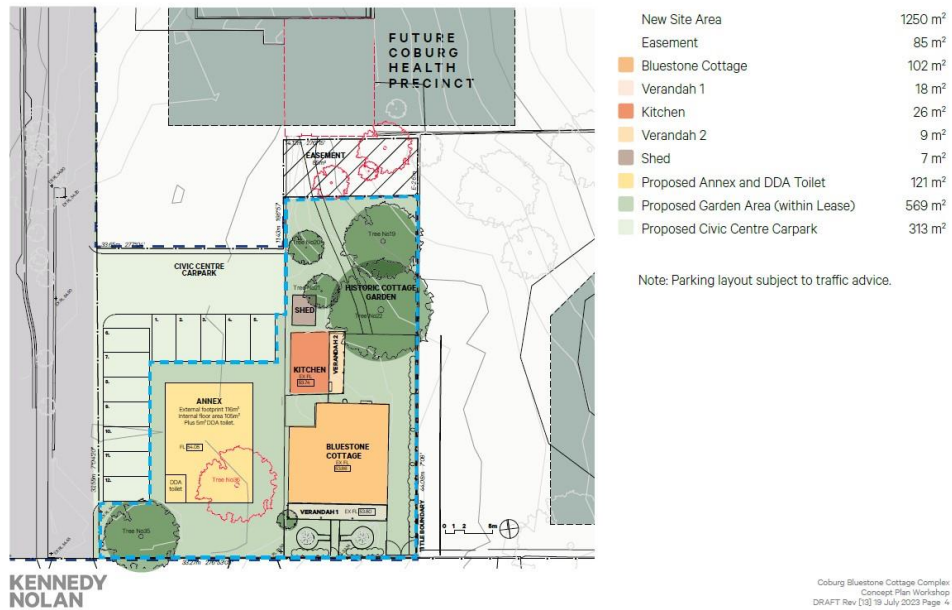
Concept 1

Concept 1 represents a 'like for like' scope of the existing assets to meet the request of the Council resolutions as well as the statutory requirements of the project (such as accessibility). Consideration was given to improvement works where there was an identified need, for example, for a fully lined annex or works to improve heritage fabric, or structural and building regulations to meet compliance and safety standards.

Concept 1 includes:

- Refurbishment of existing internal and external heritage fabric of the Bluestone Cottage and detached kitchen. Refurbishment options must be informed by the heritage consultants work and, from a cost perspective, be commensurate with the ongoing use of the site as a Community Historical Society.
- Building a multipurpose annex of 121sqm to replace the existing annex. The building will be purpose-built to facilitate the storage and display of historical material and is fully dust and damp proof, and secure. A DDA-compliant toilet has been introduced. Its design is sympathetic to the heritage precinct.
- Introduction of increased green space and establishment of a new historic-themed garden on the site.
- Consideration has been given to delineation from surrounding uses, safety and access.

CONCEPT 1 PLAN



Note the lease area for Coburg Historical Society is the area contained within the blue dashed lines.

This concept includes the establishment of an annex that will be architecturally designed and purpose built to support a multipurpose use including display and storage of a historic collection. The configuration of the building will be developed in consultation with Coburg Historical Society.

This concept supports the possibility of a staged development over time, as future works can be undertaken to expand the size of the annex or introduce new features to the site. Such consideration can be incorporated during the detailed design phase of the project.

Overview of Concept 1

	Current	Proposed	Impact on Coburg Historical Society
Lease area (buildings and gardens)	732sqm	937 sqm	28 per cent larger than existing lease area
Bluestone Cottage & detached kitchen	In fair condition Some structural concerns	Cottage refurbishment according to heritage architects' recommendations Fully structurally sound	Cottage is restored Heritage is protected More comfortable accommodation

	Current	Proposed	Impact on Coburg Historical Society
Annex	116sqm Unsealed floors and walls Not dust or damp proof History of leaks Not fit for purpose, limited display area	121sqm Brand new architect designed building right next to existing cottage	Purpose built to meet need for storage and display Future proofed for larger project in time
Garden	454sqm	569 sqm	24 per cent increase in garden area New historic themed landscaping to bring the past to life
Garden shed	7sqm	7sqm	No change
Amenities	Small toilet within cottage	DDA compliant toilet	More inclusive cottage complex

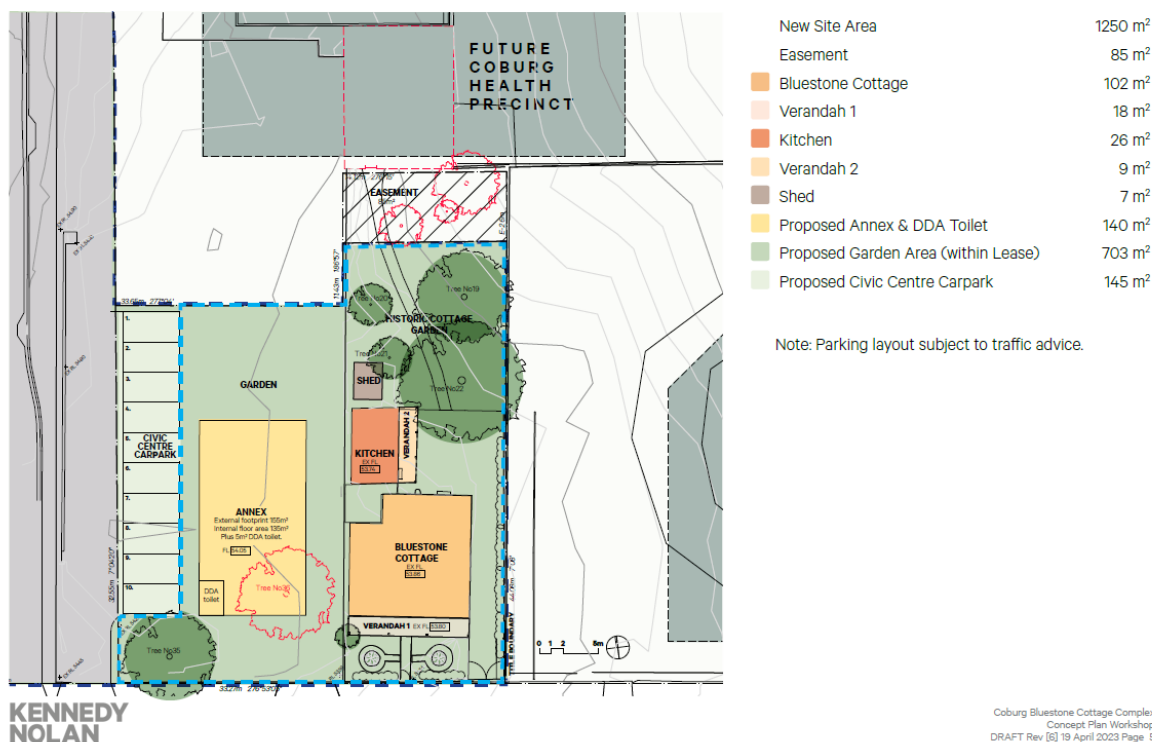
The total cost of works including parking, heritage works, building works and design is estimated to be \$3,430,000.

Concept 2

Concept 2 represents the Historical Society's aspiration for a replacement annex of increased size. The concept responds to the request of the Council resolutions as well as the statutory requirements of the project (such as accessibility). Consideration was given to improvement works where there was an identified need, for example, for a fully lined annex or works to improve heritage fabric, or structural and building regulations to meet compliance and safety standards.

Concept 2 includes:

- Refurbishment of existing internal and external heritage fabric of the Bluestone Cottage and detached kitchen. Refurbishment options must be informed by the heritage consultants work and, from a cost perspective, be commensurate with the ongoing use of the site as a Community Historical Society.
- Building a larger multipurpose annex of 155sqm to replace the existing annex, introducing an extra 30sqm of internal space to meet the Coburg Historical Society's aspirations for storage and display. The building is purpose-built to facilitate the storage and display of historical material and is fully dust and damp proof, and secure. A DDA-compliant toilet and kitchenette have been introduced. Its design remains sympathetic to the heritage precinct.
- 54 per cent increase in green space to establish a historic-themed garden on the site.
- Consideration has been given to delineation, safety and access.



Note the lease area for Coburg Historical Society is the area contained within the blue dashed lines.

This concept includes the establishment of an annex that will be architecturally designed and purpose built to support a multipurpose use including display and storage of a historic collection. The configuration of the building will be developed in consultation with Coburg Historical Society.

This concept supports the possibility of a staged development over time, as future works can be undertaken to expand the size of the annex or introduce new features to the site. Such consideration can be incorporated during the detailed design phase of the project.

Overview of Concept 2

	Current	Proposed	Impact on Coburg Historical Society
Lease area (buildings and gardens)	732sqm	1020sqm	40 per cent larger than existing lease area
Bluestone Cottage & detached kitchen	In fair condition Some structural concerns	Cottage refurbishment according to heritage architects' recommendations Fully structurally sound	Cottage is restored Heritage is protected More comfortable accommodation

	Current	Proposed	Impact on Coburg Historical Society
Annex	116sqm Unsealed floors and walls Not dust or damp proof History of leaks Not fit for purpose, limited display area	155sqm 33 per cent increased annex size to support future collection growth and flexible usage Brand new architect designed building right next to existing cottage	Increased annex floor space of 30sqm Purpose built to meet need for storage and display Option to include kitchenette Future proofed for larger project in time
Garden	454sqm	703sqm	54 per cent increase in garden area
Garden shed	7sqm	7sqm	No change
Amenities	Small toilet within cottage	DDA compliant toilet Kitchenette	More inclusive cottage complex

The total cost of works including parking, heritage works, building works and design is estimated to be \$3,868,000.

Further concepts

A number of options were explored around the size and scale of the annex and gardens and tested with the Coburg Historical Society.

On 30 July 2023 Council received a planning document from Coburg Historical Society outlining an updated request for an annex of 195sqm of floorspace (approximately 216sqm). This concept has been scoped at a cost of \$4,008,000. The design is untested at this stage; the size of the annex would be double the size of the Bluestone Cottage and consideration would need to be given to ensure its design and layout remains sympathetic to the heritage site including the cottage.

Both Concept 1 and Concept 2 presented in this report would support a staged approach to increasing the size of the Coburg Bluestone Cottage annex in time, as desired by Coburg Historical Society. Such a consideration can be incorporated during the detailed design phase of the project.

Storage of historical collection during works

Options have been established for the professional packing and storage of the historical objects currently stored onsite at the Coburg Bluestone Cottage Complex.

It is planned that the new annex will be built before the existing annex is demolished in approximately one year. The project of moving the historic contents of the existing annex to the new annex will be carried out by specialist museum removalists; storage will not be required.

The estimated cost of the annex move is \$10,000.

It is planned that the historic contents of the bluestone cottage and detached kitchen will be professionally packed by specialist museum removalists and stored offsite for approximately 12 months in an appropriate storage facility. The removalists will undertake project management of the packing, transport storage, and unpacking process in collaboration with Coburg Historical Society.

The estimated cost of packing, transporting, storing and unpacking the bluestone cottage and detached kitchen is \$25,000 - \$40,000.

Community impact

This project will ensure the community can enjoy the Coburg Bluestone Cottage Complex well into the future by undertaking refurbishment works and supporting the ongoing activities of the Coburg Historical Society on the site.

Climate emergency and environmental sustainability implications

The materials proposed for the new annex have been developed in accordance with Council's Environmentally Sustainable Development guidelines.

Human Rights Consideration

The recommendations are compatible with human rights in the Victorian Human Rights Charter.

A gender equality impact assessment has not been undertaken.

4. Community consultation and engagement

Coburg Historical Society are key stakeholders in this project. A Bluestone Cottage Working Group was formed consisting of Cr Mark Riley (Chair), senior officers and representatives of the Coburg Historical Society. This group is consultative with no decision-making powers. The working group has met a number of times to discuss the Coburg Historical Society's aspirations for the site, and to provide updates on the project.

Date	Meeting	Agenda
26 October 2022	Working Group Meeting	Establish Terms of Reference Share project aims
24 November 2022	Working Group Meeting	Site visit Introduction of architect Consultation on site aspirations of Coburg Historical Society and prioritisation of aspirations
3 February 2023	Site visit	Mayor & Project Director site visit
10 March 2023	Meeting with Project Director and Coburg Historical Society	Consultation on Coburg Historical Society's local history collection, storage needs, risk management considerations, and aspirations
24 March 2023	Working Group Meeting	Subdivision update Discussion of parking requirements for civic centre Consultation on local history collection storage needs and risk management considerations
5 May 2023	Meeting with Project Director and Coburg Historical Society	Consultation on Coburg Historical Society organisational structure, strategic and operational planning, community impact and benefit
16 June 2023	Working Group Meeting	Share planning for heritage works for feedback
14 July 2023	Meeting with Project Director and Coburg Historical Society	Update on next working group meeting and presentation of report to Council
20 July 2023	Working Group Meeting	Presentation of Concept 1 and other concepts for feedback

Date	Meeting	Agenda
25 July 2023	Meeting with Project Director and Coburg Historical Society	Update on presentation of report to Council including new concept developed since last working group meeting

Past community engagement

Extensive consultation was undertaken as part of the consideration of the sale of land to create the health precinct. This included public notice, mail-outs to over 7,000 homes, two Zoom webinars with the project team and developers, newsletter articles, social media posts, posters, direct contact with key stakeholders, and through Conversations Moreland. There was a public Hearing of Submissions in September 2021.

Over 70 per cent of respondents supported the proposal to sell the land for the purposes of creating a health and community services precinct in Coburg.

A working group was established, chaired by the then Acting Mayor, with members of the Coburg Historical Society to make sure they had every opportunity to understand what was being proposed, and express their views.

12 per cent of submissions to the health precinct consultation process raised concerns about the future of the bluestone cottage complex and/or the Coburg Historical Society. A petition was formally received by Council at the 11 August 2021 meeting containing 1,818 signatures (the online petition received 2,541 signatures as at 24 October 2021) requesting Council not sell the bluestone cottage. As a result of this community feedback, Council resolved to excise the bluestone cottage complex from the sale of the land.

Future Community Engagement

It is proposed to continue the Bluestone Cottage Working Group for the duration of the project through all its phases, to ensure consistent and timely information sharing with Coburg Historical Society, and the ability to consult where appropriate.

Once the capital works project is scheduled, future community engagement and information-sharing will be undertaken as appropriate.

Affected persons rights and interests

Council has undertaken stakeholder engagement on this project and all affected parties have had an opportunity to provide feedback. All parties impacted by construction of the project will be given advance notice before works begin.

Communications

A detailed communications plan will be developed as part of the capital works project delivery to ensure community members are informed.

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

Concept costs

Works	Concept 1
Car park works	
Civic centre car parking	\$300,000
Cottage complex works	
Heritage works	\$1,140,000
Annex & garden works	\$1,590,000
Design costs	\$400,000
Total	\$3,430,000
Developer contributions	-\$200,000
Cost to Council	\$3,230,000

The funding required for this project of \$3,230,000 requests that Council:

1. Refers the \$400,000 for the cost of design for the bluestone cottage redevelopment to the quarterly review process, if surplus funds are available; and
2. Refers the packing, storage and moving the collection costs of \$50,000 to the 2024/25 budget development process for consideration;
3. Notes the \$200,000 contribution from the developer for the construction costs;
4. Refers the \$2,830,000 construction costs to the 2024/25 capital works program budget development process for consideration, noting the breakdown:
 - a) \$300,000 for car parking
 - b) \$1,140,000 for heritage works
 - c) \$1,590,000 for annex & garden works.

7. Implementation

The timeframe for implementation is:

Year	Action
2023/2024	Detailed design phase. Building works underway; replacement annex built.
2024/2025	Building works underway; garden establishment; establishment of civic centre parking.
2025/2026	Heritage works undertaken.
2026/2027	Project complete.

Attachment/s

- 1 [↓](#) Coburg Historical Society Inc Information July 2023 D23/366769

Executive Summary (from Coburg Historical Society)

Bluestone Cottage, Bell Street

- Coburg Historical Society Inc. (CHS) is 51 years old with over 100 members. It offers a range of activities including monthly talks, walks, and research assistance. The Society also produces a regular newsletter.
- CHS co-operates regularly with Merri-bek libraries and the Brunswick Community History Group. It also offers assistance to other groups such as schools when required.
- CHS operates the only general historical museum in Merri-bek, located in the Bluestone Cottage complex facing Bell Street: a state-heritage listed cottage, its detached kitchen, and an 'annexe' (a former garage) at the rear.
- The museum has a collection of some 8000 items, including artefacts, photographs and documents. Digitisation is underway but far from complete.
- Most of the collection has been donated. It grows by about five to ten per cent a year. Display and storage limits have been reached.
- It is clear that the local community desires to have a repository for various materials relating to the history of Coburg and surrounding areas.
- CHS has displays in all three buildings but all are in varying state of disrepair. Risks include fire, flood, humidity, dust, rodents, structural collapse (in the case of the detached kitchen) and water leakage.
- There are various aspects to 'refurbishment'. These include restoring the bluestone cottage and its detached kitchen in order to conserve state-listed heritage items. Restoration of these structures will also allow a more up-to-date approach to displays and exhibits.
- The rear 'annexe' requires total replacement. A new building offers the opportunity to attract more visitors and volunteers in a fit-for-purpose building, one that may allow for future expansion of the collection.
- A redeveloped cottage complex may also be considered to be part of a future integrated heritage civic precinct, including the town hall and other buildings.

Coburg Historical Society – Museum collection information (July 2023)



Overview

Coburg Historical Society's museum contains artefacts, information, records and photographs predominantly relating to the history of Coburg and Coburg North, Pascoe Vale, Pascoe Vale South and Merlynston. However, the collection also has data relating to other areas within Merri-bek Council such as Broadmeadows and Brunswick.

CHS's collection covers a broad time range and variety of historical themes dating back to the mid-1800s. In addition to the general historical development of the area, the museum also houses a number of artefacts and other material relating to the former Pentridge Prison. It is anticipated that CHS's collection will continue to expand over time due to public donations.

Historical themes include:

- Land settlement and housing
- Prominent local families and identities
- Domestic life
- Community and municipal infrastructure
- Education
- Agricultural industries
- Manufacturing and service industries
- Religious, social and sporting institutions
- Military history
- Transport

Policies & Purpose

Statement of Purpose

Coburg Historical Society Mission statement:

"Coburg Historical Society Inc's mission is to foster historical interest into, and knowledge of, the area covered by the former City of Coburg (up to 1994) and surrounding areas. This mission includes the collection, documentation, preservation, research into and exhibition of historical artefacts and materials illustrating various aspects of Coburg's history."

Policies & Plans

CHS's Collection Policy (August 2020) includes sections on acquisition, documentation and record-keeping, access to the collection, loans, de-accessioning and storage. The policy also includes a clause for it to be reviewed every three years, or more frequently if

necessary. The policy is currently under review and CHS expects some changes to be made to the acquisitions process, record keeping and the donation form.

Collection

CHS's collection includes the following:

Category	Types of material
Artefacts	<p>Artworks; Clothing and Textiles; Decorative; Domestic Equipment and Homewares; Educational; Furniture; Industrial Machinery; Medical Instruments; Municipal; Office Equipment; Religious and Social; Sporting Goods and Memorabilia; Trades Equipment and Tools.</p> <p>Notable items including a rug made by inmates at Pentridge and the City of Coburg mayoral chair designed by notable architect Charles Heath.</p>
Photographs	<p>Glass plate negatives, slides, printed photographs of all sizes, photos on CDs. Many photos have been digitised.</p>
Documents	<p>Paper and parchment items including Council documents; books; newspapers; electoral materials and political ephemera; maps, land surveys and titles; scrapbooks; theatre and arts programs; family history documents; CHS newsletters and meeting minutes.</p> <p>Some records are stored on microfiche.</p> <p>Notable items include a hand-drawn map of Pentridge from 1886.</p>

Size of collection

The overall size of collection is approximately 8000 items, including artefacts, photographs and documents. Approximately 5000 items are noted on the accession/inventory register.

Organisation of collection

Photographs are organised by theme. Other collection items are organised with like-types, e.g. maps, documents etc are stored together.

First Nations items

A very small number of items are of Indigenous origin; limited detail is available.



Domestic artefacts



Office equipment and an Honour Board

Digital items

As part of a long-term ongoing project, many photos have been digitised or are in the process of digitalisation. A number of talks and oral history tapes have also been digitised. Additional oral history tapes were recently digitised in partnership with Merri-bek Libraries; an application to the Victorian State Government (through the Public Record Office's local history grant) to have other tapes digitised has been submitted.

Provenance of items

Much of the material in the collection has been donated. Details have, to some extent, been recorded in the accession register and catalogue records. CHS has yet to solicit for donations, though may do so in the future. Nonetheless, the Society is a known site of donations in the community and is continually receiving new material. The Society estimates that the collection grows by approximately 5 – 10% per year; the limits of display areas and storage have been reached. Future needs cannot be catered for in the current arrangements.

De-accessioning

There is a de-accessioning plan. However, limited deaccessioning has been undertaken, typically in the case of an item being damaged or where there are known duplicates.

Collection usages

The collection is located in the cottage, its detached kitchen and the 'annex;' these are open to the public for approximately 10 – 12 hours per month. Visits outside public hours can be made by appointment. Items are occasionally loaned out, for example, to schools for educational purposes.

CHS's museum is accessed by researchers and other interested parties. The Society responds to a large number of queries for information (the Secretary maintains a correspondence register) relating to Coburg and/or Merri-bek history and/or the collection. During cottage openings, through email and via the Society's Facebook page, hundreds of queries are answered each year. These often involve many hours of volunteers' time in research and follow-up correspondence.

Condition of the collection

The collection's condition ranges from excellent to poor depending on the nature of the material, the condition in which it was received, the impact of past and current storage plus environmental factors (damp, mould, heat, dust, dirt). There are no environmental controls currently in place (e.g. no insulation, air filtration, etc).

Risk

Artefacts in the 'annex' are currently at high risk due to heat, damp and dust, including concrete dust. Materials in the cottage and its detached kitchen are also at risk. Fire, flood, water leaks, insects, rodents and building structural issues are potential risks. In addition, the vacant block to the west of the complex is a fire risk in summer when weeds are overgrown and vermin is attracted. Security of the collection overall is an ongoing concern. Whilst care is taken when handling items, there is risk to the volunteers who work in these conditions – particularly in the former garage now 'annexe' –where items may be affected by dust, mould, insects and rodent faeces.

Catalogue and inventory

CHS has an accession/inventory register with about 4800 items listed, but the collection also includes items that have not yet been added to the accession register. The Society has an ongoing project to ensure all artefacts, documents and photographs are listed and their storage locations noted. Photographs are documented in a separate database.

Accession/Inventory lists, digitised documents and images are entered into comprehensive databases (Word and Excel). Originally the accession register was hard copy but is now in an Excel spreadsheet. There is an acquisitions form used to enter detail including accession number, description, format, details of donors if known. CHS has some subject guides available such as one to Pentridge Prison; this includes photos, documents and items relevant to the topic.

Display/ storage arrangements

Within the 'annexe' more than 60 per cent of the space is used for displays/exhibitions. Many of the larger artefacts such as domestic appliances, industrial tools, office equipment and sporting paraphernalia are freestanding and unprotected. What is not on display is housed in a variety of ways, including metal shelving, glass and wood display cases, filing cabinets, map drawers, and archive boxes. This 'annex' is a converted garage and not fit-for-purpose to house a museum collection. One item is stored in a private home due to security concerns and storage risks.

In the cottage itself there is little storage, almost all space is given over to display.

The office within the detached kitchen is the main storage area for photographs (less than A4 size), reference books, office equipment and merchandise (books/brochures).

When the detached kitchen is restored, the Society anticipates displaying the room as it was originally used: as an additional bedroom for children.



Front room of detached kitchen

Storage conditions

The 'annex' has often been subject to water leaks leading to damp and mould. Rodents occasionally enter. There has been a flood in the past caused by a blocked spout. Recent rectification work by council has minimised the threat of roof leaks and water seepage from the adjacent vacant land on the west. Both the flood and water leaks caused extensive damage to a number of items, particularly paper archives (some of which had to be destroyed). The 'annex' attracts a lot of dust from the roof as there is no ceiling plaster and both the brickwork and concrete floor are unsealed. To summarise, there are no environmental controls currently in place (no insulation, air filtration, blinds etc).

Storage security

Coburg Bluestone Cottage, its detached kitchen, and 'annex' are secured with basic door locks. The cottage has cyclone wire cages on most windows, except the front ones. This is clearly inadequate in terms of security. Parts of the paling perimeter fence is also in poor condition. Thankfully, there has been but one break-in to the cottage complex; this over thirty years ago. CHS has concerns about making the collection more visible, for example through online cataloguing, as that could increase awareness of what the museum holds and bring with it an increased risk of burglary and theft.

Exhibitions in the Bluestone Cottage Complex

There are various displays in the cottage, its detached kitchen and the 'annexe.' Exhibits broadly cover the period from the 1860s to 1970s. Some of the collection on permanent display include:

- Coburg/Moreland Council Room: local municipal government since 1859.
- War Room: a commemoration of two world wars.
- La Belle Dame Room: material related to domestic life.
- Cottage Kitchen and Detached Kitchen: various artefacts related to domestic needs such as cooking, bathing, first aid.

The 'annexe' hosts a variety of materials such as domestic appliances, furniture, office equipment, social artefacts (such as honour boards), signs, sporting memorabilia, tools and industrial equipment. There is also a specific display related to Pentridge Prison,

Display conditions

Display conditions are far from optimal. The cottage attracts much dust and grime from Bell Street; falling plasterwork adds to this problem. Recently, with council assistance, possums were removed from one chimney in the cottage; both chimneys were sealed up and the slate roof checked. The detached kitchen's floor stumps have rotted/subsided substantially, and gaps have opened up in its weatherboards, allowing dirt, dust, insects and rodents to enter. There is also evidence of rodent activity. The annexe suffers the most (as previously described under Storage Conditions),

Future needs

CHS strongly believes that a purpose-built facility is essential to properly preserve the collection, one which includes temperature, light, dust and humidity controls. There is also a strong need for increased storage including shelving, glass cases and map drawers, plus wall space to store paintings, honour boards and so on.

Further, the Society requires space for undertaking research, cataloguing and processing materials within the new multi-purpose facility at the back of the cottage complex. CHS would also like to establish a publicly-accessible display area. Specialised off-site storage for the collection has yet to be investigated.

CHS recognises the desirability of establishing a more contemporary approach to displaying historic materials within the cottage complex. The Society will require assistance to obtain expert opinion regarding this matter.

Risk assessment

The Society has undertaken no formal written risk assessment of its collection. It engages in an informal, ongoing assessment of the collection and the buildings in which it is housed. CHS considers that much risk management has been out of its control due to the current state of the buildings in which the collection is housed.

Insurance

The Society's collection is uninsured due to the difficulty of valuation, plus the cost of insurance being potentially prohibitive for a volunteer organisation. CHS has public liability insurance through the Royal Historical Society of Victoria.



Coburg Historical Society Inc – Organisational information (July 2023)

Overview

Coburg Historical Society Inc (CHS) is a voluntary, membership-based association dedicated to preserving the history of Coburg in Victoria. The Society was founded in 1972 on the initiative of the former Coburg City Council; it has operated continuously since that time. CHS recently celebrated its fiftieth anniversary.

The objectives of the Society are to promote and encourage the study of history relating to Coburg (and its surrounds¹), to compile, record and store relevant documents and photographs, and to collect and preserve historical artefacts. CHS endeavours to make all of these accessible to the public. CHS is a community organisation that plays a key role in the preservation and communication of local history in the Merri-bek area.

Governance

Vision and purpose

Coburg Historical Society's Mission statement (from its *Collection Policy*):

"Coburg Historical Society Inc's mission is to foster historical interest into, and knowledge of, the area covered by the former City of Coburg (up to 1994) and surrounding areas. This mission includes the collection, documentation, preservation, research into and exhibition of historical artefacts and materials illustrating various aspects of Coburg's history."

Governance

CHS is governed by a Committee of Management, which operates according to standard Rules of Incorporation. The committee is composed of volunteers derived from its membership ranks and is responsible for the day-to-day and strategic governance of CHS and its museum. Committee members are elected annually at the Annual General Meeting (AGM) in August and any financial member of the Society is eligible to stand for election to the committee.

The Committee of Management meets monthly, the Secretary records and stores minutes of these meetings. The Secretary also produces a monthly report of correspondence. The Treasurer creates monthly financial reports, which include up-to-date membership numbers. There is also a monthly report regarding museum activities and visitation.

¹ The area includes a number of suburbs surrounding Coburg.

Membership

The process to become a CHS member is open and transparent. Membership costs \$20 per annum for individuals, and \$30 for households. There are currently 104 members of the Society (another four joined at the monthly talk in July).

Finances

CHS maintains contemporary financial reports and is aware of its current financial situation. The Society is solvent with no debts; it also has a financial buffer.

Insurance

CHS has public liability insurance through the Royal Historical Society of Victoria.

Policies and plans

The Society follows standard Rules of Incorporation and has a Collection Policy for its museum. CHS currently has no written Risk Management, Strategic or Operational plans. However, such matters are regularly discussed at committee meetings.

Leaseholders/occupiers of Coburg Bluestone Cottage complex

Coburg Bluestone Cottage and its detached kitchen are listed on the Victorian State Heritage Register. Merri-bek City Council owns the Bluestone Cottage complex; CHS has been the leaseholder/occupier since 1982. The Society is responsible for general upkeep of the buildings and garden, plus minor repairs. Council undertakes major repairs and assists with various maintenance matters.

Bluestone Cottage Complex Museum

The Bluestone Cottage Museum is home to the Society's extensive archival collection and features various exhibits about the history of Coburg and the historical cottage and detached kitchen. The Museum is open for approximately 10-12 hours a month (Fridays and Sundays). Visits outside opening hours can and are arranged. Visitation to the Museum is about 200 persons per annum and includes the general public, historians and others interested in local history, plus children and young people via school visits.

Museum collection

CHS maintains a significant collection of historical material including maps, photographs, records and a diverse group of physical artefacts. The size of collection is estimated to be approximately 8000, including more than 3000 photographic images.



Research and information

CHS assists with research enquiries from historians, academics, Merri-bek council and the general public. In addition to the many queries received and responded to during cottage openings, more than 100 email queries per year are answered. The latter often involves many hours of volunteers time in research and follow-up correspondence.

CHS also undertakes research and publishes historical information, photos and reports via its newsletter and social media channels. The Society has a number of publications and reports available covering many areas of interest on the history and heritage of Coburg and surrounds.

Advocacy

CHS undertakes advocacy for local history and heritage matters in Merri-bek. It aims to research, identify and protect the historically significant buildings and spaces of Coburg and surrounds. Of necessity, this role has increased over time.

Events

CHS runs monthly talks at Coburg Library and occasionally at other libraries in Merri-bek. These are usually very well attended. It also offers other activities such as walks, celebrations commemorating key events, and an annual get-together for all members.

Volunteering

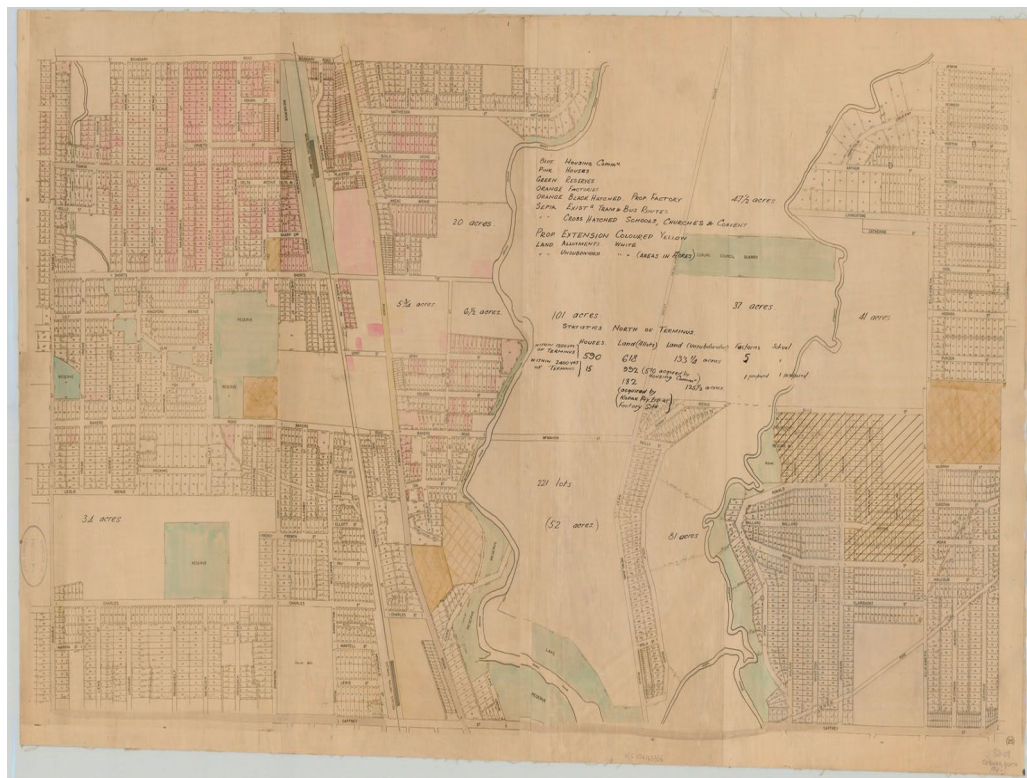
CHS offers opportunities for members of the community to volunteer within the organisation. Currently there are over 25 active volunteers; many of them help with the museum on a regular basis.

Social Media

CHS is an active user of social media, with its own website, and has a presence on both Facebook (about 3000 followers) and Instagram.

Affiliations

CHS is affiliated with the Royal Victorian Historical Society.



map of North Coburg

7.3 LGBTIQA+ PROTECTIONS UNDER LOCAL LAWS

Director City Infrastructure, Anita Curnow

Amenity and Compliance

Officer Recommendation

That Council:

1. Reiterates Council's commitment to celebrating and supporting community diversity and fostering safety and inclusion for all community members including LGBTIQA+ residents.
2. Affirms actions being taken by Council officers to prevent and curtail disruptive and unacceptable behaviour towards the LGBTIQA+ community on Council premises, including, where appropriate, Authorised Officers taking action under the General Local Law's existing provisions as outlined in Section 2.1 (e) and (f) that prescribes that a person must not in, or within the hearing or sight of a public place, (among other things) commit an indecent or offensive act or use any threatening, abusive or insulting words or behaviour.
3. Does not proceed with further changes to the General Local Law 2018 at this time, noting that in relation to vilification of the LGBTIQA+ community.

REPORT

Executive Summary

Merri-bek City Council has expressed dismay at recent incidences of public targeting of events and Council meetings and expressions of homophobia, transphobia and racism. Council has previously resolved to seek advice on what action officers can take under the General Local Law and the Summary Offences Act to protect the community from vilification. In addition, Council has asked officers whether any amendments can be made to the General Local Law to explicitly prohibit vilification in public places.

While Merri-bek Authorised Officers are not authorised under the Summary Offences Act, there is a provision in Section 2.1 of the General Local Law 2018 that a person must not, in a public place or within sight or hearing of a public place, among other things, commit an indecent or offensive act or use any threatening, abusive or insulting words or behaviour.

The technical definition of vilification relates to inciting others to hatred, rather than the direct delivery of threatening, abusive or insulting words or behaviour that may be hateful in nature. As such, the General Local Law does not specifically allow Authorised Officers to cite vilification as an offence, but the direct application of the existing General Local Law to instances of using threatening, abusive or insulting words or behaviour is possible, where this is in a public place or within sight or hearing of a public place.

The review considered the most appropriate mechanism to control vilification aimed at the LGBTIQA+ community. It was identified that there are limitations in developing and applying a local law in this context. Vilification of vulnerable population groups is a significant social issue impacting residents across the wider Victorian community requiring a State-wide response. This will be addressed through the State Government's response to the 2021 Parliamentary Inquiry into Anti-Vilification Protections.

Previous Council Decisions

Merri-bek LGBTIQA+ Action plan 10 May 2023

That Council:

...

- 1c) *Requests a report to the July 2023 Council meeting that considers what action officers can take under the General Local Law and the Summary Offences Act to protect the community from vilification and recommended amendments to the General Local Law to explicitly prohibit vilification in public places.*

...

1. Policy Context

The Merri-bek (Moreland) General Local Law 2018 complements a number of key themes within the Council plan. Notably within the discussed context: Theme 2: *Moving and living safely in Merri-bek* and Theme 3: *A healthy and caring Merri-bek*.

In addition, Federal, State and Council legislation and policy intersect broadly to offer protections to LGBTIQA+ communities.

- Sex Discrimination Act 1984
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Gender Equality Act 2020
- Change or Suppression (Conversion) Practices Prohibition Act 2021
- Human Rights Policy (2016- 2025)
- Merri-bek Gender Equality Commitment.

2. Background

There have been increasing instances across Melbourne of groups targeting LGBTIQA+ events and organisations. In some cases these groups have used offensive language, behaviour and other methods to disrupt planned activities or attack members of the LGBTIQA+ community.

As part of the endorsement of the Council LGBTIQA+ action plan at its May 2023 Council meeting and in light of the very concerning targeting of Council and community events relating to the LGBTIQA+ community, Council resolved to receive a report that explores the protections offered under existing Merri-bek (Moreland) General Local Law 2018 and Summary Offences Act against vilification and recommend amendments to the local laws to explicitly prohibit vilification in public places.

The Victorian Parliament's Legal and Social Issues Committee completed inquiries into the current anti-vilification legislation. A key recommendation from this inquiry was to suggest the extension on anti-vilification laws to include other protected attributes such as:

- Gender identity
- Sexual orientation
- Disability
- HIV status

The Committee also found there was a general lack of awareness, under-utilisation, and frustration with the current laws. It noted that the common understanding of vilification does not reflect the hate or abuse people experience in-person or online.

3. Issues

Current protections

The General Local Law does not specifically offer protection against vilification but contains provisions to *protect the amenity of public places for all citizens by controlling behaviours in a public place* (Part 2).

Section 2.1 of the Local Law makes mention of behaviour in a public place that would be deemed unacceptable. Specifically, Section 2.1 states:

A person must not in, or within the hearing or sight of a public place:

- a) Adversely affect the amenity of that public place;
- b) Interfere with the use or enjoyment of that public place or the personal comfort of another person in or on that public place;
- c) Annoy, pester, assault, abuse or obstruct the mobility access of any other person in or on that public place;
- d) Defecate or urinate except in a toilet or urinal in a public convenience; or
- e) Commit an indecent or offensive act; or
- f) Use any threatening, abusive or insulting words or behaviour.

The above provisions in the General Local Law 2018 mean that officers can issue infringements for committing an indecent or offensive act and for using offensive, abusive and insulting words or behaviour in public places.

Although the term vilification is often used to include threatening, abusive or insulting words or behaviour that may be hateful in nature, in a legal sense the term is narrower than this, describing activities that incite others to hatred.

Any vilification (incitement to hatred) that occurs in a public place or within sight of hearing of a public place could be defined as “threatening, abusive or insulting words or behaviour” and therefore be partially addressed under the Local Law. However, this would not attract the type of penalty available under the Summary Offences Act.

In light of this, where Council is aware of a situation in a public place where there is community unrest and/or a risk of these sorts of behaviours, this is referred to Victoria Police for initial response. There is an opportunity, should this occur on Council’s public premises, for Merri-bek Authorised Officers to issue infringements addressing the specific provision under Section 2.1 e) or f) of the General Local Law in support of Victoria Police.

Amending the General Local Law to provide additional protections

There are difficulties amending the General Local Law to include anti-vilification protections for groups including the LGBTIQ+ community. A Council can make a local law for any act, matter or thing in respect of which the Council has a function or power under the Local Government Act 2020 or any other Act. For a local law to be valid it must be:

- Associated with a role or function of Council; and
- Be relevant to the municipal purpose; and
- Be something specific to the municipality and contained within its boundaries (for example untidy land).

Vilification of the LGBTIQ+ community is a broad social issue with implications and impacts more widespread than can be contained within the Merri-bek municipal boundaries. In this respect, it is beyond the scope of Council’s local law-making ability to amend the General Local Law to include anti-vilification protections to members of the LGBTIQ+ community in general public places.

Summary Offences Act

The Summary Offences Act (the Act) was last updated 29 December 2022. The Act does not reference vilification specifically, however Section 17 of the Act does make it an offence for a person to:

- Sing an obscene song or ballad
- Write, draw exhibits or display an indecent or obscene word figure or representation
- Use profane indecent or obscene language or threatening abusive or insulting words
- Behave in a riotous indecent offensive or insulting manner

Council's Local Laws Officers are not authorised under the Summary Offences Act to initiate action under Section 17. Victoria Police are authorised to enforce these provisions.

Parliamentary Inquiry into Anti-Vilification Protections

The Final Report into the Parliamentary Inquiry into anti-vilification protections was tabled on 3 March 2021. A total of 36 Recommendations were provided to the Government covering the following themes:

- Experiences of vilification among Victorian Communities
- Preventing vilification in Victoria
- Civil anti-vilification protections
- Improving accessibility and enforcement
- Criminal anti-vilification protections
- Reporting and data
- Online vilification

The Government provided a response to recommendations on 2 September 2021. Recommendation 1 from this Inquiry, which is supported by the State Government, involves the extension of anti-vilification provisions in both civil and criminal laws to cover attributes of:

- Gender and/or sex
- Sexual orientation
- Gender identity and/or gender expression
- Sex characteristics and/or intersex status

The Victorian Attorney General confirmed in May 2023 that the State Government is progressing this recommendation with plans to amend legislation by the end of 2024.

Legal and risk considerations

This report has been provided considering legal advice in relation to potential anti-vilification protections in General Local Laws. The recommendations of this report are consistent with the advice obtained.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. In establishing the rights of LGBTIQ+ people not to be the subject of hateful speech and actions, it is considered warranted to limit the rights of perpetrators to the extent provided for under law.

4. Community consultation and engagement

No community consultation was required in the development of this report. The report draws insights from matters raised by the community at the 10 May 2023 Council meeting including by the Victorian Pride Lobby's Rainbow Local Government campaign spokesperson.

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 and resources implications in this report?

7. Implementation

Council will continue to work with Victoria Police where required and within its own powers to create safe public spaces for full participation in civic and community life by LGBTIQ+ people, and will not tolerate threatening, abusive or insulting words or behaviour towards the LGBTIQ+ community.

Attachment/s

There are no attachments for this report.

7.4 RAINBOW TICK ACCREDITATION FOR LIBRARIES

Director Community, Eamonn Fennessy

Cultural Development

Officer Recommendation

That Council notes that a report on the planning, phasing and costs for Rainbow Tick Accreditation for Council health services including the library will be presented to Council in October 2023.

REPORT

Executive Summary

Across 2023, many Victorian libraries, including Merri-bek Libraries, have started to emerge as a focal point for homophobic and transphobic hate speech and protest.

Rainbow Tick accreditation is a quality framework that helps health and human services organisations demonstrate that they offer safe, inclusive and affirming services for LGBTIQ+ communities.

Rainbow Tick accreditation is not currently available to libraries to undertake as a standalone service. However, the library service can be considered for Rainbow Tick accreditation as part of a broader Council accreditation process, which is currently being planned for.

Merri-bek Libraries will continue to ensure the library service is safe, accessible and welcoming to the LGBTIQ+ community and staff through increased risk management and safety initiatives, and through the establishment of a Library LGBTIQ+ Action Plan.

Previous Council Decisions

Notice of Motion 8.1 Response to Attacks on the LGBTIQ+ and other communities – 20 June 2023

That Council:

...

4. *Receives a report at the August 2023 meeting that outlines the requirements, priorities, phasing and costs for Council library services to gain Rainbow Tick accreditation in line with the recently endorsed Merri-bek LGBTIQ+ Action Plan.*

...

Merri-bek LGBTIQ+ Action Plan – 10 May 2023

That Council:

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

...

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

...

1. Policy Context

- **Council Plan 2021 – 2025**

Theme 3: A Healthy and Caring Merri-bek

3.5. Enhance social cohesion by strengthening relationships and developing opportunities for cultural and social connection and addressing the physical, cultural, financial system barriers to access, inclusion and participation by all people, in particular culturally and linguistically diverse communities. This should also include measures to address racism and LGBTIQ+ discrimination.

- **Council Action Plan 2022 – 2023**

Theme 3: A Healthy and Caring Merri-bek

130. Implement actions to support genuine inclusion of LGBTIQ+ community in Council programs, systems, activities in consultation with reference group

- **Merri-bek LGBTIQ+ Action Plan 2023 – 2026**

2.2 Develop library service LGBTIQ+ action plan.

- **Merri-bek Library Strategy 2019**

- **Merri-bek Human Rights Policy**

- **Merri-bek Gender Equality Commitment**

Rainbow Tick accreditation aligns with the following Commonwealth, Victorian Government and Council policies and legislation:

- Sex Discrimination Act 1984
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Gender Equality Act 2020
- Local Government Act 2020
- Change or Suppression (Conversion) Practices Prohibition Act 2021
- Pride in our Future: Victoria's LGBTIQ+ strategy 2022-23

2. Background

Merri-bek City Council is proud of the large LGBTIQ+ communities that live, work, create and play in our city. In Merri-bek we are one community, proudly diverse. The Merri-bek Human Rights Policy recognises that LGBTIQ+ communities are amongst the greatest at risk of exclusion due to access barriers and discrimination.

Across 2023, many Victorian libraries, including Merri-bek Libraries, have seen an increase in homophobic and transphobic incidents.

In May 2023, Council endorsed the *Merri-bek LGBTIQ+ Action Plan* with three priority areas: advance inclusion and social cohesion in the community, deliver inclusive and accessible services and for Merri-bek Council to be an inclusive organisation. Within the *Merri-bek LGBTIQ+ Action Plan*, Merri-bek Libraries are committed to the action of developing a Library LGBTIQ+ Action Plan in 2024/2025.

3. Issues

Threats to library safety

In 2023, Merri-bek Libraries have experienced incidents of transphobic and homophobic campaigning against programming and collections that support our LGBTIQ+ community.

Despite these challenges, Merri-bek Libraries successfully held a drag storytime in March, a Queer Youth Clothes Swap in June and continue to hold a monthly Queer Book Club. These events are carefully planned with risk assessments and risk mitigation strategies put in place, including an extra security presence, increased staffing, liaising with local police, and changes to how and events are promoted and ticketed.

Merri-bek Libraries are not experiencing these challenges in isolation. In 2023, several libraries and Councils have cancelled rainbow programs and have received challenges to their collections. The cancellation of several drag storytimes have had a high media profile and, in some cases, been the site of community protests.

Rainbow Tick accreditation

Developed by Rainbow Health Australia, Rainbow Tick accreditation is a quality framework for health and human services organisations.

Rainbow Tick accreditation is made up of six standards that help organisations demonstrate that they are safe, inclusive, affirming services and employers for LGBTIQ+ communities. After an initial accreditation process, reaccreditation is required every three years.

Rainbow Tick accreditation is currently only eligible to health services and agencies. Libraries as a standalone service are not considered eligible.

However, libraries can be considered for accreditation as part of a broader health service accreditation process, for example as part of a Council initiative to accredit its Maternal Child Health service or other health services.

Council is currently planning to undertake Rainbow Tick accreditation for its health services and will include the library service as part of planning for that accreditation process. A report outlining this plan will be presented to Council in October 2023.

Creating a safe library service

Merri-bek Libraries established the Lee Ellis Working Group in September 2021, made up of LGBTIQ+ identifying staff. The focus of this working group is to establish an inclusive and welcoming library service; to provide information services to meet the needs of LGBTIQ+ communities within Merri-bek; and to build organisational capacity to achieve those goals.

Merri-bek Libraries established a Staff Health and Wellbeing Action Plan in 2022 to prioritise and support staff safety, wellbeing and resilience. As an outcome of that Plan, the library services recently hired its first Library Social Worker to provide referrals for community members, support staff, and to contribute to a culture of safety and resilience within the library service.

Library management has been responsive in supporting staff through incidents of homophobia and transphobia. Responses have included staff debriefing, and implementing processes and training to support staff in dealing with challenging interactions.

To further increase library safety and inclusivity, Rainbow Tick accreditation would be a positive process to ensure that library services, spaces, collections and people are safe and affirming for LGBTIQ+ communities and staff. The library welcomes the opportunity to be a part of the Council health services accreditation process which is currently being planned for.

Another initiative currently underway is the development of a Library LGBTIQ+ Action Plan. Creating this action plan will ensure that the library is assessing its own internal practices and its service delivery in readiness for Rainbow Tick accreditation. Significant community engagement is being planned to ensure that outcomes are aligned with what the LGBTIQ+ community want and need from their local library service.

Community impact

Rainbow Tick accreditation would have positive impacts for our local communities by ensuring that Council services including the library are safe and welcoming. The outcomes will promote social cohesion and inclusion, contributing to positive social and wellbeing outcomes in Merri-bek.

Human Rights Consideration

Working towards Rainbow Tick accreditation and developing the Library LGBTIQ+ Action Plan demonstrates affirmative action towards gender equality, including for transgender and gender diverse communities. These outcomes demonstrate positive action consistent with the requirements of the Gender Equality Act 2020.

This work aligns with the Merri-bek Human Rights Policy (2016 – 2026) and meets Council's requirements under the Charter of Human Rights and Responsibilities (2006).

4. Community consultation and engagement

Affected persons rights and interests

As the library landscape in relation to LGBTIQ+ safety has shifted significantly across the first part of 2023, it will be important to undertake a community engagement process to inform the development of the Library LGBTIQ+ Action Plan. Consideration will be given to intersectionality and ensuring the voices of participants who identify with Council's Human Rights Priority Groups are heard. Risk management activities will be undertaken to ensure the safety of participants.

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

A report outlining the financial and resource impacts of undertaking Rainbow Tick accreditation for Council health services including the library is currently being prepared and will be presented to Council in October 2023.

7. Implementation

A report on the planning, phasing and costs for Rainbow Tick accreditation for Council health services including the library will be presented to Council in October 2023.

Attachment/s

There are no attachments for this report.

7.5 MERRI-BEK COMMUNITY CAMPAIGN FOR THE VOICE

Director Community, Eamonn Fennessy

Community Engagement

Officer Recommendation

That Council:

1. Endorses the proposed community awareness plan that allocates resources to community-led conversations, information sharing and campaigns within the Merri-bek community about the Aboriginal and Torres Strait Islander Voice to Parliament.
2. Approves a budget allocation of \$22,000 towards resources that support a community based Yes campaign.
3. Acknowledges the considerable impact that the referendum campaign is having for many Aboriginal and Torres Strait Islander people's spiritual and emotional wellbeing, and the challenges around cultural load and cultural safety on this matter and supports the community during this time.

REPORT

Executive Summary

In late 2023, Australians will have their say in a referendum about whether to change the Constitution to recognise First Nations Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. The Voice would be an independent and permanent advisory body and provide the Australian Parliament and Government with advice on matters that affect the lives of Aboriginal and Torres Strait Islander Peoples.

A referendum day will be announced by the Australian Government, a date that will require all eligible Australians aged over 18 years to vote.

In 2021, Council, Wurundjeri Woi-wurrung Elders and local First Nations community members signed a Statement of Commitment to Wurundjeri Woi-wurrung People. This statement sets out the Council's vision for reconciliation. The statement articulates what Council recognises and supports, and commits to a process towards self-determination and, local, regional, or national Treaty or Treaties that enshrine the rights of Aboriginal and Torres Strait Islander Australians.

Though it's Statement of Commitment 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. The Uluru Statement of the Heart is a historic statement signed by over 250 Aboriginal and Torres Strait Islander Delegates from all across Australia calling for the nation to create a better future via the proposal of key reforms.

Council has an important role to play in informing our broad and diverse community about The Voice, and in supporting accessibility and inclusivity to participating in the referendum. This includes educating and encouraging residents to enrol and vote. It is proposed that Council deliver a community campaign that ensures all segments of our community are aware and informed on their requirement to vote and have the opportunity to participate in respectful conversations and dialogue on The Voice to Parliament.

Council has also allocated resources towards developing a public awareness campaign around saying Yes to Voice, Treat and Truth and as part of this will distribute collateral to community groups across Merri-bek.

It is acknowledged that there is diversity of opinion both within and outside First Nations communities regarding The Voice.

It is proposed that Council delivers a community awareness campaign that supports the provision of information, facilitation of respectful, inclusive and safe conversations to raise awareness of and support for The Voice to Parliament.

Previous Council Decisions

Merri-bek Community Campaign Support for a Yes to a Voice – 12 July 2023

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.*
- 5. Commits to a role in promoting respectful conversations and dialogue within the Merri-bek community on the Aboriginal and Torres Strait Islander Voice to Parliament, that Council commits to a program to assist the process of engaging the community in informed debate through creating opportunities for the sharing of information, discussion and conversations via public meetings, smaller discussion, resources, social media and other forms of communication. That a report be received at the next Council meeting with recommendations for any additional funds that may be required to implement the resolution.*

1. Policy Context

Supporting a community education campaign about The Voice to Parliament is aligned with the following 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

In late 2023, Australians will have their say in a referendum about whether to change the Constitution to recognise First Nations Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

Council through its 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. The Uluru Statement from the Heart – a historic statement signed by over 250 Aboriginal and Torres Strait Islander Delegates from all across Australia – is calling for the nation to create a better future via the proposal of key reforms.

A further of \$22,000 is recommended to deliver a proposed campaign program to empower and support community conversations about The Voice.

Raising awareness about the referendum

Council has an important role to play in informing our broad and diverse community about The Voice, and support accessibility and inclusivity to participating in this vote. It is proposed that Council deliver a community campaign that ensures all segments of the Merri-bek community are aware and informed on their requirement to vote, and the opportunity to participate and listen to respectful conversations and dialogue on The Voice to Parliament.

Council could also promote the Australian Electoral Commission (AEC) information about registering on the electoral roll and about the Referendum to residents using its venues including libraries, customer service centres, Oxygen Youth Centre, Glenroy Community Hub and other facilities; and via communication channels such as Council's website, newsletters and through our partners. The AEC information is available in multiple languages and offers access to interpreters.

Council has allocated resources to develop a public awareness campaign titled around saying 'Yes to Voice, Treaty, Truth' and will distribute collateral to community groups.

Council's community awareness campaign will support the provision of information, facilitation of respectful, inclusive and safe conversations to raise awareness about The Voice to Parliament.

Reaching diverse segments of the community

With 39 per cent of Merri-bek households speaking a language other than English, comprised of over 140 different languages – engaging and communicating to our multicultural community is an important element of this campaign plan.

It is recommended that funds are allocated towards capacity building for our CALD community, including participants of Council's Connector Program. 10,336 Merri-bek residents have low or no English proficiency, and 44 per cent of Australians struggle with day-to-day literacy. Council will have an important role to play in ensuring resources and information is shared with this community segment in a language level and channel that is best effective. Particular focus will be on educating and encouraging enrolling to vote.

It is recommended Council work across its network of partners, business community and advisory committees to reach residents, including a focus on multicultural communities and young people to raise awareness and share information about the Referendum.

Proposed community campaign plan and costs:

Activity	Aim	Budget
Community forums and conversations	Provide inclusive and culturally safe forums for First Nations people and Merri-bek community members to participate in a series of respectful and informed conversations at different scales across the municipality. Key costs will be speaker fees, promotional materials and some catering.	\$8,000
Quick response type grants program for community groups and organisations	Grant recipients will use funds to host local events and conversations, invite First Nations speakers. This activity will promote information sharing and respectful conversations.	\$10,000
Printed materials	'Yes to Voice, Treaty, Truth' collateral available in public spaces such as libraries and customer service centres and distributed across Merri-bek in order to generate awareness amongst the community.	\$4,000
Total budget		\$22,000

3. Issues

Community impact

It is acknowledged that there is a diversity of opinion both within and outside of First Nations communities on the nature and timing of The Voice.

Members of the First Nations Advisory Committee have raised the considerable impact that the referendum campaign is having on many Aboriginal and Torres Strait Islander people's spiritual and emotional wellbeing, and the challenges around cultural load and cultural safety on this matter and seek Council's support during this time.

While supporting a Yes campaign, Council will focus funds and efforts on supporting safe, respectful and open discussions. Council has an important role to play in engaging and informing diverse community segments on how to vote, by sharing information from bodies such as the Australian Electoral Commission (AEC). This is particularly focused on CALD communities and those with low literacy levels.

Climate emergency and environmental sustainability implications

The proposed campaign considers and responds to relevant climate emergencies and environmental sustainability policies and issues.

Economic sustainability implications

Delivering the community campaign will include procurement Merri-bek and First Nations suppliers and vendors to support the local economy and sustainable practices.

Human Rights Consideration

To respect the right to self-determination and the distinct Aboriginal cultural rights in section 19(2) of the Victorian Charter of Human Rights and Responsibilities, it is important to ensure that Aboriginal people are at the table and are listened to whenever issues impacting them are being considered.

Council's Community Engagement Policy states that Aboriginal and Torres Strait Islander Community and Traditional Owners an important and Council looks to for advice on a range of Council projects. When Council initiates a project that may impact Aboriginal and Torres Strait Islander Community or Traditional Owners, we will engage them early, and at various stages in the development of the project.

To this end Council's First Nations Advisory Committee has representatives that include the Wurundjeri Woi-wurrung Elders, Aboriginal and Torres Strait Islander peoples.

4. Community consultation and engagement

Council's Community Engagement Policy identifies Aboriginal and Torres Strait Islander communities as an important voice in decisions that will affect them and their communities. Engagement and collaboration with Council's First Nations Advisory Committee will form an important element of Council's work around The Voice to Parliament.

Council's First Nations Advisory Committee make the most of all opportunities to further Reconciliation within Council, the community, business and with other spheres of government. The Committee identifies, advocates and promotes understanding on issues affecting Aboriginal and Torres Strait Islander Australians. They also promote understanding of Aboriginal and Torres Strait Islander culture through collaborative effort.

The First Nations Advisory Committee discussed the Voice to Parliament at its meeting on 28 February 2023. There are differing views held by Committee members on this matter. Whilst some members support the Voice to Parliament proposal, others consider it does not have sufficient mandate to make real change. At their February 2023 meeting Committee members also discussed if Council should make a statement on the Voice to Parliament or hold a particular position. The Committee supported providing information sessions for the community that included expression of a range of views on the Voice to Parliament rather than one position.

First Nations Advisory Committee members have also expressed disappointment that the July Notice of Motion (Merri-bek Community Campaign Support for a Yes to a Voice – 12 July 2023) was put forward without an opportunity for their consideration or and feedback before it was considered by Council. The First Nations Advisory Committee are also of the view that any matters on Aboriginal affairs put before or decided on by Council be presented to the Committee for their consideration, to ensure the best use of their time and advice.

Members of the First Nations Advisory Committee have raised the considerable impact that the referendum campaign is having on many Aboriginal and Torres Strait Islander people's spiritual and emotional wellbeing, and the challenges around cultural load and cultural safety on this matter and seek Council's support during this time.

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

Funding required for this project will be \$22,000. The funds to action this resolution are currently unbudgeted in the current year budget and it is proposed that Council approves an over expenditure of \$22,000 to the Communications Unit this current year budget.

An amount of \$5,000 was approved at the Council Meeting on 12 July 2023 for the purchase of collateral for the 'Yes' campaign.

7. Implementation

A detailed communications plan will be developed that guides the implementation and delivery of the community awareness campaign.

Attachment/s

There are no attachments for this report.

7.6 1-9 BREESE STREET, BRUNSWICK - DEVELOPER LED PROPOSAL

Director Place and Environment, Joseph Tabacco

Property, Place and Design

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to execute the Heads of Agreement between Council and 20-22 Hope Street Pty Ltd ('the Proponent'), attached to this report as Confidential Attachment 2, to enable the exploration of a proposal to develop 1-9 Breese Street, Brunswick as an underground car park and basic park.
2. Invites feedback from the community on this proposal in September 2023, in accordance with Council's Community Engagement Policy, noting that this process will be separate and additional to a mandatory public notice process under *the Planning and Environment Act 1987* once the development proposal is lodged for planning.
3. Receives a report in early 2024, following community engagement and further explorations into the feasibility of this project, with a recommendation on whether to proceed to the next stage of considering the proposal.

REPORT

Executive Summary

Council owns a car park at 1-9 Breese Street, Brunswick ('Council Land'). The owners of the land next door to this car park ('the Proponent') have approached Council and asked them to consider a proposal in which they would build a new underground car park and turn the existing car park into a basic park, for mutual benefit.

The Proponent intends to build an apartment building on their land next door at 20-22 Hope Street ('the Adjacent Land') and thinks it would add value to their development if the apartments looked out over a park instead of a car park or potential future building. They think it will be worth it for them to invest in turning the car park into a basic park to achieve this.

They propose that they would pay the costs, and bear the risks, of exploring this idea and, if it is found to be feasible and goes ahead, in carrying out the works to underground the car parking and create the basic park on Council's land.

Following initial discussions, officers have sufficient confidence to recommend detailed examination of the feasibility of this proposal and recommend that Council enter into a legal agreement called a Heads of Agreement, to allow the exploration of this proposal, and seek feedback from the community about whether they are supportive of the idea.

The Heads of Agreement does not commit Council to any course of action but will allow further exploration of the proposal by both parties before a final decision is made. Executing the Heads of Agreement would enable:

- Council to undertake community engagement on the proposal.
- The Proponent to cover costs that Council will incur in exploring this proposal, including legal, project management and other project costs.
- Council and the Proponent to work together to develop a more detailed legal agreement (such as a Project Delivery Agreement) to govern the potential delivery of the underground car park and public park, if it is found to be feasible to move to this stage.

If it goes ahead, the park will consist of basic elements such as a lawn and some trees and function as a place for meeting up, relaxation or other forms of passive recreation. Whilst there are existing and planned open spaces in this area, at Council's Bulleke-bek Park nearby at West Street/Breese Street and the planned new open space realised as part of the level crossing removals in Brunswick, due to projected future population growth, and the popularity of existing local parks, it is still considered that a new park in this location at no cost to Council would represent substantial community benefit.

Preliminary estimates of the costs to Council, were it to independently construct a basement car park on this site, are between \$4.2M-\$4.8M (based on a cost estimate range of \$70,000-\$80,000 per car parking space). The Proponent estimates costs significantly lower than this to them if they were to deliver the basement car park, as they would merely be extending the construction of a basement car park beneath their planned apartment building, as opposed to building one from scratch.

In all scenarios, Council will continue to own the land at 1-9 Breese Street and manage and maintain the land as an asset over the long term.

If Council proceeds with the Heads of Agreement, a separate project team will explore the proposal, that operates independently to the planning consideration of the development proposal at 20-22 Hope Street. The project team would consider issues around community feedback, car park design, open space requirements, public safety, costs and ongoing management and maintenance, before coming back to Council to seek a decision on whether to proceed by entering into a Project Delivery Agreement, or whether, having considered the feasibility implications and community feedback, to abandon the proposal at that stage. The Heads of Agreement stipulates that, after having completed investigations, neither party would be subject to financial penalties or liabilities if they decide not to proceed with the proposal.

Any planning application on the site will be administered and assessed by Council's Urban Planning team, following the same process as any major planning permit application: when assessing the development proposal, Council will weigh competing planning considerations, including building design, environmental sustainability, accessibility and a range of other matters in determining whether the application delivers net community benefit.

The decision to explore feasibility of the park proposal now does not confine a future decision by Council as the Responsible Authority in its determination of the planning permit application.

Expert advice has been sought to ensure the highest standards of probity throughout the consideration of this proposal.

If Council decides to proceed with the exploration of this proposal, officers will report back on what has been learned through community engagement and feasibility investigations and recommend to Council whether to proceed or not in early 2024.

Previous Council Decisions

Nil

1. Policy Context

Council Plan 2021-2025

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

- Theme 1: An environmentally proactive Merri-bek strives for maximum protection of people's health, plants and animals through leading an urgent response to the climate emergency and a regeneration of our natural environment.

- Theme 4: Vibrant spaces and places in Merri-bek creates welcoming, unique spaces and places across Merri-bek that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity.

2. Background

In April 2022 Council was approached by the owner and developer of 20-22 Hope Street, Brunswick with a proposal to underground the car park and to create a basic public park on the Council Land at 1-9 Breese St, Brunswick. The Proponent is proposing to pay for construction of the underground car parking basement and a basic park at street level.

Council officers have had initial discussions with the Proponent to understand the proposal in more detail.

The site has been in use as a public car park since the early 1970s. The site is subject to the following arrangements:

Address	1-9 Breese Street, Brunswick
Site area	1,573 square metres
Zone	Commercial 1
Overlays	Developer Contributions (DCPO), Planning (PO1), Design and Development (DDO18)
Use	Existing car park, in use generally by local workers, residents, visitors and businesses.
Car parks	60 at grade spaces
Fees	Currently no paid parking
Roads	A right-of-way (road) exists along the entire western edge of the Council land.
Assets	Several mature trees largely on the periphery of the site.

Council officers and the Proponent have agreed the following set of project assumptions, and these are factored into the Heads of Agreement document.

Table 1 – Outline of Proposed Responsibilities

Council Responsibilities	Proponent Responsibilities
<p><u>Council acting as Responsible Authority (via the Planning Department)</u></p> <ul style="list-style-type: none"> • Engagement and assessment of permit application. 	<ul style="list-style-type: none"> • Development and preparation of documentation to lodge a planning permit for 20-22 Hope Street and 1-9 Breese Street. • Response to Council Preliminary Brief for the car park and park site, detailing project estimated costs for the 1-9 Breese Street site. • Engagement with Council to develop Heads of Agreement for Council consideration. • Reimbursement of staffing costs and professional fees. • Construction of an approved development for 1-9 Breese Street, Brunswick.
<p><u>Council acting in its corporate capacity (via the Project Team)</u></p> <ul style="list-style-type: none"> • Development of Preliminary Brief outlining minimum requirements for the car park and park site • Allocation of a Project Manager, and development of project documentation and relevant external advice • Development of legal agreements • Community engagement and communications 	

Council Responsibilities	Proponent Responsibilities
<ul style="list-style-type: none"> • Presentation of initial investigations for Council consideration 	
<p><u>Council operations (via Open Space Maintenance team)</u></p> <ul style="list-style-type: none"> • Ongoing management and maintenance of public car park and public space at 1-9 Breese Street, Brunswick. 	

3. Issues

The issues outlined below will be addressed in detail prior to recommending a way forward to Council.

Car parking

The Proponent is proposing a below ground car park with a shared vehicle ramp. Council does not own or operate any below ground public car parks and it is noted that below ground car parks have higher management and maintenance costs than at grade (ground level) car parks. The next stage of the project would explore ongoing requirements and costs for basement car parking management.

The proposed shared vehicle ramp would be used by both the future residential development at 20-22 Hope Street, patrons of the public underground car park and any service vehicles. It is anticipated that there would be controlled access to the underground car park as well as access control separating the public car park from the private car park.

Issues that would need to be explored in relation to car parking, and reported back to Council, include:

- Public safety, and perceptions of safety, in the underground car park
- Ongoing costs, including those around security, cleaning, access control and fire compliance,
- whether paid parking would be needed to cover ongoing costs

1-9 Breese Street was purchased by the City of Brunswick in 1971 for the purpose of providing off-street car parking for the Sydney Road retail precinct. At the time of the resolution, 691 properties were levied a separate rate (an additional annual charge on rates notices) to contribute towards the purchase and development of the site as a car park. This separate rate scheme lasted for 15 years (1971 to 1986), during that time a number of variations to the separate rate occurred, striking out or adding in properties to be levied. Since 1971, the land has been used for at-grade car parking, which is managed and maintained by Council.

This proposal recognises that the site was acquired for the purpose of public car parking. As such, a requirement of the proposal is to continue to provide public car parking.

Open space

Council's Open Space Strategy recognises the benefits of public open space in urban areas. This site is not within a gap area as defined within Council's current 'Park Close to Home' strategy, as the new Bulleke-Bek Park is within 100 metres to the north. It is noted that Council's Open Space Strategy is currently under review. The Anstey Village precinct has experienced significant development of medium to high density housing over the last decade and existing local open space is well used. More open space in this area would represent a significant community benefit, due to projected population increases.

Trees

There are seven mature trees, located largely on the periphery of the site. An assessment has been undertaken for their health and condition and to assign an amenity value to each. Designs for the park are not of sufficient detail at this point to understand their retention or otherwise. It is likely that some of these trees would have to be removed to implement the proposed works.

There will be opportunity to plant new trees as part of development, and this will be examined in detail in the next stage and recommendations made for the potential future project.

Right of way

There is an existing right of way (road) running north-south along the western length of the Council Land. In order to enable a lawful use of the proposed basement car park, measures would need to be undertaken to deal with its status sub-terranean. This could include an easement or road discontinuation process.

Further investigation is required for determining whether the road is reasonably required for public use and/or whether a different configuration could be proposed. This will be examined in detail should the heads of agreement be endorsed by Council.

Construction period

Should the project proceed to construction, there would be some reduction in car park availability in the precinct as existing spaces would be unavailable for an estimated 12–18 month construction period.

Heads of Agreement document

A Heads of Agreement is document which sets out the key terms of a proposed agreement between parties. It is a commonly used tool to progress negotiation of transactions, in this case the proposed changed use of land. A Heads of Agreement document has been prepared by Council's legal representatives and the Proponent has agreed to the terms within the draft document. It covers matters such as how the parties will explore the proposal together, who will cover costs and who will bear project risks. The Heads of Agreement specifies that each party agrees to explore this idea but sets out that neither party is committed to continuing with the proposal following investigations. Executing the Heads of Agreement will allow:

- Council to undertake community engagement on the proposal.
- Council and the developer to work together to develop a detailed legal agreement (or Project Delivery Agreement) to govern the delivery of the underground car park and public park.
- The Proponent to pay costs to Council for legal, project management and other project costs.

The Heads of Agreement contains information which may be commercially sensitive and is thus provided as a confidential attachment to this report. Council officers recommend that Council endorse the Heads of Agreement and proceed to the detailed examination stage. This agreement will not commit Council to any course of action but will allow further exploration of the proposal by both parties before a final decision is made.

The Heads of Agreement sets out the way in which the two parties agree to work together to explore the proposal. The table below sets out the key terms that are included in the Heads of Agreement, and how they obligate Council and the Proponent.

Relevant Section of the Heads of Agreement	Description of Key Terms
Council's Obligations	Progress the following activities: <ul style="list-style-type: none"> • internal stakeholder engagement to assess viability • internal, legal and external engagement to advise in relation to issues of probity • development of the Preliminary Design Brief • drafting and negotiation of the Heads of Agreement • assessment of ongoing cost implications for Council • Providing a Preliminary Design Brief of what would be required in the basic park • drafting and negotiation of Contract Documents for both parties to consider in the event of the proposal moving to the next stage • community engagement
Proponent's rights	<ul style="list-style-type: none"> • Right to access the land to undertake environmental testing (by arrangement with Council and in compliance with all relevant laws)
Proponent's obligations	<ul style="list-style-type: none"> • development of design and costings in line with preliminary design brief • lodgement of all relevant applications • Providing a cost plan for the works
Costs, expenses and disbursements	<ul style="list-style-type: none"> • The Proponent will reimburse Council for the staffing, technical and legal costs involved in exploring this proposal
Termination	<ul style="list-style-type: none"> • After the initial exploration of the proposal, either party may terminate the agreement in which case neither party would have any further obligations or rights • If Council exercises its right to terminate the Agreement, the Proponent acknowledges that Council has complete discretion to do so and that the Proponent is not entitled to make any Claim against Council for the termination of this Agreement
Communication	<ul style="list-style-type: none"> • The developer must go through Council's nominated representative (the Manager Property, Place and Design) for all matters related to the proposal and must not separately approach staff, or councillors to solicit support
Conflicts of interest, probity and confidentiality	<ul style="list-style-type: none"> • The Proponent must declare any actual or potential conflicts of interest • The Proponent agrees to comply with any probity requirements • The terms and conditions of the agreement are to be treated as confidential

Community impact

At this stage of the project, community impacts are minimum. If final agreement can be reached and the proposal goes ahead, there is potential for positive community impacts, in the form of additional green space, improvement of the public realm and broader economic development in the precinct. Directly impacted stakeholders include local residents and businesses, vehicle users and pedestrians in the precinct.

Legal and risk considerations

A project of this scale and type carries risk. Officers have considered legal and probity risk issues. A summary assessment of risks and mitigation provisions are contained in Table 1.

To ensure high standards of probity, integrity and good governance Council has engaged both legal and probity advisors who are providing ongoing advice on the project. This advice includes contractual arrangements, probity and due diligence.

Council has established a project team to explore this concept, which is separate to Council's Urban Planning unit who will assess the development proposal. The future planning application on the site will be administered and assessed by Council's Urban Planning team, following the same process as any major planning permit application.

Table 1: Summary of Risks and Risk Mitigations

Risk	Risk Mitigation
Issues with Governance	Engagement of external Probity Advisors to provide probity oversight on project.
Issues with Contracts	Ongoing legal advice. Independent valuation and construction costs to inform any final recommended contracts.
Developer insolvency	Contractual relationship/bonding (including step in rights)
Environmental / latent site issues at construction stage	Transfer risk and establish proactive risk register.
Change of use	Ensure development continues to provide public car parks of benefit to local businesses.
Stakeholder input	Ensure community and stakeholder consultation in line with Council's Community Engagement Policy.
Public safety	Engagement of internal stakeholders and professional advisors to recommend best practice design and management.
Unsatisfactory Park	Council to provide Preliminary Design Brief for public assets.
Ongoing resource implications to manage car park	Consideration of options for car park management models including design elements, access control, management and monitoring.

Human Rights Consideration

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not conflict with any human rights issues but supports the principles in the Charter such as section 18 Property rights including contractual rights and leases.

4. Community consultation and engagement

Should Council endorse the Heads of Agreement, community engagement on the proposal will occur. Activities will include direct contact with local trader and community groups, mail-outs to local residents and local businesses, newsletter articles, social media activity and through Council's dedicated community engagement platform Conversations Merri-bek. This engagement process will be separate and additional to the mandatory public notice activity for the development proposal under the *Planning and Environment Act 1987*.

Consideration of community input will inform officers' final recommendation to Council on the proposal for 1-9 Breese Street.

Should the project progress (subject to decisions of Council) the naming of the open space will be subject to community engagement consistent with Council's Naming Places Policy.

5. Officer Declaration of Conflict of Interest

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

5. Financial and Resources Implications

Costs and Resourcing of Feasibility Stage

This project is not in the Council Plan or Council's capital works plan, and as such, no project budget is available. Examination of this proposal by a Council team will incur costs such as officer time, legal and probity fees and other professional costs. An estimate of \$60,000 in costs to Council for the first stage of this project have been provided to the Proponent. The Heads of Agreement specifies that the Proponent will cover any costs that are reasonably incurred through the exploration of this proposal. Similarly, Council's costs for any future stages of project development will be met by the Proponent. As such, this stage of the project is cost neutral to Council.

Costs of Delivery

Should the project proceed to delivery, the Proponent will undertake and complete development at 1-9 Breese Street at their own cost, including design, approvals and construction, as well as being responsible for project delivery risks. The Proponent has indicated that there is a cost ceiling that they are not willing to exceed. The Heads of Agreement provides that the Proponent will issue Council officers with a project cost plan for 1-9 Breese Street once the scope of the project becomes clearer. This will be reported to Council in a future report.

Equivalent Cost to Council

Preliminary estimates of the costs to Council, were it to independently construct a basement car park on this site, are between \$4.2M-\$4.8M (based on a cost estimate range of \$70,000-\$80,000 per car parking space). The Proponent's estimates for extending their planned basement car parking are significantly lower, due to the efficiencies of delivering the existing project.

7. Implementation

Subject to Council endorsement, the following activities will occur:

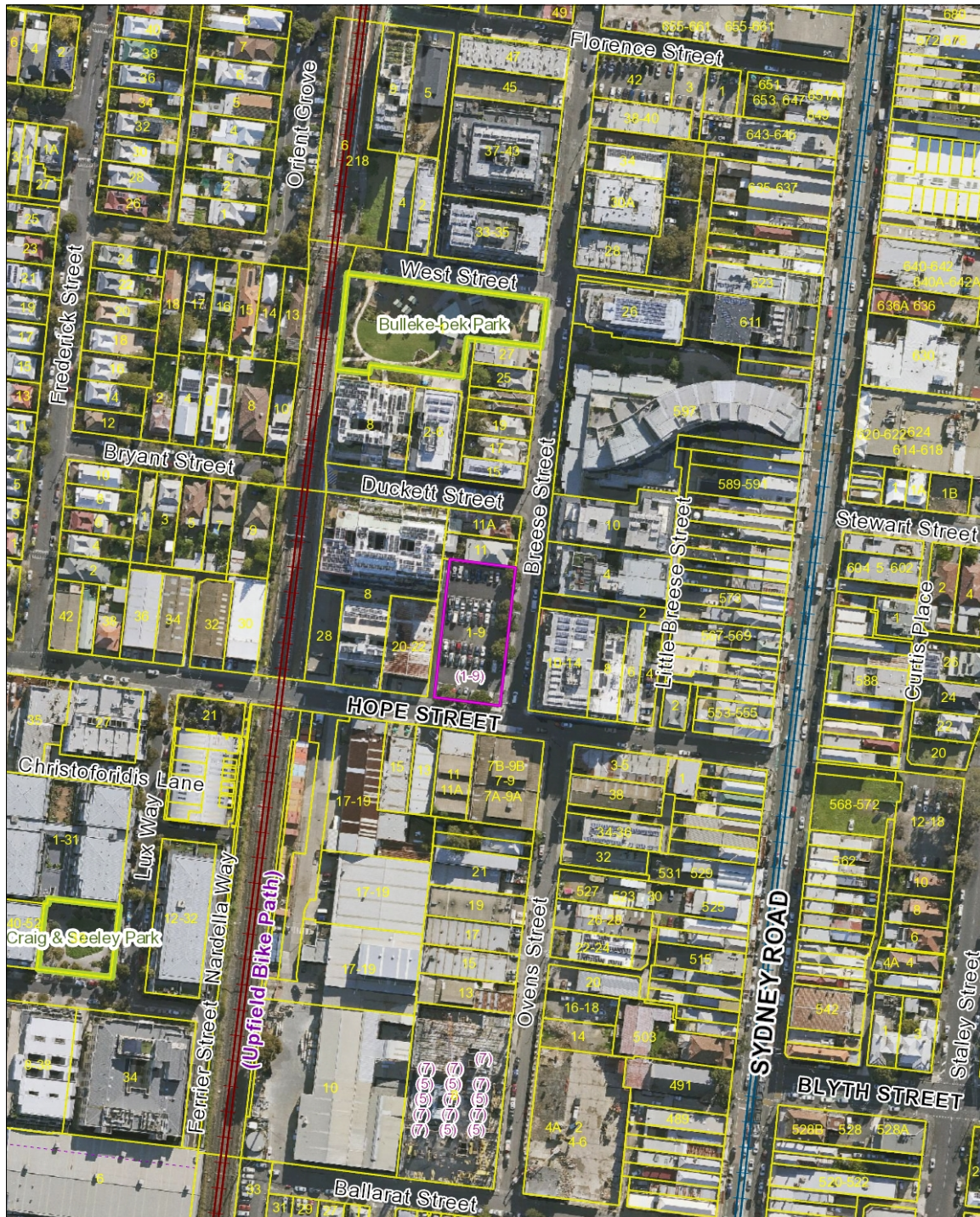
Next steps	Estimated timeframe
Execute Heads of Agreement with 20-22 Hope Street Pty Ltd	August 2023
Commence community engagement on the proposal (outside the formal planning system)	September 2023
Engage with the 20-22 Hope Street Pty Ltd on the design expectations for the car park and open space park by providing a preliminary design brief for public assets.	September 2023
Negotiate terms with 20-22 Hope Street Pty Ltd consistent with Heads of Agreement (Council acting in its corporate capacity)	2023-2024
Assess the planning permit application (Council acting as Responsible Authority)	2023-2024
Council considers a recommendation on a Project Delivery Agreement, and whether to proceed or not.	2024

Attachment/s

- | | | |
|---|--|------------|
| 1 | 1-9 Breese Street, Brunswick - Locality Plan | D23/333750 |
| 2 | Heads of Agreement Breese Street Proposal (not executed) | D23/359221 |

Pursuant to section 3(1)(a)(g(ii)), and of the Local Government Act 2020, this attachment has been designated as confidential because it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and 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.

1-9 Breese Street, Brunswick
Locality Plan



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Date Map Generated: 18/7/2023

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7.7 RESPONSE TO COUNCIL RESOLUTION ON TRAFFIC MANAGEMENT - COCOA JACKSON LANE, BRUNSWICK EAST

Director City Infrastructure, Anita Curnow

Transport

Officer Recommendation

That Council:

1. Works with Reece Plumbing to prepare a Loading Management Plan to appropriately allocate and manage loading activities to minimise disruption in Cocoa Jackson Lane, potentially including but not limited to:
 - a) A Lygon Street Loading Zone for light vehicle deliveries
 - b) Specific Loading Zone provisions at the Reece loading bay in Cocoa Jackson Lane (for example, limiting by time of day, duration of loading and/or vehicle mass and/or length)
 - c) Specific delivery vehicle access practices including direction of travel, layover areas and delivery windows
2. Increases the size of the existing roadside 'No Right Turn' signs on Horne Street to reiterate the turn ban.
3. Monitors traffic movements in the laneway for 12 months following the completion of the new development at the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street.
4. Advises the community of the changes and the proposed timing for implementation.

REPORT

Executive Summary

On 8 February 2023, Council considered a report responding to residential concerns regarding excessive traffic movements around Cocoa Jackson Lane, Warburton Street and Horne Street, Brunswick. The concerns were that:

1. Some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane, Brunswick where it intersects with Horne Street.
2. The loading activities associated with Reece, a plumbing company which has been operating out of the building at 123 Lygon Street for approximately 40 years, are creating noise and safety issues within Cocoa Jackson Lane.

These concerns are expected to be compounded by a mixed-use development currently being constructed on the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street ('new development'). It is estimated that the new development will be occupied by the end of 2023.

At the February 2023 Council Meeting, it was resolved to trial the installation of:

- 'No Stopping' signs on both north and south sides, on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street.
- 'No Entry' sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction, based on further discussion with local residents.
- 'Loading Zone' on Lygon Street (converting two existing on-street car spaces), based on further discussion with local residents.

Furthermore, Council requested a report be presented re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane, the 'No Stopping' signs and other potential safety improvement measures.

Following the resolution of Council, officers undertook community consultation issuing a questionnaire seeking feedback on these matters. Of the responses received, the majority opposed the installation of the 'No Entry' sign and those who responded to the 'Loading Zone' proposal (just over half the respondents) generally supported this. Recipients were also notified of the resolution to trial the installation of 'No Stopping' signs on both sides of Cocoa Jackson Lane, between Warburton Street and Lygon Street.

Further investigations have since been carried out, including the tabling of an independent traffic engineering review of existing loading arrangements on Cocoa Jackson Lane commissioned by local business, Reece Plumbing.

Council officers have undertaken an additional assessment and make the following recommendations.

To cater for light vehicles (passenger vehicles and utility vehicles) where visitors are collecting smaller handheld goods, there is an opportunity to install a Loading Zone on Lygon Street within an existing car parking space. The additional proposed Loading Zone would supplement the existing loading arrangement in Cocoa Jackson Lane thereby reducing traffic volume in the laneway.

To address illegal right turn manoeuvres at the intersection of Horne Street and Cocoa Jackson Lane, it is proposed to increase the size of the existing roadside 'No Right Turn' signs on Horne Street.

The implementation of any other traffic management treatments at this time is considered premature until the new development is completed and fully occupied. Council officers propose to monitor the traffic movements in the laneway for twelve months following the completion of the new development at the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street.

Previous Council Decisions

Traffic Management Opportunities for Cocoa Jackson Lane, Warburton Street and Horne Street, Brunswick – Response to Notice of Motion – 8 February 2023

That Council:

1. *Resolves that, to ensure:*
 - a) *that access to dwellings in Cocoa Jackson Lane by emergency services vehicles not be impeded, and*
 - b) *the safety of all users of Cocoa Jackson Lane, all necessary steps be taken to install 'No Stopping' signs on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street, on both north and south sides of the Lane, for a trial period. Other measures to improve safety as proposed by Council Officers, including installing a No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction and installing a Loading Zone on Lygon Street, should also be considered for the trial, based on further discussion with local residents.*
2. *Resolves that a report be presented to Council meeting, re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane, the No Stopping signs and other potential safety improvement measures. The effect of this traffic management option on vehicles that act in contravention of the Road Rules (such as by unreasonably obstructing the Lane or residents' driveways) should be disregarded.*

That Council:

...

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

...

1. Policy Context

Transport is essential to the efficient working of our local economy, stitching communities together and shaping our ability to connect with services and facilities.

The review and investigation of this laneway aligns with Council's Integrated Transport Strategy (2019), including:

- Strategy 3: Protect our local streets from the impacts of increasing vehicle traffic.
- Strategy 6: Create a safer space for all users, day and night.
- Strategy 18: Support safe and efficient local freight, servicing and loading, being conscious of impact on liveability

The review is consistent with and supported by Council's legislative obligations.

2. Background

As per the Integrated Transport Strategy (2019) the local street network functions to provide access to and from adjacent properties, prioritising walking and cycling amenity and safety and support for local bus movements where present.

Cocoa Jackson Lane, Brunswick (see Figure 1) is a laneway with a combination of side, rear and front access to residential and commercial properties. The lane experiences conflict, especially in the section between Horne Street and Lygon Street, between vehicles accessing a loading bay for Reece Plumbing and those wishing to access and egress other properties. These streets form part of an area wide 40 km/h speed limit that is bounded by Glenlyon Road to the north, Lygon Street to the east, Brunswick Road to the south and Sydney Road to the west.

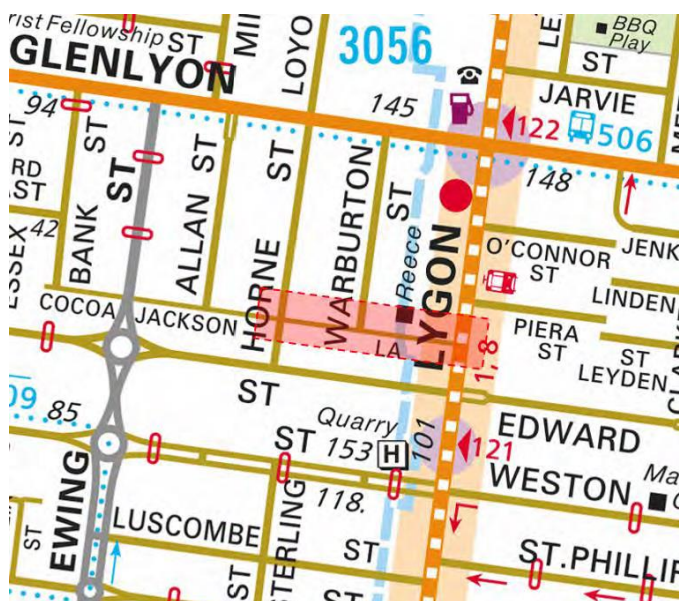


Figure 1: Map highlighting Cocoa Jackson Lane within the local street network

Investigations into traffic movements and disruptions in this location have been ongoing since 2021, following residential concerns about interruption to traffic flow in Cocoa Jackson Lane and vehicles contravening the road rules within Cocoa Jackson Lane adjacent to Reece and at the intersection of Horne Street and Cocoa Jackson Lane.

This report responds to these ongoing matters and seeks to provide appropriate improvement responses.

3. Issues

In response to the February 2023 Council resolution, Council officers circulated a questionnaire to surrounding residents and business owners seeking feedback on:

- No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction
- Loading Zone on Lygon Street.

A total of 46 questionnaire responses were received. Most residents opposed the installation of the 'No Entry' sign with 25 against the proposal, 20 in favour, and 1 undecided.

Most of those against the proposal stated concerns with traffic volumes in Warburton Street if a 'No Entry' sign was to be installed. Those in favour of the proposal provided comments that they believe the 'No Entry' sign would help reduce traffic volumes in Cocoa Jackson Lane.

Regarding the proposed Lygon Street Loading Zone, it was noted that many residents did not respond to this part of the questionnaire. Overall, 24 were in support of the Loading Zone, two opposed, and 20 left this part of the questionnaire blank.

Most of those in favour of the Lygon Street Loading Zone stated that the proposal would reduce the number of trades vehicles and customer parking in Cocoa Jackson Lane.

At this stage, Council officers have yet to provide residents an outcome of this consultation. Notwithstanding, Council officers see little benefit of installing a 'No Entry' sign following the investigative findings:

- Whilst delivery vehicles will no longer be able to enter from the west, they can still enter from the east, therefore a 'No Entry' sign will not eliminate resident concerns associated with Reece loading activities.
- The 'No Entry' sign will encourage delivery vehicles to enter from Lygon Street and park on the wrong side of the road, adjacent to the Reece building, in contravention of Road Rule 208 (3):

"If the road is a two-way road, the driver must position the vehicle parallel, and as near as practicable, to the far left side of the road."

Note: even with a 'No Entry' sign, the section of Cocoa Jackson Lane between Christopher Lane and Lygon Street will continue to operate as a two-way road in order to enable vehicle entry and egress from the new development at 119a-121 Lygon Street.

- Although a 'No Entry' sign would likely encourage fewer vehicles to enter Cocoa Jackson Lane from Horne Street, it would conversely result in more vehicles exiting onto Horne Street, therefore doing little to dispel resident concerns at this location. The same comment can be made regarding traffic volumes on Warburton Street.

- Drivers who turn into Cocoa Jackson Lane from Horne Street or Warburton Street may be unaware of the 'No Entry' sign and will then be forced to reverse along the laneway if they cannot negotiate the turn into Christopher Lane from Cocoa Jackson Lane. This may increase the resident concerns regarding noise and reverse manoeuvres along their frontages.

No Stopping and Loading Zone

The February 2023 Council Meeting also resolved to trial the installation of 'No Stopping' signs on both north and south sides of Cocoa Jackson Lane, between Warburton Street and Lygon Street. The local community has been notified of this resolution.

There are technical obstacles to install the 'No Stopping' signs. If freestanding poles were used to mount the 'No Stopping' signs, this would require the removal of some bluestone pavers and would further reduce the width of the constrained laneway. The alternative is to seek the permission of the building owners to install the signs on the wall of the building. Note that as Reece are the owners and occupiers of their building, they are unlikely to approve the proposal to install 'No Stopping' signs. Neither option is recommended by Council officers.

In accordance with Road Rule 167, *"A driver must not stop on a length of road or in an area to which a no stopping sign applies."*

As such, 'No Stopping' signs would all but prevent Reece from conducting loading activities at its designated loading area in Cocoa Jackson Lane. This means loading activities would need to be relocated elsewhere.

The February Council resolution had requested that a Loading Zone be proposed on Lygon Street as an alternative location for loading activities, in consultation with residents. This would involve the conversion of two on-street car spaces on Lygon Street into a Loading Zone.

Whilst a majority of respondents supported this proposal, a further investigation of this proposal yielded the following findings:

- A Loading Zone on Lygon Street will require large and heavy materials to be unloaded across the footpath into either the main shop entrance on Lygon Street or transported around to the designated loading area on Cocoa Jackson Lane. This conflict creates a significant safety risk for pedestrians walking on the Lygon Street footpath.
- Loading large and heavy materials into the main shop entrance through the display area is not practical from a customer service point of view, creating safety issues for customers within the shop.
- Alternatively, transporting materials to the loading area on Cocoa Jackson Lane would need to be done with either manpower or the help of machinery. With manpower, this would require transporting materials via many trips on the bluestone laneway surface which is not practical from a health and safety perspective. Reece have suggested that a forklift could not be used on the bluestone laneway as the machinery requires a smooth flat surface to operate safely. Reece would then need to use larger machinery to transport the materials.
- In urban areas, loading activities should be encouraged in laneways rather than on busy commercial frontages, separating pedestrians and other road users.
- Loading large and heavy materials from Lygon Street will likely negatively impact more people than loading via Cocoa Jackson Lane.

Officers have determined that if all loading for Reece were to be relocated to a 'Loading Zone' on Lygon Street, that this would create a situation that presents a much greater safety risk than the existing loading arrangements in Cocoa Jackson Lane.

However, there is an opportunity to install a Loading Zone on Lygon Street to cater for light vehicles (passenger vehicles and utility vehicles) where visitors are delivering or collecting smaller handheld goods or smaller boxes of goods. The additional Loading Zone would supplement the existing loading arrangement in Cocoa Jackson Lane thereby reducing the traffic volume in the laneway.

Reece have volunteered to provide a Loading Management Plan to outline how the loading activities could be better managed. The allocation of loading activities between Cocoa Jackson Lane and Lygon Street can be addressed through the Loading Management Plan, in consultation with Council officers.

Bollards

An examination of installing bollards in Cocoa Jackson Lane, at the intersection with Christopher Lane concluded that the proposal is not recommended for the following reasons:

- Most critically, the installation of bollards would require heavy vehicles conducting loading activities at Reece to either reverse into the laneway from Lygon Street or reverse out of the laneway into Lygon Street. Council is progressively seeking to eliminate situations which require heavy vehicles to conduct unsafe reverse manoeuvres on public roads.
- Whilst bollards would mean delivery vehicles would no longer enter from the west, they would still be able to enter from the east. As such bollards will not eliminate resident concerns associated with Reece loading activities.
- Bollards would also restrict vehicle access to residential properties fronting Cocoa Jackson Lane.
- In an earlier proposal to install bollards on Cocoa Jackson Lane, at the Horne Street intersection, 25 out of 33 residents were unsupportive. Based on this, as well as the majority opposition to 'No Entry' signs, it is highly unlikely that a majority of residents would support bollards within Cocoa Jackson Lane at the Christopher Lane intersection.
- If bollards were formally proposed, this would trigger the road closure process in Section 207 Schedule 11, Clause 9 of the Local Government Act 1989 (the Act). This is a lengthy process and involves extensive consultation in line with Section 223 of the Local Government Act as well as multiple Council reports which require significant investment of Council officer time.
- In addition, advice from Geographic Names Victoria is that this sort of road closure is likely to trigger a requirement for road re-naming to avoid confusion for emergency vehicles trying to access properties on Cocoa Jackson Lane, a separate process that also consumes officer time.

Reece Plumbing Traffic Report

With knowledge of the Council resolution, Reece became increasingly concerned for the viability of its business operations and subsequently engaged a qualified traffic consultant, O'Brien Traffic, to review the existing loading arrangement of the business via Cocoa Jackson Lane and provide recommendations via a Traffic Report. The Traffic Report is dated 7 June 2023 is provided in **Attachment 1**.

The Traffic Report makes the following conclusions:

- The completion of the new development to the south of Cocoa Jackson Lane will result in changes to the operation of the lane. It is considered that any change to the existing parking restrictions prior to completion of construction works is premature.

- That Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted (consistent with the Officer recommendation for the 8 February 2023 Council meeting).
- The use of Cocoa Jackson Lane for loading activities is to be expected, and also, encouraged. The use of laneways for loading removes loading from shop frontages, where the loading activities must mix with pedestrians, cyclists and other road users.
- Should Council decide that signage be installed along the Reece boundary in Cocoa Jackson Lane, the recommended signage is either 'Loading Zone 15 minutes' or 'No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted.' This would allow Reece's loading activities to continue, whilst restricting long term blockage of Cocoa Jackson Lane.
- The preparation of a Loading Management Plan is recommended. This would include information about direction of travel (entry via Warburton Street, exit to Lygon Street), delivery truck sizes, potential to have smaller deliveries to a nearby Reece store and then amalgamated into one big delivery to Reece Brunswick, and the potential to limit delivery times to avoid peak pedestrian times.

Consideration of potential solutions

The O'Brien Traffic Report commissioned by Reece Plumbing states that Cocoa Jackson Lane is operating as intended and contends that no parking restriction on loading is warranted at this time. However, if Council did decide to install signage along the Reece boundary, the recommended signage is either:

- 'Loading Zone 15 minutes'; or
- 'No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted'

Council officers have considered the two options above. Officers consider that introducing measures such as those identified may be beneficial in the context of a broader Loading Management Plan. However the nature of such measures would be best determined following the confirmation of the details of the Loading Management Plan, as a means of reinforcing the intended way of operating the loading zone. Officers would exercise their sub-delegation in accordance with Council's Parking Management Policy to introduce the above measures or similar measures at this site as deemed necessary to reinforce the Loading Management Plan (see below).

Loading Management Plan

One of the key recommendations in the O'Brien Traffic Report was the preparation of a Loading Management Plan. In lieu of introducing the high-impact No Stopping restrictions resolved at the February 2023 Council meeting, there is an opportunity to improve the laneway operation by requesting that Reece prepare a Loading Management Plan to address the following loading activities:

- Limiting the Cocoa Jackson Lane loading activities to a maximum of two vehicles at any given time
- Loading location (Cocoa Jackson Lane or Lygon Street)
- Nominated waiting areas for overflow loading vehicles
- The direction of travel (entry via Warburton Street, exit to Lygon Street)
- Delivery vehicle sizes
- Opportunity to adjust delivery vehicle size
- Arrival and departure times

- Restrictions to peak hour deliveries
- Any other traffic management controls such as a sensor to detect an overflow of loading vehicles within Cocoa Jackson Lane and a variable message sign to deter additional drivers from approaching from Horne Street or Warburton Street when Cocoa Jackson Lane is temporarily occupied.

While the Loading Management Plan in its entirety would be voluntarily entered into by Reece, Council would enforce aspects relating to compliance with parking restrictions introduced as part of the Plan.

Cocoa Jackson Lane, between Warburton Street & Christopher Lane

As seen in Figures 2 and 3 below, there are currently ‘No Parking’ signs mounted on the residential building on the north side of Cocoa Jackson Lane, between Warburton Street and Christopher Lane.



Figure 2: ‘No Parking Sign’ (with right-pointing arrow), Cocoa Jackson Lane, north side immediately east of Warburton Street.



Figure 3: ‘No Parking Sign’ (with left-pointing arrow), Cocoa Jackson Lane, north side immediately west of Christopher Lane.

Road Rule 168 states the following in relation to 'No Parking' signs:

(1) The driver of a vehicle must not stop on a length of road or in an area to which a no parking sign applies, unless the driver—

- (a) is dropping off, or picking up, passengers or goods; and*
- (b) does not leave the vehicle unattended; and*
- (c) completes the dropping off, or picking up, of the passengers or goods, and drives on, as soon as possible and, in any case, within the required time after stopping.*

With respect to the area between Christopher Lane and Warburton Street on Cocoa Jackson Lane (as depicted in Figures 2 and 3), residents are concerned about:

- i) Vehicles idling while they wait behind queued traffic to reach the Reece loading bay
- ii) Drivers leaving their vehicles unattended while in the queue, presumably to check on the reasons for/extent of the delay.

Consideration was given to replacing the existing 'No Parking' signs on the north side of Cocoa Jackson Lane, between Warburton Street and Christopher Lane to 'No Stopping'. This would mean that item ii) above would be unlawful, but it would still allow a vehicle to wait in the queue as per item i).

Installing 'No Stopping' parking restrictions in support of restricting item ii) may have unintended consequences for the residential properties along Cocoa Jackson Lane, as delivery vehicles destined for these dwellings would be unable to stop outside those properties for deliveries such as courier or grocery deliveries, activities that are permitted under a 'No Parking' regime.

Given the marginal benefit of 'No Stopping' over 'No Parking' and the disbenefit described above, it is expected that this would not be supported by residents of these properties. For these reasons, it is proposed to maintain the existing 'No Parking' signs to best manage the loading activities in this section of Cocoa Jackson Lane.

Summary of potential solutions

To improve the issue of illegal right-turn manoeuvres at the intersection of Horne Street and Cocoa Jackson Lane, it is considered appropriate to increase the size of the existing roadside 'No Right Turn' signs on Horne Street.

Installing 'No Stopping' signs along Cocoa Jackson Lane between Lygon and Warburton Streets, prohibiting entry to Cocoa Jackson Lane at Christopher Lane and installing bollards are likely to increase the safety risks for pedestrians and other road users.

It is recommended that a secondary 'Loading Zone' be provided along the Reece frontage to Lygon Street to cater for light vehicles (passenger vehicles and utility vehicles) where visitors are collecting smaller handheld goods. The additional Loading Zone would supplement the existing loading arrangement in Cocoa Jackson Lane thereby reducing the traffic volume in the laneway.

There are opportunities to better manage deliveries through requesting that Reece prepare a Loading Management Plan in consultation with Council officers in lieu of implementing and enforcing 'No Stopping' restrictions at the loading bay.

While the issues and concerns raised by residents regarding congestion that forms in Cocoa Jackson Lane are acknowledged, it is considered that loading activities for heavy and bulky goods occurring in the laneway is preferable over the implications of loading in Lygon Street and its likely consequences for pedestrians, work health and safety concerns and amenity of the strip shopping centre. Implementing the revised recommendations will allow the laneway to continue to function in its current capacity, address some of the issues raised by residents and provide improved safety measures.

Council officers also propose to monitor the traffic movements in the laneway for 12 months following the completion of the new development at the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street.

Community impact

The proposed approach has a lesser impact (in terms of the number residences and traffic movements directly affected) than the introduction of the other schemes proposed (namely 'No Entry' signs and bollards. It also affords Reece Plumbing the opportunity to work with Council officers to minimise the instance of vehicles queuing in Cocoa Jackson Lane via a Loading Management Plan which would implement less punitive measures than introducing a 'No Stopping' regime past the loading bay.

While a small number of residences in Cocoa Jackson Lane will continue to experience the passage of heavy vehicles accessing the Reece loading bay past their homes, the introduction of a Loading Bay for light vehicles in Lygon Street and a Loading Management Plan with associated parking measures for Reece Plumbing is intended to reduce the occurrence of long queues of vehicles in Cocoa Jackson Lane awaiting access to the loading bay.

Legal and risk considerations

All reports, documentation and actions connected to the investigation of Cocoa Jackson Lane complies with Council's legislative and legal obligations.

Human Rights Consideration

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. It is considered that the proposed treatments do not impact on any of the protected rights or freedoms outlined in the Act including the Right to freedom of movement (section 12), Right to take part in public life (section 18) Property rights (section 20).

4. Community consultation and engagement

In April 2023, Council officers circulated correspondence to owners and occupiers of properties bound by Glenlyon Road, Lygon Street, Edward Street and Horne Street to notify residents of the Council resolution and seeking feedback on the potential installation of a No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction, and the opportunity to convert two on-street car parking spaces on Lygon Street to cater for a Loading Zone.

The majority of respondents opposed the installation of a 'No Entry' sign and were split between supporting and not responding to the 'Loading Zone' proposal.

Further engagement of this community is proposed should the matter proceed as per the recommendation.

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.

The interests of residents and local businesses bounded by Lygon Street, Glenlyon Street, Horne Street and Cocoa Jackson Lane was the primary focus of this investigation and those affected have been provided with opportunities to express their views via written correspondence, most recently in April 2023.

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 will be minor financial implications associated with signage installation and modification which can be accommodated within Council's Transport Management budget.

7. Implementation

Council officers will request Reece to propose a Loading Management Plan and when developed and agreed, Council will implement associated changes to parking restrictions, including a Lygon Street Loading Bay, so that the Loading Management Plan can be implemented and effective.

A letter be sent to residents responding to feedback already provided and the outlining the proposed improvements and Council's updated resolution.

Council officers are committed to ensuring that Cocoa Jackson Lane and the surrounding local streets operate in a safe manner and recommend that issues be monitored and responded to on an as need basis.

As mentioned, this will include monitoring the traffic movements in Cocoa Jackson Lane associated with the first 12 months of occupancy of the residential development at 119a-121 Lygon Street.

Attachment/s

- 1 [↓](#) O'Brien Traffic Report - Cocoa Jackson Lane, Brunswick - 7.6.2023 D23/331449



7 June 2023

Suite 2.03, 789 Toorak Road
Hawthorn East Victoria 3123

T: +61 3 9804 3610
W: obrientraffic.com

██████████
████████████████████
Reece Group
57 Balmain Street
Cremorne VIC 3121

Dear ██████████

REECE BRUNSWICK
123 LYGON STREET, BRUNSWICK

I refer to your request that I review the loading facilities for Reece Brunswick, located at 123 Lygon Street, Brunswick, and provide feedback in relation to any appropriate changes to the current loading processes and procedures. In the course of preparing this letter:

- I have inspected the subject site and surrounding area;
- I have reviewed Council's report – "Traffic Management Opportunities for Cocoa Jackson Lane, Warburton Street and Horne Street, Brunswick", presented to a Council Meeting on 8 February 2023 (and included in the Council Agenda for that meeting);
- I have reviewed traffic survey data collected by Council (included in the above mentioned report); and
- I have assessed the traffic impact of the existing Reece loading process and the implications of Council's proposed changes.

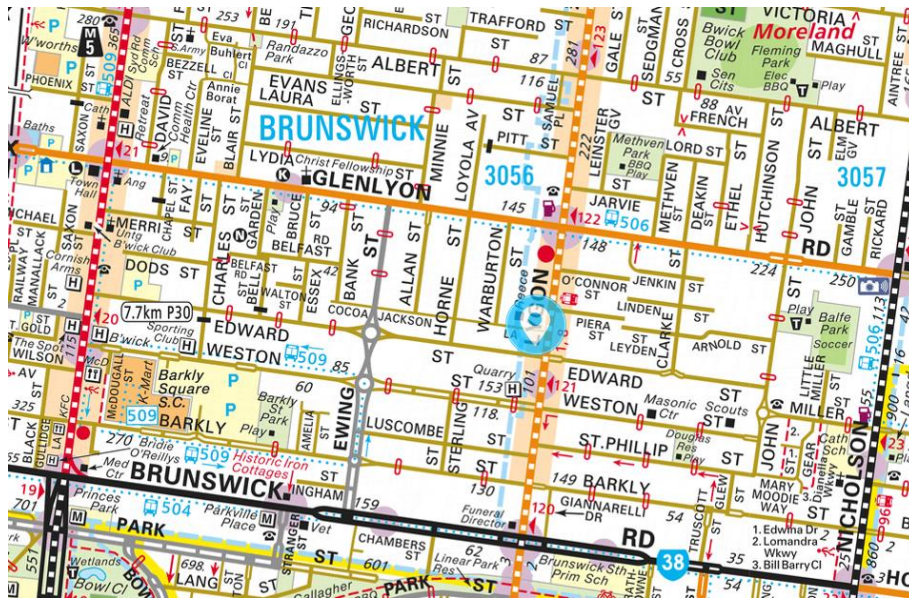
Location

The subject site is located on the west side of Lygon Street to the north of Cocoa Jackson Lane, Brunswick. The location of the subject site and surrounding area is shown in **Figure 1**. A recent aerial photograph is shown in **Figure 2**.

I understand that this Reece store is one of the first Reece stores developed, and that it has been located at this site for in the order of 40 years. Loading has occurred via Cocoa Jackson Lane for all of this time. There are not any parking restrictions that currently apply to the section of Cocoa Jackson Lane along the Reece site boundary.

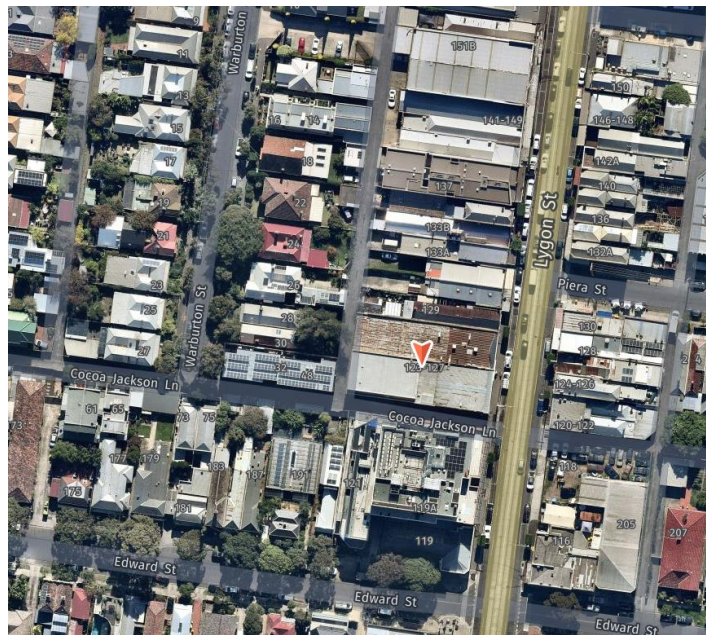
TRAFFIC ENGINEERING TRAFFIC PLANNING ROAD SAFETY TRAFFIC IMPACT ASSESSMENTS TRANSPORT PLANNING

ANDREW O'BRIEN & ASSOCIATES PTY LTD ABN: 55 007 006 037



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FIGURE 1: LOCATION OF SUBJECT SITE



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FIGURE 2: AERIAL PHOTO OF SUBJECT SITE AND SURROUNDING AREA



Surrounding Land Use

Land use along Lygon Street is a mix of retail, commercial, office, food and drink premises, and residential (mainly at upper floor levels).

Directly to the south of Cocoa Jackson Lane, opposite Reece, is a new multi-level apartment building, still under construction, as shown in **Figure 3**.



FIGURE 3: NEW APARTMENT BUILDING STILL UNDER CONSTRUCTION

Figure 4 shows the location of the vehicle access (into the basement car parking) for the new apartment building, which is on Cocoa Jackson Lane close to Lygon Street, and also the area used for loading by Reece (further from Lygon Street).

It is important to note that when the apartment building is completed, resident's moving vans are likely to use Cocoa Jackson Lane for unloading, and once the building is occupied it is likely that Cocoa Jackson Lane will be used on an on-going basis for deliveries, moving in and out activities etc.

Notwithstanding the following discussion, I note that the pending completion of the residential apartment building will result in changes to the operation of the lane, and I consider that any change to the existing parking restrictions is therefore premature.



FIGURE 4: LOCATION OF APARTMENT BUILDING VEHICLE ACCESS COMPARED TO REECE LOADING AREA

To the west of the Reece store is a laneway and then further to the west is a warehouse conversion, including garages accessing Cocoa Jackson Lane (Figure 5).



FIGURE 5: WAREHOUSE CONVERSIONS TO THE WEST OF REECE BRUNSWICK



As shown in **Figure 5**, a No Parking sign is erected on the eastern end of the warehouse conversion building, applying along the frontage of that building.

No Parking signs are covered in Rule 168 of the Road Rules, which is provided in **Figure 6**.

168 No parking signs

(1) The driver of a vehicle must not stop on a length of road or in an area to which a *no parking sign* applies, unless the driver—

- (a) is dropping off, or picking up, passengers or goods; and
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods, and drives on, as soon as possible and, in any case, within the required time after stopping.

Penalty: 3 penalty units.

(2) For this rule, a driver leaves a vehicle *unattended* if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

(3) In this rule—



required time means—

- (a) if information on or with the sign indicates a time—the indicated time; or
- (b) if there is no indicated time—2 minutes; or
- (c) if there is no indicated time, or the indicated time is less than 5 minutes, and rule 206 applies to the driver—5 minutes.

Notes

- 1 *With* is defined in the dictionary.
- 2 Rule 206 applies to a driver if the driver's vehicle displays a current parking permit for people with disabilities and the driver complies with the conditions of use of the permit—see rule 206(1).

No parking signs

<p>No parking sign (for a length of road)</p> 	<p>No parking sign (for an area)</p> 
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Notes for diagrams

- 1 There is another permitted version of each of these signs—see the diagrams in Schedule 3.
- 2 A *no parking sign* may have an arrow pointing in a different direction and anything on the sign may be differently arranged—see rule 316(4).

FIGURE 6: ROAD RULES APPLYING TO NO PARKING SIGNS



In this case there is no time indicated on the No Parking signs, and therefore a restriction of 2 minutes applies. Rule 168 indicates that where a No Parking sign applies, the driver must be within 3 metres of their vehicle at all times, and that they can only stop when dropping off or picking up passengers or goods.

There are a range of dwellings fronting Cocoa Jackson Lane further to the west of the warehouse conversions, including those shown in **Figure 7**. **Figure 7** also shows the intersection of Cocoa Jackson Lane and Warburton Street.

As shown in **Figure 1**, **Figure 2** and **Figure 7**, there are a number of lanes and streets intersecting with Cocoa Jackson Lane to the west of Reece Brunswick, providing alternative entry and exit points to and from the lane.



FIGURE 7: DWELLINGS FRONTING COCOA JACKSON LANE WEST OF THE WAREHOUSE CONVERSIONS (ALSO SHOWING THE WARBURTON STREET CONNECTION TO COCOA JACKSON LANE)



Reece Brunswick Operation

Reece Brunswick provides a warehouse facility stocking a wide range of items required by plumbers including larger items such as guttering and pipes as well as smaller items such as washers, tools, taps etc.

The loading area in Cocoa Jackson Lane is used for the majority of deliveries to Reece Brunswick, as well as many customer pick-ups. As mentioned earlier in this report, this area is not subject to any parking restrictions.

Vehicles range in size from cars and utes (**Figure 8** and **Figure 9**) to vans (**Figure 10**) to larger rigid trucks (**Figure 11** and **Figure 12**) depending on the items to be delivered / picked-up.

Some Reece products (for example lengths of pipe or guttering, as shown in the Google Streetview photo in **Figure 13**), cannot physically be carried on smaller vehicles, and unloading larger items from Lygon Street would be impractical and dangerous to pedestrians and potentially to cyclists and other road users.

Customer pickups are undertaken in a range of vehicles including cars, utes, vans and trucks depending on the items to be picked up. While smaller vehicles picking up a small number of small items can park on Lygon Street, those picking up a greater quantity of items, or larger items, or those driving larger vehicles, require the use of the Cocoa Jackson Lane loading area.

Most Reece deliveries and pickups are undertaken by vehicles entering Cocoa Jackson Lane from Warburton Street, driving east along Cocoa Jackson Lane, and exiting to Lygon Street.



FIGURE 8: UTE DELIVERING OR PICKING UP ITEMS



FIGURE 9: UTE DELIVERING OR PICKING UP ITEMS



FIGURE 10: VAN DELIVERING OR PICKING UP ITEMS



FIGURE 11: RIGID TRUCK DELIVERING ITEMS



FIGURE 12: RIGID TRUCK DELIVERING ITEMS

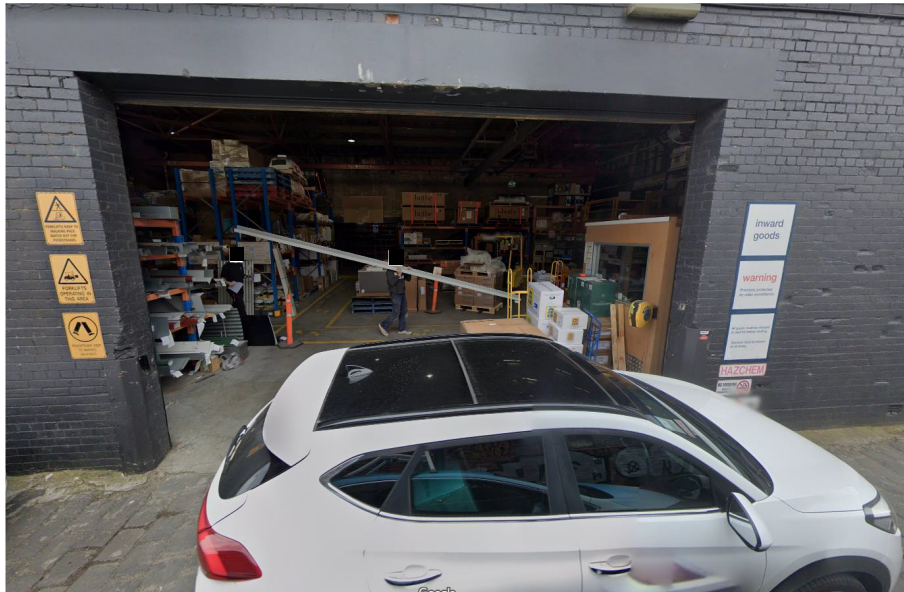


FIGURE 13: GOOGLE STREETVIEW PHOTO SHOWING AN EXAMPLE OF THE LONG ITEMS STOCKED BY REECE BRUNSWICK

Discussion – Part 1

In my experience the use of laneways for loading activities is to be expected and, indeed, encouraged. The use of laneways for loading removes loading from shop frontages, where these loading activities must mix with pedestrians, cyclists and other road users.

In relation to Reece Brunswick, the use of a laneway for loading means that goods can be moved in and out of the warehouse area via a roller door, rather than goods having to be moved through the shop to and from the front customer door (noting that some items would not fit through the customer door on Lygon Street).

In the case of Cocoa Jackson Lane, it is important to note that there are a number of entry and exit points to the laneway, which provides drivers with alternative routes if the lane is temporarily blocked by loading or pick-up activities.

Laneways are commonly found in areas developed many years ago, typically those areas close to the city, and they are used to supplement the street network to provide for loading, waste collection, vehicle access to buildings etc. Laneways are particularly prevalent within the Melbourne CBD, and during the preparation of this report I visited the City of Melbourne to make observations about how it signs laneways used for loading activities.



Several examples follow, from Niagara Lane, Kirks Lane, Warburton Lane and Rankins Lane, which are located in the area between Queen Street and Elizabeth Street, and between Lonsdale Street and Bourke Street as shown on **Figure 14**.

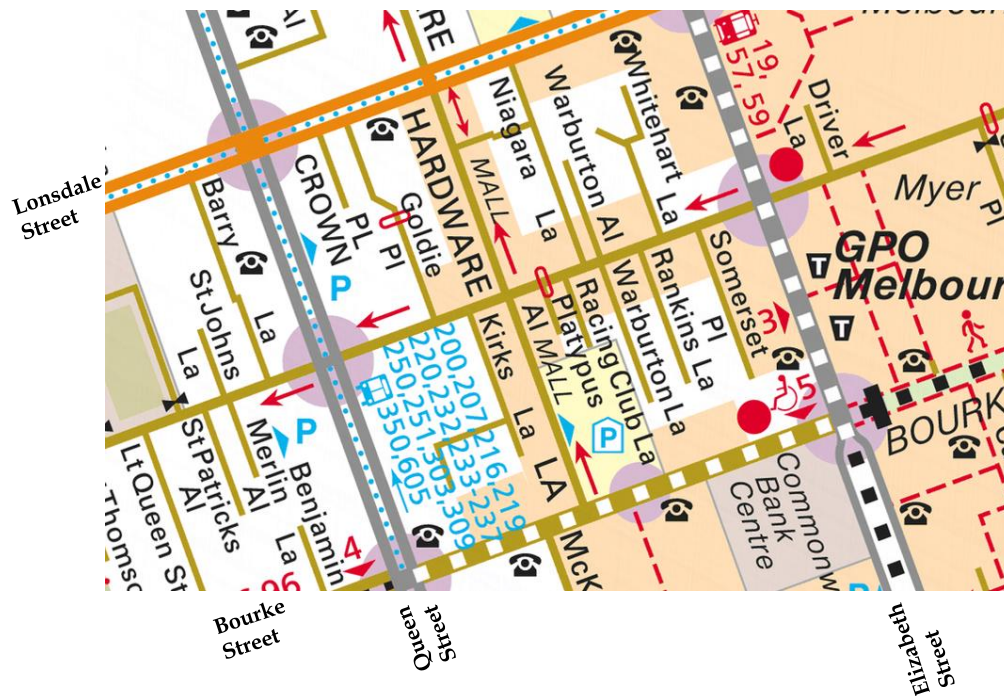


FIGURE 14: LANEWAYS WITHIN CITY OF MELBOURNE USED FOR COMPARISON

Niagara Lane is a bluestone lane (**Figure 15**) that runs between Lonsdale Street and Little Bourke Street. Niagara Lane is used by many pedestrians (**Figure 16**), as well as for loading, deliveries (**Figure 17**), waste collection etc. It provides access to a range of commercial and residential uses. Niagara Lane is signed as a Shared Zone as shown in **Figure 18**. It is also signed as Loading Zone - 15 minutes (**Figure 19**).

It is important to note that when a vehicle is stopped in the laneway to load, deliver etc, the lane is blocked to other vehicles. Because the lane allows two-way movements, this may result in one vehicle having to reverse along the lane to exit.



FIGURE 15: NIAGARA LANE



FIGURE 16: NIAGARA LANE - SHARED ZONE



FIGURE 17: NIAGARA LANE - PEDESTRIANS



FIGURE 18: NIAGARA LANE - LOADING



FIGURE 19: NIAGARA LANE SIGNAGE

Loading Zones are covered by Rule 179 of the Road Rules.

There are a range of vehicles able to stop in a Loading Zone, but in relation to the delivery or pick-up of goods, Rule 179 states that a driver must not stop in a loading zone unless the driver is driving a truck or a vehicle that is constructed principally for carrying loads that is dropping off or picking up goods.

Kirks Lane is an asphalted, dead-end, lane (**Figure 20**) running to the south of Little Bourke Street. It provides access to a range of commercial and residential uses. At its opening to Little Bourke Street it is signed as a "No Stopping Area, Except as Signed" (**Figure 21**).

It is noted that a vehicle stopped in Kirks Lane would stop all other vehicle movements. Additionally, because of the width of the lane, most vehicles would have to either reverse into the lane or out of the lane (i.e. they cannot turn around inside the lane).

Within Kirks Lane, areas are signed as "No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted" (**Figure 22**).



FIGURE 20: KIRKS LANE



FIGURE 21: KIRKS LANE - SIGNAGE



FIGURE 22: KIRKS LANE - SIGNAGE

Warburton Lane and **Rankins Lane** are parallel, dead-end, lanes running to the south of Little Bourke Street (**Figure 23** and **Figure 24**). They provide access to a range of commercial and residential uses.

It is noted that a vehicle stopped within these lanes blocks access for any other vehicles. Additionally, vehicles must reverse in or reverse out, as there is no room to turn around within the lane.

Both lanes are signed as "No Stopping Area, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted" (**Figure 25** and **Figure 26**).



FIGURE 23: WARBURTON LANE

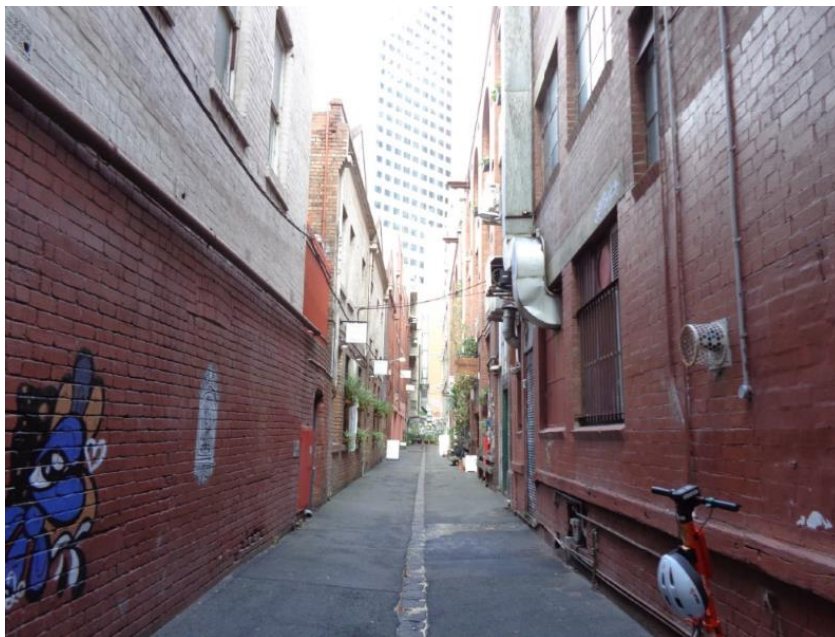


FIGURE 24: RANKINS LANE



FIGURE 25: WARBURTON LANE - SIGNAGE



FIGURE 26: RANKINS LANE - SIGNAGE



Based on my observations of Cocoa Jackson Lane and my inspections of a range of laneways within the Melbourne CBD, as well as my experience as a traffic engineer over many years, it is my opinion that Cocoa Jackson Lane is operating as intended. It provides for the loading and unloading requirements of Reece, vehicle access to a number of dwellings, and it will soon be providing for vehicle access and loading for the new multi-level apartment building on the south side of the lane, opposite the Reece site.

It is noted that the multiple access points to Cocoa Jackson Lane assists drivers to reach their destination by using an alternative access point if the lane is temporarily blocked by loading vehicles.

I do not believe that any restrictions on loading are warranted within Cocoa Jackson Lane along the Reece building boundary. The use of this area by loading vehicles is appropriate and allows for the safe loading and unloading of vehicles away from pedestrians and other road users. Use of Cocoa Jackson Lane also allows goods to be taken through a roller door directly into the warehouse component of the site.

The section below discusses the Council Delegates Report, and then the section after that provides my Discussion – Part 2, including recommendations if Council wishes to apply some restrictions to loading activities.

Council Delegates Report

The Council officers report was included in the Agenda papers for the Council Meeting of 8 February 2023.

I do not intend to copy large parts of the report here. However, I note that the officer report is well-researched (including site visits, a range of traffic surveys, and consultation with local residents), thorough, detailed and realistic.

I note particularly the officer recommendation No. 1: *“That Council: Notes that Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted.”* I agree with this statement.

Also significant is the discussion about the impact on Cocoa Jackson Lane of the new multi-level residential development opposite the Reece building. I agree with the Council officer that the operation of Cocoa Jackson Lane should be monitored and any issues be responded to on an as need basis. I also agree with the Council officer that *“Any significant changes to the traffic management in Cocoa Jackson Lane should be considered following the completion and occupation of the new development to garner a complete picture of the future operation of the nearby local streets.”*



The Council officers report includes survey data collected by Council in Cocoa Jackson Lane. The number of vehicles is low, and the delays not excessive, and I agree with the statement in the report that “*The survey results generally indicate that traffic is not excessive in Cocoa Jackson Lane.*”

The Council officers report includes a “Discussion of unviable opportunities”. I do not disagree with anything in this section of the report.

Discussion – Part 2

Within the “Discussion of unviable opportunities” section of the officers report, the option of extending the existing No Parking signs (i.e. the signs that exist along the frontage of the warehouse conversion) to include the Reece boundary is discussed. I agree with the Council officer that the application of No Parking signs along the Reece building is not appropriate given that these signs apply a maximum of 2 minutes and that Reece loading takes longer than 2 minutes. Moving in and out associated with the new multi-level residential building will also take longer than 2 minutes.

However, there may be the option of applying either the sign shown in **Figure 19** (Loading Zone 15 minutes), or the sign shown in **Figure 22**, **Figure 25** or **Figure 26** (No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted). Either of these signs would provide some regulation along the Reece boundary (and also along the boundary of the new multi-level residential building), without prohibiting loading by Reece in the manner that they have used for the past 40 years.

As discussed earlier in this report, Road Rule 179 states that drivers must not stop in a loading zone unless the driver is driving a truck or a vehicle that is constructed principally for carrying loads that is dropping off or picking up goods. This would unreasonably exclude Reece customers from legally picking up items, including bulky items, in passenger vehicles. Therefore, of the two suggested signs above, my preference is for the “No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted” sign, as this would allow for passenger vehicles picking up goods from Reece to do so legally, in addition to trucks, vans and utes dropping off and picking up items.

I note that it is not uncommon for Council roads to be temporarily blocked. An example from within the area close to the Reece building is shown in **Figure 27**. Vehicles cannot physically pass the garbage truck until it has left the street, or unless there is room along the kerbside for cars to pull over while the garbage truck drives past.

I note that should Reece loading not be permitted along Cocoa Jackson Lane, the viability of the store would be doubtful. Loading from Lygon Street is not a viable option, given the shortage of parking along Lygon Street, the size of many items being delivered, the potential danger to pedestrians, cyclists, and other road users, and the difficulty of moving new goods through the existing shop.

In addition to the signage recommended above, it would be possible to develop a Loading Management Plan for Reece. This would include information about preferred direction of



travel (entry via Warburton Road, exit to Lygon Street), a requirement that trucks of appropriate size are used for deliveries (for example, not using large rigid trucks if the items being delivered could be carried in a smaller truck or van), the potential to have small deliveries to a nearby Reece store (most likely North Melbourne) and then amalgamated into one delivery to Reece Brunswick (rather than Reece Brunswick receiving multiple small deliveries each in its own vehicle), the potential to limit times of delivery to avoid peak pedestrian times etc. I recommend that a requirement for Reece to prepare a Loading Management Plan be considered by Council.



FIGURE 27: GARBAGE TRUCK BLOCKING ROAD

Summary and Conclusion

I note that the pending completion of the residential apartment building to the south of Cocoa Jackson Lane will result in changes to the operation of the lane, and I consider that any change to the existing parking restrictions is therefore premature.

I believe that the use of the eastern end of Cocoa Jackson Lane for loading activities (currently generated by Reece, but soon to also be generated by the new residential multi-level building immediately south of Cocoa Jackson Lane) is to be expected and, indeed, encouraged. The use of laneways for loading removes loading from shop frontages, where these loading activities must mix with pedestrians, cyclists and other road users.

Following my investigations, I am of the opinion that the Council officer is correct when they recommend *“That Council: Notes that Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted.”*



Should Council decide that signage be installed along the Reece boundary, I recommend that either "Loading Zone 15 minutes" or "No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted" be considered. My preference is for "No Stopping, Vehicles Actually Engaged in Taking Up or Setting Down Goods Excepted" as this includes customer's passenger vehicles. However, either of these signs would allow Reece loading to continue as it has done for the past 40 years, while also applying some restriction to avoid long term blockage of Cocoa Jackson Lane. Additionally, I recommend the preparation of a Loading Management Plan.

I conclude by noting that the inability for Reece to legally load from Cocoa Jackson Lane will bring the viability of the store into question.

I trust the above is of assistance. If you would like any further information, or if you would like to discuss the above, please contact me on [REDACTED].

Yours sincerely

O'BRIEN TRAFFIC

[REDACTED]

[REDACTED]
[REDACTED]

7.8 VICTORIAN HERITAGE RESTORATION FUND

Director Place and Environment, Joseph Tabacco

City Strategy and Economy

Officer Recommendation

That Council:

1. Assigns \$50,000 of the \$200,000 allocated to the Heritage Action Plan Implementation in the 2023/2024 budget to participate in the Victorian Heritage Restoration Fund.
2. Authorises the Chief Executive Officer (or their delegate) to approve the eligibility criteria, determine the officer representative on the Committee of Management and sign the agreement between Council and the Victorian Heritage Restoration Fund.
3. Receives a report prior to the completion of the fourth grant round that outlines how the grant program through the Victorian Heritage Restoration Fund has performed and makes a recommendation about whether Council's participation in the program should continue.

REPORT

Executive Summary

The Victorian Heritage Restoration Fund (VHRF) is an existing program available for Councils to provide financial support to owners of heritage places for restoration works. Currently there are four Victorian Councils using the program (City of Melbourne, City of Yarra, City of Ballarat and City of Casey). The types of restoration works supported through the VHRF to date commonly relate to repairs and re-instatement of original features, including:

- Façade construction
- Decorative features
- Tuck pointing
- Works to roofing, chimney, verandas, doors and windows
- Historic signage

The program is managed by a Committee of Management that is made up of a representative from each Council, Department of Transport and Planning, Heritage Victoria, Heritage Council of Victoria and the Municipal Association Victoria. A Merri-bek Heritage Restoration Fund would require a staff representative from Merri-bek to sit on the Committee of Management for the length of Council's involvement in the program.

All VHRF grant programs incur an annual administration fee. This fee goes towards the employment of a Conservation Architect and Administrator who review each grant application and provide a report with recommendations for the Committee decision. They also provide financial and program progress reports and ensure all projects funded are completed to the agreed specifications.

The \$50,000 allocated for this grant program will fund 4 rounds of a Merri-bek focused VHRF program and the administration of any funded projects until they are completed. Council's participation in the VHRF is recommended.

Previous Council Decisions

Heritage Action Plan – Status Report - 7 December 2022

That Council:

1. *Notes the work undertaken to complete the implementation actions from the Heritage Action Plan 2017-2032 as shown at Attachment 1.*
2. *Notes the findings from the investigation into financial incentives to encourage maintenance of heritage buildings at Attachment 2 and that participation in the Victorian Heritage Restoration Fund will be considered in a separate report to Council.*

Community Heritage Action Plan - 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.*

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.

2. Background

An investigation into financial incentives for maintenance of heritage buildings has been completed.

The investigation included a review of the Victorian Heritage Restoration Fund (VHRF) to develop an understanding of an existing grants process that could offer financial support to owners of heritage places for restoration works.

The VHRF started in 2013 and is a partnership between the City of Melbourne, the Department of Transport and Planning and the National Trust of Australia (Victoria). The VHRF offers grants to restore eligible heritage places and objects.

3. Issues

A review of the VHRF has concluded that this is a worthwhile program to participate in. The cost to participate is considered to be good value for money, given the services that are provided, and a Merri-bek City Council officer representative participates in the decision-making of the Committee of Management. The governance of the program appears to be robust as well.

Program structure, timeframes and administration fee

An annual fee of \$10,000 is required to manage a grant program through the VHRF. This fee goes towards the funding of an VHRF Administrator and Conservation Architect to run the program, including reviewing applications, writing recommendation and financial reports, presenting to the Committee of Management, and making sure all grants are acted upon.

The grant program includes four rounds of grant funding a year. Applications close to each round approximately 6 weeks before each Committee of Management meeting, where the VHRF Conservation Architect and Administrator review each grant application and provide a report with recommendations for the committee decision. Successful applications are given an initial 12 months to complete the works. Merri-bek's participation in the VHRF would therefore run over 2 financial years to see the completion of projects. The \$10,000 administration fee will cover the administration of any grants to projects offered in the four rounds of funding until their completion.

VHRF Committee of Management

The Committee of Management is made up of representatives from each Council, Department of Transport and Planning, Heritage Victoria, Heritage Council of Victoria and the Municipal Association Victoria. A Merri-bek Heritage Restoration Fund would require a staff representative from Merri-bek to sit on the Committee of Management for the length of Council's involvement in the program. This would require the Merri-bek representative to attend four meetings a year to consider grant application recommendations.

Grant Eligibility

Each Council's VHRF grant program centres around a set of eligibility criteria that control the scope of works to which grants will be offered. The eligibility criteria focus on places within a Heritage Overlay and for restoration works that can be seen from the public realm.

All projects are assessed by the VHRF using the following assessment criteria:

- Significance of the place
- Need for the works
- Need for funding assistance
- Community benefit, such as preservation of historically or architecturally significant structure or increasing the public awareness of heritage matters.

The VHRF have a standard set of application requirements for all applications (Attachment 1) to assist in the application assessment process.

The program does not fund works that have already commenced or if a contractor has already been engaged for the work.

Grant applications also need to show they have all the required permits, such as a planning permit, and written quotes to confirm the cost of the works. An example of this criteria is the following Melbourne Victoria Heritage Fund (MVHF) criteria.

Eligibility criteria for the MVHF	What the MVHF does not fund
<ul style="list-style-type: none"> • Apply to a place within a heritage overlay in the City of Melbourne; • Enhance building elements of identified heritage significance and improve the overall appearance of the building; • Enhance the original or early appearance and the overall improvement of the place; • Involve works that are visible from the public realm; • Provide evidence that the work is of a reconstructive nature or restorative nature (this can be established through early buildings plans, photographs and drawings); • Reconstruct only original features; and • Be put forward by the property owner or a commercial lessee who has the written consent from the owner and whose term of lease is longer than any completion deadline or loan repayment period. 	<ul style="list-style-type: none"> • Any place within an interim Heritage Overlay • Anything under a repair or enforcement order from the City of Melbourne • Council owned properties • Works that are not visible from the public realm • Works already commenced or completed • Speculative reconstruction works where there is no evidence of early appearance • Development works – such as extensions (even when visible from the public realm) • Works to interiors • Painting – except when forming part of larger restoration works • Maintenance and structural repairs – such as new guttering/down-pipes, general timber repairs, re-stumping

The restoration works supported through the VHRF to date commonly relate to repairs and re-instatement of original features, including to:

- Façade construction - render, sandstone, brickwork and timber fretwork to facades
- Decorative features - lead flashing, rendered urns, pediments and corbels
- Tuck pointing
- Roofing, chimney, verandas, doors and windows
- Historic signage

The eligibility criteria for Merri-bek will be modelled on those that exist for the other participating Councils. It is recommended that these criteria be finalised and approved by the Director Place and Environment.

Monitoring of the grant program

After each funding round, the VHRF provide each Council with a written report setting out:

- the details of any eligible projects during that period
- the details of any approved projects during that period
- a financial statement
- any delays in the assessment of projects

Any unspent funds available in a financial year may be rolled over to funding rounds in the next financial year.

Grant money is paid to the applicant once the entire scope of funded works have been completed to the satisfaction of VHRF. This includes a final inspection of works by the VHRF Administration and/or the VHRF Conservation Architect.

Obligations of grant applicants

A standard agreement between VHRF and the applicant is drawn up outlining the responsibilities of each party and outlines the funding support that relates to the precise scope of works submitted with the application. The VHRF Administrator must be informed of any variations to the works prior to the commencement of works to review. Any variations to the extent or nature of the works or in the types of trades people are undertaking may result in the offer being reduced or withdrawn.

All applications that receive a grant through the VHRF will require a temporary sign to be erected for the duration of the works that have been funded. The applicants are also required to make the building available for photography, which may be used in any VHRF and State Government documentation.

Legal and risk considerations

A Funding Agreement is the legal agreement between the VHRF and Council that sets out the terms for the grant program. It outlines the responsibilities, administration, funding, dispute resolutions, default and terminations and privacy terms. An Annexure to this agreement outlines the eligibility and assessment criteria for the program.

A standard Funding Agreement has already been prepared by VHRF and is currently being used successfully by four Councils for a number of years. Any agreement between the VHRF and Council will be reviewed and require signature from a VHRF Committee member and Council representative.

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

Merri-bek's corporate website will include a dedicated page to provide information about grant the program. The program will also be included on the VHRF website.

The VHRF will work with Council to advertise each funding round via the VHRF website, newspapers, Council's quarterly flyers, social media platforms and Conversation Merri-bek web page subject to funding requirements.

Council could also utilise preliminary planning discussions for heritage applications to advertise the program directly to members of community proposing heritage restoration work.

5. Officer Declaration of Conflict of Interest

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

6. Financial and Resources Implications

Council has committed to \$50,000 for a local heritage grant program. This funding will go towards 4 rounds of funding and the associated administration fee, noting that administration fee will cover all funded projects to acquittal stage regardless of how long it takes to complete that project.

7. Implementation

A heritage grant program is recommended to be implemented through the VHRF. This is an existing program set up to support Council's to provide grants for restoration works to properties within their local Heritage Overlay.

Officers will begin discussions with VHRF and prepare the Funding Agreement and supporting documentation for 4 rounds of funding. The program will aim to begin in late 2023, with the first Merri-bek grant applications to be considered in the Management Committee meeting in November 2023. It is anticipated the second, third and fourth rounds will be considered at meetings in February, May and August 2024.

Following the completion of each round, officers will review reports from the VHRF to understand the numbers of applications and the types of works being successful for grant funding. Completed projects will be shared on both Council's and VHRF website to share the success of the program.

Attachment/s

- 1 [↓](#) Checklist for Victorian Heritage Restoration Fund Applications D23/335717

VHRF Online Application Check List

You will need to have the following information and electronic versions of documents/images ready to type in or upload before embarking on the VHRF application process online.

1. Property Details

Address, Suburb, Postcode, Building Name (if any), How long have you owned the property

2. A current photograph

A current photograph of the property in an electronic format such as a jpeg that can be uploaded.

Image requirements: at least 600dpi, colour

3. Certificate of Title

A current certificate of title must be uploaded with your application. You can download and pay for one online at landdata.vic.gov.au (link not working on site)

Will need to enter volume and folio number into the application.

4. Owner Details

Name, postal address, suburb, postcode, mobile, other phone, e-mail

5. GST

You will need to know if you are registered for GST – yes or no

6. Description of the Works

Provide a brief written description of the works proposed. This can be typed into the form or uploaded as a pdf or word document. Upload any reports from architects, builders or contractors for works, which are proposed to be undertaken. If you have prepared any architectural drawings of the proposed works, these must be uploaded. If the works went out to tender, a copy of the tender documents are also required.

Note: VHRF will not offer funding for works that have commenced or have been completed. Eligible works must be visible from the street.

7. Historical Information

You will need to upload electronic versions of any historical information you have to support your application. This may be original drawings of the property, old photographs, historical records, MMBW plans or the like.

8. Quotes

At least two firm quotes for each eligible component of works. These should be in an electronic version (such as a pdf, jpeg or word document) so they can be uploaded as part of the online application process.

Quotes must be dated and have been obtained within the last 6 months. The two quotes must be detailed, broken down quotes, and must refer to the same scope of works for direct comparison of tradespeople. For example: If you are applying to reinstate an original fence and to undertake tuck pointing works, you must supply two quotes for the fencing works and two quotes for the tuck pointing works.

9. Total Estimate of Works

Total estimate cost of all works including GST

Total estimate cost of all works excluding GST

10. Permit or Permit Exemption

In order for this application to be processed, you must submit a copy of your approved planning permit and endorsed drawings, or written confirmation from the City Council in which the property is located, stating that no permits are required (permit exemption) for the works you propose in this application.

If your place is included on the Victorian Heritage Register you will need a permit or permit exemption from Heritage Victoria rather than Council.

You will need to upload an electronic version of your approved permit or written notification from Council/Heritage Victoria that one is not required (permit exemption).

11. Other Financial Assistance sought

You will need to outline whether you have sought financial assistance for these or any other restoration works from any other sources

7.9 GOVERNANCE RULES REVIEW

Director Business Transformation, Sue Vujcevic

Governance and Strategy

Officer Recommendation

That Council:

1. Endorses the amended Governance Rules provided as Attachment 1 to this report, for community consultation for a period of 15 business days from 14 August 2023 and inviting feedback from the community to be received by 5pm, 1 September 2023.
2. Receives a report at the September 2023 Council meeting to consider the amended Governance Rules.

REPORT

Executive Summary

At its meeting of 8 February 2023, Council resolved to undertake a review of the specific sections of the Governance Rules nominated by Councillor and officers, as requiring further clarity or benchmarking for best practice.

To a large extent, following this review, much of the content of the current Governance Rules is recommended to be retained, particularly as they were developed in line with the Model Governance Rules issued by Local Government Victoria in 2020.

The proposed amendments outlined in this report have been subject to consultation with Councillors, and now Council endorsement of the amended Governance Rules is sought to commence community engagement on the proposed amendments, as required by the *Local Government Act 2020*.

A copy of the revised Governance Rules is provided at **Attachment 1** and details the proposed amendments in the form of tracked changes for transparency.

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

Pending endorsement, community consultation will be held between 14 August 2023 – 1 September 2023 via Conversations Moreland and written submissions will be invited from the community.

Previous Council Decisions

Governance Rules Review Process - 8 February 2023

That Council:

1. *Notes the recent reviews of the Governance Rules and options for additional reviews.*
2. *Determines that option 2 is its preferred course of action:*
To review only the specific sections of the Governance Rules nominated by Councillors and officers, as requiring further clarity or benchmarking for best practice.

Notice of Motion – Review of Governance Rules – 7 December 2022

That Council:

1. *Receives a report at the February 2023 Council meeting, outlining the processes and resourcing required to undertake a full review of Council's Governance Rules.*
2. *The scope of the review of the Governance Rules is to include:*
 - a) *undertaking a review against best practice in meeting procedure and a comparative benchmark with other metropolitan councils; and*
 - b) *outlining options for improving the Governance Rules which includes (but is not limited to):*
 - i) *enhancing community questions and submissions*
 - ii) *refining motions and debate*
 - iii) *clarifying conflicts of interest*
 - iv) *refining records of meetings held under auspices of Council being more inclusive; and*
 - v) *removing ambiguity in the interpretation and practical application of the Governance Rules.*

Adoption of Council's Governance Rules - 10 August 2022

That Council:

1. *Adopts the revised Governance Rules , which provide for attendance and participation in Council meetings and delegated committees by electronic means of communication, provided as Attachment 1.*
2. *Thanks all submitters who provided feedback, and writes to submitters who may have provided feedback outside of the proposed amendments, explaining the purpose and rationale for the limitation of proposed amendment changes, and providing a copy of the outcome of Council's decision (including a copy of responses as provided in Attachment 2).*

Adoption of Council's Governance Rules - 8 December 2021

That Council:

1. *Adopts the revised Governance Rules, provided as Attachment 1.*
2. *Writes to the individual submitter, thanking them for their contribution and providing a copy of the outcome of Council's decision (including a copy of responses as provided in Attachment 2).*

Implementation of Local Government Act 2020 - Governance Rules, Public Transparency Policy and Council Expenses Policy - for Adoption - 12 August 2020

That Council:

1. *Adopts the Governance Rules at Attachment 1 to this report with the following amendment:*
 - *Modify sub-rule 3.3.4 (3) to read: An Agenda for an Ordinary Meeting held in accordance with the schedule of Council meetings prepared in accordance with sub-rule (1) will be made available on Council's website at least 6 days prior to the meeting.*
2. *Determines the commencement date for the Governance Rules to be 1 September 2020.*

...

1. Policy Context

Section 60 of the *Local Government Act 2020* (the Act) provides that a Council must develop, adopt and keep in force Governance Rules. In doing so, a Council may amend its Governance Rules subject to ensuring that a process of community engagement is followed in amending its Governance Rules.

2. Background

At its meeting held 10 August 2022, Council adopted its current Governance Rules in line with the Act, which to provide for:

- The conduct of Council meetings;
- The conduct of meetings of delegated committees;
- The attendance and participation in Council meetings and delegated committees by electronic means of communication;
- The form and availability of meeting records;
- The election of the Mayor and the Deputy Mayor;
- The appointment of an Acting Mayor;
- An election period policy in accordance with section 69;
- The procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- The procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- The disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1).

The Governance Rules must also provide for a Council to:

- Consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

Council is now taking the opportunity to review the Governance Rules to determine and consider any further improvements.

Under the local Government Act 2020, Council is also required to review its

3. Issues

When amending its Governance Rules, Council must ensure that a process of community engagement is followed in accordance with section 60(4) of the Act. In accordance with Councils Community Engagement Policy, a 15 business day community consultation process where the amended Governance Rules is put on public exhibition for comment, is proposed.

Following the review, it is proposed to largely retain what is currently contained within Council's Governance Rules, particularly as these Rules were initially developed in line with the Model Governance Rules issued by Local Government Victoria in 2020.

Attachment 1 to this report is a tracked changes version of the revised Governance Rules that reflects the proposed amendments resulting from the consultation with Councillors.

A summary of proposed changes is as follows:

Correction of anomalies and improved readability (various pages):

Minor amendments have been made to update Council's name change, correct any anomalies or errors and improve readability and flow of the document.

Amend the definition of Special Meeting, page 11, to read as:

To mean an unscheduled Meeting of the Council to consider a matter that cannot be effectively dealt with in the schedule of Council Meetings and/or is convened for a particular purpose such as the Election of Mayor and Deputy Mayor.

Add new Rule 3.2.4(8) The Chairperson's Duties and Discretions, page 15:

Where the Governance Rules do not provide a procedure for the meeting, the Chairperson may determine the procedure to be followed.

Amend Rule 3.3.2 (2) Special Meetings (unscheduled), page 17 to read as:

The Mayor, or at least three Councillors may by written notice to the Chief Executive Officer call a Special Meeting. A written notice to call a Special Meeting must:

- (a) Specify the date and time and the business to be transacted;
- (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Sub-Rule 3.3.4.
- (c) The Chief Executive Officer must convene the council meeting as specified in the notice

Amend Rule 3.3.3 (1) Call of the Council, page 18 to read as:

If a quorum cannot be achieved or maintained repeatedly (3 or more times) due to the absence of Councillors, the Chief Executive Officer may require all Councillors to attend a Call of the Council Meeting.

Amend Rule 3.3.4 (2) Notice of Meetings, page 18 to read as:

A notice of a Meeting, that is not a Special Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least six days before the Meeting. A period of less than six days may be justified if exceptional circumstances exist. If exceptional circumstances exist as to why a notice of the meeting cannot be given in accordance with this rule, the exceptional circumstances must be set out/explained in the agenda.

Amend Rule 3.3.4 (4) Notice of Meetings, page 19 to read as:

An Agenda for a Special Meeting must be made available electronically to every Councillor at least 48 hours before the Meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

Amend Rule 3.3.4 (5) Notice of Meetings, page 19 to read as:

An Agenda for a Special Meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

Amend Rule 3.5.2 Order of Business for Council Meetings, page 21 to read as:

The order of business must be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. Generally, the order of business of any scheduled Council Meeting will be as follows:

Amend Rule 3.6.1 (2) Questions of Council and Community Statements, page 24 to read as:

Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every scheduled Council Meeting not designated for Planning and Related Matters to enable members of the public to submit questions to Council.

Add new Rule 3.6.1 (9) Questions of Council and Community Statements, page 25:

Prior to questions of Council and Community Statements, councillors are to be informed by the Mayor of the total number of questions received for the council meeting.

Add new Rule 3.6.2 (2)(e) Questions of Council, page 25:

A copy of all questions received before 12noon on the day of the Council Meeting, will be distributed to Councillors as soon as reasonably practicable.

Amend order of Rule 3.6.2 (4) and (5) Questions of Council, page 25:

Rotate order of appearance.

Amend Rule 3.6.2 (5) Questions of Council, page 25, to read as:

Questions that are submitted in writing but not asked, will be taken On Notice.

Amend Rule 3.6.2 (8) – Questions of Council and Community Statements, page 25 to read as:

The Chairperson may elect to answer the question themselves or nominate one appropriate Councillor to answer each question. Prior to responding, the Chairperson may seek contextual information from the person submitting the question.

Amend Rule 3.6.2 (9) – Questions of Council and Community Statements page 25 to read as:

The Chairperson, may at their discretion refer the question to the Chief Executive Officer, who may refer it to a member of Council staff.

Amend Rule 3.6.3 (1) – Community Statements, page 26 to read as:

A member of the community may make a statement, for up to 3 minutes, in relation to any matter listed on the Agenda for the Council Meeting that the statement is to be made.

Amend Rule 3.6.3 (2) – Community Statements, page 26 to read as:

Community Statements must not be directed at individual Councillors or members of Council staff.

Amend Rule 3.6.5 (3) – Petitions and Joint Letters, page 27 to read as:

Where a petition has been signed by less than 10 people, or does not otherwise conform to the requirements contained in rule 3.6.5(1), it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.

Add new Rule 3.6.9 (1) Prohibited items, page 29:

Unless worn for either medical, health, cultural or religious purposes, a person must not wear a facemask or head covering that disguises their identity.

Amend Rule 3.7.1 (2) How a matter is determined, page 30 to read as:

In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise a Second vote (casting vote).

Amend Rule 3.9.1 (6) Moving a Motion, page 32 to read as:

After the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder reserves their right to speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and

Add new Rule 3.9.1 (8) Moving a Motion, page 32:

If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.

Rule 3.9.13 (6) Procedural Motions, page 35:

To be deleted.

Amend Rule 3.9.16 (1) Change of Council Policy, page 39 to read as:

Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held Council.

Amend Rule 3.11.1 (p) Keeping of Minutes, page 42 to read as:

any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes and at the request of any Councillor; and

Amend Rule 3.12 Suspension of Standing Orders, page 44 to read as:

Standing Orders are the Rules made to govern the procedure at Council Meetings as contained in these Governance Rules. The Standing Orders cover a range of matters including the order of business, Rules of debate, Procedural Motions and election procedures. Standing Orders can be suspended to facilitate the business of a Meeting but should not be used purely to dispense with the processes and protocol of the government of Council.

Amend Rule 4.6 (3)(h) Determining the election of the Mayor/Deputy Mayor, page 48 to read as:

If a lot is conducted, the Chief Executive Officer will conduct the lot and the following provisions will apply:

Chapter 5, Council Committees & Joint Council Meetings,

Add Rule 5.3 (3) Hearing Committees, page 51:

A quorum for a Hearing Committee will be half of the Councillors appointed to the Hearing Committee.

Chapter 6, Conflict of Interest

Amend Rule 6.4 (8) Procedure at Advisory Committee Meetings and other Meetings organised, hosted or supported by Merri-bek, page 55 to read as:

Meeting records and reports of conflicts of interest will be presented to Council for noting and inclusion on the public record.

Chapter 9, Council Records

Amend Rule 9.1 (1) Records of Meetings held under the auspices of Council, page 60 to read as:

A record of the matters discussed at all Hearing of Submission Meetings, Advisory Committee Meetings and Councillor Briefings organised or hosted by Council, will be kept.

Chapter 10, Election Period Policy

Amend Rule 6.5 Council resources must not be used, page 64 to read as:

Council resources must not be used by any Councillor or candidate in any way that supports an election campaign or in a way that is intended or likely to influence voting in any election.

Chapter 10, Election Period Policy

Amend Rule 6.7.1 Electoral Matter, page 66 as follows:

Delete paragraph: Appendix 1 contains the approval memorandum required for a publication during the election period.

Appendix 1, page 72:

To be deleted.

Legal and risk considerations

The amended Governance Rules as proposed, meet the requirements of *the Local Government Act 2020* and the *Regulatory Legislation Amendment (Reform) Act 2022*.

Human Rights Consideration

There has been careful consideration in upholding human rights as required by the Charter of Human Rights and Responsibilities (Victoria) through the amendment of the Governance Rules. In particular, the right to freedom of expression (section 15) providing that people are free to say what they think and want to say.

It is considered that the Governance Rules adopted in December 2021 had already captured this requirement appropriately, with the current existence of 'community statements' at Council meetings, which is not proposed for change as part of the current amendment.

4. Community consultation and engagement

This report seeks approval for the amended Governance Rules to proceed with community consultation.

In preparation of the amended Governance Rules, consultation with Councillors was undertaken at briefings held on 3 May 2023 and 19 July 2022.

The approach for community consultation will be undertaken by making the amended Governance Rules available on the Conversations Moreland website for a period of 15 business days from 14 August 2023 and inviting feedback from the community to be received by 5pm, 1 September 2023.

Affected persons rights and interests

Prior to making a decision that affects a person's rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and for those expressed views to then be considered. The amended Governance Rules do not directly impact the Community, but Councillors rights and interests may be considered to be impacted by the proposed amendments. Councillors will have the opportunity to express those views during consideration of the revised Governance Rules.

5. Officer Declaration of Conflict of Interest

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

6. Financial and Resources Implications

The resources required to consult and prepare the amended Governance Rules are met within existing resource allocations.

7. Implementation

Subject to Council's decision, community consultation will commence from 14 August 2023 and inviting feedback from the community to be received by 5pm, 1 September 2023. The final Governance Rules as amended, will be presented to the September 2023 Council meeting for adoption.

Attachment/s

- 1 [↓](#) Governance Rules - August 2023 - Proposed Amendments - Tracked Changes D23/354166



Governance Rules

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COMMITMENT

Good governance, integrity and accountability are central to the *Local Government Act 2020* ("the Act"), to underpin local government democracy, accountability, conduct and enable our community to hold the Council to account. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance Rules established.

The principles of good governance incorporate the principles outlined in the Act, including the overarching governance principles as well as the public transparency, community engagement, strategic planning, service performance and financial management principles.

Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors and Council officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.

Council seeks to apply good governance in order to:

- Engage our community in decision making;
- Achieve the best outcomes for the Merri-bek community, including future generations;
- Ensure the transparency of Council decisions, actions and information;
- Ensure the ongoing financial viability of Council;
- Increase our performance;
- Drive out inefficiencies; and
- Reassure residents that we are spending public monies wisely.

CHAPTER 1 - INTRODUCTION

1.1 Purpose

These Governance Rules determine the way in which Council will:

- a) Make decisions:
 - in the best interest of the Merri-bek community;
 - fairly and on the merits of the question;
 - in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered;
- b) Elect its Mayor and Deputy Mayor;
- c) Conduct Meetings of Council and Delegated Committees;
- d) Give notice of Meetings and record and make available Meeting records (Minutes and livestreamed Meetings);
- e) Be informed in its decision making through community engagement, Advisory Committees, Councillor areas of responsibility and Council officer reports;
- f) Require the disclosure and management of conflicts of interest.

The Governance Rules also include:

- Rules for the conduct of Council and Councillors during Election Periods, through the Election Period Policy;
- An overview of alignment of the Governance Rules within Council's democratic and corporate governance; and
- Provisions for use of the Common Seal.

1.2 Principles

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Act. These principles are:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d) The municipal community is to be engaged in strategic planning and strategic decision making;
- e) Innovation and continuous improvement are to be pursued;
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought;

- g) The ongoing financial viability of the Council is to be ensured;
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i) The transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must take into account the following supporting principles —

- a) the community engagement principles;
- b) the public transparency principles;
- c) the strategic planning principles;
- d) the financial management principles;
- e) the service performance principles.

CHAPTER 2 - CONTEXT

2.1 Affected Persons Rights and Interests¹

In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:

- a) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- b) on the merits, free from favouritism or self-interest and without regard to irrelevant considerations.

Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).

Before making a decision that affects a person's rights, Council (including persons acting with the delegated authority of Council) will identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

This includes but is not limited to the rights outlined in the *Charter of Human Rights and Responsibilities Act 2006* and Council's Human Rights Policy.

The opportunity provided for a person whose rights have been affected to contribute their views will be documented in any relevant report put before the Council or Delegated Committee.

A Council officer making a decision under delegation that affects the rights of a person will record in writing the opportunity provided to the person to have their views considered.

¹ Section 60(2) Local Government Act 2020

2.2 Merri-bek’s Governance Setting



2.3 Context

The Governance Rules are to be read in the context of and in conjunction with:

- Community Engagement Policy
- Public Transparency Policy;
- Good Governance Framework;
- Conflicts of interest Guidance as issued by Local Government Victoria; Councillor Code of Conduct;
- Employee Code of Conduct;
- Other relevant policies.

Each numbered section or sub-section is a Rule or Sub-Rule.

2.4 Definitions

- (1) In these Governance Rules:

Act means the Local Government Act 2020;

Absolute Majority means the number of Councillors which is greater than half the total number of the Councillors of a Council. In the case of a Delegated Committee an Absolute Majority is the number of members which is greater than half the number members appointed to the Delegated Committee.

Advisory committee means a committee established by the Council, that provides advice to:

- (a) the Council; or
- (b) a Delegated Committee; or
- (c) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee.

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.

Agreement of Council means indicative agreement of all Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

Authorised Officer has the same meaning as in the Act.

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.

Council Chamber means any room where the Council holds a Council Meeting.

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office.

Common Seal means the common seal of Council.

Council means Merri-bek City Council.

Councillor means a Councillor of Council.

Council Meeting means a Meeting of the Council convened in accordance with these Governance Rules and includes scheduled and unscheduled meetings (unscheduled meetings known as Special meetings as per definition below) and meetings designated for Planning and Related Matters, **whether held face to face (in person) attendance in a set location or via electronic means (virtual) or in a hybrid format that includes both in person and electronic attendance.**

Council staff means a person who is appointed (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the Council to be carried out.

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation from the Chief Executive Officer.

Delegated Committee means a Committee established by Council to which powers, duties or functions have been delegated in accordance with section 11 of the Act.

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.

Disorder means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with these Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting.

Foreshadowed Item means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting.

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter.

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor, including a Deputy Mayor, if the Mayor is not available.

Meeting means Council Meeting as described above

Meeting Designated for Planning and Related Matters means a Council Meeting that is held only for the consideration of planning and related matters.

Minister means the Minister administering the Act.

Minutes means the official record of the proceedings and decisions of a Meeting.

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting.

On Notice means held or deferred to enable preparation of a response.

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.

Procedural Motion means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

Rule or Sub-Rule means a Rule or Sub-Rule included in these Governance Rules.

Second vote means a vote cast by the Chairperson when there has been an equality of votes cast for and against a matter (also known as a casting vote). A Councillor who does not vote will be taken to have voted against the question;

Special Meeting means an unscheduled Meeting of the Council to consider a matter that cannot be effectively dealt with in the schedule of Council Meetings and/or is convened for a particular purpose such as the Election of Mayor and Deputy Mayor, or matter that cannot be effectively dealt with in the schedule of Council Meetings set by Council.

these Rules means these Governance Rules.

(2) Definitions provided by the Act

The following definitions provided by the Act are applied to these Governance Rules:

Confidential Information means the Confidential Information established under section 3(1) of the Act, and means

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- (d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that:
 - i) relates to trade secrets; or
 - ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- (h) confidential Meeting information, being the records of Meetings closed to the public under section 66(2)(a);
- (i) internal arbitration information, being information specified in section 145;
- (j) Councillor Conduct Panel confidential information, being information specified in section 169;
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- (l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*;

Electoral Material means an advertisement, handbill, pamphlet or notice that contains Electoral Matter but does not include an advertisement in a newspaper that is only announcing the holding of a Meeting.

Electoral Matter means matter which is intended or likely to affect voting in an election but does not include any Electoral Material produced by or on behalf of the election manager for the purposes of conducting an election.

Nomination Day means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and the regulations.

CHAPTER 3 – MEETING PROCEDURE

The way in which Council and Delegated Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive Meeting by ensuring all Councillors and members of Delegated Committees have the opportunity to be heard, matters are adequately discussed, Meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of Meetings and generally does not participate in debate or move or second Motions.

The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by the Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council.

Each member of the Meeting has an obligation to participate in good decision-making through their preparation and contribution to the Meeting.

Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

3.1 Purpose of Council Meetings

- (1) Council holds Council Meetings and, when required, Special Meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee Meetings are open to the public and the community are able to attend. Meetings will only be closed to members of the public if:
 - (a) the Meeting is to consider confidential information; or
 - (b) a Meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the Meeting to proceed in an orderly manner.
- (3) If a Meeting is closed to the public for the reasons outlined in Sub-Rule 2(b) or 2(c), the Meeting will continue to be livestreamed. In the event a livestream is not available, the Meeting will be adjourned.
- (4) For the avoidance of doubt, if a Meeting is open to the public and the livestream is not available, a Meeting that has not commenced will proceed as scheduled and a Meeting that has commenced will continue.

3.2 Meeting Roles

3.2.1 Chairperson and Members

- (1) The Chairperson, Councillors and members of Delegated Committees will ensure good decision-making by endeavouring to ensure:
 - (a) Decision making is transparent to members and observers;
 - (b) Meeting members have sufficient information to make good decisions;
 - (c) Every member is supported to contribute to decisions;
 - (d) Any person whose rights are affected has their interests considered;
 - (e) Debate and discussion is focussed on the issues at hand;
 - (f) Meetings are conducted in an orderly manner.

3.2.2 Mayor to take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as a temporary Chairperson.

3.2.3 Delegated Committee Chairperson

- (1) At the Meeting at which Council appoints the members of a Delegated Committee it must also appoint a Chairperson. If Council is appointing a single member as a result of a vacancy, or additional members, there is no change to the appointed Chairperson unless resolved by Council.
- (2) For the avoidance of doubt, Sub-Rule (1) does not intend to limit the powers of the Mayor provided in the Act.

3.2.4 The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- (1) must not accept any Motion, question or statement which is:
 - (a) vague or ambiguous;
 - (b) defamatory, malicious, abusive or objectionable in language or substance;
or
 - (c) outside the powers of Council;
- (2) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting.
- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.
- (4) may direct that a vote be recounted to be certain of the result.

- (5) must decide on all points of order in accordance with Rule 3.10 and
- (6) May adjourn a Disorderly Meeting.
- (7) Subject to Rule 3.1 (2), the Chairperson may determine to close a Meeting to the public to maintain security and order, if the circumstances prevent seeking a Council resolution in accordance with Rule 3.13.
- (8) Where the Governance Rules do not provide a procedure for the meeting, the Chairperson may determine the procedure to be followed.

3.2.5 Chief Executive Officer

- (1) The Chief Executive Officer, or delegate, may participate in the Meeting to provide support to the Chairperson and advice to the Meeting.
- (2) The Chief Executive Officer:
 - (a) Must immediately advise if a proposed resolution or action is, to their knowledge, contrary to legislation or Council Policy;
 - (b) May advise if there are administrative or operational implications arising from a proposed resolution;
 - (c) May assist to clarify the intent of any unclear Motion to facilitate implementation of a resolution;
 - (d) On request, assist with procedural issues that may arise.

3.2.6 Councillors and members of Delegated Committees

Councillors and members of Delegated Committees contribute to good governance and decision making by:

- (1) Seeking views of community members and reading Agenda papers prior to the Meeting.
- (2) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers.
- (3) Attending Meetings and participating in debate and discussion.
- (4) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making.
- (5) Being courteous and orderly.

3.2.7 Community

- (1) Council Meetings are decision making forums for the Council that are open to the community to attend and/or view proceedings.
- (2) Community members may only participate in Council Meetings in accordance with Rule 3.6.
- (3) Community members are encouraged to participate in Council's engagement processes.

- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

3.2.8 Apologies and absences

- (1) Councillors and members of Delegated Committees who are unable to attend a Meeting may submit an apology:
 - (a) In writing to the Chairperson, who will advise the Meeting; or
 - (b) By seeking another Councillor or member of the Delegated Committee to submit it at the Meeting on their behalf.
- (2) An apology submitted to a Meeting will be recorded in the Minutes.
- (3) A Councillor intending to take a leave of absence must submit it in writing to the Mayor.
- (4) The Mayor will seek to have any leave of absence request received included in the Agenda of the next Council Meeting.
- (5) A leave of absence not included in a Council Meeting Agenda may still be considered by Council if a written request has been received by the Mayor prior to the Meeting.
- (6) Council will not unreasonably withhold its approval of a leave of absence request.
- (7) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.²
- (8) For the benefit of clarity, should unplanned leave of absence occur (between two Council meetings), Council will receive the request at the next possible Council meeting for approval, providing Sub-Rule (5) is met.

3.2.9 Attendance at meetings by electronic means

- (1) Councillors and members of Delegated Committees who wish to attend a meeting via electronic means must submit a written request to the Mayor (or Chairperson), no later than 30 minutes prior to the commencement of the meeting.
- (2) The Mayor (or Chairperson), must grant any reasonable request from a Councillor or member to attend a meeting by electronic means.
- (3) At the commencement of each meeting, the Mayor (or Chairperson), will advise the meeting of any Councillors or members that have been granted approval to attend the meeting by electronic means.
- (4) It will remain the responsibility of the Councillor or member attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a Confidential meeting.

² Section 35 (1) (e) of the Act provides a Councillor ceases to hold office if they are absent from Council Meetings for a period of 4 consecutive months without leave obtained from the Council.

- (5) A Councillor or member that has not sought approval to attend a meeting by electronic means in accordance with 3.2.9(1), and cannot attend the meeting in person, will be recorded as absent.

3.3 Notice of Meetings and availability of Agenda

3.3.1 Date, time and place of Council Meetings

- (1) At or before the last Meeting each year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- (2) Council may resolve a Delegated Committee will set its own schedule of Meetings.
- (3) When setting the dates of Council Meetings, Council may set Meetings Designated for Planning and Related Matters.
- (4) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed, or schedule an additional Council Meeting and must provide notice of the change to the public.

3.3.2 Special Meetings

- (1) Council may by resolution call a Special Meeting. Any resolution of Council to call a Special Meeting must specify the date and time of the Special Meeting and the business to be transacted. The date and time of the Special Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- (2) The Mayor, or at least three Councillors may by written notice to the Chief Executive Officer call a Special Meeting. A written notice to call a Special Meeting must:
 - (a) Specify the date and time and the business to be transacted;
 - (b) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Sub-Rule 3.3.4.
 - (c) The Chief Executive Officer must convene the council meeting as specified in the notice
- (3) The Chief Executive Officer, following consultation with the Mayor, may call a Special Meeting.
- (4) In the event a Special Meeting is to be called pursuant to Sub-Rule (2) and (3), the Chief Executive Officer must determine the time and date for the Special Meeting giving consideration to:
 - (a) the urgency of the business to be transacted;
 - (b) the availability of Councillors; and
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted
- (5) The Chief Executive Officer must arrange for notice of the Meeting on Council's website, and other mediums that will maximise the opportunity for the community to be notified in accordance with Sub-Rule 3.3.4.

- (6) The Chief Executive Officer must call a Special Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- (7) The Special Council Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- (8) Only the business specified in the Council resolution, or written notice, may be considered at a Special Meeting, unless by unanimous resolution determines to admit another matter.

3.3.3 Call of the Council

- (1) If a quorum cannot be achieved or maintained repeatedly (3 or more times) due to the absence of Councillors, the Chief Executive Officer may require all Councillors to attend a Call of the Council Meeting.
- (2) Notice of the Meeting must be given in accordance with Sub-Rule 3.3.4(2).
- (3) The Agenda for a Call of the Council Meeting must only contain matters that have been unable to be transacted because a quorum has not been achieved or maintained.
- (4) If a Councillor does not attend within 30 minutes after the time fixed for a call of the Council Meeting, or remain at the Meeting for the business to be conducted, the Chief Executive Officer must, following the Meeting, seek a reason in writing from the Councillor(s) not in attendance.
- (5) If, after considering the reason provided by the Councillor for the absence in accordance with Sub-Rule (4), the Chief Executive Officer, in consultation with the Mayor, or Deputy Mayor if the reason has been provided by the Mayor, does not consider the Councillor has provided a reasonable excuse for not attending, the Chief Executive Officer must recommend to the Council to make an application for an internal arbitration process in accordance with section 143 of the Act³.

3.3.4 Notice of Meetings

- (1) A schedule of Council Meetings must be prepared and published on Council's website and in ways that ensures it is available to a broad section of the community at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council Meetings must also be available from Council's Customer Service Centres.
- (2) A notice of a Meeting, that is not a Special Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least six days before the Meeting. A period of less than six days may be justified if exceptional circumstances exist. If

³ Section 143 of the Act provides: Application for an internal arbitration process

(1) An arbiter may hear an application that alleges misconduct by a Councillor.

(2) An application for an internal arbitration process to make a finding of misconduct against a Councillor may be made by—

(a) the Council following a resolution of the Council; or

(b) a Councillor or a group of Councillors.

exceptional circumstances exist as to why a notice of the meeting cannot be given in accordance with this rule, the exceptional circumstances must be set out/explained in the agenda.

- (3) An Agenda for a Council Meeting held in accordance with the schedule of Council Meetings prepared in accordance with Sub-Rule (1) will be made available on Council's website at least 6 days prior to the Meeting, or at the same time that the agenda is made available to Councillors, whichever comes sooner.
- (4) An Agenda for a Special Meeting ~~or Council Meeting held in addition to the Meetings scheduled in accordance with Sub Rule (1)~~ must be made available electronically to every Councillor at least 48 hours before the Meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- (5) An Agenda for a Special ~~Council~~ Meeting ~~or Council Meeting held in addition to the Meetings scheduled in accordance with Sub Rule (1)~~ will be made available on Council's website no less than 24 hours before the Council Meeting.
- (6) The extraordinary circumstances that mean Council is unable to give the notice described in this Rule must be recorded in the Minutes of the relevant Special Meeting.
- (7) Notice of a Special Meeting must be published on Council's website and in ways that will be available to a broad section of the community as soon as practicable after the time and date of the Meeting has been determined.
- (8) If a Special Meeting is called to consider a matter that directly affects the rights of any person(s), every endeavour must be made to notify that person(s).

3.4 Quorum

- (1) Meetings must commence within 30 minutes of the scheduled starting time. A Councillor or member attending a meeting by electronic means of communication with the approval of the Mayor (or Chairperson), is deemed present for the purposes of a quorum.
- (2) If, after 30 minutes from the scheduled starting time of any Meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (3) If, during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (4) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost and direct the Chief Executive Officer to include that item of business on an Agenda for a future Council Meeting.

- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
 - (a) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) Determine to make decisions on separate parts of the matter at a Meeting where quorum can be maintained, before making a decision on the whole matter.
- (6) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - (a) By the Chief Executive Officer; or
 - (b) By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (7) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.

3.4.1 Notice of adjourned Council Meeting

- (1) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time.
- (2) Where it is not practicable because time does not permit notice in accordance with Sub-Rule (1) to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- (3) Notice of an adjournment to another date or time must be published on Council’s website as soon as practical.

Quorum Calculation

Section 61(4) of the Act provides that a quorum at a Meeting must be at least a majority of the Councillors or members of the Delegated Committee.

Number of Councillors/Committee Members	Number required for Quorum
11	6
10	6
9	5
8	5
7	4

3.5 Business of Meetings

The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council’s website. The Chief Executive Officer oversees preparation of the Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the

Agenda for Council Meetings. Council can admit an item of urgent business if it has arisen after distribution of the Agenda and cannot be reasonably deferred to the next Meeting.

3.5.1 Business at Meetings

- (1) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- (2) No business can be dealt with at a Council Meeting unless it is:
 - (a) Contained on the Agenda; or
 - (b) Admitted as Urgent Business in accordance with Sub-Rule 3.5.6

3.5.2 Order of business for Council Meetings

The order of business must be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. Generally, the order of business of any [scheduled](#) Council Meeting will be as follows:

- (a) Welcome;
- (b) Apologies/Leaves of Absence;
- (c) Disclosures of conflicts of interest; (Rule 5.3)
- (d) Confirmation of Minutes of previous Meetings; (Rule 3.11.3)
- (e) Acknowledgements and Other Matters (Rule 3.5.5)
- (f) Petitions; (Rule 3.6.5)
- (g) Public question time; (Rule 3.6.2)
- (h) Council reports;
- (i) Notices of Motion; (Rule 3.9.14)
- (j) Notices of rescission; (Rule 3.9.15)
- (k) Foreshadowed Items;
- (l) Urgent business; (Rule 3.5.6);
- (m) Confidential business.

3.5.3 Order of business for Meetings Designated for Planning and Related Matters

The order of business of any Meeting Designated for Planning and Related Matters will be as follows:

- (a) Welcome;
- (b) Apologies;
- (c) Disclosures of conflicts of interest; (Rule 5.3)
- (d) Confirmation of Minutes of previous Meetings; (Sub-Rule 3.11.3)
- (e) Council reports;
- (f) Urgent business (Rule 3.5.6);
- (g) Confidential business.

3.5.4 Change to order of business

- (1) Once an Agenda has been sent to Councillors, the order of business for that Meeting may be altered with the Agreement of Council.
- (2) If the Agreement of Council is not achieved, the order of business may be altered by a resolution of Council.
- (3) The Chief Executive Officer, following consultation with the Mayor, may withdraw a report included in the Agenda, if special circumstance exist that mean Council consideration of the report would not be appropriate.

3.5.5 Acknowledgements and Other Matters

- (1) At each Council Meeting of Council provision of 10 minutes has been made in the Agenda for the Mayor and Councillors to:
 - a) Acknowledge and recognise achievements of local individuals and organisations; and
 - b) Raise matters considered important to Council.
- (2) For the purposes of raising matters as outline in Sub-Rules (1) (a) and (b), the nature of these matters should not be the subject of an item already listed in the Council agenda, does not require a decision of Council or cannot address matters where internal mechanisms already exist (i.e. raising matters to address customer requests).
- (3) The Chairperson will manage the time commitment across Councillors indicating their intent to speak.
- (4) Where an item is requiring a decision of Council, these matters must be raised in accordance with the provisions as outlined in Urgent Business (3.5.6), Notices of Motion (3.9.14) or Foreshadowed Items (3.9.17).

3.5.6 Urgent Business

- (1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - (b) Deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
 - (c) The item involves a matter of urgency as determined by the Chief Executive Officer; and
 - (d) It cannot be addressed through an operational service request process; and
- (2) In addition to the requirements in Sub-Rule (1), where Urgent Business is to be admitted to a Meeting Designated for Planning and Related Matters, the urgent business must relate to a planning matter.

- (3) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3 pm on the day of the Meeting.
- (4) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.
- (5) The consideration of Urgent Business is a two-step process as follows:
 - (a) At the point in the agenda when Urgent Business is listed, the Chairperson will seek any items of Urgent Business.
 - (i) The Councillor proposing an item of Urgent Business is to briefly describe the nature of the matter (at this point the Council is not moving a motion) and seek that the item to be accepted as urgent business.
 - (ii) The Chairperson will seek a mover and seconder to accept the item as Urgent Business.
 - (b) A motion may then be moved and seconded in accordance with Rule 3.9 – Motions and debate.

3.5.7 Time Limits for Meetings

- (1) A Meeting must not continue after three hours from the time it commences unless a majority of Councillors present vote in favour of its extension in accordance with this Rule.
- (2) Extensions of a Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A Meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in Sub-Rules (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6 pm on the following day. In that event, the provisions of Sub-Rule 3.4.1.
- (6) Notwithstanding Sub-Rule (5), the Chairperson may seek the Agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

3.5.8 Chairperson may temporarily adjourn a Meeting exceeding two hours

- (1) The Chairperson may adjourn a Meeting for a 10 minute break, at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding Sub-Rule (1), the Chairperson may seek the Agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

3.6 Community Questions and Submissions

3.6.1 Questions of Council and Community Statements

- (1) Members of the public may only address a Council Meeting in accordance with the provisions of these Governance Rules.
- (2) Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every scheduled Council Meeting not designated for Planning and Related Matters to enable members of the public to submit questions to Council.
- (3) Sub-Rule (2) does not apply during any period when a Meeting is closed to members of the public in accordance with section 66(2) of the Act.
- (4) There will be no Questions of Council and Community Statements during a local government election period.
- (5) The time provided for questions of Council and community statements will not exceed 30 minutes in duration, unless by resolution of Council, in which case, the time may be extended for one period of up to 30 minutes.
- (6) Priority will be given to questions and statements that relate to matters listed in the Agenda. If time allows, questions about items other than those listed on the Agenda will be considered.
- (7) A maximum of two questions or statements, in any combination, is allowed per person. If a person has submitted two questions or statements, the second or statement question may, at the discretion of the Chairperson:
 - (a) be deferred until all other persons who have submitted questions have asked their first question; and/or
 - (b) not be asked or permitted if the time allotted for public question time has expired.

(8) A person submitting two questions or statements, in any combination, may identify the priority order of the questions or statements.

(9) Prior to the hearing of Questions of Council and Community Statements, the Mayor will inform Councillors of the total number of questions received for the Council meeting.

3.6.2 Questions of Council

- (1) Persons wishing to ask a question will be encouraged to submit their question on the Questions of Council form available on Council's website by 12 noon on the day of the Council Meeting.
- (2) Questions can be submitted by:
 - (a) The online form at www.Merri-bek.vic.gov.au
 - (b) Email to: governance@Merri-bek.vic.gov.au; or
 - (c) Mail to: Locked Bag 10, Merri-bek Vic. 3058; or
 - (d) In person at the Coburg Civic Centre Customer Service Centre at 90 Bell Street Coburg, up until the beginning of an in-person council meeting.

- ~~(4)~~(e) A copy of all questions received before 12 noon on the day of the Council Meeting, will be distributed to Councillors as soon as reasonably practicable.
- (3) Assistance will be available for any community member seeking or requiring support to write their question(s).
- ~~(4)~~ A maximum of three questions will be heard on any one subject. Council will then proceed to the next subject, returning to the previous subject if time allows.
- ~~(5)~~ For the purposes of Sub Rule (4) Questions that are submitted in writing but not asked, will be taken On Notice.
- ~~(3)~~(6) Persons submitting questions must be present in the public gallery either personally or by representative unless the question has been submitted in accordance with a procedure developed at Rule 3.6.4.
- ~~(4)~~(7) When invited by the Chairperson, the person submitting the question:
- (a) Must state their name and suburb;
 - (b) May ask their question, with a preamble or background for up to 3 minutes.
- ~~(5)~~(8) The Chairperson may elect to answer the question themselves or nominate one appropriate Councillor to answer each question. Prior to responding, the Chairperson may seek contextual information from the person submitting the question.
- ~~(6)~~(9) ~~If the Chairperson, or a Councillor nominated by the Chairperson, is unable to answer the question, the Chairperson~~ may at their discretion, refer the question to the Chief Executive Officer, who may refer it to a member of Council staff.
- ~~(7)~~(10) No discussion of a question or answer will be allowed, other than for the purposes of clarification by a Councillor.
- ~~(8)~~(11) A question or community statement may be disallowed by the Chairperson if the Chairperson determines it:
- (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) may lead to a breach of Council's obligation to comply with its statutory obligations;
 - (d) deals with subject matter already answered; or
 - ~~(e)~~ (e) deals with a matter that should be, or has been, considered as a confidential matter.
- ~~(9)~~(12) No questions directed at an individual Councillor or member of Council staff will be allowed.
- ~~(10)~~(13) The Chairperson may decide to take any question On Notice. Questions On Notice will be actioned by the relevant Director and a written response forwarded to the person and made available to Councillors. The status of On Notice items will be reported to the next practicable Council Meeting.
- (14) A question will only be dealt with as an On Notice question if the entire question has been provided in writing and contact details for a response are provided. An

incomplete question or a question where not contact details are provided will not be prioritised to be included before the time allowed for public question time and community statements has elapsed.

~~(11)~~

3.6.3 Community statements

- (1) A member of the community may make a statement, for up to 3 minutes, in relation to any matter listed ~~in~~on the Agenda for ~~a~~the Council Meeting that the statement is to be made.
- (2) Community Statements ~~may~~must not be directed at individual Councillors or members of Council staff.
- (3) Community Statements will not receive a response.
- (4) The Chairperson may cease a community statement he or she deems defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance.
- (5) A member of the public wishing to make a community statement may indicate their intention in advance of the Meeting or by completing a form on arrival at the Meeting.

3.6.4 Questions and community statements from members of the public not in attendance and at Meetings conducted electronically

- (1) Council may, by resolution, determine that the Chief Executive Officer must develop a procedure that enables the submission of questions and statements by community members who are not in attendance but are viewing the livestream to be admitted to the Meeting.
- (2) A procedure developed at Sub-Rule (1) must include the person asking the question being visible to the Meeting when asking a question.
- (3) Where a person is experiencing technical difficulties that prevents them from asking their submitted question, as lodged in accordance with Rules 3.6.2 or 3.6.3 (ie. unable to connect to an online meeting) or where connectivity issues arise that prevent the person from being able to be seen or heard when invited to address Council, the Chairperson may elect to read out their question.
- (4) A procedure developed in accordance with Sub-Rule (1) must give consideration to:
 - (a) Accessibility;
 - (b) Community members in attendance at the Meeting; and
 - (c) Relevance of the question to an item on the Agenda for the Meeting.
- (5) If a Council Meeting is being conducted electronically or online, in accordance with any Guidelines issued for the Minister for Local Government, provision will be made for questions and community statement to be made via video call, if the question or intent to make a submission is lodged in accordance with Rules 3.6.2 or 3.6.3 as is applicable.

3.6.5 Petitions and joint letters

- (1) Every petition submitted to Council must:
 - (a) be in legible and in permanent writing;
 - (b) state clearly on each page the matter and the action sought of Council;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council; and
 - (e) include the names, addresses and original signatures of at least 10 people;
 - (f) clearly indicate the name and contact details of the lead petitioner.
- (2) If the lead petitioner is present at the Meeting at the time a petition is presented, the Chairperson may invite the lead petitioner to address the Meeting for up to two minutes.
- (3) Where a petition has been signed by less than 10 people or does not otherwise conform to the requirements contained in rule 3.6.5 (1), it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (4) Any Councillor presenting a petition is responsible for ensuring that:
 - (a) he or she is familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (5) The only Motions that may be considered by Council on any petition are:
 - (a) that the petition be received; and
 - (b) that the petition be referred to the Chief Executive Officer or relevant Director for consideration and response; or
 - (c) that the petition be referred to the Chief Executive Officer or relevant Director for a report to a future Council Meeting.
- (6) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- (7) If a petition relates to:
 - (a) a 'planning matter' which is the subject of a public exhibition or notification process under the *Planning and Environment Act 1987*); or
 - (b) a matter which Council has determined will be the subject of a Hearing Committee and is the subject of a public submissions process in accordance with Council's Community Engagement Policy,the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).

- (8) An online or electronic petition may be submitted to a Council Meeting.
- (9) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- (10) An online or electronic petition will not be presented to a Council Meeting if it contains signatures that are false or misleading.

3.6.6 Submissions to Meetings designated for Planning and related matters

At a Meeting Designated for Planning and Related Matters:

- (1) the Chairperson may invite a Council Officer to provide an overview of a planning matter to be considered; and
- (2) an objector to, or proponent of, a Planning Permit Application or Planning Scheme Amendment included in the Agenda, may be invited by the Chairperson to address the Meeting for no more than three minutes.

3.6.7 Public addressing the Meeting

- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- (1)** Council may suspend standing orders in accordance with Rule 3.12, to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.

3.6.8 Display of placards and posters

- (1) Subject to Sub-Rules (2) and (3), a person can display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held;
 - (c) obstruct the view or physically impede any person; or
 - (d) be attached to a pole, stick or other object.
- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

3.6.9 Prohibited items

~~(1)~~ Unless worn for either medical, health, cultural or religious purposes, a person must not wear a facemask or head covering that disguises their identity.

~~(1)~~(2) A person may not bring in the Council Chamber or any building where a Meeting is being, or is about to be, held, including outside the entrance to the building any item that may affect the safety or security of the Meeting.

~~(2)~~(3) Items considered to affect the safety or security of a Meeting include:

- (a) A bag or object larger than a small backpack;
- (b) Devices that amplify sound;
- (c) Any other object identified by a Councillor, Council officer or security officer.

~~(3)~~(4) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

3.6.10 Chairperson May Remove ⁴

- (1) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- (2) If a person, other than a Councillor, interjects or gesticulating offensively during the Council Meeting, the Mayor may direct:
 - (a) the person to stop interjecting or gesticulating offensively; and
 - (b) if the person continues to interject or gesticulate offensively, the removal of the person.
- (3) In causing a person's removal under Sub-Rule (2)(b), or the removal of an object or material under Sub-Rules 3.6.8 and 3.6.9, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of security or Victoria Police to remove the person, object or material.

3.6.11 Chairperson may adjourn Disorderly Meeting

- (1) The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:
 - (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - (b) as provided in Rule 3.5.8 when a Meeting has been in progress for longer than 2 hours.
- (2) The break referred to in Sub-Rule (1) is an adjournment.
- (3) If the Chairperson calls a Meeting to resume on another day, the provisions of 3.4.1 apply.

⁴ It is intended that this power to remove a member of the public, be exercisable by the Chairperson, without the need for any Council resolution. The Chairperson may choose to order the removal of a person whose actions immediately threaten the stability of the Meeting or wrongly threatens his or her authority in chairing the Meeting.

3.7 Voting

3.7.1 How a matter is determined

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise a Second vote ([casting vote](#)).

3.7.2 Voting must be seen

- (1) Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Council has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

3.7.3 When a division is permitted

- (1) A division may be requested by any Councillor on any vote.
- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.
- (3) When a division is called for the Chairperson must:
 - (a) first ask each Councillor wishing to vote in favour of the Motion to clearly indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (b) then ask each Councillor wishing to vote against the Motion to clearly indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (c) next, ask each Councillor abstaining from voting to clearly indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and
 - (d) finally, declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the Motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

3.7.4 No discussion once a vote has been declared

- (1) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:
 - (a) involves a Councillor requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division; or

- (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.
- (2) If a Motion is defeated, a new Motion on the same matter may be considered by Council only to avoid that matter being left in limbo.

3.8 Addressing the Meeting

3.8.1 Councillor allowed to speak uninterrupted

A Councillor who has the floor must not be interrupted unless called to order, or given notice by the Chairperson his speaking time has elapsed or is about to elapse, when he or she must sit down and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with.

3.8.2 Addressing the Meeting

- (1) If the Chairperson so determines, any person addressing the Chairperson must refer to the Chairperson as:
 - (a) Mayor; or
 - (b) Chairperson,
- (2) all Councillors, other than the Mayor, must be addressed as Cr.....(surname); and
- (3) all Council staff, must be addressed by their official title.
- (4) Except for the Chairperson and Chief Executive Officer, any person who addresses the Meeting must direct all remarks through the Chairperson.

3.9 Motions and Debate

A resolution must be able to be acted upon, a Motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

3.9.1 Moving a Motion

The procedure for moving any Motion is:

- (1) The mover must outline the Motion without speaking in support of it;
- (2) The Motion must be seconded by a Councillor other than the mover;
- (3) If a Motion is not seconded, the Motion lapses for want of a seconder;
- (4) If there is a seconder, then the Chairperson must call on the mover to speak to the Motion;
- (5) After the mover has spoken to the Motion, the seconder may also speak to the Motion;
- (6) After the seconder has spoken to the Motion (or after the mover has spoken to the Motion if the seconder ~~does not speak~~ reserves their right to speak to the Motion), the Chairperson must call on any Councillor who wishes to speak against the

Motion, then on any Councillor who wishes to speak for the Motion, after waiting until all Councillors wishing to speak to the Motion have spoken; and

(7) If no Councillor wishes to speak against the Motion, then the Chairperson may put the Motion or call on any other Member to speak.

~~(7)~~(8) If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.

3.9.2 Chairperson's duty

Any Motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
- (6) purports to be an amendment but is not

must not be accepted by the Chairperson.

3.9.3 Right of reply

- (1) The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a Motion, there will be no right of reply.
- (4) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.

3.9.4 Moving an amendment

- (1) A Motion, which has been moved and seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the Motion.⁵
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.

⁵ If a proposed amendment is Ruled to be the negative of, or substantially contrary to, the Motion, it should be treated as an alternative Motion to be considered only in the event that the Motion before the Chair is lost – see Foreshadowing Motions.

- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
 - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
 - (e) the mover of an amendment does have a right of reply.

3.9.5 Foreshadowing Motions

- (1) At any time during debate a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- (2) A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.
- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- (4) The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

3.9.6 Withdrawal of Motions

Before any Motion is put to the vote, it may be withdrawn with the Agreement of Council.

3.9.7 Separation of Motions

- (1) Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
- (2) The Chairperson may decide to put any Motion to the vote in separate parts.

3.9.8 Motions moved in a block

The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc), if once passed the Motions will only:

- (a) note actions already taken; or
- (b) will not commit Council to further action, approve any spending (including any contractual variations) or changes to policy.

3.9.9 Motions in writing

- (1) All Motions, except Procedural Motions, must be submitted in writing.
- (2) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

3.9.10 Debate must be relevant to the Motion

- (1) Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.
- (2) If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

3.9.11 Adequate and sufficient debate

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors or Members of the Delegated Committee, the debate would be regarded as sufficient.

3.9.12 Speaking times

- (1) Unless a Motion for an extension of speaking time has been carried, the maximum speaking times are:
 - (a) the mover of a Motion or amendment - 3 minutes;
 - (b) the mover of a Motion when exercising his or her right of reply – 2 minutes; and
 - (c) any other speaker – 3 minutes.
- (2) A Motion for an extension of speaking time must be proposed before the initial speaking time, for that speaker, expires.
- (3) A Motion for an extension of speaking time must not be accepted by the Chairperson if another Councillor has commenced speaking.
- (4) Only one extension of speaking time is permitted for each speaker.
- (5) Any extension of speaking time must not be more than two minutes.

3.9.13 Procedural Motions

- (1) Unless otherwise prohibited, and subject to Sub-Rule (3), a Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.

- (3) The Chairperson may reject a Procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in these Governance Rules, a Procedural Motion must be dealt with in accordance with the table at Sub-Rule (8).
- (5) A Procedural Motion may not be moved or seconded by the Chairperson.

~~(6) Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.~~

~~(7)~~(6) Unless otherwise provided, a Procedural Motion must not be amended.

~~(8)~~(7) Procedural Motions table:

Motion	Form	Mover/Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future Meeting)	'That the debate on this matter be deferred until (insert Meeting/date) to allow (purpose of deferral)' ...'	Any Councillor who has not moved or seconded the original Motion or otherwise spoken to the original Motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the Motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future Meeting, where a fresh Motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the Motion now be put'	Any Councillor who has not moved or seconded the original Motion or spoken for/against the original Motion	During nominations for a Chairperson	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the Motion	Debate continues unaffected	No
Laying a Motion on the table (pausing debate)	'That the Motion be laid on the table'	A Councillor who has not spoken for/against the Motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same Meeting	Debate continues unaffected	No
Take a Motion from the table (resume debate on a matter)	'That the Motion in relation to xx be taken from the table'	Any Councillor	When no Motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the Agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the Meeting	Items are considered in the order as listed in the Agenda	No

Governance Rules

Chapter 3: Meeting Procedure

Motion	Form	Mover/Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The Rules of the Meeting are temporarily suspended for the specific reason given in the Motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The Meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the Rules of the Meeting is removed	The Meeting cannot continue	No
Adjourn the Meeting	'That the Meeting be adjourned for xx minutes/until xx date [and insert reason]	Any Councillor	When Standing Orders have not been suspended	The Meeting is ceased to reconvene at the specified time/date.	The Meeting continues (if the Governance Rules allow)	Yes
Consideration of confidential matter(s) (Close the Meeting to members of the public)	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the Meeting be closed to members of the public for the consideration of item xx which is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The Meeting is closed to members of the public	The Meeting Continues to be open to the public	Yes
Reopen the Meeting	'That the Meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The Meeting remains closed to the public	No

3.9.14 Notices of Motion

- (1) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a Meeting.
- (2) A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than 12

- noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- (3) The Chief Executive Officer must inform Councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under these Governance Rules.
 - (4) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
 - (5) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - (a) impacts the levels of Council service;
 - (b) commits Council to expenditure greater than \$5,000 that is not included in the adopted Council Budget;
 - (c) proposes to establish, amend or extend Council policy;
 - (d) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (e) commits Council to any contractual arrangement; or
 - (f) concerns any litigation in respect of which Council is a party.
 - (6) The Chief Executive Officer must reject any Notice of Motion which:
 - (a) is too vague;
 - (b) is defamatory;
 - (c) may be prejudicial to any person or Council;
 - (d) is objectionable in language or nature; or
 - (e) is outside the powers of Council.
 - (7) The Chief Executive Officer may reject a proposed Notice of Motion that relates to a matter that can be addressed through the operational service request process.
 - (8) If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no later than nine business days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.
 - (1) The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with relevant grounds as contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
 - (2) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
 - (3) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.

- (4) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (5) Unless Council resolves otherwise, each Notice of Motion must be considered in the order in which they were received.
- (6) The Motion moved must not be substantially different to the Motion published in the Agenda, however may be amended by resolution of the Council.
- (7) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (8) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

3.9.15 Notices of Rescission

- (1) A notice of rescission is a form of Notice of Motion. Accordingly, all provisions in these Rules regulating Notices of Motion equally apply to notices of rescission.
- (2) Motions to rescind or alter a previous resolution of Council can be made by:
 - (a) notice of rescission delivered by a Councillor in accordance with Sub-Rule (3); or
 - (b) recommendation contained in an officer's report included in the Agenda.
- (3) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on; and
 - (b) a notice is delivered to the Chief Executive Officer or Delegate setting out:
 - (c) the relevant previous resolution to be rescinded or altered; and
 - (d) the Meeting and date when the relevant previous resolution was carried.
- (4) A notice of rescission must be in writing, signed (including by electronic means) by a Councillor and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Council Meeting.
- (5) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- (6) Notwithstanding Sub-Rule (4), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Sub-Rule (2), unless deferring

implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at legal, financial or other risk.

- (7) If a Motion for rescission is lost, a similar Motion may not be put before Council for at least one month from the date it was last lost, unless Council resolves that the notice of rescission be re-listed at a future Meeting.
- (8) If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- (9) A notice of rescission listed on an Agenda may be moved by any Councillor present but if not being moved by the Councillor who submitted it, must be moved in the form it was listed and must not be amended.

3.9.16 Change of Council Policy

- (1) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held ~~by a particular~~ by Council.
- (2) It is good practice for Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
- (3) Subject to Sub-Rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (4) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

3.9.17 Foreshadowed Items

- (1) At the time designated in the Council Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Council Meeting by indicating, when called on to do so by the Chair, the subject matter of the foreshadowed Notice of Motion.
- (2) The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- (3) No discussion or debate is allowed on a Foreshadowed Item.
- (4) A Foreshadowed Item will have no further formal status at that Council Meeting.
- (5) Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- (6) If a Councillor does not submit a Notice of Motion in accordance with Rule 3.9.14 for the next Council Meeting, no further action on a Foreshadowed Item will occur.

3.10 Points of Order

3.10.1 Raising a Point of Order

- (1) A Councillor raising a Point of Order must state:
 - (a) the Point of Order; and
 - (b) any chapter, Rule, paragraph or provision relevant to the Point of Order.
- (2) The Chairperson must decide all points of order by stating the provision, Rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- (3) The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must Rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the Point of Order is decided.

3.10.2 Dissent in Chairperson's ruling

- (1) A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the Motion is being considered.
- (2) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.
- (3) The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.
- (4) The Chairperson must then resume the Chair for the remainder of the Meeting.

3.10.3 Valid points of order

- (1) A Point of Order may be raised in relation to:
 - (a) a Motion which under Rule 3.9.2 should not be accepted by the Chairperson;
 - (b) a question of procedure;
 - (c) a Councillor who is, or appears to be, out of order;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of Disorder.

3.10.4 Contradiction or opinion

- (2) Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

3.10.5 Disorderly Conduct

- (1) The conduct of Councillors at Council Meetings is governed by the Act, these Rules and the Councillor Code of Conduct.
- (2) Where a Councillor engages in improper or Disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
 - (b) The Mayor, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.⁶
- (3) Where Council suspends a Councillor under Sub-Rule (2)(a), or the Mayor directs a Councillor to leave the Meeting under Sub-Rule (2)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- (4) If a Councillor has been suspended from a Meeting or directed to leave in accordance with Sub-Rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

⁶ The Act (section 19(1)(b)) provides the power to the Mayor to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council Meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

3.11 Minutes

The Minutes of a Meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process.

3.11.1 Keeping of Minutes

- (1) The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
 - (a) the date, place, time and nature of the Council Meeting;
 - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
 - (c) the titles of the members of Council staff present who are not part of the gallery;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
 - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
 - (f) every Motion and amendment moved (including Procedural Motions),
 - (g) the outcome of every Motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion;
 - (j) for the purposes of Sub-Rules (h) and (i) an abstention will be recorded along with a note that the vote was counted against the question in accordance with section 61(5)(e) of the Act.
 - (k) details of any failure to achieve or maintain a quorum;
 - (l) a summary of any question asked and the response provided as part of public question time
 - (m) the items about which community statements have been made and the number of community statements;
 - (n) details of any petitions made to Council;
 - (o) the time and reason for any adjournment of the Meeting or suspension of standing orders;
 - (p) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes and at the request of any Councillor; and
 - (q) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

3.11.2 Electronic Minutes

Once confirmed, the Minutes may be stored electronically in perpetuity as the record of Council business.

3.11.3 Confirmation of Minutes

- (1) The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes soon as possible, but at a minimum to:
 - (a) Councillors, within 7 business days;
 - (b) members of the public, by publishing them on Council's website, within 9 business days of the Council Meeting they relate to.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
 - (a) a Motion will be moved to confirm the Minutes in the following terms: 'That the Minutes of theMeeting held on20.....be confirmed.';
 - (b) if a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in Sub-Rule (2) (a) '...subject to the following alteration(s).....'.
- (3) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
- (4) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
- (5) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

3.11.4 Webcasting and Recording of Proceedings

- (1) The Chief Executive Officer (or Delegate) may, for the purposes of minute taking, cause all or part of the proceedings of a Meeting to be recorded on suitable audio or video recording equipment.
- (2) The Chief Executive Officer will cause a livestream of the proceedings of a Meeting to be conducted and the recording of that livestream to be made available to the public.
- (3) A Meeting that has been closed to members of the public for consideration of confidential matters will not be livestreamed.
- (4) A Meeting that has been closed to members of the public for security reasons or because it is necessary to do so to enable the Meeting to proceed in an orderly manner, must continue to be livestreamed.
- (5) A Meeting that has been closed to members of the public for security reasons or because it is necessary to do so to enable the Meeting to proceed in an orderly manner must be adjourned if the livestream is not possible.

- (6) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (7) The consent of the Chairperson given under Sub-Rule (3) may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

3.12 Suspension of Standing Orders

Standing Orders are the Rules made to govern the procedure at Council Meetings ~~and Special Meetings as~~ contained in these Governance Rules. The Standing Orders cover a range of matters including the order of business, Rules of debate, Procedural Motions and election procedures. Standing Orders can be suspended to facilitate the business of a Meeting but should not be used purely to dispense with the processes and protocol of the government of Council.

- (1) To temporarily remove the constraints of formal Meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the Procedural Motion table at Rule 3.9.13.
- (2) Suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- (3) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (4) No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

3.13 Circumstances in which Council will close a Meeting to members of the public

- (1) The Act provides the basis for matters to be considered as confidential. Council will only close a Meeting to the public for consideration of confidential matters in accordance with the Act and its Public Transparency Policy.
- (2) The Chief Executive Officer may determine to advertise that a Meeting will be closed to members of the public if:
 - (a) There is reason to believe the safety or security of Councillors, Council staff or members of the public will be at risk if the Meeting is open to the public; or
 - (b) All matters to be considered at the Meeting are confidential in nature.
- (3) Council may resolve to close a Meeting to members of the public if:
 - (a) There is reason to believe the safety or security of Councillors, Council staff or members of the public is at risk; or
 - (b) A Meeting, has become, or is at risk of becoming so Disorderly that the business of Council cannot be conducted; or
 - (c) The matter to be considered relates to confidential matters.
- (4) Having closed the Meeting in accordance with Sub-Rule (2), Council may resolve that it's decision or any report considered, or any part of its decision or any report considered, may be

released to the public, to provide clarity that a Councillor or Council staff member who discusses those elements resolved to be released is not releasing confidential information.

3.13.1 Designated Confidential Information

- (1) If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a Meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- (2) Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

CHAPTER 4 – ELECTION OF THE MAYOR

4.1. Overview

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties. The Mayor also leads engagement with the community on the development of the Council Plan.

The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act⁷.

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) At the Meeting to elect the Mayor, Council must first resolve if the term of the Mayor is to be 1 or 2 years.
- (3) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- (4) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.
- (5) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
- (6) The election of a Mayor after the period specified in this section does not invalidate the election.
- (7) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.

4.2. Election of Mayor⁸

- (1) At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
 - (a) be chaired by the Chief Executive Officer; and
 - (b) subject to this section, be conducted in accordance with the Governance Rules.

⁷ In accordance and as outlined in Section 26 of the Act

⁸ In accordance and as outlined in Section 25 of the Act

- (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council (i.e. 6).

4.3. Role and Election of Deputy Mayor

In accordance with section 21 of the Act, the role of the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if the Mayor is unable to attend a Council meeting or part thereof; incapable to perform his or her duties or the office of the Mayor is vacant.

- (1) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (3) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

4.4. Nominating

- (1) Each nomination requires a mover and seconder.
- (2) A nominated Councillor must advise the Chair whether they accept or decline the nomination as a candidate for the role of Mayor/Deputy Mayor.

4.5. Method of Voting

The election of the Mayor must be carried out by a show of hands.

4.6. Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (3) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, that candidate must be declared elected;
 - (b) two candidates have been nominated, a vote must be taken and the candidate who receives an Absolute Majority of votes must be declared elected;
 - (c) two candidates have been nominated and no candidate receives an Absolute Majority of votes, a Second vote will be conducted.
 - (d) where, after a Second vote, where two candidates have been nominated and no candidate receives an Absolute Majority of votes the Chief Executive Officer will seek the Meeting to resolve to conduct a new election at a Meeting to be held at 6 pm the following day;
 - (e) more than two candidates have been nominated and no candidate receives an Absolute Majority:
 - (i) the candidate with the fewest number of votes cast must be eliminated;
 - (ii) the names of the remaining candidates must be put to the vote again; and
 - (iii) the procedure in (i) and (ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in (b) to (d).
 - (f) in the event of more than two candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes); the Chief Executive Officer will conduct a vote for one candidate to be defeated;
 - (g) In the event the vote for a candidate to be defeated results in an equality of votes the defeated candidate will be determined by lot.
 - (h) if a lot is conducted, the Chief Executive Officer will conduct ~~of~~ the lot and the following provisions will apply:
 - (i) each candidate will draw one lot;
 - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more Councillor surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names;
 - (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle;
 - (iv) the word 'Defeated' shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates).

- (4) If Council resolves to have the office of Deputy Mayor, the provisions of Sub-Rules (2) and (3) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

4.7. Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.

CHAPTER 5 COUNCIL COMMITTEES & JOINT COUNCIL MEETINGS

Various types of Committees can play a key role in connecting community views and experts with the decision-making processes of Council. Committees provide advice to Council and to Council officers exercising delegation to make decisions or implement policy.

Committees, usually comprise community members and Councillors, and may include representatives of community organisations. These committees are essential forums to provide input to the development of Council policy and decision making in their areas of focus.

The appointment of Councillors to specific areas of responsibility also provides a framework for relationships between Councillors and the administration of Council to underpin informed decision making.

Council also has Councillor representatives on external committees and organisations to ensure Council's voice is heard in key priority areas. These committees and organisations also inform Council, via its representatives, in regard to sector and/or expert views.

Council will seek the views of community members whose rights or obligations may be affected before making a decision. Community engagement on each issue will be undertaken in accordance with the Community Engagement principles of the Act and Council's Community Engagement Policy.

In certain circumstances Council will establish a formal opportunity for members of the community to address a committee established to hear from the community in regard to a specific issue.

5.1 Delegated Committees

Council may establish Delegated Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their Meeting procedures need to be formal.

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of Sub-Rule (1):
 - (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and

- (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

5.2 Advisory Committees

- (1) Advisory Committees established by Council will be consulted for input on related policy, strategy or major operational proposals.
- (2) Each Advisory Committee will be established in accordance with a framework and terms of reference determined by the Chief Executive Officer that at a minimum will prescribe:
 - (a) Membership terms that provide for renewal of membership and continuity of contribution, with provision for initial appointments to support rotation of memberships.
 - (b) Inclusive and transparent recruitment processes for community member membership and participation.
 - (c) Requirements for disclosures of conflicts of interest.
 - (d) A description of the roles of members including attendance and participation requirements, role of the committee, Councillor chair, reporting requirements, confidentiality.
- (3) Subject to the Local Government Act 2020, the Council may appoint any number or combination of its members and staff officers to be an Advisory Committee to consider and make a recommendation to the Council upon any matter, but no recommendation of any Advisory Committee shall have any force or effect until approved by the Council.

5.3 Hearing Committees

- (1) Council will establish Hearing Committees to provide an opportunity to hear from community members in formal setting on key issues.
- ~~(2)~~ A Hearing Committee will be comprised only of Councillors.
- ~~(2)~~~~(3)~~ A quorum for a Hearing Committee will be half of the Councillors appointed to the Hearing Committee.
- ~~(3)~~~~(4)~~ Where issue is affects a large proportion of the Merri-bek community all Councillors will be appointed to the Hearing Committee.
- ~~(4)~~~~(5)~~ Priority will be given to addresses from those members of the community who have registered an interest in addressing a Hearing Committee.
- ~~(5)~~~~(6)~~ Community members will be provided with reasonable notice of the date and time that they will be invited to address a Hearing Committee.
- ~~(6)~~~~(7)~~ Council may resolve that a Hearing Committee Meeting will be held electronically and make provisions for community members address the committee by a video conferencing tool.
- ~~(7)~~~~(8)~~ Council may resolve a Hearing Committee Meeting will be livestreamed.

~~(8)~~(9) A summary of proceedings of all Hearing Committee Meetings held will be reported to Council.

5.4 Community Asset Committees⁹

The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall. Council may appoint members of the community to the committee and delegate to it powers, duties, or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

- (1) The Governance Rules will apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee, that the Meeting procedure chapter of these Governance Rules does not apply.
- (3) A Community Asset Committee must report the Minutes of all Committee Meetings to the next practicable Council Meeting.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.
- (5) A Community Asset Committee must adhere to any policy, guideline or protocol introduced by Council, which relates to the operational or governance requirements of the Committee.
- (6) A Community Asset Committee must provide Council with an Annual Report each year, in a format determined by the Chief Executive Officer.

5.5 Joint Council Meetings

Regional collaboration provides benefits to the Merri-bek community through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in the Act.

- (1) Council may resolve to participate in a Joint Council Meeting.
- (2) If Council has resolved to participate in a Joint Council Meeting, the Chief Executive Officer (or Delegate) will agree on governance Rules with the participating Councils.

⁹ Section 47 of the Act provides:

1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or
- (b) the members of a Community Asset Committee.

This means Council may not delegate directly to a Community Asset Committee.

- (3) Where the participating Councils agree Merri-bek will chair a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- (4) A joint meeting must comply with any requirements prescribed by the regulations.

CHAPTER 6 – CONFLICTS OF INTEREST

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at Meetings conducted under the auspices of Council that are not Council Meetings. Meetings conducted under the auspices of Council include those Meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

Further guidance is available from the Managing Conflicts of Interest guideline.

6.1 Obligations with regard to conflict of interest:

- (1) Councillors, members of Delegated Committees and Council staff and contractors are required to:
 - (a) Avoid - all situations which may give rise to conflicts of interest;
 - (b) Identify - any conflicts of interest; and
 - (c) Disclose – or declare all conflicts of interest.

6.2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the Minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available on Council's website.

6.3 Procedure at a Council or Delegated Committee Meeting

- (1) At the time designated in the Agenda, a Councillor with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest by clearly stating:
 - (a) The item for which they have a conflict of interest; and
 - (b) Whether their conflict of interest is general or material; and
 - (c) The circumstances that give rise to the conflict of interest.
- (2) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (3) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at Sub-Rule (1) prior to leaving the Meeting.

- (4) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council Meeting must not communicate with any participants in the Meeting while the decision is being made.

6.4 Procedure at Advisory Committee Meetings and other Meetings organised, hosted or supported by Merri-bek

- (1) A Councillor or member of an Advisory Committee who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor or member of an Advisory Committee with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor or member of an Advisory Committee with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor or member of an Advisory Committee will leave the discussion and not communicate with any members of the Meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the Minutes of the Meeting.
- (6) If there are no Minutes kept of the Meeting, the conflict of interest will be recorded in a Meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- (7) The Meeting Minutes or record will also record the duration of the discussion and whether the Councillor left the Meeting.
- (8) Meeting records and reports [of conflicts of interest](#) will be presented to Council for noting and inclusion on the public record.

6.5 Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

6.6 Procedure for disclosures of conflicts of interest by Council staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) The staff member's Director determines that the conflict of interest has not influenced the advice provided; and
- (d) The existence of the conflict of interest is documented in all advice provided by that staff member, including any Council Report(s), and in the case of verbal advice, is documented by the decision maker.

6.7 Contractors and Consultants

- (1) All Contractors and consultants engaged by Council to provide advice to the decision making process will be required to disclose conflicts of interest.
- (2) A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless;
 - (a) The conflict is so remote or insignificant it could not be considered to influence the advice being provided; or
 - (b) There are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and
 - (c) The conflict of interest is documented, including any Council Report(s), in all advice provided by that contractor or consultant.

CHAPTER 7 - DELEGATIONS

Council can make decisions (act) in two ways – by resolution at a Council Meeting or by delegation (others acting on its behalf). The 2020 provides for Council to delegate to the Chief Executive Officer.

Delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long-established practice to enable day to day operational decisions to be made efficiently. Delegation of Council powers is primarily enabled and regulated by the Local Government Act 2020, however powers, duties and functions may be delegated from a range of Acts, Regulations and local laws.

Additionally, the Act and other legislation confers some powers duties and functions directly to the Chief Executive Officer. These may also be delegated by the Chief Executive Officer to various positions in the organisation's structure.

Delegations are to a position in the organisational structure rather than to a person.

- (1) A Delegate must exercise the duties and perform the duties and functions set out in the Instrument of delegation and in accordance with any guidelines or policies of Council.
- (2) A Delegate making a decision that will affect any person's rights, will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and consider those views.
- (3) Delegates must keep appropriate records of decisions and actions taken under delegation.
- (4) The Chief Executive Officer may designate certain decisions made under delegation as matters to be reported to Council.
- (5) Council's public register of delegations will be available on its website and for inspection, on request, at Council's offices.

CHAPTER 8 – COMMON SEAL

The purpose of this Section is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council and exists in the form of a stamp. It evidences Council's corporate will and authenticates decisions taken and acts performed by Council.

As many of the powers, duties and functions of a Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only used on legal documents such as local laws, contracts, agreements, transfers of land and other documents where required by legislation or where outside the Chief Executive Officer's delegation.

8.1 Custodian of Common Seal

- (1) A person must not use the Common Seal without authority from Council.
- (2) The Chief Executive Officer must always ensure the security of the Common Seal.

8.2 Arrangements for the Signing and Sealing of a Document

- (1) A written request and a copy of the Council resolution approving the use of the Council seal must be submitted to the Manager Governance and Strategy for signing and sealing.
- (2) If Sub-Rule (1) is not met, the documents must not be signed and sealed.
- (3) A contract or agreement must only be submitted for signing and sealing, once the document has been fully executed by the other party/parties (unless the other party to the contract or agreement is either the State Government of Victoria, the Federal Government or another Local Government entity).

8.3 Affixing the Common Seal

- (1) The affixing of the Common Seal to any document must be attested to by the signatures of both:
 - (a) a Councillor; and
 - (b) the Chief Executive Officer,acting on behalf of Council.
- (2) The seal of a Council must not be affixed to any document without the Council's approval granted either generally or specifically by resolution that the seal be so affixed.

The following is an example of the required approval:

That Council affix the Common Seal to the [description of document].

Or

The [document], shall come into force immediately upon the common seal of the Council is affixed to the [document].

- (3) The affixing of the Seal to a document must be witnessed by signatures of a Councillor and the Chief Executive, except in the instance where the Seal is to be appended to the contract of employment for the Chief Executive. In this instance, a second Councillor will sign alongside the Mayor.

8.4 Sealing Register

The Manager Governance and Strategy will ensure that a register of all uses of the Common Seal is kept by Council. The register will contain a description of the document, the date the Seal was affixed and the date Council resolved to affix the Seal.

CHAPTER 9 - COUNCIL RECORDS

9.1 Records of Meetings held under the auspices of Council

- (1) A record of the matters discussed at all Hearing of submission Meetings, Advisory Committee Meetings and Councillor Briefings organised or hosted by Moreland Council ~~that involve includes Councillors and Council staff participation~~ will be kept.
- (2) Records kept in accordance with Sub-Rule one will include:
 - a) The attendees at the Meeting, including organisations represented by external presenters;
 - b) The title of matters discussed
 - c) Any conflicts of interest disclosed and whether the person with the conflict of interest left the Meeting.
- (3) Where Minutes are kept of a Meeting and made available to the community, an additional record is not required to be kept.

9.2 Councillor attendance records

- (1) Council will maintain a register of Councillor attendance at Council Meetings, Delegated Committee Meetings and Meetings arranged to brief Councillors.
- (2) The register of Attendance kept in accordance with Sub-Rule (1) will be published on Council's website quarterly

CHAPTER 10 – ELECTION PERIODS

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

Election Periods Generally

- (1) Council will have in place an election period policy that:
 - (a) Governs decision making during a local government election period, including what may be considered at a Council Meeting;
 - (b) Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by Council;
 - (d) Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 - (f) Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Governance Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Any outstanding Delegate's Reports may still be reported to a Council Meeting during this period.
- (6) Council Committees shall resume Meeting following the election and the appointment by the incoming Council of Councillors to each committee.

Election Period Policy

1. Introduction

The Act requires Council to include an Election Period Policy (Policy) in its Governance Rules.

2. Context

Under Section 69 of the Act, an election period policy must prohibit any Council decision during the election period for a general election that:

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

An Election Period Policy must also prohibit any Council decision during the election period for a general election or by-election that would enable the use of Council resources in a way that is intended to influence, or is likely to influence voting at the election.

Section 123 of the Act (Misuse of Position) prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another.

3. Monitoring, Evaluation and Review

The requirements of this policy will be monitored throughout each election period to ensure compliance.

4. Associated documents

Local Government Act 2020

Councillor Code of Conduct

Environmental Protection Act 1970 (EPA Act)

Approval Memo – Appendix 1

5. Policy Objectives

To support and ensure the conduct of good governance for Council and the organisation during election periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

The policy complies with the Act, which requires Councils to have an election period policy that sets out requirements relating to conduct, decision making, transparency and equity, and use of Council resources during an election period.

6. Policy Details

6.1 Election Period

During the 'Election Period' for a Municipal General Election the Council will be deemed to be in 'Caretaker Mode'. The election 'caretaker' period extends for 32 days - from the time nominations close on Nomination Day, until 6pm on election day.

During an election period, Councillors:

- a) Will continue to fulfil their duties (unless they are granted a leave of absence);
- b) Will continue to engage, and communicate with, the community in their Councillor role;
- c) Must comply with the Act and Councillor Code of Conduct, and
- d) Must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

Section 69 of the Act prohibits any Council decision during the election period for a general election that:

- a) Relates to the appointment or remuneration of the Chief Executive Officer, but not to the appointment or remuneration of an acting Chief Executive Officer;
- b) Commits the Council to expenditure exceeding 1% of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) The Council considers could be reasonably deferred until the next Council is in place; or
- d) The Council considers should not be made during an election period.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular decision, the Chief Executive Officer may make an application to the Minister for a compliance exemption in accordance with section 177 of the Act.

During an election period, it shall be the ultimate responsibility of the Chief Executive Officer, having consulted with the Mayor, to determine if a matter is to be presented to Council for decision.

6.2 Guidance on Decisions

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election.

Examples of inappropriate decisions include:

- a) Allocating community grants or other direct funding to community organisations;
- b) Major planning scheme amendments;
- c) Changes to strategic objectives and strategies identified in the Council Plan;
- d) Adopting policy;
- e) Setting advocacy positions.

The only items to be considered at a Council or Delegated Committee Meeting held during the election period, will be the Annual Report, and administrative items to complete the Council's term of office, for example, routine governance items (including records of Meeting held under the auspices of Council reporting). Public Question Time and Community Statements will be suspended during the election period.

At a Council Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.

6.3 Officers with Delegated Authority

During the election period, Council officers must defer making a decision under a delegation from Council or sub-delegation from the Chief Executive Officer, that could be reasonably deferred until the next Council is in place.

6.4 Caretaker Statement

During the election period, the Chief Executive Officer will ensure that a Caretaker Statement is included in every report submitted to the Council or to a Delegated Committee of Council for a decision.

The Caretaker Statement will specify one or more of the following:

- a) The recommended decision is not, a decision prohibited by the Act and is a decision that falls within the guidance of the Election Period Policy.
- b) The recommended decision is outside the guidance of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming Council. [Insert description of negative consequences of failure to make decision].
- c) The recommended decision is a decision prohibited in the Act during an election period, but compliance exemption was sought from the Minister in accordance with section 177 of the Act and was granted by on [insert date].

During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving Motions or raising matters at a Meeting that could potentially influence voting at the election.

There will be no Notices of Motion accepted during the Caretaker Period.

6.5 Council resources must not be used

Council resources must not be used by any Councillor or candidate in any way that supports an election campaign or in a way that is intended or likely to influence voting ~~in~~ in the any election.

6.6 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This also applies to a Councillor standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the Councillor.

6.6.1 State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election. In accordance with the Councillor code of conduct, a Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the Chief Executive Officer, as soon as practicable, who will then advise all Councillors.

Councillors will not use Council resources or participate in electioneering at Council events, Meetings or functions, in support of any candidate in a state or federal election.

Where clauses of this policy apply to a Councillor or candidate, it is intended that they be applied in the case of a state, federal or Council election.

6.7 Council Publications

6.7.1 Electoral Matter

Council will not print, publish or distribute (or cause to be printed, published or distributed) any Electoral Material (anything containing Electoral Matter) during an election period.

The following definitions are noted:

Section 3(1) '**publish**' means publish by any means including by publication on the Internet;

Section 3(4) '**Electoral Matter**' means matter, which is intended or likely to affect voting in an election but does not include any Electoral Material produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Section 3(5) without limiting the generality of the definition of 'Electoral Matter', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -

- (a) the election; or
- (b) a candidate in the election, or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

Council will not issue, publish or distribute any publication during an election period, other than media and social media responses/statements on a service or issue, or those that are required under an Act or regulation, or the Annual Report media release.

'Publications' include hard copy and electronic advertisements, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant Director for approval, and then sent to the Governance unit for vetting for Electoral Matter. Once vetted, the publication will then be submitted to the Chief Executive Officer for approval. ~~Appendix 1 contains the approval memorandum required for a publication during the election period.~~

Council publications available in Council facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The Chief Executive Officer, or Delegate, will be the primary spokesperson for Council communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the Chief Executive Officer. These will be subject to approval by the Chief Executive Officer.

Council officers will not make any public statement that could be construed as influencing the election.

6.7.2 Annual Report

It is a requirement of the Act that Council's Annual Report is presented by the Mayor at an open Meeting of Council held, in the year of a general election, on a day not later than the day before election day. Every endeavour will be made for the report to be prepared and presented prior to the commencement of the election period.

6.8 Council Resources

The Council will also ensure other Council resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their Director or the Chief Executive Officer and obtain approval before authorising, using or allocating the resource.

In applying these principles, the Council understands that the following will be the normal practice during the election period:

- a) Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the Caretaker Period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.
- b) No new publications or pamphlets, including Inside Merri-bek will be published by Council during the election period.
- c) Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council, for example for a Citizenship Ceremony, and such speeches will not be circulated or available for publication.
- d) No Council logos, letterheads, business cards, photos or other Merri-bek City Council branding will be used for, or linked in any way, to a candidate's election campaign.

- e) It is recommended that Council staff who are either following Councillors/candidates Facebook pages or who are 'friends' with them unfriend and/or unfollow the Councillor/candidate during this period.
- f) There will be no ward or Councillor Meetings held.
- g) The Executive Assistant to the Mayor and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.
- h) Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- i) Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

6.8.1 Council Facilities and Meeting Rooms

Council Facilities/Halls for Hire Council facilities will be able to be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during an election period for any local state or federal election.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event/hired use, apart from directional signage, is able to be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

Candidates wishing to conduct electioneering activities in public space, for example, a stall at a shopping strip or park, must act in accordance with Council's local laws and procedures.

No other promotional material, including signage, posters, flyers or banners, for any political candidacy is permitted on Council land or in its facilities at any time.

It is an offense under Council's local laws to display this material on Council land, and penalties apply.

6.8.2 Use of the Title 'Councillor'

Councillors may use the title Councillor in their election material, as they continue to hold office during the caretaker period.

While a Councillor can refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a position of Council.

6.8.3 Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in Electoral Material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in Electoral Material.

6.8.4 Election Signage on Council Land

In order to ensure Council resources including buildings and land will not be used to support any electioneering activity, Council prohibits any type of candidate election signage being erected or displayed on Council land, including:

- a) Council owned/managed parks, reserves, buildings (exteriors) and nature strips
- b) Road dividing strips (median strips, traffic islands, roundabouts)
- c) Trees, shrubs or plants
- d) Street signs, traffic control signs, parking signs

If election signage is displayed on Council Land:

- a) Council may request the immediate removal of the signage by the owner or candidate or may remove the signage without notification to the owner or candidate.
- b) An infringement notice and fine may be issued to the candidate, in accordance with the General Local Law.
- c) Any costs incurred by Council to remove signage, and/or any costs caused by the signage, for example, damage to trees, may be charged to the candidate.
- d) If election signage is displayed on Crown, Federal or State land in the City of Merri-bek, Council contact the relevant land manager to request the sign be removed.
- e) Victoria Police will be contacted in the event of any one attempting to obstruct Council officers removing signage.
- f) Council will report all instances of the display on Council land of candidate election signage for a local government election, to the Victorian Electoral Commission.

In accordance with the EPA Act, advertising material/documents may not be affixed to any fixed structure for example, light poles, traffic lights etc without the consent of the owner, occupier or manager of the structure.

6.9 Community Engagement and Council Events

Community engagement is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue in itself and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore, during an election period no public consultation under section 223 of the Local Government Act 1989 will be conducted during this period.

- a) Only consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- b) Civic Events will cease during this time.
- c) No election material or active campaigning is to be conducted at Council sponsored festivals.

6.10 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, sitting Councillors will continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the Election Period.

Information and briefing material prepared by staff for Councillors during the Election Period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible Council Director who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

A copy of the document/advice will then be passed to the Manager Governance and Strategy as issued during the Election Period. The document/advice will be emailed or provided in a hardcopy format to all sitting Councillors and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the Governance and Strategy Branch during the Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Manager Governance and Strategy.

6.11 Publicity

It is recognised that Council publicity is intended to promote normal services or operations of the Council. Council publicity will not be used in any way that might be construed as intended to influence the outcome of the Council election.

- a) During the Election Period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the Chief Executive Officer.
- b) During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the Chief Executive Officer. In any event, Council publicity during the Election Period will be restricted to promoting the normal services or operations of the Council.
- c) Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the Manager Community Engagement. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.
- d) Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website with regard to sitting Councillors will be limited to statements of facts about their roles and responsibilities as a Councillor. For example, contact details, roles and responsibilities as assigned by Council resolution.

6.11.1 Council Websites and Social Media

The only new material published on Council's websites or social medial sites during an election period will be:

- a) The Agenda and Minutes for any Council or Delegated Committee Meetings;
- b) The Annual Report
- c) Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

6.12 Assistance to Candidates

A copy of this Policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection, on request, by the public at the Council office and be published on Council's website. The Chief Executive Officer will ensure that all Councillors, Managers and staff are informed of the requirements of this policy.

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or the Director Business Transformation.

|

APPENDIX 1

Approval Memorandum

To: _____ Manager Governance and Strategy

From: _____ [insert name and title]

Subject: _____ CERTIFICATION OF PUBLICATION DURING ELECTION PERIOD

Date: _____

Council will not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice (including group emails) during the election period unless the advertisement, handbill, pamphlet or notice has been approved, in writing, by the Chief Executive Officer.

In accordance with the Election Period Policy, Council further commits that where a publication is deemed necessary for a Council service or function, it will be approved by the Chief Executive Officer.

Insert details of publication here including:

Information on who is intended to receive it and why it needs to be issued during the election period:

Council Officer name and signature: _____ Date: _____

Director Use only:

The attached material has been reviewed and, to the best of my knowledge, does not contain any electoral related matter. Please authorise this material to be printed, published or distributed.

Director name and signature: _____ Date: _____

Governance review:

The attached material has been reviewed and, to the best of my knowledge, does not contain any electoral related matter.

Governance name and signature: _____ Date: _____

Certification by Chief Executive Officer

I approve the attached material for printing, publishing or distributing on behalf of Moreland City Council.

Name and Signature: _____ Date: _____

7.10 COUNCIL ACTION PLAN 2022-23 - FOURTH QUARTER PERFORMANCE REPORT

Director Business Transformation, Sue Vujcevic

Governance and Strategy

Officer Recommendation

That Council:

1. Notes the Council Action Plan 2022-23 – Fourth Quarter Performance Report (provided as Attachment 1).
2. Endorses that 'Off Track' actions from the Council Action Plan 2022-23 will continue to be reported to Council through the quarterly reporting cycle of the Council Action Plan 2023-24.
3. Endorses that 'Off Track' action 26 *'Design, approval and construction of new shared paths along the Craigieburn Rail Corridor'* be deemed superseded and be included as a new action in the Council Action Plan 2023-24 entitled *'Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding'*; and amend the Council Action Plan 2023-24 accordingly.
4. Endorses that Action 84 (as referred to the 2023-24 Council Action Plan) be amended to include affordable housing, and amend the Council Action Plan 2023-24 as follows:
 - a) *'Continue to carry out research, technical studies, strategic planning, partnership building, engagement planning and **affordable housing**, to guide the future of central Coburg'*; and
5. Endorses, should Council amend Action 84 (in Point 4 above), that continued reporting on Action 79 (as per the 2021-22 Council Action Plan: *Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg*) be incorporated into Action 84, as an integrated approach to revitalisation planning for Central Coburg.
6. Endorses setting a completion date of December 2023 for the following actions from the 2021-22 plan to facilitate the subsequent phase of these projects:
 - a) Action 90 *'Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program'*; and
 - b) Action 91 *'Completion of Detailed Design for W heatsheaf Road Streetscape Improvement*.

REPORT

Executive Summary

This Fourth Quarter Performance Report (Attachment 1) provides an overview of Council's performance through the delivery of the Council Plan 2021-25, specifically Council Action Plan 2022-23.

The final status of the 97 actions is as follows:

- 36 per cent (35 actions) closed (achieved)
- 54 per cent (52 actions) in progress (on track)
- 5 per cent (5 actions) behind target (off track)
- 5 per cent (5 actions) endorsed withdrawn or proposed withdrawn (on hold or removed)

At the end of the Council Action Plan 2022-23, 90 per cent or 87 actions are 'achieved and closed' or 'on track and progressing' into the Council Action Plan 2023-24.

Five actions were considered 'Off Track' Council Action Plan 2022-23 at end-of-year reporting. These actions did not achieve their objective at the time of end-of-year reporting and it is proposed to continue reporting the progress of these actions through the cyclical reporting of Council Action Plan 2023-24.

Further, it is proposed that Action 26, '*Design, approval and construction of new shared paths along the Craigieburn Rail Corridor*', be superseded and included in Council Action Plan 2023-24 as; '*Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding*'. This is due to the complex nature of this action, as outlined in the issues section of the report.

Five actions were categorised as withdrawn in the 2022-23 Council Action Plan and referred to delivery to the 2023-24 Council Plan. Additionally, it is proposed that Action 84 now be amended to include affordable housing.

Continued reporting on Action 79 (2021-22 Council Action Plan), '*Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg*,' would now be incorporated into Action 84, in the integrated approach to revitalisation planning for Central Coburg.

This report also contains updates on actions that need to be achieved or were 'Off-Track' from the 2021-22 Council Action Plan. Two actions remain incomplete from this plan:

- Action 90 '*Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program*,'
- Action 91 '*Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement*.'

Council endorsement is sought to permit an extension of time to complete these actions due to multiple issues facing these projects, summarised in this report's issues section.

Previous Council Decisions

Council Action Plan 2022-23 – Third Quarter Performance Report – 10 May 2023

That Council:

1. *Notes the Council Action Plan 2022-2023 – Third Quarter Performance Report (provided as Attachment 1).*
2. *Endorsed that the following actions be withdrawn for delivery in 2022-23 and be referred for delivery to the 2023-24 Council Action Plan under the renamed action of 'Continue to carry out research, technical studies, strategic planning, partnership building and engagement planning, to guide the future of central Coburg'.*
 - a) *Action 84: 'Carry out engagement program to seek community feedback on the future of central Coburg'; and*
 - b) *Action 85: 'Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations'; and*
3. *Endorsed that action 144: 'Commence Detailed Design for West Street streetscape renewal' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.*

Council Action Plan 2022-23 – Second Quarter Performance Report – 8 February 2023

That Council:

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

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

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

That Council:

1. *Notes the Council Action Plan 2022-2023 – First Quarter Performance Report (provided as Attachment 1).*
2. *Endorsed a new delivery timeframe for action 66 'Scope a coordinated approach and policy on digital inclusion in Merri-bek' from delivery in quarter one of 2022-23 to quarter three (March 2023)*
3. *Notes the delay in delivering action 7 'Develop the Open Space Strategy' and endorses that this Action be extended into the 2023-24 Council Action Plan.*
4. *Endorsed that action 146: 'Commence construction of the Stewart Street streetscape improvement' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.*

1. Policy Context

In accordance with sections 88 and 90 of the *Local Government Act 2020*, Council adopted its Community Vision 2021-31 and Council Plan 2021-25 in October 2021.

The Council Action Plan 2022-23 supported the implementation of the Council Plan 2021-25 for the second financial year of the 4-year period and included specific actions to be undertaken that were resourced through the 2022-23 annual budget (included in the 2022-26 budget).

This report supports Council's continuing commitment to sustainable, equitable and transparent management of funds on behalf of ratepayers, key stakeholders and the broader community.

2. Background

The purpose of the fourth quarter performance report is to provide a final status update on delivery against the Council Action Plan 2022-23 as of 30 June 2023.

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

3. Issues

Council Action Plan Fourth Quarter Performance

Council has 97 actions in the Council Action Plan 2022-23. The action status of the delivery is presented below in the following categories and detailed results for the fourth quarter performance are shown in Attachment 1.

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

Completed actions (Achieved)

35 actions or 36% of actions have completed their objective in Council Action Plan 2022-2023, detailed updates for the fourth quarter performance are shown in Attachment 1.

On track (In Progress)

52 actions or 54% of actions are in progress and completed their objective in the Council Action Plan 2022-23. As they are existing multi-year actions, they will continue delivery through the Council Action Plan 2023-24.

Detailed updates for the fourth quarter performance are shown in Attachment 1.

Off track (Behind Target)

Five or five per cent of the actions were off track at the end of the Council Action Plan 2022-23. These actions were not identified in Council Action Plan 2023-24 and did not achieve their objective at the time of end-of-year reporting.

It is proposed to continue to report and track these 'Off Track' actions until completion concurrently through the quarterly updates for the Council Action Plan 2023-24.

This is a mechanism Council has previously endorsed and confirms commitment to transparent reporting practices. It is intended that these actions will be 'Achieved' by the end of quarter two, December 2023.

Additionally, off-track action 26 *'Design, approval and construction of new shared paths along the Craigieburn Rail Corridor'* was unable to fully achieve the intended objective after all possible avenues had been explored.

Council endorsement is now sought to supersede this action to allow the intent of the action to change and include advocacy and re-design, approval and construction of new shared paths along the Craigieburn Rail Corridor.

This action would then be included in the Council Action Plan 2023-24 as new action; *'Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding'*.

Action #	Action Description and Q4 Update	% Complete	Directorate
22	<p>Investigate and implement measures to encourage reduced speed and improve pedestrian safety measures (special attention to accessibility) taking a precinct approach</p> <p>Applications to reduce the speed limit to 40km/h for all local roads with a speed limit of 50km/h have been submitted to the state government (Department of Transport and Planning (DTP)). DTP has already approved the applications at a high level. There have been delays with the final approvals and officers have escalated this with officers at DTP. Implementation is planned to occur in 2023-2024.</p> <p>Council considered a report in February 2023 regarding improvement opportunities for pedestrians, bike riders and people using public transport in Fawkner. Designs are nearing completion for pedestrian improvement near the Bonwick Street shopping precinct with implementation to occur in 2023-2024.</p> <p>Council has successfully received black spot grant funding to implement road safety projects at Lygon Street and Barkly Street, Brunswick East and Pearson and Albert Street, Brunswick West. The Pearson and Albert Street treatment was implemented in May 2023 and Lygon / Barkly planned to occur in the first few months of 2023-2024.</p> <p>Completion of this Action: Quarter Two (December 2023)</p>	80%	City Infrastructure

Action #	Action Description and Q4 Update	% Complete	Directorate
	Budget implications: Within existing staff resourcing and budgets.		
26	<p>Design, approval and construction of new shared paths along the Craigieburn Rail Corridor</p> <p>Council has been pursuing design approvals for both Stage 2 and Stage 3 sections of the Craigieburn Rail Corridor project, however this has encountered hurdles with ensuring Melbourne Water design or Metro Trains (MTM) construction requirements are met. In light of the current designs being unsuitable, it is not possible for Council to commit to construction of these project stages, and funding for construction has not been set aside in the 5 Year Capital Works Program of Council.</p> <p>Work is proceeding on a concept alignment in the corridor between Oak Park and Glenroy (Stage 4), which Council officers are working through to have a design submitted to (MTM/VicTrack) for their assessment by early 2023-24 to seek approval and cost estimates to have a design that is shovel ready for future funding and able to be confidently proposed for grant opportunities.</p> <p>For Stages 2 and 3 (new shared paths along the Craigieburn Rail Corridor between Gaffney Street and Devon Street) no further design funding has been allocated. It is necessary to undertake further work on design that will address Melbourne Water and Metro Trains requirements and then be suitable for submission to MTM/VicTrack for final approvals to be shovel-ready for any future grant opportunities. Officers recommend completing the design for this section so that it is shovel ready for future funding and able to be confidently proposed for grant opportunities.</p> <p>This will then position Council well for advocacy around funding for the construction of shared paths in this Strategic Cycling Corridor.</p> <p>It is proposed that the action be replaced with a new action that focuses on achievement of shovel-ready designs and associated advocacy for funding for construction. Officers suggest for the Year 3 Council Action Plan 2023-24 for action 26 to be superseded and replace with a new action; <i>'Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding'</i>.</p> <p>Budget implications: Within existing staff resourcing and budgets</p>	80%	City Infrastructure
125	<p>Undertake Detailed design of Stormwater Harvesting at AG Gillon and Gilpin Park (Brunswick Central Parklands)</p> <p>The draft detailed designs of two systems in AG Gillon and Gilpin have been completed and is being reviewed by stakeholders. This is a complex site and further soil testing, and surveys are underway. This action will be completed by September.</p> <p>Completion of this Action: Quarter One (September 2023)</p>	90%	Place and Environment

Action #	Action Description and Q4 Update	% Complete	Directorate
	Budget implications: Within existing staff resourcing and budgets.		
139	<p>Implement targeted dog on-leash signage that promotes off-leash areas</p> <p>Further assessment of the Council's on-leash and off-leash areas is being considered as part of the new Open Space Strategy development. This work is progressing, with further information to be provided in December 2023, in line with the release of the Draft Open Space Strategy for public consultation.</p> <p>Completion of this Action: Quarter Two (December 2023)</p> <p>Budget implications: Within existing staff resourcing and budgets.</p>	90%	City Infrastructure
155	<p>Implement a meeting room booking system that enhances current system and encourages ease of new bookings</p> <p>Ongoing implementation planning with vendor is underway, the trial will begin later than planned and the project is expected to be delivered by the end of the calendar year.</p> <p>Completion of this Action: Quarter Two (December 2023)</p> <p>Budget implications: Within existing staff resourcing and budgets</p>	50%	Community

Previously Endorsed Withdrawn Action from 2022-23 Action Plan (referred for delivery to the 2023-24 Council Action Plan)

Five or five per cent of actions were categorised withdrawn in the 2022-23 Council Action Plan, these actions were referred to delivery to the 2023-24 Council Plan.

- Action 84: 'Carry out engagement program to seek community feedback on the future of central Coburg'
- Action 85: 'Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations (action merged in action 84)
- Action 144: 'Commence Detailed Design for West Street streetscape renewal
- Action 145 - Commence construction of Wheatsheaf Road streetscape improvement
- Action 146 - Commence construction of the Stewart Street streetscape improvement.

Council Action Plan 2021/22 remaining actions progress report

Not - Achieved (Off-Track)

Sixteen actions were not achieved and deemed 'Off Track' at the end of the Council Action Plan 2021-2022 reporting period. Three actions were achieved in the first quarter and a further nine actions were completed in the second quarter of 2022-23. One action was completed in the fourth quarter, leaving three actions incomplete at 30 June 2023.

It is proposed to discontinue reporting on action 79 '*Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg,*' and incorporate this action as part of action 84 '*Continue to carry out research, technical studies, strategic planning, partnership building and engagement planning, to guide the future of central Coburg*'. Action 84 will also be updated to include '*affordable housing*' to accommodate the merged action request.

Additionally, due to the complexities as outlined in the below table, an extension is being sought to allow the following actions to be completed before moving to the next phase of these projects.

These actions will continue to be delivered under existing resources to have them complete by December 2023 and reporting updates will be provided through the quarterly reporting cycle of the Council Action Plan 2023-24.

- 90 '*Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program*'.
- 91 '*Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement*'.

Action #	Action Description and Q3 Update	% Complete	Directorate
73	<p>Review operational plans addressing removal of graffiti, unsightly properties, dumped rubbish, public litter bins, drinking fountains, public toilets, car park opening hours and public lighting</p> <p>Work on reviewing and improving the delivery of these services has continued to progress with the review completed for some of these services. Further work and integration into the public amenity service plan will be undertaken in the coming months.</p>	Action Achieved	City Infrastructure
79	<p>Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg</p> <p>Officer reasoning:</p> <p>As resolved by Council on 10 August 2022, Council continued to report on actions that were not achieved by the end of the first year of Council Action Plan 2021-22, Action 79 '<i>Explore opportunities to include affordable housing as part of the urban revitalisation programs in central Coburg,</i>' was one of these actions.</p> <p>Officers now ask for the proposed withdrawal of this action and refer for delivery in the 2023-24 plan as part of a merged action to cover all the accountabilities under the future of central Coburg, Action 84 '<i>Continue to carry out research, technical studies, strategic planning, partnership building and engagement planning, to guide the future of central Coburg</i>'.</p> <p>This is not a separate action, but rather is integrated into all revitalisation planning for Central Coburg.</p>	Action proposed withdraw	Place and Environment

Action #	Action Description and Q3 Update	% Complete	Directorate
90	<p>Completion of Concept Design for West Street Shopping Strip Streetscape Renewal Program</p> <p>Following feedback from the community and traders and a detailed analysis of the complex traffic and parking situation in and around the shopping strip, we are proposing further work to investigate a suite of safety, amenity and environmental initiatives to improve the overall accessibility and experience of visiting the area.</p> <p>This proposal was endorsed by Council at the June meeting. Council has engaged a consultant to assist with design feasibility in the first half of the next financial year, 2023-2024.</p> <p>Completion of this Action: Quarter Two (December 2023)</p> <p>Staffing implications: Within existing staff resourcing and budgets.</p>	75%	Place and Environment
91	<p>Completion of Detailed Design for Wheatsheaf Road Streetscape Improvement</p> <p>Detailed design work is continuing. This has been delayed by the outcomes of flood modelling which showed a need for extensive new underground drainage to be included in the project scope, which has triggered changes to the above ground layout of traffic islands and pedestrian crossings.</p> <p>Completion of this Action: Quarter Two (December 2023)</p> <p>Staffing implications: Within existing staff resourcing and budgets.</p>	90%	Place and Environment

Community impact

Community impact is addressed throughout the Council Plan 2021-25 but primarily under strategic objective 5: To build community trust through encouraging participation, evidence-based decision making, stewardship of resources and being accessible and responsive.

Climate emergency and environmental sustainability implications

Climate emergency and environmental sustainability implications are addressed throughout the Council Plan 2021-25 but primarily under strategic objectives 1, 2 and 3:

1. To strive for maximum protection of people, plants and animals through leading an urgent response to the climate emergency and a regeneration of our natural environment
2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Merri-bek, especially via walking, cycling and public transport.
3. To support Merri-bek to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services and facilitating local partnerships and programs.

Economic sustainability implications

Economic sustainability implications are addressed throughout the Council Plan 2021-25 but primarily under strategic objective 4: To create welcoming, unique spaces and places across Merri-bek that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity.

Legal and risk considerations

The Merri-bek Community Vision 2021-31 and Merri-bek Council Plan 2021-25 and processes associated with the development of these documents have been undertaken in accordance with the requirements of the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

Human Rights Consideration

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

4. Community consultation and engagement

Community consultation and engagement was not required for this report as it reflects the performance against the Council Plan 2021 – 25.

Advice was sought from officers across Council to provide the performance updates.

Affected persons rights and interests

Before making a decision that affects a person's rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views. There are no individual rights or interests affected.

5. Officer Declaration of Conflict of Interest

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

6. Financial and Resources Implications

All actions documented in the Council Action Plan 2022-23 were resourced through the 2022-23 annual budget (included in the 2022-26 Budget). Actions deemed 'Off Track' will be delivered under existing budget and staff resources.

7. Implementation

The Council Action Plan fourth quarter performance results will be made available on Council's website.

Attachment/s

- 1 [↓](#) Council Action Plan Fourth Quarter Report 2022-2023 D23/321625



**Merri-bek
City
Council**

**Council Action Plan
2022-2023**

4th Quarter Performance Report



ACKNOWLEDGEMENT OF COUNTRY

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. We pay 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.

Executive Summary

This report supports Council's continuing commitment to sustainable, equitable and transparent management of funds on behalf of Merri-bek ratepayers, key stakeholders, and the broader community.

In accordance with sections 88 and 90 of the Local Government Act 2020, Council adopted a new Community Vision 2021-2031 and Council Plan 2021-2025 on 20th October 2021. These were developed as major outputs of a four-stage engagement program which included a deliberative panel process.

The Council Action Plan 2022-2023 was adopted which supports implementation of the Council Plan 2021-2025 for the second financial year of the 4-year period. It includes the specific actions to be taken during the second financial year in the implementation of the Council Plan 2021-2025.

This Fourth Quarter Performance Report gives an update on delivery of the Council Action Plan 2022-2023.

In summary, the status of the 97 actions in the plan is as follows:

Number	Percentage	Status	Definition	Traffic Light
35	36%	Achieved	Completed, achieved	✓
52	54%	In Progress	On track	●
5	5%	Off Track	Behind Target	●
5	5%	Endorsed Withdrawn or proposed withdrawn	On hold or removed	●

The rest of this report below provides a detailed progress update for each action below including:

- A description of the action
- The percentage complete against what was planned for this financial year
- The status in the form of a traffic light (see table above); an
- Relevant officer commentary.

Theme 1: An environmentally proactive Merri-bek

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

Action Name	Directorate	Status	Comments
Implement Zero Carbon Merri-bek Climate Emergency Action Plan	Place and Environment	●	<p>In the past three months, highlights included: Roll out of Electrify Merri-bek campaign for residents with Go Electric Action Plan, events, videos, and outdoor and online advertising. Led national, Local Government Go Electric campaign and community of practice with over 65 councils and 170 council officers.</p> <p>Launch of The Adaptation Game - A Merri-bek Climate Drill film and community playing of the game held three listening sessions for the Climate Justice In Colour project. We continued to advocate for a Zero Carbon Merri-bek with: the submission to Infrastructure Victoria's 30-year Strategy, Inquiry into the Melbourne 2022 Flood Event, Fuel Efficiency Standards Joint Statement and Mayors Statement on Climate Action to the Australian Council of Local Government.</p> <p>Sustainability Victoria approved Community Climate Change and Energy Action Fund application, which will fund energy efficiency and electrification works at two neighbourhood houses. Installation of electric vehicle chargers for the Council fleet was completed at Coburg Civic Centre and Walter St Depot. The Victorian Government supported the installation of chargers at Coburg Civic Centre through the Electric Vehicle Charging for Council Fleets Program.</p> <p>Additionally, Officers undertook an assessment of gas-consuming equipment across Council sites was completed, enabling us to plan and budget for the electrification of our sites.</p>
Deliver Integrated Behaviour Change Program including the Ride and Stride program participating primary schools	Place and Environment	●	<p>Six new Ride & Stride schools have been fully inducted into the program, with schools beginning to roll out their initiatives in Term Two. Brunswick South-West Primary held its Open Streets trial in May; 4 of 6 schools have launched the TagOn program, and over 85 registrations have been received for our free 4-week e-cargo bike loans.</p> <p>Two of our alumni Ride & Stride schools, Coburg North Primary & Merri-bek Primary, have</p>

Action Name	Directorate	Status	Comments
			<p>established their monthly School-led Open Streets programs, and over 30 families across our five alum schools received 50% subsidized e-cargo bike loans for two months. The 2022 Ride & Stride Outcomes report was published on the Zero carbon Merri-bek website.</p> <p>As part of our broader transport behaviour change work, we held six women's & nonbinary bike maintenance sessions across our three libraries in May & June. We provided 67 attendees with information and hands-on sessions to learn basic bike repair and maintenance; 96% said they learned new skills and improved their confidence, 77% are now more likely to ride a bike for transport, and 72% said the session was for women & nonbinary people only encouraged them to sign up.</p> <p>We also provided 18 Merri-bek staff members with a free month trial of a refurbished electric bike over May. Staff rode over 2,277kms over the four weeks, saving 542kgs of emissions; 72% of these staff usually drive a car to work; after the trial, 87.5% plan to buy an e-bike, keep riding or switch to walking or public transport for their commute.</p>
Urban forest strategy - implementation of annual tree planting program including identifying ways to support the community to preserve and plant new trees on private land.	City Infrastructure	●	The 2023 tree planting season commenced on the 1st of May and is planned to conclude by October 31st. 1352 of 2852 trees have been planted to date. This action has been included into 2023-2024 Council Action Plan for continued delivery.
Identify ways to support the community to preserve and plant new trees (may include giving trees away)	City Infrastructure	✓	Efforts over the past months have been focused on developing Council's Urban Forest Tree Policy, which will strengthen tree protection measures for public trees and mature trees on private land that are protected under Council's General Local Law. Work on further developing the 'Neighbourwoods' Program and collaboration with the Gardens for Wildlife program will continue in the new financial year. This action will now be encompassed by the ongoing Urban Forest strategy action in the 2023-2024 Council Action Plan.
Develop the Open Space Strategy - The Strategy will assist with identifying priorities for new and expanded open space and for decision-making	City Infrastructure	●	A comprehensive Engagement Plan has been developed and Stage 1 Consultation is complete (30 June 2023). External consultants have been appointment to develop the Background Technical Report which will inform the Open Space Strategy.

Action Name	Directorate	Status	Comments
about the use of open space to support passive and active recreation, water management, nature and the urban forest.			
Implement Yarra and Maribyrnong Catchment Scale Integrated Water Management plans and achieve 2030 targets	Place and Environment	●	This project continues to progress with external parties. The actions related to Merri-bek and our catchment are largely aligned with our Integrated Water Management (IWM) Strategy 2040 and associated Action Plan and are on track.
Continue implementing Zero Waste (and plastic wise) Community and Council (Festivals, events, facilities) initiatives	Place and Environment	●	<p>In the past few months, three online community waste education workshops were delivered, focusing on food waste minimisation and promoting reusable items, including cloth nappies. Council promoted our partnership with Responsible Cafes in the community via posters promoting BYO food-ware containers/coffee cups to reduce waste.</p> <p>The trial with reusable crockery at the Brunswick and Coburg Town Halls continued, enabling community members to reduce their single-use crockery waste when hiring the Halls. Reusable catering packs were provided to Council's Oxygen Youth Centre for use at youth summits and events, further reducing single-use crockery/foodware. Supporting reuse as an important part of waste reduction, Council partnered with Brunswick Tool Library, which hosted a popular repair stall at the Glenroy Festival.</p> <p>Enabling reductions in single-use plastic waste, vendors at the 2023 Glenroy Festival in April complied with our Plastic Wise Policy, with no exemptions granted. We also implemented reducing single-use plastic in our Draft Allocation and Use of Sporting Facilities, Grounds & Pavilion Policy. The continued engagement occurred with sports clubs about this change to the Draft Policy.</p> <p>We are preparing for the launch of the new 4-bin waste stream at Council facilities, glass recycling and food organics and garden organics (FOGO) bins placed in break rooms and kitchens, our maternal and child health centres, libraries, function spaces, and other Council venues.</p>
Implement the reformed kerbside waste service	City Infrastructure	●	Over the past few months, the Kerbside Waste Reform Project received the outstanding balance of the 135,000 bins to the storage and distribution facility and delivered each to properties within Merri-bek, which has completed the major bin rollout, which included; Food



Action Name	Directorate	Status	Comments
			Organics and Garden Organics (FOGO) uplift, Recycling upsize, 120L Glass now ready for the new 4-bin service to commence on July 1, 2023. The Hard Rubbish Trial has finished and now moves into the evaluation and recommendation phase - new service commences January 1, 2024.
Collaborate with the Food Leadership Action Group to support community led actions that are identified through the Collective Impact Shared Measurement Framework for a Northern Food Hub	Community	✔	Over the past few months Council has established a Service Agreement with Open Food Network to guide the Food Leadership Action Group in their continued support of community-led action through the Collective Impact Measurement Framework in 2023-24.
Implement the Nature Plan	City Infrastructure	●	Major achievements from the last three months include; celebrating the graduation of this year's Nature Stewards participants, progressing the development of the Council's Gardens for Wildlife program, and successful participation in the City Nature Challenge.
Improving safety and thermal comfort of low-income residents at home through solar and energy efficiency subsidies		●	At the end of this financial year, a total of 44 subsidised rooftop solar systems have been installed on eligible residents' homes, with an average system size of 5.4kW and household savings of around \$750 per year. In addition, this financial year, 77 eligible households received subsidies for thermal efficiency upgrades (i.e., gap sealing and/or insulation). A waitlist of customers has been established for those interested in participating in the program next financial year.
Construction of Moomba Park Wetland, Fawkner	Place and Environment	✔	Construction of Moomba Park Wetland is now completed.
Undertake Detailed design of Stormwater Harvesting at AG Gillon and Gilpin Park (Brunswick Central Parklands)	Place and Environment	●	The draft detailed designs of two systems in AG Gillon and Gilpin have been completed and is being reviewed by stakeholders. This is a complex site and further soil testing, and surveys are underway. This action will be completed by September. Completion of this Action: Quarter One (September 2023) Staffing implications: Within existing staff resourcing and budgets.

Theme 2: Moving and living safely in Merri-bek

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


Action Name	Directorate	Status	Comments
Review and update the Integrated Transport Strategy in consultation with the community	City Infrastructure	●	Social policy research field work is completed, which has helped to inform the discussion paper for the strategy. The engagement activities will occur from late July for 5 weeks, informing a draft strategy for Council consideration in November 2023. This action has been included in the 2023-2024 Council Action Plan for continued delivery.
Undertake community engagement and seek adoption of a revised parking management policy with a precinct by precinct approach	City Infrastructure	●	Work has commenced planning for the review of the parking management policy with engagement to occur in the first half of 2023/24. This action has been included into 2023-2024 Council Action Plan for continued delivery.
Investigate and implement measures to encourage reduced speed and improve pedestrian safety measures (special attention to accessibility) taking a precinct approach	City Infrastructure	●	<p>Applications to reduce the speed limit to 40km/h for all local roads with a speed limit of 50km/h have been submitted to the state government (Department of Transport and Planning (DTP)). DTP has already approved the applications at a high level. There have been delays with the final approvals and officers have escalated this with officers at DTP. Implementation is planned to occur in 2023/24.</p> <p>Council considered a report in February 2023 regarding improvement opportunities for pedestrians, bike riders and people using public transport in Fawkner. Designs are nearing completion for pedestrian improvement near the Bonwick Street shopping precinct with implementation to occur in 2023/24.</p> <p>Council has successfully received black spot grant funding to implement road safety projects at Lygon Street and Barkly Street, Brunswick East and Pearson and Albert Street, Brunswick West. The Pearson and Albert Street treatment was implemented in May 2023 and Lygon / Barkly planned to occur in the first few months of 2023/24.</p> <p>Completion of this Action: Quarter Two (December 2023) Staffing implications: Within existing staff resourcing and budgets.</p>

Action Name	Directorate	Status	Comments
Design, approval and construction of new shared paths along the Craigieburn Rail Corridor	City Infrastructure	●	<p>Council has been pursuing design approvals for both Stage 2 and Stage 3 sections of the Craigieburn Rail Corridor project, however this has encountered hurdles with ensuring Melbourne Water design or Metro Trains (MTM) construction requirements are met. In light of the current designs being unsuitable, it is not possible for Council to commit to construction of these project stages, and funding for construction has not been set aside in the 5 Year Capital Works Program of Council.</p> <p>Work is proceeding on a concept alignment in the corridor between Oak Park and Glenroy (Stage 4), which Council officers are working through to have a design submitted to (MTM/VicTrack) for their assessment by early 2023-24 to seek approval and cost estimates to have a design that is shovel ready for future funding and able to be confidently proposed for grant opportunities.</p> <p>For Stages 2 and 3 (new shared paths along the Craigieburn Rail Corridor between Gaffney Street and Devon Street) no further design funding has been allocated. It is necessary to undertake further work on design that will address Melbourne Water and Metro Trains requirements and then be suitable for submission to MTM/VicTrack for final approvals to be shovel-ready for any future grant opportunities. Officers recommend completing the design for this section so that it is shovel ready for future funding and able to be confidently proposed for grant opportunities.</p> <p>This will then position Council well for advocacy around funding for the construction of shared paths in this Strategic Cycling Corridor.</p> <p>It is proposed that the action be replaced with a new action that focuses on achievement of shovel-ready designs and associated advocacy for funding for construction. Officers suggest for the Year 3 Council Action Plan 2023-24 for action 26 to be superseded and replace with a new action; 'Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding'.</p> <p>Budget implications: Within existing staff resourcing and budgets</p>

Action Name	Directorate	Status	Comments
Advocate for: a) duplication of the Upfield line north of Gowrie Station; b) the creation of an East/West bus link and improved bus services in the North, including advocating for bus services to be scheduled to operate at night and on weekends c) improved personal safety	CEO		Council's advocacy position on the duplication of the Upfield line North of Gowrie Station was reiterated in letters to the Minister for Public Transport and to all Northern Metropolitan MPs when sharing Council's Reshaping Brunswick paper (regarding the Brunswick Level Crossing Removals). Discussion and progress of a regional approach, including extension and electrification to Wallan, continued with Mitchell and Hume, with the addition of Whittlesea indicating their desire to join in a regional advocacy approach going forward. Duplication of the Upfield line and the creation of an East/West bus link and improved bus services in the North was discussed with Federal MP for Wills Peter Khalil, via a Northern Councils Alliance meeting and followed up with a localised perspective by Merri-bek Mayor and CEO. The Merri-bek Mayor and CEO shared Similar information with Sheena Watt, Northern Metropolitan MP. Council also submitted to Infrastructure Victoria, including advocating for the duplication of the Upfield line North of Gowrie and creating an East/West bus link and improved bus services in the North for inclusion in Infrastructure Victoria's next 30-year infrastructure strategy.
Investigate the extensions of tram routes 19 and 58	City Infrastructure		This action was achieved in the first quarter of this year.

Theme 3: A healthy and caring Merri-bek

3: To support Merri-bek to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services, facilitating local partnerships and programs, mitigating the effects of climate change and supporting the community to adapt and build climate resilience

Action Name	Directorate	Status	Comments
Plan and deliver Year 2 Early Years Infrastructure Projects as listed in the 5-year Capital Works Program	Community		Project updates in relation to priority projects include: -The upgrade and expansion of the Park Street Early Learning Co-op was completed in late April. An official opening with the Minister for Early Childhood and Pre-Prep Ingrid Stitt is planned to occur in July or August.

Action Name	Directorate	Status	Comments
			<p>-Doris Blackburn Kindergarten - a new 33-place kindergarten room has been installed, and associated landscaping and works to the car park have been completed.</p> <p>-Pascoe Vale Community Centre - Stage 1 works to create a 33-place kindergarten commenced in June.</p> <p>-Turner Street Kindergarten - works to improve and expand the kindergarten will commence in July 2023.</p> <p>-Oak Park Kindergarten - Construction of an additional 33-place kindergarten room will commence once a planning permit is obtained.</p> <p>-Derby St Children's Centre - Detailed plans have been developed, and construction will commence once a planning permit is obtained. The tender process to appoint the builder is occurring in June 2023.</p> <p>-Preliminary planning works are currently occurring in relation to the proposed development of a new Early Years Hub to be situated on Council-owned land at 346 Albert St, Brunswick.</p> <p>-While all projects have progressed, there have been some delays due to a range of factors, including longer than-anticipated timeframes for planning and tender processes in relation to some projects.</p>
Finalise and begin implementation of the Climate Risk Strategy	Place and Environment	✔	Council endorsed the Climate Risk Strategy in November 2022, and the Climate Risk Foundational Action Plan (CRFAP) was endorsed in June 2023. Implementation of the Climate Risk Strategy has started in 2022/23 with some actions already under implementation, such as Action 8 Embed climate risk in policy, strategy, and action plan development as refreshes/renewals occur, and as new policy is developed and Action 26 Review service delivery in early years and aged and community services for climate resilience to give a few examples. The next step will be implementing the Climate Risk Foundational Action Plan 2023-2025.
Progress the Fawkner Leisure Centre Upgrade	City Infrastructure	●	The contractor has occupied the site, and works have formally commenced following the ground-breaking event on May 2023.

Action Name	Directorate	Status	Comments
Implement the Fleming Park masterplan priorities	City Infrastructure	✓	Construction complete. Clarrie Wohlers centre still to be demolished, this will be completed by end August 2023.
Implement the Hosken Reserve masterplan	City Infrastructure	●	Design complete. Tendering in three stages. Stage 1 awarded. Stage 2 in final procurement. Stage 3 in procurement. Stage 4 procurement is to commence in late July.
Support sports clubs to deliver free activities through application to Council's community grants program	Community	✓	This action was completed in the previous quarter.
Continue to network with service providers and partnerships with service providers, agencies and organisation to continue to inform Council's approach to resilience	Community	✓	The Bimonthly Service Provider Networks continue to occur with a combination of in person meetings. The meetings have provided an ideal forum to discuss and collaborate on place-based and issue-based opportunities and challenges regarding mental health and community resilience.
Implement the Social Cohesion Plan	Community	●	<p>Over the past months, the Social Cohesion Plan funded partnership project 'Connecting Women in Merri-bek' by VICSEG New Futures has been evaluated as the funding for this project is ending in June 2023. The Public Value Studio has been engaged to run the 5th Democracy Lab and Seeds of Change over the next year.</p> <p>Scoping is underway to inform some targeted work around anti-racism and improving economic participation within the municipality.</p> <p>Other activities conducted during this period include finalising the details of the Victorian Interfaith Network Festival, which will be held on the 19th of November at the Coburg Town Hall and sharing the Shared Indicators for Social Inclusion Measurement with other Council departments and encouraging them to participate in collecting data for measuring collective impact.</p>
Conduct navigation pilot project to support older people to access services	Community	●	Over the past months, the Navigation Pilot Program has continued to provide outreach sessions, information sessions and individual support to Merri-bek residents. Challenges with access to available support in the community have resulted in some clients having to wait longer for appropriate support options to become available.

Action Name	Directorate	Status	Comments
Continue to implement and improve new outdoor help and transport services for older people	Community	●	Areas of focus have been able to finalise requests and action reimbursements for eligible Merri-bek residents. Over 177 people have been approved for the program and accessed services such as garden clean up, tree removal, and development of raised garden beds to give the residents safe access to the home gardens.
Support the development of the business case, stakeholder engagement and advocacy campaign for the Ballerrt Mooroop Community Hub	Community	✓	<p>Between March and June 2023 stakeholder engagement was undertaken to inform development of the Ballerrt Mooroop Community Hub. Over 25 different stakeholder engagement activities were held, which resulted in receiving seven formal letters of support for the Ballerrt Mooroop Community Hub, over 200 people attending the Ballerrt Mooroop Day and several informal engagements with significant First Nations community leaders.</p> <p>This included a presentation to the Wurundjeri Woi-wurrung Board of Management and a site visit with the Wurundjeri Woi-wurrung education team. Formal support for the project was received from the CEO of Victorian Aboriginal Health Services.</p>
Implement the First Peoples' Employment Plan	Business Transformation	●	Appointment has been made for the First Peoples Employment Officer role, commencing in early July. This role will be critical to the implementation of actions within the First Peoples Employment Plan, including development and delivery of staff training plans relating to cultural safety and awareness.
Continue to work with partners to increase community awareness of First Nations communities, reconciliation and Treaty	Community	●	Ahead of the May 2023 First Peoples' Assembly of Victoria election, Council leveraged its digital platforms, libraries, and customer service centres to promote participation and awareness. Reconciliation Week 2023 saw the public launch of the Ballerrt Mooroop site in Glenroy, a collaboration with Wurundjeri Woi-wurrung Elders, Itiki Sporting Club of Glenroy, and Will Will Rook Kindergarten. The event enabled the public to learn about potential development plans for the site, featuring an educational and health hub and sporting facilities. Brunswick Library hosted an event in June, with a discussion led by Yoorrook Justice Commissioner Professor Kevin Bell.
Continue to advocate for gambling harm prevention	Community	✓	Over the past months, Council has committed to partner with Deakin University and has provided a letter of support for a grant funding application for a harm prevention project targeting local communities. Further Council is undertaking planning with Gamber's Help to deliver community education on gambling risks and harm prevention to community groups in the coming months. Council has also attended a forum on gambling harm prevention initiatives occurring in Europe to inform Council's work.

Action Name	Directorate	Status	Comments
Continue education around tobacco related harm and enforcement of tobacco regulation	Place and Environment	●	Education visits to tobacco-related premises continued through the fourth quarter, with over 100 inspections conducted across tobacco retailers, eating establishments and licenced venues. The total number of tobacco-related premises inspections completed in 2022-2023 is above the Department of Health Tobacco Service Agreement requirements. Inspections of prescribed outdoor premises were completed, with 52 proactive inspections of public playgrounds conducted, above the Department of Health Tobacco Service Agreement requirements for 2022-2023.
Continue facilitation role to improve service coordination for people who are homeless	Community	✓	Following the endorsement of the Affordable Housing Action Plan in December 2022, which included developing the Merri-bek "Functional" Zero approach, Council has also allocated and endorsed a budget for assertive outreach for this program in the next financial year.
Scope a coordinated approach and policy on digital inclusion in Merri-bek	Community	✓	This action was achieved in the previous quarter.
Implement actions of the Children, Young People and Families Plan	Community	●	<p>Key achievements include:</p> <p>Participation by young people in programs in the North of Merri-bek continues to grow through partnerships and space activation of the library at Glenroy Community Hub and several social and recreational programs in Fawkner, including “drop-in” and Female only Basketball programs and study support groups. Community and school engagement and participation at festivals and events have supported promoting youth programs, including a drop-in at the Oxygen Youth Space at Coburg North.</p> <p>The new group of Youth Ambassadors and the Children Reference Group both held their first meetings in March and are now meeting regularly, with both identifying opportunities to provide input into Council decision-making.</p> <p>Maternal and Child Health partnerships and programs have supported providing legal support to women experiencing family violence, catch-ups for LGBTIQ+ families and the expansion of Dads Groups and other events for new fathers. The Sleep and Settling Program has high participation levels and includes in-person (group) sessions, online and outreach to individual families where required.</p>

Action Name	Directorate	Status	Comments
			Following a pilot program 2022, the Intergenerational Program, where older residents visit Early Years Services and participate in planned programs with the children, focusing on art and music, will be expanded, with many Centres expressing an interest in participating during 2023.
Assess climate risk for priority Council infrastructure	Place and Environment	●	A sample of eight buildings were assessed for vulnerability to climate change over the past few months. These buildings include those used by community members who may face higher risks from climate impacts such as heat waves, maternal and child health, and children's and community centres. A report on the assessments is being finalised, and the recommendations are expected to inform planning for maintenance and priority works for the buildings and broader asset management planning at the portfolio level.
Implement the Libraries After Dark program to reduce gambling harm or similar community impacts	Community	●	Glenroy Library continues to open until 10 pm on Thursday evenings. Programs offered include Conversation Cafe, Chess Night, Seed Masterclass and Job readiness workshop.
Investigate Social Workers in Libraries Trial	Community	✓	Library Social Worker has commenced training and secondary consultations with library staff. Library Social Worker was available for consultations with community members from June 2023.
Implement actions to support genuine inclusion of LGBTIQ+ community in Council programs, systems, activities in consultation with reference group	Community	✓	The LGBTIQ+ action plan was developed in collaboration with the reference group and endorsed by Council. Key actions include input into the Public Amenity Strategy to ensure new toilets are accessible to all genders. Making improvements to available information for people with intersex variations in Council services/spaces. And build community capacity and knowledge of intersex variations. The reference group has provided feedback and advice on Council's new LGBTIQ+ inclusive language guide. Scoping of Rainbow tick for selected departments to be investigated.
Implement the Gender Equity Action Plan	Business Transformation	●	The Gender Equity Action Plan continues to be implemented and embedded. Key highlights have included progressing works to create gender-neutral bathrooms for staff access, an updated Family and Domestic Violence Policy and training for key staff.
Finalise contract terms for the transfer of land for the purposes of a new health and community services precinct within Coburg	Place and Environment	✓	This action was completed in the second quarter of financial year 2023-2024.

Theme 4: Vibrant spaces and places in Merri-bek

4: To create welcoming, unique spaces and places across Merri-bek that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity







Action Name	Directorate	Status	Comments
Complete an integrated Property Framework to guide strategic decision making around property acquisition, sale and redevelopment, including renewing Moreland's Leasing and Licensing Policy (including Open Space)	Place and Environment	✓	The Strategic Property Framework was adopted by Council at its June 2023 meeting.
Pursue 2 opportunities for fenced dog-off-leash areas in northern Merri-bek ahead of finalising the Merri-bek Open Space Strategy	City Infrastructure	✓	After extensive consultation on the design for the new dog parks, the Glenroy and Fawkner enclosed dog parks are currently under construction and are expected to be completed and open to the public around September 2023.
Investigate financial incentives to encourage maintenance of heritage buildings	Place and Environment	✓	This action was achieved in the last quarter report to Council. An investigation of financial incentives to encourage maintenance of heritage buildings was completed and reported to Council at their meeting 7 December 2022 - Report reference 7.2 Heritage Action Plan - Status Report.
Continue to support Merri-bek Affordable Housing Ltd	Place and Environment	●	A draft new memorandum of understanding has been presented to Merri-bek Affordable Housing (MAH) for feedback. Council has supported the (MAH) Board transition to a new Executive Officer. Council also responded to the request for an updated Letter of Support to facilitate project funding.
Advocate for zero carbon in the planning scheme through the Council Alliance for Sustainable Built Environments (CASBE)	Place and Environment	●	Advocacy for this project continues via the CASBE group set up to progress the Amendment and advocacy.

Action Name	Directorate	Status	Comments
Review Merri-bek Planning Scheme and prepare a plan for implementing review recommendations	Place and Environment	✔	This action was achieved in Quarter two - report presented to the November 2022 Council meeting.
Review Neighbourhood Character provisions	Place and Environment	●	Work is completed to investigate neighbourhood character in the planning scheme and better quality medium-density building design. This project has been placed on hold as State Government reforms to medium-density housing are expected in September 2023.
Carry out engagement program to seek community feedback on the future of central Coburg	Place and Environment	●	Endorsed for withdrawal in quarter three from Council Action Plan 2022-2023 and referred for delivery to the 2023-24 Council Action Plan.
Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations	Place and Environment	●	Endorsed for withdrawal in quarter three from Council Action Plan 2022-2023 and referred for delivery to the 2023-24 Council Action Plan.
Carry out safety and accessibility audits for Louisa Street and design tactical responses to improve the street for pedestrians	Place and Environment	✔	The concept design is now complete. Artists and line marking consultants have been engaged with the installation of Stage 1 tactical urbanism initiatives to be delivered in July/August 2023.
Continue to integrate and implement business development programs into the Shopping Strip Renewal Program (SSRP)	Place and Environment	●	Activities undertaken in the period included working with Council's Urban Design team to review and understand the community consultation findings arising from the West Street businesses and community engagement process held in March 2023 and to commence planning for the project's next stage. Related to this program of work, officers continued to progressively refresh local entrepreneurs' displays within the 'Merri-bek MoreSpace' installations across Merri-bek, which showcase the wares of local micro-businesses in otherwise vacant shop fronts. Officers also completed the implementation of the Vacant

Action Name	Directorate	Status	Comments
			Shop Grant program, supporting eleven businesses to set up formerly vacant shops across Merri-bek.
Develop industry sector profiles and promote the value of these sectors to the broader community	Place and Environment	✔	This action was achieved in the quarter two reporting period.
Scale up and implement adaptive training and support programs for micro and small businesses	Place and Environment	●	In the last few months of the financial year, Council officers continued implementing programs to support micro and small businesses. This included three monthly Merri-bek Business Women's Network Coffee Conversations; facilitating Merri-bek's three nominations to the Northern Business Achievement Awards; hosting BioMedTech and Food Melbourne's North networking events; and organising and hosting various business skills development sessions, including Business Victoria workshops on Cyber Security and How to Win Government Grants and Tenders.
Continue to develop and support the Love Merri-bek Buy Local campaign	Place and Environment	●	Council officers continued to work on the website; improvements were made to speed up the map, and additional blog content was produced and published showcasing additional businesses - e.g. Hidden Gems of Merri-bek. Love Merri-bek window stickers have also been distributed to businesses in Merri-bek. They are being hand delivered precinct by precinct, and discussions are being had with each business to check that their details are up to date on the Love Merri-bek site. A third Love Merri-bek Trail map (online and print copies) called At Your Leisure is being finalised and soon to go to print, and work on a fourth trail guide focusing on art and culture attractions has commenced.
In collaboration with local traders, residents, agencies and creatives, develop and implement an activation program for Brunswick	Place and Environment	●	This financial year, four plus activation events have been completed in the Brunswick Activity Centre, with further programming occurring at 260 Sydney Road to occur in the new financial year.
In collaboration with local traders, residents, agencies and creatives, develop and implement an activation program for Glenroy	Place and Environment	●	The activation program concluded with a major event in Glenroy. Merri-bek partnered with the Melbourne International Film Festival to deliver a multi-cultural film festival in Glenroy. The Glenroy Public Hall was transformed into a Cinema for a four-day, seven-film festival. The festival was well attended and welcomed by the local community.
In collaboration with local traders, residents, agencies	Place and Environment	●	This financial year, four plus activation events have been completed in the Coburg Activity Centre, with recent events including partnering with the Central Coburg

Action Name	Directorate	Status	Comments
and creatives, develop and implement an activation program for Coburg			Business Association to deliver Easter school holiday activities in Victoria Mall and an EID community lunch also in Victoria Mall.
Develop community programs framework to support wellbeing and learning outcomes	Community	✓	Community programs framework developed to guide Merri-bek Libraries event planning and delivery.
Continue to deliver festivals program and undertake a festivals review	Community	✓	The 2023/24 Festival program is now completed, with Glenroy Festival taking place in late April with over 3000 people attending through the day. Local Glenroy and Merri-bek artists performed, including Mary Petts Guitar School, David M Weston, Melbourne Contemporary Choir, Sanacori & Melbourne School of Tarantella, and an exciting Roving Carnival finale. Activities included repairing household items with Brunswick Tool Library volunteers, and Council's youth program's officers ran live podcasting and dance workshops.
Develop and commence implementation of a new integrated arts and culture strategy	Community	●	While the draft strategy is complete, delivery of the strategy has been slightly delayed. It will go out for community consultation in July before being recommended to Council for adoption at the September meeting. This action has been included in the 2023-2024 Council Action Plan for continued delivery as part of ongoing development, implementation and integration of the Arts and Culture Strategy.
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	Place and Environment	✓	<p>Council officers have continued participating on the Brunswick Design District (BDD) Steering Committee and practical and participatory support to the ongoing operation of RMIT's PlaceLab Brunswick.</p> <p>During the few months, several actions were completed, including: The (BDD) fed into Council's new Arts & Culture Strategy; Detailed suburb-level data was commissioned to understand better the creative and design-related economy in Merri-bek, including across Brunswick, to assist in forward planning of (BDD) actions and initiatives. Five case study videos of different designers and creatives were also completed, which will be published in the new financial year 2023-2024 to raise awareness of the Brunswick Design District to encourage the growth and further development of consumer-to-business and business-to-business relationships.</p>

Action Name	Directorate	Status	Comments
Implement key visitor attraction activities	Place and Environment	●	<p>Key highlights have included officers signing off the final draft for a third trail map, printed in July 2023, to showcase leisure and entertainment activities and businesses in Merri-bek to residents and visitors alike. The trail guides, complete with maps, fulfil the aim of the Visitor Attraction Plan plan to promote visitor attractions in Merri-bek.</p> <p>Officers also completed several Love Merri-bek blogs, including for Mother's Day and Hidden Gems, which were widely publicised via Council newsletters, websites and social media. Officers also participated in Victorian Tourism Industry Council research and meetings to further understand how local governments could support the visitor economy.</p>
Continue Renuwall Graffiti Intervention Program	Community	●	Six murals were completed under this project in the financial year 2023/24. Street Cleansing and Sustainable Communities funded the two additional murals.
Commence preparation of a new Development Contributions Plan	Place and Environment	●	The preparation of a new Development Contributions Plan (DCP) has commenced. A project brief has been prepared to engage a consultant to create a project list and undertake the methodology and calculations. This project relies upon finalising a project list for the Open Space Strategy.
Complete design and commence construction of the Saxon Street facility and open space	City Infrastructure	✓	Construction has commenced, this project will now move into its next phase.
Review service levels for responding to public realm amenity customer requests	City Infrastructure	●	Further data has been collected, a project group has been put together, and work is underway to refine the project scope for the development of the Public Amenity Service Plan. This action has been included in the 2023-2024 Council Action Plan for continued delivery.
Collaborate with neighbouring Councils to advocate for the removal of graffiti on State owned assets	City Infrastructure	✓	Other Councils have expressed interest in approaching the state regarding a holistic review of how a range of assets on state-owned land are maintained; Merri-bek will continue to work with them on advocacy opportunities.
Identify opportunities to encourage greater community participation in litter collection days, tree	City Infrastructure	✓	Litter collection activities have been organised with the community around ATC Cook Reserve. Work on the Gardens for Wildlife Program continued to progress; this program will continue into the next financial year. Our latest cohort of Nature Stewards graduated from the Nature Stewards course in June.




Action Name	Directorate	Status	Comments
planting, weeding, graffiti removal and clarify the community's role in nature strip management, keeping footpaths clear			<p>This program connects curious residents with their local environment and supports them to become actively engaged environmental champions. Collaboration with the Sydney traders' associations was undertaken to address some graffiti on private properties along Sydney Road.</p> <p>Initiatives to engage the community in litter collection days, tree planting, weeding, graffiti removal and clarify the community's role in nature strip management and keeping footpaths clear will continue as business-as-usual activities.</p>
Implement targeted dog on-leash signage that promotes off-leash areas	City Infrastructure		<p>Further assessment of the Council's on-leash and off-leash areas is being considered as part of the new Open Space Strategy development. This work is progressing, with further information to be provided in December 2023, in line with the release of the Draft Open Space Strategy for public consultation.</p> <p>Completion of this Action: Quarter Two (December 2023) Staffing implications: Within existing staff resourcing and budgets.</p>
Continue the Jobs Advocates (until 2023)	Community		The two-year Jobs Advocates program is now closed due to the cessation of State Government funding. Overall Jobs Advocates program assisted over 5500 local people to find work, undertake training or access social support.
Progress central Coburg Revitalisation projects	Place and Environment		Progress has been made on a number of fronts, particularly around engagement planning, due diligence, and explorations of potential partnerships with a significant multi-year pipeline of projects to be progressed.
Implement the Community Infrastructure Plan	Community		The Community Infrastructure Plan is complete and continues to inform the priorities for Councils capital works program. Highlights that have commenced in this quarter are the Fawkner Leisure Centre Redevelopment and the Saxon Street Community and Arts Hub in Brunswick.
Commence Design for 260 Sydney Road (Park Close to Home)	Place and Environment		This action was achieved in the previous quarter's report.
Commence Detailed Design for West Street streetscape renewal	Place and Environment		Endorsed for withdrawal in quarter three from Council Action Plan 2022-2023 and referred for delivery to the 2023-24 Council Action Plan.




Action Name	Directorate	Status	Comments
Commence construction of Wheatsheaf Road streetscape improvement	Place and Environment	●	Endorsed for withdrawal in quarter two from Council Action Plan 2022-2023 and referred for delivery to the 2023-24 Council Action Plan.
Commence construction of the Stewart Street streetscape improvement	Place and Environment	●	Endorsed for withdrawal in quarter one from Council Action Plan 2022-2023 and referred for delivery to the 2023-24 Council Action Plan.
Commence preparation of a Planning Scheme Amendment for an Activity Centre Zone for the Brunswick Activity Centre	Place and Environment	●	Phase three community consultation, which shares the final activity centre zone schedule and revised structure plan, is due to commence from 1 August to 29 September 2023.
Formalise flood modelling within the Planning Scheme	Place and Environment	●	Work to update the drainage modelling from 2018 is underway. Consultation with landowners is expected later this year, with a planning scheme amendment to follow.
Continue the proactive planning enforcement program by Auditing approximately 80+ development projects for compliance with planning permits	Place and Environment	●	The proactive planning enforcement program exceeded its target this year with 95 proactive audits of residential developments commenced and a further 10 proactive audits of projects either decided at the Planning & Related Matters Council Meeting or having been issued after Council's decision was overturned at VCAT. In combination, a total of 105 proactive audits were commenced this year.
Continue the Cladding Rectification Project seeking resolution of moderate and low risk buildings with suspected combustible cladding	Place and Environment	●	This work is ongoing and on track. Liaison continues with Cladding Safety Victoria (CSV), the Victoria Building Authority (VBA) and the Department of Energy, Environment & Climate Action (DEECA) concerning cases in Merri-bek, including those for which the Minister for Planning appointed the VBA as Municipal Building Surveyor (MBS). Cases in which Council's MBS has responsibility have all been issued with a notice or order for resolution or have otherwise been resolved. Work with owner's corporations continues, and notices and orders are removed as cladding issues are rectified.
Continue swimming pool certification and compliance functions	Place and Environment	✓	Council's Swimming pool and spa safety barrier certification program, for those owners who choose Council to achieve their necessary pool/spa safety barrier certification is running well. Compliance action is progressing with respect to a small number of landowners who have failed to register their swimming pool or spa with the Council. Final courtesy reminder letters have been sent to all owners who failed to lodge a Certificate of





Action Name	Directorate	Status	Comments
			swimming pool/spa safety barrier compliance with the Council by 1 June 2023 prior to infringements being issued.
Implement the affordable housing action plan	Place and Environment	●	As part of delivering the actions under the Affordable Housing Action Plan, the Property Unit and Social Research Unit facilitated in principle agreement to sell 1/6 Sutherland St for use as social housing by Aboriginal Housing Victoria. Progress was also made under key focus area's in the Affordable Housing Action Plan, which included; - Focus area one: finalising a referral protocol and providing robust advice in planning processes. - Focus area two; a draft new memorandum of understanding was provided for comment to Merri-bek Affordable Housing Ltd. - Focus Area three, advocacy and increased cooperation with M9 Councils, Homes Victoria and federal agencies; - Focus Area four; a successful budget was bid for \$120,000 to fund homeless assertive outreach.
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	City Infrastructure	●	Concept plan options for developing the annex and refurbishing the bluestone cottage are in progress. It is expected that options will be presented to Council in July/August 2023 for consideration.
Local History Maintenance & Conservation: To commence planning for the collection, conservation and presentation of Merri-bek's local history	Community	✓	Key highlights include the Heritage Action Plan implementation for 2023-2025 and planning to guide local history maintenance and conservation over the coming years. Additionally, funded projects were scoped for delivery in the new financial year 2023/24.

Theme 5: An empowered and collaborative Merri-bek

5: Build community trust through encouraging participation, evidence-based decision making, stewardship of resources and being accessible and responsive

Action Name	Directorate	Status	Comments
Continue to deliver the Community Engagement Policy Implementation Plan 2020-2024	Community		A revised version of the Community Engagement Policy was endorsed by Council in June 2023. 40 project officers completed IAP2 training. Officers also completed targeted training to deliver the community pop-ups held this quarter and to engage with children and young people.
Develop and implement training and resources for Council officers to support best practice engagement with Children and Young People	Community		This training module has been developed and implemented across the organisation, with further sessions for Council officers planned.
Community at the HEART <ul style="list-style-type: none"> • Develop efficiencies and understand pain points by conducting customer journey and service process mapping, learning from and listening to customer feedback and complaints • Improve customer communication channels • Implement the continuous improvement program including initiatives under Community at the Heart 	Community		First point of contact channels have been reviewed based on community feedback. This has resulted in integrating Snap Send and Solve with our Customer Relationship Management system for an improved customer experience; and conducting website user testing and implementing required improvements.

Action Name	Directorate	Status	Comments
Deliver advocacy campaigns that support council priorities	Business Transformation		<p>Council made submissions on key priorities, including the inquiry into the impact of road safety behaviours on vulnerable road users, the inquiry into the 2022 flood event in Victoria and Infrastructure Victoria 'Victoria's 30-year Infrastructure Strategy; this submission outlined the Council's position on a range of topics including transport infrastructure, social and affordable housing, planning and climate change mitigation and adaption.</p> <p>Council progressed advocacy on securing the land title of the Ballerit Mooroop site in Hilton Street, Glenroy, for the benefit of local First Nations communities, via correspondence with the Victorian Education Minister and a resulting meeting with her Chief of Staff. Stakeholder engagement and an open day on-site took place in May.</p> <p>Advocacy campaigns continue, seeking safe access over Bell Street Bridge in collaboration with Darebin Council and Coburg High School, seeking planning reform to elevate environmentally sustainable design targets along with Council Alliance for a Sustainable Built Environment (CASBE) and 24 other Victorian councils.</p> <p>Coordinated advocacy continued with Merri-bek actively participating with partner advocacy organisations, including the Northern Councils Alliance, M9, the Northern Alliance for Greenhouse Action, the Council Alliance for Sustainable Built Environment and the Local Government Mayoral Taskforce Supporting People Seeking Asylum.</p>
Implement a meeting room booking system that enhances current system and encourages ease of new bookings	Community		<p>Ongoing implementation planning with vendor is underway, the trial will begin later than planned and the project is expected to be delivered by the end of the calendar year.</p> <p>Completion of this Action: Quarter Two (December 2023) Staffing implications: Within existing staff resourcing and budgets.</p>
Continue to support the CALD Merri-bek Connectors community engagement program to improve access to information and services	Community		<p>The Connectors Program has successfully extended from communications to also include community outreach and engagement. The group of connectors contributed to a number of significant Council engagement opportunities in the last quarter, including the Open Space Strategy, the Kerbside Waste Reforms, and the Glenroy Film Festival.</p>

Action Name	Directorate	Status	Comments
Build capability and develop staff to improve customer experience	Community		Training modules were developed for communicating effectively with a range of people and understanding the essentials of customer service. Other capability building equipped leadership to embed the Community at the Heart program into their teams, which included learning from community feedback and driving local service improvements. Additionally, a series of staff training sessions were delivered to improve our website customer service channel, involving maintaining current and relevant content on our website to support self-service and improved Council information.
Feasibility analysis to determine land and construction costs, funding sources and prioritisation of expenditure to inform developer contributions	City Infrastructure		As part of the work to review the open space strategy, the review of the contribution rate in the planning scheme is underway. This piece of work is meeting projected timelines and is on track to be delivered in 2024, with the amendment to commence in early 2025. This action has been included in the 2023-2024 Council Action Plan for continued delivery.
Deliver the Accessible and Inclusive Communications Policy Implementation plan (2021-2024)	Community		Implementation of the Accessible and Inclusive Communications Policy continues, including the soon-to-be-launched internal Accessible Communications Toolkit for staff. Also in progress is the review and refresh of the Community Language Aid Program which involved recruiting officers who can speak our top 12 Merri-bek languages other than English, and the ongoing delivery of Easy English advice for Council communications.
Finalise and begin implementing the change of the municipal name	Community		A detailed report on 2022-2023 implementation of the name change was presented to the July Council meeting. Signage updated this quarter includes Maternal Child Health and childcare locations, some parks and gardens, preparation for sports and recreation and re-naming Council vehicles used for community services, safety, wellbeing, planning and enforcement. Council continues to update all external-facing documents with new branding.

7.11 CONTRACT VARIATION: RFT-2021-230 - 14 FRITH STREET, BRUNSWICK PARK CLOSE TO HOME

Director City Infrastructure, Anita Curnow

Capital Works Planning and Delivery

Officer Recommendation

That Council:

1. Notes that in February 2022, it approved the award of Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home for a contract sum of \$4,772,212 (GST exclusive), and authorised the Chief Executive Officer to exercise a contingency of \$477,221 (GST exclusive and 10 per cent of the contract sum)
2. Notes that in May 2023, Council approved a total additional contract spend to a total of \$5,965,265.00 (GST exclusive) for Contract RFT-2021-230, noting that this represents a total contingency of 25 per cent on the original contract sum of \$4,722,212.00 (GST exclusive).
3. Notes that the project has further encountered latent conditions including structurally unstable heritage brick walls (Lobb and Frith Street sides) imposing public safety risk and further soil contamination under the wall and foundry, contractor delay costs, and that the previously approved contingency has been effectively exhausted.
4. Approves an increase of the total authorised contract spend under Contract RFT-2021-230 by a further \$1,121,617.00 (GST exclusive) to a total of \$7,086,882.00 (GST exclusive), noting that this brings the total contingency to 48.5 per cent over the original contract sum of \$4,722,212.00 (GST exclusive).
5. Approves the budget short fall from savings in Fleming Park Project (\$900,000.00) and Public Resort and Recreation Land Reserve (\$221,617.00), on the basis that the current approved budget of \$6,588,694.00 is not sufficient to cover full project costs including the requested contract variation in this report and non-contract costs.
6. Notes that, related to the cost increases, the project has also suffered delays in delivery schedule and is now scheduled for practical completion by mid-October 2023 and open to the public in late 2023 once grass and planting has had suitable time to establish.
7. Authorises the Chief Executive Officer to do all things necessary to approve contract variations, extension and related documentation as identified in points 4 and 6.

REPORT

Executive Summary

In February 2022, Council awarded the Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home to Building Engineering to construct the Park Close to Home Project at 14 Frith Street, Brunswick. The contract was originally due to achieve practical completion in May 2023 for a contract sum of \$4,772,212.00 (GST exclusive). The total approved contract expenditure was \$5,249,433.00 (GST exclusive) including 10 per cent contingency.

Works commenced on the project in June 2022 and have been progressing steadily. During excavation of the site contaminated soil was discovered well beyond the quantities expected during the early site investigations. This extensive contamination has not only added significant costs to remove the contaminated soil but also added delay costs to the project.

In May 2023, Council approved of the total authorised contract spend under Contract RFT-2021-230 to a total of \$5,965,265.00 (GST exclusive), noting that this represents a total contingency of 25 per cent on the original contract sum of \$4,722,212.00 (GST exclusive).

Based on this and other latent conditions encountered to date, claims totalling \$2,314,670.00 (GST exclusive) have been accepted, lodged or foreshadowed by the Contractor. These total 48.5 per cent over the Contract sum.

To complete the project, an additional \$1,121,617.00 (GST exclusive) is required to be added to the Contract sum, which is the subject of this report. If authorised, this will bring the total to be expended under Contract RFT-2021-230 to \$7,086,882.00 (GST exclusive).

The Fleming Park Masterplan Implementation project has recently completed and there are savings totalling approximately \$900,000.00 to be handed back. Officers recommend that these savings, plus an additional \$221,617.00 from the Public Resort and Recreation Land Reserve be allocated to the Frith Street Park Close to Home Project.

In addition, officers advise that an independent Post Implementation Review will be scheduled for the Frith Street Park Close to Home Project upon its completion to ensure the lessons learned from the challenges encountered by this project are accounted for in selection of suitable sites for new parks in former industrial areas and in management of similar projects.

Previous Council Decisions

Contract RFT-2021-230 14 Frith Street, Brunswick – Park Close to Home – 10 May 2023

That Council:

1. *Notes that in February 2022, it approved the award of Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home for a contract sum of \$4,772,212.00 (GST exclusive), and authorised the Chief Executive Officer to exercise a contingency of \$477,221.00 (GST exclusive and 10 per cent of the contract sum)*
2. *Notes that due to encountering of contamination beyond the extent identified during scoping and other latent conditions, the contingency has now been exhausted in the delivery of this project and a small additional expenditure beyond the contingency has been committed to allow the project team to immediately deal with the contamination and protect public health.*
3. *Approves an increase of the total authorised contract spend under Contract RFT 2021 230 by \$715,831.80 (GST exclusive) to a total of \$5,965,265.00 (GST exclusive), noting that this represents a total contingency of 25 per cent on the original contract sum of \$4,722,212.00 (GST exclusive).*
4. *Notes that, related to the cost increases the project has also suffered delays in delivery schedule, now scheduled for practical completion by early August 2023, although park opening is unlikely before September 2023 to allow the grass to establish.*
5. *Notes that, at this stage the current approved budget of \$6,588,694.00 is sufficient to cover requested contract variation in this report.*
6. *Authorises the Chief Executive Officer to do all things necessary to approve contract variations and related documentation as identified at paragraph 3.*

Contract RFT-2021-230 14 Frith Street, Brunswick – Park Close to Home – 9 February 2022

That Council:

...

8. *Authorises the Chief Executive Officer to:*
 - a) *Make a formal offer to Building Engineering ABN 41 103 839 514 (Contractor) to award to the Contractor contract RFT-2021-230 for the Park Close to Home – 14 Frith Street Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 8(b) of this Resolution:*
 - i. *For a fixed lump sum of \$4,772,212.00 (GST exclusive) for Design and Construct Contract RFT-2021-230.*

- ii. *Allocate a 10 per cent contingency of \$477,221.00 (GST exclusive) for Contract RFT-2021-230 for unforeseeable variations that may arise during construction and bring the total expenditure approval for Contract RFT2021-230 to \$5,249,433.00 (GST exclusive).*
 - b) *Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:*
 - i. *the terms specified in paragraph 8(a) of this Resolution shall not be altered without a further Resolution of Council; and*
 - ii. *other than terms referred to in paragraph 8(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer*
- 9. *Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:*
 - a) *Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and*
 - b) *Advises all tenderers of Council's decision in relation to the Contract.*

1. Policy Context

Financial Management

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

Council awarded the tender for Contract RFT-2021-230 in February 2022 with a provision of 10 per cent contingency, as recommended by officers at the time. Council authorised an increase in this contingency to 25 per cent in May 2023, required in large part because of the discovery of significant amounts of contaminated soil.

As greater costs have since emerged, largely due to the physical condition of two heritage brick walls and further contamination of soil, a variation to the contract greater than 25 per cent is needed.

Council approval is required of the proposed variation to because the variation takes the Contract sum above Council's previously authorised maximum Contract sum.

Council approval is also required of the release of funds from the Public Resort and Recreation Land Reserve to cover part of the resultant budget shortfall and for the reallocation of savings from the Fleming Park Masterplan Implementation project to cover the remaining shortfall.

Council Plan 2021-2025

Strategic Objective 1 – An environmentally proactive Merri-bek

To strive for maximum protection of people's health, plants and animals through leading an urgent response to the climate emergency and regeneration of our natural environment.

Strategies

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

Strategic Objective 4 – Vibrant spaces and places in Merri-bek

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

Strategies

4.3. Design Merri-bek's neighbourhoods to be safe, pleasant, inviting places for all to visit and live

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

A Park Close to Home Framework

The framework adopted by Council on 6 December 2017, is a strategy to fill gaps in the open space network in Merri-bek. The strategy is intended to create and improve access to open space in the areas that need it most, by identifying gap areas in the community where residents are not within walking distance to their closest park. The development of land for a park at 14 Frith Street, Brunswick will help to address one of the high priority gaps outlined in the framework.

Open Space Strategy 2012 - 2022

Council's current Open Space Strategy provides recommendations for maintaining the municipality's liveability in the context of steady population growth, by adding new open space and improving existing open space. The key issues affecting the provision of open space into the future addressed in the Strategy include population growth, protecting and enhancing environmental values, climate change and increasing urban temperatures. The development of land at 14 Frith Street for a park will help meet the following goals, objectives and strategies of the Strategy:

Goal 1 - Providing parks close to home

Objectives:

- Incrementally acquire and develop open spaces (where possible) to increase the proximity of high-quality parkland to residential dwellings
- Ensure every household has safe and convenient access to parkland for passive recreation, quiet contemplation, sport and access to nature
- Provide and protect quality open space that provides a range of experiences and accessible recreation opportunities, natural and cultural heritage features, and high-quality park facilities and landscape settings

Strategy:

- Pursue opportunities to acquire local open space in areas undersupplied by open space, where densities and building heights are increasing, or where dwellings occur in mixed-use areas and activity centres.

2. Background

In April 2019, Council purchased 14 Frith Street Brunswick, an unusual inner urban, industrial property, 2700m², with distinctive architecture and rich history of former industrial uses, including a forge / foundry, Fletcher Jones clothing factory and electrical sub-station. The purchase was made as part of Council's Park Close to Home program, which seeks to address the deficiency of access to open space across the municipality and is a major project initiative for Council.

Council received a report in December 2020 (DCI21/20) highlighting the significance of the heritage building and the requirement to retain the associated building within a design concept. The report also presented a draft concept plan and outlined the proposed community consultation process.

Consultation was completed through late 2020 and the first half of 2021. The findings of these activities were reported to Council at the 9 June 2021 Council meeting.

In February 2022, Council awarded the Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home to Building Engineering ABN 41 103 839 514.

Works on the project commenced in June 2022 and the project construction continues. Latent conditions encountered throughout construction of this project have resulted in a previous Contract variation and now require a further Contract variation and additional budget to facilitate the continued construction and completion of the new park.

3. Issues

Since start this project has encountered substantial contaminations and latent conditions. These conditions were not detected or known at the tender award stage and were not included in the original contract award. The amount of contamination incurred with this project is also considered beyond what could have reasonably been expected.

Further to contamination related additional costs, other latent conditions encountered have required structural propping of walls and additional capping of legal points of discharge required by Yarra Valley Water. As well as the time to address these issues, delays have been experienced while ensuring that planning clearance was appropriate and to address other community and stakeholder concerns. Contractor delay costs due to prolongation of contract and costs relating to the escalation in the market since the time of contract award have also contributed to overall pressure on the contingency originally provided for in the Contract.

The cumulative life to date cost for the removal of the contamination, addressing latent conditions, delay costs etc. have been approximately \$1,082,539.00 (GST exclusive). These costs have been claimed by the contractor.

It is estimated that a further cost of \$1,121,617.00 (GST exclusive) will be incurred to address newly identified latent conditions e.g., rebuilding of Lobb and Frith Street heritage walls, contamination under the walls and foundry and contractor delay costs. Council's approval to increase the contingency to a total of 48.5 per cent is being sought given the uncertain conditions still facing the delivery of this complex site redevelopment project.

Options

Given the extent of the cost increases that have been newly identified for the Frith Street Park Close to Home Project, it is worth considering whether any of these costs are avoidable, or whether they can be offset with other scope changes.

This project has been subject to very significant value management since before it was awarded. Scope items that have been rationalised to deliver this project within budget including children's water play area, one toilet stall, the finish on the sun steps, metal boardwalk material, BBQ and associated seating, feature lighting throughout the park including on the bouldering wall.

Despite these scope changes the project budget has continued to face significant pressure as contingency allowances have proven inadequate as the volume of contamination encountered has been much greater than allowed for, it has been necessary to cap historic legal points of discharge (drainage), and structural instability in the high eastern wall identified to be kept for heritage purposes has required propping. The mortar between the bricks in the Lobb Street and Frith Street brick walls (southern and western walls of the historic foundry) has been determined to be structurally ineffective and the public risk of bricks falling, and the wall collapsing is very high. A solution is required to ensure public safety and heritage protection. Rebuilding of these walls will require careful deconstruction and reconstruction with new mortar. Less expensive methods of rectifying the wall would only suffice for 10-15 years and then require further stabilisation.

Another latent condition to be allowed for is removal of further contaminated soil expected to be encountered during the underpinning of the walls along Lobb and Frith Streets. The need for the additional \$150,000 soil contamination allowance is considered very likely and is based on the rates encountered in other parts of the site.

The relatively modest additional \$350,000 identified as further contingency is an allowance for other unknown unknowns to bring the project to completion. It is possible that this will not be required. However, officers recommend for expediency that this be approved for inclusion in the revised contract sum to avoid delays should further items within this cost envelope arise before project completion.

With the project in its advanced state, it is not conceivable that the project should be abandoned and there is no other obvious scope reduction that could avoid the costs currently faced by the project.

Human Rights Consideration

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

4. Officer Declaration of Conflict of Interest

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

5. Financial and Resources Implications

Contract costs

Addressing the latent conditions uncovered to date with allowance for further emerging latent conditions as recommended by officers takes the total authorised value of the Contract to \$7,086,882.00 (GST exclusive).

A summary of the original (February 2022), current (May 2023) and proposed (August 2023) contract costs are as follows:

Items	Value (GST exclusive)
ORIGINAL CONTRACT PROVISION FEBRUARY 2022	
Building works contract sum	\$4,772,212.00
Construction contingency (10%)	\$477,221.20
Contract cost RFT-2021-230 February 2022	\$5,249,433.20
CONTRACT VARIATION APPROVED MAY 2023	
Building works contract sum – ORIGINAL	\$4,772,212.00
Construction contingency (25%) – made up of	\$1,193,053.00
<i>Contingency committed – variations accepted to date (11.8% over contract sum)</i>	\$563,057.22
<i>Known additional variations not yet lodged (further 5.3% over contract sum)</i>	\$253,000.00
<i>Additional allowance for further variations (further 7.9% over contract sum)</i>	\$376,995.78
Contract cost RFT-2021-230 May 2023	\$5,965,265.00
PROPOSED CONTRACT VARIATION AUGUST 2023	
Building works contract sum – ORIGINAL	\$ 4,772,212.00
Construction contingency (48.5%) – made up of (*)	\$ 2,314,670.00
<i>Construction contingency (25% over contract sum) as approved at May 2023 Council meeting (see above)</i>	\$ 1,193,053.00

Items	Value (GST exclusive)
<i>Lobb St Brick Wall Rebuild - Known additional variations not yet lodged (further 7.8% over contract sum)</i>	\$ 371,617.00
<i>Frith St Brick Wall Rebuild - Known additional variations not yet lodged (further 5.2% over contract sum)</i>	\$ 250,000.00
<i>Soil Contamination - Unknown additional variations not yet lodged (further 3.1% over contract sum)</i>	\$ 150,000.00
<i>Additional allowance for further variations (further 7.3% over contract sum)</i>	\$ 350,000.00
Contract cost RFT-2021-230 August 2023 (proposed)	\$ 7,086,882.00

* Totals do not add due to rounding

Project budget

The table below summarises the key budget data.

Items	Value (GST exclusive)
Project budget as at May 2023 (A)	\$ 6,588,694.00
Contract costs to be provided for as at August 2023 (B)	\$ 7,086,882.00
Non-contract costs as at August 2023 (C)	\$623,429.00
Shortfall in project budget (A – B – C)	(\$ 1,121,617.00)
Additional contract costs to be provided for, made up of:	\$ 1,121,617.00
<i>Fleming Park Masterplan Implementation Savings</i>	\$ 900,000.00
<i>Public Resort and Recreation Land Reserve (PRRLR)</i>	\$ 221,617.00

The total budget for the project is \$6,588,694.00 (GST exclusive). With the additional costs outlined above, total forecast expenditure on this project is \$7,086,882.00 (GST exclusive). This represents the \$5,965,265.00 (GST exclusive) figure as at May 2023 for Contract RFT-2021-230 plus the additional \$1,121,617.00 (GST exclusive) identified above, plus non-contract costs that are forecast to total \$623,429.00 (GST exclusive).

Without additional budget provision, there is not adequate budget to cover the additional costs. Officers propose the use of the following funds to support the new cost variation on the 14 Frith Street Park Close to Home project:

- Savings of \$900,000.00 (GST exclusive) from the Fleming Park Masterplan Implementation project. Construction works associated with this project have recently been completed and (after keeping back adequate funding for the final demolition of the Clarrie Wohlers centre) there are savings totalling approximately \$900,000 able to be handed back. It is noted that the Fleming Park Masterplan Implementation project was primarily funded using rates funding, with a small contribution from the Public Resort and Recreation Land Reserve (PRRLR).
- An additional \$221,617 from the PRRLR. The current funding of \$6,588,694.00 (GST exclusive) for the Frith Street Park Close to Home project is from the PRRLR. Below is the table for the PRRLR from the Adopted Budget 2023-2027:

Public Resort & Recreation Land Reserve	Forecast	Budget		Projections	
	Actual	2023/24	2024/25	2025/26	2026/27
	2022/23				
	\$'000	\$'000	\$'000	\$'000	\$'000
<i>Purpose:</i> The funds are to be utilised for the development of new open space and recreation assets, as well as upgrade or expansion of existing assets.					
Opening balance	32,740	18,650	23,192	29,701	36,865
Transfer to reserves	10,000	10,000	9,600	9,792	9,988
Transfer from reserves	(24,090)	(5,459)	(3,091)	(2,628)	(1,273)
Closing balance	18,650	23,192	29,701	36,865	45,581

If an additional \$221,617 is funded from the PPRLR, the impact would be as below:

Public Resort & Recreation Land Reserve	Forecast	Budget		Projections	
	Actual	2023/24	2024/25	2025/26	2026/27
	2022/23				
	\$'000	\$'000	\$'000	\$'000	\$'000
<i>Purpose:</i> The funds are to be utilised for the development of new open space and recreation assets, as well as upgrade or expansion of existing assets.					
Opening balance	32,740	18,650	22,980	29,489	36,654
Transfer to reserves	10,000	10,000	9,600	9,792	9,988
Transfer from reserves	(24,090)	(5,459)	(3,091)	(2,628)	(1,273)
Proposed transfer for Frith Street	0	(212)	0	0	0
Closing balance	18,650	22,980	29,489	36,654	45,369

This additional funding has been identified to be allocated to the 14 Frith Street Park Close to Home project to enable the project to be completed.

Project post implementation review

Council undertakes Post Implementation Reviews of certain projects in its Capital Works Program. These may be projects that have encountered delivery or cost hurdles, or they may be projects that are sampled from across the program.

In light of the extent of latent conditions encountered in the 14 Frith Street Park Close to Home Project, an independent Post Implementation Review will be scheduled upon project completion. The objective of the Post Implementation Review will be to identify lessons learned to inform:

- the Park Close to Home strategy,
- land purchase decisions,
- contamination assessment,
- project scoping for new parks and
- cost estimation practices including contingency determination.

This will be important as Council continues to identify suitable sites for new parks in former industrial areas that are experiencing residential development and the inclusion of such project in the Capital Works Program.

6. Implementation

Upon Council's approval of the contract variation, it will be executed by the Chief Executive Officer and works on the project will continue towards the updated practical completion date.

Attachment/s

There are no attachments for this report.

7.12 CONTRACT AWARD: MAV-2023-425: PURCHASE OF FOUR NEW WASTE COLLECTION VEHICLES

Director City Infrastructure, Anita Curnow

City Services

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Volvo Group Australia PTY LTD ACN 000 761 259 (**Contractor**) to award Contract MAV-2023-425 (**Contract**) for the purchase of four new waste collection vehicles on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
 - i. Supply of:
 - 4 x Volvo FE 320HP 6x4 with Bucher Municipal SL 20m3 body.

Cost Breakdown

	Per Unit	Total (x4)
Price	\$533,750.65	\$2,135,002.60
GST	\$53,375.07	\$213,500.26
Total	\$ 587,125.72	\$ 2,348,502.86
Rego	\$2,122.55	\$8,490.20
Stamp Duty	\$15,854.40	\$63,417.60
Grand Total	\$605,102.67	\$2,420,410.66

The total cost to Council inclusive of GST, Registration and Stamp Duty is **\$2,420,410.66**.

- 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; MAV-2023-425 and
 - b) Advises all participating panel suppliers of Council's decision in relation to the Contract.

REPORT

Executive Summary

A request for quote (RFQ) was released on 21 June 2023 seeking quotes from a Municipal Association of Victoria (MAV) panel of appropriately experienced and qualified suppliers for the supply and delivery of four waste collection vehicles.

This ensures Council's Waste Services team have the capacity and adequate fleet for the key service changes from the Kerbside Waste Reforms commencing 1 July 2023 and establish a strong contingent fleet to deliver a reliable and sustainable service to ratepayers in the north.

The supply and delivery of four waste collection vehicles also supports an increase in the overall number of driver/operators and ensuring spare fleet is available during preventative or reactive maintenance.

Two suppliers downloaded and responded to the RFQ documentation via the MAV Vendor Panel portal.

The current MAV panel NPN04-13 (Trucks) expires on 30 September 2023. It is critical that Council lock in the current suppliers pricing for this purchase before a new contract is executed, as pricing is estimated to increase significantly (already up 7 per cent since April 2023).

Current markets around an option to provide a green alternative, such as electric vehicles have also been considered, however at this stage, technology is still progressing. Council will need to investigate how feasible electric vehicles in this space are under actual operating conditions whilst maintaining a consistent and reliable service. A trial needs to be conducted to help Council determine how we might transition to electric waste collection vehicles as this technology matures to align with Council Strategy.

This will be revisited within the next 12 months when further waste collection vehicles are replaced.

The purpose of this report is to recommend Council awards a contract for the supply and delivery of Four Waste Collection Vehicles.

The MAV RFQ process complies with the Merri-bek Council Procurement Policy and sections 186 and 186A of the *Local Government Act 1989*.

Previous Council Decisions

Contract 908Q - Supply and Delivery of 12 Waste Trucks and Spare Parts – 12 August 2020

That Council:

1. *Awards Contract 908Q for the Supply and delivery of 12 Waste Trucks and Spare Parts, to CMV Truck and Bus Pty Ltd with the following configuration:*
 - a) *5 x 28/29 cubic centimetres Recycling Collection Compactor, (6x4 configuration) made up of:*
 - *4 x Superior Pak;*
 - *1 x Bucher;*
 - b) *7 x 20/24 cubic centimetres Garbage Collection Compactor, (6x4 configuration) made up of:*
 - *7 x Bucher.*
2. *Authorises the Director City Infrastructure to do all things necessary to execute the contract and any required documentation for the contracts.*
3. *Advises all tenderers of Council's decision in relation to Contract 908Q – supply and delivery of 12 Waste Trucks and Spare Parts.*
4. *Notes that all 12 trucks will be Euro 6 standard and that the future procurement processes for waste trucks will strongly prioritise alternative technologies to the internal combustion engine. This should also include options for an electric or hydrogen depot refuelling retrofits.*

5. *Notes that the Volvo chassis was tested and supported by in house drivers and that requirements to further improve operator safety and pedestrian and cycling visibility be included as part of all future waste truck procurement processes.*
6. *Includes requirements for ISO standard 14001:2015 instead of 14001:2004 in all future procurement.*

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.

The Policy allows for exemptions from public tendering for situations where Council is utilising panel contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy) or Procurement Australia (PA).

MAV has a panel of suppliers under its Fleet category for Trucks: NPN04-13. MAV has been through a formal procurement process in establishing this panel.

2. Background

This report seeks approval to enter into Contract MAV-2023-425 for the supply and delivery of four new waste collection vehicles.

The Waste Services team, in collaboration with Fleet team have identified a need to increase waste fleet assets and acquire four (4) new vehicles with compactors. There are significant challenges in procuring new fleet and compactors with market lead times estimated to be between 18-24 months.

The additional vehicles are required to ensure Merri-bek City Council establishes a strong contingent fleet to deliver a reliable and sustainable waste service to ratepayers in the North. Both the Fleet and the Waste Services team need capacity and adequate fleet. Changes putting pressure on Council's waste fleet at present are:

- The need to dispose of current vehicles that have reached end of life cycle;
- An increase in the number of Sideloader/Driver Operators;
- Requiring spare fleet during preventative maintenance or reactive maintenance needs (especially in a context where there is a shortage of mechanics); and
- Increasing base waste fleet for the service changes introduced as part of the Kerbside Waste Reform that commenced 1 July 2023.

On 21 June 2023, a system notification was sent to the MAV NPN04-13 Panel inviting the following suppliers via the Panel to quote for the supply of four new waste collection vehicles based on the provided specifications. The panel is comprised of:

1. Iveco Trucks Australia Ltd
2. Volvo Group Australia Pty Ltd
3. Hino Truck and Bus Australia Pty Ltd

The RFQ closed on 6 July 2023 at 4pm with the following members of the Panel providing submissions for a total of four vehicle combinations;

1. Iveco Trucks Australia Ltd
2. Volvo Group Australia Pty Ltd

Submissions comprised of:

	Chassis	Body
Iveco Trucks Australia	Iveco	Bucher 20m3
	Iveco	Superior Pak 20m3
Volvo Group Australia	Volvo	Bucher 20m3
	Volvo	Superior Pak 20m3

Detailed evaluation criteria and weighing were:

Scored selection criteria	
	Weighted
Tender Price	40%
Availability	20%
Warranty Provisions The complete unit will be guaranteed against defective workmanship or materials for at least 12 months	10%
Compliance with specification - Council requirements outlined in specification met.	10%
OHS & Training – Total vehicle safety achieved through hazard and risk identification. Training provided for both operators and maintenance training for workshop staff.	10%
Contractor Experience - Experience in successfully undertaking projects/works of a similar nature and scale, delivered on time and budget.	5%
Sustainability (Environment) - Vehicle aligns with Council environmental strategies	3%
Sustainability (Economic / Social) - Does the contractor have a social and/or economic procurement policy and/or align with Merri-bek Council Plan & Community Vision	2%
Weighted result:	100%

The evaluation panel consisted of;

Role	Position
Tender Evaluation Chair Scoring	Acting Manager, City Services
Scoring evaluation team member	Acting Unit Manager Waste Services
Scoring evaluation team member	Fleet Business Support Officer
Non-scoring technical advisor	Fleet Coordinator
Non-scoring team member	Coordinator Waste Operations
Non-scoring Procurement Partner	Procurement Business Partner
Senior Finance Member (Pre Panel)	Acting Management Accounting Coordinator

Driver/Operators and Fleet workshop staff were also involved in the consultation process prior to the advertisement of the RFQ and subsequent evaluation process.

All submissions received were rated as compliant with the following scoring determined at the Team Evaluation and Scoring.

Supplier	Option	Financial score (2)	Non-financial score	Total score
Volvo Group Australia Pty Ltd	Volvo / Bucher 20m3	399	435	834
Volvo Group Australia Pty Ltd	Volvo / Superior Pak 20m3	400	415	815
Iveco Trucks Australia Ltd	Iveco / Bucher 20m3	387	315	702
Iveco Trucks Australia Ltd	Iveco Superior Pak 20m3	385	315	700

3. Issues

MAV Panel NPN04-13 (Trucks)

The current MAV panel NPN04-13 (Trucks) expires on 30 September 2023. Since April 2023, pricing has already increase by at least 7% due to current market trends.

It is critical that Council lock in the current suppliers pricing for this purchase before a new contract is executed.

Delivery

The Volvo trucks are available for delivery in April 2024, whereas the Iveco trucks are not available until the 2nd Quarter of 2025. Given current competition nationally for the procurement of these types of vehicles, Volvo was scored much higher than Iveco based on the turnaround time for delivery.

OHS

The Iveco Truck raised concerns around a potential risk with 4th step to gain entry into the cabin. An additional distance between the arm and driver/operator door was also identified increasing repetition of head turns for the driver/operator.

Collaboration

With the majority of Local Governments adopting additional waste streams to align with the State's 4-bin waste service requirement, Merri-bek City Council has the opportunity for increased collaboration in procurement and shared services such as fleet. Utilising the MAV panel satisfies the procurement policy for collaboration.

Scoring

The submission from Volvo Trucks Australia for the Volvo / Bucher 20m3 was the preferred option given the overall rating across

- Price
- Delivery
- OHS & Training; and
- Compliance with the specification.

Confidential Attachment 1 contains the summary of the scoring of the four different options, two from each manufacturer.

Social / Environmental Sustainability

Social

The panel acknowledged that both submissions supported social sustainability principles consistent with being approved on a MAV Panel including Equal Opportunity and Modern Slavery.

Environment

The panel acknowledged that the industry technology around pure electric versions of these waste vehicles is still immature. As Council intends to purchase/replace waste collection vehicles in the future, further consideration needs to be given by Council to determine how we might transition to electric waste collection vehicles as this technology matures to align with Council Strategy.

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. Recommendation from Management

That Council Make a formal offer to Volvo Group Australia PTY LTD ACN 000 761 259 (**Contractor**) to award to the Contractor contract MAV-2023-425 (**Contract**) for the purchase and supply of four (4) Volvo FE 320HP 6x4 with Bucher Municipal SL 20m3 body at the total cost to Council inclusive of GST, Registration and Stamp Duty of **\$2,420,410.66**.

5. Declaration of Conflict of Interest

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

A probity and evaluation plan was prepared for the procurement.

6. Financial and Resources Implications

The total expenditure for this purchase will exceed the delegated authority of the Chief Executive Officer and therefore requires a Council decision.

With an approved budget for this purchase of \$2.7m, there is adequate budget coverage for the recommended contract.

The Finance Business Partner has been consulted to confirm the budget/financial considerations and overall lifecycle costs for this procurement have also been considered.

7. Implementation and Timeline

It is proposed that the CEO be authorised to do all things necessary to execute the contract/s and any other required documentation.

The contracts will commence as soon as possible following Council endorsement.

Attachment/s

- | | | |
|---|---|------------|
| 1 | Tender Evaluation Scoring Summary - Four New Waste Vehicles | D23/351427 |
|---|---|------------|
- 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.*

7.13 EXTENSION OF CONTRACT 552ST - ENTERPRISE RESOURCE PLANNING SOLUTION & ASSOCIATED SERVICES

Director Business Transformation, Sue Vujcevic

Information Technology

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to execute the extension of contract 552ST - Enterprise Resource Planning Solution & Associated Services with Open Office Pty Limited for a one-year period effective from 1 September 2023 to 31 August 2024.
2. Authorises the Chief Executive Officer (or their delegate), to execute future contract extensions and complete any other required documentation.

REPORT

Executive Summary

At its meeting held 9 August 2017, Council resolved to award contract 552ST to supplier Open Office Pty Limited for a Finance, Payroll, and Human Resources software solution for an original term of two (2) years, with ten (10) one-year extension options.

Council's resolution at that time, authorised the Director Corporate Services to do all things necessary to execute the contract and any other required documentation.

However, this position has since been disestablished and is no longer part of Council's organisational structure, therefore this report recommends that Council authorise the Chief Executive Officer to execute the current contract extension and allow the Chief Executive Officer (or their delegate) to execute future contract extensions and complete any other required documentation.

Previous Council Decisions

New Finance, Payroll and HR Systems – Tender Contract 552ST – 9 August 2017

Council :

1. *Accepts Open Office Pty Limited (ABN 24 191 392 900) as Council's preferred supplier.*
2. *Authorises the Director Corporate Services to do all things necessary to execute contracts and any other required documentation.*
3. *Authorises the resultant contractual agreement with Open Office for a Finance, Payroll, and HR solution with associated services be for an original term of 2 years, with an optional 10 extension periods of 1 year each.*
4. *Requests all tender responders be advised of Council's decision in this matter.*

1. Policy Context

This report is in keeping with Council's commitment to accountability and sound financial management. It also addresses the policy commitments contained in Council's Procurement Policy.

2. Background

Council, at its meeting held 9 August 2017, resolved to award contract 552ST - Enterprise Resource Planning Solution & Associated Services to supplier Open Office Pty Limited for an original term of two (2) years, with ten (10) one-year extension options.

3. Issues

The Council Resolution of 9 August 2017 authorised the Director Corporate Services to do all things necessary to execute the contract and any other required documentation.

Council can no longer delegate its powers under the *Local Government Act 2020* directly to Council officers, other than Chief Executive Officer. The CEO can then sub-delegate these powers via the S7 instrument of Delegation.

Given the role of Director Corporate Services has since been disestablished and is no longer part of Councils organisational structure, Council is now required to authorise the Chief Executive Officer (or their delegate) to execute any future contract extensions and complete any other required documentation.

4. Community consultation and engagement

All relevant areas were consulted in the creation of this report, including Finance and Procurement team.

5. Officer Declaration of Conflict of Interest

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

6. Financial and Resources Implications

The original contract was approved with expected expenditure of \$2,651,460 (excluding GST) for the life of the contract, including extension options.

Current expenditure over the initial two years plus four extensions is \$1,309,621 (excluding GST). The expected expenditure over the remaining six years of the contract will remain within the awarded contract amount.

All expenditure relating to this contract is within budget allocations within the Information Technology branch.

7. Implementation

Subject to the adoption of the recommendations contained in this report, the contract will be extended annually over the next six (6) years as required.

Attachment/s

There are no attachments for this report.

7.14 GOVERNANCE REPORT - AUGUST 2023 - CYCLICAL REPORT

Director Business Transformation, Sue Vujcevic

Governance and Strategy

Officer Recommendation

That Council:

1. Notes the summary of Advisory Committee minutes, at Attachment 1 to this report:
 - a) Human Rights and Inclusion Advisory Committee meeting held 29 June 2023.
 - b) Merri-bek First Nations Advisory Committee meeting held 18 July 2023 and notes the Committee's recommendation for Council to develop new guidelines to strengthen Council's engagement with First Nations peoples.
2. Notes the Records of Meetings, at Attachment 2 to this report.
3. Notes responses to questions taken on notice during Public Question Time at the 10 May, 20 June and 12 July 2023 Council meeting, at Attachment 3 to this report.
4. Notes the summary of minutes from the Audit and Risk Committee to Council, at Attachment 4 to this report.
5. Approves the enrolment of Cr Panopoulos in the Compass Women in Leadership Program at the cost of \$4,000 (excluding GST).
6. Approves the enrolment of Cr Pavlidis in the Australian Institute of Company Directors – Company Directors Course at the cost of \$10,249 (excluding GST).
7. Authorises the Chief Executive Officer to do all things necessary to affect the lease of part of the Glenroy Community Hub to cohealth for 20 years, for the provision of health services at the site, in line with the previously adopted resolution of Council to enter into this lease as made on 14 July 2021.
8. Endorses the motion at Attachment 5 to this report, for submission to the next Municipal Association of Victoria State Council meeting.

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 the Human Rights and Inclusion Advisory Committee held 29 June 2023 and the First Nations Advisory Committee held 18 July 2023.
- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at 10 May, 20 June and 12 July 2023 Council meeting, with a recommendation that Council notes the responses.
- The summary of minutes from the Audit and Risk Committee held 6 June 2023.
- A request seeking Council approval for the Mayor Cr Panopoulos to participate in the Compass Women in Leadership Program, hosted by Dattner Group.
- A request seeking Council approval for Cr Pavlidis to undertake the Australian Institute of Company Directors – Company Directors Course.

- A recommendation that Council authorises the Chief Executive Officer to do all things necessary to affect a lease to cohealth, in line with the previously adopted resolution of Council to enter into this lease as made on 14 July 2021.
- A Councillor initiated proposed motion for Council's consideration and endorsement to the Municipal Association of Victoria State Council meeting, on Accessible Electric Charging Infrastructure.

Previous Council Decisions

Glenroy Community Hub – Proposed Lease Northern Schools Early Years Inc and proposed lease cohealth - 14 July 2021

That Council:

1. *Notes public notice for proposed lease to cohealth was given in the Moreland Leader and Northern Leader newspapers and on Council's website on 1 July 2019.*
2. *Notes public notice for proposed lease to Northern Schools Early Years Cluster Inc was given in the Moreland Leader and Northern Leader newspapers and on Council's website on 20 January 2020.*
3. *Notes that no submissions were received for both proposed leases.*
4. *Having satisfied the sections 190 and 223 of the Local Government Act 1989, enters into a lease agreement of part of its land at Glenroy Community Hub, 50 Wheatsheaf Road Glenroy to cohealth to provide health services at the site and to Northern Schools Early Years Cluster Inc to provide an early years long day care at the site.*
5. *Notes the complexities of the site and authorises the Director Community Development to commence negotiation for a site-specific lease for all Hub tenants and a longer-term lease beyond the end date of 21 March 2023 for the Glenroy Neighbourhood Learning Centre Inc.*
6. *Authorises the Director Community Development to do all things necessary to affect the lease of the site to cohealth for 20 years and to Northern Schools Early Years Cluster Inc for 5 years.*

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 Charter requires that summary minutes from each Committee meeting are to be presented to Council through the Governance report after each Committee meeting summarising progress, matters discussed and any issues the Committee wishes to share with all Councillors.

The Council Support and Expenses and Resources Policy includes provisions relating to professional development of Councillors and outlines the nature of the professional development opportunities intended. The Policy contains specific requirements for the Australian Institute of Company Directors – Company Directors Course and requires that any individual training activity that exceeds \$1,500 (excluding GST) will require approval by resolution of Council.

The Council Plan 2021-2025 commits Council to maintain and match infrastructure to community needs and population growth. The Glenroy Community Hub was a key deliverable under item 64 in the Council Action Plan 2019/2020. The priority is to create an integrated community hub in Glenroy with a focus on education, lifelong learning and health, combined with a district level open space.

A statutory process for the proposed lease to cohealth was undertaken in July 2019 in accordance with section 190 Local Government Act 1989.

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

2. Background

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

In accordance with best practice principles and good governance practice, and to ensure compliance with the requirements of the Act, this report incorporates matters including reporting of Advisory Committees, records of meetings held under the auspice of Council, items relating to the delegation of Council powers and duties, policy and strategy reporting, the approval of Councillor enrolment in professional development courses and the authorisation of the Chief Executive Officer to affect a lease to cohealth for 20 years.

3. Issues

Advisory Committee minutes

A summary of the minutes of the Human Rights and Inclusion Advisory Committee held 29 June 2023 and First Nations Advisory Committee held 18 July 2023 is provided at **Attachment 1** for Council's information.

The First Nations Advisory Committee minutes contain a recommendation from the Committee to Council which is also the subject a Notice of Motion listed in this agenda. Therefore, Council is only being asked to note the Committee's recommendation here.

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 July Council Meeting are presented at **Attachment 2** as follows:

- Councillor Briefing – 5 July 2023
- Councillor Briefing – 10 July 2023
- Councillor Briefing – 19 July 2023
- Planning Briefing – 24 July 2023

On Notice responses – 10 May, 20 June and 12 July 2023 Council meeting

At Council Meetings, questions and/or statements are taken On Notice during Public Question Time, where persons submitting questions are not in attendance or where the maximum allowable time for public questions has elapsed.

Questions taken On Notice are provided with a written response following the meeting for which they are submitted and reported to Council at the next practicable meeting. The questions are recorded in the meeting minutes. Statements taken On Notice are provided to Councillors for information, with an abbreviated/summarised version recorded in the meeting's minutes.

The on notice responses at **Attachment 3** to this report relate to questions submitted at the 10 May, 20 June and 12 July 2023 Council meetings regarding:

- Kent Road bike lanes
- Budget reference to the 10-year active transport (walking and riding) community consultation
- Budget allocation for Hosken Reserve Masterplan Refresh
- Budget and heritage assessments
- Private waste collection from apartment developments.

Audit and Risk Committee minutes

A summary of the minutes from the Audit and Risk Committee meeting held 6 June 2023 is provided at **Attachment 4**.

Participation in the Compass Women in Leadership Program

The Mayor, Cr Panopoulos, is seeking Council approval to participate in the Compass Women in Leadership Program. Enrolment in this Program costs \$4,000 (excluding GST).

This program has been uniquely developed for women to identify their drivers, value, and purpose to raise their visibility and take the next step in their development to become the leader they have potential and were always meant to be. At the end of the program, participants have the insight, a tangible action plan in the form of a Personal Strategy Map, and a sense of clarity about the future that they may not have felt before.

The program has three phases:

- Phase 1: 3 live virtual modules that span 6 full days of interactive learning and dynamic discussion with a cohort of diverse women and 1 live virtual graduation. These 7 meeting days occur 9 am – 4.30 pm.
- Phase 2: 4 x post-program cohort calls of 1 hour every ~8 weeks to support and create a safe space for accountability for follow-through post program.
- Phase 3: Quarterly 1 hour Lunchtime Leadership (optional) webinars that allow a space for alumni to focus on relevant leadership development discussions.

Participants will be connected with a diverse set of women from across all walks of life, industries and career levels where everyone is encouraged to share their stories, listen, learn, and challenge one another in a safe and confidential space.

Enrolment in the Australian Institute of Company Directors – Company Directors Course

Cr Pavlidis is seeking Council approval to enrol in the Australian Institute of Company Directors (AICD) – Company Directors Course.

The Council Support and Expenses and Resources Policy (the Policy) includes provisions relating to professional development for Councillors.

The Policy outlines the nature of professional development intended for Councillors. The Australian Institute of Company Directors (AICD) - Company Directors Course is included in the Policy as it is recognised this course provides essential corporate governance knowledge.

The Company Directors Course is an important platform for the professional development to further directorship skills and knowledge. It is recommended by the MAV for elected officials and has the following key learning objectives:

The role of the board and the practice of directorship:

- Decision making;
- Director duties and responsibilities;
- The board's legal environment;
- Risks and issues for boards;
- Strategy;
- Financial literacy for directors and driving financial performance; and
- Achieving board effectiveness.

The cost of enrolment in this course is currently \$10,249 (excluding GST), as the version of the course which is run by the AICD in collaboration with the MAV at a discounted price, has already commenced for this year.

Lease to cohealth – Glenroy Community Hub

The Glenroy Community Hub (the Hub) at 50 Wheatsheaf Road, Glenroy, was a key deliverable in the Council Action Plan 2019/2020. The Hub has co-located Council's community services in Glenroy onto one site and has expanded and strengthened services and social opportunities to the Glenroy community.

At its meeting on 8 May 2019 Council resolved to commence the statutory process of its intention to lease a space at 50 – 62 Wheatsheaf Road, Glenroy to cohealth Ltd for 20 years for the provision of health services.

Under the *Local Government Act 1989* (the Act at the time the leases were advertised), section 190 details that Council advertised its intention to lease its land to cohealth Ltd for 20 years and in year 4, the rent to be paid is \$300 + GST per square metre per annum. No Submissions were received.

Having satisfied its statutory requirements, at its meeting on 14 July 2021 Council resolved to enter into a lease with cohealth for a 20 year term and authorised that the Director Community Development to do all things necessary to affect the lease of the site to cohealth.

The former Director Community Development and the current Director Community had been in discussions with cohealth Ltd for occupation of the site and to progress lease negotiations. The draft lease has been prepared by Council's Lawyers and is ready to be presented to cohealth Ltd for execution.

Given the title of Director Community Development has since changed, this report seeks a Council decision to authorise the Chief Executive Officer to do all things necessary to finalise the lease of the site to cohealth.

Cohealth Ltd are currently operating from the site under a Licence Agreement until a formal lease has been executed.

Municipal Association of Victoria State Council Meeting

The Municipal Association of Victoria (MAV) State Council meets twice a year to consider matters of state-wide significance.

At its meeting in December 2022, Council appointed Cr Tapinos, with Cr Pavlidis as substitute, as Merri-bek's representative to the MAV.

Motions

Motions must have state-wide significance or relevance across the Victorian local government sector and be related to current issues within the City of Merri-bek. Motions already adopted by the State Council remain active until they are completed, and the MAV has advised motions seeking the same outcomes as have been previously adopted will not be considered as complying with the criteria.

The State Council Meeting is scheduled for Friday 13 October 2023. Councils must submit motions no later than midnight on Monday 14 August 2023.

A proposed motion has been prepared based on a suggestion from a Councillor and is provided in **Attachment 5**, for Council's consideration and endorsement in relation to Accessible Electric Charging Infrastructure.

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 enrolment for the Mayor, Cr Panopoulos to participate in the Compass Women in Leadership Program is \$4,000 (excluding GST), which will be met from the Mayor and Councillors budget.

The cost of enrolment for Cr Panopoulos to undertake the Australian Institute of Company Directors (AICD) - Company Directors Course is \$10,249 (excluding GST), which will be met from the Mayor and Councillors budget.

The term of lease to cohealth will be for 20 years, and will generate the following rental income after an initial 3 year rent free period:

- \$53,400 plus GST per annum commencing in year 4 of the lease term
- percentage increase – 2.5% per annum

The total income for the term of the lease will be approximately \$1,035 million dollars.

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:

- Confirming the participation of the Mayor Cr Panopoulos in the Compass Women in Leadership Program, hosted by Dattner Group.
- Confirming the enrolment of Cr Pavlidis in the Australian Institute of Company Directors (AICD) - Company Directors Course.

- Finalising negotiations and entering into a lease with cohealth, for a period of 20 years.
- The proposed motion being submitted for the MAV State Council meeting.

Attachment/s

1 ↓	Reports from Advisory Committees to Council	D23/353561
2 ↓	Records of Meetings - August 2023	D23/345215
3 ↓	Responses to questions taken on notice - August 2023	D23/349045
4 ↓	Summary of Audit and Risk Committee Minutes 6 June 2023	D23/299930
5 ↓	Proposed Motion MAV State Council - Accessible Electric Vehicle Infrastructure	D23/366974

HUMAN RIGHTS AND INCLUSION ADVISORY COMMITTEE

A report of the Human Rights and Inclusion Advisory Committee meeting held on 29 June 2023 are provided for Council's information.

Councillors appointed to the committee - Cr Sue Bolton

Key Items Discussed

- Committee Membership – Committee now have a number of vacancies and in need of recruitment to fill these. Reference group representative current status / vacancies confirmed.
- Report back from Reference Groups – HRIAC discussed recommendation from members of the LGBTIQ+ reference group that Council consider reviewing the Merri-bek award categories to reflect the diverse community, in line with the Human Rights Policy.
- Objectives of the Merri-bek Human Rights Policy were presented to committee and a summary of the goals and key actions for prioritising at the following meeting were identified
- Cr Bolton reported on the accessible tram stops rally and campaign, and the broad need in the community (beyond people with a disability)
- An invitation to an on-line workshop on 12 July to give feedback on improving Open Spaces in Merri-bek for people with a disability was provided

Disclosures of Conflict of Interest

No conflict of interest was disclosed at the meeting.

Committee Recommendation

There were no recommendations from the committee to Council.

Attachment/s

There are no attachments for this report.

MERRI-BEK FIRST NATIONS ADVISORY COMMITTEE

A report of the Merri-bek First Nations Advisory meeting held on Tuesday 18 July 2023 is provided for Council's information.

Councillors appointed to the Cr Sue Bolton and Cr James Conlan.

Key Items Discussed

- **Committee Vacancies:** Council aims to recruit new members to fill current vacancies through an Expression of Interest (EOI) process. Potential members who expressed an interest were discussed. Updates to the Advisory Committee Terms of Reference will include seeking the First Nations Advisory Committee's input on new members.
- **Committee Role:** Members expressed a desire for greater recognition and input of the committee, especially in Council budget processes, employment positions, and council decision-making, were stressed. The Committee's expressed disappointment over lack of consultation on the Notice of Motion (8.3 Merri-bek Community Campaign for Yes to a Voice) from the draft meeting. The Committee recommended Council consider ways to strengthen Council's engagement with First Nations peoples.
- **Ballerrt Mooroop Project:** Report on stakeholder engagement, as well as forthcoming Project Officer Position that was approved in the 2023/24 Council budget were discussed. The possibility of temporary activation through installing a portable module on the Ballerrt site for educational and artistic activities was also raised by members.
- **Voice, Treaty, and Truth:** Discussions centred around the June Truth Telling Yoorook Community Conversation with Commissioner Bell and plans for future Treaty and Voice events. Officers will extend invitations to the Committee for future events promoting respectful conversations before the referendum.
- **Policies and Strategies:** Committee members were asked to provide feedback on various policies like the Allocation and use of Sporting Facilities, Grounds and Pavilions Policy 2024-2034; Our Urban Forest 2017 – 2027; Open Space Strategy 2023-2033, and the Merri-bek Arts and Culture Strategy 2023 – 2027.
- **Human Rights Policy:** Katie O'Bryan, the Human Rights Advisory Committee representative, updated on the past meeting and introduced the Merri-bek Community Awards. Nominations for the Lisa Belear Awards are currently open and will close on September 18.
- **Ronald Bull Mural:** The proposal from the conservator is now with the site owner for consideration. Further interaction with the private company that owns the site might be needed.
- **Next Meeting:** The following meeting is set for 26 September 2023.

Disclosures of Conflict of Interest

No conflict of interest was disclosed at the meeting.

Committee Recommendation

Notes the summary of minutes from Merri-bek First Nations Advisory Committee held 18 July 2023 and notes the Committee's recommendation for Council to develop new guidelines to strengthen Council's engagement with First Nations peoples.

Attachment/s

There are no attachments for this report.

Record of Meeting

Meeting: Councillor Briefing

Date: 05 July 2023

Meeting time: 6.00pm



This Record is kept in accordance with the Governance Rules adopted by Council most recently on 8 August 2022.

Rule 9.1 provides that a record of the matters discussed at meetings organised or hosted by Council that involve Councillors and Council staff will be kept. The record will include the attendees at the meeting, including the organisations represented by external presenters, the title of matters discussed and any conflicts of interest were disclosed and the person with the conflict of interest left the meeting.

Attendees		
Councillors	Cr Angelica Panopoulos, Mayor Cr Helen Davidson, Deputy Mayor Cr Mark Riley Cr Sue Bolton	Cr Helen Pavlidis Cr Monica Harte Cr Lambros Tapinos Cr Annalivia Carli Hannan
Apologies	Cr James Conlan Cr Oscar Yildiz	Cr Adam Pulford
Council Staff (name and position)	Cathy Henderson, Chief Executive Officer Eamonn Fennessy, Director Community Joseph Tabacco, Director Place and Environment Anita Curnow, Director City Infrastructure Sue Vujcevic, Director Business Transformation Stephen Meloury, Acting Manager Amenity and Compliance Yvonne Callanan, Manager Governance and Strategy Kamal Singh, Acting Manager Capital Works Planning and Delivery Jemma Wightman, Chief Financial Officer Nick Groves, Project Manager, Kerbside Waste Reform	
External participants (include organisation represented)	Nil	
Items discussed (list topics discuss, excluding welcome & next meeting)	Conflict disclosed by, general or material and the nature	Left meeting

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1	Open Council Resolutions		
2	Oak Park & Derby St Kindergarten Expansions – Contract Award		
3	Hosken Reserve Soccer Pitch and Reserve Works – Contract Award		
4	Progress Update – 4-bin waste service		

Name and title of Council officer completing record: Sue Vujcevic, Director Business Transformation

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Record of Meeting

Meeting: Councillor Briefing

Date: 10 July 2023

Meeting time: 6.04pm



This Record is kept in accordance with the Governance Rules adopted by Council most recently on 8 August 2022.

Rule 9.1 provides that a record of the matters discussed at meetings organised or hosted by Council that involve Councillors and Council staff will be kept. The record will include the attendees at the meeting, including the organisations represented by external presenters, the title of matters discussed and any conflicts of interest were disclosed and the person with the conflict of interest left the meeting.

Attendees			
Councillors	Cr Angelica Panopoulos, Mayor Cr Helen Davidson, Deputy Mayor Cr Mark Riley	Cr Helen Pavlidis Cr Lambros Tapinos Cr Monica Harte	
Apologies			
Council Staff (name and position)	Cathy Henderson, Chief Executive Officer Eamonn Fennessy, Director Community Joseph Tabacco, Director Place and Environment Sue Vujcevic, Acting Director City Infrastructure Yvonne Callanan, Acting Director Business Transformation		
External participants (include organisation represented)	Nil		
Items discussed (list topics discuss, excluding welcome & next meeting)		Conflict disclosed by, general or material and the nature	Left meeting
1	Council Meeting Agenda	Cathy Henderson, perceived material conflict of interest in item 7.11 Chief Executive Officer Employment and Remuneration Matters Policy and Associated Terms of Reference	Yes

Name and title of Council officer completing record: Yvonne Callanan, Acting Director Business Transformation

This form is kept in accordance with the Information Privacy Principles and Merri-bek City Council's Privacy Policy and practices as stated on Merri-bek's [website](#).

Record of Meeting

Meeting: Councillor Briefing

Date: 19 July 2023

Meeting time: 6.00pm



This Record is kept in accordance with the Governance Rules adopted by Council most recently on 8 August 2022.

Rule 9.1 provides that a record of the matters discussed at meetings organised or hosted by Council that involve Councillors and Council staff will be kept. The record will include the attendees at the meeting, including the organisations represented by external presenters, the title of matters discussed and any conflicts of interest were disclosed and the person with the conflict of interest left the meeting.

Attendees	
Councillors	Cr Angelica Panopoulos, Mayor Cr Helen Pavlidis Cr Helen Davidson, Deputy Mayor Cr Monica Harte Cr Mark Riley Cr Lambros Tapinos Cr Sue Bolton Cr Adam Pulford Cr James Conlan
Apologies	Cr Annalivia Carli Hannan Cr Oscar Yildiz
Council Staff (name and position)	Cathy Henderson, Chief Executive Officer Eamonn Fennessy, Director Community Joseph Tabacco, Director Place and Environment Anita Curnow, Director City Infrastructure Yvonne Callanan, Acting Director Business Transformation Sophie Barison, Acting Manager Governance and Strategy Troy Delia, Unit Manager Governance Victoria Hart, Manager Sustainability and Climate Greg Rodwell, Manager Open Space and Environment Bernadette Hetherington, Manager Community Wellbeing Lisa Dempster, Manager Cultural Development Sunny Haynes, Manager Property Place and Design Lee Dowler, Acting Manager Transport Vaughn Allan, Strategic Transport Lead Claire Varley, Community Engagement and Communications Officer (Transport)
External participants (include organisation represented)	Nil

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1	Items discussed <i>(list topics discuss, excluding welcome & next meeting)</i>	Conflict disclosed by, general or material and the nature	Left meeting
1	Review draft Governance Rules (Pre-reading)	Nil	N/A
2	Sports Field Surfaces Policy	Nil	N/A
3	Bluestone Cottage	Nil	N/A
4	De Carle Street Separated Bicycle Lanes- briefing ahead of engagement	Nil	N/A
5	Transport Strategy - briefing ahead of engagement	Nil	N/A

Name and title of Council officer completing record: Yvonne Callanan, Acting Director
Business Transformation

This form is kept in accordance with the Information Privacy Principles and Merri-bek City Council's Privacy Policy and practices as stated on Merri-bek's [website](#).

Record of Meeting

Meeting: Planning Briefing

Date: 24/7/2023

Meeting time: 6:00pm



This Record is kept in accordance with the Governance Rules adopted by Council most recently on 8 August 2022.

Rule 9.1 provides that a record of the matters discussed at meetings organised or hosted by Council that involve Councillors and Council staff will be kept. The record will include the attendees at the meeting, including the organisations represented by external presenters, the title of matters discussed and any conflicts of interest were disclosed and the person with the conflict of interest left the meeting.

Attendees		
Councillors	Cr Angelica Panopoulos, Mayor Cr Adam Pulford Cr Helen Pavlidis Cr Monica Harte Cr Monica Harte	Cr Helen Davidson, Deputy Mayor Cr Mark Riley Cr Lambros Tapinos Cr Sue Bolton
Apologies	Cr James Conlan Cr Oscar Yildiz	
Council Staff (name and position)	Cathy Henderson – Chief Executive Officer (for the first item) Joseph Tabacco – Director Place and Environment Phillip Priest – Group Manager City Development Mark Hughes – Unit Manager Urban Planning Vita Galante – Planning Coordinator Esha Rahman – Planning Coordinator Ryan Hay – Planning Coordinator	
External participants	N/A	
Items discussed (list topics discuss, excluding welcome & next meeting)	Conflict disclosed by, general or material and the nature	Left meeting
1 Update on 20-22 Hope Street/Breese Street Car park redevelopment	-	-
2 Future Presentation – Nightingale Evolution in Merri-bek	-	-
3 MPS/2022/524 – 49 Parkstone Avenue, Pascoe Vale South	-	-
4 MPS/2023/154 – 75 Harding Street, Coburg	-	-

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5	MPS/2022/478 – 11 Harry Street, Brunswick West	-	-
6	MPS/2022/709 – 25 Gale Street, Brunswick East	-	-
7	MPS/2018/856/A - 10 Ballarat Street, Brunswick	-	-

Name and title of Council officer completing record: Phillip Priest – Group Manager City Development

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Coburg Victoria 3058
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Locked Bag 10
Brunswick Victoria 3056

merri-bek.vic.gov.au



Xref: PQT May 23
Doc. No. D23/296515
Enq: Lee Dowler
Tel: 9240 1111

Ms Pauline Carmichael
[REDACTED]

Dear Ms Carmichael

PUBLIC QUESTION TIME ON NOTICE RESPONSE FROM MAY 2023 COUNCIL MEETING

I write to you in response to your question submitted to the 10 May Council meeting, as follows:

Question

As the Kent Road a bike lanes trial approaches 24 months can we please know how much has been spent so far on the project.

Answer to Question

The full cost of the Kent Road separated bike lanes trial to date, including background survey, design and road safety review work dating back to October 2020, is detailed below for your reference.

Total	\$308,284.50 + GST
Infrastructure (Bike lane islands including repairs and modifications, Cornwall Rd speed hump, linemarking)	\$196,159.50 + GST
Design (mostly Road Safety Audits)	\$13,095.00 + GST
Related Design (zebra crossing & Joffre St accessible parking)	\$18,150.00 + GST
Engagement	\$43,130.00 + GST
Survey Monitoring	\$37,750.00 + GST

Thank you for your interest in community engagement and public participation.

Yours sincerely

[REDACTED]

Anita Curnow
DIRECTOR CITY INFRASTRUCTURE

7 /07/ 2023

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XRef: PQ June 2023
Doc. No. D23/290597
Enq: Anita Curnow
Tel: 9240 1111

Ms Pauline Carmichael
[REDACTED]

Dear Ms Carmichael

PUBLIC QUESTION TIME ON NOTICE RESPONSE FROM JUNE 2023 COUNCIL MEETING

I write to you in response to your questions submitted to the 20 June 2023 Council meeting, as follows:

Question - in regards to item 7.1 of 20 June 2023 meeting agenda

I refer to report 7.1 in Council meeting agenda 8 June 2022 Significant community engagement took place on the 10-year active transport (walking and riding) 10 year capital program. On page 18 of the report, it says that there were 292 survey responses and 932 pinned comments on the interactive map from 289 contributors and, in particular 215 submissions in relation to bicycle feedback and 82 submissions in relation to pedestrian feedback. In regards to the survey, which asked responders to rank project priorities in the 1-5 year and 6-10 year programs, the responses were summarised into "themes".

There appears to be so much time and resources by Council officers, Councillors and the general public spent on trying to change priorities. I understand that priorities can change, for example the growth of Coburg High School and the uptake of active transport by its students and also the growth of the Pentridge area. I do not understand, however, the point of doing this important community engagement work for the survey results not to be reported transparently.

The survey was pretty simple – what are your priorities? There was an enormous number of pinned comments but most of them seemed to me to be pointed around several hot spots. I completed the survey and put a pin comment so I want to know the result. I want to see the submissions so that I can see if the community responses are aligned to the proposed 10-year program. For example if 80% of the survey respondents prioritised the Craigieburn Shared Path stages as the highest priority then that should tell Council how important that is to the community.

As it stands the community does not know how their feedback is being weighted in the officer recommendations and it seems too easy for the priorities to be changed based on how well you lobby.

So my question is – can the survey results and report of pinned comments by streets/roads and a copy of all the submissions please be made available to the community?

Merri-bek Language Link

Italiano	Italian	9280 1911	Türkçe	Turkish	9280 1914	普通话	Chinese (Simplified)	9280 0750
Ελληνικά	Greek	9280 1912	Tiếng Việt	Vietnamese	9280 1915	National Relay Service:		
عربي	Arabic	9280 1913	नेपाली	Nepali	9280 0751	13 36 77 or relayservice.com.au		

Answer

Thank you for your interest in community engagement and public participation. As you note in your question, there was a large response to the survey undertaken as part of the development of the 10 Year Active Travel Capital Plan in 2022.

You have also mentioned that there were a large number of pins with associated comments focused on particular areas. These clusters of pins were able to provide officers with insights into the level of interest in addressing barriers to active travel or taking up opportunities for active travel improvements.

Council uses the Institute of Public Participation (IAP2) method of designing and implementing community engagement. This can spread from the lowest level of interaction – Inform – where Council simply advises people of things they may need or want to know, through to Empower – where Council hands over the decision making to others entirely. The engagement on the 10 Year Active Travel Plan was at the Consult level – asking for people’s feedback but not specifically committing to responding to everyone with individual responses, rather, providing summaries of the key themes emerging.

As such, it is not intended to retrospectively provide specific responses to every individual comment or suggestion made with people’s pins on the map.

Where priorities change, such as due to land use change or school growth as you mention, it is appropriate to revisit priorities that have emerged. Officers review the available information and make informed recommendations on these matters.

It is worth noting that the June 2022 Council report on the 10 Year Active Travel Plan also included the following summary of some of the emerging priorities that came out in the consultation for that Plan.

“Key changes made to the draft program that went out to public engagement include:

- Nominating the east-west bike riding routes for the second half of the program (years 5 to 10) to allow for extensive community consultation to determine the appropriate treatment and route that best addresses community needs and feedback.
- Starting design and development of a missing link near Coburg High School in Year 3 (this suggestion came through the engagement process and is considered to have strategic merit to warrant inclusion in the early years of the program)”

The engagement during preparation of the budget included commentary about bringing forward one of the east-west bike riding routes (Victoria Street) and addressing the removal in the draft budget of the Urquhart Street bike route (Pentridge Boulevard to Merri Creek).

Officers provided advice to Councillors on opportunities for both of these projects to be brought forward for design, and in the case of the Urquhart Street project, partial construction. Councillors resolved to include both projects in the budget.

Yours sincerely



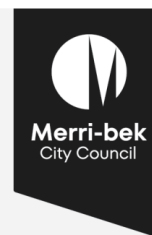
Anita Curnow
DIRECTOR CITY INFRASTRUCTURE

26 / 06 / 2023

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Doc. No. D23/314430
Eng: Sue Vujcevic
Tel: 9240 1111

Jim and Kelli Skapetis
[REDACTED]

Dear Jim and Kelli Skapetis

PUBLIC QUESTION TIME ON NOTICE RESPONSE FROM JUNE 2023 COUNCIL MEETING

I write to you in response to your questions submitted to the 20 June Council meeting, as follows:

Why have council officers been publishing budget commitments of only \$7m up until this point in time?

Thank you for your interest in community engagement and public participation.

The original resolution from Council on 13th October 2021 (7.1 Hosken Reserve Masterplan Refresh) noted the estimated cost of the masterplan to be \$7.6 million as well as referring the shortfall to the budget process.

Council officers have recently received up-to-date costings including cost escalations for the masterplan. The budget adopted on 20th June 2023 now includes the most up-to-date costings and budget for the masterplan. The masterplan has not had a change in the original adopted scope, the budget increase is due to the increased cost to deliver on the masterplan in the current economic climate.

What was the approval process that has taken the budget from \$7m, to \$9m and when did this occur?

The adoption of the 4-year budget 2023-2027 (budget) on the 20th June 2023 was the formal approval process for the cost escalations relating to the Hosken reserve masterplan redevelopment budget.

The budget is prepared in accordance with the requirement of Section 94 of the LGA 2020 and part 3 of the Local Government (Planning and Reporting) Regulations 2020 which requires councils to prepare a budget for each financial year and the three subsequent financial years.

I trust this answers your questions however, if you require any further information, please don't hesitate to contact myself or Jemma Wightman on [REDACTED] [REDACTED] or jwightman@merri-bek.vic.gov.au.

Yours sincerely

[REDACTED]

Sue Vujcevic
DIRECTOR BUSINESS TRANSFORMATION

07 / 07 / 2023

[REDACTED]

From: Narelle Jennings
Sent: Friday, 7 July 2023 1:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: June Council meeting question - REPORT 7.1 BUDGET 2023-2027 AND COUNCIL ACTION PLAN 2023-2024 - FOR ADOPTION

Dear Marilyn,

Thank you for your question at the June Council Meeting relating to the adoption of the budget and in particular about heritage assessments, which was taken on notice. I'm responding in my capacity as Manager of the Strategic Planning team.

In relation to heritage assessments in Coburg, a report is being presented to the July Council meeting about proceeding with an assessment for shopfronts in Sydney Road, Coburg. This is in response to a recent Council resolution which is focussed just on Sydney Road shopfronts in the Coburg Activity Centre. In terms of properties with potential heritage in the Activity Centre beyond Sydney Road, late last year Council adopted the actions of the 2022 Planning Scheme review. One of these actions is to undertake a review of the built form controls for the Coburg Activity Centre in 2027 and this work will commence with a heritage study.

The report that will be presented to the July Council meeting includes a summary of the most recent heritage investigations for Merri-bek which culminated in more heritage places being included in the Merri-bek Planning Scheme in recent years.

In relation to signage and the internals of any buildings, if Council resolves to proceed with the shopfronts review, whether these are investigated will be dependent on the recommendations of the expert heritage consultant that is engaged to undertake a preliminary heritage assessment.

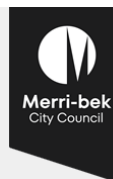
In relation to properties in the northern part of Sydney Road Brunswick, at its May meeting Council resolved to progress a built form review for the Brunswick Activity Centre and this will start in the 2023/24 financial year, commencing with a heritage assessment of the activity centre.

Once you have had a chance to review the July Council Meeting report, if you have any further questions, please contact Kim Giaquinta, Unit Manager Strategic Planning at kgiaquinta@merri-bek.vic.gov.au.

Yours sincerely

Narelle Jennings (She/Her)
Manager City Strategy and Economy
Merri-bek City Council

T +61 3 [REDACTED]
www.merri-bek.vic.gov.au



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. We pay 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.

Subject: FW: Question asked at Council meeting from former mayor Mark Higginbotham

From: Phil Priest

Sent: Friday, 21 July 2023 8:49 AM

To:

Cc:

Subject: FW: Question asked at Council meeting from former mayor Mark Higginbotham

Hi Mark, long time no speak. I hope you are well.

I am emailing in response to your question to Council below, that was taken on notice.

It is disappointing to hear media reports of some waste company's not recycling.

As you would appreciate all apartment developments in Merri-bek require planning approval.

As part of the assessment of these planning applications, Council's planning officers require the submission of Waste Management Plans and seek advice from Council's Development Engineers on waste management considerations.

Since the announcement of the introduction of the fourth waste stream, by the Victorian Government, this has been a consideration in the assessment of the adequacy of Waste Management Plans. A Waste Management Plan includes how provision will be made for the collection, storage and removal of the four waste streams from a new development and whether this includes use of Council's waste collection service or private contractors. All planning permits that are issued for apartment buildings, include conditions that waste collection must occur in accordance with the approved Waste Management Plan. The Waste Management Plans are therefore enforceable by Council.

In addition, I understand that as part of Council's Waste & Litter Strategy, audits of recycling behaviour are undertaken by Council from time to time, which include promotion of recycling to influence positive behaviour change and the environmental benefits that flow from this.

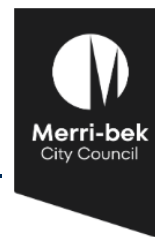
I believe it may also have been during your time as Mayor that Council increased its proactive planning enforcement program. Pleasingly this initiative has gone from strength to strength with proactive auditing of an increased proportion of new development audited each year. These audits include confirmation that Waste Management Plans has been implemented.

Council also undertakes planning enforcement investigations, in response to complaints received and this service has also received increased resources in more recent times, such that Merri-bek now has one of the largest planning enforcement teams in comparison with other Councils. Council's Planning Enforcement Officers are therefore able to investigate any complaints we receive in respect to whether waste collection is occurring at a particular apartment development that may not be in accordance with an approved Waste Management Plan.

Thanks for your ongoing interest in these matters and opportunity to clarify these operations for you. Feel free to give me a call if you wish to discuss these matter further, it would be good to hear from you.

Phil Priest (he/him)
Group Manager City Development

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www.merri-bek.vic.gov.au



Committee: Audit and Risk Committee
(Established in accordance with the *Local Government Act 2020*)

Meeting Date: Tuesday 6 June 2023

Representatives: Councillor members – Mayor Angelica Panopoulos, Cr Mark Riley and Cr Adam Pulford (apology)
Independent members - John Watson (Chair), Marilyn Kearney, Lisa Tripodi and Jeff Rigby

The Audit and Risk Committee is chaired by Independent Chair, John Watson. The following business was conducted:

- No conflicts of interest were declared.
- The CEO advised the Committee that there were no known legislative breaches or instances of fraud.
- The internal auditor reported that there had been no obstructions to the work of internal audit.
- The external auditor reported that there had been no obstructions to the work of internal audit.
- The minutes of the Audit and Risk Committee Meeting held on 14 March 2023 were **CONFIRMED**.

FINANCE MANAGEMENT REPORT

That the Audit and Risk Committee:

1. **NOTED** the progress against the 3-year Financial Management Improvement Plan;
2. **NOTED** the Financial Management Report for the period ending 31 March 2023 at *Attachment 1* to this report, including an update on parking infringement recoverability;
3. **DISCUSSED** and **NOTED** the Third Quarter Financial Review – at *Attachment 2* to the report;
4. **NOTED** the monitoring and update on Council’s controls for unusual transactions above acceptable risk;
5. **NOTED** the management disclosures in financial reports of the effect of significant compliance issues;
6. **NOTED** Council’s handling of accounting, internal accounting controls or auditing matters or other matters likely to affect the Council or its compliance with relevant legislation and regulations;
7. **NOTED** the processes for the identification, nature, extent and reasonableness of related-party transactions.

Finding:

1. Council is monitoring and managing its financial position and key controls.

AUDIT ACTIONS PROGRESS REPORT

The Audit and Risk Committee:

1. **DISCUSSED** and **NOTED** progress toward completion of outstanding audit action items.

Finding:

1. Management continues to progress on the completion of actions arising from internal and external audits.

MEMORANDUMS OF AUDIT PLANNING AND AUDITS COMPLETED

That the Audit and Risk Committee:

1. **DISCUSSED** and **ENDORSED** the following two Memorandums of Audit Planning (MAP) for the forthcoming audits:
 - o Building Enforcement
 - o Compliance and Enforcement
2. **DISCUSSED** and **NOTED** the findings, recommendations, and management comments for the following audits:
 - o Procurement (above threshold)/tendering
 - o Payroll Management
 - o Public Health and Wellbeing Act Compliance
 - o BDO Australia Payroll Review
3. **NOTED** the completion of all eight audits in the 2022/23 Strategic Internal Audit Plan.

Findings:

1. The Crowe Payroll Management audit has a total of twelve findings, and appropriate management comments (including actions) have been provided by management.
2. The Procurement (above threshold)/tendering audit has a total of three findings and appropriate management comments (including actions) have been provided by management.
3. The Public Health and Wellbeing Act Compliance audit has a total of 7 findings, and appropriate management comments (including actions) have been provided by management.
4. The BDO Australia Payroll review has 9 findings, and appropriate management comments (including actions) have been provided by management.
5. All eight audits scheduled in the 2022-23 Internal Audit Plan have been completed.

VAGO REPORT

That the Audit and Risk Committee:

1. **NOTED** the Interim Management Letter as per *Attachment 1*.
2. **NOTED** the VAGO Status Report as per *Attachment 2* to the report.

Findings:

1. The Interim Management Letter outlines a summary of audit findings from the interim phase of the audit.
2. Council has responded to a VAGO survey concerning a performance audit in relation to illegal disposal of asbestos-contaminated materials.

RISK MANAGEMENT REPORT

That the Audit and Risk Committee:

1. **NOTED** the actions completed in the 2023 - 2026 Risk Management Improvement Plan
2. **NOTED** the recent Information Technology activities.
3. **NOTED** Council's management of complaints and public interest disclosures.
4. **NOTED** the absence of controls which has led to three incidents.

Summary of Audit and Risk Committee Minutes - 6 June 2023

5. **NOTED** the significant open Public Liability claims.
6. **NOTED** Council's Business Continuity Plan is in place and remains current and active.
7. **NOTED** the progress of the CCTV audit actions.
8. **NOTED** that Strategic Risks have been mapped against previous audits and an assurance mapping report will be presented at the November committee meeting.

Findings:

1. Seven actions from the Risk Management Improvement Plan 2023 - 26 have been completed.
2. Phishing Simulation test results improved when compared to Q1.
3. Council continues to manage complaints and public interest disclosures.
4. Adequate remedial action has been taken to address the breakdown in controls reported to the committee.
5. There are Public Liability claims that may exceed Council's excess of \$50,000.
6. Council's Business Continuity Plan is in place and remains current and active.
7. Audit actions which originate from CCTV audits are progressing.
8. Strategic Risks have featured across audits throughout 2022-23.

Next Meeting: 5 September 2023

MAV State Council Meeting – October 2023

Motion name: Accessibility of Electric Vehicle Charging Infrastructure	
<i>Submitted by: Merri-bek City Council</i>	
<p>MOTION:</p> <p>That the MAV calls on the State Government to lobby the Federal Government to elevate and expedite the work to create access standards for people with disabilities seeking to use electric vehicle charging infrastructure. This should include active engagement and consultation with disability groups about standards for making EV charging infrastructure accessible to people with disabilities.</p> <p>This work should consider relevant standards, the National Construction Code and other guidance to ensure new electric vehicle charging infrastructure is fully accessible.</p>	
<p>Does the subject matter of this motion have state-wide significance to local government?</p> <p>Y</p>	
<p>MAV Strategic Work Plan (SWP): Indicate whether or not the subject matter of the motion is included in the MAV Strategy 2021-25.</p>	
Is the subject matter of this motion included in the Strategy?	Y (select one)
If yes, identify the following:	
Primary Strategic Plan Priority:	Healthy, diverse and thriving communities
Is this motion identical or substantially similar to a motion submitted by your Council to previous State Council?	N
<p>RATIONALE:</p> <p>Electric vehicle charging infrastructure is a relatively new and rapidly developing area. To meet our carbon targets, in addition to encouraging more walking, cycling and public transport, Australia will require a dramatic increase in the number of public electric vehicle chargers. We must ensure that such infrastructure is fully accessible to people with a range of disabilities, and that poor practice is not locked in and deployed at scale.</p> <p>This is a big issue which doesn't appear to have been thought about. Some EV charging stations are on slopes. Some have a bad set-up at the rear of a car. Many people with disability drive themselves without having anyone else in the car to assist them.</p> <p>Public charging bays in Australia are guided by electrical and road layout Australian Standards, but these do not currently address accessibility issues. Such issues might include the space required around charging bays, the height at which the charging cable is stored, and ease of movement between the bay and the charger (a UK standard does exist which covers such issues, and this could provide useful guidance).</p> <p>We note that the National Electric Vehicle Strategy, released in April 2023, states that:</p> <p>“The (Federal) Government will collaborate with state and territory governments to ensure a national approach on:</p> <p>National standards – to encourage national consistency around standards which impact the effective uptake and use of EVs, like ... accessibility</p>	

MAV State Council Meeting – October 2023

The role for governments includes ensuring consistent national standards, like accessibility standards for people living with disability, and interoperability standards for charging infrastructure.”

We encourage the Victorian State Government to work with Federal Government in actioning this quickly, to provide accessible charging for all and to make sure no one gets left behind in the transition to zero-carbon transport.

In the interim, local government can commit to sharing knowledge and developing best practice in this space through existing groups and to relevant industry partners (e.g., charging operators and installers). This process has already begun through the inter-council Electric Vehicle working group, which brings together officers from Victorian LGAs.

8. NOTICES OF MOTION

8.1 CENTRAL COBURG AFFORDABLE HOUSING HUB

Cr Angelica Panopoulos

Motion

That Council:

1. Notes its support for an increase in good quality, affordable housing in Merri-bek given the current national housing affordability crisis, and specifically in Central Coburg through implementing the Affordable Housing Action Plan (Council Action Plan Item 152).
2. Notes the extensive work undertaken to create the Merri-bek Affordable Housing entity, which is currently working on delivering affordable housing on Wilkinson Street, Brunswick, and has many other sites identified for future affordable housing projects in Merri-bek.
3. Notes that Council has recently written to the Premier, the Minister for Planning and the Infrastructure Minister voicing its opposition to options put forward by Infrastructure Victoria that would remove and reduce planning decision making powers for Councils, implementing the unanimous decision of Council for item 8.5 at the May 2023 Council Meeting.
4. Rejects the proposition that Councils are responsible for the existing housing crisis, noting that Merri-bek Council approves more than 90% of planning permit applications it receives.
5. Reiterates its existing position that the current legislative framework which relies on voluntary affordable housing contributions by developers is not working and the provision of affordable housing in residential development should be mandated in the Victorian Planning Provisions.
6. Receives a report by December 2023 outlining options for securing the delivery of public and affordable housing leveraging existing Council landholdings in Central Coburg, including consideration of:
 - a) The optimal volume of public and affordable housing that can viably be delivered.
 - b) Built form excellence, ESD, public realm and accessibility outcomes.
 - c) Possible pedestrianised precincts in appropriate parts of Central Coburg, particularly along Louisa/Waterfield Street, between Bell Street and Munro Street or along Russell Street, between Bell Street and Harding Street.
 - d) Opportunities for funding from the state and federal governments to deliver this housing, in the context of the imminent Victorian planning system changes and the federal Housing Australia Future Fund and the additional \$2 billion available for affordable housing announced by Prime Minister Albanese on 17 June 2023.
7. Invites the Minister for Housing, The Hon. Colin Brooks MP, Minister for Planning, The Hon. Sonya Kilkenny MP, Minister for Transport and Infrastructure, The Hon. Jacinta Allan MP and State Member for Pascoe Vale, Anthony Cianflone MP to a meeting to discuss opportunities to create an Affordable Housing Hub in Central Coburg.

1. Background

Cr Panopoulos's background:

The nation-wide housing crisis is one that is at the forefront of discussion at local, state and federal governments, in the media, on social media and amongst community members. This crisis is widely acknowledged and Council has long advocated for more to be done by all levels of government on housing affordability.

The federal government's Housing Affordable Futures Fund, recent \$2 billion direct commitment to social and affordable housing and the imminent state planning scheme changes all purport to directly, or indirectly, address various issues with housing regarding both supply and affordability.

Council has long fought for a greater amount of good quality affordable housing in the municipality, as demonstrated through the creation of Merri-bek Affordable Housing, the Merri-bek Affordable Housing Action Plan and constant advocacy to state and federal governments on housing, and specifically mandatory inclusionary zoning. Importantly, Council has constantly worked to improve the standards within all new developments, as seen through numerous planning scheme amendments. This includes the Elevating ESD Outcomes in the Planning Scheme Amendment that 24 Victorian Councils, Merri-bek included, lodged in July 2022. This is still waiting for Planning Minister approval.

This all sits within a context of Councils being blamed by various politicians and media outlets for allegedly not approving enough development in their municipalities. The reality is that Merri-bek Council approves more than 90% of planning permit applications. Truly addressing the housing crisis will require a multi-pronged approach that involves increasing supply of both regular and affordable housing, addressing the impact of short-stay accommodation on long-term rentals, introducing mandatory inclusionary zoning, and removing tax and negative gearing incentives which continue to push up house prices and rents. Merri-bek Council has a long history of advocacy and direct work in this space, but it requires both federal and state intervention to make many of these substantial, much-needed changes. Council cannot act alone in properly addressing the housing crisis.

Merri-bek Council has long identified Central Coburg, as seen in the Merri-bek Affordable Housing Action Plan 2022-2026, Action Item 2.2, as one area that would be suitable for affordable housing investment. Council has numerous landholdings in Central Coburg that would be suitable for this but requires funding and commitments from other levels of government to unlock the potential of the land.

Fundamentally, this motion is about Council demonstrating a willingness and desire to work with other levels of government to address the housing affordability crisis in a constructive way. The motion seeks a report to help guide these efforts with evidence and options put forward for Council to use in subsequent advocacy. As Council, we are the tier of government most connected to the community. We have options and solutions that can help address some of our municipality, state and nation's biggest issues. It's important that Council make it known to other levels of government that we are willing and able to work constructively together to make progress on one of the most pressing issues of our time.

2. Policy Context

Officer's comments:

The Council Plan 2021-2025 includes a number of strategies relevant to increasing affordable housing in Merri-bek, through supporting Merri-bek Affordable Housing, revitalising major activity centres and developing affordable housing on Council land.

State planning policy for housing supply supports higher density housing development on sites that are well located in relation to jobs, services and public transport. It also seeks to ensure that an appropriate quantity, quality and type of housing is provided, including social housing. State and local planning policy also supports attractive and safe public realm and environmentally sustainable development.

Central Coburg is identified as an area for significant change in the Merri-bek Planning Scheme. The Activity Centre Zone that guides land use and development outcomes for Coburg includes the following land use and development objectives:

- To encourage and facilitate the provision of affordable housing choices for people in the lowest 40% of income groups.
- To redevelop land, including existing open lot car park sites with integrated mixed use developments.
- To provide a pedestrian oriented environment with improved links and an attractive and safe system of streets, laneways and other public spaces.
- To ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).

The revitalisation of Central Coburg is a longstanding ambition of Council. The Council Action Plan includes actions around engagement to understand the priorities of the community towards this goal. A wide-ranging community engagement program is currently being developed and is planned to commence later this year.

A key commitment of the State Government's Big Housing Build is the creation of a Social and Affordable Housing Compact with local government. The Compact is intended to give councils a 'seat at the table' in identifying priorities for social and affordable housing growth in their municipalities. The Compact is yet to be released by the State Government.

October 2022 the Federal Government announced a National Housing Accord which includes a role for local government to participate in and support the development of the National Housing and Homelessness Plan.

3. Financial Implications

Officer's comments:

The cost of preparing a report can be met within existing budgets of the Place and Environment Directorate.

4. Resources Implications

Officer's comments:

The resources required to prepare a report can be met within the existing resourcing of the Place and Environment Directorate.

8.2 FIRST NATIONS ADVISORY COMMITTEE

Cr Sue Bolton

Motion

That Council

1. Undertake a review of existing processes associated with Council decision-making (including the formation of Officer recommendations and Notices of Motion) that have an impact on the First Nations community and explore ways to effectively consider and/or refer such matters to the First Nations Advisory Committee for their advice and feedback, prior to presenting to Council for consideration.
2. Receive a further report identifying recommendations that can fulfill the objectives mentioned in point 1) above.

1. Background

Cr Bolton's background:

The Role and Responsibilities of the Terms of Reference for the First Nations Advisory Committee are listed as:

The role of the First Nations Advisory Committee is to provide input and advise on the implementation of the Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities in the City of Moreland.

The First Nations Advisory Committee is also responsible for:

- contributing to development and implementation of relevant Council policies, strategies, and plans. For example, the Human Rights Policy and Implementation Plan
- providing advice and recommendations to Council in relation to issues and barriers affecting First Nations communities
- promoting knowledge, visibility, equality and inclusion of First Nations communities
- assisting to identify opportunities for advocacy, projects and partnerships that reflect the needs of First Nations communities
- informing, consulting and collaborating with other Advisory Committees and Reference Groups on issues relating to First Nations communities.

In recent months, there have been several decisions regarding First Nations communities, where the advice of the First Nations Advisory Committee has not been sought. This goes against principles of self-determination.

This indicates that Council's processes need to be strengthened to ensure that advice is sought from the First Nations Advisory Committee prior to decisions being made which effect First Nations communities.

2. Policy Context

Officer's comments:

Council recognises the significance of cultivating a collaborative and inclusive approach to decision-making, one that values and considers the perspectives and requirements of the First Nations community. The review of existing processes is expected to lead to policy changes, and a subsequent report will demand thorough consideration and collaboration from all relevant stakeholders, including representatives from the First Nations community.

3. Financial Implications

Officer's comments:

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

4. Resources Implications

Officer's comments:

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

8.3 DEVELOPERS AND COUNCIL

Cr Sue Bolton

Motion

That Council notes its decision of 12 July 2023 in relation to item *7.10 Outcomes of Trial Register for Developer Meetings*, which will result in the development of a policy for councillor meetings with developers and lobbyists, and include as part of the development of this policy a provision that Council ban private developers from attending and/or presenting at briefings of Councillors when the general public isn't invited to attend.

1. Background

Cr Bolton's background

Following the recent release of IBAC's Operation Sandon report which relates to allegations of corrupt conduct involving councillors and property developers in the City of Casey, it is important to ensure that there is no perception of a conflict of interest regarding relationships between developers and the Council organisation or Councillors.

2. Policy Context

Officer's comments:

Council's Governance Rules provide for the recording of meetings with Councillors, Council officers and other parties. These Records of Councillor meetings are reported to Council meetings as part of the monthly Governance Report. This provides for appropriate levels of transparency of any meetings when planning applicants or developers provide a briefing to Councillors on a significant planning proposal.

Council in its role as the Responsible Authority for deciding planning permit applications or as Planning Authority for proposed amendments to the Merri-bek Planning Scheme, are required to make significant decisions that change the built form and land-use patterns of the municipality. Meetings organised to enable a briefing of Councillors on more significant planning projects, that are arranged at Council officers with other Councillors and council officers in attendance, provide an appropriate setting for Councillors to be able to inform themselves, while addressing any perceptions of undue influence.

While it is relatively infrequent that meetings are organised for Councillors to be briefed by applicants on significant planning proposals, examples of circumstances when such briefings have been beneficial to ensure Councillors are fully appraised of significant projects that may have implications or be of interest to the broader Merri-bek community include; proposed master plans for the redevelopment of Pentridge site, the East Brunswick Village site, Gronn Place public housing redevelopment or other significant projects. Such briefings can assist Councillors in being more fully informed on significant projects with the ability to ask questions and seek further details in order to respond to potential questions from the community.

Any changes to processes would need to carefully define what is a "developer"; for instance, whether residents submitting small scale planning applications are captured; or whether other levels of government with major developments would be captured in the definition.

There may also be instances where people may have submitted planning applications in their personal capacity, for instance in relation to their own residence, but may also wish to meet with Councillors about other non-planning topics. These definitions would need to be worked through for the avoidance of doubt.

Councillors in their statutory decision-making role are tasked with making decisions without fear or favour, which often require a balancing of competing planning objectives in the best interest on current and future generations, in order to achieve a net community benefit. It is therefore important that Council is able to hear from applicants and objector/submitter parties alike to best inform their decision-making.

3. Financial Implications

Officer's comments:

There are no financial implications arising from this motion

4. Resources Implications

Officer's comments:

There are no resource implications arising from this motion.

8.4 SUPPORT FOR ACCESSIBLE TRAM STOP EVENT – EQUITY TRANSPORT WEEK

Cr Monica Harte

Motion

That Council:

1. Endorses the community rally and event to occur on Sunday 17 September at 1 pm in Brunswick, to launch the Transport Equity Week in Australia.
2. Support for the community rally/event up to the amount of \$5000 to assist with publicity, including printing of leaflets and posters, and distribution of information about the event to early childhood centres, maternal and child health services, reference and advisory groups, Seniors' groups, disability groups, neighbourhood houses, libraries and using Council web sites, social media channels and Council's electronic newsletter to promote the community rally /event.

1. Background

Cr Harte's background

Transport Equity Week 2023 is a first-time event in Australia, the creation of this week has been inspired by the Transport Equity day in the United State. It is week of action to elevate the voices of those facing transport disadvantage and to demand action from Local, State Federal Governments to improve transport equity in people's lives. The focus of advocacy is that public transport is for everyone and that everyone should have access to public transport that is safe, affordable, reliable, accessible, and powered by clean renewable energy.

The Sydney Road Accessible Tram Stops Now campaign, will be opening the week with a rally and event on Sydney Road.

Council has passed motions of support for accessible tram stops on Sydney Road and is supporting the current community campaign initiated by local Brunswick resident Christian Asturian.

The growing number of signatories includes disability advocacy groups, transport advocacy groups, local community groups, Unions and local politicians across the political spectrum.

Organisations

- Disability Resource Centre (DRC)
- Post Polio Victoria Inc.
- Inclusive Rainbow Voices (LGBTIQA+ people with disabilities)
- Public Transport Users Association
- Walk on Merri-bek (pedestrian advocacy group)
- Friends of the Earth Melbourne
- Merri-bek Bicycle Users Group
- Brunswick Residents Network
- Brunswick Neighbourhood House
- Reynard Street Neighbourhood House
- Victorian Transport Action Group

- Rail Futures
- Victoria Walks
- Transport for Everyone
- 3CR Community Radio
- Health and Community Services Union
- Victorian Allied Health Professionals Association
- Australian Services Union

The campaign has been successful in raising public awareness and support, galvanising a media focus and holding a number of advocacy meetings with State members of Parliament. The campaign also has an ongoing petition which will be lodged in State Parliament November.

The urgency for the campaign is the closure of the Upfield line in 2 years for a long period of construction for Brunswick sky rail.

The campaign has widespread broad based support within the community and maintaining of momentum of the campaign is critical as decisions are made regarding Brunswick Sky Rail

2. Policy Context

Officer's comments:

Council endorsed the 'Reshaping Brunswick' Council's position paper on the Level Crossing Removals. The position paper states:

"In addition, the closure of the train line removes an accessible form of public transport, leaving those with mobility issues without a suitable alternative, because Sydney Road's tram stops are not currently accessible.

Council requests the State Government upgrade key Sydney Road tram stops now before the works start so that they are accessible to people with a disability before the only other form of accessible public transport is disrupted."

3. Financial Implications

Officer's comments:

The printing of leaflets and posters, and distribution of information about the event to early childhood centres, maternal and child health services, reference and advisory groups, Seniors' groups, disability groups, neighbourhood houses, libraries and using Council web sites, social media channels and Council's electronic newsletter to promote the community rally /event can be delivered within existing budget allocations up to a total cost of \$5000.

4. Resources Implications

Officer's comments:

Enacting this notice of motion can be managed within existing resource allocations.

Council Officers can also promote this event via Council's Advisory Committees and Reference Groups, which includes the Human Rights Advisory Committee, Disability Reference Group and the Age Friendly Reference Group, and Council's various service provider networks, such as the Disability Service Provider Network (over 70 disability organisations are represented), Fawkner Service Providers Network, Multicultural Settlement Services Network, etc.