



# Merri-bek City Council

## Minutes of the Council Meeting

Held at the Council Chamber, Merri-bek Civic Centre, 90 Bell Street,  
Coburg  
on Wednesday 12 October 2022

The Mayor opened the meeting at 7.01 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Mark Riley, Mayor	7.01 pm	10.27 pm
Cr Lambros Tapinos, Deputy Mayor	7.01 pm	10.27 pm
Cr Adam Pulford	Apology	
Cr Angelica Panopoulos	Leave of Absence	
Cr Annalivia Carli Hannan	7.42 pm	10.00 pm
Cr Helen Davidson	7.01 pm	10.27 pm
Cr Helen Pavlidis	7.01 pm	10.22 pm
Cr James Conlan	7.01 pm	10.27 pm
Cr Monica Harte	7.01 pm	10.27 pm
Cr Oscar Yildiz JP	7.01 pm	10.27 pm
Cr Sue Bolton	7.01 pm	10.27 pm

### OFFICERS

Chief Executive Officer – Cathy Henderson  
Director Business Transformation – Sue Vujcevic  
Director City Infrastructure – Anita Curnow  
Director Community – Eamonn Fennessy  
Director Place and Environment – Joseph Tabacco  
Manager Governance and Strategy – Yvonne Callanan  
Unit Manager Governance – Troy Delia

### APOLOGIES/LEAVE OF ABSENCE

Cr Pulford was an apology for the meeting.

## **Leaves of Absence**

Cr Panopoulos was on an approved leave of absence - 1 October 2022 to 26 November 2022 inclusive.

Cr Bolton has sought leave of absence for the period 2 November 2022 to 26 November 2022 inclusive.

## **Resolution**

**Cr Tapinos moved, Cr Pavlidis seconded –**

**That Cr Bolton be granted leave of absence for the period 2 November 2022 to 26 November 2022 inclusive.**

**Carried**

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

## **MINUTE CONFIRMATION**

### **Resolution**

**Cr Tapinos moved, Cr Bolton seconded -**

**The minutes of the Council Meeting held on 10 August 2022 be confirmed, subject to the following corrections to the proposed minutes as follows:**

- **Item 7.2 (page 20) Foreshadowed Motion - Amendment of point 4 a) to read as: Design of the raised pedestrian crossing, east of Joffre Road, in Council's capital works plan and seek State Government (Department of Transport) approval.**
- **Item 7.2 (page 23) Resolution - Amendment of point 4 a) to read as: Design of the raised pedestrian crossing, east of Joffre Road, in Council's capital works plan and seek State Government (Department of Transport) approval.**

**Carried**

### **Resolution**

**Cr Tapinos moved, Cr Bolton seconded –**

**The minutes of the Council Meeting held on 14 September 2022 be confirmed.**

**Carried**

## **ACKNOWLEDGEMENTS AND OTHER MATTERS**

The Mayor acknowledged the passing of Allan Roy Thompson OAM on 7 September 2022. Allan was a driving force of the Pascoe Vale Naturalists in the 1970's and 80's and was later seen to be a real environmental warrior. He also sat on the committees of Moreland City Council with his wife Dorothy for matters such as Agenda 21 and Greening Moreland and was interested in both the preservation and restoration of the Merri and Moonee Ponds Creek Valleys.

## PETITIONS

### 5.1 MAKE GLENROY ROADS SAFE

A Petition (D22/45463) has been received containing 219 signatures, requesting Council to make Glenroy roads safe.

#### Resolution

Cr Davidson moved, Cr Yildiz seconded –

That Council:

1. **Receives the petition requesting Council make Glenroy roads safe.**
2. **Refers the petition requesting Council make Glenroy roads safe to the Director City Infrastructure for consideration and response.**

**Carried unanimously**

### 5.2 AMENDMENT C208MORE

A Petition (D22/455419) has been received containing 22 signatures requesting Council not apply Amendment C208more Implementation of the Moreland Heritage Nomination Study 2020 to properties 26 to 78 Albion Street, Brunswick

#### Resolution

Cr Tapinos moved, Cr Riley seconded -

That Council:

1. **Receives the petition requesting Council not apply Amendment C208more Implementation of the Moreland Heritage Nomination Study 2020 to properties 26 to 78 Albion Street, Brunswick.**
2. **Refers the petition requesting Council not apply Amendment C208more Implementation of the Moreland Heritage Nomination Study 2020 to properties 26 to 78 Albion Street, Brunswick to the Director Place and Environment for consideration and response.**

**Carried**

## PUBLIC QUESTION TIME

*Public Question Time commenced at 7.17 pm.*

7.42 pm Cr Carli Hannan entered the meeting.

### **MARGARET- MARY CASHIN - QUESTIONS - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION**

#### **Question 1**

I did not find out about this Development until after the Panel Hearing. There are many people in my community who did not know about the exhibition of Amendment C201MORE. Recent correspondence from council officers claim 140 impacted residences have been notified but there are many people located in the streets cited by council who were not notified of exhibition of Amendment C201MORE and their rights to make Submissions to same. The Incorporated Plan for Amendment C201MORE is an overview of how land is to be developed and seems to promote the Development on the provision of affordable housing within the Development. The actual build detail including the number of

residences is not included. How can people comment on a Plan that does not provide the details of the build plan but rather a conceptual idea?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

Council advertised the amendment in accordance with the requirements of the Planning and Environment Act. The Amendment was provided on Council's corporate website. The Incorporated Plan provides specific details about how buildings are to be developed at the site including building height, setbacks, design, passive surveillance of public spaces, landscaping, access how the interface to Hosken Reserve is to be treated. These requirements give a high level of detail about the future buildings. The draft Incorporated Plan was available to look at and provide feedback on, during the amendment advertising period.

## **Question 2**

This Incorporated Plan sets up the bypassing of normal processes of notice and rights of appeal. It sets up a whole different planning process whereby the Developer is granted great latitude without having to provide the actual details of the proposed build for consideration of the actual detailed build from impacted residents. An ancillary report from Ratio traffic impact (wherein traffic data is from 2019 and no parking) alone notes expected residences as greatly variable from 250-350 residences. Why is Council seeking to dilute the democratic rights of impacted residents to appeal with the passing of this Amendment C201MORE?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

What is principally most important here is that Council is not considering a development application its considering an amendment to the planning scheme. Its an incorporated document which is being considered tonight.

The Incorporated Plan planning tool does include an exemption from public notice of a planning application but only if it meets all of the requirements of the Plan. The requirements that Council has included in the Plan have considered amenity impacts to neighbours by including requirements for building height and setbacks. If these requirements aren't met, then there will be public notice process which will for the particular planning permit application, if it is received. Assuming Council adopts the amendment

## **SUSAN MARSHALL - QUESTION - AMENDMENT C208MORE - IMPLEMENTATION OF THE HERITAGE NOMINATIONS STUDY - GATEWAY 3 - CONSIDERATION OF PANEL'S RECOMMENDATIONS AND DECISION ON THE AMENDMENT**

In relation to 7.1 - Amendment C208more - Implementation of the Heritage Nominations Study Under the changes to other existing heritage citations - 828 Sydney Rd, Brunswick.

Why is it up to residents to fight for Heritage properties when experts have already been paid to assess them?

If the Alhambra Theatre was heritage listed, why was its interior and front foyer permitted to be removed and reworked.

What is the point of heritage listing if it doesn't protect the sites and buildings that are listed? p11 of agenda.

Similarly, why has a planning permit for redevelopment trumped a heritage assessment for a property - like 18 Kendall St, Coburg?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

The Alhambra Theatre is already included in the local heritage overlay (HO243).

The removal of the theatre seating and the addition of the front foyer happened in October 2001 before the theatre was protected in the planning scheme.

This Amendment updates the heritage overlay to provide more information about the theatre to help guide any future development.

The current building still contains elements of the original theatre that are of heritage significance. The heritage overlay is a way of making sure that any future development proposals take into account the significant parts of the building.

Unfortunately, the timing of applying the Heritage Overlay for 18 Kendall Street, Coburg meant that the property was demolished.

The planning process requires Council to engage expert heritage consultants to provide the heritage assessments of properties. There is no requirement as part of the amendment process for a resident to pay for their own expert.

### **SUSAN MARSHALL - QUESTION - 2022 PLANNING SCHEME REVIEW REPORT**

Managing growth - To plan for housing and economic growth for the municipality. How is Merri Bek taking into account the number of unoccupied units in the higher-density developments that it has approved in calculating the additional growth required?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

Council's Housing Capacity Study did not identify vacant dwellings as a factor that would influence housing capacity for growth.

Council's research on the pandemic's influence on population growth shows that while growth might slow for a few years, Merri-bek's population will continue to grow and we need to plan for that growth.

### **LAUREL KINROSS - QUESTIONS - 2022 PLANNING SCHEME REVIEW REPORT**

#### **Question 1**

Why is it acceptable that "Council is not quite on track to achieve its 2016 target of 29% tree canopy by 2050. 11% is a long way short. Why we are still waiting for a significant tree register to be commenced?

Mayor, Cr Mark Riley responded:

Merri-bek Council has a tree canopy of 11%, that data has been verified after being revised a few times over the last couple of years, due to better technology available to help Council assess the data. Council will triple its effort to reach the 30% target by 2050.

#### **Question 2**

How is the Scheme working well and taking climate change seriously, when 55% of ESD features were not noncompliant?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

It is a permit holder's obligation to comply with their planning permit. Council has a proactive enforcement program where planning enforcement officers check that a permit holder is complying with their planning permit when they are building their development. Enforcement officers are making over 380 inspections per year to check for ESD compliance. This regime has the benefit of not only picking up cases of non-compliance but also sending a strong message to developers that Council is serious about ensuring that ESD features are delivered as required.

### **KATHLEEN CHAPMAN - STATEMENT - SUPPORT FOR ANIMAL RESCUE GROUPS**

My name is Kathleen Chapman. I'm from the Northern No Kill Alliance and I'm a Reservoir resident.

Although the motion from last month's council meeting regarding the Epping Animal Welfare Facility is still confidential, from my conversations with you, I am confident that you voted in favour of continuing animal adoptions at the shelter. You made a decision that was ethical and respectful of the community's wishes, and I thank you for doing so.

Merri-Bek is a community that cares very deeply about animals – they are family members recognised as sentient beings who have a right to care, respect and protection. A shelter is a place where animals who have found themselves displaced should be guaranteed safety. It is reasonable to expect that when an animal is surrendered or unclaimed, the shelter will do everything possible to find them a loving new home.

A large-volume adoption program is essential to ensure that animals that enter the shelter have the best chance of leaving alive, yet Whittlesea are resisting demands from councillors and the community to continue direct-to-public adoptions at the shelter, except in a very limited capacity. Whittlesea wants unpaid rescue groups to provide this essential service for free. Rescue groups were not consulted about this plan, do not have the resources to do it, and do not consent to it. I urge you to stay strong and respect the wishes of the community.

I would like to reiterate that rescue groups should only be used as a safety net. They are not frontline service providers. When rescue groups do take animals from the shelter, however, it is only fair that they receive funding for essential veterinary care, such as desexing, which is essential prior to rehoming and which will not be done at the shelter.

The report from council officers in tonight's agenda regarding funding is misleading. It mentions state government funding, however this is not a suitable funding option. This year, the state government's Pet Rehoming Grants, which provide a subsidy for rescue groups for desexing and other basic vet work opened on 1 September. The annual funding was exhausted in less than 3 weeks, and applications were therefore closed. Many volunteer-run groups did not have the chance to apply for funding before funds ran out a mere 3 weeks into the annual program. It is therefore essential that council provide funding to rescue groups for animals that they take from the shelter.

My petition, save the Lives of Animals in Whittesea, Moreland and Darebin, has now amassed more than 25,000 signatures, a sign of overwhelming community support for a shelter focused on life-saving, not cost cutting.

In the name of ethics, good governance and overwhelming community support, I urge you to keep up the fight for direct-to-public animal adoptions at the Epping shelter, with rescue groups only to be used as a safety net. I also urge you to vote in support of funding for animals rescue groups, so they can continue their life-saving work.

Kathleen Chapman read their statement.

### **MARION ATTWATER - QUESTION - 2021-22 MORELAND CITY COUNCIL ANNUAL REPORT**

The Annual Report mentions that there is a Food Leadership Action Group (FLAG), and that the group makes decisions. Why wasn't this Food Leadership Action Group established as a Delegated Committee via resolution of Council, with the option to appoint two Councillors as members of the group and to also chair the meetings?

At the request of the Mayor, Eamonn Fennessy, Director Community responded:

The Food Leadership Action Group has been established as part of a Collective Impact model, designed to enable a community-led collaborative approach to addressing the complex issue of food security. This was the recommendation of the Community Good Hub feasibility study council commissioned in 2020. Council is supporting the backbone functions for this group through an agreement with Open Food Network until a longer term governance framework is in place. The FLAG is working towards being fully independent of council by end 2022/23.

## **Time Extension**

### **Procedural motion**

Cr Bolton moved, Cr Davidson seconded -

That question time be extended at 7.51 pm by 30 minutes.

**Carried**

### **VIVIENNE TOPP - QUESTION – PERMIT FOR THE REMOVAL OF A NOXIOUS WEED**

A permit for the removal of a noxious weed (Phoenix Canariensis) from my garden, the specimen is classified as a noxious weed by the Victorian Government advisory list of environmental weeds and is on the Environmental Watch Institute list for prohibited weeds.

How has this weed been classified as a mature heritage tree by Merri-bek Council and why weren't my neighbours and I consulted?

Given the dangerous nature of the weed, being prohibited in New Zealand because of the toxicity of the fronds and the serious and dangerous nature of infection from handling the fronds and the high probability of piercings when removing the fronds, what is the Council's position and policy for replacing dangerous plants for which it has responsibility, and can this be applied in the case of dangerous specimens on private property?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded and advised the resident the question would be taken on notice.

### **KATE REBELLO - QUESTION – STREET CLEANING IN BRUNSWICK**

I live in East Brunswick, I am sick of the deterioration of our streets in Brunswick and Brunswick East, the gutters have not been cleaned, the weeds are high on median strips and graffiti is everywhere. Trees are planted and never maintained, the suburb is looking filthy.

What can the Council do?

At the request of the Mayor, Anita Curnow, Director City Infrastructure responded:

It is important to Council that we are presenting the city in a way that meets the communities needs. We recognise there has been significant growth in graffiti and that is a constant challenge for Council.

The streetscape maintenance is a multi-pronged approach, we have teams that are looking after the removal of graffiti and rubbish and tree pruning and garden maintenance. Council does respond when customers raise these issues. There are a lot of customer responses that we constantly look at, we want to try and improve our service in this area and this is something that we will be focusing on in year three of the Council Plan.

Earlier this year, we have undertaken a blitz on dumped rubbish in a response to the communities feedback.

## Questions and Statements taken on notice

*Questions and statements taken on notice may be summarised for the purpose of recording them in the minutes. Full and complete copies are made available to Council officers for responses or information. Responses to questions taken on notice are reported to the next practicable Council meeting.*

### **KELLI SKAPETIS - QUESTION - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION**

Please confirm the title of the core planning document that specifies the intended number of dwellings proposed for the site once rezoned, and confirm the page number that information is cited?

The Mayor took this question on notice.

### **KELLI SKAPETIS - STATEMENT - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION**

As someone who was instrumental in identifying and influencing the withdrawal of the Hosken Reserve synthetic pitch redevelopment tender (2020), it's hard to believe I am watching history repeat itself just two years later. The Hosken Reserve synthetic pitch redevelopment tender 2020 was advertised not long before council went into caretaker period, here we are again seeing virtually the same behaviour from this council, pushing amendment C201more through right before state election caretaker period commences. Certainly a pattern of behaviour is emerging. At least this time the community have the benefit of political interest and media outlets watching for what this council does next. I noticed that Sheppard St Pty Ltd is associated with Nightingale Housing.

The Mayor took this statement on notice.

### **JEAN CONNELL - QUESTIONS - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION**

#### **Question 1**

In the 'community consultation' section, it states "Letters of notice were sent to... the Merylston Resident Group". Who are the members of this group and what is their official contact details, etc website, email address, phone number, etc. Should council only have the details of the chairperson, that would suffice, please provide.

#### **Question 2**

Why would multiple households within the 'notification catchment' confirmed by council be claiming they never received a letter of notice?

The Mayor took these questions on notice.

### **RACHEL MATTON QUESTIONS - 7.2 AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3**

#### **Question 1**

Will council defer the gateway 3 decision for planning amendment C201more until after the election, once more objective data can be gathered and analysed to confirm the compatibility of these two interdependent and adjoining sites, which must be reconsidered



in light of safety, functional, environmental and ecological integration, as this has not been explored in any depth to date?

**MARION ATTWATER - QUESTION - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3**

Amendment C201more for the rezoning of industrial land adjacent to Hosken Reserve is likely to impose Green Travel Plans on future residents and buyers of the residential developments on that land. Has the Council considered the privacy impacts of Green Travel Plans against the Privacy and *Data Protection Act 2014*?

The Mayor took this questions on notice.

**RACHEL MATTON ON BEHALF BILL BUCHHOLTZ – QUESTIONS - AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY**

**Question 1**

Why did I not receive notice from council of the rezoning planning amendment C201more earlier this year and am only now hearing about it from my neighbours down the road, months after the public exhibition period has closed and moments before it goes to council for final approval?

**Question 2**

I do not have the internet or smart phone access. Given I did not receive a letter in my letterbox about amendment C201more, what other methods does council utilise to ensure older people like myself who will be significantly affected by this development, are not discriminated against and can access and respond to such critical information in a timely manner?

The Mayor took these questions on notice.

**RHONDA ATTWOOD - QUESTION - 2022 PLANNING SCHEME REVIEW REPORT**

How could the Scheme be seriously considered to be working well when VCAT overturned Council decisions 38% of the time and 20% of the time it varied Council decisions?

How much of our rates are spent on presenting to VCAT each year? Surely this is not considered to be value for our rates?

How is the planning scheme working well, when developers can exploit the system so easily as in our case?

When is this Council going to take climate change seriously and make the hard decisions that acknowledge that overdevelopment is not sustainable, is contributing to climate change and our Planning Scheme needs to genuinely reflect this?

The Mayor took this question on notice.

**DINO ALBERTO - QUESTION - 2021-22 MORELAND CITY COUNCIL ANNUAL REPORT**

What was the contribution of the Mayor to the preparation of the Annual Report?

The Mayor took this question on notice.

**CHLOE HOLMES - QUESTION - RAINBOW TICK ACCREDITATION PROCESS FOR AQUATIC AND LEISURE FACILITIES**

Could Council please provide an update on the Rainbow Tick accreditation process for its aquatic and leisure facilities?

The Mayor took this question on notice.

**CHLOE HOLMES - QUESTION - GENERAL LOCAL LAW BREACHES – NUMBER OF INFRINGEMENTS ISSUED**

How many offences have been recorded, how many infringement notices or notices to comply have been served, and how many court fines have been issued for breaches of 2.1(c), 2.1(d), 2.1(e), 2.1(f) of the Moreland City Council General Local Law 2018?

The Mayor took this question on notice.

**MICHAEL WELLS - QUESTIONS - COBURG HEALTH PRECINCT**

**Question 1**

Were council officers aware of Council's intention to develop the Coburg Health Precinct in association with a private equity partner when they were assessing the merits of MPS 2021/55?

**Question 2**

Does council consider that their development of the Coburg Health Precinct is a declarable conflict of interest for their assessment of competing health facility planning applications?

The Mayor took these questions on notice.

**PAULINE CARMICHAEL - STATEMENT - KENT ROAD BIKE LANES**

I have submitted today more signatures to the petition to remove the unsafe bike lane in Kent Road and take away the risk to the most vulnerable people in our community accessing medical care. The petition has now approximately 2000 signatures and continues to grow weekly. It is a Council road, the cost to remove is very small and is already known, and the work does not need to go out to tender. The old infrastructure is not going to be reused. There has been no community engagement yet on the proposed replacement design so waiting for the new design is not mitigating the risk to people. This morning the road is flooded because the water cannot drain away, the bike lane is unusable and the flooding is creating more risk to pedestrians.

Every time I go and collect signatures I am asked when are the islands being removed and it is very distressing for a lot of people. Please organise immediate removal.

The Mayor took this statement on notice.

**DINO ALBANO - QUESTION - COMMUNITY ENGAGEMENT POLICY**

Have Councillors forgotten that they made a resolution at the 8 December 2021 council meeting to review the community engagement policy, and which was to include public exhibition of a revised policy from May to June 2022?

Have Councillors noticed that the 2022 quarterly reports of Councillor expenses/support are STILL NOT published on the Council website, even though there was already a question about this same issue at the council meeting of 9 February 2022 for the 2021 expenses reports?

The Mayor took these questions on notice.

**MARION ATTWATER - QUESTION - AUDIT AND RISK COMMITTEE**

Why hasn't the Audit and Risk Committee noticed that they forgot to do a biannual audit and risk report in March 2022?

The Mayor took this question on notice.

*Public Question Time concluded at 8.00 pm.*

## COUNCIL REPORTS

### 7.1 AMENDMENT C208MORE - IMPLEMENTATION OF THE HERITAGE NOMINATIONS STUDY - GATEWAY 3 - CONSIDERATION OF PANEL'S RECOMMENDATIONS AND DECISION ON THE AMENDMENT

#### Executive Summary

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

- Apply the Heritage Overlay to 45 individual heritage places, 1 serial listing, 7 new precincts and 3 precinct extensions
- Update the heritage value of 4 heritage places and 2 heritage precincts
- Fix mapping irregularities and heritage overlay boundaries
- Delete existing overlays from properties within the new serial listing
- Add the Moreland Heritage Nominations Study 2020 and a statement of significance for each place and precinct as a reference document

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

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

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

A copy of the Panel's report can be viewed at [Amendment C208 Moreland Heritage Nominations Study Implementation](#).

#### Officer Recommendation

That Council:

1. Notes the findings and recommendations of the C208more Planning Panel.
2. Adopts the changes to the final *Moreland Heritage Nominations Study 2022* reference document and *Moreland Heritage Exemptions Incorporated Plan 2022*, shown at Attachment 1 to this report.
3. Using its powers as a planning authority under section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C208more as shown in Attachment 1 of this report.
4. Submit the adopted Amendment to the Minister for Planning.

#### Motion

Cr Tapinos moved, Cr Carli-Hannan seconded -

That Council:

1. Notes the findings and recommendations of the C208more Planning Panel.
2. Adopts the changes to the final *Moreland Heritage Nominations Study 2022* reference document and *Moreland Heritage Exemptions Incorporated Plan 2022*, shown at Attachment 1 to this report.
3. Using its powers as a planning authority under section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C208more as shown in Attachment 1 of this report with the exception of the Albion Street properties (26-76 Albion Street) in the Glenmorgan, Albion and Clarence Street Precinct which are to be removed from the heritage overlay schedule and planning scheme maps and renaming the Precinct the 'Glenmorgan and Clarence Streets Precinct'.
4. Submit the adopted Amendment to the Minister for Planning.

Lost

## Resolution

Cr Conlan moved, Cr Davidson seconded -

That Council:

1. **Notes the findings and recommendations of the C208more Planning Panel.**
2. **Adopts the changes to the final Moreland Heritage Nominations Study 2022 reference document and Moreland Heritage Exemptions Incorporated Plan 2022, shown at Attachment 1 to this report.**
3. **Using its powers as a planning authority under section 29 of the Planning and Environment Act 1987, adopt Planning Scheme Amendment C208more as shown in Attachment 1 of this report.**
4. **Submit the adopted Amendment to the Minister for Planning.**

Carried

## 7.2 AMENDMENT C201MORE - REZONING OF INDUSTRIAL LAND IN THE SHEPPARD AND NORRIS STREET COBURG NORTH PRECINCT - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION ON THE AMENDMENT

### Executive Summary

Amendment C201more proposes to rezone land at 3-5, 4, 6, 7, 8, 10 and 16-20 Sheppard Street, 2-4 and 6 Norris Street and part of 39A Shorts Road Coburg North from industrial to residential. The amendment proposes to introduce an Incorporated Plan Overlay to guide future residential development on the land, including the provision of affordable housing, and apply the Environmental Audit Overlay to manage any potential contamination risks.

Council exhibited Amendment C201more from 7 April 2022 to 13 May 2022. The Amendment received six submissions. Council resolved in June 2022 to request the Minister for Planning to appoint an Independent Panel to consider the submissions.

A Panel Hearing was held on 15 August 2022 and the report released to Council on 9 September 2022. The Panel report was supportive and the Panel noted that the Amendment was well founded and strategically justified. The Panel recommended that the Amendment be adopted subject to changes, including:

1. In the Incorporated Plan Schedule, do not include a decision guideline requiring seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made.
2. In Clause 02.03-5 Housing, correct the references to the 'Economic Development Framework Plan' to the 'Housing Framework Plan'.
3. In the Incorporated Plan, make the changes which generally reflect Council's final preferred version of the document.

## Officer Recommendation

That Council:

1. Notes the findings and recommendations of the Amendment C201more Panel included at Attachment 1 to this report.
2. Adopts Amendment C201more to the Moreland Planning Scheme pursuant to Section 29(1) of the *Planning and Environment Act 1987*, as exhibited and with the changes recommended by the Planning Panel and discussed at Section 3 of this report and shown at Attachment 2.
3. Submits Amendment C201more to the Moreland Planning Scheme to the Minister for Planning for approval, pursuant to section 31 of the *Planning and Environment Act 1987*.

## Resolution

**Cr Tapinos moved, Cr Conlan seconded -**

**That Council:**

1. **Notes the findings and recommendations of the Amendment C201more Panel included at Attachment 1 to this report.**
2. **Adopts Amendment C201more to the Moreland Planning Scheme pursuant to Section 29(1) of the *Planning and Environment Act 1987*, as exhibited and with the changes recommended by the Planning Panel and discussed at Section 3 of this report and shown at Attachment 2.**
3. **Submits Amendment C201more to the Moreland Planning Scheme to the Minister for Planning for approval, pursuant to section 31 of the *Planning and Environment Act 1987*.**

**Carried**

Cr Bolton called for a division.

### **For**

Cr Davidson  
 Cr Yildiz  
 Cr Conlan  
 Cr Carli Hannan  
 Cr Riley  
 Cr Tapinos

**Total For (6)**

### **Against**

Cr Bolton  
 Cr Pavlidis  
 Cr Harte

**Total Against (3)**

## 7.3 2022 PLANNING SCHEME REVIEW REPORT

### Executive Summary

A Planning Scheme Review is a technical evidence-based assessment of the operation and efficiency of a planning scheme. The review analyses how a planning scheme is performing and aims to highlight what is working well and what areas could be improved. It is a requirement of Section 12B(1) of *Planning and Environment Act 1987*, which requires a municipal Council to review its planning scheme no later than one year after the date by which it is required to approve the Council Plan. The review must therefore be complete by 31 October 2022 and then submitted to the Minister for Planning without delay.

A review of Merri-bek's Planning Scheme has been completed, and a report outlining the findings of the review is included at Attachment 1. The review has found that the Scheme is operating well and has been improved in recent years. These improvements include:

- Translating and simplifying our planning scheme into the new state-wide structure.
- Introducing new canopy tree planting requirements for developments in our residential areas.
- Rezoning of land in the Brunswick Major Activity Centre and in Hadfield to release land for residential uses in line with the Moreland Industrial Land Strategy 2015-2030.
- Protecting over 500 new heritage places by including them in the heritage overlay.
- Introduction of the Heritage Permit Exemptions Incorporated Plan to reduce the burden on landowners by exempting minor works from planning permit requirements

The review makes recommendations that align with Council's vision and adopted strategies and initiatives, including actions to tackle the climate emergency for a Zero Carbon Planning Scheme and addressing population growth and the need to grow employment opportunities in the municipality. The key recommendations of the review are summarised as:

- Elevate ESD requirements in the scheme to achieve zero carbon development and climate resilient buildings.
- As part of the refresh of the Open Space Strategy, update associated planning controls and design guidance to support the creation of new parks (including through a review of open space contributions), ensure the long-term protection and enhancement of our waterways, parks and valued vegetation, and to manage impacts from adjacent development, including overshadowing.
- Update the Scheme to recognise the latest stormwater modelling from state and local drainage catchments.
- Update the built form and land use controls for the Brunswick Major Activity Centre to strengthen employment outcomes and simplify the controls.
- Prepare an evidence base to support a Residential Development Framework and a Commercial & Industrial Development Framework to holistically plan for the housing and economic growth forecasted for the municipality.
- Continue to advocate for state-wide affordable housing planning provisions and explore ways to imbed local requirements for our activity centres and when rezoning land to allow residential uses.
- Investigate a new Developer Contribution Plan to help establish funds for new and upgraded community facilities and infrastructure needs of the municipality.
- Update the Scheme to strengthen Neighbourhood Character and help facilitate better housing design outcomes for our residential areas.

- Review and update local heritage policy and the Permit Exemptions Incorporated Document to ensure it is consistent with state policy and easy to understand and apply.

Work to action the recommendations will occur over the next 4 years.

## Officer Recommendation

That Council:

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

## Resolution

**Cr Davidson moved, Cr Yildiz seconded -**

**That Council:**

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

8.33 pm *Cr Carli Hannan left the meeting and was absent for the vote.*

**Carried**

### ***Alter the order of business***

8.36 pm *Cr Bolton requested item 8.3 Support for Animal Rescue Groups be brought forward in the agenda to accommodate the gallery.*

*The Chairperson sought and received the agreement of Council to alter the order of business.*

## **8.3 SUPPORT FOR ANIMAL RESCUE GROUPS**

### **Motion**

That Council:

1. Considers providing support to animal rescue groups that must adopt animals from the Epping Animal Welfare Facility, as part of Merri-bek's budget process.
2. Considers providing a referral support service linking Merri-bek residents to community animal adoption services for the first 6-12 months of the Animal Welfare Services Agreement with City of Whittlesea.
3. Makes public its decision regarding the policy on direct adoptions to the public from the Epping Animal Welfare Shelter and reflect the decision in clear language on the council website.

### **Resolution**

**Cr Bolton moved, Cr Conlan seconded -**

**That Council:**

1. **Considers providing support to animal rescue groups that must adopt animals from the Epping Animal Welfare Facility, as part of Merri-bek's budget process.**

2. **Considers providing a referral support service linking Merri-bek residents to community animal adoption services for the first 6-12 months of the Animal Welfare Services Agreement with City of Whittlesea.**
3. **Makes public its decision regarding the policy on direct adoptions to the public from the Epping Animal Welfare Shelter and reflect the decision in clear language on the council website.**

.Carried unanimously

## **7.4 RIGHT OF WAY DISCONTINUANCE AND SALE ADJOINING 50 & 52 BREESE STREET BRUNSWICK**

### **Executive Summary**

Council received a request from the owner of 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick to acquire a 61m<sup>2</sup> section of right of way (road) between these three properties, to assist with a development of the property, shown in blue in Attachment 1.

This Right of Way is a short, dead-end road and forms part of the internal roads for the car park on the corner of Breese Street and William Street, servicing Brunswick Market.

On 9 March 2022 Council resolved to commence the procedure for the discontinuance and sale of the subject section of road and public notice of the proposal was given in the Herald Sun and on Council's website on Monday 21 March 2022 for the consultation period.

One submission was received in response to this public notice primarily relating to where the public notice should appear and if it was in accordance with statutory process and procedure. The submitter wished to be heard in support of their submission and the details of the issues raised by the submitter, are shown in the Hearing of Submissions Committee Summary of Proceedings in Attachment 2.

The process for considering this matter followed the requirements set out in section 223 of the *Local Government Act* 1989 and was carried out in accordance with Council's Community Engagement Policy.

Internal and external referrals were also undertaken, and the subject section of road is considered to be no longer reasonably required for public use.

This report recommends that the right of way (road) be formally discontinued and sold by private treaty to the owners of 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick in accordance with the *Local Government Act* 1989, the *Local Government Act* 2020 and Council's policies.

### **Officer Recommendation**

That Council:

1. Having considered the submission received pursuant to section 223 of the *Local Government Act* 1989, in respect of the proposed discontinuance and sale of the right of way (road) adjoining 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick, resolves to discontinue the road in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act* 1989.
2. Publishes a notice of this decision in the Victoria Government Gazette.
3. Sells the resultant land to owners of 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick by private treaty in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act* 1989, section 114 of the *Local Government Act* 2020 and Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011.



4. Authorises the Director Place and Environment to execute the Transfer of Land documents and any other documents required to formalise the sale of the land.
5. Notifies the submitter of Council's decision and the reasons for the decision, as follows:
  - The road, in Council's opinion, is not reasonably required for public use; and
  - The formal procedures under the *Local Government Act 1989*, the *Local Government Act 2020* and Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 for the discontinuance and sale of the road have been followed.

## **Resolution**

**Cr Tapinos moved, Cr Conlan seconded -**

**That Council:**

1. **Having considered the submission received pursuant to section 223 of the *Local Government Act 1989*, in respect of the proposed discontinuance and sale of the right of way (road) adjoining 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick, resolves to discontinue the road in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989*.**
2. **Publishes a notice of this decision in the Victoria Government Gazette.**
3. **Sells the resultant land to owners of 50 and 52 Breese Street, Brunswick and 665-661 Sydney Road, Brunswick by private treaty in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989*, section 114 of the *Local Government Act 2020* and Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011.**
4. **Authorises the Director Place and Environment to execute the Transfer of Land documents and any other documents required to formalise the sale of the land.**
5. **Notifies the submitter of Council's decision and the reasons for the decision, as follows:**
  - **The road, in Council's opinion, is not reasonably required for public use; and**
  - **The formal procedures under the *Local Government Act 1989*, the *Local Government Act 2020* and Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 for the discontinuance and sale of the road have been followed.**

**Carried unanimously**

8.43 pm Cr Carli Hannan returned to the meeting.

## **7.5 PERMANENT ROAD CLOSURES - OAK PARK LANEWAYS**

### **Executive Summary**

At the August 2022 Council meeting (Item 7.6), Council resolved to commence the process under Section 207, Schedule 11, Clause 9 of the *Local Government Act 1989* (the Act) to block the passage or access of vehicles, other than bicycles and pedestrians, by maintaining the existing permanent barriers (bollards) within five laneways shown in Attachment 1 and located between:

- a) John Pascoe Fawkner Reserve and Sylvester Street, Oak Park.
- b) Sylvester Street and John Street, Oak Park

- c) John Street and Gregory Street, Oak Park
- d) Gregory Street and Ethel Street, Oak Park
- e) Ethel Street and Margaret Street, Oak Park

These bollards were installed in 2010.

Council officers then advertised a call for submissions as required by Section 223 of the Act, in *The Age*, on Council's website and sent circular letters to owners and occupiers of all properties in the area bounded by and including Sylvester Street, Winifred Street, Margaret Street and Moonee Ponds Creek Linear Park, Oak Park. The 28-day consultation period took place in August and September 2022 and provided the public with the opportunity to inform Council of the impact of the permanent closures.

120 written submissions were received. Of those:

- a) 105 submitters directly supported the proposal,
- b) 10 submitters did not explicitly state their support or opposition to the proposal but shared ideas that aligned with the proposal
- c) Two submitters opposed the proposal for reasons provided
- d) Three submitters opposed the proposal but from their submission it is likely that they misunderstood Council's proposal to close the laneway for all road users rather than just to vehicle traffic. Clarification was sought from each submitter, but no responses were received at the time of preparing this report.

On 13 September 2022, submitters who requested to be heard were invited to attend a Hearing of Submissions Committee meeting with the appointed Councillors to elaborate on their written submissions. Four submitters spoke to the committee.

Victoria Police, Fire Rescue Victoria and Ambulance Victoria were notified of the formal road closures and were given opportunity to provide comments.

This report summarises the submissions received from the public which overwhelmingly supports the formal road closures of the five laneways in Oak Park.

The report from the Department of Transport offers no objection to the formal road closures.

## **Officer Recommendation**

That Council:

1. Following consideration of the report from the Department of Transport and the written and verbal submissions from the public submitted under Section 223 of the Local Government Act:

Resolves under Section 207, Schedule 11, Clause 9 of the Act to block the passage or access of vehicles, other than bicycles and pedestrians, by maintaining the existing permanent barriers (bollards) within the five laneways shown in Attachment 1 and located between

- a) John Pascoe Fawkner Reserve and Sylvester Street, Oak Park.
- b) Sylvester Street and John Street, Oak Park
- c) John Street and Gregory Street, Oak Park
- d) Gregory Street and Ethel Street, Oak Park
- e) Ethel Street and Margaret Street, Oak Park

Notifies all those who previously received a circular letter in relation to the proposal, including those who made written submissions and the Department of Transport, of Council's decision.

## Resolution

Cr Davidson moved, Cr Harte seconded -

That Council:

1. **Following consideration of the report from the Department of Transport and the written and verbal submissions from the public submitted under Section 223 of the *Local Government Act*:**

**Resolves under Section 207, Schedule 11, Clause 9 of the Act to block the passage or access of vehicles, other than bicycles and pedestrians, by maintaining the existing permanent barriers (bollards) within the five laneways shown in Attachment 1 and located between**

- a) **John Pascoe Fawkner Reserve and Sylvester Street, Oak Park.**
- b) **Sylvester Street and John Street, Oak Park**
- c) **John Street and Gregory Street, Oak Park**
- d) **Gregory Street and Ethel Street, Oak Park**
- e) **Ethel Street and Margaret Street, Oak Park**

**Notifies all those who previously received a circular letter in relation to the proposal, including those who made written submissions and the Department of Transport, of Council's decision.**

**Carried unanimously**

## 7.6 PROPOSED LAND RENT FEE FOR SCOUTS AND GIRL GUIDES LEASES

### Executive Summary

Council leases land to the Scouts Association of Australia - Victorian Branch (Scouts) and Girl Guides Association Victoria (Guides) for the purposes of providing scouting and guides activities to the Merri-bek community. The associations lease land only, and keep and maintain their own buildings on the leased land. There are currently seven Scout leases and two Guide leases in Merri-bek that are in overholding and that officers recommend are renewed.

The Property Leasing Policy provides the process for leasing a Council asset on Council's land. The current policy does not detail the process when Council is leasing land only.

The rent associated with the leases would also be set as part of the process of renewal. If Council were to renew the leases under the current Lease Policy, there would be a significant jump in rent for the Scouts and Guides due to the increase in land value in Merri-bek since they were last considered.

This report proposes to introduce a land lease rate, which can then be used to renew the Scout leases and Guide leases. Benchmarking has been undertaken against other councils and it is proposed to commence the land lease rate at \$300+ GST per annum.

This would represent an increase in rent on the current levels, but one that officers consider to be reasonable following a benchmarking exercise.

The following lease terms are proposed for Council's consideration:

Rent	\$300 plus GST per annum (total \$2,700)
Term	8 years
Rent review	2% increase per annum compounding

Permitted use Scouting /Girl Guides activities

Council advertised its intention to lease sites to both the Scouts and Guides as part of the advertising for the 2022 – 2026 budget process. Having satisfied its statutory requirements, Council is now in a position to make a decision regarding the renewal of the seven Scout leases and two Guide leases in Merri-bek.

## Officer Recommendation

That Council

1. Having followed the required statutory procedures pursuant to section 115 of the *Local Government Act 2020* notes that renewal of the Scout and Girl Guides leases was included as part of the advertising for the 2022 – 2023 budget process and that no submissions to the proposed lease renewals were received.
2. Notes that an amount of \$300.00 + GST is the proposed annual rental for each of the 9 leases (8 year term with 2% annual increase) which partly covers Council's expenses which are estimated at \$2000.00 per site per annum.
3. Authorises the Director Place and Environment to do all things necessary to formalise the leases of the seven Scouts Association of Australia - Victorian Branch sites and the two Girl Guides Association Victoria sites for a term of 8 years at:
  - a) 9th Brunswick Scout Hall, Allard Park 174B Donald Street Brunswick East
  - b) Fawkner Scout Hall, Evans Reserve 20 Victory Street Fawkner
  - c) 1st Moreland 1st Coburg Scout Hall, Merri Creek Linear Reserve 20B Carr Street Coburg North
  - d) 1st 2nd Glenroy, Hoa Lu, Scout Hall Mott Reserve, 3 Cromwell Street Glenroy
  - e) Hoadley Regional Training Centre, Cole Reserve Pascoe Vale 177B Cumberland Road Pascoe Vale
  - f) Moreland - Oak Park Scout Hall 687 Pascoe Vale Road Glenroy
  - g) 1st Oak Park Scout Hall, Kingsford Smith Ulm Reserve 81A Loongana Avenue Glenroy
  - h) Raeburn Reserve 8-42 Landells Road Pascoe Vale
  - i) Vanderloo Reserve 3 Strachan Street Oak Park

## Resolution

**Cr Yildiz moved, Cr Davidson seconded -**

**That Council**

1. **Having followed the required statutory procedures pursuant to section 115 of the Local Government Act 2020 notes that renewal of the Scout and Girl Guides leases was included as part of the advertising for the 2022 – 2023 budget process and that no submissions to the proposed lease renewals were received.**
2. **Notes that an amount of \$300.00 + GST is the proposed annual rental for each of the 9 leases (8 year term with 2% annual increase) which partly covers Council's expenses which are estimated at \$2000.00 per site per annum.**
3. **Authorises the Director Place and Environment to do all things necessary to formalise the leases of the seven Scouts Association of Australia - Victorian Branch sites and the two Girl Guides Association Victoria sites for a term of 8 years at:**
  - a) **9th Brunswick Scout Hall, Allard Park 174B Donald Street Brunswick**

## East

- b) **Fawkner Scout Hall, Evans Reserve 20 Victory Street Fawkner**
- c) **1st Moreland 1st Coburg Scout Hall, Merri Creek Linear Reserve 20B Carr Street Coburg North**
- d) **1st 2nd Glenroy, Hoa Lu, Scout Hall Mott Reserve, 3 Cromwell Street Glenroy**
- e) **Hoadley Regional Training Centre, Cole Reserve Pascoe Vale 177B Cumberland Road Pascoe Vale**
- f) **Moreland - Oak Park Scout Hall 687 Pascoe Vale Road Glenroy**
- g) **1st Oak Park Scout Hall, Kingsford Smith Ulm Reserve 81A Loongana Avenue Glenroy**
- h) **Raeburn Reserve 8-42 Landells Road Pascoe Vale**
- i) **Vanderloo Reserve 3 Strachan Street Oak Park**

Carried unanimously

## 7.7 DRAFT GROUNDS AND PAVILIONS ALLOCATIONS POLICY

### Executive Summary

Council has a strong commitment to providing its community with active sport and recreation opportunities, offering a wide range of sporting facilities and support to residents and visitors. Council's Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 provides a framework for the annual and seasonal allocation of sporting grounds and pavilions to clubs through a tenancy agreement.

Annual and seasonal (Winter) allocations open in January, close in February, and are reported to the March Council Meeting for endorsement annually. At the 9 March 2022 Council meeting Council endorsed the proposed allocations and requested that a review of the existing policy be undertaken for Council consideration in 2022.

In August 2022, the Victorian State Government released the 'Fair Access Policy Roadmap' which includes specific requirements for all Councils to adhere to in order to be eligible to receive grant funding. At the 14 September 2022 Council also resolved to review its policies regarding trans and gender diverse inclusion, anti-discrimination, and diversity and inclusion.

These recent decisions and other factors have been considered in a review of the Allocations and Use of Sporting Facilities, Grounds and Pavilions Policy (the Policy).

A Discussion Paper has been prepared that provides key points of consideration to ensure Council continues to meet obligations across various policy drivers and provides suggests to be incorporated into a new policy.

It is recommended that the Discussion Paper is released for stakeholder engagement in October, with outcomes to be reported at the December 2022 Council Meeting.

### Officer Recommendation

That Council:

1. Approves the release of the Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy review Discussion Paper (Attachment 2) for stakeholder engagement.
2. Requests a report for the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the

commencement of the 2023 Winter allocations process.

8.46 pm Cr Davidson left the meeting.

## Motion

Cr Tapinos moved, Cr Bolton seconded -

That Council:

1. Approves the release of the Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy review Discussion Paper (Attachment 2) for stakeholder engagement.
2. Requests a report for the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the commencement of the 2023 Winter allocations process.

## Amendment

Cr Pavlidis -

That Council:

1. Approves the release of the Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy review Discussion Paper (Attachment 2) for stakeholder engagement.
2. **Notes that all sports club administrators were advised on 20 September 2022 that the review and engagement would be forthcoming and further details would be provided.**
3. **Notes that engagement will include opportunities to provide feedback via an engagement survey, on Conversations Merri-bek, and at forums in person and on line.**
4. **Requests stakeholders including sports clubs, State Sporting Associations, Sport and Recreation Victoria, residents, Council committees and reference groups (e.g. Human Rights Advisory Committee, LGBTIQA+ and Disability Reference Groups) be advised of forthcoming engagement opportunities and how they can provide feedback on the policy review.**
5. **Resolves a report be presented to the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the commencement of the 2023 Winter allocations process.**

*Amendment was acceptable to the mover and the seconder and incorporated into the substantive motion.*

## Resolution

Cr Tapinos moved, Cr Bolton seconded -

That Council:

1. **Approves the release of the Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy review Discussion Paper (Attachment 2) for stakeholder engagement.**
2. **Notes that all sports club administrators were advised on 20 September 2022 that the review and engagement would be forthcoming and further details would be provided.**
3. **Notes that engagement will include opportunities to provide feedback via an engagement survey, on Conversations Merri-bek, and at forums in person and on line.**
4. **Requests stakeholders including sports clubs, State Sporting Associations,**

**Sport and Recreation Victoria, residents, Council committees and reference groups (e.g. Human Rights Advisory Committee, LGBTIQA+ and Disability Reference Groups) be advised of forthcoming engagement opportunities and how they can provide feedback on the policy review.**

- 5. Resolves a report be presented to the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the commencement of the 2023 Winter allocations process.**

**Carried unanimously**

## **7.8 INVESTMENT POLICY**

### **Executive Summary**

The purpose of this report is to seek Council endorsement of a revised Investment Policy, shown at Attachment 1. The current Investment Policy was approved by Council in February 2012 and was due for review in March 2015.

The revised policy provides guidance on the effective and responsible utilisation of Council's surplus cash funds within the government legislative framework, conforming to Federal and State regulations.

Particular emphasis is directed towards ethical investment decisions that limit unnecessary exposure to risk and optimise return on investment whilst ensuring sufficient liquidity for Council's ongoing operating commitments.

This policy applies when Council is considering and determining the 4-year budget and will be adhered to when reviewing Council's 10-year Financial Plan.

The revised policy was considered by the Audit and Risk Committee at its meeting on 6 September 2022, with no changes recommended by the committee.

### **Officer Recommendation**

That Council adopts the revised Investment Policy, at Attachment 1 to this report.

### **Resolution**

**Cr Bolton moved, Cr Harte seconded -**

**That Council adopts the revised Investment Policy, at Attachment 1 to this report.**

*8.50 pm Cr Davidson returned to the meeting before the vote.*

**Carried unanimously**

8.52 pm Cr Bolton left the meeting.

## **7.9 CONTRACT RFT-2022-329 - SOUTH STREET, HADFIELD ROAD RECONSTRUCTION WORKS BETWEEN EAST STREET AND SUSSEX STREET**

### **Executive Summary**

Road reconstruction works along South Street, Hadfield between East Street and Sussex Street are identified in the 2022-2023 Capital Works Program. The works are required to address the poor condition of the kerb and channel and road pavement and provide underground drainage along this section of South Street. Provision for bicycle facilities is not required as this section of South Street does not play a strategic cycling role in the network.

An advertisement was placed in *The Age* newspaper on Saturday, 13 August 2022 inviting tenders via the e-tender portal from suitably experienced contractors to undertake the road reconstruction works along South Street, Hadfield between East Street and Sussex Street.

Tenders closed on Tuesday 6 September 2022 and 6 tenders were received.

Funding was allocated to this project before the detailed design was complete. Detailed design since the setting of the budget has revealed that the budget of \$911,400 may be inadequate, and this has proven to be the case through the public tenders received.

MJ Construction Group Pty Ltd achieved the highest score through the evaluation process. MJ Construction Group Pty Ltd has previously undertaken road reconstruction works for Council and successfully delivered the works to a very good standard.

The project will be utilising recycled crushed concrete as bedding material under all new concrete paving and as backfill to the new drainage pipes along the street. The use of recycled crushed concrete will reduce the need for raw materials by approximately 210 cubic metres.

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

### **Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:
  - a) Make a formal offer to MJ Construction Group Pty Ltd and ACN 092 432 730 (Contractor) to award to the Contractor Contract RFT-2022-329 for road reconstruction works along South Street, Hadfield between East Street and Sussex Street (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
    - i. For the sum of \$748,152.00 (excluding GST) plus provisional sum of \$136,900.00 (excluding GST), totalling \$885,052.00 (excluding GST).
    - ii. Allocate a contingency amount of \$132,758.00 (15 per cent) to the project bringing the total expenditure for Contract RFT-2022-329 for road reconstruction works along South Street, Hadfield between East Street and Sussex Street to \$1,017,810.00 (excluding GST).
  - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
    - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
    - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;



2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
  - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for Contract RFT-2022-329, including authorising any cost overruns within the project budget, provided that the overall Road Budget within the Capital Works Program allocation is not exceeded;
  - b) Advises all tenderers of Council's decision in relation to the Contract.
3. Notes that savings in the roads budget have been declared within financial year 2022-2023 as follows;
  - a)
 

Project	GL number	Savings declared
Claremont Street, Coburg North	52390201	\$ 50,500.00
Peterson Avenue, Coburg North	52390343	\$ 55,910.00
TOTAL		\$ 106,410.00
  - b) Authorises the reallocation of this funding to the road reconstruction works along South Street, Hadfield between East Street and Sussex Street, providing the additional funding required as noted in Section 6 of this report, and notes that this movement of funds will be reflected in the 2022-2023 Q2 budget review.

## Resolution

**Cr Conlan moved, Cr Yildiz seconded -**

**That Council:**

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to MJ Construction Group Pty Ltd and ACN 092 432 730 (Contractor) to award to the Contractor Contract RFT-2022-329 for road reconstruction works along South Street, Hadfield between East Street and Sussex Street (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. **For the sum of \$748,152.00 (excluding GST) plus provisional sum of \$136,900.00 (excluding GST), totalling \$885,052.00 (excluding GST).**
    - ii. **Allocate a contingency amount of \$132,758.00 (15 per cent) to the project bringing the total expenditure for Contract RFT-2022-329 for road reconstruction works along South Street, Hadfield between East Street and Sussex Street to \$1,017,810.00 (excluding GST).**
  - b) **Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:**
    - i. **the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and**
    - ii. **other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;**
2. **Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:**
  - a) **Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for Contract RFT-2022-329, including authorising any cost overruns within the project**

budget, provided that the overall Road Budget within the Capital Works Program allocation is not exceeded;

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

3. Notes that savings in the roads budget have been declared within financial year 2022 2023 as follows;

a)

Project	GL number	Savings declared
Claremont Street, Coburg North	52390201	\$ 50,500.00
Peterson Avenue, Coburg North	52390343	\$ 55,910.00
TOTAL		\$ 106,410.00

b) Authorises the reallocation of this funding to the road reconstruction works along South Street, Hadfield between East Street and Sussex Street, providing the additional funding required as noted in Section 6 of this report, and notes that this movement of funds will be reflected in the 2022-2023 Q2 budget review.

Carried

8.52 pm Cr Tapinos left the meeting.

## 7.10 CONTRACT RFT-P-2021-210 FOR PROVISION OF SERVICES FOR OPEN SPACE AND BUSHLAND SERVICES

### Executive Summary

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

Council has in-house open space maintenance and design and development teams that deliver a wide range of services relating to maintenance, landscape design, construction and bushland services. Council purchases products to facilitate this work and contractors and consultants are required at times to supplement Council resources for successful delivery of these services.

To facilitate procurement of these products and services and in the light of the expiry of the previous Contract 527T, Merri-bek City Council is establishing a new panel of contractors with competitively sourced schedules of rates to provide service and materials in the following categories:

- a) Landscape consultants
- b) Landscape materials including horticultural and arboricultural supplies
- c) Earthworks
- d) Supply of advanced trees and other vegetation
- e) Supply of park furniture and fencing
- f) Landscape construction contractors for planting, furniture installation and general landscape works including electrical supply
- g) Open space maintenance
- h) Bushland services.

Council sought tenders from suitably qualified contractors for each of these categories and assessed the tenders in accordance with Council's Procurement Policy. The tender complies with section 109(1) of the *Local Government Act 2020*.

## Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
  - a) Make a formal offer to the panel of contractors listed below according to the various categories for Contract RFT-P-2021-210 – Open Space and Bushland Services, on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
    - i. for the submitted Schedule of Rates of Tenders,
    - ii. for a period of three (3) years from 1 November 2022 to 31 October 2025, with an option for a further two (2) by two (2) year extensions, until end term of 31 October 2029.
  - 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;

### Landscape Consultant:

- JF Studio Pty Ltd ABN 38 633 408 170
- Hutchison Parks Services ABN 78 122 582 416
- McGregor Coxall Australia Pty Ltd ABN 55 639 279 655
- Michael Smith and Associates ABN 65 742 475 072

### Landscape Materials including horticultural and arboricultural supplies

- Australian Ecosystems ABN 36 080 253 096
- Ecodynamics Services ABN 14 772 744 278
- Repurpose It ABN 85 617 095 413
- The Mint Garden Centre P/L (Mickleham Soils) ABN 75 125501 475

### Earthworks

- Australian Ecosystems ABN 36 080 253 096
- EarthPro Bobcat and Truck Hire ABN 19 879 935 996
- Naturelinks ABN 22 097 146 426
- Sevron ABN 41 165 444 011

### Supply of advanced trees and other vegetation

- Australian Ecosystems ABN 36 080 253 096
- Plantmark ABN 59 006 483 254
- Specialty Trees ABN 79 135 772 315
- UDL Group ABN 30 610 979 309

### Supply of park furniture and fencing

- Sevron ABN 41 165 444 011
- Supreme Wire Fence and Gate ABN 41 568 532 751
- Urban Design Group ABN 13 709 164 085

### Landscape construction contractors for planting, furniture installation and general landscape works including electrical supply

- Australian Ecosystems ABN 36 080 253 096
- Cityworks Construction and Maintenance ABN 25 309 611 060
- Sevron ABN 41 165 444 011

- UDL Group ABN 30 610 979 309

#### **Open Space Maintenance**

- Acacia Environmental Management Pty Ltd ABN 881 081 91 466
- Asphlundh Tree Expert Australia Pty Ltd ABN 83 055 140 424
- Australian Ecosystems ABN 36 080 253 096
- Felix Botanica ABN 84 171 259 468
- TREC Land Services ABN 13 623 160 305
- UDL Group ABN 30 610 979 309
- Webster Contracting Pty Ltd ABN 75 119 383 130

#### **Bushland services (rates for schedules B2-B4 only)**

- Acacia Environmental Management Pty Ltd ABN 881 081 91 466
- Felix Botanica ABN 841 712 59 468
- Haas and Gray Indigenous Horticulture Pty Ltd ABN 33 681 411 296
- Habitat Land Management ABN 46 605 063 492
- Indigenous Design Environmental Management ABN 64 081 044 144
- Merri Creek Management Committee ABN 13 025 599 242
- Naturelinks ABN 22 097 146 426
- TREC Land Services ABN 13 623 160 305

2. Conditional on acceptance of the Contracts by the Contractors in accordance with the terms of this Resolution:
  - a) Authorises the Chief Executive Officer to do all things necessary to execute the contracts, and any required documentation for the Contracts, and
  - b) Authorises the Chief Executive Officer to execute future option for the two (2) by two (2) years contract extensions beyond the initial term, as set out in part 1 of this resolution, and
  - c) Advises all tenderers of Council's decision in relation to the Contract.

## **Resolution**

**Cr Yildiz moved, Cr Pavlidis seconded -**

**That Council:**

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to the panel of contractors listed below according to the various categories for Contract RFT-P-2021-210 – Open Space and Bushland Services, on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. **for the submitted Schedule of Rates of Tenders,**
    - ii. **for a period of three (3) years from 1 November 2022 to 31 October 2025, with an option for a further two (2) by two (2) year extensions, until end term of 31 October 2029.**
  - 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;**

**Landscape Consultant:**

• JF Studio Pty Ltd	ABN 38 633 408 170
• Hutchison Parks Services	ABN 78 122 582 416
• McGregor Coxall Australia Pty Ltd	ABN 55 639 279 655
• Michael Smith and Associates	ABN 65 742 475 072
<b>Landscape Materials including horticultural and arboricultural supplies</b>	
• Australian Ecosystems	ABN 36 080 253 096
• Ecodynamics Services	ABN 14 772 744 278
• Repurpose It	ABN 85 617 095 413
• The Mint Garden Centre P/L (Mickleham Soils)	ABN 75 125501 475
<b>Earthworks</b>	
• Australian Ecosystems	ABN 36 080 253 096
• EarthPro Bobcat and Truck Hire	ABN 19 879 935 996
• Naturelinks	ABN 22 097 146 426
• Sevron	ABN 41 165 444 011
<b>Supply of advanced trees and other vegetation</b>	
• Australian Ecosystems	ABN 36 080 253 096
• Plantmark	ABN 59 006 483 254
• Specialty Trees	ABN 79 135 772 315
• UDL Group	ABN 30 610 979 309
<b>Supply of park furniture and fencing</b>	
• Sevron	ABN 41 165 444 011
• Supreme Wire Fence and Gate	ABN 41 568 532 751
• Urban Design Group	ABN 13 709 164 085
<b>Landscape construction contractors for planting, furniture installation and general landscape works including electrical supply</b>	
• Australian Ecosystems	ABN 36 080 253 096
• Cityworks Construction and Maintenance	ABN 25 309 611 060
• Sevron	ABN 41 165 444 011
• UDL Group	ABN 30 610 979 309
<b>Open Space Maintenance</b>	
• Acacia Environmental Management Pty Ltd	ABN 881 081 91 466
• Asphlundh Tree Expert Australia Pty Ltd	ABN 83 055 140 424
• Australian Ecosystems	ABN 36 080 253 096
• Felix Botanica	ABN 84 171 259 468
• TREC Land Services	ABN 13 623 160 305
• UDL Group	ABN 30 610 979 309
• Webster Contracting Pty Ltd	ABN 75 119 383 130
<b>Bushland services (rates for schedules B2-B4 only)</b>	
• Acacia Environmental Management Pty Ltd	ABN 881 081 91 466

- **Felix Botanica ABN 841 712 59 468**
- **Haas and Gray Indigenous Horticulture Pty Ltd ABN 33 681 411 296**
- **Habitat Land Management ABN 46 605 063 492**
- **Indigenous Design Environmental Management ABN 64 081 044 144**
- **Merri Creek Management Committee ABN 13 025 599 242**
- **Naturelinks ABN 22 097 146 426**
- **TREC Land Services ABN 13 623 160 305**

**2. Conditional on acceptance of the Contracts by the Contractors in accordance with the terms of this Resolution:**

- a) Authorises the Chief Executive Officer to do all things necessary to execute the contracts, and any required documentation for the Contracts, and**
- b) Authorises the Chief Executive Officer to execute future option for the two (2) by two (2) years contract extensions beyond the initial term, as set out in part 1 of this resolution, and**
- c) Advises all tenderers of Council's decision in relation to the Contract**

**.Carried**

*8.54 pm Cr Bolton returned to the meeting.*

## **7.11 2021-22 MORELAND CITY COUNCIL ANNUAL REPORT**

### **Executive Summary**

The Merri-bek City Council Annual Report 2021-22 (as Moreland City Council) contains Council's audited Financial and Performance Statements and provides information on Council operations and services delivered to and for the community for the 2021-22 financial year.

The report, at Attachment 1, contains the key highlights and achievements of Council for the year. The report also discusses how Council has managed its response to the COVID-19 pandemic.

A summary micro-website is currently in production to share Council's achievements over the past year with the community in an engaging and accessible way. This micro-website will be published later this year and will be promoted widely via Council's communications channels.

### **Officer Recommendation**

That Council:

1. Formally receives the Merri-bek City Council Annual Report 2021-22 (as Moreland City Council), provided here as Attachment 1.
2. Allows for officers to make minor changes if needed to the report.

## Resolution

Cr Riley moved, Cr Yildiz seconded -

That Council:

1. Formally receives the Merri-bek City Council Annual Report 2021-22 (as Moreland City Council), provided here as Attachment 1.
2. Allows for officers to make minor changes if needed to the report.

8.55 pm Cr Tapinos returned to the meeting prior to the vote.

Carried

## 7.12 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2022

### Executive Summary

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

The August Income Statement shows the Council surplus is \$0.7 million better than the year-to-date budget as a result of higher overall revenue and lower overall expenditure. These differences are considered largely timely in nature.

Council has spent \$5.1 million on capital expenditure which is line with the year-to-date forecast.

### Officer Recommendation

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

## Resolution

Cr Conlan moved, Cr Bolton seconded -

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

Carried unanimously

## 7.13 GOVERNANCE REPORT - OCTOBER 2022 - CYCLICAL REPORT

### Executive Summary

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

This Governance report includes:

- The summary of minutes from the Audit and Risk Committee held 6 September 2022.
- Records of Meetings, with a recommendation that Council notes the records.

- Responses to a Public Question Time item taken on notice at the 11 May, 8 June, 10 August and 14 September 2022 Council meetings, with a recommendation that Council notes the responses.
- An endorsement of the Moreland City Council Audit and Risk Committee Performance Report 2021/22 and the Audit and Risk Committee Recommendations and Findings Report 2021/22 in accordance with the Audit and Risk Committee Charter.
- A recommendation that Council sub-delegates powers under the *Environment Protection Act 2017* to Council officers referred to in the Instrument of Sub-Delegation under the Act.

## Officer Recommendation

That Council:

1. Notes the summary of minutes from the Audit and Risk Committee to Council, at Attachment 1 to this report.
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 May, June, August and September Council meetings, at Attachment 3 to this report.
4. Endorses the Moreland City Council Audit and Risk Committee Performance Report 2021/22, at Attachment 4 to this report.
5. Notes the Moreland City Council Audit and Risk Committee Recommendations and Findings Report 2021/22, at Attachment 5 to this report.
6. In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Sub-Delegation to members of Council staff* (Attachment 6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - a) The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
  - b) Authorises the affixing of Council's common seal.
  - c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

## Resolution

**Cr Bolton moved, Cr Tapinos seconded -**

**That Council:**

1. **Notes the summary of minutes from the Audit and Risk Committee to Council, at Attachment 1 to this report and corrects the typographical error at point 4 of the findings related to the Committee Workplan Report referred to in the Audit and Risk Committee minutes, to read 'July 2021 to June 2022'.**
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 May, June, August and September Council meetings, at Attachment 3 to this report.**



4. **Endorses the Moreland City Council Audit and Risk Committee Performance Report 2021/22, at Attachment 4 to this report.**
5. **Notes the Moreland City Council Audit and Risk Committee Recommendations and Findings Report 2021/22, at Attachment 5 to this report.**
6. **In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-Delegation to members of Council staff (Attachment 6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
  - a) **The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.**
  - b) **Authorises the affixing of Council's common seal.**
  - c) **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**Carried unanimously**

## **NOTICES OF MOTION**

### **8.1 WHAT'S IN A NAME? MORELAND TO MERRI-BEK**

#### **Motion**

That Council:

1. Writes to the Wurundjeri Council and the Minister for Local Government Melissa Horne thanking them for their contribution to the historic name change of the city.
2. Prepares a report documenting the name change process and preserving information, minutes, documents, objects, photos and recordings of the process for historical prosperity.
3. In July 2023 and July 2024 present a report to council detailing the implementation actions of the name change and associated costs in the previous financial years.
4. Acknowledges that council has no intention of changing the name of Moreland Road or other non-Council controlled spaces and places called Moreland within the City of Merri-bek and council acknowledges that many community organisations and businesses use the name Moreland and council will not be advocating a change of name for these organisations and business, although some of them may choose to change the name to align with the municipal name.
5. Prepares a report to be presented to council about how council can assist rebranding of community organisations and businesses, if they choose to change their name with special support grants and other measures.

## Resolution

Cr Tapinos moved, Cr Harte seconded -

That Council:

1. **Writes to the Wurundjeri Council and the Minister for Local Government Melissa Horne thanking them for their contribution to the historic name change of the city.**
2. **Prepares a report documenting the name change process and preserving information, minutes, documents, objects, photos and recordings of the process for historical prosperity.**
3. **In July 2023 and July 2024 present a report to council detailing the implementation actions of the name change and associated costs in the previous financial years.**
4. **Acknowledges that council has no intention of changing the name of Moreland Road or other non-Council controlled spaces and places called Moreland within the City of Merri-bek and council acknowledges that many community organisations and businesses use the name Moreland and council will not be advocating a change of name for these organisations and business, although some of them may choose to change the name to align with the municipal name.**
5. **Prepares a report to be presented to council about how council can assist rebranding of community organisations and businesses, if they choose to change their name with special support grants and other measures.**

Carried

9.04 pm Cr Carli Hannan left the meeting.

## 8.2 ELEVATED RAIL AND THE UPFIELD CORRIDOR VISION – BRUNSWICK

### Motion

That Council:

1. Welcomes the announcement of the elevation of the Upfield line in Brunswick removing 8 level crossings from Albion Street in Brunswick to Park Street in Parkville and write to the Premier Dan Andrews, the Minister for Transport Infrastructure, Jacinta Allan thanking them for the investment in Brunswick and offering to collaborate and work together with the LXP to realise the best possible community outcome from the removal of the crossings.
2. Receives a report about developing a Strategic Plan for the Upfield Corridor in consultation with the local community which includes the following:
  - a) An Upfield Corridor Community Vision for the land beneath the elevated rail including opportunities for more open space, cycling paths, tree plantings, urban sports infrastructure, public art, increased amenity, and more pedestrianised spaces. Identification of council and state-owned land within the corridor; and, in particular adjacent to the railway which could be incorporated into the community vision.
  - b) A Strategy to protect and interpret the railway's cultural and historical objects, materials and buildings of the Upfield line with a focus also on social history, identifying the people who worked on the railway line and finding interpretive methods to tell their story.

- c) A Strategy to identify the future population needs, including but not limited to community facilities and public whelm improvements with more activation, safety-measures, open-space and parklets; where possible, more pedestrianisation and beautification of walkways, laneways, and small streets; including an assessment and costing of streetscape improvements and further pedestrianisation and beautification works on (i) Breese Street and Anstey Precinct (ii) Saxon Street and (iii) Wilson Avenue, when construction works are completed.
- d) A Strategy to increase street plantings and green open space in the corridor recognising the increased future population growth and high-density development requiring mitigating against the heat island affect – refers the importance of future planning in the corridor to the ‘Open Space Review’ and the review of ‘A Park Close to Home’

## **Motion**

Cr Tapinos moved, Cr Pavlidis seconded –

That Council:

1. Welcomes the announcement of the elevation of the Upfield line in Brunswick removing 8 level crossings from Albion Street in Brunswick to Park Street in Parkville and write to the Premier Dan Andrews, the Minister for Transport Infrastructure, Jacinta Allan thanking them for the investment in Brunswick and offering to collaborate and work together with the LXP to realise the best possible community outcome from the removal of the crossings.
2. Receives a report about developing a Strategic Plan for the Upfield Corridor in consultation with the local community which includes the following:
  - a) An Upfield Corridor Community Vision for the land beneath the elevated rail including opportunities for more open space, cycling paths, tree plantings, urban sports infrastructure, public art, increased amenity, and more pedestrianised spaces. Identification of council and state-owned land within the corridor; and, in particular adjacent to the railway which could be incorporated into the community vision.
  - b) A Strategy to protect and interpret the railway’s cultural and historical objects, materials and buildings of the Upfield line with a focus also on social history, identifying the people who worked on the railway line and finding interpretive methods to tell their story.
  - c) A Strategy to identify the future population needs, including but not limited to community facilities and public whelm improvements with more activation, safety-measures, open-space and parklets; where possible, more pedestrianisation and beautification of walkways, laneways, and small streets; including an assessment and costing of streetscape improvements and further pedestrianisation and beautification works on (i) Breese Street and Anstey Precinct (ii) Saxon Street and (iii) Wilson Avenue, when construction works are completed.
  - d) A Strategy to increase street plantings and green open space in the corridor recognising the increased future population growth and high-density development requiring mitigating against the heat island affect – refers the importance of future planning in the corridor to the ‘Open Space Review’ and the review of ‘A Park Close to Home’

## **Amendment**

Cr Riley –

That Council include point:

- e) Recommendation for the most effective forms of community engagement to:
  - i) help build Council's advocacy position in the early stages of the project
  - ii) identify a list of key stakeholders for early engagement
  - iii) consider the establishment of a Reference Group

*Amendment was acceptable to the mover and the seconder and incorporated into the substantive motion.*

### **Amendment**

Cr Conlan –

That Council include point:

- 3) Acknowledges that, while the elevation of the railway line Albion Street, Brunswick, to Park Street, Parkville, is welcome, urges the Victorian Government to take the opportunity to duplicate the Upfield Line beyond Gowrie Station, to enable the much needed increased services along the length of the line.

*Amendment was acceptable to the mover and the seconder and incorporated into the substantive motion.*

9.11 pm Cr Carli Hannan returned to the meeting during the debate.

### **Resolution**

**Cr Tapinos moved, Cr Pavlidis seconded -**

**That Council:**

1. **Welcomes the announcement of the elevation of the Upfield line in Brunswick removing 8 level crossings from Albion Street in Brunswick to Park Street in Parkville and write to the Premier Dan Andrews, the Minister for Transport Infrastructure, Jacinta Allan thanking them for the investment in Brunswick and offering to collaborate and work together with the LXRP to realise the best possible community outcome from the removal of the crossings.**
2. **Receives a report about developing a Strategic Plan for the Upfield Corridor in consultation with the local community which includes the following:**
  - a) **An Upfield Corridor Community Vision for the land beneath the elevated rail including opportunities for more open space, cycling paths, tree plantings, urban sports infrastructure, public art, increased amenity, and more pedestrianised spaces. Identification of council and state-owned land within the corridor; and, in particular adjacent to the railway which could be incorporated into the community vision.**
  - b) **A Strategy to protect and interpret the railway's cultural and historical objects, materials and buildings of the Upfield line with a focus also on social history, identifying the people who worked on the railway line and finding interpretive methods to tell their story.**
  - c) **A Strategy to identify the future population needs, including but not limited to community facilities and public realm improvements with more activation, safety-measures, open-space and parklets; where possible, more pedestrianisation and beautification of walkways, laneways, and small streets; including an assessment and costing of streetscape improvements and further pedestrianisation and beautification works on (i) Breese Street and Anstey Precinct (ii) Saxon Street and (iii) Wilson Avenue, when construction works are completed.**
  - d) **A Strategy to increase street plantings and green open space in the corridor recognising the increased future population growth and high-density development requiring mitigating against the heat island affect –**

refers the importance of future planning in the corridor to the 'Open Space Review' and the review of 'A Park Close to Home'

- e) Recommendation for the most effective forms of community engagement to:
- i) help build Council's advocacy position in the early stages of the project
  - ii) identify a list of key stakeholders for early engagement
  - iii) consider the establishment of a Reference Group
- 3) Acknowledges that, while the elevation of the railway line Albion Street, Brunswick, to Park Street, Parkville, is welcome, urges the Victorian Government to take the opportunity to duplicate the Upfield Line beyond Gowrie Station, to enable the much needed increased services along the length of the line.

Carried unanimously

## 8.4 REVITALISATION OF SYDNEY ROAD

### Motion

That Council calls for a report which outlines options for the preparation of a guidance document and action plan for improving the amenity and appearance along the Sydney Road corridor from Brunswick to Coburg, with consideration given to how matters like the lack of greenery, proliferation of signage and infrastructure, graffiti, shopfront improvements and public art could contribute to an improved and consistent appearance of the corridor.

### Motion

Cr Pavlidis moved, Cr Tapinos seconded -

That Council calls for a report which outlines options for the preparation of a guidance document and action plan for improving the amenity and appearance along the Sydney Road corridor from Brunswick to Coburg, with consideration given to how matters like the lack of greenery, proliferation of signage and infrastructure, graffiti, shopfront improvements and public art could contribute to an improved and consistent appearance of the corridor.

### Amendment

Cr Conlan moved, Cr Bolton seconded -

That Council adds point:

2. Notes that the installation of accessible tram stops and protected bike lanes formed the basis of the earlier community campaign, Revitalise Sydney Road, to improve the amenity, accessibility, and attractiveness of Sydney Road for all users.

9.26 pm Cr Carli Hannan left the meeting.

Carried on the casting vote of the Mayor

Cr Pavlidis called for a division.

#### For

Cr Harte  
Cr Bolton  
Cr Conlan  
Cr Riley

#### Against

Cr Tapinos  
Cr Pavlidis  
Cr Yildiz  
Cr Davidson

#### Absent

Cr Carli Hannan

**Total For (4)**

**Total Against (4)**

**Total Absent(1)**

## **Amendment**

Cr Bolton -

Add the word 'seating' to point 1 of the Motion as follows:

That Council calls for a report which:

1. Outlines options for the preparation of a guidance document and action plan for improving the amenity and appearance along the Sydney Road corridor from Brunswick to Coburg, with consideration given to how matters like the lack of greenery, proliferation of signage and infrastructure, graffiti, shopfront improvements, **seating** and public art could contribute to an improved and consistent appearance of the corridor.

*Amendment was acceptable to the mover and the seconder and incorporated into the substantive motion.*

## **Resolution**

**Cr Pavlidis moved, Cr Tapinos seconded –**

**That Council calls for a report that:**

1. **Outlines options for the preparation of a guidance document and action plan for improving the amenity and appearance along the Sydney Road corridor from Brunswick to Coburg, with consideration given to how matters like the lack of greenery, proliferation of signage and infrastructure, graffiti, shopfront improvements, seating and public art could contribute to an improved and consistent appearance of the corridor.**
2. **Notes that the installation of accessible tram stops and protected bike lanes formed the basis of the earlier community campaign, Revitalise Sydney Road, to improve the amenity, accessibility, and attractiveness of Sydney Road for all users.**

*9.34 pm Cr Carli Hannan returned to the meeting.*

**Carried unanimously**

## **NOTICE OF RESCISSION**

Nil.

## **FORESHADOWED ITEMS**

Nil.

## **URGENT BUSINESS REPORTS**

Nil.

## CONFIDENTIAL BUSINESS

### Resolution

Cr Harte moved, Cr Tapinos seconded –

In accordance with section 66(2) of the *Local Government Act 2020*, this Council meeting be closed to the public to consider these reports:

- **12.1 Epping Animal Welfare Facility Contract Terms** 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.
- **12.2 Notice of Motion - Confidential Infrastructure Matter** because it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Carried

The Council meeting closed to the public at 9.37 pm.

## Publication of Confidential Resolution Summary

### 12.1 EPPING ANIMAL WELFARE FACILITY CONTRACT TERMS

Council resolved to make a summary of its decision public:

- At both the 14 September 2022 and 12 October 2022 Council meetings, the proposed Epping Animal Welfare Facility Operations Contract with the City of Whittlesea was discussed in confidential business. The same contract applies between Darebin City Council and City of Whittlesea and so negotiations on the terms of the contracts needed to be settled between all Partner Councils. In the interests of transparency, Council has resolved that a consolidated summary of the decisions made at these two meetings be provided in the open minutes of this meeting.
- Council has authorised the CEO or delegate to do all things necessary to enter into an Animal Welfare Services Agreement with City of Whittlesea, with expenditure of up to \$3.5 million, for the provision of animal welfare services, effective 16 October 2022 for 5 years with a possible 5-year extension (noting that further approval would be sought before exercising this extension).
- It is noted that Merri-bek Council's preference is for an adoption model which is based on Whittlesea organising adoption and rehoming direct to members of the public with rescue groups being used as a safety net (for excess adoptions).
- In response to concerns about the proposed adoption model for the Facility under the Whittlesea contract to have adoptions primarily occur through some 28 (as at 12 October) Section 84Y Agreements with animal shelters and foster carers of varying sizes, Council resolved on 14 September 2022 that Merri-bek officers should negotiate with the City of Whittlesea on the adoption model. The resulting contract has made provision for the three Councils (Merri-bek, Darebin and Whittlesea) to undertake, at shared cost, an independent adoption service review to start three months from the Commencement Date. Based on the experience of animal shelters and foster carers from the first three months, this will determine the cost and viability of Whittlesea providing an in-house adoption service at the Facility, with third party organisations used only for excess adoptions.
- Merri-bek officers will seek to ensure the adoption service review includes both smaller and larger organisations and includes a public meeting for rescue groups.
- Merri-bek will also request a joint council briefing of Merri-bek, Darebin and Whittlesea Councils on the findings of the review.

- After consideration of this review, if all Councils agree to implement an in-house adoption model, Whittlesea will endeavour to implement that model within 6 months from the date of implementation, utilising third party organisations for excess adoptions only. Should this in-house adoption model be implemented the contracted cost schedule will be amended to reflect the increased costs and charges to the Client Council.
- Council also resolved that officers write to the City of Whittlesea requesting advice about its stakeholder engagement approach relevant to the operations of the Epping Animal Welfare Facility.
- Council additionally authorised the CEO or delegate to do all things necessary to execute a Deed of Variation to the Epping Animal Welfare Facility Agreement entered into in December 2015, which recognises the interests of Merri-bek City Council as an original partner in establishing the Epping Animal Welfare Facility.

## **OPENING THE MEETING TO THE PUBLIC**

### **Resolution**

**Cr Conlan moved, Harte seconded –**

**The Council meeting be open to the public.**

**Carried**

The meeting opened to the public at 10.27 pm.

The meeting closed at 10.27 pm.