



Merri-bek City Council

Minutes of the Council Meeting

Held at the Council Chamber, Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 7 December 2022

The Mayor opened the meeting at 7.07 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 Angelica Panopoulos, Mayor	7.07 pm	10.48 pm
Cr Helen Davidson, Deputy Mayor	7.07 pm	10.48 pm
Cr Adam Pulford	Apology	
Cr Annalivia Carli Hannan	7.33 pm	9.51 pm
Cr Helen Pavlidis	7.07 pm	10.48 pm
Cr James Conlan	7.07 pm	10.48 pm
Cr Lambros Tapinos	7.07 pm	10.48 pm
Cr Mark Riley	7.07 pm	10.48 pm
Cr Monica Harte	7.07 pm	10.48 pm
Cr Oscar Yildiz JP	7.07 pm	10.48 pm
Cr Sue Bolton	7.07 pm	10.48 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 to the meeting.

Leave of absence

Cr Pavlidis requested a leave of absence for the period 19 December 2022 to 29 January 2023 inclusive.

Motion

Cr Davidson moved, Cr Tapinos seconded –

That Council approve a leave of absence for Cr Pavlidis for the period 19 December 2022 to 29 January 2023 inclusive.

Carried

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Harte disclosed a conflict of interest in item 7.10, Naming the Park at Cardinal Road - Voting poll results, due to her employment.

MINUTE CONFIRMATION

Resolution

Cr Davidson moved, Cr Riley seconded -

The minutes of the Council Meeting held on 9 November 2022 and the Council Meeting held on 29 November 2022 be confirmed.

Carried

ACKNOWLEDGEMENTS AND OTHER MATTERS

Nil

PETITIONS

Nil

PUBLIC QUESTION TIME

Public Question Time commenced at 7.15 pm.

NIC MACLELLAN - QUESTION - ELEVATED RAIL THROUGH BRUNSWICK - COUNCIL'S RESPONSE TO STATE GOVERNMENT PROJECT

On Monday, more than 50 Merri-bek residents joined a Zoom meeting hosted by the Brunswick Residents Network, to discuss concerns about the proposed level-crossing removal project in Brunswick. Given there are no disabled tram stops on Sydney Road, how will Council assist disabled, vulnerable and elderly citizens who can't use the Upfield train during construction of the elevated rail line?

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

Council is considering a report later tonight to determine its process for establishing and developing a community vision which incorporates a comprehensive amount of consultation. That consultation will be far reaching both in terms of developing the community vision but also provide an opportunity for Council to engage with the community about specific items of concern which you have raised tonight.

The Council report discusses the different methodology that Council will adopt in doing that and making sure that we give every opportunity for every member of the community to provide their feedback, for Council to consider those issues and how it responds.

UNCLE GARY MURRAY - STATEMENT - CITIZENSHIP CEREMONIES

Firstly, I pay my respects to the Wurundjeri-Woiwurrung First Nations and all of their Esteemed Clans including:

- The “Wurundjeri-Balluk”,
- The “Gunung-Willam-Balluk”,
- The “Kurung-jang-Balluk”,
- The “Ngaruk-Willam-Balluk”,
- The “Balluk-Willam”,
- The “Marin-Balluk”,
- The “Wurundjeri-Willam”

I am an Off Country First Nations person from Dhudhuroa, Yorta Yorta, Barapa Barapa Wamba Wamba, Dja Dja Wurrung, Wergaia and Wiradjeri. The Murrays (Parents and seven siblings) moved to Glenroy in 1956 after the NSW Balranald floods. We still have the then Housing Commission 28 Heather Court Glenroy property opposite the Ballerit Mooroop project. I and my siblings all attended the then Glenroy Primary and High Schools. I am a member and Co-Chair of the Merri-bek First Nations Advisory Group and an executive member of the Victorian Traditional Owner Land Justice Group among other First Peoples Entities. I am a Human rights and land rights activist, matters that occupied both my father John Stewart Murray JP; OAM (1922-1989) and AIF Soldier 2/12 Battalion [1941-1946] and our Grandfather the Elite Sportsman and Religious Leader Pastor Sir Douglas Nichols JP; MBE; OBE; KCVO, Bapa Mamus and former Governor of South Australia.

Let me say that Merri-bek continues to be a courageous Council in the modern era with respect to raising the quality of life of all Peoples in Merri-bek. It has changed the way it does business on the Australia Day date and, more recently, the name of Council to Merri-bek. Council also continues to support the Ballerit Mooroop matters and it would be further testimony to Council and Wurundjeri-Woiwurrung to successfully divest the land title and design and construct the proposed Multipurpose Cultural Education Sports Academy Astronomy First Peoples Hub.

However, holding Citizenship Ceremonies on the 26th of January is akin to celebrating the dates of various past and current global invasions around the World particularly invasions of First Nations from colonisation and, more recently the invasion of Ukraine. These invasions have left a terrible mark on the spiritual and physical well-being of all Peoples no matter their race, creed or religion.

It is disrespectful to the Woiwurrung-Wurundjeri First Peoples and Off Country First Nations the latter of which there are many in both Merri-bek and Hume. Traditional Owners would feel pretty badly about Citizenship Ceremonies are still being held on Australia day, a day that reflects our dispossession and the genocidal aspects of colonisation.

Ceremonies on the much tainted Australia Day date of 26 January taints us all including the very Citizenship Certificates so accepted by New Citizens that should never be tainted by the atrocities, genocide, murders, dispossession, forced dispersal, deculturalisation, and religious oppressions committed in the name of an illegal Cook Discovery.

No First Nations would enter into a Treaty with a Council that supports the continuation of Australia Day using Citizenship Ceremonies on 26 January to mark this Day of Mourning.

New Merri-bek Citizens who may not be aware of the impact of Australia Day do not have a say in this and that in itself is disappointing. I sincerely doubt whether New Citizens particularly from colonised and war torn Countries would want to be recognised on such a day once they are informed of the First Nations' atrocities linked to this repugnant day. Further, these Ceremonies may attract demos and protests not only from First peoples but also from the very informed Citizens the event is for.

It is noted that Citizenship Ceremonies are held also throughout the year and the removal of the 26 January will make no impact on the ceremonial aspects. In fact with First Nations support a Multi-Nation Ceremony supported by the Woiwurrung Peoples will enhance and restore the Citizenship Ceremonies as a positive inclusive apolitical cultural event to be remembered by the Old and New Citizens forever.

Our First Peoples Networks strongly support the Woiwurrung position of modifying the Citizenship Ceremonies to another day. Australia day is not compatible to the Victorian Charter of Human rights section 19 whereupon no First Nations can enjoy the culture, traditions and customs given the past atrocities, Closing the Gap and a host of matters as eloquently ascribed to Oscar Lewis the American Sociologist in his subculture of poverty dissertation and undermines domestic and international Human Rights Conventions and instruments.

I support Merri-bek Council's First Nation Advisory Group recommendations to All Councillors and the Merri-bek Community.

Further, our networks are more than happy to write to the State and Commonwealth ALP Governments to support Merri-bek Council's decisions to modify Citizenship Ceremonies to other dates as Council does now.

Sadly, genocide by colonisation has violently disappeared most of the above Woiwurrung Clans from their Country in Greater Melbourne. From First Nations peoples' perspective Australia Day celebrates this. Yet, we all can change this today by modifying Citizenship Ceremonies to a more inclusive and culturally appropriate day within the other 364 days.

Uncle Gary Murray read their statement.

KIM KRUGER - STATEMENT - CITIZENSHIP CEREMONIES

As a Muroona woman, long term resident of Merri-bek, lecturer at Victoria University and member of Merri-bek's First Nations Advisory Committee, I speak to support our committee's recommendation to move Merri-bek Citizenship ceremonies away from 26 January.

My family and community have marked 26 January as a Day of Mourning since 1938, when it was declared so by William Cooper, Uncle Doug Nicholls, Aunty Marge Tucker and other members of the Australian Aborigines League, along with Jack Paten and Bill Ferguson of the Aborigines Progressive Association.

In this current moment of truth telling as a step in the Victorian Treaties process towards justice for Aboriginal and Torres Strait Islander Peoples, we do well to remember the reasons our Elders declared a Day of Mourning on this loaded date, a date that marks the destruction of Indigenous worlds to our continuing disadvantage. I think it is important to honour the wishes of our Old People to tell the truth as we continue to build on what they started, which is ensuring the survival of Aboriginal and Torres Strait Islander land, culture and peoples. It is also important to honour new citizens by not embedding their citizenship in the continued denial of Aboriginal sorrow and justice. Citizenship ceremonies are an important ritual for people building their lives, identity and finding belonging in their chosen communities. Many of my students, both born here and overseas, are grateful to learn the truth, as it helps them make sense of the society they live in, and to work in support of Indigenous communities to create change for everyone's benefit.

Merri-bek Council is rightly celebrated for its renaming, in recognition of Wurundjeri dispossession and the former name's links to slavery. Imagine building that understanding and trust by celebrating citizenship ceremonies not on 26 January, but at a meaningful time for Aboriginal peoples, for instance Porneet: tadpole season in September, a time of renewal. Moving away from citizenship ceremonies on 26 January continues to build trust with Aboriginal and Torres Strait Islander people, residents, traders, and visitors that Merri-bek is committed to creating understanding and justice for Aboriginal people and a better society for all into the future.

Kim Kruger read their statement.

CLARE LAND - STATEMENT - CITIZENSHIP CEREMONIES

Welcoming Merri-bek's newest citizens respectfully I am a non-Aboriginal person who has lived in Brunswick since 2007. Some of my ancestors have had an association with the area for much longer than that: some were quarry men from Cornwall who we believe worked at the quarry where CERES is now situated. Another more distant relative was Samuel Barrow - the first superintendent of Pentridge in the 1850s. I work as an academic in the field of Australian political history with a particular focus on Aboriginal Rights and how non-Aboriginal people can best support this. My PhD received the Isi Liebler prize for its contribution to "advancing knowledge of racial, religious or ethnic prejudice in any time or place, or to advancing knowledge of multiculturalism and community relations in Australia." Prior to this I worked in the community sector, building knowledge and action around reconciliation and land justice. It is in the context of my connection to Merri-bek and particularly my professional expertise that I wish to make a statement in support of tonight's motion regarding citizenship ceremonies.

Aboriginal people have been campaigning since 1938 to ensure that the 26th of January is known as the Day of Mourning: a day of reflection and protest. Through persistence and solidarity Aboriginal people have succeeded in raising awareness amongst the non-Aboriginal population as to what this day means to them and to us. Increasing numbers of Australians now really question what the day means. Australians increasingly understand the truth of Australia's founding violence and realise that 26th of January is not a day to unthinkingly party and carouse. I stand with the First Nations Advisory Committee members here tonight in submitting that 26th January is not a day for conducting ceremonies of citizenship either. The 26th of January is increasingly recognised as a tainted day. I believe – and migrant academics have written about this too – that it is disingenuous and unfair on new citizens for governments to make this their special day, only for them to later realise that it is the most insensitive possible day for them to be celebrating their Australianness upon. Moving citizenship ceremonies away from 26th January is the only honourable option into the future.

Council has its own "Voice to parliament" - its First Nations advisory committee. Will Council listen to the recommendations of its own First Nations voice on this matter?

Clare Land read their statement.

7.33 pm Cr Carli Hannan entered the meeting.

RONNIE WHITMORE - STATEMENT - AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

Mayor and Councillors, with respect, I hope you take into consideration your constituents when making your decision whether or not to support the removal of the C44 Overlay, as they all expect you to uphold the integrity of the planning process so we have a fair system for all. Using loopholes to circumvent the planning system should never be supported by any council.

The only people who think this practice is acceptable are the lawyers, it is their bread and butter, they get paid by rogue developers to find loopholes and technical flaws that can be exploited when following the planning regulations does not get them the outcome they really want, at the expense of the integrity of the planning process, the neighbouring properties and the neighbourhood as a whole.

The public interest was served by the Minister's action applying the C44 Overlay. There is no justification for it being removed. It is the same owner/developers.

To remove the overlay would undermine the planning system and may well give other cowboy developers such as the Corkman Hotel developers a precedent to remove its overlay.

Ronnie Whitmore read their statement.

JOANNA STANLEY - QUESTION - AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

The officer report tries to vindicate the developer of its flouting of system, claiming this circumvention was only ever "perceived", but not a real one. In reality, the moment the developers submitted the application for the second house, it became a very real circumvention. This triggered a greater wave of public outcry. The then Mayor of this municipality, and Planning Minister, restricted the site. It was glaringly obvious the developer had from the start intended to wriggle its way through this loophole.

Did Council give written advice initially, (with knowledge the two lots were separate) stating the owner didn't need a planning permit for the first house, yes, or no?

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

Our records show that original advice did indicate that a permit was not required as the site area had been incorrectly assessed as being over 500sqm. This was then rectified in subsequent correspondence when it was found that there were in fact two separate titles each under 300sqm.

MITCHELL TREVASKIS - STATEMENT - AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

Best Hooper Lawyers act on behalf Xenia and Sandro Bartucca, the registered proprietors of 42 St Phillip Street, Brunswick East VIC 3057 (Subject Land).

We propose to remove the Specific Controls Overlay – Schedule 4 from the Subject Land. The overlay was placed on the land in 2003 to restrict development and use of the land to one dwelling. We submit that the synthesis of the planning controls and policy framework demonstrates that:

1. The Subject Land has sufficient controls to protect its future development. It was in the Residential 1 Zone (R1Z) at the date C44 was gazetted, however, is now in the NRZ and minimal change area which supports the most limited growth of all zones (i.e. a permit is required for subdivision or development of more than one dwelling on a lot under the NRZ).
2. Should one dwelling continue to be the highest and best use of the land, that will become apparent on any future application for the Subject Land.

3. Since the SCO4 was applied to the land (almost two decades ago), policy direction both at the State and Local level has progressed considerably whereby the importance of housing infill is critical to ensure population growth (which is anticipated in significant numbers) and housing diversity and affordability can be sustained.
4. The Council should be proactive in removing any unnecessary constraints on land to ensure that housing, a scarce resource, can be delivered as efficiently as possible, especially in well serviced locations such as these.
5. The SCO4 was originally imposed via Ministerial intervention, absent, in our understanding, of any legitimate planning reason on the public record.

In summary, having regard to the above matters and justification, we respectfully request that Council:

- using its powers as a planning authority under section 23(1) of the *Planning and Environment Act 1987* (Vic), requests that the Minister for Planning appoint an Independent Planning Panel to consider submissions to Planning Scheme Amendment C219more.
- Refers any later submissions to the Independent Planning Panel.

Mitchell Trevaskis read their statement.

ALESIA BARTUCCA - STATEMENT - AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

It breaks my heart to know what my parents have been through over the past 20 years over something that they never deserved, over something that doesn't personally affect anyone else's lives but that of my families.

This is the only home I've ever known, it is my dream to live next door to my parents, in the place that my grandparents raised their own family as I'm sure if any other person had this opportunity it would be theirs also. And I can't understand what all the fuss is about, when the neighbourhood is filled with beautiful apartments and high rises and I can't comprehend why another house no different to the others in the street would be an issue.

My parents have never involved me in this as it's been 20 years and they thought it would be over by now, but obviously not and it is really unfortunate that we are revisiting this after so many years. Thank you for your time and listening to our story. We hope you take into consideration how important and sentimental this property is to my family when making your decision.

Alesia Bartucca read their statement.

Question Time Extension

Resolution

Cr Tapinos moved, Cr Conlan seconded -

That Public Question Time be extended by 30 minutes at 7.42pm.

Carried

JACQUIE RAND, AUSTRALIAN PET WELFARE FOUNDATION - STATEMENT - CAT CONTAINMENT STRATEGY

I am Dr. Jacquie Rand, Emeritus Professor of Companion Animal Health at The University of Queensland and Chief Scientist for the Australian Pet Welfare Foundation. I have been researching urban cat management for the last 15 years and have many publications in this area.

I would like to speak to Item 7.8 on the Agenda on cat containment:

Mayor Panopoulos and Councillors, if your goal is to increase cat-related complaints to you and your animal management team, increase cat impoundments, increase the number of healthy cats and kittens killed by the pound, increase your costs and have no benefit in protecting wildlife, then I recommend that you implement mandated 24 hour cat containment. While it seems logical and compelling that mandated containment would reduce the number of wandering cats and associated issues, this assumption is not supported by the evidence. So why is mandated cat containment not effective? It is not effective because most wandering cats are strays with no owner to contain them. This is supported by your return to owner rate for impounded cats – approximately 90% are not returned to owners. Most are stray cats fed by compassionate people who do not perceive they are the owner. Most are not desexed or microchipped.

In Merri-bek there are approximately 6,000 semi-owned cats producing about 15,000 kittens every year. Even for cats with an owner, containment is often not achievable due to property limitations (for e.g. rental properties), and lack of financial resources.

Over 10,000 households in Merri-bek (with an average of 2.4 people) live on less than \$650 per week. Many will live in rental properties with poor fencing, no air conditioning and often no screens on the windows. How do they afford \$700-\$2000 for a cat containment system? Mandated cat containment criminalises cat ownership for low-income residents. Yarra Ranges implemented mandated containment and 3 years later impoundments were still 68% higher than baseline, and in Casey, impoundments were still higher than the population growth after 20 years. But there are things you can do to decrease complaints, impoundments, costs, killing of healthy cats and kittens and protect wildlife.

Banyule implemented a free cat desexing, microchipping and registration program targeted to suburbs with high cat-related calls. It was for owned and semi-owned cats. In just 3 years, Banyule reduced impoundments by 61% and numbers killed by 74%, in contrast to Yarra Ranges' 68% increase in impoundments.

Semi-owners took ownership of the cats they were caring for and were given a "leg-up" on the pathway of "responsible cat ownership"-by desexing, identifying and registering them for free. This a key strategy to reduce free-roaming cats and associated issues BUT mandated containment is a barrier to semi-owners taking ownership of the cats they are caring for. Education on containment is minimally effective in achieving change even for cat owners, because owners are either already containing their cat, or containment is not achievable, because of costs and constraints of rental properties. However, most cats can be successfully contained at night if the council implements an education campaign telling people about bed-time feeding. It costs nothing – feed the cat before you go to bed and close windows and doors. Cat litter is not essential because cats with healthy gastrointestinal and urinary systems will not soil in the house, as long as they can go outside to toilet in the morning. If you care about wildlife, stop kittens being born through microtargeted cat desexing programs. Also engage your citizen scientists to provide data on native wildlife in Merri-bek. If any threatened and endangered species are identified, then implement effective microtargeted strategies to protect them. For example, exclusion fencing or assisting cat owners with building cat proof fencing.

Jacquie Rand read their statement.

7.47 pm Cr Pavlidis left the meeting.

BETH HEALY - STATEMENT - CAT CONTAINMENT STRATEGY

Pets are an incredibly important support and companionship for many people in the community. I am a resident of Merri-bek and I vigorously applaud Council for their recent community free desexing support program and I think this is by far the most effective place to put Council money and resources. Desexing and education is the answer to the cat over-population problem and will return the highest benefit per cost.

I am strongly against 24 hour pet cat containment for the following reasons:

- Owned/registered Pet cats are a relatively small proportion of the larger cat population. 24/7 curfew deals only with these cats; does not cover stray or even semi-owned cats
- This sort of rule penalises only the people who do the right thing and adopt their cats and register them. Many people have semi-owned cats and will not see it as their responsibility to contain the cat to their property, or they do not have the facility to do so. o Mandatory containment is a huge barrier to these people taking ownership of their semi-owned cats
- If indoors 24/7, cats need ongoing comprehensive enrichment and stimulation to be happy and healthy and avoid health problems like diabetes, depression etc o A large proportion of people are unwilling or unable to provide this to their cats. Many people don't even know that this is important (education).
- Few can afford to fence off their property, or they are renting and are unable to. o I recently got a quote for \$5500 to fence off my back yard, which I was willing to raise the money for. When I went to my neighbours to get permission, one of them refused to allow me to put the fencing up as he did not want his house to "look like a zoo".
- Most hunting, fights and nuisance behaviour takes place at night, and even then, not all cats participate in this. o There is often a specific cat in a neighbourhood that is responsible for problems, while most cats live peacefully together. Perhaps a targeted campaign would be more efficient and effective?
- Some cats are very difficult to contain 24/7 and would be easier to manage if it was just a night-time containment indoors, which the cats are more likely able to get used to. There are a number of things you can do to get the cat used to coming indoors at night, eg. Timing the evening meal. It is also common in rented houses to have some challenges in getting landlords to repair things like windows and doors. This is a minor issue that probably needs to be addressed anyway.

I am sure Council is aware of the possible measures that can be taken: education/tips around desexing and responsible guardianship, free desexing programs.

This is where you will get the most "bang for your buck"! Engage with local rescues, who can help you in many ways

Beth Healy read their statement.

7.50 pm Cr Pavlidis returned to the meeting.

MARY GURRY, SYDNEY ROAD BRUNSWICK ASSOCIATION - STATEMENT - NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE SCHEME - SYDNEY ROAD BRUNSWICK SHOPPING PRECINCT

My name is Mary Gurry, I am a resident of Brunswick West and here tonight as the President of the Sydney Road Brunswick Association – speaking to the Notice of Intention to Declare a Special Charge Scheme for the Sydney Road Brunswick Shopping Precinct.

The Sydney Road Brunswick Association has been an Incorporated Association since 1992, with this year our 30th year of operation.

As an Association, our activities and initiatives are led by our dedicated Committee of Management, which currently includes two property owners and seven business operators. Currently, the Sydney Road Brunswick Association represents over 500 businesses along 2.5km of Sydney Road Brunswick – proudly marketing the precinct as a place for comprehensive wedding solutions; worldly and bespoke retail; international and enviable eats; entertainment; and, extensive professional and health services.

To support all our businesses and our overall precinct, our Association delivers a comprehensive annual calendar of marketing and promotions; business development and innovation opportunities; events, and activations.

Importantly, we also act a collective voice for our businesses and precinct on matters where advocacy is required to ensure their continued economic sustainability and the viability of our precinct. More recently, with our Business Association establishing an on-street presence (known as the Hub) – we've been able to further strengthen our connection and availability not only to our business community, but also to visitors and locals alike.

To be able to stand here today, and present our formal request to renew, our Association has gone through an extensive consultation process which started back in June, with other important groundwork completed in the months prior to that. It is with the results of this groundwork, and success of our consultation, that we were able to demonstrate our majority support and illustrate our businesses resounding understanding of the value we deliver.

On behalf of our Associations' Committee of Management, and our Association Manager Troy Stuchbree – we look forward to continuing for another five years, for the period 2023 to 2028.

Mary Gurry read their statement.

7.56 pm Cr Yildiz left the meeting.

7.58 pm Cr Yildiz returned to the meeting.

JOSH RIORDAN - STATEMENT - BRING FORWARD PROPOSED WORKS TO 2023 AT INTERSECTION OF URQUHART STREET AND THE MERRI CREEK AS PART OF ACTIVE TRAVEL CAPITAL WORKS PROGRAM

As the 2023 School Captain of Coburg High School (CHS), we want to draw your attention to the pedestrian crossing outside our school. This statement is following our meeting with the previous Mayor, Cr Riley, on 10 November, in which we highlighted the issue.

We understand that this crossing is planned to be replaced in around three years but hope it could be fixed sooner due to the significant danger this intersection presents to our students. We want to stop a serious injury or death before it occurs.

At the Urquhart Street entry to Coburg High School there is a significant safety issue that is made abundantly clear every morning and afternoon. There is a path routinely followed by Coburg High students every day on the way to and from school that crosses Urquhart Street, where students do not always look both ways before crossing. There is a high number of both pedestrian and vehicle traffic resulting in an extremely hazardous crossing. There are currently no signs or road markings to indicate to drivers that pedestrians have right of way, meaning that students are regularly put at risk of drivers turning into the school to drop off/pick up students or staff parking. With a student population rapidly growing from around 250 to more than 1200 students, further expected growth of enrolments, as well as the increase in staff numbers to meet the needs of more students, a pedestrian crossing upgrade is vital for the CHS community. Around 75% of CHS students walk, ride or catch public transport to school (all of the students using public transport walk into the school grounds as well), meaning many hundreds of students walk into school this way each day. Given this increase in student and staff numbers, we don't think there would be another intersection in Merri-bek which has grown in traffic volumes

more than 500% since 2015, and on that basis we ask that this intersection be immediately addressed.

It is also extremely important to the Merri-bek community since the crossing is part of one of the Strategic Cycling Corridors of Victoria (Department of Transport - Strategic Cycling Corridors), and is a major connector for commuters travelling between Coburg and Preston and to and from the Merri Creek.

We are proposing a solution to this dangerous section of road. We propose the establishment of more signage to indicate to drivers that they have to give way to pedestrians, as well as a raised pedestrian zebra crossing so that the crossing physically informs pedestrians that they have right of way. This upgrade will make it easier for members of the Merri-bek community to travel along the major strategic cycling corridor that runs next to the school, and significantly increases the safety of students walking and riding to and from school. Furthermore the increased safety of this route will likely make parents of CHS students feel more comfortable sending their children to school via means of active transport, increasing the health and wellbeing of students and in turn reducing the number of cars entering and exiting the school through Urquhart Street.

Earlier this year and through advocacy of members of our school community, the stretch of paths and roads between Urquhart Street and the Merri Creek was added to the Active travel (walking and riding) capital works program. We are very grateful that this section will be examined and works completed by the end of 2025/26 as per this plan. We are asking that the works outlined above for this specific intersection be brought forward to the 2023 year. We believe that the suggested works to be completed will be consistent with the other works proposed in the capital works program in 2025/26.

We thank you for considering our submission and we thank you again for your support.

Josh Riordan read their statement.

LEE O'MAHONEY - STATEMENT/QUESTION - CAT CONTAINMENT STRATEGY

WRT community feedback, a majority of people surveyed oppose permanent confinement as proposed in the strategy. It's puzzling, therefore, why this has been proposed at all, especially in light of known ineffectiveness.

Nearly 40% of Merri-bek residents rent. They have no ability to modify their homes to install a cat enclosure or change fencing. They're at the mercy of their landlord.

I'm mindful that some residents are not fans of cats, and that not everyone welcomes a visit by their neighbour's cat to their property. For people who are upset by this, like they might be from the noise of a neighbour's barking dog coming to their property, laws already exist to address this, under the Victorian Domestic Animals Act.

I urge councillors to look at what the objectives of the confinement strategy are and the evidence on whether these objectives will be met.

Based on research, the outcomes that are inferred in the officers' report, unfortunately, won't occur.

Reduction in cat population – no; stray cats are the source of much of the cat population

Reduction in disease – no. Most pet cats are vaccinated. Stray cats are the ones at greatest risk

Reduction in calls to council – no. This will likely increase due to unrealistic expectations created by the plan.

Reduction in impact on wildlife – absolutely not. Not a single peer-reviewed research field study in Aust has found that cat in urban areas like Merri-bek are impacting wildlife populations. That includes birds, nestlings, large mammals like brush-tailed possums, mice-sized native mammals like Antechinus. Research shows that a number of species are safer when cats are present.

Data from Healesville sanctuary has found that dogs harm 31% more wildlife than cats do. NSW data on threatened species deaths showed that 727 animals died due to habitat loss, being hit by us in our cars and dogs. Just 31 died due to cats. Just 4%.

Cats get a really bad rap in the media, but their impact isn't borne out in evidence.

Confinement protocols are one of those things that sound like a good idea, but which don't work. They deflect resources away from more effective strategies, like free desexing, that will achieve the outcomes people want.

I urge you not to proceed with the planned strategy. Instead, I encourage you to intensify the free desexing program which has been derailed due to Covid, make sure it is targeted to areas where impounds and cat-related calls to council are higher than other areas.

I also encourage staff and councillors to liaise with experts on cat management, like EPJR, to identify council's principal concerns and the most effective ways of addressing these, without going down the costly route of education campaigns that won't meet expectations.

I'd be happy to arrange that at a suitable time.

Cat confinement will be an expensive feel good action that won't achieve what people anticipate.

Lee O'Mahoney read their statement.

JOANNA STANLEY - STATEMENT - AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

The Victorian Planning Minister (in this case and in the Corkman case) has shown a special control overlay is legitimate planning tool to restrict development as a penalty where the system has been circumvented. So twenty years ago (even after Rescode advent), this type of control, was a legitimate tool. The Planning Ministry hasn't changed its view, given the controls put on the Corkman site. It worked in that no other developers have tried to do what this one did. Is Council de-legitimising the control as penalty by sending this to Vic panels to ask the Planning Minister to kill it?

Joanna Stanley read their statement.

MARION ATTWATER - QUESTION - NOTICE OF MOTION REVIEW OF GOVERNANCE RULES

I wholeheartedly agree that the Council's Governance Rules should be reviewed, however I would like to raise some issues with the interpretation of the Governance Rules as applied to last week's Special Meeting to elect the Mayor.

During the election of the Mayor, a procedural motion was moved to allow the nominated candidates to speak on why they were the best candidate, however the procedural motion was not in accordance with Governance Rule 3.9.13(4) that "Regardless of any other provision in this Local Law, a Procedural Motion must be dealt with in accordance with the table at Sub-Rule (8)" In my opinion the most appropriate Procedural Motion in the Table at sub-rule 8 was the suspension of standing orders to allow the nominated Councillors to speak, and then the resumption of standing orders. Instead, the procedural motion did not match any of the options in the Table. The Local Government Act 2020 section 25(3b) for the Election of the Mayor says that "The election of the Mayor must, subject to this section, be conducted in accordance with the Governance Rules" In my opinion, the election was not conducted in accordance with the Governance Rules.

The Agenda to last week's Special meeting to elect the Mayor contained an item of business that was not part of the Council Resolution to hold that Special Meeting. That item of business was the Adoption of Council Meeting Dates for 2023 at item 10 in the Agenda. Governance Rule 3.3.2(8) for Special Meetings states that "Only the business specified in the Council resolution, or written notice, may be considered at a Special Meeting, unless Council, by unanimous resolution determines to admit another matter." The resolution to hold the Special Meeting (which was made on 17 November 2021) had only specified the election of Mayor as the business to be transacted.

My question is:

Shouldn't the Governance Rules be re-written sooner than April 2023 in order to make the meeting procedures easier to read and easier to comply with?

At the request of the Mayor, Cathy Henderson, Chief Executive Officer responded:

Council will debate tonight whether the Governance Rules should have another review at this point and what the timing of that should be. There has been a number of reviews of the Governance Rules, including most recently in 2021.

Council will be considering tonight whether to have another review and what form that may take in early 2023.

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.

BRITT MUNRO - STATEMENT - CITIZENSHIP CEREMONIES

Earlier this year, some good friends of mine from Iraq became Australian citizens. They had struggled in really unimaginable circumstances for years to reach safety for their two young children, and this day for them marked the end of that struggle. They were overjoyed, I can still see their smiles in the photographs. Just so much relief. But when I spoke to them later about the origins of the day on which they became citizens, the real meaning of that day- Invasion Day- they were so sad. They will no longer celebrate the day they found safety here, because they know that too many first nations people are not safe on their own lands, and because they know that until we respect the true custodians of these lands, there can be no celebration.

When we hold ceremonies of citizenship on Invasion day we are inducting people like my friends into the same myth of Australian nationalism that as a white settler I grew up so deeply immersed in, that it took me twenty odd years to begin to shake, that I am still trying to shake. This myth tells us that the day Europeans arrived here is the day Australia was born, that this is a day to be proud of, to celebrate, because it birthed the nation that we are told is 'Lucky.' For those inside of it, that myth can feel good, it can feel like home. But I am trying to shake this myth because the violence it upholds is unbearable. The hatred, the genocidal hatred, enshrined in this myth is what killed a bright young child like Cassius Turvey as he walked home from school. Like my friends, I don't want to joyful moments of my life to be built on this violence, but until, as settlers, we find a way to be in genuine solidarity with first nations people- whatever that looks like- they will be. But how can we even begin to practice solidarity when we continue to celebrate the myth of Australian nationalism? By celebrating citizenship ceremonies on Invasion Day we are upholding the violence that founded this nation and we are passing its inheritance on to others. And don't get me wrong, a citizenship ceremony no matter what day it is held on is a show of power by the colonizing state, a show of the power to grant 'who comes to this country and the circumstances in which they come'. Changing the date of ceremonies will not make the Australian settler state less violent. But what it will do is show that we are no longer willing to make that violence feel good, feel like a celebration. And that is a place to begin

The Mayor took this statement on notice.

SIMON XUE - QUESTIONS - CAT CONTAINMENT STRATEGY

Are cats forbidden to be outdoors beyond the premise of my home under all circumstances including under supervision and taken to a vet without a carrier or in a car?

What local evidence do you have to justify a cat confinement in Merri-bek? Do you have the statistics for key drivers of the loss of wildlife in Merri-bek so far? What are they?

The Mayor took these questions on notice.

NICOLE MCKENZIE - QUESTION - CAT CONTAINMENT STRATEGY

Council was limited in its community consultation process. An online survey and some pop up sites was insufficient in gaining sufficient good community consultation.

A successful community consultation requires:

- Clear and unambiguous objectives for the community consultation.
- Appropriate and actively-inclusive community consultation methods.
- A community consultation plan detailing opportunities to participate and deadlines.

A 1.1 % response rate from residents is insufficient population to make significant changes to laws.

Why did Council not write to cat owners in Merri-bek council , either by email or by post? Surely cat owners should have the voice of what is right for them. You have excluded cat owners by not inviting them to respond.

The Mayor took this question on notice.

KYLIE SIMPSON - QUESTION - CAT CONTAINMENT STRATEGY

Why are Council using obscure language about their cat containment policy? Are you planning on making it mandatory in the future?

That's what it seems to me. I support a 8pm to 5am curfew with no fines associated with this. Anything beyond this has zero research to back it up and is punitive.

The Mayor took this question on notice.

KATHLEEN CHAPMAN - STATEMENT - CAT CONTAINMENT STRATEGY

There is no evidence that the proposed cat containment policy would achieve its stated aims. It ignores the large number of unowned and semi-owned cats living in urban areas, such as Merri-bek. It will do nothing to control the cat population - only targeted desexing programs will do that. Furthermore, it promotes the idea that cats do not belong indoors, and will therefore encourage community members to take action resulting in more complaints to council and more cats sent to the pound, which is not a safe place for cats. It will result in more disputes between neighbours and more cats killed at the pound. While the council claims the proposal is for voluntary cat confinement, I believe it is likely that it is likely to lead to a mandatory policy in the future.

The Mayor took this statement on notice.

LUCY FOLEY - QUESTION - CAT CONTAINMENT STRATEGY

RSPCA 2018 Report - Identifying Best Practice Domestic Cat Management in Australia recommends that 24 hour cat containment is needed to significantly reduce wildlife predation, breeding of unwanted cats and cat nuisance. The report also states that while education programs are needed to increase the acceptance and uptake of 24-hour cat containment, subsequent regulation re: compulsory cat containment should also be in place in areas of high conservation value. Given that Council has identified areas of the Merri-bek as being of high conservation (and cultural) value, with at least 21 vertebrate species facing extinction that live in the area and are at risk of predation from cats, including the growling grass frog, tussock skink, and swift parrot, why is Council proposing a voluntary cat containment policy that falls short on protection and conservation for wildlife in the municipality? The proposed policy is not guided by best-practice multi-strategy policy re: cat containment. which recommends community education with strengthened regulation re: containment. It is not aligned with current Federal or State laws and policies re: wildlife protection. Nor is it aligned with Council's own community engagement feedback from the community, where over 75% of respondents supported the establishment of a cat curfew.

The Mayor took this question on notice.

MARION ATTWATER - QUESTION - NOTICE OF MOTION REVIEW OF GOVERNANCE RULES

Is the schedule of Council meetings for 2023 valid, considering that it was not part of the original resolution for last week's Special Meeting?

Why hasn't the Council scheduled the 2023 Special Meeting to elect the next Mayor for a date that is as close to the end of the one year term as is reasonably practicable?

The Mayor took these questions on notice.

DINO ALBANO - QUESTION - COMMUNITY ENGAGEMENT POLICY UPDATE

I am still waiting for an answer to the question specifically of whether the Council forgot to implement the decision of 8 December 2021 to review the Community Engagement Policy with a 28-day public exhibition period of a revised policy in May-June 2022, or whether there was some other reason.

Why wasn't the Council resolution to publicly exhibit the policy in May to June 2022 implemented?

The Mayor took this question on notice.

IAN CARMICHAEL - QUESTION - KENT ROAD BIKE LANES

With a new bike lane design being installed on Kent Road this week, a Road Safety Audit which was completed back in August, found, for the second time, that the bike lanes installed 18 months ago put bike riders at risk of dooring. The four Greens Councillors, which included the Mayor, wanted to make those unsafe lanes permanent. Now with the new design the same Councillors wanted to make them permanent without being certain they will be safe for all users, including bikes, but mainly the thousands of elderly and vulnerable visiting Pascoe Vale health.

Is this a case of implicit bias and should the four Councillors declare a conflict of interest? And if so, should they be excluded from all future discussion and voting on Kent Road bike lanes?

The Mayor took this question on notice.

PAULINE CARMICHAEL - QUESTION - KENT ROAD BIKE LANES

Will Council's Public Liability and Professional Indemnity insurance cover the trial bike lanes on Kent Road, Pascoe Vale and any damage to vehicles or personal injury?

The Mayor took this question on notice.

KATE ROSE - QUESTIONS - KENT ROAD BIKE LANES

How can Council justify spending additional money on a new trial of separated bike lanes on the portion of Kent Road between Cornwall and Cumberland when it is no longer apart of the Glenroy to Coburg bike link?

Will Council's public liability and professional indemnity insurance cover the trial of separated bicycle lanes on Kent Road and any damage to vehicles or otherwise?

The Mayor took this question on notice.

DINO ALBANO - QUESTION - COUNCILLOR EXPENSES AND PERMITS ISSUED UNDER CLAUSE 52.05-10 OF MORELAND PLANNING SCHEME

The Councillor Expenses Quarterly Reports for 2022, up to 30 September 2022, were published on the Council's website on the 21st November 2022. There has been a Federal election and a State election held this year, and some Councillors have run as candidates in these elections.

Do the Councillor Expenses Quarterly Reports show whether or not those Prospective Candidates:

- (a) handed back any Council equipment during the Federal / State election period?
 - (b) were paid the Councillor allowance during the Federal / State election period?
- And if not, how can a member of the public find that information?

Can you also please advise how many permits were issued under Clause 52.05-10 of the Moreland / Merri-bek Planning Scheme to allow the display of more than one political sign on private property during the 2022 Federal election and the 2022 State election?

The Mayor took this question on notice.

ANDREW MACKINNON - QUESTION - FINE AMOUNT UNDER THE DOMESTIC ANIMAL MANAGEMENT ACT

I received a fine for not paying my \$34 annual cat registration fee on time. I have since paid the registration, but my infringement appeal has been denied. The question I would like to ask is, what is a fair and reasonable penalty for late payment of a \$34 registration fee? In thinking about this, it is worth noting that the same penalty applies for pensioners who might miss their \$15.20 cat registration fee. It is also worth noting that the only evidence Council has that I have a cat is that I have voluntarily paid my cat registration. How severely should someone who voluntarily complies be penalised? What is a reasonable penalty, that a reasonable person would feel is commensurate with the offence? I suggest that a fine of \$370.00 is a stick that is significantly excessive to the breach.

The fine amount is prescribed in the Domestic Animal Management Act. So, while the fine is set, Council needs choose how and when it applies this penalty. Such a high penalty suggests more effort is required by the Council to achieve compliance before issuing fines. At a time when interest rates are soaring, and cost of living is so high, this type of lazy administration, and militant enforcement just shows the Council is disconnected from the community, and is nothing short of a money grab. Some Councils have late fees, presenting a more reasonable penalty. An adjoining municipally rings everyone who hasn't paid their annual renewal to check they still have their pet, and discuss payment arrangements.

How is Merri-bek supporting its pet owning community through its animal registration process?

The Mayor took this question on notice.

ANELLA PETRIE - STATEMENT - KENT ROAD BIKE LANES

I am a Pascoe Vale resident near the Kent road bike lane fiasco. Merri-bek Council has been provided a loud strong voice of opposition from local residents to this Kent Road bike lane since its development. The squeezing of the 2 lanes & parking into 1 lane and parking will cause more accidents and create access issues for residents. Also the parking lanes are too close to the roundabout, side street and Cornwall intersection. Pushing cars into the middle of the street and only leaving 1 car length of space at the ends will cause more car accidents when cars enter the street.

Please remove the bike lanes and restore Kent road immediately. I believe Merri-bek Council is not listening or working in the best interests of the local residents and should be more accountable for unnecessary spending which ultimately is sourced from the pockets of the local residents. I also believe that we should protest against the current council members actions by voting them all out in the next election.

The Mayor took this statement on notice.

Public Question Time concluded at 8.10 pm.

COUNCIL REPORTS

Order of Business Altered

Motion

Cr Panopoulos moved, Cr Conlan seconded -

That Council alter the order of business to consider Reports 7.5, 7.6 and 7.8 and 7.1 first in that order.

Carried

7.5 CITIZENSHIP CEREMONIES

Executive Summary

Background

On 13 September 2017, Council endorsed the campaign to “change the date” – to support the changing of the date of Australia Day as 26 January is a painful day for many people in our community, in particular First Nations people.

At the September 2017 meeting, a number of actions were resolved upon. Council also debated whether to continue holding citizenship ceremonies on 26 January, and resolved to continue.

In contrast, two other councils resolved to support “change the date” in 2017 and also discontinued citizenship ceremonies on 26 January. The then federal government revoked their ability to hold citizenship ceremonies. Then in 2019, the then federal government amended the Citizenship Ceremonies Code to require all councils to conduct a citizenship ceremony on 26 January.

The Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities, adopted by then Moreland Council in May 2021, also includes a commitment to supporting a change of date for Australia Day.

First Nations Advisory Group recommendation

At its meeting of 15 November 2022, Council's First Nations Peoples Advisory Committee endorsed recommendations:

- That Council does not hold Citizenship Ceremonies on 26 January, starting in 2023.
- That Council host a day of mourning ceremony on 26 January 2023 to be organised and approach a partnership with Coburg Football Club.
- Council works with Wurundjeri Woi-wurrung Corporation to develop and hold an annual event to welcome new citizens and develop First Nations cultural knowledge.

Issues

Should Council make a decision to not conduct a Citizenship Ceremonies on 26 January each year, it's uncertain what the federal government may do, if anything. The current federal government has advocated strongly on the Uluru Statement from the Heart and on reconciliation with First Nations.

Nonetheless there is a risk that Council may have its authority to conduct citizenship ceremonies revoked by the Minister for Immigration, Citizenship and Multicultural Affairs.

Alternatively, the Minister may choose to take no action, or review or amend the Citizenship Ceremonies Code so that 26 January citizenship ceremonies are no longer compulsory.

Officer Recommendation

That Council:

1. Considers the following recommendations from Merri-bek First Nations Advisory Committee; that Council:
 - a) Discontinues holding citizenship ceremonies on 26 January, starting from 26 January 2023.
 - b) Hosts a day of mourning ceremony on 26 January 2023, and approach Coburg Football Club about involvement or partnering for this ceremony.
 - c) Works with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to develop and hold an annual event to welcome new citizens and develop First Nations cultural knowledge.

8.12 pm *Cr Carli Hannan left the meeting.*

Motion

Cr Conlan moved, Cr Bolton seconded

That Council:

1. Discontinues holding citizenship ceremonies on 26 January, starting from 26 January 2023.
2. Notes that Council intends to continue holding citizenship ceremonies at all other times of the year.
3. Hosts a day of mourning ceremony on 26 January 2023, and approaches stakeholders such as the Coburg Football Club about involvement or partnering for this ceremony.
4. Works with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to develop and holds an annual event to welcome new citizens and develop First Nations cultural knowledge, if the federal government subsequently revokes Council's ability to hold citizenship ceremonies.

8.18 pm Cr Carli Hannan returned to the meeting.

Procedural Motion

Cr Pavlidis moved, Cr Yildiz seconded

That consideration of this matter be deferred to April 2023 Council meeting to enable Council to hear from the community and the Federal Government.

Lost

Cr Panopoulos called for a division.

For

Cr Pavlidis
Cr Carli Hannan
Cr Tapinos
Cr Davidson
Cr Yildiz
Total For (5)

Against

Cr Conlan
Cr Bolton
Cr Harte
Cr Riley
Cr Panopoulos
Total Against (5)

Lost on the casting vote of the Mayor

Resolution

Cr Conlan moved, Cr Bolton seconded -

That Council:

- 1. Discontinues holding citizenship ceremonies on 26 January, starting from 26 January 2023.**
- 2. Notes that Council intends to continue holding citizenship ceremonies at all other times of the year.**
- 3. Hosts a day of mourning ceremony on 26 January 2023, and approaches stakeholders such as the Coburg Football Club about involvement or partnering for this ceremony.**
- 4. Works with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to develop and holds an annual event to welcome new citizens and develop First Nations cultural knowledge, if the federal government subsequently revokes Council's ability to hold citizenship ceremonies.**

Carried

Cr Panopoulos called for a division.

For

Cr Conlan
Cr Bolton
Cr Harte
Cr Riley
Cr Panopoulos
Total For (5)

Against

Cr Pavlidis
Cr Carli Hannan
Cr Davidson
Cr Tapinos
Cr Yildiz
Total Against (5)

Carried on the casting vote of the Mayor

7.6 AMENDMENT C219MORE - 42 ST PHILLIP STREET, BRUNSWICK EAST - REMOVAL OF SPECIFIC CONTROL OVERLAY - DECISION GATEWAY 2

Executive Summary

Amendment C219more proposes to remove the Specific Controls Overlay – Schedule 4 from 42 St Phillip Street, Brunswick East. The overlay was placed on the land in 2003 to restrict development and use of the land to one dwelling.

Council exhibited Amendment C219more from 8 September to 14 October 2022. The Amendment received four submissions during the formal exhibition period.

Key themes raised in the submissions relate to:

- Keeping the restrictions on the land
- Strategic justification of the Amendment
- Notification process
- Amendment costs.

This report recommends that Council requests the Minister for Planning appoint an Independent Planning Panel to consider the Amendment and submissions.

Officer Recommendation

That Council:

1. Using its powers as a planning authority under section 23(1) of the *Planning and Environment Act 1987*, requests that the Minister for Planning appoint an Independent Planning Panel to consider submissions to Planning Scheme Amendment C219more.
2. Endorses the responses to submissions set out in Attachment 1 of this report to form the basis of Council's submission to an Independent Planning Panel.
3. Refers any late submissions to the Independent Planning Panel.
4. Authorises the Director Place and Environment to make minor changes to Planning Scheme Amendment C219more and to give direction on issues which arise in the course of the Panel hearing in response to expert evidence and submissions if required.

Procedural Motion

Cr Yildiz moved –

That the motion now be put.

LOST

Resolution

Cr Davidson moved, Cr Riley seconded -

That Council:

1. **Using its powers as a planning authority under section 23(1) of the *Planning and Environment Act 1987*, requests that the Minister for Planning appoint an Independent Planning Panel to consider submissions to Planning Scheme Amendment C219more.**
2. **Endorses the responses to submissions set out in Attachment 1 of this report to form the basis of Council's submission to an Independent Planning Panel.**

3. Refers any late submissions to the Independent Planning Panel.
4. Authorises the Director Place and Environment to make minor changes to Planning Scheme Amendment C219more and to give direction on issues which arise in the course of the Panel hearing in response to expert evidence and submissions if required.
5. Notes that submission 3 has been formally withdrawn from Amendment C219more.

Carried

9.01 pm Cr Yildiz left the meeting.

9.02 pm Cr Yildiz returned to the meeting.

7.8 CAT CONTAINMENT STRATEGY

Executive Summary

At the November 2021 Council meeting, Council adopted the Domestic Animal Management Plan (DAMP) 2021-2025 which outlines how Council will manage cats and dogs in the local community. The DAMP addresses training of authorised officers; programs to promote and encourage responsible pet ownership and compliance with legislation; overpopulation and euthanasia rates; registration and identification; nuisance; dog attacks; dangerous, menacing and restricted breed dogs and domestic animal businesses.

Section 4 of the DAMP identifies programs to address cat overpopulation and high euthanasia rates. An objective listed to address this issue is the promotion of cat containment with an action to explore the introduction of cat curfew. This action was developed in response to feedback obtained during the engagement program that cat confinement is important for the environment, the community, wildlife and cats; that the community is seeking stronger cat management and the promotion of responsible pet ownership more broadly, and that cat containment should be a part of being a responsible pet owner.

The purpose of this report is to consider the issues identified by the community and industry stakeholders during the DAMP engagement project and to recommend the implementation of cat containment as a means of addressing these issues.

9.04 pm Cr Carli Hannan left the meeting.

9.07 pm Cr Carli Hannan returned to the meeting.

Officer Recommendation

That Council endorse the implementation of a cat containment strategy to enhance the welfare and safety of cats, to respond to reports of nuisance created by cats and to reduce environmental impacts of cats and attacks on wildlife.

Motion

Cr Bolton moved, Cr Harte seconded -

That Council:

1. Considers a multi-pronged approach to dealing with the issue of over-population of cats which particularly focuses on un-owned and semi-owned cats as well as an education program for pet cat owners.
2. Receive a report in 2023 which includes information on:
 - a) The number of cats coming into the Epping Animal Welfare Facility which are un-owned and owned.
 - b) The number of cats coming into the Epping Animal Welfare Facility which have been born within the previous 12 months.

- c) A comparison of local councils which have implemented cat curfews, voluntary cat containment strategies and strategies to de-sex un-owned/semi-owned cats for the number of cats being impounded, the number of complaints about roaming or nuisance cats, the number of cats being returned to owners, the number of cats being adopted and the number of cats being surrendered. Some councils which could be compared include City of Yarra Ranges, City of Casey and City of Banyule.
- d) Proposals on and recommended funding for:
 - i) A program of targeted de-sexing of semi-owned and unowned cats, including:
 - encouraging people who feed community cats to take ownership of and responsibility for the community cats that they feed with the offer of free de-sexing, free registration and free vaccination.
 - targeting hot spots for semi-owned or unowned cats with doorknocks
 - ii) A program of education which including education about methods such as bed-time feeding to contain cats overnight as well as encouraging the use of and assistance with construction of cat enclosures.
 - iii) Resource citizen scientists to survey and get data on locations of threatened and endangered species in Merri-bek council area to inform areas to focus on for semi-owned and unowned cats, as well as cat owners who have cats which do predate.

Amendment

Cr Conlan moved -

- 2e) Notes that reducing local cat populations via free desexing is a proven mechanism to reduce the local cat population. In this context, council will provide an analysis of the cost of the above proposals, particularly free desexing, in relation to the costs of running the Epping Animal Welfare Centre (EAWC), given that free desexing will likely reduce impound rates at the EAWC, and therefore, running costs.

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

Procedural Motion

Cr Davidson moved –

That the motion now be put.

Carried

Resolution

Cr Bolton moved, Cr Harte seconded -

1. **Considers a multi-pronged approach to dealing with the issue of over-population of cats which particularly focuses on un-owned and semi-owned cats as well as an education program for pet cat owners.**
2. **Receive a report in 2023 which includes information on:**
 - a) **The number of cats coming into the Epping Animal Welfare Facility which are un-owned and owned.**
 - b) **The number of cats coming into the Epping Animal Welfare Facility which have been born within the previous 12 months.**

- c) A comparison of local councils which have implemented cat curfews, voluntary cat containment strategies and strategies to de-sex un-owned/semi-owned cats for the number of cats being impounded, the number of complaints about roaming or nuisance cats, the number of cats being returned to owners, the number of cats being adopted and the number of cats being surrendered. Some councils which could be compared include City of Yarra Ranges, City of Casey and City of Banyule.
- d) Proposals on and recommended funding for:
- i) A program of targeted de-sexing of semi-owned and unowned cats, including:
 - encouraging people who feed community cats to take ownership of and responsibility for the community cats that they feed with the offer of free de-sexing, free registration and free vaccination.
 - targeting hot spots for semi-owned or unowned cats with door knocks
 - ii) A program of education which including education about methods such as bed-time feeding to contain cats overnight as well as encouraging the use of and assistance with construction of cat enclosures.
 - iii) Resource citizen scientists to survey and get data on locations of threatened and endangered species in Merri-bek council area to inform areas to focus on for semi-owned and unowned cats, as well as cat owners who have cats which do predate.
- e) Notes that reducing local cat populations via free desexing is a proven mechanism to reduce the local cat population. In this context, council will provide an analysis of the cost of the above proposals, particularly free desexing, in relation to the costs of running the Epping Animal Welfare Centre (EAWC), given that free desexing will likely reduce impound rates at the EAWC, and therefore, running costs.

Carried unanimously

9.17 pm Cr Carli Hannan left the meeting.

7.1 ELEVATED RAIL THROUGH BRUNSWICK - COUNCIL'S RESPONSE TO STATE GOVERNMENT PROJECT

Executive Summary

In October 2022 Council welcomed the Victorian Government's announcement of their plans to remove 8 level crossings on the Upfield Rail Line between Park Street, Parkville and Albion Street, Brunswick by 2027. An elevated train line, with new train stations, will replace the existing train line. This new elevated section of the Upfield Rail Line will connect with the new Bell to Moreland station elevated section, creating over 4 kilometres of continuous elevated rail through the heart of the City of Merri-bek once complete.

Elevating rail through Brunswick is a project which has the potential to significantly transform our city for the better, making it more walkable and cyclable, creating significant new areas of green, functional open space, and strengthening the cultural and civic heart of Brunswick.

Achieving a project of this scale in a such an established area will also mean significant disruption with road, train and shared user path closures which will impact on local pedestrians, commuters, businesses and visitors. In addition, there are important local assets associated with the Upfield line in this section, with many mature trees and heritage elements to consider.

An initial scan of issues and opportunities, intended to act as a starting point to engage with the community around their aspirations and priorities, is attached to this paper as Attachment 1.

Council's role in level crossing removal projects is to facilitate and liaise with the State Government and their delivery team, to advise on local issues, aspirations and policy, and to be the voice of the local community throughout the project.

Council is seeking community input at this early stage to inform a position paper for consideration in April 2023. This position paper will capture the community's vision for the area impacted by the project and will be form the basis for Council's advocacy to the State Government in a way that will reflect community expectation and achieve the best possible outcomes for Brunswick.

This paper seeks Council endorsement of the approach to engage with the community from December 2022 to March 2023, to gain insight into their vision and what is most important to protect, enhance and create through this project.

Officer Recommendation

That Council:

1. Notes the work to identify initial issues and opportunities (captured in Attachment 1) presented by the removal of 8 level crossings and the elevation of the rail line in Brunswick, as announced in September 2022 by the State Government.
2. Endorses the approach to community engagement outlined in this paper, to seek the views of the Merri-bek community in relation to this major project.
3. Notes that the findings from this engagement will form the basis for a position paper outlining the community's vision and priorities for this project, both in its delivery phase, and in its outcomes, and that this position paper will form the basis for advocacy to the State Government throughout their delivery of the project.

Motion

Cr Tapinos moved, Cr Harte seconded -

That Council:

1. Notes the work to identify initial issues and opportunities (captured in Attachment 1) presented by the removal of 8 level crossings and the elevation of the rail line in Brunswick, as announced in September 2022 by the State Government
2. Endorses the approach to community engagement outlined in this paper, to seek the views of the Merri-bek community in relation to this major project, including as stakeholders in the Community Engagement process Disability Advocacy Groups such as Disability Resources Disabled Motorist Australia, Pedestrian Groups Walk on Moreland, and Older Persons Advocacy groups.
3. Notes that the findings from this engagement will form the basis for a position paper outlining the community's vision and priorities for this project, both in its delivery phase, and in its outcomes, and that this position paper will form the basis for advocacy to the State Government throughout their delivery of the project
4. Notes the concerns and issues raised by community members at a public meeting held on Sunday 13 November 2022 at Brunswick Town Hall attended by 24 people, as outlined in the document circulated on 7 December 2022.

5. Notes the large community meeting held by Brunswick Residents Network on Monday 5 December 2022 attended by over 50 people, demonstrating the significant community interest in this project and the need for meaningful community consultation.
6. Acknowledges the growing community concern about the possibility of two new stations instead of three, and seeks information from the Level Crossing Removal Project to assist community understanding and inform Council's advocacy position.
7. Endorses the establishment of a Brunswick – Upfield Rail Corridor Roundtable chaired by Cr Tapinos that will be convened as required to address specific thematic needs, with a flexible membership that brings together local community members and relevant experts at key points to explore issues as the development of the Upfield Corridor Community Vision progresses.
8. Requires that nominees seeking to participate in the Brunswick – Upfield Rail Corridor Roundtable must be able to demonstrate:
 - a) Strong community networks and linkages or willingness to build these connections;
 - b) An ability to represent a broad range of views that reflect the diversity of the community;
 - c) A willingness to contribute positively to meetings in a fair and unbiased manner;
 - d) An ability to look beyond personal interests for the benefit of the community and residents of the City of Merri-bek;
 - e) A demonstrated commitment to participative and consultative processes; and
 - f) Endorsement by their own organisation (if applicable).

Amendment

Cr Riley moved, Cr Conlan seconded -

7. Endorses the establishment of a Brunswick – Upfield Rail Corridor Roundtable co-chaired by Cr Panopoulos, Mayor and Cr Tapinos to be convened as required to address specific thematic needs, with a flexible membership that brings together local community members and relevant experts at key points to explore issues as the development of the Upfield Corridor Community Vision progresses.

Carried

Amendment

Cr Pavlidis moved -

7. Endorses the establishment of a Brunswick – Upfield Rail Corridor Roundtable co-chaired by Cr Panopoulos, Mayor and Cr Tapinos, and a Government MP to be convened as required to address specific thematic needs, with a flexible membership that brings together local community members and relevant experts at key points to explore issues as the development of the Upfield Corridor Community Vision progresses.

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

Resolution

Cr Tapinos moved, Cr Harte seconded -

That Council:

1. **Notes the work to identify initial issues and opportunities (captured in Attachment 1) presented by the removal of 8 level crossings and the elevation of the rail line in Brunswick, as announced in September 2022 by the State**

Government.

2. **Endorses the approach to community engagement outlined in this paper, to seek the views of the Merri-bek community in relation to this major project, including as stakeholders in the Community Engagement process Disability Advocacy Groups such as Disability Resources Disabled Motorist Australia, Pedestrian Groups Walk on Moreland, and Older Persons Advocacy groups.**
3. **Notes that the findings from this engagement will form the basis for a position paper outlining the community's vision and priorities for this project, both in its delivery phase, and in its outcomes, and that this position paper will form the basis for advocacy to the State Government throughout their delivery of the project**
4. **Notes the concerns and issues raised by community members at a public meeting held on Sunday 13 November 2022 at Brunswick Town Hall attended by 24 people, as outlined in the document circulated on 7 December 2022.**
5. **Notes the large community meeting held by Brunswick Residents Network on Monday 5 December 2022 attended by over 50 people, demonstrating the significant community interest in this project and the need for meaningful community consultation.**
6. **Acknowledges the growing community concern about the possibility of two new stations instead of three, and seeks information from the Level Crossing Removal Project to assist community understanding and inform Council's advocacy position.**
7. **Endorses the establishment of a Brunswick – Upfield Rail Corridor Roundtable co-chaired by Cr Panopoulos, Mayor and Cr Tapinos, and a Government MP to be convened as required to address specific thematic needs, with a flexible membership that brings together local community members and relevant experts at key points to explore issues as the development of the Upfield Corridor Community Vision progresses.**
8. **Requires that nominees seeking to participate in the Brunswick – Upfield Rail Corridor Roundtable must be able to demonstrate:**
 - a) **Strong community networks and linkages or willingness to build these connections;**
 - b) **An ability to represent a broad range of views that reflect the diversity of the community;**
 - c) **A willingness to contribute positively to meetings in a fair and unbiased manner;**
 - d) **An ability to look beyond personal interests for the benefit of the community and residents of the City of Merri-bek;**
 - e) **A demonstrated commitment to participative and consultative processes; and**
 - f) **Endorsement by their own organisation (if applicable).**

9.35 pm *Cr Carli Hannan returned to the meeting before the various vote.*

Carried

9.38 pm *Cr Bolton left the meeting.*

7.2 HERITAGE ACTION PLAN - STATUS REPORT

Executive Summary

The purpose of this report is to present an audit of the implementation actions from the Heritage Action Plan 2017-2032 (The HAP).

The HAP provides a framework for the identification, conservation, and management of the City's heritage. All areas of Council with a role in knowing, protecting, managing, or communicating the City's heritage have actions that are being implemented through this plan.

Consultation on the status of actions within the HAP was undertaken during August to November to obtain feedback from key stakeholders before presentation to Council.

The implementation action timeframe has now expired. This report details the implementation status of actions. A set of new actions has been prepared which will be presented in a separate report to Council.

This report also outlines the findings of an investigation of financial incentives to encourage maintenance of heritage buildings.

Officer Recommendation

That Council:

1. Notes the work undertaken to complete the implementation actions from the Heritage Action Plan 2017-2032 as shown at Attachment 1.
2. Notes the findings from the investigation into financial incentives to encourage maintenance of heritage buildings at Attachment 2 and that participation in the Victorian Heritage Restoration Fund will be considered in a separate report to Council.

Resolution

Cr Tapinos moved, Cr Conlan seconded -

That Council:

1. **Notes the work undertaken to complete the implementation actions from the Heritage Action Plan 2017-2032 as shown at Attachment 1.**
2. **Notes the findings from the investigation into financial incentives to encourage maintenance of heritage buildings at Attachment 2 and that participation in the Victorian Heritage Restoration Fund will be considered in a separate report to Council.**

Carried unanimously

7.3 COMMUNITY HERITAGE ACTION PLAN 2022-2025

Executive Summary

The purpose of this report is to present an updated Heritage Action Plan 2017 – 2032 Implementation Plan for the 2022 – 2025 period. The Heritage Action Plan enables Council to coordinate its approach to protect and promote the heritage and history of Merri-bek.

The Heritage Action Plan provides a framework for the identification, conservation and management of Merri-bek's heritage and history. All areas of Council with a role in knowing, protecting, managing, supporting and/or communicating the City's heritage and history have actions that are being implemented through this plan.

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

The first implementation timeframe of the Heritage Action Plan 2017 – 2032 has now expired. A report on its outcomes is being presented to Council in December 2022. A new set of actions has been established to deliver a staged program of projects and ongoing work over the coming two years. Associated budget implications and delivery timeframes are set out for each action. Some items require funding and will be referred to the 2023/24 budget process for Councillor consideration.

Officer Recommendation

That Council:

1. Note the Heritage Action Plan 2017 – 2032 Implementation Plan for the 2022-2025 period as shown at Attachment 1.
2. Refer unfunded items in the Heritage Action Plan 2017 – 2032 Implementation Plan 2022-2025 to the 2023/2024 budget process for consideration.

Resolution

Cr Tapinos moved, Cr Harte seconded -

That Council:

1. **Note the Heritage Action Plan 2017 – 2032 Implementation Plan for the 2022-2025 period as shown at Attachment 1.**
2. **Include an additional action in the Implementation Plan 2022-2025, to research and document the history of the Upfield Rail Line, with an anticipated budget requirement of \$20,000.**
3. **Develop a Terms of Reference for and establish a Heritage and Local History Reference Group chaired by Cr Tapinos, which meets quarterly and includes representatives from local historical societies.**
4. **Refer unfunded items in the Heritage Action Plan 2017 – 2032 Implementation Plan 2022-2025 to the 2023/2024 budget process for consideration.**

Carried unanimously

9.40 pm *Cr Bolton returned to the meeting.*

9.42 pm *Cr Yildiz left the meeting.*

7.4 KERBSIDE WASTE REFORM MULTI-UNIT DWELLING 4-STREAM WASTE TRIAL

Executive Summary

To support Council's Kerbside Waste Reform, the implementation of a six-month trial of the 4-stream waste service for Multi-Unit Dwellings (MUDs) was approved by Council at its 13 April 2022 meeting. The trial was aligned with key service principles and tested 4-bin waste service models for a range of housing stock across Merri-bek with a council waste service.

Since commencement in August, 997 households have been participating in the 4-stream waste trial for MUDs. The trial is now at a planned review point. Through lessons learned to date, the trial has identified proposed variations to the endorsed policy position. A side benefit of the MUD trial has been that officers gained insights that will be applicable to implementing the waste reforms at all types of housing.

To accommodate the lessons learned, the Kerbside Waste Service and Charge Policy requires specific amendments as detailed in this report. A key change is to maintain a weekly recycling service offering at larger MUDS (with 20 or more dwellings), as this will allow optimum environmental outcomes while still meeting value for money principles.

The trial of compostable bin liners as part of this MUD trial has showed a surprisingly low take-up. It is therefore recommended that no decision be made to roll out bin liners municipal-wide ahead of state standards for food organics disposal being finalised.

The report also seeks approval to continue the MUD trial through to the beginning of the municipal-wide service to commence in July 2023.

Officer Recommendation

That Council:

1. Approves the continuation of the 4-stream waste services, which were established during the Multi-Unit Dwelling (MUD) trial, at the participating trial sites.
2. Notes that this report is the final report and recommendation from the MUD Trial as requested by Council at its meeting on 13 April 2022.
3. Notes that:
 - a) following the trial, the residents within blocks with 4 to 9 units will be provided individual recycling bins as their default service.
 - b) Multi-Unit Dwellings of 20 or more units (sharing common land) will receive a weekly recycling collection using shared 240-litre or 660-litre recycling bins as their default service.
 - c) While paper bags were provided as compostable bin liners for food organics disposal, only a very small number were observed to be used, and as such, it is not proposed to progress with municipal-wide distribution of paper bags in the rollout of the 4-stream waste service.
4. Authorises the CEO to make final amendments to sections of the Waste Service and Charge Policy noted in the report, including:
 - a) Section 6.2 to reflect appropriate service design at MUDs as per item 3 above; and
 - b) Section 8.2 to confirm no change to concessions while household rubbish is still collected weekly.
5. Authorises the Chief Executive Officer to negotiate with Council's contractor the continuation of the trial designed services at the participating MUD trial sites until the full new 4-stream service will be implemented across Merri-bek, planned for July 2023.
6. Endorses the commencement of targeted engagement throughout the municipality with Residents, Owners Corporations and Body Corporates eligible for these tailored MUD services so that arrangements can be implemented by July 2023.

Resolution

Cr Riley moved, Cr Conlan seconded -

That Council:

- 1. Approves the continuation of the 4-stream waste services, which were established during the Multi-Unit Dwelling (MUD) trial, at the participating trial sites.**
- 2. Notes that this report is the final report and recommendation from the MUD Trial as requested by Council at its meeting on 13 April 2022.**
- 3. Notes that:**
 - a) following the trial, the residents within blocks with 4 to 9 units will be provided individual recycling bins as their default service.**
 - b) Multi-Unit Dwellings of 20 or more units (sharing common land) will receive a weekly recycling collection using shared 240-litre or 660-litre recycling bins as their default service.**
 - c) While paper bags were provided as compostable bin liners for food organics disposal, only a very small number were observed to be used, and as such, it is not proposed to progress with municipal-wide distribution of paper bags in the rollout of the 4-stream waste service.**
- 4. Authorises the CEO to make final amendments to sections of the Waste Service and Charge Policy noted in the report, including:**
 - a) Section 6.2 to reflect appropriate service design at MUDs as per item 3 above; and**
 - b) Section 8.2 to confirm no change to concessions while household rubbish is still collected weekly.**
- 5. Authorises the Chief Executive Officer to negotiate with Council's contractor the continuation of the trial designed services at the participating MUD trial sites until the full new 4-stream service will be implemented across Merri-bek, planned for July 2023.**
- 6. Endorses the commencement of targeted engagement throughout the municipality with Residents, Owners Corporations and Body Corporates eligible for these tailored MUD services so that arrangements can be implemented by July 2023.**
- 7. Advocates to the Victorian State Government that the new kerbside waste standards avoid plastics from entering FOGO waste streams.**

Carried

Order of Business Altered

With the agreement of Council, Report 7.9 was brought forward for consideration.

9.45 pm Cr Yildiz returned to the meeting.

7.9 NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE SCHEME - SYDNEY ROAD BRUNSWICK SHOPPING PRECINCT

Executive Summary

On 27 October 2022 Council received a written request from Sydney Road Brunswick Association (SRBA) (Attachment 1) to begin the statutory process to reintroduce the Special Charge Scheme for the Sydney Road Brunswick Shopping Precinct (Precinct).

The current Scheme commenced on 1 July 2018 and will conclude on 30 June 2023.

The purpose of the new Scheme is to defray the promotional, advertising, marketing and business development expenses associated with the encouragement of commerce, retail, professional activity and the creation of employment in the Precinct.

This report highlights the achievements of the current Scheme, sets out the statutory process for the renewal of the Sydney Road Brunswick Shopping Precinct Special Charge Scheme 2023-2028 (Scheme) and the proposed financial contributions to the Scheme, and identifies any associated risks.

This report seeks Council's endorsement to commence the statutory process and give notice to of its intention to declare the Scheme.

The statutory process involves submissions being invited and any objections from property owners and occupiers in relation to the proposed Special Charge. This report also requests that Council establish a Hearing of Submissions Committee.

Officer Recommendation

That Council:

1. Notes the letter sent by Council to the owners and occupiers of the properties included in the Sydney Road Brunswick Shopping Precinct (the Precinct) proposing the renewal of a Special Charge Scheme, and the letter received from Sydney Road Brunswick Association (SRBA) requesting the renewal of a Special Charge Scheme, and, having otherwise considered all relevant matters, commences the statutory process under the *Local Government Act* 1989 to reintroduce a Special Charge Scheme (Special Charge Scheme) for the properties within the Precinct which is estimated to raise an amount of \$391,930.00 annually (as set out in the proposed Declaration of A Special Charge), commencing on 1 July 2023 and ending on 30 June 2028 (being a period of 5 years).
2. In accordance with sections 163(1A) and 163B(3) of the *Local Government Act* 1989, publishes a Public Notice on Council's website and in 'The Age' newspaper, of its intention to declare a Special Charge at its meeting in May 2023 in accordance with the proposed Declaration of A Special Charge, the Special Charge to be for the purposes of defraying expenses to be incurred by Council in providing funds to SRBA, which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a part time Precinct Manager, promotional, advertising, marketing, business development and other incidental expenses as approved by Council, and agreed to from time to time between Council and SRBA, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Precinct.
3. In accordance with section 163(1C) of the *Local Government Act* 1989, sends separate letters enclosing a copy of the Public Notice to the owners and occupiers of the properties referred to and set out in the schedule of properties forming part of the Proposed Declaration of A Special Charge, advising of its intention to declare the Special Charge at its meeting in May 2023, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the

person who occupies the property is required to pay the Special Charge) will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of A Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*.

4. Advises SRBA of the matters specified in paragraphs 1, 2 and 3 of this resolution.
5. Appoints Councilloras Chair, and appoints Councillorsand.....and.....to a Hearing of Submissions Committee, established by Council under section 223(1)(b)(i), to hear any persons who in their written submissions under section 223 of the *Local Government Act 1989* have requested they be heard in support of their submissions.
6. Authorises the CEO to set the time, date and place of the meeting of the Hearing of Submissions Committee to hear submissions in relation to Council's intention to declare a Special Charge Scheme for the Sydney Road Brunswick Shopping Precinct.
7. Authorises the Director Place and Environment:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the *Local Government Act 1989*; and
 - b) To prepare a funding agreement between Council and SRBA to formalise the administrative operations of the Special Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to SRBA, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the *Local Government Act 1989* to do so.

Resolution

Cr Riley moved, Cr Conlan seconded -

That Council:

1. **Notes the letter sent by Council to the owners and occupiers of the properties included in the Sydney Road Brunswick Shopping Precinct (the Precinct) proposing the renewal of a Special Charge Scheme, and the letter received from Sydney Road Brunswick Association (SRBA) requesting the renewal of a Special Charge Scheme, and, having otherwise considered all relevant matters, commences the statutory process under the Local Government Act 1989 to reintroduce a Special Charge Scheme (Special Charge Scheme) for the properties within the Precinct which is estimated to raise an amount of \$391,930.00 annually (as set out in the proposed Declaration of A Special Charge), commencing on 1 July 2023 and ending on 30 June 2028 (being a period of 5 years).**
2. **In accordance with sections 163(1A) and 163B(3) of the Local Government Act 1989, publishes a Public Notice on Council's website and in 'The Age' newspaper, of its intention to declare a Special Charge at its meeting in May 2023 in accordance with the proposed Declaration of A Special Charge, the Special Charge to be for the purposes of defraying expenses to be incurred by Council in providing funds to SRBA, which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a part time Precinct Manager, promotional, advertising, marketing, business development and other incidental expenses as approved by Council, and agreed to from time to time between Council and SRBA, all of which are associated with the**

encouragement of commerce, retail and professional activity and employment in the Precinct.

3. In accordance with section 163(1C) of the *Local Government Act 1989*, sends separate letters enclosing a copy of the Public Notice to the owners and occupiers of the properties referred to and set out in the schedule of properties forming part of the Proposed Declaration of A Special Charge, advising of its intention to declare the Special Charge at its meeting in May 2023, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Charge) will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of A Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*.
4. Advises SRBA of the matters specified in paragraphs 1, 2 and 3 of this resolution.
5. Appoints Councillor Panopoulos as Chair, and appoints Councillors Tapinos, Conlan and Riley to a Hearing of Submissions Committee, established by Council under section 223(1)(b)(i), to hear any persons who in their written submissions under section 223 of the *Local Government Act 1989* have requested they be heard in support of their submissions.
6. Authorises the CEO to set the time, date and place of the meeting of the Hearing of Submissions Committee to hear submissions in relation to Council's intention to declare a Special Charge Scheme for the Sydney Road Brunswick Shopping Precinct.
7. Authorises the Director Place and Environment:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the *Local Government Act 1989*; and
 - b) To prepare a funding agreement between Council and SRBA to formalise the administrative operations of the Special Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to SRBA, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the *Local Government Act 1989* to do so.

Carried unanimously

7.7 AMENDMENT C221MORE - DEVELOPMENT CONTRIBUTION PLAN PROJECT SUBSTITUTIONS - DECISION GATEWAY 2 - ADOPTION

Executive Summary

In 2015 Council adopted the *Moreland Development Contributions Plan (January 2015)* to collect contributions from new development toward the necessary infrastructure for a changing population and local economic development.

The Development Contributions Plan (DCP) established an obligation on Council to collect levies from land developers, deliver the DCP's listed infrastructure projects and spend the collected levies on these projects.

A review of the DCP uncovered the need for an updated project list, aligned with Council's 4 Year Budget. On 8 June 2022 Council resolved to complete the project list and pursue Amendment C221more, to include the list in the Moreland Planning Scheme.

Under delegation from the Minister for Planning, the Department of Environment, Land, Water, and Planning (DELWP) authorised the public exhibition of Amendment C221more. This exhibition has been completed and no submissions have been received.

Council can now consider adopting Amendment C221more, to amend:

- Schedule 1 to Clause 45.06 (Development Contributions Plan Overlay) Clause 4.0 and the Note to update the reference to the document '*Moreland Development Contributions Plan, January 2015 (amended May 2021)*' with the addendum titled '*2015 DCP Addendum, August 2022*'.
- Schedule to Clause 72.04 to update the reference to the current incorporated plan titled '*Moreland Development Contributions Plan, January 2015 (amended May 2021)*' with the addendum titled '*2015 DCP Addendum, August 2022*'.

Adopting Amendment C221more means Council can then pursue the Minister for Planning's approval for it to become part of the Moreland Planning Scheme. This outcome would ensure the updated infrastructure project list is part of the DCP's incorporated document. The updated list is in the Addendum in Attachment 1.

Officer Recommendation

That Council:

1. Using its powers as a planning authority under s 29 of the *Planning and Environment 1987*, adopt Moreland Planning Scheme Amendment C221more as shown in Attachments 1, 2 and 3 to this report.
 - Submit the adopted Amendment to the Minister for Planning.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

1. **Using its powers as a planning authority under s 29 of the *Planning and Environment 1987*, adopt Moreland (Merri-bek) Planning Scheme Amendment C221more as shown in Attachments 1, 2 and 3 to this report.**
 - **Submit the adopted Amendment to the Minister for Planning.**

Carried unanimously

Conflict of Interest

9.47 pm Cr Harte left the meeting due to her disclosed conflict of interest in item 7.10, Naming the Park at Cardinal Road - Voting poll results, due to her employment.

7.10 NAMING THE PARK AT CARDINAL ROAD - VOTING POLL RESULTS

Executive Summary

Council has created a new park, located at 132-134 Cardinal Road, Glenroy, shown in Attachment 1. This new park is part of Council's 'Park Close to Home' project. This report proposes to name the park following a community voting poll.

A public consultation was initially undertaken to seek naming suggestions for the new park commencing on 23 December 2021 until 4 February 2022. From this consultation, Council received one submission suggesting the name Citadel for the park. Council officers nominated a proposed name Bagung Djerring from another naming project.

A report was presented at a Council meeting on 13 July 2022 seeking approval to commence a voting poll for these two proposed names.

On 13 July 2022, item 7.3, Council moved a procedural motion to defer the item to extend the community consultation to invite additional names to be submitted and consider names previously submitted from other naming projects. The extended consultation ran from 1 August 2022 until 19 August 2022.

Eleven new naming suggestions were received via the Conversations Merri-bek website, some of these names were assessed as suitable names for the park in accordance with the State Government's Geographic Names Victoria (GNV) - *Naming rules for places in Victoria – 2022* (the Naming Rules) and Council's *Naming Moreland Places Policy* (the Policy) preference criteria. Officers also assessed naming suggestions from previous projects, some of which met the requirements of the GNV and Council's policy for a park name.

On 14 September 2022, item 7.5, Council resolved to establish a voting poll with the following five names for the park: Bagung Djerring, Citadel, Stewart Murray, Walert and Yubup with the inclusion of Topluluk. A voting poll is part of the naming process to ensure a chosen name will have community support, in accordance the Naming Rules.

Public notice to the voting poll was given on Council's Conversations Merri-bek website on 19 September 2022 to 28 October 2022. Votes were received via Council's Conversations Merri-bek website, email and post. The results from the voting process for the park were: 67 in total votes, with the preferred name being Citadel Park with 35 votes, being 52% of votes. These results can be seen in Attachment 2.

It is recommended that Council endorses the name Citadel Park, reflecting the outcome of community support in the voting poll.

Officer Recommendation

That Council:

1. Endorse the name 'Citadel Park' for the new park at 132-134 Cardinal Road, Glenroy.
2. Notifies to the objector of Council's decision regarding the name for the park and the following: the objection is not valid because it has not identified how the name in the objection does not comply with the Naming rules for places in Victoria 2022.
3. Authorises the Director of Place and Environment to do all things required to formalise the name above with Geographic Names Victoria (GNV).

Resolution

Cr Davidson moved, Cr Pavlidis seconded -

That Council:

1. **Endorses the name 'Citadel Park' for the new park at 132-134 Cardinal Road, Glenroy.**
2. **Notifies to the objector of Council's decision regarding the name for the park and the following: the objection is not valid because it has not identified how the name in the objection does not comply with the Naming rules for places in Victoria 2022.**
3. **Authorises the Director of Place and Environment to do all things required to formalise the name above with Geographic Names Victoria (GNV).**

4. **The sign indicating the parks new name provide a brief explanation as to its significance and/or meaning.**

Carried unanimously

9.51 pm Cr Harte returned to the meeting.

9.51 pm Cr Carli Hannan left the meeting and did not return.

7.11 MERRI-BEK NAMING SUPPORT GRANT

Executive Summary

In September 2022, Council officially changed its name from Moreland to Merri-bek.

There are a number of local organisations, institutions, community groups, sporting clubs and businesses that have 'Moreland' in their name.

Council has changed its corporate name only and has not required or requested local organisations, clubs, businesses and groups to change their name unless they choose to do so. However, since the name change has occurred, a number of groups have contacted Council expressing a desire to undertake a name change process to align themselves with the new municipal name of Merri-bek.

To support such local groups to undertake their own name change - specifically to replace iterations of 'Moreland' to 'Merri-bek' in registered titles - a small once-off grants program to support organisations, institutions, community groups, sporting clubs and businesses who require it with costs associated with a name change, including ASIC registration, website domain changes and related resourcing and rebranding costs.

Officer Recommendation

That Council:

1. Approves the reallocation of \$25,000 from the \$250,000 allocated this financial year through for implementation of Councils name change to a Merri-bek Naming Support Grant program in 2022/23 to assist community organisations and businesses who wish to rebrand from 'Moreland' to 'Merri-bek' and require financial support to do so.
2. Refers an additional \$25,000 to the 2023/24 Council budget process for consideration to continue the once-off Merri-bek Naming Support Grant program next financial year.
3. Notes Council will support grant recipients with additional information to help them talk to their audiences about the name change to Merri-bek and to apply the new name in a culturally sensitive way.

Resolution

Cr Harte moved, Cr Tapinos seconded -

That Council:

1. **Approves the reallocation of \$25,000 from the \$250,000 allocated this financial year through for implementation of Councils name change to a Merri-bek Naming Support Grant program in 2022/23 to assist community organisations and businesses who wish to rebrand from 'Moreland' to 'Merri-bek' and require financial support to do so.**
2. **Refers for consideration that \$25,000 from the \$250,000 allocated next financial year 2023/24 for the implementation of Council's name change be reallocated to a Merri-bek Naming Support grant program to continue the once-off Merri-bek Naming Support Grant program next financial year.**

3. **Notes Council will support grant recipients with additional information to help them talk to their audiences about the name change to Merri-bek and to apply the new name in a culturally sensitive way.**
4. **Considers non - financial support, in the way of information or advice that may also assist community organisations and businesses who wish to change their names from Moreland to Merri-bek and provides this information, alongside the grant information.**

Carried

Crs Davidson, Pavlidis and Yildiz abstained from the vote.

9.58 pm Cr Davidson left the meeting.

7.12 COMMUNITY ENGAGEMENT POLICY UPDATE

Executive Summary

Council's Community Engagement Policy is a vehicle for building trust and increasing community access and capacity to meaningfully participate in council decision-making and civic.

Since its adoption, Council officers have successfully planned and delivered a range of engagement projects with varying levels of impact on the community, using a range of engagement methodologies designed to reach a broad spectrum of people.

Following the Year 1 Progress Report Council endorsed minor amendments to the Policy. Through the Year 2 Progress Report there is evidence of positive change in the way Council officers work together to build the capacity of the organisation to deliver best-practice community engagement in line with the Policy and the principles in the *Local Government Act 2020*.

This report recommends the Community Engagement Policy with minor amendments be endorsed for a 15-business day public exhibition period in February 2023. It is proposed that the final draft be presented to Council for endorsement in May 2023.

Officer Recommendation

That Council:

1. Endorses the updated Community Engagement Policy for a 15-day public exhibition period in February 2023.
2. Notes the Community Engagement Policy Implementation Plan Year 2 Progress Report.
3. Notes the Community Engagement Policy and Portfolio Plan.

Motion

Cr Bolton moved, Cr Harte seconded -

That Council:

1. Endorses the updated Community Engagement Policy for a 28-day public exhibition period in February 2023.
2. Notes the Community Engagement Policy Implementation Plan Year 2 Progress Report.
3. Notes the Community Engagement Policy and Portfolio Plan.

Lost

10.01 pm Cr Davidson returned to the meeting.

Resolution

Cr Riley moved, Cr Harte seconded -

That Council:

- 1. Endorses the updated Community Engagement Policy for a 15-day public exhibition period in February 2023.**
- 2. Notes the Community Engagement Policy Implementation Plan Year 2 Progress Report.**
- 3. Notes the Community Engagement Policy and Portfolio Plan.**

Carried

7.13 TRAFFIC MANAGEMENT OPPORTUNITIES FOR COCOA JACKSON LANE, WARBURTON STREET AND HORNE STREET, BRUNSWICK - RESPONSE TO NOTICE OF MOTION

Executive Summary

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

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

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

The engagement identified that:

1. Some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane, Brunswick where it intersects with Horne Street
2. The loading activities associated with Reece, a plumbing company which has been operating out of the building at 123 Lygon Street for around 40 years, are creating noise and safety issues within Cocoa Jackson Lane.

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

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

On 7 November 2022, a letter was circulated to the nearby properties seeking feedback on the option to install bollards within Cocoa Jackson Lane, where it intersects Horne Street to prevent vehicle access. This option would directly address the concerns that drivers are contravening the road rules at this location. Responses were received from 33 residents via phone and email. Of those, 25 people were unsupportive, two were

indifferent and six were supportive of the option to install bollards. Based on the feedback received, Council officers do not recommend pursuing this option any further at this time.

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

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

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

Officer Recommendation

That Council:

1. Notes that Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted.
2. Addresses the concerns that some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane from Horne Street, by writing to nearby properties advising of the road rules and asking the community to adhere to them.
3. Authorises officers to reiterate the turn ban by increasing the size of the existing roadside no right turn signs on Horne Street.

Resolution

Cr Tapinos moved, Cr Conlan seconded -

That Council defer this matter to the February 2023 Council meeting.

Carried

Time Extension

Motion

Cr Riley moved, Cr Conlan seconded -

That the meeting be extended for 30 minutes at 10.03 pm.

Carried

7.14 PEDESTRIAN SAFETY TREATMENT: LANEWAY AT 185 MORELAND ROAD, COBURG

Executive Summary

At the July 2022 Council meeting, Council resolved to undertake a review of the pedestrian safety issues in the laneway adjacent to 185 Moreland Road, Coburg. This review was to include opportunities to install signage to indicate local traffic only, line marking to indicate a pedestrian zone and traffic calming.

There are a total of six dwellings (Units 1-6/185 Moreland Road) that have direct access to the 4.5-metre-wide laneway between Blair Street and Moreland Road. Council officers undertook two traffic speed and volume surveys; one in April 2021 and a more recent survey in May 2022 to observe traffic impacts that resulted from the Moreland Road / De Carle Street intersection modification undertaken by the Department of Transport in mid-2021.

Pedestrian counts were also undertaken in July 2022 to observe pedestrian movements within the laneway. The result of the above surveys indicated a low speed and vehicle environment (average of 75 vehicles per day) and a review of the Department of Transport recorded crash database found that there have been no reported crashes for the most up-to date 5-year period.

Given the low-speed environment, Council officers are not recommending the installation of any traffic calming treatments. However, we acknowledge that people living in the residential properties at 1-6/185 Moreland Road enter the laneway directly with no dedicated pedestrian path connection to Moreland Road or Blair Street. Therefore, officers have organised to install a one-metre-wide line-marked pedestrian path to Moreland Road along the western property boundaries of Units 1-6/185 Moreland Road with additional 'Local Traffic Only' sign at the laneway entrance at Moreland Road and Blair Street, Coburg.

Council have notified the properties abutting the laneway to advise them of the pedestrian line marking and signage works. These works are expected to be completed in December 2022.

Officer Recommendation

That Council:

1. Note that officers have organised to delineate a one-metre-wide path to provide a connection for people to walk between the residential Units at 1-6/185 Moreland Road and Moreland Road, Coburg.
2. Note that officers have organised to install additional 'Local Traffic Only' signs at the entrances to the laneway at both Moreland Road and Blair Street, Coburg.
3. Note that Council officers have notified nearby residents of the works to be completed.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

1. **Notes that officers have organised to delineate a one-metre-wide path to provide a connection for people to walk between the residential Units at 1-6/185 Moreland Road and Moreland Road, Coburg.**
2. **Notes that officers have organised to install additional 'Local Traffic Only' signs at the entrances to the laneway at both Moreland Road and Blair Street, Coburg.**

3. Notes that Council officers have notified nearby residents of the works to be completed.

Carried unanimously

7.15 DECISION TO PERMANENTLY CLOSE CARLISLE STREET, COBURG

Executive Summary

On 10 November 2021, Council resolved to erect temporary barriers in Carlisle Street, Coburg as a traffic diversion experiment to identify whether the road closures are an appropriate method of restricting vehicular traffic on Carlisle Street, whilst maintaining through access for people to walk and ride.

The trial barriers were erected on 22 December 2021.

On 11 May 2022, Council considered a report on the impact of the trial road closures. The report identified no significant traffic issues or complaints. Council resolved to commence the statutory public consultation procedures under Section 223 of the *Local Government Act 1989* to make the road closures permanent. The consultation was undertaken via circulars to affected owners and residents, and advertisements on Council's web-page and in the local newspaper. The 28-day consultation period, which ran from 6 August 2022 to 2 September 2022, provided the public with the opportunity to inform Council of the impact of the closures.

This report summarises the submissions received from the public. The public submissions overwhelmingly support the permanent road closures in Carlisle Street, Coburg. The report from the Department of Transport (VicRoads) offers no objection to the permanent closures.

As part of the consultation, Ambulance Victoria raised issues regarding the naming of a road that does not allow vehicle traffic to continue through from one block to the next, potentially causing "delays and navigation confusion for emergency services". They included Geographic Names Victoria (Geographic Names Victoria) in their response. Council Officers then engaged with Geographic Names Victoria to further understand the issue and to determine what options were available to address the issue.

Following discussions with Council officers Geographic Names Victoria are comfortable that Carlisle Street can remain unchanged between Darlington Grove and Glenora Avenue as there are properties abutting this section of road and vehicles can utilise the laneways running off Carlisle Street to exit the area.

The other two sections of Carlisle Street (Glenora Avenue to Huntington Grove and Huntington Grove to Nicholson Street) which do not have properties associated to them will need to be modified to be unnamed. As it will be possible with the road closure measures for motorists to see through Carlisle Street, the signage needs to be changed from "Shared road" to appropriate "No Access for vehicles" signs. The street will remain an access thoroughfare for people walking and riding.

Given the issues raised by emergencies services and Geographic Names Victoria, further road closures of roads and streets like this one need to be discussed with Geographic Names Victoria prior to public consultation.

Council officers wrote to affected residents in November 2022 advising them of the Road Rules related to parking near an intersection (No Stopping within 10 metres from the side road) and that No Stopping signage was not being proposed. This is a common practice across Victoria and is done to reduce the proliferation of signage. Generally, signage is installed where there are regular instances of illegal parking occurring and enforcement is

not addressing the issue. Council officers are not planning to target enforcement in this area, but rather monitor compliance.

Officer Recommendation

That Council, following consideration of the report from the Department of Transport (VicRoads) and the written and verbal submissions that the public submitted under Section 223 of the *Local Government Act 1989*:

1. Resolves under Section 207, Schedule 11, Clause 9 of the Local Government Act 1989 to block the passage of vehicles, other than bicycles and pedestrians, by placing permanent barriers in Carlisle Street, Coburg at the intersections of:
 - a) Carlisle Street and Nicholson Street, from Nicholson Street to a point 8 metres further west;
 - b) Carlisle and Huntington Grove, from Huntington Grove to a point 8 metres further west; and
 - c) Carlisle Street and Glenora Avenue, from Glenora Avenue to a point 8 metres further west.
2. Commence the process to change Carlisle Street to an unnamed road between Glenora Avenue and Nicholson Street.
3. Notifies all those who previously received a circular in relation to the proposal, including those who made written submissions, emergency services and the Department of Transport of Council's decision.

Resolution

Cr Bolton moved, Cr Conlan seconded -

That Council, following consideration of the report from the Department of Transport (VicRoads) and the written and verbal submissions that the public submitted under Section 223 of the *Local Government Act 1989*:

1. **Resolves under Section 207, Schedule 11, Clause 9 of the Local Government Act 1989 to block the passage of vehicles, other than bicycles and pedestrians, by placing permanent barriers in Carlisle Street, Coburg at the intersections of:**
 - a) **Carlisle Street and Nicholson Street, from Nicholson Street to a point 8 metres further west;**
 - b) **Carlisle and Huntington Grove, from Huntington Grove to a point 8 metres further west; and**
 - c) **Carlisle Street and Glenora Avenue, from Glenora Avenue to a point 8 metres further west.**
2. **Commences the process to change Carlisle Street to an unnamed road between Glenora Avenue and Nicholson Street.**
3. **Notifies all those who previously received a circular in relation to the proposal, including those who made written submissions, emergency services and the Department of Transport of Council's decision.**

Carried

7.16 DECISION TO PERMANENTLY CLOSE JOHN STREET, BRUNSWICK EAST

Executive Summary

At the February 2020 meeting, Council considered a report (DCF7/20) on improving safety of cyclists travelling along the East Brunswick shimmy on John Street in Brunswick East by beginning the consultation process for the permanent closure of John Street at the Albert Street end. At this meeting, Council resolved that officer “first consult with the community around John and Hutchinson Street, before a decision is made in regard to the permanent closure of John Street,” Brunswick East.

Previous reports committed Council to measure community support for making the John Street road closure permanent without speed humps or other measures on Hutchinson Street. The closure is proposed to be at a point of up to eight metres from Albert Street so that infrastructure to support the closure does not affect the longitudinal footpath along Albert Street.

This report provides an outline of submissions received during the 2022 Public Consultation Process for the Permanent Closure of John Street, held in accordance with section 207A and 223 of the Local Government Act 1989, gives public notice of the proposal to permanently block the passage of vehicles other than bicycles in John Street, Brunswick East. This was performed in print media, Council’s website, and by writing to owners and occupiers of all properties in the area bounded by Nicholson Street, Glenlyon Road, Hutchinson Street, Fleming Park and Victoria Street in Brunswick East.

This report also provides a summary of proceedings of any Hearing of Submissions held in relation to the proposed temporary traffic diversion experiment and the status update on Department of Transport consultation on this proposal.

Council officers, under S223 of the Local Government Act, notified all those previously notified in writing of Council’s plans to enact this trial closure on a permanent basis. 43 submissions were received in total, and 3 of those submitters requested to be heard in support of their submission.

Officer Recommendation

That Council, following consideration of the report from the Department of Transport (VicRoads) and the written and verbal submissions that the public submitted under Section 223 of the Local Government Act 1989:

1. Resolves under Section 207, Schedule 11, Clause 9 of the Local Government Act 1989 to block the passage of vehicles, other than bicycles and pedestrians, by placing permanent barriers in John Street, Brunswick East at the intersection of Albert Street and John Street to a point 8 metres further south;
2. Notifies all those who previously received a circular in relation to the proposal, including those who made written submissions, emergencies services and the Department of Transport of Council’s decision.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council, following consideration of the report from the Department of Transport (VicRoads) and the written and verbal submissions that the public submitted under Section 223 of the *Local Government Act 1989*:

1. **Resolves under Section 207, Schedule 11, Clause 9 of the *Local Government Act 1989* to block the passage of vehicles, other than bicycles and pedestrians, by placing permanent barriers in John Street, Brunswick East at the intersection of Albert Street and John Street to a point 8 metres further south;**

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

Carried

7.17 PROPOSED SALE OF LAND FROM A PREVIOUSLY DISCONTINUED ROAD- REAR 1-15 MARKS STREET, 2-16 WHITE STREET AND 21 AUDLEY STREET COBURG.

Executive Summary

At its meeting held on 29 January 2002, Council resolved to discontinue the road at the rear of 1 to 15 Marks Street, 2 to 16 White Street and adjoining 21 & 23 Audley Street, Coburg, shown hatched shown in Attachment 1, and to sell the land (from the former road) to adjoining property owners by private treaty.

Most of the land was sold and transferred to abutting property owners except for a few lots that remained un-sold due to lack of interest in purchasing and a prevailing use as a walkway between two properties at 4 White Street and 7 Marks Street, Coburg. These Lots are known as lots A, B, 12, 13, D and 9 on Title Plan TP023519Q, shown in Attachment 2.

At the time, Council also directed that the section of land being used as a walkway between 4 White Street and 7 Marks Street only be sold once the use of the land as a walkway had ceased. Council officers have been advised by the abutting owners of 4 White Street and 7 Marks Streets Coburg that the land to the rear of their properties is no longer required or being used as a walkway.

Preliminary discussions and negotiations with the adjoining owners have resulted in offers being made for the acquisition of the land in Lots A, 12 and 13 and 9 on Title Plan TP023519Q in Attachment 2.

The purpose of this report is to seek approval to commence the statutory procedures under section 114 of the *Local Government Act 2020* to sell the land from the previously discontinued road to the owners of the adjoining properties, more particularly the owners of 21 Audley Street (Lot A), 5 Marks Street (Lots 12 and 13) and 15 Marks Street on Title Plan TP023519Q in Attachment 2.

Officer Recommendation

That Council:

1. Commences the procedures to sell the land from the previously discontinued road at the rear of 1 to 15 Marks Street, 2 to 16 White Street and adjoining 21 Audley Street, Coburg, to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg, in accordance with section 114 of the *Local Government Act 2020*.
2. Gives notice of its intention to sell the land on Council's website (conversations Merri-bek) and such notice state that Council proposes to sell the land from the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg, by private treaty in accordance with the State Governments "Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land".
3. As part of its community engagement process invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the *Local Government Act 1989*.

4. Appoints Councillor _____ as Chair, and Councillors _____, _____, and _____ to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg.
5. Authorises the Chief Executive Officer to set the time, date, and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg.
6. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee, and presenting a recommendation regarding whether to proceed with the proposed sale of the site.

Resolution

Cr Riley moved, Cr Yildiz seconded -

That Council:

1. **Commences the procedures to sell the land from the previously discontinued road at the rear of 1 to 15 Marks Street, 2 to 16 White Street and adjoining 21 Audley Street, Coburg, to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg, in accordance with section 114 of the Local Government Act 2020.**
2. **Gives notice of its intention to sell the land on Council's website (conversations Merri-bek) and such notice state that Council proposes to sell the land from the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg, by private treaty in accordance with the State Governments "Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land".**
3. **As part of its community engagement process invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the *Local Government Act 1989*.**
4. **Appoints Councillor Pavlidis as Chair, and Councillors Pulford, Carli Hannan and Bolton to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg.**
5. **Authorises the Chief Executive Officer to set the time, date, and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the previously discontinued road to the owners of 21 Audley Street, 5 Marks Street and 15 Marks Street, Coburg.**
6. **Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee, and presenting a recommendation regarding whether to proceed with the proposed sale of the site.**

10.09 pm Cr Conlan left the meeting before the vote.

Carried

7.18 AFFORDABLE HOUSING ACTION PLAN 2022-26

Executive Summary

The Affordable Housing Action Plan (AHAP) identifies Council's work to increase the provision of affordable homes in Merri-bek. The AHAP, which was an annual plan in 2019/20 and 2020/21 is proposed to be expanded to a 4 year plan which will take into account current organisational and external policy drivers, improved practice and the views of key stakeholders and members of the Merri-bek community.

The core objective of the AHAP is to increase the provision of affordable housing in Merri-bek through policy, advocacy, applied skills and investment. However, this plan also incorporates actions to improve the situation of community members disadvantaged by their low-income or tenure status.

There has been an increase in social and affordable housing provision in the last two years. For example, Homes Victoria has committed over \$210m in social housing investment in Merri-bek through its Homes for Victorians and Big Housing Build programs. The estimated current pipeline of new social and affordable housing is 599 homes which includes those being delivered through contributions by private developers and developments by not-for-profit organisations.

Council is looking to continue work that is delivering results, while undertaking new work in response to needs and gaps and continuously improving practice.

Officer Recommendation

That Council endorses the Affordable Housing Action Plan 2022-26 at Attachment 1.

Resolution

Cr Bolton moved, Cr Yildiz seconded -

That Council endorses the Affordable Housing Action Plan 2022-26 at Attachment 1.

Carried

10.12pm Cr Conlan returned to the meeting.

7.19 CONTRACT 2021-203 MANAGEMENT OF COUNCILS AQUATIC AND LEISURE CENTRES FINANCIAL STATUS

Executive Summary

In December 2017 Council resolved to continue to manage Moreland Aquatic and Leisure Services via an outsourced external contracted service, due to the uniqueness of Council's six centres.

The Request for Tender (RFT) 2021-203, was released as a public tender in August 2021, with a closing date of 14 October 2021. The evaluation process was implemented as per the Strategic Procurement and Probity Plan which was reviewed and approved by independent probity auditors.

A tender recommendation was made in March 2022 to award the contract 2021-203 for the Management of Council's six Aquatic and Leisure Centres (Contract) to the YMCA Community Programming.

This was based on the YMCA's best and final offer submitted in December 2021, with the new contract term seeing an estimated financial return to Council of \$6,2467,434 over the four years. The evaluation and assessment at the time was based on the submissions presented and best value for money for Council.

This was a significant change and improvement from previous contract budgets which averaged a cost to council of \$1 million per annum (prior to the COVID 19 pandemic), raising some concerns of the panel around the achievability of the project growth targets and income budgeted.

Year 1 included an estimate \$250,752 return to Council based on the return rates following the COVID closures and the reopening of centres on 26 October 2021.

YMCA believed at the time these forecasts were achievable. At the conclusion of Quarter 1 (1 July – 30 September 2024) the contract is -\$278,532 behind budget and if forecast to be \$1,967,071 behind budget by the end of the financial year.

Key factors contributing to the variation are in relation to revenue generation which is mainly due to a slower than anticipated return rate to gyms and pools and include:

- Qualified swim teacher shortages to deliver programs to full capacity
- Continued rates of COVID cases and variants impacting both staff and members
- Increased cost of living
- YMCA estimated income to grow by 25 per cent over the contract term

Contract negotiations are in place to investigate further financial opportunities to improve the financial position and to ensure the delivery of services and programs are as per the established KPI's and specification requirements.

Officer Recommendation

That Council:

1. Through a Deed of Variation increase the contract costs for year 1, 2022-2023 to \$1,967,071 as per revised forecasts.

Resolution

Cr Riley moved, Cr Davidson seconded -

That Council:

1. **Through a Deed of Variation increase the contract costs for year 1, 2022-2023 to \$1,967,071 as per revised forecasts.**

Carried unanimously

7.21 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 OCTOBER 2022

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

The October Income Statement shows the Council surplus is \$0.9 million better than the year-to-date revised forecast as a result of higher overall revenue and lower overall expenditure. These differences are considered largely timing in nature.

Council has spent \$13.8 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of \$17.9 million.

Officer Recommendation

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

Resolution

Cr Riley moved, Cr Conlan seconded -

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

Carried unanimously

7.20 2022/23 FIRST QUARTER FINANCIAL REPORT

The First Quarter Financial Report gives an overview of Council's performance through delivery of the budget. It compares the actual revenue and expenditure with the budgeted revenue and expenditure year to date (YTD) and assesses the financial performance in the first quarter to determine a forecast outcome for 30 June 2023.

A detailed financial review was undertaken across the organisation at the end of September 2022 to form the 2022/23 first quarter financial review (Q1 Forecast). This process provided Council the opportunity to review its YTD performance and reallocate available financial resources to maximise the delivery on its strategic objectives. The results of this review are included in this report as the Q1 Forecast.

For the three months ended 30 September 2022, Council has achieved an operating surplus result of \$15.7 million which is \$4.6 million (42%) more than YTD budget of \$11.1 million. The operating surplus (or deficit) contains both cash and non-cash expenditure and revenue, so it does not convert to available cash for Council.

Council's forecast adjusted underlying surplus of \$22.2 million is \$0.6 million higher than the adopted budget of \$21.6 million. This result is important as it measures Council's ability to generate a surplus in the ordinary course of business – excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net results.

A positive cash result of \$4.2 million has been forecast from the surplus and \$4.0 million has been recommended to be transferred to the significant projects reserves to fund capital projects.

Currently the Q1 Forecast is forecasting an increase in the adjusted underlying surplus which suggests an improvement in the operating position.

Council has spent \$10.0 million on capital expenditure as at the end of September which is \$4.2 million (42%) above the YTD budget, with \$47.7 million (83%) of the full year budget remaining.

After a detailed review of the capital works program, there is a forecast increase of \$43.4 million from the adopted budget of \$57.7 million to \$101.1 million. This is primarily due to \$25.1 million of projects that were carried forward from 2021/22 to be delivered in the current year and an unbudgeted property purchase of \$17.7 million (funded via reserves).

Officer Recommendation

That Council:

1. Notes the 2022/23 First Quarter Financial Report for the period ending 30 September 2022, including operating performance and capital performance.
2. Notes the status of the capital works program for 2022/23.
3. Notes the increase to the full-year forecast for operating income of \$4.9 million and increase to expenditure of \$4.7 million arising from the 2022/23 First Quarter Financial Review.

4. Notes the unrestricted surplus of \$4.0 million to be transferred to the Significant Projects Reserve, leaving an unrestricted forecasted surplus of \$0.2 million.
5. Endorses the full-year capital expenditure forecast of \$101.1 million, arising from the 2022/23 First Quarter Financial Review.
6. Carries forward the following capital project funding to the 2023/24 Capital Works Program.
 - Merri Trial – Sumner Park to Capital City Trail Flood Mitigation – Bridge across Merri Creek into Darebin - \$190,000
 - Merri Creek Trail Access and Safety Upgrades - \$170,000
 - Park Reserve Public Toilet Upgrade - \$156,266
 - Road Safety at the Intersection of Albion Street and Nicholson Street - \$60,000
 - Holbrook Reserve Female Friendly Change Rooms - \$50,000
 - Craigieburn Shared Path – Stage 2 (Design) - \$50,000
 - Fawkner Transport Study - \$50,000; and
 - Street Landscape Improvements - \$17,228.

Resolution

Cr Riley moved, Cr Yildiz seconded -

That Council:

1. **Notes the 2022/23 First Quarter Financial Report for the period ending 30 September 2022, including operating performance and capital performance.**
2. **Notes the status of the capital works program for 2022/23.**
3. **Notes the increase to the full-year forecast for operating income of \$4.9 million and increase to expenditure of \$4.7 million arising from the 2022/23 First Quarter Financial Review.**
4. **Notes the unrestricted surplus of \$4.0 million to be transferred to the Significant Projects Reserve, leaving an unrestricted forecasted surplus of \$0.2 million.**
5. **Endorses the full-year capital expenditure forecast of \$101.1 million, arising from the 2022/23 First Quarter Financial Review.**
6. **Carries forward the following capital project funding to the 2023/24 Capital Works Program.**
 - **Merri Trial – Sumner Park to Capital City Trail Flood Mitigation – Bridge across Merri Creek into Darebin - \$190,000**
 - **Merri Creek Trail Access and Safety Upgrades - \$170,000**
 - **Park Reserve Public Toilet Upgrade - \$156,266**
 - **Road Safety at the Intersection of Albion Street and Nicholson Street - \$60,000**
 - **Holbrook Reserve Female Friendly Change Rooms - \$50,000**
 - **Craigieburn Shared Path – Stage 2 (Design) - \$50,000**
 - **Fawkner Transport Study - \$50,000; and**
 - **Street Landscape Improvements - \$17,228.**

Carried unanimously

7.22 REVISED COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY

Executive Summary

In June 2021, The Independent Commission Against Corruption (ICAC) completed the report "Investigation into the Regulation of Lobbying, Access and Influence in New South Wales". ICAC examined whether enhancements to the Lobbying of Government Officials Act 2011 might be required, as well as the broader approach to addressing risks associated with lobbying and influencing practices; the report can be viewed at: <https://www.icac.nsw.gov.au/investigations/past-investigations/2021/operation-eclipse>

Key findings of the investigation included:

- the local government sector faces considerable risks or undue influence
- new legislation or significant reform is required to safeguard public interest against inherent lobbying risks of corruption and undue influence
- oversight of improper lobbying and compliance could be improved
- the existing regulatory regime does not address ethical obligations for government officials who are lobbied
- lobbyists are not explicitly prohibited from giving gifts to government official
- record keeping practices in relation to lobbying activities are inadequate.

Council's Internal auditor suggested that in response to the findings, Council ensure that appropriate policies and procedures are in place to provide guidance on managing and regulating lobbying of officers/officials. The ICAC report includes: *The overall objective of any lobbying regulation is the imposition of an appropriate level of transparency and accountability, in accordance with ethical standards with which lobbyists and public officials are expected to comply. Transparency permits citizens and communities to know which private interests are seeking to influence public policy, or the favourable exercise of public power, and whether public officials have in fact acted in the public interest.*

The proposed changes to the Councillor Gifts, Benefits and Hospitality Policy (as provided in Attachment 1) seek to address the findings of the ICAC investigation and other improvements by including the following new content:

- additional point added to Council Policy Position to include that:
 - Councillors will not accept gifts, benefits or hospitality made by a person or organisation with a primary purpose to lobby Councillors;
 - a disclosure must be made if any gift is offered by a lobbyist; and
- definitions updated to include the following definition of lobbyist.
- Increasing the threshold of Token Offers from \$20 to \$50 (effectively altering the definition of Non Token Offers from \$20 to \$50).
- Minor updates have also been made to the policy to simplify, improve clarity and update Council officer titles.

Officer Recommendation

That Council adopts the revised Councillor Gifts, Benefits and Hospitality Policy as provided in Attachment 1 to this report.

Resolution

Cr Tapinos moved, Cr Riley seconded -

That Council adopts the revised Councillor Gifts, Benefits and Hospitality Policy as provided in Attachment 1 to this report.

Carried unanimously

7.23 COUNCILLOR APPOINTMENTS TO PORTFOLIOS, INTERNAL COMMITTEES, ADVISORY COMMITTEES, REFERENCE GROUPS AND OTHER EXTERNAL BODIES

Executive Summary

Each year, Council reviews Councillor appointments to the roles of 'Councillor Responsible For...' and to Council convened networks, internal, advisory and external committees, and networks and external boards who have sought a Council representative for the Mayoral year.

This report seeks appointments of those roles and representatives for the 2022/2023 Mayoral Year.

This report also seeks to extend the operation the Coburg Square - Oversight Committee for a further 12 months until December 2023 and adjusts the Terms of Reference to reflect the extension. It is also proposed to rename this Committee Coburg Revitalisation Oversight Committee.

If required, Council may resolve to change the appointments during the year.

Officer Recommendation

That Council:

1. Renames the Coburg Square - Oversight Committee to Coburg Revitalisation Oversight Committee and extends its operation for a further 12 months until December 2023 and updates the Terms of Reference accordingly.
2. Appoints Portfolio Councillors, known as 'Councillors Responsible For...', for the 2022/2023 Mayoral year as follows:

Arts and Culture	Cr
Climate and Nature	Cr
Early Years	Cr
Economic Development	Cr
Human Rights	Cr
Multiculturalism	Cr
Older Persons	Cr
Sport and Recreation	Cr
Transport and Getting Around	Cr
Urban Planning	Cr
Women	Cr
Young People	Cr

3. Appoints Councillors to internal, advisory, network and external committees for the 2022/2023 Mayoral year as follows:
- a) Internal Committees
- | | | |
|--|----------------------------------|----------------------------------|
| Audit and Risk Committee | Cr | |
| | Cr | |
| | Cr | |
| CEO Employment and Remuneration Matters Committee | All Councillors | |
| Coburg Revitalisation Oversight Committee | Mayor (Chair) | |
| | Cr | |
| | Cr | |
| | Cr | to fill any vacancies that arise |
| Saxon Street Oversight Committee | Mayor and South Ward Councillors | |
| Glenroy Advisory Group | North-West Ward Councillors | |
| Brunswick Advisory Group | South Ward Councillors | |
| Coburg Advisory Group | North-East Ward Councillors | |
| Merri-bek Community Recognition Committee (Merri-bek Awards) | Cr | |
| | Cr | |
| | Cr | |
- b) Advisory Committees
- | | | |
|---|---------------|--|
| Sustainable Transport Advisory Committee | Cr | |
| Environmental Sustainability Advisory Committee | Cr | |
| Human Rights and Inclusion Advisory Committee | Cr | |
| | Cr | |
| First Nations Advisory Committee | Cr (co-chair) | |
| Merri-bek Arts Advisory Committee | Cr | |
- c) Reference Groups
- | | | |
|---|----|--|
| Affordable Housing Reference Group | Cr | |
| Age-Friendly (Older People) Reference Group | Cr | |
| Disability Reference Group | Cr | |
| Gender equality Reference Group | Cr | |
| LGBTIQ+ Reference Group | Cr | |
- d) External Committees
- | | | |
|--|----|--------------|
| Friends of Aileu Community Committee | Cr | |
| Merri Creek Management Committee | Cr | (substitute) |
| | Cr | |
| Metropolitan Transport Forum | Cr | |
| | Cr | |
| Municipal Association of Victoria (Representative) | Cr | (substitute) |

Northern Alliance for Greenhouse Action (NAGA) Executive	Cr
Northern Councils Alliance	Mayor; and Cr (substitute)

Resolution

Cr Riley moved, Cr Harte seconded -

That Council:

1. Renames the Coburg Square - Oversight Committee to Coburg Revitalisation Oversight Committee and extends its operation for a further 12 months until December 2023 and updates the Terms of Reference accordingly.
2. Appoints Portfolio Councillors, known as 'Councillors Responsible For...', for the 2022/2023 Mayoral year as follows:

Arts and Culture	Cr Tapinos; Cr Harte
Climate and Nature	Cr Panopoulos, Mayor
Early Years	Cr Carli Hannan
Economic Development	Cr Panopoulos, Mayor; Cr Tapinos; Cr Yildiz
Human Rights	Cr Bolton
Multiculturalism	Cr Yildiz; Cr Tapinos
Older Persons	Cr Pavlidis; Cr Tapinos; Cr Harte
Sport and Recreation	Cr Pavlidis; Cr Davidson, Deputy Mayor; Cr Yildiz; Cr Tapinos; Cr Carli Hannan; Cr Conlan
Transport and Getting Around	Cr Pavlidis; Cr Pulford
Urban Planning	Cr Panopoulos, Mayor; Cr Tapinos
Women	Cr Davidson, Deputy Mayor; Cr Pavlidis
Young People	Cr Panopoulos, Mayor

3. Appoints Councillors to internal, advisory, network and external committees for the 2022/2023 Mayoral year as follows:

a) Internal Committees

Audit and Risk Committee	Cr Panopoulos, Mayor Cr Riley Cr Pavlidis
CEO Employment and Remuneration Matters Committee	All Councillors
Coburg Revitalisation Oversight Committee	Cr Panopoulos, Mayor (Chair); Cr Tapinos; Cr Bolton; Cr Pavlidis; Cr Carli Hannan
Saxon Street Oversight Committee	Cr Panopoulos, Mayor; Cr Tapinos; Cr Riley; Cr Conlan
Glenroy Advisory Group	Cr Panopoulos, Mayor; Cr Davidson; Cr Yildiz; Cr Harte
Brunswick Advisory Group	Cr Riley; Cr Conlan; Cr Tapinos

	Coburg Advisory Group	Cr Pulford; Cr Bolton; Cr Carli Hannan; Cr Pavlidis
	Merri-bek Community Recognition Committee (Merri-bek Awards)	Cr Panopoulos, Mayor; Cr Pavlidis; Cr Tapinos
b)	Advisory Committees	
	Sustainable Transport Advisory Committee	Cr Pulford
	Environmental Sustainability Advisory Committee	Cr Panopoulos, Mayor
	Human Rights and Inclusion Advisory Committee	Cr Bolton
	First Nations Advisory Committee	Cr Bolton (co-chair); Cr Conlan
	Merri-bek Arts Advisory Committee	Cr Harte; Cr Tapinos
c)	Reference Groups	
	Affordable Housing Reference Group	Cr Harte
	Age-Friendly (Older People) Reference Group	Cr Pavlidis; Cr Harte
	Disability Reference Group	Cr Bolton
	Gender equality Reference Group	Cr Riley
	LGBTIQA+ Reference Group	Cr Conlan; Cr Pulford
d)	External Committees	
	Friends of Aileu Community Committee	Cr Riley
	Merri Creek Management Committee	Cr Tapinos Cr Davidson (substitute)
	Metropolitan Transport Forum	Cr Pulford
	Northern Alliance for Greenhouse Action (NAGA) Executive	Cr Riley; Cr Pulford (substitute)
	Northern Councils Alliance	Cr Panopoulos, Mayor; Cr Harte (substitute)

Carried unanimously

Resolution

Cr Riley moved, Cr Conlan seconded –

That Council appoints Cr Tapinos as its representative to the Municipal Association of Victoria for the 2022/2023 Mayoral year.

Carried

Cr Panopoulos called for a division.

For

Cr Bolton
Cr Harte
Cr Riley
Cr Panopoulos
Cr Tapinos

Against

Cr Pavlidis
Cr Davidson
Cr Yildiz

Cr Conlan
Total For (6)

Total Against (3)

Resolution

Cr Riley moved, Cr Harte seconded –

That Council appoints Cr Pavlidis as its substitute representative to the Municipal Association of Victoria for the 2022/2023 Mayoral year.

Carried unanimously

7.24 GOVERNANCE REPORT - DECEMBER 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:

- A summary of the minutes of the Sustainable Transport Advisory Committee held 11 October 2022.
- A summary of the minutes of the Merri-bek First Nations Advisory Committee held 15 November 2022.
- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 10 August, 14 September and 12 October 2022 Council meetings, with a recommendation that Council notes the responses.
- A recommendation that Council appoints and authorises the Council officers referred to in the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).
- Domestic Animal Management Plan 2021-2025 – Year 1 Review and Evaluation and a recommendation that Council notes the Year 1 Review and Evaluation.

Officer Recommendation

That Council:

1. Notes the summary of minutes from the Sustainable Transport Advisory Committee, at Attachment 1 to this report and accepts the following recommendation:
 - a) To increase the frequency of meetings from quarterly to every second month and update the Terms of Reference accordingly.
2. Notes the summary of minutes from Merri-bek First Nations Advisory Committee to Council, at Attachment 1 to this report and accepts the following recommendations from the Committee:
 - a) Council writes to State Government ministers seeking to transfer the land title of the Ballerrt Mooroop site in Hilton Street, Glenroy to Wurundjeri Woiwurrung Corporation and to make funding available to develop the site for the benefit of First Nations communities

- b) Council assists with hosting a series of stakeholder meetings at the Ballerrt Mooroop site which will discuss the advocacy to the State Government to divest the land title, the feasibility study which should be a document that is sufficient to take to the state government for the future of the project.
3. Notes that the following recommendations from the Merri-bek First Nations Advisory Committee have been considered in a separate report as contained in this agenda:
 - a) That Council does not hold Citizenship Ceremony on 26 January 2023 and thereafter.
 - b) That Council host day of mourning ceremony on 26 January 2023 to be organised and approach a partnership with Coburg Football Club.
 - c) Council works with Wurundjeri Woi-wurrung Corporation to develop and hold an annual event to welcome new citizens and develop First Nations cultural knowledge.
 4. Notes the Records of Meetings, at Attachment 2 to this report.
 5. Notes responses to questions taken on notice during Public Question Time at the August, September and October Council meetings, at Attachment 3 to this report.
 6. In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*:
 - a) Appoints and authorises Council staff referred to in the Instrument at Attachment 4 of this report, as set out in the instrument.
 - b) Determines the instrument comes into force immediately, the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.
 - c) Authorises the affixing of Council's common seal.
 7. Notes the Domestic Animal Management Plan 2021-2025 Year 1 Annual Review and Evaluation, at Attachment 5 to this report.

Resolution

Cr Conlan moved, Cr Tapinos seconded -

That Council:

1. **Notes the summary of minutes from the Sustainable Transport Advisory Committee, at Attachment 1 to this report and accepts the following recommendation:**
 - a) **To increase the frequency of meetings from quarterly to every second month and update the Terms of Reference accordingly.**
2. **Notes the summary of minutes from Merri-bek First Nations Advisory Committee to Council, at Attachment 1 to this report and accepts the following recommendations from the Committee:**
 - a) **Council writes to State Government ministers seeking to transfer the land title of the Ballerrt Mooroop site in Hilton Street, Glenroy to Wurundjeri Woi-wurrung Corporation and to make funding available to develop the site for the benefit of First Nations communities**
 - b) **Council assists with hosting a series of stakeholder meetings at the Ballerrt Mooroop site which will discuss the advocacy to the State Government to divest the land title, the feasibility study which should be a document that is sufficient to take to the state government for the future of the project.**

3. **Notes that the following recommendations from the Merri-bek First Nations Advisory Committee have been considered in a separate report as contained in this agenda:**
 - a) **That Council does not hold Citizenship Ceremony on 26 January 2023 and thereafter.**
 - b) **That Council host day of mourning ceremony on 26 January 2023 to be organised and approach a partnership with Coburg Football Club.**
 - c) **Council works with Wurundjeri Woi-wurrung Corporation to develop and hold an annual event to welcome new citizens and develop First Nations cultural knowledge.**
4. **Notes the Records of Meetings, at Attachment 2 to this report.**
5. **Notes responses to questions taken on notice during Public Question Time at the August, September and October Council meetings, at Attachment 3 to this report.**
6. **In the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987 and section 313 of the Local Government Act 2020:**
 - a) **Appoints and authorises Council staff referred to in the Instrument at Attachment 4 of this report, as set out in the instrument.**
 - b) **Determines the instrument comes into force immediately, the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.**
 - c) **Authorises the affixing of Council's common seal.**
7. **Notes the Domestic Animal Management Plan 2021-2025 Year 1 Annual Review and Evaluation, at Attachment 5 to this report.**

Carried

7.25 PROPOSED CHANGE IN LESSEE AND NEW LEASE FOR H E KANE MEMORIAL KINDERGARTEN

Executive Summary

Council owns land 20A Volga Street Hadfield. The site is currently leased to H.E. Kane Pty Ltd Committee of Management (Committee) to provide a 3 and 4 year old kindergarten service at the site.

The Committee is formed by volunteer parents and has encountered challenges to recruit and maintain members for some time. The Committee undertook a process to investigate the option for an early years manager (Service Provider) to take over management of the service and has determined that Uniting is the best provider to assume this role.

Uniting is the community services organisation of the Uniting Church in Victoria and Tasmania. It is a not-for-profit organisation that provides childcare, kindergarten, and early learning centres services.

The Committee has requested approval for the transfer of the lease from the Committee to Uniting and a new lease negotiated.

The proposed lease with Uniting for a 5-year term does not require a statutory process under Section 115 of the *Local Government Act 2020*.

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

Rent	\$1 per annum if demanded
Term	5 years
Permitted use	Kindergarten services

Officer Recommendation

That Council:

1. Notes that it is not required to undertake a statutory process under Section 115 of the *Local Government Act 2020* for this lease.
2. Notes the terms of the lease will be for 5 years and that the rent will be peppercorn.
3. Authorises the Director Place and Environment to do all things necessary to formalise the lease at H. E. Kane Memorial Kindergarten, 20A Volga Street Hadfield to Uniting for a term of 5 years.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

1. **Notes that it is not required to undertake a statutory process under Section 115 of the Local Government Act 2020 for this lease.**
2. **Notes the terms of the lease will be for 5 years and that the rent will be peppercorn.**
3. **Authorises the Director Place and Environment to do all things necessary to formalise the lease at H E Kane Memorial Kindergarten, 20A Volga Street Hadfield to Uniting for a term of 5 years.**

Carried

7.26 PROPOSED TELECOMMUNICATIONS LEASE - PART OF 133-165 DALEY STREET GLENROY

Executive Summary

Axicom approached Council officers for a proposal to lease a part of Council land at ATC Cook Reserve, located at 133–165 Daley Street, Glenroy for the construction of a new telecommunications facility.

Axicom and Council officers discussed preliminary options and met onsite to determine a suitable location, shown circled red in Attachment 1.

Axicom have agreed at their cost to:

- complete a full sports field lighting design.
- install one replacement light pole and associated lighting infrastructure (a new Council asset). The Axicom telecommunication antenna will be attached to this light pole.
- any power upgrade to site for the telecommunications infrastructure and sporting pavilion (including sports field lights - which is a community benefit and cost saving to Council).
- Access gates installation.

The facility will not be a Low Impact Facility as defined in the *Telecommunications (Low Impact Facilities) Determination Act 1997* and will therefore require a planning permit.

Axicom has proposed the following lease terms for Council's consideration:

Rent	\$25,000 plus GST per annum
Term	35 years
Rent review	2.5% increase per annum
Permitted use	To install, construct, operate and maintain communications facilities in accordance with the provisions of this lease, including but not limited to inspecting, constructing, storing, operating, repairing, maintaining, altering, upgrading and replacing the Tenant's Equipment and incidental uses.

Axicom is seeking in-principle approval from Council for a proposed lease.

The purpose of this report is to seek Council's authorisation to commence the statutory procedures to lease part of Council's ATC Reserve to Axicom in accordance with Section 115 of the *Local Government Act 2020* (the Act).

Officer Recommendation

That Council:

1. Approves in principle the location of the proposed telecommunications facility as identified and shown within the red circle on the plan Attachment 1.
2. Commences procedures to lease part of ATC Cook Reserve to Axicom for the purpose of a telecommunication facility and shelter equipment as required under section 115 of the *Local Government Act 2020*.
3. Gives public notice of the proposed lease in the *Age* newspaper and on Council's website in accordance with *Section 115 of the Local Government Act 2020* and Council's Community Engagement Policy (Statutory Projects) and such notice states that Council proposes to lease part of its site to Axicom for a 35-year lease term at a commencement annual rent of \$25,000 per annum (plus GST) with annual fixed increments of 2.5 per cent.
4. Appoints Councillor _____ as Chair, and Councillors _____, _____, and _____ to a Committee to hear any submitters requesting to be heard in support of their written submission.
5. Notes the Hearing of Submissions Committee meeting to be held on a date and time to be set, at the Merri-bek Civic Centre, 90 Bell Street, Coburg. The date and time will be set by Council and any submitters will be notified.
6. Following the consultation process, receives a report in relation to the proposed lease of part of ATC Cook Reserve to Axicom with a recommendation to proceed or not proceed.

Resolution

Cr Riley moved, Cr Yildiz seconded -

That Council:

- 1. Approves in principle the location of the proposed telecommunications facility as identified and shown within the red circle on the plan Attachment 1.**
- 2. Commences procedures to lease part of ATC Cook Reserve to Axicom for the purpose of a telecommunication facility and shelter equipment as required under section 115 of the Local Government Act 2020.**

3. Gives public notice of the proposed lease in the Age newspaper and on Council's website in accordance with Section 115 of the Local Government Act 2020 and Council's Community Engagement Policy (Statutory Projects) and such notice states that Council proposes to lease part of its site to Axicom for a 35-year lease term at a commencement annual rent of \$25,000 per annum (plus GST) with annual fixed increments of 2.5 per cent.
4. Appoints Councillor Davidson as Chair and Councillors Panopoulos (Mayor) Yildiz and Harte to a Committee to hear any submitters requesting to be heard in support of their written submission.
5. Notes the Hearing of Submissions Committee meeting to be held on a date and time to be set, at the Merri-bek Civic Centre, 90 Bell Street, Coburg. The date and time will be set by Council and any submitters will be notified.
6. Following the consultation process, receives a report in relation to the proposed lease of part of ATC Cook Reserve to Axicom with a recommendation to proceed or not proceed.

Carried unanimously

Time Extension

Motion

Cr Tapinos moved, Cr Conlan seconded -

That the meeting be extended for 30 minutes at 10.26 pm.

Carried

NOTICES OF MOTION

8.1 REVIEW OF GOVERNANCE RULES

Motion

That Council:

1. Commences a review of Council's Governance Rules against best practice in meeting procedure and a comparative benchmark with other metropolitan councils.
2. Receives a report at the April 2023 Council meeting outlining options for:
 - a) enhancing community questions and submissions
 - b) refining motions and debate
 - c) clarifying conflicts of interest
 - d) refining records of meetings held under auspices of Council being more inclusive; and
 - e) removing ambiguity in the interpretation and practical application of the Governance Rules.

Resolution

Cr Pavlidis moved, Cr Yildiz seconded -

That Council:

1. **Receives a report at the February 2023 Council meeting, outlining the processes and resourcing required to undertake a full review of Council's Governance Rules.**

2. The scope of the review of the Governance Rules is to include:
- a) undertaking a review against best practice in meeting procedure and a comparative benchmark with other metropolitan councils; and
 - b) outlining options for improving the Governance Rules which includes (but is not limited to):
 - i) enhancing community questions and submissions
 - ii) refining motions and debate
 - iii) clarifying conflicts of interest
 - iv) refining records of meetings held under auspices of Council being more inclusive; and
 - v) removing ambiguity in the interpretation and practical application of the Governance Rules.

Carried

Cr Pavlidis called for a division.

For	Against
Cr Pavlidis	Cr Bolton
Cr Davidson	Cr Conlan
Cr Tapinos	Cr Riley
Cr Yildiz	Cr Panopoulos
Cr Harte	
Total For (5)	Total Against (4)

NOTICE OF RESCISSION

Nil

FORESHADOWED ITEMS

Nil

URGENT BUSINESS REPORTS

Cr Bolton requested an urgent item of business be admitted to the meeting.

Resolution

Cr Bolton moved, Cr Tapinos seconded -

That Council admits an item of Urgent Business for consideration, as it relates to a matter that has arisen since the distribution of the agenda and cannot safely or conveniently be deferred to the next Council meeting.

Carried

10.47 pm Cr Davidson left the meeting.

**11.1 INSTALLATION OF SAFETY MEASURES AT THE
URQUHART STREET PEDESTRIAN CROSSING BEFORE
THE 2023 SCHOOL YEAR**

Resolution

Cr Bolton moved, Cr Tapinos seconded –

That Council undertakes to:

- 1. Install some initial safety measures such as signage at the Urquhart St pedestrian crossing used by Coburg High School students to access their school, before the 2023 school year begins.**
- 2. Prepare recommendations for a more comprehensive solution to safety issues at this location.**

Carried

10.48 pm Cr Davidson returned to the meeting.

The meeting closed at 10.48 pm.