



Merri-bek City Council

Minutes of the Council Meeting

Held at the Council Chamber, Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 14 February 2024

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

Present	Time In	Time Out
Cr Adam Pulford, Mayor	7.01 pm	9.53 pm
Cr Lambros Tapinos, Deputy Mayor	7.02 pm	9.53 pm
Cr Angelica Panopoulos	7.01 pm	9.53 pm
Cr Helen Davidson	7.40 pm	9.53 pm
Cr Annalivia Carli Hannan	7.01 pm	9.37 pm
Cr Helen Pavlidis	7.01 pm	9.53 pm
Cr James Conlan	7.01 pm	9.53 pm
Cr Mark Riley	7.01 pm	9.53 pm
Cr Monica Harte	Leave of absence	
Cr Oscar Yildiz JP	Leave of absence	
Cr Sue Bolton	7.01 pm	9.53 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

Leave of absence has been granted to:

Cr Yildiz - 20 November 2023 to 31 March 2024 inclusive.

Leaves of absence

The following Councillors requested leaves of absence as follows:

- Cr Harte has requested carers leave (leave of absence) from 8 February to 31 March 2024 inclusive.
- Cr Riley has requested a leave of absence from 15 February to 3 March 2024 inclusive.
- Cr Pavlidis has requested a leave of absence from 8 March to 15 March 2024 inclusive.

7.06 pm Cr Pavlidis left the meeting.

Resolution

Cr Bolton moved, Cr Panopoulos seconded –

That Council grants leave of absence as follows:

- **Cr Harte from 8 February to 31 March 2024 inclusive.**
- **Cr Riley from 15 February to 3 March 2024 inclusive.**
- **Cr Pavlidis from 8 March to 15 March 2024 inclusive.**

Carried

7.07 pm Cr Pavlidis returned to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Pavlidis declared a general conflict of interest in item Apologies/Leave of Absence as she has requested a leave of absence. Cr Pavlidis left the meeting while the item was considered.

MINUTE CONFIRMATION

Resolution

Cr Conlan moved, Cr Riley seconded –

The minutes of the Council Meeting held on 6 December 2023 and Special Meeting held on 13 December 2023 be confirmed.

Carried

ACKNOWLEDGEMENTS AND OTHER MATTERS

The Mayor acknowledged the passing of Marian Kermonde, a former Councillor and Mayor of Brunswick City Council. Marian was the first woman elected to Brunswick Council in 1971 until 1977 and serving as Mayor in 1975-1976.

PETITIONS

5.1 REPLACE THE EXISTING AUSTRAL AVENUE TREES ‘SNOW IN SUMMER’ (MELALEUCA LINARIIFOLIA)

A petition (D23/604439) has been received containing 28 signatures requesting Council

act immediately and replace the existing Austral Avenue trees 'Snow in Summer' (melaleuca linariifolia). There have been at least three limbs drops over the past year (one onto a resident's parked car and two onto the footpath). The street trees are dangerous, unsafe and must be replaced as a matter of priority before serious injury occurs and further property damage is sustained. Pedestrians and drivers are at risk of being struck.

Officer Recommendation

That Council:

1. Receives the petition, requesting Council replace the existing Austral Avenue trees 'Snow in Summer' (melaleuca linariifolia).
2. Refers the petition requesting Council replace the existing Austral Avenue trees 'Snow in Summer' (melaleuca linariifolia) to the Director City Infrastructure for consideration and response.

Resolution

Cr Carli Hannan moved, Cr Conlan seconded -

That Council:

1. **Receives the petition, requesting Council replace the existing Austral Avenue trees 'Snow in Summer' (melaleuca linariifolia).**
2. **Refers the petition requesting Council replace the existing Austral Avenue trees 'Snow in Summer' (melaleuca linariifolia) to the Director City Infrastructure for consideration and response.**

Carried

5.2 INSTALL A SHADE SAIL IN THE SMALL DOG ENCLOSED AREA AT GILPIN PARK, BRUNSWICK WEST

A petition (D24/556) has been received containing 74 signatures requesting Council install a shade sail in the small dog enclosed area at Gilpin Park, Brunswick West.

Officer Recommendation

That Council:

1. Receives the petition, requesting Council install a shade sail in the small dog enclosed area at Gilpin Park, Brunswick West.
2. Refers the petition requesting Council install a shade sail in the small dog enclosed area at Gilpin Park, Brunswick West to the Director City Infrastructure for consideration and response.

Resolution

Cr Bolton moved, Cr Tapinos seconded -

That Council:

- 1. Receives the petition, requesting Council install a shade sail in the small dog enclosed area at Gilpin Park, Brunswick West.**
- 2. Refers the petition requesting Council install a shade sail in the small dog enclosed area at Gilpin Park, Brunswick West to the Director City Infrastructure for consideration and response.**

Carried

5.3 PETITION REQUESTING COUNCIL CONTACT PROPERTY OWNERS TO RECTIFY THE SAFETY ISSUES AT THE DERELICT UNITING CHURCH AT 70 WHEATSHEAF ROAD, GLENROY

A petition (D24/65449) has been received containing 129 signatures requesting Council contact property owners to rectify the safety issues at the derelict Uniting Church at 70 Wheatsheaf Road, Glenroy.

Resolution

Cr Panopoulos moved, Cr Carli Hannan seconded –

That Council:

- 1. Receives the petition, requesting Council contact property owners to rectify the safety issues at the derelict Uniting Church at 70 Wheatsheaf Road, Glenroy.**
- 2. Refers the petition requesting Council contact property owners to rectify the safety issues at the derelict Uniting Church at 70 Wheatsheaf Road, Glenroy to the Director City Infrastructure for consideration and response.**

Carried

5.4 PETITION REQUESTING COUNCIL SUPPORT THE FEDERAL GOVERNMENT TO INCREASE FUNDING ALLOCATION TO SAVE OUR FAVOURITE THINGS

A petition (D24/61244) has been received containing 10 signatures requesting Council support the Federal Government to increase funding allocation to save our favourite things in the 2024-25 Budget.

Resolution

Cr Conlan moved, Cr Bolton seconded –

That Council:

- 1. Receives the petition, requesting Council support the Federal Government to increase funding allocation of all our favourite things in the 2024-25 Budget.**

2. Refers the petition requesting Council support the Federal Government to increase funding allocation of all our favourite things in the 2024-25 Budget to the Director Community for consideration and response.

Carried

PUBLIC QUESTION TIME

Public Question Time commenced at 7.20 pm.

A summary of questions and the response provided, and items for which community statements were made is provided below.

REPORT 7.7 ADOPTION OF COUNCIL'S GOVERNANCE RULES 2023

One question was received by Marion Attwater.

This question related to the report providing relevant attachments (specifically the Maddocks and LGV model template Governance Rules and the Operation Sandon Special Report recommendations), and raised concerns about the necessity of including such information for community engagement and asked can the municipal community please be provided access to the Maddocks model template Governance Rules, the LGV model template Governance Rules and the clear instructions pointing to the Operation Sandon recommendations?

At the request of the Mayor, Director Business Transformation, Sue Vujcevic responded:

The Governance Rules have been reviewed and adjusted over time drawing upon information such as the model governance rules, which are purchased by Maddocks and therefore not publicly available, legislative changes and also the Model Governance Rules released by Local Government Victoria. As part of the consultation period proposed for the Governance Rules, we will provide links to information that is public and already available to view on Local Government's Victoria's website and the Independent Broad-based Anti-corruption Commission's website.

Operation Sandon has suggested that the Minister for Local Government ensure that Local Government Victoria formulates and releases Model Governance Rules as the baseline standards for council meeting procedures. Consequently, Council will consider further adjustments in response to the development of these Model Governance Rules by Local Government Victoria.

REPORT 7.10 GOVERNANCE REPORT – FEBRUARY 2024 – CYCLICAL REPORT

One question was received by Dino Albano which was taken **on notice**.

REPORT 7.11 OPEN COUNCIL RESOLUTIONS REPORT

Two questions were received for this item.

Question 1

Marion Attwater acknowledged the value of a report and thanked Council for its introduction. Ms Attwater noted the absence of monthly cyclical governance reports and their recommendations and asked if these could be included and sought an update on the status of registering the Friends of Aileu as a fundraiser with Consumer Affairs Victoria.

At the request of the Mayor, Director Business Transformation, Sue Vujcevic responded:

There are currently no open resolutions resulting from the cyclical Governance Reports.

On the second part of your Question regarding Friends of Aileu, Council has lodged the application with Consumer Affairs Victoria in January this year, we have been advised that we will receive notification within the next few months.

Question 2

One question was received by Dino Albano which was taken **on notice**.

NOTICE OF MOTION 8.1 DON'T REMOVE THE SCHOOL CROSSING AT BRUNSWICK SECONDARY COLLEGE

One statement was received.

Karen Harris, Principal of Brunswick Secondary College together with Shahab Kasmai, School Council President of Secondary College made the following statement:

My name is Karen Harris. I have been the principal at Brunswick Secondary College for 8 years. I am here tonight with Shahab Kasmai, our School Council President.

The school has a supervised crossing on Dawson St at a pedestrian crossing with traffic lights.

The school also has school crossing poles and line markings on Fallon St without a supervisor. We have a staff member on yard duty before and after school on Fallon St and place flags out but the teacher does not direct traffic, carry a stop sign or use a whistle.

When I communicated to staff last year the crossing was to be removed there was an audible gasp in the staff meeting. Staff cannot envisage a safe scenario on Fallon St without the poles.

School Council was similarly aghast at the notion of the crossing removal as parents and carers regularly report concerns with driver behaviour on Fallon St.

Consultation with the School Council, staff and the wider school community reveals that the college does not want the marked crossing to be removed, regardless of its 'failure to qualify' for paid supervision.

The school community encourages councillors to consider the following issues associated with the potential removal.

- A significantly high number of students enter and exit the school grounds via gates on Fallon Street. This results in a spike in both pedestrian and road traffic on Fallon Street at school drop-off and pick-up times.
- The marked crossing area (including posts and flags) provides a safe opportunity for our students to cross the street during its busiest periods.
- The crossing has long existed, *without* the benefit of a paid supervisor.
- As mentioned earlier College staff are assigned to display crossing flags and supervise the crossing twice per day (8.34am to 8.59am and 3.22pm to 3.47pm) as part of their paid duties. This practice is maintained because the college recognises the value in having a physical presence at the school crossing in Fallon Street

I am not in favour of staff at the school undertaking training to be supervisors. This seems one more thing added to the already busy role school staff have.

Removing the crossing will put the safety of students at risk. A designated crossing encourages all pedestrians to cross safely, as well as provides a visual cue to drivers and cyclists to slow down for pedestrian traffic at specific times of the day.

As principal of the college and on behalf of the school community I implore councillors to vote in support of retaining the Fallon Street school crossing. A vote to retain the crossing is a vote for the safety of our students.

NOTICE OF MOTION 8.2 SAVE DE CHENE RESERVE COMMUNITY GARDEN

Two questions and one statement were received for this item.

Question 1

Andreas Alexandra and Isabella of Guerilla Gardening Naarm inquired about strategies to provide accessible avenues for growing food for individuals with less privilege or capacity, such as those without land access or facing financial hardship and referenced Council's commitment to alternative approaches in the food system strategy and asked how Council plans to adapt its framework to support informal gardens and projects like the guerrilla garden, which aim to address various social issues, foster community cohesion, and enhance food security in Merri-bek.

Question 2

Andreas Alexandra and Isabella of Guerilla Gardening Naarm highlighted the increase in food insecurity, citing rising fresh food prices and a surge in food insecurity in North Merri during the COVID-19 pandemic and asked if Council acknowledges that projects like the Guerilla garden set a new precedent for food sovereignty and what steps are you willing to take to ensure the Council's food sovereignty work is genuinely adaptable and flexible - to allow community led projects like this garden to thrive?

At the invitation of the Mayor, Cr Annalivia Carli Hannan responded:

Council's Food System Strategy was developed in 2020, one of the elements of the strategy was to create a Community Food Hub in the northern suburbs and we have come up against some obstacles.

It might be that we continue this conversation beyond this meeting to hear from yourselves about what you are finding really works, and we can look at amending our strategy and implementing things that you know actually are effective.

Statement

Cameron Villani made the following statement:

A few weeks ago, we as a collective, set up a community garden at De Chene Reserve next to the Merri Creek in Coburg with the intention of utilising empty spaces to grow food. Has attracted lots of interest from people nearby to come feel connected and learn about local food growing. In times of climate change and facing food insecurity we need creative ideas and solutions for us to thrive. We as a group are very keen to do gardening work in our urban areas and explore this potential to get food in a sustainable and healthy way.

7.38 pm Cr Tapinos left the meeting.

7.38 pm Cr Tapinos returned to the meeting.

NOTICE OF MOTION 8.3 DISABILITY PARKING ISSUE

One question was received by Callum Harrison.

Mr Harrison being a disability support worker who assists a person with disabilities living in the Nightingale development on Hope Street, who relies on a vehicle for appointments and shopping, and considering the Nightingale developments aim to reduce car dependency, asked does the Council have a plan to provide adequate parking for essential workers in this area?

At the invitation of the Mayor, Cr Sue Bolton responded:

Thanks Callum, I raised this issue with the Council officers and also there is a notice of motion coming up later on this evening.

One thing that might assist you is the new parking regulations coming into effect on 1 April, which allows for home visits for people who provide disability care or other forms of care to people or home maintenance services to apply for a visitor for home visit permit, including for sole traders, so that is likely to solve your issue but it won't come into effect until April.

I am pursuing my notice of motion, because the State Government really controls the assessment for disability parking, and while Merri-bek might be changing its policy to allow sole traders who provide some form of care to people to have access to our home visit permits, that won't necessarily be the case if you are caring for somebody in another municipality.

There is still a need for some changes and especially as I understand since NDIS came in, a lot of disability support workers have been forced to become sole traders, who never would have considered being sole traders in the past, so I think it has taken unfortunately too long for councils and State Government to catch up in terms of your ability to provide care for people.

7.40 pm *Cr Davidson entered the meeting.*

7.42 pm *Cr Pavlidis left the meeting.*

7.42 pm *Cr Pavlidis returned to the meeting.*

Non-agenda items: Questions and Statements

STATEMENT

Jacob Vernon made the following statement.

Despite the vibrant culture in Brunswick, my friends strongly prefer to hang out in the city because it's just so much more comfortable to be there. In many areas of Brunswick, the crowded narrow footpaths cause interruptions to the flow of conversation. It's difficult to comfortably chat while walking side by side. The infrastructure creates many pedestrian bottlenecks, and this issue is magnified in situations involving pedestrians with greater spatial needs. People with prams, children, pets, or mobility aids don't have the space to exist without obstructing the path. The whole claustrophobic experience is anxiety provoking, but people endure it so they can enjoy the many great places we have here. Brunswick has incredible potential as a real destination, where all kinds of people can enjoy spending the whole day out-and-about, and I implore you to implement changes that would move us toward that.

7.43 pm *Cr Pavlidis left the meeting.*

7.44 pm *Cr Pavlidis returned to the meeting.*

QUESTION

One question was received by Jacob Vernon relating to discussions and projects aimed at enhancing safety for cyclists, pedestrians, tram users, and others along Sydney Road, prompted by past incidents including a cyclist's death in a car-dooring incident in 2015. Despite prolonged efforts, plans to improve safety, access and amenities along Sydney Road appear to have stalled. With the impending closure of the adjacent Upfield bike path due to the next stage of Upfield line level crossings removals, there is increased urgency for accessible tram stops, separated bike lanes and pedestrian crossing points on Sydney Road and asked can Council provide an update to the community on the next steps being undertaken to deliver the much needed safety, access and amenity improvements along Sydney Road and what further work is needed to be done with the State government to achieve these improved outcomes?

The Mayor, Cr Adam Pulford responded:

We often hear from community members about how they want to make Sydney Road safer and greener and I think a lot of Councillors share the frustration that community members have, that progress in Sydney Road has stalled.

Largely, Sydney Road is State Government responsibility and we have limited actual control on the road. Recently we passed a motion, we do have ability to make some change on the footpaths so we are getting rid of some overcrowded signs and things like that to make more space, and we are having a graffiti blitz. That is the kind of little stuff we are doing within our control but more importantly, I think there needs to be structural change on Sydney Road. Council has a strong position on that, we have had for years since 2019. I think that was the last kind of State lead consultation on what the future of Sydney Road looks like and as you said the Brunswick Level Crossing removal will create two big challenges for people in our community. That is the Upfield shared path will close, which means where will cyclists go? Also there will be no accessible transport from Brunswick Road to Bakers Road because we don't have accessible tram stops on the Number 19 line.

There is a lot to be gained from the level crossing removal project in Brunswick and this kind of need creates for safe options for cyclists, and accessible public transport options means that I think there is a real opportunity for the State Government to take this opportunity and transform Sydney Road to make it work better for everybody.

STATEMENT AND QUESTION

A statement and question were received by Daniel Barajas regarding the allocation of sports facilities which were taken **on notice**.

QUESTION

A question was received by Sean Nettleton regarding the use of Moreland labelled bins by Darebin City Council which was taken **on notice**.

Question Time Extension

Resolution

Cr Bolton moved, Cr Panopoulos seconded -

That public question time be extended by 30 minutes at 7.49 pm.

Carried

STATEMENT

Richie Goonan, on behalf of Youth Projects made the following statement..

Thank you for the opportunity to speak to you this evening about the fantastic work we're doing in partnership with Merri-bek Council at Youth Projects.

Youth Projects has been a lifeblood of the local community since 1984, providing high impact support for young people and we would like to make a statement about the great work we are doing in partnership when it comes to the Youth Holistic Outreach program. I am going to speak very little and throw over the expert, someone who has been through the program and is now an employee of Youth Projects.

But a quick overview, Youth Holistic Outreach Program (YHOP) as it suggests, we work across a whole gamut of different issues. The young people are coming through the door, our door, and other doors, schools, local criminal justice systems, Council itself and we don't judge what comes through the door. We deal with what comes through the door and walk alongside young people to provide high impact support through a case management model for up to 26 weeks.

We've been working in Merri-bek since 2018 in YHOP and have assisted over 1000 people.

Being able to find them homes, being able to get them into job, stay in school, rectify relationships in their personal life, their family lives, financial assistance, housing support and anything else that comes along with it, but as I said, I want to throw over to the expert in the room and that is Sharni.

STATEMENT

Sharni-Lee Tolliday, on behalf of Youth Projects made the following statement.

Hello everyone, thank you for being here and having some time to listen to our presentation.

When I came to Youth Projects I had a lot of disadvantages personally from all sorts of backgrounds, from home, family, there was a lot of struggles going on. I was really looking for a mentor that I could look up to, as I didn't have that in my own upbringing.

What did YHOP do for me? Which you are probably all questioning. It helped me build confidence, how I am here today having a speech for everyone, giving independence, finding a job that I am passionate about.

I definitely wanted to go into Youth Work somehow as they have had massive impacts in my life and had taken me out of the disadvantages I was in. Supported me financially, so things that we may not even acknowledge but when you're in circumstances like that, out of home, it's very hard to get things like a phone credit, a phone, food packages, they helped out with clothes and even amenities.

YHOP, Youth Coaches have a massive compassion and understanding from their life experiences, making a massive difference and why I was actually willing to contribute with the organisation and make that next step in my personal life.

What impact has YHOP given me? Youth Coaches had seen my potential and had given me the opportunity to join Youth Projects as an employee now. A place where my disability was seen as a superpower and not a disadvantage, and I was able to have my first rental and a safe place to live.

Now I am currently working on hopefully trying to become a YHOP worker myself as a youth coach behind the scenes. So I am at least able to have the opportunity to also impact someone else's life, that was once in my shoes.

QUESTION

Nat Abboud asked is the Council aware of the new ward boundaries for the 11 new wards at Merri-bek and if not, will the Council please write to the Local Government minister Melissa Horne and ask her when she is releasing this information?

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

No, Council has not been advised of the Minister's determination of the ward boundaries following the electoral representation review. This is the case for all the 30+ councils who have undergone recent electoral representation reviews.

Recent informal advice from the State Government is that the outcomes of the reviews are expected to be determined, announced and gazetted approximately by the end of this month.

QUESTION

One question was received from Zoe Bunworth regarding parking on Bindi Street, Glenroy which was taken **on notice**.

Public Question Time concluded at 7.56 pm.

ALTER THE ORDER OF BUSINESS

Resolution

Cr Conlan moved, Cr Panopoulos seconded –

That the order of business be altered, and Council considers the following items first, before returning to the order of items as printed in the agenda:

- 1. Notice of Motion 8.1 Don't Remove the school crossing at Brunswick Secondary College**
- 2. Notice of Motion 8.2 Save De Chene Reserve Community Garden**
- 3. Council report 7.4 Naming the park at 260 Sydney Road Brunswick - proposed shortlist.**

Carried

COUNCIL REPORTS

8.1 DON'T REMOVE THE SCHOOL CROSSING AT BRUNSWICK SECONDARY COLLEGE

Motion

That Council:

1. Notes the letter sent to all Councillors from the School Principal in consultation with the School Council, on 4 February 2024, which explicitly requests that council retain the crossing as is.
2. Notes that the existing school crossing infrastructure has been in place for at least 15 years, with the School Principal noting that it provides a visual cue to motorists to slow down on approach.
3. Notes that the school provides for a teacher to supervise the crossing before and after school each school day. While this teacher is not the same as the crossing supervisors provided by the Department of Transport and Planning (DTP), the teachers perform a supervisory role in helping kids to cross the road and asking motorists to slow down.
4. Given that removal of the existing crossing is not supported by the resident who raised this with council, nor by the School Council or School Principal, that council resolves to retain the crossing as is.
5. As requested by the principal of Brunswick Secondary College, requests officers to undertake a fresh audit of traffic volumes and pedestrian numbers at the Fallon Street school crossing and apply for DTP funding for a paid supervisor if the counts meet the DTP's thresholds.

6. Requests officers to undertake speed surveys and observe driver behaviour at the site over the same period.

Resolution

Cr Conlan moved, Cr Bolton seconded -

That Council:

1. **Notes the letter sent to all Councillors from the School Principal in consultation with the School Council, on 4 February 2024, which explicitly requests that council retain the crossing as is.**
2. **Notes that the existing school crossing infrastructure has been in place for at least 15 years, with the School Principal noting that it provides a visual cue to motorists to slow down on approach.**
3. **Notes that the school provides for a teacher to supervise the crossing before and after school each school day. While this teacher is not the same as the crossing supervisors provided by the Department of Transport and Planning (DTP), the teachers perform a supervisory role in helping kids to cross the road and asking motorists to slow down.**
4. **Given that removal of the existing crossing is not supported by the resident who raised this with council, nor by the School Council or School Principal, that council resolves to retain the crossing as is.**
5. **As requested by the principal of Brunswick Secondary College, requests officers to undertake a fresh audit of traffic volumes and pedestrian numbers at the Fallon Street school crossing and apply for DTP funding for a paid supervisor if the counts meet the DTP's thresholds.**
6. **Requests officers to undertake speed surveys and observe driver behaviour at the site over the same period.**

8.03 pm *Cr Riley left the meeting.*

8.04 pm *Cr Riley returned to the meeting.*

Carried unanimously

8.2 SAVE DE CHENE RESERVE COMMUNITY GARDEN

Motion

That Council:

1. Reiterates its support for community-led community gardens.
2. Congratulates Guerrilla Gardening Naarm on the establishment of the garden at De Chene Reserve and notes that officers are supporting the group to establish the garden safely and sustainably.
3. Requests officers to update the Community Garden Guidelines in 2024 to streamline the process and make it easier for community groups to seek approvals for future community gardens.

Resolution

Cr Conlan moved, Cr Bolton seconded -

That Council:

1. **Reiterates its support for community-led community gardens.**

2. **Congratulates Guerrilla Gardening Naarm on the establishment of the garden at De Chene Reserve and notes that officers are supporting the group to establish the garden safely and sustainably.**
3. **Requests officers to update the Community Garden Guidelines in 2024 to streamline the process and make it easier for community groups to seek approvals for future community gardens.**
4. **Investigates the feasibility of installing a tap nearby to support watering of the community garden.**

8.06 pm Cr Riley left the meeting.

8.06 pm Cr Davidson left the meeting.

8.07 pm Cr Riley returned to the meeting.

8.07 pm Cr Davidson returned to the meeting.

Carried unanimously

Mayor, Cr Pulford acknowledged the presence in the gallery of the family of Michelle Guglielmo, Angela and Vickie. The Mayor acknowledged the significant and meaningful contribution that Michelle made to Council and the community.

7.4 NAMING THE PARK AT 260 SYDNEY ROAD BRUNSWICK - PROPOSED SHORTLIST

Executive Summary

A new urban park is being created at 260 Sydney Road, Brunswick as part of Council's 'Park Close to Home' project. A locality plan is shown in Attachment 1. This report proposes a shortlist of names for the community to vote upon.

A public consultation seeking naming suggestions for the new urban park was listed on Council's website and on Conversations Merri-bek, Facebook, Instagram and letters were sent to surrounding properties for a period of 30 days until 12 April 2023.

Council officers have re-consulted with the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation for the proposed use of an indigenous name from previous naming projects for this park and permission has been granted.

From the consultation twelve submissions were received, with eleven different names for the park suggested. The names collected from the community consultation process can be viewed in Attachment 2. Four names have been selected as meeting the mandatory Naming Rules and Council's preference criteria in its Naming Policy for this park.

A commemorative name Michelle Guglielmo is included in the submissions for the naming of the new park at 260 Sydney Road, Brunswick. For the use of a commemorative name, Council must obtain approval from the family. Approval from the Guglielmo family has been granted to use this name.

Council next consult with the community to understand their preference via a voting poll. The names proposed to be included in the voting poll are:

- Wa dam buk
- Michelle Guglielmo
- Knolly
- Noogal nganjin

The proposed process for carrying out the poll is in accordance with the Naming Rules.

Access to the poll will be via Council's website, Conversations Merri-bek and written responses via email or letters will also be accepted.

Once the voting is complete, a further report will be presented to Council with the results and a recommendation for a new name for the park to be proposed for endorsement.

Officer Recommendation

That Council:

1. Having invited the community to put forward suggestions for names for a new urban park at 260 Sydney Road, Brunswick, establishes a voting poll on Council's Conversations Merri-bek website and notifies submitters, owners and occupiers in the immediate community.
2. Endorses, for inclusion in a voting poll, the following names for the urban park at 260 Sydney Road, Brunswick:
 - a) *Wa dam buk* Park
 - b) *Michelle Guglielmo* Park
 - c) *Knolly* Park
 - d) *Noogal nganjin* Park
3. Receives a further report with the results of the voting poll, with a recommendation for Council to adopt a name for the urban park at 260 Sydney Road, Brunswick.

Resolution

Cr Riley moved, Cr Tapinos seconded -

That Council:

1. **Having invited the community to put forward suggestions for names for a new urban park at 260 Sydney Road, Brunswick, establishes a voting poll on Council's Conversations Merri-bek website and notifies submitters, owners and occupiers in the surrounding community.**
2. **Endorses, for inclusion in a voting poll, the following names for the urban park at 260 Sydney Road, Brunswick:**
 - a) **Wa dam buk** Park
 - b) **Michelle Guglielmo** Park
 - c) **Noogal nganjin** Park
3. **Receives a further report with the results of the voting poll, with a recommendation for Council to adopt a name for the urban park at 260 Sydney Road, Brunswick.**

Carried unanimously

7.1 APPROVAL OF PARKING LOSS ON GAFFNEY STREET TO ALLOW DEPARTMENT OF TRANSPORT AND PLANNING TO REINSTATE THE BIKE LANE

Executive Summary

Gaffney Street is a State Declared Arterial Road that is an important east-west route for vehicles and also cyclists using a dedicated marked bicycle lane from Sydney Road in Coburg to Burgundy Street in Pascoe Vale. In 2019 Council received a development application for the site at 166-172 Gaffney Street, Coburg North for a supermarket. This was referred to the Department of Transport and Planning (DTP) and one of the DTP recommendations was for removal of the bike lane to make way for a right turn deceleration lane into the site, while retaining most of the parking on the south side of Gaffney Street between Bishop Street and Jersey Street.

The removal of the bicycle lane has created a missing link for cyclists travelling west bound on Gaffney Street between Bishop Street and Jersey Street. Council received a request from DTP in June 2023 to reinstate the bicycle lane on the southern side of Gaffney Street between Bishop Street and Jersey Street, to have a fully connected bicycle route along Gaffney Street between Sydney Road, Coburg and Burgundy Street, Pascoe Vale.

To maintain the right-hand turn deceleration lane and reinstate the marked bicycle lane would require the removal of approximately 110m of kerb-side parking spaces. This is the equivalent of 19 car parking spaces on the southern side of Gaffney Street between Bishop Street and Jersey Street.

Council officers have investigated the DTP proposal for the removal of parking and recommends supporting DTP on the reinstatement of the marked bicycle lane to provide cyclists an uninterrupted route travelling east-west on Gaffney Street. This aligns with Council's Integrated Transport Strategy 2019 and draft Moving Around Merri-bek Transport Strategy.

If supported Council officers will liaise with DTP to draft up plans and work with affected property owners regarding the parking removal. It is noted that the Coburg Special Developmental School (on the corner of Bishop and Gaffney Streets) is moving to a new site within the first quarter of 2024 and so the changes should be implemented after the school has vacated the site.

Officer Recommendation

That Council approves the removal of 19 on-street car parking spaces along the southern side of Gaffney Street, Coburg North between Bishop Street and Jersey Street, as part of Department of Transport and Planning request to reinstate the marked bicycle lane, with the changes to be made after the Coburg Special Developmental School has vacated its Gaffney Street / Bishop Street site.

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council approves the removal of 19 on-street car parking spaces along the southern side of Gaffney Street, Coburg North between Bishop Street and Jersey Street, as part of Department of Transport and Planning request to reinstate the marked bicycle lane, with the changes to be made after the Coburg Special Developmental School has vacated its Gaffney Street / Bishop Street site.

8.22 pm Cr Carli Hannan left the meeting.

8.22 pm Cr Riley left the meeting.

8.22 pm Cr Riley returned to the meeting.

8.23 pm Cr Tapinos left the meeting.

8.24 pm Cr Pavlidis left the meeting.
8.24 pm Cr Tapinos returned to the meeting.
8.24 pm Cr Tapinos left the meeting.
8.24 pm Cr Carli Hannan returned to the meeting.
8.25 pm Cr Tapinos returned to the meeting.
8.25 pm Cr Pavlidis returned to the meeting.

Carried unanimously

7.2 WEST STREET SHOPPING STRIP RENEWAL PROJECT, ROUND 2 ENGAGEMENT OUTCOMES

Executive Summary

West Street is a commercially thriving neighbourhood centre shopping strip in Hadfield with an established trader group. In 2022 the strip was prioritised on Council's Shopping Strip Renewal Program and a plan has been developed to:

- improve access for people who walk, cycle, drive or catch the bus to the area;
- make it safer to move around the area, particularly for those with mobility issues;
- enhance amenity to entice people to visit and linger;
- support local businesses; and
- enhance the local environment, by removing pollutants from stormwater, increasing biodiversity and tree canopy cover, and supporting sustainable transport.

The purpose of this report is to present the Round 2 engagement findings for the West Street Shopping Strip Renewal Project and to outline the proposed next steps in developing a final concept plan.

Engagement around improvements to West Street was first carried out in 2014, and focussed on possible modifications to the West Street, Glenroy Road, Geum Street intersection. However, the proposals to modify the intersection were not supported by the community due to the impacts on parking, and so the project did not progress at that stage.

This current project has sought to look more broadly at what is possible at West Street to calm traffic and create a more pleasant and safe environment for those using the centre.

Officers carried out Round 1 community and trader engagement in February 2023 and also commissioned a traffic and parking study. The results of these were reflected in a Draft Concept Plan (the Draft) which has been the focus of Round 2 engagement.

Round 1 community engagement findings confirmed that loss of parking was still a key consideration for both local traders and local community members using the centre, so a range of interventions have been explored that seek to balance the needs of all visitors to the shopping strip, providing improvements to amenity, access, and safety, whilst minimising parking loss.

Round 2 engagement was carried out in November 2023 with both traders and the broader community to seek feedback on the Draft that had been developed in response to Round 1 feedback. The engagement process included a letter-drop to the surrounding catchment, an in-person session with traders, an online survey, and onsite pop-up events for the community.

A total of 171 people participated in the engagement activities. 50% of survey respondents indicated they were either 'very happy' or 'happy' with the Draft, and 25% indicated 'neutral' feelings.

Delivering essential safety improvements would necessitate the removal of approximately four carparks. Design work has focussed on minimising this number to the greatest extent possible whilst maximising the safety and amenity of the neighbourhood centre for all visitors.

Proposed improvements such as six new and upgraded pedestrian crossings, new shady gathering areas, street furniture and tree planting were well received by both traders and the broader community.

Similar themes emerged during both the Round 1 and Round 2 engagement including: the importance of car parking spaces to the viability of the shopping strip, traffic calming measures, and improved pedestrian safety.

Additional suggestions received through the engagement process will now be further investigated and incorporated to help inform the Final Concept Plan.

Officer Recommendation

That Council:

1. Notes the outcomes of the Round 2 Community engagement activities.
2. Endorses the proposed next steps to develop a final concept plan.

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council:

1. **Notes the outcomes of the Round 2 Community engagement activities.**
2. **Endorses the proposed next steps to develop a final concept plan.**

8.26 pm Cr Tapinos left the meeting.

8.29 pm Cr Tapinos returned to the meeting.

Carried unanimously

8.29 pm Cr Tapinos left the meeting.

7.3 SHORT-STAY ACCOMMODATION

Executive Summary

In September 2023 Council received an officer report on the prevalence of short-stay accommodation operating in Merri-bek, policy and regulatory responses in Australia and the scope for Council to introduce regulatory measures. Council resolved to support in principle levying a fee and applying a cap on the total number of days per year a property can be used for short-stay accommodation and to receive a further report updating Council on planning and regulatory policy reform.

The State Government announced that it would introduce a Short-stay Levy set at 7.5 per cent of the short-stay accommodation platforms' revenue as part of its Housing Statement announced on 20 September 2023. Enabling legislation for this will be introduced in 2024 and it is expected that it will also restrict the ability of councils to use local laws to regulate short-stay accommodation.

Council has received legal advice to understand its potential options regarding applying a short-stay accommodation cap or local levy. This advice confirms that the State Government's proposed levy is a legal barrier to Council pursuing a local law to charge property owners operating short-stay accommodation. The introduction of a mandatory code of conduct requirement on short-stay accommodation providers potentially offers Council the scope to apply additional regulations which could include a cap on the total number of days per year a property can be used.

However, it remains the case that even if a local law introducing a cap could be legally introduced, without Council having access to information about which properties are used for short-stay accommodation, the local law would largely rely on property owners self-regulating the use of their property.

Officer Recommendation

That Council:

1. Writes to the Minister for Government Services, Gabrielle Williams MP, to ask for clarification on the legislative changes on local government powers arising from the introduction of a Short-stay Levy.
2. Supports Recommendation 34 of the State Parliamentary Inquiry into the rental and housing affordability crisis for the Victorian Government to introduce legislation to establish a mandatory code of conduct for the short-stay rental accommodation industry.
3. Works with the Municipal Association of Victoria and other local governments to advocate for regulation to allow a cap on the total number of days per year a property can be used for short-stay accommodation.
4. Writes to all major short-stay accommodation platform providers to request detailed information on the numbers and operation of the short-stay accommodation market in Merri-bek.

Resolution

Cr Conlan moved, Cr Bolton seconded -

That Council:

1. **Writes to the Minister for Government Services, Gabrielle Williams MP, to ask for clarification on the legislative changes on local government powers arising from the introduction of a Short-stay Levy.**
2. **Supports Recommendation 34 of the State Parliamentary Inquiry into the rental and housing affordability crisis for the Victorian Government to introduce legislation to establish a mandatory code of conduct for the short-stay rental accommodation industry.**
3. **Works with the Municipal Association of Victoria and other local governments to advocate for regulation to allow a cap on the total number of days per year a property can be used for short-stay accommodation.**
4. **Writes to all major short-stay accommodation platform providers to request detailed information on the numbers and operation of the short-stay accommodation market in Merri-bek.**

8.32 pm *Cr Tapinos returned to the meeting.*

Carried

8.32 pm *Cr Tapinos left the meeting.*

The order of business was altered and Item 7.4 Naming the park at 260 Sydney Road Brunswick - proposed shortlist, was considered as the third item after Notice of Motion 8.2 Save De Chene Reserve Community Garden.

7.5 FEDERAL ADVOCACY PRIORITIES

Executive Summary

Merri-bek last adopted its Federal and State Advocacy Priorities in April 2022 which included Upfield Rail Corridor Upgrade and Duplication, the Saxon Street Cultural and Community Hub and the Fawkner Leisure Centre Redevelopment as key priority projects, along with 13 supporting projects and initiatives.

These advocacy priorities were the focus for Council's advocacy platform during the 2022 Federal and State elections. Council was successful in attracting Federal funding for the Saxon Street Cultural and Community Hub and the Fawkner Leisure Centre redevelopment, which are now under construction.

With a Federal Election to take place sometime between 3 August 2024 and 9 October 2025 it is timely for Council to adopt further Federal advocacy infrastructure priorities in the lead up to the next Federal election to add to the existing advocacy priorities adopted in 2022. The existing and new advocacy priorities will provide a focus for Council to promote its advocacy priorities to key stakeholders and an opportunity to secure support and investment in projects and initiatives for the benefit of the Merri-bek community.

The Federal advocacy infrastructure priorities proposed for adoption in this report were informed by workshops held with Senior Managers, Executive and the Mayor and via briefings with Councillors. Council's Community Vision, Council Plan, Long-term Financial Plan, Capital Works Plan and 2023/24 Budget were also considered in relation to advocacy priorities.

The adoption of specific advocacy priorities for the next Federal election will not curtail opportunities for further advocacy associated with existing advocacy priorities or emergent issues nor will this impact operational advocacy which periodically occurs through day-to-day activities at an officer level. These are additional infrastructure related priorities, to accompany the previously adopted priorities from 13 April 2022.

Officer Recommendation

That Council adopts the following Federal Advocacy Priority infrastructure projects:

- Upfield Rail Corridor upgrade and duplication and extension and electrification to Wallan
- Coburg Library redevelopment
- Central Coburg Social and Affordable Housing
- All Abilities Playground
- Ballerdt Mooroop
- More Trees in Merri-bek
- Coburg Aquatic Centre redevelopment
- Gillon Oval Grandstand refurbishment
- Neighbourhood Playground Upgrades (multiple sites)
- Sports Field Lighting Upgrades (multiple sites)

Resolution

Cr Pulford moved, Cr Bolton seconded -

That Council adopts the following Federal Advocacy Priority infrastructure projects:

- **Upfield Rail Corridor upgrade and duplication and extension and electrification to Wallan**
- **Coburg Library redevelopment**
- **Central Coburg Social and Affordable Housing**
- **All Abilities Playground**
- **Ballerrt Mooroop**
- **More Trees in Merri-bek**
- **Coburg Aquatic Centre redevelopment**
- **Gillon Oval Grandstand refurbishment**
- **Neighbourhood Playground Upgrades (multiple sites)**
- **Sports Field Lighting Upgrades (multiple sites)**

8.37 pm Cr Davidson left the meeting.

8.37 pm Cr Tapinos returned to the meeting.

Carried unanimously

8.37 pm Cr Tapinos left the meeting.

7.6 PROPOSED COUNCILLOR CONTACT WITH LOBBYISTS DEVELOPERS AND SUBMITTERS POLICY

Executive Summary

In 2021, Council initiated a trial public registry for Councillor meetings with developers, operating on an opt-in basis. The trial, concluding in July 2023, had limited disclosures, prompting the Council to extend it while maintaining the opt-in system.

Simultaneously, the Council resolved to formulate a policy for Councillor interaction with developers and lobbyists. The significance of the Independent Broad-Based Anti-Corruption Commission's (IBAC's) Operation Sandon, delivered in July 2023, highlighted improper influence, leading to recommendations for enhanced donation and lobbying regulations.

In response to Council resolutions and prompted by Operation Sandon, a comprehensive policy titled 'Councillor Interaction with Lobbyists, Developers and Submitters' has been prepared for Council consideration for adoption.

Drawing on research and guidance from the Independent Commission Against Corruption (ICAC) in New South Wales, the policy aims to strike a balance by defining expectations for Councillor conduct, ensuring adherence to legal and ethical norms, minimising risks in planning application assessments and establishing transparent reporting mechanisms for community accessibility.

Importantly, the policy does not prohibit Councillor engagement but provides provisions for effective and transparent oversight of interactions with lobbyists, developers, and submitters.

Officer Recommendation

That Council adopts the Councillor Interaction with Lobbyists, Developers and Submitters Policy.

Resolution

Cr Panopoulos moved, Cr Riley seconded -

That Council defers the consideration of item 7.6 Proposed Councillor Contact with Lobbyists Developers and Submitters Policy, to the April 2024 Council meeting to allow for further review of provisions and possible refinements.

8.39 pm Cr Davidson returned to the meeting.

8.40 pm Cr Tapinos returned to the meeting.

8.40 pm Cr Tapinos left the meeting.

8.44 pm Cr Tapinos returned to the meeting.

Carried unanimously

8.45 pm Cr Davidson left the meeting.

7.7 ADOPTION OF COUNCIL'S GOVERNANCE RULES 2023

Executive Summary

At its meeting of 9 August 2023, Council resolved to endorse revised Governance Rules for community consultation, via Conversations Merri-bek. At the close of the submission period, 7 submissions were received from 2 submitters.

Submissions received consisted of matters that can be categorised as questions or statements; matters that are resolved through existing processes and legislation (i.e. not needing to be repeated in the Governance Rules); matters already included in the exhibited Governance Rules; and matters which Council officers have determined may conflict with established Governance Rules and/or have the potential to disrupt the flow/running of Council meetings inadvertently. Therefore, amendments resulting from submissions received were not identified.

A summary of the submissions received, together with the Council Officer responses is provided in Attachment 2.

Council officers recommend addressing an inconsistency that emerged during the 9 August 2023 Council meeting. This inconsistency relates to question time at unscheduled Council meetings. Whilst Council rejected an amendment to Rule 3.3.2 of the revised Governance Rules which sought to include public question time at every unscheduled meeting, a corresponding section 3.6.1 (2) was not updated, inadvertently keeping question time at all Council meetings (except for ceremonial, confidential, or Planning and Related Matters meetings).

To align with the Council's initial decision against including question time at unscheduled meetings, this report recommends an amendment to Rule 3.6.1 (2) Questions of Council and Community Statements to apply to scheduled Council meetings only.

Furthermore, following the Council's decision on 8 November 2023, a comprehensive review of the provisions concerning minutes, rescission notices, conflicts of interest, and quorum has been conducted, resulting in additional amendments being proposed (as detailed in the main body of this report).

Consequently, the revised Governance Rules presented in Attachment 1 of this report for Council's consideration incorporate the modification to Rule 3.6.1(2) and encompass further amendments resulting from the comprehensive review of identified provisions. Additionally, the revised Governance Rules maintain the amendments as previously exhibited, which include:

- Correcting anomalies and improving readability throughout the document.
- Amending the definition of a Special Meeting to describe it as an unscheduled meeting of the Council for specific purposes.
- Adding a new rule allowing the Chairperson to determine meeting procedures when not specified in the Governance Rules.
- Amending the process for calling a Special Meeting by the Mayor or Councillors.
- Providing a definition for addressing quorum issues in Council meetings.
- Adjusting the notice requirements and agenda distribution for meetings, including considering exceptional circumstances arrangements.
- Modifying the order of business for Council Meetings, to be determined by the Chief Executive Officer.
- Ensuring time for questions from the public at scheduled Council Meetings.
- Providing information to Councillors about the number of questions received.
- Distributing written questions to Councillors before the Council Meeting.
- Handling unasked questions by taking them "On Notice."
- Allowing the Chairperson to answer questions or delegate them to appropriate parties.
- Enabling the Chairperson to refer questions to the Chief Executive Officer.
- Allowing community members to make statements related to Agenda items at Council Meetings.
- Restricting Community Statements from directing questions to individual Councillors or Council staff.
- Defining how petitions with fewer than 10 signatures should be handled.
- Introducing a rule prohibiting the wearing of face masks or head coverings that disguise identity, except for specific reasons.
- Specifying the process for the Chairperson's casting vote in the event of a tie.
- Clarifying the process for moving and seconding motions.
- Adding a provision for the Chairperson to seek another mover or seconder if mover or seconder wishes to withdraw.
- Deleting a procedural motion rule.
- Updating the policy regarding the review of Council policies.
- Expanding the scope of matters to be recorded in meeting minutes.
- Clarifying the suspension of Standing Orders in Council Meetings.
- Modifying the rules for determining the election of the Mayor/Deputy Mayor.
- Establishing a quorum for Hearing Committees.
- Altering procedures related to conflicts of interest at advisory committee meetings and other Council-supported meetings.
- Updating the record-keeping requirements for various Council meetings and briefings.
- Revising rules related to the use of Council resources during election periods.
- Deleting a paragraph about an approval memorandum in the Election Period Policy.

- Deleting Appendix 1.

Importantly, with additional amendments now proposed, these amendments (resulting from the review), must undergo community consultation (subject to Council's decision). This is because they were not part of the previous community consultation process conducted from August to September 2023.

Officer Recommendation

That Council:

1. Endorses the additional amendments to the Governance Rules provided in Attachment 1 to this report.
2. Invites community feedback on the additional amendments, for a period of 15 business days commencing 16 February 2024 until 5pm, 8 March 2024.
3. Receives a report at the 10 April 2024 Council meeting to consider the amended Governance Rules.

8.46 pm Cr Davidson returned to the meeting.

Motion

Cr Panopoulos moved, Cr Carli Hannan seconded -

That Council:

1. Endorses the additional amendments to the Governance Rules provided in Attachment 1 to this report, with the following amendments:
 - a) Amend 3.5.6 Urgent Business to read:
 - (1) *If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if the submitter provides a clear justification for how:*
 - (a) *It relates to or arises out of a matter which has arisen since distribution of the Agenda; and*
 - (b) *Deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter.*
 - (2) *The Chief Executive Officer, in consultation with the Mayor, may also bring to the attention of Councillors, an item of Urgent Business, that is urgent in nature, and that cannot be addressed through an operational service request process.*
 - b) Amend 3.6.1 (9) Questions of Council and Community Statements to read:

Prior to the hearing of Questions of Council and Community Statements, the Mayor will inform Councillors and the public of the total number of questions received for the Council meeting (including how many have been taken on notice).
 - c) Amend 3.6.2 (2) (e) Questions of Council to read:

A copy of all questions and community statements including those to be taken On Notice received before 5pm on the day of the Council Meeting, will be distributed to Councillors as soon as reasonably practicable.
 - d) Amend 3.6.2 (8) Questions of Council to read:

The Chairperson may elect to answer the question themselves or a Councillor may nominate themselves to answer each question. Prior to responding, the Chairperson may seek contextual information from the person submitting the question.

- e) Amend 3.4 Quorum to read:
- (2) *If, after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may reschedule the Meeting for a period not exceeding seven days from the original date of the meeting.*
 - (3) *If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may reschedule the Meeting to a date not exceeding seven days from the original date of the meeting.*
2. Invites community feedback on the additional amendments, for a period of 15 business days commencing 16 February 2024 until 5pm, 8 March 2024.
 3. Receives a report at the 10 April 2024 Council meeting to consider the amended Governance Rules.

Cr Pavlidis raised a Point of Order with regard to the Mayor's decision to accept Cr Panopoulos' motion ahead of her motion.

The Mayor ruled to accept Cr Panopoulos' motion.

Motion

Cr Pavlidis moved –

That the Chair's ruling to accept Cr Panopoulos motion for item 7.7 ahead of her motion be dissented from.

Lapsed for want of seconder

Amendment

Cr Pavlidis moved, Cr Davidson seconded –

1 f) Amend 3.9.14 (2) Notices of Motion to read:

A Notice of Motion must be in writing, signed by at least three Councillors (including by electronic means), and be lodged with the Chief Executive Officer no later than 12 noon 10 business days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.

9.05 pm Cr Tapinos left the meeting.

9.07 pm Cr Tapinos returned to the meeting.

Lost

Cr Panopoulos called for a division.

For	Against	Abstain
Cr Davidson	Cr Bolton	Cr Tapinos
Cr Pavlidis	Cr Pulford	
	Cr Panopoulos	
	Cr Conlan	
	Cr Carli Hannan	
	Cr Riley	
Total For (2)	Total Against (6)	Total Abstain (1)

Amendment

Cr Pavlidis moved, Cr Bolton seconded -

1f) Retain existing section 3.9.15 (4) Notices of Rescission as follows:

A notice of rescission must be in writing, signed (including by electronic means) and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Council Meeting.

9.12 pm Cr Carli Hannan left the meeting.

9.15 pm Cr Carli Hannan returned to the meeting.

Lost

Cr Pavlidis called for a division.

For	Against	Abstain
Cr Pavlidis	Cr Davidson	Cr Tapinos
Cr Bolton	Cr Pulford	
	Cr Panopoulos	
	Cr Conlan	
	Cr Carli Hannan	
	Cr Riley	
Total For (2)	Total Against (6)	Total Abstain (1)

Amendment

Cr Conlan moved -

1 f) Amend section 3.9.15 (4) Notices of Rescission to read:

A notice of rescission must be in writing, signed (including by electronic means) and dated by at least two Councillors and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Council Meeting and must contain written rationale for the proposed rescission.

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

Resolution

Cr Panopoulos moved, Cr Carli Hannan seconded -

That Council:

1. **Endorses the additional amendments to the Governance Rules provided in Attachment 1 to this report, with the following amendments:**
 - a) **Amend 3.5.6 Urgent Business to read:**
 - (1) **If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if the submitter provides a clear justification for how:**
 - a) **It relates to or arises out of a matter which has arisen since distribution of the Agenda; and**
 - b) **Deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter.**
 - (2) **The Chief Executive Officer, in consultation with the Mayor, may also bring to the attention of Councillors, an item of Urgent Business, that is urgent in nature, and that cannot be addressed through an operational service request process.**

- b) **Amend 3.6.1 (9) Questions of Council and Community Statements to read:**

Prior to the hearing of Questions of Council and Community Statements, the Mayor will inform Councillors and the public of the total number of questions received for the Council meeting (including how many have been taken on notice).

- c) **Amend 3.6.2 (2) (e) Questions of Council to read:**

A copy of all questions and community statements including those to be taken On Notice received before 5pm on the day of the Council Meeting, will be distributed to Councillors as soon as reasonably practicable.

- d) **3.6.2 (8) Questions of Council to read:**

The Chairperson may elect to answer the question themselves or a Councillor may nominate themselves to answer each question. Prior to responding, the Chairperson may seek contextual information from the person submitting the question.

- e) **Amend 3.4 Quorum to read:**

(2) If, after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may reschedule the Meeting for a period not exceeding seven days from the original date of the meeting.

(3) If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Delegate, may reschedule the Meeting to a date not exceeding seven days from the original date of the meeting.

- f) **Amend section 3.9.15 (4) Notices of Rescission to read:**

A notice of rescission must be in writing, signed (including by electronic means) and dated by at least two Councillors and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Council Meeting and must contain written rationale for the proposed rescission.

- 2. Invites community feedback on the additional amendments, for a period of 15 business days commencing 16 February 2024 until 5pm, 8 March 2024.**
- 3. Receives a report at the 10 April 2024 Council meeting to consider the amended Governance Rules.**

9.18 pm Cr Bolton left the meeting.

9.20 pm Cr Bolton returned to the meeting.

Carried unanimously

7.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2023

This report presents the Financial Management Report for the financial year to date period ending 31 December 2023.

The December Income Statement shows the Council surplus is \$1.7 million less than the year-to-date revised forecast as a result of higher overall expenditure. These differences are largely permanent in nature.

Council has spent \$32.8 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of \$47.4 million, with \$91.4 million budget remaining.

Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 December 2023, at Attachment 1 to this report.

Resolution

Cr Pulford moved, Cr Conlan seconded -

That Council notes the Financial Management Report for the period ended 31 December 2023, at Attachment 1 to this report.

Carried unanimously

7.9 YEAR 3 COUNCIL ACTION PLAN 2023-24 - SECOND QUARTER PERFORMANCE REPORT

Executive Summary

This Second Quarter Performance Report (Attachment 1) provides an overview of Council's performance through the delivery of the Council Plan 2021-25, specifically the Year 3 Council Action Plan 2023-24.

At its meeting held 10 November 2023, Council resolved to include a new action in Year 3 Council Action Plan 2023-24 '*Develop and implement homelessness strategy*' under Theme 3: A healthy and caring Merri-bek.

There are now 92 actions in the Year 3 Council Action Plan 2023-24.

The status of the 92 actions is as follows:

- 2 per cent (2 actions) closed (achieved)
- 90 per cent (82 actions) in progress (on track)
- 3 per cent (3 actions) behind target (off track)
- 2 per cent (2 actions) withdrawn (removed), proposed to be withdrawn, or on hold
- 3 per cent (3 actions) have yet to be commenced (action not started).

The Year 3 Council Action Plan in the second quarter shows that over 90 per cent of actions are on track or achieved at the end of the reporting period.

Endorsement is sought by Council to withdraw action 196: *Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding* from Year 3 Council Action Plan 2023-24 for continued reporting. The approvals needed for this project were unable to be granted and a detailed update is provided in the issues section of this report.

This report also includes updates on those actions that were not achieved or 'Off-Track' in the 2021-22 and 2022-23 action plans and as resolved by Council on 10 August 2022 and 9 August 2023 to continue reporting on these actions separately, yet concurrently until their completion are outlined in the table below in section two of this report.

Officer Recommendation

That Council:

1. Notes the Year three Council Action Plan 2023-24 – Second Quarter Performance Report (provided as Attachment 1)
2. Notes the progress of the 'Off Track' or incomplete actions from Council Action Plan 2021-2022 and 2022-23, which continue to be reported as per Council resolutions dated 10 August 2022 and 9 August 2023.
3. Endorse the withdrawal of action 196: *Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding* from Year 3 Council Action Plan 2023-24 for continued reporting.

Resolution

Cr Riley moved, Cr Pulford seconded -

That Council:

1. **Notes the Year three Council Action Plan 2023-24 – Second Quarter Performance Report (provided as Attachment 1)**
2. **Notes the progress of the 'Off Track' or incomplete actions from Council Action Plan 2021-2022 and 2022-23, which continue to be reported as per Council resolutions dated 10 August 2022 and 9 August 2023.**
3. **Endorse the withdrawal of action 196: Re-design and obtain approvals for shared paths in Stages 2 and 3 of the Craigieburn Rail Corridor and advocate for construction funding' from Year 3 Council Action Plan 2023-24 for continued reporting.**

9.22 pm Cr Davidson left the meeting.

Carried unanimously

7.10 GOVERNANCE REPORT - FEBRUARY 2024 - 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 Advisory Committees and Groups.
- A summary of minutes from the Audit and Risk Committee held 28 November 2023.
- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at 6 December 2023 Council meeting, with a recommendation that Council notes the responses.

- The revocation of four Council endorsed policies relating to Aquatic and Leisure Services.
- Proposed nominations for Mayor and selected Councillors to attend the Australian Local Government Association National General Assembly in July 2024.
- A request seeking Council approval for Cr Davidson to undertake the Australian Institute of Company Directors – Company Directors Course.
- A recommendation for the appointment of community members to fill extraordinary vacancies in Councils existing Advisory Committees and Reference Groups.
- A recommendation for the appointment of Cr Yildiz to the Economic Development, Multiculturalism and Sport & Recreation Councillor Portfolios.

Officer Recommendation

That Council:

1. Notes the summary of minutes from Advisory Committees to Council, at Attachment 1 to this report:
 - a) Human Rights and Inclusion Advisory Committee held 26 October 2023
 - b) Glenroy Advisory Group held 27 November 2023
 - c) First Nations Advisory Committee held 5 December 2023.
2. Notes the summary of minutes from the Audit and Risk Committee held 28 November 2023, at Attachment 2 to this report.
3. Notes the Records of Meetings, at Attachment 3 to this report.
4. Notes responses to questions taken on notice during Public Question Time at the 6 December 2023 Council meeting, at Attachment 4 to this report.
5. Approves the revocation of the following policies:
 - a) Active Moreland Aquatic and Leisure Services Bookings, Events and School Carnivals Policy
 - b) Active Moreland Aquatic and Leisure Services Suitable Clothing Policy
 - c) Active Moreland Aquatic and Leisure Services, Fees and Charges Policy
 - d) Active Moreland Outdoor Pools Operating Hours and Hot and Cold Weather Policy.
6. Approves interstate travel and registration for Cr/s _____ to represent Council at the 2024 National General Assembly of Local Governments in Canberra from 2–4 July 2024, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
7. Notes the Chief Executive Officer or delegate will also travel to Canberra to attend the 2024 National General Assembly of Local Governments to be held 2–4 July 2024, and the travel, accommodation and registration expenses will be met from the annual budget.
8. Approves the enrolment of Cr Davidson in the Australian Institute of Company Directors – Company Directors Course at the cost of \$11,900 (excluding GST), noting that:
 - a) the cost of \$11,900 for a non-member of the AICD is applicable; and
 - b) subject to an application for AICD membership (at a cost of \$880) the cost of the course may be reduced, resulting in a total cost of \$9,680 (excluding GST).

9. Appoints the following Community members to the Advisory Committees and Reference Groups, to fill extraordinary vacancies:

a) Advisory Committee	Community Members
Arts Advisory Committee	
Environmental Sustainability Advisory Committee	
First Nations Advisory Committee	
Human Rights and Inclusion Advisory Committee	
Sustainable Transport Advisory Committee	
b) Reference Groups	
Affordable Housing Reference Group	
Age-Friendly (Older People) Reference Group	
Disability Reference Group	
Gender Equality Reference Group	
Heritage and Local History Reference Group	
LGBTIQA+ Reference Group	

10. Appoints Cr Yildiz as a Portfolio Councillor (known as 'Councillors Responsible For...'), for the 2023/2024 Mayoral year, to the following Portfolios:
- Economic Development
 - Multiculturalism
 - Sport and Recreation.

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council:

- Notes the summary of minutes from Advisory Committees to Council, at Attachment 1 to this report:**
 - Human Rights and Inclusion Advisory Committee held 26 October 2023**
 - Glenroy Advisory Group held 27 November 2023**
 - First Nations Advisory Committee held 5 December 2023.**
- Notes the summary of minutes from the Audit and Risk Committee held 28 November 2023, at Attachment 2 to this report.**
- Notes the Records of Meetings, at Attachment 3 to this report.**
- Notes responses to questions taken on notice during Public Question Time at the 6 December 2023 Council meeting, at Attachment 4 to this report.**
- Approves the revocation of the following policies:**
 - Active Moreland Aquatic and Leisure Services Bookings, Events and School Carnivals Policy**
 - Active Moreland Aquatic and Leisure Services Suitable Clothing Policy**
 - Active Moreland Aquatic and Leisure Services, Fees and Charges Policy**
 - Active Moreland Outdoor Pools Operating Hours and Hot and Cold Weather Policy.**

6. Approves interstate travel and registration for Crs Pulford, Pavlidis and Yildiz to represent Council at the 2024 National General Assembly of Local Governments in Canberra from 2–4 July 2024 (incorporating the Mayor’s participation in the Australian Council of Local Government meeting in Canberra on 5 July 2024) noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
7. Notes the Chief Executive Officer or delegate may also travel to Canberra to attend the 2024 National General Assembly of Local Governments to be held 2–4 July 2024, and the travel, accommodation and registration expenses will be met from the annual budget.
8. Approves the enrolment of Cr Davidson in the Australian Institute of Company Directors – Company Directors Course at the cost of \$11,900 (excluding GST), noting that:
 - a) the cost of \$11,900 for a non-member of the AICD is applicable; and
 - b) subject to an application for AICD membership (at a cost of \$880) the cost of the course may be reduced, resulting in a total cost of \$9,680 (excluding GST).
9. Appoints the following Community members to the Advisory Committees and Reference Groups, to fill extraordinary vacancies:

a) Advisory Committee	Community Members
Arts Advisory Committee	David Ralph Stephanie Spiers Bron Belcher Coady Cutler Green Anne Moffat Lela Zhou Jesse Wright Sarah Kriegler
Environmental Sustainability Advisory Committee	Rowan Moorey Nicholas Harris Alexander Diamis Alison Cleary Limya Eisa
First Nations Advisory Committee	Defer the appointments to the First Nations Advisory Committee until the March 2024 Council Meeting to allow time to seek the views of the First Nations Advisory Committee.
Human Rights and Inclusion Advisory Committee	Jennifer Jayne Perlstein Abraham David Polatkesen Kin Francis Abdi Sheikh Rupinder Kahlon Jo Khoder Mukta Singh
Sustainable Transport Advisory Committee	Tina McKenzie Nicholas Tyrrell

b) Reference Groups	
Affordable Housing Reference Group	P. Joy Villalino Felicity Dennis Cora Diviny Kate McGettigan
Age-Friendly (Older People) Reference Group	Maria Iacopino Heather Birch Claire Cassar Antoine Akkary Kamal Barden
Disability Reference Group	Soraya DeBono Elena-May Reading Christian Astourian
Gender Equality Reference Group	Verna Fisher Rachel Avery Faisal Nawaz Luis Paulo Bogliolo Piancastelli Siqueira Brooke Pettit Biljana (Billie) Gjurcinoska
Heritage and Local History Reference Group	Alexandra Roginski Rudolf Lewith Eleni Courvisanos Govinda Singh Bhandari Ramila Khadka Hugh Magnus
LGBTIQA+ Reference Group	Rick Barry Zahir Saldin Ken Knight Mat Crowther Louise Parsons Zoe Moorman

10. Appoints Cr Yildiz as a Portfolio Councillor (known as ‘Councillors Responsible For...’), for the 2023/2024 Mayoral year, to the following Portfolios:

- a) Economic Development**
- b) Multiculturalism**
- c) Sport and Recreation.**

9.25 pm Cr Pavlidis left the meeting.

Carried unanimously

7.11 OPEN COUNCIL RESOLUTIONS REPORT

Executive Summary

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

There is currently 51 Open Resolutions, with 33 of these relating to Council officer reports, 2 relating to responses to Notices of Motion and 16 relating Notices of Motion.

The Open Council Resolutions Report is presented to Council on an ongoing basis, promoting transparency of how Council resolutions are being implemented.

Officer Recommendation

That Council receives and notes the Open Council Resolutions Report provided as Attachment 1 to this report.

Resolution

Cr Conlan moved, Cr Pulford seconded -

That Council receives and notes the Open Council Resolutions Report provided as Attachment 1 to this report.

9.29 pm Cr Pavlidis returned to the meeting.

9.30 pm Cr Davidson returned to the meeting.

Carried unanimously

7.12 CONTRACT AWARD: RFT-2023-510 RAYNER RESERVE FEMALE FRIENDLY REFURBISHMENT CHANGE ROOMS

Executive Summary

Council is seeking to undertake refurbishments at Rayner Reserve pavilion. The changerooms will be refurbished to be female friendly and compliant with the current standards. The clubroom toilets will be upgraded including a DDA toilet and new umpire room. Additional storage room added. The designs have been finalised and approved by key stakeholders.

An advertisement was placed in *The Age* newspaper on Saturday, 14 October 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake Rayner Reserve Pavilion Refurbishments. Tenders closed on Tuesday 14 November 2023 and eight tenders were received.

Schultz Building Group Pty Ltd achieved the highest score through the evaluation process.

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

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Schultz Building Group Pty Ltd (A.B.N. 66107918856) (**Contractor**) to award to the Contractor contract RFT-2023-510 Rayner Reserve Pavilion Refurbishment (Female Friendly Changerooms & Accessible Public Toilet) (**Contract**) on the following terms and otherwise subject to and

in accordance with paragraph 1(b) of this Resolution:

- i. For the sum of \$748,900 (Exclusive GST) (\$823,790 Inclusive GST).
- ii. Advises all tenderers of Council's decision in relation to the Contract.
- b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.
2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract;
3. Approves additional budget of \$189,790 funded in 2024/25 Capital Works Program
4. Notes total approved budget for this project will be \$939,790.

Resolution

Cr Carli Hannan moved, Cr Panopoulos seconded -

That Council:

1. **Authorises the Chief Executive Officer to:**
 - a) **Make a formal offer to Schultz Building Group Pty Ltd (A.B.N. 66107918856) (Contractor) to award to the Contractor contract RFT-2023-510 Rayner Reserve Pavilion Refurbishment (Female Friendly Changerooms & Accessible Public Toilet) (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
 - i. **For the sum of \$748,900 (Exclusive GST) (\$823,790 Inclusive GST).**
 - ii. **Advises all tenderers of Council's decision in relation to the Contract.**
 - b) **Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:**
 - i. **the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and**
 - ii. **other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.**
2. **Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:**
 - a) **Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract;**
3. **Approves additional budget of \$189,790 funded in 2024/25 Capital Works Program**
4. **Notes total approved budget for this project will be \$939,790.**

Carried unanimously

7.13 CONTRACT AWARD: RFT-2023-511 PARKER RESERVE BASEBALL AND SOUTH PAVILIONS REFURBISHMENTS (FEMALE FRIENDLY CHANGEROOMS & ACCESSIBLE PUBLIC TOILET)

Executive Summary

Internal refurbishment of the Parker Reserve Baseball and South Pavilions including female friendly change rooms and an accessible toilet is in Council's Capital Works Program. The designs have been finalised and approved by the key stakeholders.

An advertisement was placed in *The Age* newspaper on Saturday, 14 November 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake Parker Reserve Pavilion Refurbishments. The tender closed on Wednesday 13 December 2023 and a total of five tender submissions were received.

In line with Council's Procurement policy and tender evaluation plan, a detailed tender evaluation was undertaken. Notion Partners achieved the highest score through the evaluation process.

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

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Notion Partners (A.B.N. 30328629266) (**Contractor**) to award to the Contractor contract RFT-2023-511 Parker Reserve Baseball and South Pavilions Refurbishments (Female Friendly Changerooms & Accessible Public Toilet) (**Contract**) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
 - i. For the sum of \$879,800 (Excluding GST) or \$967,780 (Including GST)
 - ii. Note that above contract value includes a provisional sum of \$40,000 for temporary change rooms and amenities rooms for the soccer clubs whilst construction works are being undertaken.
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council;
 - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;
 - iii. to advises all tenderers of Council's decision in relation to this tender.
2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; RFT-2023-511 Parker Reserve Baseball and South Pavilions Refurbishments (Female Friendly Changerooms & Accessible Public Toilet) including authorising any cost overruns within the project budget, provided that the overall Budget within the Capital Works Program allocation is not exceeded.

3. Approves additional \$312,836 funded through identified savings in Q2 review from various infrastructure projects within roads and drainage asset categories.
4. Note the new total project budget will be \$1,103,102.

Resolution

Cr Carli Hannan moved, Cr Panopoulos seconded -

That Council:

1. **Authorises the Chief Executive Officer to:**
 - a) **Make a formal offer to Notion Partners (A.B.N. 30328629266) (Contractor) to award to the Contractor contract RFT-2023-511 Parker Reserve Baseball and South Pavilions Refurbishments (Female Friendly Changerooms & Accessible Public Toilet) (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
 - i. **For the sum of \$879,800 (Excluding GST) or \$967,780 (Including GST)**
 - ii. **Note that above contract value includes a provisional sum of \$40,000 for temporary change rooms and amenities rooms for the soccer clubs whilst construction works are being undertaken.**
 - b) **Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:**
 - i. **the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council;**
 - ii. **other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer;**
 - iii. **to advises all tenderers of Council's decision in relation to this tender.**
2. **Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:**
 - a) **Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; RFT-2023-511 Parker Reserve Baseball and South Pavilions Refurbishments (Female Friendly Changerooms & Accessible Public Toilet) including authorising any cost overruns within the project budget, provided that the overall Budget within the Capital Works Program allocation is not exceeded.**
3. **Approves additional \$312,836 funded through identified savings in Q2 review from various infrastructure projects within roads and drainage asset categories.**
4. **Note the new total project budget will be \$1,103,102.**

Carried unanimously

7.14 CONTRACT VARIATION: RFQ-2022-326 - TOWING, STORAGE & RELEASING OF ABANDONED/UNREGISTERED VEHICLES

Executive Summary

Council's Amenity and Compliance branch is responsible for abandoned and unregistered vehicles left on public roads, on council property or in public places. The authority to impound and dispose of unregistered or abandoned vehicles is in Schedule 11 of the *Local Government Act 1989*. Vehicles, including cars, motorbikes, trucks, trailers and caravans, that are deemed as unregistered or abandoned follow a statutory process and if not moved by the end of the statutory period, are towed to a secure site where they are either reclaimed by the owner or sold at auction if not claimed.

RFQ-2022-326 for the *towing and storage of vehicles, redemption of reclaimed vehicles and auction of vehicles not reclaimed* was released on 25 August 2022. The Request For Quote (RFQ) was managed through Council's Open Windows Portal, overseen by Council's Procurement team.

The services sought in this RFQ are offered by very few contractors as it is a very niche field. Procurement Australia have established a panel of a similar nature which has only four members.

Four contractors, two of which are on the Procurement Australia panel, were directly invited to submit a response to the RFQ. Only two responses were received, one being Nationwide Towing & Transport and the other being a contractor previously engaged by Council.

The responses were assessed and evaluated by a panel of three Council officers, with consideration being given to capability, experience and past performance/current work. The respondents were also interviewed as part of the evaluation process. Contract RFQ-2022-326 for the *towing and storage of vehicles, redemption of reclaimed vehicles and auction of vehicles not reclaimed* was subsequently awarded to Nationwide Towing & Transport who scored significantly higher for capability and capacity. The 3 year contract commenced on 13 November 2022 with no extension options.

The contract was signed by the Director City Infrastructure under financial delegation, however based on expenditure to date and projected expenditure for the remainder of the contract, it is anticipated that expenditure will exceed the delegation of the Director and of the Chief Executive Officer. This report is seeking Council to authorise the increased expenditure for RFQ-2022-326 for the *towing and storage of vehicles, redemption of reclaimed vehicles and auction of vehicles not reclaimed*.

Officer Recommendation

That Council:

1. Authorises the retrospective expenditure of \$55,016.50 against contract RFQ-2022-326 - Towing, storage and releasing of abandoned/unregistered vehicles.
2. Authorises projected expenditure of \$720,000 to the contract end date.

Resolution

Cr Bolton moved, Cr Panopoulos seconded -

That Council:

1. **Authorises the retrospective expenditure of \$55,016.50 against contract RFQ-2022-326 - Towing, storage and releasing of abandoned/unregistered vehicles.**
2. **Authorises projected expenditure of \$720,000 to the contract end date.**

Carried unanimously

NOTICES OF MOTION

The order of business was altered to bring forward Notice of Motion 8.1 Don't Remove the school crossing at Brunswick Secondary College and Notice of Motion 8.2 Save De Chene Reserve Community Garden as the first two items considered at the meeting.

8.3 DISABILITY PARKING ISSUE

Motion

That Council advocates by writing to the Minister for Roads and Road Safety, The Hon. Melissa Horne seeking for changes to the Accessible Parking Permit scheme eligibility to recognise the needs of disability support workers who are sole traders and who require a car to transport people with disabilities who they provide support for.

Resolution

Cr Bolton moved, Cr Panopoulos seconded -

That Council advocates by writing to the Minister for Roads and Road Safety, The Hon. Melissa Horne seeking for changes to the Accessible Parking Permit scheme eligibility to recognise the needs of disability support workers who are sole traders and who require a car to transport people with disabilities who they provide support for.

9.37 pm Cr Conlan left the meeting.

Carried unanimously

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

NOTICE OF RESCISSION

9.1 NOTICE OF RESCISSION: MAV APPOINTMENT

At the Council meeting held on 6 December 2023, Report 7.22 Councillor appointments to portfolios, internal committees, advisory committees, reference groups and other external bodies was adopted.

Cr Pavlidis has given notice to rescind that part of the motion which relates to the appointment of Cr Pulford as MAV representative and Cr Pavlidis as the substitute representative.

Rescission Motion

That Council rescinds part of the resolution related to *Report 7.22 Councillor appointments to portfolios, internal committees, advisory committees, reference groups and other external bodies* adopted at the Council meeting held on 6 December 2023, which appointed Cr Pulford as MAV representative and Cr Pavlidis as the substitute representative under point 3 (d) External Committees of the resolution.

That Council:

3. *Appoints Councillors to internal, advisory, network and external committees for the 2023/2024 Mayoral year as follows:*

d) *External Committees*

*Municipal Association of
Victoria (Representative)*

Cr Pulford

Cr Pavlidis (substitute)

Rescission Motion

Cr Pavlidis moved, Cr Davidson seconded -

That Council rescinds part of the resolution related to *Report 7.22 Councillor appointments to portfolios, internal committees, advisory committees, reference groups and other external bodies* adopted at the Council meeting held on 6 December 2023, which appointed Cr Pulford as MAV representative and Cr Pavlidis as the substitute representative under point 3 (d) External Committees of the resolution.

That Council:

3. *Appoints Councillors to internal, advisory, network and external committees for the 2023/2024 Mayoral year as follows:*

d) *External Committees*

*Municipal Association of
Victoria (Representative)*

Cr Pulford

Cr Pavlidis (substitute)

9.39 pm *Cr Conlan returned the meeting.*

With the agreement of Council, Cr Pavlidis withdrew the Notice of Rescission.

WITHDRAWN

FORESHADOWED ITEMS

Nil.

URGENT BUSINESS REPORTS

Nil.

CONFIDENTIAL BUSINESS

Resolution

Cr Panopoulos moved, Cr Tapinos seconded –

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

- **12.1 33 Saxon Street, Brunswick - Precinct Management Services Agreement** because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- **12.2 Procurement Australia Contract No. 2208/0841- Security and Cash Collection Services** because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- **12.3 Contract RFT-2023-529 - 260 Sydney Road Park Close to Home Construction** because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Carried

The Council meeting closed to the public at 9.39 pm.

OPENING THE MEETING TO THE PUBLIC

Resolution

Cr Pavlidis moved, Cr Tapinos seconded –

That the Council meeting be opened to the public.

Carried

The Council meeting opened to the public at 9.53 pm.

The Council meeting closed at 9.53 pm.

Confirmed

Cr Adam Pulford
MAYOR