



**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 August 2024

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The Mayor opened the meeting at 7.02 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.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Adam Pulford, Mayor	7.02 pm	10.27 pm
Cr Lambros Tapinos, Deputy Mayor	7.02 pm	10.27 pm
Cr Angelica Panopoulos	7.02 pm	10.27 pm
Cr Helen Davidson	7.02 pm	10.27 pm
Cr Annalivia Carli Hannan	7.08 pm	9.15 pm
Cr Helen Pavlidis	7.02 pm	8.41 pm
Cr Mark Riley	7.02 pm	10.27 pm
Cr Monica Harte	7.02 pm	10.27 pm
Cr Oscar Yildiz JP	7.02 pm	10.26 pm
Cr Sue Bolton	7.02 pm	10.27 pm

## **OFFICERS**

Chief Executive Officer – Cathy Henderson  
 Acting Director Business Transformation – Greg Rodwell  
 Director City Infrastructure – Anita Curnow  
 Director Community – Eamonn Fennessy  
 Director Place and Environment – Pene Winslade  
 Manager Governance and Strategy – Yvonne Callanan  
 Unit Manager Governance – Troy Delia

## **APOLOGIES/LEAVE OF ABSENCE**

Nil.

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Cr Pavlidis disclosed a conflict of interest in item 7.4 Amendment C196more - Introduction of Special Building Overlay Schedule 2 - Decision Gateway 2 - Consideration of Submissions and Request for a Planning Panel due to a family member's property being affected by this matter.

Cr Yildiz disclosed a conflict of interest in item 7.4 Amendment C196more - Introduction of Special Building Overlay Schedule 2 - Decision Gateway 2 - Consideration of Submissions and Request for a Planning Panel, due to potential property ownership affected by this matter.

The Chief Executive Officer, Cathy Henderson disclosed a general conflict of interest in point 5 of item 7.14 Governance Report - August 2024 - Cyclical Report due to being a LGPro representative on the sector steering committee.

## MINUTE CONFIRMATION

### Resolution

Cr Yildiz moved, Cr Harte seconded -

**The minutes of the Council Meeting held on 10 July 2024 be confirmed.**

**Carried**

## ACKNOWLEDGEMENTS AND OTHER MATTERS

Cr Yildiz and Cr Tapinos acknowledged the passing of Councillor Sarah Carter, a long-serving Councillor of the Maribyrnong City Council and former Mayor and acknowledged her for her passionate advocacy for local communities, her work with Save the Children, leading international delegations to promote aid and development efforts and highlighted her enthusiasm, intelligence and dedication to public service.

*7.08 pm Cr Carli Hannan entered the meeting.*

*7.09 pm Cr Carli Hannan left the meeting.*

Cr Bolton acknowledged:

- Bronze medallist, Rhydian Cowley, a Fawkner local who represented Australia in Race Walking at the Paris Olympics
- Attending a meeting in Lygon Street, Brunswick, where approximately 50 people attended to discuss safety issues.
- Northern Council's Alliance campaign to duplicate and extend the Upfield Rail Line.

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

Mayor, Cr Pulford acknowledged:

- Attending the launch of the Northern Councils Alliance campaign, calling for improved public transport across the north, with a focus on the investment needed for the Upfield Rail Line.
- Attending the 2024 Recycling Roundtable as a Local Government representative, to discuss Council's work on the kerbside waste system.

Cr Pavlidis provided an update on matters previously raised as follows:

- Terms of Reference for all the Advisory Committees are now on Council's website.
- Alternative service arrangements: Council currently has one in place, and reviews can be requested after 12 months.
- The Notices of Motion previously foreshadowed regarding the Procurement Policy, consultants and contracts, will now be submitted for the September Council meeting.
- Transport Advisory Committee minutes: currently there is only one and requested the remaining minutes be placed on the website.

Cr Tapinos acknowledged his attendance with other Councillors at a Lygon Street forum organised by the Brunswick Residents Network and Walk on Merri-bek. The forum discussed traffic management, economic development and Council issues. Councillors are working on a resolution for the next Council meeting.

## PETITIONS

### 5.1 JOHN FAWKNER PRIVATE HOSPITAL DOES NOT TOLERATE VIOLENCE AGAINST WOMEN

A petition (D24/389498) was presented to Council containing 131 signatories to the statement *John Fawkner Private Hospital does not tolerate violence against women*.

#### Resolution

Cr Riley moved, Cr Pavlidis seconded -

That Council:

1. **Receives the petition John Fawkner Private Hospital does not tolerate violence against women.**
2. **Refers the petition John Fawkner Private Hospital does not tolerate violence against women to the Director Community, Eamonn Fennessy for consideration and response.**

Carried

7.19 pm Cr Carli Hannan left the meeting.

## PUBLIC QUESTION TIME

*A summary of questions and the responses provided, and items for which community statements were made is provided below. Questions submitted in writing and not asked are taken On Notice.*

*Public Question Time commenced at 7.21 pm.*

### Report 7.1 Year 3 Council Action Plan 2023-24 - Fourth Quarter Performance Report

Council received 2 questions. They were presented to Council.

#### Question 1

Sharif Hassan asked Council what it is doing to support traders in the Victoria Street mall in Coburg and is Council aware it isn't working?

**The Mayor, Cr Pulford responded:**

Incidents in Coburg Mall have been raised with Councillors at various times, and I have had a couple of residents raise them with me as well. Council has been doing some work but with you being here and telling us it is still going on even though we've done some work, we need to look at it again. It can be a difficult situation but I understand that it is having an impact on you, your staff and residents.

**At the request of the Mayor, Director Place and Environment, Pene Winslade responded:**

Council works closely with the Coburg Traders Association and there are a range of initiatives that go towards some of the safety issues that you raised. Including support with the Traders Association to help with graffiti prevention measures, periodic activations and undertaking a number of safety and amenity activities around Victoria Mall, including library security and street cleansing.

I appreciate you have raised a range of other issues, I will take those on notice and come back to you with some more information and also commit to having someone to sit down with you to go through those issues in more detail.

7.27 pm Cr Carli Hannan returned to the meeting.

## Question 2

Natalie Abboud asked if Council will make a submission to the development of a new creative industry strategy via the State Government consultation for same known as Creative State?

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

A public consultation process for the Victorian Government's Creative State Strategy 2025 is now open to inform the Government's four-year creative industries strategy, designed to grow jobs and skills, and maintain Victoria's reputation as a global cultural destination and bold creative leader. Council is currently preparing a submission to the consultation to share with the State Government the needs expressed to us through the community consultation for Council's 2023-2030 Arts and Culture strategy.

## Report 7.7 Food System Strategy 2024-2027

### Question

Council received 1 question. It was presented to Council.

Natalie Abboud asked Council if it has been briefed by Roni regarding her work related to food systems; and will Council consider deferring the adoption of the Food System Strategy?

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

The draft Food System Strategy was put on public exhibition through Conversations Merri-bek and all key stakeholders, including members of Council's Food Systems Network and those individuals' who provided input during the initial consultation process were notified and invited to provide further comment. All comments received have been considered in development of the revised Strategy.

## Report 7.4 Amendment C196more – Introduction of Special Building Overlay

Council received 3 questions. They were presented to Council.

### Question 1

Mary Makdesi asked Council why it is rushing this amendment through when it appears there are still many questions that have not been answered and site inspections need to be completed before it goes ahead?

**At the request of the Mayor, Director Place and Environment, Pene Winslade responded:**

Council has spent considerable time consulting with residents and reviewing the map to make sure the modelling has been done to a high standard. Council consulted with residents on three separate occasions in 2021, 2023, and 2024. This has included:

- Mailing letters and brochures to all affected properties on four occasions. Letters included with language link assistance and those sent in 2021 and 2023 included a separate summary sheet in different languages.
- Using Council's Conversations Merri-bek engagement website to share maps and providing diverse ways for landowners to provide feedback. We also used non-written mediums to share information, such as a short audio-visual presentation to simply explain the concept of 'stormwater overland flow'.
- Providing access to technical reports, a questions and answers library, fact sheets, engagement summary reports and links to other websites, on the website. The questions and answers library included information on property values and insurance.
- Hosting face-to-face information sessions at different venues across Merri-bek and meetings with affected landowners, as well as responding to counter enquiries. This also included having interpreter services available during the 2023 information sessions.

- Using interpreter services for incoming telephone calls, customer service enquiries, and meetings with customers.

To give you a sense of how much time officers have spent helping residents, we held 6 in person information sessions, had 186 telephone conversations, 77 meetings, reviewed and responded to 215 emails and website contributions, and undertook 172 site visits.

On the topic of property values, we engaged with other councils who already have an SBO map in place to understand whether they had seen any impacts of the SBO on property values. Specialist property advisors engaged by these councils found no connection between SBO maps and property values.

Our advice on insurance has been to encourage people to talk to their insurance provider, to know more about their specific insurance policy. This is because 'storm' risk and 'flood' risk tend to be treated differently by insurance providers. Storm damage is associated with storm risk, whilst flood damage is associated with floods that affect rivers, creeks, and their associated floodplains. Generally speaking, landowners must separately obtain flood-cover, because it is often not covered in a standard policy.

Site inspections aren't a mandatory requirement for the stormwater map. The technical data enabled by the mapping methods has been supported by Planning Panels, Melbourne Water and the State Government, and is considered appropriate for a Special Building Overlay map in a planning scheme. However, through this amendment process, we have run a number of site inspections for submitters who have raised questions about the map.

## **Question 2**

Vanessa Birch asked Council why a discrepancy in flood mapping applied to their street cannot be explained prior to the Special Building Overlay 2 being applied and referred to the Independent Authority; and why has Council not allocated funding to upgrade local stormwater infrastructure even though the Engeny Report said by implementing drainage improvements works it could reduce the risk to low?

**At the request of the Mayor, Director Place and Environment, Pene Winslade responded:**

I can confirm that any new information that comes to light from next week's site visit can be referred onto the planning panel for consideration.

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

In relation to question 2, Council's Drainage Asset Management Plan guides how Council goes about renewing drainage assets and carrying out maintenance works. Often, drainage renewal works are also done as part of the city's road renewal program. Council also has a Drainage Improvement Plan. This Plan identifies priority locations where drainage upsizing works can be done to reduce stormwater impacts. These locations are known as 'hotspots'. The Plan is now being used to inform Council's annual budgeting and capital works program.

In the last two years, Council has committed a budget of about \$1.6 million for drainage works. About \$9 million is allocated to road upgrades as well. An example of a recently completed drainage upsizing project at a 'hotspot' location is at Foden Street, Brunswick West. A budget of \$278,000 was used to upgrade 146 metres of drainage pipes and associated drainage infrastructure.

## **Question 3**

Jana Favero asked Council what has been done to improve stormwater and infrastructure after the completion of level crossings?

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

No funds were received by Council for drainage works as part of the Bell to Moreland LXP project however this State Government Level Crossing Removal Project did include drainage works within the rail corridor.



Melbourne Water, acting in its role as the Floodplain Management Authority, gave advice to the Level Crossing Removal Project for managing stormwater risks. Council officers are aware that Melbourne Water's advice was for the level crossing removal project not to worsen any existing stormwater impacts.

During the preparation of the stormwater map for the amendment, Council's mapping expert reviewed information about the level crossing removal project and found that the project had negligible impact on the stormwater overland flows in drainage areas managed by the council. For this reason, the priorities that are set out in Council's Drainage Improvement Plan remain unchanged.

7.49 pm Cr Carli Hannan left the meeting.

## **Question Time Extension**

### **Resolution**

Cr Panopoulos moved, Cr Bolton seconded -

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

**Carried**

## **Notice of Motion 8.1 Family Violence Initiatives**

Nic Dolby made the following statement:

Family violence or domestic violence can occur in all sorts of families but we also know that the vast majority of it is 'men' on 'women' violence. I know that there are Councillors here for instance like Mark Riley who supports groups that are trying to change male culture. This is the long term solution to family domestic violence but tonight, tomorrow, Friday there are going to women and children who need help from the authorities including this Council. I believe that Councillor Helen Davidson's Notice of Motion will assist in us delivering that help and I commend it to all the Councillors present.

## **NON-AGENDA ITEMS – QUESTIONS**

Council received 5 questions on subjects not in the agenda that were presented to Council.

### **Future of gravel walking path between 170 The Avenue and the Merri Creek**

Kenna Morrison asked Council what plans and measures are in place to preserve and protect the gravel walking path between 170 The Avenue and the Merri Creek?

### **At the request of the Mayor, Director Place and Environment, Pene Winslade responded:**

Thank you for the question Kenna, and the opportunity to clarify some of the information that is being circulated in the community.

I should firstly confirm that there is no proposal to erect a fence across or otherwise block or remove the pathway that currently exist along the Merri Creek through the land that is on the title to 170 The Avenue, Coburg.

This issue has arisen because of a drafting error in a planning permit application to construct 5 houses on the western side of the land and away from the creek corridor. The applicant has confirmed the drafting error. The error shows a new boundary fence between two of the proposed new houses extending through to the creek. This error in the plans will be corrected.

Some further information that you may be interested to know relates to a previous planning permit Council issued in 2016. As part of that permit issued, Council negotiated a legal agreement for the transfer to Council and rehabilitation of a portion of the eastern part of the land, including the creek embankment and the pathway in question. This land is already zoned for Public Park and Recreation purposes so can't be developed for other purposes.

## **Pedestrian and Road Safety Lygon Street, Brunswick East**

Andrea Bunting, on behalf of Walk on Merri-bek asked Council to commission a report on road safety issues on Lygon Street, particularly focusing on pedestrians and crashes that occur outside of daylight hours; and report back to the community on what measures Council will be taking to make Lygon Street safer?

Nic Maclellan asked Council if, following the 25 July community forum on how to improve safety, amenity and accessibility in Lygon Street, it will move a motion to prepare a report on possible actions and advocacy to address the issues raised for new Councillors in early 2025?

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

### **The Mayor, Cr Pulford responded:**

At the public forum we discussed the possibility for traders to advocate to Council and other bodies through a Traders Association being formed. One of the traders has offered to host a meeting of traders, I am happy to attend and I am sure other Councillors and Council staff in the Economic Development team are happy to attend as well, to talk about the options for traders to formally organise and associate together.

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

Councillors and council officers attended the community forum in late July and noted a number of issues the community were concerned about. Some of these issues can be addressed by Council (subject to resourcing) and others will require advocacy to the State Government for funding and implementation.

Council officers will prepare a Council report to be considered by Council in March 2025 which consider road safety, urban design and economic issues on the Lygon Street corridor. The report will consider resourcing and funding requirements and potential timeframes for any implementation along with potential advocacy opportunities.

### **Increasing rates for investors / capping foreign ownership to increase housing stock**

Tony Rosios asked Council, given the recent Council motion passed to investigate increasing rates for investments properties, and with housing affordability probably the biggest problem facing future generations, as well as problems in the building industry and the level of migration adding to housing shortages, could foreign ownership be capped and houses be available to Australians?

*8.04 pm Cr Riley left the meeting.*

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

The question of migration, Council has a long history of supporting immigrants in this community and refugees as well. A really strong history. In terms of housing, Council has a role as a planning authority in approving housing and levers in terms of attracting investment in development and more housing, and also some levers in terms of advocacy to the State Government and Federal Government in terms of investment that enables housing. More housing brings jobs and secure housing for people. That is the key thing Council is doing with housing through the planning scheme, and also advocating hard to other levels of government and partnering with organisations that deliver social and affordable housing.

### **5G Towers**

Tony Rosios asked what is Council's position from a responsibility and health perspective that 5G is not causing harm to nature and humans, and what can be done to understand the impacts?

**At the request of the Mayor, Director Place and Environment, Pene Winslade responded:**

Telecommunications are a Federal Government responsibility. Council does not have any role in the operational management or regulation of telecommunications infrastructure, including 5G towers. As the Federal Government is the body that oversees and regulates the telecommunications industry, they would therefore be better placed to answer your questions.

The two roles Council plays in relation to telecommunications infrastructure are firstly assessing planning permit applications against the Planning Scheme as the Responsible Planning Authority. And secondly we occasionally lease land where an application for this infrastructure is proposed on Council land. Any proposal for leasing is subject to a public notice process.

In relation to safety data and exposure limits, as you note Council commissioned its own technical study in 2021, which was carried out by researchers from Swinburne University who are expert biophysicists. The study concluded that 5G does not present any harmful effects on living things in the environment.

**NON-AGENDA ITEMS - QUESTIONS TAKEN ON NOTICE**

Council received a further 4 questions that were taken on notice relating to:

- Litter in Brunswick
- Attendance at Advisory Committee, Reference Group and Working Group meetings
- Sustainable Transport Advisory Committee attendance and election candidates
- Services and programs for the elderly

*Public Question Time concluded at 8.13 pm.*

**ITEM TABLED UNDER THE LOCAL GOVERNMENT ACT 2020**

In accordance with section 147(4) of the *Local Government Act 2020*, a copy of the Arbiter's determination and statement of reasons in the matter of Cr Davidson and Cr Conlan was tabled for recording in the minutes of this meeting (provided as Appendix 1).

**ALTER THE ORDER OF BUSINESS**

With the agreement of Council the order of business was altered to bring forward Council Report 7.4 to be the first item considered at the meeting.

**COUNCIL REPORTS**

Cr Pavlidis disclosed a material conflict of interest in Report 7.4 due to a family member's property being affected by this matter and left the meeting at 8.15 pm.

Cr Yildiz disclosed a potential material conflict of interest in Report 7.4, due to a future property development, which may be affected by this matter and left the meeting at 8.15 pm.

## 7.4 AMENDMENT C196MORE - INTRODUCTION OF SPECIAL BUILDING OVERLAY SCHEDULE 2 - DECISION GATEWAY 2 - CONSIDERATION OF SUBMISSIONS AND REQUEST FOR A PLANNING PANEL

### Executive Summary

In 2023, after consultation with affected landowners, the amended Stormwater Map for Council's local drainage catchments was designated for use under the *Building Regulations 2018*. The map showed locations where 1 in 100-year stormwater overland flows will affect land. This ensures that building owners, designers and building surveyors are aware of the stormwater overland flows considerations when new or extended buildings are being contemplated.

Amendment C196more proposes to apply a Special Building Overlay – Schedule 2 to properties shown on the Stormwater Map. This enables the Stormwater Map to be reflected in the Merri-bek Planning Scheme and to be used to inform decisions about planning permit applications to develop land.

Amendment C196more was publicly exhibited from 16 May 2024 to 17 June 2024. The Amendment received 38 submissions. This included two submissions in support of the Amendment and 13 submissions Council officers were able to resolve. Three other submissions were also received and later withdrawn.

Key themes raised in submissions included concerns about administrative matters, consultation, drainage infrastructure upgrades, drainage infrastructure maintenance, land development, insurance, land values, the Special Building Overlay – Schedule 2 mapping, and the Special Building Overlay provision.

This report recommends Council request the Minister for Planning appoint an Independent Planning Panel to consider the Amendment and submissions. It also recommends Council endorses the responses to submissions, as set out in **Attachment 1** to this report to inform Council's submission to the Independent Planning Panel.

### Officer Recommendation

That Council:

1. Using its powers as a Planning Authority under s23(1) of the *Planning and Environment 1987*, requests that the Minister for Planning appoint an Independent Planning Panel to consider submissions to Merri-bek Planning Scheme Amendment C196more.
2. Endorses the responses to submissions as set out in Attachment 1 to this report to form the basis of Council's submission to an Independent Planning Panel.
3. Refers any late submission to the Independent Planning Panel.
4. Authorises the Director Place and Environment to make minor changes to Amendment C196more and to give direction on issues that arise during the Panel hearing in response to expert evidence and submissions, if required, so long as any further changes are generally in accordance with *Merri-bek City Council Creating the Local Drainage Authority's Stormwater Map Technical Report*.

## Resolution

Cr Bolton moved, Cr Harte seconded -

That Council:

1. Defers Council's consideration of referring Amendment C196 more to the Planning Panel to consider the introduction of Special Building Overlay Schedule 2 until February 2025 to allow consideration of late submissions.
2. Sends a further letter to owners whose properties are proposed to be added to the Stormwater Flood Map, which advises property owners they can request a site inspection if they are concerned there is a reason their property should not have been added to the map.
3. Ensures that the letter indicates how people can access this information in other languages, including interpreter and accessibility options for people who have learning difficulties, cognitive disabilities, literacy or other issues that impede their ability to understand the communication from council.
4. Notes that additional funding may need to be sought through the Quarterly Budget Review, to cover the costs of a further mailout and any further site inspections.

Cr Pulford called for a division.

### For

Cr Bolton  
Cr Davidson  
Cr Tapinos  
Cr Harte

**Total For (4)**

### Against

Cr Pulford  
Cr Panopoulos  
Cr Carli Hannan  
Cr Riley

**Total Against (4)**

**Carried on the casting vote of the Mayor**

8.38 pm Cr Bolton left the meeting.  
8.39 pm Cr Pavlidis returned to the meeting.  
8.40 pm Cr Bolton returned to the meeting.

## 7.1 YEAR 3 COUNCIL ACTION PLAN 2023-24 - FOURTH QUARTER PERFORMANCE REPORT

### Executive Summary

The Fourth Quarter Performance Report (provided as **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.

The status of the 92 actions is as follows:

- 56% (52 actions) closed (achieved)
- 40% (36 actions) in progress (on track)
- 2% (2 actions) behind target (off track)
- 2% (2 actions) withdrawn (removed), proposed to be withdrawn, or on hold.

The Year 3 Council Action Plan in the fourth quarter shows that over 95% of actions are on track or achieved at the end of the reporting period.

This report also seeks endorsement of 'Off Track' actions from the Council Action Plan 2023-24 to continue to be reported through the quarterly reporting cycle of the Council Action Plan 2024-25. These actions include:

- Action 136: Review service levels for responding to public realm amenity customer requests.
- Action 145: Begin construction of the Wheatsheaf Road Glenroy streetscape improvement.

This report further highlights the overall achievements thus far, of the Council in successfully delivering initiatives as outlined in the Council Plan 2021-25.

## **Officer Recommendation**

That Council:

1. Notes the Year Three Council Action Plan 2023-24 – Fourth Quarter Performance Report (provided as Attachment 1).
2. Endorses that 'Off Track' actions from the Council Action Plan 2023-24 will continue to be reported to Council through the quarterly reporting cycle of the Council Action Plan 2024-25. These actions include:
  - a) Action 136: Continue to review service levels for responding to public realm amenity customer requests.
  - b) Action 145: Commence construction of Wheatsheaf Road Glenroy streetscape improvement.
3. Notes that the remaining four actions from the Council Action Plans for 2021-22 and 2022-23 have been successfully completed.
4. Notes the achievements to date in delivering against the Council Plan 2021-25.

## **Resolution**

**Cr Pulford moved, Cr Riley seconded -**

**That Council:**

1. **Notes the Year Three Council Action Plan 2023-24 – Fourth Quarter Performance Report (provided as Attachment 1).**
2. **Endorses that 'Off Track' actions from the Council Action Plan 2023-24 will continue to be reported to Council through the quarterly reporting cycle of the Council Action Plan 2024-25. These actions include:**
  - a) **Action 136: Continue to review service levels for responding to public realm amenity customer requests.**
  - b) **Action 145: Commence construction of Wheatsheaf Road Glenroy streetscape improvement.**
3. **Notes that the remaining four actions from the Council Action Plans for 2021-22 and 2022-23 have been successfully completed.**
4. **Notes the achievements to date in delivering against the Council Plan 2021-25.**

8.40 pm *Cr Bolton left the meeting and was absent for the vote.*

**Carried**

8.41 pm *Cr Yildiz returned to the meeting after the vote.*

8.41 pm *Cr Bolton returned to the meeting after the vote.*

8.41 pm *Cr Pavlidis left the meeting and did not return.*

## 7.2 NAMING AT 33 SAXON STREET, BRUNSWICK - VOTING POLL RESULTS

### Executive Summary

Council is the owner of the precinct at 33 Saxon Street, Brunswick (now known as 15 Phoenix Street, Brunswick). A locality map is shown in **Attachment 1**.

The site is currently undergoing substantial revitalisation to create a state-of-the-art cultural and community precinct for individual artists, creative organisations, community groups and services, and the broader communities of Brunswick, Merri-bek and Melbourne.

In November 2021 Council resolved to commence the process to name the precinct, which is made up of the new building in the south of the precinct, the refurbished heritage house, and new surrounding public space.

An initial consultation was undertaken to seek naming suggestions for the precinct between 11 September 2023 and 31 October 2023. From this consultation, Council received twenty-eight (28) naming submissions. The naming submissions were assessed in accordance with the Naming Rules and Council's Naming Policy preference criteria. At its meeting on 13 March 2024, Council resolved to establish a preferential voting poll with the following six names for the precinct: Balam Balam Arts Centre, Brunswick Arts Hub, Brunswick Arts Precinct, Doleen Arts Hub, Dorrong Arts Precinct and Leonard French Arts Hub.

A voting poll is part of the naming process to ensure a chosen name will have community support, in accordance with the Naming Rules.

Public notice for the voting poll was given and voting was open on Council's Conversations Merri-bek website from 14 March 2024 until 14 April 2024. Votes were received via Conversations Merri-bek website, email and post. 205 votes were cast in total. Further consultation was undertaken from 13 May 2024 until 18 July 2024. A further 402 votes were cast, with the new total number of votes being 607.

Respondents were invited to rank the list of names, from their most to their least preferred.

Applying a preferential vote methodology Balam Balam Arts Centre is the preferred name with Brunswick Arts Hub coming second (60.24% to 39.76%). The summarised results are set out in **Attachment 2**.

For the preferential voting methodology, to obtain an absolute majority, four rounds of analysis were conducted. In the fourth round, with a total of 591 votes (after votes were exhausted) Balam Balam Arts Centre won with 60.24 per cent of votes (a total of 356 votes) and the runner-up was Brunswick Arts Hub with 39.76 per cent of votes (235 votes). Balam Balam Arts Centre is therefore the recommended name for endorsement.

Through the engagement process, feedback was received from the precinct managers 'These Are The Projects We Do Together' and 'Blak Dot' - the future lessees of the gallery that will occupy a significant part of the precinct and be a major drawcard. Their feedback was that if the name ends in a phrase that includes the word 'arts' such as arts centre, arts precinct or arts hub, it will not communicate the unique mix of community uses, affordable arts uses, and cultural activities, that the precinct will support, and could be misleading. Their shared view was to select a suffix that could communicate the range of site activities and that the word 'Place' would be the most appropriate to do this. Feedback from Council's arts and First Nations advisory committees echoed this sentiment.

If Council decides to proceed with the officer recommendation of Balam Balam Place, as opposed to the shortlisted name of Balam Balam Arts Centre, re-running the voting poll would not be necessary. This is because the suffix used to identify the type of feature, like 'arts centre', 'precinct', or 'hub,' has not been the primary focus of the voting poll process. Rather, the prefix (the first word/words in the name) has been the focus of engagement, as the most meaningful part of the name.

Once Council selects its preferred name, having considered community feedback, this name will be forwarded to Geographic Names Victoria for formal registration.

Officers recommend that Council endorses the name Balam Balam Place.

## **Officer Recommendation**

That Council:

1. Having invited the community to provide feedback on a shortlist of names for the precinct at 33 Saxon Street, Brunswick, and also considering the feedback of key stakeholders, endorses the name Balam Balam Place.
2. Notifies the objectors of Council's decision regarding the name for the precinct and the opportunity to appeal to the Registrar.
3. Authorises the Director Place and Environment to do all things required to formalise the name Balam Balam Place with Geographic Names Victoria.
4. Incorporates the use of the name into the Wayfinding Strategy for the new development, noting that signage will highlight that the buildings and surrounding open space are Merri-bek Council facilities, open to the whole community.

## **Resolution**

**Cr Riley moved, Cr Tapinos seconded -**

**That Council:**

1. **Having invited the community to provide feedback on a shortlist of names for the precinct at 33 Saxon Street, Brunswick, and also considering the feedback of key stakeholders, endorses the name Balam Balam Place.**
2. **Notifies the objectors of Council's decision regarding the name for the precinct and the opportunity to appeal to the Registrar.**
3. **Authorises the Director Place and Environment to do all things required to formalise the name Balam Balam Place with Geographic Names Victoria.**
4. **Incorporates the use of the name into the Wayfinding Strategy for the new development, noting that signage will highlight that the buildings and surrounding open space are Merri-bek Council facilities, open to the whole community.**

**Carried unanimously**



## 7.3 NAMING THE PARK AT 14 FRITH STREET BRUNSWICK - EXTENDED VOTING POLL RESULTS

### Executive Summary

A new park is being created at 14 Frith Street, Brunswick as part of Council's 'Park Close to Home' project. A locality plan of the new park is shown in **Attachment 1**.

An initial consultation was undertaken seeking naming suggestions for the new park between 5 June and 30 June 2023. Further consultation was undertaken between 18 August 2023 and 14 September 2023 seeking additional names. From the consultation, Council received 19 submissions. The naming submissions were assessed in accordance with the State Government's Naming Rules and Council's preference criteria. Five names were shortlisted to be included in a voting poll to seek community feedback.

At the 13 March 2024 meeting, Council resolved to establish a voting poll with the following five names for the park: Yubup, Foundry, Fletcher Jones, Franco Cozzo and Fabbrica.

A voting poll is part of the naming process to ensure a chosen name will have community support, in accordance with the Naming Rules.

Public notice for the voting poll was given on Council's Conversations Merri-bek website from 18 March 2024 until 16 April 2024. Votes were received via Conversations Merri-bek website, email and post. 262 votes were cast in total.

At the 8 May 2024 meeting, Council resolved to invite further consultation from the community. A further 513 votes were cast, with the new total number of votes being 775.

Respondents were invited to rank the list of names, from their most to their least preferred.

Applying a preferential vote methodology, Yubup is the preferred name, with Franco Cozzo coming second (53% to 47%). The summarised results are set out in **Attachment 2**.

For the preferential voting methodology, to obtain an absolute majority, four rounds of analysis were conducted. In the fourth round, with a total of 749 votes (after votes were exhausted) Yubup won with 53 per cent of votes (a total of 395 votes) and the runner-up was Franco Cozzo with 47 per cent of votes (354 votes). Yubup is therefore the recommended name for endorsement.

In reviewing the total first votes, Franco Cozzo attracted the majority with 32 per cent (248/775). This name also received a high number of last place votes, and comments indicated a split in community sentiment between those who were strongly in favour of the name and those who were strongly not in favour of it. Yubup was the next contender, receiving 29 per cent of the total first votes (228/775)

Feedback in the form of comments from the community provide further insight into the community response to Yubup and Franco Cozzo as names for the park:

- There was enthusiasm for Yubup, a Woi Wurrung name, as a mark of respect for the Traditional Owners and the connection to nature
- There was a split in community sentiment for the name Franco Cozzo. Some community members felt it was an opportunity to celebrate a successful migrant and well-known Melbourne identity, whilst others felt there was not a strong enough local connection. There was also some concern that this name was subject to a social media campaign.

Officers recommend that Council endorses the name Yubup Park.

## Officer Recommendation

That Council:

1. Having invited the community to provide feedback on a shortlist of names for the new park at 14 Frith Street, Brunswick, endorses the name Yubup Park.
2. Notifies the objectors of Council's decision regarding the name for the park and the opportunity to appeal to the Registrar.
3. Authorises the Director Place and Environment to do all things required to formalise the name Yubup Park with Geographic Names Victoria.

## Resolution

**Cr Riley moved, Cr Pulford seconded -**

**That Council:**

1. **Having invited the community to provide feedback on a shortlist of names for the new park at 14 Frith Street, Brunswick, endorses the name Yubup Park.**
2. **Notifies the objectors of Council's decision regarding the name for the park and the opportunity to appeal to the Registrar.**
3. **Authorises the Director Place and Environment to do all things required to formalize the name Yubup Park with Geographic Names Victoria.**

8.47 pm *Cr Carli Hannan left the meeting before the vote.*

**Carried unanimously**

The order of business was altered to bring forward Item 7.4 *Amendment C196more - Introduction of Special Building Overlay Schedule 2 - Decision Gateway 2 - Consideration of Submissions and Request for a Planning Panel*, to be the first item considered at the meeting.

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

## **7.5 STATE GOVERNMENT CONSULTATION ON PLAN FOR VICTORIA AND DRAFT HOUSING TARGETS - DRAFT SUBMISSION**

### **Executive Summary**

Following the release of the Housing Statement in September 2023, the State Government is proposing a new Plan for Victoria, replacing the current Plan Melbourne, the current metropolitan planning strategy. Additionally, they have announced that each local government area will be set housing capacity targets to 2051. Draft housing targets have been released seeking advice and feedback, while further work, including more detailed housing capacity modelling occurs.

Council now has the opportunity to make a submission on both the proposed Plan for Victoria and the draft housing targets. This report outlines a recommended submission on these matters, in summary:

- Council welcomes action by the State Government to address the housing crisis and welcomes the opportunity to participate in the Plan for Victoria consultation.
- Council encourages the State Government to provide support for the necessary strategic planning work to deliver capacity for more homes around transport hubs, Major and Neighbourhood Activity Centres.

- Merri-bek's current need for affordable housing is 4341 households or 6.4% of all households. Families are the largest group in need in bottom 40% of incomes. Mandatory minimums for social and affordable housing in new developments should be implemented, allowing flexibility for delivery options or cash-in-lieu contributions, to ensure community need for affordable housing can be met.
- While many new affordable homes are needed, there is also an urgent need to make existing, ageing, public housing stock healthy and safe
- There also needs to be corresponding investment by the State Government in improving public and active transport options across Victoria if the intention is for more homes to be built close to public transport.
- The draft target of capacity for 72,000 new homes by 2051 in Merri-bek appears to be too high. Merri-bek's own Housing Capacity Study estimated that if all identified sites were redeveloped to their full potential, there is capacity for 65,900 more homes.
- Achieving construction of 72,000 new homes by 2051 also appears to be too optimistic, given Merri-bek's projected demand for between 42,000 to 48,000 new homes by 2051. Housing development depends on market conditions and landowner actions, not just meeting targets.
- It is recognised that the draft housing target is subject to further modelling and needs to consider whether to factor the unresolved location of a new Fawkner Station as part of the Suburban Rail Loop.
- Merri-bek has at least 15 years capacity of available residential land to accommodate projected growth over this period. Coburg, Brunswick, Glenroy, Pascoe Vale, and Fawkner having the largest capacity for growth. Brunswick East and West are expected to reach capacity by 2036.
- Housing supply alone won't solve affordability issues; considering realistic, evidence-based targets is essential.
- Housing targets should be aligned with targets for employment land (aligned with need) to ensure sufficient land for employment is provided close to residential areas.
- The delivery of better quality, accessible, environmentally friendly and therefore more liveable housing is needed, which will also assist community acceptance.

It is expected that a final Plan for Victoria and housing targets will be released later in 2024.

## **Officer Recommendation**

That Council:

1. Endorses the submission to the State Government's proposed Plan for Victoria and draft housing targets as contained in Attachment 1 to this report.
2. Authorises the Director Place and Environment to make minor edits and corrections, as necessary and submit the endorsed Merri-bek City Council submission to the Department of Transport and Planning.

## **Resolution**

**Cr Panopoulos moved, Cr Harte seconded -**

**That Council:**

- 1. Endorses the submission to the State Government’s proposed Plan for Victoria and draft housing targets as contained in Attachment 1 to this report, with the following changes:**
  - a) Affordable Housing and Choice Big Idea 2 – More housings options for all Victorians including social and affordable housing:**
    - i) includes data that specifically identifies social housing need, not just broader category of affordable housing.**
    - ii) Council advocates for and recommends the need for increase in public housing targets , noting the challenges of Community Housing providers being pushed more and more into market driven responses , which reduces capacity to deliver genuine social housing.**
    - iii) Council advocates for and recommends implementation of mandatory minimum requirements of 20% - 25% for social and affordable housing , based on Council’s own projections of housing need until 2036.**
    - iv) Council advocates for and recommends that development of State government land to be utilised fully for public housing.**
    - v) In point 2 of feedback of Potential Actions, indicate that affordable and social housing needs to be “in perpetuity” as well as mandatory.**
    - vi) In point 4 of Feedback on Potential Actions, include a sentence on the need for the state government to take action to prevent land banking as land banking is a key impediment to providing more housing.**
  - b) Under the heading “Equity and Jobs”:**
    - i) Council supports this action providing transport in that location to run seven days a week and 24 hours a day.**
    - ii) Under the heading: ”Feedback on a new Plan for Victoria” Point 2 of Feedback on Potential actions, add that as well as bus services needing to run 24 hours a day, 7 days a week, bus shelters are needed to enable more people to use the bus service.**
- 2. Authorises the Director Place and Environment to make minor edits and corrections, as necessary and submit the endorsed Merri-bek City Council submission to the Department of Transport and Planning.**

**Carried unanimously**

## **7.6 ENGAGING WITH SMALL BUSINESSES IN NEIGHBOURHOOD ACTIVITY CENTRES (NORTH-WEST WARD)**

### **Executive Summary**

Neighbourhood and Local Centres play an important part in Merri-bek's economy, providing a mix of uses to serve the daily and weekly shopping and service needs of the local communities they are located in.

Over the last 10-15 years, Merri-bek's Neighbourhood and Local Centres have benefited from a number of streetscape improvement projects, including to Snell Grove, Oak Park; Justin Avenue, Glenroy; Gaffney Street/Pascoe Vale Station, Pascoe Vale; Melville/Moreland Road, West Brunswick and West Street, Hadfield in the North-West Ward.

Council has had an ongoing program of business development support for its neighbourhood activity centres and for businesses more generally, that all businesses are able to take advantage of and benefit from. At its June 2024 meeting, Council adopted a 3-year Economic Development Action Plan which includes a number of actions that will support Merri-bek's Neighbourhood and Local Centres. This includes shopping strip renewal projects, supporting local traders groups and promoting local businesses to increase visitation and expenditure. In addition, in 2025/26, a program of support initiatives for smaller local and neighbourhood shopping strips will be developed.

An upcoming review of Council's Special Charge Scheme Policy and associated Handbook will assist businesses with guidance to establish and operate a trader association, including relating to organisational structure and access to relevant information including support services. Council officers can help facilitate meetings of trader groups when requested.

### **Officer Recommendation**

That Council:

1. Notes that several Neighbourhood and Local Activity Centres in the North-West Ward have benefited from projects carried out under the Shopping Strip Renewal Program and that West Street, Hadfield is about to benefit from a dedicated project involving both business support and streetscape upgrade works.
2. Notes that the recently adopted Economic Development Action Plan 2024–2027 contains several priorities and actions for Council's retail precincts, including:
  - a) An action to deliver financial assistance to encourage the provision of parklets (outdoor dining areas) in smaller and neighbourhood activity centres; and
  - b) Developing and implementing a program of support initiatives for smaller local and neighbourhood shopping strips;and that these initiatives will be promoted to businesses in neighbourhood and local centres when they are launched.
3. Notes the upcoming review of Council's Special Charge Scheme Policy and associated Handbook will assist businesses with guidance on how to establish and operate a trader association, including relating to organisational structure and access to relevant information including support services and that the Handbook will be promoted to businesses in neighbourhood and local centres following its review.

## **Resolution**

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

**That Council:**

- 1. Notes that several Neighbourhood and Local Activity Centres in the North-West Ward have benefited from projects carried out under the Shopping Strip Renewal Program and that West Street, Hadfield is about to benefit from a dedicated project involving both business support and streetscape upgrade works.**
- 2. Notes that the recently adopted Economic Development Action Plan 2024–2027 contains several priorities and actions for Council’s retail precincts, including:
  - a) An action to deliver financial assistance to encourage the provision of parklets (outdoor dining areas) in smaller and neighbourhood activity centres; and**
  - b) Developing and implementing a program of support initiatives for smaller local and neighbourhood shopping strips;**and that these initiatives will be promoted to businesses in neighbourhood and local centres when they are launched.**
- 3. Notes the upcoming review of Council’s Special Charge Scheme Policy and associated Handbook will assist businesses with guidance on how to establish and operate a trader association, including relating to organisational structure and access to relevant information including support services and that the Handbook will be promoted to businesses in neighbourhood and local centres following its review.**
- 4. Receives a report that considers offering business grants in 2025 to support our local traders, especially in local and neighbourhood activity centres.**

**Carried unanimously**

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

## 7.7 FOOD SYSTEM STRATEGY 2024-2027

### Executive Summary

Merri-bek Council has been at the forefront of Food System policy and implementation action since the adoption of Council's first Food System Strategy in 2017. Council endorsed the draft Food System Strategy 2024-2027 at the 17 June 2024 Council meeting for public exhibition and further community and stakeholder consultation.

This revised Strategy builds on the extensive knowledge, relationships and community networks established over the last seven years to embed the changes needed to strengthen food security and community resilience in the face of the climate emergency and growing social and economic inequality.

The Strategy is guided by six strategic focus areas:

- Food equity and security
- Sustainable local food production
- Inclusive, connected food cultures
- Education and capacity building
- Strong local food economy
- Food system advocacy

The Strategy provides a holistic long-term approach to complex issues causing food insecurity for people in Merri-bek. Council is committed to working with partners and the community to collaboratively respond to these challenges and opportunities.

### Officer Recommendation

That Council:

1. Notes the feedback received on the Draft Food Systems Strategy 2024-2027 during the public exhibition, and thanks the community for the contributions.
2. Adopts the Food System Strategy 2024-2027 (Attachment 1).

### Resolution

**Cr Riley moved, Cr Tapinos seconded -**

**That Council:**

1. **Notes the feedback received on the Draft Food Systems Strategy 2024-2027 during the public exhibition, and thanks the community for the contributions.**
2. **Adopts the Food System Strategy 2024-2027 (Attachment 1) with an additional point under "1. Food equity and security". The additional point is to note that Council will conduct a feasibility study to determine the accommodation needs of food relief organisations in Merri-bek.**

**Carried unanimously**

## **7.8 CHILDREN, YOUNG PEOPLE AND FAMILIES PLAN 2021-2025: IMPLEMENTATION OF YEAR 3 ACTIONS**

### **Executive Summary**

The Children, Young People and Families Plan 2021-2025 (the Plan) aims to improve health, wellbeing and educational outcomes for children, young people and families with a vision of 'a community where children, young people and families are healthy, resilient, empowered, safe and belong'. The Plan's associated Implementation Plan 2022-2025 details the actions and activities that will be undertaken in each of the Plan's three outcome areas of Inclusive City and Community, Improved Health and Wellbeing, and Lifelong Learning and Participation.

To fulfil the vision of the Plan, Council has continued to collaborate with community, partner organisations and the State Government to achieve the implementation of Year 3 actions. The third year of the Plan's implementation has resulted in an increase in kindergarten participation and Maternal and Child Health checks. The inaugural Dads with a Pram event was held in 2023 and parent support programs such as the sleep and settling program have continued. Children and young people have increasingly engaged in opportunities to be involved in decision making on matters that impact them, and young people have led projects which positively contribute to social connection and wellbeing. The early years infrastructure capital works program has continued to be implemented with kindergarten expansion and upgrade projects completed.

The annual review of the Plan has highlighted the range of activities that have been completed in year 3 and those that remain to be completed in year 4, the final year of the Plan, see **Attachment 1**.

### **Officer Recommendation**

That Council notes the Children, Young People and Families Plan 2021-2025 annual review and implementation of Year 3 actions.

### **Resolution**

**Cr Panopoulos moved, Cr Tapinos seconded -**

**That Council notes the Children, Young People and Families Plan 2021-2025 annual review and implementation of Year 3 actions.**

**Carried unanimously**

## **7.9 LIVING AND AGEING WELL YEAR 4 REPORT AND EVALUATION**

### **Executive Summary**

'Living and Ageing Well in Merri-bek; an Age-Friendly Framework' was endorsed by Council in 2019. The Framework establishes principles and practices for all areas of Council to support the well-being and participation of older people in Merri-bek and its outcomes are reported to Council annually. There is an allocated budget of \$90,000 for implementation activities in the 2024/25 financial year.

The Year 4 Annual Report includes actions and achievements from the 1 January 2023 to 30 June 2024. The reporting period was extended to 18 months to include findings from the evaluation of the Framework's 4-year Implementation Plan which was completed in June 2024.



A range of initiatives were delivered in line with the World Health Organisation's Age Friendly Physical, Social and Municipal environments for healthy ageing communities.

Council progressed actions under each of these environments in Year 4. Collaboration across Council and with community partners was key in achieving outcomes. Council prioritised social connection opportunities for older people in response to increasing rates of social isolation.

Council undertook an evaluation in 2024 to identify achievements and learnings of the previous Implementation Plan. This included analysis of current community needs to inform priorities for the next Implementation Plan.

With current changes to the aged care system, the cost-of-living crisis, and our growing ageing population, continuing the Living and Ageing Well Framework is crucial for determining Council's current and future role in healthy ageing in our community.

### **Officer Recommendation**

That Council notes the Living and Ageing Well Year 4 Report and Evaluation.

### **Resolution**

**Cr Harte moved, Cr Davidson seconded -**

**That Council notes the Living and Ageing Well Year 4 Report and Evaluation.**

9.27 pm *Cr Pulford left the meeting. The Deputy Mayor assumed the Chair.*

9.28 pm *Cr Pulford returned to the meeting and resumed the Chair prior to the vote.*

**Carried unanimously**

9.34 pm *Cr Bolton left the meeting.*

## **7.10 BRUNSWICK MECHANICS INSTITUTE TENDER**

### **Executive Summary**

This report seeks the award of the preferred contractor, Next Wave Festival Inc. for the contract RFT 2024-1.

A request for tender was released on 27 April 2024 and closed on 3 June 2024 with six submissions received.

An extensive tender evaluation process was undertaken to assess all submissions that included an interview stage for short listed submissions.

The panel determined that the submission that can deliver best on Council's KPIs and desire for Brunswick Mechanics Institute to be active and accessible to a broad range of artists and artforms is Next Wave Festival Inc. They are a multi-artform organisation that specialises in artist support. Their application included:

- New, more equitable venue hire policy with transparent application process
- New community advisory group for programming Brunswick Mechanics Institute
- New partnerships to activate building

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

There is an allocation of \$80,000 + GST per annum in the forward budgets.

## Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
  - a) Make a formal offer to Next Wave Festival Inc. ABN: 50 679 318 829 (Contractor) to award to the Contractor contract RFT-2024-1 for the Brunswick Mechanics Institute Management (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
    - i. for a medium-term services contract, for an initial contract term of 3 years, with two further three-year options, for a management fee of \$80,000 per year
  - 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; and
  - b) Authorises the Chief Executive Officer to exercise the options to extend contracts in accordance with the provisions within the Contract; and
  - c) Advises all tenderers of Council's decision in relation to the Contract.

## Resolution

**Cr Pulford moved, Cr Riley seconded -**

That Council:

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to Next Wave Festival Inc. ABN: 50 679 318 829 (Contractor) to award to the Contractor contract RFT-2024-1 for the Brunswick Mechanics Institute Management (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. **for a medium-term services contract, for an initial contract term of 3 years, with two further three-year options, for a management fee of \$80,000 per year**
  - 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;**

and

- b) Authorises the Chief Executive Officer to exercise the options to extend contracts in accordance with the provisions within the Contract; and
- c) Advises all tenderers of Council's decision in relation to the Contract.

9.37 pm Cr Bolton returned to the meeting before the vote.

Carried

Cr Bolton called for a division.

For	Against
Cr Davidson	Cr Bolton
Cr Yildiz	
Cr Pulford	
Cr Panopoulos	
Cr Riley	
Cr Tapinos	
Cr Harte	
<b>Total For (7)</b>	<b>Total Against (1)</b>

## 7.11 CONTRACT AWARD: RFT- 2024-9 CHRISTMAS DECORATIONS PROGRAM

### Executive Summary

The Economic Development Unit is responsible for the overall management of the Christmas Decorations Program contract and is committed to enhancing the appearance of our activity centres, boosting local spending, and supporting retailers and hospitality businesses during the festive Christmas season.

The current 7-year contract for supply, installation and storage of Christmas decorations will expire on 30 June 2025, with Christmas 2024 being the final Christmas Decorations Program delivered under this contract. It is important that Council knows who will deliver the Program in 2025, including a plan for storage of the Council owned decorations, before the Christmas 2024 decorations are taken down in early 2025.

At its meeting on 13 March 2024 Council resolved to commence the procurement process through a public tender and agreed on new contract specifications to find a vendor to deliver the future Program.

The tender process has identified a capable vendor, which best demonstrates an ability to deliver a high quality, impactful, visually appealing program that aligns with Council's expectations as set out in the tender specification, provides excellent value for money and ensures sustainability is considered.

This report seeks Council's endorsement to offer a two-year contract with two additional two year extension options at Council's absolute discretion, to the preferred vendor, Decona Pty Ltd (trading as Christmas Display Solutions (CDS)).

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 Decona Pty Ltd Trading as Christmas Display Solutions ACN 155 481 904 (**Contractor**) to award contract **RFT-2024-9** for the Provision of Christmas Decoration Program (**Contract**) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this

Resolution:

- i. For a term of two (2) years with two (2) x two (2) year extension options at the discretion of Council; and
    - ii. For an amount not exceeding \$1,751,964 excluding GST over the life of the contract on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this resolution.
  - 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;
  - b) Authorises the Chief Executive Officer to exercise the option(s) to extend contracts in accordance with the provisions within the Contract subject to satisfactory performance of the contractor; and
  - c) Advises all tenderers of Council's decision in relation to the Contract.
3. Notes that the final total value of the contract would be subject to the development of an annual Project Implementation Plan and would be managed to ensure that it was within the overall 2 and 6 year provisional budgets.

## Resolution

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

**That Council:**

- 1. Authorises the Chief Executive Officer to:**
  - a) Make a formal offer to Decona Pty Ltd Trading as Christmas Display Solutions I 155 481 904 (Contractor) to award contract RFT-2024-9 for the Provision of Christmas Decoration Program (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. For a term of two (2) years with two (2) x two (2) year extension options at the discretion of Council; and**
    - ii. For an amount not exceeding \$1,751,964 excluding GST over the life of the contract on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this resolution.**
  - 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;**
  - b) **Authorises the Chief Executive Officer to exercise the option(s) to extend contracts in accordance with the provisions within the Contract subject to satisfactory performance of the contractor; and**
  - c) **Advises all tenderers of Council's decision in relation to the Contract.**
3. **Notes that the final total value of the contract would be subject to the development of an annual Project Implementation Plan and would be managed to ensure that it was within the overall 2 and 6 year provisional budgets.**

**Carried unanimously**

## **7.12 CONTRACT AWARD: RFT-2024-7 RETAINING WALL RE-CONSTRUCTION GREENBANK CRESCENT, PASCOE VALE SOUTH**

### **Executive Summary**

In April 2023, a section of the retaining structure within road reserve at Greenbank Crescent, Pascoe Vale South had collapsed. Existing retaining structure was identified as 'beaching' and is approximately 60 years old. Collapse of the structure caused damage to upper-level carriageway. Since this incident temporary fencing was installed, however no other work has been done. Works are required to reconstruct damaged sections of retaining structure and road. The works involve construction of a 24m long concrete sleeper retaining wall, reconstruction of kerb and channel, road resurfacing directly adjacent to retaining wall, replacement of stormwater pits and drains, and replacement of safety barrier.

During the tender evaluation process, Axis Infrastructure Pty Ltd was identified as preferred tenderer based on their submission. They confirmed their ability and availability to undertake the works with starting date mid-September 2024.

Axis Infrastructure Pty Ltd has previously undertaken projects of similar complexity within other councils with very good results. Their construction program is for a 14-week duration, with early start and early completion, which is in accordance with our aim to complete this project within the 2024/2025 financial year.

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 Axis Infrastructure Pty Ltd ACN: 618 982 657 (**Contractor**) to award to the Contractor contract **RFT-2024-7** for the **Reconstruction of Greenbank Crescent, Pascoe Vale South (Contract)** on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
    - i. For the total Contact value of \$816,118.01 excluding GST, comprising of fixed lumpsum of \$611,978.77 (excl GST) and provisional amount \$204,139.24 (excl GST).
  - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
    - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
    - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.
2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
  - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and
  - b) Advises all tenderers of Council's decision in relation to the Contract.

## Resolution

**Cr Yildiz moved, Cr Panopoulos seconded -**

That Council:

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to Axis Infrastructure Pty Ltd ACN: 618 982 657 (Contractor) to award to the Contractor contract RFT-2024-7 for the Reconstruction of Greenbank Crescent, Pascoe Vale South (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. **For the total Contact value of \$816,118.01 excluding GST, comprising of fixed lumpsum of \$611,978.77 (excl GST) and provisional amount \$204,139.24 (excl GST).**
  - b) **Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:**
    - i. **the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and**
    - ii. **other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.**

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

- a) **Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and**
- b) **Advises all tenderers of Council's decision in relation to the Contract.**

**Carried unanimously**

## **7.13 CONTRACT RFT-2024-13 WILSON AVENUE STREETScape IMPROVEMENT**

### **Executive Summary**

This report seeks the appointment of the preferred contractor, Kaizen Civil Pty Ltd, for the construction of the Wilson Avenue Streetscape Improvement in Brunswick.

Wilson Avenue is a key pedestrian street in the Brunswick Activity Centre, which connects Jewel Station and Sydney Road.

Previous works on Wilson Avenue include the closing of a portion of the street to traffic in 2014 to create a new public space fronting Sydney Road.

In 2020-21 Council undertook the design of streetscape improvements for the remainder of Wilson Avenue, from Black Street to Jewell Station. The design stage included community consultation, a final concept plan and detailed design documentation.

Public realm improvements made as part of the project will address safety, accessibility, and connectivity issues, as envisaged in the Brunswick Structure Plan. The total project budget over multiple years is \$2.18 million.

A request for tender was released on 18 May 2024. The tenders closed on 17 June 2024, and four conforming tenders were received. The tenders were evaluated and Kaizen Civil Pty Ltd has been identified as the preferred tenderer, achieving the highest score through the evaluation process and representing best value for money for Council.

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 Kaizen Civil Pty Ltd (**Contractor**) to award to the Contractor contract **RFT-2024-13** for the **Wilson Avenue Streetscape Improvement (Contract)** on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:
    - i. **for the lump sum of \$1,609,184 (excluding GST) plus provisional sums of \$194,415 (excluding GST), totaling \$1,803,599 (excluding GST)**
  - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
    - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
    - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.

2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
  - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and
  - b) Advises all tenderers of Council's decision in relation to the Contract.

## **Resolution**

**Cr Riley moved, Cr Yildiz seconded -**

**That Council:**

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to Kaizen Civil Pty Ltd (Contractor) to award to the Contractor contract RFT-2024-13 for the Wilson Avenue Streetscape Improvement (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:**
    - i. **for the lump sum of \$1,609,184 (excluding GST) plus provisional sums of \$194,415 (excluding GST), totaling \$1,803,599 (excluding GST)**
  - b) **Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:**
    - i. **the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and**
    - ii. **other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.**
2. **Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:**
  - a) **Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and**
  - b) **Advises all tenderers of Council's decision in relation to the Contract.**

**Carried unanimously**

## **Time Extension**

### **Resolution**

**Cr Panopoulos moved, Cr Harte seconded -**

**That the Council meeting be extended by 30 minutes at 9.57 pm.**

**Carried**

Due to the Chief Executive Officer's declared conflict of interest, the Mayor put the Motion to the vote in separate parts.



## **7.14 GOVERNANCE REPORT - AUGUST 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.
- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 10 April 2024, 8 May 2024, 12 June 2024 and 10 July 2024 Council meetings, with a recommendation that Council notes the responses.
- The draft Code of Conduct and Training Framework consultation process conducted by Local Government Victoria.

### **Officer Recommendation**

That Council:

1. Notes the summary of minutes from Advisory Committees to Council, provided as Attachment 1, as follows:
  - a) Human Rights and Inclusion Advisory Committee held 25 June 2024 and notes the Committee's support of the Age Friendly Reference Group recommendation that it be renamed Older Persons Reference Group.
  - b) Environmental Sustainability Advisory Committee held 1 July 2024.
  - c) First Nations Advisory Committee held 29 July 2024 and notes the Committee's recommendations (and action taken as detailed in this report) that:
    - i) Council amends its Governance Rule 3.9.14 by adding a new clause (numbered 16) to state that Notice of Motion that relates to First Nations affairs must be considered by the First Nations Advisory Committee before coming to a Council meeting for a vote of Councillors.
    - ii) Council approaches the Wurundjeri Woi-wurrung and other interested parties to organise a workshop on the treaty process. The workshop should discuss the terms of reference, operational arrangements, participant roles, and any conditions or requirements involved.
2. Notes the First Nations Advisory Committee recommendations are being actioned as set out in the report.
3. Notes the Records of Meetings, provided as Attachment 2.
4. Notes responses to questions taken on notice during Public Question Time at the 10 April 2024, 8 May 2024, 12 June 2024 and 10 July 2024 Council meetings, provided as Attachment 3.
5. Determines whether Council should make a submission to the Local Government Reforms 2024 – Stage 2, closing 4 September 2024.

## Resolution

Cr Bolton moved, Cr Harte seconded -

That Council:

1. Notes the summary of minutes from Advisory Committees to Council, provided as Attachment 1, as follows:
  - a) Human Rights and Inclusion Advisory Committee held 25 June 2024 and notes the Committee's support of the Age Friendly Reference Group recommendation that it be renamed Older Persons Reference Group.
  - b) Environmental Sustainability Advisory Committee held 1 July 2024.
  - c) First Nations Advisory Committee held 29 July 2024 and notes the Committee's recommendations (and action taken as detailed in this report) that:
    - i) Council amends its Governance Rule 3.9.14 by adding a new clause (numbered 16) to state that Notice of Motion that relates to First Nations affairs must be considered by the First Nations Advisory Committee before coming to a Council meeting for a vote of Councillors.
    - ii) Council approaches the Wurundjeri Woi-wurrung and other interested parties to organise a workshop on the treaty process. The workshop should discuss the terms of reference, operational arrangements, participant roles, and any conditions or requirements involved.
2. Notes the First Nations Advisory Committee recommendations are being actioned as set out in the report.
3. Notes the Records of Meetings, provided as Attachment 2.
4. Notes responses to questions taken on notice during Public Question Time at the 10 April 2024, 8 May 2024, 12 June 2024 and 10 July 2024 Council meetings, provided as Attachment 3.

Carried

10.04 pm *Having declared a conflict of interest, the Chief Executive Officer, Cathy Henderson left the meeting.*

## Resolution

Cr Riley moved, Cr Pulford seconded –

That Council:

5. Determines to not make a submission to the Local Government Reforms 2024 – Stage 2 consultation process, noting that the submission process is open to all Councillors to make their own submission.

Carried unanimously

10.06 pm *The Chief Executive Officer, Cathy Henderson returned to the meeting.*

## NOTICES OF MOTION

### 8.1 FAMILY VIOLENCE INITIATIVES

#### Motion

That Council receives a report:

1. Detailing current statistics on family violence in Merri-Bek, along with various initiatives aimed at prevention and response.
2. That explores the potential for renewed partnerships with local stakeholders, including Victorian Police, family violence support services and community organisations, in order to collaborate and enhance our practices and preventative measures within the Council and its services to combat family violence.
3. That considers, in partnership with Victoria Police and stakeholders, Council implementing public awareness campaigns about family violence, utilising multiple platforms, including social media and community events, to educate the public on recognising the signs of family violence; accessing available resources; understanding the importance of reporting incidents; and to challenge harmful gender stereotypes and promote respectful relationships.

#### Resolution

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

**That Council receives a report:**

1. **Detailing current statistics on family violence in Merri-Bek, along with various initiatives aimed at prevention and response.**
2. **That explores the potential for renewed partnerships with local stakeholders, including Victorian Police, family violence support services and community organisations, in order to collaborate and enhance our practices and preventative measures within the Council and its services to combat family violence.**
3. **That considers, in partnership with Victoria Police and stakeholders, Council implementing public awareness campaigns about family violence, utilising multiple platforms, including social media and community events, to educate the public on recognising the signs of family violence; accessing available resources; understanding the importance of reporting incidents; and to challenge harmful gender stereotypes and promote respectful relationships.**

**Carried unanimously**

### 8.2 VICKI CLEARY DAY

#### Motion

That Council:

1. Acknowledges that Vicki Cleary, an employee of the Shirley Robertson Children's Centre was attacked and killed outside her workplace in 1987 and expresses our deepest regret to her family.
2. Calls for a report into how Council can honour the memory of Vicki Cleary and financially support the Vicki Cleary Day at Coburg Oval to grow as the centrepiece of the anti-violence campaign and springboard for new initiatives in the community to raise awareness by organising speakers with lived experience and professional expertise to talk at schools, sporting clubs and businesses.

## Resolution

**Cr Tapinos moved, Cr Yildiz seconded -**

**That Council:**

- 1. Acknowledges that Vicki Cleary, an employee of the Shirley Robertson Children's Centre was attacked and killed outside her workplace in 1987 and expresses our deepest regret to her family.**
- 2. Calls for a report into how Council can honour the memory of Vicki Cleary and financially support the Vicki Cleary Day at Coburg Oval to grow as the centrepiece of the anti-violence campaign and springboard for new initiatives in the community to raise awareness by organising speakers with lived experience and professional expertise to talk at schools, sporting clubs and businesses.**

**Carried unanimously**

*10.23 pm Cr Davidson left the meeting.*

## **8.3 SHORT STAY ACCOMMODATION**

### **Motion**

**That Council:**

- 1. Writes again to the Minister for Government Services, Gabrielle Williams MP, noting our earlier request for further detail about the proposed legislative changes in respect to short stay accommodation, observing that significant time has elapsed since the announcement of the measure and expressing concern about the efficacy of the proposed action, if it does not include an annual cap on the number of days a property can be rented on a short-term basis.**
- 2. Writes to the Minister for Planning raising the important issue of the proliferation of short-stay accommodation and its impact on housing supply in light of the current housing crisis and seeking the Minister's advice and views on the appropriateness of the planning system to address this issue and of any plans to do so as part of the Government's planning reform agenda, as well as advice on any other suggested mechanisms for how State and/or Local Government can regulate the extent to which dwellings are being rented out as short-stay accommodation.**
- 3. Notes the success other jurisdictions have had in shifting properties back to long-term housing by installing caps on the number of days they can be available for short stay.**
- 4. Notes the advice provided in the report to the February 2024 Council meeting about the inability to pursue a local law on the basis of the impending legislation and receives a report once more detail is known about the legislation. The report should consider what options there are, particularly in relation to the ability for a local law to impose an annual cap on the number of days a property can be listed as short-stay accommodation and include any advice received from the Minister for Planning.**

## Resolution

Cr Panopoulos moved, Cr Pulford seconded -

That Council:

1. Writes again to the Minister for Government Services, Gabrielle Williams MP, noting our earlier request for further detail about the proposed legislative changes in respect to short stay accommodation, observing that significant time has elapsed since the announcement of the measure and expressing concern about the efficacy of the proposed action, if it does not include an annual cap on the number of days a property can be rented on a short-term basis.
2. Writes to the Minister for Planning raising the important issue of the proliferation of short-stay accommodation and its impact on housing supply in light of the current housing crisis and seeking the Minister's advice and views on the appropriateness of the planning system to address this issue and of any plans to do so as part of the Government's planning reform agenda, as well as advice on any other suggested mechanisms for how State and/or Local Government can regulate the extent to which dwellings are being rented out as short-stay accommodation.
3. Notes the success other jurisdictions have had in shifting properties back to long-term housing by installing caps on the number of days they can be available for short stay.
4. Notes the advice provided in the report to the February 2024 Council meeting about the inability to pursue a local law on the basis of the impending legislation and receives a report once more detail is known about the legislation. The report should consider what options there are, particularly in relation to the ability for a local law to impose an annual cap on the number of days a property can be listed as short-stay accommodation and include any advice received from the Minister for Planning.

Carried unanimously

## NOTICE OF RESCISSION

Nil.

## FORESHADOWED ITEMS

Cr Riley foreshadowed a Notice of Motion supporting the Metro Transport Forum campaign on accessible public transport.

10.26 pm Cr Yildiz left the meeting and did not return.

10.26 pm Cr Davidson returned to the meeting.

## URGENT BUSINESS

Nil.

## CONFIDENTIAL BUSINESS

Nil.

The Council meeting closed at 10.27 pm.

Confirmed  
Cr Adam Pulford  
**MAYOR**



**INTERNAL ARBITRATION PROCESS – Merri-bek City Council**

In the matter of an Application by Councillor Helen Davidson concerning  
Councillor James Conlan  
(IAP 2024-18)

**HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE  
LOCAL GOVERNMENT ACT (2020)**

Applicant: Councillor Helen Davidson

Respondent: Councillor James Conlan

Arbiter: Jo-Anne Mazzeo

**DETERMINATION**

Pursuant to s147(1) of the *Local Government Act* 2020 (the Act) the Arbiter makes a finding of misconduct against Cr James Conlan.

Pursuant to s147(2)(b) of the Act, Cr Conlan is suspended for a period of one month (commencing the day after this Decision is tabled at the next meeting of the Merri-Bek City Council).

## STATEMENT OF REASONS FOR DECISION

### The Application

1. The Application dated 15 April 2024 by the applicant sought a finding of misconduct against the respondent relating to a social media post made by the respondent on 14 March 2024 at 10.45am.
2. In the social media post the respondent outlined the outcomes of a recent Council Meeting which considered items relating to politically sensitive issues.
3. The Facebook post read as follows:

"Last night Merri-bek City Council voted in support of Sue Bolton – Socialist Alliance Councillor for Merri-bek's pro Palestine motion to stop doing business with companies profiting from war/weapons, to continue flying the Palestinian flag, and create a \$10k support fund for local Palestinian asylum seekers and families.

Councillors who voted in favour were myself, Cr Bolton, Adam Pulford, Cr Angelica Panopoulos, Mark Riley Merri-bek City Councillor and Yildiz (he's blocked me so I can't tag him). To his credit, Cr Yildiz listened to the community by flipping his previous vote where he voted against a similar motion in November 2023, which shows community pressure on politicians is working!

Shamefully, numerous councillors left the meeting during the Palestine item to avoid voting, including Cr Lambros Tapinos (ALP), Cr Annalivia Carli Hannan (ALP), and Helen Davidson (Ind). Cr Pavlidis and Cr Harte were both on approved leave."

4. The Application alleged that respondent (in his social media post) had breached Standards 1 (Treatment of Others) and 4 (Councillor must not discredit or mislead Council or public) of the prescribed standards of conduct set out in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations) by:
  - (a) Making disparaging comments and specifically the use of the work '**shamefully**' which publicly questions the integrity of other councillors;
  - (b) Engaging in a personal attack against the named councillors by accusing them of leaving the meeting to avoid voting, when in fact this was untrue, fails to acknowledge the roles and rights of councillors and leads to misinformation – with the result constituting abusive and potentially threatening behaviour;
  - (c) Failing to uphold the principles of treating fellow councillors with dignity, fairness, objectivity, courtesy and respect;



- (d) Failing to consider the differing opinions or beliefs of fellow councillors, insinuating that those not in attendance at the Council meeting should feel ashamed or be deemed disgraceful;
- (e) Discredited Council and deliberately misled the public about the integrity and actions of the named councillors and Council as a whole; and
- (f) Misled the public about any matter related to the performance of the named councillors related to the performance of their public duties.

**Evidence provided**

- 5. A Directions Hearing was listed and heard on Thursday 6 June. Both parties agreed that an in-person Arbitration hearing was not required and were satisfied with the Arbiter making a decision based on the written evidence presented.
- 6. The parties both agreed on the facts as presented in the Application regarding the social media post (in that the respondent acknowledged he did create and upload the Facebook post).
- 7. This Statement of Reasons does not summarise all of the information submitted to the Arbiter but refers to the information relied on by the Arbiter to make her decision.

**The jurisdiction of the Arbiter in relation to this Application**

- 8. Section 143 of the *Local Government Act 2020* (the Act) provides that an Arbiter may hear an Application that alleges misconduct by a Councillor.
- 9. Pursuant to section 147 of the Act an Arbiter may determine whether or not a Councillor has engaged in misconduct.
- 10. "Misconduct" is defined in section 3 of the Act and is defined as follows:  
 "... any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct."
- 11. The standards of conduct are set out in Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020. The standards relevant to this matter provide as follows:

**1. Treatment of others**

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor –

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

#### **4. Councillor must not discredit or mislead Council or public**

- (1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matters related to the performance of their public duties.

#### **5. Standards do not limit robust political debate**

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

#### **Evidence of the Applicant**

- 12. The applicant alleged that the conduct of the respondent has fallen short of that expected of a councillor and required by the prescribed standards of conduct.
- 13. The applicant does not accept the respondents' explanation for the conduct in question and relied on the content of her Application (as outlined above in paragraphs 4(a)-(f), requesting that that Arbiter make a finding of misconduct.

#### **Evidence of the Respondent**

- 14. The respondent confirmed the authenticity of the social media post and agreed that there was no factual dispute regarding whether it was the respondent who authored the document and the accuracy of it as provided to the Arbiter.
- 15. The respondent submitted that the social media post "simply reported the factual outcomes of the Council meeting" including the item debated, the division, and Councillors present and not present at the meeting.

16. Furthermore, the respondent submitted that the Application is premised on the use of the word "shamefully", which in the respondent's opinion has been interpreted by the applicant in an inflammatory and deceptive manner.
17. Regarding a social media post being a ground for disciplinary action, the respondent submitted that this would represent a serious threat to free speech and local democracy.

### **Findings of the Arbiter**

18. The Arbiter makes a finding of misconduct against the respondent.

### **Reasons for the Arbiter's Decision**

19. In relation to the social media post reproduced in paragraph 3 above, the Arbiter accepted the submission of the applicant that the post fell below the standard of conduct expected of a Councillor. The post clearly demonstrates a failure to treat the named councillors with dignity, fairness, objectivity and respect and the Arbiter was unable to conclude that the post, and in particular the use of the phrase "**shamefully**" could be read or interpreted as anything other than disrespectful towards the named councillors.
20. The Arbiter also accepted the submission of the applicant that the social media post was misleading to state that "shamefully" councillors left a meeting. Nothing in the relevant legislation or governance framework prohibits councillors from leaving a meeting part way through, and as such leaving a meeting should not be referred to in the manner it was in the social media post, which implies it was an inappropriate course of action by the named councillors.
21. Furthermore, the respondent is not in a position to conclude the rationale for why the named councillors left the meeting and has no factual basis to claim that actions of the named councillors were solely to avoid voting on the particular issue.
22. In the event that the named councillors did excuse themselves so as to avoid voting on a particular issue, there is no prohibition against this course of action, and as such there should not be negative connotations attached to it.
23. The Arbiter was unable to accept the submission of the respondent that a finding of misconduct would represent a serious threat to free speech and local democracy. Free speech, local democracy and even robust political debate does not give free rein for councillors to breach the Standards by which they are bound.
24. Pursuant to s147(2)(b) of the Act, the respondent is suspended for a period of one month (commencing the day after this Decision is tabled at the next

meeting of the Meri-Bek City Council) which will provide an appropriate period of time for the respondent to reflect on the manner in which he uses social media in the context of his council role and responsibilities.

25. The Arbiter has no power to direct the respondent to take down the offending social media post, however whilst the post remains in the public domain, it continues to constitute a breach of the Standards and could form the basis of future allegations of serious misconduct. I therefore recommend that the respondent remove the post from all social media platforms as soon as possible if he has not already done so.

**Jo-Anne Mazzeo**

Arbiter

Date: 5 August 2024