



Moreland
City Council

COUNCIL AGENDA

Wednesday 9 February 2022

Commencing 7pm

The meeting will be held via video conference and
livestreamed

Language Link

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Acknowledgement of the traditional custodians of the City of Moreland

Moreland City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Moreland, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

Information about Council Meetings

These notes have been developed to help people better understand Council meetings. All meetings are conducted in accordance with Council's Governance Rules.

WELCOME The Mayor, who chairs the meeting, formally opens the meeting.

APOLOGIES/LEAVES OF ABSENCE Where a Councillor is not present, their absence is noted in the minutes of the meeting. Council may also approve leaves of absence in this part of the meeting.

DISCLOSURES OF CONFLICTS INTERESTS A Councillor has a duty to disclose any direct or indirect financial or other interests, they may have in any matter to be considered by Council that evening.

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

ACKNOWLEDGEMENTS AND OTHER MATTERS At each Council Meeting provision of 10 minutes will be made in the Agenda for the Mayor and Councillors to acknowledge and recognise achievements of local individuals and organisations; and raise matters considered important to Council.

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

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

COUNCIL REPORTS Council officers prepare detailed reports, which are considered by Councillors and a Council position is adopted on the matters considered. The Mayor can invite firstly Councillors, secondly Officers, and then citizens in attendance to identify Council reports which should be given priority by the meeting and considered in the early part of the meeting.

NOTICES OF MOTION A motion which has been submitted to the Chief Executive Officer no later than 12 pm (noon) 10 days prior to the meeting which is intended to be included in the agenda. The motion should outline the policy, financial and resourcing implications.

NOTICES OF RESCISSION A Councillor may propose a motion to rescind a resolution of the Council, provided the previous resolution has not been acted on, and a notice is delivered to the CEO or delegate setting out the resolution to be rescinded and the meeting and date when the resolution was carried. If a motion for rescission is lost, a similar motion may not be put before the Council for at least one month from the date it was last lost, unless the Council resolves that the notice of motion be re-listed at a future meeting.

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

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

CONFIDENTIAL BUSINESS Whilst all Council meetings of Council are open to the public, Council has the power under the *Local Government Act 2020* to close its meeting to the public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber or Meeting room while the matter is being discussed.

CLOSE OF MEETING The Mayor will formally close the meeting and thank all present.

NEXT MEETING DATE The next Council meeting will be held on Wednesday 9 March 2022 commencing at 7 pm. The next Planning and Related Matters meeting will be held on Wednesday 23 February 2022.

WELCOME

1. APOLOGIES/LEAVE OF ABSENCE

Cr Carli Hannan is on an approved leave of absence - 9 December 2021 to 2 March 2022 inclusive.

Cr Pavlidis has sought a leave of absence from 16 December 2021 until 30 January 2022 inclusive.

Cr Riley has sought a leave of absence from 15 February to 5 March 2022 inclusive.

2. DISCLOSURES OF CONFLICTS OF INTEREST

3. MINUTE CONFIRMATION

The minutes of the Council Meeting held on 8 December 2021 and the Special meeting held on 13 December 2021 be confirmed.

4. ACKNOWLEDGEMENTS AND OTHER MATTERS

5. PETITIONS

Nil

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7. COUNCIL REPORTS

7.1 MUNICIPAL RENAMING ENGAGEMENT PROCESS

Director Community, Eamonn Fennessy

Community Wellbeing

This report will be circulated separately and made available on Council's website.

7.2 DESIGN EXCELLENCE SCORECARD - TRIAL OUTCOMES AND RECOMMENDATIONS

Director Place and Environment, Joseph Tabacco

City Development

Officer Recommendation

That Council:

1. Adopts the Design Excellence Scorecard for High Density Developments, at Attachment 1 to this report, and the Design Excellence Scorecard for Medium Density Developments, at Attachment 2 to this report, on a permanent basis, subject to the further enhancements to the Environmentally Sustainable Design (ESD) criteria outlined at Attachment 3 to this report.
2. Notes that Council officers will include clear information as part of public notice of an application, when the proposal complies with the Design Excellence Scorecard.
3. Notes that a list of approved Scorecard developments will be published on Council's website and regularly updated.
4. Notes that the Design Excellence Scorecard will be reviewed over time to ensure its currency, with an annual briefing of Councillors on the projects that have achieved Scorecard compliance and of any further enhancements made to the Scorecard requirements.

REPORT

Executive Summary

The Victorian Planning legislative framework confines both Council and VCAT to deciding whether a planning permit application will produce *acceptable* outcomes.

In seeking to encourage development that achieves better than acceptable outcomes, Council must therefore look to other levers beyond the Moreland Planning Scheme.

The Design Excellence Scorecard was conceived following a Council organised roundtable of leading planning, design and built environment thought leaders, tasked with considering how Council could seek to deliver design excellence in developments in Moreland. One of the concepts arising from the roundtable process was how Council might establish a very clear understanding of what is meant by design excellence, and then having established and agreed on that understanding, what could be done to improve the planning process for those applicants willing to achieve that benchmark.

The Scorecard was then developed by Council as a means of providing greater certainty to the development industry of the benchmarks that would be accepted by Council as delivering design excellence. Having resolved these benchmarks, Council is seeking to incentivise applicants to strive for design excellence and simplify the planning process through a commitment to delegated decision-making for those proposals that firstly satisfy the planning scheme requirement and then go above and beyond to satisfy the design excellence benchmarks of the scorecard.

The Design Excellence Scorecard (the Scorecard) was adopted by Council in February 2019 (DCF3/19) on a trial basis. Since the commencement of the trial, seven developments have met the requirements of the Scorecard. These applications represent a very small proportion of the approximately 1200 to 1400 planning applications that are determined under delegation each year. The Scorecard compliant developments go beyond the acceptable by delivering design excellence, through architecture, environmental sustainable design (ESD), accessibility and public benefits (e.g. affordable housing).

Of the seven scorecard applications received since February 2019, six have successfully met the Design Excellence Scorecard for High Density Developments, only one development has taken up the Design Excellence Scorecard for Medium Density Developments. The medium density proposal also witnessed the greatest level of community concern with the Scorecard process, due to its delegated decision-making pathway which removed the opportunity for objectors to make verbal submissions at the Planning and Related Matters Council meeting.

While the Scorecard only influences a small proportion of applications, it assists Council in positively influencing high quality planning outcomes in Moreland, that would not otherwise be achieved through traditional planning decision-making mechanisms.

Importantly, the Scorecard is not a tool that can be used to trade off unacceptable planning outcomes. Applications that do not firstly satisfy the Planning Scheme would not be eligible to be considered against the Scorecard tool. Such applications would proceed to be assessed only against the Moreland Planning Scheme.

The Act directs Council to balance the present and future interests of all Victorians. In this respect, industry feedback and interviews with future residents of a Scorecard development have been very supportive of the Scorecard process.

Some of the present community, while supportive of improving the quality of development in Moreland, have raised concerns with the tool, primarily in relation to decision-making under delegated authority rather than in the Council chamber.

Council has previously explored various incentives for applicants to take up the scorecard including fee reductions and commitments to faster decision-making. To incentivise applicants to deliver design excellence and commit to the greater investment needed towards a Scorecard compliant proposal, Council resolved to provide a commitment to a delegated decision-making process. Without the certainty of a delegated officer decision, applicants may be unwilling to commit greater investment for design excellence outcomes. The remaining incentives for voluntary take-up of the Scorecard are insufficient to encourage use of the Scorecard. Without sufficient incentive for developers to voluntarily strive to achieve the Scorecard benchmarks, Council's ability to positively influence development that is more than just 'acceptable' is further diminished.

Subject to increasing the benchmarks of the ESD criteria, it is recommended that the use of the Scorecard be continued, maintaining Council's ability to positively influence development outcomes and to strive to achieve design excellence in Moreland.

Previous Council Decisions

There have been previous Council decisions related to the Scorecard. The most relevant being:

DCF3/19 Trial Moreland Design Excellence Scorecard – 13 February 2019

DCF93/19 Design Excellence Scorecard Trial Update – 11 December 2019

DCF41/20 Design Excellence Scorecard – Trial Outcomes, Achievements and Recommendations – 9 September 2020

In summary, Council made adjustments to the Scorecard based on learnings arising during the trial period including:

- *Extending the operation of the Design Excellence Scorecard until September 2021.*
- *Enhancing the Scorecard process to require a pre-lodgement phase of consultation.*
- *Taking learnings from the medium density scorecard case, requiring the Scorecard to be met prior to public notice of an application, rather than allowing applicants to seek to meet the Scorecard only after receipt of objections.*
- *Mandating a Planning Information and Discussion Meeting, with invitation to all Councillors, for all Scorecard applications that receive five or more objections.*

- *Mandating that all Scorecard developments be included in Council’s proactive planning enforcement program to ensure enhanced quality commitments are delivered during construction*
- *Acknowledging that applications seeking to comply with the Scorecard will be presented to a Council Briefing for information.*
- *Resolving that during the extension of the trial, Council officers undertake community education sessions to advise residents on the planning process and the opportunities available to best engage with and influence planning outcomes in Moreland.*

In addition, at the 10 March 2021 Council meeting, Council considered two notice of motions (NOM). One NOM sought to end the Scorecard trial, the other NOM sought to continue the Scorecard trial to September 2021. The latter motion was successful.

1. Policy Context

Council Plan

The Scorecard was initially developed in response to the Council Plan 2017-2021 (Council Plan), which sought to enhance liveability, affordability and sustainability by guiding growth, and excellence in urban design and development.

The Council Plan deliverables relevant to the Scorecard were:

- P1(b) Better planning and development outcomes (supported by all deliverables outlined in the Progressive City Priority); and
- P1(f) Design excellence process improvement.

The Council Plan 2021-2025 also includes themes and strategies that similarly seek to lift the quality of development in Moreland, including Strategy 4.8:

Influence the delivery of better-quality private developments through providing clearer guidance for environmentally responsive design, promoting and negotiating improved quality of development through the planning permit application process

Moreland Planning Scheme

The Moreland Planning Scheme includes Strategic Directions in the Municipal Planning Strategy. Those most relevant to the Design Excellence Scorecard (Scorecard) are:

- Built Environment and Heritage (Clause 2.03-4); and
- Housing (Clause 2.03-5)

These strategic directions contribute to Council’s vision to manage population growth and associated development to achieve sustainable neighbourhoods.

Clause 55 and 58 of the Moreland Planning Scheme apply to the development of medium-density and high-density housing respectively. These policies contain discretionary standards that seek to ensure an acceptable standard of design quality and ESD compliance.

The Victorian Planning legislative framework confines both Council and VCAT to deciding whether a planning permit application will produce acceptable outcomes in terms of the Planning Policy Framework, the purposes and decision guidelines of the zone and overlays and any other decision guidelines in Clause 65.

In seeking to encourage development that achieves better than acceptable outcomes or indeed achieves design excellence for the Moreland community, Council must therefore look to other levers beyond the Planning Scheme.

2. Background

What is the Moreland Design Excellence Scorecard?

The Scorecard is a voluntary tool for planning permit applicants, which reflects a Council resolved benchmark for design excellence.

The standards of this benchmark are in addition to the requirements of the Moreland Planning Scheme.

There are two Scorecards, one which applies to medium density (townhouse or unit) development and one which applies to high density (apartment) development, shown at **Attachment 1** and **Attachment 2**.

Each Scorecard focuses on four key areas:

- Building design and materials;
- Environmentally sustainable design and building performance;
- Building accessibility; and
- Community benefit.

All four components must be met to be compliant with the Scorecard.

Developments meeting the Scorecard provide significantly improved design outcomes and community benefit. In exchange, permit applicants are offered enhanced access to senior planning officer advice and the certainty of a decision under delegated authority which removes the additional time and most significantly the uncertainty for permit applicants associated with a report to a Planning and Related Matters Council Meeting.

The Scorecard was conceived following a Council organised roundtable of leading planning, design and built environment thought leaders, tasked with considering how Council could seek to deliver design excellence in developments in Moreland. One of the concepts arising from the roundtable process was how Council might establish a very clear understanding of what is meant by design excellence, and then having established and agreed on that understanding, what might make the planning process easier for those willing to achieve that benchmark.

Council developed and resolved the design excellence benchmarks and then explored potential incentives to make it easier for those willing to meet the ambitions of the Scorecard. Financial incentives of fee waivers were found insufficient and fast track processes were recognised as only being possible at the expense of meaningful community engagement and therefore not recommended.

Ultimately Council resolved that the guarantee of a delegated decision would send a very clear message to the development industry of its support for the delivery of design excellence. Development industry feedback was that the certainty of a delegated decision, would provide welcomed certainty for increased investment in enhanced design outcomes.

Applicants taking part in the Scorecard process must continue to follow the standard permit application process, including public notice, and must meet the objectives of the Planning Scheme.

In addition, in September 2020 Council resolved to also require that:

- Scorecard developments undertake additional voluntary pre-lodgement consultation with surrounding properties and key stakeholders (which goes beyond the minimum public notice requirements under the *Planning and Environment Act*);

- Council hold Planning Information and Discussion meetings, with the Ward Councillors, the permit applicant and objectors invited, should 5 or more objections be received.

Scorecard applications therefore provide a commitment to two opportunities for community engagement with the permit applicant, beyond that provided by the standard State-wide planning system.

Importantly, the Scorecard is not a tool that can be used to trade off unacceptable planning outcomes. Scorecard developments are carefully assessed by planning, urban design and ESD professionals and reviewed by senior City Development officers to ensure that they both meet the objectives of the Planning Scheme and go beyond that to provide design excellence in the four key areas of the Scorecard.

Finally, applications that are approved but then later seek to strip out any design excellence commitments would no longer meet the Scorecard and would therefore need to be reported to a Council meeting for a decision.

Those applications that have not sought to achieve all of the voluntary design excellence benchmarks of the scorecards will continue to be assessed against the Moreland Planning Scheme and determined as has always been the case.

When was the Scorecard developed?

The Scorecard was developed in late 2017 in consultation with Councillors, the (then) Urban Environment Committee, and key industry stakeholders in response to the Council Plan commitment to explore opportunities for better quality development outcomes. An exploration of design excellence benchmarks and the means to encourage take-up of a voluntary scorecard process led to Council adoption of the scorecard for a 12-month trial period on 13 February 2019 (DCF3/19). Two extensions to the trial have been resolved by Council and the trial ended in September 2021.

What else is Council doing to achieve better development outcomes?

The Scorecard is only one tool in a suite of changes that seek to achieve the Council Plan priority to enhance liveability, affordability and sustainability, as well as achieve excellence in urban design and development.

Other actions include:

- Towards Zero Carbon in Planning (Council Report 8.2 – 9 June 2021);
- A Medium Density Housing Review (Council Report DED63/18);
- Increasing tree canopy and landscaping outcomes (Council Report DCF53/19);
- Improving guidance for applicants (including the Good Design Advice Sheets);
- Employment of an additional Urban Design officer to assist in improving design outcomes for townhouse, multi-unit developments; and
- Employment of two additional Proactive Planning Enforcement Officers to ensure compliance with planning permit conditions.

Council's Strategic Planning Unit will continue to pursue improved planning policy and controls as part of the statutory review of the planning scheme which occurs every three years. Regular monitoring of the planning scheme will also be undertaken in the continued pursuit of improved planning and development outcomes for the Moreland community.

3. Issues

Scorecard Achievements

Since February 2019, seven developments have managed to achieve the benchmarks of the Scorecard. These applications represent a very small proportion of the 1300 to 1400 applications that are determined under delegation each year, however they have resulted in excellent outcomes that go beyond the 'acceptable' benchmarks set by the Planning Scheme.

Outcomes that have been achieved across the seven Scorecard compliant projects include:

- 36 affordable housing dwellings;
- 285 dwellings meeting accessibility standards (104 more dwellings than what is required under the Planning Scheme);
- An average 7.5 star energy rating;
- All gas free dwellings and a contribution of 145kw of Solar PV;
- Community benefits that have included upgraded streetscapes, new pedestrian connections and a commercial tenancy that is to be leased to a social enterprise.

The Scorecard has also lifted the quality of other developments across Moreland, which have sought to comply with the Scorecard but have not achieved all the benchmarks. This results in improved quality of materials, more accessible dwellings and higher levels of environmentally sustainable design, not quantified above.

The limited number of Scorecard-compliant developments demonstrate the high benchmarks that have been established by Council and the challenge set for permit applicants to firstly meet the objectives of the Moreland Planning Scheme and then go beyond those to also meet the Scorecard's benchmarks.

Community feedback and changes to the Scorecard made in September 2020

Council sought feedback from the community about the Scorecard in 2020. This included a consultation page on the Conversations Moreland website, which invited the community to complete a short survey. An online Information and Feedback session was also hosted.

Key themes arising from consultation were; concerns about the consequence of a delegated-officer decision; insufficient community engagement in the planning process; and whether the Scorecard benchmarks are adequate.

These matters are further explored later in this report. However, as a result of the feedback, the following changes to the Scorecard process were resolved at the September 2020 Council meeting:

- A new requirement for Scorecard applicants to go beyond the standard notification requirements of the *Planning and Environment Act 1987*, to undertake an additional early pre-lodgement phase of consultation with surrounding properties and key stakeholders. This allows the concerns of the immediately surrounding community to be known and potentially addressed much earlier in the planning process.
- The Design Excellence Scorecard must be met (with any conditions agreed to in writing) prior to Council's public notice of an application. It should be noted that this does not mean that Council officers support the development, as consideration of objections remains an important part of the decision-making process. However, it does mean that applications need to meet the scorecard from the outset and any applications that are changed to meet the scorecard after the receipt of objections that would trigger a report to a Planning and Related Matters (PARM) Council meeting, will continue to be reported to a

PARM Council Meeting. This provides clarity of process to the objectors and removes the concerns that arose with the Medium Density Scorecard when the applicant only sought to achieve the Scorecard following receipt of objections.

- Increased opportunity for community engagement with Councillors by introducing a lower threshold for a mandatory Planning Information and Discussion Meeting to be held (with invitations sent to all Councillors), in the circumstances of five or more objections to a proposal that meets the Design Excellence Scorecard.
- To ensure that the commitments made through the Scorecard process are delivered, those projects that meet the Design Excellence Scorecard will be subject to the Council's enhanced proactive planning enforcement program throughout the construction process.

The Covid-19 pandemic has seriously disrupted the development industry. Melbourne has also witnessed a noticeable drop in the residential apartment market from 2019 onwards. With an overall reduction in major development projects there have not been any developments lodged that have achieved the Scorecard since September 2020. Consequently, the benefits of the additional community engagement have not been tested.

Despite this, discussions with applicants have indicated that the new requirement for pre-lodgement consultation isn't a barrier to take-up.

There was one application which was lodged prior to the September 2020 resolution which met the Scorecard benchmarks and was determined by Council officers in April 2021. This apartment development, 215-219 Albion Street Brunswick, went beyond planning scheme requirements to achieve high quality design; a 7.8 Star NatHERS rating; 100 per cent gas free dwellings; 74 dwellings that meet accessibility standards; 20 affordable housing units; and an improved public realm outcome by providing separated pedestrian movements from part of the Upfield Bike Path.

In seeking to understand the reason behind the lack of Scorecard applications it appears evident through the trial extensions that medium density permit applicants are simply not taking up the Scorecard.

Officers have also undertaken a review of the major proposals (applications with a value over \$7 million) during the trial extension period. Since September 2020, only six of these applications have been lodged and many of the larger development applications recently determined by Council have either not been supported by officers and ultimately by Council as being unacceptable when considered against the Moreland Planning Scheme (for example the recent eight and ten storey developments fronting Clifton Park on Albert Street and the Cyprus Community proposal at 495 Lygon street) or have only just met 'acceptable' planning scheme benchmarks and have not met the design excellence benchmarks of the Scorecard.

These major developments over the last 12 months have therefore progressed through a standard planning process and been refused or required modification by officers under delegation or have been determined at the Planning and Related Matters Council meeting.

Benefits of the Scorecard

Clear expectations

The biggest benefit of the Design Excellence Scorecard is that Council has resolved clear expectations for developers and the community about what constitutes design excellence in the City of Moreland.

This benefit was evident when speaking to purchasers of a development at 121 Lygon Street, Brunswick East, which was Council's first Scorecard compliant development. Overwhelmingly, these future residents found that the Scorecard was a helpful tool when considering whether to purchase an apartment because the Scorecard was seen as an 'independent evaluation' by professionals and a reassurance that the building's design and environmental credentials were not just 'PR spin'. All future residents interviewed wanted to see the Scorecard process continued and further promoted, as a way to keep developers accountable and to lift the quality of development in Moreland. Permit conditions (including requiring the architect to be retained through to project completion) and proactive enforcement of Scorecard developments ensure that these benefits are realised, were applauded.

It is recognised that Council is shaping its city for both present and future residents, and the Scorecard provided an additional tool for Council to positively influence the quality of development in Moreland for those future residents.

Council retaining control and influence over the process

A further benefit is that the Scorecard influences permit applicants to work with Council officers, rather than immediately seeking an appeal at VCAT or by applying to the State Government for a Ministerial intervention under the 'Development Facilitation Program' (whereby the State Government take the decision out of Council's hands).

This is largely because an officer assessment against the Moreland Planning Scheme and Council Policy and a commitment to a decision under delegation provides clarity on the merits of a proposal earlier and removes the uncertainty associated with decision-making in a Council chamber. This higher level of certainty of process gained through the Scorecard tool therefore unlocks a willingness on behalf of some developers for greater investment in better quality outcomes rather than just the 'acceptable' benchmarks of the Planning Scheme.

Decisions made at VCAT or by the Minister will be based on the 'acceptable' benchmarks set by the Planning Scheme. There are also significant financial implications for Council when this occurs, requiring engagement of lawyers and experts to defend Council's position.

A mechanism whereby Council maintains control of a process, to be able to positively influence design excellence at the outset, with limited additional costs to Council and with increased community engagement, is considered to be highly beneficial to all participants in the planning process. Council has sought to deliver such a mechanism through the Design Excellence Scorecard and maintain its reputation as a leader and innovator in urban planning practice.

Challenges of the Scorecard

Delegated Decision-making

A key concern about the Scorecard process raised in previous consultation and in recent discussions with community and resident groups is the loss of ability for objectors to make a submission in the Council chamber before a decision is made by Council.

Industry feedback is that removing delegation would remove the certainty of process, being a major incentive for investing in higher quality outcomes to achieve the Scorecard.

The removal of delegated decision-making for Scorecard compliant development would result in limited take-up. As a consequence, Council would lose the opportunity to influence better quality development using this new voluntary tool.

Councillors are entitled to determine which powers they delegate. Under the *Planning and Environment Act 1987* they may delegate any of their powers to an officer of the Authority. Even without the Scorecard, the majority of applications that Council receives are determined under delegation.

Of the 1200 planning applications received during 2019, there were 27 decisions not made by Council officers under delegation. Of those matters reported to a Council meeting only four were for medium density (townhouse/unit) development. The remainder were largely higher density development, with a few commercial and other types of proposals.

Statistically, across the previous four-year Council term, on those occasions where Council's decision was different to the Council officer recommendation and Council resolved to refuse or modify an application, VCAT overturned that Council decision 75 per cent of the time. While the community may have been satisfied with Council decision not to further modify or not support these applications, the decisions were ultimately overturned and found to be acceptable upon review by VCAT 3 out of 4 times.

Effective community engagement on planning applications

A key concern raised during community consultation on the Scorecard in 2020 was that consultation during the planning process is ineffective and does not result in changes to proposals to address concerns raised by the community.

The *Planning and Environment Act 1987* sets out the requirements for public notification of an application and requires that Council takes any objections into consideration when making a decision.

In taking this community feedback into consideration, pre-lodgement consultation with nearby residents is now a requirement of the Scorecard process, as is a Planning Information and Discussion meeting (PID), when there are at least five objectors.

Councillors are invited to attend PIDs. As they are not the decision-makers for Scorecard applications, Councillors can freely participate in the PID discussions by raising concerns and suggesting solutions to address concerns.

Experience indicates that there may also be potential reluctance from objector parties to negotiate acceptable changes to a development when the potential remains for greater changes or even a refusal at a future Council meeting. The Scorecard process, which removes the Council meeting decision step, arguably places greater importance on meaningful consultation and compromise for all parties. Both pre-lodgement consultation and PIDs are considered the best opportunity to progress conversations that can lead to applicants and objectors reaching agreement on changes to applications, as opposed to the limitations of a three-minute submission at a Planning and Related Matters Council meeting.

The adequacy of the Scorecard benchmarks

Community concerns query the adequacy of the Scorecard benchmarks. Notably, the Scorecard does not cover all aspects of a development but focusses on four key areas. Other aspects of a development remain the subject to the requirements of the Moreland Planning Scheme, which must firstly be met before the scorecard tool becomes a possible consideration.

Community members have suggested that the requirements of the Moreland Planning Scheme are subjective and allow for differences of opinion as to what constitutes an 'acceptable outcome'.

While it is true that the Planning Scheme is primarily performance-based, rather than setting mandatory standards, Council officers are qualified and experienced in urban planning and well placed to assess developments against the objectives of the Planning Scheme. Notably, an avenue of appeal to VCAT remains open to objectors should they wish to seek an independent review of Council's decision.

Should there be any further changes made to the Scorecard at this time?

Criteria

Overall, the criteria for Design Excellence Scorecard are working well. The main area of the Scorecard that is recommended to be altered is the ESD criteria. This is to align with the direction Council is moving in with its decision on 'Towards Zero Carbon in the Planning Scheme'. Changes to the National Construction Code are also expected by the end of 2022 (currently on public consultation), which could increase the minimum NatHERS ratings under the Building Code from 6 stars to 7 stars.

An outline of the proposed changes and the rationale is detailed at **Appendix 3**. Broadly, the changes seek to increase the NatHERS ratings by half a star to 7.5 Stars for townhouses and incorporate metrics for electric vehicle charging and solar PV.

It is important to note that the Scorecard needs to continue to be reviewed over time to ensure its currency remains at an 'excellence' benchmark.

Process

All of the process improvements resolved at the September 2020 Council meeting are proposed to continue.

A community group member also recommended that Scorecard compliant developments be made clearer during public notice, to avoid any confusion by residents. As the Scorecard is intended to be a transparent process, this recommendation should be adopted.

A purchaser of the Lygon Street Scorecard development also suggested including a list of the approved Scorecard developments on Council's website. This would seek to bring more awareness to the Scorecards and encourage greater take-up. On-going promotion of the scorecards is proposed.

Should the Scorecard be implemented on a permanent basis?

Council has long been regarded as a leader and innovator in the urban planning, environmental and social justice fields, finding solutions to drive higher quality outcomes. The Scorecard has proven to be one of those initiatives.

It is recommended that the Scorecard be implemented on a permanent basis to ensure that Moreland can continue to strive for high quality development, which can set positive examples to others. The changes recommended to the ESD component will ensure that the Scorecard continues to deliver on a benchmark of excellence.

Scorecard compliant developments remain subject to public notice, consultation, and a rigorous assessment and review process by Council officers. No public notice or rights to a review to VCAT are removed. They also deliver enhanced benefits that would not be otherwise achievable under the normal provisions of the Moreland Planning Scheme.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. In particular, the rights to freedom of expression and to take part in public life have been taken into consideration. While compliance with the Scorecard allows for a delegated Council officer decision, it does not impinge on the right to expression. Objectors retain the same rights through the planning application as with many other applications and consultation with objectors will continue to occur. This includes access to elected Councillors through the Planning Information and Discussion process.

Council officers have delegation to decide the majority of planning permit applications, with only a small proportion of applications decided by Council each year. It is reasonable and appropriate for elected representatives to determine which applications should be required to be reported to Council for a decision through the establishment of delegation levels and guidelines.

4. Community consultation and engagement

The September 2020 Council Report (DCF41/20) outlines the previous promotion and consultation that has occurred with respect to the Design Excellence Scorecard, including:

- A community feedback survey, promoted via the *My Moreland* e-newsletter, our main website and via Facebook, Twitter and LinkedIn;
- An online Information and Feedback Session;
- Information on Council's website;
- Emails to regular developers, building designers, planning consultancies and ESD professionals about the Scorecard;
- A launch event targeted at industry professionals; and
- Consequential reporting and promotion of Scorecard compliant developments in various publications, including *Domain* and the *Moreland Leader* newspaper.

At the September 2020 Council meeting, Council resolved that during the extension of the trial, Council officers undertake community education sessions to advise residents on the planning process and the opportunities available to best engage with and influence planning outcomes in Moreland.

Social distancing restrictions and various lockdowns somewhat restricted the delivery of community education sessions. However, Council officers have prepared a one page 'infographic' that explains the planning permit process in simple terms and details how residents can get involved and best seek to influence planning outcomes. This forms **Attachment 4**. This information is displayed on Council's website and has been promoted to residents via the *MyMoreland* e-newsletter and *Inside Moreland*.

In addition, on 15 November 2021, Council officers held an online community education session. The session was promoted on Council's Conversations Moreland webpage, social media channels, the *MyMoreland* e-newsletter, and in all letters to residents affected by planning permit applications for a period of four weeks (approximately 1,800 letters). Thirty people registered to attend to the on-line workshop. Council officers provided an overview of the planning permit process and responded to questions asked by the community. While attendance was noticeably lower than registrations, all who registered were provided with a recording of the webinar.

The following additional work will be undertaken during 2022, to further assist the community in better understanding the often-complex planning permit application process:

- Hosting a face-to-face community education session in the first half of 2022, pending community interest and Covid-19 restrictions.
- Development of a 'Frequently Asked Questions' page on Council's website (informed by questions from the community education session);
- Creation of a short video that explains the planning permit process that can be translated into five community languages;

During this latest extension period of the scorecards operation and to inform this report, the following targeted consultation and engagement has occurred:

- A meeting with key members of the Brunswick Residents Network, North East Brunswick Responsible Development Group, and Fawkner Residents Association, seeking feedback on the draft community infographic. While this conversation was focussed on the infographic, some feedback about the Scorecard process was also aired.
- Interviews with the purchasers of four of the apartments in a development at 121A Lygon Street, which was Council's first Scorecard development.
- Informal conversations with selected former Scorecard applicants, who confirmed that the requirement for pre-lodgement consultation was not a barrier to future take-up.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The Scorecard was originally developed using existing Council resources and a surplus carried forward from the 2017/2018 budget.

It is difficult to quantify the Council officer resources expended solely through Scorecard discussions, as these are commonly incorporated in pre-application and other meetings required as part of a planning permit application process. However, the case studies reveal that the biggest proportion of officer time is dedicated to the ESD and community benefit assessments, due to the need for negotiation of these elements.

The additional Council officer time and resources needed to support the Scorecard can be accommodated within existing resources.

The planning process infographic cost \$1,200 (exc. GST). The preparation of a video can be accommodated within the existing budget.

7. Implementation

This report recommends that Council adopts the Design Excellence Scorecard on a permanent basis, subject to updates to the ESD criteria and a change in process to make Scorecard compliance clearer during public notice. This would require:

- Amendments to the *Design Excellence Scorecard for High Density Developments (Attachment 1)* and the *Design Excellence Scorecard for Medium Density Developments (Attachment 2)*, to reflect the changes to the ESD criteria outlined at **Attachment 3** to this report.
- Subsequent amendments to *Design Excellence Scorecard – Guidelines for Applicants* to reflect the above changes.
- Internal process changes to ensure that Scorecard compliant developments are clearly flagged as such during public notice.
- Website updates and external communication to confirm that the Scorecard has been adopted on a permanent basis.

Previous resolutions requiring Councillors be updated on Scorecard compliant developments; an annual Council briefing on the outcomes achieved by the Scorecard and any recommended enhancements to the Scorecard criteria; and proactive enforcement of Scorecard approvals would continue.

Attachment/s

- | | | |
|---|--|------------|
| 1 | ↓ Design Excellence Scorecard for High Density Developments | D21/387276 |
| 2 | ↓ Design Excellence Scorecard for Medium Density Developments | D21/387282 |
| 3 | ↓ Recommended changes to ESD Criteria in the Design Excellence Scorecard | D21/387289 |
| 4 | ↓ Infographic explaining the planning process | D21/387298 |

Moreland Design Excellence Scorecard for High Density Developments

What is the scorecard?

The Moreland Design Excellence Scorecard is a tool that establishes a benchmark and defines design excellence in the City of Moreland.

It seeks to improve the design quality and liveability of medium and high-density residential development above the requirements of the Moreland Planning Scheme.

This Scorecard applies to high density (apartment) developments.

Participants in the voluntary scorecard process are provided with a range of benefits from Council, in exchange for significantly improved development outcomes for the community.

The scorecard focuses on the enhancement of four key areas:



Each component of the Scorecard goes above minimum Planning Scheme expectations, but it is only where a proposal satisfies all four of these components that it is considered to achieve design excellence and is compliant with the requirements of the scorecard.

See the 'Design Excellence Scorecard - Guidelines for Applicants, November 2019' for detailed information on the purpose of the Scorecard and its operation.

Why participate?

- Opportunity for additional pre-application meetings free of charge.
- The officer that you meet with at pre-application will manage the permit application.
- Support by senior officers and Planning Coordinators through the application process.
- Guaranteed decision by Council officers, not at a Council meeting, resulting in a potential time saving of 4 to 6 weeks.
- Meet with Council officers post-decision to facilitate endorsement of plans and reports.
- Receive a Scorecard logo that can be used as part of development marketing and promotional material.

How to qualify

- Arrange a pre-application meeting. This will increase the likelihood of qualifying for the Scorecard and save time during the application process.
- Ensure your application meets the objectives of the Moreland Planning Scheme and has in-principal support by Council officers.
- Undertake pre-lodgement consultation with surrounding properties and key stakeholders (refer to the 'Guidelines for Applicants' for details on how to do this).
- Submit a completed Scorecard (see reverse) along with all supporting documentation and a written declaration that pre-lodgement consultation has been completed.
- The Design Excellence Scorecard must be met (with any conditions agreed to in writing) prior to Council's public notice of the application.

What remains the same?

Scorecard applications are still subject to a standard permit application process, including public notice.

Public consultation meetings, which Councillors may attend, remain part of the process, and will occur as part of all Scorecard applications that have five or more objections. Applications are subject to third party appeal rights and decisions may be reviewed at VCAT.

Moreland Language Link

廣東話	9280 1910	عربي	9280 1913	हिंदी	9280 1918	All other languages 9280 1919
Italiano	9280 1911	Türkçe	9280 1914	普通话	9280 0750	
Ελληνικά	9280 1912	Tiếng Việt	9280 1915	ਪੰਜਾਬੀ	9280 0751	



Moreland Design Excellence Scorecard for High Density Developments

Building Design and Materials

- Development must demonstrate excellence in architectural design including contextual response, form, articulation and materiality.
- Development must incorporate public-private interfaces which positively respond to the immediate context in a sensitive, attractive and engaging manner.
- This must be demonstrated through a detailed materials schedule and appropriately scaled elevations of all public-private interfaces.
- Commitment that the original architect or building designer will be retained from the planning permit process through to project completion.

ESD and Building Performance

BESS score =

- The development must achieve a BESS score of 70% (any innovation points must be approved by Council officers)
- A rooftop with a mix of communal open space, landscaping and solar PV. Alternatively, a rooftop with maximised solar PV may be provided.
- Gas-free dwellings (some gas fittings may be justified for non-residential uses).
- 7.5 star NatHERS average.

Building Accessibility

% of compliant dwellings

- The applicant must demonstrate that 75% of apartments (rounded to the nearest whole dwelling) meet the accessibility requirements of Standard B41 from Clause 55.07-7 or D17 from Clause 58.05-1 of the Moreland Planning Scheme.

Community Benefit

The applicant must provide one of the following, which should be secured through a Section 173 Agreement or other appropriate provision:

- An affordable housing contribution equivalent to at least 3% of the dwelling yield (rounded to the nearest whole dwelling) offered at a 75% discount from market value; or
- Significant upgrade of existing community infrastructure or the delivery of new community infrastructure; or
- A substantially improved public pedestrian environment, delivered by the permit holder at their cost.

The scope of works must be commensurate with the scale of the development and may include a combination of the following:

- Facilities (such as seating, drinking stations) for public use;
- Widened public footpaths;
- A landscaped park or plaza;
- Publicly accessible pedestrian links that enhance connectivity;
- Pedestrian crossings;
- Water Sensitive Urban Design public realm treatments.
- Substantially improved pedestrian environment through delivery of communal facilities, widened public footpaths, a landscaped park or plaza and pedestrian links that enhance connectivity and are open to the sky.

- Another significant community benefit not listed, to the satisfaction of Council officers.



Moreland Design Excellence Scorecard for Medium Density Developments

What is the scorecard?

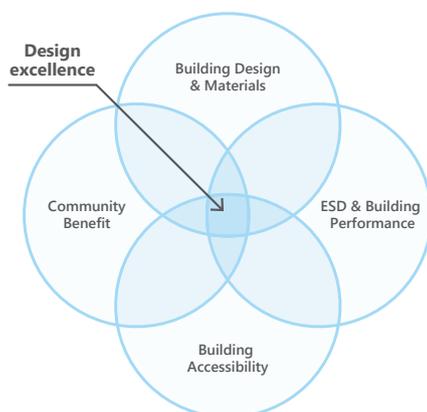
The Moreland Design Excellence Scorecard is a tool that establishes a benchmark and defines design excellence in the City of Moreland.

It seeks to improve the design quality and liveability of medium and high-density residential development above the requirements of the Moreland Planning Scheme.

This Scorecard applies to medium density (multi-unit/townhouse) developments.

Participants in the voluntary scorecard process are provided with a range of benefits from Council, in exchange for significantly improved development outcomes for the community.

The scorecard focuses on the enhancement of four key areas:



Each component of the Scorecard goes above minimum Planning Scheme expectations, but it is only where a proposal satisfies all four of these components that it is considered to achieve design excellence and is compliant with the requirements of the scorecard.

See the 'Design Excellence Scorecard - Guidelines for Applicants, November 2019' for detailed information on the purpose of the Scorecard and its operation.

Why participate?

- Opportunity for additional pre-application meetings free of charge.
- The officer that you meet with at pre-application will manage the permit application.
- Support by senior officers and Planning Coordinators through the application process.
- Guaranteed decision by Council officers, not at a Council meeting, resulting in a potential time saving of 4 to 6 weeks.
- Meet with Council officers post-decision to facilitate endorsement of plans and reports.
- Receive a Scorecard logo that can be used as part of development marketing and promotional material.

How to qualify

- Arrange a pre-application meeting. This will increase the likelihood of qualifying for the Scorecard and save time during the application process.
- Ensure your application meets the objectives of the Moreland Planning Scheme and has in-principal support by Council officers.
- Undertake pre-lodgement consultation with surrounding properties and key stakeholders (refer to the 'Guidelines for Applicants' for details on how to do this).
- Submit a completed Scorecard (see reverse) along with all supporting documentation and a written declaration that pre-lodgement consultation has been completed.
- The Design Excellence Scorecard must be met (with any conditions agreed to in writing) prior to Council's public notice of the application.

What remains the same?

Scorecard applications are still subject to a standard permit application process, including public notice.

Public consultation meetings, which Councillors may attend, remain part of the process, and will occur as part of all Scorecard applications that have five or more objections. Applications are subject to third party appeal rights and decisions may be reviewed at VCAT.

Moreland Language Link

廣東話 9280 1910
Italiano 9280 1911
Ελληνικά 9280 1912

عربي 9280 1913
Türkçe 9280 1914
Tiếng Việt 9280 1915

हिंदी 9280 1918
普通话 9280 0750
ਪੰਜਾਬੀ 9280 0751

All other languages
9280 1919



Moreland Design Excellence Scorecard for Medium Density Developments

Building Design and Materials

- Development must respond to its context and demonstrate high quality design, including form, articulation, and materiality.
- Development must incorporate public-private interfaces which positively respond to the immediate context in a sensitive, attractive and engaging manner.
- This must be demonstrated through a detailed materials schedule and appropriately scaled elevations of all public-private interfaces.
- Commitment that the original architect or building designer will be retained from the planning permit process through to project completion.

ESD and Building Performance

- The development must achieve a BESS score of 65% (any innovation points must be approved by Council).

BESS score =

The development must include at least two of the following:

- An average of 2 kw of solar PV per dwelling.
- Gas-free dwellings.
- 7 star NatHERS average.

Building Accessibility

- 70% of dwellings (rounded to the nearest whole dwelling) to meet the following 'silver level' livable housing design guidelines, demonstrated on the plans:

% of compliant dwellings

Access to the dwelling

- A continuous accessible path of travel from the street to the dwelling entrance.
- A continuous accessible path of travel from car parking areas to the main entrance or another dwelling entry.
- The path of travel must be minimum 1000mm wide and at a maximum gradient of 1:14 and with a crossfall no greater than 1:40.

Entrance

- At least one level (step free) entrance into the dwelling that provides:
 - Direct access from the accessible path of travel described above.
 - A level landing area of 1200mm x 1200mm, exclusive of the swing of the door.
 - A minimum doorway width of 850mm.
 - The height difference between abutting surfaces must be no greater than 5mm.



Moreland Design Excellence Scorecard for Medium Density Developments

Building Accessibility (continued)

Corridors & Doorways

- The width of internal corridors must be a minimum of 1000mm.
- The width of doorways must be a minimum width of 850mm.

Bathroom, Toilet and Shower

- A toilet on ground floor that provides:
 - A clear width of 900mm and a space of 1200mm (length) forward of the pan (exclusive of the swing of the door) if toilet is located in a separate room.
 - Reinforced walls to allow for future installation of grab rails.

- Access to a shower on the ground floor that provides:
 - A step free shower area of at least 900mm x 900mm in width and length.
 - A clear space in front of the shower that is 1200mm x 1200mm in width and length.
 - Reinforced walls to allow for future installation of grab rails.
 - A notation on plans that the bathroom & toilet walls will be reinforced in accordance with the measures outlined in the Silver Standard of the Livable Housing Design Guidelines.

Note: If the toilet and shower area are located in the same room the above dimensions and features should be maintained for both the shower and the toilet.

- For unit developments of five or more dwellings, at least one dwelling for every five dwellings must have a room on the ground floor that could be used as a bedroom that:
 - Is at least 10m² clearancve exclusive of wardrobes; skirtings and wall lining;
 - Provides for a minimum path of travel of at least 1000mm on at least one side of the bed.

Community Benefit

- Provide on-site tree planting beyond the requirements of the Residential Zone Schedule and a net increase of at least one additional street tree within the road reserve within the vicinity of the site, where possible.

AND / OR

- Contribution of 0.1% of the sale price of each dwelling to Homes for Homes, or other equivalent not-for-profit company that funds affordable housing projects.



Recommended changes to ESD Criteria in the Design Excellence Scorecard

Attachment 3



MEDIUM DENSITY (TOWNHOUSE) DEVELOPMENTS:

Existing requirement	Proposed change	Justification for the change
The development must achieve a BESS score of 65% (any innovation points must be approved by Council).	No change	
And at least 2 of the points below.	All 4 of the points below.	<p>The current Scorecard allows townhouse developers to choose two of the three criteria listed below. It is recommended that a new criteria be added and that all four be required as all four are important in achieving the future Net Zero policies and targets.</p> <p>With a move towards carbon neutral and resilient buildings, it is considered that all the below requirements are necessary to achieve ESD excellence. Choosing 2 of 3 could mean the building is locked into poor outcomes, such as gas supply or only 6.5 Star NatHERS when the industry is moving past that.</p> <p>Previous amendments to the Scorecard for townhouses to reduce the ESD benchmarks have not resulted in a greater take-up of the tool, indicating that the benchmark being too high was not a reason for not pursuing the Scorecard.</p>

1. An average of 2 kw of solar PV per dwelling.	1. Provide solar PV across the development that is an average of: <ul style="list-style-type: none"> • 3kW for each one or two bedroom dwelling; • An additional 1kW per additional bedroom. 	Amended to align with the draft 'Zero Carbon Metrics for Development Guidelines' which were endorsed by council in June 2021. Testing and analysis of these metrics has been undertaken by Low Impact Development Pty Ltd. and is available at Zero Carbon Planning - Zero Carbon Moreland (morelandzerocarbon.org.au)
2. Gas-free dwellings.	2. No change (except compulsory)	Zero Carbon Moreland, 2040 vision includes the phase out of gas power in homes and businesses.
3. 7 star NatHERS average.	3. 7.5 Star NatHERS average.	The National Construction Code is currently being reviewed, with a view to update the Code by the end of 2022. The proposed changes (which are currently open for public comment) include lifting the thermal rating of all homes, from 6 Stars to 7 Stars. In order for the Scorecard to remain 'Design Excellence' it must go beyond this requirement.
<u>New requirement:</u>	4. Each dwelling must be designed to be Electric Vehicle (EV) ready by: <ul style="list-style-type: none"> • Including infrastructure and cabling to each garage that can support Level 2 (Mode -3) 32Amp EV car charging; • Including a load management system to ensure EV charging occurs outside of peak electricity demand hours 	New criteria to align with the draft 'Zero Carbon Metrics for Development Guidelines' which were endorsed by council in June 2021. Testing and analysis of these metrics has been undertaken by Low Impact Development Pty Ltd. and is available at Zero Carbon Planning - Zero Carbon Moreland (morelandzerocarbon.org.au) The 'Zero Carbon Metrics for Development Guidelines' can be referenced in the Design Excellence Scorecard Guidelines for Applicants document, to provide further guidance.

HIGH DENSITY (APARTMENT) DEVELOPMENTS:

Existing requirement	Proposed change	Justification for the change
The development must achieve a BESS score of 70% (any innovation points must be approved by Council officers)	No change	
A rooftop with a mix of communal open space, landscaping and solar PV. Alternatively, a rooftop with maximised solar PV may be provided.	No change	The Apartment Development Scorecard already seeks to maximise Solar PV, however the 'Zero Carbon Metrics for Development Guidelines' can be referenced in the Design Excellence Scorecard Guidelines for Applicants document, to provide guidance.
Gas-free dwellings (some gas fittings may be justified for non-residential uses).	No change	
7.5 star NatHERS average.	No change.	The National Construction Code is currently being reviewed, with a view to update the Code by the end of 2022. The proposed changes (which are currently open for public comment) include lifting the thermal rating of all homes, from 6 Stars to 7 Stars. Even with this change, the Scorecard continues to go beyond that requirement. Consideration was given to lifting the benchmark to 8 stars, however insufficient testing or case studies on 8 star buildings have occurred. Lifting the bar to 8 stars without that testing could preclude certain developments from meeting the Scorecard (e.g. due to site orientation) or could have adverse impacts such as creating darker apartments by reducing window sizes. This criteria may be lifted in future, subject to further testing being undertaken.

<p><u>New requirement:</u></p>	<p>Electrical infrastructure capable of supplying:</p> <ul style="list-style-type: none"> • 12kWh of energy for charging during off peak periods; and • A minimum Level 2 (Mode 3) 7kW, 32Amp single phase EV charging outlets to all residential car parking spaces <p>EV infrastructure and cabling must be provided.</p>	<p>Amended to align with the draft 'Zero Carbon Metrics for Development Guidelines' which were endorsed by council in June 2021.</p> <p>Testing and analysis of these metrics has been undertaken by Low Impact Development Pty Ltd. and is available at Zero Carbon Planning - Zero Carbon Moreland (morelandzerocarbon.org.au)</p> <p>The 'Zero Carbon Metrics for Development Guidelines' can be referenced in the Design Excellence Scorecard Guidelines for Applicants document, to provide further guidance.</p>
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Understanding the planning process

Information for residents



If your neighbour or someone nearby is building on their land, a planning permit might be needed.



This information may help you understand the process, how you can become involved and influence the outcome of a development.

STEP 1 Pre-application meeting



A voluntary meeting between Council officers and the developer. We explain the planning process and review the project against the objectives of the Moreland Planning Scheme. This step helps better shape a proposal before it is seen by the community.

STEP 2 A planning application is submitted to Council



Council officers make an initial assessment of the proposal against the Moreland Planning Scheme, a legal document.



This requires balancing the relevant and sometimes competing planning policies. The planning system calls for 'acceptable' rather than 'perfect' outcomes.



Council will advise the applicant of any issues that require fixing and ask for missing information, necessary to make a decision and inform the community.

STEP 3 Public notice of the application



You might receive a letter or see a 'Notice of an Application' sign on a property.



Proposals are available on Council's website or you can speak with the Council officer in charge of the application.



You may object to the proposal in writing, explaining why you object and how you are impacted. Council officers can help by explaining what things we can consider.



Practical suggestions in your objection – such as more trees or adding screening to a window — is a useful way to have a say in how you think a development can be improved.

STEP 4 Your opportunity to influence the outcome



Council officers may contact objectors to discuss your concerns and any possible solutions.



We may arrange a meeting with objectors and the applicant to understand concerns, share information or discuss possible solutions.

STEP 5 The decision

A report assessing the proposal and considering objections is written.

Council then makes a decision to approve or refuse the application. Sometimes, this is at a Council meeting, which objectors may attend.



Objectors and the applicant are notified of this decision.



If Council decides to approve an application, an objector can appeal this decision to VCAT.

STEP 6 VCAT (Victorian Civil and Administrative Tribunal)

This step only happens if Council's decision is appealed by the applicant or objectors.



If part of the VCAT process, you may be asked to attend a Compulsory Conference to discuss solutions.



If no agreement can be made, all parties present their views to VCAT in a hearing



VCAT will make the final decision

What happens next?

After a permit is issued, the developer usually needs to first satisfy conditions of the permit and then get a building permit. Objectors are not part of the process of satisfying permit conditions. Neighbours may be further notified when building works are about to commence. Sometimes, this might happen quite quickly, other times the project might not start for a few years. You can call Council to find out about the status of a project.

www.moreland.vic.gov.au/building-and-business/planning-and-building/planning/planning-application-process/

For more information call: 03 9240 1111

7.3 ADVISORY COMMITTEES - TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS

Director Business Transformation, Sue Vujcevic

Governance and Strategy

Officer Recommendation

That Council:

- Establishes the following Advisory Committees and Reference Groups, adopts the Terms of Reference (as provided in Attachment 1) and appoints the following community members:

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

- Appoints Councillor _____ to the First Nations Advisory Committee.
- Appoints Councillors to the following Reference Groups:

Reference Groups	Participating Councillor
Affordable Housing Reference Group	
Age-Friendly (Older People) Reference Group	
Disability Reference Group	
Gender Equality Reference Group	
LGBTIQA+ Reference Group	

- Authorises the Director Business Transformation to finalise the Terms of Reference including any minor administrative changes.
- Notes that all applicants will be contacted to thank them for their application and receive notification of the outcome of their application and the final Terms of Reference made available via the Moreland City Council website.
- Notes that Council officers will seek to engage with primary schools to establish a Children's Reference Group by June 2022.
- Notes that the current membership of the Youth Ambassadors is for 2 years and new members will be recruited by October 2022.

8. Notes \$10,000 of new funding to support implementation of Advisory Committees and Reference Groups will be referred to the 2022/2023 budget process.

REPORT

Executive Summary

At its meeting on 11 August 2021, Council endorsed the establishment of the following 4 Advisory Committees through a public recruitment process and the review and establishment of Reference Groups and Working Groups:

- Human Rights and Inclusion Advisory Committee
- Environmental Sustainability Advisory Committee
- Moreland Arts Advisory Committee
- Sustainable Transport Advisory Committee.

As a result of the internal review, the following Reference Groups are proposed to be established utilising the same recruitment process as the Advisory Committees, most of which were recommended in the August Council Report:

- Affordable Housing Reference Group
- Age Friendly Reference Group
- Disability Reference Group
- Gender Equality Reference Group
- LGBTIQ+ Reference Group.

Both Advisory Committees and Reference Groups provide valuable advice and feedback on key Council services, strategies, and projects. The key differences between Advisory Committees and Reference Groups are that:

- Advisory Committees meet on a regular/quarterly basis to provide advice on specific strategic issues, the committees are chaired by a Councillor, and the minutes of meetings are reported to Council.
- Reference Groups meet as required, to provide advice on issues and/or important projects from the perspective of priority groups, and do not require formal reporting and Councillor chairing is optional.

Through the review process it was identified that any First Nations group established should be elevated to an Advisory Committee. This report proposes to establish a First Nations Advisory Committee at the same time as the others, drawing on existing applicants and in consultation with relevant community stakeholders.

An extensive and inclusive call for applications was carried out over 7 weeks, from Monday 22 November 2021 to Sunday 9 January 2022. A webpage was developed with an online form with relevant information. Applicants could submit the form online, email or mail a downloadable form or a video application or call officers for support. The call for applications was publicised through the Moreland City Council webpage, a social media update and media release, social media advertising, radio advertising, direct email to key stakeholders and networks, an article in the Morelander and A3 posters for Council and aged care facilities. The response was positive, with 192 applications received, with strong diversity and representation of the Moreland community and priority groups.

Council officers undertook a rigorous shortlisting process to ensure strong diversity and representation and fair and transparent rating against the selection criteria, ranking and shortlisting of successful applicants for each group. A final review was held to achieve the best possible outcome against the selection criteria, including representation. The proposed outcome is that between 9 and 15 community members are selected for most groups (excluding the First Nations Advisory Committee) as listed in the relevant attachments to **Attachment 1**. This means that a total of 101 applicants would be successful (more than half of all applicants) and 91 would be unsuccessful (subject to Council's decision). This is considered a great outcome that would enable Council to welcome the many new and diverse voices that these community members would bring to our Advisory Committees and Reference Groups.

It is proposed that a First Nations Advisory Committee be established, in place of a Reference or Working Group, to pay due respect to Traditional Owners and local Aboriginal and Torres Strait Islander people and obtain their valuable insight and advice for the successful implementation of the *Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities in the City of Moreland*.

Throughout the process, Council officers have documented and established process improvements to ensure more consistent and effective management and establishment of Advisory Committees and Reference Groups in the future. A generic Terms of Reference covering all Advisory Committees and Reference Groups is attached for Council consideration and adoption (**Attachment 1**). The Terms of Reference includes attachments detailing the roles, responsibilities and membership of each Advisory Committee and Reference Group.

The funds required (\$10,000) to action this resolution will be included in the 2022-23 budget process for consideration. This funding will go towards reimbursement for members out-of-pocket expenses (e.g. child care); sitting fees for First Nations Advisory Committee members and other associated costs such as interpretation and translation services, group facilitation training, member induction and an annual civic collaborative event.

Previous Council Decisions

Councillor Appointments to Portfolios, Internal Committees, Advisory Committees and other External Bodies – 17 November 2021

That Council:

...

3. *Appoints Councillors to internal, advisory, network and external committees for the 2021/2022 Mayoral year as follows:*

...

b) Advisory Committees

Sustainable Transport Advisory Committee: Cr Conlan

Environmental Sustainability Advisory Committee: Cr Panopoulos

Human Rights and Inclusion Advisory Committee: Cr Bolton and Cr Panopoulos

Moreland Arts Advisory Committee: Cr Riley

...

Review of Council's Advisory Committees – 11 August 2021

That Council:

1. *Note the findings of a recent review undertaken of Council's Advisory Committees.*
2. *Endorse the proposal to establish the following Advisory Committees by November 2021:*
 - a) *Sustainable Transport Advisory Committee*

- b) *Environmental Sustainability Advisory Committee*
 - c) *Human Rights and Inclusion Advisory Committee*
 - d) *Moreland Arts Advisory Committee*
3. *Endorse the proposal for Council officers to review Reference Groups and Working Groups with a view to refreshing or establishing these by December 2021.*
 4. *Endorse that Council officers implement process improvements to enable better quality coordination of Advisory Committees.*

1. Policy Context

In accordance with Moreland City Council's Community Engagement Policy and Governance Rules, Advisory Committees are established by Council in order to provide early input on related policy, strategy or major operational proposals.

Consistent with Moreland City Council's Community Engagement Policy, Advisory Committees are an important network of stakeholders to regularly engage to obtain detailed feedback on the ways our operations and decisions may affect specific communities.

Council's Governance Rules provide the ethical framework for the operation of Council and apply to every meeting of Council, including Advisory Committees established through Council. As such, each Advisory Committee is established in accordance with a framework and terms of reference determined by the Chief Executive Officer, including minimum requirements.

Subject to the *Local Government Act 2020*, the Council may appoint any number or combination of its members and staff officers to be on an Advisory Committee to consider and make a recommendation to the Council upon any matter, but no recommendation of any Advisory Committee shall have any force or effect until approved by the Council.

Advisory Committees are guided by the community's aspirations captured in Moreland's Community Vision 2021-2031. They also provide relevant input to support Council deliver its 4-year Council Plan 2021-2025 and key policies.

2. Background

At the meeting held 11 August 2021, Council endorsed to establish the following Advisory Committees, including a public recruitment process for community members:

- Human Rights and Inclusion Advisory Committee
- Environmental Sustainability Advisory Committee
- Moreland Arts Advisory Committee.
- Sustainable Transport Advisory Committee.

Council also endorsed Council officers to review other relevant groups (e.g. Reference Groups, Working Groups, etc) with a view to refreshing or establishing these at the same time.

As a result of this internal review, the following Reference Groups are to be established utilising the same process as the Advisory Committees, most of which were recommended in the August Council Report:

- Affordable Housing Reference Group
- Age Friendly Reference Group
- Disability Reference Group
- Gender Equality Reference Group
- LGBTIQ+ Reference Group.

Through the review process it was identified that any First Nations group established should be elevated to an Advisory Committee. This report proposes to establish a First Nations Advisory Committee at the same time as the others, drawing on existing applicants and in consultation with relevant community stakeholders.

The recruitment process excluded the following groups recommended in the August Council Report:

- Youth Reference Group – as Youth Ambassadors are already in place
- Children’s Reference Group – as this is to be established directly through primary schools (as detailed in this report at *Section 3. Issues – Children’s and Youth Reference Groups*).

The following historical groups have been disbanded and/or superseded as described:

- Sustainable Moreland Action Group (superseded by the Environmental Sustainability Advisory Committee)
- Moreland Reconciliation Working Group (superseded by the First Nations Advisory Committee)
- Disability Working Group (superseded by the Disability Reference Group)
- Moreland Housing Advisory Committee (superseded by the Affordable Housing Reference Group)
- Family and Children Services Advisory Committee (superseded by the Youth and Children’s Reference Groups and service provider networks)
- Moreland Libraries Advisory Committee (no longer required, fit-for-purpose forums may be established through specific library project engagement plans).

The Friends of Aileu Community Committee is still active with Councillor representation and will be refreshed in partnership with Hume City Council. This committee is not governed under Moreland’s Advisory Committee and Reference Group framework or terms of reference as its scope is quite different and there is a need to maintain flexibility for it to evolve as required and agreed between both Councils.

In the August Report, Council also endorsed Council officers to implement process improvements to enable better quality coordination of Advisory Committees.

3. Issues

Application and selection process

An extensive and inclusive call for applications was carried out over 7 weeks, from Monday 22 November 2021 to Sunday 9 January 2022.

A webpage was developed with an online form with relevant information. Applicants could submit the form online, email or mail a downloadable form or a video application or call officers for support.

The call for applications was publicised through the following:

- Moreland City Council webpage, including a summary translated into our 5 key languages (including English, Arabic, Greek, Italian, Turkish and Vietnamese)
- 1 social media update on LinkedIn, Facebook, Instagram and Twitter announcing that applications were open
- Paid social media advertising on Facebook and Instagram, in English and 5 key languages.
- 4 x 30 second radio advertisements on Nova, Smooth FM and 3ZZZ in English, Arabic, Greek and Italian

- An Email Distribution Message (EDM) template was developed for Council officers to share with their stakeholder networks
- An article was included in the Morelander
- An A3 poster was designed for libraries and leisure centres, including a QR code taking applicants to the webpage
- 1 media release
- 1 social media pack for Councillors to share with their networks.

The response was positive with 192 applications received, with strong diversity and representation of the Moreland community and priority groups. A breakdown of applications is summarised below:

Figure 1: Breakdown of 192 applicants, as at 17 January 2022

192	100%	Primary Group (2nd choices¹)	192	100%	Gender
54	28%	Moreland Arts (26)	54	28%	Male
47	24%	Human Rights and Inclusion (47)	117	61%	Female
25	13%	Environmental Sustainability (47)	12	6%	Nonbinary
21	11%	Sustainable Transport (31)	3	2%	Transgender/Gender Diverse
18	9%	Age-Friendly (Older People) (17)	6	3%	Prefer not to say
8	4%	Gender Equality (49)			
7	4%	Affordable Housing (35)			
7	4%	Disability (23)			
5	3%	LGBTIQA+ (35)			
			192	100%	Age
			1	1%	<16
			16	8%	16-25
			41	21%	26-35
			44	23%	36-45
			34	18%	46-55
			30	16%	56-65
			22	11%	66-75
			4	2%	76<
192	100%	Priority Group			
161	84%	Yes			
31	16%	No			
N/A	N/A	Priority Groups²	192	100%	Cultural background
115	75%	Women	81	42%	North-West Europe
68	44%	LGBTQIA+ communities	45	23%	Oceanian
65	42%	Migrant and refugee communities	19	10%	Southern and Eastern European
63	41%	People with disability	13	7%	Prefer not to say
48	31%	Aboriginal and Torres Strait Islander	11	6%	South-East Asian
31	20%	None of the above	9	5%	Southern and Central Asian
			6	3%	North African and Middle Eastern
			5	3%	Peoples of the Americas
			2	1%	North-East Asian
			1	1%	Sub-Saharan African
192	100%	Ward			
93	48%	South Ward			
53	28%	North-East Ward			
31	16%	North-West Ward			
15	8%	Other/Unknown			

Footnotes:

1. This is the number of applicants who indicated they would be happy to be considered for other committees and/or groups if unsuccessful in their first choice (applicants could select more than one other committee or group).
2. This is the number and percentage of applicants who identify, work or volunteer with priority groups (applicants could identify with more than one priority group).

Council officers undertook a rigorous shortlisting / selection process outlined below:

1. As a collective, officers agreed whether the applications were representative enough of the diversity of the Moreland community and priority groups, and if there were too many, too few or enough applications per group.

2. For groups with too many applications (including the Arts, Environmental Sustainability, Human Rights and Inclusion and Sustainable Transport Advisory Committees and the Age-friendly (Older People) Reference Group), applicants were rated against the selection criteria, ranked and shortlisted for representation. The overflow was shared with the other groups for consideration where applicable.
3. For groups with too few applications (including the Affordable Housing, Disability, Gender Equality and LGBTQIA+ Reference Groups), applicants were rated against the selection criteria, ranked and shortlisted for representation. The overflow from other groups was also considered to get the right numbers and representation for each group.
4. As a collective, officers came together again to review and recommend the proposed shortlists and unsuccessful applicants. This included shifting people around and numbers to achieve the best possible outcome against the selection criteria, including representation.

A summary of the officer assessment is provided in Confidential **Attachment 2**.

The outcome of the application and selection process is that between 9 and 15 community members are proposed to be selected for each group (excluding the First Nations Advisory Committee) as referenced in the relevant attachments to **Attachment 1 and 2**.

These were deemed workable numbers for the groups under consideration. This also means that a total of 101 applicants would be successful, more than half of all applicants. 91 applications would be unsuccessful (subject to Council's decision). This is considered a great outcome and would enable Council to welcome the many new and diverse voices that these community members would bring to our Advisory Committees and Reference Groups.

First Nations Advisory Committee Proposal

It is proposed that a First Nations Advisory Committee be established, in place of a Reference or Working Group, to pay due respect to Traditional Owners and local Aboriginal and Torres Strait Islander people and obtain their valuable insight and advice for the successful implementation of the *Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities in the City of Moreland*.

The First Nations Advisory Committee would comprise of 8 First Nations community members, 4 of whom can be recruited through this process and 4 more who are proposed to be recruited via a further word of mouth process

Children's and Youth Reference Groups

Council's endorsed structure for Advisory Committees and Reference Groups included the establishment of a Children's Reference Group and Youth Reference Group. The Children's Reference Group membership is proposed to be comprised of children aged 9-12 years. The establishment of a Children's Reference Group requires a specialised recruitment process due to the age of members and reach of current recruitment. Council will seek to engage with primary schools to obtain children's applications for membership with a view to establish the Children's Reference Group by June 2022.

Recruitment for a Youth Reference Group is not required, following Council's support for the development of a new youth participation and engagement model in 2019. This decision has led to the establishment of the Moreland Youth Ambassadors Program, which has been operating successfully since 2020. The existing members of the Moreland Youth Ambassadors Program have worked consistently throughout the period and have contributed to a number of key consultations on Council projects, policies and decisions, whilst also leading their own 'youth-led' initiative, focused on youth mental health. The current membership is for 2 years and it is proposed to recruit a new committee of young people in October 2022. A progress update on their work and achievements is proposed for presentation later in the year.

Advisory Committee Process Improvements

Throughout the process, officers have documented and established process improvements to ensure more consistent and effective management and establishment of Advisory Committees and Reference Groups in the future.

A generic Terms of Reference covering all Advisory Committees and Reference Groups is attached for Council consideration and adoption (**Attachment 1**). The Terms of Reference includes attachments detailing the roles, responsibilities and membership of each Advisory Committee and Reference Group.

Community impact

The establishment of the Advisory Committees and Reference Groups means that at least 101 diverse members of the community, some of whom have not engaged with Council before, can consistently and collaboratively provide advice and feedback on the ways our operations and decisions may impact them and the broader community. This will improve community engagement and Council decision making resulting in positive impacts on both the community and the reputation of Moreland City Council.

Climate emergency and environmental sustainability implications

The Advisory Committees and Reference Groups are guided by the community's aspirations captured in Moreland's Community Vision and provide relevant input to support Council deliver its 4-year Council Plan including priorities for addressing the climate emergency and environmental sustainability. The role of the Environmental Sustainability Advisory Committee is also to specifically share information and collaborate to enhance the collective impact of Council and community-led actions for a just transition to a zero-carbon, zero-waste, and climate-resilient municipality.

Economic sustainability implications

The Advisory Committees and Reference Groups are guided by the community's aspirations captured in Moreland's Community Vision and provide relevant input to support Council deliver its 4-year Council Plan including priorities for addressing economic sustainability.

Legal and risk considerations

The process to establish these Advisory Committees and Reference Groups have been undertaken in accordance with the requirements of the *Local Government Act 2020* and Moreland's Governance Rules. The process has been designed to be as inclusive, fair and transparent as possible.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the *Charter of Human Rights and Responsibilities*.

4. Community consultation and engagement

Social distancing restrictions impacted Council's ability to undertake engagement through usual approaches. However, the call for applications campaign was designed for a COVID-19 restricted environment and obtaining optimal reach through online and

other methods. Special effort was made to ensure harder to reach communities were notified of the campaign, including for example older people, CALD communities and people with disability. 4 ad sets were created for English speaking individuals. This specifically included 1 broad ad to all of Moreland, 1 ad set to people with interest in sustainability and environmental issues, 1 ad set to older individuals and those who work with the elderly, and 1 ad set for those interested in gender and LGBTQIA+ issues. The click-through-rate was more than double the industry standard. The Age Friendly ad set made 4801 impressions – 14 per cent of total impressions. In summary, this means the ads were well received, especially with those interested in gender issues and support for the elderly. The Age Friendly ad set was also promoted to 255 relevant local organisations through the Living and Ageing Well Newsletter, presentations, and targeted emails. This included 64 multicultural Senior Citizen Groups. 400 flyers were also dropped off at 7 different Senior Citizen Club venues. We also displayed posters in Council facilities and neighbourhood houses and aged care facilities in Moreland.

5 ad sets were created for Moreland's 5 top languages other than English (Arabic, Greek, Italian, Turkish and Vietnamese). The click-through-rate was more than 4 times the industry standard. The Greek, Italian and Turkish ads had significant reach. We utilised radio advertising on Nova, Smooth FM as well as ZZZ, the latter of which also ran 3 CALD ads in Arabic, Italian and Greek. We also used targeted stakeholder emails, which staff were encouraged to send to contacts, and provided Councillors with Social Media packs to distribute as they desired. Targeted emails were sent to our Local Partnerships distribution list which has 52 contacts including 20 Moreland Connectors and 14 funded organizations, Fawkner Service Provider Network, Disability Service Provider Network, Disability Access and Inclusion Plan Reference Group, Former Human Rights Advisory Committee, Former Gender Equality Reference Group, Former Reconciliation Working Group, Democracy Lab Participants from 2019, 2020 and 2021, Moreland Local Food System Network and Food and Material Relief Network.

As a result, the stakeholder emails, CALD ads and posters drove 523 extra people to the website. People were able to download and email or post the completed form to us. Some applicants had help from friends, family or council officers to complete and submit their applications. 13.5 per cent of applicants were received by people aged 65 years and over, which is representative of the broader population according to the 2016 census. 71 per cent of applicants either identify, work or volunteer with one or more of our priority groups including Aboriginal and Torres Strait Islander communities, migrant and refugee communities, people with disability and LGBTQIA+ communities. Almost 30 per cent of all applicants identified as having a cultural background other than North-West Europe or Oceanian. 4 Aboriginal and/or Torres Strait Islander people applied which is 2 per cent of all applications. According to the 2016 Census, Aboriginal and/or Torres Strait Islander people make up 0.5 per cent of Moreland.

Affected persons rights and interests

Before making a decision that affects a person's rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views. In this regard, persons within the Moreland community have had an opportunity to apply to become a member of an Advisory Committee or Reference Group.

Communications

All applicants will be thanked for their application and notified of the outcome of their application following Council's decision. Subject to Council's decision and subsequent acceptance by successful applicants, the adopted Terms of Reference for Advisory Committees and Reference Groups (**Attachment 1**), including the roles, responsibilities and members on each group will be made available via the Moreland City Council website.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resource Implications

The funds required (\$10,000) to action this resolution will be included in the 2022-23 budget process for consideration.

This funding will enable reimbursement for out-of-pocket expenses that are bona fide expenses, which have been reasonably incurred in the performance of their role (e.g. child care expenses).

Other costs associated with managing the Advisory Committees and Reference Groups would include:

- Interpretation and translation services;
- Group facilitation training for Chairs and Convenors;
- Member induction; and
- Annual civic collaborative event.

Further provision will be made for First Nations Advisory Committee members who will also be paid \$80 per meeting. This recognises the multiple responsibilities First Nations people have to their cultural obligations both through their work roles and wider community responsibilities. It also acknowledges and values Aboriginal and Torres Strait Islander members' cultural knowledge, advice and guidance.

7. Implementation

All applicants will be notified of the outcome of their application following Council's decision. Subject to Council's decision the following steps will be taken:

1. All applicants thanked and notified of the outcome of their application
2. Terms of Reference made available via the Moreland City Council website
3. Invitations to first meetings distributed
4. Group facilitation training provided to Council officers/convenors and Councillors to build capacity for effective coordination of meetings
5. Member induction package developed
6. At the first meetings, dates, times and venues for future meetings to be agreed, Reference Group Chairs selected and induction delivered
7. An annual civic collaborative event held to acknowledge the work of the groups and encourage cooperation between them.

Attachment/s

- | | | |
|---|---|-----------|
| 1 | Terms of Reference - Advisory Committees and Reference Groups | D22/33125 |
| 2 | Confidential - Summary Assessment of Advisory Committees and Reference Group applications | D22/39939 |

Pursuant to section 3(1)(f) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.



Terms of Reference for Advisory Committees and Reference Groups

1. Classification	This Terms of Reference applies to all Advisory Committees and Reference Groups established by Council, except for the Youth and Children's Reference Groups.
2. Delegation	Advisory Committees and Reference Groups have no formal delegation. Their role is to provide advice to: <ul style="list-style-type: none"> (a) the Council; or (b) a Delegated Committee; or (c) a member of Council staff who has been delegated a power, duty or function of the Council.
3. Accountability	The Advisory Committees are accountable to the full Council of Moreland City Council. Reference Groups are accountable to their Convenor. This is the Council officer responsible for coordinating each Reference Group.
4. Term	The Advisory Committees and Reference Groups are established by Council resolution dated 9 th February 2022 and will sunset six (6) months after the end of the Council term.
5. Role and Responsibilities	The specific role and responsibilities of each Advisory Committee and Reference Group are detailed in Attachments A and B.
6. Council Membership and Chairperson	Advisory Committees established by Council will be chaired by a Councillor as appointed in accordance with Council Governance Rules. The Chairperson is a standing Member of the Committee. Reference Groups can be chaired by a Councillor or alternatively they can be chaired by a Council officer or a community member.
7. Community Membership	In accordance with Council resolution, the Members appointed to each Advisory Committee and Reference Group are detailed in Attachment A.

<p>8. Role of Staff Member(s)</p>	<p>Council officers will provide a support role to each Advisory Committee and Reference Group. Council officers may participate in meetings but must not actively influence the discussions and recommendations of the Committee or Group.</p> <p>Council administration will appoint appropriately skilled Council officers to provide secretariat support, including minute-taking and other administrative functions, to each Advisory Committee and Reference Group.</p> <p>This may also include:</p> <ul style="list-style-type: none"> (a) Preparation of an agenda for each meeting in liaison with the Chair; (b) Preparation and distribution of all papers required for each meeting; and (c) Notification to all other external parties or invitees who are required to attend any meeting for specific agenda items. <p>The officer support function provided by Council’s administration for each Advisory Committee and Reference Group is detailed in Attachments A and B.</p>
<p>9. Meeting Frequency</p>	<p>Times and dates of meetings for the Advisory Committee and Reference Group shall be determined at the discretion of the Chairperson and/or Convenor, after seeking the views of all other Members of the Committee or Group.</p> <p>Unless otherwise determined by the Chairperson, Advisory Committees and Reference Groups will generally meet on a quarterly cycle. Less or additional meetings may occur subject to approval of the Chairperson.</p>
<p>10. Notice and attendance of Meetings</p>	<p>Agendas, meeting minutes and any reports will be circulated ten (10) days prior to the meeting, wherever possible, in a suitable format.</p> <p>The meeting Agenda shall be determined by the relevant officer in consultation with the Chairperson.</p> <p>Members may request items to be included on the agenda by advising the relevant officer at least fourteen (14) days prior to the scheduled meeting. Inclusion of the items on the proposed agenda shall be at the discretion of the Chairperson, based upon their judgement as to whether the item is consistent with the specific scope and core responsibilities of the Committee or Group.</p> <p>An Advisory Committee or Reference Group Member shall endeavour to advise the relevant Officer of non-attendance at any meeting.</p>

2 | Moreland City Council Terms of Reference for Advisory Committees and Reference Groups
For adoption by Council: 9 February 2022

	<p>Any Member of an Advisory Committee or Reference Group unable to attend three (3) consecutive meetings shall notify the Chairperson in writing as to their availability to continue as a member. Where this provision has not been met, the Chairperson will deem the member resigned from the Advisory Committee or Reference Group.</p>
<p>11. Quorum</p>	<ul style="list-style-type: none"> (a) A quorum is the majority (more than half) of appointed Members to the Advisory Committee or Reference Group which must include either the Chairperson or Acting Chairperson. (b) If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse. If a quorum fails after the commencement of the meeting, the meeting shall lapse. (c) Business that is unfinished at the completion of a meeting may, at the discretion of the Chairperson, be referred to the next meeting.
<p>12. Code of Conduct</p>	<p>All Members of Advisory Committees and Reference Groups are expected to comply with the following expectations in order to ensure safe, respectful and effective conduct of meetings:</p> <ul style="list-style-type: none"> (a) Prepare for each meeting and be active participants. (b) Regularly contribute to discussions during meetings, provide advice and opinions on topics of discussion and respond to Council requests for input or feedback. (c) Treat others with respect, dignity and courtesy always. Harassment, intimidation, abuse or any behaviour deemed offensive or hurtful will not be tolerated. Any Member displaying these behaviours will be asked to stop immediately. Should this continue, the person can be asked to leave the meeting. Council, at its discretion, will take appropriate action in the event of gross misconduct by an Advisory Committee or Reference Group Member. (d) In the first instance of conflict between Members, any complaint should be brought to the Chairperson, who can bring the parties together to seek a resolution. Where the dispute involves the Chairperson, the issues will be brought to the Council primary contact officer. Mediation through an agreed mediator can be arranged with the consent of all parties.
<p>13. General Conflicts of Interest (COI)</p>	<p>A well-established system for identifying, disclosing and managing a conflict of interest (COI) increases Moreland City Council's public accountability and reduces the risk of corruption, misconduct and bias in Council's operations and decision-making processes.</p>

3 | Moreland City Council Terms of Reference for Advisory Committees and Reference Groups
For adoption by Council: 9 February 2022

	<p>All Members will approach the declaration of conflicts of interests with the following principles:</p> <ul style="list-style-type: none"> (a) <u>Obligations and good practice</u>: Council, and Advisory Committees and Reference Groups of Council, must comply with statutory obligations under relevant legislation in a manner which is supported by good governance practice. (b) <u>Public interest</u>: COIs must be avoided wherever possible. Where a conflict exists, it must be declared and managed in the public interest. (c) <u>Real, potential or perceived</u>: COIs exist whether the conflict is real, potential, or perceived. (d) <u>Transparent and accountable</u>: The process for declaring and managing COIs is transparent, accountable and consistent with the Victorian Directors' Code of Conduct. (e) <u>Culture of integrity</u>: Council and Advisory Committees and Reference Groups of Council must foster and lead a culture of integrity. Members are supported to raise their own COIs and to speak up if they believe another Member may have an undeclared conflict.
<p>14. Specific Conflict of Interest</p>	<ul style="list-style-type: none"> (a) The Chairperson is responsible to manage all declared conflicts of interest at each meeting. Conflicts of interest may be raised at the commencement of the meeting in response to an Agenda item, where this cannot be anticipated, upon the conflict of interest being realised/presented. (b) All Members have a duty to place the public interests above their private interests when carrying out their official duties, role and functions or in representing the Moreland City Council. (c) All Members are individually and collectively responsible to consider their personal interests in the context of Agenda items and discussions at each meeting. (d) At the time indicated on the Agenda, Members with a conflict of interest must declare their real, potential or perceived conflict of interest and the matter in which the conflict arises. (e) At the time for discussion of that item, those Members with a conflict of interest must excuse themselves from the meeting for the duration of the discussion and must abstain from communicating on that matter with any Members of the meeting thereafter.

	<p>(f) Where there is no Agenda or where the matter raising the conflict could not be anticipated, Members with the conflict of interest must declare a real, potential or perceived conflict of interest as soon the matter arises, in an effective manner.</p> <p>(g) Where a Member has excused themselves from the meeting as a result of a real, potential or perceived conflict of interest, they must not participate in the discussion of that matter which has come before the Advisory Committee or Reference Group for deliberation, decision, or where a decision will be made by a Member of staff acting under delegation.</p> <p>(h) Any and all declared conflicts of interest will be recorded in the Minutes of the Meeting by the meeting secretariat.</p> <p>(i) Where there are no Minutes kept of the meeting, the declared conflict of interest will be recorded in a Meeting record and provided to the Governance team to be registered and managed accordingly.</p> <p>(j) The meeting Minutes or record will also reflect the duration of the discussion and whether the Member excused themselves from the Meeting.</p>
<p>15. Confidentiality</p>	<p>(a) Advisory Committee and Reference Group Members must not release information that the Member knows, or should reasonably know, is confidential information in accordance with the Local Government Act 2020.</p>
<p>16. Member Support</p>	<p>(a) Members will be provided with the resources, facilities and support reasonably required for them to be effective in their role.</p> <p>(b) Members will be reimbursed* for out-of-pocket expenses that are bona fide expenses, have been reasonably incurred in the performance of their role and are reasonably necessary for the Member to perform this role*note this is subject to the 2022/23 budget process</p>
<p>17. Reporting Requirements</p>	<p>(a) Meeting minute records and reports of Advisory Committees (only) will be presented to Council for noting and inclusion on the public record.</p> <p>(b) Written reports of Advisory Committees must include any disclosures of conflicts of interest and record whether the person who disclosed a conflict of interest was excused from Meeting for the relevant discussion.</p>

	(c) There are no such formal reporting requirements for Reference Groups although reporting to Council and the public may occur on an as needs basis.
18. Transparency Requirements	<p>In order to maintain transparency of Advisory Committee operations, the following information will be published on Council's website in respect of each Advisory Committee:</p> <ul style="list-style-type: none"> (a) The Terms of Reference (b) The names of all Members (c) Reports of Committee activities (in Agenda/Minutes of Council Meetings) <p>There are no such transparency requirements for Reference Groups although relevant information may be published on Council's website on an as needs basis.</p>
19. Compliance	All Members of the Advisory Committees and Reference Groups must comply with the requirements of Council's Governance Rules and Framework for Advisory Committees and Reference Groups.
20. Review	These Terms of Reference for Advisory Committees and Reference Groups will be reviewed every 4 years, at the beginning of each new Council term, or as otherwise directed by Council.

Attachment A. Details of each Advisory Committee

Name	Environmental Sustainability Advisory Committee
<p>Role and responsibilities</p>	<p>The role of the Environmental Sustainability Advisory Committee is to share information and collaborate to enhance the collective impact of Council and community-led actions for a just transition to a zero-carbon, zero-waste, and climate-resilient municipality.</p> <p>The Environmental Sustainability Advisory Committee is also responsible for:</p> <ul style="list-style-type: none"> • providing a forum for information sharing, networking, and collaboration between Council and community groups engaged in fostering local responses to the climate and ecological crisis • assisting Council, community groups, and individuals to successfully engage and empower the local community, organisations, and businesses • assisting in collecting information to measure (and share) collective impact • supporting continuous learning and improvement • bringing up issues of community concern that Council should know about or take a role in addressing.
<p>Membership</p>	<p>This Advisory Committee is made up of:</p> <ul style="list-style-type: none"> • 1 Councillor, who is the Chairperson • 10 community Members • 1 representative invited from each of the following organisations: Australian Energy Foundation, CERES, Climate Action Moreland (CAM), Neighbours United for Climate Action (NUCA), Ecological Justice Hub (Jesuit Social Services) and Newlands and East Coburg Community Hubs Inc (NECCHI).
<p>Current Members</p>	<p>The current Members are:</p> <ul style="list-style-type: none"> • Cr Panopoulos (Chairperson) • Community Members: <i>subject to Council resolution</i> • Organisational representatives: <i>to be confirmed</i>
<p>Council Officer Support</p>	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Zero Carbon Campaigns Lead (Donna Luckman) – Primary contact for Members and Agenda preparation / Minute Taker

7 | Moreland City Council Terms of Reference for Advisory Committees and Reference Groups
For adoption by Council: 9 February 2022

Name	First Nations Advisory Committee
Role and responsibilities	<p>The role of the First Nations Advisory Committee is to provide input and advise on the implementation of the <i>Statement of Commitment to Wurundjeri Woi-wurrung People and Aboriginal and Torres Strait Islander Communities in the City of Moreland</i>.</p> <p>The First Nations Advisory Committee is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development and implementation of relevant Council policies, strategies, and plans. For example, the Human Rights Policy and Implementation Plan • providing advice and recommendations to Council in relation to issues and barriers affecting First Nations communities • promoting knowledge, visibility, equality and inclusion of First Nations communities • assisting to identify opportunities for advocacy, projects and partnerships that reflect the needs of First Nations communities • informing, consulting and collaborating with other Advisory Committees and Reference Groups on issues relating to First Nations communities.
Membership	<p>This Advisory Committee is made up of:</p> <ul style="list-style-type: none"> • 1 Councillor, who is the Chairperson • 8 First Nations community Members, one of whom will Co-Chair • 1 representative from each of the following organisations: to be confirmed
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Cr subject to Council resolution (Chairperson) • Community Members: subject to Council resolution and further informal recruitment through word-of-mouth • Organisational representatives: to be confirmed
Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Unit Manager Community Development and Social Policy (Nalika Peiris) – Primary contact for Members • Social Policy Officer (Petr Svoboda) – Agenda preparation / Minute Taker

Name	Human Rights and Inclusion Advisory Committee
Role and responsibilities	<p>The role of the Human Rights and Inclusion Advisory Committee is to provide input and advice to Council to guide the implementation and monitoring of the Moreland Human Rights Policy thereby assisting Council to be an inclusive organisation, deliver inclusive and accessible services and promote inclusion and social cohesion in the community.</p> <p>The Human Rights and Inclusion Advisory Committee is also responsible for:</p> <ul style="list-style-type: none"> • providing independent advice to Council about strategies, programs, and initiatives which increase access, inclusion, and participation of people from priority groups in the community • reviewing strategies and projects, highlighting issues, and providing specific recommendations where appropriate • considering and endorsing recommendations from relevant reference groups to put forward for Council endorsement • providing a structure through which the views and interests of the Moreland community can be articulated for the attention of Council and its staff on human rights and inclusion matters • drawing on and sharing the expertise of specialists, as appropriate.
Membership	<p>This Advisory Committee is made up of:</p> <ul style="list-style-type: none"> • 2 Councillors, one of whom is the Chairperson • 13 community Members • 2 representatives from the First Nations Advisory Committee • 1 representative from each of the following organisations: to be confirmed
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Cr Bolton (Chairperson) • Cr Panopoulos • Community Members: subject to Council resolution • First Nations Advisory Committee representatives: to be confirmed • Organisational representatives: to be confirmed

<p>Council Officer Support</p>	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Unit Manager Community Development and Social Policy (Nalika Peiris) and Coordinator Community Development and Inclusion (Emma Sampson) – Primary contact for Members • Coordinator Community Development and Inclusion (Emma Sampson) – Agenda preparation / Minute Taker
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Name	Arts Advisory Committee
Role and responsibilities	<p>The role of the Arts Advisory Committee is as the principal consultative body advising and assisting Council to make Moreland a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion, and inclusion.</p> <p>The Arts Advisory Committee is also responsible for:</p> <ul style="list-style-type: none"> • developing and advising Council on annual priorities relating to the arts and creative industries • encouraging community involvement through networks and promotes participation in the arts across Moreland • making recommendations to Council regarding acquisitions for the Moreland Art Collection • providing a structure through which the views and interests of the Moreland community can be articulated for the attention of Council and its staff • contributing to the development and future review of Council's Arts and Culture Strategy and subsequent policies and plans • acting as a representative of the Arts Advisory Committee on grant assessment and programming panels.
Membership	<p>This Advisory Committee is made up of:</p> <ul style="list-style-type: none"> • 1 Councillor, who is the Chairperson • 15 community Members • 1 representative from Next Wave
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Cr Riley (Chairperson) • Community Members: <i>subject to Council resolution</i> • Next Wave representative: <i>to be confirmed</i>
Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Manager Cultural Development (Lisa Dempster) – Primary contact for Members • Unit Manager Arts and Culture (Narelle Stute) – Agenda preparation / Minute Taker

Name	Sustainable Transport Advisory Committee
Role and responsibilities	<p>The role of the Sustainable Transport Advisory Committee is to develop, promote, and assist Council to develop and implement a new Transport Strategy.</p> <p>The Sustainable Transport Advisory Committee is also responsible for:</p> <ul style="list-style-type: none"> • advising Council on priorities, processes, and programs • facilitating partnerships and developing opportunities among Council, the community and transport agencies, providers, and operators • identifying key strategic transport and land use opportunities • providing a consultative forum and link to a wider network of community transport organisations • promoting community support for the implementation of projects and programs • generating discussion on and evaluating transport policies and initiatives as they impact upon the Transport Strategy and its implementation.
Membership	<p>This Advisory Committee is made up of:</p> <ul style="list-style-type: none"> • 1 Councillor, who is the Chairperson • 12 community Members • 1 representative invited from each of the following organisations: Department of Transport, RACV, Bicycle Network, Victoria Walks and Disabled Motorist Association.
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Cr Conlan (Chairperson) • Community Members: <i>subject to Council resolution</i> • Organisational representatives: <i>to be confirmed</i>
Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Unit Manager Transport (Lee Dowler) – Primary contact for Members • Team Leader Transport Engineering – Agenda preparation / Minute Taker

Attachment B. Details of each Reference Group

Name	Affordable Housing Reference Group
Role and responsibilities	<p>The role of the Affordable Housing Reference Group is to collaboratively advise council of current and emerging affordable housing issues in the community:</p> <p>The Affordable Housing Reference Group is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development, and implementation of relevant Council policies, strategies, and plans. For example, the Affordable Housing Action Plan • assisting council to ensure the diverse perspectives and lived experiences of affordable housing are considered in Council services, programs and projects • promoting knowledge, visibility, equality and inclusion of affordable housing in the community • assisting to identify opportunities for advocacy, projects and partnerships for affordable housing in the community • informing, consulting and collaborating with relevant Advisory Committees on issues relating to affordable housing • participating in event planning, consultation processes, and other forms of engagement relating to relevant issues.
Membership	<p>This Reference Group is made up of:</p> <ul style="list-style-type: none"> • Councillor/s <i>where nominated to Chair</i> • 10 community Members • 1 community representative from the Human Rights and Inclusion Advisory Committee • 1 representative from each of the following organisations: <i>to be confirmed.</i>
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Councillor/s: <i>subject to Council resolution</i> • Community Members: <i>subject to Council resolution</i> • Human Rights and Inclusion Advisory Committee representative: <i>to be confirmed</i> • Organisational representatives: <i>to be confirmed</i>

Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Principal Advisor Social and Affordable Housing (Mike Collins) – Primary contact for Members and Agenda preparation / Minute Taker
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Name	Age-Friendly (Older People) Reference Group
Role and responsibilities	<p>The role of the Age-friendly (Older People) Reference Group is to collaboratively advise council of current and emerging needs of older people in the community:</p> <p>The Age-friendly (Older People) Reference Group is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development, and implementation of relevant Council policies, strategies, and plans. For example, the Living and Ageing Well Framework • assisting council to ensure the perspectives and lived experiences of older people are considered in Council services, programs and projects • promoting knowledge, visibility, equality and inclusion of older people in the community • assisting to identify opportunities for advocacy, projects and partnerships that reflect the needs of older people in the community • informing, consulting and collaborating with relevant Advisory Committees on issues relating to older people • participating in event planning, consultation processes, and other forms of engagement relating to relevant issues.
Membership	<p>This Reference Group is made up of:</p> <ul style="list-style-type: none"> • Councillor/s <i>where nominated to Chair</i> • 10 community Members • 1 community representative from the Human Rights and Inclusion Advisory Committee
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Councillor/s: <i>subject to Council resolution</i> • Community Members: <i>subject to Council resolution</i> • Human Rights and Inclusion Advisory Committee representative: <i>to be confirmed</i>

Council Officer Support	Council officer support is provided by: <ul style="list-style-type: none">• Living and Ageing Well Officer (Elly Gardner) – Primary contact for Members and Agenda preparation / Minute Taker
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Name	Disability Reference Group
Role and responsibilities	<p>The role of the Disability Reference Group is to collaboratively advise council of current and emerging needs of people with disability in the community:</p> <p>The Disability Reference Group is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development, and implementation of relevant Council policies, strategies, and plans. For example, the Disability Action and Inclusion Plan • assisting council to ensure the perspectives and lived experiences of people with disability are considered in Council services, programs and projects • promoting knowledge, visibility, equality and inclusion of people with disability in the community • assisting to identify opportunities for advocacy, projects and partnerships that reflect the needs of people with disability in the community • informing, consulting and collaborating with relevant Advisory Committees on issues relating to people with disability • participating in event planning, consultation processes, and other forms of engagement relating to relevant issues.
Membership	<p>This Reference Group is made up of:</p> <ul style="list-style-type: none"> • Councillor/s where nominated to Chair • 9 community Members • 1 community representative from the Human Rights and Inclusion Advisory Committee
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Councillor/s: <i>subject to Council resolution</i> • Community Members: <i>subject to Council resolution</i> • Human Rights and Inclusion Advisory Committee representative: <i>to be confirmed</i>
Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Disability Planner (George Paris) – Primary contact for Members and Agenda preparation / Minute Taker

Name	Gender Equality Reference Group
<p>Role and responsibilities</p>	<p>The role of the Gender Equality Reference Group is to collaboratively advise Council of current and emerging gender equality issues in the community.</p> <p>The Gender Equality Reference Group is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development, and implementation of relevant Council policies, strategies, and plans. For example, the Gender Equality Action Plan • assisting council to ensure the diverse perspectives and lived experiences of gender are considered in Council services, programs and projects • promoting knowledge, visibility, equality and inclusion of all genders in the community • assisting to identify opportunities for advocacy, projects and partnerships for gender equality in the community • informing, consulting and collaborating with relevant Advisory Committees on issues relating to gender equality • participating in event planning, consultation processes, and other forms of engagement relating to relevant issues.
<p>Membership</p>	<p>This Reference Group is made up of:</p> <ul style="list-style-type: none"> • Councillor/s where nominated to Chair • 9 community Members, one of whom will Chair • 1 community representative from the Human Rights and Inclusion Advisory Committee
<p>Current Members</p>	<p>The current Members are:</p> <ul style="list-style-type: none"> • Councillor/s: <i>subject to Council resolution</i> • Community Members: <i>subject to Council resolution</i> • Human Rights and Inclusion Advisory Committee representative: <i>to be confirmed</i>
<p>Council Officer Support</p>	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Social Planning and Policy Officer (May Haeder) – Primary contact for Members and Agenda preparation / Minute Taker

Name	LGBTIQA+ Reference Group
Role and responsibilities	<p>The role of the LGBTIQA+ Reference Group is to collaboratively advise council of current and emerging needs of Lesbian, Gay, Bisexual, Transgender and gender diverse, Intersex, Queer and Asexual and Aromantic communities.</p> <p>The LGBTIQA+ Reference Group is also responsible for:</p> <ul style="list-style-type: none"> • contributing to development, and implementation of relevant Council policies, strategies, and plans. For example, the LGBTIQA+ Action Plan • assisting council to ensure the perspectives and lived experiences of LGBTIQA+ community Members are considered in Council services, programs and projects • promoting knowledge, visibility, equality and inclusion of LGBTIQA+ communities • assisting to identify opportunities for advocacy, projects and partnerships that reflect the needs of LGBTIQA+ communities • informing, consulting and collaborating with relevant Advisory Committees on issues relating to LGBTIQA+ communities • participating in event planning, consultation processes, and other forms of engagement relating to relevant issues.
Membership	<p>This Reference Group is made up of:</p> <ul style="list-style-type: none"> • Councillor/s where nominated to Chair • 9 community Members • 1 community representative from the Human Rights and Inclusion Advisory Committee
Current Members	<p>The current Members are:</p> <ul style="list-style-type: none"> • Councillor/s: <i>subject to Council resolution</i> • Community Members: <i>subject to Council resolution</i> • Human Rights and Inclusion Advisory Committee representative: <i>to be confirmed</i>
Council Officer Support	<p>Council officer support is provided by:</p> <ul style="list-style-type: none"> • Social Policy and Projects Officer (Lachlan Gregory) – Primary contact for Members and Agenda preparation / Minute Taker

7.4 GILPIN PARK REVITALISATION REPORT

Director City Infrastructure, Anita Curnow

Open Space and Environment

Officer Recommendation

That Council:

1. Thanks the community, stakeholders and Council officers for their contributions to the development of the Gilpin Park Revitalisation Plan.
2. Endorses the final Gilpin Park Revitalisation Plan at Attachment 1 of this report with construction to commence in mid-February.
3. Issues a community notification of Council endorsement of the plan.

REPORT

Executive Summary

The purpose of this report is to present the final Gilpin Park Revitalisation Plan. Many of the park assets are at the end of their life and in poor condition, for example, the playground was built in 1994. A park revitalisation plan (**Attachment 1**) has been prepared to refresh these assets but also expand the picnic and social area, and install a new public toilet.

A draft plan to revitalise the park was shared with the community between May 2021 and January 2022 through four stages of engagement that was articulated in the Community Engagement Plan (**Attachment 2**). The earlier draft of the plan was high level and included the public toilets, expanded picnic area, expanded restriction on dog off leash area and new adventure playground (**Attachment 3**). A draft playground and picnic area plan was then developed and shared with the community in December 2021 and January 2022. There was strong support for the playground renewal, provision of public toilets and improvements to other park assets as well as improved revegetation, increased accessibility, new drinking fountains and seating. There were also consistent requests for additional shade tree planting for the park, as well as the playground and picnic areas (See **Attachment 6**). The final plans reflect this community feedback (**Attachment 1**). The community were then informed of the changes made with a copy of the final concept plan erected on site and on the Conversations Moreland website with a further two-weeks for any additional feedback.

Funds for these works are identified in Council's current 2021-2022 Capital Works Program, with \$300,000 allocated from Council's Park Improvement budget. This funding is matched by a \$300,000 Park Improvement Grant from the Department of Environment Land Water and Planning, which includes conditions that the works need to be delivered by June 2022.

This final plan delivers on the strategic objectives and outcomes for the Council Plan (2021-2025), Open Space Strategy (2012-22), Play Strategy (2016), Public Toilet Strategy (2012), Disability Access and Inclusion Plan (2016), Nature Plan (2020), Urban Forest Strategy (2018) and Urban Heat Island Effect Action Plan (2016).

Subject to Council endorsement, the next phase is to notify the community and commence construction which is scheduled for mid-February with works completed in June 2022.

Previous Council Decisions

Draft Brunswick Central Parklands and Integrated Water Management Plan – 8 December 2021

At this meeting it was resolved that:

That Council defers consideration of this item to the February 2022 Council meeting.

1. Policy Context

The Gilpin Park Revitalisation Plan supports delivery of all five themes of the Council Plan (2021-25). In addition, it delivers on Goal 2 (section 8.2) of the Moreland Open Space Strategy (2012-2022) to provide social / family recreation open space in the Brunswick Central Parklands with a specific request to redesign Gilpin Park for social / family recreation (including dog walking) to enhance recreational use and landscape amenity and replace ageing infrastructure.

The Plan is informed by a range of key policies and strategies including, but not limited to:

- Public Health and Wellbeing Plan 2017-21
- Zero Carbon Moreland Climate Emergency Action Plan, 2021
- Nature Plan, 2020
- Urban Forest Strategy, 2017
- Urban Heat Island Effect Action Plan, 2016
- Play Strategy, 2016
- Public Toilet Strategy, 2012
- Disability Access and Inclusion Plan, 2016

The Gilpin Park Revitalisation Plan is also part of the broader, forthcoming Brunswick Central Parklands and Integrated Water Management Plan (the deferred Report mentioned above). This component has been brought forward ahead of the full plan for the wider Brunswick Central Parklands, given delivery imperatives for the Revitalisation Plan and the need for more time to re-present the full plan for consideration at a future meeting, subject to further work.

2. Background

The purpose of this report is to present the final Gilpin Park Revitalisation Plan. This 5-hectare passive recreation and habitat park is part of the Brunswick Central Parklands and includes an open grassy woodland, fenced dog park, a popular illuminated circuit path, new irrigation areas and a playground (built in 1994). Many of the park assets are at the end of their life and in poor condition. A park revitalisation plan (**Attachment 1**) has been prepared to refresh these assets which includes the playground, seating, paths and crossing points, drinking fountains, revegetation works and also expands the picnic and social area, and the inclusion of a new public toilet.

In 2020, Council applied for a State Government Urban Park Revitalisation Grant and was successful in receiving \$300,000 from the Department of Environment Land Water and Planning (DELWP), which the funds needing to be expended by 30 June 2022. A further \$55,000 was received from the State Department of Justice and Community Safety for rapid community activation.

The plan to revitalise the park was shared with the community between May 2021 and January 2022 through four stages of engagement (**Attachment 2**). Detailed playground plans were developed and shared with the community in December 2021 (**Attachment 1**). There was strong support for the playground renewal, provision of public toilets and improvements to other park assets as well as improved revegetation, increased accessibility and new drinking fountains and seating. There were also consistent requests for additional shade tree planting for the park as well as the playground and picnic areas. The final plans reflect this community feedback (**Attachment 1**).

3. Issues

Community impact

Public open spaces play an important role in a municipality as they provide places for exercise, quiet reflection, and children's play. These spaces also provide a location for participating in civic life. Council has a strong commitment to providing its diverse community with a broad range of recreational opportunities. The final Gilpin Park Revitalisation Plan will protect and deliver ongoing benefits to the local resident community by enhancing the quality and provision of open space services that support health and wellbeing outcomes.

Council is the primary provider of spaces for passive and active recreation in the municipality and this district level park provides a range of facility types, including but not limited to outdoor passive recreation facilities, play spaces, fenced dog park and recreation trails.

The community's perception of safety in open space, especially among women, migrants and LGBTIQ residents, remain critical to improving community health and wellbeing outcomes. The final Plan attempts to address some of the detrimental elements of the existing open space through park improvements as well as appropriate changes to the design and interface of the parklands with adjoining land uses to improve safety and accessibility.

Climate emergency and environmental sustainability implications

The final Gilpin Park Revitalisation Plan proposes a number of design elements that contribute to addressing climate change including a new area of irrigation and additional canopy tree shade. In addition, the final Plan proposes improvements to shared user paths throughout the parklands to encourage active transport choices, and significant tree planting to increase tree canopy cover and mitigate the effects of urban heat island. The lifecycle carbon embodiment of materials was also reviewed during the planning and design stage and will be factored into the procurement process in selecting materials that are durable, require low maintenance and have a lifecycle low carbon intensity.

This project is delivering multiple objectives to demonstrate how we can meet our climate emergency and environmental sustainability goals by proposing innovative solutions:

- Urban heat island mitigation
- Expanding areas of irrigation
- Improving water quality
- Sustainable and active modes of transport
- Natural shade and canopy cover
- Community connection with urban nature and water
- Enhancing biodiversity
- Park activation and useability

Successful implementation of the final Plan strategically supports Council efforts to mitigate climate change impacts and protect and enhance the existing environmental and heritage values while planning park and amenity upgrades to improve public access and enjoyment of the open space.

Economic sustainability implications

The final Plan proposes numerous upgrades to the reserve assets which have exceeded their useful life and are creating additional reactive works. The renewal of these assets will improve the economic sustainability. More importantly, the evidence base indicates that investment in public parks and reserves provides an associated uplift in neighbouring property values and direct economic benefit to Council's rate base and therefore contributing to the City's economic wellbeing.

Legal and risk considerations

There is reduced legal, safety and reputational risk for Council by approving this Plan, given many of the park assets are in a poor condition and have been rated as requiring replacement.

Human Rights Consideration

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities and the engagement undertaken supports Sections 12 and 18 of the Human Rights Charter which relate to freedom of movement and taking part in public life.

4. Community consultation and engagement

Community consultation for this project has been conducted as part of a broader engagement process for the Brunswick Central Parklands.

The state government Covid-19 related restrictions have impacted Council's ability to undertake engagement through its usual approaches. As a consequence, Council officers have adjusted their approach to community consultation by adding an additional stage of engagement and extending the consultation period from April 2021 through to January 2022.

The following consultation methods were used: Conversations Moreland website, emails, postcards to 2,600 local residents and businesses within 500m walking distance, video conferencing sessions, on-site posters, an online survey, on-site pop up sessions, and design sprints.

These adjustments were supported by the Communications and Engagement team and changes to the Community Engagement Plan (**Attachment 2**). A summary report of Community Engagement has been prepared through Stage 1 (**Attachment 4**), Stage 2 (**Attachment 5**) and Stage 3 (**Attachment 6**)

The extensive community engagement and consultation for the Gilpin Park Revitalisation Plan built upon earlier engagement on the Brunswick Central Parklands and IWM Plan which commenced in April 2021 and occurred through three stages. The following provides a summary of the consultation stages.

- Background stage: during April to May 2021 ideas and stories on the open space were collected. A range of opportunities and ideas were developed based on these submissions and consultation and design sprints with internal Council Units (Open Space Maintenance, Open Space Design & Development, Built & Sustainable Environment, Engineering, Recreation, Strategic Planning, Communications, Engagement, Statutory Planning, Youth, Facilities, Street Cleansing, Transport, Events, Local Laws, Arts and Culture, Capital, Research).
- Stage One of consultation during May to September provided opportunities for the community to map out (317 submissions), speak to Council officer directly and discuss issues and opportunities (28 suggestions and 46 comments) within the Parklands through Conversations Moreland.
- Stage Two of engagement ran from October to November and asked the community to review our summary of their feedback on the vision, ideas and opportunities to improve the parklands. Four on site community engagement sessions were held. A letterbox drop of postcards received 78 comments relevant to Gilpin Park and environs with a further 88 completed surveys and 37 additional open comments provided.
- Stage Three of community engagement presented the draft concept plan for the playground and expanded picnic and social area to the community for a six-week period from 9 December to 17 January 2022 using Conversations Moreland. A postcard drop to 2,500 neighbouring residents informed them of the concept plan with a further two on-site pop engagement events. Feedback from Stage 3

community feedback has been summarised (**Attachment 6**) with edits made to the revised concept plan. The final playground and picnic area Plan (**Attachment 1**) is the outcome of this process which is before Council to review.

- A final Stage Four involves a 2-week period of community review to close the loop with the community and ensure that any changes to the final Plan are reasonable. The final Concept Plan (**Attachment 1**) has been made available to the community from Monday 24 January.

Subject to the works proceeding and restrictions allowing, then a community event will be planned for August 2022 with the Victoria State Government to celebrate the project completion. The community, Mayor and Councillors will be invited and encouraged to participate in this event.

Internal engagement

An internal working group met frequently throughout the life of this project including officers from the Open Space Maintenance, Open Space Design and Development, Engineering, Recreation, Sustainable Built Environment and the Communications teams. In addition, further roundtable and smaller workshops and meetings including two Design Sprints were undertaken with Council officers across the Open Space Maintenance, Open Space Design & Development, Built & Sustainable Environment, Engineering, Recreation, Strategic Planning, Communications, Engagement, Statutory Planning, Transport, Youth, Facilities, Street Cleansing, Events, Local Laws, Arts and Culture, Capital, and Research Units of Council and external stakeholder, DELWP.

Affected persons rights and interests

The interests of local residents, sporting clubs and adjacent landowners and businesses are the primary focus of the draft Plan. We made contact with the following stakeholders:

- Moreland Bicycle User Group
- Brunswick Residents Network
- Wurundjeri Tribe Land and Compensation Cultural Heritage Council
- Melbourne Water
- Yarra Valley Water
- DELWP

Each group has had several opportunities to express its views through a variety of methods during the development of the draft Plan including a Conversations Moreland project page, community survey, on-site pop-up sessions, stakeholder meetings, online Q and A forums, and numerous emails from residents requesting information and clarifications.

The final design takes into consideration feedback from internal and external customers and new Park assets will be constructed to ensure they can be maintained to Council specifications and the standards expected by the community.

Communications

A detailed Community Engagement Plan was developed for this project in April 2021 and was further updated and revised in October reflecting the ongoing COVID restrictions (**Attachment 2**). The Plan was developed in partnership with Council's Engagement and Communications team.

Stage Four of community engagement has provided a further two-week period for feedback on the final Plan. Council endorsement of this final Plan will close the loop with the community and allow construction to commence.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Funds for these works are identified in Council's current 2021-2022 Capital Works Program, with \$300,000 allocated from Council's Park Improvement budget. This funding is matched by a \$300,000 Park Improvement Grant from DELWP which needs to be delivered by June 2022.

Ongoing resource implications

The proposed works will result in an enhancement of the current playground and the inclusion of new parks assets which will require on-going maintenance and eventual replacement.

This will place additional burden on Council's Open Space Maintenance Unit, through an increase in requirements for the space. This will have budget and resource impacts which will need to be factored into Councils' on-going maintenance and asset management program as part of the annual operational budget. If the appropriate funds and resources aren't allocated there will likely be a decrease in the quality of the space, or potentially at an opportunity cost to other parks and reserves across the municipality. Funding will also be required to service and clean the new public toilet facilities which are managed by the Corporate Venues team in Business Transformation. These Units have been consulted with as part of the development of this plan and the annual OPEX funds required to service the new assets actioned through this resolution will require consideration through the 2022/2023 budget process.

7. Implementation

Subject to Council endorsement, the next phase is to commence construction in mid-February with expected completion prior to 30 June 2022.

Attachment/s

1	OSDD Gilpin Park Play and Picnic CP Final	D22/24864
2	Brunswick Parklands and IWM Plan - Stakeholder Engagement Plan- Oct 2021	D21/484436
3	21112_draft Brunswick Parklands IWM Plan	D21/498154
4	Brunswick Central Parklands Stage 1 Community Feedback Summary	D21/484445
5	Brunswick Central Parklands Stage 2 Community Feedback	D21/498192
6	Gilpin Park Revitalisation Stage community summary responses	D22/24863

7.5 PROPOSED RENEWAL OF A TELECOMMUNICATION LEASE TO AXICOM - COBURG FOOTBALL CLUB

Director Place and Environment, Joseph Tabacco

Property

Officer Recommendation

That Council, having followed the required statutory procedures pursuant to section 115 of the *Local Government Act 2020* and Section 223 of the *Local Government Act 1989*:

1. Notes public notice was given on 15 November 2021 until 15 December 2021 in respect of the proposal to lease part of Council's land contained in Certificate of Title Volume 10287 Folio 018, known as Coburg Football Ground to Axicom in accordance with Section 115 of the *Local Government Act 2020*.
2. Notes the notice was viewed 59 times and no submissions were received.
3. Authorises the Chief Executive Officer to do all things necessary to affect the lease of the site to Axicom for a 20-year term.

REPORT

Executive Summary

Axicom operate an existing telecommunications facility along the western boundary of Council's Bridges Reserve (Russell St, Coburg) under a lease that expired in April 2021.

The telecommunications facility has been operational since 1996 when Vodafone exercised its rights under the *Telecommunications Act 1991* and installed and erected a low impact telecommunication antenna and equipment shelter at Coburg City Oval (also known as Bridges Reserve). Crown Castle Australia Pty Ltd assumed ownership of the facility in April 2001.

Axicom has approached Council seeking to formally renew their lease agreement which comprises of an existing telecommunications site, featuring a 25-metre concrete pole and equipment shelter.

Following negotiations, the following lease terms are proposed for Council's consideration:

Rent	\$29,000 plus GST per annum
Term	20 years
Rent review	3 per cent increase per annum compounding
Permitted use	Mobile telecommunication installation

Public notice was given between 15 November 2021 until 15 December 2021. No submissions were received.

Council, having satisfied its statutory requirements, is now in a position to make a decision regarding the lease at the Coburg Football Club.

The proposed 20-year lease would provide a revenue of approximately \$779,240 to Council.

Previous Council Decisions

Proposed Renewal of a Telecommunication Lease to Axicom – Coburg Football Club (7.13)– 10 November 2021

That Council:

1. *Approves in principle the renewal of the lease of the proposed telecommunications facility as identified in Attachment 2 to this report.*
2. *Commences procedures to lease part of Coburg Football Ground to Axicom for the purpose of a telecommunication facility as required under section 115 of the Local Government Act 2020.*
3. *Gives public notice of the proposed lease renewal on Council's website (Conversations Moreland), and invites written submissions in accordance with Section 115 of the Local Government Act 2020, and such notice states that Council proposes to lease part of its site to Axicom for a 20 year lease term at a commencement annual rent of \$29,000 (plus GST) with annual fixed increments of 3%.*
4. *Appoints Councillor Cr Pavlidis as Chair, and Councillors Bolton, Carli Hannan and Pulford to a Committee to hear any submitters requesting to be heard in support of their written submission.*
5. *Notes the Hearing of Submissions Committee meeting to be held on a date and time to be set, at the Moreland Civic Centre, 90 Bell Street, Coburg. The date and time will be set by Council and any submitters will be notified.*
6. *Following the consultation process, receives a report in relation to the proposed lease renewal of part of Bridges Reserve to Axicom with a recommendation to proceed or not proceed.*

Telecommunication Lease Coburg City Oval (DCI13) – 11 March 2009

Council resolve:

1. *That public notice, pursuant to sections 190 and 223 of the Local Government Act 1989, be given in relation to the proposed lease between Crown Castle Australia Pty Ltd and Moreland City Council for the lease site at Coburg City Oval for a 20-year term.*
2. *That in the event of any submissions made to Council as part of the statutory process, a report be presented to Council's Urban Planning Committee to receive submissions and that a future report be presented to Council for its final decision.*
3. *That in the event of no submissions being received, to approve the proposed lease and authorise the Acting Director City Infrastructure to do all things necessary to effect this decision.*

1. Policy Context

The process councils must follow when considering leasing property is provided in Section 115 of the *Local Government Act 2020*. The process requires public notice to be given and submissions sought.

Council's Property Leasing Policy also provides guidance on maximising the use of Council's leased assets.

2. Background

In 1996, Vodafone Australia Ltd, pursuant to exercising its rights under *The Telecommunications Act 1991*, installed and erected a low impact telecommunication antenna and equipment shelter at Coburg City Oval.

The Telecommunications Act 1991 (and subsequent 1997 Act) gave rights to a carrier to enter a site and erect a low impact telecommunications facility without permission of the landowner. Council has continued to receive an annual rent since the site was first occupied in 1996.

Based on Council's acceptance of rent from Vodafone Pty Ltd (and subsequently Crown Castle), it was considered that a legally binding agreement had existed since at least 1996 when the facility was first erected. Axicom (formerly Crown Castle Australia Pty Ltd) assumed ownership of the facility in April 2001.

In 2009, Council officers commenced lease negotiations with Axicom to formalise the occupation of the telecommunication antenna and equipment shelter at Coburg City Oval.

At a meeting held on 11 March 2009 (DCI13), Council resolved:

1. That public notice, pursuant to sections 190 and 223 of the *Local Government Act 1989*, be given in relation to the proposed lease between Crown Castle Australia Pty Ltd and Moreland City Council for the lease site at Coburg City Oval for a 20-year term.
2. That in the event of any submissions made to Council as part of the statutory process, a report be presented to Council's Urban Planning Committee to receive submissions and that a future report be presented to Council for its final decision.
3. That in the event of no submissions being received, to approve the proposed lease and authorise the Acting Director City Infrastructure to do all things necessary to effect this decision.

As no submissions were received, Council entered a 20-year term for the existing facility at Coburg City Oval with a commencement date to be commensurate with the date that Axicom (formerly Crown Castle) took possession of the site in April 2001.

The 20-year lease expired in April 2021. Axicom have now approached Council to renew their lease agreement. The site has been in operation since 1996.

3. Issues

Lease

Axicom's request to renew the lease comprises of an existing telecommunications site, featuring a 25-metre concrete pole and equipment shelter.

The proposed lease renewal provides Council with the opportunity to negotiate a rental and a secure tenure.

Following considerable negotiations with Council officers and with the assistance of Council's lawyers, the lease terms and conditions were agreed on by both parties.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities and a Person's Property Rights, where a person must not be deprived of his or her property other than in accordance with the law.

4. Community consultation and engagement

Section 115 of the *Local Government Act 2020* states that if the proposed lease was not included in the budget, Council must undertake a community engagement process in accordance with its community engagement policy.

The rental income of this lease is included in the budget (however, not itemised) as the lease has only recently expired and is currently in overholding.

Consultation was undertaken to inform the public of the proposal to extend the lease and invite submissions between 15 November until 15 December.

Affected persons rights and interests

Before making a decision that affects a person's rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

This lease has a net value of \$779,240 over a 20-year period.

7. Implementation

If Council supports the officer recommendation, officers will progress the renewal of the lease of the site to Axicom for a twenty-year term.

Attachment/s

- 1 [↓](#) Axicom 25 metre concrete pole D21/252947

7.6 PROPOSED ROAD DISCONTINUANCE ADJOINING 50-52 BREESE STREET BRUNSWICK

Director Place and Environment, Joseph Tabacco

Property

Officer Recommendation

That Council:

1. Commences the procedures to discontinue and sell the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick, in accordance with Section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020*.
2. Gives public notice of the proposed discontinuance in accordance with section 223 and 207A of the *Local Government Act 1989* and Section 114, clause 2 of the *Local Government Act 2020* in the Herald Sun newspaper and on Council's website, and invite written submissions from Monday 21 February 2022 until Friday 25 March 2022. The notice will state that Council proposes to sell the land adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick to the owner of those properties, in accordance with Council's Rights of Way Associated Policies 2011 and the Rights of Way Strategy 2011.
3. Appoints Councillor _____ as Chair, and Councillors _____, and _____ to a Committee to hear any submitters requesting to be heard in support of their written submission.
4. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to discontinue and sell the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick.
5. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee and presenting a recommendation regarding whether to proceed with the proposal to discontinue the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick.

REPORT

Executive Summary

Council received a request from the incoming owner of 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick to acquire a section of road (Right of Way) adjoining these properties, shown in blue in Attachment 1.

The Right of Way abuts all three properties owned by the applicant and does not provide access for any other adjoining property owners.

Internal consultation has been undertaken and the subject section of road is considered to be no longer reasonably required for municipal use and is surplus to Council's needs.

The purpose of this report is to commence the Statutory Process under the *Local Government Act 1989* and the *Local Government Act 2020* to discontinue and sell the road.

Previous Council Decisions

N/A

1. Policy Context

The Council Plan 2021-2025 sets out strategic objectives through delivery of major initiatives and priorities and ways to achieve these objectives. The Council Plan includes the Moreland Community Vision and part of the key themes to achieve the community vision is to manage assets that meet changing needs over the long term.

Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 have been used in assessing this proposal.

2. Background

Council received a request in June 2020 from the incoming owner of 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick to acquire a section of road (Right of Way), measuring approximately 20.06 metres in length and 3.05 metres in width with a total of 61m². This section of road is adjoining the side of 665-661 Sydney Road Brunswick and rear of 50 and 52 Breese Street Brunswick, shown in blue in **Attachment 1**.

This Right of Way is a dead-end road and can only be used for the surrounding properties. All three of these surrounding properties are owned by the applicant.

The road adjoining 50 and 52 Breese Street Brunswick, and 665-661 Sydney Road Brunswick is found on General, or Old Law Conveyance Title: Book 426, Number 396.

The purpose of this report is to commence the statutory process to discontinue and sell the road under Section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020* to the owner of 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick.

3. Issues

The Old Law Title proved difficult to determine if the status of the subject site, if in fact it was road or land. Legal advice was sought, and it was determined that the status is road and that Council may discontinue the road and sell the former road under its statutory powers.

The current owner entered into a Contract of Sale with the applicant for the sites at 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick, settlement is to occur in February 2022. The purpose of this report is to commence Council's statutory requirements in accordance section 223 and 207A of the *Local Government Act 1989*.

This report aligns with the settlement in February 2022, with a final report upon the completion of the statutory process.

The applicant is working through design elements and intends to lodge a planning application prior to settlement, in the hope of reducing time frames.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities and Property Rights (section 20), protecting rights of persons to not be deprived of property, including land and possessions. This right also makes sure someone is not deprived of their property by someone else.

4. Community consultation and engagement

The following Council units and officers have been consulted with respect to the proposal:

- Senior Development Engineer
- Drainage Engineer
- Transport
- Asset Management
- Place Manager Brunswick
- City Development and Planning
- Building Services
- Open Space Maintenance and Street Cleansing
- Open Space Design and Development.

No objections have been received from these units and the subject section of road is considered to be no longer required for municipal purposes.

There are no Council assets located in the section of road proposed to be discontinued and sold and a Dial Before You Dig investigation has shown no assets are located in this section of road.

Public Notice and Communications

A community consultation will be undertaken to give public notice of the proposed discontinuance in accordance with section 223 and 207A of the *Local Government Act* 1989. This notice will appear in the *Herald Sun* newspaper and on Council's website and written submissions will be invited from Monday 21 February 2022 until Friday 25 March 2022.

The notice will state that if discontinued, Council proposes to sell the land from the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick, to the owner of those properties in accordance with Council's Rights of Way Associated Policies 2011 and the Rights of Way Strategy 2011.

These requirements also meet all the requirements of Council's Community Engagement Policy.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

In accordance with the Rights of Way Associated Policies, for property owners with a commercial interest, ROW shall be sold at market rates plus administration costs.

The new owner of 50 and 52 Breese Street and 655-661 Sydney Road, Brunswick has agreed to acquire the land at market value. This would provide net income of \$250,000 to Council.

The owner has also agreed to meet all of Council's reasonable costs associated with carrying out the road discontinuation and sale of land.

Once the land parcel is sold, the land will become rateable.

7. Implementation

If Council determines to commence the statutory procedures, public notice will be given by Council of the intention to discontinue and sell the land from the discontinued road, and to invite written submissions.

Submitters may request to be heard in support of their submission by a Committee of Council, the Hearing of Submissions Committee, prior to a decision being made on the proposal.

After completion of the statutory consultation process, a report will be prepared for Council outlining any submissions received and of the hearings undertaken, and a recommendation regarding whether to proceed with the discontinuance and sale to the adjoining property owner at 50 and 52 Breese Street and 655-661 Sydney Road, Brunswick.

Attachment/s

1 [↓](#) 50-52 Breese St Brunswick ROW Map D21/543393

7.7 SUSSEX AND GAFFNEY STREET, COBURG INTERSECTION - COMPULSORY ACQUISITION, DEPARTMENT OF TRANSPORT

Director Place and Environment, Joseph Tabacco

Property

Officer Recommendation

That Council:

1. Notes the claim of Compulsory Acquisition (in accordance with the *Land Acquisition and Compensation Act 1986*) from the Department of Transport (DoT) for the 20.8m² of land required for road safety improvements at the roundabout at Sussex and Gaffney Streets, Coburg contained in part in Volume 10046 Folio 758 shown as Parcel 1 on SP24294A (attachment 1)
2. Accepts the joint Valuation between Council and DoT for the amount of \$35,000 being the compensation for the compulsory acquired land as detailed in 1 above; and
3. Authorises the Chief Executive Officer to sign all documents effecting the compulsory acquisition and compensation of said land.

REPORT

Executive Summary

The intersection at Gaffney Street and Sussex Street, Coburg North carries 33,000 vehicles per day and is subject to safety, congestion and traffic flow issues. DoT records indicate since June 2017, there have been six casualty crashes at the intersection.

To respond to these issues, the intersection has been identified by the Department of Transport (DoT) as a high priority to be upgraded to reconfigure a roundabout to traffic signals and the provision of a new left turn lane, nature strip and realigned footpath.

A section of Council land measuring (20.8m²) will be required to facilitate the new left turn lane nature strip and realigned footpath. This land will be acquired by Compulsory Land Acquisition (CLA) from the DoT at current market value. The Council land is contained in part in Volume 10046 Folio 758 shown as Parcel 1 on SP24294 in attachment 1 of this report.

DoT undertook a Compulsory Acquisition process due to timeline issues around the Council's Caretaker Period and the statutory requirements of Section 116 of the *Local Government Act 2020*, and DoT's need to complete their capital work program by mid-2020.

The Victorian Government committed \$11.9 million to install traffic lights and pedestrian crossings at the intersection.

Council has previously considered this project at its meetings held on 8 July 2020 (DCF28/20) and on 9 September 2020 (DCF46/20 9).

On 5 November 2021 DoT took formal possession of the Council land abutting the roundabout at Sussex and Gaffney Streets, Coburg.

A joint valuation was carried out for the assessment of compensation payable as a result of the Compulsory Acquisition. The 20.8m² of land has been valued at \$35,000.

Previous Council Decisions

Pedestrians and Cyclists- 10-year Capital Works Program (DCF28/20) 8 July 2020 Gaffney Street and Sussex Street, Coburg North

Council adopted the 10-year Capital Works Program for Pedestrians and Cyclists (DCF28/20) and resolved to receive a future report that includes a timeline on the removal of the roundabout on the corner of Gaffney Street and Sussex Street, Coburg North.

Gaffney Street and Sussex Street, Coburg North Traffic Signal Project Timeframes DCF46/20 9 September 2020.

Council resolved to: note the timeline on the removal of the roundabout on the corner of Gaffney Street and Sussex Street, Coburg North, commencing in July 2020 and concluding in mid-2022.

1. Policy Context

Council Plan 2021 – 2025:

The improvements align with a Council Plan action to *maintain road safety focus through review of crashes and reported accidents, advocacy and continued efforts to address black spots, reduce speed limits and implement traffic calming measures including road closures.*

2. Background

The intersection at Gaffney Street and Sussex Street, Coburg North has been identified by the Department of Transport (DoT) as a high priority intersection to be upgraded to reconfigure a roundabout to traffic signals (lights) and the provision of a new left turn lane (on the north west side approach of intersection), nature strip and realigned footpath. The Victorian Government committed \$11.9 million to install the traffic lights and pedestrian crossings at the intersection.

The intersection carries 33,000 vehicles per day and is subject to safety, congestion and traffic flow issues. DoT records indicate since June 2017, there have been six casualty crashes at the intersection of Gaffney Street and Sussex Street, Coburg North. The distinct crash pattern highlights the exposure and difficulty faced by vulnerable road users negotiating the intersection.

A section of Council land measuring (20.8m²) will be required to facilitate the new left turn lane nature strip and realigned footpath to address the safety issues. This land will be acquired by Compulsory Acquisition from the DoT at current market value. The Council land is contained in part in Volume 10046 Folio 758 shown as Parcel 1 on SP24294 in attachment 1 of this report (in **Attachment 1**).

DoT undertook a Compulsory Acquisition process due to the Council's Caretaker Period and the statutory requirements of Section 116 of the *Local Government Act 2020*, which extended beyond the capital work program required by DoT to commence and complete the project by mid-2020.

On 5 November 2021 DoT took formal possession of the land Council land abutting the roundabout at Sussex and Gaffney Streets, Coburg. DoT advise Council officers that the key steps and timing of the project are:

1. Pre-construction works including acquisition of multiple land parcels and the relocation of various utility services: July 2020 to mid-2021;
2. Planning Scheme Amendment being pursued: August 2020 to March 2021;
3. Land acquisition: March 2021 to mid-2021 - depending on the acquisition pathway taken, land acquisition on the north-west corner may commence as early as late 2020;
4. Advertise construction contract: Mid to late 2021;

5. Construction to commence: Late 2021/early 2022;
6. Project completion: Mid 2022.

3. Issues

Compulsory Land Acquisition (CLA) & Public Acquisition Overlay (PAO)

A CLA was advised by DoT to be the most effective, timely and risk free way to proceed as other privately owned properties within the vicinity were to be subject to a CLA & PAO.

Therefore, the land at the south-western corner of Plumridge Park (owned by the Council) was included in the PAO with the other properties to be acquired by DoT. All property owners were consulted.

In order to complete its works, DoT has now lodged the statutory notices with Council to compulsorily acquire a small parcel of land (20.8m²).

Under current delegation to the CEO and officers there is no provision for officers to sign off on compulsory acquisitions and this matter therefore requires Council approval.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

This project will improve safety and provide better access for pedestrians to cross Gaffney and Sussex Streets.

4. Community consultation and engagement

DoT has consulted with the adjoining owners, general public and Council regarding their proposed works and timetable.

Internal consultation has been undertaken with the following departments:

- Transport
- Strategic Planning
- Open Space and Environment
- Engineering
- Governance

No objections were raised with regards to the DoT project or the Compulsory Land Acquisition.

DoT has undertaken community consultation and provided a scope of works. This information is located at: <https://www.vicroads.vic.gov.au/planning-and-projects/melbourne-road-projects/gaffney-street-and-sussex-street-intersection-upgrade>

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

Council will receive \$35,000 as compensation for the land acquired by DoT

7. Implementation

The CEO will sign the required documents to effect the compulsory acquisition by DoT and compensation for the land.

Attachment/s

- [1](#) [Sussex and Gaffney Street Compulsory Acquisition](#) D21/544505

7.8 DISCONTINUANCE AND SALE OF ROAD ADJOINING 222 MORELAND ROAD, BRUNSWICK

Director Place and Environment, Joseph Tabacco

Property

Officer Recommendation

That Council:

1. Notes that, following the consultation process undertaken in accordance with section 223 of the *Local Government Act 1989*, no submissions were received to the proposed discontinuance of the road adjoining 222 Moreland Road, Brunswick, and no objections were received through internal and external referrals
2. Determines that the road is not reasonably required as a road for public access and discontinues the road in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989*.
3. Publishes a notice of this decision in the *Victoria Government Gazette*.
4. Sells the land from the road to owners of 222 Moreland Road, Brunswick by private treaty in accordance with section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989*, section 114 of the *Local Government Act 2020* and Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011.
5. Authorises the Chief Executive Officer to execute the Transfer of Land documents and any other documents required to affect the sale of the land.

REPORT

Executive Summary

Council received a request from the owners of 222 Moreland Road, Brunswick for the discontinuance and sale of a small section of right of way (road) adjoining their property, shown hatched in **Attachment 1**.

The owners of 222 Moreland Road previously acquired from Council the full width of the 3.05 metres wide road adjoining part of their property in 2000, shown cross-hatched in **Attachment 1**. The current application for a further 2.5 m² of road has been made to assist with a development of the property. The section of road proposed for discontinuance is open and unused.

Internal consultation was undertaken, and the subject section of road is considered to be no longer reasonably required for municipal use and is surplus to Council's needs.

On 10 November 2021 Council resolved to commence the procedures for the discontinuance and sale of the section of road.

Public Notice of the proposal was given in *The Age* newspaper on Wednesday 17 November 2021 and on Council's website. No submissions were received.

Accordingly, this report recommends that the right of way (road) be formally discontinued and sold by private treaty to the owners of 222 Moreland Road, Brunswick in accordance with the *Local Government Act 1989*, the *Local Government Act 2020* and Council's policy.

Previous Council Decisions

Proposed ROW discontinuance of Road adjoining 222 Moreland Road, Brunswick – 10 November 2021

That Council:

- 1. Commences the procedures to discontinue and sell the road adjoining 222 Moreland Road, Brunswick in accordance with section 206 and clause 3 of Schedule 10 of the Local Government Act 1989.*
- 2. Gives public notice of the proposed discontinuance in accordance with section 223 and 207A of the Local Government Act 1989 in the Herald Sun newspaper and on Council's website and invite written submissions from Monday 15 November 2021 until Thursday 14 December 2021. The notice will state that if discontinued, Council proposes to sell the land from the road adjoining 222 Moreland Road, Brunswick, to the owners of that property in accordance with Council's Rights of Way Associated Policies 2011 and the Rights of Way Strategy 2011.*
- 3. Appoints Councillor Bolton as Chair, and Councillors Pavlidis, Carli Hannan and Pulford to a Committee to hear any submitters requesting to be heard in support of their written submission.*
- 4. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to discontinue and sell the road adjoining 222 Moreland Road, Brunswick.*
- 5. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee, and presenting a recommendation in regard to whether to proceed with the proposal to discontinue the road adjoining 222 Moreland Road, Brunswick.*

1. Policy Context

The Council Plan 2017-2021 articulates Council's provision of a large range of services for our community. These externally facing service areas are supported by a range of Council teams and include the management of the community's Council owned property and assets.

Council's Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011 have been used in assessing this proposal.

2. Background

Council received a request from the owners of 222 Moreland Road, Brunswick for the discontinuance and sale of a small section of right of way (road) at the rear of their property, shown hatched in **Attachment 1**.

Council previously discontinued the section of road adjoining 74 Cassels Road and 222 Moreland Road in June 2000. The land from the road, shown as Lots 1 and 2 on TP15233 in **Attachment 2** was subsequently sold to the owners 222 Moreland Road and 74 Cassels Road, respectively. Lot 2 now forms part of the title to 2/74 Cassels Road. Lot 1 is shown cross-hatched in **Attachment 1**.

The owners of 222 Moreland Road now wish to acquire an additional 2.5 m² of road in order to square off their property and assist with a future development.

At its meeting held on 10 November 2021 Council resolved to commence the procedures for the discontinuance and sale of the 2.5 m² of section of road.

Public notice of the proposed discontinuance and sale was given in The Age newspaper on Wednesday 17 November 2021 and on Council's website. Abutting property owners and occupiers and the registered proprietor of the land were also notified in writing of the proposal, with submissions to be received within 28 days of the date of the notice.

No submissions were received.

3. Issues

Not all of the road adjoining 222 Moreland Road was discontinued in 2000 due to the presence of both a Yarra Valley Water sewer vent and an adjacent manhole within the open road.

The location of the sewer vent is shown in **Attachment 1**. In recent years the owners of 222 Moreland Road have, at their own expense, relocated the Yarra Valley Water manhole to the west and outside the section of road proposed for discontinuance. The new location of the manhole is shown in **Attachment 1**.

Given that the manhole has been relocated, Yarra Valley Water has now consented to a partial discontinuance of the remaining road adjoining 222 Moreland Road, Brunswick. The road within one metre of the outer edge of the sewer vent is not able to be discontinued as Yarra Valley Water requires access to the vent for future maintenance.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities and Property rights (section 20), protecting rights of persons to not be deprived of property, including land and possessions. This right also makes sure someone is not deprived of their property by someone else.

4. Community consultation and engagement

The following Council units and officers have been consulted with respect to the proposal:

- Senior Development Engineer
- Drainage Engineer
- Transport
- Asset Management
- Place Manager Brunswick
- City Strategy and Design
- City Development and Planning
- Building Services
- Open Space Maintenance and Street Cleansing
- Open Space Design and Development.

No objections have been received from these units and the subject section of road is considered to be no longer required for municipal purposes.

There are no Council assets located in the section of road proposed to be discontinued and sold.

The relevant service authorities have also been consulted and no objection or requirements over the land have been received.

Public notice of the proposed discontinuance and sale was given in The Age newspaper on Wednesday 17 November 2021 and on Council's website for the duration of the 28 day consultation period. Abutting property owners and occupiers and the registered proprietor of the land were also notified in writing of the proposal, with submissions to be received within 28 days of the date of the notice.

No submissions were received.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

In accordance with Rights of Way Associated Policies, sales to residential owners, the ROW shall be sold at market rates. This proposed road discontinuance and sale is residential.

In a limited number of closures, the market value of the land will be less than the administrative costs associated with the closure and any drainage or occupation discount entitlements.

The road is proposed to be sold at current market value which has been assessed at \$2,695.00 (inclusive of GST). As the market value of the land is less than the administrative costs associated with the closure, the applicant has also agreed to meet all of Council's costs associated with discontinuing the road, currently estimated at \$21,780.00

Once discontinued and sold the land will become rateable.

7. Implementation

If Council resolves to discontinue the road and sell the land, an appropriate notice will be published in the Victoria Government Gazette. Following which, the land will be sold and transferred to the owners of the adjoining properties by private treaty in accordance with Council policy.

Attachment/s

- 1 [↓](#) 222 Moreland Rd Attachment 1 D21/445817
- 2 [↓](#) 222 Moreland Rd Attachment 2 D21/445816

7.9 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2021

Director Business Transformation, Sue Vujcevic

Finance Management

Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 December 2021, at Attachment 1 to this report.

REPORT

Executive Summary

This report presents the Financial Management Report for the financial year to date period ending 31 December 2021.

A detailed financial review was undertaken across the organisation throughout October. The results of this review are included in this report as the Full Year Revised Forecast. A second quarterly financial review has been undertaken throughout January and will be reflected in the January 2022 financial report presented to the March Council meeting.

The December Income Statement shows the Council surplus is \$7.8 million better than the year to date Revised Forecast as a result of higher overall revenue and lower overall expenditure. These differences are considered largely timely in nature.

Council has spent \$28.6 million on capital expenditure which is \$4.4 million less than the year to date Revised Forecast.

Council has previously taken the approach of generating small surpluses to reinvest in much needed infrastructure projects. This strategy has been impacted by the COVID-19 pandemic and it is unlikely Council will generate a funding surplus for 2021/22.

Previous Council Decisions

There are no relevant previous Council decisions.

1. Policy Context

This report supports Council's continuing commitment to open and accountable management of the financial resources of Moreland on behalf of its ratepayers.

2. Background

The Financial Management Report at **Attachment 1** provides Council's financial statements for the year to date (YTD) period ending 31 December 2021. The actual results are compared to the revised forecast which includes changes made in the First Quarter Financial Review (which was presented and endorsed at the December 2021 Council meeting).

3. Issues

Council ended December 2021 with a surplus operating result of \$23.0 million which is \$7.8 million (52%) better than the YTD Revised Forecast of \$15.2 million.

Significant variance explanations are provided below to clarify where the current YTD variances are expected to be a timing or permanent difference by 30 June 2022. A timing variance is a current difference between actual result and forecast which is expected to be resolved before the end of the financial year. A permanent variance is a current difference between actual result and forecast which will continue to the end of the financial year.

The main items contributing to the overall variance are:

Revenue

- **User Fees** ended \$0.3 million (12%) better than the revised forecast (permanent).
 - Primarily due to higher than anticipated Domestic Animal Act infringements.
- **Grants Operating** ended \$2.8 million (28%) better than the revised forecast (timing).
 - Primarily due to:
 - Receipt of the quarterly CHSP grants earlier than anticipated (\$1.7 million); and
 - Receipt of unbudgeted grant funding for the COVIDSafe Outdoor Dining Activation Fund (\$1.0 million).
- **Grants Capital** ended \$2.0 million (256%) better than the revised forecast (permanent).
 - Primarily due to:
 - The recognition of grant funds in line with expenditure for capital projects (\$1.7 million); and
 - Receipt of unbudgeted grant funding for CB Smith Reserve Precinct safety improvements (\$0.2 million) and the Regulatory Reform Incentive Fund (RRIF) Guidelines Project (\$0.2 million).

This will be offset by additional capital expenditure.
- **Contributions – Capital** ended \$1.2 million better than the revised forecast (permanent).
 - Primarily due to the receipt of unbudgeted developer contributed assets, associated with drains (\$1.1 million)

Expenditure

- **Contracts, Materials and Services** ended \$2.5 million (7%) less than the revised forecast.
 - Primarily due to:
 - Operating Projects ended \$1.0 million favourable due to a number of favourable variances across the organisation (timing);
 - General Works and Services ended \$0.5 million favourable due to lower than anticipated pool and recreation management fees year to date (timing);
 - Repairs and Maintenance ended \$0.3 million favourable due to several minor favourable variances across the organisation (timing);
 - Materials General ended \$0.2 million favourable primarily due to the timing of tree establishment costs (timing); and
 - Utilities ended \$0.2 million favourable due to the reduced usage of Council facilities (permanent). The revised budget assumed utility costs would return to pre-COVID levels.

Environmental Upgrade Agreements

No new Environmental Upgrade Agreements were approved in the quarter from 1 July 2021 to 30 September 2021. There are currently six agreements in operation, with a total value of \$574,176.46 Environmental Upgrade Agreement payments that have not yet fallen due.

Capital Projects – Capital Expenditure

The Capital Expenditure program year to date has an actual spend of \$28.6 million which is tracking \$4.4 million (13%) below the YTD revised forecast or \$45.4 million (61%) below the full year revised forecast (timing). The underspend comprises a number of minor variances, the most material of which being Fleming Park Masterplan Implementation which ended \$1.0 million favourable, and Newlands Rd, Coburg North - Traffic Improvement and Coburg Leisure Centre spa and sauna refurbishment which both ended \$0.6 million favourable. The capital revised forecast reflects the adopted 2021/22 budget, \$13.8 million of carry forwards from 2020/21 and first quarter financial review changes.

Cash

At the end of December, Council had cash and short-term investments of \$114.4 million. This is \$5.5 million higher than the cash position at the beginning of the financial year. Cash fluctuates frequently over the year due to a number of factors including the timing of payments and receipts. The increased cash position is primarily a result of the timing of rates payments, second instalments were due at the end of November. Council's cash assets will also be impacted by COVID-19 and is currently being monitored on a daily basis to ensure liquidity ratios are maintained. At the time of drafting this report, cash levels have remained on track.

Solvency Assessment

Council's liquidity ratio (current assets divided by current liabilities) is 1.6 as at 31 December 2021. The Victorian Auditor-General's Office recommends that this ratio be 1.5 or higher. The current ratio is similar to this time last year.

COVID-19 Financial Impacts

The annual budget was adopted at the June 2021 Council meeting, which addressed the known financial impacts of COVID-19 at the time. The first quarter financial review was completed in October and addresses any additional impacts as a result of the ongoing pandemic and restrictions. These impacts are addressed in a separate report which was presented to the December Council meeting.

Community Impact

There are no community impacts identified in this report.

Climate Emergency and Environmental Sustainability Implications

There are no climate emergency and environmental sustainability implications identified in this report.

Economic Sustainability Implications

There are no economic sustainability implications identified in this report.

Legal and Risk Considerations

There are no legal and risk considerations identified in this report.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Community Consultation and Engagement

This report has been prepared based on information provided by managers and reviewed by directors.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The overall corporate objective is to deliver the 2021/22 budget with the best possible outcome for Council and the community and in line with the adopted budget targets.

7. Implementation

The financial position of Council will continue to be monitored and managed.

Attachment/s

- | | | |
|---|--|-----------|
| 1 | ↓ Council Financial Management Report for the period ending 31 December 2021 | D22/16810 |
|---|--|-----------|

7.10 GOVERNANCE REPORT - FEBRUARY 2022 - CYCLICAL REPORT

Director Business Transformation, Sue Vujcevic

Governance and Strategy

Officer Recommendation

That Council:

1. Notes the Records of Meetings, at Attachment 1 to this report.
2. Notes responses to questions taken on notice during Public Question Time at the December 2021 Council meeting, at Attachment 2 to this report.
3. Appoints Margaret Devlin, Managing Director, Centre for Organisation Development as the Independent Advisor to assist the CEO and the CEO Employment and Remuneration Matters Advisory Committee to discharge its obligations in respect of any matter dealt with in the CEO Employment and Remuneration Matters Policy for the period 10 February 2022 to end December 2024.
4. Notes the further report on Kent Road Separated Bicycle Lane Options, as resolved at September 2021 Council meeting (item 7.2) to be presented by February 2022, will be presented to the March 2022 Council meeting.
5. Appoints Cr Conlan as an additional Councillor representative to the 'Transport and Getting Around' Portfolio for the 2021/2022 Mayoral year.

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:

- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 8 December 2021 Council meeting, with a recommendation that Council notes the responses.
- Seeking endorsement to appoint a new Independent Advisor to assist CEO Employment and Remuneration Matters Advisory Committee to help it discharge its obligations in respect of any matter dealt with in the CEO Employment and Remuneration Matters Policy.
- A revised date on the Kent Road Separated Bicycle Lane Options further report from February to March 2022 Council meeting.
- Appointing an additional Councillor representative to the 'Transport and Getting Around' Portfolio for the Mayoral year 2021/2022.

Previous Council Decisions

7.19 Chief Executive Officer Employment and Remuneration Matters Policy - 10 November 2021

That Council:

1. *Adopts the Chief Executive Officer Employment and Remuneration Policy at Attachment 1 with the following amendment:*
Under Item 3.1

Membership of the committee shall consist of the following:

- *Mayor; and*
- *All other Councillors*

The committee must be chaired by –

- a) The Mayor; or*
 - b) If the Mayor is not present at the committee meeting, the Deputy Mayor; or*
 - c) If the Mayor or Deputy Mayor are not present at the meeting, a Councillor who is present at the committee meeting and is appointed by agreement of the Committee to chair the meeting*
 - d) A quorum is 6 Councillors*
2. *Adopts the Chief Executive Officer Employment and Remuneration Advisory Committee Terms of Reference at Attachment 2 incorporating amendments as outlined in Point 1 above.*

7.2 Kent Road Separated Bicycle Lane Options – 8 September 2021

...

4. *Receives a report by February 2022 including:*
- a) Findings from the community engagement on the current design, in addition to alternative design options one, three, five and six (see Attachment 1) and option 7 (as outlined in resolution 2).*
 - b) Research and data analysis during the intervening period on cycling uptake, changes in vehicle speeds and volume, traffic incident reports and parking assessments*
 - c) Recommendations to Council for the remainder of the trial period.*
 - d) Recommendations to Council for consultation on future bike lane projects based on outcomes from proposed Kent Road community engagement process.*

...

1. Policy Context

The *Local Government Act 2020* (the Act) and the Governance Rules set out the requirements for keeping and reporting records of meetings held under the auspices of Council.

Council's Governance Rules contains provisions which enable the Chairperson to take a question On Notice, with a considered written response being provided to the questioner, in circumstances including where the question requires information that is either not available or accessible at the time of that meeting, or where the time allowed for Public Question Time has elapsed.

An Independent Advisor/consultant is required and responsible for providing independent professional advice in relation to the matters dealt with under the CEO Employment and Remuneration Matters Policy in accordance with section 45(2)(a) of the *Local Government Act 2020*.

Council's recently adopted CEO Employment and Remuneration Matters Policy sets out that an independent consultant will be appointed by Council in consultation with Mayor, Councillors and CEO to:

- Assist the Committee to discharge its obligations in relation to the Local Government Act 2020 to assist the Committee to establish a CEO performance plan; and conduct the annual performance review of the CEO and provide recommendations to the Committee which inform remuneration outcomes.

The appointment of Councillors to Portfolios, or areas of responsibility, is outlined in the Governance Rules and provides a framework for relationships between Councillors and the administration of Council to underpin informed decision making.

2. Background

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

In accordance with best practice principles and good governance practice, and to ensure compliance with the requirements of the Act, this report incorporates matters including reporting of Advisory Committees, records of meetings held under the auspice of Council, items relating to the delegation of Council powers and duties, and policy and strategy reporting.

3. Issues

Records of Meetings held under the auspice of Council

Records of matters discussed at meetings organised or hosted by Moreland that involve Councillors and Council officers are kept in accordance with the Governance Rules.

Meeting Records must include meeting attendees, including organisations represented by external presenters; the title of matters discussed; and any conflicts of interests disclosed and whether the declarant of a conflict of interests recused themselves from the meeting.

Some examples include Councillor Briefings, meetings with residents/developers/clients/organisations/Government departments/statutory authorities and consultations.

Records of Meetings received since the December Council Meeting are presented at **Attachment 1** as follows:

- Councillor Briefing – 29 November 2021
- Coburg Bluestone Cottage Working Group – 2 December 2021
- Councillor Briefing – 1 December 2021
- Councillor Briefing – 6 December 2021
- Planning Briefing – 13 December 2021
- Audit and Risk Committee – 14 December 2021
- Planning and Information Discussion meeting (52 Hope Street, Brunswick) – 21 December 2021
- Planning Briefing – 20 January 2022

On Notice responses – 8 December 2021 Council meeting

At 8 December 2021 Council Meeting, questions and/or statements were taken On Notice during Public Question Time, as persons submitting questions were not in attendance or including where the maximum allowable time for public questions had elapsed.

Questions taken On Notice are provided with a written response following the meeting for which they are submitted and reported to Council at the next practicable meeting. The questions, without preamble or background, are recorded in the meeting minutes. Statements taken On Notice are provided to Councillors for information, with an abbreviated/summarised version recorded in the meeting's minutes.

Written responses to questions taken On Notice are included in **Attachment 2** on topics including:

- Amendment C190more
- Amendment C212more
- Strategy to increase accessibility in Moreland

- Nicholson Street Safety Notice of Motion
- Governance Rules
- EOI Advisory Committees
- Walking In Brunswick Notice of Motion
- Bell Street Bridge Access
- Removal of Trees
- Transparency around staff delegated decisions
- Darebin Council Consultation on shared use of Northcote Golf Course
- Better parking for residents
- Streets cleaning

Appointment of new Independent Advisor to assist the CEO Employment and Remuneration Matters Advisory Committee

Council is required to appoint a new Independent Advisor to provide independent professional advice to facilitate the CEO's annual performance and remuneration review process (in accordance with the CEO Employment and Remuneration Matters Policy and *Local Government Act 2020*), following the resignation of the previous advisor from the role in late October 2021.

At its meeting on 10 November 2021, Council adopted an updated CEO Employment and Remuneration Matters Policy and associated Terms of Reference for the Committee, comprising of all Councillors.

The appointment of an external Independent Advisor is proposed from the date of Council's decision to the end of to end December 2024 (to align with current CEO's contract terms).

Following a research phase to identify potential Independent Advisors, a request for quote was sent to 3 potential advisors; subsequently 2 interviews were arranged with potential advisors. A small working group was formed to complete the interviews, comprising the Mayor, Cr Riley and Cr Pavlidis. Councillors were invited to join this working group process on 30 November 2021.

Following interviews held on 8 December 2021, the preferred Independent Advisor – Margaret Devlin was put forward to the CEO Employment and Remuneration Matters Advisory Committee for consideration (out of session), which has then led to the recommendation to appoint the new independent advisor as contained in this report.

All potential advisors approached and interviewed were informally recommended and highly regarded by industry stakeholders in terms of working with CEOs and Councillors to support/facilitate CEO employment and remuneration matters.

Margaret Devlin, who is recommended to be appointed as the new Independent Advisor, is well credentialed and highly experienced with over 30 years' experience in Local and State Government, including 10 years as a Councillor and Mayor of a large metropolitan Council. This includes extensive and recent experience facilitating Councillor Induction programs, CEO performance reviews, and selection panels (further information can be viewed at [CEO Performance Reviews \(cfod.com.au\)](https://www.cfod.com.au)).

Kent Road Separated Bicycle Lane Options – further report

Council, at its September 2021 meeting, resolved to receive a further report on Kent Road Separated Bicycle Lane Options by February 2022.

The report will consider Council's technical investigations, research and data analysis conducted, as well as the outcomes of Council's community engagement. The report will then inform a Council decision on the project's next steps.

Though this report was intended to be finalised sooner and presented to February 2022 Council meeting, various resourcing constraints due to the recent COVID-19 outbreak, complexity of the project findings, and additional technical investigations

have delayed the completion. The report will be presented to Council at its meeting scheduled for 9 March 2022.

Appointment of a Councillor to the Transport and Getting Around Portfolio

Each year, Council appoints Councillors to portfolios or 'Councillor Responsible For.' These appointments were made at the Special Council Meeting on 17 November 2021 for the 2021/2022 Mayoral year.

Cr El-Halabi was appointed to the Transport and Getting Around Portfolio.

It is recommended that in addition to Cr El-Halabi, Cr Conlan be appointed to the Transport and Getting around Portfolio for the 2021/2022 Mayoral Year. Cr Conlan is the Councillor representative appointed to the Sustainable Transport Advisory Committee and therefore, logically should be appointed to the associated Portfolio too. Appointment of Cr Conlan to the Portfolio would also resolve an administrative error where his nomination wasn't put forward at the time Councillors made a decision on Portfolio appointments.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

4. Community consultation and engagement

Public Question Time provides an opportunity for the community to engage with and direct their questions and statements directly to the Council.

5. Officer Declaration for a Conflict of Interests

Council officers involved in the preparation of this report have no conflicts of interest in the matters contained therewith.

6. Financial and Resources Implications

There are no financial and/or resource implications as a result of this report.

7. Implementation

Governance activity, including reports of Committees to Council, Records of Meetings and Community Question Time items will continue to be reported to Council monthly.

Subject to Council's decision in relation to the appointment of an Independent Advisor (to assist Council to discharge its obligations in relation to CEO Employment and Remuneration matters) the next steps include:

- Director Business Transformation will execute a contract to formally engage the preferred consultant; and
- The Independent Advisor will start working with the Mayor, Councillors and CEO to conduct the annual performance review of the CEO (for 2021) and provide advice to the Committee which inform remuneration outcomes; the outcomes of this process are expected to be reported to the March 2022 Council meeting.

Council will receive the further report on Kent Road Separated Bicycle Lane Options at the Council meeting scheduled to be held 9 March 2022.

Attachment/s

- | | | |
|----|---|-----------|
| 1↓ | Records of Meetings - February 2022 | D22/20933 |
| 2↓ | Responses to questions taken on notice at December 2021 Council Meeting | D22/30520 |

7.11 CONTRACT RFT-2021-230 14 FRITH STREET, BRUNSWICK - PARK CLOSE TO HOME

Director City Infrastructure, Anita Curnow

Capital Works Planning and Delivery

Officer Recommendation

That Council:

1. Notes the outcome of the tender process for the 14 Frith Street Park Close to Home Project, namely:
 - a) that one tender only was received;
 - b) that the Tender Evaluation Panel has been extensively negotiating with the tenderer to bring the project cost closer to budget through Value Management;
 - c) that some minor scope changes have been made in reducing the overall project cost through the Value Management process;
 - d) that this has reduced the tenderer's initial bid by \$440,950 but has included some modifications to the project scope; and
 - e) that despite these reductions, due to the significant impact from COVID-19 to the construction industry and resulting material and labour supply shortages and related increased building costs, there remains a further \$951,164 shortfall in the construction budget (including an adequate contingency) available for the contract.
2. Notes that the Department of Environment, Land, Water and Planning (DELWP) released Planning Practice Note 30 for guidance on Potentially Contaminated Land in July 2021, and that as a result of this, it is no longer possible to include the children's water play feature and still meet Council's delivery timeline obligations connected with the \$1.3 million DELWP grant funding under its Local Parks Program.
3. Considering the factors in paragraph 1(e) and 2, approves the final scope of the 14 Frith Street Park Close to Home Project as described as shown in the concept design that formed the basis of the tender (Attachment 1) with the following changes:
 - a) One public toilet rather than two
 - b) The removal of sun stairs on the northern boundary of the park
 - c) The removal of the water play playground in the south west corner of the park, but retention of the metal boardwalk at that location
 - d) Other minor changes relating to materials and finishes
4. Endorses the retention of the remaining scope items such as the climbing wall, the remaining toilet, half court multisport, table tennis, picnic and BBQ area, so that the park is still able to accommodate a range of recreational experiences in addition to the primary benefit of passive green space in a neighbourhood otherwise lacking in these spaces.
5. Notes that professional fees and the headworks charges and authority fees for the desired scope throughout the community consultation and funding commitment were previously underestimated to the value of \$121,465 and are now added to the total project budget, although they do not fall within the scope of Contract RFT-2021-230; therefore along with the shortfall of \$951,164 for the construction contract identified at paragraph 1(e) the total project budget shortfall is \$1,072,629.

6. Notes that the unallocated funding in the Public Resorts and Recreation Land Fund (PRRLF) – the Open Space Reserve – is currently projected to reach \$35.1 million by the end of 2022/23, and that some 90 per cent of the PRRLF is intended for use in the Park Close to Home projects.
7. Approves the allocation of up to an additional \$1,072,629 from the PRRLF for the project which will allow adequate budget for the contract to be awarded and committed delivery timelines achieved.
8. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Building Engineering ABN 41 103 839 514 (Contractor) to award to the Contractor contract RFT-2021-230 for the Park Close to Home – 14 Frith Street Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 8(b) of this Resolution:
 - i. For a fixed lump sum of \$4,772,212 (excluding GST) for Design and Construct Contract RFT-2021-230.
 - ii. Allocate a 10 per cent contingency of \$477,221 (excluding GST) for Contract RFT-2021-230 for unforeseeable variations that may arise during construction and bring the total expenditure approval for Contract RFT-2021-230 to \$5,249,433 (excluding GST).
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 8(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 8(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer
9. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and
 - b) Advises all tenderers of Council's decision in relation to the Contract.

REPORT

Executive Summary

Council endorsed the project scope for the 14 Frith Street Park Close to Home Project (the Project) with a total project budget of \$4,923,269 (excluding GST) at its 9 June 2021 meeting. This followed community engagement on the concept and consideration of the future use of the enclosed heritage building on the north west corner of the site.

A public Request for Tender (RFT) was issued on 30 October 2021 and closed on 6 December 2021. One submission was received and the tendered price exceeded the previous estimate and budget allocation.

While significant reductions of \$440,950 were identified, further cost savings could not be realised without impacting upon the functionality of the park as intended and as conveyed as part of the funding grant from DELWP. The global pandemic has resulted in labour and material supply shortages in the market, contributing to the excessive construction cost increase.

In addition, further professional fees associated with the project have been identified outside of the contract, bringing the total funding deficit to \$1,072,629. The tender assessment was completed with a recommendation agreed by the Tender Evaluation Panel on negotiating with the submitting tenderer. Value Management, aimed at bringing the final price back to the budget, was pursued with this tenderer.

This report seeks Council's endorsement of the modified scope in the light of the Value Management activity, noting also that one of the scope changes (removal of the children's water play area) has been necessitated by the need to comply with a new Planning Practice Note 30 which was released in July 2021.

This report seeks the release of additional funding of \$1,072,629 from the PRRLF to support the successful delivery of the project.

This report further provides a recommendation on the appointment of the preferred contractor to undertake the construction of the Project under a Design and Construct contract with a contingency allowance.

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

Previous Council Decisions

12.1 Frith Street Park Close to Home – Future Use of Enclosed Building – 09/06/2021

That Council:

1. *Notes the preferred use of the enclosed building element of the Frith Street Park Close to Home project as a café / deli / provedore, as identified through the market analysis;*
2. *Endorses the retention of the enclosed building element in Council ownership, with tenancy arrangements to be progressed as the project is implemented.*
3. *Endorses the revised project budget of \$4,923,269, inclusive of building costs up to 'warm shell' as outlined in this report, with an additional \$1,517,844 to be sourced from the Public Resorts and Recreation Land Fund (PRRLF), noting that \$212,000 of this sum relates to the parallel Council Report Frith Street Park Close to Home Engagement Outcomes and Final Park Concept.*

7.2 Frith Street Park Close to Home - Engagement Outcomes and Final Park Concept - 9/06/2021

That Council:

1. *Notes that community engagement on the 14 Frith Street Park Close to Home project is complete, and the key themes emerging from the engagement have informed specific design outcomes.*
2. *Endorses the final concept plan for the new park at 14 Frith Street, Brunswick as provided in Attachment 2, which has been amended from the draft concept plan based on community feedback and heritage advice.*
 - a) *Noting the industrial nature of the site and proximity to Sydney Road. That public lights be installed with a further report presented to council about installing LED lights, with the objecting of making the park safe at night and mitigating against the impact to nearby residents.*
3. *Notes that the additional features of the park emerging from the community engagement and other items needed for park construction will take the current total cost of landscaping works / park construction for this to \$1.60 million, representing an increased cost of \$212,000.*
4. *Notes that the unallocated funding in the Public Resorts and Recreation Land Fund (PRRLF) – the Open Space Reserve – is currently projected to reach \$33.1 million by the end of 2022/23, and that some 90 per cent of the PRRLF is intended for use in the Park Close to Home projects.*

5. Approves the allocation of an additional \$212,000 from the PRRLF which will allow the delivery of the final concept design as endorsed in the final stage of community engagement.

DCI21/20 Park Close to Home - 14 Frith Street update - 9/12/2020

That Council:

1. Notes the heritage façade and an associated building is a required feature of the overall park development project for 14 Frith Street, Brunswick.
2. Receives a further report regarding recommendations on a tenancy and funding strategy for the enclosed building element of this project in the first half of 2021.
3. Requests new heritage buildings or structures remain in public hands.

1. Policy Context

Financial Management

This report is in keeping with Council's commitment to accountability and sound financial management. It addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires the Council to conduct a public tender for goods, services and works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (incl GST) as well as the policy commitments contained in Council's Procurement Policy.

Council Plan 2021-2025

Strategic Objective 1 – An environmentally proactive Moreland

To strive for maximum protection of people's health, plants and animals through leading an urgent response to the climate emergency and regeneration of our natural environment.

Strategies

1.4. Strategically increase accessible and inclusive open spaces based on local needs and other priorities for parks, playgrounds, dog parks, sporting facilities, community gardens, eating, toilets, etc

Strategic Objective 4 – Vibrant spaces and places in Moreland

To create welcoming, unique spaces and places across Moreland that attract and connect everyone, improving access to community facilities and affordable housing and encouraging vibrant artistic, social and economic activity.

Strategies

4.3. Design Moreland's neighbourhoods to be safe, pleasant, inviting places for all to visit and live

4.5. Promote the amenity and liveability of the public realm with services, facilities, community participation, strong local laws and compliance activities

A Park Close to Home Framework

The framework adopted by Council on 6 December 2017, is a strategy to fill gaps in the open space network in Moreland. The strategy is intended to create and improve access to open space in the areas that need it most, by identifying gap areas in the community where residents are not within walking distance to their closest park. The development of land for a park at 14 Frith Street, Brunswick will help to address one of the high priority gaps outlined in the framework.

Moreland Open Space Strategy 2017-2022

Moreland's Open Space Strategy provides recommendations for maintaining the municipality's liveability in the context of steady population growth, by adding new open space and improving existing open space. The key issues affecting the provision of open space into the future addressed in the Strategy include population growth, protecting and enhancing environmental values, climate change and increasing urban temperatures. The development of land at 14 Frith Street for a park will help meet the following goals, objectives and strategies of the Strategy:

- Goal 1 - Providing parks close to home
 - Objectives:
 - Incrementally acquire and develop open spaces (where possible) to increase the proximity of high-quality parkland to residential dwellings
 - Ensure every household has safe and convenient access to parkland for passive recreation, quiet contemplation, sport and access to nature
 - Provide and protect quality open space that provides a range of experiences and accessible recreation opportunities, natural and cultural heritage features, and high-quality park facilities and landscape settings
 - Strategy:
 - Pursue opportunities to acquire local open space in areas undersupplied by open space, where densities and building heights are increasing, or where dwellings occur in mixed-use areas and activity centres

2. Background

Project Development

In April 2019, Council purchased 14 Frith Street Brunswick, an unusual inner urban, industrial property, 2700m², with distinctive architecture and rich history of former industrial uses, including a forge / foundry, Fletcher Jones clothing factory and electrical sub-station. The purchase was made as part of Council's Park Close to Home program, which seeks to address the deficiency of access to open space across the municipality and is a major project initiative for Council.

Council received a report in December 2020 (DCI21/20) highlighting the significance of the heritage building and the requirement to retain the associated building within a design concept. The report also presented a draft concept plan and outlined the proposed community consultation process.

Consultation was completed through late 2020 and the first half of 2021. The findings of these activities were reported to Council at the 9 June 2021 Council meeting. Also at this meeting Council considered a confidential report on the future use of the enclosed building on the site, informing the scope of the works to be undertaken. Since then Officers have been working through the detailed design and development with various consultants for the project, including seeking planning permission and commencing the tender process to find a construction partner.

The purpose of this report is to recommend the award of the Design and Construct contract of the 14 Frith Street Park Close to Home project (Contract RFT-2021-230) to the preferred contractor.

Tender Process

The Request for Tender (RFT) was carried out as a Public Tender which was advertised on Saturday 30 October 2021 via Moreland's eTender system. One submission was received from Building Engineering Pty Ltd on the closing date of 6 December 2021.

Due to the significant impact from COVID-19 on the construction industry, including delays to many projects, most contractors are currently undertaking works with their existing clients and there are a very limited number of building contractors in the market interested in new public tenders. Material and labour supply shortages and related increased costs have also resulted in increased risk for building contractors taking on new projects. These factors are believed to have contributed to only one tender submission being received for this project.

Tender Evaluation

This tender has been evaluated in accordance with Council's Procurement Policy. A Procurement and Probity Plan was developed and approved for this project. The tender submissions were evaluated based on the following predefined criteria documented in the Procurement and Probity Plan:

Evaluation Criteria	
Compliance with terms and conditions	10%
Relevant expertise and past performance (including OH&S), cohesive and suitable team	25%
Resources commitment, current workload and ability to meet timeframes and program	15%
Sustainability - social	5%
Sustainability Environmental	5%
Sustainability – Economical	5%
Price	35%
Weighted result:	100%

The tender evaluation panel consisted of:

Title	Speciality	Full Voting / Advisory Member
Head of Building Projects	Building Projects	Full
Manager Capital Works Planning and Delivery	Building Projects	Full
Unit Manager Open Space Design and Development	Open Space	Full
Manager Open Space and Environment	Open Space	Full
Director City Infrastructure	Projects Delivery	Full
Senior Procurement Partner	Procurement	Advisory

Following the tender clarifications and Value Management process, the Evaluation Panel determined Building Engineering as the preferred Contractor for the project as documented in the Tender Evaluation Matrix. Detailed evaluation criteria and weighting is reflected in the attached Tender Evaluation Matrix (confidential **Attachment 2**).

Building Engineering provided a highly tailored submission. Its submission shows a good understanding of the project with a proposed construction program that meets the project expectation. The tender price and the list of the proposed Value Management options have been thoroughly assessed by the Quantity Surveyor and it appears to be fair and reasonable given the current market condition. The submission demonstrates Building Engineering's extensive experience in delivering similar projects and the proposed project team is well experienced in delivering such projects. The company has also shown a strong connection with the local community and further emphasised its strong commitment to the Social, Environment and Economic Sustainability of the project with a list of initiatives to be undertaken as part of the project.

Building Engineering is currently delivering two other projects for Moreland City Council. Through these, the company has demonstrated its ability to manage complex Design and Construct projects and its project teams are very proactive and experienced in providing solutions for issues encountered onsite.

3. Issues

Social/Environmental/Local Implications

The preferred contractor has a number of localised policies and initiatives that will be implemented on the project throughout the construction to improve the social, economic and environmental outcomes. The contractor's policy includes the engagement of Outlook Victoria (Social Enterprise/ Australian Disability Enterprise), Scope Australia (Australian Disability Enterprise), Kulbardi Office Supplies (Supply Nation certified Aboriginal business), I'm Still Learning (Registered Charity), and Moreland based staff and subcontractor.

Impacts on the project

A variety of factors have impacted the delivery of this project.

COVID-19

The global pandemic has had a significant impact on the cost of materials due to material supply shortages and increased demand for construction activities around the world. This has resulted in price increases, particularly in raw materials like concrete, steel and timber in some cases in excess of 30 per cent. Officers have spoken with several builders and Council's Quantity Surveyor and this appears to be consistent across the industry.

Changes to working environments as a result of the pandemic have also resulted in the loss of productivity for some areas. This has resulted in delays in the provision of design and development work for the project.

Changes to contaminated land guidance

The Planning Practice Note 30 for guidance on Potentially Contaminated Land was updated by the Department of Environment Land Water and Planning in July 2021. This update included changing the categorisation for some land uses and their potential for impact from contamination. Of relevance is that a children's playground is now considered a sensitive use. Due to the inclusion of 'water play' elements within the design, this triggers the need for a complete environmental audit to be conducted for the site as part of the planning permit process under the *Planning and Environment Act 1987*.

Investigation by Officers has revealed that this would add potentially in excess of \$400,000 to the project and an expected minimum delay of 6 months. This would put in jeopardy Council's ability to meet the requirements of the grant funding agreement for the project.

This is considered an unacceptable risk and unreasonable delay to the project. In response the children's water play has unfortunately been removed from the project. Officers note that facilities for younger children are available in the nearby vicinity, including at Randazzo Park approximately 200m south of the Frith Street site on Albert Street.

Climate emergency and environmental sustainability implications

The objectives of Moreland Sustainable Building Policy have been taken into consideration for this project with the following elements included in the design:

- Water efficient fixtures and fittings
- Sustainable building materials that reduce environmental and health impacts
- LED lighting
- Solar panels

Economic sustainability implications

The project has contributed significantly to the local economy by employing local based staff and contractors. The preferred contractor has a number of proposed initiatives to be implemented during the construction process and will bring further positive impact to the local economy. The engagement of I'm Still learning (Registered Charity) through the donation of unused/offcuts material, and volunteering of construction professionals were specifically raised by the contractor.

The future use of the Fletcher Jones corner of the site for commercial purposes will encourage local businesses and allow a modest commercial return to Council.

Legal and risk considerations

The tender process has adhered to the Procurement policy with legal assistance throughout the contract negotiation process to mitigate the legal risk.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. There were no Human Rights impacts identified.

4. Consultation / Recommendation from Management

A complete record of consultation and engagement for this project is contained in Council Report 7.2 Frith Street Park Close to Home - Engagement Outcomes and Final Park Concept - 9/06/2021.

A summary of the consultation process is provided below:

Stage 1 Engagement – Draft Concept Plan (3 December 2020 to February 2021)

Due to COVID-19 restrictions officers utilised the Conversations Moreland website platform and polling functionality to seek community input into the first round of consultation for the project, including the opportunity to vote on various elements of the proposal. This process was supported by the increased promotion of the project through direct mail to surrounding properties and social media promotion.

Stage 2 Engagement – Closing the loop (30 April 2021 to 17 May 2021)

Changes were made to the concept plan in response to the first round of consultation, which was then shared with the community. The second stage of consultation included two face to face pop-up consultation sessions held at the Albert Street Woolworths and café Project281 in Brunswick, nearby the subject site, owing to the easing of restrictions. Approximately 60 people were engaged across the two sessions and they included passers-by and a number of people responding to the postcard.

This was further supported by online consultation and a Question and Answer function on the Conversations Moreland website and promoted through direct mail to surrounding properties within approximately 500m of the site and posters at the project site. Email notifications were also sent to registered users of the Conversations Moreland webpage platform.

Council endorsement

The results of the consultation and engagement process were presented to Council in June 2021 and subsequently endorsed at the same meeting.

Affected persons rights and interests

Before making a decision that affects a person's rights, Council must identify whose rights may be directly affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

For this project the key affected persons are those who live, work or own property in the nearby vicinity of the future park. Opportunity to be involved in the process has been advanced through public promotion of the project both onsite and the utilisation of a public website platform that is open to all members of the community.

5. Declaration of Conflict of Interest

Council Officers, external consultants and all other parties involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The previously endorsed project budget is outlined in the following table.

TOTAL Approved Project Budget	\$4,923,269
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Based on the preferred tender cost, the overall project cost (excluding GST) is outlined in the following table:

Building Works Contract Sum	\$ 4,772,212	
Construction Contingency (10%)	\$ 477,221	
Total Recommended Tender Cost (RFT-2021-230)		\$5,249,433
Professional fees	\$ 596,465	
Authority Costs & Headworks Charges	\$ 150,000	
Total non-construction cost		\$746,465
Total Project Cost		\$5,995,898

Cost overrun for Contract RFT-2021-230	\$951,164
Cost overrun for additional costs	\$121,465
TOTAL COST OVERRUN	\$1,072,629

The original project budget didn't account for the cost escalation and material increase due to the COVID-19 impact. Significant additional costs have been avoided through some modifications of the project scope during the Value Management process. For example, the sun stairs have been reverted to a simple wall along the edge of the grass and the number of toilets to be provided has been reduced from two to one.

Further, professional fees associated with project management were previously underestimated by \$221,465, with a total amount of \$596,465 (budgeted was \$375,000) required to ensure this significant project is able to be adequately administered by Council officers. Offsetting this increase by \$100,000, authority costs and headworks charges are now estimated at \$150,000 rather than the original budgeted amount of \$250,000. The net overrun for professional fees and authority and headworks charges of \$121,465 does not fall within the scope of Contract RFT-2021-230.

The unallocated funding in the PRRLF is currently projected to reach \$35.1 million by the end of 2022/2023. The additional funding required for this project will be \$1,072,629.

Officers support the releasing of additional funds from the PRRLF of \$1,072,629 to fund the recommended project cost, as this will allow Council to deliver a park with a design that is consistent with the Council endorsed concept plan, which generally responds to the community feedback and heritage advice for the park.

To descope the project to meet the initially approved budget, the design would require significant modification and there would be a further risk of not meeting the funding timeline and jeopardising the \$1.3 million DELWP grant funding.

Officers do not support further reducing the scope of the design as this will diminish the overall quality of the project; both from a heritage perspective and to deliver on the feedback from the community.

Further, the additional costs for professional fees and authority and headworks costs are unavoidable costs relating to the Frith Street Park Close to Home project and cannot be reduced.

7. Implementation and Timeline

Subject to Council approval, the budget for the project will be increased to accommodate the additional costs associated with the award of tender and associated project costs.

It is proposed that the Chief Executive Officer be authorised to do all things necessary to execute the contract/s and any other required documentation, including authorising any cost overruns, provided that the overall budget within the Capital Works Program is not exceeded.

The contract will commence as soon as possible following Council endorsement. The construction is programmed for commencement in March 2022 with anticipated completion by 30 June 2023.

Attachment/s

- | | | |
|---|--|------------|
| 1 | Final Concept Plan - Frith Street - A Park Close to Home | D21/156442 |
| 2 | RFT-2021-230 14 Frith Street- Tender Assessment Matrix | D22/31633 |

Pursuant to section 3(1)(g(ii)) of the Local Government Act 2020 this attachment has been designated as confidential because it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

8. NOTICES OF MOTION

8.1 JACANA TRAIN STATION SAFETY ADVOCACY

Cr Angelica Panopoulos

Motion

That Council:

1. Writes to the Hon Ben Carroll Minister for Public Transport and Broadmeadows Member of Parliament, Frank McGuire in the next fortnight:
 - a) Alerting them to the concerns of residents regarding safety at Jacana station;
 - b) Requesting that a safety audit of Jacana station be conducted as soon as practicable;
 - c) Requesting the development of a plan to increase safety at Jacana station, particularly in direct engagement with local residents, women and non-binary people; and
 - d) Requesting that a response be received by Council outlining what the Minister and Member of Parliament will and will not commit to and any indications of time-frames for action.
2. Writes to VicTrack and VicRoads, as the responsible bodies, requesting they remove all graffiti at the station and install a mirror at the corner of the Langton St tunnel as interim safety measures at Jacana station.
3. Writes to the Australian Rail Track Corporation (ARTC) seeking an updated project timeline for works within the vicinity of Jacana Railway Station as part of the Inland Rail Project.
4. Notes that Council is committed to advocating for improved personal safety at Jacana station, as specifically included in the 2021-2022 Council Action Plan and the Advocacy Plan, despite not ultimately being responsible for the infrastructure or maintenance at the station.

1. Background

Cr Panopoulos's background:

Jacana train station is a small station that sits between the larger Glenroy and Broadmeadows stations. It provides a conveniently located station for local residents of Moreland and Hume to use when catching trains on the Craigieburn line and aligns with broad strategic objectives of having public transport be accessible and nearby to where the community lives. For example, for residents living adjacent to the train station, instead of walking 20 minutes to Glenroy station or 30 minutes to Broadmeadows station, they can walk for 5 minutes. Having such a conveniently located station also reduces the need for people to drive to the station, further assisting with mode shift and promoting environmentally friendly modes of travel.

Despite this, there are several perceived and actual safety issues at Jacana station due to both the actual design of the space and the lack of upkeep. There are many land-owners of the station and its surrounds, however safety should be a top priority for all. When entering the station from Langton Street, users must pass through a tunnel-like structure which gets dark at 4pm during Summer months and does not have any visibility when turning the required corner to go up the ramp to reach the platform. Bike riders also use this path when travelling along the M80 trail, meaning that visibility when turning corners is essential. The tunnel is covered in graffiti (which at times included white supremacist slogans), does not have any lighting and there are no mirrors to increase visibility. The ramp to reach the actual platform is encased in a

rusted, cage-like structure. The planters intended for landscaping are overgrown, dried out and filled with litter - including syringes.

The design and maintenance of the station itself is not directly within the remit of Council, meaning that Council can play an important advocacy role in ensuring that all users of Jacana station can feel safe.

2. Policy Context

Officer's comments:

The Notice of Motion acknowledges the alignment with Action 21 of the Council Action Plan 2021-22, to 'Advocate for improved personal safety and increased amenity at and around Jacana Station'.

Works are planned to occur in the vicinity of Jacana Railway Station by the Australian Rail Track Corporation (ARTC) as part of the Inland Rail Project. These are anticipated around 2024. This will include significant works to Pascoe Vale Road and rebuilding of access ramps to the station to current standards.

Council is responsible for the illumination of the tunnel from Jacana Station to Langton Street. Officers are arranging an assessment of the underpass lighting against current standards.

Council does not have responsibility, or permission to maintain assets in the rail reserve owned by the State Government, including litter and graffiti removal. Council officers currently report these issues via relevant public online portals.

Council officers will write to VicRoads and VicTrack requesting a direct point of contact to escalate the removal of offensive graffiti and request the installation of mirrors.

3. Financial Implications

Officer's comments:

The actions arising from this motion can be accommodated within existing base budget.

4. Resources Implications

Officer's comments:

The actions arising from this motion can be accommodated within existing resources.

8.2 OUTDOOR POOL OPENING HOURS

Cr Sue Bolton

Motion

That Council receives a report on outdoor pool opening hours with options on:

1. Extending opening hours for the outdoor pools.
2. Extending the season for the outdoor pools when hot weather is predicted to start earlier or end later than the standard outdoor pool season.
3. Better promotion of when the outdoor pools are open and include improved promotion of the outdoor pools in any future contract for the running of Moreland's Aquatic and Leisure Centres.
4. Referring any funding needed for extended opening hours to be considered in the 2022/23 Council budget process.

1. Background

Cr Bolton's background:

There are a number of reasons for outdoor pools being important community assets:

- The speeding up of climate change means ever-hotter summers. Outdoor pools are an important means for people to cool down.
- The infectious nature of COVID means that outdoor recreation is safer than indoor recreation.
- The opportunity for people to learn to swim and understand water safety to prevent drownings. Royal Life Saving Australia has reported that the 2020-2021 and 2021-2022 summer each experienced increases in summer drownings.

2. Policy Context

Officer's comments:

Moreland City Council has three seasonal outdoor pools - Coburg Olympic Swimming Pool, Fawkner Outdoor Pool and Pascoe Vale Outdoor Pool.

During the 2020/21 summer season community members provided feedback that some of the outdoor pools were not open for long enough and the hours of operation were unclear. This summer an extra hour of daily operation has been provided at the three outdoor pools resulting in consistent and aligned opening times across facilities and greater clarity for the community.

3. Financial Implications

Officer's comments:

Dependant on the outcome of the report, it is anticipated there would be financial and operational implications on further increasing the summer season hours for the outdoor pools. A future report will outline financial implications for consideration as per the motion.

4. Resources Implications

Officer's comments:

There are no resource implications in providing a report to Council.