**Council AGENDA**

Wednesday 9 March 2022

Commencing 7 pm

The meeting will be held via video conference and livestreamed



**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.

1. **APOLOGIES** 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.
2. **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.
3. **CONFIRMATION OF MINUTES** The minutes of the previous meeting are put before Council to confirm the accuracy and completeness of the record.
4. **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.
5. **PETITIONS** Council receives petitions from citizens on various issues. Council formally accepts petitions at Council meetings.
6. **PUBLIC QUESTION TIME** This is an opportunity (30 minutes), for citizens of Moreland to raise questions with Councillors.
7. **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.
8. **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.
9. **NOTICE 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.
10. **FORESHADOWED ITEMS** This is an opportunity for Councillors to raise items proposed to be submitted as Notices of Motion at future meetings.
11. **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.
12. **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.
13. **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 13 April 2022 commencing at 7 pm, in the Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg. The next Planning and Related Matters meeting will be held on Wednesday 23 March 2022.

**WELCOME**

**1. APOLOGIES/LEAVE OF ABSENCE**

**2. DISCLOSURES OF CONFLICTS OF INTEREST**

**3. MINUTE CONFIRMATION**

The minutes of the Council Meeting held on 9 February 2022 be confirmed.

**4. ACKNOWLEDGEMENTS AND OTHER MATTERS**

**5. Petitions**

5.1 Save the Harding Street Bridge 6

5.2 Moonee Ponds Creek - off leash dog path 7

**6. PUBLIC QUESTION TIME**

**7. Council Reports**

7.1 Renaming of Moreland City Council - Community Engagement, Education and Truth Telling 8

7.2 Kent Road Separated Trial Bike Lane 18

7.3 Proposed Road Discontinuance Adjoining 50-52 Breese Street Brunswick 47

7.4 Right of Way Discontinuance and Sale Adjoining 133 Brunswick Road Brunswick 51

7.5 Moreland City Council - Shopfront Activation Program 55

7.6 2022 Annual and Winter Sports Facilities and Grounds Tenancy Allocations 66

7.7 Review of Instrument of Delegation Council to Council Staff 73

7.8 LIVING AND AGEING WELL IN MORELAND – REPORT ON YEAR 2 ACTIONS 76

7.9 Council Action Plan 2021-22 - Second Quarter Performance Report 79

7.10 2021/22 Mid-Year Forecast 85

7.11 Contract RFT-2021-150 Sumner Park Pavilion Refurbishment 94

7.12 Governance Report - March 2022 - Cyclical Report 103

**8. Notices of Motion**

8.1 Advocacy for the refugees detained in the Park Hotel 106

8.2 Moreland Toy Library 108

8.3 Upgrade of Sportsfield Lighting JP Fawkner East Reserve 110

8.4 Council support for Moreland food relief initiatives 112

8.5 Strategic Land Acquisition 114

8.6 Dogs and Moonee Ponds Creek 115

**9. Notice of Rescission**

Nil

**10. Foreshadowed Items**

**11. URGENT BUSINESS**

**12. Confidential Business**

12.1 TENDER RECOMMENDATIONS FOR CONTRACT 2021-203 MANAGEMENT OF COUNCIL’S AQUATIC AND LEISURE CENTRES

*Pursuant to section 3(1)(a) of the Local Government Act 2020 this report has been designated as confidential because it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

**5. Petitions**

**5.1 Save the Harding Street Bridge**

A petition (D22/75273) has been received containing 317 signatures requesting Council save the Harding Street Bridge.

**Officer Recommendation**

That Council:

1. Receives the petition, requesting Council save the Harding Street Bridge.

2. Refers the petition requesting Council save the Harding Street Bridge to the Director City Infrastructure for consideration and response.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Petition - Save Harding Street Bridge | D22/75273 |  |

**5.2 Moonee Ponds Creek - off leash dog path**

A petition (D22/78463) has been received containing 377 signatures requesting Council designate the path along the Moonee Ponds Creek Trail, from Brady Reserve to the southern boundary of the South Ward (south of Brunswick Road overpass) a ‘dog off-leash’ zone.

**Officer Recommendation**

That Council:

1. Receives the petition, requesting designate the path along the Moonee Ponds Creek Trail, from Brady Reserve to the southern boundary of the South Ward (south of Brunswick Road overpass) a ‘dog off-leash’ zone.

2. Refers the petition requesting designate the path along the Moonee Ponds Creek Trail, from Brady Reserve to the southern boundary of the South Ward (south of Brunswick Road overpass) a ‘dog off-leash’ zone to the Director City Infrastructure for consideration and response.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Petition - Moonee Ponds Creek off leash dog path | D22/78463 |  |

**7. Council Reports**

**7.1 Renaming of Moreland City Council - Community Engagement, Education and Truth Telling**

**Director Community Eamonn Fennessy**

**Community Engagement**

**Officer Recommendation**

That Council:

1. Endorses the proposed community engagement approach and the community education and cultural program to inform and support the renaming of the municipality which includes:

a) Receiving options for new names proposed by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and inviting community consultation on the options.

b) Municipal-wide engagement with the community from March to May 2022 including a printed and online feedback survey on proposed names, translated information, distribution of surveys and information to households, and an optional submissions process for community members who wish to provide additional comment.

c) Supporting municipal-wide community education and truth-telling around local Wurundjeri Woi Wurrung history, and why renaming Moreland is an important step towards reconciliation and healing.

d) At completion of the consultation period, a panel consisting of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation representatives, the Mayor and Deputy Mayor will deliberate on community feedback and recommend a final name for endorsement by Council.

2. Receives a report in June 2022 setting out feedback received through the community engagement process and the panel’s recommendation for a new municipal name.

3. Determines at the June 2022 Council meeting the recommended new name for the municipality, for recommendation to the Minister for Local Government.

**REPORT**

**Executive Summary**

In November 2021, information was presented to Council by Elders from the Traditional Owner community and other community representatives, showing that Moreland City Council was named after land, between Moonee Ponds Creek and Sydney Road, that Farquhar McCrae acquired in 1839. He named the land ‘Moreland’ after a Jamaican slave estate his forebears had operated. The land which forms part of the Moreland local government area was sold to Farquhar McCrae without the permission of the Traditional Owners, who were suddenly dispossessed from their land.

In 1994 the State Government chose Moreland as the name for the newly formed municipality which was amalgamated from the Cities of Coburg, Brunswick and part of Broadmeadows. The municipal name “Moreland” is therefore associated with slavery, racism, and dispossession, and the Elders requested that Moreland City Council change its corporate name.

Council considered a report on 13 December 2021 and resolved to change Moreland’s name. Council also resolved to co-design the engagement, education and name selection process with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and other community representatives. A report was to come back to the February 2022 Council meeting (later rescheduled to March 2022).

A collaborative planning process took place over December 2021 – March 2022 with regular meetings between Council, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and community representatives.

This report sets out:

 A proposed approach to community engagement about options for a new municipal name, with the options being names in Woi Wurrung language proposed by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

 A community education and truth telling process involving events, forums and information which:

o Encourages the community to consider the ongoing impacts of past injustices including dispossession and racism.

o Raises awareness around why a name change is a significant step towards reconciliation and healing.

o Builds pathways to Council’s broader reconciliation work that supports the Statement of Commitment, and forms a continuing program.

 Specific measures to encourage and facilitate participation from people of culturally and linguistically diverse backgrounds, people who are not computer literate or unlikely to participate online, and children and young people. This includes translated information and hard copy information provided to households.

This report proposes the community engagement and education processes take place over March – May 2022. A panel would then consider community feedback and recommending a proposed name for Council’s consideration in June 2022. The panel would consist of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation representatives, the Mayor and the Deputy Mayor.

In June 2022 Council would then consider the community feedback and the panel’s recommendation, and endorse a new municipal name. The endorsed name would be recommended to the Minister for Local Government.

**Previous Council Decisions**

**Proposed Renaming of Moreland City council - Special Council Meeting –** 13 December 2021

*That Council:*

*1. Supports in principle changing the name of the municipality.*

*2. Partners with stakeholders, including the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, to co-design a process to select a new name during 2022 including consideration of arrangements such as community nominations and a consultative survey.*

*3. Plans and commences in 2022 a community information and education program that acknowledges the impacts and consequences of dispossession and racism and encourages respectful understanding through truth telling and reconciliation.*

*4. Receives a report in February 2022 detailing the proposed community information and education campaign, and recommendations from the name selection process co-design activity, including plans for community engagement with such matters as nominations, shortlisting processes and surveys.*

*5. Following community and stakeholder engagement, which includes consideration of matters such as nominations, and surveys, receives a further report with survey results and other considerations, and selects a preferred suitable name for the municipality to present to the Minister for Local Government for consideration in 2022.*

*6. Notes and refers to the budget process an additional $250,000 per year for two financial years ($500,000 total) to update Council’s digital platforms, signs at significant Council buildings and facilities and municipal entry signs and notes updating Council assets such as street and park signs, smaller facilities signage, staff uniforms and vehicles will be addressed incrementally within existing budget allocations and asset renewal programs over a 10-year timeframe.*

**Statement of Commitment to Wurundjeri Woi Wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland –** Council Meeting 12 May 2021

*That Council:*

*1. Endorses the Statement of Commitment to Wurundjeri Woi Wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland as approved by the Wurundjeri Woi Wurrung Board of Management on 4 March 2021*

*2. Supports a public signing ceremony that will be livestreamed from Council Chambers at an appropriate time hosted by the Mayor, Councilllors, Wurundjeri Woi Wurrung Elders and members of the Moreland Reconciliation Working Group.*

**1. Policy Context**

This report is consistent with the following Council plans and policies:

**Council Plan 2021-2025**

Theme 3: A healthy and caring Moreland

*Council will:*

 *Strengthen the relationship with Traditional Custodians and First Nations communities to support a process towards self-determination and local, regional or national Treaty or Treaties.*

**Moreland Human Rights Policy 2016 – 2026**

Extract from Theme 4: Advocacy and Leadership:

*Council will:*

 *In collaboration with people from identified priority groups, Council will advocate to other spheres of government, business, partner organisation and the community to promote human rights and address issues of discrimination and marginalisation at the local, regional, national and international level.*

*Outcomes:*

 *Advocacy and leadership initiatives to promote human rights and address discrimination.*

**Social Cohesion Plan (2020–2025)**

Extract from Theme 4: Diversity and Discrimination

*Council will:*

 *Continue to celebrate the diversity of Moreland and upholding human rights. We will ensure our workforce reflects the diversity of our community and will fight against racism and discrimination in all forms.*

**Statement of Commitment to Wurundjeri Woi Wurrung People and Aboriginal and Torres Strait Islander Communities of the City of Moreland (Attachment 2)**

Extract:

*Council recognises that:*

 The Wurundjeri Woi Wurrung people are the Traditional Owners of these lands and waterways in Moreland.

*Council supports:*

 *A process towards self-determination and local, regional, or national Treaty or Treaties that enshrine the rights of Wurundjeri Woi Wurrung people and Aboriginal and Torres Strait Islander Australians*

*Council commits itself to:*

 *Undertake cultural consultations with the Wurundjeri Woi Wurrung people and seek to include Woi-wurrung names in the process of naming and renaming spaces, places, roads and parks in the City of Moreland.*

While the renaming of Moreland is of broad impact to all residents and visitors to Moreland Local Government Area, Council is under no statutory obligation to consult the community. The proposal to support a community engagement program at the level of consult and inform is recommended on the premise community feedback is valuable to the renaming process to understand community sentiment and preferences, and to encourage participation in cultural education as part of the program which is seen as a benefit to community cohesion and wellbeing. This is consistent with the above policies and this section of the:

**Community Engagement Policy 2020**

In accordance with Moreland City Council’s Community Engagement Policy

Council will:

*“Consult the community to obtain community feedback on analysis, alternatives or decisions where opportunities for community input may be limited.”*

*“Where projects are constrained by existing strategy or policy decisions or involve matters of a technical nature that limit the opportunity of the community to influence outcomes (e.g. technical engineering projects), we will engage the community at the level of ‘consult’ on the IAP2 spectrum.”*

The following policies, although not directly setting requirements for municipal name changes, have influenced the recommended engagement approach:

**Naming Moreland Places Policy**

Extract:

*As a means of recognising the Aboriginal/Koori heritage of Moreland, Council will encourage the use of traditional Aboriginal/Koori names - subject to the involvement and agreement of the relevant Aboriginal communities.*

*When Council is considering / or chooses to adopt an Aboriginal name, reference shall be had to Aboriginal / Koori Name Orthography and guidelines for Use of Indigenous Place Names provided by the Committee for Geographical Names Australasia. Reference can also be made to the Victorian Corporation for Languages as well as the local indigenous group.*

**Naming Rules for Places in Victoria**

Although it is not a legal requirement for the municipal renaming, Council will observe General Principles set out by Land Use Victoria (DEWLP) in Naming Rules for Places in Victoria 2016

Extract:

*(Principle F) The use of Aboriginal languages in the naming of roads, features and localities is encouraged, subject to agreement from the relevant Traditional Owner group(s).*

*Naming authorities are strongly encouraged to consult with the relevant Traditional Owner group(s) prior to any public consultation on the proposed name(s). In instances of more than one relevant Traditional Owner group, naming authorities must consult all parties.*

**2. Background**

In November 2021, information was presented to Council by Elders from the Traditional Owner community and other community representatives, showing that Moreland City Council was named after land, between Moonee Ponds Creek and Sydney Road, that Farquhar McCrae acquired in 1839. He named the land ‘Moreland’ after a Jamaican slave estate his forebears had operated.

The land which forms part of the Moreland local government area was sold to Farquhar McCrae without the permission of the Traditional Owners, who were suddenly dispossessed from their land.

In 1994 the local government areas of the City of Brunswick, the City of Coburg and part of Broadmeadows were amalgamated and the Victorian Government named the new council Moreland. The name Moreland City Council is therefore 28 years old.

Council has a long history of proactive leadership on issues of racism, inclusion and reconciliation and has for many years used the description of ‘one community, proudly diverse’. In 2021 Council signed a Statement of Commitment to Wurundjeri Woi Wurrung People and Aboriginal and Torres Strait Islander Communities. Council also supports a process towards self-determination and local, regional, or national Treaty or Treaties that enshrine the rights of Wurundjeri Woi Wurrung people and Aboriginal and Torres Strait Islander Australians.

In the light of this, retaining the name Moreland City Council conflicts with the Council’s history and aspirations.

**13 December 2021 Council meeting**

A report was tabled at a Special Council Meeting on the 13 December 2021 which recommended that Council support in principle changing the name of the municipality, that is, changing Moreland City Council’s corporate name.

It was recommended that this be supported by a name selection and community engagement process in 2022 that will be co-designed with stakeholders, including the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. The timing for such education, engagement and truth telling at a local level aligns well with Treaty and truth telling activities underway across Victoria.

**Final decision of new name**

Ultimately the decision to change Council’s corporate name rests with the Victorian Government via an Order in Council under s 235(g) of the *Local Government Act 2020* (the Act). Once a suitable name has been selected following community engagement a preferred name will be presented to the Minister for Local Government for consideration in 2022.

The Minister for Local Government has encouraged Council to work closely with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation throughout the proposed renaming process. The Minister also confirms his support and has offered to facilitate renaming of the Council in accordance with the requirements of the Act if the proposal is supported by Council and the local community.

**3. Issues**

**Collaborative planning process to develop a community engagement approach for renaming**

The Mayor Cr Mark Riley, Deputy (and Acting) Mayor Cr Lambros Tapinos, CEO Cathy Henderson and Director Community Eamonn Fennessy have worked collaboratively with Wurundjeri Woi Wurrung Elders from December 2021 to March 2022. Through a series of discussions, they have developed a preferred community engagement approach for renaming Moreland. This includes a supporting education and cultural program.

The group had several considerations that contributed to the collaborative outcome, including:

 The lived experiences and history of Wurundjeri Woi Wurrung and other First Nations people in the area known as Moreland and beyond, and that the devastating impact and intergenerational pain of these truths are not widely known or understood.

 The legal process for renaming municipalities and the conditions communicated by the Minister for Local Government.

 The racist hurt and offence the name Moreland causes to many in the Moreland community.

 The importance of Council’s Statement of Commitment.

 Council’s desire to lead and successfully implement all the policies and plans outlined above plus the recognition of naming practices that are trending nationally and internationally.

 The diversity and communication needs of our community.

 The importance of the journey ahead towards reconciliation and treaty.

 The desire for a harmonious relationship between all our community and the new name.

 Creating a transparent way for the community to understand the importance of having a Woi-wurrung name.

 Enabling the community to provide feedback on their preferred Woi-wurrung name and to have an option to submit their support and communicate any concerns without undermining Council’s Statement of Commitment and positive steps towards reconciliation.

The outcome recommended is that Council supports consulting on Wurundjeri Woi Wurrung names for a new municipal name.

Through the collaborative planning process, a program of community education and truth-telling is being prepared to provide context and build understanding around our local history and the reasons for renaming of Moreland, informing the wider engagement process (see Attachment 1).

The Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation will propose recommendations for names for consideration by Council in March. Attachment 1 also provides more information about the proposed community engagement approach. The implications of this approach uphold Council’s Statement of Commitment to supporting the right to self-determination.

**In summary, this is the recommended consultation process for renaming:**

 After receiving naming options from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, Council will facilitate wide engagement across the municipality to ensure all residents and stakeholders can share their feedback on proposed names and the reasons for their preference.

 A program of online and face-to-face education and engagement activities will run from March – May 2022 via a range of methods to gather a broad representation of community feedback. A community education and truth telling program will also take place.

 A panel of representative from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Mayor and Deputy Mayor will deliberate community feedback received to inform a final recommendation on a new name in May 2022.

 A final name recommendation will be presented to Council for consideration in June 2022.

 Council will determine in June 2022 the preferred new name for recommendation to the Minister for Local Government.

**Community impact**

The proposal to change the name of the municipality is a matter of significant interest for the Moreland community and beyond. The recommendation is to engage the community widely to enable them to have their say on the deliberation and selection of a new name for the municipality.

**Climate emergency and environmental sustainability implications**

There are no direct climate emergency or environmental sustainability implications associated with this report.

**Legal and risk considerations including official name change process**

Council was constituted by an Order of Council made on 21 June 1994, and published in the *Victorian Government Gazette* the following day. This named the newly amalgamated municipality Moreland City Council.

Only the Victorian Government can change Council’s corporate name. It can do so by making an Order in Council under s 235(g) of the *Local Government Act 2020* (the LGA), which would occur on the recommendation of the Minister for Local Government.

The Minister has encouraged Council to work closely with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation throughout the proposed renaming process, and seek community support.

Broad community engagement is proposed in order to seek community feedback on the options for new names. However, consultation should be limited to Moreland residents, Moreland ratepayers and other members of the Moreland community. The survey will be in the form of a survey or poll, available in hard copy or online. Where possible, participants filling out the survey will be asked to provide their name and address and to confirm they have not previously filled out the same survey.

**Human Rights Consideration**

The implications of this report have been considered in accordance with the requirement of the Charter of Human Rights and Responsibilities. The report supports Charter Section 19 (2) Aboriginal Cultural Rights and Responsibilities which say that Aboriginal People hold distinct cultural rights and must not be denied the right to:

 Enjoy their identity and culture.

 Maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources they have a connection under traditional laws and customs

**4. Community consultation and engagement**

**Engaging with Traditional Owners**

Traditional Owners are an important stakeholder group that Council looks to for advice on a range of Council projects. When Council initiates a project that may impact Traditional Owners, we will engage Traditional Owners early, and at various stages in the development of the project.

A final name recommendation will be selected by a panel of representatives from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Mayor and Deputy Mayor. The recommendation will then be considered by Council.

**Naming engagement**

A full overview of the engagement approach is outlined in Attachment 1.

The community consultation and engagement approach has been carefully considered and designed to maximise community participation within the scope of community influence based on the recommended naming process.

Considerations have been made to address common barriers to participation including digital access, low-level English and certain age demographics including older citizens and young people, to ensure all community members have the opportunity to have a say.

Information and engagement will be facilitated via mailouts, online and face-to-face activities with tailored options for residents who require translations or other support. Our youth team are working with schools and young people. Information that supports engagement and goes to every household will be in plain English and include translated content and promotion of interpreter service. Culturally and linguistically diverse Community Connectors will be supported to reach people who might not otherwise engage with Council communications. Our education packs will support this proactive engagement too.

While the renaming of Moreland is of broad impact to all residents and visitors to Moreland LGA, Council is under no statutory obligation to consult the community. The proposal to support a community engagement program at the level of consult and inform is recommended on the premise community feedback is valuable to the renaming process to understand community sentiment and preferences, and to encourage participation in cultural education as part of the program which is seen as a benefit to community cohesion and wellbeing.

**Education and truth telling**

A full overview of the engagement approach is outlined in Attachment 1.

Council has an important role to play in creating a diverse, inclusive and connected city. We must promote a community in which people from all backgrounds are treated fairly and equally, feel welcome and have a strong sense of belonging in Moreland.

The community engagement process to inform the decision for a new name for Moreland will be implemented in conjunction with a community information and education program. This program is being developed with guidance from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, including identifying matters for truth telling.

Council recognises that this is by no means a comprehensive retelling of the Aboriginal history of the local area, and renaming Moreland is just one aspect of reconnecting all cultures to Wurundjeri Woi Wurrung history.

The education and truth telling components of this proposal are critical to raise awareness and guide respectful and informed participation in the renaming process. The proposal supports Moreland’s Social Cohesion Plan by creating opportunities for social connection and cultural exchange.

**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**

Resources required to support the community engagement, information and education programs can be met within current budget allocations.

As previously advised to Council, an additional estimated $250,000 per year for two financial years starting 2022/23 would be required to update Council’s digital platforms, signs at significant Council buildings and facilities and municipal entry signs.

Updating Council assets such as street and park signs, smaller facilities signage, staff uniforms and vehicles will be addressed incrementally within existing budget allocations and asset renewal programs over a 10-year timeframe.

**7. Implementation**

In summary, the engagement and education programs will take place with the following timelines:

|  |  |
| --- | --- |
| 1. ***Program/event*** | 1. ***Timing*** |
| 1. Community education and truth telling program | 1. From March 2022 onwards |
| 1. Community consultation on options for names | 1. 18 March – 15 May 2022 |
| 1. Panel considers community feedback | 1. Late May 2022 (to be confirmed) |
| 1. Council considers community feedback and panel recommendation and determines preferred name | 1. Early June 2022 (to be confirmed) |
| 1. Recommended name provided to Minister for Local Government | 1. June 2022 |
| 1. Informing the community of the outcome of the proposed renaming | 1. June 2022 onwards |

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Attachment 1 - Renaming, education + truthtelling processes | D22/86413 |  |
| **2** | Attachment 2 Statement of Commitment | D22/86424 |  |

**7.2 Kent Road Separated Trial Bike Lane**

**Director City Infrastructure, Anita Curnow**

**Transport**

**Officer Recommendation**

That Council:

1. Notes the design options and the evaluation assessment for the trial-separated bike lane designs for Kent Road, Pascoe Vale:

2. Notes the *Kent Road Community Design Review Panel Report.*

3. Resolves to conclude the trial period and to make permanent Option One with the following design enhancements in response to community feedback, to be implemented by 31 December 2022, and referring the budget requirement to the 2022/2023 budget process:

a) Installation of a new raised pedestrian crossing over Kent Road, Pascoe Vale immediately east of Joffre Road, opposite the PVH Medical Centre

b) Installation of traffic calming treatments at Cornwall Road and Kent Road

c) Replace granitic sand in current design of physical barriers with non-porous material such as concrete

d) Include additional space adjacent to driveways for hatched line marking to assist waste collection and ease of vehicles getting into and out of driveways

e) Create additional gaps in physical barriers opposite the intersections to allow cyclists to merge into the bike lane

f) Reduce physical barrier width to 0.8 m to provide an additional 0.2 m to the road reserve

g) Signage placed on barriers to more clearly indicate areas for No Stopping for vehicles

h) Signage in the area and improved line marking to clearly indicate bike lanes for riding

i) Investigate opportunities for street beautification projects including but not limited to further street tree planting and seats

j) Investigate opportunities for widespread safety and behaviour change campaigns in partnership with state and local governments.

4. Notes in February 2022 the Department of Transport approved Council’s request for speed limit reductions to 40 km/h on Kent Road as part of the trial period.

5. Endorses the proposed process for future bike projects to engage with the community at multiple times throughout the strategic and design process of bike lane infrastructure in accordance with Council’s Community Engagement Policy 2020.

6. Thanks the community members who provided feedback, the Community Design Review Panel and guest speakers for their contribution.

**REPORT**

**Executive Summary**

At its July 2020 meeting, Council allocated an additional $1.68 million in the 2020/21 budget for walking and cycling trial projects in response to the COVID-19 State of Emergency in Victoria. This included delivering a trial separated bike lane on Kent Road, Pascoe Vale to fill a key gap in our cycling network along the Coburg to Glenroy bike route.

The Coburg to Glenroy Bike route is envisaged as a connected, safe and efficient route suitable for bike riders of all confidence levels. In addition to providing a high-quality link between the two-activity centres, the Coburg to Glenroy Bike Route connects many major and local destinations including Glenroy and Coburg Activity Centres, local shopping centres, Pascoe Vale Girls Secondary College and open spaces.

The bike lanes were installed as trials to allow Council to engage and monitor the bike lane performance as it was implemented and make amendments as necessary.

Since installation in June 2021, feedback on the Kent Road Trial Bike Lanes has been mixed and divided. At the 8 September 2021 Council Meeting (7.2 Kent Road Separated Bicycle Lane Options), Council resolved to undertake community consultation on the current design and five alternatives.

Council engaged an independent community engagement specialist, Max Hardy Consulting to provide a range of opportunities for the community to provide feedback on the design options. This included interviews with seven interested and affected stakeholders, 45 participants in a project webinar, 421 responses to a broad community survey and selection of 21 Community Design Review Panel Members.

In addition to the engagement activities, Council undertook extensive communications activities leading up to and throughout the engagement period including social media posts, emails to project subscribers, newsletter articles and letters to residents. As restrictions eased, over 500 printed flyers were letter-dropped in the local area and to the PVH Medical Centre to reach a broader audience that may not have accessed the online material. Officers also offered to meet face to face with those in the local area who could not access the materials or engage online.

Council also prepared a Project Information Booklet for the bike lane project to provide engagement participants at each stage with the available and relevant information to inform their contributions. To improve the accessibility of the information, the booklet was also translated into Italian and Greek as the top two languages, after English, spoken in Pascoe Vale and Moreland more generally.

The survey identified that Options One (43%), Three (42%) and Six (46%) had the highest levels of community support (when considering both ‘very supportive’ and ‘somewhat supportive’ responses). The survey results also showed the divided views of the community regarding this project more generally, with options all attracting consistent levels of opposition from roughly half of the responses. The key themes raised in the survey comments were similar to those mentioned in the stakeholder interviews and included safety concerns, desires for the removal of the current trial and concrete barriers, retention of road space for cars to allow for parking, access and traffic flow, small design suggestions, a desire to retain the cycle lanes and support active transport and consideration of the wider network and location of this route.

The Community Design Review Panel included community members with broad representation and an interest in the project. The Panel included a range of ages, genders, and preferred transport mode and expressed views for, against or neutral towards the Kent Road Trial Bike Lane project. The Panel members participated in detailed discussions across two sessions in November 2021 where they also heard from other stakeholders including the Department of Transport, Victoria Police, bike and pedestrian user groups, a resident who nominated to speak, and a representative from PVH Medical Centre on Kent Road, Pascoe Vale. Considering all the available information, panel members were tasked with addressing the following questions:

1. What conditions or criteria (in additional to technical requirements) should be considered to create a functional and safe road design for Kent Road, that addresses the needs of residents, pedestrians, visitors, motorists, cyclists and other users?

2. Considering the criteria, how supportive are you of each of the options identified by Council for Kent Road?

3. Are there any changes that would make you more supportive of each of the options identified?

The panel outcomes identified that those opposed to the trial bike lane had very little support for any of the options, though some were prepared to tolerate Option Six. For those more supportive and open to the trial bike lanes Option One was the more strongly supported approach.

Overall, the engagement has identified that much of the opposition and negative feedback towards the bike lanes is due to the lack of engagement and poor communication with the affected community before the bike lanes were implemented, and only in some part due to specifics of the design. However, these issues have become so closely tied together in the online debate and discussion within the community that it has been difficult to determine relative support for the different options.

Through engagement and subsequent technical investigations two key areas for discussion have emerged; bike lane design and engagement process. This has led officers to make two substantive recommendations to address these two themes:

Bike lane design, including feedback on safety, movement and accessibility:

It is recommended to conclude the trial period and make permanent Option One with amendments to the current trial infrastructure to address some of the outstanding areas for improvement, including (but not limited to):

 Installation of traffic calming improvements to the Kent Road and Cornwall Road intersection and the Kent Road and Cumberland Road intersection to slow vehicles and aid cyclist movement crossing the street and merging into and out of vehicle lanes

 Reduction in barrier width and design to allocate more road pavement to vehicles

 Installation of a raised pedestrian crossing opposite the PVH Medical Centre and Cole Reserve immediately east Joffre Road to assist in pedestrian movements across the street and access to the medical centre or reserve

 Installation of designated locations adjacent to driveways to assist residents with bin placement and to provide designated bin storage areas for waste collection days

Option One was the second most supported option through community engagement and was the most supported design by Panel members more likely to be in favour of and use the bike facility. With the above amendments, officers consider that Option One will most strongly meet the design standards and technical considerations for bike lane design as outlined in **Attachment 1** and is considered on balance a well-performing option across cycling, vehicle, pedestrian, operational and implementation criteria. The cost for this option is estimated to be $300,000.

Option Three was the third most supported option although it had less than half the number of ‘very supportive’ responses as Option One. Option Three is not recommended by officers due to the significant cost and implementation constraints associated with the design including significant construction works to realign the kerb, relocate utility poles and remove an estimated 16 trees to deliver a marginally supported option with limited demonstrable benefit. The cost for this option is estimated to be $950,000.

Option Six is not recommended by officers due to safety, cost and implementation constraints associated with the design. Shared paths raise safety concerns in situations such as Kent Road where faster moving cyclists need to share a constrained space with slower moving pedestrians including people of limited mobility and the elderly around the medical centre. Option Six is additionally not recommended because of the cost to implement it (estimated to be $780,000 and including relocating utility poles) and its associated poor amenity outcome of the need to remove an estimated 16 trees. The design does not meet the design standards and technical considerations for cycling and walking as outlined in **Attachment 1** and only delivers improvements to vehicle criteria.

Future community engagement processes, including feedback on when and how Council engages on bike lane projects.

A process for engagement on future bike lane projects is also proposed as outlined in **Attachment 6**. This process provides the framework for Council to engage with the community earlier, and more often throughout the planning and design process. This aligns with strategy 2.6 of the Council Plan 2021-2025 to “collaborate with the community to improve pedestrian and cycling infrastructure on a case by case basis” and Council’s *Community Engagement Policy* (2020).

**Previous Council Decisions**

**7.2 Kent Road Separated Bicycle Lane Options -** 8 September 2021

*That Council:*

*1. Notes the six alternative design options and the evaluation assessment for the trial-separated bike lane designs for Kent Road, Pascoe Vale at Attachment 1 which responds to the specific Council resolution at its August 2021 meeting, noting:*

*a) The current design is considered, on balance a well-performing option suitable to continuation of a trial with minor amendments.*

*b) Option One (minimum width bi-directional separated bike lanes and physical separator) and Option Three (widening of the south side footpath to allow for bikes and footpath off road) meet design considerations but are not suitable for trial implementation as they require detailed design at the Cumberland Road roundabout including footpath realignment into the park and Department of Transport approval.*

*c) Option Two (bike lanes max 1.2m with plastic bollards as separators) provides insufficient bike lane width and is considered unsafe for either a trial or permanent street-cross section design for Kent Road.*

*d) Option Four (widening of the south side footpath to allow shared path) is considered unsafe for either a trial or permanent street-cross section design for Kent Road due to the inherent issues with shared paths.*

*e) Option Five (similar to current trial but removes physical concrete separator and replaces with 0.8m plastic bollard treatment similar to Northumberland Road) is a minor adaptation to the current design which delivers improvements to pedestrian walkability, future street waste collection and marginal improvement to vehicle operating widths and turning circles for driveways.*

*f) Option Six (removal of parking on southern side and reduction in width of physical separators) requires removal of on-street parking on the southern side of Kent Road and allocation of that road space to allow continuous two-way traffic flow in a low speed environment.*

*2. Considers a new option “Option 7” that is similar to Option 4 but widens the shared path to 3m and reduces the space for utility poles to 0.8m. If in-principle approval is given by the utility company, and a road safety audit raises no major concerns, that Council adds this option to the engagement process noting that the scope and costs of the works involved in this option would mean that this option is not suitable for a trial. If the utility company and/or the road safety audit does not support the relocation of the utility poles, that this option proceeds no further.*

*3.* *Undertakes community engagement on the current trial design, in addition to alternative design options one, three, five and six (see Attachment 1) and option 7 (as outlined in resolution 2) as per Council’s Community Engagement Policy (2020).*

*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.*

*5. During the intervening period of engaging the community with the various bike lane options, continue to make alterations on the Kent Road bike trial in response to observations and feedback including:*

*a) Review turning movements at individual driveways to ensure residents can drive in and out of their driveways along Kent Road adequately.*

*b) Consult with the owners and occupiers of Kent Road between Cornwall Road and Cumberland Road to gauge support a parking ban during the trial period on the southern side of Kent Road either all day or during waste collection on Wednesday (5am to 12 noon).*

*6. Delegates approval to the Director City Futures for parking restriction modifications on Kent and Northumberland Roads (Pascoe Vale) and Dawson Street, Brunswick (and immediately surrounding streets) to address any identified issues during the trial period only.*

*7. Notes that a zebra crossing (including potential raised platform) on Kent Road (immediately east of Joffre Street) will to be considered as part of all bike options and will be reported back to Council with the recommendation on how to proceed with bike lanes on Kent Road. Council also notes that Department of Transport approval will be required.*

**8.1 Dedicated Bicycle Lanes on Kent Road and Northumberland Road Pascoe Vale** - 11 August 2021

*That Council:*

*1. Notes that some members of the community do not feel that sufficient consultation has occurred with regard to some of Moreland’s recent, temporary, pop-up bike lanes, particularly on Kent Road, Pascoe Vale.*

*2. Notes that community members and the Pascoe Vale Medical Centre have identified a number of access, safety and parking issues on Kent Road since the installation of the temporary bike lanes.*

*3. Notes that a common theme of the community feedback is that the current bike lane design on Kent Road makes the road too narrow for motorists to pass each other and to park their cars.*

*4. Notes the purpose of the below, potential design changes at point 8a) are intended to:*

*a) Give back more road space to motorists in light of the feedback received by some residents*

*b) maintain physically separated infrastructure for residents who ride bikes*

*c) allow for easier parking and access to homes, the Pascoe Vale Medical Centre, and Cole Reserve*

*5. Notes that Kent Road and Northumberland Road are identified in Council’s 10 Year Bicycle and Pedestrian Plan as strategic cycling corridors.*

*6. Notes the need to provide physically separated cycling infrastructure to encourage people of all ages and abilities to ride a bike, whilst also maintaining a safe road network.*

*7. Notes the recent Monash University and VicHealth survey (2020) study showing 83% of Moreland residents would ride a bike more often if they had safe, physically separated infrastructure to use.*

*8. Receives a report at its September 2021 meeting, investigating how to continue the Kent Road trial using alternative design options that retain physically separated cycling infrastructure to keep residents on bikes safe, as well as providing more road space to motorists in light of concerns raised by some residents. Council officers should investigate options such as:*

*a) Bi-directional bike lanes involving the removal of one of the physically separated bike lanes on Kent Road and replacing with a consolidated, bi-directional bike lane on the opposite side of the road. One option would involve the removal of the existing bike lane on the north side of Kent Road and the installation of a bi-directional bike lane on the south side of the road.*

*b) allowing removal of all concrete barriers on Kent Road and replace with plastic bollards on the south side only and the bike width lane should not exceed 1.2 metres.*

*c) widening of the south side footpath on Kent Rd for example up to 1.8 metres to allow for bike lanes and pedestrian footpath that would be similar to what we have on Rhodes Parade, Oak Park, the continuation of Boundary Road, Pascoe Vale.*

*d) Investigate the installation of a pedestrian crossing on Kent Rd opposite Cole Reserve.*

*e) the option of a shared path for cyclists and pedestrians on the southern side of Kent Rd*

*f) Include recommendations for improving the consultation process for future projects involving separated bike lanes.*

**DCF26/20 Safe Movement of Pedestrians and Cyclists - Covid-19 Response -** 8 July 2020

*That Council:*

…

*4. Approves the following projects as described in this report to be delivered as soon as possible, subject to external/grant funding being secured.*

*i. An expanded zebra crossing program (up to $500,000);*

*ii. An expanded pedestrian threshold program (up to $500,000);*

*iii. Pop up separated bicycle lanes on Dawson Street, Brunswick between the Upfield shared path and Barry Street ($105,000);*

*iv. Pop up shared zones on Albert Street and Victoria Street in Brunswick East at the Fleming Park shared path ($150,000);*

*v. Pop up separated bicycle lanes on Kent Road, Pascoe Vale, between Cornwall Road and Cumberland Road ($60,000);*

*vi. Pop up separated bicycle lanes on Northumberland Road, Pascoe Vale between Rhodes Parade and the KW Joyce Reserve shared path ($66,000);*

**NOM23/20 Moreland’s Transport Response to COVID-19 and Social Distancing Requirements** 13 May 2020

*That Council:*

*….*

*5. Receives a report at the July Council meeting detailing further opportunities to support safe movement for pedestrians and cyclists during the COVID-19 state of emergency including:*

*a) Opportunities to repurpose car parking to support safe pedestrian or cyclist movements;*

*b) Locations for trials of 30km/h speed limits on local roads, as per MITS 2019;*

*c) Pedestrian and cycling improvements that could be delivered in the short term.*

**7.12 Moreland Integrated Transport Strategy Review** - 9 December 2020

*That Council:*

*1. Reaffirms the objective of mode shift to more sustainable transport options, noting that this requires strong investment in public transport, cycling, walking and other sustainable transport infrastructure, as well as incentives and encouragements to take up sustainable transport.*

*2.* *Recognises that using sustainable alternatives to driving is difficult for many in Moreland, partly due to lack of investment in the public transport system by the state government, particularly in the North of Moreland.*

**1. Policy Context**

**Council Plan 2021-2025**

The Council plan sets out Council’s and community’s vision for the future. Key objectives and strategies related to this report include:

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Moreland, especially via walking, cycling and public transport.

 2.1. Build safe, accessible and high-quality bike and pedestrian infrastructure to create links between areas of high pedestrian and cycling demand, especially the Coburg to Glenroy bike path

 2.2. Scope and implement suburb based active transport (bike and pedestrian) improvements (prioritising Fawkner, Gowanbrae, Hadfield, Oak Park, Pascoe Vale and Glenroy)

 2.5. Facilitate substantially increased use of active transport in the community through targeted programs which include a focus on children, young people, families and older people

 2.6. Collaborate with the community to improve pedestrian and cycling infrastructure on a case by case basis

**Moreland Integrated Transport Strategy (2019)**

The Moreland Integrated Transport Strategy 2019 is Council’s current transport strategy and it encourages greater take up of sustainable transport alternatives. The strategy includes actions which commit Council to:

 Reallocate road space and car parking according to the road user hierarchy (in descending order, pedestrians, cyclists, public transport users and motorists).

 Work together with state government to, among other things:

 Continue to implement 40 km/h speed limits on local roads

 Install direct, safe and convenient crossings where lots of pedestrians and cyclists want to cross, even where VicRoads warrants aren’t met

 Increase pedestrian and cyclist priority at signals and crossings.

**Community Engagement Policy (2020)**

Council has recently adopted a new Community Engagement Policy (2020) to align with the new Local Government Act 2020. It sets directions for how Council will engage with the community on decisions that impact them, including future bicycle and pedestrian projects.

**Urban Heat Island Effect Action Plan (2016)**

In 2016 Council adopted the Urban Heat Island Effect Action Plan to create a city more resilient to urban heat and climate change. Protecting and enhancing tree canopy cover and green spaces are important considerations for future bicycle and pedestrian projects.

**Zero Carbon Moreland (2018)**

Council’s Zero Carbon Moreland 2040 Framework outlines our community vision and strategic directions for the transition to zero carbon in Moreland by 2040. In 2019/20, transport was recorded to contribute 17 per cent of all carbon emissions in the Moreland local government area and 13 per cent were from private motor vehicles. The 2040 vision for Sustainable Transport includes:

 Most people choose to walk or cycle to get around locally because its healthy, free, safe and convenient

 Moreland is known for its pedestrian and cycle-friendly streetscapes

This overarching Framework informed 5-yearly action plans to drive the transition to zero emissions including:

 Investing in infrastructure to support active travel and public transport

 Reallocate space used for private vehicle travel and parking to support sustainable transport use and other purposes.

**2. Background**

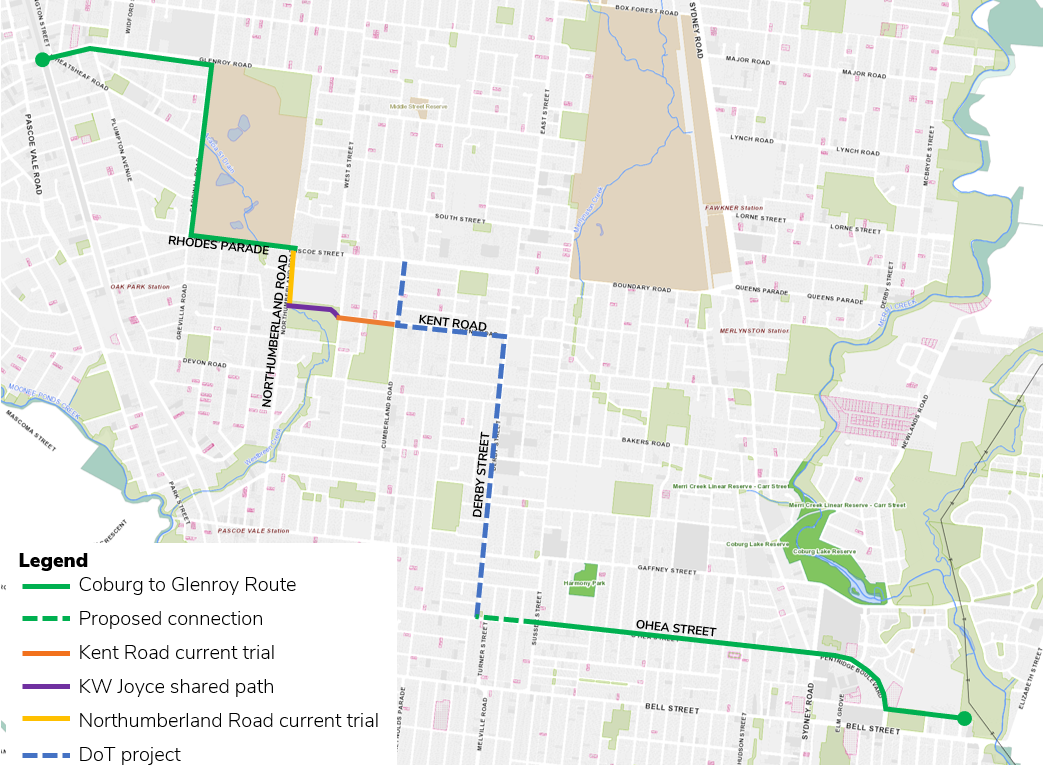
At the July 2020 Council meeting, Council allocated an additional $1.68 million in the 2020/21 budget for walking and cycling trial projects in response to the COVID-19 State of Emergency in Victoria.

This investment aimed to encourage as many people as possible to walk or ride a bike particularly for shorter trips to local shops, parks and amenities. This was particularly relevant as social distancing requirements would lead to a significant decrease in public transport use.

Council constructed trial bike lanes on Dawson Street, Brunswick; Albion Street, Brunswick; Northumberland Road, Pascoe Vale, and Kent Road, Pascoe Vale to fill key gaps in our cycling network.

The Coburg to Glenroy Bike route is envisaged to be a connected, safe and efficient route suitable for bike riders of all confidence levels. The Coburg to Glenroy Bike Route connects many major and local destinations including Glenroy and Coburg Activity Centres, local shopping centres, Pascoe Vale Girls Secondary College and open spaces.

Planning for the bike route is occurring in stages. As shown in *Figure 1*, key links along this route that have already been constructed, represented by the solid green lines. There is existing infrastructure as part of this link on Rhodes Parade. The purple line represents the shared path through KW Joyce reserve and the current trials on Northumberland Road and Kent Road are shown in yellow and orange respectively.



1. *Figure 1*: Coburg to Glenroy bike route

The bike lanes at Kent Road, Pascoe Vale were installed using temporary infrastructure to allow council to monitor its performance and make real-time adjustments based on community feedback over the course of the trial, before making a final decision. Council has made several amendments and changes to the design in response to feedback during the course of the trial including:

 Repairing the travel path for cyclists by removing potholes and cracks

 Installing “No Stopping” areas where vehicles can pull in to allow oncoming vehicles to pass

 Removing “No Stopping” areas on Cumberland Road just south of Kent Road, creating between 16 and 18 new on-street parking spaces to support use for the sporting ovals and medical centre

 Installing 2-3 disabled parking bays immediately outside the medical centre on Joffre Street and 5 min restrictions signs for drop offs near the medical centre.

Additionally, Council officers requested a speed limit reduction with the Department of Transport on the bike trial roads (Kent Road, Northumberland Road and Dawson Street) from existing speeds down to 40 km/h. Approval for speed limit reductions was provided by the Department in mid-February 2022 and will be implemented on Kent Road subject to Council’s resolution on the future of the bike lane at the March Council Meeting.

Since installation, feedback on the Kent Road Trial Bike Lanes has been mixed and divided. At the 8 September 2021 Council Meeting, Council resolved to undertake community consultation on the current design and five alternatives as shown in **Attachment 1**, summarised as:

 Option One: current trial design minimum width separated bike lanes

 Option Two: minimum width bi-directional separated bike lane

 Option Three: change kerb alignment to widen road space

 Option Four: minimum width separated bike lanes with traffic bollards

 Option Five: Minimum width separated bike lanes; parking removed on southern side

 Option Six: 3 metre shared path; Kent Road as before trial

Each design was assessed by an accredited road safety auditor as shown in **Attachment 2**.

**3. Issues**

Council also resolved in September 2021 to undertake additional technical investigations and receive a report including:

 Findings from the community engagement on the current design and five alternative options

 Research and data analysis during the intervening period on cycling uptake, changes in vehicle speeds and volume, traffic incident reports and parking assessments.

 Recommendations to Council for the remainder of the trial period.

 Recommendations to Council for consultation on future bike lane projects based on outcomes from proposed Kent Road community engagement process.

The report was intended for completion in February 2022, however various resourcing constraints due to the recent COVID-19 outbreak, complexity of the project findings and additional technical investigations have delayed the completion.

Items informing the officer recommendations are discussed in the following sections.

**3.1 Community engagement activities**

Council engaged an independent community engagement specialist, Max Hardy Consulting in late-September 2021 to provide a range of opportunities for the community to provide feedback on the design options and included the following engagement activities:

 Interviews with seven key stakeholders to inform engagement remit, held on 12 October.

 Open webinar outlining engagement approach and project information booklet, held/launched on 28 October

 Development and implementation of a broad community survey on the six design options, open from 29 October until 10 November.

 A Community Design Review Panel, 2 x 2.5-hour sessions, held on Sunday 14 and Sunday 21 November 2021.

The engagement received input from a broad range of community members, including seven interviews with key stakeholders, 45 participants in the project webinar, 421 responses to the broad community survey and selection of 21 Community Design Review Panel Members.

This process was designed to meet the ‘Involve’ level on the International Association of Public Participation (IAP2) spectrum. IAP2 is the peak body for the community engagement industry, both in Australia and globally. This means that the goal of the project is ‘to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.’

In addition to the engagement, Council also undertook extensive communications activities leading up to and throughout the engagement period including social media posts, emails to project subscribers, newsletter articles and letters to residents, owners and businesses. As Department of Health COVID restrictions eased, over 500 printed flyers were letter-dropped in the local area and to the PVH Medical Centre to reach a broader audience that may not have accessed the online material. Officers also offered to meet face to face with those in the local area who could not access the materials or engage online.

Council also prepared a Project Information Booklet for the bike lane project to provide engagement participants at each stage with the available and relevant information to inform their contributions. To improve the accessibility of the information, the booklet was also translated into Italian and Greek as the top two languages, after English, spoken in Pascoe Vale and Moreland more generally. The engagement sought feedback on the six design options however Council received wide ranging feedback. These can largely be categorised into two separate themes:

Bike lane design and level of support for design options

The engagement received substantive feedback focused on the six design options. The outcomes of the engagement reconfirmed the polarised and divided nature of the project. This is discussed further in section “*3.2 Community Engagement Findings*”.

Council policies and implementation

Council also received commentary more broadly related to the *Moreland Integrated Transport Strategy* (2019) and Council’s *Community Engagement Policy* (2020).

This feedback indicated a perceived disconnect between the strategic planning and consultation on the 10-year pedestrian and cycling capital works plan that occurred in 2019 and the design of Kent Road. This is discussed further in section “*3.15 Recommendations for future bike lane consultation*”.

**3.2 Community Engagement findings**

Detailed findings of the Kent Road Community Design Review Panel Report, Max Hardy Consulting, 2021 can be found in **Attachment 3**.

A summary of findings from each engagement activity is provided below.

***Stakeholder interview findings***

The stakeholder interviews with seven highly interested stakeholders held on Tuesday 12 October were used to help inform the development of the Webinar and two community review Panel sessions. The themes that arose in the interviews were:

 Exhilaration experienced by cyclists riding on a separated cycle path

 Concerns expressed about how the trial began

 Safety concerns - for pedestrians and motorists

 Difficulty putting bins out - dragging them over the bike lane barriers

 Concerns about parking, especially during big sporting days and for those attending the medical centre

 Desire to see how Kent Rd connects to a broader strategy

 Keen to see the detail of cyclists getting on and off Kent Rd - seen as the trickiest part by some

 Importance of separating design options related to Kent Rd from broader policies and strategies that are in place

***Community Survey findings***

The Community Survey on the six design options received 421 individual responses and provided the wider Moreland community with the opportunity to provide any further comments on the process. These comments were all reviewed and assigned to one or more themes by Max Hardy Consulting, including:

 Safety concerns (for all users including vehicles, cyclists and pedestrians) - 69 comments

 Removal of the current trial and concrete bollards in particular - 49 comments

 Retention of road space for cars to allow for parking, access and traffic flow - 41 comments

 Design suggestions for the trial - 31 comments

 Retain the cycle lanes and support active transport in Moreland - 30 comments

 Consideration with wider network and location of this route - 26 comments

 Consideration of impacts on residents, neighbouring streets and businesses - 23 Comments

 Creating an accessible environment for all road users, including additional pedestrian crossings etc - 20 comments

There was clear evidence in the survey that Options One, Three and Six had the highest levels of community support, although all remained divided as shown in **Attachment 3**, pages 20-27.

***Community Review Panel findings***

During the first session (held 14 November 2021), the core task of the Panel was to review the criteria that had been developed by Council to assess the six design options.

Panel members were invited to comment on Council’s criteria and to suggest other criteria if they believed existing criteria was insufficient.

Three changes were ultimately made to the evaluation criteria;

 Separation of ‘Implementation and Operational criteria’ as implementation criteria was beyond the scope of this engagement process and implementation considerations should not prevent the right design option from being delivered. Council will consider implementation criteria in the report to council.

 Change ‘Tree removal and urban heat island’ to ‘Preserves existing trees and manages urban heat island’

 Add ‘Cost’ to Council’s consideration of the implementation criteria.

During the second session (held 21 November 2021), the review Panel applied Council’s criteria with the above changes to the three design options that had the highest levels of support from the broader community survey - Options One, Three and Six.

The Panel was not tasked with coming to one preferred option, however it was clear from voting that for those opposed to the trial bike lane there was very little support for any of the options, though some were prepared to tolerate Option Six. For those more supportive and open to the trial bike lanes Option One was the more strongly supported approach.

The second review Panel session also identified suggestions that could apply to all options to increase their level of support:

 Shared zone / pedestrian crossing on Cornwall Road and Kent Road. This is discussed further in section “*3.3 Cornwall Road and Kent Road traffic calming treatment”.*

 Added pedestrian crossing. This is discussed further in section “*3.4 Pedestrian Crossing near Joffre Road*”.

 Planting indigenous trees for pollen corridor. This is discussed further in section “*3.5 Tree planting*”.

 Safety campaign and clear signage. This is discussed further in section “*3.6 Road safety*”.

A fifth suggestion to “increase the useability of Kent Road” had a neutral response and has not been considered further for the purposes of this report. This suggestion references road resurfacing which occurs at planned stages in accordance with Council’s Capital Works and Asset Management Plans. Road resurfacing on Kent Road is not currently forecast within the next 10 years.

***Outcomes of community engagement***

The outcomes of the panel identified those opposed to the trial bike lane had very little support for any of the options, though some were prepared to tolerate Option Six. For those more supportive and open to the trial bike lanes Option One was the more strongly supported approach.

**3.3** **Cornwall Road and Kent Road traffic calming treatment**

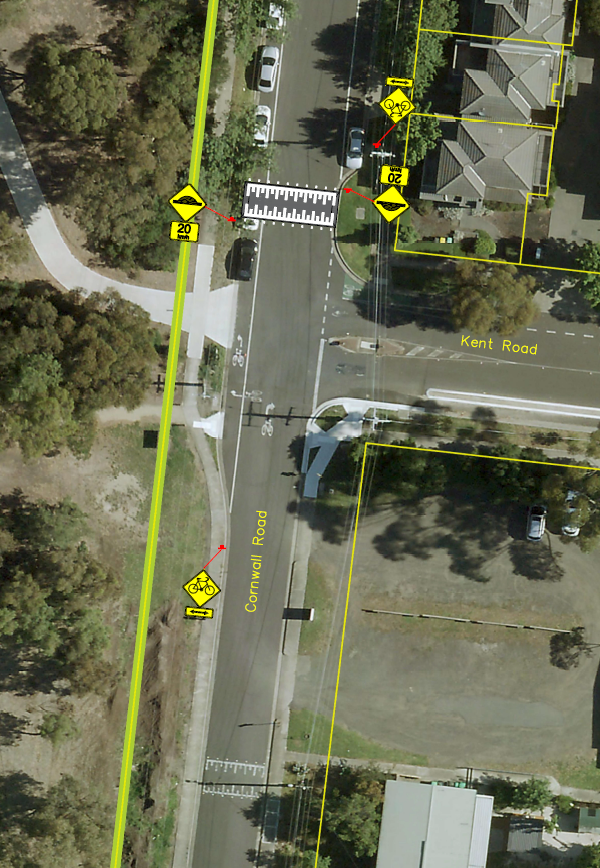
Council has heard that pedestrian and cyclist safety are important considerations for any of the future designs.

Council has assessed the perceived safety concerns at this intersection, noting the potential conflict point between vehicles travelling north-south on Cornwall Road and cyclists and pedestrians crossing east-west between the KW Joyce Reserve shared path and Kent Road. Perception of risk can stop people choosing to walk or ride a bicycle. Vulnerable road users (pedestrians and cyclists) are at a greater risk of being injured if involved in a crash, so are unlikely to choose to walk or ride if they feel unsafe.

There is no crash history at this intersection to indicate higher levels of risk.

To help address perceptions of risk, Council proposes a speed hump north of Kent Road and associated signage, as shown in *Figure 2*, as suitable traffic calming measures to reduce the likelihood of any conflict between vehicles, bike riders and pedestrians. This will complement the existing speed hump to the south of Kent Road.

If endorsed by Council, the design will be finalised and referred to 2022/2023 budget process for funding.



1. *Figure 2: Concept design of proposed traffic management treatment on Cornwall Road, Pascoe Vale. Please note, bike lane infrastructure on Kent Road as discussed in this report is not shown.*

**3.4** **Pedestrian Crossing near Joffre Road**

The August 2021 Council resolution requested an investigation into a pedestrian crossing on Kent Road near Cole Reserve and Joffre Road.

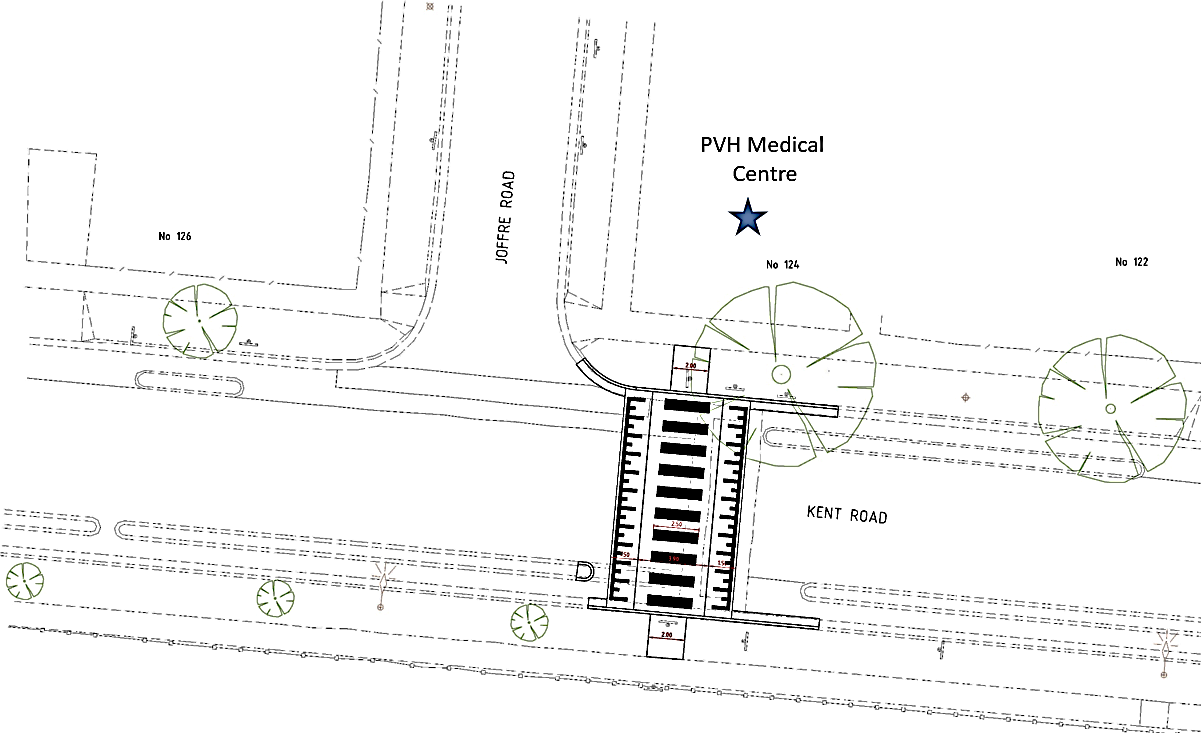
Council has heard pedestrian safety and ability to cross the street were important considerations for any of the future designs. Community feedback noted that the additional raised kerbs for the physical separators could make it more difficult for the elderly or mobility impaired to cross the street, in particular for access to the medical centre.

In response, a concept design has been prepared for a raised pedestrian crossing in this location, as shown in *Figure 3*.

The design of the crossing is compatible with any of the Kent Road bike lane design options. The design will allow pedestrians to cross the street while remaining at the same level with the paths on north and south side of the street.

The Department of Transport has provided in-principle support, noting the detailed design will resolve street lighting and sight lines to pedestrian movements.

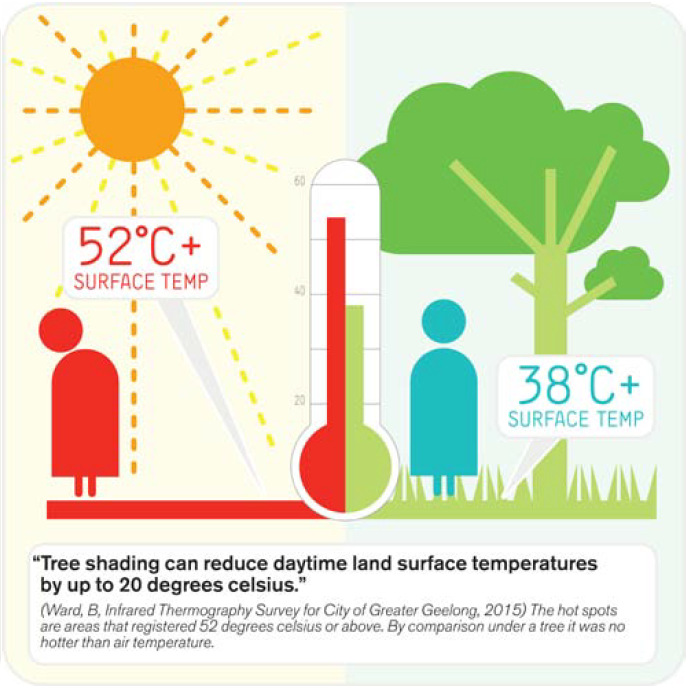
If endorsed by Council, the design will be finalised and referred to 2022/2023 budget process for funding.



1. *Figure 3: Concept design of proposed raised pedestrian crossing Kent Road, Pascoe Vale.*

**3.5** **Tree planting**

In 2016, Council adopted the Urban Heat Island Effect (UHIE) Action Plan to create a city more resilient to urban heat and climate change. The vision of the Urban Forest Strategy (2017 – 2027) is to promote and encourage the transformation of Moreland into a municipality where healthy trees and vegetation are a core part of the urban environment in order to create a cooler, greener and more liveable city. The impact of tree canopy cover is shown in *Figure 4*.



1. *Figure 4: Areas without tree canopy cover can have significantly higher temperatures than those with tree canopy.*

In 2019 Council declared a ‘climate emergency’ committing to urgent action to respond to climate change and promoting environmentally friendly transport. Protecting and enhancing tree canopy cover and green spaces are important strategic considerations when planning for future bicycle and pedestrian projects because pedestrians and cyclists prefer to travel down shady, sheltered streets.

As shown in Figure 5 below, Kent Road, Pascoe Vale between Cornwall Road and Cumberland Road currently has only 10 to 20 per cent tree canopy coverage.

Protecting existing tree canopies and seeking opportunities to increase street tree planting are identified as strategic actions in both the UHIE Action Plan (Strategy 2: Strengthen and build green infrastructure, Action 2.3: “Increase street tree canopy cover across the Municipality, prioritising socially vulnerable streets in hot spots, including pedestrian and bicycle networks in hot spots and activity centres”) and the Urban Forest Strategy. These actions were recently endorsed in the Council Plan 2021 – 2025, with a commitment to “strive to protect people’s health, plants and animals”.

Kent Road Trial bike lane options that preserve existing street trees and provide opportunity for further planting should be prioritised. This includes Options One, Two, Four and Five.

In contrast, Options Three and Six will require removal of an estimated 16 trees and will eliminate any further tree planting opportunities on the southern side of the street, significantly hindering Council’s capability to meet the targets of the UHIE Action Plan, Urban Forest Strategy on this section of Kent Road.



1. *Figure 5: Canopy coverage on Kent Road, Pascoe vale and surrounding streets.*

**3.6** **Road safety and safety campaign**

Road safety incidents

Improving road safety for all users is the highest priority when undertaking works within any road reserve.

In early July 2021, after installation of the trial infrastructure, a crash occurred on Kent Road, Pascoe Vale between two vehicles. The likelihood of a crash occurring is higher when new infrastructure is installed as users become accustomed to the changes. A review of the crash data shows that the crash was the result of driver error under new traffic conditions rather than an issue with the street design.

Vehicle lane widths throughout the municipality vary. On local streets with parking permitted along both kerbs, it is common for the road width to allow only one vehicle to travel between two parked cars at one time. This is common place in many residential streets not only throughout Moreland, but all over Metropolitan Melbourne. Since the crash, Council has installed “No Stopping” areas at intervals on Kent Road where vehicles can pull in to allow oncoming vehicles to pass. No further similar incidents have been reported.

Safety campaigns

Road safety is a shared issue and not isolated to Moreland. Safety campaigns need to be delivered in partnership with state and other local governments to be most effective and reach a wider audience.

The Transport Accident Commission (TAC) is a Victorian Government owned organisation with a key role in promoting road safety for all road users. The TAC runs campaigns with audiences across all of Victoria. An example of a current campaign is Cycling safety - TAC - Transport Accident Commission (<https://www.tac.vic.gov.au/road-safety/road-users/cycling-safety>) which communicates the new road rules requiring drivers to slow when passing bicycle riders and give:

 at least one metre in speed zones up to 60 km/h, and

 at least one and a half metres in zones over 60 km/h.

Local governments can also have a role in delivering proactive behaviour change and safety campaigns. A recent example is the ‘Lets Ride Melbourne’ (<https://letsride.melbourne.vic.gov.au/>) behaviour change pilot led by the City of Melbourne, City of Yarra and City of Port Phillip.

Moreland City Council currently leads other behaviour change programs, such as the Ride and Stride Program, designed to get more kids riding, striding and scooting to school in Moreland. Moreland ran a pilot program in 2021 with Coburg North Primary School and Brunswick East Primary School.

Behaviour change programs help to educate residents on health and other benefits associated with active transport, promote available routes and new connections to destinations and communicate the broader network benefits and reduction in congestion through active transport uptake. Delivery of behaviour change programs in support of new and existing infrastructure will deliver the strongest return for investment.

Moreland City Council will investigate opportunities to partner with state and local governments to deliver campaigns and reach wider audiences on bike and road safety.

**3.7** **Cumberland Road and Kent Road intersection treatment**

The Victorian Government is investing $4.48 million to provide a cycle link east of Cumberland Road via Kent Road to Derby Street and then south to O’Hea Street.

Part of these works include traffic calming improvements to the Cumberland Road and Kent Road roundabout. The Victorian Government is proposing to deliver speed cushions on the approaches to the roundabout. These speed cushions will slow down vehicles travelling through the intersection and improve safety for cyclists merging back into the surrounding network. Works are planned to be implemented by 30 June 2022.

**3.8 Street cleansing**

The Kent Road separated bike lane is one of the first of its kind in Moreland. During the trial officers observed that leaf litter and debris from the temporary ‘fill’ used in the physical separators is more prone to gather in the bike lanes.

To date, Council has undertaken manual sweeping of the current bike lanes. While this process is appropriate for limited sections such as Kent Road during a trial, it would be an overly resource and time intensive cleaning process as more separated bike lanes are introduced across the municipality in the future.

Council will review the fleet of available footpath sweepers and investigate alternatives to support widespread implementation of bike lane sweeping across the municipality.

Further, any changes to the bike lane design will replace the granitic sand in the separator profile with a non-porous material such as concrete.

**3.9 Waste Collection**

Waste collection with separated bike lanes are a relatively new process for Moreland Council. The current trial infrastructure requires residents to place their bins on the raised physical separators for collection. Through engagement, Council heard feedback about the difficulty some residents have in lifting the bins into place and the tendency for the bins to fall off.

Council has investigated alternative means to support waste collection services on Kent Road. Hatched line marking adjacent to driveways is proposed that will provide a designated space to bin placement. An example of how this will apply to Kent Road is shown in *Figure 6*.



1. *Figure 6: Preliminary concept plan of hatched line marking to improve placement of bins and collection service*

**3.10 Transport Survey Counts**

Council undertook survey counts of the bikes, pedestrians and vehicles using Kent Road, Pascoe Vale to see how the trial has been performing. A survey count is an automated process to observe and record the number, speed, direction and type of user.

Council engaged an independent research company to undertake these surveys at regular intervals in order to view longer term trends that may fluctuate across shorter time periods (such as lockdowns, weather, etc). Two main methods are used to record the information:

 Tube counters placed across the street identify the number, type and speed of vehicles

 A camera identifies the number, direction and approximate age and gender of bike riders and pedestrians

Council undertook surveys of bikes, pedestrians and vehicles across three time periods and seven survey areas around Kent Road, including:

 Thursday 3 December to Sunday 6 December 2020 before trial, out of lockdown

 Thursday 9 September to Sunday 12 September 2021 during trial, in lockdown

 Thursday 2 December to Sunday 5 December 2021 during trial, out of lockdown

Vehicle surveys were taken over seven days, commencing from first day of each survey period. Parking surveys were also undertaken in the Kent Road area during the same periods as shown in *Figure 7*.



1. *Figure 7: Transport survey locations for Kent Road, Pascoe Vale*

Bike, pedestrian and vehicle survey counts provide a useful snapshot in time of the impact of changes during the trial period.

Council can compare information gathered during the trial periods and compare this to information before the trial infrastructure was installed in December 2020.

Detailed findings of the Kent Road, Transport Survey Count Data can be found at **Attachment 4** and are summarised below:

 Observed short term increases in bike riders per day indicates uptake in people who are likely willing to use separated and convenient infrastructure in the long term.

 Observed increases in the number of female bike riders in both survey periods during the trial compared to the survey period before the trial indicates uptake in a user group that may have been less likely to ride without separated and convenient infrastructure.

 Observed increase in number of children riding bikes between December 2020 and September 2021 indicates uptake in a user group that may have been less likely to ride without separated and convenient infrastructure.

 More people out walking by September 2021, but a decrease by December 2021 compared to before trial.

 Weekly average daily vehicle numbers are within similar thresholds during trial in December 2021 compared to before trial. Vehicle numbers in September 2021 were lower.

 Lower average occupancy of car parking spaces on Kent Road during the trial compared to before trial.

 Similar average occupancy of car parking spaces during the trial in the survey area including Cornwall Road, Cumberland Road, Kitchener Road, Joffre Road, Valerie Street and Kent Road compared to before the trial period.

***Potential limitations with data***

There are some potential limitations with the research methodology and outputs to be considered when interpreting this data, including:

Weather observations

Short term changes in weather conditions can impact the number of people likely to participate in outdoor activities such as cycling and walking. Historical weather observations are provided below for each of the survey periods:

1. *Table 1: Weather observations from Essendon Airport, Bureau of Meteorology station number 86038*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. **Survey period** | | 1. **Minimum temperature (°C)** | 1. **Maximum temperature (°C)** | 1. **Rainfall (mm)** |
| 1. **December 2020** before trial, out of lockdown | 1. Thursday, 3 Dec | 1. 9.4 | 1. 25 | 1. 0 |
| 1. Friday, 4 Dec | 1. 10.2 | 1. 24.4 | 1. 0 |
| 1. Saturday, 5 Dec | 1. 12.4 | 1. 28.4 | 1. 0 |
| 1. Sunday, 6 Dec | 1. 12 | 1. 21.6 | 1. 0 |
| 1. **September 2021** during trial, in lockdown | 1. Thursday, 9 Sept | 1. 11.2 | 1. 24.6 | 1. 0 |
| 1. Friday, 10 Sept | 1. 9.6 | 1. 18.8 | 1. 0 |
| 1. Saturday, 11 Sept | 1. 12.1 | 1. 22.9 | 1. 0 |
| 1. Sunday, 12 Sept | 1. 8.3 | 1. 15.7 | 1. 0 |
| 1. **December 2021** during trial, out of lockdown | 1. Thursday, 2 Dec | 1. 16.4 | 1. 33 | 1. 22.6 |
| 1. Friday, 3 Dec | 1. 10.3 | 1. 20.2 | 1. 3.6 |
| 1. Saturday, 4 Dec | 1. 9.8 | 1. 19.4 | 1. 0 |
| 1. Sunday, 5 Dec | 1. 9.4 | 1. 20.8 | 1. 0 |

Impact of Victorian Government Pandemic Orders (Melbourne lockdowns)

The first survey recorded in December 2020 was outside of Melbourne’s lockdown with travel patterns and daily life gradually returning to normal including a return to work in the office. September 2021 was during Melbourne’s 6th lockdown where there were only 5 reasons to leave home. The third survey in December 2021 was outside of Melbourne’s lockdown with travel patterns and daily life gradually returning to normal including a return to work in the office.

Typically, lockdowns have seen fewer commuting trips for work or other purposes such as socialising and organised sport but have led to a greater number of recreational walking and riding trips in local areas. It is likely travel patterns and reasons for travel would change in and out of lockdowns.

Time of year

Time of year may also impact survey outcomes. Under normal circumstances, transport survey counts are not conducted during school holidays as traffic patterns are too irregular and would likely miss key user groups including schools such as Pascoe Vale Girls Secondary College and work-related commuting trips.

The Cole Reserve football and cricket clubs will likely generate times of peak-usage with visitors to the area at different times of the week and year due to the seasonality of sport.

***Officer review of transport survey data***

Bike riding

Investment in separated cycling infrastructure is likely to encourage a long-term, gradual increase in bike riding. The positive uptake in bike riding seen on the Kent Road trial separated bike lanes between December 2020 and September 2021 indicates the program’s success during COVID in encouraging more trips to be made by bike riding, as outlined in the July 2020 officer report on the Safe Movement of Pedestrians and Cyclists - COVID-19 response.

By December 2021, travel patterns and daily life were gradually returning to normal, including a return to the office. As evidenced by the data by December 2021, it was unlikely the high number of riders observed in September 2021 would be sustained after such a short time. However, the rise observed by September 2021 demonstrates that people will use this infrastructure because it is safer, convenient and protected compared to no infrastructure.

Experience demonstrates that continued investment to create safer, efficient and connected cycling infrastructure will provide a genuine alternative for people in the long-term. New bike riders take time to see the infrastructure there, know where it goes, what it connects to, and then seeing others using it to feel confident to take it up themselves. It occurs gradually, but steadily over time.

A similar trend is observed in Brunswick as infrastructure investments by Council 15 to 20 years ago continue to lead to increased participation in cycling. From 2011 to 2016, journey to work data indicates that cycling increased from 9.3 per cent to 12.1 per cent respectively (source: Australian Bureau of Statistics, Census data, 2011 and 2016). Brunswick has the highest journey to work cycling rate in Victoria.

Friday 3 December 2021 observed an increase in daily bike riders (72) compared to December 2020 (48). It is likely that this increase was associated a greater number of commuter trips to work by bike.

Thursday 2 December 2021 experienced a significantly higher daily rainfall compared to the same comparable Thursday in December 2020. It is likely this impacted travel patterns and contributed to a decrease in bike riders on this day compared to before the trial.

A great number of female ridership in December 2021 (37 bike riders) compared to December 2020 (26 bike riders) indicates the separated bike lanes are encouraging the “interested in cycling but concerned” user group to ride a bike.

Vehicle volumes

The daily vehicle numbers through Kent Road, Pascoe Vale have remained similar to numbers before the trial and are still considered within thresholds for a Local Street. This indicates that traffic can still flow despite requiring vehicles to yield / give way to oncoming cars at narrow points in the street.

Car parking

The car parking survey on Kent Road indicates a lower average demand for car parking on Kent Road in December 2021 compared to before the trial. Despite changes to the total number of available parking spaces on Kent Road since the bike lanes were installed, the parking surveys also indicate any remaining demand of parking has been redistributed within the neighbouring streets without exceeding suitable occupancy thresholds as outlined in the Parking Management Policy that would typically indicate the need for additional parking restrictions. This suggests that the introduction of the bike lanes is not attributable to changes to parking availability in the street.

Since the bike lanes were installed, Council has installed 3 disabled parking bays abutting the site on Joffre Road to improve access for those that need it most to the medical centre. Parking surveys have indicated that these parking bays are used and not over capacity.

It is likely the Cole Reserve football and cricket clubs will generate times of peak-usage with visitors to the area at different times of the week and year due to the seasonality of sport. Since the bike lanes were installed, Council has reviewed the parking restrictions in the area and removed “No Stopping” areas on Cumberland Road just south of Kent Road, creating between 16 and 18 new on-street parking spaces. Overall, this is an increase in the available parking in the area compared to before the trial was implemented.

Council officers will continue to monitor the level of parking occupancy and assess any potential changes in consultation with the community and in accordance with the Parking Management Policy.

**3.11 Car parking access to the PVH Medical Centre**

Feedback during engagement has indicated that parking and access to the PVH Medical Centre is a key consideration for residents and PVH staff and visitors since the trial bike lanes were installed.

PVH Medical wase granted a Planning Permit in 2012 which provided for 11 parking spaces on the site. It is understood that development of this site has occurred in accordance with this approval which included an onsite DDA car parking space.

As shown in the parking assessments above, Kent Road, Pascoe Vale and surrounding streets have a similar occupancy rate of car parking spaces as before the trial commenced. This suggests that the introduction of the bike lanes is not attributable to changes to parking availability in the street.

As mentioned above, Council has installed 3 disabled parking bays abutting the site on Joffre Road to improve access for those that need it most to the medical centre. Parking surveys have indicated that these parking bays are used and not over capacity.

**3.12 Shared Paths**

Shared paths are typically not the preferred design intervention, particularly in road reserves where there are access requirements across the path to private property. One of the most common complaints Council receives from cyclists and pedestrians is the conflict that occurs on shared paths as bike rider tend to travel at higher speeds relative to pedestrians, making it an uncomfortable, less predictable and unsafe experience to walk on a path.

Victoria Walks is a health promotion charity established in 2009 with the aim to facilitate and inspire more walking throughout the community. Victoria Walks has compiled a wide range of research related to shared paths and perceived risks. Its research reports (source: <https://www.victoriawalks.org.au/research/#shared-paths>), identify:

 that for those aged 75 and over, walking makes up 77 per cent of their total physical activity

 In a survey of 1,128 Victorians aged 60 or over, 39 per cent identified bicycle riders on shared paths as a moderate or major constraint to their walking

 In a survey of 607 Victorians with vision impairment, 8 per cent had been involved in a collision and 20 per cent were in a near collision as a pedestrian over the previous five years and 24 per cent of these incidents were with bicycle riders

Delivering separated bicycle lanes also aligns with a list of Council-endorsed positions including the Moreland Integrated Transport Strategy, Urban Heat Island Policy, Zero Carbon Moreland 2040 Framework, and the Climate Emergency Action Plan. These policies highlight the importance to promote sustainable transport, increase green spaces and reduce hard surfaces (e.g. concrete and asphalt). In off-street locations such as parks, shared paths are still preferred as it reduces the amount of green space removed, and most pedestrians do not need to walk on the path as they have access to alternative paths including grassed areas.

Separated bicycle lanes are the preferred on-street design treatment for Moreland’s residential streets as they reduce conflict between pedestrians and cyclists and cyclists and vehicles. This is further compounded by the increasing uptake of faster, heavier e-bikes reducing further council’s acceptance of shared paths solutions, especially in urban areas.

Option Six proposes to create a shared path on the southern side of the street and remove the separated bike lanes. This option will put pedestrians and cyclists in instances of additional conflict and will worsen the experience of each user, likely leading to them to choose to not participate in each activity.

**3.13 Preliminary Cost estimates**

Following the outcomes of the community engagement, Council undertook preliminary design and costings of the proposed options as shown in **Attachment 1** and summarised below:

1. *Table 2: Preliminary costings for design options*

|  |  |  |
| --- | --- | --- |
| 1. Option | 1. Preliminary costing | 1. Caveats / assumptions |
| 1. Option 1 | 1. $300K |  20% contingency due to high-level design |
| 1. Option 3 | 1. $950K |  20% contingency due to high-level design   Utility pole relocation ($25-35K per pole) as per Jemena advice |
| 1. Option 6 | 1. $780K |  20% contingency due to high-level design   Utility pole relocation ($25-35K per pole) as per Jemena advice |

**3.14 Recommendations for future of Kent Road bike lane**

An evaluation of each design option was undertaken against cycling, vehicle, pedestrian, operation and implementation criteria as shown in **Attachment 1.**

Each design option was assessed against the criteria and allocated a ranking as one of the following:

 **High** – Achieves a positive outcome from the perspective of the user group or requires minimal change to implement

 **Moderate** – Achieves a compromised outcome from the perspective of the user group or requires some change

 **Poor** – Achieves a negative outcome from the perspective of the user group or requires significant change

 **Very poor** – Achieves an unsafe outcome from the perspective of the user group or requires significant and impractical change to implement. Unsafe outcomes are not supported by council officers.

In addition, value for money was assessed against anticipated costs as one of **low** ($0-$300,000), **moderate** ($300,000-$600,000), **high** ($600,000-$900,000) or **very high** ($900,000+).

Evaluation outcome

1. *Table 3: Summary of evaluation outcomes*

|  | 1. Design Standards and considerations | 1. Engagement: survey results | 1. Engagement: panel outcome | 1. Recommendation |
| --- | --- | --- | --- | --- |
| 1. **Option 1** |  Well performing against criteria   Construction and associated works estimated to be $300,000 |  43% supportive   1% unsure   56% unsupportive |  More supported by those in favour of bike lanes and the Kent Road project |  Community engagement and council evaluation has identified several changes to the design that can address areas of poor or moderate performance as outlined below. |
| 1. **Option 2** |  Well-performing against criteria however presents risks to cyclist safety as they merge with the road network at the Cumberland Road roundabout |  34% supportive   7% unsure   59% unsupportive |  Not closely considered by panel due to low level of support. |  Not recommended due to unsupportive responses indicated through community engagement. |
| 1. **Option 3** |  Significant constraints associated with the design including significant construction works to realign the kerb, relocate utility poles and remove an estimated 16 trees to deliver a marginally supported option with limited benefit.   Construction and associated works estimated to be $950,000 |  42% supportive   14% unsure   44% unsupportive |  Considered by panel, but responses remained divided and did not gather the same levels of support at options 1 and 6. |  Not recommended due to significant costs and implementation constraints.   Third most supported option (42%) although it had less than half the number of ‘very supported’ responses compared to Option One. |
| 1. **Option 4** |  Well-performing against criteria. |  27% supportive   7% unsure   66% unsupportive |  Not closely considered by panel due to low level of support. |  Not recommended due to unsupportive responses indicated through community engagement. |
| 1. **Option 5** |  Well-performing against criteria however requires removal of car parking on the southern side |  25% supportive   8% unsure   67% unsupportive |  Not closely considered by panel due to low level of support. |  Not recommended due to unsupportive responses indicated through community engagement.   It is noted the removal of car parking could be considered under Option One if it was more appropriate in the future. |
| 1. **Option 6** |  Does not meet the technical and design considerations for cycling and pedestrians   Poor performing across cyclist, pedestrian, operational and implementation criteria.   Achieves improvements to only the vehicle criteria   Construction and associated works estimated to be $780,000 |  46% supportive   8% unsure   46% unsupportive |  More supported by those opposed to bike lanes and the project on Kent Road |  Not recommended by officers due to safety, cost and implementation constraints associated with the design.   Most supported option through engagement by 3% compared to Option One.   Shared paths are not the preferred design intervention due to safety concerns between faster moving cyclists and slower moving pedestrians including the mobility impaired and elderly that would visit the medical centre using the same path. |

Officer recommendation

Officers recommend that Council should conclude the trial period and make permanent Option One with the following amendments to the design identified through community engagement and council evaluation to address areas of poor or moderate outcomes including:

 Installation of a new raised pedestrian crossing over Kent Road, Pascoe Vale immediately east of Joffre Road, opposite the PVH Medical Centre

 Installation of traffic calming treatments at Cornwall Road and Kent Road

 Replace granitic sand in current design of physical barriers with non-porous material such as concrete to reduce debris

 Include additional space adjacent to driveways for hatched line marking to assist waste collection and vehicles getting into and out of driveways

 Create additional gaps in physical barriers opposite the intersections to allow cyclists to merge into the bike lane

 Reduce physical barrier width to 0.8m to provide an addition 0.2m to the road reserve

 Signage placed on barriers to more clearly indicate areas for no-stopping for vehicles

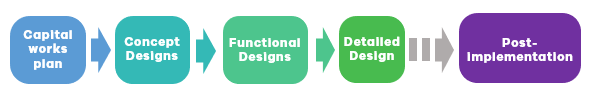
 Signage in the area and improved line marking to clearly indicate bike lanes for riding

 Investigate opportunities for street beautification projects including but not limited to further street tree planting and seats

 Investigate opportunities for widespread safety and behaviour change campaigns in partnership with state and local governments

**3.15 Recommendations for future bike project consultation**

Council’s bike planning is undertaken in four stages; strategic network planning (capital works planning), concept designs, functional design and detailed design. Post-implementation, Council reviews the design and continues to monitor its performance against project objectives. These stages provide a framework for future consultation.



1. *Figure 8: Council bike planning and post-implementation stages*

Since 2019, Council’s strategic network planning has been translated into projects identified in the annual rolling 10-year pedestrian and cycling Capital Works Plan. The Plan is reviewed every three years in consultation with the community.

Concept designs, Functional design and Detailed design are typically managed internally by Council, with one consultation period with affected residents, owners, businesses and industry stakeholders prior to issuing for construction.

In July 2020, Council approved installation of the Kent Road Trial Separated Bike lanes. Project delivery was undertaken prior to conducting full public consultation. Council adopted this position before the Community Engagement Policy was finalised in December 2020.

The Kent Road Trial Separated Bike Lanes were installed in June 2021. Affected residents, owners and businesses were informed of the works approximately 10 business days prior via a letter from Council in late-May 2021. The Conversations Moreland webpage was also updated at the time.

Feedback received during the engagement found those opposing the trial were not satisfied with how the trial commenced, believing there had been inadequate warning or prior communication of the trial infrastructure and associated changes to the street. Advocates for improved cycling infrastructure saw the project quite differently, viewing this trial as a modest, though important, initiative towards safer bike riding in Moreland.

This feedback indicates a perceived disconnect between the strategic planning through to the detailed design stage of this project. During the engagement, Council received requests to expand the scope of engagement to consider the broader network of bike paths and re-examination of whether Kent Road was the right route. As the Kent Road engagement process was focussed on Functional design, many of the higher-level strategic questions were out of scope and subject to earlier consultation on the 10-year pedestrian and cycling capital works plan that occurred in 2019.

Following the engagement, panel members were asked to provide their reflections on the process (see **Attachment 5**). Council received 15 responses in total. Eleven of the 15 responses specifically noted that Council should have run the engagement before implementing the bike lanes.

Max Hardy Consulting advises “projects are more likely to be supported when the process has broader scope; that is, the elements of a project that can be influenced by the process are substantial”. Engaging earlier in projects, and at multiple stages in accordance with Council’s Community Engagement Policy (2020), would allow for the community to participate and influence at different levels.

Officer recommendation:

Future bike projects should engage with the community at multiple points throughout the strategic and design process and do so in accordance with Council’s Community Engagement Policy (2020). Earlier strategic engagement should focus on the community’s aspirations and State Government and Council policy objectives. Later stages should narrow the focus on specific designs and impacts to affected streets and properties.

All future bike projects should follow a clear and defined approved engagement process in order to ensure that no matter their scope, all those affected are being considered and engaged.

Post-implementation, Council can continue to obtain community feedback on the project in order to inform any potential changes to design where opportunities for community input may be limited. Engagement post-implementation is an ongoing process and may occur at multiple times and levels subject to project type and level of interest.

An indicative process for this engagement on future bike projects is proposed in **Attachment 6.**

This process provides the framework for our consultation to align with strategy 2.6 of the Council Plan 2021-2025 to “collaborate with the community to improve pedestrian and cycling infrastructure on a case by case basis”.

This process is subject to refresh of the transport strategy, changes to Council’s bike planning process and any potential changes to Council’s Community Engagement Policy (2020).

**Climate emergency and environmental sustainability implications**

Transport accounts for more than one third of an average household’s carbon emissions in Moreland, and almost one fifth of overall carbon gas emissions in Victoria and Australia. Supporting safe, efficient and accessible alternatives for private vehicle trips will significantly contribute to reduced emissions and halt the impact of global warming on future generations.

A separated bike lane on Kent Road will encourage a shift away from reliance on privately-owned fossil-fuelled vehicles and support a long-term vision of public transport and mobility services using shared vehicles powered by 100 per cent renewable energy, as well as an increased uptake of active travel.

**Human Rights Consideration**

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

Key sections in the Charter that are relevant to this report are recognition and equality before the law (section 8), freedom of movement (section 12) and taking part in public life (section 18).

The majority of the actions proposed in this report contribute positively to freedom of movement by making walking and cycling safer and more attractive as modes of transport.

Some actions, such as the removal of car parking presents a more significant issue, particularly where parking occupancy is high and a reduction in the number of spaces may make it more difficult for a person to find a space. Changes to parking will occur through due process including consultation with the community and survey of parking requirements. In addition, no proposed action entails removal of a disability parking space.

Council has recently reviewed the parking restrictions in the area. An additional 16 to 18 parking spots have been made available on Cumberland Road, south of Kent Road adjacent to the open space. This is a net-increase on the available parking compared to available spaces prior to June 2021.

It is considered that this impact on this right is justified by the positive impact on freedom of movement and safety for people cycling in the area. The proposal already minimises the reduction in car parking spaces as much as possible. As such, it is considered that the right to freedom of movement has not been unreasonably limited by the recommendations in this report.

**4. Community consultation and engagement**

Following adoption of the recommendations, Council officers will begin detailed design and implementation of the permanent treatment as outlined in point 7 of the officer’s recommendations.

**Past engagement**

RedRoad Consulting undertook engagement in July and August 2021 which included six planned community walks. This engagement was unfortunately cut short due to the emerging COVID-19 situation and Department of Health restrictions. Three of the remaining walks were changed to virtual events.

RedRoad Consulting identified similar feedback regarding amendments to the current trial design and the need to engage with the community before implementation.

RedRoad Consulting provided recommendations to Council as to how future engagement on the Kent Road bike lane project could be undertaken in collaboration with the community. An engagement process similar to RedRoad’s recommendations was undertaken by Max Hardy Consulting, with the addition of other engagement activities such as the stakeholder interviews, webinar and survey.

RedRoad Consulting did not consider the six options that were the scope of consultation with Max Hardy Consulting.

Detailed findings of the RedRoad ‘Community Walks’ can be found at **Attachment 7.** The report was not finalised until after the Council meeting in September 2021.

**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.

To date, Council has undertaken significant consultation across the community including interviews with key stakeholders, a broad community survey, and a community review panel. Council will notify residents, owners and businesses of Kent Road and adjoining streets of the proposed works in accordance with the *Community Engagement Policy* (2020).

**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**

A report was provided to Council in November 2021 detailing the continued high level of officer involvement in this project affecting the ability to deliver the 2021/22 transport capital works program and other work contributing to the review of Council’s Transport Strategy.

Council’s commitment to community engagement is recognised through the *Community Engagement Policy* (2020). Engagement as proposed in the indicative engagement process (see **Attachment 6**) for the planning and delivery of Council’s bicycle projects in future years will affect what can be delivered with existing resources compared to previous years.

The funding required to implement this project will be referred to the 2022/23 Capital Works Program as part of the Budget process. Appropriate resources will be allocated then to implement the project including informing the community of the construction timeframes.

**7. Implementation**

If Council adopts the recommendations, Council officers will begin detailed design and implementation of the permanent treatment as outlined in point 3 of the officer recommendations with the view to complete these works by 31 December 2022.

Council’s resolution will be communicated via the Kent Road Conversations Moreland Webpage, email to project subscribers, and letter box drop to residents, owners and businesses on Kent Road and adjoining streets in the shorter term.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Kent Road Alternative Design Options Evaluation | D22/5039 |  |
| **2** | Kent Road - Road Safety Audit - Alternative Concept Designs | D22/64693 |  |
| **3** | Kent Road Community Design Review Panel Report | D22/5548 |  |
| **4** | Transport Counts data summary booklet | D21/497740 |  |
| **5** | Kent Road Design Review Panel - Panel reflections | D22/51037 |  |
| **6** | Transport Projects Future Engagement Process | D22/5559 |  |
| **7** | RedRoad Consulting - Kent Road Community Engagement Stage 1 | D22/58625 |  |

**7.3 Proposed Road Discontinuance Adjoining 50-52 Breese Street Brunswick**

**Director Place and Environment, Joseph Tabacco**

**Property**

Council at its meeting on 9 February 2022 resolved that this matter be deferred to its meeting to be held on 9 March 2022.

**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 March 2022 until Friday 22 April 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* andthe *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 March 2022 until Friday 22 April 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 Street, Brunswick ROW Map | D21/543393 |  |

7.4 Right of Way Discontinuance and Sale Adjoining 133 Brunswick Road Brunswick

**Director Place and Environment, Joseph Tabacco**

**Property, Place and Design**

## 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 133 Brunswick 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. Notes that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Ltd, in the road, in connection with any sewers and pipes, under the control of that authority in or near the road.

4. Publishes a notice of this decision in the Victoria Government Gazette.

5. Sells the land from the road to owners of 133 Brunswick 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.

6. Authorises the Director Place and Environment to execute the Transfer of Land documents and any other documents required to affect the sale of the land.

**REPORT**

**Executive Summary**

Council issued a Planning Permit for the construction of an aged care centre at 125-131 Brunswick Road, Brunswick. The owners have more recently also purchased the adjoining property at 133 Brunswick Road and have made an application for the discontinuance and sale of an 83m2 section of road in between these two properties, to assist with a development of the property, shown in blue in **Attachment 1**.

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

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 procedure for the discontinuance and sale of the subject section of road and public notice of the proposal was given. No submissions were received in response to the public notice process. Accordingly, this report recommends that the right of way (road) be formally discontinued and sold by private treaty to the owners of 133 Brunswick Road, Brunswick in accordance with the *Local Government Act 1989,* the *Local Government Act 2020* andCouncil’s policy.

**Previous Council Decisions**

**Proposed ROW Discontinuance of Road Adjoining 133 Brunswick Road, Brunswick** – 10 November 2021

*That Council:*

*1. Commences**the procedures to discontinue and sell the road adjoining 133 Brunswick 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 Age newspaper and on Council’s website and invite written submissions from Monday 15 November 2021 until Tuesday 14 December 2021. The notice will state that if discontinued, Council proposes to sell the land from the road adjoining 133 Brunswick 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 Riley as Chair, and Councillors Tapinos, Conlan and Panopoulos 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 133 Brunswick 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 133 Brunswick 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 has previously issued a planning permit (MPS/2017/171) for the construction of an aged care centre at 125-131 Brunswick Road, Brunswick.

These owners then purchased the adjoining property at 133 Brunswick Road, Brunswick. The owners of the surrounding properties now wish to acquire the 83m2 road to square up their property and assist with their plans and approved aged care development.

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

The subject right of way (road) surrounded by the two properties is shown in blue in **Attachment 1**.

The road adjoining 133 Brunswick Road and 125-131 Brunswick Road Brunswick, is found on General, or Old Law Conveyance Title: Book 62, Number 561.

At its meeting held on 10 November 2021 Council resolved to commence the procedures for the discontinuance and sale of the subject 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. The registered proprietor of the land was notified in writing of the proposal. Submissions to be received within 28 days of the date of the notice. No submissions were received.

## 3. Issues

As all the abutting properties are owned by the applicant, no concerns have been raised. If the road is discontinued, it is proposed to sell the land from the road to the owners of 133 Brunswick Road in accordance with Council’s Rights of Way Associated Policies 2011 and Rights of Way Strategy 2011.

A Yarra Valley Water (YVW) sewer asset is located along the length of the ROW. YVW have consented to the discontinuance with the condition that an easement is saved on title in favour of YVW. During discussions with the applicant, it has been decided that the sewer asset and other easements will be removed in a future planning application process, as listed as a condition in planning permit MPS/2017/171 and has been agreed upon by the applicant.

### 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 objections 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 Council’s Rights of Way Associated Policies, for property owners with a commercial interest, ROW shall be sold at market rates plus administration costs.

The current market value of the road has been assessed at $295,000 (+ GST). The applicant has agreed to meet Council’s associated costs with discontinuing the road, estimated between $6,000 to $21,000.00.

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** | ROW abutting 133 Brunswick Rd Brunswick - report attachment | D22/55674 |  |

**7.5 Moreland City Council - Shopfront Activation Program**

**Director Place and Environment, Joseph Tabacco**

**Economic Development**

**Officer Recommendation**

That Council:

1. Endorses Option 2: *Moreland Vacant Shop Grants Program* as the preferred option to activate vacant shops in Moreland’s shopping strips.

2. Refers the funds required to action this resolution to the 2022/2023 budget process for consideration.

**REPORT**

**Executive Summary**

Pre-COVID, Moreland was celebrated for its vibrant and successful retail environment, its lively café and music culture and its bustling shopping strips. Across Melbourne, the COVID-19 public health measures mandated by the State Government had a major impact on traders in shopping strips, including a reduction in customer visitation, revenue, stock levels and staff availability. Traders were required to adapt to the changing environment with some businesses closing. As a result, shopping strips experienced reduced foot traffic and the number of vacant shops increased.

At its meeting on 13 October 2021 Council considered a report recommending the reinstatement or continuation of some of the financial relief measures, in response to the continuing pandemic and ongoing lockdowns. As part of this, Council resolved to request a report identifying options to temporarily activate vacant shopfronts, particularly along Sydney Road.

Council already runs a range of programs and activities to support traders and address the issues currently facing businesses in Moreland’s shopping strips. The most relevant example is ‘More Space’, a program where vacant shopfront windows are cleaned of graffiti and filled with bright and colourful ‘MoreSpace’ branding. Microbusiness products are promoted in window display boxes. Potential sales are created by connecting customers to the microbusiness’s online store via a QR code.

This report provides two additional vacant shop activation program options and assesses them against 12 objectives, project cost and an estimate of the number of shops that could be activated. The resource implications of adding an additional program to the suite of existing programs has also been considered.

**Previous Council Decisions**

**COVID-19 Response - Update** - 13 October 2021

*That Council, in response to the ongoing pandemic emergency, resolves to:*

*1. Waive or reduce business registration fees as follows:*

*a) Waive Public Health and Wellbeing Act premises registration renewal fees for the 2022 calendar year;*

*b) Waive Food Act registration renewal fees by 50 per cent for the first six months of the 2022 calendar year, excluding supermarkets which will be liable for 100 per cent of the fee.*

*2. Extend the operation of the COVID-19 Hardship Policy, with amendments as attached.*

*3. In the light of the cancellation of the Coburg Night Market, reallocate $39,000 from the unspent Coburg Market budget as follows:*

*a) $14,000 be allocated to small-scale COVID-safe music activations in Central Coburg over the summer months.*

*b) $25,000 to the Arts and Culture Flourish Grant program to support artists recovering from financial hardship due to the COVID-19 pandemic.*

*4. Allocate an additional $50,000 to the current round of Flourish Recovery Arts Grant program to support more artists and organisations who have already applied in the current round.*

*5. Request a report to the November Council meeting on current actions and additional recommendations to address higher community use of parks due to COVID making outdoor events and socialising safer than indoor events, specifically measures to increase access to toilets and manage waste, including potentially providing more bins in parks and putting up temporary signage next to bins encouraging people to take their waste home with them if bins are full.*

***6. Request a report from officers identifying options to temporarily activate vacant shopfronts, particularly along Sydney Road, by the December 2021 Council Meeting.***

*7. In the light of the cancellation of the Fawkner Festa, reallocate $38,000 from the unspent Fawkner Festa budget as follows*

*a) $10,000 to deliver a COVID-safe arts project to the Fawkner community.*

*b) $28,000 to the Arts and Culture Flourish Grant program to support artists recovering from financial hardship due to the COVID-19 pandemic.*

*8. Receives a report from Council officers investigating the provision of 3 months of rent relief for all Not for Profit tenants (excluding sports clubs) for the 2021/22 financial year (noting that rent relief does not include waste or fire services levy charges that are collected by council on behalf of the state revenue office).*

*9. Refer financial projections to the first quarter budget review.*

**1. Policy Context**

The Moreland 2021-2031 Community Vision includes within Theme 4 - Places and Spaces in Moreland: Moreland’s public and commercial spaces bring people together in diverse ways. Acknowledging the unique strengths in different areas of Moreland, the council and community support the development of vibrant hubs of arts, businesses and recreation.

The Council Plan 2021-25 includes a Strategic Objective - Vibrant spaces and places in Moreland and a high-level strategy to improve our shopping strips while keeping their local identities

Further strategies from the Council Plan include:

4.10 Increase local jobs and economic activity through supporting local, micro and social business and partnership efforts

4.11 Make Moreland a creative and cultural destination within Melbourne, significantly contributing to local vibrancy, cohesion and inclusion

The Council Plan also includes the following major initiative and priority:

31. Activate major activity centres with intensive, holistic, rapid turnaround economic programs that increase social and economic activity and enhance local identity.

**2. Background**

COVID-19 has had a major impact on our retail precincts resulting in reduced foot traffic, intermittent business closures and clusters of vacant shops and vandalised shopfronts.

The businesses hardest hit by the pandemic and the public health measures mandated by the State Government have been hospitality, retail, beauty and others that have shopfronts and rely heavily on customer visitation and passing foot traffic. Businesses responded in many ways, including moving their trade online, changing their service offer and business models, while others closed permanently. COVID-19 has accelerated the trend of customers shopping online and moving away from traditional shopping at retail stores.

**Current challenges facing traders**

With the easing of COVID-19 restrictions in late October 2021, there was a consumer eagerness to return to stores, cafes, and restaurants. By January 2022 traders were reporting the impacts of a ’shadow lockdown’ where customers were voluntarily limiting their movements as the more contagious Omicron strain resulted in rising COVID case numbers.

Businesses continue to be vulnerable and impacted by the shadow lockdown, the high rates of staff absences due to isolation requirements, reduced stock levels and the reduction or cessation of Federal and State government support and funding including, JobKeeper and the Circuit Breaker Business Support Package. The State Government’s Commercial Tenancy Relief Scheme is also scheduled to cease in March 2022.

Given the unpredictable and difficult environment traders are operating within, it is forecast that retail trade jobs in Moreland will fall by almost 560 between June Quarter 2021 and December Quarter 2024[[1]](#footnote-1).

**Vacancies in shopping strips**

Vacant spaces detract from the vibrancy and appeal of a shopping strip and reduce the feeling of safety. Damaged and graffitied vacant ground floor shopfronts have the greatest impact on the visual amenity of a shopping strip, with clusters compounding this impact. Poor visual amenity of a shopping strip can impact community confidence and visitation.

A 2020 audit undertaken as part of Council’s ‘*A Job in Moreland*’ found that the average vacancy rate for Moreland’s activity centres was 11%. The vacancy rates across Moreland’s major shopping strips varied from 4.3% (Glenroy) to a high of 18.4 per cent (Lygon Street Brunswick East). This audit included both ground and upper floor spaces.

In November 2021 a foot audit of the main shopping strips of the three activity centres was undertaken by officers from the Economic Development Branch. This audit tallied the vacancy rates of ground floor shops only and considered the visual impact.

The audit identified that while the rate of vacant ground floor shops varied between 5.3 and 5.7 per cent in our major shopping strips, clusters of two or more shopfront vacancies exist within pockets of Sydney Road Coburg, Sydney Road Brunswick and Lygon St Brunswick East. In addition, the audit identified that the grouping of large vacant windows had a further, negative impact on the amenity of the shopping strip.

Visually it was also obvious that vacant shops with large shopfront windows were experiencing graffiti tagging. Moreland business associations reported similar findings and requested Council assistance to address the issues.

**Council’s existing support to address trader and shopping strip issues**

With the onset of COVID restrictions in 2020, additional targeted retail and precinct projects were prioritised through Council’s $812,000 Boost for Business Program. The program ended in June 2021.

Supporting shopping strips and traders is a core part of Council’s economic development activities. Council currently offers the following:

***Shopping Strip Renewal Program (SSRP) - $42,000 Council funding (2021-22)***

The total SSRP funding includes $32,000 for trader business development programs and $10,000 for MoreSpace.

*Business development programs*

To achieve the greatest impact, SSRP business development programs are run in conjunction with Urban Design projects that improve the visual amenity of shopfronts and local shopping strips. Combined these projects improve visual amenity, increase customer visitation and develop business owner’s skills.

Across 2021-22 projects include, completion of the Gaffney Street Pascoe Vale upgrade, scoping and consultation for the Melville Road/ Moreland Road shopping strip upgrade and concept plans and business development support at West Street Hadfield.



Gaffney Street looking west (source Matterport Scan – Moreland City Council)

*MoreSpace*

MoreSpace seeks to activate vacant shop windows and support the Moreland microbusiness community. It was developed after Moreland’s business associations reported ongoing and escalating graffiti problems on long term vacant shops. Consultation at a Moreland Real Estate Agent forum and an assessment of existing vacant shop programs resulted in the development of the MoreSpace program.

The MoreSpace program is managed and coordinated internally. All equipment and marketing collateral is procured from local suppliers. Properties are found through Real Estate Agents and direct contact with property owners.

The shopfront and windows are cleaned and graffiti removed. A bright, colourful branded MoreSpace decal covers the window until the shop is leased. Microbusiness products are promoted for free in window display boxes. Customers can directly shop via a QR code.

The MoreSpace program was created to activate shopping strips, showcase local business talent and deter vandalism. The objectives are:

 Address the growing issue of vacant shops in shopping strips

 Improve the visual amenity of shopping strips

 Improve customer confidence to visit shopping strips

 Provide no-cost promotional opportunities to businesses

 Create opportunities for innovative collaborations and partnerships that develop start-ups and entrepreneurs

 Improve the shop offer to appeal to potential long-term tenants

 Engage real estate agents and property owners in the task of vacant shopfront rejuvenation

Before and after MoreSpace intervention – Pascoe Street, Pascoe Vale

***Local Government COVIDSafe Outdoor Activation Fund - $975,000 Victorian Government funding (2021-22)***

Assistance for businesses to make it easier to operate outdoors. An entertainment program is also delivered to activate outdoor precincts.

$336,000 of this funding supports projects and activities that impact traders and shopping precincts in Brunswick and Coburg including:

 New outdoor permanent or semi-permanent event precincts in Victoria Street Mall Coburg, 260 Sydney Road Brunswick and Munro Street carpark;

 Provide, maintain or upgrade outdoor spaces, parklet facilities, bollards, planter boxes, street furniture, landscaping, signage and lighting;

 Waive applicable fees and charges associated with permit applications (footpath trading and parklet); and

 Provide street entertainment, cultural displays and performances to enhance the ambience of outdoor areas.

***COVID Safe Business Officer - $180,000 Victorian Government funding (2021-22)***

Education and support to businesses located within shopping precincts. Additional one-to-one support and translated COVID materials are provided to CALD businesses.

***East Brunswick Village (EBV) Popup Shop Pilot Project***

Council partnered with EBV to activate a vacant onsite shop from October 2021 to end of December 2021. The popup shop provided free spaces for 12 microbusinesses to display and sell their products via QR codes, that connected the customer to the microbusinesses online shopping platform. The store was staffed full time through a roster of participating businesses. This pilot project extended the MoreSpace concept to a shop.

While the timing (Christmas shopping period) worked well, sourcing and coordinating the 12 microbusinesses, designing and building the store fit-out and branding collateral, developing shop processes, procedures, rosters and a communication plan, developing party agreements and setting up and packing down the store was resource intensive and required ongoing Officer time and support. This experience informed the development of the Option 2 *Moreland Vacant Shop Grants Program*.

***Special rates and charge schemes***

Council initiates and manages special rates and charge schemes for both the Sydney Road Brunswick Association and the Central Coburg Business Association. The scheme collects and redirects special rates from commercial property owners and traders within the two retail precincts, to the business association. The funds are used for marketing activities that attract shoppers and support the precinct activation.

***Better Approvals Moreland***

Provides a business with a single point of contact within Council who will identify and coordinate the permits and registrations required to start a new business at a site.

***Waived health registration fees***

At its October 2021 meeting, Council resolved to:

a) Waive Public Health and Wellbeing Act premises registration renewal fees for the 2022 calendar year; and

b) Waive Food Act registration renewal fees by 50 per cent for the first six months of the 2022 calendar year, excluding supermarkets which will be liable for 100 per cent of the fee.

**Additional vacant shop program options**

In response to high shopfront vacancies and low visitation in 2021 the City of Melbourne (CoM) and the Victorian government funded a $2.6m Shopfront Activation Program which aims to fill 75 vacant shops across three high vacancy rate precincts. Renew Australia designed and are managing the program for one of the precincts.

As outlined above, Moreland has a range of Council programs that support traders and address the issues created by vacant shops. Two additional options have been developed which could complement Council’s existing support and programs.

Option 1 involves engaging Renew Australia based on the CoM program. Option 2 has been informed by the learnings from the EBV Popup Shop Pilot Project, consultation with Real Estate Agents and Moreland’s retail business associations and expands the objectives achieved through MoreSpace.

These options have been assessed against 12 objectives which consider the benefits to local creatives, businesses and the shopping strip. The number of shops impacted and the cost to Council has also been compared.

***Option 1: Renew Australia Moreland Shopfront Activation Program***

This program includes two stages:

*Stage 1:* *Scoping study* to determine if it is feasible to undertake stage 2.

*Stage 2:* *Shopfront activation* will transform empty shopfronts into creative spaces, displays and pop-up shops.

Renew Australia will manage the program, locate potential properties and negotiate with landlords and tenants. A rolling 30-day rent-free lease for a ground floor shop is provided to creative tenants. Tenants pay utility costs and are covered by Renew Australia’s national Product and Public Liability Insurance.

***Option 2: Moreland Vacant Shop Grants Program***

Provides grants to subsidise rent, setup costs and/or shopfront improvements to creatives, entrepreneurs and businesses that enter a lease for a ground floor, street facing space within a shopping strip.

The Lygon Street Brunswick, Sydney Road Brunswick and Sydney Road Coburg shopping strips (where the greatest need has been identified) are proposed to be targeted in promotion of the program.

Applications will be assessed, and applicants will demonstrate a signed lease, appropriate permits (planning, building and environmental health) and how the grant will be acquitted according to program guidelines.

*Short term* – up to a $5,000 grant for a short term or pop- up shop lease of 3 –12 months.

*Long term* – up to a $10,000 grant for a 12 month plus shop lease.

Grant guidelines and obligations will be developed to ensure that grants are appropriately acquitted or repaid if not spent.

The table below shows how the proposed options score against the 12 objectives as well as the existing MoreSpace program.

**Table 1: Assessment of additional vacant shopfront program options**

|  |  |  |  |
| --- | --- | --- | --- |
| Assessment of options against:   Objectives,   Council’s financial contribution; and   Number of vacant shops impacted. | Option 1     Renew Australia Moreland Shopfront Activation Program | Option 2     Moreland Vacant Shop Grant Program  Short term - $5,000 grants  Long term - $10,000 grants | MoreSpace  Current program most aligned to new vacant shop program options |
| Address the growing issue of vacant shops in shopping strips and their impact on customer confidence |  |  |  |
| Fill vacant shops – short term |  |  |  |
| Provide low/no-cost leasing to businesses |  |  |  |
| Improve visual amenity of shopping strip |  |  |  |
| Improve the shop offer so it appeals more to long term tenants |  |  |  |
| Create vibrancy in the street |  |  |  |
| Create opportunities for innovative collaborations and partnerships that develop startups and entrepreneurs |  |  |  |
| Engage real estate agents and property owners in the task of vacant shopfront rejuvenation |  |  |  |
| Additional objectives met by new vacant shop programs | | | |
| Provide low/no-cost leasing to creatives |  |  |  |
| Fill vacant shops – long term (greater than 12 months) |  |  |  |
| Grow the number of local enterprises and employment opportunities in shopping strips |  | \* |  |
| Support a diverse range of creative individuals and collectives |  |  |  |
| Council financial contribution | $200,000 (estimate) | $100,000. | $10,000 |
| Number of vacant shops impacted | 5 (approx.) | up to 20 | 9 current |

\*A business that enters a long-term lease has progressed to the next stage of business maturity and is more likely to employ others to support the full-time running of the shop.

**3. Issues**

**Option 1 - Renew Australia Moreland Shopfront Activation Program**

The Renew Australia Moreland Shopfront Activation Program met 10 of the 12 objectives. The program focusses on creatives and the activation of the shopping strip and vacant shops to create an environment that customers want to visit.

The program seeks short-term outcomes and provides affordable or no cost vacant shopping strip spaces on 30 day rolling leases for tenants to promote their artworks, goods and services. The objectives the program don’t include attraction of long-term investment and employment into the shopping strip.

A scoping study is stage 1 of the project and will identify where there is greatest need and commitment from property owners, develop relationships and determine the creative community’s appetite for the program and spaces. The scoping study will also determine if it is feasible to continue with stage 2 of the program.

Renew Australia will be contracted to run this program. Based on the City of Melbourne program (overall cost and the number of shops sought to be activated), it is estimated that a program that activates 5 shops could cost approximately $200,000. This contribution would cover Renew Australia’s fees and the rent for any shop activated in the program. An accurate quote for the program would be obtained at the completion of the stage 1 scoping study.

**Option 2 - Moreland Vacant Shop Grants Program**

While the Renew Australia option meets most of the identified objectives, option 2 has been designed with the additional benefit of achieving longer term leases in mind. Amounts haves not been allocated to Short or Long-term grants. The combined grant streams will meet changing local market needs of short and/ or long-term shopfront leases.

A Short-Term $5,000 grant will pay a major portion of the rental fees for a popup shop 3-month lease or can subsidise setup costs. Short Term grants target creatives, artists and microbusinesses. Where possible the use of local suppliers for shopfront improvement works would be used.

A Long-Term $10,000 grant can subsidise rent, internal or external shop works. Long Term grants additionally target investment and jobs. A business that enters a long-term lease has progressed in business maturity and is more likely to employ staff to support a full-time shop presence.

With a Council contribution of $100,000 up to 20 grants can be awarded.

**Community impact**

COVID restrictions impacted the health and wellbeing of many community members. People were eager to return to vibrant shopping strips, cafes and restaurants at the end of 2021. Currently the visual aspect of shopping strips with graffitied vacant shops and reduced visitation numbers, does not support growing consumer confidence. An additional program will contribute to reinvigorating shopping strips and filling shops. This will increase consumer confidence to return to local shopping, support local traders and improve community health and wellbeing.

**Climate emergency and environmental sustainability implications**

The matters outlined in this report have no direct climate emergency or environmental sustainability implications.

**Economic sustainability implications**

Local suppliers would be used when possible for shop improvements for Program Option 2 grants. The grants encourage longer leases, new businesses and jobs in Moreland.

**Legal and risk considerations**

Program Option 1 - Renew Australia has significant experience running these programs and is supported with documentation that has been developed with legal risks considered. The risk considerations for this program are that it is reliant on property owners agreeing to short term leases and on the results of the Stage 1 scoping study determining that stage 2 can proceed.

Program Option 2 - The lease and any onsite works will be between the lessee, lessor and trades people. This removes legal and insurance risk to Council.

Risk remains if a grant recipient (particularly Long Term $10,000 grants) breaks the lease. This risk will be mitigated with regular check-ins with Council and within program guidelines requiring early stage reporting and proof of potential expenditure before funds are released. Grant recipients will also be required to sign an agreement to repay a pro-rated amount if they do not continue the lease for the required time. For example, a Long Term $10,000 grant recipient who breaks a 12-month lease at 6 months would be required to repay $5,000.

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. Providing access to community areas that provide a feeling of safety for our community is reflected in Sections 12 and 20 of the Human Rights Charter which relate to property rights and taking part in public life.

**4. Community consultation and engagement**

The social distancing restrictions have impacted Council’s ability to undertake engagement through usual approaches. As a consequence, Council officers have adjusted their approach to community consultation on this matter by:

• Consultation with Renew Australia about the City of Melbourne program and previous council vacant shop programs.

• External Think Tank sessions that included businesses, real estate agents and developers held February 2021 to develop the Investment Attraction Action Plan, identified support for vacant shop programs. Concerns were raised about lack of long-term outcomes

• Discussions with Darebin and Geelong Economic Development staff about their experience with vacant shop programs

• Feedback from the Sydney Road Brunswick Business Association indicated that long-term vacant sites were being covered in tagging and contributed to the make areas of the shopping precinct unappealing. Some parts of Sydney Road were of particular concern.

• The Central Coburg Business Association shared report findings from The Coburg Placemaking Action Plan that customer feedback indicated that shopfront amenity/visual merchandising was poor across the precinct. The Association also expressed concern about vacant shops.

• Local real estate agent feedback was that businesses that cater for or will appeal to the current community should be encouraged to open on Sydney Road. There was support of Council offering grants to a business owner to assist with start-up costs, provided those businesses use a local supplier.

Council’s Economic Development unit has consulted with the following internal staff:

• Discussions with the Unit Manager Cultural Development about their experience with the Darebin vacant shop model and to gain an arts and culture perspective;

• Program Manager Outdoor Activations to discuss how the additional vacant shop program options could complement Council’s existing programs; and

• Place and Environment Financial Partner to discuss the financial implications and funding of an additional vacant shop program.

**Affected persons rights and interests**

Before making a decision to deny a business or artist a space or grant within the program, Council will provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights and consider those views.

**Communications**

A detailed Communication and Promotion Plan will be developed as part of the implementation process.

**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 funds and resourcing required to action this resolution need to be referred to the 2022/2023 budget process for inclusion as follows:

Option 1:

$200,000 would need to be allocated to the Economic Development budget to progress a program with Renew Australia. Existing resources within the Economic Development Unit would be used to support the program.

Option 2 (officer recommendation):

$100,000 would need to be allocated to the Economic Development budget to fund the grants plus approximately $25,000 to fund a 0.2 (1 day/week) Band 7 officer to manage the program. Total funds required - $125,000.

Both options would run for the 22/23 financial year.

If the additional funds are not supported through the budget process, the MoreSpace program, in addition to the other existing programs outlined in this report will continue to be implemented and resourced through the existing Economic Development Unit budget and resources.

**7. Implementation**

Subject to Council’s decision and budget allocation of Option 2, the Moreland Vacant Shop Grants Program will be implemented as follows:

• Consult further with the broader Commercial Real Estate Agent community to identify roles and responsibilities of all parties and grant requirements

• Develop program guidelines and implementation schedule

• Develop a Risk Mitigation Plan

• Develop Communications and Promotion Plan

**Attachment/s**

There are no attachments for this report.

7.6 2022 Annual and Winter Sports Facilities and Grounds Tenancy Allocations

**Director Community, Eamonn Fennessy**

**Community Wellbeing**

## Officer Recommendation

That Council:

1. Allocates sports grounds and pavilions for the 2022 annual and winter season to the nominated clubs shown in Attachment 1 to this report.

2. Authorises the Director Community to make any changes necessary to the allocation of facilities for the 2022 annual and winter season.

3. Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, as outlined in Confidential Attachment 2 to this report, will be informed that no ground allocation will be granted until payment is made or a payment plan has been agreed to.

4. Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2022 annual and winter season.

5. Notes current junior and female participation levels at sports clubs contained within this 2022 Annual and Winter Sports Ground Tenancy Allocations report.

**REPORT**

**Executive Summary**

Council has a strong commitment to providing its community with active sport and recreation opportunities, offering a wide range of sporting facilities and support to residents and visitors to the municipality.

The Moreland sporting community is recovering from interrupted seasons and navigating the many challenges faced throughout the pandemic. Council officers continue to work closely with clubs and associations with a core focus on participation for the Moreland community.

Council’s Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 provides a framework for the annual and seasonal allocation of sporting grounds and pavilions to clubs through a tenancy agreement.

In line with the Policy, facilities are allocated to clubs with sound governance structures, open membership for men, women and juniors, and a demonstrated commitment to social responsibility, including participation in club development programs.

Thirty-one annual and seasonal tenancy applications were received from clubs, with an additional application received from an external club seeking a seasonal allocation in Moreland. Unfortunately, the club does not meet the Allocation Policy. If there are grounds that are being underutilised in Moreland, clubs who do not meet the Allocation Policy will have an opportunity to access these grounds as a casual hirer. This report also provides an update on progress of the club’s levels in junior and female participation.

**Previous Council Decisions**

**D21/96903 2021 Annual and Winter Sports Facilities and Ground Tenancy Allocations** 10 March 2021

*That Council:*

*1. Allocates sports grounds and pavilions for the 2021 annual and winter season to the nominated clubs shown in Attachment 1 to this report.*

*2. Notes current junior and female participation levels at sports clubs contained within this 2021 Annual and Winter Sports Ground Tenancy Allocations report.*

*3. Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, as outlined in confidential Attachment 2 to this report, will be informed that no ground allocation will be granted until payment is made or a payment plan has been agreed to.*

*4. Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2021 annual and winter season.*

*5. Authorises the Director Community Development to make any changes necessary to the allocation of facilities for the 2021 annual and winter season.*

## 1. Policy Context

The Moreland City Council Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy 2016 (the Policy), together with the Sporting Facilities, Grounds and Pavilions User Guide (the User Guide) provide a framework for the allocation for Council’s sports facilities and outline the terms and conditions of use.

Council’s Sport and Active Recreation Strategy 2020 is closely aligned to the Moreland Council Plan and the Moreland Open Space Strategy where it continues to have outcomes for increasing participation options.

Theme: Healthy and Caring Moreland

Strategy 3.3 “*Ensure Moreland residents are more active more often at all stages of life by providing a diverse range of accessible and affordable recreation opportunities that reflect our diverse community and develop and maintain partnerships to enhance participation options”*

## 2. Background

At the Council meeting in February 2016, Council adopted a revised Policy. The revision of the Policy, together with the User Guide, outline the terms and conditions of use for Council’s sports facilities.

The Policy for facilities to be allocated to clubs requires clubs to:

 have sound governance structures

 open membership for men, women and juniors

 demonstrated commitment to social responsibility

 participation in club development programs.

The further revision in March 2019 provided conditions for leasing and allocation of Council facilities to clubs whose membership provide the following in their respective sporting codes:

 At least one junior team/side;

 At least one female team/side;

 Registered sport association development programs; and

 Female representation on club committee and/or board.

Priority leasing and allocation of facilities will be given to clubs that:

 Are inclusive of people with disabilities, and actively support juniors, females and people from culturally and linguistically diverse backgrounds (CALD) to participate in recreation;

 Demonstrated participation by Moreland residents;

 Comply with all previous occupancy requirements; and

 Completed approved capital work projects to the satisfaction of Council.

Clubs providing sport, recreation and physical activity opportunities must develop and demonstrate policies, strategies and active programs that increase the participation, general health and wellbeing of juniors, girls and women.

## 3. Issues

**Capacity of Moreland’s sporting grounds**

Tenancy and allocation applications are considered firstly in relation to the capacity of Moreland’s sporting grounds, and secondly with respect to the club’s compliance to the Policy.

As with previous seasons, Council’s facilities (grounds and pavilions) are being fully utilised/occupied, with any vacancies being utilised throughout the season to spread training loads and fixtures away from grounds where the condition of the surface may be deteriorating. With capacity maximised and no new facilities available, Council officers are mindful to ensure allocations do not exceed ground capacity.

Excessive allocations result in overused and damaged playing surfaces. On average, most grounds can sustain 11-15 hours of use per week. Hours above this may create unsafe playing conditions, especially throughout the winter months which leads to temporary ground closures for all users. This can impact upon the community in the short term, club utilisation in the medium term and create additional maintenance requirements to ensure appropriate standards for training and competition.

**Concerns leading into Annual and Winter 2022 Season.**

Due to the changing nature of competition fixtures and training sessions, hours of use across all sports facilities and grounds will vary depending on the time of year and take in consideration the requirements for preseason, in-season fixtures, and finals.

A summary list of weekly ground allocations will be available to view on the Active Moreland website. The nature of community sport is reactive, and Council Officers are unable to capture the daily changes that occur to ground usage on sports fields. The website contains information on activities that clubs conduct and is the most accurate place for training times. State Sporting Associations and local league fixtures are the most accurate representation of club competitions.

Several sports fields will at times be subject to larger scale capital improvement works, beyond normal reactive maintenance programs. The intent of these works is to improve the condition of grounds, so they are both fit for purpose and sustainable for allocated use.

**Hosken Reserve EAST sports field**

The East field has been utilised by the Pascoe Vale Soccer Club since 1992 as part of their winter/annual allocations for Hosken Reserve. Hosken Reserve East field has now been formalised as a separate bookable training space for the 2022 winter seasonal allocation where separate fees and charges have been applied. Allocations for the East field reflect current use levels.

At Council’s Meeting in November 2021, Council resolved to receive a report on proposals to amend the Hosken Reserve Masterplan to establish the East Field, as a dedicated community park rather than a third soccer pitch to take effect once the upgrades to the North and South Fields are complete so that junior soccer games currently scheduled for the East Field can be relocated to the upgraded North and South fields. The report is proposed to be presented to Council at a future meeting.

### Sporting ground and pavilion allocation policy compliance

A list of clubs applying for an annual or winter sports ground and pavilion allocation can be seen in **Attachment 1**. This attachment indicates the proposed participation numbers of genders in juniors and seniors, including the numbers of teams each club has intention to register (as some registrations have not yet opened).

### Community impact

### 2021 Annual and Winter Season review

The 2021 annual and winter season was again interrupted by necessary health directions and restrictions in response to major COVID 19 outbreaks.

Officers conducted online meetings with the winter State Sporting Associations and clubs frequently throughout 2021 to maintain the necessary support and engagement while community sport was on hold. Clubs have struggled to maintain a presence in local schools and the community, impacting their local networks and recruitment processes. Community sport must now reimagine how they engage with the wider community. To assist this, officers coordinated a three-part Strategic Planning workshop, as well as a three-part online series, in partnership with Darebin Council, on revenue, retention and marketing.

### Capital Works Projects

Three facilities will benefit from significant upgrades during 2022 which will affect club operations, training and competition fixtures:

**Charles Mutton Reserve**

The building used for change rooms will be renovated to ensure they have compliant female friendly change rooms to benefit the wider sporting community. The winter tenant, Northern Saints Football Club will be directly impacted during the winter season.

**Fleming Park**

Fleming Park facility redevelopment commenced in 2021 and will continue throughout 2022, which will directly impact facility access and operations for the Brunswick Lacrosse Club.

**Wallace Reserve (two pavilions)**

Both sports pavilions at Wallace Reserve will be renovated to ensure they are compliant with female friendly change rooms. The facility upgrade will directly impact both winter tenants, Moreland Eagles Soccer Club and Glenroy Lions Soccer Club.

### Climate emergency and environmental sustainability implications

Recreation Services Unit works closely with the Open Space Maintenance Unit to monitor the hours of use to manage the sustainability and fit for purpose of each sports field. Open Space have recommended hours of use for each playing surface where the capacities will vary depending on the following, but not limited to:

 the type of grass,

 soil profile,

 suitable sports field lighting,

 infrastructure for drainage and irrigation,

 grade of sport being played.

The management of each sports facility is also discussed regularly with clubs, to educate and facilitate the appropriate use of each sports field, pavilion, and other sports infrastructure (e.g. sports field lighting, training nets/facilities and turf wickets). Clubs play an integral role in reactive management of these facilities, with routine checks for safe playing surfaces, and mitigating risks for shared community use.

Several reserves will have rainwater tanks in place to reduce the consumption of water for irrigation programs. Several pavilions also have solar panels installed through club initiative and grants programs to support renewable energy.

### Economic sustainability implications

The clubs and associations applying for annual and winter allocations are non-for-profit organisations, predominantly operated by volunteers.

Clubs and associations are often experiencing volunteer fatigue, where the work of many fall on a few. The burnout of volunteers is a regular occurrence, impacting the information, skills and knowledge needed to maintain club operations. The added stress of COVID is also impacting those who would normally have capacity to help, whether it be fear, or actual health risks. Officers are working with club committee members to address this and provide as much support as practical.

### Legal and risk considerations

The governance audit ensured clubs maintained their incorporation, as State Sporting Association insurance policies would deny indemnity to clubs that have allowed their incorporation to lapse putting Council at risk to cover injury claims.

Officers are working with Council’s Communications team to ensure changes are updates from State Health Officials are consistent to support the community to make informed decisions.

### Human Rights Consideration

The implications of this report have been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities. Access to sport and physical activity reflects 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

Annual and winter applications opened on 6 January 2022 and closed on 7 February 2022. During this time, Officers liaised regularly with clubs and associations providing advice and guidance on the application process, availability of facilities and grounds and answer any questions club committee members had.

While all annual and winter clubs have submitted their applications, registrations for players and teams have not yet been finalised by the relevant leagues and associations. State Sporting Associations and local leagues are responsible for managing the competitions Moreland clubs enter. Officers work closely with their staff to monitor team numbers, player registrations, competition conditions including COVID safe training conditions. For the annual and winter allocations 2022, the following associations will be consulted to confirm participation numbers for this report:

 Lacrosse Victoria

 AFL Victoria

 Netball Victoria

 Tennis Victoria

 Essendon District Football League

 Baseball Victoria

 Victorian Amateur Football Association

 Yarra Junior Football League

 Football Victoria.

To ensure Council can provide appropriate facilities, regular communication and consultation occurs between the Recreation Services Unit and the Open Space Unit to ensure suitability of facilities and grounds to meet competition standards. Supporting this, clubs communicate frequently with officers about their needs and this is monitored as the season approaches.

**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.

### Communications

 All clubs and associations will be notified of the Council resolution within 14 days.

 Annual and winter allocations will be approved for each club or association via IMS Reserves Manager as soon as the Policy and application compliance is confirmed.

 A summary list of weekly ground allocations will be available to view on the Active Moreland website. This list is subject to change based on the seasonal requirements for ground usage (e.g. preseason, in season fixtures, finals).

## 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 estimated fees and charges income for the 2022 annual and winter sports ground and pavilion allocations is **$195,420.42**

All clubs owing money as shown in **Confidential Attachment 2** have been formally notified regarding their outstanding fees and will not be provided access to their allocated facilities until all accounts are paid.

### Outstanding fees

Officers monitor the payment of fees, and clubs with outstanding debts are advised that these debts could affect future ground allocations. All clubs with outstanding debts receive in writing a request to finalise payment. Relevant state sporting associations are also advised.

**Confidential Attachment 2** details current debtors at the time of this report. It is recommended that these clubs are not provided with an allocation until these debts have been paid

## 7. Implementation

Officers will work with clubs to ensure any outstanding documentation is received and outstanding fees are paid prior to allocation confirmation. Once adopted, clubs will receive written notification of their allocation within 14 days.

Officers will continue to actively support clubs that do not currently comply with the requirements of the Policy to develop strategies and actions to establish female and junior teams.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | RS - 2022 Annual and Winter Sports Facilities Ground Allocations | D22/44369 |  |
| **2** | 2022 Annual and Winter Allocations Attachment 2 - Confidential  *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.* | D22/64414 |  |

7.7 Review of Instrument of Delegation Council to Council Staff

**Director Business Transformation, Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council, in the exercise of the powers conferred by section 11 of the *Local Government Act 2020* and the other legislation referred to in the attached instrument of Delegation:

1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment 1 to this report, the powers, duties and functions set out in that Instrument subject to the conditions and limitations specified in that Instrument and determines:

a) The instrument comes into force immediately the common seal of Council is affixed to the instrument.

b) On the coming into force of the instrument, the previous delegation to members of Council staff adopted 13 October 2021 is revoked.

c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**REPORT**

**Executive Summary**

This report proposes the updated instrument of delegation to Council in accordance with section 11 of the *Local Government Act 2020* (the Act).

Instruments of Delegation represent the formal and authorised delegation for powers of Council under the Act and enable the business of Council to be carried out efficiently and in line with Council approved policies. This instrument is essential to enable Council staff to effectively carry out operational duties, particularly in areas that involve enforcement, such as town planning, local laws, environmental health, building enforcement, asset protection, animal management and parking control.

Powers are delegated to a role or position title rather than to a person or name. Where there are changes to organisational titles, roles or responsibilities, or applicable legislation, the delegations require review, and are reviewed and updated biannually.

**Previous Council Decisions**

**Statutory Review of Instruments of Delegation** – 13 October 2021

*That Council:*

*…*

*3. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment 3 to this report, the powers, duties and functions set out in that Instrument subject to the conditions and limitations specified in that Instrument and determines:*

*a) The instrument comes into force immediately the common seal of Council is affixed to the instrument.*

*b) On the coming into force of the instrument, the previous delegation adopted 14 April 2021 to members of Council staff is revoked.*

*c) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

## 1. Policy Context

Section 11 of the Act and the other legislation referred to in **Attachment 1** set out the Power of Delegation and that a Council may by Instrument of Delegation delegate any power, duty, function under this Act or any other Act other than a power, duty or function specified.

## 2. Background

The delegation of powers, duties and functions is essential in enabling Council staff to effectively carry out operational duties and day to day management decisions particularly in areas that involve enforcement, such as town planning, local laws, environmental health, building enforcement, asset protection, animal management and parking control. Delegations are conferred to a role or position title, rather than to a person or name, and are reviewed and updated biannually, pending legislative or organisation change.

Council utilises the Maddocks Lawyers subscription service aimed at assisting councils in the effective allocation and control of decision-making powers via its delegations.

The service provides councils with template instruments of delegation to properly delegate their powers, functions and duties under State legislation to members of council staff. The service covers a broad range of Victorian Acts and Regulations under which councils have powers and responsibilities which they are able to formally delegate.

The proposed Instrument of Delegation (**Attachment 1**) considers legislative changes which have occurred, as well as organisation structure changes made, since Council last adopted this delegation in October 2021.

## 3. Issues

**Changes to the Instrument of Delegation from Council to members of Council staff**

The current Instrument of Delegation from Council to members of Council staff was adopted by Council in October 2021.

The proposed instrument at **Attachment 1** reflects changed legislative provisions and/or titles across the organisation. Amendments are notated in the attachment.

Changed legislative provisions in the proposed instrument include:

 *Food Act 1984*

o Sections 19EA(3), 19N(2), 38G(2), 39(2) and 43 of the Food Act 1984 (Food Act) have been inserted pursuant to the *Food Amendment Act 2020*. Section 39A has also been amended to reflect the new power to register or renew the registration of a food premises. These provisions are in force.

o Sections 19IA(1) and (2), 39A(6), 40(1) and 40E of the Food Act have also been inserted. While they contain duties, rather than powers, it was thought it may assist to have these noted in the instrument.

o Section 45AC of the Food Act has been inserted to enable a delegate to authorise a person for the purposes of bringing proceedings.

o Section 38G(4) has been amended to reference the correct provision.

 *Planning and Environment Act 1987*

o Section 12A has been removed as it has been repealed.

o Section 113(2) has been inserted pursuant to the Planning and Environment Amendment Act 2021. It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.

 *Residential Tenancies Act 1997*

o Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA have been removed from the S6 and inserted in the S7. This is because the specific power of delegation provided under the RT Act only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the RT Act comes from the Local Government Act 2020.

 *Road Management Act 2004*

o Section 96 has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.

This Instrument will be reviewed again in July/August in line with the biannual schedule and, subjected to any changes, presented to Council in September/October 2022.

### Human Rights Consideration

The review of Council’s delegations has been assessed and undertaken in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006* and do not impact on any of the protected rights or freedoms.

## 4. Community consultation and engagement

The Chief Executive Officer, Directors, Managers and relevant Council officers were consulted in the review and preparation of the Instrument.

## 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

There are no financial or resource implications in the preparation and adoption of the revised Instruments of delegation.

## 7. Implementation

Subject to Council’s decision:

 The Instrument of Delegation at **Attachment 1** (Council to staff) of this report will be executed, communicated to Council staff (including but not limited to the delegates), and made publicly available on Council’s website.

 Council’s Public Register of Delegations held and maintained in accordance with section 11(8) of the Act, will be updated and published on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Proposed Instrument of Delegation Council to members of Council staff | D22/37155 |  |

7.8 LIVING AND AGEING WELL IN MORELAND – REPORT ON YEAR 2 ACTIONS

**Director Community, Eamonn Fennessy**

**Aged and Community Support**

## Officer Recommendation

That Council notes the Living and Ageing Well in Moreland: Year 2 Annual Review.

**REPORT**

## Executive Summary

The Living and Ageing Well in Moreland: An Age Friendly Framework (the Framework) establishes principles and practices which inform relevant, timely and responsive action across all areas of Council to support older people in our municipality. It brings together the key objectives of existing Council policies, plans, strategies and external partnerships, that contribute to improving the health and wellbeing of older people living in Moreland.

The implementation of the Framework is a Council Action Plan item. The Living and Ageing Well in Moreland Year 2 Annual Review shows the actions and achievements from January 2021 to December 2021, against each of the World Health Organisation’s Age Friendly Environments of Physical Environment, Social Environment and Municipal Services.

The Year 2 Annual Review reports on the Framework Actions progressed throughout 2021. It does not include Actions that were not progressed in 2021 and which are scheduled for future years.

Council officers continued vital Covid-19 support for older people beyond the Framework’s scheduled Actions, particularly in ensuring that Council communications were accessible to the older multicultural community.

Some other projects were limited and delayed by Covid-19, particularly community-facing programs such as *Our Place Moreland*.

## 1. Policy Context

Council Action Plan 2020/21 includes the deliverable of Improved Health and Wellbeing Outcomes for older people in Moreland, through the implementation of the agreed Year One actions of the Framework at item 11.

## 2. Background

The Living and Ageing Well in Moreland: An Age Friendly Framework (the Framework) has a broad community focus and is targeted at the emerging and existing cohort of older residents to support their wellbeing. It encourages active ageing by optimising opportunities for health, social connection and security. The Framework has been structured based on the World Health Organisation’s Age Friendly Environments of Physical Environment, Social Environment and Municipal Services. The Framework identifies 31 Actions, many aligning with existing Council programs and services. The first year of the Framework’s implementation had a strong focus on raising awareness and improving age-friendly practice across all Council departments. Year two focus has been on delivery of meaningful projects, continued Covid-19 responses, and advocacy and input for a whole-of-Council approach. Collaboration across Council and with community partners was key in achieving outcomes. There is an allocated budget of $90,000 for implementation activities in the 22/23 financial year.

## 3. Issues

**Covid-19**

Covid-19 continued to influence Living and Ageing Well activity. Significant time was spent supporting communications and engagement with the older community. Restrictions also impacted the delivery of community-facing programs. Major in-person programs continue to be on hold until safety and confidence increases.

**Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The Framework holds the human rights of our citizens as a key principle in ensuring that all older members of the population can participate in and benefit from health and wellbeing outcomes and is aligned with the Moreland Human Rights Policy.

**4. Consultation**

Throughout 2021, Living and Ageing Well has supported increased consultation with older people across Council, using accessible and appropriate formats. This has included:

 **Imagine Moreland:** Facilitated six in-depth interviews with older people to contribute to consultation findings.

 **Age Friendly Reference Group:** Promotedthe opportunity through significant communication and engagement activities (community presentations, targeted printed mailouts, emails, newsletters and flyer drops). Activities resulted in the highest number of applications (19) of all Reference Groups.

 **Aged Care Navigation project**: Held in-depth interviews with 20 older people and their families and 10 significant services and advocacy groups. Two older community members were active participants in the Project Reference Group and key strategy sessions.

 **Inclusive and Accessible Communications Policy:** Supportedolder people to provide significant input into the policy development.

Being a very diverse cohort, effective consultation with older people requires a wide range of non-digital, as well as digital, approaches. While consultation with older people has improved, further consideration is required when planning engagement to ensure adequate timelines and resources are allocated to consulting sufficiently with the older community. Living and Ageing Well will continue to advocate and raise awareness across Council on the consultation needs of older people.

Covid-19 restrictions continued to limit in-person consultation for much of 2021. Toward the end of the year, Living and Ageing Well was able to begin again some in-person meetings with older people. This is the preferred consultation approach for many older people, and we will be able to increasingly use this method safely as the community come back together with higher levels of community vaccination.

## 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

New initiatives will need to be scoped and implemented over a period and submitted to the annual budget process. Some will be dependent on external funding and others might be resourced through reinvesting some of Council’s existing contribution in aged services to actions of the Framework. Implementation of the Living and Ageing Well Framework contained within existing operational budgets of Aged and Community Support or through annual budget processes.

## 7. Implementation

The Year 3 Annual Review will be presented to Council in March 2023, using a new monitoring and evaluation approach.

Work is underway to develop a Council-wide monitoring and evaluation framework. This approach will guide comprehensive Council and community-wide monitoring against the age-friendly framework. It will enable a rich understanding of the age-friendliness of Moreland and the needs of older people. This framework is in the final stages of development.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Living and Ageing Well Framework - Year 2 Actions Review | D22/67952 |  |
| **2** | Infographic - Living and Aging Well - Year 2 Highlights | D22/77980 |  |

7.9 Council Action Plan 2021-22 - Second Quarter Performance Report

**Director Business Transformation, Sue Vujcevic**

**Governance and Strategy**

## Officer Recommendation

That Council:

1. Notes the Council Action Plan 2021-2022 – Second Quarter Performance Report for the period ending 31 December 2021 (provided as Attachment 1).

2. Notes that action 75 *‘Council to adopt principles for design and location of public toilets and then identify and prioritise locations for new and upgraded public toilets as part of planning for community infrastructure, activity centres and open space, leading to an investment plan that feeds into the capital works program’* is withdrawn for 2021/22 delivery and placed on hold as an action for year 3 of the Council Plan.

**REPORT**

**Executive Summary**

This Second Quarter Performance Report (shown at **Attachment 1**) gives an overview of Council’s performance through the delivery of the Council Plan 2021-2025, specifically the delivery of the Council Action Plan 2021-2022.

The status of 119 actions is as follows:

 6 per cent (7) closed (completed, achieved);

 87per cent (104) open (on track);

 6 per cent (7) off track (at risk, support may be needed); and

 1 per cent (1) withdrawn (on hold or discontinued).

Since adopting the Council Action Plan 2021-2022 in October 2021, Council has delivered the following actions:

 Established a Food Leadership Action Group (Action 17)

 Commenced the statutory process to invite feedback from the community on the transfer of land for the purposes of a new health and community services precinct within Coburg (Action 31)

 Promoted free outdoor equipment (e.g. outdoor gyms, basketball, etc) through Active Moreland website (Action 42)

 Enabled leisure centres to use facilities to support homeless people (Action 63)

 Implemented an Investment Attraction action plan and annual activities (Action 93)

 Implemented adaptive training and support programs for micro and small businesses (Action 96)

 Carried out community and stakeholder engagement on design elements for the Saxon St Cultural and Community Hub, particularly open space (Action 86).

For Action 75, it is proposed to withdraw this action for 2021/22 delivery (as detailed in the Issues section of this report) and deliver this item as a year 3 action (the action relates to preparing a future pipeline of public toilet projects).

**Previous Council Decisions**

**Adoption of the Moreland Community Vision 2021-2031, Moreland Council Plan 2021-2025 and Moreland Council Action Plan 2021-2022** – 20 October 2021

*That Council:*

…

*2. Adopts Moreland Council Plan 2021–2025 (provided as Attachment 2) in accordance with legislative requirements of the Local Government Act 2020 and the Public Health and Wellbeing Act 2008, noting that it incorporates the Municipal Public Health and Wellbeing Plan 2021-2025.*

*3. Adopts Moreland Council Action Plan 2021-2022 (provided as Attachment 4) as the first year of actions to deliver against the Moreland Council Plan 2021-2025.*

…

## 1. Policy Context

In accordance with sections 88 and 90 of the *Local Government Act 2020*, Council adopted a new Moreland Community Vision 2021-2031 and Council Plan 2021-2025 in October 2021.

These were developed as major outputs of *Imagine Moreland*, a four-stage engagement program which included a deliberative community panel process.

The Council Action Plan 2021-22 was also adopted which supports implementation of the Council Plan 2021-2025 for the first financial year of the 4-year period. It includes the specific actions to be taken during the first financial year in the implementation of the Council Plan 2021-2025.

All actions documented in the Council Action Plan 2021-2022 are resourced through the 2021-2022 annual budget (included in the 2021-2025 Budget).

This report supports Council’s continuing commitment to sustainable, equitable and transparent management of funds on behalf of Moreland’s ratepayers, key stakeholders and the broader community.

## 2. Background

The purpose of the second quarter performance report is to provide a status update on delivery against the Council Action Plan 2021-2022, as at 31 December 2021.

As the Council Action Plan 2021-2022 was only adopted in October 2021 as described above, this is the first quarterly report to be prepared.

Also, for the first time, the Second Quarter Performance Report (shown at **Attachment 1**) was automatically generated through the new Pulse software system.

## 3. Issues

**Council Action Plan Performance**

Detailed results for second quarter performance are shown in **Attachment 1**.

In summary, the status of the 119 actions in the plan is as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Number** | **Percentage** | **Status** | **Definition** | **Traffic Light** |
| 104 | 87% | Open | On track |  |
| 7 | 6% | Closed | Completed, achieved |  |
| 7 | 6% | Off track | At risk, support may be needed |  |
| 1 | 1% | Withdrawn | On hold or discontinued |  |

## The rest of the report provides a detailed progress update for each action including:

 A description of the action

 The department accountable for delivery

 The percentage complete against what was planned for this financial year

 The status in the form of a traffic light (see table above); and

 Relevant officer commentary.

**Closed items**

7 actions have been completed, as listed in the table below:

|  |  |  |
| --- | --- | --- |
| **#** | **Action** | **Update** |
| 17 | Establish Food Leadership Action Group | The Food Leadership Action Group has been established following comprehensive recruitment process and have had their first meeting February 2022. |
| 31 | Start the statutory process to invite feedback from the community on the transfer of land for the purposes of a new health and community services precinct within Coburg | The statutory process is now complete. A public notice, as well as a range of other consultation activities, were delivered throughout July, August and September 2021. 432 submissions were received and were considered by Council in its decision around the transfer of land for the purposes of creating a health and community services precinct, in December 2021. |
| 42 | Promote free outdoor equipment (e.g. outdoor gyms, basketball, etc) through Active Moreland website | Free outdoor equipment is promoted via Active Moreland Website <https://www.activemoreland.com.au/sport/sportsgrounds/outdoor-gym-equipment/> and this will be continued. |
| 63 | Enable leisure centres to use facilities to support homeless people | All Leisure Centres have facilities and actions that support homeless people; provision of lockers and resources has occurred in some locations. |
| 86 | Carry out community and stakeholder engagement on design elements for the Saxon St Cultural and Community Hub, particularly open space | A phase of community and stakeholder engagement focusing on design and open space, was delivered in September 2021, and reported to Council in November 2021. |
| 93 | Develop and implement an Investment Attraction action plan and implement annual activities | A plan was finalised and presented to a Councillor Briefing during quarter 2.  Actions that have commenced are as follows:  - Draft Visitation Experience Plan;  - Love Moreland Buy Local campaign continues to be implemented; and  - A promotional video promoting Moreland as a place to invest. |
| 96 | Scale up and implement adaptive training and support programs for micro and small businesses | All programs have been adapted and delivered online. |

**Off Track items**

7 actions are off track, as listed in the table below:

|  |  |  |
| --- | --- | --- |
| **#** | **Action** | **Update** |
| 18 | Review and update the Integrated Transport Strategy in consultation with the community | Project progression has been impacted by resources being redirected to design and engagement of dedicated bike lanes and Covid19 impacts on overall team capacity. |
| 26 | Design, approval and construction of new shared paths along the Craigieburn Rail Corridor | No construction will be completed in this corridor in 2021‑22. Stage 2 has been withdrawn due to technical feasibility issues unable to be resolved in a practicable timeframe. Design for Stage 3 is proceeding, and Stage 4 design will occur in Q4. |
| 43 | Support sports clubs to deliver free activities through application to Council's community grants program | Council’s community grants program is being reviewed; the next round is not until August 2022. Council officers will ensure a specific promotion to sports clubs to encourage applications for free activities. |
| 51 | Support the development of the business case, stakeholder engagement and advocacy campaign for the Ballerrt Mooroop Community Hub | This action may be delayed however general support has been provided to Wurundjeri Woi Wurrung Council. We require the Board of the Wurundjeri Woi Wurrung Council to provide advice and direction on the next stage of this project. |
| 52 | Develop a First Nations Employment Plan, including recruitment of a First Nations Employment Officer | Procurement is underway to seek specialist assistance to Develop a First Nations employment plan. Additionally, work has progressed to identify specialist support to undertake foundational work, including roll out of cultural safety training and build cultural competency across Directorates for key staff working with First Nations. The recruitment of a First Nations Employment Officer will be delayed, till the above foundational pieces of work are progressed. |
| 56 | Support the implementation of the Men at Work Pilot Program through facilitating local partnerships and promotion | The Men At Work pilot requires a more formal financial partner to proceed; Council officers have provided support and partner conversations. |
| 71 | Pursue 2 opportunities for fenced dog-off-leash areas in northern Moreland ahead of finalising the Moreland Open Space Strategy | The selection of sites for the fenced off leash areas has not been able to progress as early as anticipated. Officers are currently planning engagement that will lead to site selection and development of two such facilities. This will include opportunities to combine these with existing park renewal projects. |

**Withdrawn**

1 action is proposed to be withdrawn and pushed out to future year delivery, subject to Council’s decision, as set out below:

|  |  |  |
| --- | --- | --- |
| **#** | **Action** | **Update** |
| 75 | Council to adopt principles for design and location of public toilets and then identify and prioritise locations for new and upgraded public toilets as part of planning for community infrastructure, activity centres and open space, leading to an investment plan that feeds into the capital works program | Public consultation is complete for three toilets in the current year. Construction is anticipated to commence in April 2022 subject to community feedback. The work to prepare a future pipeline of public toilet projects has not commenced, but immediate priorities have been identified within the capital works program. In light of resourcing constraints, it has been determined that the future pipeline will be revisited as a year 3 action.  It is therefore proposed to be withdrawn for 2021/22 delivery and is on hold. |

### Community impact

Community impact is addressed throughout the Council Plan 2021-2025 but primarily under strategic objective 5: To build community trust through encouraging participation, evidence-based decision making, stewardship of resources and being accessible and responsive.

### Climate emergency and environmental sustainability implications

Climate emergency and environmental sustainability implications are addressed throughout the Council Plan 2021-2025 but primarily under strategic objectives 1, 2 and 3:

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

2. To contribute to the health, safety, and security of everyone living in our diverse community and to increase safe, accessible, physically active and enjoyable ways to get around Moreland, especially via walking, cycling and public transport.

3. To support Moreland to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services and facilitating local partnerships and programs.

### Economic sustainability implications

Economic sustainability implications are addressed throughout the Council Plan 2021-2025 but primarily under strategic objective 4: 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.

### Legal and risk considerations

The Moreland Community Vision 2021-2031 and Moreland Council Plan 2021-2025 and processes associated with the development of these documents have been undertaken in accordance with the requirements of the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

### 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

Community consultation and engagement was not required for this report as it reflects the performance against the Council Action Plan 2021-2022 (Council Action Plan).

Advice was sought from officers across Council to provide the performance updates.

**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. There are no individual rights or interests affected.

## 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

All actions documented in the Council Action Plan 2021-2022 are resourced through the 2021-2022 annual budget (included in the 2021-2025 Budget).

## 7. Implementation

The Council Action Plan second quarter performance results will be made available on Council’s website.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Council Action Plan 2021-2022 - Second Quarter Performance Report | D22/27457 |  |

**7.10 2021/22 Mid-Year Forecast**

**Director Business Transformation Sue Vujcevic**

**Finance Management**

**Officer Recommendation**

That Council:

1. Notes the 2021/22 Mid-Year Forecast for the period ending 31 December 2021, including Financial Plan performance and Project Management performance.

2. Notes the status of the program of capital and operating projects for 2021/22.

3. Notes the increase to the full-year forecast for operating income of $3.8 million arising from the 2021/22 Mid-Year Forecast.

4. Endorses the full-year forecast Capital Expenditure of $74.5 million, arising from the 2021/22 Mid-Year Forecast.

5. Carries forward the following capital project funding to the 2022/23 Capital Expenditure program.

1. O'Hea St Bike Path Extension - Sussex to Irvine St - $650,000;
2. De Carle Street: from The Grove to Rennie, Coburg - $450,780;
3. De Carle Street: from The Avenue to The Grove, Coburg - $445,000;
4. Park Close to Home – Frith Street - $372,119;
5. De Carle Street Protected Bike Lanes: The Avenue to Moreland Rd, Coburg - $250,000;
6. Merri Trail – Flood Mitigation – Bridge to Darebin - $190,000;
7. Park Close to Home – 260 Sydney Road - $185,000;
8. Hosken Reserve – Soccer/Football Pavilion - $160,991;
9. MITS road renewal improvement outcomes - $135,000;
10. Merri Trail Upgrade – Bowden Reserve - $60,000; and
11. Merri Creek Trail Access and Safety Upgrades - $30,000.

6. Brings forward the following capital project funding to the 2021/22 Capital Expenditure program.

a) Harding St Bridge – Design Stage - $147,370.

7. Notes the Financial Management Report for the period ending January 2022.

**REPORT**

**Executive Summary**

This Mid-Year Forecast gives an overview of Council’s Performance through delivery of Financial Management and delivery of the project management program.

Capital works projects are progressing with 39 per cent of total forecast expended to date as at the end of January, while operating projects are tracking at 26 per cent actual expenditure at the end of January.

The impact on both capital and operating projects due to the actions taken in addressing the COVID-19 pandemic are difficult to predict. Estimates from project managers indicate that approximately 13 per cent of capital works projects and 33 per cent of operating projects have a potential impact from COVID-19 that is likely to adversely affect delivery schedules. After a period of relative improvement, the COVID environment again became volatile with the arrival of the omicron variant towards the end of the year. The situation will need to be monitored on an ongoing basis as the year progresses.

A detailed financial review was undertaken across the organisation at the end of December 2021 to form the 2021/22 Mid-Year Forecast. This process provided the opportunity to review the financial performance to date and reallocate available financial resources to reduce the financial impact of COVID-19. The results of this review are included in this report as the Full Year Revised Forecast.

The forecast has been developed in an unprecedented and rapidly changing environment following the onset of the COVID-19 pandemic. At the time of preparing this report, Council is anticipating to incur $1.0 million of COVID related expenditure by the end of the financial year, primarily for security, cleaning and communications. No further material changes are expected, however this may change in the event of future restrictions.

The Full Year Revised Forecast is a favourable movement of $2.3 million in Council’s underlying result from the Q1 surplus of $14.7 million to a surplus of $17.1 million. This result is important, as it measure’s Council’s ability to generate a surplus in the ordinary course of business – excluding capital grants and other contributions to fund expenditure from the net result. Currently, the Full Year Revised Forecast is an increase in the underlying result which suggests that an improvement in the operating position. This is primarily due to an increase in income. The financial impact of the pandemic has been softened by the agile response to realign priorities, providing support to the community.

After reviewing the Capital Expenditure program, there is an increase to the 2021/22 Q1 forecast of $0.4 million.

**Previous Council Decisions**

**2020-2021 Financial Statements and Performance Statements** – 23 September 2021

*1. Approves ‘in principle’ the Financial and Performance Statements 2020/2021.*

*2. Authorises the Mayor, Cr Annalivia Carli Hannan, Deputy Mayor, Cr Mark Riley, and the Chief Executive Officer, Cathy Henderson, to certify the Financial and Performance Statements for 2020/2021 in their final form.*

*3. Notes the unrestricted cash surplus of $4.176 million transfers to the Local Government Funding Vehicle Reserve.*

*4. Carries forward the $1.082 million of tied grant funding or contributions that were not spent at 30 June 2021.*

*5. Carries forward the $0.622 million of operating projects into the 2021/22 Operating Projects Expenditure Program.*

*6. Carries forward the $13.752 million of capital project funds into the 2021/22 Capital Expenditure program.*

*7. Authorises the repayment of the $8.0 million interest only loan in November 2021.*

*8. Authorises the Principal Accounting Office to implement any minor administrative changes to the Financial and Performance Statements for 2020/2021 if recommended by the Auditor-General upon final review, for approval by the Chief Executive Officer.*

**2021/22 First Quarter Financial Report** – 8 December 2021

*1. Notes the 2021/22 First Quarter Financial Report for the period ending 30 September 2021, including Financial Plan performance and Project Management performance.*

*2. Notes the status of the program of capital and operating projects for 2021/22.*

*3. Notes the increase to the full-year First Quarter Financial Review forecast for Operating income of $1.1 million and increase to expenditure of $3.7 million arising from the 2021/22 First Quarter Financial Review.*

*4. Endorses the full-year forecast Capital Expenditure of $74.1 million, arising from the 2021/22 First Quarter Financial Review.*

*5. Carries forward the following capital project funding to the 2022/23 Capital Expenditure program.*

*i. Park Close to Home Frith Street - $1,307,480*

*ii. Hosken Reserve – Synthetic Soccer - $620,000; and*

*iii. Parker Reserve Public Toilet Upgrade - $160,150.*

**1. Policy Context**

The 2021-2025 Budget was adopted by Council on 24 June 2021. The Budget sets out the resources required to deliver the Council Plan, Services and Capital Works Program for the 2021/22 financial year.

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 purpose of the Mid-Year Forecast is to report the status of delivery against the Budget and Council’s program of projects as at 31 December 2021 and the forecast outcome for 30 June 2022.

The Mid-Year Forecast is made up of:

 Project Management Performance – Progress on the annual program of capital and operating projects for the 2021/22 year;

 Financial Performance – Financial Statements, including income statement, balance sheet and cash flow statement.

The Financial Management Report as at 31 January 2022 is also included at **Attachment 2.** The Financial Management Report provides Council’s financial statements for the year to date (YTD) period ending 31 January 2022. The actual results are compared to the revised forecast which includes the results from the mid-year forecast.

**3. Issues**

**Project Management Performance**

Expenditure against capital projects at the end of the second quarter is $29.1 million which was below the year-to-date forecast of $38.6 million. This represents a 25 per cent spend of the total capital forecast.

Expenditure against operating projects at the end of January is $1.4 million which was below the year-to-date forecast of $2.8 million. This is 26 per cent of the total forecast.

The impact on both capital and operating projects due to the actions taken in addressing the COVID-19 pandemic are difficult to predict. Current estimates from project managers indicate that approximately 44 per cent of capital works projects are experiencing some form of impact but only 24 capital projects (13 per cent of total) are indicating a potential delay to delivery beyond June 2022. For operational projects 77 per cent indicate a potential impact with 6 projects (33 per cent) flagging a potential delay to delivery beyond June 2022. After a period of relative improvement, the COVID environment again became volatile with the arrival of the omicron variant towards the end of the year. Project Managers will need to monitor and evaluate the evolving situation to gauge the impacts on an ongoing basis as the year progresses.

**Financial Performance**

The 2021/22 Revised Forecast includes a total operating surplus of $40.6 million and unrestricted deficit of $2.7 million. The forecast recognises projects that require funds to be carried forward into future years to complete delivery, projects that have declared savings and reallocation of the 2021/22 budget to achieve objectives.

Following a detailed review, the Revised Forecast anticipates a favourable movement in the Comprehensive Result of $3.9 million. This is primarily due to an increase in operating grants and user fees.

The forecast also anticipates a favourable shift in Council’s Underlying Result of $2.3 million from the Q1 forecast to $17.1 million. This is primarily due to the exclusion of additional capital grants and reflects the increase of Council’s income from ordinary operations, in particular user fees. An increasing surplus suggests an improvement in the operating position.

***Operating Budget***

The forecast for the operating budget is a favourable shift of $3.9 million, primarily due to an increase in capital grants and contributions (non-monetary).

After adjusting for the underlying result, the forecast for income is an increase of $2.3 million, mainly comprising of:

 Grants operating income is forecast to increase by $1.6 million primarily due to:

o Receipt of $1.0 million grant relating to the COVID Safe Outdoor Activation Fund. This is offset by additional expenditure; and

o Recognising the $0.5 million relating to the Jobs Victoria Advocates Program. This is the unspent grant amount at the end of 2020/21 and is expected to be spent by June 2022. This is offset by additional expenditure.

 Contributions Non-Monetary is forecast to increase by $1.2 million primarily due to the receipt of developer contributed assets, associated with drains ($1.1 million).

 User fees are forecast to increase by $0.3 million primarily due to higher than anticipated Domestic Animal Act infringements year to date. This year was the first year that infringements were issued for failing to pay animal registrations.

The forecast for expenditure is a minor increase, mainly comprising of:

 Employee costs are forecast to decrease by $0.2 million primarily due to:

o $0.5 million in additional staff costs relating to the Jobs Victoria Advocates Program. This is offset by increased grant revenue; and

o $0.1 million in additional recruitment costs due to the increased usage of agencies to recruit senior roles.

The above increases in employee benefits are partially offset by the below savings as a result of vacancies:

o $0.3 million in Aged & Community Support; and

o $0.2 million in Amenity & Compliance.

 Materials and services are forecast to decrease by $0.4 million primarily due to:

o $1.2 million decrease in pool and recreation management fees. The leisure centres are doing better than anticipated and the membership numbers have returned to better than predicted (noting that this is still forecast to be $1.6 million higher than the adopted budget);

o $0.5 million savings in utility costs due to the reduced usage of Council facilities, the adopted budget assumed utility costs would return to pre-COVID levels;

o $0.2 million savings in cleaning contracts relating to Council facilities. The actuals in the second quarter tracked $0.1 million below the Q1 forecast, Facilities are forecasting that there will be further savings in the second half of the year; and

o $0.2 million savings in debt recovery costs. Council is currently not pursuing debt collection, this is offset by a reduction in revenue.

The above decrease in materials and services are partially offset by:

o $1.0 million increase in expenditure relating to the COVID Safe Outdoor Activation Fund grant; and

o $0.7 million increase in COVID-19 related expenditure, primarily security costs ($0.5 million) for the outdoor pools and libraries, and communication costs ($0.2 million). At the end of the second quarter, Council has incurred $0.5 million of COVID related expenditure which is $0.1 million above the full year Q1 forecast. It is now anticipated that these costs will reach $1.0 million by the end of the financial year.

**Attachment 1** provides the Income Statement and Underlying Result Statement, the Cash Flow Statement and Balance Sheet showing the Revised Forecast for the end of the financial year 2021/22.

***Operating Projects - OPEX***

Operating projects are forecast to decrease by $0.1 million from the Q1 forecast of $5.5 million mainly as a result of minor savings across multiple projects.

***Capital Projects – CAPEX***

The capital expenditure program is forecast to increase by $0.4 million from the Q1 forecast of $74.1 million to $74.5 million as a result of:

 A $2.1 million reduction in rates funded projects;

 A $1.4 million increase in reserve funded projects; and

 An additional $1.1 million of projects funded from capital grants.

The following tables list the details of these movements, including funding source:

**Additional Capital Works expenditure:**

| **Project** | **Source** | **$** |
| --- | --- | --- |
| Barry Street: Fallon - Collier, Brunswick East | Rates | 380,018 |
| Moonee Ponds Creek bridge - Oak Park | Rates | 350,000 |
| Transport - Engagement support & 40km/h Communications Strategy | Rates | 145,000 |
| Sumner Park: 3 Alister Street, North Fitzroy | Rates | 100,000 |
| Gavin Park Wetland, Pascoe Vale | Rates | 100,000 |
| Drainage issues at the Depot | Rates | 60,000 |
| Gowanbrae DP – Pocket Parks | Rates | 38,771 |
| Playground Strategy - Douglas Reserve | Rates | 24,169 |
| Bus stop shelters: Various | Rates | 5,195 |
| City Infrastructure - mobile phone purchases | Rates | 5,082 |
| **Rates funded - additional capital funding required** | | **1,208,236** |
| Park Asset Renewal – Gilpin Park | Grant | 300,000 |
| CB Smith Reserve Precinct Safety Improvements | Grant | 210,293 |
| RRIF - Guidelines Project | Grant | 204,000 |
| Wylie Reserve – Toilet Blocks | Grant | 173,004 |
| Playground Strategy - Dunstan Reserve | Grant | 110,000 |
| Parks Asset Renewal - General | Revenue | 43,000 |
| **External funded capital projects** | | **1,040,297** |
| Property purchase | Reserves | 1,265,130 |
| Wheatsheaf Community Hub: Glenroy | Reserves | 715,342 |
| Coburg Leisure Centre SPA and Sauna, refurbishment of change room | Reserves | 275,000 |
| **Reserves funded - additional capital funding required** | | **2,255,472** |
| **Total capital additional funding required** | | **4,504,004** |

**Capital Projects to be carried forward into 2022/2023:**

|  |  |  |
| --- | --- | --- |
| **Project** | **Source** | **$** |
| O'Hea St Bike Path Extension - Sussex to Irvine St | Rates | 650,000 |
| De Carle Street: From The Avenue To The Grove, Coburg | Rates | 432,000 |
| De Carle Street: From The Grove To Rennie, Coburg | Rates | 377,780 |
| De Carle Street Protected Bike Lanes: The Avenue to Moreland Rd, Coburg | Rates | 250,000 |
| Merri Trail - Flood Mitigation - Bridge to Darebin | Rates | 190,000 |
| Hosken Reserve - Soccer/Football Pavilion: 39A Shorts Rd, Coburg | Rates | 160,991 |
| MITS Road renewal improvement outcomes: Various Locations | Rates | 135,000 |
| Merri Trail Upgrade - Bowden Reserve | Rates | 60,000 |
| Merri Creek Trail Access and Safety Upgrades - Various | Rates | 30,000 |
| **Rates funded capital carry forwards** | | **2,285,771** |
| Park Close to Home Frith Street | Reserves | 372,119 |
| Park Close to Home - 260 Sydney Road | Reserves | 185,000 |
| De Carle Street: From The Grove To Rennie, Coburg | Reserves | 73,000 |
| De Carle Street: From The Avenue To The Grove, Coburg | Reserves | 13,000 |
| **Reserves funded capital carry forwards** | | **643,119** |
| **Total capital carry forwards into 2022/23** | | **2,928,890** |

**Capital Project Funds brought forward into 2021/22:**

|  |  |  |
| --- | --- | --- |
| **Project** | **Source** | **$** |
| Harding St Bridge - Design Stage | Rates | 147,370 |
| **Rates funded capital projects brought forward** | | **147,370** |
| **Total capital projects brought forward into 2021/22** | | **147,370** |

**Capital Projects with savings:**

|  |  |  |
| --- | --- | --- |
| **Project** | **Source** | **$** |
| Dale Av, Pascoe Vale | Rates | 203,712 |
| Budds Street: Bell to Change of Seal | Rates | 176,306 |
| Parks Asset Renewal | Rates | 100,000 |
| Plastic Wise Infrastructure - Accelerated Roll-Out | Rates | 75,000 |
| Savvy Seniors – Digital Literacy Program: Various | Rates | 30,000 |
| Glenroy Activity Centre Upgrade Works - Wheatsheaf Rd Nth | Rates | 2,681 |
| **Rates funded capital savings** | | **587,699** |
| Coburg Olympic Pool - Repairs to Leak in Diving Pool: Coburg | Reserves | 215,000 |
| **Reserves funded capital savings** | | **215,000** |
| **Total capital savings** | | **802,699** |

**Local Roads and Community Infrastructure Program variation:**

| **Project** | **Current** | | **Proposed** | |
| --- | --- | --- | --- | --- |
|  | **Rates** | **Grants** | **Rates** | **Grants** |
| Craigieburn Shared Path - Stage 2 |  | 2,000,000 | 340,398 |  |
| Streetscape Upgrade Melville Rd/Moreland Rd | 650,000 |  | 220,000 | 930,000 |
| Brunswick Municipal Offices: 219-257 Sydney Rd | 289,050 |  | 34,050 | 255,000 |
| Richards Reserve Development Plan | 272,000 |  | 228,600 | 43,400 |
| Cumberland Road WSUD Improvements | 136,000 |  |  | 200,000 |
| Jesse Morris Community Hall | 65,250 |  |  | 100,000 |
| Threshold Pedestrian Treatments: Traffic Improvements (New) |  |  |  | 375,000 |
| Newlands Rd Pedestrian Bridge – Renewal Works (New) |  |  |  | 150,000 |
|  | **1,412,300** | **2,000,000** | **823,048** | **2,053,400** |

\*Note: grant savings from Creedon Street ($53,400) was given up in Q1.

***Council Resolutions***

The below Council resolutions have financial implications and have been included in the revised forecast.

|  |  |  |  |
| --- | --- | --- | --- |
| **Council Report** | **Council Meeting** | **Source** | **$** |
| 7.12 COVID-19 Rent Relief for Not-for-Profit Tenants | November 2021 | Rates | 70,284 |
| 7.18 Participatory Budgeting | December 2021 | Rates | 33,000 |
| **Rates funded - additional funding required** | | | **103,284** |
| 7.17 Contract 900T - Coburg Leisure Centre Refurbishment Works – Additional Compliance Works  $275k total additional budget ($215k transferred from Coburg Olympic Pool) | November 2021 | Reserves | 60,000 |
| **Reserves funded - additional funding required** | | | **60,000** |
| 7.9 Bicycle Capital Works and Federal Government Grant Funding Reallocation | November 2021 | Rates | (820,000) |
| **Rates funded - savings** | | | **(820,000)** |
| **Total savings in 2021/22** | | | **(656,716)** |

***Solvency Assessment***

Council officers have reviewed Council’s liquidity (Current Assets divided by Current Liabilities) and the revised forecast is 2.1. The Victorian Auditor General’s Office (VAGO) recommends that this ratio be 1.5 or higher. This is a positive result and shows that Council is solvent.

**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 are no Human Rights impacts.

**4. Community consultation and engagement**

Community consultation and engagement was not required for this report as it reflects the performance against the Financial Management and delivery of the Project Management program.

Advice was sought from officers across Council to provide performance results for the Mid-Year Forecast.

**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. There are no individual rights or interests affected.

**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 approved revised forecast targets.

**7. Implementation**

Subject to Council’s decision, the matters outlined in the Mid-Year Forecast will be implemented.

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

The progress on the Project Management Program will continue to be monitored and managed.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Mid-Year Forecast - financial statements | D22/49814 |  |
| **2** | Council Financial Management Report for the period ending 31 January 2022 | D22/50270 |  |

**7.11 Contract RFT-2021-150 Sumner Park Pavilion Refurbishment**

**Director City Infrastructure, Anita Curnow**

**Capital Works Planning and Delivery**

**Officer Recommendation**

That Council:

1. Authorises the Chief Executive Officer to:

a) Make a formal offer to Construction and Building Design Pty Ltd ABN 39 125 786 914 (Contractor) to award to the Contractor contract RFT-2021-150 for the Sumner Park Pavilion Refurbishment Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution:

i. For a fixed lump sum of $900,985.43 (excluding GST) for Contract RFT-2021-150.

ii. Allocate a 6 per cent contingency of $54,059.12 (excluding GST) for Contract RFT-2021-150 for unforeseeable variations that may arise during construction and bringing the total expenditure approval for Contract RFT-2021-150 to $955,044.55 (excluding GST).

b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:

i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and

ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer.

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

a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and

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

**REPORT**

**Executive Summary**

Council endorsed the project scope for the Sumner Park pavilion refurbishment with a project budget of $1,057,500.00 including confirmed grant funding.

A public Request for Tender (RFT) was issued on 6 November 2021 and closed on 24 December 2021. Five compliant submissions were received.

The tender review has been concluded with a recommendation agreed by the Tender Evaluation Panel on a preferred contractor.

This report provides recommendation on the appointment of the preferred contractor for the construction of the Sumner Park pavilion refurbishment Project and the allocation of construction contingencies.

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

**Previous Council Decisions**

*This is not applicable as there were no previous reports.*

**1. Policy Context**

This report is in keeping with Council’s commitment to accountability and sound financial management. It also addresses the requirement under Section 109(1) of the *Local Government Act 2020* which requires 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 the Procurement Policy.

**2. Background**

Brunswick Zebras Football Club is a community-based sporting club located in Melbourne’s inner suburbs that caters for families regardless of gender, background or ability. This includes catering for players of all abilities including juniors, women and girls, males and encourages members to become coaches, referees, and administrators. Sumner Park Pavilion is the Club's primary facility which is located on the south western boundary of the reserve.

Sumner Park Pavilion was originally built in the 1960s and has been subject to numerous small and incremental improvements over the years to meet changing use and community needs. However, the facilities and amenities are tired and in need of a significant upgrade. Currently the facility offers two small change rooms with one shower and a toilet in each room, a non-compliant referee room, two small public toilets and a non-compliant accessible toilet. A recent refurbishment has improved the kitchen/canteen and social room. Structurally the building is sound, but a total refurbishment focusing on improving functionality and creating a more welcoming and inclusive environment is proposed.

The rapid growth in female and junior participation has added further demand on limited pitch availability. This has highlighted the lack of female friendly and referee change rooms and other facility requirements that do not meet Football Victoria's (FV) minimum facility standard as per FV Football Facilities Building Development Guide, for local and community competition level.

Moreland Council’s Sporting Pavilion Redevelopment Strategy (2017) reviewed the current level of provision and standard of Council-owned sporting pavilions in Moreland and provide strategic directions for the future provision, use and redevelopment of these pavilions. The general findings of the assessment of Sumner Park pavilion confirmed that the facility does not meet the recommended facility standards set out in FV’s guide.

To provide suitable and contemporary facilities that support greater female and junior participation and to meet the recommended facility standards of FV’s Football Facilities Building Development Guide and the recommendations of Council’s Sporting Pavilion Redevelopment Strategy for the Sumner Park pavilion, the redevelopment project will deliver the following component works:

 four unisex change rooms that cater for the needs of both female and male participants

 all changing areas, showers and toilets will be fitted with privacy screens and doors

 two showers and dry-off areas per change room

 two toilets per change room including one ambulant toilet

 separate accessible toilets/shower

 family friendly attributes including baby change amenities

 self-contained officials/referee change rooms (unisex)

 first aid room

 provision of public toilets

 adequate lighting in and around the facility

In line with Council and FV key strategic objectives, the key opportunity for the Sumner Park pavilion is increasing and diversifying its use to better serve existing club tenants, schools and the local community. Across all these groups there is a common and strong commitment to the facility and a genuine desire to work with Council and prioritise the refurbishment of the change rooms and toilet amenities to be accessible and accommodating for junior and female participation and meet contemporary community standards. The facility is an immensely valuable resource and is a vital playing space for team sports and community activity.

The purpose of this report is to recommend the award of the construction works contract of the Sumner Park Pavilion Refurbishment project (Contract RFT-2021-150) which consists of improvement of functionality of the pavilion to create a more welcoming and inclusive facility for the community.

**Tender Process**

The tender process was undertaken as a public Request for Tender which was issued via Council’s Supply Portal on 6 November 2021, an advertisement for the tender was also placed in *The Age* newspaper on 3 November 2021. Five submissions were received on the closing date of 14 December 2021 and evaluated in accordance with the Procurement Policy.

The five submissions received were from the following tenderers, listed in alphabetical order:

 Ausbuild Construction

 Construction and Building Design

 Keast Construction

 Kingdom Constructions

 Loaram Constructions

**Tender Evaluation**

Tenders were evaluated in accordance with Council’s Procurement Policy.

A Procurement and Probity Plan has been developed for this project.

The tender submissions were evaluated based on the following predefined criteria documented in the Procurement Plan:

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Weighting** |
| 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% |
| **Total** | **100%** |

The tender evaluation panel consisted of:

|  |  |  |
| --- | --- | --- |
| **Title** | **Speciality** | **Full Voting / Advisory Member** |
| Head of Building Projects | Building Projects | Full |
| Project Manager Building Projects | Building Projects | Full |
| Unit Manager Recreation Services Res Environmental Health | Recreation | Full |
| Senior Procurement Partner | Procurement | Advisory |

The five compliant tender submissions were reviewed by the Tender Evaluation Panel. Following the tender clarification and Value Management Process, The Tender Evaluation Panel determined Construction and Building Design 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 1**).

The Construction and Building Design submission displays sound understanding of the project and demonstrated a construction approach that meets the project and stakeholders needs. Its submission also demonstrates relevant experience in similar projects and shows strong commitment in social, environmental and economic sustainability.

Construction and Building Design has previously undertaken building construction works for Council and successfully delivered the works to a very high standard.

**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 outcome.

**Climate and Environmental Sustainability Implications**

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

 Electric hot water system

 Water efficient fixtures and fittings

 Sustainable building materials that reduce environmental and health impacts

 LED lighting

 Water tanks toilet flushing

**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**

**Consultation**

In 2019, the Brunswick Zebras FC undertook a major discussion with club members, key stakeholders and the local community about the future of female participation at the club. Council Officers, Football Victoria, players and interested club members met to discuss the creation of a women's strategy. One of the key recommendations of the resulting Brunswick Zebras Women’s Strategy 2019 was:

*2.10 Improve physical facilities, such as a more comfortable club house, appropriate changing rooms, provision of facilities for players with babies, such as change table, enclosed child play area – design and facilities change to be undertaken based on consultation with members.*

The consultation confirmed that the pavilion had reached the end of its functional life. Consultation also confirmed that the club did not have facilities accessible and inclusive to junior and female participation and identified that a new pavilion would need to provide new female friendly changeroom and amenities.

**Female Friendly Facilities Upgrade Consultation**

For the facility upgrade, community consultation commenced July 2019 with key stakeholders including Council officers, FV, Brunswick Zebras Football Club including club committee have guided the preliminary plans for the design of the refurbishments to the existing pavilion and the new change rooms.

The following meetings and events were held as part of the Female Friendly Facilities consultation process:

 July 2019 – with representatives of the club using the reserve;

 Between August 2020 and November 2021 – eight meetings with Club representatives (28 Aug 2020, 28 Sept 2020, 9 Nov 2020,18 Dec 2020, 26 Feb 2021,1 Mar 2021, 25 June 2021, 16 Nov 2021);

 11 January 2022 and 3 March 2022 – drop-in information sessions for the local community (see below);

**Internal and Authority Liaison**

Within Council, the project team collaborated with staff involved in the planning, development, management and maintenance of and staging of activities at the reserve which included Property Services, Transport Engineering, Statutory Planning, Building Maintenance, Sustainable Built Environment, Waste Services, Strategic Planning, Open Space Maintenance, Open Space Design and Development, Planning.

The following external authorities have also been consulted on the development of the proposed plan. Melbourne Water Authority (flood zone requirements), Ausnet (power), Yarra Valley Water (sewer and water), Australian Gas Networks, Citi Power (electricity supply).

**Community Consultation - January to March 2022**

A letter box-drop occurred in late December for residents living within 500 m of the Reserve within Moreland inviting them to attend a drop-in information session and with details on how to provide feedback.

A drop-in session for community consultation was undertaken on the 11 January 2022. A total of 13 people attended the session and eight written submissions and emails were received on the project.

From the eight submissions, five expressed concern about the following on the following themes: design of the facility; planning permit requirements; facility operations; protection of existing trees on site, and timing of the drop-in session for community consultation.

Each submission has been responded to. Further to this, some residents were offered opportunities to meet with Council officers on a number of occasions, however did not take up the opportunity to do so.

The following points were provided as a response based on the themes from the submissions received following the pop-up consultation held at Sumner Park pavilion on Tuesday 11 January 2022. For transparency these points and other requested information, such as the internal planning referral and Melbourne Water Authority flood level floor requirements, were also shared with the Sumner Park Community Group which includes some surrounding residents. In addition, Dr Tim Read MP for Brunswick was provided information on the proposed project.

Further Consultation – March 2022

Officers acknowledge that the timing of the consultation was not scheduled appropriately as it was held during the January 2022 holiday period. Therefore, a second community pop up session has been scheduled for Thursday 3 March 2022, to provide an opportunity for residents who missed out due to being on holidays to seek further information on the project and to have questions answered. A letter box-drop to residents living within 500 m of the reserve was delivered on Thursday 24 February 2022 inviting them to the second community drop-in session at Sumner Park Pavilion, Brunswick East.

**Information provided in response to community concerns raised from January 2022 consultation**

Project Scope

Stage 1 - Refurbishment of concrete entrance and viewing area, internal social rooms, kitchen (in accordance with Council’s Health Department requirements), bar and storage areas. (completed February/March 2021 through Council’s Covid 19 Working for Victoria Program)

Stage 2 - Construction and installation of four new accessible modular female friendly change rooms and amenities, referee change facilities, a compliant first aid room and provision of public toilets. The new additions will meet minimum DDA requirements and Football Victoria's facility standards in accordance with Football Victoria’s Building Development Guide – Local and Community Level.

Planning permit

 A planning permit is not required given PPRZ zoning, however a building permit will be required once the contract has been awarded.

 The proposal is exempt from the planning permit requirements at Clause 44.05-2 pursuant to Clause 62.02-1 as the proposal is for buildings and works that have an estimated cost of $1,000,000 or less and are carried out by or on behalf of a municipality.

 In addition, the gazettal of Amendment VC194 (25/03/21) of the Victorian Planning Provisions has implemented Clause 52.30 and Clause 52.31 into the Moreland Planning Scheme to facilitate State projects and local government projects. Clause 52.31 – Local Government Projects applies an exemption to the development of land carried out by or on behalf of a municipal council. A development with an estimated cost of less than $10 million does not require a permit, provided that the provisions of the build is within the permitted exemptions.

Building footprint

 The proposed new extension to the north of the current pavilion is a total of 237.2 sqm in area.

 This consist of a new 43 sqm public amenities footprint, 4 new change rooms totalling 108 sqm, 4 new amenities rooms totalling 67 sqm and 19.2 sqm of new decking and stairs required to meet accessibility requirements.

 The proposed extension sits to the north of the current pavilion which will be constructed on elevated land on an inclined gradient above the designated flood zone at Sumner Park. This space is not accessible or safe for any active public recreation activities.

 The current ‘goat track’ informal pathway from Alister Street at the rear of the existing facility and the proposed facility will not be interfered with.

Pavilion usage

The Sporting Facilities, Grounds and Pavilions User Guide, forms the terms and conditions by which Moreland City Council’s sporting facilities are used by community sporting organisations across the municipality. The guidelines clearly identify, Council’s requirements, responsibilities of the user groups and responsibilities of Council.

Pavilions are provided to support sports ground activities. Allocations are made on an annual or seasonal allocation basis. The allocation of pavilions will be based on allocated days and times as specified below.

 Monday to Friday 4pm to 11pm

 Saturdays and public holidays 8am to 11pm

 Sundays 8am to 10pm

Clubs are also responsible for ensuring all members and guests of the club adhere to the EPA Guidelines for noise. Section 48A (5) prohibits noise from amplified sound (i.e. that can be heard outside the building) to the following times:

 Monday to Thursday before 7 am and after 10 pm

 Friday before 7 am and after 11 pm

 Saturdays and public holidays before 9 am and after 11 pm

 Sunday before 9 am and after 10 pm

In addition, Council has a requirement that the premises are vacated by 11pm so that local residents are not disturbed into the early hours of the morning.

Sportsfield usage

 Usage of sports facilities will fluctuate based on seasonal requirements, such as training and scheduled competition schedules.

 The proposal will not have any further effect on the resident’s access to the reserve as the training times allowed on sportsfields will remain as per previous years, with weekend usage on the sportsfield will be based on the competition home and away fixture.

 Training is permitted between 4pm - 9pm Monday to Friday, with competition games held on Saturdays and/or Sundays based on Football Victoria fixtures throughout the football season.

 Sports field lights must be turned off at 9pm every night of the week.

 Night matches under floodlighting will only be permitted at venues where lighting standards can be achieved, and the Council approval has been granted. Use of the floodlights outside of these specified times and without Council consent will be considered a breach of the usage agreement.

Cleaning pavilions and grounds

 Council pavilions and grounds must be cleaned and maintained in a state suitable for use by clubs, schools, community groups and residents that use the facilities. Tenanted clubs must leave pavilions and grounds in a clean and tidy condition immediately after use including removal of all club generated waste on training and match days.

 If the reserve, pavilion or associated amenities are left in an unacceptable condition and Council is required to undertake cleaning services, the club will be charged for this cost.

Parking

Residents and visitors parking along Alister Street at Sumner Park Reserve are required to adhere and abide to the parking regulations currently in place in the parking bays and roadside on the south side of Alister Street.

Trees

 Arborist report obtained.

 No trees are required to be removed.

**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**

Based on the preferred tender cost, the overall project cost (excluding GST) is outlined in the following table:

|  |  |  |
| --- | --- | --- |
| Building Works Contract Sum | $900,985.43 |  |
| Construction Contingency (6%) | $54,059.12 |  |
| **Total Recommended Tender Cost (RFT-2021-150)** | | **$955,044.55** |
| Authority Cost and Headworks Charges | $102,455.45 |  |
| **Total non-construction cost** | | $102,455.45 |
| **Total Project Cost** | | **$1,057,500.00** |

The below table outlines the project funding, including confirmed grant funding:

|  |  |  |
| --- | --- | --- |
| FY2020/2021 Capex Budget | \*$367,500.00 |  |
| Sports Recreation Victoria Funding | $350,000.00 |  |
| Recreation Services Funding | $200,000.00 |  |
| Additional contribution funding from club | $140,000.00 |  |
| **Total Project Budget** | | **$1,057,500.00** |

\* unspent funds in 2020/2021 were carried forward to 2021/2022.

Given the timing of tender award is one month later than anticipated by tenderers, construction will continue into 2022/2023 and so a carry forward is to be identified. This will be included in the report to Council on Quarter 3 carry forwards.

**7. Implementation and Timeline**

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 within Chief Executive Officer delegation and provided that the overall budget within the Capital Works Program is not exceeded.

The contract will commence as soon as possible following Council endorsement.

Works are scheduled to take 13 weeks from award of contract and will therefore be completed in late July / early August 2022.

**Attachment/s**

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Attachment 1 Sumner Park Tender Assessment Matrix  *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.* | D22/75680 |  |

7.12 Governance Report - March 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 February 2022 Council meeting, at Attachment 2 to this report.

* 1. Endorses motions for submission to the 2022 National General Assembly of Local Government
  2. Approves interstate travel for Cr/s \_\_\_\_\_\_\_\_\_\_\_\_ to represent Council at the 2022 National General Assembly of Local Governments in Canberra from 19 to 22 June 2022, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
  3. Notes the Chief Executive Officer will also travel to Canberra to attend the 2022 National General Assembly of Local Government to be held from 19 to 22 June 2022 and the travel, accommodation and registration expenses will be met from the annual budget.

**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 9 February 2022 Council meeting, with a recommendation that Council notes the responses.

 Proposed topics and nominations for Councillors to attend, the Australian Local Government Association National General Assembly in June 2022.

**Previous Council Decisions**

Nil.

**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.

In accordance with the Council Support, Expenses and Resources Policy, attendance by Councillors to interstate conferences must be approved by resolution of Council.

## 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 February Council Meeting are presented at **Attachment 1** as follows:

 Councillor Briefing – 2 February 2022

 Councillor Briefing – 7 February 2022

 Councillor Briefing – 16 February 2022

 Planning Briefing – 22 February 2022

### On Notice responses –9 February 2022 Council meeting

At 9 February 2022 Council Meeting, questions and/or statements were taken On Notice during Public Question Time, as persons submitting questions were not in attendance or included 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 are recorded in the meeting minutes. Statements taken On Notice are provided to Councillors for information and recorded in the minutes of the meeting.

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

 Councillor Expenses

 Governance Report

**2022 National General Assembly of Local Government**

The Australian Local Government Association’s (ALGA) National General Assembly (NGA) is held annually and provides an opportunity for Mayors and Councillors, as representatives of their municipalities, to come together at a national forum. In 2022 the NGA will be held at the National Convention Centre in Canberra from 19 to 22 June.

The purpose of the NGA is to identify and determine ways local government can engage with the Federal Government, to inform the development of national policy and influence the future direction of councils and communities.

***Motions***

The NGA will consider motions submitted by Councils. A discussion paper setting out the criteria for motions provides guidance for development of motions. The theme for the 2022 event is ‘Partners in Progress’ and the discussion paper provides data and analysis that identifies critical areas for local government to consider.

Motions must meet strict eligibility criteria and be clear they are aligned to the theme.

During February/March Councillor ideas were sought in relation to proposed ideas for motions, topics raised included infrastructure improvements, aged care funding, circular economy, anti-gambling and pandemic recovery options.

Proposed motions, supporting rationale and background information will be circulated to Councillors for consideration prior to this meeting. Motions must be submitted by 25 March 2021.

***Attendance***

Participating in the NGA is an opportunity for Councillors to inform themselves on current major policy issues and to contribute to national policy debate. The Chief Executive Officer from most councils also attends.

Travel, accommodation and registration costs will be met from the Mayor and Councillor support budget in accordance with the Council Support, Expenses and Resources Policy.

**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

## Costs for in person attendance at the NGA including airfares, accommodation and conference registration are estimated to be approximately $2,500 per person. These costs will be met from the 2021/22 budget for Mayor and Councillor Support. There is the option for virtual attendance at a cost of $689.

## 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.

## Attachment/s

|  |  |  |  |
| --- | --- | --- | --- |
| **1** | Records of Meetings - March 2022 | D22/72726 |  |
| **2** | Responses to questions taken On Notice - March 2022 | D22/86196 |  |

**8. Notices of Motion**

**8.1 Advocacy for the refugees detained in the Park Hotel**

**Cr Angelica Panopoulos**

**Motion**

That Council:

1. Advocates for the refugees and asylum seekers brought to onshore detention through medical evacuation (Medevac), approximately 30 of whom are currently held in the Park Hotel in inner Melbourne for what appears as an indefinite period.

2. Authorises the Mayor to write to all Victorian members of the Senate and House of Representative, and the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs requesting urgent humanitarian settlement of these men who seek sanctuary and a safe home in Australia.

3. Given the City’s status as a Refugee Welcome Zone, works with other stakeholders to settle those refugees and asylum seekers in Moreland, as soon as possible after leaving detention.

**1. Background**

Cr Panopoulos’s background:

Refugees brought to Australia from PNG and Nauru for medical treatment under the Medevac legislation, which was repealed by the current government in November 2019, were placed in Alternative Places of Detention (APODs), usually motels or hotels. It is over 2 years, and many are still detained there. Some have served detention for 14 years, having been detained previously in offshore detention in Nauru and Manus island.

One of these is a man named Mehdi, who fled Iran when 15 years of age, and who has been in detention or processing facilities for over 9 years. Mehdi has had his teen years and early twenties stripped from him due to the government’s hard-line immigration regime. He is just one of many.

The recent detention of men’s tennis world number 1, Novak Djokovic at the Park Hotel, the same facility as these refugees and asylum seekers, has brought world attention to their plight. It has also shown a disparity between the ease with which one person can have their case heard, in this case world #1 male tennis player Novak Djokovic, versus others such as Mohammad Joy Miah and Mehdi who languish in detention without a decision. Numerous refugee activist groups, individuals and media figures have raised this issue in recent weeks, in addition to their ongoing advocacy for all refugees and people seeking asylum in Australia.

Moreland City Council is a Refugee Welcome Zone, part of the Mayoral Taskforce for Refugees and has a proud history of supporting our most vulnerable and standing up for human rights. This motion continues Council’s work and joins Hobart City Council (amongst others) in their call for the urgent release and resettlement of the refugees detained in the Park Hotel.

**2. Policy Context**

Officer’s comments:

This NOM aligns with the Human Rights Policy (2016-2026).

**3. Financial Implications**

Officer’s comments:

There are no financial implications

**4. Resources Implications**

Officer’s comments:

This motion can be supported within existing resource allocations.

**8.2 Moreland Toy Library**

**Cr Sue Bolton**

**Motion**

That Council:

1. Notes the important role of the Moreland Toy Library to assist parents who can’t afford expensive toys and that its purpose of “Borrow, don’t buy” children’s toys assist the council in its goal of zero waste to landfill.

2. Notes the financial difficulties incurred by the Moreland Toy Library during the Covid-19 crisis.

3. Receives a report with recommendations on how the Council can further assist the Moreland Toy Library with consideration of short-term and long-term assistance, including:

 peppercorn rent for the Moreland Toy Library;

 funding options outside the 3-year grants program;

 assistance with promotion of the Moreland Toy Library, with a recognition of the Moreland Toy Library as part of the council’s Waste reduction strategy; and

 longer-term plans for a more suitable Brunswick site;

4. Receives the report in time to refer any funding needed to the 2022-23 Council budget process.

**1. Background**

**Cr Bolton’s Background**:

The purpose of the Moreland Toy Library is “Borrow, don’t buy” children’s toys. This goal fits with the Moreland council goal of zero waste to landfill. The Moreland Toy Library was set up in the 1980s by a small group of families. It outgrew its Brunswick West site several years ago and expanded to a second site at Pascoe Vale.

Moreland Toy Library provides affordable access to quality educational and creative toys to children from 6 months to 6 years. This enhances their senses and social skills, sparks their imagination and teaches the value of shared resources. Parents and carers who join the Moreland Toy Library are saved the expense of buying expensive toys and instead of children can borrow new toys every couple of weeks. This means that instead of toys being discarded and going to landfill when children get bored with toys, they can be exchanged as the toy library.

The Moreland Toy Library is run entirely by volunteers. Prior to Covid-19, the Moreland Toy Library membership almost reached 500 families. The library had to go through a massive shift to adjust to a Covid-safe system for borrowing toys. During the Covid-19 hard lockdowns when the Moreland Toy Library had to stop operating, it still had to pay rent whereas sporting organisations had rent waived when they weren’t able to operate because of lockdowns.

The Moreland Toy Library budget includes $7000 for rent to the council in the coming year. This led to a decline in the number of families and volunteers. However there are still 380 member families who can access a catalogue of more than 2000 toys. Continuing to be charged rent while income from memberships was down due to the Covid-19 situation, has made it very difficult to operate the Moreland Toy Library.

There is also a longer-term issue where the Moreland Toy Library has outgrown its Brunswick West site.

**2. Policy Context**

Officer’s comments:

The Moreland Toy Library’s role and purpose aligns with the aspirations of the Council Plan 2021-2025 and the objectives of Moreland ‘s *Children, Young People and Families Plan 2021-2025.*

**3. Financial Implications**

Officer’s comments:

There are no immediate financial implications arising from this notice of motion, however consideration of longer-term options for Council support will likely have resourcing implications.

**4. Resources Implications**

Officer’s comments:

As noted above there are no immediate resource implications, these will be identified in the proposed report to Council.

**8.3 Upgrade of Sportsfield Lighting JP Fawkner East Reserve**

**Cr Oscar Yildiz**

## Motion

That Council:

Refers $185,000 towards JP Fawkner East Reserve to the 2022/2023 CAPEX budget for the Upgrade of Sportsfield Lighting (LED 100 Lux) to meet compliance with the relevant recommendations in Australian Standard AS2560 on the basis that the funding application is unsuccessful.

## 1. Background

Cr Yildiz’s background:

The current sportsfield lighting at JP Fawkner East Reserve (Oak Park) does not meet the relevant recommendations in Australian Standard AS2560. JP Fawkner East Reserve is home to the Oak Park Community Sports Club which consists of the Oak Park Football Club, Oak Park Cricket Club and Oak Park Auskick, the playing membership numbers are currently at 348 (male junior 175, male senior 80, 40 female senior teams and female junior 53).

The existing lighting at JP Fawkner East Reserve does not meet standards for intensity or consistency of illumination. The standard of training is affected and risk of injury to players is increased by this shortfall. Existing lighting at the reserve only illuminates the corners of the fields, which means that night-time use is concentrated in those specific areas; consequently, surface wear to these parts of the grounds is excessive and the quality of the playing surface suffers.

Due to the wear and tear of grounds junior teams are continuously directed to train at other facilities away from the clubs home facilities during the winter season due to low level of lighting on the existing grounds, which is limiting growth in juniors due to inconsistency of training venues and increased travelling time for parents and their children.

The new sportsground lighting will provide the club with an increased ability to cater for the projected increased participation, not only from improved and safer facilities, but also from projected population growth. This also helps the club create a more family friendly environment as more people are able to use the facility at once, thus increasing the potential for new participants, ease training scheduling issues, importantly increase the chances of recruiting additional volunteers for coaching and committee roles, assist to maintain a good playing surface and use of sporting facilities to its full potential.

## 2. Policy Context

Officer’s comments:

Council Plan 2021-2025

**Theme 1:** An environmentally proactive Moreland.

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.

**Theme 3:** A healthy Caring Moreland aims to support Moreland to become a more inclusive, connected, healthy and caring community through providing equitable access to community facilities and services, facilitating local partnerships and programs, mitigating the effects of climate change and supporting the community to adapt and build climate resilience.

3.3. Ensure Moreland residents are more active more often at all stages of life by providing a diverse range of accessible and affordable recreation opportunities that reflect our diverse community and develop and maintain partnerships to enhance participation options.

**Moreland Sports and Active Recreation Strategy 2020**

Key priorities within the Moreland Sports and Active Recreation Strategy strategic directions include:

 Increasing participation by Moreland residents in sport and active recreation and fostering strong relationships with local recreation clubs, associations, peak bodies and government agencies.

 Ensuring Council’s approach to sport and active recreation provision is underpinned and well informed by robust policies, strategies and plans.

 Ensuring an adequate supply and distribution of good quality sporting infrastructure used in the most effective and efficient manner possible.

## 3. Financial Implications

Officer’s comments:

The forward Capital Works program contains $200,000 for sports field lighting upgrades in 2022/2023. The cost estimate for works at JP Fawkner East Reserve is $300,000, though an allowance for a contingency amount of $25,000 for rock excavations and soil contamination and an allowance of $60,000 for upgrade to the incoming power supply to the facility will be required. This amount can only be determined via an application process to Jemena (power authority). In total a budget of $385,000 will be required for the Upgrade of Sportsfield Lighting (LED 100 Lux) to meet compliance with the relevant recommendations in Australian Standard AS2560.

Attracting grants and other contributions plays a significant role in reducing Council’s overall cost of asset renewal and capital development. Partnering with State government and national sporting bodies should form part of the process for the delivery sportsfield lighting across Moreland. The next round of State Government Local Sports Infrastructure Fund - Community Sports Lighting Stream may not be until later in 2022 for the following 23/24 year.

## 4. Resources Implications

Officer’s comments:

The works proposed could be undertaken and scheduled within officer time if funded.

**8.4 Council support for Moreland food relief initiatives**

**Cr Sue Bolton**

**Motion**

That Council:

1. Notes the important role of the community-initiated emergency food relief services such as Nourishing Neighbours and the Muslim Women’s Council of Victoria which filled a gap left by other services.

2. Notes that state government funding for councils to provide Covid-19 relief is due to run out in the next few months. Therefore, Moreland council will:

a) initiate a discussion with Nourishing Neighbours, the Muslim Women’s Council of Victoria and any similar organisations about how the council and the state government could better support these services. Such support could include direct funding, assistance with venues to operate from, assistance with accessing grants, and assistance with developing partnerships, as well as potential joint support from Moreland and Hume councils.

b) receive a report at the May Council meeting with recommendations on how to better support community-run emergency food relief services in Moreland such as Nourishing Neighbours and the Muslim Women’s Council of Victoria.

**1. Background**

Cr Bolton’s background:

Since the beginning of the COVID-19 pandemic, several community-initiated food relief services became established and filled an important gap in people’s survival.

These services responded to a need in the northern part of Moreland where there is less access to emergency food relief. At least two of these services - Nourishing Neighbours and the Muslim Women’s Council of Victoria – receive zero funding from government or council, and yet some well-established government-funded emergency relief organisations refer people to the unfunded community-run food relief services for support.

There is a need to find a way to better support Nourishing Neighbours and the Muslim Women’s Council of Victoria emergency relief efforts by council and the State Government.

Moreland council is also funded by the state government to provide Covid relief to people who need to isolate and are experiencing hardship. This funding is due to run out in the next 2-3 months. This will leave a serious gap in emergency relief.

**2. Policy Context**

Officer’s comments:

**Council Plan 2021–2025**

1.8. Develop a healthy, accessible, affordable local food system that strengthens social cohesion, food security and community resilience to support residents to eat nutritious food.

**Emergency Management Plan – 7 June 2021**

**MEMP – Coordination**

The bringing together of agencies and resources to ensure effective preparation for,  
response to and recovery from emergencies.

**Response to and recovery from emergencies**

Consequences: The management of the effect of emergencies on individuals, the community, infrastructure and the environment.

**3. Financial Implications**

Officer’s comments:

This has no immediate financial implications. The results of the findings will need to be scoped and costed.

**4. Resources Implications**

Officer’s comments:

The development of a report can be accommodated within existing resource allocations.

**8.5 Strategic Land Acquisition**

**Cr Lambros Tapinos**

## Motion

That Council:

Resolves to establish a strategic land acquisition strategy to identify and guide the purchase of land acquisition to meet the future services, facilitates and open space needs of a growing population.

## 1. Background

Cr Tapinos’s background:

Strategic acquisition of land is important to effectively manage population growth and delivery of future services and facilities, and open space. Land acquisition in strategic locations is a visionary approach towards securing future opportunities and potential for Council and could include in addition to the acquisition of land, the acquiring of rights and options for when land becomes available on the market. Development in the municipality is progressing quickly and failure to secure strategic parcels of land could hinder the council’s future ability to deliver services and facilities.

Council in the past has undertaken several strategic land acquisitions in central Coburg and Brunswick which have today facilitated the Health Precinct in central Coburg and the Saxon Street Arts and Community Hub. These projects could not have been possible without the foresight of previous councils and their strategic acquisitions of land. It is also notable that many of council’s strategic acquisitions in central Coburg have produced rental income and appreciated in value over time providing a valuable investment in addition to safeguarding future opportunities.

## 2. Policy Context

Officer’s comments:

The 2021/2022 Council Plan Action Plan includes the following action: Develop an Integrated Property Framework to guide strategic decision making around property acquisition, sale and redevelopment, including renewing Moreland’s Leasing and Licensing Policy.

It is intended that this piece of work incorporates principles and processes around strategic land acquisition. Following this strategic work, in the 2022/2023 Council Plan Action Plan it is intended to do further work to identify property gaps and opportunities across the municipality to guide decision-making around future strategic acquisition.

## 3. Financial Implications

Officer’s comments:

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

## 4. Resources Implications

Officer’s comments:

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

**8.6 Dogs and Moonee Ponds Creek**

**Cr Lambros Tapinos**

**Motion**

That Council:

1. Includes the on-leash designation of the creek corridor between Brady Reserve and the southern municipal border in Brunswick in the 2023 review of dog off leash and on leash areas as part of the Open Space Strategy and in the interim places a hold on the installation of any new signs until the designation of the zone is determined.

**1. Background**

Cr Tapinos’s background:

You need to take your dog for a walk so that they stay happy and healthy. Dogs can be off-leash when in an off-leash park or designated area. Off-leash areas are where dogs can exercise and play without a leash or cord. Currently, dogs are not allowed to be in any creek or waterway. Many dog owners walk their dogs at the Moreland side of the Moonee Ponds Creek which has limited cyclists and pedestrians who use the Moonee Valley side of the creek corridor. The section south of Brady Reserve also includes Holbrook Reserve which is a designated off-leash park. There are no on-leash signs, and this area is predominantly used by dogs and their owners. It's safe for dogs off lead as it's not near main roads and it is a great place to train dogs. Residents have requested that Council review the designation of the zone between Brady Reserve and the municipal border in Brunswick.

**2. Policy Context**

Officer’s comments:

Dog off-leash areas are authorised under Moreland’s General Local Law 2018.

The Moreland Nature Plan 2020 includes the following:

*Dog walking is a very popular use of parks and creek corridors and many of these areas are designated dog off leash zones. While waterbirds and fledglings leaving the nest are particularly at risk of dog attack, the physical presence and smell that dogs leave can disturb all birds and other animals.*

*Council’s Local Law prohibits dogs entering waterways, and yet many dogs readily access the creeks and sensitive habitats and are causing erosion issues in high use zones. In the urban context and with an expected warmer environment, it is likely that this demand, and in turn, impact will only increase.*

*Strict enforcement of the Local Law is likely to be expensive and poorly received by many in the community and finding a balance that supports interaction with water and manages the impact is a preferred option for Council. The designation of ‘dog access areas’ which can be purposely located, designed and managed could help to contain the problem. More sensitive habitats can be protected through pedestrian only fencing, signs and appropriate enforcement to allow safe refuge for birds and animals away from dogs.*

The Action Plan includes the following ongoing action (Action 2.13) as follows:

*Education and enforcement of dog on-leash areas and dog poo collection, prioritised in high conservation areas.*

The Domestic Animal Management Plan 2021-2025 also references dog off-leash areas. Under Objective 3 (Ensure adequate access to infrastructure/amenities for dogs, one of the actions for Year 2 (calendar year 2023) is:

*Review Council order (on/off leash dog areas) as part of the refresh of the Moreland Open Space Strategy.*

Officers will be proposing the area identified by Cr Tapinos be considered to become off leash area as part of this review, because:

 Council does not receive significant feedback from the community about concerns with dog behaviour along this trail

 Council has not received reports of dog attacks or dog rushes in this area

 The area does not appear to have high levels of wildlife activity

 It connects two off leash areas at Holbrook Reserve and Brady Reserve.

Most of the compliance issues in this location are around dog poo not being picked up and dog walkers not having poo bags with them. Officers have spoken with many dog walkers, have issued dog poo bags and have issued verbal warnings.

The implementation of signage is not being pursued at this location, pending the outcome of the review to be undertaken in 2023 as indicated above.

**3. Financial Implications**

Officer’s comments:

The review of on/off leash areas is to be undertaken within the scope of the Open Space Strategy preparation.

**4. Resources Implications**

Officer’s comments:

The review of on/off leash areas is to be undertaken within the scope of the Open Space Strategy preparation.

1. *A Job in Moreland, Prepared by .id, March 2021* [↑](#footnote-ref-1)