



Moreland City Council

Minutes of the Council Meeting

Held via video conference and livestreamed
on Wednesday 9 February 2022

The Mayor opened the meeting at 7 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Mark Riley, Mayor	7 pm	10.03 pm
Cr Lambros Tapinos, Deputy Mayor	7 pm	10.03 pm
Cr Adam Pulford	7 pm	10.03 pm
Cr Angelica Panopoulos	7 pm	10.03 pm
Cr Annalivia Carli Hannan	Leave of absence	
Cr Helen Davidson	Leave of absence	
Cr Helen Pavlidis	7 pm	10.03 pm
Cr James Conlan	7 pm	10.03 pm
Cr Milad El-Halabi	Leave of absence	
Cr Oscar Yildiz JP	7 pm	10.03 pm
Cr Sue Bolton	7 pm	10.03 pm

OFFICERS

Chief Executive Officer – Cathy Henderson
Director Business Transformation – Sue Vujcevic
Director City Infrastructure – Anita Curnow
Director Community – Eamonn Fennessy
Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phillip Priest
Manager Governance and Strategy – Yvonne Callanan
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

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

Motion

Cr Panopoulos moved, Cr Bolton seconded –

That Cr Pavlidis be granted a leave of absence for the period 16 December 2021 to 30 January 2022 inclusive.

Carried

Motion

Cr Pavlidis moved, Cr Pulford seconded –

That Cr El-Halabi be granted a leave of absence for the period 9 February 2022 to 9 June 2022 (inclusive).

Carried

Motion

Cr Pavlidis moved, Cr Tapinos seconded –

That Cr Davidson be granted a leave of absence due to the recent and sad death of her father for the period 9 February 2022 to 4 March 2022 inclusive.

Carried

7.04 pm Mayor, Cr Riley disclosed a conflict of interest in his request for a leave of absence and left the meeting.

7.05 pm Cr Tapinos, as Deputy Mayor, assumed the Chair.

Motion

Cr Pavlidis moved, Cr Panopoulos seconded –

That Cr Riley be granted a leave of absence for the period 15 February to 5 March 2022 inclusive.

Carried

7.05 pm Mayor, Cr Riley returned to the meeting and resumed the Chair.

DISCLOSURES OF CONFLICTS OF INTEREST

Mayor, Cr Riley disclosed a general conflict of interest in his request for a leave of absence.

MINUTE CONFIRMATION

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

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

Carried

ACKNOWLEDGEMENTS AND OTHER MATTERS

Cr Yildiz acknowledged the passing of Cr Helen Davidson's father, acknowledged the passing of Mr Bill Kardamitsis (citizen and member of the Greek Community) and acknowledged the 13th Anniversary of the Black Saturday Bushfires and the sad loss of life including that of former Moreland City Council Director, Jacinta Bartlett, her husband Gary and daughter Erryn.

The Mayor, Cr Riley expressed condolences for Cr Helen Davidson and family.

Cr Tapinos expressed his condolences to Cr Helen Davidson and Mr Bill Kardamitsis's family and broader community, and further acknowledged and expressed condolences for the passing of Mr Michael Behan former ALP member and Senator.

7.13 pm Cr Pavlidis left the meeting.

7.14 pm Cr Pavlidis returned to the meeting.

PETITIONS

5.1 SCRAP MORELAND'S FAST-TRACK PLANNING SCORECARD (DESIGN EXCELLENCE SCORECARD)

A Petition has been received containing 352 signatures requesting Council scrap Moreland's fast-track planning scorecard (the Design Excellence Scorecard).

Resolution

Cr Pavlidis moved, Cr Yildiz seconded –

That Council:

- 1. Receives the petition requesting Council scrap Moreland's fast-track planning scorecard (the Design Excellence Scorecard).**
- 2. Refers the petition requesting Council scrap Moreland's fast-track planning scorecard (the Design Excellence Scorecard) to the Director Place and Environment for consideration and response.**

Carried

7.17 pm Cr Pulford left the meeting.

7.18 pm Cr Pulford returned to the meeting.

PUBLIC QUESTION TIME

Public Question Time commenced at 7.18 pm.

DAVIS LEMKE - DESIGN EXCELLENCE SCORECARD

With regard to the Design Excellence Scorecard, could you please provide advice on the 8 developments approved. Specifically, the recommended height limit for those sites and what was approved for the development under the fast track process? If a recommended height limit is exceeded does it trigger a Council decision or is this handled by the council officer?

Mayor, Cr Riley responded

- The Design Excellence Scorecard isn't a fast track process, it could only be achieved at the expense of meaningful community consultation and the score card actually requires the applicant to undertake early pre-lodgement consultation of the surrounding community, to assist them early in the resolution of their concerns.
- The normal notification and VCAT review rights of planning processes and Council's commitment to consultation following any objections, all remain as they would for any planning process. Of the 7 proposals that met the scorecard during the trial, 5 of these sought to exceed the height controls by one or more storeys and it's typical

planning applications were discretionary rather than mandatory height controls and that's something Council tried to clarify twice from the minister but it never happened, we haven't been able to get that, so it's always discretionary on all applications.

- The scorecard trial provided for full delegation to Planning officers and in those circumstances the proposals were determined under delegation by officers and were not reported to the Planning and Related Matters Committee as you mentioned. The further detail you requested regarding height differences is not available and will be provided outside the meeting.

Cr Bolton asked if the Director of the area could provide further information.

At the request of Mayor, Phillip Priest, Group Manager City Development responded:

- The further information requested will be provided outside the meeting as it is currently not available.

HELEN HADJIMOURATIS – QUESTION - CONFIRMATION OF MINUTES

Re; Item 3 Minute confirmation - is Council going to amend the Proposed Minutes of the Special Council Meeting held on 13th December 2021 (document D21/516423), in order to confirm the accuracy and completeness of the record, to show that a community member addressed the meeting at the beginning of Item 4.1 Proposed renaming of Moreland City Council and that he spoke for 7 minutes?

Also, the Proposed Minutes record that after a vote was taken on item 4.1, a Statement from a Councillor who is currently on leave was voted to be read out to the meeting and recorded in the Minutes, and also that the same Community member was invited to make concluding remarks by the Mayor.

The Governance rules that once a vote on a motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, except for 3 particular circumstances, none of which applied to this item. The Governance Rules also state that Community members may only participate in Council Meetings in accordance with Rule 3.6 and Rule 3.6.7 (2) says that the Council may suspend standing orders in accordance with Rule 3.12, to hear from a community member or representative of an organization, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.

The Proposed Minutes do not indicate that Standing Orders were suspended so that the Community member could address the meeting, or that a written request was received by the Chief Executive Officer.

Will any explanatory notes be added to the Proposed Minutes to explain the procedure of the meeting and to make the record accurate and complete?

Mayor, Cr Riley responded:

- Uncle Andrew Gardiner from the Wurundjeri Woi Wurrung was appropriately invited to address the meeting, including providing a Welcome to Country, as a representative of the Traditional Owner group who raised the naming issue with Council and requested Council to change its name.
- The minutes of the 13 December Special meeting of Council have been passed tonight and I believe correctly direct that decision.

HELEN HADJIMOURATIS – STATEMENT - MORELAND NAME CHANGE

The resident made the following statement:

Why wasn't any opportunity given to other community members and/or historians to address the meeting on 13 December?

I am concerned that Councillors have not listened to any alternative perspective to this historical matter, nor undertaken any investigations or further research, nor sought to identify if the majority of First Nations people in Moreland are supportive of a name change, as well as all of the residents in the Moreland District.

Farquhar McCrae did not seize land directly from local First peoples. The property was surveyed by the Crown and sold to McCrae by the Crown Surveyor. As for seizing land, all Victorians share the same degree of guilt. Under existing law, the Crown holds all lands and any remedies should be directed at the State of Victoria, not at a normal farmer and landlord.

Mayor, Cr Riley responded this would be taken as statement.

Helen Hadjmouratis read her statement

TIMOTHY GLANVILLE - STATEMENT - DESIGN EXCELLENCE SCORECARD.

The resident made the following statement:

- The issues on the scorecard are height, the main concern of the Moreland community is there is no mention in the scorecard of height. There is a broader issue, we want these decisions to be made by our elected Councillors and not by unelected officials, it is Councillors who should make the decision.
- These decisions are made by officials already, but not in the case where there are large projects and many objections, there has been a longstanding rule that where there is more than 10 objections it has to go to a Planning and Related Matters Committee, there are good reasons for that.
- We have been attending PIDS for 20 years, they are most ineffective and consist of developers stating what they want to do and the objectors stating what their problems are and the officials saying 'we can't resolve this' and it's onto the next stage, I am sure that will be no different under the scorecard
- The next stage is VCAT which is costly, what community can withstand these costs especially in areas under development pressure, there is likely to be repeated examples where they want to go to VCAT.
- The scorecard won't lead to better results. The decision on major projects where there are lots of objections must be made by elected Councillors and not by unelected officials.

Timothy Glanville read his statement.

JOANNA STANLEY - QUESTION - DESIGN EXCELLENCE SCORECARD TRIAL

Question 2

Why was the developer permitted to only provide the percentage of social housing that was stipulated in its rezoning deal (section 173) - which was 20% of dwellings to an AHA? At the request of Mayor, Phillip Priest, Group Manager City Development responded:

In assessing the development against Council's Design Excellence Scorecard, Council officers determined that the public benefit requirement of the scorecard had been met by the provision of a number of elements. These were:

- Locking in an additional discounted sale price for the existing commitment to 20% affordable housing;
- A new pedestrian link between an adjoining Council laneway and the Upfield Bike Path); and
- A more generous interface to the Upfield Bike Path than is required under the Planning Scheme which is 2.2m in width rather than the 1m required by the planning scheme

ALICIA LILEY - STATEMENT - HOSKEN RESERVE

The resident made the following statement

Thank you for this opportunity. I especially thank you Mayor Riley for allowing me to ask this question & am still very appreciative of your support after the difficult circumstances that occurred at the April 2021 Council Meeting. Thank you.

However, I still wish to open the same issue with this Council as I declare there were some significant elements that were never considered at the October 13 VOTE on HOSKEN RESERVE.

Thus, I am requesting this Council to VOTE again regarding the 24-hour access for the general community to be retained for both Nor-West and Nor-East spaces at HOSKEN RESERVE.

YES, I understand that this issue has been voted upon, yet I strongly believe that this factor has never been considered and is significant for this re-consideration! Even though the Council were aware of this aspect, it was not factored in for last year's vote.

It appears that this Council have once again hidden news from the community that our only open public park (which seems not to be so public from half the Councillors' perspectives), will be increasingly over-populated.

The State Government have purchased land where the old factories are to the east of HOSKEN RESERVE. There are to be some 280+-Unit Blocks to be developed there.

Recently, a close friend had read, there's likely to be even more residential buildings on the other side of the Business Park on Bakers Road, closer to the trainline. Not next to the RESERVE, but still in the adjacent block.

I declare that this issue is to be voted on once again as the entire Council must re-examine this fact of residential demand and truly re-consider HOSKEN RESERVE's accessibility for all! Particularly when poor Mental Health is prominent due to this Pandemic!

In your consideration, I ask you to think of where are the extra hundreds of new residents going to relax or exercise if there is absolutely no space for them after working hours or weekends?

Sure Mark, you've told me that it is to be a shared space, yet there is no availability when the Council allocation to Pascoe Vale Football Club only allows the larger general community times from 9.30pm to at best 3.30pm the following day?

It is also not at all pleasant when there is soccer being played with loud swearing for neighbours, extra rubbish, dogs are scared, no opportunity for improving one's mental Health, etc.

And it is not just the Nor-Eastern space at HOSKEN RESERVE that is required only for this population increase, but the entirety of the two northern spaces!! Simple mathematics is obvious.

The Council can't grow more land for the community. Whilst there are 6 other allocation for sporting events for soccer! One of them, Council has already spent a \$6.3million to build in 2015!

Plus, I am sure there are to be extra dogs in these new accommodations! Where are they to be exercised? Let alone the enormous number of dogs already commonly using HOSKEN RESERVE!

If the Council are to forbid the local community from this Off Leash Dog Park, can you tell me where pets can run freely? Richards Reserve in industrial precinct is not a viable option. Knowing that this Council is the 3rd lowest in Victoria for public open space, the 2021 Vote is far from what you all have pledged!!

The Soccer Club HAS other opportunities. The community does NOT.

Thank you for listening. Now please heed.

Alicia Liley read her statement.

Motion to extend Community Question and Statement Time

Motion

Cr Panopoulos moved, Cr Pavlidis seconded –

That community question time be extended for 30 minutes.

Carried

At 7.51 pm the time allowed for Questions of Council and Community Statements was extended by 30 minutes.

Questions and Statements Taken On Notice

Questions and statements taken on notice and may be summarised for the purpose of recording them in the minutes. Full and complete copies are made available to Council officers for responses or information.

DANNY TOOHEY - QUESTIONS - COUNCILLOR EXPENSES

Where can I find the quarterly reports of the councillor expenses and support, that accordingly to the councillor support expenses and recourses policy are supposed to be reported to the community by details on the council website every 3 months?

Is Moreland city council paying the legal fees of the north-west ward councillors who are involved in the proceedings at VCAT related to the alleged postal ballot tampering?

These question were taken on notice and a written response will be provided.

RHONDA ATTWOOD - STATEMENT - DESIGN EXCELLENCE SCORECARD

I spent the last few months at VCAT fighting Mirvac and Stockland who want to build ten story towers next to Brunswick Central Parklands. I have seen first hand how ruthless and duplicitous developers can be and how cashed up they are. If Councillors give away our rights, VCAT will be the only recourse for Moreland residents who object to any future mid-rise and high-rise developments.

Residents were unaware of the proposed development I was involved in, and therefore had the added difficulty of opposing these developments belatedly, and so the developers were even more advantaged. In the same way, I suspect that very few residents are aware of this Scorecard proposal and not aware that it would take away their rights to have their elected representatives object to future medium/high rise developments. It certainly is not on the Website and the information leaflets produced by Council, do not highlight the biggest and most contentious aspect of the proposal which is that Councillors' give up our rights. I suspect that Council are fully aware that if all residents know what this Scorecard does you would hear the screams in Canberra.

Another major concern with this Scorecard is that none of the criteria used to assess sustainability and promised by the developers are actually enforceable. It was clear at VCAT that developers pretend to be sustainable and can claim points in 4 star Green ratings for such things as solar panels and water tanks. These are tokenistic and for example reading the fine print, they can claim soil in planter boxes as part of the requirements for deep soil planting for trees. They also claim 95% of dwellings have external clotheslines. Sounds good but they include the balconies in their criteria.

I and my fellow SID members directly experienced the flaws in the planning system and have done enormous amounts of quality research that informs us that this Scorecard will entrench the flaws that make the current planning system so unfair to residents. If our Council if they pass this, our rights will be even further eroded and developers will have far too much power.

The statement was taken on notice and forwarded to the relevant Director for information.

MARION ATTWATER - QUESTION - GOVERNANCE REPORT

Why doesn't the Council Action Plan for 2021-22 indicate that there would be an administration restructure, and why isn't the first quarterly performance report on the Council Action Plan in this Agenda?

The question was taken on notice and a written response will be provided.

MARION ATTWATER - QUESTION - DESIGN EXCELLENCE SCORECARD TRIAL

Why hasn't the Council held a public meeting prior to the consideration of a final report on the Scorecard, as per resolution 5 of DCF3/19 of 13 February 2019, or had a "full and thorough engagement with the community regarding the benefits and concerns at the conclusion of the trial in September 2021" as per resolution 3 of Notice of Motion 8.1 of 10 March 2021?

The question was taken on notice and a written response will be provided.

VICTORIA WILSON AND DR LORRAINE VALLADARES - ON BEHALF OF GOWANBRAE RESIDENT GROUP - STATEMENT - TREE PLANTING

Gowanbrae Resident Group requests trees to be planted at the entrance of Gowanbrae.

The reasons why we think it is a terrific idea:

- Planting of Trees offset environmental impacts
- It will create a healthy and clean environment considering we have the freight trains pass 10 times a day which will absorb the harmful gasses
- It will support more birds
- It will conserve Energy and increase value to Gowanbrae residents
- Most of all – reduce rubbish waste that is constantly strewn in that area
- The soil type in Gowanbrae is of good quality
- The proposed trees will not be near any power lines or underground services.
- It will NOT affect any foot paths; or hinder landscape guidelines or street lights
- There is currently enough space on the nature strip

The statement was taken on notice and forwarded to the relevant Director for information.

Public Question Time concluded at 7.51 pm.

COUNCIL REPORTS

7.1 DESIGN EXCELLENCE SCORECARD - TRIAL OUTCOMES AND RECOMMENDATIONS

Executive Summary

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

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

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

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

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

environmental sustainable design (ESD), accessibility and public benefits (e.g. affordable housing).

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

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

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

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

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

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

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

Officer Recommendation

That Council:

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

Motion

Cr Panopoulos moved, Cr Conlan seconded -

That Council:

1. Adopts the Design Excellence Scorecard for High Density Developments, at Attachment 1 to this report, and the Design Excellence Scorecard for Medium Density Developments, at Attachment 2 to this report, on a permanent basis, subject to:
 - a) the further enhancements to the Environmentally Sustainable Design (ESD) criteria outlined at Attachment 3 to this report.
 - b) consequential changes to Council's website and other customer facing material including attachments 1 and 2 to remove references to a delegated decision-making process.
2. Amends the 'Guidelines for the Exercise of Delegation for Planning Applications, 2019' to remove wording that exempts the Moreland Design Excellence Scorecard compliant applications from being reported to the Planning and Related Matters (PARM) meeting or a Council meeting.
3. Notes that the changes in resolution (2) remove the specific changes to officer delegation guidelines that allowed the design excellence scorecard applications to be decided by Council officers. Applications that meet the Design Excellence Scorecard will now be treated the same as all other applications including being reported to a Planning and Related Matters Council meeting when the number of objections or building heights require that a decision be made by the Council, rather than by Council officers.
4. Notes that a list of approved Scorecard developments will be published on Council's website and regularly updated.
5. Notes that the Design Excellence Scorecard will be reviewed over time to ensure its currency, with an annual briefing of Councillors on the projects that have achieved Scorecard compliance and of any further enhancements made to the Scorecard requirements.
6. Notes and acknowledges the concern about the Design Excellence Scorecard expressed by community members during the trial period, particularly in regard to robust democratic oversight of the planning process by the community and Councillors.
7. Acknowledge the results of the Design Excellence Scorecard Trial and thank officers and the community for their effort and input.
8. Receive a report in the second half of 2022 outlining further ways in which better quality developments can be encouraged and bad quality developments can be discouraged in Moreland, including information on what initiatives other Councils have undertaken to improve the quality of development.
9. Actively monitor all mixed use or residential developments valued over \$7 million in Moreland until the end of 2024.
10. Receive a report in early 2025 based upon the active monitoring of the following considerations. This report will include the number and percentage of mixed use or residential developments valued over \$7 million that:
 - Provided affordable housing (noting the current Scheme requirement is zero);
 - Provided accessible housing above the Moreland Planning Scheme's minimum requirement;
 - Provided gas free builds (noting the current Scheme requirement is zero);

- Exceeded the acceptable BESS (or other equivalent ESD tool) requirements of the Moreland Planning Scheme;
 - Exceeded discretionary height limits by more than three levels;
 - Proceeded to a Planning and Related Matters Meeting;
 - Proceeded to VCAT (challenged by objector or applicant to be noted);
 - Were called in by the Planning Minister;
 - Were called in by Councillors; and
 - Received over 50 objections.
11. Include in the aforementioned report how the above 8(a)-(e) compared with the results achieved in applications that were deemed Scorecard compliant during its trial from 2019-2021.

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

The Mayor ruled to accept Cr Panopoulos' motion.

Motion

Cr Pavlidis

That the Chair's ruling to accept Cr Panopoulos' motion for item 7.1 ahead of Cr Bolton's motion be dissented from.

7.53 pm *Mayor, Cr Riley stepped down as Chair in accordance with Governance Rule 3.10.2 (1) while the Motion of dissent in the Chairperson's ruling was considered.*

7.53 pm *Deputy Mayor, Cr Tapinos assumed the Chair and put questions relative to the ruling and put it to the vote.*

The Motion of Dissent was Lost

7.56 pm *Mayor, Cr Riley resumed the Chair.*

Resolution

Cr Panopoulos moved, Cr Conlan seconded -

That Council:

- 1. Adopts the Design Excellence Scorecard for High Density Developments, at Attachment 1 to this report, and the Design Excellence Scorecard for Medium Density Developments, at Attachment 2 to this report, on a permanent basis, subject to:**
 - a) the further enhancements to the Environmentally Sustainable Design (ESD) criteria outlined at Attachment 3 to this report.**
 - b) consequential changes to Council's website and other customer facing material including attachments 1 and 2 to remove references to a delegated decision-making process.**
- 2. Amends the 'Guidelines for the Exercise of Delegation for Planning Applications, 2019' to remove wording that exempts the Moreland Design Excellence Scorecard compliant applications from being reported to the Planning and Related Matters (PARM) meeting or a Council meeting.**

3. **Notes that the changes in resolution (2) remove the specific changes to officer delegation guidelines that allowed the design excellence scorecard applications to be decided by Council officers. Applications that meet the Design Excellence Scorecard will now be treated the same as all other applications including being reported to a Planning and Related Matters Council meeting when the number of objections or building heights require that a decision be made by the Council, rather than by Council officers.**
4. **Notes that a list of approved Scorecard developments will be published on Council's website and regularly updated.**
5. **Notes that the Design Excellence Scorecard will be reviewed over time to ensure its currency, with an annual briefing of Councillors on the projects that have achieved Scorecard compliance and of any further enhancements made to the Scorecard requirements.**
6. **Notes and acknowledges the concern about the Design Excellence Scorecard expressed by community members during the trial period, particularly in regard to robust democratic oversight of the planning process by the community and Councillors.**
7. **Acknowledge the results of the Design Excellence Scorecard Trial and thank officers and the community for their effort and input.**
8. **Receive a report in the second half of 2022 outlining further ways in which better quality developments can be encouraged and bad quality developments can be discouraged in Moreland, including information on what initiatives other Councils have undertaken to improve the quality of development.**
9. **Actively monitor all mixed use or residential developments valued over \$7 million in Moreland until the end of 2024.**
10. **Receive a report in early 2025 based upon the active monitoring of the following considerations. This report will include the number and percentage of mixed use or residential developments valued over \$7 million that:**
 - **Provided affordable housing (noting the current Scheme requirement is zero);**
 - **Provided accessible housing above the Moreland Planning Scheme's minimum requirement;**
 - **Provided gas free builds (noting the current Scheme requirement is zero);**
 - **Exceeded the acceptable BESS (or other equivalent ESD tool) requirements of the Moreland Planning Scheme;**
 - **Exceeded discretionary height limits by more than three levels;**
 - **Proceeded to a Planning and Related Matters Meeting;**
 - **Proceeded to VCAT (challenged by objector or applicant to be noted);**
 - **Were called in by the Planning Minister;**
 - **Were called in by Councillors; and**
 - **Received over 50 objections.**
11. **Include in the aforementioned report how the above 8(a)-(e) compared with the results achieved in applications that were deemed Scorecard compliant during its trial from 2019-2021.**

8.08 pm *Mayor, Cr Riley left the meeting during the debate.*

8.08 pm *Deputy Mayor, Cr Tapinos assumed the Chair.*

8.09 pm *Mayor, Cr Riley returned to the meeting*

8.09 pm Mayor, Cr Riley assumed the Chair

Carried on the casting vote of the Mayor

Cr Bolton called for a division.

For

Cr Pulford
Cr Panopoulos
Cr Conlan
Cr Riley

Total For (4)

Against

Cr Bolton
Cr Yildiz
Cr Pavlidis
Cr Tapinos

Total Against (4)

Carried on the casting vote of the Mayor

7.2 ADVISORY COMMITTEES - TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS

Executive Summary

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

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

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

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

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

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

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

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

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

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

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

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

Officer Recommendation

That Council:

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

a) Advisory Committee	Community Members
Arts Advisory Committee	
Environmental Sustainability Advisory Committee	
First Nations Advisory Committee	
Human Rights and Inclusion Advisory Committee	
Sustainable Transport Advisory Committee	

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

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

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

- Authorises the Director Business Transformation to finalise the Terms of Reference including any minor administrative changes.
- Notes that all applicants will be contacted to thank them for their application and receive notification of the outcome of their application and the final Terms of Reference made available via the Moreland City Council website.
- Notes that Council officers will seek to engage with primary schools to establish a Children's Reference Group by June 2022.
- Notes that the current membership of the Youth Ambassadors is for 2 years and new members will be recruited by October 2022.
- Notes \$10,000 of new funding to support implementation of Advisory Committees and Reference Groups will be referred to the 2022/2023 budget process.

Motion

Cr Pavlidis moved, Cr Yildiz seconded -

That the debate on this matter be deferred to allow Councillors more time to consider the matter.

8.26 pm Cr Tapinos left the meeting during debate.

8.27 pm Cr Tapinos returned to the meeting during debate.

Lost on the casting vote of the Mayor

Cr Yildiz called for a division.

For

Cr Bolton

Cr Yildiz

Cr Pavlidis

Cr Tapinos

Total Against (4)

Against

Cr Pulford

Cr Panopoulos

Cr Conlan

Cr Riley

Total For (4)

Lost on the casting vote of the Mayor

Cr Pavlidis moved that the item be considered in the confidential business section of the meeting.

8.37 pm Mayor, Cr Riley called an adjournment to clarify the matter.

8.40 pm Mayor, Cr Riley resumed the meeting.

The Mayor referred the item to the confidential section of the agenda.

7.3 GILPIN PARK REVITALISATION REPORT

Executive Summary

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

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

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

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

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

Officer Recommendation

That Council:

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

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council:

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

8.42 pm Cr Tapinos left the meeting during the debate.

Carried

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

Executive Summary

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

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

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

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

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

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

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

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

Officer Recommendation

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

1. Notes public notice was given on 15 November 2021 until 15 December 2021 in respect of the proposal to lease part of Council's land contained in Certificate of Title Volume 10287 Folio 018, known as Coburg Football Ground to Axicom in accordance with Section 115 of the *Local Government Act 2020*.

2. The notice was viewed 59 times and no submissions were received.
3. Authorises the Director Place and Environment to do all things necessary to affect the lease of the site to Axicom for a 20-year term.

Resolution

Cr Bolton moved, Cr Pulford seconded -

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

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

Carried unanimously

(Cr Tapinos was not in the meeting and did not vote)

7.5 PROPOSED ROAD DISCONTINUANCE ADJOINING 50-52 BREESE STREET BRUNSWICK

Executive Summary

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

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

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

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

Officer Recommendation

That Council:

1. Commences the procedures to discontinue and sell the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick, in accordance with Section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020*.
2. Gives public notice of the proposed discontinuance in accordance with section 223 and 207A of the *Local Government Act 1989* and Section 114, clause 2 of the *Local Government Act 2020* in the Herald Sun newspaper and on Council's website, and invite written submissions from Monday 21 February 2022 until Friday 25 March 2022. The notice will state that Council proposes to sell the land adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick to the owner of those properties, in accordance with Council's Rights of Way Associated Policies

2011 and the Rights of Way Strategy 2011.

3. Appoints Councillor _____ as Chair, and Councillors _____, and _____ to a Committee to hear any submitters requesting to be heard in support of their written submission.
4. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to discontinue and sell the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick.
5. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee and presenting a recommendation regarding whether to proceed with the proposal to discontinue the road adjoining 50 and 52 Breese Street Brunswick and 665-661 Sydney Road Brunswick.

Resolution

Cr Conlan moved, Cr Pavlidis seconded -

That the debate on this matter be deferred until 9 March 2022 Council meeting to allow Councillors to receive further information from officers.

8.45 pm Cr Tapinos returned to the meeting during the debate.

Carried

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

Executive Summary

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

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

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

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

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

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

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

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

Officer Recommendation

That Council:

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

Resolution

Cr Bolton moved, Cr Conlan seconded -

That Council:

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

Carried

8.51 pm Cr Tapinos left the meeting.

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

Executive Summary

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

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

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

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

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

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

Officer Recommendation

That Council:

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

Resolution

Cr Panopoulos moved, Cr Pavlidis seconded -

That Council:

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

Carried

8.52 pm Cr Tapinos returned to the meeting.

7.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2021

Executive Summary

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

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

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

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

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

Officer Recommendation

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

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

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

Carried

7.9 GOVERNANCE REPORT - FEBRUARY 2022 - CYCLICAL REPORT

Executive Summary

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

This Governance report includes:

- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 8 December 2021 Council meeting, with a recommendation that Council notes the responses.
- Seeking endorsement to appoint a new Independent Advisor to assist CEO Employment and Remuneration Matters Advisory Committee to help it discharge its obligations in respect of any matter dealt with in the CEO Employment and Remuneration Matters Policy.

- A revised date on the Kent Road Separated Bicycle Lane Options further report from February to March 2022 Council meeting.
- Appointing an additional Councillor representative to the 'Transport and Getting Around' Portfolio for the Mayoral year 2021/2022.

Officer Recommendation

That Council:

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

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council:

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

Carried unanimously

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

Executive Summary

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

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

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

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

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

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

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

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

Officer Recommendation

That Council:

1. Notes the outcome of the tender process for the 14 Frith Street Park Close to Home Project, namely:
 - a) that one tender only was received;
 - b) that the Tender Evaluation Panel has been extensively negotiating with the tenderer to bring the project cost closer to budget through Value Management;
 - c) that some minor scope changes have been made in reducing the overall project cost through the Value Management process;
 - d) that this has reduced the tenderer's initial bid by \$440,950 but has included some modifications to the project scope; and
 - e) that despite these reductions, due to the significant impact from COVID-19 to the construction industry and resulting material and labour supply shortages and related increased building costs, there remains a further \$951,164 shortfall in the construction budget (including an adequate contingency) available for the contract.

2. Notes that the Department of Environment, Land, Water and Planning (DELWP) released Planning Practice Note 30 for guidance on Potentially Contaminated Land in July 2021, and that as a result of this, it is no longer possible to include the children's water play feature and still meet Council's delivery timeline obligations connected with the \$1.3 million DELWP grant funding under its Local Parks Program.
3. Considering the factors in paragraph 1(e) and 2, approves the final scope of the 14 Frith Street Park Close to Home Project as described as shown in the concept design that formed the basis of the tender (Attachment 1) with the following changes:
 - a) One public toilet rather than two
 - b) The removal of sun stairs on the northern boundary of the park
 - c) The removal of the water play playground in the south west corner of the park, but retention of the metal boardwalk at that location
 - d) Other minor changes relating to materials and finishes
4. Endorses the retention of the remaining scope items such as the climbing wall, the remaining toilet, half court multisport, table tennis, picnic and BBQ area, so that the park is still able to accommodate a range of recreational experiences in addition to the primary benefit of passive green space in a neighbourhood otherwise lacking in these spaces.
5. Notes that professional fees and the headworks charges and authority fees for the desired scope throughout the community consultation and funding commitment were previously underestimated to the value of \$121,465 and are now added to the total project budget, although they do not fall within the scope of Contract RFT-2021-230; therefore along with the shortfall of \$951,164 for the construction contract identified at paragraph 1(e) the total project budget shortfall is \$1,072,629.
6. Notes that the unallocated funding in the Public Resorts and Recreation Land Fund (PRRLF) – the Open Space Reserve – is currently projected to reach \$35.1 million by the end of 2022/23, and that some 90 per cent of the PRRLF is intended for use in the Park Close to Home projects.
7. Approves the allocation of up to an additional \$1,072,629 from the PRRLF for the project which will allow adequate budget for the contract to be awarded and committed delivery timelines achieved.
8. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Building Engineering ABN 41 103 839 514 (Contractor) to award to the Contractor contract RFT-2021-230 for the Park Close to Home – 14 Frith Street Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 8(b) of this Resolution:
 - i. For a fixed lump sum of \$4,772,212 (excluding GST) for Design and Construct Contract RFT-2021-230.
 - ii. Allocate a 10 per cent contingency of \$477,221 (excluding GST) for Contract RFT-2021-230 for unforeseeable variations that may arise during construction and bring the total expenditure approval for Contract RFT-2021-230 to \$5,249,433 (excluding GST).
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 8(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 8(a) of this Resolution, the

terms of the Contract are acceptable to the Chief Executive Officer

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

Resolution

Cr Panopoulos moved, Cr Riley seconded -

That Council:

1. **Notes the outcome of the tender process for the 14 Frith Street Park Close to Home Project, namely:**
 - a) **that one tender only was received;**
 - b) **that the Tender Evaluation Panel has been extensively negotiating with the tenderer to bring the project cost closer to budget through Value Management;**
 - c) **that some minor scope changes have been made in reducing the overall project cost through the Value Management process;**
 - d) **that this has reduced the tenderer's initial bid by \$440,950 but has included some modifications to the project scope; and**
 - e) **that despite these reductions, due to the significant impact from COVID-19 to the construction industry and resulting material and labour supply shortages and related increased building costs, there remains a further \$951,164 shortfall in the construction budget (including an adequate contingency) available for the contract.**
2. **Notes that the Department of Environment, Land, Water and Planning (DELWP) released Planning Practice Note 30 for guidance on Potentially Contaminated Land in July 2021, and that as a result of this, it is no longer possible to include the children's water play feature and still meet Council's delivery timeline obligations connected with the \$1.3 million DELWP grant funding under its Local Parks Program.**
3. **Considering the factors in paragraph 1(e) and 2, approves the final scope of the 14 Frith Street Park Close to Home Project as described as shown in the concept design that formed the basis of the tender (Attachment 1) with the following changes:**
 - a) **One public toilet rather than two**
 - b) **The removal of sun stairs on the northern boundary of the park**
 - c) **The removal of the water play playground in the south west corner of the park, but retention of the metal boardwalk at that location**
 - d) **Other minor changes relating to materials and finishes**
4. **Endorses the retention of the remaining scope items such as the climbing wall, the remaining toilet, half court multisport, table tennis, picnic and BBQ area, so that the park is still able to accommodate a range of recreational experiences in addition to the primary benefit of passive green space in a neighbourhood otherwise lacking in these spaces.**
5. **Notes that professional fees and the headworks charges and authority fees for the desired scope throughout the community consultation and funding**

commitment were previously underestimated to the value of \$121,465 and are now added to the total project budget, although they do not fall within the scope of Contract RFT-2021-230; therefore along with the shortfall of \$951,164 for the construction contract identified at paragraph 1(e) the total project budget shortfall is \$1,072,629.

6. Notes that the unallocated funding in the Public Resorts and Recreation Land Fund (PRRLF) – the Open Space Reserve – is currently projected to reach \$35.1 million by the end of 2022/23, and that some 90 per cent of the PRRLF is intended for use in the Park Close to Home projects.
7. Approves the allocation of up to an additional \$1,072,629 from the PRRLF for the project which will allow adequate budget for the contract to be awarded and committed delivery timelines achieved.
8. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Building Engineering ABN 41 103 839 514 (Contractor) to award to the Contractor contract RFT-2021-230 for the Park Close to Home – 14 Frith Street Project (Contract) on the following terms and otherwise subject to and in accordance with paragraph 8(b) of this Resolution:
 - i. For a fixed lump sum of \$4,772,212 (excluding GST) for Design and Construct Contract RFT-2021-230.
 - ii. Allocate a 10 per cent contingency of \$477,221 (excluding GST) for Contract RFT-2021-230 for unforeseeable variations that may arise during construction and bring the total expenditure approval for Contract RFT2021-230 to \$5,249,433 (excluding GST).
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 8(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 8(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer
9. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; and
 - b) Advises all tenderers of Council's decision in relation to the Contract.

Carried

(Cr Pavlidis abstained from voting.)

NOTICES OF MOTION

8.1 JACANA TRAIN STATION SAFETY ADVOCACY

Motion

That Council:

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

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

That Council:

1. **Writes to the Hon Ben Carroll Minister for Public Transport and Broadmeadows Member of Parliament, Frank McGuire in the next fortnight:**
 - a) **Alerting them to the concerns of residents regarding safety at Jacana station;**
 - b) **Requesting that a safety audit of Jacana station be conducted as soon as practicable including making Jacana a staffed station;**
 - c) **Requesting the development of a plan to increase safety at Jacana station, particularly in direct engagement with local residents, women and non-binary people; and**
 - d) **Requesting that a response be received by Council outlining what the Minister and Member of Parliament will and will not commit to and any indications of time-frames for action.**
2. **Writes to VicTrack and VicRoads, as the responsible bodies, requesting they remove all graffiti at the station and install a mirror at the corner of the Langton St tunnel as interim safety measures at Jacana station.**

3. **Writes to the Australian Rail Track Corporation (ARTC) seeking an updated project timeline for works within the vicinity of Jacana Railway Station as part of the Inland Rail Project.**
4. **Notes that Council is committed to advocating for improved personal safety at Jacana station, as specifically included in the 2021-2022 Council Action Plan and the Advocacy Plan, despite not ultimately being responsible for the infrastructure or maintenance at the station.**

9.01 pm *Cr Tapinos left the meeting during debate.*

9.02 pm *Cr Tapinos returned to the meeting.*

Carried unanimously

8.2 OUTDOOR POOL OPENING HOURS

Motion

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

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

Resolution

Cr Bolton moved, Cr Pavlidis seconded -

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

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

9.07 pm *Cr Pulford left the meeting during debate.*

9.08 pm *Cr Pulford returned to the meeting.*

Carried unanimously

NOTICE OF RESCISSION

Nil.

FORESHADOWED ITEMS

Cr Panopoulos has submitted a Notice of Motion for 9 March 2022 Council meeting regarding Council continuing advocacy for the refugees detained in the Park Hotel.

URGENT BUSINESS REPORTS

Nil.

CONFIDENTIAL BUSINESS

Motion

Cr Pavlidis moved, Cr Conlan seconded -

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

- Item 7.2 Advisory Committees - Terms of Reference and Appointment of Members based on s. 3 of the *Local Government Act 2020* as personal information may discussed in the debate.

Carried

The meeting closed to the public at 9.15 pm.

Publication of Confidential Resolution

7.2 ADVISORY COMMITTEES - TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS

Council resolved to make the following decision public:

Resolution

Cr Pulford moved, Cr Conlan seconded -

That Council:

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

Advisory Committee	Community Members
Arts Advisory Committee	Alexander Linger Alister Karl Aneke McCulloch Asha Bee Abraham Barry Solomon Christopher Mitchell David Ryding Dr Geoffrey Vernon Hogg Geoff Newton Hollie Fifer Karen Ferguson Kimberly Summer Maya Hodge Nur Shkemi Ronny Ferella
Environmental Sustainability Advisory Committee	Adrien Edward Arjumand Banu Khan Hector Padilla Indira Tiwari Megan Fischer Paul O'Sullivan

	<p>Roohi Imran Ruvini Silva Shea Evans Stephanie Mitten</p>
First Nations Advisory Committee	<p>Gary John Murray Geoffrey Masters Liz Phillips Sue Atkinson Lopez 4 vacant positions, 2 of which will be reserved for Wurundjeri Woi wurrung</p>
Human Rights and Inclusion Advisory Committee	<p>Anna Kingston Cyryla Sujka Greg Rafferty Ingrid Giles Katie O'Bryan Kristina Rae Larson Lauren Henley Linda Kader Maeve McLennan Mellem Rose Sarah Hussein Tamanah Rahim Whitney Etheve</p>
Sustainable Transport Advisory Committee	<p>Allison McIntyre Andrea Bunting Carlo Carli Catherine Hall Faith Hunter Helen Kratzmann Liz Irvin Mark Christopher Burton Nicholas James (Nic) Maclellan Pauline Galvin Sarah Nesbitt Yoong Wai Chong</p>
Reference Groups	
Affordable Housing Reference Group	<p>Amelia Addamo Hogan Ande Bunbury Argirios Tsialtas Ben Neil Cameron Bloye John Whittam Marie Marchetti Najat Mussa Sananaz Ahmed Sheena Colquhounlist</p>
Age-Friendly (Older People) Reference Group	<p>Boping He Cettina Astorina Dalal Sleiman Julie Burgess Kristine Spark Mila Milne Nicholas Nicholaou Pauline O'Brien Shiela Kumar Sylvie Leber</p>

Disability Reference Group	(Maughan) Bram Heinrich-McPartlan Briar Harte Elizabeth Bennett Emily Unity Houda Khaled Jeremy Blair Nicholas Waters Therese Lyn Wesselink Vivienne Jackson
Gender Equality Reference Group	Angela Panuccio-Gray Ayfer Berdilek Eva McLeod Goodman Helen Politis Laura Hughes Meredith Hill Millicent Matthew Sajjad Kianbakht Sarah Michelle Leslie
LGBTIQA+ Reference Group	Andrea Kapteinis Asherah Connor Brenda Appleton K. Travers Eira Karla Elliott Nicholas Francis Toonen Riordan Davies Simon Payne Sumitra Vignaendra

2. Appoints Cr Conlan and Cr Bolton, with Cr Bolton appointed as co-Chair, to the First Nations Advisory Committee.
3. Appoints Councillors to the following Reference Groups:

Reference Groups	Participating Councillor
Affordable Housing Reference Group	Cr Bolton
Age-Friendly (Older People) Reference Group	Cr Pavlidis Cr Tapinos
Disability Reference Group	Cr Bolton
Gender Equality Reference Group	Cr Panopoulos
LGBTIQA+ Reference Group	Cr Pulford

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

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

Carried

The meeting closed at 10.03 pm.

Confirmed

Cr Mark Riley
MAYOR