



Merri-bek City Council

Minutes of the Council Meeting

Held at the Council Chamber, Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 8 February 2023

The Mayor opened the meeting at 7.02 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Angelica Panopoulos, Mayor	7.02 pm	9.19 pm
Cr Helen Davidson, Deputy Mayor	7.02 pm	9.19 pm
Cr Adam Pulford	7.02 pm	9.19 pm
Cr Annalivia Carli Hannan	9.00 pm	9.19 pm
Cr Helen Pavlidis	7.02 pm	9.19 pm
Cr James Conlan	Apology	
Cr Lambros Tapinos	7.02 pm	9.19 pm
Cr Mark Riley	7.02 pm	9.19 pm
Cr Monica Harte	7.02 pm	9.19 pm
Cr Oscar Yildiz JP	7.02 pm	9.19 pm
Cr Sue Bolton	7.02 pm	9.19 pm

OFFICERS

Chief Executive Officer – Cathy Henderson
Director Business Transformation – Sue Vujcevic
Director City Infrastructure – Anita Curnow
Director Community – Eamonn Fennessy
Director Place and Environment – Joseph Tabacco
Manager Governance and Strategy – Yvonne Callanan
Unit Manager Governance – Troy Delia

APOLOGIES/LEAVE OF ABSENCE

Cr Conlan was an apology to the meeting.

Leave of Absence

Mayor, Cr Panopoulos requested a leave of absence from 10 August to 10 September 2023 inclusive.

Resolution

Cr Davidson moved, Cr Tapinos seconded –

That Council approves a leave of absence for Mayor, Cr Panopoulos for the period 10 August to 10 September 2023.

Carried

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Riley moved, Cr Tapinos seconded -

The minutes of the Council Meeting held on 7 December 2022 and the Special Meetings held on 13 and 19 December 2022 be confirmed.

Carried

ACKNOWLEDGEMENTS AND OTHER MATTERS

The Mayor acknowledged the terrible disaster of the earthquakes in Turkey and Syria earlier this week. It is a devastating loss that more than 8,000 people have died. We acknowledge that many residents in Merri-bek will have family and friends directly affected by this disaster. We extend our deepest sympathies to all those here and in Turkey and Syria who have lost loved ones, and to all those affected.

Cr Bolton, Cr Tapinos and Cr Riley further acknowledged the earthquakes in Turkey and Syria and extended their condolences and deepest sympathies to all person affected by this disaster.

Cr Riley acknowledged the Day of Mourning event held on 26 January 2023.

Cr Yildiz also acknowledged the earthquakes in Turkey and Syria.

PETITIONS

5.1 PETITION TO IMPROVE THE CORNER OF JOHN AND ST PHILLIP STREETS, BRUNSWICK EAST

A petition has been received containing 113 signatures requesting Council improve the corner of John and St Phillip Streets, Brunswick East and install a bike pump on the verge.

Officer Recommendation

That Council:

1. Receives the petition, requesting Council improve the corner of John and St Phillip Streets, Brunswick East and install a bike pump on the verge.

2. Refers the petition requesting Council improve the corner of John and St Phillip Streets, Brunswick East to the Director City Infrastructure for consideration and response.

7.15 pm Cr Pulford left the meeting.

7.19 pm Cr Pulford returned to the meeting.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

1. **Receives the petition, requesting Council improve the corner of John and St Phillip Streets, Brunswick East and install a bike pump on the verge.**
2. **Refers the petition requesting Council improve the corner of John and St Phillip Streets, Brunswick East to the Director City Infrastructure for consideration and response.**

.Carried unanimously

PUBLIC QUESTION TIME

Public Question Time commenced at 7.23 pm.

JOHN ENGLART – QUESTION – ITEM 7.3 NORTHERN REGIONAL TRAILS STRATEGY 2022 – MERRI-BEK ADOPTION

The Craigieburn shared Use Path, Upfield Bike Path and Merri Creek Trail all offer important regional extensions into Hume Municipality which many Merri-bek residents will use.

What engagement with Hume Council and staff has occurred to jointly progress these paths that interlink our respective cities, not just the work within Merri-bek boundaries?

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

Council officers have worked collaboratively with Hume City Council counterparts on these three key trails which connect both of our cities. This was done during the development of the strategy and also long before on some of them. In terms of getting the paths designed and constructed, these are very long corridors and can only be implemented in stages.

So each council works on different stages within the corridors, whilst constantly communicating with each other on progress. For example, at an officer level, Hume is checking in regularly on the progress of the Upfield Shared Path extension to the Western Ring Road Shared Path, so they can work on advocacy and design works to continue the path in Hume.

OLAF CIOLEK – STATEMENT – ITEM 7.4 TRAFFIC MANAGEMENT OPPORTUNITIES FOR COCOA JACKSON LANE, Warburton Street and Horne Street, BRUNSWICK - RESPONSE TO NOTICE OF MOTION

Residents of Cocoa Jackson Lane have proposed that Council make two resolutions in relation to vehicle traffic issues in the Lane. The first proposed resolution is that all necessary steps be taken to install “no stopping” signs in the Lane between Warburton Street and Lygon Street.

The second proposed resolution is that officers re-evaluate the installation of bollards in the Lane, at its intersection with Christopher Lane. (To be clear, this is different to the proposal that Council recently put to local residents, which concerned bollards at the intersection with Horne Street.)

As to the first proposed resolution, in their report to Council, officers considered the possibility of extending parking signs along the frontage of the Reece Plumbing building between Christopher Lane and Lygon Street to “reinforce the Road Rules”.

Officers assessed that this option would impact Reece Plumbing’s business and result in that business receiving “excessive fines”.

Residents urge Council to resolve to extend the parking signs, and to make them “no stopping signs”. Councillors will have seen from residents’ video footage that vehicles associated with Reece Plumbing brazenly obstruct the Lane, impede residents’ access to their dwellings and — critically — impede access by emergency services vehicles to dwellings that rely on the Lane as their only street access.

Council’s own survey found that, on the day of the survey, the Lane was obstructed in this way for over an hour. This is an everyday occurrence for residents and it has to stop. Residents’ safety, wellbeing and access to their own homes must take priority over any effect that “reinforcing the Road Rules” — with which vehicles associated with Reece Plumbing are already required to comply — will have on the business of Reece Plumbing.

As to the second proposed resolution, Council officers considered the installation of bollards at Christopher Lane (effectively closing the Lane), but noted that they had “some serious concerns” with it. They were concerned that trucks delivering to Reece Plumbing would need to drive into the Lane from Lygon Street and reverse out, and that utility vehicles would not be able to turn around within the Lane.

In evaluating the installation of bollards, officers should assume that road users will obey the Road Rules. But any delivery truck or utility vehicle servicing Reece Plumbing that stops in the Lane and obstructs it while loading or unloading pipes and other materials (before reversing out) would do so in breach of the Road Rules. And there is ample space on the Reece Premises for utility vehicles to safely turn around — they do this every day. That is why residents propose that officers re-evaluate the installation of bollards at Christopher Lane, disregarding the effect of that traffic management option on drivers who break the law.

Olaf Ciolek read their statement.

JAMES REID, GREATER MELBOURNE CEMETERIES TRUST – STATEMENT - ITEM 8.1 BOX FOREST ROAD IMPROVEMENTS - NORTHERN MEMORIAL PARK

My name is James Reid, I am the Chief Future Built Environment Officer at the Greater Metropolitan Cemeteries Trust (GMCT).

GMCT is a Class A Cemeteries Trust that operates under the *Cemeteries and Crematoria Act 2003*. We are responsible for a network of 21 sites across the northern, western and eastern suburbs of Melbourne and cater for approximately one-third of Victoria’s cremations and burials each year.

Currently our two largest and most active sites are here in Merri-bek – Fawkner (FMP) and Northern (NMP) Memorial Parks. Both sites have a frontage to Box Forest Road, although our primary concern relates to the main entrance to Northern Memorial Park.

The issue of traffic safety on Box Forest Road has been raised for many years at GMCT and has been the subject of previous reports to our Board and Audit and Risk Committees. The key issues relate to:

- Right turn movements into NMP – vehicles turning into NMP from the east are required to wait for a gap in traffic in order to make a right-hand turn, this creates a traffic queue, particularly during peak hour.

- Traffic congestion – nearby land uses include the Glengowrie Aged Care facility, Ilim College, Federation Retirement Village and Gowrie Railway Station, located on the north side of Box Forest Road to the east of the NMP access, and the Fawkner Memorial Park (FMP) located opposite.
- Pedestrian safety, including alighting from bus stops and crossing Box Forest Road to enter NMP.
- Staff safety and access between NMP and FMP.

While GMCT has taken action to reduce the need for staff to cross between NMP and FMP, we remain concerned about the safety of community members who access the park for funerals and memorial services, to visit graves, or for recreational purposes.

With FMP now almost fully developed, growth and activity are being redirected to NMP. This is reflected in our vehicle counts for NMP, which have grown from 246,000 in financial year 2021 to 267,000 in FY2022 (both of which were impacted by pandemic restrictions). In the first half of this financial year we have already had 145,000 vehicles enter NMP via Box Forest Road.

We anticipate that traffic volumes will continue to grow as we develop the remaining 40% of the park. Planning and development are currently underway for new sub-precincts within River Red Gum, on a former factor site adjacent to Sages Road, and to the west of our secondary May Street entrance.

In order to proactively address our concerns we have commissioned consultants to assess the entrance conditions at NMP and recommend improvements. They have produced a concept design which involves:

- Widening Box Forest Road on its northern side, west of Glengowrie Nursing Home, to create a right-hand turning lane in addition to the two traffic lanes;
- Widening the entrance to NMP to accommodate a refuge island for pedestrians, while maintaining the existing left and right hand turning lanes;
- Relocating the southern bus stop further west, directly opposite the existing northern bus stop; and
- Various ancillary modifications, including removal of a power pole and three street trees.

At the request of Council officers a Traffic Impact Assessment, Road Safety Traffic Audit and further refinements to the design have been prepared to justify and improve the concept design.

As recently as last Thursday, I was involved in a meeting with Council officers to discuss our proposal. That meeting highlighted the complexity of the road conditions in this location, particularly the number of road access points in close proximity that serve our site, Ilim College, the adjoining retirement village and the railways station.

GMCT has, on its own initiative, offered a solution that we believe would improve access to our site. We do acknowledge, however, that road conditions in this location are complex. We are therefore very open to exploring other options with Council, nearby land owners and stakeholders.

Our position is that improvements to Box Forest Road are urgently required for the benefit of both visitors to our site and the motorists, pedestrians and cyclists travelling within and through the precinct. The growing intensity of activity in the precinct, including the proposed growth of NMP itself, will heighten existing safety concerns. Urgent attention is warranted.

I thank Cr Tapinos for raising this Notice of Motion, which I commend to Council.

GMCT would welcome further consultation as officers prepare their report.

James Reid read their statement.

JOHN ENGLART – QUESTION – ITEM 8.1 BOX FOREST ROAD IMPROVEMENTS - NORTHERN MEMORIAL PARK

What consideration has been given regarding how a slip lane for turning traffic into Northern Memorial Park will affect traffic flows impeding traffic entering Box Forest Road from Fawkner Cemetery, and more particularly, impede cyclists or pedestrians trying to cross Box Forest Road to the shared use path? And the second issue is how widening of the road for a slip lane may impact the shared use path on the north side and the narrow concrete footpath on the south side of Box Forest Road?

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

Officers have met with colleagues at the Cemeteries Trust a few times over the past 18 months to work through this. At a meeting in late 2022, the Cemeteries Trust presented a traffic report that showed minimal impact to traffic flows and queuing although the report noted that the analysis “is based on random arrivals” over the analysis period “whereas in reality a large number of vehicles may arrive at one time as part of a funeral procession”.

Officers provided feedback at the time to say that the analysis needed further work to either accurately reflect the traffic conditions, and to prove that the right-turn lane was needed in the first place. This would give us a better understanding of impacts to traffic generally, and also to any potential impact to the shared path. Officers are still waiting for this updated analysis.

The proposed right turn lane would take out some of the nature strip on the northern side in the current design, and would not impact the shared use path on the northern side.

ANDREA BUNTING – QUESTION – ITEM 8.2 PUBLIC TOILETS IN RESERVES

I am concerned about two current projects to upgrade sporting pavilions where public toilets have been either left out or restricted in access. These projects are in parks next to our popular creeks, so public toilets are sorely needed.

In Oak Park, next to the Moonee Ponds Creek Trail, we have the John Pascoe Fawkner Reserve. Its pavilion is being upgraded. Public toilets were left out. I understand that after residents complained, a single public toilet may be included.

In Brunswick, next to the Merri Creek Trail, we have Sumner Park. Its pavilion is being upgraded. This includes public toilets. I understand that Council Officers have determined they will not be open to the public unless the sporting club is open. The decision to restrict access to the public toilets in Sumner Park is concerning.

Council has spruiked the inclusion of public toilets in its literature and in the funding application to the state government for this upgrade.

I am concerned that Council continues to use fears of “antisocial behaviour” to restrict public access to toilets.

Instead of using this euphemism, I suggest the Council should be more specific about their fears.

I suggest that a Council which promotes itself as proudly diverse and inclusive should not be using such fears to restrict the rollout of public toilets. Failure to provide public toilets discriminates against many in our community, particularly against women.

So, will Councillors ensure that both the Oak Park and Brunswick pavilion upgrades include public toilets that are open during daylight hours?

And to ensure this doesn't happen in future projects, can Councillors ensure decisions about public toilets in pavilion upgrades be voted on in the Council chamber, rather than such decisions being made by Council officers.

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

As indicated in the officer comments under Policy Context at item 8.2 in the agenda, Council already plans to undertake work into public toilet design and location principles.

The Council Action Plan action for 2023/24 is:

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.

Officers advise that consideration of principles around design and locating of toilets through a gender lens, crime prevention lens, place making lens and disability lens will be part of the engagement to support the achievement of this Council Action Plan item.

In the meantime, I am happy to advise that as part of the procurement of both the JP Fawcner pavilion and the Sumner Park pavilion, we will seek to keep options open through the design so that future decisions could be made for toilets to be available for daylight hours access, if this can be achieved within the current budget and without impacting delivery timeframes.

7.47 pm Cr Pulford left the meeting.

MARION ATTWATER – QUESTION – REPORTING ON STRATEGIC RISK REVIEW

Once again there is no Strategic Risk Review Report in the Agenda. The last time that the Council received a report with a Strategic Risk Review was in the Governance Report of the 10 November 2021 Council Agenda.

There has not been any risk reports in the Council Agenda since that time. The Governance and Management Checklist in the most recent Annual Report 2021-22 even states this fact on page 126 of the Annual Report, though the date is incorrectly recorded as 17 November instead of 10 November 2021. The Planning and Reporting Regulations require a strategic risk report to be given to the Council every 6 months, or alternatively a reason given for no reports. It has now been 15 months since the last report. No reason is given for the lack of 6-monthly reporting in the Governance and Management Checklist. Instead the Status is recorded as “Risk Reports prepared and presented”. The Audit and Risk Committee have not noticed that the 6-monthly reporting to Council has not happened, because they have not made any recommendations to the Council about it. The Governance and Management Checklist is a Strategic Indicator in the current 4 year Council Plan, and the target is 100% compliance. The most recent Annual Report records 100% compliance for this strategic indicator on page 96 of the Annual Report. This surely cannot be correct if there has not been 6-monthly risk reporting to the Council.

My question for Councillors is this – what is the reason for the lack of reporting on strategic risks during the past 15 months?

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

The Planning and Reporting Regulations require a strategic risk report to be given to Council Operations not Council, every 6 months.

However, Council officers do present reports to Council, when there has been a change in the number, title or risk rating of the Strategic Risks, otherwise a report to Council is unnecessary.

A Strategic Risk Review report is being presented at the 12 April Council meeting (after feedback is received from the Audit and Risk Committee on 14 March).

MARION ATTWATER – QUESTION – SPORTING GROUNDS AND PAVILIONS ALLOCATIONS POLICY REVIEW AND PRIVACY

My question is about privacy and the Sporting Grounds and Pavilions Allocations Policy Review.

The Information Commissioner has recently informed me that Council staff have identified issues with the privacy processes for surveys that form part of community consultation projects. And that to address these issues the Council staff will write an internal guidance note on privacy considerations when conducting surveys, which will be made available and promoted to all staff on Council's intranet.

A review of the Information Privacy and Health Records Policy has not been proposed, even though the Council's most recent Annual Report states that "personal information is protected through guidance through our Information Privacy and Health Records policy (publicly available)."

The Annual Report was only published in October 2022, and yet by December 2022 it has become obsolete.

The Information Privacy and Health Records Policy does not provide sufficient guidance, and instead an internal guidance note is required.

What a pity that the Council has not allowed the community to participate in any review of that Policy since perhaps the year 2002.

There was a community consultation in late 2022 for the Sports Grounds and Pavilions Allocations Policy Review which included a survey on the Conversations Merri-bek website.

Councillors voted unanimously for a very specifically worded resolution about this Policy Review, that the Council "Resolves a report be presented to the December 2022 Council meeting that outlines consultation findings and provides a new policy for Council consideration prior to the commencement of the 2023 Winter allocations process."

In spite of that resolution, a report was not presented to the December 2022 Council meeting. The consultation findings have not been released. I believe that in the review of the Sport Grounds and Allocations Policy, that privacy aspects have been overlooked, and that this was pointed out by one or more participants in the survey.

My question for Councillors is this –

Were privacy issues identified during consultation on the Sports Grounds Policy Review which has triggered the need for an internal guidance note on privacy and surveys – yes or no?

Was the resolution for a report to be presented to the December 2022 Council meeting rescinded, perhaps at a Councillor briefing, or in a discussion between the Mayor and the CEO?

Can the notice of rescission, or the amended resolution, please be made available to the public?

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

The answer is no, no privacy issues were identified during consultation on the Sports Grounds Policy Review that triggered the need for an internal guidance note.

Councillors were advised in December 2022 that the report would be delayed until April 2023. No rescission occurred. The project timeline has been made clear to the community and stakeholders via the Conversations Merri-bek webpage.

7.54 pm *Cr Pulford returned to the meeting.*

Question Time Extension

Resolution

Cr Bolton moved, Cr Tapinos seconded –

That Public Question Time be extended by 30 minutes at 7.53pm.

Carried

TONY ROSIOS – QUESTION - INSTALLATION OF CAMERAS ON INTERSECTIONS IN MERRI-BEK

Who has authorised all the cameras (that are not speeding cameras) that have gone up on most intersection in Merri-bek and invading privacy?

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

The cameras are understood to be Department of Transport and Planning cameras. Installed as part of the State's Smarter Roads program.

The Department does not require Council authorisation to install these cameras on its own assets or assets of other (non-Council) authorities.

TONY ROSIOS – QUESTION - SAFETY DATA AND EXPOSURE LIMITS TESTING ON 5G TOWERS

5g towers that are appearing in a lot of locations which have had to have had council approval for structures as they are on top of building's, electricity poles near schools etc emit EMR – can you please advise what safety data and exposure limits testing has been conducted and provide the documentation.

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

Telecommunications are a Federal Government responsibility.

Council only plays two roles in assessing and determining the suitability of any application made for telecommunications infrastructure to be installed locally.

The first relates to Council's role as the Responsible Planning Authority – therefore assessing the suitability of the application against the Planning Scheme.

The second role Council plays is in relation to the leasing of its land for the infrastructure to be installed. This process requires a public notice process whereby any member of the public can make a submission to Council in favour of / or against the proposal.

In relation to safety data and exposure limits, Council recently commissioned its own technical study which can be found on Council's website.

GIUSEPPE LORIGA – QUESTION – RISK ASSESSMENT ON 5 GHZ EXPOSURE

Regarding planning, has the Council mapped the supporting infrastructure for the development of the 5 GHz network? Have residents of affected areas been notified of the development of such infrastructure along with associated risks previously assessed by the Council?

8.02 pm Cr Pulford left the meeting.

8.03 pm Cr Pavlidis left the meeting.

At the request of the Mayor, Joseph Tabacco, Director Place and Environment responded:

Telecommunications are a Federal Government responsibility, not Local Government.

When an application is made to install telecommunications infrastructure on Council owned and managed land, Council will consult the community seeking feedback on the proposal before entering into a Lease. Secondly, and independently, Council will assess the application against the Planning Scheme in its role as the responsible authority determining if a permit is required.

Council does not, and is not required to, maintain a register of all telecommunication infrastructure on land it does not own. In many instances telecommunications infrastructure is situated on private land.

8.07 pm Cr Pulford returned to the meeting.

On Notice

Questions and Statements taken on notice

Questions and statements taken on notice 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. Responses to questions taken on notice are reported to the next practicable Council meeting.

DINO ALBANO – QUESTION – ITEM 7.7 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDING 31 DECEMBER 2022

The Melville Road / Moreland Road Shopping Strip Upgrade is not mentioned in the current Budget for 2022 to 2023. Section 6 of the Budget is the Detailed Capital Works Financial Report. The Budget the previous year does have the project listed, with a forecast expenditure of \$650,000 in the 2021-22 financial year and \$850,000 in 2022-23 financial year.

My question is, what was the actual expenditure for the Melville Road / Moreland Road shopping strip upgrade in the 2021-22 financial year, and is it an error that the upgrade is omitted from this year's budget and detailed capital works? If there is an error, will Councillors consider preparing a Revised Budget?

The Mayor took this question on notice.

DINO ALBANO – QUESTION – COMPLAINTS POLICY AND STAFF WORKING ON WEEKEND

In recent months I have observed Council staff working on the weekends to remove weeds from parks and roads in the municipality, I have observed Council staff even doing this in the rain. Presumably they are being paid double-time to work on the weekends instead of weekdays. That doesn't seem like sound financial management.

In January the media reported on the most complained about Councils to the Victorian Ombudsman Office, and Merri-bek / Moreland Council is again ranked in the top 3 most-complained about Councils. It has been the same every year for the past 7 years.

The Council's Complaints Handling Policy is dated 6 July 2021, and refers to the first edition of the Victorian Ombudsman's Good Practice Guide to Complaints and Councils, not the second edition that was published on 26 July 2021.

The Ombudsman's recommendations for Councils to report on the volume of complaints and feedback in their Annual Report, has not been taken up by this Council.

My questions are:

Why doesn't the Council have a Complaints Policy that matches the second edition of the Ombudsman's Good Practice Guide, and is the Council intentionally trying to raise the ire of ratepayers by sending out open space staff to pick weeds on double-pay?

The Mayor took this question on notice.

Public Question Time concluded at 8.07 pm.

COUNCIL REPORTS

7.1 LIBRARY HOURS TRIAL

Executive Summary

Following community engagement, Council endorsed a trial of proposed new library opening hours at the February 2021 Council meeting. The trial hours were introduced in May 2021. The trial of the new opening hours was interrupted by library closures and vaccine mandates during 2021, and the trial was extended into 2022 when service interruptions ceased.

Library use figures from 2022 have been reviewed for this report. Libraries have been well utilised during the additional hours added during the trial. The recommendation is to confirm the trial library hours as the permanent library opening hours effective immediately.

Officer Recommendation

That Council:

1. Confirms the current trial opening hours for Merri-bek Libraries as outlined in this report will become permanent, effective immediately.

Resolution

Cr Riley moved, Cr Tapinos seconded -

That Council confirms the current trial opening hours for Merri-bek Libraries as outlined in this report will become permanent, effective immediately.

8.10 pm Cr Pavlidis returned to the meeting before the vote.

Carried

7.2 OPPORTUNITIES TO INFLUENCE BETTER QUALITY DEVELOPMENTS IN MERRI-BEK CITY COUNCIL

Executive Summary

The Victorian Planning legislative framework confines both Council and VCAT to deciding whether a planning permit application will produce *acceptable* outcomes. This report discusses options available to Council. Over many decades Council has strived to encourage development that achieves better than acceptable outcomes. This report explores what other levers are available to Council to go beyond the Planning Scheme.

Merri-bek City Council has sought to be a leader in the planning industry by continually pursuing improvements to planning and development outcomes for the community by exploring past initiatives such as the Moreland Apartment Design Code, Towards Zero Carbon in the Planning Scheme, Good Design Advice Sheets and the Design Excellence Scorecards, which continues to operate within existing resources. Additionally, the Moreland Planning Scheme has been amended through incorporating improved landscaping outcomes and introducing Design and Development Overlays that provide specific built form and design guidance. Regular monitoring of the Planning Scheme continues to be undertaken in the pursuit of improving the quality of developments at Merri-bek.

A review of other Councils, both locally and interstate, reveals a range of initiatives that have been undertaken to improve the quality of developments. Common initiatives include:

- design review panels;
- design competitions;
- award programs; and
- presenting case studies/development typologies to promote good design outcomes.

To inform this report, officers have explored models that seek to elevate the quality of developments either to design excellence or better-quality having regard to how best to influence a larger number of development proposals in Merri-bek.

Upon review of various models and current development activity, it is evident that Council would have the most impact in seeking to influence better-quality benchmark for a larger proportion of development, as opposed to pursuing further initiatives that seek a design excellence benchmark for a now much smaller number of major development projects occurring in Merri-bek.

New initiatives targeting multi-dwelling developments (representing approximately 30% of all planning applications) has the potential to deliver better-quality private developments at a larger scale. The recommendations of this report seeks to positively influence medium density development by updating Council's good design advice sheets and commissioning the preparation of higher-quality design examples of medium density developments to provide clear guidance on Council's expectations of better quality. In addition, the development and trial of a process model that encourages better quality, planning scheme compliant, two dwelling development is recommended.

Officer Recommendation

That Council:

1. Note it has continually sought to influence better quality developments in Merri-bek City Council over many decades through improvements to the Planning Scheme and/or planning process including adoption of:
 - a) The Moreland Apartment Design Code;
 - b) Good Design Advice Sheets;
 - c) Planning Scheme Amendment to the Moreland Planning Scheme to increase tree canopy and landscaping outcomes;
 - d) Continued advocacy and leadership for Environmentally Sustainable Design, such as Towards Zero Carbon in Planning;
 - e) Design Excellence Scorecards; and
 - f) Various amendments to the Moreland Planning Scheme by introducing Design and Development Overlays that provides specific built form and design guidelines.

2. Undertake further work on how to influence better quality developments in Merri-bek City Council by:
 - i. Investigating, developing and trialling a process model that encourages better quality, planning scheme compliant two dwelling development, while maintaining public notice and rights of review to VCAT;
 - ii. Proceed with a 12-month trial period of the new process model as described in resolution 2i.
 - iii. Update Council's current Good Design Advice sheets; and
 - iv. Commission the preparation of examples of better-quality medium density developments.
3. Note the proposal to refer the making of the current temporary fixed-term Urban Design Officer position permanent for consideration as part its 2023/2024 budget process, in order to maintain the resourcing capacity for expert urban design advice on medium density development applications.

Resolution

Cr Bolton moved, Cr Harte seconded -

That Council:

1. **Note it has continually sought to influence better quality developments in Merri-bek City Council over many decades through improvements to the Planning Scheme and/or planning process including adoption of:**
 - a) **The Moreland Apartment Design Code;**
 - b) **Good Design Advice Sheets;**
 - c) **Planning Scheme Amendment to the Moreland Planning Scheme to increase tree canopy and landscaping outcomes;**
 - d) **Continued advocacy and leadership for Environmentally Sustainable Design, such as Towards Zero Carbon in Planning;**
 - e) **Design Excellence Scorecards; and**
 - f) **Various amendments to the Moreland Planning Scheme by introducing Design and Development Overlays that provides specific built form and design guidelines.**
2. **Undertake further work on how to influence better quality developments in Merri-bek City Council by:**
 - i. **Investigating, developing and trialling a process model that encourages better quality, planning scheme compliant two dwelling development, while maintaining public notice and rights of review to VCAT;**
 - ii. **Proceed with a 12-month trial period of the new process model as described in resolution 2i.**
 - iii. **Engages with community and residents groups, including a round table consultation with residents groups, as part of the investigation and development of the above process model.**
 - iv. **Update Council's current Good Design Advice sheets; and**
 - v. **Commission the preparation of examples of better-quality medium density developments.**

3. **Note the proposal to refer the making of the current temporary fixed-term Urban Design Officer position permanent for consideration as part its 2023/2024 budget process, in order to maintain the resourcing capacity for expert urban design advice on medium density development applications.**

Carried unanimously

7.3 NORTHERN REGIONAL TRAILS STRATEGY 2022 - MERRI-BEK ADOPTION

Executive Summary

This report provides an update on the development of the Northern Regional Trails Strategy (the Strategy) 2022 (refer to Attachment 1) and seeks endorsement of the draft strategy.

The draft strategy has been reviewed by relevant officers of all member councils of the Northern Councils Alliance.

When endorsed, the Strategy will be a key advocacy document to attract funding to deliver the Northern Region Trail Network over the next decade and beyond. The State Government has provided approximately \$11 million toward the current Strategy and is likely to continue to provide grants due the success to date.

The refresh is built upon the previous work completed in 2016, and makes several main changes, including updates to works completed, a focus on delivering regionally significant trails, additional actions to upgrade existing trails, and updates to the cost-benefit analysis.

The strategy identifies strategic cycling routes of regional significance in Merri-bek including:

- Merri Creek Trail
- Edgars Creek Trail
- Upfield Rail Trail (Shared Path)
- Craigieburn Line (Shared Path)
- Moonee Ponds Creek Trail

The Coburg North Linear Reserve Trail needed to be removed from the previous version as it is not of regional significance.

The major benefit for Merri-bek was the addition of upgrades required to existing trails. The two high priority projects for Council are the Harding Street Bridge replacement, and flooding at the Lower Merri Creek at Sumner Park. Both projects are expected to have high costs and are likely to require external funding. The addition of these projects to the Strategy creates another viable opportunity for external funding support.

A cost-benefit analysis was completed by an external consultant, and considered a range of additional factors like need, buildability, and community support. A Top 10 for the region, and for each Council, was created. It is important to note that this was a high-level estimate, and each project would require further investigation, and public consultation, to determine their feasibility and alignment.

The community consultation was led by Banyule City Council on behalf of all six council areas and was undertaken between 8 August and 28 September 2022.

The Shaping Banyule website was the primary point of contact with the community. Merri-bek promoted the engagement through the Conversations Merri-bek website and Council's social media channels.

There were 11 responses to the Merri-bek Top 10 which highlighted Sumner Park flooding, and Harding Street bridge replacement as the highest priority. This feedback aligns with previous community consultation.

Officer Recommendation

That Council:

1. Endorses the Northern Regional Trails Strategy 2022 as at Attachment 1.
2. Supports efforts by the Northern Councils Alliance to pursue initiatives in the strategy with the State Government.

Resolution

Cr Riley moved, Cr Tapinos seconded -

That Council:

1. **Endorses the Northern Regional Trails Strategy 2022 as at Attachment 1.**
2. **Supports efforts by the Northern Councils Alliance to pursue initiatives in the strategy with the State Government.**

Carried unanimously

7.4 TRAFFIC MANAGEMENT OPPORTUNITIES FOR COCOA JACKSON LANE, WARBURTON STREET AND HORNE STREET, BRUNSWICK - RESPONSE TO NOTICE OF MOTION

Executive Summary

On 13 April 2022, Council resolved to call for a report to be presented to the December 2022 Council Meeting investigating traffic management options in consultation with Warburton Street, Horne Street and Cocoa Jackson Lane residents including the option of bollards to prevent heavy vehicles accessing residential streets.

Council officers have since undertaken a thorough investigation of the laneway and the surrounding local streets. This investigation has included site visits, traffic volume surveys (vehicle, and people walking and bike riding), a review of crash history, vehicle queueing surveys, a review of historic community concerns and consultation on the option to install bollards with local residents.

This report details the concerns identified by nearby residents, and consideration of solutions to address these concerns.

The engagement identified that:

1. Some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane, Brunswick where it intersects with Horne Street
2. The loading activities associated with Reece, a plumbing company which has been operating out of the building at 123 Lygon Street for around 40 years, are creating noise and safety issues within Cocoa Jackson Lane.

It is likely that drivers who have been contravening the road rules at the intersection of Horne Street and Cocoa Jackson Lane, are local to the area as they are aware of the local traffic conditions and more willing to take the risk.

Infringements for what is known as “moving violations” such as speeding or ignoring turn ban signs are the responsibility of the Victoria Police to enforce. Council cannot enforce these violations. Rather, Council officers can refer the matter to the police for enforcement if deemed necessary, and/or investigate options to amend the road design to alleviate the problem behaviour.

On 7 November 2022, a letter was circulated to the nearby properties seeking feedback on the option to install bollards within Cocoa Jackson Lane, where it intersects Horne Street to prevent vehicle access. This option would directly address the concerns that drivers are contravening the road rules at this location. Responses were received from 33 residents via phone and email. Of those, 25 people were unsupportive, two were indifferent and six were supportive of the option to install bollards. Based on the feedback received, Council officers do not recommend pursuing this option any further at this time.

Officers investigated opportunities to lengthen the existing traffic island in Horne Street to further discourage these illegal right turn manoeuvres but due to an existing driveway, there is little scope for improvement. Council officers will circulate a letter to the owner and occupiers of properties within the nearby vicinity to help reinforce the road rules and address the driver behaviour issues. Council officers can also increase the size of the existing roadside no right turn signs on Horne Street to reiterate the turn ban.

A new mixed-use development is currently being constructed on the corner of Lygon Street and Cocoa Jackson Lane at 119a-121 Lygon Street (referred to as “new development” in this report). It is very likely that the construction activities related to this new development are exacerbating any existing issues along the laneway, especially given the concerns raised by residents about the Reece loading operations overlap with the construction period. Once occupied, the estimated traffic generated from this development may have a noticeable impact on the operation of Cocoa Jackson Lane as the daily traffic volumes are expected to increase by approximately 160 per cent, but still expected to be within acceptable levels for the capacity of the laneway and surrounding streets.

At this stage, following a thorough investigation, Council officers recommend that the operation of Cocoa Jackson Lane be monitored and that the issues be responded to on an as need basis. Any significant changes to the traffic management in Cocoa Jackson Lane should be considered following the completion and occupation of the new development to garner a complete picture of the future operation of the nearby local streets.

Officer Recommendation

That Council:

1. Notes that Cocoa Jackson Lane and the surrounding local streets currently operate in a generally safe manner for all road users and that traffic management interventions are therefore not currently warranted.
2. Addresses the concerns that some drivers are contravening the road rules by turning right into and out of Cocoa Jackson Lane from Horne Street, by writing to nearby properties advising of the road rules and asking the community to adhere to them.
3. Authorises officers to reiterate the turn ban by increasing the size of the existing roadside no right turn signs on Horne Street.

Motion

Cr Tapinos moved, Cr Bolton seconded -

That Council:

1. Council resolves that, to ensure:
 - a) that access to dwellings in Cocoa Jackson Lane by emergency services vehicles not be impeded, and
 - b) the safety of all users of Cocoa Jackson Lane,all necessary steps be taken to install “no stopping” signs on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street, on both north and south sides of the Lane, for a trial period.

2. Resolves that a report be presented to Council meeting, re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane, and other potential safety improvement measures. The effect of this traffic management option on vehicles that act in contravention of the Road Rules (such as by unreasonably obstructing the Lane or residents' driveways) should be disregarded.

Amendment

Cr Pulford moved, Cr Riley seconded -

That Council:

1. Resolves that, to ensure:
 - a) that access to dwellings in Cocoa Jackson Lane by emergency services vehicles not be impeded, and
 - b) the safety of all users of Cocoa Jackson Lane,
all necessary steps be taken to install "no stopping" signs on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street, on both north and south sides of the Lane, for a trial period. Other measures to improve safety as proposed by Council Officers, including installing a No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction and installing two Loading Zones, one on the south side of Cocoa Jackson Lane and one on Lygon Street, should also be considered for the trial, based on further discussion with local residents.
2. Resolves that a report be presented to a future Council meeting, re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane and the trial of the No Stopping signs and other potential safety improvement measures. The effect of this traffic management option on vehicles that act in contravention of the Road Rules (such as by unreasonably obstructing the Lane or residents' driveways) should be disregarded.

Withdrawn

Amendment

Cr Pulford moved -

That Council:

1. Resolves that, to ensure:
 - a) that access to dwellings in Cocoa Jackson Lane by emergency services vehicles not be impeded, and
 - b) the safety of all users of Cocoa Jackson Lane,
all necessary steps be taken to install "no stopping" signs on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street, on both north and south sides of the Lane, for a trial period. Other measures to improve safety as proposed by Council Officers, including installing a No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction and installing a Loading Zone on Lygon Street, should also be considered for the trial, based on further discussion with local residents.
2. Resolves that a report be presented to Council meeting, re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane, the No Stopping signs and other potential safety improvement measures. The effect of this traffic management option on vehicles that act in contravention of the Road Rules (such as by unreasonably obstructing the Lane or residents' driveways) should be disregarded.

In accordance with the Governance Rules (3.9.4 (3)), the Amendment was acceptable to the mover and seconder and became the substantive Motion without debate or vote.

Resolution

Cr Tapinos moved, Cr Bolton seconded -

That Council:

- 1. Resolves that, to ensure:**
 - a) that access to dwellings in Cocoa Jackson Lane by emergency services vehicles not be impeded, and**
 - b) the safety of all users of Cocoa Jackson Lane,**
all necessary steps be taken to install “no stopping” signs on the length of Cocoa Jackson Lane between Warburton Street and Lygon Street, on both north and south sides of the Lane, for a trial period. Other measures to improve safety as proposed by Council Officers, including installing a No Entry sign on Cocoa Jackson Lane at Christopher Lane in the east bound direction and installing a Loading Zone on Lygon Street, should also be considered for the trial, based on further discussion with local residents.
- 2. Resolves that a report be presented to Council meeting, re-evaluating the installation of bollards at the intersection of Cocoa Jackson Lane and Christopher Lane, the No Stopping signs and other potential safety improvement measures. The effect of this traffic management option on vehicles that act in contravention of the Road Rules (such as by unreasonably obstructing the Lane or residents’ driveways) should be disregarded.**

Carried unanimously

7.5 SUBURB BOUNDARY REALIGNMENT - 119A AND 121 LYGON STREET BRUNSWICK EAST

Executive Summary

The need for a minor realignment of a suburb boundary has emerged as a consequence of the residential apartment development currently under construction on land parcels known as 119A Lygon Street, Brunswick East and 121 Lygon Street which lies partly within the suburb boundary of Brunswick and partly within Brunswick East. The current and proposed suburb boundary realignment is indicated in the maps in Background and Issues sections of this report.

As the land parcels are located within two suburbs, Council is unable to issue street numbering for the proposed subdivision of this new development. Without the provision of street numbers from Council, the development is unable to arrange services to be connected and therefore complete the subdivision process for the release of new titles to purchasers.

This recommendation is independent of any current or future planning processes or decisions regarding this development.

It seeks to resolve the suburb boundaries which cannot dissect the new apartment development. The proposed new suburb boundary re-alignment is considered to be most effectively resolved by including the entire building in the suburb of Brunswick East.

Officer Recommendation

That Council approves the suburb boundary realignment to the western boundary of 121 Lygon Street, in order to ensure that the development at 119A and 121 Lygon Street, is located wholly within the suburb of Brunswick East, as outlined in this report.

Resolution

Cr Riley moved, Cr Tapinos seconded -

That Council approves the suburb boundary realignment to the western boundary of 121 Lygon Street, in order to ensure that the development at 119A and 121 Lygon Street, is located wholly within the suburb of Brunswick East, as outlined in this report.

8.42 pm Cr Bolton left the meeting.

Carried unanimously

8.44 pm Cr Bolton returned to the meeting.

7.6 COUNCIL ACTION PLAN 2022-23 - SECOND QUARTER PERFORMANCE 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 2022-23 through to 31 December 2022.

The status of the 97 actions is as follows:

- 6 per cent (6) closed (completed, achieved)
- 89 per cent (86) in progress (on track)
- 1 per cent (1) behind target (off track)
- 1 per cent (1) critical (significantly delayed)
- 1 per cent (1) actions not started (action not started)
- 2 per cent (2) withdrawal or proposed withdrawal

There is the proposed withdrawal of action 145: '*Commence construction of Wheatsheaf Road streetscape improvement*' for delivery in 2022-23 and its referral for delivery to the 2023-24 Council Action Plan due to significant project complexities which are outlined in the report.

This report also includes updates on those actions that were not achieved or '*Off-Track*' from the 2021-22 action plan. As resolved by Council on 10 August 2022, Council will continue to report on these actions until their completion (as outlined in the Issues section of this report).

Officer Recommendation

That Council:

1. Notes the Council Action Plan 2022-2023 – Second Quarter Performance Report (provided as Attachment 1).
2. Endorses that action 145: '*Commence construction of Wheatsheaf Road streetscape improvement*' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

- 1. Notes the Council Action Plan 2022-2023 – Second Quarter Performance Report (provided as Attachment 1).**
- 2. Endorses that action 145: 'Commence construction of Wheatsheaf Road streetscape improvement' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.**

Carried unanimously

7.7 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2022

This report presents the Financial Management Report for the financial year to date period ending 31 December 2022.

The December Income Statement shows the Council surplus is \$2.2 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 timing in nature.

Council has spent \$38.5 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of \$48.3 million, with \$58.3 million budget remaining.

Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 December 2022, at Attachment 1 to this report.

Resolution

Cr Riley moved, Cr Pulford seconded -

That Council notes the Financial Management Report for the period ended 31 December 2022, at Attachment 1 to this report.

Carried unanimously

Order of Business Altered

Councillors agreed to alter the order of business and consider Item 8.1 Notice of Motion - Box Forest Road Improvements – Northern Memorial Park before Item 7.8. to accommodate members of the gallery.

8.1 BOX FOREST ROAD IMPROVEMENTS - NORTHERN MEMORIAL PARK

Motion

That Council:

- 1. Receives a report at the April 2023 Council meeting with the key findings of the Road Safety Audit and Traffic Impact Assessment and comments about traffic management treatments and alterations to Box Forest Road including the creation of a slip lane to enter the cemetery:**
 - a) The report includes financial options and timelines for the construction of these road works in partnership with the cemetery.**

Resolution

Cr Tapinos moved, Cr Pulford seconded -

That Council:

1. **Receives a report at a future Council Meeting with the key findings of the Road Safety Audit and Traffic Impact Assessment and investigated traffic management treatments and options for improvements to Box Forest Road to improve safety for pedestrians and vehicles, and the investigation of an extra pedestrian/cyclist crossing on Box Forest Road in the middle of the strip between, the Upfield train line and May Street.**
2. **That the report include consultation with the cemetery and investigation of the cemetery's proposal which seeks alterations to the entrance of the cemetery and creation of a slip lane including financial resourcing and timelines matters for the construction of these road works in partnership with the cemetery.**
3. **Seeks approval from the Department of Transport and Planning (DTP) to modify the existing school 40km/h speed zone abutting Ilim College to extend further west, to 150 metres west of Victoria Boulevard (to include the cemetery entrance) and for the reduced speed limit to apply from 8am to 4pm Mon – Fri which coincides with school pick-up and drop-off periods and peak operations of the cemetery.**
4. **If the reduced, extended speed limit is supported by DTP then refer a budget bid to the 2023/24 budget process.**

Carried unanimously

7.8 CONTRACT VARIATION: RFT-2021-217 – WALLACE RESERVE NORTH AND SOUTH REFURBISHMENTS

Executive Summary

The two Wallace Reserve pavilions (north and south) were originally scheduled for refurbishment in 2021/22, with the planning and design work done during the initial strict COVID-19 restrictions in 2019/20. Several aspects of the design were undertaken without the usual site visits and as a result there are some latent conditions that were not accounted for when the project was tendered in late 2021.

In March 2022 the Chief Executive Officer awarded under delegation Contract RFT-2021-217 to United Project Solutions for these pavilion refurbishments. This followed a quotation process whereby Council invited quotations from suppliers on a tendered Procurement Australia (PA) panel. The contract was originally due to end in September 2022 and was expected to cost \$610,000 (ex GST). The total approved contract expenditure was \$691,000 including 10 per cent contingency and a \$20,000 Provisional Sum.

This project has experienced delays due to encountering latent conditions and design challenges. This has resulted an overall increase in cost and delivery timeframe.

The contractor has made claims for increased costs totalling \$206,753,39. Accepting these claims and adding a further 5 per cent of contingency would bring the total contract cost to \$877,591.06, a 27 per cent increase, above the Chief Executive Officer delegation for variations over \$700,000 of 20 per cent, and so requires approval of Council.

The report recommends that the contract RFT-2021-217 with United Project Solutions be increased in value to \$877,591.06 including 5 per cent contingency and notes that adequate budget coverage exists within the Capital Works Program for this increase.

Officer Recommendation

That Council:

1. Approves the contract value variation of Contract RFT- 2021- 217 – Wallace Reserve North and South Refurbishments (originally executed under the Chief Executive Officer's delegation) from \$691,000.00 to \$877,591.06 (an increase of \$186,591.06 or 27 per cent) as follows:
 - a) Contract sum for building works of \$816,753.39 (up from \$610,000)
 - b) Further 5 per cent contingency of \$40,837.67 (original 10 per cent contingency of \$61,000 now included in item a)
 - c) Provisional sum of \$20,000 (unchanged)
2. Notes that additional project budget of \$190,144.60 is to be supported by reallocating savings in public toilet and road reconstruction projects and these budget adjustments will be presented to Council as part of the Q2 financial reports.
3. Notes that, related to the cost increases the project has also suffered delays in delivery schedule and, subject to the contract variation approval is now scheduled for completion by the end of April 2023.
4. Authorises the Chief Executive Officer to do all things necessary to execute the contract variation and related documentation.

Resolution

Cr Bolton moved, Cr Harte seconded -

That Council:

1. **Approves the contract value variation of Contract RFT- 2021- 217 – Wallace Reserve North and South Refurbishments (originally executed under the Chief Executive Officer's delegation) from \$691,000.00 to \$877,591.06 (an increase of \$186,591.06 or 27 per cent) as follows:**
 - a) Contract sum for building works of \$816,753.39 (up from \$610,000)**
 - b) Further 5 per cent contingency of \$40,837.67 (original 10 per cent contingency of \$61,000 now included in item a)**
 - c) Provisional sum of \$20,000 (unchanged)**
2. **Notes that additional project budget of \$190,144.60 is to be supported by reallocating savings in public toilet and road reconstruction projects and these budget adjustments will be presented to Council as part of the Q2 financial reports.**
3. **Notes that, related to the cost increases the project has also suffered delays in delivery schedule and, subject to the contract variation approval is now scheduled for completion by the end of April 2023.**
4. **Authorises the Chief Executive Officer to do all things necessary to execute the contract variation and related documentation.**

9.00 pm Cr Carli Hannan entered the meeting before the vote.

Carried unanimously

7.9 CONTRACT AWARD RFT-2022-333 CONCRETE AND DRAINAGE WORKS

Executive Summary

Council is seeking to establish a concrete and drainage works panel to provide a range of civil works across Merri-Bek for the period 2023-2028.

Council recently sought suitably qualified and experienced contractors to submit a tender for Contract RFT-2022-333 for inclusion on Council's Concrete and Drainage Works Panel. The panel will enable contractors to access works across the municipality for 2023-2028 (with a one plus one-year extension). These services are required to assist the City Works Unit in the delivery of road and footpath maintenance and capital projects. The panel members may also be called upon to deliver other relevant Council works.

The Tender was advertised in August 2022, seeking a panel of suitably experienced and qualified contractors to provide materials and services under the Contract RFT-2022-333 - Provision of Concrete and Drainage works.

A total of 15 submissions were received and 13 companies are recommended to provide concrete, and drainage works services. We have selected a greater number of contractors for this panel to tackle the wide variety of concrete and drainage works and maximise opportunities and availability of contractors to carryout specialised works.

The scope of services includes, but is not limited to:

- Footpaths
- Kerb and channel
- Vehicle crossings
- Rights of way
- Pram crossings
- Minor drainage works.

The purpose of this report is to seek approval to enter into contract with various suppliers for the provision of concrete and drainage works. The tender complies with section 109(1) of the *Local Government Act 2020*.

Officer Recommendation

That Council:

1. Awards Contract RFT-2022-333 - Provision of Concrete and Drainage works for the period of 3 years, with two further 1-year options, to the following suppliers:
 - a) AJ Civil Estimation & Construction Pty Ltd ABN: 47 722 115 506
 - b) S&J Investments (Australia) Pty Ltd trading as ASJ Concrete & Constructions ABN: 92 105 107 355
 - c) Samson Excavations and Concreting ABN: 66 809 858 712
 - d) GP Bluestone Pty Ltd ABN: 21 664 700 435
 - e) Grounds Paving Pty Ltd ABN: 25 105 850 235
 - f) JNR Civil Pty Ltd ABN: 18 608 122 747
 - g) Kaizen Civil Pty Ltd ABN: 18 619 423 068
 - h) Midcity Constructions Group Pty Ltd ABN: 54 282 901 947
 - i) New Horizon Construction Pty Ltd ABN: 29 360 54 3618
 - j) Novacon Group Pty Ltd ABN: 23 621 403 076
 - k) Melbourne Civil Works Pty Ltd ABN: 28 347 242 302
 - l) S & A Piccirillo Paving Pty Ltd ABN: 97 087 980 489
 - m) Tompsett Asphalt Pty Ltd ABN: 12 625 912 772

2. Authorises the Chief Executive Officer to do all things necessary to execute the contracts and approve contract extensions or other related variations.

Item Withdrawn

In accordance with the Governance Rules (3.5.4 (3)), the Chief Executive Officer, in consultation with the Mayor, withdrew this report.

7.10 GOVERNANCE RULES REVIEW PROCESS

Executive Summary

This report has been prepared in response to the Notice of Motion submitted by Cr Pavlidis and adopted at Council's meeting of 7 December 2022, which requested that a report be prepared that outlines the process and resourcing that is required to undertake a full review of Council's Governance Rules.

In accordance with the *Local Government Act 2020* (the Act) Council may amend its Governance Rules subject to ensuring that a process of community engagement is followed in amending its Governance Rules.

The full review of the Governance Rules (referred to as option 1 in this report) would require significant officer time and additional resources, with benchmarking supported by analysis of many varied technical governance provisions, utilised across multiple councils.

It is conservatively estimated that a review process of this scale could take approximately six to seven months and would require additional external resources to support this work, as this project would place additional demands on Council's currently fully committed inhouse resources.

A second option as proposed in this report is to condense the timeline and scope of the review from a full review, to a review of only specific provisions of the Governance Rules, as nominated by Councillors and officers following internal consultation.

The third option proposed for Council to consider, is to not undertake a review of the Governance Rules, at this time recognising that a full review was completed in December 2021, with further updates made in August 2022.

Officer Recommendation

That Council:

1. Notes the recent reviews of the Governance Rules and options for additional reviews.
2. Determines that option ___ is its preferred course of action.

Resolution

Cr Pavlidis moved, Cr Harte seconded -

That Council:

1. **Notes the recent reviews of the Governance Rules and options for additional reviews.**
2. **Determines that option 2 is its preferred course of action:**
To review only the specific sections of the Governance Rules nominated by Councillors and officers, as requiring further clarity or benchmarking for best practice.

9.02 pm Cr Pulford left the meeting.

9.05 pm Cr Pulford returned to the meeting before the vote.

.Carried unanimously

7.11 GOVERNANCE REPORT - FEBRUARY 2023 - CYCLICAL REPORT

Executive Summary

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

This Governance report includes:

- A summary of minutes from the Human Rights and Inclusion Advisory Committee held 27 October 2022.
- A summary of minutes from the Sustainable Transport Advisory Committee meeting held on 6 December 2022.
- A summary of minutes from the Audit and Risk Committee held 20 December 2022.
- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 14 September and 7 December 2022 Council meetings, with a recommendation that Council notes the responses.
- The appointment of a Councillor representative to the Audit and Risk Committee.
- The reappointment of Lisa Tripodi as an independent member of the Audit and Risk Committee for the period 1 January 2023 to 31 December 2025.
- A request seeking approval for the Mayor Cr Panopoulos and Cr Riley to attend the Islamic Museum of Australia - Gala Dinner on Saturday on 18 February 2023.

Officer Recommendation

That Council:

1. Notes the summary of minutes from the Human Rights and Inclusion Advisory Committee meeting held 27 October 2022 and the Sustainable Transport Advisory Committee meeting held on 6 December 2022, at Attachment 1 to this report.
2. Notes the summary of minutes from the Audit and Risk Committee meeting held 20 December 2022, at Attachment 2 to this report.
3. Notes the Records of Meetings, at Attachment 3 to this report.
4. Notes responses to questions taken on notice during Public Question Time at the September and December 2022 Council meetings, at Attachment 4 to this report.
5. Appoints Councillor _____ as a representative to the Audit and Risk Committee for the 2022/2023 Mayoral year.
6. In accordance with the recommendation of the Independent Member Review Panel, reappoints Lisa Tripodi as an independent member of the Audit and Risk Committee for the period 1 January 2023 to 31 December 2025.
7. Approves the attendance of the Mayor Councillor Panopoulos and Councillor Riley at the Islamic Museum of Australia - Gala Dinner on Saturday on 18 February 2023, at the cost of \$170 per ticket.

Resolution

Cr Yildiz moved, Cr Harte seconded -

That Council:

- 1. Notes the summary of minutes from the Human Rights and Inclusion Advisory Committee meeting held 27 October 2022 and the Sustainable Transport Advisory Committee meeting held on 6 December 2022, at Attachment 1 to this report.**
- 2. Notes the summary of minutes from the Audit and Risk Committee meeting held 20 December 2022, at Attachment 2 to this report.**
- 3. Notes the Records of Meetings, at Attachment 3 to this report.**
- 4. Notes responses to questions taken on notice during Public Question Time at the September and December 2022 Council meetings, at Attachment 4 to this report.**
- 5. Appoints Councillor Pulford as a representative to the Audit and Risk Committee for the 2022/2023 Mayoral year.**
- 6. In accordance with the recommendation of the Independent Member Review Panel, reappoints Lisa Tripodi as an independent member of the Audit and Risk Committee for the period 1 January 2023 to 31 December 2025.**
- 7. Approves the attendance of the Mayor Councillor Panopoulos and Councillors Riley, Pavlidis and Yildiz at the Islamic Museum of Australia - Gala Dinner on Saturday on 18 February 2023, at the cost of \$170 per ticket.**

Carried unanimously

NOTICES OF MOTION

Order of Business Altered

Councillors agreed to alter the order of business and considered Item 8.1 Notice of Motion - Box Forest Road Improvements – Northern Memorial Park before Item 7.8. to accommodate members of the gallery.

8.2 PUBLIC TOILETS IN RESERVES

Motion

That Council:

- 1) When reviewing the principles for design and location of public toilets as part of the 2023-24 Council Action Plan, gives consideration to:**
 - a) Parks and reserves which have barbeque areas and children’s playgrounds but no public toilets.**
 - b) Locating a public toilet in any sports pavilion upgrade in reserves without a public toilet.**

Resolution

Cr Bolton moved, Cr Pavlidis seconded -

That Council:

- 1) When reviewing the principles for design and location of public toilets as part of the 2023-24 Council Action Plan, gives consideration to:**

- a) Parks and reserves which have barbeque areas and children's playgrounds but no public toilets.
 - b) Locating a public toilet in any sports pavilion upgrade in reserves without a public toilet, and that the preference for such public toilets is that they be open from dawn to dusk, similar to other public toilets in the municipality.
- 2) Request officers to investigate whether there is a minor change to the Sumner Park Pavilion design now so it is built in a way that it could be readily changed in future to allow public access to an external public toilet without significant retrofitting works.

Carried unanimously

NOTICE OF RESCISSION

Nil

FORESHADOWED ITEMS

Nil

URGENT BUSINESS REPORTS

Admit an Item of Confidential Business

Cr Panopoulos requested an urgent item of confidential business be admitted to the meeting.

Motion

Cr Riley moved, Cr Pavlidis seconded –

That Council:

1. Admits an item of Urgent Business that relates to a property related legal matter, noting that this matter has arisen since the distribution of the agenda and cannot safely or conveniently be deferred to the next Council meeting.
2. Considers this matter in the confidential section of this meeting pursuant to sections 3(1)(a) and (e) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Carried unanimously

CONFIDENTIAL BUSINESS

Resolution

Cr Riley moved, Cr Davidson seconded -

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

- **Property Related Legal Matter because it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and legal privileged information, being information to which legal professional privilege or client legal privilege applies.**

Carried unanimously

The meeting closed to the public at 9.14 pm.

OPENING THE MEETING TO THE PUBLIC

Resolution

Cr Riley moved, Cr Harte seconded –

That the Council meeting be opened to the public.

Carried

The meeting opened to the public at 9.19pm.

The meeting closed at 9.19pm.