



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 March 2023

The Mayor opened the meeting at 7.03 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.

In accordance with Governance Rule 3.5.7(5), the meeting was adjourned at 11.25 pm on Wednesday 8 March 2023 and resumed at 6.04 pm on Thursday 9 March 2023.

	Wednesday 8 March		Thursday 9 March	
Present	Time In	Time Out	Time In	Time Out
Cr Angelica Panopoulos, Mayor	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Helen Davidson, Deputy Mayor	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Adam Pulford	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Annalivia Carli Hannan	8.15 pm	11.25 pm	6.04 pm	7.36 pm
Cr Helen Pavlidis	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr James Conlan	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Lambros Tapinos	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Mark Riley	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Monica Harte	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Oscar Yildiz JP	7.03 pm	11.25 pm	6.04 pm	7.36 pm
Cr Sue Bolton	7.03 pm	11.25 pm	6.04 pm	7.36 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

Leave of Absence

Cr Davidson requested a Leave of Absence from 31 March to 11 April 2023 inclusive.

Resolution

Cr Yildiz moved, Cr Riley seconded -

That Council grants a leave of absence to Cr Davidson for the period 31 March to 11 April 2023.

Carried

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Riley moved, Cr Bolton seconded –

The minutes of the Council Meeting held on 8 February 2023, be confirmed subject to the inclusion of the following notations:

- **7.46pm Cr Pulford left meeting (to appear on page 7)**
- **7.54pm Cr Pulford returned to the meeting (to appear on page 8)**

The minutes of the Special Council Meeting held on 22 February 2023 be confirmed.

Carried

ACKNOWLEDGEMENTS AND OTHER MATTERS

Mayor, Cr Panopoulos acknowledged International Women's Day.

Cr Yildiz, acknowledged an upcoming fundraiser for the Turkish earthquake victims to be held on 17 March 2023.

Cr Tapinos acknowledged:

- International Women's Day.
- the Sydney Road Street Party and thanked all those who attended.
- congratulated all staff, facilitators and community involved in the 3 round table discussions and Town Hall meeting for the Level Crossing Removal Project and noted how well attended the sessions were, the productive feedback received and thanked all for their positive cooperation.

Cr Bolton acknowledged:

- the Fawkner Soccer Club Merri-bek Cup on 18 and 19 March and welcome all to attend. This event will commence at 11am.
- the disruption to Council's garbage collection.
- International Women's Day, and associated march and rally in city.

PETITIONS

Nil.

PUBLIC QUESTION TIME

7.19 pm *Public Question Time commenced.*

LAUREN FOX – QUESTION – ITEM 7.4 COMMUNITY BATTERY PROPOSAL – FUNDING APPLICATION

Please explain Council's position on Modern Slavery and how does your response reconcile with the use of cobalt and lithium in batteries to be used in the Community Battery Proposal Item 7.4 of the agenda.

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

Council is committed to addressing and mitigating modern slavery risks in accordance with the *Modern Slavery Act 2018* in line with our procurement policy.

This includes those associated with battery storage - in particular the use of cobalt, to ensure that the modernisation of the grid is a just transition. If Council is successful in attaining funding, it will ensure that technical specifications for the battery(s) reflect cobalt-free solutions, as well as requiring suppliers to have in place adequate procedures to manage their modern slavery risk, in accordance with our Procurement Policy (2021-2025).

MARION ATTWATER – QUESTION – ITEM 7.7 DRAFT ALLOCATION AND USE OF SPORTING FACILITIES, GROUNDS AND PAVILIONS POLICY

The Draft Policy does not mention information privacy, the information privacy principles or the health records principles.

Is it the intention of Councillors that volunteer-run sporting clubs are not required to operate within the information privacy and health records principles of State and Federal legislation?

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

Sports clubs that apply for ground allocations under Council policy are established as incorporated associations, governed under the *Associated Incorporations Reform Act 2012*. They are also required to be members of a recognised governing body, namely an appropriate State Sporting Association recognised by the Victorian Government

Given this, sports clubs are not acting on Council's behalf when collecting private information about players, and have their own privacy obligations under their own governing bodies to members.

Sports clubs do not share private or identifiable information about players or individuals with Council under this policy.

The Mayor took the following 3 question together with a single responded provided.

REMY DOVERS – QUESTION – ITEM 8.3 NOTICE OF MOTION - COMMUNITY ENGAGEMENT - PROPOSED TELECOMMUNICATION LEASE ATC COOK RESERVE

Now more than ever, communities need green spaces. As citizens, we rely on councils to be responsible for the implementation and maintenance of keeping green spaces accessible and useful for the community.

Without an existing (or available) masterplan for ATC Cook Reserve in Glenroy, how can the community be assured that Merri-bek Council is acting with foresight and in the best interests of its citizens when proposing to lease public recreational land and allow an Axicom telecoms tower to be built?

MICHAEL O'KANE – QUESTION – ITEM 8.3 NOTICE OF MOTION - COMMUNITY ENGAGEMENT - PROPOSED TELECOMMUNICATION LEASE ATC COOK RESERVE

About 3 weeks before Christmas, some, but by no means all, local residents near ATC Cook Reserve were informed via leaflet about the proposed construction of a 35-metre telecom Tower on ATC Cook Reserve. The reserve is the main open space park in the area and is home to a Cricket Club and bordered by the Glenroy Bowls Club, the Glenroy Community Tennis Club, Wil Wil Rook Pre-school, and Glenroy Special School. At 35 metres, the tower will absolutely dominate the local skyline and the footing will take up a significant area of the Park. The Council, which has had the final report on this project since March 2022, asked for objections to be made before mid-January 2023 and listed a contact person. The contact person went on holidays before the leaflet was posted and did not arrive back at work until mid-February (so there was no-one to contact).

We are opposing this tower as we are committed to preserving our open space parks. We are a community on the lower end on the socio-economic ladder and have a large population of people with English as a second language. In communities such as ours, parks are vitally important as places to take children, play sport and generally socialise outside of our homes.

Merri-bek Council, which has put a lot of money into advertising its Green and progressive credentials, now wants to put an industrial site on our parkland and ruin our skyline so it can put in place a 35-year lease to a private company on a loved and used park in order to make approximately \$500 per week.

The park is used by hundreds of people each week (weather permitting) and holds the largest children's playground in the area. There are many other less intrusive (already industrialised) places this tower could be put. We are mystified as to how a decision that ATC Cook Reserve was the best place to put this tower was made - it runs contrary to a raft of Council policies.

Do you think that \$500 per week is sufficient remuneration for the destruction of our open space park and the creation of an industrial site on ATC Cook Reserve, an area vital to our community, for the next 35 years?

MICHELLE HAND – QUESTION – ITEM 8.3 NOTICE OF MOTION - COMMUNITY ENGAGEMENT - PROPOSED TELECOMMUNICATION LEASE ATC COOK RESERVE

Merri-bek Council has along proud history of being a leader in adopting progressive policies and enacting programs to protect public open space with the aim to improve the lives of current and future generations of residents.

In view of these many beneficial policies and programs for its citizens, as the caretakers of the land will Council oppose any attempt to use parkland & public open space for the use of private purposes and therefore reject any proposal to construct a Telecommunication Tower on ATC Cook Reserve in Glenroy?

At the request of the Mayor, Joseph Tabacco, Director Place and Environment, responded to Remy Dovers, Michael O'Kane, Michelle Hand:

As the Mayor has just mentioned, tonight's decision relates to a further extension of time for further community submissions on the proposal to be received up until 17 April 2023.

I do want to clarify that Council is not making a decision on this proposed lease tonight.

Council will consider all received community submissions on the proposal at a Hearing Panel currently scheduled for 17 April 2023 where submitters (members of the community) will be provided the opportunity to speak to Council in support of their submission.

Council will then consider the proposal at its meeting in May 2023 and decide whether, or not, to proceed with the lease (after considering all submissions).

I want to acknowledge how precious open space is to all Merri-bek residents.

I would like to clarify that under the proposal, an existing lighting pole at ATC Cook Reserve is to be replaced with a new and improved light pole with an antennae affixed to the top of it. The concrete slab at the base measures 1m X 1m. It will not be fenced off.

The dimensions of the ground cabinet equipment shelter is proposed to be situated in the car park and measures 2.2m X 9.2m.

In relation to all property matters, I can confirm that independent valuation expertise is used to determine market rental rates.

NELLA SIMEONI – QUESTIONS – ITEM 8.3 NOTICE OF MOTION - COMMUNITY ENGAGEMENT - PROPOSED TELECOMMUNICATION LEASE ATC COOK RESERVE

How many people replied to your consultation over the Christmas period and how do you think your consultation process worked in this matter when assessed against Theme 5 of the council plan 21-25 (An empowered and collaborative Moreland) Please reply to this question individually referencing strategies 5.1, 5.2, 5.3, 5.4 and 5.5 in your response.

Should you have a ratepayer collaboration response threshold such as 25% before you take action?

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

Council received 91 submissions during the consultation period, including 2 petitions containing 87 and 123 signatures.

On average, other similar proposals considered by Council in the past have received between 10 and 20 submissions.

As foreshadowed in a Notice of Motion being considered tonight, Council has already reopened submissions until 10 April 2023.

The core parts of our Council Plan strategies 5.1 to 5.5 are ensuring our community engagement considers accessibility, meaningful participation and reach, we aim to always prioritise these.

This is a really good question. We don't have a set threshold for collaboration response. We have a community engagement policy that sets a strong standard for officers to carefully engagement and identify impacted and interested stakeholders for example, neighbouring residents. The policy is clear that meet proactively communicate when there is a project or a decision open for consultation. While the number of responses is important, we also want people to provide considered and informed feedback, rather than emphasise a minimum standard. If we weren't hearing from people we would review our techniques and activities and extend engagement. This what we are currently doing.

MARIA PILOT – QUESTION – NEW KERBSIDE BINS

Why didn't the Council first ask ratepayers what bin size the preferred for recycling before placing a purchase order for the 240L recycle bins.

Is the Council intending to charge a fee for replacing the 240L recycle bin with a 120L recycle bin in August?

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

The delivery of the kerbside waste service covers more than 70,000 households throughout Merri-bek.

At the same time as we are introducing our reforms, councils throughout Victoria are also introducing reforms, and so the ability to access the bins needed has been challenging.

Council needed to make a quick decision last August to facilitate the securing of a suitable supply of bins.

Unfortunately, we did not have the luxury of being able to ask residents whether they wanted a different service from the standard recycling service. We took the view that it would be best to provide the same capacity of recycling as residents currently have, which means a 240L bin to be collected every fortnight rather than a 120L bin collected every week.

This will get us through the commencement of the new service in July and will allow residents to test for themselves how they go with reducing their recycling with the help of the glass bin. Then, if it is clear that a smaller bin will do the trick, residents will be able to swap over once within the first 12 months without a changeover fee.

CHRIS SLEE – QUESTION - NEED FOR PEDESTRIAN CROSSING AT MORELAND ROAD/QUEEN STREET INTERSECTION

More than 300 people have signed a petition drawing attention to the dangerous situation at the intersection of Moreland Road and Queen Street, Coburg.

Pedestrians cross busy Moreland Rd to get to the IGA store on the south side or the salon on the north side. Because of the hill, vehicles coming from the west cannot be seen from a distance, and may be visible for only a few seconds before they reach the intersection.

The petition calls on VicRoads to install a pedestrian crossing or traffic lights at the intersection.

We also ask the Merri-bek Council to support this demand. We understand that Moreland Rd, because it is a major road, is under the control of VicRoads. However, a motion from Merri-bek Council calling for action on this intersection could influence VicRoads' decision.

Will Merri-bek Council support this demand?

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

Council is aware of the need for a safe pedestrian crossing in this location and have raised it a number of times with colleagues at the Department of Transport and Planning.

Our understanding is that this is currently not a priority action for them.

JOHN ENGLART – QUESTION - MEMORIALS TO OUR PROMINENT FEMALE PIONEERS

Mayor and Councillors. It is International Women's Day. The City of Melbourne Lord Mayor Sally Capp has called for ideas for statues of prominent women. She said of the 580 statues within the City of Melbourne area, only nine are of women. Of the 25 statues on council-owned land, just five are women.

I ask Merri-bek Council, where are our memorials to our prominent female pioneers? Do we have the statistics for monuments of women in Merri-bek? Well, I have one idea to offer to Merri-bek Council. Vida Little! (1916-2014)

Vida Little was the founding chair of the Committee of Management of the Brunswick Community Health Centre, which later became Merri Health. She guided the institution during its early years in the mid 1970s fighting for funding and provision of services.

My former partner Helen Lee, who was mentored by Vida, also served on the Board and later chaired the Community Health Service after Vida. Before Helen's death in September 2017 she requested a memorial plaque or monument to Vida Little be erected outside the Brunswick Community Health Centre on Glenlyon Road and raised this with the Merri Health. The process was started, but never proceeded due to the amount of red tape involved.

Mayor and Councillors, When I cycle past the Mechanics Institute I see the Monument to the artist Noel Counihan. On the Upfield Path at Tinning Street I look up at the mural of former New Zealand Prime Minister Jacinda Ardern. But we still do not have a public memorial to Vida Little who fought for the establishment of Community Health in our municipality.

Where are our monuments to prominent women?

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

Across Australia there is a significant lack of statues and memorials of women and the same is true in Merri-bek, however, we don't have statistics of how many (or few) monuments of women are in our LGA.

We do have a number of policies and initiatives in place to improve representation of women, including our Naming Places Policy which outlines Council's preference for naming new places to recognise under-represented communities including women, culturally and linguistically diverse communities and First Nations People. Through grants, community budget submissions, public art commissions and other programs, we invite community members and groups to submit ideas for how we can showcase Merri-bek's diverse history in interesting ways. Council will be developing a Plaques Policy in the coming year that we will invite community feedback on.

Of interest perhaps: Merri-bek has named some parks and streets after prominent women, e.g. Bridget Shortell Reserve in Glenroy, Olive York Way in Brunswick West, Eva Buhlert Close and Annie Borat Close in Brunswick. There is a plaque acknowledging Emma Dawson outside of Brunswick Town Hall.

Thanks also John for sharing briefly the history of Vida Little and her contribution to local community health. I would be happy to hear more about it if you could send me some information.

Public Question Time Extension

Motion

Cr Riley moved, Cr Harte seconded -

That Public Question Time be extended by 30 minutes at 7.49 pm.

Carried

ANDREA BUNTING – QUESTION - SYDNEY ROAD PEDESTRIAN SAFETY

I am pleased to see that Council is looking at ways that people can safely and conveniently cross Sydney Road. I am, however, concerned about the statement that "Sydney Road pedestrian safety has not been a recent advocacy topic with the State but it is considered worthwhile to pursue."

There are many hazards for pedestrians trying to cross Sydney Road, and I request that your advocacy include the Coburg North section from Gaffney Street to Boundary Road. I am particularly concerned that you don't address the dangers of drivers turning at intersections and failing to give way to pedestrians crossing at the lights.

Most intersections in Fawkner are T-intersections, so there are fewer dangers from turning vehicles. But Coburg North has several cross-intersections, where pedestrians are endangered by turning vehicles. At the Bakers Road intersection, two elderly pedestrians have been killed in 2016 and 2022 by turning vehicles not giving way. There have also been serious injuries. Yet it appears that this intersection has not been upgraded for at least 14 years. An elderly resident was also killed at the Gaffney Street intersection in 2019. Again, no upgrades.

These intersections could be made safer with improved signalling changes to give an early start to pedestrians and cyclists on bike routes. They also require flashing Give Way to Pedestrians signs on all corners, and the yellow paint treatment. The pedestrian lights near Mathieson Street do not have mast arms, meaning visibility is poor. Residents report that vehicles sometimes do not stop at the red light.

My questions are this:

Firstly, what specific advocacy has Council done regarding making the Bakers Road / Sydney Road intersection safe? Two people have recently been killed. Surely this meets the criteria for an upgrade.

Secondly, are you intending to advocate for pedestrian safety upgrades in the Coburg North section of Sydney Road?

At the invitation of the Mayor, Cr Sue Bolton responded:

I will be moving a motion at the April Council meeting calling for a North Coburg Transport Study.

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

There is a crash history at Bakers Road that warrants being investigated but there are also a lot of other sites across the municipality that do have a pattern of crashes.

Council actively contributes to Federal and State Blackspot programmes identifying sections of roads where there are a lot of crashes. Officers put together ideas about how they might be able to be addressed and where the cost of addressing them is relative to the size of the problem, then they might be successful in those programs.

I am unsure of how Bakers Road and Sydney Road would rate relative to other sites across the municipality, that is a piece of work that has not been done yet.

7.57 pm Cr Pavlidis left the meeting.

ROBERT LECHTE – QUESTION – ITEM 7.8 MID-YEAR FINANCIAL REPORT AND ANIMAL REGISTRATION RENEWALS

Page 180 of the Mid-Year Financial Report states that statutory fees and fines were \$800,000 higher than expected, primarily due to domestic animal fines, is there an explanation for that?

Does this suggest the widely reported issues with inadequate correspondence for animal registration renewals remains unaddressed and resulted with large numbers of residents being fined unfairly?

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

The increase was due to infringement notices being issued for animal registration fees that were not paid.

Council has had significant correspondence with residents in relation to unpaid fines. Normally the fines, if not paid at a certain point would be referred to Fines Victoria, instead of referring them residents were given another opportunity to pay or appeal their fine. That period has now closed.

8.00 pm Cr Tapinos left the meeting.

8.01 pm Cr Pavlidis returned to the meeting.

NIC DOLBY – QUESTION – SYDNEY ROAD STREET PARTY

Will Merri-bek City Council particularly its Festivals and Waste teams and also the many other workers who contributed to the Sydney Road Street party; will the volunteers, performers and stall holders who participated in the Sydney Road Street party; will the many residents and non-residents who attended the Sydney Road Street party; will they accept congratulations for making it a wonderful community event?

The Mayor responded:

Thank you Nic, our Council will accept that congratulations. It was a great street party.

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.

PETER ROBERTSON - QUESTION - ITEM 7.6 WINTER AND ANNUAL SPORTING FACILITIES ALLOCATION REPORT

Why can't kids from Coburg Junior Football Club play on City Oval? Is the Coburg Football Club refusing to share the public space with the Coburg Junior Football Club?

The Mayor took this question on notice.

LAUREN FOX - QUESTION - RENAMING MORELAND

It has been explained that your reasoning for changing the name from Moreland to Merri-bek was due to Moreland being named after a Jamaican estate involved in slavery some 200 years ago.

Please explain:

Why was there no option given to ratepayers to retain the name of Moreland?

Given the substantial cost incurred by ratepayers to change the name, explain how you can justify this expense when the highest percentage of ratepayer response to a new name (being Merri-bek) was approximately 3.5% of ratepayers?

The Mayor took this question on notice.

MARION ATTWATER - QUESTION - PUBLIC QUESTION TIME AT SPECIAL COUNCIL MEETINGS

My question is for Councillors, about public question time at unscheduled meetings of Council, which in the Governance Rules are referred to as Special meetings.

Governance Rule 3.6.1(2) says that "Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every council meeting not designated for Planning and Related Matters to enable members of the public to submit questions to Council."

In the first version of the Governance Rules, adopted by the Council on 12 August 2020, this Rule was slightly different. It said that “Unless Council resolves differently, there must be a time provided for questions of Council and Community Statements at every ordinary meeting not designated for Planning and Related Matters to enable members of the public to submit questions to Council.”

When the Governance Rules were revised in 2021, Council Officers changed the word “Ordinary meeting” to “Council meeting”. The term “Council meeting” means both scheduled and unscheduled (special) meetings of Council according to the definitions in section 2.4 of the Governance Rules. So it should follow that Unscheduled Meetings of Council should by default have a time allocated for community questions and submissions in the order of business. Yet this has not been happening.

My question for Councillors is, did Councillors make a resolution to not have public question time at Special meetings, and if so, at which meeting was this resolution made?

The Mayor took this question on notice.

8.05 pm Public Question Time concluded.

8.06 pm Cr Tapinos returned to the meeting.

COUNCIL REPORTS

Order of Business Altered

Motion

Cr Riley moved, Cr Conlan seconded -

That, in accordance with Rule 3.5.4 of the Governance Rules, the order of business be altered to consider items 8.3 Community Engagement - Proposed Telecommunication lease ATC Cook Reserve and 8.2 Commercial Leases of Public Open Space before item 7.1 Fawkner Transport Strategy to accommodate members of the gallery.

Carried

8.3 COMMUNITY ENGAGEMENT - PROPOSED TELECOMMUNICATION LEASE ATC COOK RESERVE

Cr Harte

Motion

That Council accepts submissions relating to the proposed telecommunication lease at ATC Cook Reserve up until the date of the Hearing of Submissions Committee meeting. That Council advises of this by including in advertising via Council website, public notices at ATC Cook reserve and notification to all sporting clubs at ATC Cook reserve.

Resolution

Cr Harte moved, Cr Yildiz seconded -

That Council accepts submissions relating to the proposed telecommunication lease at ATC Cook Reserve up until 10 April 2023. That Council advises of this by including in advertising via Council website, public notices at ATC Cook reserve and notification to all sporting clubs at ATC Cook reserve.

8.15pm Cr Carli Hannan entered the meeting

Carried

8.2 COMMERCIAL LEASES OF PUBLIC OPEN SPACE

Cr Bolton

Motion

Cr Bolton moved, Cr Conlan seconded -

That Council in its forthcoming review of the Open Space Strategy to be undertaken in 2023, and subject to legal requirements, considers banning the lease of public open space to private commercial businesses.

Amendment

Cr Tapinos moved -

That the following words, as highlighted in bold, be added to the end of the Motion:

That Council in its forthcoming review of the Open Space Strategy to be undertaken in 2023, and subject to legal requirements, considers banning the lease of public open space to private commercial businesses, **for the purposes of telecommunication towers.**

Lapsed for want of a seconder

8.33 pm Cr Yildiz left the meeting.

8.34 pm Cr Yildiz returned to the meeting.

Amendment

Cr Pulford moved, Cr Riley seconded -

That the following words, as highlighted in blue, be added to the Motion:

That Council in its forthcoming review of the Open Space Strategy to be undertaken in 2023, and subject to legal requirements, consider banning the **long term (more than 12 months)** lease of public open space to private commercial businesses.

Motion

Cr Yildiz moved, Cr Panopoulos seconded -

That the amendment now be put.

Carried

The Amendment was put to the vote and carried.

Carried

Cr Pavlidis called for a division on the amendment.

For

Cr Yildiz
Cr Pulford
Cr Panopoulos
Cr Carli Hannan
Cr Riley
Cr Tapinos

Total For (6)

Against

Cr Bolton
Cr Davidson
Cr Pavlidis
Cr Conlan
Cr Harte

Total Against (5)

Resolution

Cr Bolton moved, Cr Conlan seconded -

That Council in its forthcoming review of the Open Space Strategy to be undertaken in 2023, and subject to legal requirements, considers banning the long-term (more than 12-months) lease of public open space to private commercial businesses.

Carried

Cr Bolton called for a division.

For	Against
Cr Bolton	Cr Davidson
Cr Yildiz	Cr Pavlidis
Cr Pulford	Cr Carli Hannan
Cr Panopoulos	Cr Tapinos
Cr Conlan	
Cr Riley	
Cr Harte	
Total For (7)	Total Against (4)

7.1 FAWKNER TRANSPORT STUDY

Executive Summary

In the second half of 2022, Council embarked on a wide-ranging public engagement with the Fawkner community to develop a comprehensive understanding of their transport issues and needs. The engagement centred on obtaining a broad picture of the transport issues and needs of the Fawkner community, rather than the common practice of project specific consultation.

The Transport Study engagement ran from 30 September to 11 November 2022, consisting of a Conversations Merri-bek engagement page with options to drop comment pins on specific locations with comments, and a detailed survey to enable the community to provide detail about specific public transport needs. The “dropped pin” survey drew 426 responses and the public transport survey drew 196 responses. Summaries of the responses are provided.

Additionally, two pop-up events on Bonwick Street in Fawkner were undertaken on Saturday 1 October and Tuesday 4 October, with approximately 40 people attending.

The range of responses included concerns about traffic speeds, pedestrian safety, footpath quality, completion of the Upfield Shared User Path to the Western Ring Road, quality of access and amenities at railway stations, poor bus frequency and operating hours, lack of bus services to useful destinations and a lack of clearly established bicycle routes.

Analysis of the survey results and responses from the pop up sessions has enabled officers to develop an action plan. The plan consists of specific initiatives that address the highest priorities of respondents. These are:

- upgrade of the Jukes Road/ William Street roundabout to be funded from available pedestrian access and priority capital funding,
- Jukes Road raised threshold treatments to be funded from available pedestrian access and priority capital funding,
- the Roma Street cycling link to be planned and key gaps in quality of riding experience identified using existing staff resources and some planning and minor works funding,

- development of a core cycling network in consultation with the community, and
- a package of State Government transport advocacy items including:
 - Reinforcing and continuing advocacy for extending and duplicating the Upfield Railway Line
 - Highlighting pedestrian safety needs in the Fawkner section of Sydney Road
 - Reinforcing advocacy through the Northern Bus Reform Review regarding bus service quality and availability in addition to checking in on the prior advocacy on bus service standards through the Northern Regional Transport Strategy (bus) of the Northern Councils' Alliance.

Officer Recommendation

That Council:

1. Seeks officers to discuss the following proposals to address pedestrian safety on Sydney Road in Fawkner with the Department of Transport and Planning and identify and subsequently prepare correspondence for any items that might benefit from a letter from the Mayor and the Minister for Roads and Road Safety, The Hon Melissa Horne MP:
 - a) A review of the 70 km/h speed limit on Sydney Road, Fawkner, between Boundary Road and the Western Ring Road to establish the merit and viability of reducing the speed limit to 60 km/h along this road section,
 - b) Seeking red light compliance cameras at all signalised pedestrian crossings along Sydney Road between Boundary Road and the Western Ring Road,
 - c) Rebuilding the kerb and bus stop pad on Sydney Road (northbound) outside Fawkner Railway Station entry to resolve flooding, and
 - d) A review of Sydney Road traffic signals, with an emphasis on improved crossing times for pedestrians such as Puffin signal technology
2. Continues to participate in the State Government's Northern Suburbs Bus Reform Review, with particular emphasis on issues raised in the Fawkner Transport Study.
3. Endorses the proposed Fawkner cycling links for public engagement and further investigation.
4. Develops a prioritised package of capital works to be considered for future funding within the transport infrastructure budget.
5. Refers advocacy items raised by the community to the next revision of Council's Advocacy Plan.

Resolution

Cr Bolton moved, Cr Conlan seconded -

That Council:

1. **Seeks officers to discuss the following proposals to address pedestrian safety on Sydney Road in Fawkner with the Department of Transport and Planning and identify and subsequently prepare correspondence for any items that might benefit from a letter from the Mayor and the Minister for Roads and Road Safety, The Hon Melissa Horne MP:**
 - a) **A review of the 70 km/h speed limit on Sydney Road, Fawkner, between Boundary Road and the Western Ring Road to establish the merit and viability of reducing the speed limit to 60 km/h along this road section,**

- b) **Seeking red light compliance cameras at all signalised pedestrian crossings along Sydney Road between Boundary Road and the Western Ring Road,**
 - c) **Rebuilding the kerb and bus stop pad on Sydney Road (northbound) outside Fawkner Railway Station entry to resolve flooding, and**
 - d) **A review of Sydney Road traffic signals, with an emphasis on improved crossing times for pedestrians such as Puffin signal technology.**
 - e) **Install a pedestrian crossing on the slip lane for eastbound traffic on Boundary Rd turning left into Sydney Road.**
2. **Continues to participate in the State Government's Northern Suburbs Bus Reform Review, with particular emphasis on issues raised in the Fawkner Transport Study.**
 3. **Endorses the proposed Fawkner cycling links for public engagement and further investigation as well as another one or two east-west cycling links such as Lorne Street which is one of the main routes to Fawkner Station.**
 4. **Develops a prioritised package of capital works to be considered for future funding within the transport infrastructure budget.**
 5. **Refers advocacy items raised by the community to the next revision of Council's Advocacy Plan.**

Carried unanimously

7.2 DRAFT FAWKNER MERRI CREEK PARKLAND PLAN

Executive Summary

The draft Fawkner Merri Creek Parklands Plan has been prepared to identify, protect and enhance the environmental, Cultural Heritage and community values along the Merri Creek open space corridor in Fawkner and Coburg North. The 71 hectares of parkland extends from the Western Ring Road and Moomba Park in the north to Parker Reserve and Spry Street Reserve in Coburg North and includes, parkland adjoining Jukes Road, Leonard Street, Hare Street, McBryde Street, Sahara Way, Mathieson Street and Keady Street.

The draft plan has been developed by Merri-bek City Council in consultation with the local community, the Friends of Merri Creek, the Fawkner Residents Association and Merri Creek Management Committee. Two stages of community engagement have been undertaken and a Cultural Values Study completed by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Stage 1 of community engagement gathered ideas and stories from the community and key stakeholders between November 2020 and May 2021 (extended engagement occurred due to COVID lockdowns). Community feedback was very positive and complimentary. Work then continued on the draft Plan to clarify the priorities and broader budget implications of park master planning.

A draft Plan with concept plans was developed in October 2022 and shared internally within Council and with key stakeholder groups prior to going out for eight weeks of community engagement from November 2022 to January 2023.

The draft plan attempts to balance the role of the creek as a primary waterway biodiversity corridor with the need to maintain drainage and key service easement functionality, while meeting the increasing needs of the local community for open space and recreational access. In response, the draft Plan has been revised (Attachment 1) together with Implementation Plan and Cost Plan (Attachment 2).

The draft Cost Plan identifies \$4.144 million in works throughout the Parklands (in today's dollars) which could be delivered over a decade between 2023-2024 and 2032-2033 (see Attachment 3). Proposed works include:

- **Community infrastructure:** resting places with accessible path, seating, shelter, public toilets, drinking fountains and community market gardens (\$1.4 million)
- **Movement:** Shared and pedestrian path connections to the Merri Creek Trail (\$670,000)
- **Nature:** conservation management works (\$560,000)
- **Recreation:** social sporting opportunities like basketball half courts, cricket nets and pitches (\$245,000)
- **Land management and maintenance:** new and clearer dog-off leash zoning, investigations into fenced dog areas (\$225,000)
- **Water:** investigations to divert flood and stormwater into wetlands in the parklands (\$75,000)

The Plan includes \$1.432 million in projects that feature in existing draft budgets, most of which is listed in Council's 5-year capital works program in 2023/2024 and 2024/2025. This includes three pavilion projects – Two at Moomba Park (McBryde Street Reserve): *Convert south side social pavilion to community meeting space and accessible public toilet* and *Provision of gender inclusive changerooms* and one at the Parker Reserve Baseball Pavilion: *Gender inclusive changerooms and refurbishment*.

If endorsed by Council to proceed to Stage 3 community engagement, then the Plan's priorities and actions will be refined with assistance from key stakeholders and the local community. A final Plan will be prepared and brought back to Council for endorsement, to guide strategic planning and management actions and budget decisions relating to capital works over the next decade along the creek and open space corridor.

Officer Recommendation

That Council:

1. Endorses the draft Fawkner Merri Creek Parklands Plan shown in Attachment 1 to commence Stage 3 of community engagement for 6 weeks from 20 March.
2. Notes the implementation of this masterplan is estimated in today's dollars to cost \$4.144 million for new works in the Parklands over a decade between 2023-24 and 2032-33, (Attachment 2) and that the allocation of any funding for these works beyond the existing budget of \$1.432 million will be part of future budget allocation discussions.
3. Notes the Community Engagement Summary (Attachment 3) and thanks the community, Friends of Merri Creek, Fawkner Residents Association and Merri Creek Management Committee for their feedback, patience and support for the draft Plan.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council:

1. **Endorses the draft Fawkner Merri Creek Parklands Plan shown in Attachment 1 to commence Stage 3 of community engagement for 6 weeks from 20 March.**
2. **Notes the implementation of this masterplan is estimated in today's dollars to cost \$4.144 million for new works in the Parklands over a decade between 2023-24 and 2032-33, (Attachment 2) and that the allocation of any funding for these works beyond the existing budget of \$1.432 million will be part of future budget allocation discussions.**

3. **Notes the Community Engagement Summary (Attachment 3) and thanks the community, Friends of Merri Creek, Fawkner Residents Association and Merri Creek Management Committee for their feedback, patience and support for the draft Plan.**

Carried unanimously

7.3 RFT-2022-364 - JP FAWKNER RESERVE- EAST PAVILION SOCIAL CLUB AND THERY WEST PAVILION REFURBISHMENT

Executive Summary

JP Fawkner East Changerooms, Social Club and Therry West pavilion are seeking internal refurbishment. The changerooms will be refurbished to be female friendly and compliant with the current standards. The clubroom toilets will be upgraded including a DDA toilet. The East pavilion will include an externally accessible public toilet that can be operated independently of the changerooms. Therry West pavilion will be refurbished with female friendly changerooms and new umpire room. The designs have been finalised and approved by key stakeholders.

An advertisement was placed in *The Age* newspaper on Saturday, 19 November 2022 inviting tenders via the e-tender portal from suitably experienced contractors to undertake JP Fawkner Reserve – East Pavilion, Social Club and Therry West Pavilion Refurbishments. Tenders closed on Friday 13 January 2023 and 3 tenders were received.

Constructive Group Pty Ltd achieved the highest score through the evaluation process.

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

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Constructive Group Pty Ltd (A.B.N. 40102 865 074) (Contractor) to award to the Contractor contract RFT-2022-364 for the JP Fawkner Reserve – East Pavilion, Social Club and Therry West Pavilion Refurbishment (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the sum of \$1,368,000 (Ex GST) or \$1,504,800 (Inc GST)
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer
2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; RFT-2022-364 JP Fawkner Reserve – East Pavilion, Social Club and Therry West Pavilion Refurbishment including authorising any contract cost variation as delegated to the Chief Executive Officer in the Instrument of Delegation.
 - b) Advises all tenderers of Council's decision in relation to the Contract.

Resolution

Cr Yildiz moved, Cr Davidson seconded -

That Council:

1. Authorises the Chief Executive Officer to:
 - a) Make a formal offer to Constructive Group Pty Ltd (A.B.N. 40102 865 074) (Contractor) to award to the Contractor contract RFT-2022-364 for the JP Fawkner Reserve – East Pavilion, Social Club and Therry West Pavilion Refurbishment (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the sum of \$1,368,000 (Ex GST) or \$1,504,800 (Inc GST)
 - b) Negotiate and finalise the terms of the Contract between Council and the Contractor provided that:
 - i. the terms specified in paragraph 1(a) of this Resolution shall not be altered without a further Resolution of Council; and
 - ii. other than terms referred to in paragraph 1(a) of this Resolution, the terms of the Contract are acceptable to the Chief Executive Officer
2. Conditional on acceptance of the Contract by the Contractor in accordance with the terms of this Resolution:
 - a) Authorises the Chief Executive Officer to do all things necessary to execute the Contract and any required documentation for the Contract; RFT-2022-364 JP Fawkner Reserve – East Pavilion, Social Club and Therry West Pavilion Refurbishment including authorising any contract cost variation as delegated to the Chief Executive Officer in the Instrument of Delegation.
 - b) Advises all tenderers of Council's decision in relation to the Contract.

Carried unanimously

9.00 pm Cr Bolton left the meeting.

7.4 COMMUNITY BATTERY PROPOSAL - FUNDING APPLICATION

Executive Summary

During the most recent Federal election, the Australian Labor Party (ALP) pledged to establish a series of Community Batteries across the nation as part of their 'Rewiring the Nation' program including nominating two battery locations in Merri-bek –Coburg and Brunswick.

After the election, when the ALP formed government, applications for the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Community Batteries for Household Solar Program – Delivery of Election Commitments opened on 30 January 2023.

Officers conducted due diligence and began identifying possible locations for these batteries in Brunswick and Coburg, that met with the eligibility criteria.

Council officers have submitted two grant application proposals for Brunswick and Coburg and provided a letter of support for Jemena's independent proposal in Coburg. CitiPower have not submitted a separate grant application for Brunswick. Due to timing issues, formal Council endorsement was not possible prior to the grant applications being submitted and they were submitted under delegation.

This is a unique opportunity and officers have submitted applications that seek to leverage funding under the program. Council officers, as part of this grant funding, will also seek to leverage outcomes for not just network benefit but for broader community benefit/value. This could be in the form of translating revenue (via a revolving fund) to support low-income households through solar and energy efficiency subsidies, reducing bills, and improving thermal comfort and health outcomes ([Financial support for residents on a low income - Zero Carbon Merri-bek](#)).

If the grant applications are successful, Council would receive grant funding of up to \$1,000,000 and would contribute up to \$950,000 for the project. The Council contribution would need to be included in the next annual budget process in coming months.

Note: in addition, the Victorian State Government opened its Neighbourhood Battery Funding Grant program on 27 February 2023. This program has two streams: Feasibility/Business Case and Implementation. Council officers are considering this opportunity and will present to councillors separately once they have had time to consider the opportunity for Merri-bek.

Officer Recommendation

That Council:

1. Endorses the two grant applications submitted to the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Community Batteries for Household Solar Program for a community battery in each of Brunswick and Coburg.
2. Notes that the applications submitted, request \$1,000,000 of funding (\$500,000 for Brunswick, \$500,000 for Coburg) from the Federal Government grant program, but also requires a Council contribution of up to \$950,000 which will be referred to the 2023/2024 and 2024/2025 budget process for consideration.

Resolution

Cr Riley moved, Cr Pulford seconded -

That Council:

1. **Endorses the two grant applications submitted to the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Community Batteries for Household Solar Program for a community battery in each of Brunswick and Coburg.**
2. **Notes that the applications submitted, request \$1,000,000 of funding (\$500,000 for Brunswick, \$500,000 for Coburg) from the Federal Government grant program, but also requires a Council contribution of up to \$950,000 which will be referred to the 2023/2024 and 2024/2025 budget process for consideration.**

9.01 pm Cr Carli Hannan left the meeting.

9.01 pm Cr Pavlidis left the meeting.

9.02 pm Cr Pavlidis returned to the meeting.

9.02 pm Cr Bolton returned to the meeting.

Carried unanimously

7.5 GLENROY COMMUNITY HUB CAFE - EXPRESSION OF INTEREST UPDATE

Executive Summary

This report provides an update to Council on the outcome of an Expression of Interest (EOI) process to secure a social enterprise operator for the café outlet in Bridget Shortell Reserve at the Glenroy Community Hub precinct.

The café (approximately 10 square metres internally) is in a repurposed and refurbished heritage shed. It has been significantly renovated to meet food and safety standards.

The EOI advertising process to seek a social enterprise café operator commenced on 17 October 2022 and closed on 21 November 2022. Four submissions were received and two were shortlisted having met all of the selection criteria. Interviews were then conducted with both proponents on 21 December 2022 by the internal Evaluation Panel.

This report seeks Council endorsement to offer a 3 x 3-year lease, at a peppercorn rent to the preferred proponent, Kevin Heinze Grow, whose proposal was evaluated as having the greatest capacity to deliver a viable business as well as wider social benefits consistent with the vision and purpose of the Glenroy Community Hub.

Officer Recommendation

That Council:

1. Notes that it is not required to undertake a statutory process under section 115 of the *Local Government Act 2020* for this lease.
2. Endorses Kevin Heinze Garden Centre trading as Kevin Heinze Grow as the successful proponent to operate and manage the café outlet at the Glenroy Community Hub.
3. Notes the terms of the lease will be 3 x 3-year lease, at a peppercorn rent.
4. Authorises the Director Place and Environment to do all things necessary to negotiate and formalise the café lease at the Glenroy Community Hub.

Resolution

Cr Davidson moved, Cr Yildiz seconded -

That Council:

1. **Notes that it is not required to undertake a statutory process under section 115 of the *Local Government Act 2020* for this lease.**
2. **Endorses Kevin Heinze Garden Centre trading as Kevin Heinze Grow as the successful proponent to operate and manage the café outlet at the Glenroy Community Hub.**
3. **Notes the terms of the lease will be 3 x 3-year lease, at a peppercorn rent.**
4. **Authorises the Director Place and Environment to do all things necessary to negotiate and formalise the café lease at the Glenroy Community Hub.**

9.08 pm Cr Carli Hannan returned to the meeting.

Carried unanimously

7.6 WINTER AND ANNUAL SPORTING FACILITIES ALLOCATION REPORT

Executive Summary

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

The Merri-bek sporting community has experienced some decline in participation in specific areas of the municipality, some of which is contributed to the challenges with school engagement. Council officers have been working closely with clubs and associations with a core focus on participation for the Merri-bek community, particularly targeting schools for junior pathway programs.

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

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

31 annual and seasonal tenancy applications were received from clubs. This report also provides an update on progress of the club's levels in junior and female participation.

Officer Recommendation

That Council:

1. Allocates sports grounds and pavilions for the 2023 annual and winter season to the nominated clubs shown in Attachment 1 to this report.
2. Authorises the Director Community to make any changes necessary to the allocation of facilities for the 2023 annual and winter season.
3. Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, will be informed that no ground allocation will be granted until payment is made or a payment plan has been agreed to.
4. Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2023 annual and winter season.
5. Notes current junior and female participation levels at sports clubs contained within this 2023 Annual and Winter Sports Ground Tenancy Allocations report.

Resolution

Cr Yildiz moved, Cr Riley seconded -

That Council:

1. **Allocates sports grounds and pavilions for the 2023 annual and winter season to the nominated clubs shown in Attachment 1 to this report.**
2. **Authorises the Director Community to make any changes necessary to the allocation of facilities for the 2023 annual and winter season if required and to inform Council of any changes.**
3. **Notes any club owing ground and pavilion fees from previous seasons, or owing any other debt to Council, will be informed that no ground allocation will be granted until payment is made or a payment plan has been agreed to.**

4. **Notes clubs must provide all required documentation to Council prior to receiving an allocation of sports grounds and pavilions for the 2023 annual and winter season.**
5. **Notes current junior and female participation levels at sports clubs contained within this 2023 Annual and Winter Sports Ground Tenancy Allocations report.**

Carried unanimously

7.7 DRAFT ALLOCATION AND USE OF SPORTING FACILITIES, GROUNDS AND PAVILIONS POLICY

Executive Summary

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

Annual and seasonal (Winter) allocations open in January, close in February, and are reported to the March Council Meeting for consideration annually. At the 9 March 2022 Council meeting, Council endorsed the proposed allocations and requested that a review of the existing policy be undertaken in 2022.

In August 2022, the Victorian State Government released the 'Fair Access Policy Roadmap' which includes requirements all Councils must adhere to in order to be eligible to receive grant funding. At its 14 September 2022 Council also resolved to review its policies regarding trans and gender diverse inclusion, anti-discrimination, and diversity and inclusion. These recent decisions and other factors have been considered in a review of the Allocations and Use of Sporting Facilities, Grounds and Pavilions Policy (the Policy).

At the 12 October 2022 Council Meeting, Council approved the release of a discussion paper on the allocation policy for stakeholder engagement. The discussion paper provided key points of consideration to ensure Council continues to meet obligations across various policy drivers and provides suggested policy conditions to be incorporated into a new policy.

Throughout November 2022 Council Officers engaged with sports club executives, members, State Sporting Associations, residents and Council committees and reference groups. Consultation highlighted the diversity in the community between club members and residents. Residents are sending a clear message that clubs need to value and work with the community and viewed many of the proposed policy conditions as non-negotiables for clubs to have the right to use facilities, whilst club members are not wanting Council to burden already overworked volunteers.

In acknowledging the time, effort and resources required of volunteers and recognising that the Merri-bek sporting community is recovering from the many challenges faced throughout the pandemic, the Policy has been simplified and revised to focus on four policy objectives: Promoting healthy and safe local environments; Encouraging inclusivity of all people; Championing gender equity and development pathways; and Demonstrating good governance. Council officers will continue to work closely with clubs and associations with a core focus on providing training, support and resources for successful Policy implementation.

Officer Recommendation

That Council:

1. Notes the outcomes of recent consultation that has informed the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Consultation Report and thanks sports clubs, state sporting associations, residents and others involved for their participation.

2. Endorse the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy and Schedule for public exhibition.
3. Resolves to receive a further report and final Policy and Schedule in May 2023.

Resolution

Cr Pulford moved, Cr Bolton seconded -

That Council:

1. **Notes the outcomes of recent consultation that has informed the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Consultation Report and thanks sports clubs, state sporting associations, residents and others involved for their participation.**
2. **Defers consideration of the Draft Allocation and Use of Sporting Facilities, Grounds and Pavilions Policy and Schedule.**
3. **Extends the consultation period to 14 April 2023 to allow further consultation with stakeholders on issues including:**
 - **administrative requirements for sports clubs**
 - **encouraging behaviour so that sporting facilities are safe and welcoming.**
4. **Resolves to receive a report and a revised draft Policy and Schedule for consideration in May or June 2023.**

Carried unanimously

7.8 2022/23 MID-YEAR FINANCIAL REPORT

Executive Summary

The Mid-Year Financial Report gives an overview of Council's performance through delivery of the budget. It compares the actual revenue and expenditure with the budgeted revenue and expenditure year to date (YTD) and assesses the financial performance in the second quarter to determine a forecast outcome for 30 June 2023.

A detailed financial review was undertaken across the organisation at the end of December 2022 to form the 2022/23 Mid-Year Financial Review. This process provided Council the opportunity to review its YTD performance and reallocate available financial resources to maximise the delivery on its strategic objectives. The results of this review are included in this report as the Mid-Year Forecast.

For the six months ended 31 December 2022, Council has achieved an operating surplus result of \$25.2 million which is \$5.7 million (30%) more than the YTD budget of \$19.4 million. The operating surplus (or deficit) contains both cash and non-cash expenditure and revenue, so it does not convert to available cash for Council.

Council's forecast adjusted underlying surplus of \$22.0 million is \$0.2 million less than the First Quarter (Q1) Forecast of \$22.2 million. This result is important as it measures Council's ability to generate a surplus in the ordinary course of business – excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net results.

A positive unrestricted result of \$1.8 million has been forecast from the surplus and \$1.5 million has been recommended to be transferred to the significant projects reserve to fund capital projects.

Currently the Mid-Year Forecast is forecasting a decrease in the adjusted underlying surplus which suggests an improvement is required in the operating position.

Council has spent \$38.5 million on capital expenditure as at the end of December which is \$18.8 million (96%) above the YTD budget, with \$19.2 million (33%) of the full year budget remaining.

After a detailed review of the capital works program, there is a forecast decrease of \$9.2 million from the Q1 forecast of \$101.1 million to \$92.0 million. This is primarily due to \$11.6 million of projects carried forward to be delivered in 2023/24.

Officer Recommendation

That Council:

1. Notes the 2022/23 Mid-Year Financial Report for the period ending 31 December 2022, including operating performance and capital performance.
2. Notes the status of the capital works program for 2022/23.
3. Notes the increase to the full-year forecast for operating income of \$1.4 million and increase to expenditure of \$2.9 million arising from the 2022/23 Mid-Year Financial Review.
4. Notes the reduction of \$1.0 million from the Defined Benefit Reserve and a \$1.0 million increase into the Significant Projects Reserve (nil impact).
5. Notes the unrestricted surplus of \$1.5 million to be transferred to the Significant Projects Reserve, leaving an unrestricted forecasted surplus of \$0.3 million.
6. Endorses the full-year capital expenditure forecast of \$92.0 million, arising from the 2022/23 Mid-Year Financial Review.
7. Carries forward the following capital project funding to the 2023/24 Capital Works Program:
 - Football Pitch – Hosken Reserve - \$3,415,525
 - Oak Park Kindergarten - \$1,160,000
 - Glenroy Activity Centre Upgrade Works – Wheatsheaf Rd North - \$1,050,000
 - John Pascoe Fawkner Res – Therry – West Pavilion - \$671,465
 - Lorne Street – From Hume to Wembley, Fawkner - \$613,000
 - Lighting Works – Hosken Reserve - \$605,000
 - Recreation Works – Hosken Reserve - \$533,800
 - Hosken Reserve – Merlynston Tennis Club - \$500,000
 - De Carle Street – From The Grove to Rennie, Coburg - \$450,780
 - Derby St Kindergarten Children’s Centre - \$450,000
 - De Carle Street - From The Avenue to The Grove, Coburg - \$445,000
 - City Oval Landscaping - \$320,000
 - Moonee Ponds Creek Naturalisation Project - \$252,500
 - De Carle Street Protected Bike Lanes – The Avenue to Moreland Rd, Coburg - \$243,520
 - Sportsfield Stormwater Reuse – Municipal Wide - \$200,000
 - Kerbside Waste Reform - \$195,425
 - MITS Road Renewal Improvement Outcomes – Various Locations - \$147,879

- Core Systems Upgrade - \$107,217
 - MITS – Roads Closures – Various Locations - \$100,000
 - Tennis Facilities Program – Merlynston Tennis Club - \$80,000; and
 - Corporate Carbon Reduction Plan (CCRP) - \$40,000.
8. Brings forward the following capital project funding to the 2022/23 Capital Works Program.
- Fawkner Leisure Centre Redevelopment - \$1,163,937.
9. Notes, as at the end of the second quarter, as per Section 97 (3) of the Local Government Act 2020, the Chief Executive Officer is of the opinion that a revised budget is not required, however impacts to the full year forecast will continue to be closely monitored.

Resolution

Cr Tapinos moved, Cr Riley seconded -

That Council:

1. **Notes the 2022/23 Mid-Year Financial Report for the period ending 31 December 2022, including operating performance and capital performance.**
2. **Notes the status of the capital works program for 2022/23.**
3. **Notes the increase to the full-year forecast for operating income of \$1.4 million and increase to expenditure of \$2.9 million arising from the 2022/23 Mid-Year Financial Review.**
4. **Notes the reduction of \$1.0 million from the Defined Benefit Reserve and a \$1.0 million increase into the Significant Projects Reserve (nil impact).**
5. **Notes the unrestricted surplus of \$1.5 million to be transferred to the Significant Projects Reserve, leaving an unrestricted forecasted surplus of \$0.3 million.**
6. **Endorses the full-year capital expenditure forecast of \$92.0 million, arising from the 2022/23 Mid-Year Financial Review.**
7. **Carries forward the following capital project funding to the 2023/24 Capital Works Program:**
 - **Football Pitch – Hosken Reserve - \$3,415,525**
 - **Oak Park Kindergarten - \$1,160,000**
 - **Glenroy Activity Centre Upgrade Works – Wheatsheaf Rd North - \$1,050,000**
 - **John Pascoe Fawkner Res – Therry – West Pavilion - \$671,465**
 - **Lorne Street – From Hume to Wembley, Fawkner - \$613,000**
 - **Lighting Works – Hosken Reserve - \$605,000**
 - **Recreation Works – Hosken Reserve - \$533,800**
 - **Hosken Reserve – Merlynston Tennis Club - \$500,000**
 - **De Carle Street – From The Grove to Rennie, Coburg - \$450,780**
 - **Derby St Kindergarten Children’s Centre - \$450,000**
 - **De Carle Street - From The Avenue to The Grove, Coburg - \$445,000**
 - **City Oval Landscaping - \$320,000**

- **Moonee Ponds Creek Naturalisation Project - \$252,500**
 - **De Carle Street Protected Bike Lanes – The Avenue to Moreland Rd, Coburg - \$243,520**
 - **Sportsfield Stormwater Reuse – Municipal Wide - \$200,000**
 - **Kerbside Waste Reform - \$195,425**
 - **MITs Road Renewal Improvement Outcomes – Various Locations - \$147,879**
 - **Core Systems Upgrade - \$107,217**
 - **MITs – Roads Closures – Various Locations - \$100,000**
 - **Tennis Facilities Program – Merlynston Tennis Club - \$80,000; and**
 - **Corporate Carbon Reduction Plan (CCRP) - \$40,000.**
8. **Brings forward the following capital project funding to the 2022/23 Capital Works Program.**
- **Fawkner Leisure Centre Redevelopment - \$1,163,937.**
9. **Notes, as at the end of the second quarter, as per Section 97 (3) of the Local Government Act 2020, the Chief Executive Officer is of the opinion that a revised budget is not required, however impacts to the full year forecast will continue to be closely monitored.**

9.21 pm *Cr Conlan left the meeting.*

Carried

7.9 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2023

Executive Summary

This report presents the Financial Management Report for the financial year to date period ending 31 January 2023.

The January Income Statement shows the Council surplus is \$0.8 million better than the year-to-date revised forecast as a result of lower overall revenue and lower overall expenditure. These differences are considered largely timing in nature.

Council has spent \$40.8 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of \$44.8 million, with \$51.2 million budget remaining.

Officer Recommendation

That Council notes the Financial Management Report for the period ended 31 January 2023, at Attachment 1 to this report.

Resolution

Cr Tapinos moved, Cr Riley seconded -

That Council notes the Financial Management Report for the period ended 31 January 2023, at Attachment 1 to this report.

9.24 pm *Cr Conlan returned to the meeting.*

Carried unanimously

9.25 pm *Cr Pavlidis left the meeting.*

7.10 GOVERNANCE REPORT - MARCH 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 the minutes of the Environmental Sustainability Advisory Committee held 2 February 2023.
- Records of Meetings, with a recommendation that Council notes the records.
- Response to a Public Question Time item taken on notice at the 8 February 2023 Council meeting, with a recommendation that Council notes the responses.
- Proposed topics and nominations for Councillors to attend, the Australian Local Government Association National General Assembly in June 2023.
- A proposal to reschedule the Council meeting originally set for 14 June 2023.
- The reappointment of Mr John Watson as an independent member and Chairperson of the Audit and Risk Committee for the period 15 May 2023 to 15 May 2026.

Officer Recommendation

That Council:

1. Notes the summary of minutes from the Environmental Sustainability Advisory Committee held 2 February 2023, at Attachment 1 to this report.
2. Notes the Records of Meetings, at Attachment 2 to this report.
3. Notes responses to questions taken on notice during Public Question Time at the 8 February 2023 Council meeting, at Attachment 3 to this report.
4. Endorses motions for submission to the 2023 National General Assembly of Local Government, at Attachment 4 to this report.
5. Approves interstate travel for Cr/s _____ to represent Council at the 2023 National General Assembly of Local Governments in Canberra from 13 to 16 June 2023, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
6. Notes the Chief Executive Officer or delegate will also travel to Canberra to attend the 2023 National General Assembly of Local Government to be held from 13 to 16 June 2023 and the travel, accommodation and registration expenses will be met from the annual budget.
7. Amends the date of the Council meeting originally scheduled for Wednesday 14 June 2023, to Tuesday 20 June 2023, to accommodate Councillor and officer attendance at the National General Assembly of Local Government to be held from 13 to 16 June 2023.
8. In accordance with the recommendation of the Independent Member Review Panel, reappoints for a further three year term, Mr John Watson as an independent member and Chairperson of the Audit and Risk Committee for the period 15 May 2023 to 15 May 2026.

Motion

Cr Riley moved, Cr Davidson seconded -

That Council:

1. Notes the summary of minutes from the Environmental Sustainability Advisory Committee held 2 February 2023, at Attachment 1 to this report.
2. Notes the Records of Meetings, at Attachment 2 to this report.
3. Notes responses to questions taken on notice during Public Question Time at the 8 February 2023 Council meeting, at Attachment 3 to this report.
4. Endorses motions for submission to the 2023 National General Assembly of Local Government, at Attachment 4 to this report.
5. Approves interstate travel for Crs Panopoulos, Yildiz, Davidson, Carli Hannan and Tapinos to represent Council at the 2023 National General Assembly of Local Governments in Canberra from 13 to 16 June 2023, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
6. Notes the Chief Executive Officer or delegate will also travel to Canberra to attend the 2023 National General Assembly of Local Government to be held from 13 to 16 June 2023 and the travel, accommodation and registration expenses will be met from the annual budget.
7. Amends the date of the Council meeting originally scheduled for Wednesday 14 June 2023, to Tuesday 20 June 2023, to accommodate Councillor and officer attendance at the National General Assembly of Local Government to be held from 13 to 16 June 2023.
8. In accordance with the recommendation of the Independent Member Review Panel, reappoints for a further three year term, Mr John Watson as an independent member and Chairperson of the Audit and Risk Committee for the period 15 May 2023 to 15 May 2026.

Amendment

Cr Bolton moved, Cr Harte seconded –

That point 5 of the motion be amended as follows:

5. Approves interstate travel for **two Councillors, Crs Mayor and Deputy Mayor** to represent Council at the 2023 National General Assembly of Local Governments in Canberra from 13 to 16 June 2023, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.

Lost

Amendment

Cr Bolton moved, Cr Harte seconded –

That point 4 of the motion be amended as follows

4. Endorses motions on **People seeking asylum** and **Soft Plastics** for submission to the 2023 National General Assembly of Local Government, at Attachment 4 to this report.

- 9.41 pm Cr Carli Hannan left the meeting.
9.41 pm Cr Davidson left the meeting.
9.44 pm Cr Carli Hannan returned to the meeting.
9.45 pm Cr Davidson returned to the meeting.
9.49 pm Cr Pavlidis returned to the meeting.
9.54 pm Cr Carli Hannan left the meeting.

Time Extension

Motion

Cr Riley moved, Cr Pulford seconded -

That the Council meeting be extended by 30 minutes.

Carried

Resolution

Cr Riley moved, Cr Davidson seconded –

That Council:

1. Notes the summary of minutes from the Environmental Sustainability Advisory Committee held 2 February 2023, at Attachment 1 to this report.
2. Notes the Records of Meetings, at Attachment 2 to this report.
3. Notes responses to questions taken on notice during Public Question Time at the 8 February 2023 Council meeting, at Attachment 3 to this report.
4. Endorses motions for submission to the 2023 National General Assembly of Local Government, at Attachment 4 to this report.
5. Approves interstate travel for Cr/s Panopoulos, Yildiz, Davidson, Carli Hannan and Tapinos to represent Council at the 2023 National General Assembly of Local Governments in Canberra from 13 to 16 June 2023, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillor Support budget.
6. Notes the Chief Executive Officer or delegate will also travel to Canberra to attend the 2023 National General Assembly of Local Government to be held from 13 to 16 June 2023 and the travel, accommodation and registration expenses will be met from the annual budget.
7. Amends the date of the Council meeting originally scheduled for Wednesday 14 June 2023, to Tuesday 20 June 2023, to accommodate Councillor and officer attendance at the National General Assembly of Local Government to be held from 13 to 16 June 2023.
8. In accordance with the recommendation of the Independent Member Review Panel, reappoints for a further three year term, Mr John Watson as an independent member and Chairperson of the Audit and Risk Committee for the period 15 May 2023 to 15 May 2026.

Carried

NOTICES OF MOTION

8.1 UPFIELD CORRIDOR PUBLIC TRANSPORT

Cr Bolton

Motion

That Council:

1. Seeks a guarantee from the Department of Transport, Metro Trains, the Level Crossing Removal Project and the minister for public transport that when the Upfield Line is closed for either standard maintenance or for the level crossing removals, that the train replacement buses travel the full distance of the Upfield Train Line.
2. Advocates to the State Government for accessible tram stops at key locations on Sydney Road to be installed before the Upfield Line is closed for the level crossing removal project because the closure of the Upfield Train line for the level crossing project will remove accessible public transport in this rail corridor.
3. Communicates these requests to assurances and advocacy to Broadmeadows MP Kathleen Matthews-Ward, Pascoe Vale MP Anthony Cianflone and Northern Metropolitan MLCs.

Motion

Cr Bolton moved, Cr Pulford seconded -

That Council:

1. Seeks a guarantee from the Department of Transport, Metro Trains, the Level Crossing Removal Project and the minister for public transport that when the Upfield Line is closed for either standard maintenance or for the level crossing removals, that the train replacement buses travel the full distance of the Upfield Train Line.
2. Advocates to the State Government for accessible tram stops at key locations on Sydney Road to be installed before the Upfield Line is closed for the level crossing removal project because the closure of the Upfield Train line for the level crossing project will remove accessible public transport in this rail corridor.
3. Communicates these requests to assurances and advocacy to Broadmeadows MP Kathleen Matthews-Ward, Pascoe Vale MP Anthony Cianflone, Brunswick MP Tim Read and Northern Metropolitan MLCs.

9.59 pm Cr Carli Hannan left the meeting.

Deferral Motion

Cr Tapinos moved, Cr Pavlidis seconded -

That the matter be deferred to the April 2023 Council meeting and be considered together with the Council Report relating to the outcomes of advocacy efforts.

Lost

Debate resumed on the substantive motion.

Motion

Cr Riley moved, Cr Panopoulos seconded -

That the motion now be put.

Carried

Resolution

Cr Bolton moved, Cr Pulford seconded -

That Council:

1. Seeks a guarantee from the Department of Transport, Metro Trains, the Level Crossing Removal Project and the minister for public transport that when the Upfield Line is closed for either standard maintenance or for the level crossing removals, that the train replacement buses travel the full distance of the Upfield Train Line.
2. Advocates to the State Government for accessible tram stops on Sydney Road to be installed before the Upfield Line is closed for the level crossing removal project because the closure of the Upfield Train line for the level crossing project will remove accessible public transport in this rail corridor.
3. Communicates these requests to assurances and advocacy to Broadmeadows MP Kathleen Matthews-Ward, Pascoe Vale MP Anthony Cianflone, Brunswick MP Tim Read and Northern Metropolitan MLCs.

Carried

Cr Harte called for a division.

For	Against	Abstained
Cr Bolton		Cr Tapinos
Cr Davidson		
Cr Yildiz		
Cr Pulford		
Cr Panopoulos		
Cr Pavlidis		
Cr Conlan		
Cr Riley		
Cr Harte		
Total For (9)	Total Against (0)	Total Abstained (1)

Order of Business Altered

In accordance with Rule 3.5.4 of the Governance Rules, the order of business was altered to consider items 8.3 Community Engagement - Proposed Telecommunication lease ATC Cook Reserve and 8.2 Commercial Leases of Public Open Space before item 7.1 Fawkner Transport Strategy to accommodate members of the gallery.

NOTICE OF RESCISSION

Nil.

FORESHADOWED ITEMS

Cr Tapinos foreshadowed a Notice of Motion regarding a pedestrian safety and a traffic management study of Melville Road, Brunswick to Bell Street.

URGENT BUSINESS REPORTS

Nil.

CONFIDENTIAL BUSINESS

Resolution

Cr Davidson moved, Cr Conlan seconded –

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

- **12.1 Chief Executive Officer Annual Performance Review because it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

Carried

The Council meeting closed to the public at 10.13 pm on Wednesday 8 March 2023.

Meeting Adjournment

In accordance with Governance Rule 3.5.7(5), the closed meeting was adjourned at 11.25 pm on Wednesday 8 March 2023 until 6 pm on Thursday 9 March 2023.

Meeting Resumption

The closed meeting resumed at 6.04 pm on Thursday 9 March 2023 with all Councillors present.

OPENING THE MEETING TO THE PUBLIC

Motion

Cr Davidson moved, Cr Conlan seconded –

That the Council meeting be opened to the public.

Carried

The Council meeting opened to the public at 7.36 pm.

The Council meeting closed at 7.36 pm on Thursday 9 March 2023.