



# Merri-bek City Council

## Minutes of the Council Meeting

Held at the Council Chamber, Merri-bek Civic Centre,  
90 Bell Street, Coburg  
on Wednesday 10 May 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.

Present	Time In	Time Out
Cr Angelica Panopoulos, Mayor	7.03 pm	10.25 pm
Cr Helen Davidson, Deputy Mayor	7.03 pm	10.25 pm
Cr Adam Pulford	7.03 pm	10.25 pm
Cr Annalivia Carli Hannan	8.00 pm	9.32 pm
Cr Helen Pavlidis	7.03 pm	10.25 pm
Cr James Conlan	7.03 pm	10.25 pm
Cr Lambros Tapinos	7.03 pm	10.25 pm
Cr Mark Riley	7.03 pm	10.25 pm
Cr Monica Harte	7.03 pm	10.25 pm
Cr Oscar Yildiz JP	7.09 pm	10.25 pm
Cr Sue Bolton	7.03 pm	10.25 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  
Governance and Council Business Officer – Tracey Classon

## **APOLOGIES/LEAVE OF ABSENCE**

### **Leave of Absence**

Cr Pulford has requested leave of absence for the period 8 June to 10 July 2023, with the exception of Tuesday 20 June 2023.

### **Resolution**

**Cr Riley moved, Cr Harte seconded –**

**That Council grants a leave of absence to Cr Pulford for the period 8 June to 10 July 2023 with the exception of Tuesday 20 June 2023.**

**Carried**

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Cr Carli Hannan and Cr Yildiz were absent for this item but declared during the meeting the following conflict of interests:

- Cr Carli Hannan declared a conflict of interest in council report 7.3 Unit 1, 6 Sutherland Street Coburg, as a family member owns property in close proximity to this property.
- Cr Yildiz declared a conflict of interest in council report 7.3 Unit 1, 6 Sutherland Street Coburg as a family member lives in close proximity to this property.
- Cr Carli Hannan declared a conflict of interest in council report 7.10 Friends of Aileu Annual Report (Calendar Years 2021 And 2022 Combined). Cr Carli Hannan's family member is employed by Council as the East Timor Project - Administration Support Officer.
- Cr Carli Hannan declared a conflict of interest in council report 7.16 Contract Variation: RFT-2021-150 - Sumner Park Pavilion Refurbishment. Cr Carli Hannan's family member is the President of Brunswick Zebras Football Club.

## **MINUTE CONFIRMATION**

### **Resolution**

**Cr Pulford moved, Cr Riley seconded that –**

**The minutes of the Council Meeting held on 12 April 2023 and the Council Meeting held on 19 April 2023 be confirmed, with the following amendment to the 12 April 2023 Council meeting minutes to read: on page 24, 9.15 Cr Pavlidis returned to meeting after the vote.**

**Carried**

7.09 pm Cr Tapinos left the meeting.

## ACKNOWLEDGEMENTS AND OTHER MATTERS

Cr Riley acknowledged:

- Friends of Aileu, a joint Hume City Council and Merri-bek City Council initiative, celebrated 23 years of friendship with Aileu in Timor Leste. The event raised several thousand dollars to go toward further work and development.
- Mayor's Roundtable – Ongoing safety along the Merri Creek and thanked all who came along to the session.
- Safety on the Bell St Bridge – Pedestrian and Bike safe access and thanked the community for their advocacy.
- The second Courageous Conversations with Men event to be held at the Brunswick Town Hall, 1 June 2023.

7.09pm Cr Yildiz entered the meeting.

Mayor, Cr Panopoulos acknowledged:

- The upcoming IDAHOBIT Day on 17 May 2023 which is the International Day Against Homophobia, Biphobia and Transphobia. The Mayor acknowledged that Merri-bek City Council celebrates its LGBTIQ+ community and workforce.
- The recent disruptions to Council meetings in Victoria, including disruption and intimidation at Monash City Council and other Councils and sent warmest support to colleagues at Monash Council. The Mayor also acknowledged security arrangements in place for this meeting, which is in response to the recent disruptions, threats and intimidation at events at Council meetings around Victoria.
- Merri-bek City Council and other bodies campaign against aspects of the forthcoming funding changes to the Commonwealth Home Support Scheme and the Commonwealth Government's announcement that the existing funding scheme will be extended for a year, until June 2025.
- The Mayor's Roundtable on Merri Creek Safety and thanked everyone who came along and sharing concerns and ideas about the Merri Creek.

Cr Pavlidis thanked Council officers for addressing a request to receive a quarterly report on open resolutions which will be presented to the July 2023 Council meeting

## PETITIONS

### 5.1 PETITION OPPOSING THE LEASE OF ATC COOK RESERVE

A petition (D23/197644) has been received containing 223 signatures requesting Council not lease public land at ATC Cook Reserve to Axicom for 35 years to construct a 35 metre telecommunications tower with service buildings and underground cables.

#### Recommendation

That Council:

1. Receives the petition, requesting Council not lease public land at ATC Cook Reserve to Axicom for 35 years to construct a 35 metre telecommunications tower with service buildings and underground cables.
2. Refers the petition requesting Council not lease public land at ATC Cook Reserve to Axicom for 35 years to construct a 35 metre telecommunications tower with service buildings and underground cables to the Director Place and Environment for consideration and response.

7.19 pm *Cr Tapinos returned to the meeting.*

#### Resolution

**Cr Bolton moved, Cr Yildiz seconded -**

That Council:

1. **Receives the petition, requesting Council not lease public land at ATC Cook Reserve to Axicom for 35 years to construct a 35 metre telecommunications tower with service buildings and underground cables.**
2. **Refers the petition requesting Council not lease public land at ATC Cook Reserve to Axicom for 35 years to construct a 35 metre telecommunications tower with service buildings and underground cables to the Director Place and Environment for consideration and response.**

**Carried**

### 5.2 TRAFFIC HAZARDS ON WEST STREET, HADFIELD

A Petition has been received containing 60 complying signatures requesting Council address traffic hazard issues outside Hadfield Early Learning Centre on West Street, Hadfield.

#### Resolution

**Cr Bolton moved, Cr Yildiz seconded –**

1. **Receives the petition, requesting Council addresses traffic hazards on West Street, Hadfield by changing the speed limit from 60km/h to 40km/h and installing speed bumps, a pedestrian crossing with lights outside Hadfield Early Learning Centre and reflective mirrors to see oncoming traffic.**
2. **Refers the petition to the Director City Infrastructure for consideration and response.**

**Carried**

## **PUBLIC QUESTION TIME**

*Public Question Time commenced at 7.24 pm.*

### **REMY DOVER – STATEMENT –REPORT 7.1 PROPOSED REFUSAL OF TELECOMMUNICATIONS LEASE – ATC COOK RESERVE GLENROY**

Before making this important decision, we would like to draw your attention to the Open Space Strategy 2012-22, page 29, which states that "It is critical for the council to commit to protecting open space and to seek alternative sites for infrastructure, particularly if they are not related to open space activities." The council has expressed its goal of expanding available public green recreational open space, particularly in the northwest ward since 2012. It is up to the council's discretion to decide whether to approve the allocation of public open space or not. The council is under no fiduciary or regulatory obligation to provide alternatives.

Firstly, the ATC Cook Reserve is regularly used by local families, individuals, and community groups, serving as a place for neighbours to meet, exercise, and engage in recreational activities. Given the low socioeconomic status of the area and the prevalence of mental health issues, protecting the reserve will ensure people's fundamental right to access a quiet outdoor space where they can connect with the natural environment and reap the benefits of mental wellbeing and physical health.

Secondly, the reserve provides 165m<sup>2</sup> of green recreational space, which is a rare commodity in the community. It is common for telecommunication companies to approach councils for land lease, as it is the path of least resistance for them. Council-owned recreational land is less likely to change across a 35-year lease, as compared to other types of land in the area. Subsidizing commercial gains is not the council's responsibility.

Thirdly, once this land is leased, Axicom will have the ability to alter, upgrade, and replace the equipment as they see fit. Given that the technology will change drastically over the 35-year lease, approving this lease in ATC Cook Reserve approves unknown amendments to the tower across the lease period.

Fourthly, the Western Ring Road, which is just 250m away from the reserve, follows the distribution of telecommunication towers and is council land. It would be a more suitable place for the proposed telecommunications tower. With the expectation of increased use of driverless vehicles and their increased data usage, the Western Ring Road has already been utilised for these structures.

Lastly, the reserve shares its borders with a specialist school, a kindergarten, and contains a children's playground. The study commissioned by the Council on 5G technology explores the impact on native creatures around the Moonee Ponds Creek, but it does not explore the impact on young people. Given the proximity of the proposed telecommunications tower to key schools and children's facilities in the area, we have concerns about the impact on young people.

Therefore, myself and my fellow Glenroy community members request that all councillors say no to this lease at ATC Cook Reserve, in line with the officers recommendations.

Remy Dover read their statement.

### **MATTHEW JONES – STATEMENT –REPORT 7.1 PROPOSED REFUSAL OF TELECOMMUNICATIONS LEASE – ATC COOK RESERVE GLENROY**

I'm here to express my worries about the idea of leasing the ATC Cook Reserve for a telecommunications tower. As a Glenroy resident, I know how much this reserve means to our community. It's a spot where we hang out with our loved ones, work out, and enjoy the outdoors.

The recent Glenroy festival showed how important these green public spaces are to bring people together. It proved that preserving open spaces for recreational activities contributes positively to our health and well-being.

In my opinion, leasing this land for a telecommunications tower isn't the right solution, especially when we have other options available. It's been great to see the community, council officers, and our elected representatives come together and commit to safeguarding open spaces for our community.

The ATC Cook Reserve is a precious piece of land named after a council officer from 100 years ago. He recognized the significance of preserving open space for future generations. We must continue to honour his legacy and ensure that these spaces remain available to our community.

I know that many of us in the community are concerned about this proposal, and I hope that the council will listen to us and follow the council officer's recommendation to refuse the lease.

Matthew Jones read their statement.

### **SEAN MULCAHY – STATEMENT - REPORT 7.2 MERRI-BEK LGBTIQA ACTION PLAN**

I am speaking on behalf of the Victorian Pride Lobby's Rainbow Local Government campaign. We are delighted that the Merri-bek Council will be considering a recommendation to endorse the Merri-bek LGBTIQA+ Action Plan 2023-2026 at this meeting. This is a bold and visionary Action Plan that will improve the wellbeing of LGBTIQA+ people who live, work and recreate in Merri-bek. However, it could be made stronger.

We therefore urge Councillors to support the officer recommendation with the following additional elements:

1. insert an additional activity for the Governance and Strategy Branch to "Enforce local laws against indecent, insulting, offensive or abusive language in order to protect LGBTIQA+ people from vilification and harassment" to be delivered over all years of the Action Plan;
2. replace "Investigate, accreditation standards" with "Initiate self-assessment towards Rainbow Tick accreditation"; and
3. insert an additional activity for the Community Wellbeing Branch to "Conduct a survey of the LGBTIQA+ community to understand their economic and community safety needs to inform the development of the next Action Plan" to be delivered in 2025-26.

First, there have been increased attacks against the LGBTIQA+ community that necessitate the Council doing all in its powers to protect the community from this hate, so it's important that Council send a strong message that anti-LGBTIQA+ vilification and harassment is not tolerated in Merri-bek.

Second, it is important that Council not just investigate, but initiate work to ensure that services are LGBTIQA+ inclusive.

Third, it is important that the community inform the development of the next Action Plan and that the voices of LGBTIQA+ people in Merri-bek are heard on the issues that affect them, particularly for parts of the community that may be under-represented on the LGBTIQA+ Reference Group.

These three small but significant changes will ensure that the Merri-bek LGBTIQA+ Action Plan 2023-2026 is strengthened and sets a powerful example to the whole local government sector of best practice LGBTIQA+ inclusion.

We ask that you support the officer recommendation with these sensible, straight-forward changes.

Sean Mulcahy read their statement.

## **CHLOE HOLMES – STATEMENT - REPORT 7.2 MERRI-BEK LGBTIQA ACTION PLAN**

This issue is of great importance to me and my community. My name is Chloe Holmes and I have lived in Coburg for about a year. In addition to this, I am a passionate and active queer activist and have seen this space grow and evolve over time. Merri-bek to me is a really important place, with the heart of the queer community located along Sydney Road, it's a vibrant hub of socialising and excitement.

As a member of the trans community, I feel a significant amount of safety and pride to live somewhere that welcomes members of my community so strongly. Unfortunately, there's a significant and growing amount of concern, frustration and worry that the LGBTIQA+ community, particularly the trans community, are at risk of serious harm. In particular, throughout my advocacy in this area, I've seen a number of people in Merri-bek be victims of horrific vilification.

Council has a unique role in shaping how we want our community to look and is often the first experience many people have with government in general. Whether that be through their local football club, their library or various community groups, this plan will ensure that Council is able to create an environment where people feel welcomed, not stigmatised, ensuring we can all live in a safe LGA.

That is why I believe it is so important to get this plan through.

That is why I urge council to support the plan with the following amendments brought to you by the Victorian Pride Lobby.

"Enforce local laws against indecent, insulting, offensive or abusive language in order to protect LGBTIQA+ people from vilification and harassment".

Council previously created a number of local government based laws which prevent abusive behaviour, however adding it to the LGBTIQA+ action plan will ensure that Council protects a particularly vulnerable community and make standards very clear to Council officers.

That Council "Initiate self-assessment towards Rainbow Tick accreditation", putting the specific accreditation in stone will ensure that Council proceeds towards a plan with a specific goal in mind rather than a general "accreditation".

If Council wishes to leave in place other accreditation then this would be good to have in addition to that.

In addition that Council "Conduct a survey of the LGBTIQA+ community to understand their economic and community safety needs to inform the development of the next Action Plan", this amendment will ensure that Council will have a clear idea of the needs of a community, particularly for those not linked in with the ongoing workings of Local Government.

In addition to this, Council will also create a plan for the next term of Local Government to use in the ongoing work to help the community.

Regardless, I would like to commend Council for this Action Plan, particularly for putting a significant amount of focus on the diversity of the queer community, with aspects of the action plan putting emphasis on refugees, migrants, various faiths, young people, families and disabled people. In addition I would also like to thank Council for your past work on this area, such as your support of events like Midsumma, and a motion you passed in September last year in support of Trans inclusion in sport. There is still much work to be done, but given your track record I am very confident you'll succeed with the important steps in this action plan.

Chloe Homes read their statement.

## **HAILEY SOMERVILLE – STATEMENT - REPORT 7.2 MERRI-BEK LGBTIQA ACTION PLAN**

My name is Hailey Somerville. I've been living in Brunswick for about a year and a half now, and I've resided in Melbourne's inner north my whole adult life. We've really got something special going on here. Merri-bek has long been a bastion of inclusivity and progressive values, and I'm really proud to be part of this community and call this place home. Recent years have seen a surge in far-right radical activism targeting the queer community. This is an international phenomenon, but the threat is present locally too. Just in the past few months we've seen neo-nazis marching in support of transphobia out the front of State Parliament, as well as intimidation and threats of violence from anti-trans activists forcing another local government to cancel a planned childrens' event.

Merri-bek has a track record of standing up for its people and doing what's right. Now, more than ever, the queer community, and especially the trans community, needs committed allies to stand strong with us in defiance of that hateful minority who seek to divide our communities.

I call on Council to endorse the Merri-bek LGBTQIA+ Action Plan with the full amendments put forward by the Victorian Pride Lobby. These important amendments will strengthen the Action Plan and elevate Merri-bek as a model for queer allyship in local government.

Hailey Somerville read their statement.

## **HAILEY SOMERVILLE – QUESTION - REPORT 7.2 MERRI-BEK LGBTIQA ACTION PLAN**

Could Council please advise how the LGBTQIA+ Reference Group reports back to Council as part of annual portfolio reporting?

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

Thank you for your question. There are no such formal reporting requirements for Reference Groups although reporting to Council and the public may occur on an as needs basis.

## **LISA O'HALLORAN, MERRI-BEK BICYCLE USER GROUP – STATEMENT - REPORT 7.5 VIBRANT BRUNSWICK - BRUNSWICK ACTIVITY CENTRE REVIEW OF LAND USE AND BUILT FORM**

Merri-bek BUG have reviewed the proposed Activity Centre Zoning controls for Brunswick Activity Centre and make the following observations

The proposed controls are 'use' heavy and light on precinct specific design outcomes

The decision guidelines include reference to vehicular access, parking and loading as considerations – but not broader impacts on the road network

The amendment proposes encourages 1 metre setback and activation along the Upfield Bike Path – but does not reference other existing or proposed bike infrastructure

We propose two key changes: the integration of the active transport strategy into precinct level plans for the Activity Centre, and wording to better align the proposed amendment with the new Clause 18 Transport provisions adopted via VC204.

Firstly, in relation to integrating the Active Transport Strategy into the Merri-bek Planning Scheme: We note that the Activity Centre Zone in the Stonnington Planning Scheme has gone further than Merri-bek is proposing to do in Brunswick. Stonnington uses precinct guidelines to identify potential future developments that can contribute to improved active transport outcomes – including nominating ground level setbacks for footpath widening, future shared zones and short, medium and long term bike infrastructure.



We encourage Merri-bek to adopt this approach to activity centre planning. It allows for orderly, coordinated planning of active transport improvements – integrating the capital works plan and the planning scheme, providing clear guidance for future development and giving planning officers the ability to negotiate strongly for these outcomes.

Secondly, in relation to reinforcing the Clause 18 Transport provisions from VC204. VC204 makes it clear that impacts to existing, as well as proposed infrastructure need to be considered in determining planning matters.

Accordingly, further dot points should be included under 37.09-9 'Access' to reflect that relevant criteria include

Impact on existing public and active transport networks – including impacts to the delivery of networks in the future.

How the development facilitates walking, cycling and access to public transport.

How the development seeks to increase the share of trips made by sustainable transport modes.

How the development responds to the safety needs of all users – especially vulnerable road users.

Lisa O'Halloran read their statement.

**MARY GURRY – STATEMENT - REPORT 7.6 DECLARATION OF THE SYDNEY ROAD SHOPPING PRECINCT SPECIAL CHARGE SCHEME 2023-2028**<Text for new item>

My business, as are many on Sydney Road Brunswick, is a 'destination' business. As there are now only around 8 costume hire shops in the whole metropolitan area, many of our customers come from well beyond Brunswick. I am now in my 7th year trading on Sydney Road (previously 15 years on Lygon Street) and find the benefits of a one-stop promotions and advertising hub for our street an enormous benefit. Among other things the monthly newsletter alerts me to activities, new traders & changes in government policy. During COVID-19, SRBA was invaluable in keeping us all up with 'the rules', which, if you recall, changed on a very regular basis.

The bigger picture of a vehicle like SRBA promoting Sydney Road Brunswick is a real advantage for the street. The wider advertising that SRBA does enhances all of our businesses – right down to the Sydney Road bags that have become iconic. Those bags are travelling all over the world and are advertising our strip. I only ever use those bags for shopping and feel very proud when I'm in an obscure place and the bag is recognised. I also enjoy and gain from the fact that my business marketed as part of their digital and promotional strategies (like all Sydney Road Brunswick businesses), which means the reach of Centre stage Costumes is broadened.

I have also gained a lot and learnt a lot from the various workshops that SRBA have put on for traders. These workshops are designed very specifically for us traders & businesses. Not only adding to our personal economic development but also adding to and developing personal relationships within the street. I was a bit shocked when in 2016 Claire Perry walked into our shop and explained a bit about SRBA. In 43 years of running my business in Carlton then Brunswick, I had never been a part of a business association that was active – and I soon realised the benefits.

While Council, back then, were good at supporting business in a general sense, SRBA is a dedicated, more agile, organisation that can not only promote us all but can react to events and situations on the street very quickly. It was with these understandings of the importance of SRBA that I became a Committee Member in 2018 and currently hold of position of President. I strongly support the successful renewal by Merri-bek City Council of the Levy with SRBA, to continue their invaluable work for our street.

Mary Gurry read their statement.

**ANTHONY SIMPSON – STATEMENT - REPORT 7.6 DECLARATION OF THE SYDNEY ROAD SHOPPING PRECINCT SPECIAL CHARGE SCHEME**

The Source Bulk Foods is a leading Australian born franchise in the zero waste food industry. The Brunswick Store is one of over 50 stores based in Australia with the majority of these being independently owned by local families such ourselves. Whilst being part of a national franchise partnership has benefits, so does having a very strong local presence - both in the very close geographical area that is Sydney Road and Brunswick, but also further afield in drawing people whom are outside our immediate area to come to our somewhat forward thinking environmental store. We could not achieve this without the Sydney Road Traders Association extolling the virtues of not only the entire shopping precinct but calling out individual business through their marketing and networking events.

I have also on a personal business level gained a significant amount from the various events and sessions that the association continues to run. These workshops seem tailored specifically to the needs of the businesses and at the time periods that these same business need them. We run other business in other council jurisdictions and upon purchasing The Source Bulk Foods Brunswick in August of 2021 were pleasantly surprised that the Association existed. In fact we were so impressed that I stood for committee some 3 months later. Having successfully being elected to the committee at the end of 2021 and in 2023 was elected as Vice President of the Association.

The Association provides a valuable raft of resources that possibly would be out of reach of independent owners of business based in the Sydney Road Precinct and I can only presume that other traders have had the same / or similar obstacles thrown at them as I have in the last short while and I have relied heavily on the Association and its staff to work through these issues.

I strongly support the successful renewal by Merri-bek Council of the levy with the SRBA and in addition think the Council should in the future look at enlarging the area that the association can help, especially now with the level crossing removal project due to commence - enlarging the area to not just be the immediate Sydney Road business but some of these interconnected/and outlying streets / businesses that don't have immediate street frontage onto Sydney Road but a just a stone's throw away and would benefit / continue to benefit from the associations great work.

Anthony Simpson read their statement.

**MONICA DIONISIO – STATEMENT - REPORT 7.6 DECLARATION OF THE SYDNEY ROAD SHOPPING PRECINCT SPECIAL CHARGE SCHEME**

Sydney Road Brunswick has a long connection with my family. In 1979 my parents purchased their first commercial property at the base of Sydney Road Brunswick and have seen the commercial corridor, and its respective tenants, go through immense change and evolution. Over the decades, the property they invested in has continued to attract unique business and provide a viable investment long term.

Today, I manage our Sydney Road Brunswick property alongside my mother and greatly appreciate the support and the works completed by the Sydney Road Brunswick Association. Through their endeavours to continue to promote and create an attractive precinct for customers, business owners and landlords alike – the Association plays a key role in supporting and assisting property owners, such as myself, in safeguarding our investments and working to protect their long term attraction.

As property owners I am, and we should be, invested in the continued viability of Sydney Road Brunswick – to ensure that now and into the future, the precinct continues to attract businesses and remain a place to invest and a place to do business. Business success is key to us. Their success is our success. The Association works tirelessly to ensure the businesses we welcome into our premise have every opportunity to succeed.

Recognising this imperative link in 2018, I took it upon myself to become a Committee Member of the Association – so that I can advise and be part of an integral entity that has seen the precinct through the past 30 years. Having seen first-hand, and discussed in depth, the activities of the Association – I have no doubt that it will remain a responsive and relevant resource to not only the existing businesses and property owners, but also to new and future investors within the precinct.

Monica Dionisio read their statement.

## **Public Question Time Extension**

### **Motion**

**Cr Pulford moved, Cr Conlan seconded -**

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

**Carried**

### **MARION ATTWATER ON BEHALF OF DINO ALBANO – QUESTION – REPORT 7.10 FRIENDS OF AILEU ANNUAL REPORT (CALENDAR YEARS 2021 AND 2022 COMBINED)**

Why isn't the Friends of Aileu community committee given the powers to make its own decisions by an Instrument of Delegation from Councillors of Merri-bek and Hume Councils to the committee?

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

The Friends of Aileu Community Committee is a joint working group of Moreland City Council and Hume City Council.

The establishment of the Committee is to work with and make recommendations to the two Councils, principally via the Project Officer East Timor, Friends of Aileu, to support the implementation of the Friendship Agreement guided by the Friends of Aileu Strategy Plan.

### **MARION ATTWATER ON BEHALF OF DINO ALBANO – QUESTION – REPORT 7.11 REVISED PROCUREMENT POLICY 2021 - 2025**

The draft budget which is currently on public exhibition is proposing expenditure on consultants and professionals of \$5.3 million, and yet the revised Procurement Policy which is in the agenda does not contain any clauses that enable councillors or the public to oversee this expenditure.

Shouldn't the revised Procurement Policy be endorsed for community consultation, so that ratepayers and residents can make suggestions for improved transparency mechanisms to procurement processes?

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

Thank you for your question. As outlined in the Council report, Council's Community Engagement Policy provides that where policy matters relate to Council's internal organisational operations, Council need not engage the community. In terms of transparency measures, Council present quarterly and annual financial reports to the community.

### **MARION ATTWATER – QUESTION – REPORT 7.11 REVISED PROCUREMENT POLICY 2021 - 2025**

Neither the revised Procurement Policy or the proposed LGBTIQ+ Action Plan have been released to the public for community consultation.

Can Councillors please endorse these two documents for community consultation, instead of adopting the documents?

A response was not provided as the items are listed for consideration later in the agenda.

**SIBYLLE KACZOREK – STATEMENT - NOTICE OF MOTION 8.4 – SUPPORT FOR ACCESSIBLE TRAM STOP EVENT**

I am member of a newly formed group called Sydney Road Accessible Tram Stops campaign group. I have a been a resident of Merri-bek, I professionally work in the area of disability inclusion. I am speaking here tonight covering four areas to inform you about the campaign and its aims. To commend, recommend and remind Council about previous support you have provided for accessible tram stops and to illustrate the breadth of support the campaign which has not yet been launched has already been received. Well beyond people with disability and to also seek your ongoing support with a motion going forward tonight.

The campaign has been launched and links directly to proposed construction of the sky rail and level crossing removal. It has been launched by Christian Astourian who will talk to that more. Despite the fact that the Victorian Government is already in violation of Federal Disability standards that have stipulated that all public transport needs to be accessible by December last year, we are already well past that date.

On 14 September 2022 Council carried a motion unanimously to support a campaign that was organised by the Disability Resource Centre, I wanted to remind you of that in relation to the motion going forward today and a similar motion this year on 8 March in support of accessible transport.

To give you an idea of how strongly the campaign is supported, not only is the Disability Resources centre behind the campaign the Walk on Merri-bek Pedestrian Advocacy group, Friends of the Earth Melbourne, Merri-bek BUG and the Brunswick Residents Network are supportive. These are only some of the organisations and they are growing.

8.01 pm *Cr Carli Hannan entered the meeting.*

**CHRISTIAN ASTOURIAN – STATEMENT - NOTICE OF MOTION 8.4– SUPPORT FOR ACCESSIBLE TRAM STOP EVENT**

Hi everyone, I would like to take the opportunity to talk about the tram stops along Sydney Road in Brunswick and Coburg where the only accessible stops on the 19 tram line is at the end of the line in Coburg and Brunswick Road with Royal Parade. Between those two stops there is a 3.5 km stretch where no accessible stops are found.

I work full time and rely on public transports, specifically the train to go to work and when the Skyrail get built in Brunswick, there'll be no accessible transports available and therefore it'll become very difficult to go to work. That's why trams will be the option to go for.

Bus and cab replacements are not a viable solution since not all buses are really accessible (every bus has different measurements for accessibility) and waiting times for cab are very onerous.

I would like the full support from this council to make our Victorian government to finally listen and implement accessible tram stops in Sydney rd. In life I have the same rights as everyone here but I don't get the same opportunities and transports are a very important part of my independence for mobility. Accessible tram stops benefit everyone in society and not only people with a disability. Thank you.

**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.

## **MICHAEL O’KANE – STATEMENT –REPORT 7.1 PROPOSED REFUSAL OF TELECOMMUNICATIONS LEASE – ATC COOK RESERVE GLENROY**

I would like to give my sincere thanks to the Officers of Merri-bek Council who have decided to advise Councillors not to proceed with the proposed construction of a 35 metre telecom Tower on ATC Cook Reserve.

The local community have spent many anxious moments, from the time some of us were notified about this proposal in late December last year until the 4th of May last week, worrying that our valuable and much loved community open space reserve would become industrialised because of its convenience as a site upon which a private telecom company could build infrastructure.

As mentioned previously, we could not see any reason for this valuable resource to be taken away when there are better sites close by which would not impede our access as a community to the benefits provided by ATC Cook Reserve.

We congratulate the Council Officers on reaching the right decision in this instance and not recommending this development move forward. We can now look forward to an unobstructed skyline, unrestricted access to the cricket nets, the retention of the many shade trees in the reserve that would have been destroyed in construction and the knowledge that the children in the Wil Wil Rook Pre-School and the patrons of the Glenroy Bowls Club and the Glenroy Community Tennis Club will continue to safely enjoy all of the benefits of the open space park that is ATC Cook Reserve.

Furthermore, we feel confident that, should the Councillors follow the advice of the Council Officers, the large population of people with English as a second language who regularly use the reserve and its children’s playground, and who have only recently become aware of this proposal, will continue to be able to take their children to ATC Cook Reserve, to play sport on its oval and socialise with each other without a large industrial structure towering over them. It is a powerful thing when the community feel their local government is listening to them and that their concerns are being heard.

I hope the Councillors making this decision tonight recognise this moment is an opportunity to reinforce the democratic nature of our system of local governance and to put the needs of the local community before the wants of private interests.

## **NICHOLAS ZULL – STATEMENT - REPORT 7.2 MERRI-BEK LGBTIQA ACTION PLAN**

Dear Councillors Merri-bek Bicycle User Group, as a local community group with a diverse membership including many people from LGBTIQA+ communities we wholeheartedly endorse the Merri-bek LGBTIQA+ Action Plan – May 2023, and wish to express our firm support of The Plan.

In particular, we would like to draw attention to activities 1.6, 1.12, and 1.15. We appreciate explicit mention of support for LGBTIQA+ communities from refugee, migrant and multifaith backgrounds (1.6), as well as older people from trans, gender diverse and LGBTIA+ communities (1.15). Cross-sectionality of diversity and inclusion activities improve their effectiveness and acknowledge that multiple levels of adversity can and do exist for some communities. We also wish to voice our support for activity 1.12, that Council develops partnerships with local sporting organisations to celebrate LGBTIQA+ communities in sport and increase opportunities for trans and gender diverse people’s participation.

I would be naïve to think that trans and gender diverse people are not under increased scrutiny due to attention from trans-exclusionary activists and far-right actors, one of the many flashpoints being the inclusion of trans and gender diverse people in sport. Merri-bek Bicycle User Group applauds the plan for seeking to develop these partnerships, which will improve education at sporting clubs, reduce barriers to inclusion in sport, and ultimately improve both physical and mental health outcomes for trans and gender diverse people.

Nicholas Zull was an apology to the meeting and the Mayor took their statement on notice.

## **ANNA CONSIGLIO – QUESTIONS - COUNCIL PROCESS REGARDING THE WITHDRAWAL OF CONSENT OF GOVERNMENT SURVEILLANCE**

### Question 1

I understand a number of people have lodged statutory declarations with the Victorian Local Governance Association Inc giving notice of withdrawal of consent to be placed under surveillance by any device operated by any government bodies, including councils, including by not limited to facial recognition, number plate reading devices, audio recording devices and GPS.

How does Council propose to accommodate these requests?

### Question 2

Is Council going to comply with the request of such people that all images and surveillance details relating to them be destroyed and what proof will you provide?

I understand sworn affidavits testifying to the destruction have been requested.

That Mayor took these questions on notice.

## **DAN MCKENNA – QUESTION - NIGHTINGALE ANSTEY**

My name is Dan McKenna, I'm a long time resident of Brunswick, currently living in Nightingale Anstey with my partner Amy and our daughter Bonnie. My Mum was born and raised in Glenroy, my Dad in Brunswick, his parents and grandparents before him. I care passionately about this area.

I'm here tonight in my role as CEO of Nightingale Housing, a Brunswick based not-for-profit housing organisation. Since our inception in 2017, we have delivered just under 400 homes, another 250 under construction. We have projects in NSW, WA, SA, regional Victoria, but the overwhelming majority of these homes are in Brunswick & Coburg.

Our buildings are sustainable, community focussed homes. We prioritise essential workers, Indigenous Australians, those living with a disability, and single women 55 and over - the fastest growing cohort at risk of homelessness. Our apartments are sold at cost, allowing many people who would otherwise be priced out of areas like Brunswick to afford a home of their own. We preallocate homes to social & affordable housing providers to ensure a broad, diverse mix of residents.

The reason I am here tonight is the recently completed Nightingale Village, located on Duckett Street in Brunswick. This project is the result of collaboration between so many different parties, none more important than Merri-bek Council.

Nightingale Village is a fossil fuel-free precinct, has 203 homes across six buildings, with eight commercial tenancies at street level (many owned and operated by locals). 20% of homes have been delivered as social and affordable housing, through registered community housing providers, Housing Choices Australia, and Women's Property Initiatives. These residents now have access to long term, secure, affordable homes, living alongside homeowners throughout the precinct.

Strong sustainability principles guided the project. Nightingale Village is gas-free. An embedded energy network draws from one substation, connected to 128kW rooftop solar across the six buildings. An embedded internet network reduces costs by requiring just one server cupboard for the precinct. Power, internet, water and sewerage link to the site via Hope Street to the south, and fan out to the other buildings. In an innovation that would not have been affordable for a single building, a third pipe allows access to recycled water in residential toilets. Two rainwater tanks supply irrigation water for the whole precinct. Buildings are setback from boundaries to create residential mews and a vegetated buffer to the busy Upfield bike path that runs along the western side.

In a neighbourhood with few high-quality options for prospective homeowners - between the increasingly unaffordable established houses and shoebox apartments - Nightingale Village is a thoughtfully designed, environmentally sustainable precinct of 6 communities that bring life to the former industrial zone connecting Sydney Road to Brunswick's residential streets.

All of this is council policy in place. Merri-bek Council has made this happen.

Nightingale Village has already received awards both nationally and internationally. We have had visitors from Switzerland, Kenya, Mexico, the Victorian Planning Minister Sonya Kilkenny, the Tasmanian Minister for Housing Guy Barnett, The CEO of NAB Ross McEwan, to name a few.

To my question;

We have not yet had the opportunity to walk Merri-bek Councillors through the precinct. We want to celebrate the work that has gone in to deliver this visionary project, and I would ask the councillors to take the opportunity to see this precinct for themselves.

If councillors could please let me know a time convenient to them, we would like to take you on a tour, meet the residents, to really see the impact for yourselves.

That Mayor took this question on notice.

#### **GENNARO CONSIGLIO – QUESTION - WITHDRAWAL OF CONSENT OF SURVEILLANCE**

Question 1

Is Council aware that withdrawal of consent means that any further surveillance is a breach of the Surveillance Devices Act 1999 which can be penalised by fines or imprisonment?

That Mayor took this question on notice.

#### **GENNARO CONSIGLIO – QUESTION - URBAN DESIGN FRAMEWORK AND THE STREETS FOR PEOPLE PROJECT**

Given Australia is a parliamentary democracy, a growing number of people are concerned about the interference of foreign organisations such as the World Economic Forum, the W.H.O and the U.N. which are all unelected committees.

In light of these concerns, can the Council please confirm if the Urban Design Framework and The Streets for People project encompasses any of the 17 sustainable development goals as outlined in Plan Melbourne, which were developed by the United Nations in 2015?

I respectfully request that such a response be answered with a simple "Yes" or "No" reply.

That Mayor took this question on notice.

## **ROBERT BEKHAZI – QUESTIONS – AL AWADA HALL**

Statement 1

I am a member of the United Australian Lebanese Movement. We often use the Al Awda Hall for our events. Events that include information forums, Film releases, events to support programs for the incarcerated. As a member of the Arabic Speaking community, the Al Awda hall empowers us. Why does council seek to disempower us? Are our cars blocking your streets? Are we too noisy. Are we an easy target? Is the council seeking possession of any other community centre in the area?

Question 1

Can the decision to acquire Al Awda hall be seen as the targeting of a community that is not powerful enough to fight such an action?

That Mayor took this question on notice.

## **MARION ATTWATER – QUESTION - FEES FOR THE REGISTRATION, OR RENEWAL OF REGISTRATION, OF DOGS AND CATS**

When was the last time that Councillors made a resolution to fix specific fees for the registration, or renewal of registration, of dogs and cats?

That Mayor took this question on notice

## **PAULINE CARMICHAEL – QUESTION – KENT ROAD BIKE TRIAL COST**

As the Kent Road bike lanes trial approaches 24 months can we please know how much has been spent so far on the project

That Mayor took this question on notice.

*Public Question Time concluded at 8.06 pm.*

## **COUNCIL REPORTS**

### **Order of Business Altered**

With the agreement of the Council, the order of business was altered to consider item 8.4 Support for Accessible Tram Stop Event to be considered as the second item, after item 7.1 Proposed Refusal of Telecommunication Lease - ATC Cook Reserve Glenroy.

8.08 pm *Cr Riley left the meeting.*

### **7.1 PROPOSED REFUSAL OF TELECOMMUNICATION LEASE - ATC COOK RESERVE GLENROY**

#### **Executive Summary**

Council, having satisfied its statutory requirements under the *Local Government Act 2020* and its Community Engagement Policy, is now in a position to make a decision regarding the proposed lease of land at 133-165 Daley St, Glenroy to Axicom/Indara. This report recommends that Council does not proceed with entering into a lease on the site.

Axicom/Indara approached Council for a proposal to lease a part of Council's land at 133–165 Daley Street, Glenroy, it is commonly known as at ATC Cook Reserve and is used for multiple sporting and recreational activities ATC Cook Reserve to construct a new telecommunications facility.



Officers from Council's Open Space Design and Development and the Recreation Services units recognised an opportunity to improve and upgrade Council assets at the site (namely new sports field lighting) to provide a net benefit to the community, which was negotiated as part of the proposal ahead of it being put to the community for feedback.

At its meeting on 7 December 2022 (7.26) Council resolved to commence the procedures to advertise the proposed lease pursuant to the provisions of Sections 115 of the *Local Government Act 2020* (the Act).

Public notice was given in *the Age* newspaper and on Council's Conversations Merri-bek on 12 December 2022 inviting written submissions. In addition, 1042 letters were mailed to landowners and occupiers in the vicinity of the subject site advising of the proposal and inviting written submissions.

A total of 334 submissions were received **Attachment 2**. A Hearing of Submissions Committee meeting was held on 17 April 2023. A summary of the proceedings is detailed in **Attachment 3**.

### **Officer Recommendation**

That Council:

1. Notes 334 submissions were received in relation to the lease proposal for telecommunication infrastructure at 133-165 Daley Street, Glenroy.
2. Having fulfilled its obligations under Sections 115 of the *Local Government Act 2020* (the Act) and Community Engagement Policy does not support the proposal to lease land to Axicom/Indara.
3. Authorises Director Place and Environment to write to all submitters and Axicom/Indara advising them of Council's decision.

8.09 pm *Cr Riley returned to the meeting.*

### **Resolution**

**Cr Harte moved, Cr Davidson seconded -**

That Council:

1. **Notes 334 submissions were received in relation to the lease proposal for telecommunication infrastructure at 133-165 Daley Street, Glenroy.**
2. **Having fulfilled its obligations under Sections 115 of the Local Government Act 2020 (the Act) and Community Engagement Policy does not support the proposal to lease land to Axicom/Indara.**
3. **Authorises Director Place and Environment to write to all submitters and Axicom/Indara advising them of Council's decision.**

**Carried**

## **8.4 SUPPORT FOR ACCESSIBLE TRAM STOP EVENT**

### **Motion**

That Council:

1. Endorses the Community Rally for Accessible Tram Stops on Sydney Road before the Upfield Train Line is closed for the level crossing is removed.
2. Support includes assistance with publicity such as printing 10,000 leaflets, distributing information about the event to early childhood centres, maternal and

child health services, seniors groups and disability groups in the Merri-bek area and displaying information about the event in public libraries and council buildings.

3. Provides access to Brunswick Town Hall for light refreshments after the event for event participants.

## **Resolution**

**Cr Bolton moved, Cr Harte seconded -**

**That Council:**

1. **Endorses the Community Rally for Accessible Tram Stops on Sydney Road before the Upfield Train Line is closed for the level crossing is removed. The rally is to take place on Saturday 17 June at 11am.**
2. **Support the Community Rally by assisting with publicity including: printing 10,000 leaflets and up to 1000 posters; distributing information about the event to early childhood centres, maternal and child health services, seniors groups and disability groups in the Merri-bek area; including the Community Rally in the Council Newsletter; displaying information about the event in public libraries and council buildings; using the council's website and social media channels to promote the community rally.**
3. **Make a council venue available for an Accessible Tram Stops campaign event at a future date, if needed, with all hiring fees waived.**

**Carried unanimously**

## **7.2 MERRI-BEK LGBTIQA+ ACTION PLAN**

### **Executive Summary**

Merri-bek's first LGBTIQA+ Action Plan (the Action Plan) provides a robust framework for Council to develop and monitor activities to improve the wellbeing of LGBTIQA+ people across Merri-bek.

The Action Plan is ambitious and proudly centres the voices of LGBTIQA+ communities in all activities and recommendations, ensuring Council's activity is responsive to the needs of the community. It was developed collaboratively with members of Merri-bek's LGBTIQA+ communities and with assistance from members of Council's LGBTIQA+ reference group.

The Action Plan responds to growing social and policy changes within the LGBTIQA+ space and commits Council to building the capacity of LGBTIQA+ communities in our city, ensuring Council services and spaces are safe for LGBTIQA+ people and elevating Council as a leader in inclusion in the LGBTIQA+ space.

The broad nature of the services delivered by local government places Council in an important position to reduce discrimination rates and to improve the lower social and health outcomes experienced in LGBTIQA+ communities.

### **Officer Recommendation**

**That Council:**

1. **Endorses the Merri-bek LGBTIQA+ Action Plan 2023-2026.**

*8.32 pm Cr Pavlidis left the meeting during the debate.*

## **Resolution**

**Cr Pulford moved, Cr Conlan seconded -**

## That Council:

1. **Endorses the Merri-bek LGBTIQA+ Action Plan 2023-2026, and requests that the following additional actions be included:**
  - a) **Conduct a survey of the LGBTIQA+ community to understand their economic and community safety needs to inform the development of the next Action Plan - to be delivered in 2025-26.**
  - b) **A report be presented to Council in 2023 that outlines the requirements, priorities, phasing, and costs for Council services and programs to move towards Rainbow Tick accreditation in line with activity 2.5 of the LGBTIQA+ Action Plan, to inform 2024/2025 Council budget consideration.**
  - c) **Requests a report to the July 2023 Council meeting that considers what action officers can take under the General Local Law and the Summary Offences Act to protect the community from vilification and recommended amendments to the General Local Law to explicitly prohibit vilification in public places.**
2. **Authorises the Director Community to make any minor editorial changes or corrections to the final LGBTIQA+ Action Plan.**

**Carried unanimously**

## Order of Business Altered

With the agreement of the Council, the order of business was altered to consider item 7.6 Declaration of the Sydney Road Brunswick Shopping Precinct Special Charge Scheme 2023-2028 to accommodate the gallery.

*8.38 pm At the request of the Mayor, Cr Davidson Deputy Mayor assumed the chair.*

*8.38 pm Cr Panopoulos left the meeting.*

## **7.6 DECLARATION OF THE SYDNEY ROAD BRUNSWICK SHOPPING PRECINCT SPECIAL CHARGE SCHEME 2023-2028**

### **Executive Summary**

At its meeting held on 7 December 2022, Council resolved to commence the statutory process to reintroduce a Special Charge Scheme (the Scheme) for the Sydney Road Brunswick Shopping Precinct (Precinct).

The purpose of the Scheme is to defray expenses in relation to the performance of a function of the Council, if Council considers that the performance of the function will be of benefit to the persons required to pay the special charge. The funds are then provided to the Sydney Road Brunswick Association Inc (SRBA) to be used for promotional, advertising, marketing and business development expenses associated with the encouragement of commerce, retail, hospitality and professional services activity and employment in the Precinct.

If declared, the Scheme will remain in force for a period of five years, commencing on 1 July 2023 and will conclude on 30 June 2028.

The land and the properties in relation to which the Scheme is to be declared is the land and properties shown in the Property Boundary Maps at Attachment 1 and listed in Attachment 2.

During the statutory consultation period, advice from Council's Revenue Services Team has resulted in minor adjustments to the proposed Scheme, including a reduction of the total number of rateable properties included within the Scheme from 603 to 601 and a decrease of \$2,360.00 annually and \$11,800.00 over the five year period of the Scheme (i.e. a 0.6% decrease). This adjustment is reflected in the recommendation of this report.

Following a Hearing of Submissions Committee meeting on 3 April 2023, the Committee referred all submissions for consideration at the ordinary meeting of Council to be held on 10 May 2023.

The purpose of this report is for Council to consider the ten submissions received (including six objections and four submissions in support of the Scheme) as a result of the statutory process and to make a decision on the declaration of the Sydney Road Brunswick Shopping Precinct Special Charge Scheme 2023-2028.

## Officer Recommendation

That Council:

1. Having considered all submissions received and taken account of all objections and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (Act), and otherwise according to law, declares a Special Charge (Special Charge or Scheme) under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in (administratively only) providing funds to the incorporated body known and operating as Sydney Road Brunswick Association (SRBA) which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and SRBA, all of which are associated with the encouragement of commerce, retail, hospitality and professional activity, and employment in the Sydney Road Brunswick Shopping Precinct.
  2. Resolves the criteria which forms the basis of the declaration of the Special Charge are the ownership or occupation (and the capital improved value (CIV)) of the rateable land within the Scheme area, which is used, or reasonably capable of being used, for commercial, retail or professional purposes, together with their respective tiered benefit classifications as otherwise set out in this declaration. The land included in the Scheme is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this declaration are included.
  3. In declaring the Scheme, is performing functions and exercising powers in relation to the peace, order, and good government of the municipal district of the Merri-bek City, in particular the encouragement of commerce, retail, hospitality and professional activity, and employment within the area for which the Special Charge is declared.
  4. Resolves the total cost of the performance of the function and exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total amount of the Special Charge to be levied by Council is referable to the following:
    - a) For the first year of the Scheme (1 July 2023 to 30 June 2024), an amount of \$389,570.00 will be levied;
    - b) For the second (1 July 2024 to 30 June 2025), third (1 July 2025 to 30 June 2026), fourth (1 July 2026 to 30 June 2027) and fifth (1 July 2027 to 30 June 2028) years of the Scheme, the Special Charge payable in respect of the properties will remain unchanged and an identical amount of \$389,570.00 will be levied annually.
- These being amounts which, in total, will raise \$1,947,850.00 over the 5 years of the Scheme.
5. Resolves the period for which the Special Charge is declared and will remain in force is a period of five years on 1 July 2023 and ending on 30 June 2028.

6. Resolves the area for which the Special Charge is declared is all of the land referred to as the Sydney Road Brunswick Shopping Precinct, as identified and shown in Attachment 1 (Sydney Road Brunswick Shopping Precinct Special Charge Scheme 2023-2028 Property Boundary Maps) forming a part of this declaration.
7. Declares the land and the properties in relation to the Special Charge is all the rateable land described in the following street addresses and more particularly set out in Attachment 2 to this report:
  - a) 29-881 Sydney Road, Brunswick (inclusive) and 30-890 (inclusive) Sydney Road, Brunswick
  - b) 2-8 (inclusive) Sparta Place, Brunswick
  - c) 2b-22 (inclusive) Tripovich Street, Brunswick
  - d) 1c Ballarat Street, Brunswick
8. Declares and assesses the Special Charge in accordance with the amounts set out below as they are to be applied to each property in the attachment forming a part of this declaration (Attachment 2), such amounts having respectively been assessed and levied on the basis of a rate in the dollar applied to the capital improved value (CIV) of each property included in the Scheme (such values to be initially determined and as in force as at 1 July 2022 and remain unchanged until the Scheme ends); and
  - a) For the first years of the Scheme (1 July 2023 to 30 June 2024), the following amounts are specified as being payable by those properties in the following tiered benefit classifications (in order to raise an amended amount of \$389,570.00):
    - Tier 1 (CIV \$0-\$399,999.99) 58 properties each pay \$260.00
    - Tier 2 (CIV \$400,000-\$599,999.99) 82 properties each pay \$330.00
    - Tier 3 (CIV \$600,000-\$799,999.99) 71 properties each pay \$445.00
    - Tier 4 (CIV \$800,000-\$999,999.99) 103 properties each pay \$585.00
    - Tier 5 (CIV \$1,000,000-\$1,999,999) 204 properties each pay \$670.00
    - Tier 6 (CIV \$2,000,000-\$2,999,999) 38 properties each pay \$1,100.00
    - Tier 7 (CIV \$3,000,000-3,999,999) 21 properties each pay \$1,500.00
    - Tier 8 (CIV \$4,000,000 plus) 24 properties each pay \$1,900.00.
  - b) For the second (1 July 2024 to 30 June 2025), third (1 July 2025 to 30 June 2026), fourth (1 July 2026 to 30 June 2027) and fifth (1 July 2027 to 30 June 2028) years of the Scheme, the Special Charge payable in respect of the properties in each of the above tiered benefit classifications will remain unchanged.
  - c) The levies, as they apply to each rateable property for Years 1-5 of the Special Charge Scheme are included at Attachment 2.
9. Notes the properties included in the Scheme will otherwise be subject to general revaluations and supplementary valuations on the same cycle as Merri-bek City Council general rates and charges.
10. Levies the Special Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:
  - a) By 1 annual payment to be paid in full by the due date fixed by Council in the notice; or

- b) By 4 instalments, to be paid by the dates which are fixed by Council in the notice.
11. Considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge, the viability of the Sydney Road Brunswick Shopping Precinct as a business, commercial and retail area, and the value and the use, occupation and employment of the properties and the businesses included in the Special Charge Scheme area will be maintained or enhanced through increased economic activity.
12. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
13. Authorises SRBA to administer the proceeds of the Special Charge on the express condition that SRBA enters into a funding agreement with Council for the period of the Special Charge.
14. Authorises Council's Director Place and Environment or the person for the time being acting in that position, for the purposes of paragraph 16 of this resolution, to prepare and sign the funding agreement between Council and SRBA by which administrative arrangements in relation to the Special Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to SRBA, Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the Act to do so, and such funding agreement to be submitted to Council for signing.
15. Gives notice to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 July 2023, outlining the following reasons for the decision:
- a) Council considers that there is a broad level of support for the Special Charge from the owners and occupiers of all properties included in the Scheme;
- b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
- c) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
- d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.

16. Advises SRBA of the matters specified in paragraphs 1, 13 and 14 of this resolution.

## **Resolution**

**Cr Riley moved, Cr Pulford seconded -**

**That Council:**

- 1. Having considered all submissions received and taken account of all objections and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, declares a Special Charge (Special Charge or Scheme) under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in (administratively only) providing funds to the incorporated body known and operating as Sydney Road Brunswick Association (SRBA) which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and SRBA, all of which are associated with the encouragement of commerce, retail, hospitality and professional activity, and employment in the Sydney Road Brunswick Shopping Precinct.**
- 2. Resolves the criteria which forms the basis of the declaration of the Special Charge are the ownership or occupation (and the capital improved value (CIV)) of the rateable land within the Scheme area, which is used, or reasonably capable of being used, for commercial, retail or professional purposes, together with their respective tiered benefit classifications as otherwise set out in this declaration. The land included in the Scheme is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this declaration are included.**
- 3. In declaring the Scheme, is performing functions and exercising powers in relation to the peace, order, and good government of the municipal district of the Merri-bek City, in particular the encouragement of commerce, retail, hospitality and professional activity, and employment within the area for which the Special Charge is declared.**
- 4. Resolves the total cost of the performance of the function and exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total amount of the Special Charge to be levied by Council is referable to the following:**
  - a) For the first year of the Scheme (1 July 2023 to 30 June 2024), an amount of \$389,570.00 will be levied;**
  - b) For the second (1 July 2024 to 30 June 2025), third (1 July 2025 to 30 June 2026), fourth (1 July 2026 to 30 June 2027) and fifth (1 July 2027 to 30 June 2028) years of the Scheme, the Special Charge payable in respect of the properties will remain unchanged and an identical amount of \$389,570.00 will be levied annually.**

**These being amounts which, in total, will raise \$1,947,850.00 over the 5 years of the Scheme.**
- 5. Resolves the period for which the Special Charge is declared and will remain in force is a period of five years on 1 July 2023 and ending on 30 June 2028.**

6. Resolves the area for which the Special Charge is declared is all of the land referred to as the Sydney Road Brunswick Shopping Precinct, as identified and shown in Attachment 1 (Sydney Road Brunswick Shopping Precinct Special Charge Scheme 2023-2028 Property Boundary Maps) forming a part of this declaration.
7. Declares the land and the properties in relation to the Special Charge is all the rateable land described in the following street addresses and more particularly set out in Attachment 2 to this report:
  - a) 29-881 Sydney Road, Brunswick (inclusive) and 30-890 (inclusive) Sydney Road, Brunswick
  - b) 2-8 (inclusive) Sparta Place, Brunswick
  - c) 2b-22 (inclusive) Tripovich Street, Brunswick
  - d) 1c Ballarat Street, Brunswick
8. Declares and assesses the Special Charge in accordance with the amounts set out below as they are to be applied to each property in the attachment forming a part of this declaration (Attachment 2), such amounts having respectively been assessed and levied on the basis of a rate in the dollar applied to the capital improved value (CIV) of each property included in the Scheme (such values to be initially determined and as in force as at 1 July 2022 and remain unchanged until the Scheme ends); and
  - a) For the first years of the Scheme (1 July 2023 to 30 June 2024), the following amounts are specified as being payable by those properties in the following tiered benefit classifications (in order to raise an amended amount of \$389,570.00):
    - Tier 1 (CIV \$0-\$399,999.99) 58 properties each pay \$260.00
    - Tier 2 (CIV \$400,000-\$599,999.99) 82 properties each pay \$330.00
    - Tier 3 (CIV \$600,000-\$799,999.99) 71 properties each pay \$445.00
    - Tier 4 (CIV \$800,000-\$999,999.99) 103 properties each pay \$585.00
    - Tier 5 (CIV \$1,000,000-\$1,999,999) 204 properties each pay \$670.00
    - Tier 6 (CIV \$2,000,000-\$2,999,999) 38 properties each pay \$1,100.00
    - Tier 7 (CIV \$3,000,000-3,999,999) 21 properties each pay \$1,500.00
    - Tier 8 (CIV \$4,000,000 plus) 24 properties each pay \$1,900.00.
  - b) For the second (1 July 2024 to 30 June 2025), third (1 July 2025 to 30 June 2026), fourth (1 July 2026 to 30 June 2027) and fifth (1 July 2027 to 30 June 2028) years of the Scheme, the Special Charge payable in respect of the properties in each of the above tiered benefit classifications will remain unchanged.
  - c) The levies, as they apply to each rateable property for Years 1-5 of the Special Charge Scheme are included at Attachment 2.
9. Notes the properties included in the Scheme will otherwise be subject to general revaluations and supplementary valuations on the same cycle as Merri-bek City Council general rates and charges.
10. Levies the Special Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:
  - a) By 1 annual payment to be paid in full by the due date fixed by Council in the notice; or



- b) By 4 instalments, to be paid by the dates which are fixed by Council in the notice.
11. Considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge, the viability of the Sydney Road Brunswick Shopping Precinct as a business, commercial and retail area, and the value and the use, occupation and employment of the properties and the businesses included in the Special Charge Scheme area will be maintained or enhanced through increased economic activity.
12. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
13. Authorises SRBA to administer the proceeds of the Special Charge on the express condition that SRBA enters into a funding agreement with Council for the period of the Special Charge.
14. Authorises Council's Director Place and Environment or the person for the time being acting in that position, for the purposes of paragraph 16 of this resolution, to prepare and sign the funding agreement between Council and SRBA by which administrative arrangements in relation to the Special Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to SRBA, Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the Act to do so, and such funding agreement to be submitted to Council for signing.
15. Gives notice to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 July 2023, outlining the following reasons for the decision:
- a) Council considers that there is a broad level of support for the Special Charge from the owners and occupiers of all properties included in the Scheme;
- b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;

- c) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
- d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable.

16. Advises SRBA of the matters specified in paragraphs 1, 13 and 14 of this resolution.

**Carried unanimously**

8.41 pm *Cr Panopoulos returned to the meeting and resumed the Chair.*

### **Conflict of Interest**

Cr Carli Hannan declared a conflict of interest in council report 7.3 Unit 1, 6 Sutherland Street Coburg, as a family member owns property in close proximity to this property.

Cr Yildiz declared a conflict of interest in council report 7.3 Unit 1, 6 Sutherland Street Coburg as a family member lives in close proximity to this property.

8.42 pm *Cr Carli Hannan left the meeting.*

8.42 pm *Cr Yildiz left the meeting.*

## **7.3 UNIT 1, 6 SUTHERLAND STREET COBURG.**

### **Executive Summary**

Council owns a 2-bedroom unit at 1/6 Sutherland Street Coburg (the Property) which has been leased privately since its purchase in 1997. A location plan is provided in Attachment 1.

In March 2022, the tenancy was no longer required. Officers undertook a strategic assessment for the future and service needs of the Property for Council purposes. None were identified.

At its meeting on 8 June 2022 Council resolved to undertake an Expression of Interest process to gauge the capacity of registered housing providers to provide long-term affordable housing at the unit site and to invite other community groups and charities to submit ideas on how they could make use of this existing Council asset.

Two registered housing providers submitted expressions of interest responses and were shortlisted. No submissions were received from community groups.

After an assessment against the criteria outlined in the EOI document, officers selected a preferred proponent which has offered to purchase the property at 90 per cent of its current market value and provide community benefit by using it as social housing for 20 years.

The purpose of this report is to outline the feedback received from the EOI process and to commence the procedures to sell the Property pursuant to the provisions of *Section 114 of the Local Government Act 2020* (The Act) to the preferred proponent.

### **Officer Recommendation**

That Council:

1. Select Aboriginal Housing Victoria as its preferred purchaser for the sale of 1/6 Sutherland Street, Coburg (the Property) on the following key terms:
  - a) at a price of 90 per cent of market value
  - b) subject to the purchaser obtaining funding for the purchase within 8 months

from the date of this resolution

- c) subject to the purchaser entering into a section 173 agreement to be registered on title, to provide that the Property must only be used for social housing for a period of 20 years, and on such other terms and conditions as may be required by Council
2. Commences the statutory process for the sale of the Property to Aboriginal Housing Victoria pursuant to section 114 of the *Local Government Act 2020*
3. Resolves that if following Council's compliance with section 114 of the *Local Government Act 2020*, Council resolves to sell to Aboriginal Housing Victoria and if Aboriginal Housing Victoria is not able to obtain funding within the required timeframe, that Council commence the statutory process pursuant to section 114 of the *Local Government Act 2020* for the sale of the Property by auction at a price not less than a market valuation held by Council with funds from the sale to be allocated to Council's Housing Strategy Reserve.
4. Resolves that in accordance with section 114 of the *Local Government Act 2020*, Council authorise that a public notice be given of its intention to sell the site at 1/6 Sutherland Street, Coburg in *The Age* newspapers and on Council's website and invites written submissions. The notice will state that Council proposes to sell the subject site to Aboriginal Housing Victoria
5. Appoints Councillor \_\_\_\_\_ as Chair, and Councillors \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of subject site at Unit 1, 6 Sutherland Street, Coburg.
6. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the subject site at Unit 1, 6 Sutherland Street, Coburg.

### **Motion**

Cr Pulford moved, Cr Riley seconded -

That Council:

1. Select Aboriginal Housing Victoria as its preferred purchaser for the sale of 1/6 Sutherland Street, Coburg (the Property) on the following key terms:
  - a) at a price of 90 per cent of market value
  - b) subject to the purchaser obtaining funding for the purchase within 8 months from the date of this resolution
  - c) subject to the purchaser entering into a section 173 agreement to be registered on title, to provide that the Property must only be used for social housing for a period of 20 years, and on such other terms and conditions as may be required by Council
2. Commences the statutory process for the sale of the Property to Aboriginal Housing Victoria pursuant to section 114 of the *Local Government Act 2020*
3. Resolves that if following Council's compliance with section 114 of the *Local Government Act 2020*, Council resolves to sell to Aboriginal Housing Victoria and if Aboriginal Housing Victoria is not able to obtain funding within the required timeframe, that Council commence the statutory process pursuant to section 114 of the *Local Government Act 2020* for the sale of the Property by auction at a price not less than a market valuation held by Council with funds from the sale to be allocated to Council's Housing Strategy Reserve.
4. Resolves that in accordance with section 114 of the *Local Government Act 2020*, Council authorise that a public notice be given of its intention to sell the site at 1/6 Sutherland Street, Coburg in *The Age* newspapers and on Council's website and

invites written submissions. The notice will state that Council proposes to sell the subject site to Aboriginal Housing Victoria

5. Appoints Councillor Pulford as Chair, and Councillors Bolton, Panopoulos and Tapinos to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of subject site at Unit 1, 6 Sutherland Street, Coburg.
6. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the subject site at Unit 1, 6 Sutherland Street, Coburg.

8.56 pm Cr Pavlidis returned to the meeting.

### **Amendment**

Cr Conlan moved, Cr Bolton seconded -

That Council:

1. Select Aboriginal Housing Victoria as its preferred purchaser for the sale of 1/6 Sutherland Street, Coburg (the Property) on the following key terms:
  - a) at a price of 90 per cent of market value
  - b) subject to the purchaser obtaining funding for the purchase within 8 months from the date of this resolution
  - c) subject to the purchaser entering into a section 173 agreement to be registered on title, to provide that the Property must only be used for social housing for a period of 20 years, and on such other terms and conditions as may be required by Council
2. Commences the statutory process for the sale of the Property to Aboriginal Housing Victoria pursuant to section 114 of the *Local Government Act 2020*
3. Resolves that in accordance with section 114 of the *Local Government Act 2020*, Council authorise that a public notice be given of its intention to sell the site at 1/6 Sutherland Street, Coburg in *The Age* newspapers and on Council's website and invites written submissions. The notice will state that Council proposes to sell the subject site to Aboriginal Housing Victoria
4. Appoints Councillor Pulford as Chair, and Councillors Bolton, Panopoulos and Tapinos to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of subject site at Unit 1, 6 Sutherland Street, Coburg.
5. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the subject site at Unit 1, 6 Sutherland Street, Coburg.
6. Receive a further report if Aboriginal Housing Victoria is unsuccessful in obtaining funding to secure acquisition of the property and determine how the property may be retained in Council's ownership.

**Lost**

### **Resolution**

Cr Pulford moved, Cr Riley seconded -

That Council:

1. **Select Aboriginal Housing Victoria as its preferred purchaser for the sale of**

1/6 Sutherland Street, Coburg (the Property) on the following key terms:

- a) at a price of 90 per cent of market value
  - b) subject to the purchaser obtaining funding for the purchase within 8 months from the date of this resolution
  - c) subject to the purchaser entering into a section 173 agreement to be registered on title, to provide that the Property must only be used for social housing for a period of 20 years, and on such other terms and conditions as may be required by Council
2. Commences the statutory process for the sale of the Property to Aboriginal Housing Victoria pursuant to section 114 of the *Local Government Act 2020*
  3. Resolves that if following Council's compliance with section 114 of the *Local Government Act 2020*, Council resolves to sell to Aboriginal Housing Victoria and if Aboriginal Housing Victoria is not able to obtain funding within the required timeframe, that Council commence the statutory process pursuant to section 114 of the *Local Government Act 2020* for the sale of the Property by auction at a price not less than a market valuation held by Council with funds from the sale to be allocated to Council's Housing Strategy Reserve.
  4. Resolves that in accordance with section 114 of the *Local Government Act 2020*, Council authorise that a public notice be given of its intention to sell the site at 1/6 Sutherland Street, Coburg in *The Age* newspapers and on Council's website and invites written submissions. The notice will state that Council proposes to sell the subject site to Aboriginal Housing Victoria
  5. Appoints Councillor Pulford as Chair, and Councillors Bolton, Panopoulos and Tapinos to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of subject site at Unit 1, 6 Sutherland Street, Coburg.
  6. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell the subject site at Unit 1, 6 Sutherland Street, Coburg.

Carried unanimously

9.01 pm Cr Carli Hannan returned to the meeting.

9.01 pm Cr Yildiz returned to the meeting.

#### **7.4 SUBURB BOUNDARY REALIGNMENT - 8, 10, 12, 14, 16 AND 18 SUSSEX STREET, PASCOE VALE SOUTH**

##### **Executive Summary**

The need for a minor realignment of a suburb boundary has emerged as a consequence of the residential development currently under construction on the land parcel known as 8 Sussex Street which lies partly within the suburb boundary of Pascoe Vale South and partially within Coburg.

It was found that current boundaries were not reflective of the sales of the former Right Of Way's (ROWs) which were sold to the owners of 8, 10, 12, 14, 16 & 18 Sussex Street. The former ROWs are located in Coburg and the properties are located in Pascoe Vale South, therefore the boundary should be amended to include the entire property and ROWs in one suburb as they are solely occupied by the owners. The officer recommendation is that the six properties impacted would retain the current addressing and suburb (Pascoe Vale South), whilst resolving the bisecting boundary.

The current and proposed suburb boundary realignment is indicated in the maps in Background and Issues sections of this report.

Currently Council is unable to issue the new addresses/street numbering for the new development at 8 Sussex Street, Pascoe Vale South as the development is bisected by the boundary between Pascoe Vale South and Coburg. 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 report seeks to resolve the suburb boundaries which cannot bisect the development or the existing other properties. The proposed suburb boundary re-alignment is most effectively resolved by including the entire lots of 8, 10, 12, 14, 16 and 18 Sussex Street, within the suburb of Pascoe Vale South.

### **Officer Recommendation**

That Council approves the minor suburb boundary realignment to the rear of 8, 10, 12, 14, 16 and 18 Sussex Street, in order to ensure that these properties are located wholly within the suburb of Pascoe Vale South as outlined in this report.

### **Resolution**

**Cr Pulford moved, Cr Bolton seconded -**

**That Council approves the minor suburb boundary realignment to the rear of 8, 10, 12, 14, 16 and 18 Sussex Street, in order to ensure that these properties are located wholly within the suburb of Pascoe Vale South as outlined in this report.**

**Carried unanimously**

## **7.5 VIBRANT BRUNSWICK - BRUNSWICK ACTIVITY CENTRE REVIEW OF LAND USE AND BUILT FORM REQUIREMENTS**

### **Executive Summary**

In 2019 Council commenced the background research to inform the review of land use guidance and improve the built form guidance in the planning provisions for the Brunswick Activity Centre.

On 9 November 2022, Council called for a report that outlined the options, costs and implications of undertaking a comprehensive review of built-form controls in the Brunswick Activity Centre. Officers were also asked to analyse the permits issued between the implementation of the Brunswick Structure Plan in 2016 and the end of 2022, to determine if discretionary height controls have been an effective tool for administering height in the activity centre.

This report provides an update on the work that has been undertaken and outlines future work in two stages.

**Stage 1 – Land use review and improvements to current built form requirements**

In the Brunswick Activity Centre, new developments are focusing on apartments and not providing enough space for new businesses. The focus of Stage 1 of the Vibrant Brunswick project is on land use; encouraging business investment and jobs in the Brunswick Activity Centre, to ensure the vibrancy of the area does not decline.

At the same time, it proposes to make built form requirements and guidance stronger, clearer and more consistent than they are at the moment. Stage 1 does not comprehensively review existing built form controls.

Two phases of community engagement have been undertaken and the community is broadly supportive of the project direction. This report recommends a third phase of community engagement ahead of Council's consideration of commencing a planning scheme amendment.

## Stage 2 - Comprehensive review of built-form controls

A comprehensive review of the built form controls for the Brunswick Activity Centre would investigate the options for revised planning scheme controls that could deliver added certainty and better quality outcomes. It would also ensure that housing capacity needs are met into the future.

### Officer Recommendation

That Council:

1. Notes the feedback from the community in Phases 1 and 2 of community engagement as outlined in the Vibrant Brunswick Final Engagement Report at Attachment 1.
2. Endorses the revised Draft Brunswick Activity Centre Zone at Attachment 2 and Draft Vibrant Brunswick Structure Plan at Attachment 3 for Phase 3 of community engagement.
3. Resolves that subject to funding allocation, to commence a comprehensive review of built form controls in the Brunswick Activity Centre across the 2023/24 and 2024/25 financial years.
4. Considers funding allocation of \$80,000 in 2023/24 and \$220,000 in 2024/25 as part of adoption of the four-year budget at its June 2023 Council meeting.

### Motion

Cr Pulford moved, Cr Carli Hannan seconded -

That Council:

1. Notes the feedback from the community in Phases 1 and 2 of community engagement as outlined in the Vibrant Brunswick Final Engagement Report at Attachment 1.
2. Endorses the revised Draft Brunswick Activity Centre Zone at Attachment 2 and Draft Vibrant Brunswick Structure Plan at Attachment 3 for Phase 3 of community engagement.
3. Resolves that subject to funding allocation, to commence a comprehensive review of built form controls in the Brunswick Activity Centre across the 2023/24 and 2024/25 financial years.
4. Considers funding allocation of \$80,000 in 2023/24 and \$220,000 in 2024/25 as part of adoption of the four-year budget at its June 2023 Council meeting.

### Amendment

Cr Bolton moved, Cr Conlan seconded

That Council:

1. Notes the feedback from the community in Phases 1 and 2 of community engagement as outlined in the Vibrant Brunswick Final Engagement Report at Attachment 1.
2. Endorses the revised Draft Brunswick Activity Centre Zone at Attachment 2 and Draft Vibrant Brunswick Structure Plan at Attachment 3 for Phase 3 of community engagement.

**Lost**

Cr Panopoulos called for a division.

**For**

Cr Bolton

**Against**

Cr Davidson

**Abstain**

Cr Yildiz

Cr Pavlidis  
Cr Conlan  
Cr Harte

Cr Panopoulos  
Cr Carli Hannan  
Cr Riley  
Cr Pulford

Cr Tapinos

**Total For (4)**

**Total Against (5)**

**Total Abstain (2)**

## **Motion**

Cr Pulford moved, Cr Carli Hannan seconded -

That Council:

1. Notes the feedback from the community in Phases 1 and 2 of community engagement as outlined in the Vibrant Brunswick Final Engagement Report at Attachment 1.
2. Endorses the revised Draft Brunswick Activity Centre Zone at Attachment 2 and Draft Vibrant Brunswick Structure Plan at Attachment 3 for Phase 3 of community engagement.
3. Resolves that subject to funding allocation, to commence a comprehensive review of built form controls in the Brunswick Activity Centre across the 2023/24 and 2024/25 financial years.
4. Considers funding allocation of \$80,000 in 2023/24 and \$220,000 in 2024/25 as part of adoption of the four-year budget at its June 2023 Council meeting.

## **Amendment**

Cr Conlan moved, Cr Bolton seconded

5. Commissions research to obtain residential vacancy rates across the municipality and for each suburb, using credible indicators of vacancy, such as utilities usage. Short-term accommodation data should also be obtained. This report to be included into the Vibrant Brunswick ACZ review .

**Carried**

## **Resolution**

Cr Pulford moved, Cr Carli Hannan seconded -

That Council:

1. **Notes the feedback from the community in Phases 1 and 2 of community engagement as outlined in the Vibrant Brunswick Final Engagement Report at Attachment 1.**
2. **Endorses the revised Draft Brunswick Activity Centre Zone at Attachment 2 and Draft Vibrant Brunswick Structure Plan at Attachment 3 for Phase 3 of community engagement.**
3. **Resolves that subject to funding allocation, to commence a comprehensive review of built form controls in the Brunswick Activity Centre across the 2023/24 and 2024/25 financial years.**
4. **Considers funding allocation of \$80,000 in 2023/24 and \$220,000 in 2024/25 as part of adoption of the four-year budget at its June 2023 Council meeting.**
5. **Commissions research to obtain residential vacancy rates across the municipality and for each suburb, using credible indicators of vacancy, such as utilities usage. Short-term accommodation data should also be obtained. This report to be included into the Vibrant Brunswick ACZ review .**

**Carried**



## **7.7 PROPOSED SALE OF FORMER GLENROY LIBRARY AT 737 PASCOE VALE GLENROY**

### **Executive Summary**

At its meeting on 13 June 2018, the sale of the former Glenroy Library at 737 Pascoe Vale Road, Glenroy was highlighted as a potential funding source for the construction of the new Glenroy Community Hub.

At its meeting on 12 December 2018 Council declared the (former library) site surplus to its needs and resolved to commence a statutory process regarding its intention to sell the site. The statutory process was not undertaken at the time because the construction of Glenroy Community Hub was estimated to take several years to complete.

The Wheatsheaf Community Hub was completed in 2022 and the library now operates from the new state of the art facility situated in Wheatsheaf Road, Glenroy.

Council officers have undertaken an internal consultation process to assess any future needs for this site however no future needs have been identified.

### **Officer Recommendation**

That Council:

1. Confirms its previous resolution to declare the former Glenroy Library site at 737 Pascoe Vale Road, Glenroy surplus to its requirements.
2. Resolves that in accordance with section 114 of the *Local Government Act 2020* to authorise that a public notice be given of its intention to sell the site in *The Age* newspaper and on Council's Conversations Merri-bek website inviting written submissions.
3. Appoints Councillor \_\_\_\_\_ as Chair, and Councillors \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of land.
4. Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell 737 Pascoe Vale Road, Glenroy.
5. Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee and presenting a recommendation regarding whether or not to proceed with the proposed sale of the site.

### **Resolution**

**Cr Davidson moved, Cr Carli Hannan seconded -**

**That Council:**

1. **Confirms its previous resolution to declare the former Glenroy Library site at 737 Pascoe Vale Road, Glenroy surplus to its requirements.**
2. **Resolves that in accordance with section 114 of the Local Government Act 2020 to authorise that a public notice be given of its intention to sell the site in The Age newspaper and on Council's Conversations Merri-bek website, by**

placing a notice on the site and inviting written submissions.

3. **Appoints Councillor Davidson as Chair, and North West Councillors to a Committee to hear any submitters requesting to be heard in support of their written submission in relation to the proposed sale of land.**
4. **Authorises the Chief Executive Officer to set the time, date and place of the meeting of the committee to hear submissions in relation to Council's intention to sell 737 Pascoe Vale Road, Glenroy.**
5. **Receives a further report outlining any submissions received, including a summary of proceedings of the Hearing of Submissions Committee and presenting a recommendation regarding whether or not to proceed with the proposed sale of the site.**

**Carried unanimously**

9.23 pm *Cr Davidson left the meeting.*

9.23 pm *Cr Conlan left the meeting.*

## **7.8 COMMUNITY GRANT PROGRAM RECOMMENDATIONS 2023**

### **Executive Summary**

The Community Grant Program offers a range of community grants for not-for-profit community organisations to apply for funding towards initiatives that benefit the Merri-bek community.

This round of applications opened for a period of over 9 weeks from 2 January for groups to apply for funding to support the delivery of projects between 1 July 2023 to 31 June 2024 and support of new organisational between 1 July 2023 – 30 June 2026.

Applications for this round, support one-off project implementation, the development and delivery of facility improvements, and new organisations that benefit and engages the Merri-bek community through community led initiatives.

This report provides recommendations for funding in relation to three categories:

- Community Strengthening Grant (up to \$7,000 per application),
- Organisational Establishment Grant (up to \$10,000 per year for 3 years),
- Facility Improvement Grant - smaller projects (up to \$10,000 per application),
- Facility Improvement Grant - larger projects (up to \$40,000 per application, with a minimum 25 per cent contribution from the Applicant towards the project).

For the 2023 annual program:

- Seventeen applications, to the value of \$102,065.36 were received under the Community Strengthening Grant category. Twelve projects to the value of \$77,065.36 are recommended for funding.
- Seven applications to the value of \$69,837.75 were received under the Organisational Support Grant category. All applications are recommended for funding.
- Sixteen applications requesting \$376,764 were received for the Facility Improvement Grant funding program. All projects to the value of \$376,764 are recommended for funding.

Following Council endorsement, all successful applicants will be advised of the outcome of their applications and the necessary funding requirements will be put in place.

Unsuccessful, withdrawn and incomplete applicants will be given feedback or relevant advice on how these can be strengthened for future rounds or redirected to other funding sources.

## Officer Recommendation

That Council:

1. Thanks applicants of the Community Grants Program for their time and contribution to Merri-bek's community life.
2. Allocates Community Strengthening Grants to the value of \$77,065.36 for projects delivered in 2023/24
  - a) Australian Skateboarding Federation Limited \$6,400
  - b) Blind Sports and Recreation Victoria \$6,998
  - c) Drummond Street Services Inc \$7,000
  - d) Feminista Vinyl Inc \$7,000
  - e) Juno Services Inc (t/a WISHIN Inc) \$6,458.36
  - f) Mosaik Experiences \$7,000
  - g) Kids' Own (Australia) Inc \$6,019
  - h) Merri-bek (Moreland) Bicycle User Group Inc \$5,850
  - i) Renters And Housing Union Inc \$7,000
  - j) SPX Waterdale Players Inc \$5,000
  - k) The Onemda Association Inc \$5,350
  - l) UN Youth Victoria Inc \$7,000
3. Allocates Organisational Establishment Grants to the value of \$ \$69,837.75 per year for 3 years; 2023/24, 2024/25 and 2025/26.
  - a) Australia Women & Children Protection and Development Inc \$10,000
  - b) Colour them Safe \$10,000
  - c) FAIR MUSIC \$9,996.75
  - d) Growing Farmers Inc \$10,000
  - e) Rotary Inner Melbourne Emergency Relief Network Inc \$10,000
  - f) Society for the Advancement of Food Security in Moreland Inc T/A Merri Food Hub \$10,000
  - g) The Opportunity Lab Ltd \$9,841
4. Allocates a total of Facility Improvement Grants to the value of \$ \$376,764 for projects delivered in 2023/24
  - For Smaller Facility Improvement Grants (up to \$10,000 per project)
    - a) Brunswick Neighbourhood House \$10,000
    - b) East Coburg Tennis Club \$9,201
    - c) Fawkner Soccer Club \$10,000 \*
    - d) Glenroy West Kindergarten Inc \$10,000
    - e) Merri Outreach Support Services Ltd \$4,680.50
    - f) Moreland City Band Inc \$7,500
    - g) Newlands and East Coburg Community Hubs Inc \$10,000
  - For Larger Improvement Grants (up to \$40,000 per project)
    - a) Ceres Earth Limited (t/a CERES Inc) \$40,000
    - b) Ceres Earth Limited (t/a CERES Inc) \$40,000
    - c) Coburg Athletic Ground Management Committee Inc \$40,000

- d) Coburg Districts Football Club Inc \$40,000
- e) Coburg Tennis Club Inc \$40,000 \*
- f) Hadfield Tennis Club Incorporated \$15,000 \*
- g) Our Daily Bread \$37,500
- h) Pink Ember Studio Co-operative Ltd \$22,882.50
- i) West Coburg Football Club Inc \$40,000 \*

\* Conditional funded amount

## **Resolution**

**Cr Riley moved, Cr Yildiz seconded -**

**That Council:**

- 1. Thanks applicants of the Community Grants Program for their time and contribution to Merri-bek's community life.**
- 2. Allocates Community Strengthening Grants to the value of \$77,065.36 for projects delivered in 2023/24**
  - a) Australian Skateboarding Federation Limited \$6,400**
  - b) Blind Sports and Recreation Victoria \$6,998**
  - c) Drummond Street Services Inc \$7,000**
  - d) Feminista Vinyl Inc \$7,000**
  - e) Juno Services Inc (t/a WISHIN Inc) \$6,458.36**
  - f) Mosaik Experiences \$7,000**
  - g) Kids' Own (Australia) Inc \$6,019**
  - h) Merri-bek (Moreland) Bicycle User Group Inc \$5,850**
  - i) Renters And Housing Union Inc \$7,000**
  - j) SPX Waterdale Players Inc \$5,000**
  - k) The Onemda Association Inc \$5,350**
  - l) UN Youth Victoria Inc \$7,000**
- 3. Allocates Organisational Establishment Grants to the value of \$ \$69,837.75 per year for 3 years; 2023/24, 2024/25 and 2025/26.**
  - a) Australia Women & Children Protection and Development Inc \$10,000**
  - b) Colour them Safe \$10,000**
  - c) FAIR MUSIC \$9,996.75**
  - d) Growing Farmers Inc \$10,000**
  - e) Rotary Inner Melbourne Emergency Relief Network Inc \$10,000**
  - f) Society for the Advancement of Food Security in Moreland Inc T/A Merri Food Hub \$10,000**
  - g) The Opportunity Lab Ltd \$9,841**
- 4. Allocates a total of Facility Improvement Grants to the value of \$ \$376,764 for projects delivered in 2023/24**  
**For Smaller Facility Improvement Grants (up to \$10,000 per project)**
  - a) Brunswick Neighbourhood House \$10,000**

- b) East Coburg Tennis Club \$9,201
- c) Fawkner Soccer Club \$10,000 \*
- d) Glenroy West Kindergarten Inc \$10,000
- e) Merri Outreach Support Services Ltd \$4,680.50
- f) Moreland City Band Inc \$7,500
- g) Newlands and East Coburg Community Hubs Inc \$10,000

For Larger Improvement Grants (up to \$40,000 per project)

- a) Ceres Earth Limited (t/a CERES Inc) \$40,000
- b) Ceres Earth Limited (t/a CERES Inc) \$40,000
- c) Coburg Athletic Ground Management Committee Inc \$40,000
- d) Coburg Districts Football Club Inc \$40,000
- e) Coburg Tennis Club Inc \$40,000 \*
- f) Hadfield Tennis Club Incorporated \$15,000 \*
- g) Our Daily Bread \$37,500
- h) Pink Ember Studio Co-operative Ltd \$22,882.50
- i) West Coburg Football Club Inc \$40,000 \*

\* Conditional funded amount

9.25 pm Cr Davidson returned to the meeting before the vote.

9.27 pm Cr Conlan returned to the meeting before the vote.

**Carried unanimously**

## **7.9 COUNCIL LAND AT 2A JOHN STREET, OAK PARK**

### **Executive Summary**

In July 2021 Council purchased a property at 2A John Street, Oak Park (subject site) with settlement occurring in November 2021.

The subject site measures approximately 1,488m<sup>2</sup> and comprises a residential dwelling and sheds, all of which are in a dilapidated condition. A section of the walking path and vegetation buffer along the Moonee Ponds Creek is within the title boundary.

The purchase of the subject site was seen as an opportunity for Council to ensure continuity of the walking path through ownership and to protect an important open space buffer along the creek.

Officers have undertaken feasibility investigations to explore two different options for dealing with the subject site including subdivision and sale of some the land for residential use or retaining all of the land for conversion to public open space.

This report details the findings of each option and recommends that Council retain the entire site and converts it into open space.

### **Officer Recommendation**

That Council:

1. Retains the whole of the land at 2A John Street, Oak Park for the purposes of public open space.
2. Demolishes all structures at 2A John Street and clean up the site.
3. Endorses the draft Concept Plan for the land for community consultation purposes.

4. Allocates \$128,000 from Public Resort and Recreation Land Fund (PRRLF) for improvement works to convert the site into open space.
5. Following any proposed subdivision of the land, and the issue of a Preliminary Risk Screen Assessment Statement, commences a Planning Scheme Amendment process using its powers as a planning authority under sections 8A and 8B of the *Planning and Environment Act 1987* to rezone the land being retained for public open space to a Public Park and Recreation Zone.

9.29 pm Cr Pulford left the meeting.

## **Resolution**

**Cr Davidson moved, Cr Harte seconded -**

**That Council:**

1. **Retains the whole of the land at 2A John Street, Oak Park for the purposes of public open space.**
2. **Demolishes all structures at 2A John Street and clean up the site.**
3. **Endorses the draft Concept Plan for the land for community consultation purposes.**
4. **Allocates \$128,000 from Public Resort and Recreation Land Fund (PRRLF) for improvement works to convert the site into open space.**
5. **Following any proposed subdivision of the land, and the issue of a Preliminary Risk Screen Assessment Statement, commences a Planning Scheme Amendment process using its powers as a planning authority under sections 8A and 8B of the Planning and Environment Act 1987 to rezone the land being retained for public open space to a Public Park and Recreation Zone.**

**Carried unanimously**

9.32 pm Cr Pulford returned to the meeting.

Cr Carli Hannan declared a conflict of interest in council report 7.10 Friends of Aileu Annual Report (Calendar Years 2021 And 2022 Combined). Cr Carli Hannan's family member is employed by Council as the East Timor Project - Administration Support Officer.

Cr Carli Hannan declared a conflict of interest in council report 7.16 Contract Variation: RFT-2021-150 - Sumner Park Pavilion Refurbishment. Cr Carli Hannan's family member is the President of Brunswick Zebras Football Club.

9.33 pm Cr Carli Hannan left the meeting and did not return.

## **7.10 FRIENDS OF AILEU ANNUAL REPORT (CALENDAR YEARS 2021 AND 2022 COMBINED)**

### **Executive Summary**

This report submits for Council's information the Friends of Aileu Annual Report for the 2021 and 2022 calendar years.

The Annual Report outlines activities and achievements of Merri-bek and Hume City Councils' East Timor Partnership Project (Friends of Aileu) over the past two years.

Some highlights of the Annual Report are:

- The 2021 re-introduction of the Aileu University Scholarship Program by the Aileu Friendship Commission, with new criteria and targeting, selection and management processes and improved transparency. This followed a survey of past recipients conducted by Aileu Anan Association for Friends of Aileu, the Aileu Municipal Administration and the Aileu Friendship Commission. From a total of 556 applicants,

21 students were selected to have their tuition annual fees (totalling approximately \$10,000) paid while they study in fields identified as priorities for the future of Aileu.

- The continuation of Hume City Council's donation for education in Aileu, \$5,360 in both 2021 and in 2022, which covered the fees of eight selected disadvantaged young people from Aileu allowing them to undertake teacher training at the Baucau Teachers' College.
- The prompt response to a request to assist emergency relief efforts following the 2021 Easter cyclone. A total of over \$15,000 was provided, comprising donations from the Friends of Aileu and members of the public, Wild Timor Coffee, Campaspe Shire, Campaspe East Timor Association in Friendship and Bayside Parishes Social and Ecological Justice Group. These funds were used for emergency food and shelter and for repair of dwellings, household food gardens and irrigation assets of 355 severely affected households.
- The Merri Health 2020-21 donation of \$25,000, which funded a range of community health, environmental improvement, reforestation, water and food security and nutrition projects implemented by partners including the Aileu Municipal Health Service, Aileu Resource and Training Centre, Maryknoll Sisters in Aileu and Aileu Women's Development Network (FADA).
- The 5<sup>th</sup> annual Gathering for Aileu at CERES (February 2021) organised by Grassroots Gathering, which raised a record \$10,000 for youth art, waste management and recycling activities by Arte Mambai Rai Husar and water conservation activities organised by the Aileu Anan Association in collaboration with Permaculture Timor-Leste (PERMATIL).
- The launch, at the May 2021 event celebrating Friends of Aileu's 21<sup>st</sup> anniversary, of the publication *Aileu-Moreland-Hume: The Friendship That Binds Us. A 20-year history of the Moreland/Hume friendship relationship with Aileu, Timor-Leste*.
- The successful Trivia Quiz fundraiser in September 2022, which raised a record of over \$16,000 for the Aileu University Scholarship Program.

## Officer Recommendation

That Council:

1. Note the Friends of Aileu Annual Report, for calendar years 2021 and 2022 combined (Attachment 1).

## Resolution

**Cr Riley moved, Cr Bolton seconded -**

**That Council:**

1. **Note the Friends of Aileu Annual Report, for calendar years 2021 and 2022 combined (Attachment 1).**

**Carried**

## 7.11 REVISED PROCUREMENT POLICY 2021 - 2025

### Executive Summary

The purpose of this report is to seek Council endorsement of a revised Procurement Policy, shown at **Attachment 1**.

The current Procurement Policy was approved by Council in June 2021. A further revision was done to incorporate changes to procurement targets for First Nations businesses, as endorsed by Council at its meeting in November 2021.

In accordance with the Local Government Act 2020, Council must review its Procurement Policy at least once during each year term of Council. The next review is not due until June 2025, however due to the need to comply with the new Child Safe Standards, the policy has been reviewed and revised. Additional changes are also proposed to the policy to better manage procurement risks and include:

- Gambling alliance and Modern Slavery Act (Cth) disclosure requirements to ensure where suppliers do not comply, that they will be excluded from supplying goods/services or works to Council;
- Improvements to manage contract risks, especially where supplier terms and conditions are used;
- Improvements to support proactive procurement planning by Council Officers for contract purchases greater \$100,000;
- Updating the procurement methodology to assist uplift spend with local, social, and First Nations suppliers by ensuring consideration and opportunities are given to such groups;
- The procurement exemption approvals process has been amended to align with s7 Instrument of Sub-Delegation by the Chief Executive Officer to Council staff
- Cumulative spend has been added to clarify where Council purchases goods, services or works of the same or a similar kind from a supplier, the total spend of individual purchases from the supplier should be considered to determine the procurement method and the required financial approval; and
- Social procurement performance guidance has been added to assist Council staff with the Key Performance Indicators (KPI) that should be considered for suppliers.

### **Officer Recommendation**

That Council adopts the revised Procurement Policy 2021-2025, at Attachment 1 to this report.

### **Resolution**

**Cr Riley moved, Cr Bolton seconded -**

**That Council adopts the revised Procurement Policy 2021-2025, at Attachment 1 to this report.**

**Carried unanimously**

## **7.12 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2023**

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

The March Income Statement shows the Council surplus is \$1.7 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 \$50.4 million on capital expenditure, which is tracking below the year-to-date (YTD) forecast of \$53.0 million, with \$28.5 million budget remaining.



## Officer Recommendation

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

Carried unanimously

## 7.13 COUNCIL ACTION PLAN 2022-23 - THIRD QUARTER PERFORMANCE REPORT

### Officer Recommendation

That Council:

1. Notes the Council Action Plan 2022-23 – Third Quarter Performance Report (provided as Attachment 1).
2. Endorses that the following actions be withdrawn for delivery in 2022-23 and be referred for delivery to the 2023-24 Council Action Plan under the renamed action of *'Continue to carry out research, technical studies, strategic planning, partnership building and engagement planning, to guide the future of central Coburg'*.
  - a) Action 84: 'Carry out engagement program to seek community feedback on the future of central Coburg'; and
  - b) Action 85: 'Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations'; and
3. Endorses that action 144: 'Commence Detailed Design for West Street streetscape renewal' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.

### Resolution

Cr Riley moved, Cr Harte seconded -

That Council:

1. **Notes the Council Action Plan 2022-23 – Third Quarter Performance Report (provided as Attachment 1).**
2. **Endorses that the following actions be withdrawn for delivery in 2022-23 and be referred for delivery to the 2023-24 Council Action Plan under the renamed action of 'Continue to carry out research, technical studies, strategic planning, partnership building and engagement planning, to guide the future of central Coburg'.**
  - a) **Action 84: 'Carry out engagement program to seek community feedback on the future of central Coburg'; and**
  - b) **Action 85: 'Develop and adopt a set of social, economic, cultural and environmental objectives to drive future revitalisation of the Coburg Activity Centre, incorporating community aspirations'; and**
3. **Endorses that action 144: 'Commence Detailed Design for West Street**

**streetscape renewal' be withdrawn for delivery in 2022-23 and referred for delivery to the 2023-24 Council Action Plan.**

**Carried unanimously**

## **7.14 GOVERNANCE REPORT - MAY 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:

- Records of Meetings, with a recommendation that Council notes the records.
- Responses to Public Question Time items taken on notice at the 7 December 2022 and the 12 April 2023 Council meeting, with a recommendation that Council notes the responses.
- The proposed attendance of the Mayor (as delegate) and the CEO (as observer) to the Australian Council of Local Government Forum on 16 June 2023 in Canberra.

### **Officer Recommendation**

That Council:

1. Notes the Records of Meetings, at Attachment 1 to this report.
2. Notes responses to questions taken on notice during Public Question Time at the 7 December 2022 and the 12 April 2023 Council meeting, at Attachment 2 to this report.
3. Endorses the attendance of the Mayor (as delegate) and the CEO (as observer) to the Australian Council of Local Government Forum on 16 June 2023 in Canberra.

### **Resolution**

**Cr Pulford moved, Cr Conlan seconded -**

**That Council:**

1. **Notes the Records of Meetings, at Attachment 1 to this report.**
2. **Notes responses to questions taken on notice during Public Question Time at the 7 December 2022 and the 12 April 2023 Council meeting, at Attachment 2 to this report.**
3. **Endorses the attendance of the Mayor (as delegate) and the CEO (as observer) to the Australian Council of Local Government Forum on 16 June 2023 in Canberra.**

9.49 pm *Cr Bolton left the meeting before the vote.*

**Carried unanimously**

## **7.15 RFT-2023-377 HOSKEN RESERVE - MERLYNSTON TENNIS PAVILION (MODULAR)**

### **Executive Summary**

Merlynston Tennis Pavilion (Modular) project is part of Hosken Reserve Masterplan adopted by Council on October 2021. Scope of this project includes the new pavilion with

larger building footprint to include social room, kitchen, change rooms, storeroom, bin store wash area, accessible toilet and verandah. The proposed tennis pavilion will be compliant with the current standards. The designs have been finalised and approved by key stakeholders.

An advertisement was placed in The Age newspaper on Saturday, 4 March 2023 inviting tenders via the e-tender portal from suitably experienced contractors to undertake Hosken Reserve - Merlynston Tennis Pavilion (Modular). Tenders closed on Friday 14 April 2023 and 2 tenders were received.

Modular Spaces 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 Modular Spaces Pty Ltd (A.C.N. 159 209 319) as trustee for Modular Buildings Unit Trust (ABN: 20 210 873 554) (Contractor) to award to the Contractor contract RFT-2023-377 Hosken Reserve - Merlynston Tennis Pavilion (Modular) (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the sum of \$1,083,000 (excluding GST) or \$1,191,300 (including 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-2023-377 Hosken Reserve - Merlynston Tennis Pavilion (Modular) 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 Pavlidis seconded -**

**That Council:**

1. **Authorises the Chief Executive Officer to:**
  - a) **Make a formal offer to Modular Spaces Pty Ltd (A.C.N. 159 209 319) as trustee for Modular Buildings Unit Trust (ABN: 20 210 873 554) (Contractor) to award to the Contractor contract RFT-2023-377 Hosken Reserve - Merlynston Tennis Pavilion (Modular) (Contract) on the following terms and otherwise subject to and in accordance with paragraph 1(b) of this Resolution for the sum of \$1,083,000 (excluding GST) or \$1,191,300 (including 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-2023-377 Hosken Reserve - Merlynston Tennis Pavilion (Modular) 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**

## **7.16 CONTRACT VARIATION: RFT-2021-150 - SUMNER PARK PAVILION REFURBISHMENT**

### **Executive Summary**

In March 2022 Contract RFT-2021-150 to Construction and Building Design Pty Ltd to refurbish the Sumner Park Pavilion. The contract was originally due to end in June 2022 and was expected to cost \$900,985.43 (ex GST). The total approved contract expenditure was \$955,044.55 including 6 per cent contingency.

The commencement of works was delayed in March 2022 to consider and address community concerns about the project. Works commenced in November 2022 and were delayed again when there were concerns raised about planning matters that required investigation. Works recommenced in January 2023 and will be completed in May 2023.

The project delays (not of the Contractor's making) and building material increases during the period of the contract have resulted an overall increase in cost and delivery timeframe.

To date, the contractor has made claims for increased costs totalling \$92,145,26. Of this amount, only \$54,059.12 is covered by the contingency that the CEO was authorised to exercise when Council awarded the contract in March 2022. This report seeks authorisation for the difference of \$38,086.14 and a further contingency of \$117,963.92 to be authorised to be expended under Contract RFT-2021-150 (a total of \$156,050.06).

The report recommends that the total authorised spend under contract RFT-2021-150 with Construction and Building Design Pty Ltd be increased in value to \$1,111,094.16 including the original contract sum of \$900,985.43 and contingency figures of \$54,059.12 (6 per cent) and an additional \$156,050.06 (which brings total contingency on the original contract sum to 23.3 per cent).

The report notes that adequate budget coverage exists within this project budget to cover the proposed contract variation.

### **Officer Recommendation**

That Council:

1. Notes that in March 2022, it approved the award of Contract RFT-2021-150 – Sumner Park Pavilion Refurbishment for a contract sum of \$900,985.43 (excluding

GST), and authorised the Chief Executive Officer to exercise a contingency of \$54,059.12 (excluding GST and 6 per cent of the contract sum), and that the contingency has now been exhausted in the delivery of this project.

2. Approves an increase of the total authorised contract spend under Contract RFT-2021-150 by \$156,050.06 (excluding GST) to a total of \$1,111,094.61 (excluding GST), noting that this represents a total contingency of 23.3 per cent on the original contract sum of \$900,985.43 (excluding GST).
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 May 2023.
4. Authorises the Chief Executive Officer to do all things necessary to execute the contract variation and related documentation.

9.50 pm      *Cr Bolton returned to the meeting.*

## **Resolution**

**Cr Riley moved, Cr Tapinos seconded -**

**That Council:**

1. **Notes that in March 2022, it approved the award of Contract RFT-2021-150 – Sumner Park Pavilion Refurbishment for a contract sum of \$900,985.43 (excluding GST), and authorised the Chief Executive Officer to exercise a contingency of \$54,059.12 (excluding GST and 6 per cent of the contract sum), and that the contingency has now been exhausted in the delivery of this project.**
2. **Approves an increase of the total authorised contract spend under Contract RFT-2021-150 by \$156,050.06 (excluding GST) to a total of \$1,111,094.61 (excluding GST), noting that this represents a total contingency of 23.3 per cent on the original contract sum of \$900,985.43 (excluding GST).**
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 May 2023.**
4. **Authorises the Chief Executive Officer to do all things necessary to execute the contract variation and related documentation.**

**Carried unanimously**

## **7.17      CONTRACT VARIATION: RFT-2021-230 - 14 FRITH STREET, BRUNSWICK PARK CLOSE TO HOME**

### **Executive Summary**

In February 2022 Council awarded the Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home to Building Engineering to construct the Park Close to Home Project at 14 Frith Street, Brunswick. The contract was originally due to achieve practical completion in May 2023 for a contract sum of \$4,772,212.00 (GST exclusive). The total approved contract expenditure was \$5,249,433.00 (GST exclusive) including 10 per cent contingency.

Works commenced on the project in June 2022 and have been progressing steadily. During excavation of the site contaminated soil was discovered well beyond the quantities expected during the early site investigations. This extensive contamination has not only added significant costs to remove the contaminated soil but also added delay costs to the project.

On the basis of this and other latent conditions encountered, to date, claims totalling \$816,057.22 (GST exclusive) have been accepted, lodged or foreshadowed by the Contractor. These total 17.1 per cent over the Contract sum. Of this amount, only \$477,221.2 (GST exclusive) is covered by the 10 per cent contingency provided for when Council awarded the Contract in February 2022. This report seeks authorisation for additional a further contingency of \$715,831.80 (GST exclusive) to be authorised to be expended under Contract RFT-2021-230 (a total of \$5,965,265.00 GST exclusive, incorporating a 25 per cent contingency).

## **Officer Recommendation**

That Council:

1. Notes that in February 2022, it approved the award of Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home for a contract sum of \$4,772,212 (GST exclusive), and authorised the Chief Executive Officer to exercise a contingency of \$477,221 (GST exclusive and 10 per cent of the contract sum)
2. Notes that due to encountering of contamination beyond the extent identified during scoping and other latent conditions, the contingency has now been exhausted in the delivery of this project and a small additional expenditure beyond the contingency has been committed to allow the project team to immediately deal with the contamination and protect public health.
3. Approves an increase of the total authorised contract spend under Contract RFT-2021-230 by \$715,831.80 (GST exclusive) to a total of \$5,965,265.00 (GST exclusive), noting that this represents a total contingency of 25 per cent on the original contract sum of \$4,722,212.00 (GST exclusive).
4. Notes that, related to the cost increases the project has also suffered delays in delivery schedule, now scheduled for practical completion by early August 2023, although park opening is unlikely before September 2023 to allow the grass to establish.
5. Notes that, at this stage the current approved budget of \$6,588,694.00 is sufficient to cover requested contract variation in this report.
6. Authorises the Chief Executive Officer to do all things necessary to approve contract variations and related documentation as identified at paragraph 3.

## **Resolution**

**Cr Riley moved, Cr Tapinos seconded -**

That Council:

1. **Notes that in February 2022, it approved the award of Contract RFT-2021-230 – 14 Frith Street, Brunswick – Park Close to Home for a contract sum of \$4,772,212 (GST exclusive), and authorised the Chief Executive Officer to**

exercise a contingency of \$477,221 (GST exclusive and 10 per cent of the contract sum)

2. Notes that due to encountering of contamination beyond the extent identified during scoping and other latent conditions, the contingency has now been exhausted in the delivery of this project and a small additional expenditure beyond the contingency has been committed to allow the project team to immediately deal with the contamination and protect public health.
3. Approves an increase of the total authorised contract spend under Contract RFT 2021 230 by \$715,831.80 (GST exclusive) to a total of \$5,965,265.00 (GST exclusive), noting that this represents a total contingency of 25 per cent on the original contract sum of \$4,722,212.00 (GST exclusive).
4. Notes that, related to the cost increases the project has also suffered delays in delivery schedule, now scheduled for practical completion by early August 2023, although park opening is unlikely before September 2023 to allow the grass to establish.
5. Notes that, at this stage the current approved budget of \$6,588,694.00 is sufficient to cover requested contract variation in this report.
6. Authorises the Chief Executive Officer to do all things necessary to approve contract variations and related documentation as identified at paragraph 3.

Carried

## NOTICES OF MOTION

### 8.1 HERITAGE SHOPFRONTS IN COBURG

#### Motion

That Council receives a report on options to undertake a heritage study for shopfronts on Sydney Road in the Coburg Activity Centre, with such a study to investigate individual buildings as well as the shopping strip as an entire precinct and including architectural, social and aesthetic considerations.

#### Resolution

Cr Bolton moved, Cr Pavlidis seconded -

That Council receives a report at the July 2023 Council meeting on options to undertake a heritage study for shopfronts on Sydney Road in the Coburg Activity Centre, with such a study to investigate individual buildings as well as the shopping strip as an entire precinct and including architectural, social and aesthetic considerations.

Carried

## TIME EXTENSION

Cr Riley moved, Cr Pavlidis seconded –

That the Council meeting be extended by 30 minutes at 10 pm.

Carried

### 8.2 CLOSURE OF FAWKNER COMMONWEALTH BANK BRANCH

## Motion

That Council writes to federal Minister for Finance and Banking, Katy Gallagher calling on the government to declare that banking is an essential service and establish a new code for bank closures where a community impact assessment conducted before any decision about closing a branch is made.

## Resolution

**Cr Bolton moved, Cr Pulford seconded -**

**That Council writes to federal Minister for Finance and Banking, Katy Gallagher:**

- a) **Informing her that the Commonwealth Bank is closing the only remaining bank branch (including its ATMs) in the suburb of Fawkner and drawing to her attention to the negative implications for the local community. The negative consequences include the higher than average proportion of people without internet access at home, and the high number of elderly and vulnerable people in the suburb as well as the suburb being poorly served by public transport.**
- b) **Requesting that her government consider options to maintain access to face-to-face banking for vulnerable communities, including options to require that banks conduct a community impact assessment before any decision about closing a branch is made. This is especially pertinent as during the Covid pandemic, banking was regarded as an essential service along with supermarkets, service stations and allied health.**

10.04 pm *Cr Tapinos left the meeting.*

10.05 pm *Cr Tapinos returned to the meeting before the vote.*

**Carried unanimously**

## 8.3 MERRI-BEK COUNCIL HOMELESSNESS STRATEGY

### Motion

That Council:

1. Develops a homelessness strategy that encompasses:
  - - identification of needs and gaps in support and service for those experiencing or at risk of homelessness in Merri-bek
  - - identifies and develops direct Council responses to homeless community members
  - - identifies early intervention and prevention strategy responses to people at risk of or experiencing homelessness in Merri-bek.
2. Draws on the lived experience of people who have experienced homelessness as well as community support organisations connected to Merri-bek.
3. Refers this item for consideration as an action under Theme 3: A healthy and caring Merri-bek in the 2023-2024 draft Council Action Plan
4. Requests a draft Homelessness Strategy be presented to Council for consideration in October 2023.

10.06 pm *Cr Tapinos left the meeting.*

### Resolution

**Cr Harte moved, Cr Pulford seconded -**

**That Council:**



1. **Develops a homelessness strategy that encompasses:**
  - **identification of needs and gaps in support and service for those experiencing or at risk of homelessness in Merri-bek**
  - **identifies and develops direct Council responses to homeless community members**
  - **identifies early intervention and prevention strategy responses to people at risk of or experiencing homelessness in Merri-bek.**
2. **Draws on the lived experience of people who have experienced homelessness as well as community support organisations connected to Merri-bek.**
3. **Refers this item for consideration as an action under Theme 3: A healthy and caring Merri-bek in the 2023-2024 draft Council Action Plan**
4. **Requests a draft Homelessness Strategy be presented to Council for consideration in October 2023.**

10.08 pm *Cr Tapinos returned to the meeting during the debate.*

10.12 pm *Cr Tapinos left the meeting.*

10.12 pm *Cr Tapinos returned to the meeting before the vote.*

**Carried unanimously**

10.13 pm *Cr Tapinos left the meeting.*

## **8.5 PROPOSALS TO BYPASS COUNCILS' ROLE IN PLANNING**

### **Motion**

That Council:

1. Notes its opposition to Infrastructure Victoria's options for the State Government to consider which include bypassing and removing Councils from statutory planning decisions on major development projects and priority precincts, reducing a Council's role in statutory planning decisions for dual occupancy and town house dwellings by removing notification and right to appeal and removing minimum parking requirements.
2. Writes to the Minister for Planning, Hon. Sonya Kilkeny, Infrastructure Minister Hon. Jacinta Allan and the Premier, Hon. Dan Andrews to voice our opposition to options put forward by Infrastructure Victoria that would remove and reduce decision making for priority precincts, dual occupancy and town houses, and removal of minimum parking requirements and that these are all issues which routinely and regularly impact on residents and Councils. Removing or limiting notification rights and 3rd party right to appeal for planning, would remove significant roles for council and democratic processes for community.
3. Sends copies of the letters outlined in point 2 to Anthony Cianflone MP for Pascoe Vale, Kathleen Matthews- Ward MP for Broadmeadows, Tim Read MP for Brunswick, and members for Northern Metropolitan Region, Sheen Watt, Samantha Ratnam, Enver Erdogan, Evan Mulholland and Adem Somyurek and the Municipal Association of Victoria and the Victorian Local Governance Association.

### **Motion**

Cr Harte moved, Cr Bolton moved –

That Council:

1. Notes its opposition to Infrastructure Victoria's options for the State Government to consider which include bypassing and removing Councils from statutory planning decisions on major development projects and priority precincts, reducing a Council's role in statutory planning decisions for dual occupancy and town house dwellings by

removing notification and right to appeal and removing minimum parking requirements.

2. Writes to the Minister for Planning, Hon. Sonya Kilkeny, Infrastructure Minister Hon. Jacinta Allan and the Premier, Hon. Dan Andrews to voice our opposition to options put forward by Infrastructure Victoria that would remove and reduce decision making for priority precincts, dual occupancy and town houses, and removal of minimum parking requirements and that these are all issues which routinely and regularly impact on residents and Councils. Removing or limiting notification rights and 3rd party right to appeal for planning, would remove significant roles for council and democratic processes for community.
3. Sends copies of the letters outlined in point 2 to Anthony Cianflone MP for Pascoe Vale, Kathleen Matthews- Ward MP for Broadmeadows, Tim Read MP for Brunswick, and members for Northern Metropolitan Region, Sheen Watt, Samantha Ratnam, Enver Erdogan, Evan Mulholland and Adem Somyurek and the Municipal Association of Victoria and the Victorian Local Governance Association.

10.13 pm *Cr Tapinos returned to the meeting.*

### **Amendment**

Cr Riley moved, Cr Pulford seconded an amendment to Point 2 as follows:

2. Writes to the Minister for Planning, Hon. Sonya Kilkeny, Infrastructure Minister Hon. Jacinta Allan and the Premier, Hon. Dan Andrews to voice our opposition to options put forward by Infrastructure Victoria that would remove and reduce decision making for priority precincts, dual occupancy and town houses, and that these are all issues which routinely and regularly impact on residents and Councils. Removing or limiting notification rights and 3rd party right to appeal for planning, would remove significant roles for council and democratic processes for community.

**Lost**

### **Resolution**

Cr Bolton moved, Cr Harte seconded -

**That Council:**

1. **Notes its opposition to Infrastructure Victoria's options for the State Government to consider which include bypassing and removing Councils from statutory planning decisions on major development projects and priority precincts, reducing a Council's role in statutory planning decisions for dual occupancy and town house dwellings by removing notification and right to appeal and removing minimum parking requirements.**
2. **Writes to the Minister for Planning, Hon. Sonya Kilkeny, Infrastructure Minister Hon. Jacinta Allan and the Premier, Hon. Dan Andrews to voice our opposition to options put forward by Infrastructure Victoria that would remove and reduce decision making for priority precincts, dual occupancy and town houses, and removal of minimum parking requirements and that these are all issues which routinely and regularly impact on residents and Councils. Removing or limiting notification rights and 3rd party right to appeal for planning, would remove significant roles for council and democratic processes for community.**
3. **Sends copies of the letters outlined in point 2 to Anthony Cianflone MP for Pascoe Vale, Kathleen Matthews- Ward MP for Broadmeadows, Tim Read MP for Brunswick, and members for Northern Metropolitan Region, Sheen Watt, Samantha Ratnam, Enver Erdogan, Evan Mulholland and Adem Somyurek and the Municipal Association of Victoria and the Victorian Local Governance Association.**

**Carried unanimously**

## **NOTICE OF RESCISSION**

Nil.

## **FORESHADOWED ITEMS**

Cr Tapinos foreshadowed a Notice of Motion about a potential masterplan for Dunstan Reserve in Brunswick West.

## **URGENT BUSINESS REPORTS**

Nil.

The meeting closed at 10.25 pm.