

April 7th 2021

Letter and attachment 1 to City of Moreland CEO Cathy Henderson

Dear Cathy

We, the Keep Hosken Reserve Accessible 'steering group' write to you with the urgent and express purpose of outlining significant issues pertaining to the Hosken Reserve Masterplan 'Refresh' consultation process. We have regularly met and corresponded with Bernadette Hetherington, and more recently with Dan Ferguson and Cindy Plowman from TheCommunityCollaborative. Our records show we have consistently raised the below concerns with Bernadette and Dan but they have not been addressed.

It is our view that the following issues constitute a **significant deficiency** in the design and implementation of the consultation, including:

1. privacy and data integrity not sufficiently transparent
2. missed opportunities to address accessibility issues
3. significant and multiple consultation design flaws
4. ongoing usage of loaded divisive language
5. unclear and biased nomination process for Stage 2 'Refresh' group

These issues are detailed in **Attachment 1**. We would like City of Moreland to provide a response to each issue and request these responses in writing in the interest of procedural clarity and transparency.

It is our view that your organisation has failed to undertake sufficient activities with local residents of the Merlynston community to re-establish trust broken with the revelation of Tender documentation for a synthetic upgrade in September 2020. This failure perpetuates significant detrimental impacts on the community consultation process and the continued erosion of public trust with the City of Moreland.

Consultation ought be a great opportunity for City of Moreland to engage and learn more from the local residents of Merlynston about its views on Hosken Reserve; however, the message we've heard loudly and clearly from local residents living within 800m of the reserve is that they do not want synthetic pitches anywhere within the park and that significant concerns continue to be perpetuated by a consultation process intentionally designed to ensure council's original intent to develop a synthetic pitch in the north half of the reserve proceeds.

Indeed, many local residents in the Merlynston community experienced the pop-ups as evidence of an ongoing 'clientele' relationship established and developed between organised soccer club fraternity leadership, representatives and employees of City of Moreland, and your chosen consultancy company. We have raised these concerns in writing with the Local Government Inspectorate and the Ombudsman.

City of Moreland now needs to consider how to genuinely address the issue of broken trust and whether further steps are necessary to ensure the consultation process is experienced by Merlynston residents as empowering.

The current consultation continues to reflect a 'deficit' approach to the community, who are positioned as 'opposing' a synthetic pitch, rather than empowered to stand up to an outrageous appropriation of public space to a single interest group, backed by corporate sponsorship and large, fee-based, talent-management and/or growth-driven organisations. This is wholly and totally inappropriate.

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A strength-based consultation process would avoid perpetuating binary, reductive 'us' versus 'them' thinking and take usage impact into consideration with a robust evidence-based consultation design methodology.

Acknowledging this would help City of Moreland recognise and firmly establish that the space has, until recent months, had successful shared usage for a number of decades between local sport clubs and residents, and that this fact alone provides a significant and relevant body of evidence to support our preferred consultation outcome option, which is to continue with the equitable shared usage arrangements of previous years and to not proceed with any synthetic upgrade.

A prompt response from you Cathy would be appreciated considering the consultation report timeline.

Kind regards

Jane Holroyd
Warran Hocking
Tatiana Stephens
Rachel Matton
Jerry Galea
Lena Lettau

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Attachment 1: Significant deficiencies

Theme 1: Privacy and data integrity

Description: The steering group continues to raise concerns about the integrity of data collected by an online survey that requires no sign-in/ID. This consultation methodology and format seems questionable given how polarised views are and the perception that this methodology allows vested interests with an easy opportunity to sway the consultation outcome report.

If results of IP analysis are not made public, then a bias may be present in the report due to a **significant oversight in consultation methodology.**

Request 1: Release full survey results.

Request 2: Undertake and publish a robust and transparent analysis of IP addresses from which responses were received.

Theme 2: Consultation accessibility

Description: A high proportion of migrant and linguistic diversity exists in Merlynston and we request City of Moreland and the consultancy take further steps to ensure accessibility issues have been sufficiently addressed to lessen the impact of engagement barriers. There is a significant concern that local resident views are being missed.

In addition to language barriers many of Merlynston's senior residents have expressed discomfort with the online survey format and online engagement activities favoured by the consultants and City of Moreland. Residents in these categories should not have to request assistance.

Separate to the above concerns, the online survey was experienced as cumbersome and only had a significant flaw addressed in the last five days before it closed. Survey responses were lost if you clicked on the supporting documentation and this may significantly impact the results.

Request to undertake targeted local resident community workshops, charrettes or focus groups as part of the consultation strategy were denied.

Request 3: City of Moreland review CALD policies and take active steps with local residents to address accessibility barriers, including door knocking within a defined parameter of the reserve to identify and engage CALD and senior residents.

Request 4: City of Moreland include website usage/traffic data in their consultation outcome report including data measuring how many respondents lost their incomplete survey due to the website issue.

Theme 3: Consultation design flaws

Description: The online survey tool and the face-to-face 'pop-up' consultation have been supported by the 2009 masterplan documentation.

In December 2020, Cr Bolton and Cr Conlan sought an amendment to the motion "that Council:

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1. Conducts an independent, robust and broad community engagement process in 2021 on a refresh of the Hosken Reserve Master Plan.
2. Receives a report by May 2021 on the outcomes of the Hosken Reserve community engagement with options to determine future action.”

This amendment sought to clarify and avoid confusion about the location of the synthetic soccer pitch, which is **not demarcated sufficiently** in the online survey or in the pop-up consultation support documentation visual information.

Indeed, it is our view that deliberate obfuscation of facts is embedded within the consultation design.

As one example a resident wrote to us to say: “My neighbours have expressed their frustration that the survey has a false narrative ... that residents somewhere have agreed and [are] happy that Hosken Reserve should be a centre for soccer, and this is not the case.

“When Moreland council said they are starting consultation with residents again, and going back to stage one, we thought residents would be asked how best Hosken Reserve can be used, this has not happened. No one feels like we are in a consultation process, we feel like we are being told what will happen!”

Another resident reported about the online survey: “There were inappropriately limited choices with answers so I was constantly noting these short comings in my survey answers through to the balls in cylinders of the pop ups with no cylinders providing suitable option.”

In relation to specific questions, this resident stated that:

- Question 8 “really annoyed me because it was glaringly the false premise that engagement is starting from namely, that our scarce open green space has already been given over to a singular sport and a singular club PVFC. It has not and it is still identified in planning department at MCC as public open space; HR is listed as public open space and as it’s a public park and Moreland is low on these areas and therefore it’s unlikely to change.” I strongly objected to [the] question because of its false and misleading basis and because MCC is supposed to look after the local residents, the local community. It should not be in the business of handing over our well-used and loved public space, Hosken Reserve, to a private club.”
- Question 11 “noted some of this had already been completed ... yet still no mention of local need for public open green space or what had already been completed to enhance (successfully) the amenity of the Reserve. Also this pavilion is effectively not community open space as it is always locked and under the control of a single private club; PVFC.”

It is our view that residents are overwhelmingly and clearly vocalising that they would like the grass oval and open space in the north half of Hosken Reserve to be retained and enhanced, and for the recently allocated soccer usage times of 45 hours to be reduced, and certainly not extended.

Additional examples of consultation design flaws:

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Example 1: *Deliberately confusing survey, and link issues only rectified in final week of consultation*

The survey was spread over four web pages, included 20 Likert scale buttons, 20 comment fields and referred to information that when selected **lost survey responses**. Residents reported losing their survey responses multiple times (one resident reported losing their responses three times when clicking on links) and having to restart each time. There was no clear visual information to ensure that respondents understood that a proposed synthetic pitch for the North Oval was in scope for consultation. The only visual support was drawn from the 2009 Masterplan where this is not indicated

Example 2: *The design of the survey disadvantages respondents who oppose 2009 masterplan options as they are required to provide an explanation, which is time consuming.*

Many residents reported it took them more than an hour to complete the survey. By contrast, those who support synthetic or masterplan options designed to increase use by soccer are not required to explain their support. For them, the survey becomes a shorter, easier exercise of about 15 minutes.

Example 3: *Pop up design included information heavy station 1 and a 'light', child-friendly engagement at station 2 on the central issue of preferred surfaces.*

Observations made at the pop-up indicate that the second child-friendly engagement station which had three preferred surface options and asked respondents to place a ball against their preferred option. However, it is our view that Station 2 results **must be removed** from the consultation outcome report because:

- They **cannot be accurately verified or given weight as data or evidence**
- The question did not 'follow on' from station 1 where the respondents were given complex visual information based on the 2009 Masterplan, which **did not include any information related to the proposal to place synthetic on the north oval**. This raises clear and significant concerns about bias and the methodology used to ensure that if children were engaging in the consultation, that they were able to overcome the **heavy literacy requirement** to understand station 1 and then to also understand that station 2 did not relate to the information presented in station 1.
- The results from station 2 may have been impacted by instructions from the Australian International Academy school, Pascoe Vale Football Club and other Moreland-based soccer clubs to students, players and members to place plastic balls in the tub to support the synthetic option.

Example 4: *Providing organised soccer representatives with the opportunity to engage and present to council*

Collective presentations and one-on-one engagements with the consultancy were not outlined publicly in the description of the consultation process.

There is evidence that Pascoe Vale Football Club spent time and effort to produce detailed annotated drawings for their preferred option based on the 2009 masterplan to make a joint submission with the private Australian International Academy school and the Merlynston Tennis Club committee.

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The Keep Hosken Reserve Accessible steering committee was only afforded a similar opportunity upon request and with just a few days remaining before Phase 1 of the consultation closed. This raises a significant concern **about whether a balanced approach is being taken with all stakeholders.**

Example 5: Increased soccer usage means no base-line data can be used

Cr Bolton and Cr Conlan's amendment sought to ensure that **current usage patterns were observed and known** before proceeding to canvass views on Refresh options. **Moreland City Council have allowed an increase in soccer usage times to occur just prior and during the consultation** and this means that the usage pattern of the north half of Hosken Reserve has changed and significantly increased. This is **highly inappropriate** when the council has not taken sufficient steps to have base line data available to measure impact and this decision continues to perpetuate local residents' concerns of creeping clientelism between City of Moreland, the Moreland NPL soccer club fraternity and Football Victoria, which had senior executives present at the fourth pop-up consultation.

Request 5: The report must acknowledge that **significant changes** occurred between how the consultation process was outlined publicly and the non-public engagements the consultancy facilitated, specifically in relation to **allowing the soccer club and Australian International Academy to present their preferred detailed and annotated option** to the consultancy during the pop-up and survey stage.

Request 6: The report must acknowledge that a **design flaw in the online survey** may have impacted results, and data analytics must be produced to understand the scope and significance of the impact of lost results. Many residents had to restart the survey multiple times to finally complete and submit it.

Request 7: An explanation or rationale be provided as to why the 2009 masterplan visual was consistently referred to in the consultation documentation and **why no visual reference was provided to indicate the location of all synthetic options as per City of Moreland's 2020 tender documents.**

Request 8: The consultation report **must not refer to station 2 results** or ensure that it is clear that a bias may impact any reported results.

Request 9: An explanation or rationale be provided as to the process undertaken within council to **approve the increased soccer usage just prior and during consultation, which has reduced access to other users, and why no base-line data is available** to inform evidence-based decisions by council.

Theme 4: Language usage in the survey and avoiding this in the consultancy report

The survey perpetuates a 'support/oppose' binary in the Likert scale and this is **loaded language**. Neutral language is preferred in survey design, such as a scale of support from less to more. The use of 'oppose' sets the tone for the consultation and sets up residents as oppositional rather than **simply exercising their right to fully understand and be informed of the nature of a proposed change to a significant local space** and to then make a decision about whether they support the proposed change.

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Bernadette Heatherington confirmed on 22 February 2021 that '[t]he impact of any proposed development at Hosken Reserve will definitely be reviewed against all existing Council policies and plans.'

We request that the following reports be commissioned or undertaken by the relevant council subject-matter experts and departments to **ensure a robust evidence-base** for future decisions on this matter, and to inform the process of reviewing the final decision against all existing Council policies and plans.

- Quantitative and qualitative analysis of current usage rates at Hosken Reserve (prior to increased allocation to PVFC to 45 hours in February 2021), and that this step be implemented for any future proposed synthetic upgrades in the City of Moreland.
- A detailed life cycle maintenance cost analysis to ensure that the public is aware of the ongoing financial commitment by City of Moreland and comparing cost between all surface options (including latest natural turf technologies), and that this step be implemented for any future proposed synthetic upgrades in Moreland.
- A thorough environmental assessment of the site, including considering the Merlynston creek, the greywater harvest pond at Hosken Reserve and run off to Merri Creek (as the plastic surface degrades over time and tyre crumb disperses) *and* consideration of heat impact on usage due to increased temperatures as a result of human-induced climate change.
- A report on the health impacts of synthetic sports surfaces to both organised sports participants and to members of surrounding communities and casual users of the space
- That these reports be implemented/updated for any future proposed synthetic installations or upgrades in City of Moreland.

Request 10: That the consultancy approach future consultation activities with a heightened awareness of how they may be perpetuating and using divisive language.

Request 11: That additional reports be prepared by or for City of Moreland to ensure a sufficiently robust evidence base is available to support a final decision, and that these are made public. If Council do not proceed to prepare or procure these reports, please issue a public justification for your decision.

Theme 5: Refresh group nomination process and transparency of selection criteria

The consultancy provided the planned breakdown of the Refresh Group. However, it is our view that there remains **significant concerns about the fairness of the nomination form and transparency of the refresh group selection method.**

No selection criteria is publicly visible and this perpetuates local resident and Merlynston community concerns about the transparency of decision making. **This is a significant procedural deficiency.**

We raised this concern about the Refresh Group nomination form and existence of a check box asking nominees to identify if they are part of the Keep Hosken Reserve Accessible group. It is unclear what is meant by this?

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The consultants clarified **to us in an online meeting** that this option referred only to us, the six members of the 'Steering Group' and no one else; however this has **not been clarified on the nomination form despite our requests to do so**. There is a significant chance that local residents may have ticked this option in the nomination process thereby discriminating against their selection as a 'local resident'. Meanwhile there is also potential for a community member to both oppose the proposed synthetic pitch upgrade and be a member of the soccer club and therefore have the potential to be selected to the group from multiple categories. It is not clear what happens to people who live close to the reserve but tick none of the boxes.

Several requests have been made by us to make public the names of people who are selected for the Refresh group but these have been denied.

We question why a number of positions on the Refresh Group are provided to 'subject matter experts'. This is not best practice. Our view is that these experts should be determined by a panel representing the group most impacted by changes to Hosken Reserve: local residents and ratepayers. Experts can advise the Refresh group and their recommendations, rather than be given the opportunity to form the Refresh panel's recommendations directly. If City of Moreland want further expertise to inform the Refresh Group and the final outcome decision, we recommend that the three additional reports at Request 11 be undertaken and provided to the Refresh group and to Council.

We understand Football Victoria is likely to be invited as a subject matter expert to the Refresh Group. FV's new and expensive elite junior NPL competitions require licensed clubs (of which there are four in Moreland) to double the traditional soccer playing season to 40 weeks, to train three times per week and to guarantee access to sufficient high quality pitches. This means FV has a highly vested, financial and inappropriate interest in this council land. It has shown it has the power to flood the consultation process with members supportive of its agenda (**attachment 2**). It is likely to flood the Refresh nomination process also.

Request 12: Additional steps be taken to ensure that the nomination process has not been skewed by unclear information on the nomination form.

Request 13: Ensure that appointment to the Refresh group is based on a transparent and equitable process.

Request 14: Publicise the names of the people who are selected for the Refresh group to ensure transparency and accountability issues are addressed. Make it clear to successful applicants that this disclosure is a condition of their participation.

Request 15: Transfer spots in the Refresh Group from subject matter experts to local residents and provide expert reports per Request 11 to the Refresh panel and to Council.