

Agenda of Ordinary Meeting of Council - Monday, 30 May 2022

commencing at 7.00pm

Olympia, Ibbott & Hawdon Rooms; Level 4, 1 Flintoff Street, Greensborough



FREEDOM OF INFORMATION STATUS EXEMPT (SECTION 38)

RELATING TO ITEMS IN RESPECT OF WHICH THE
MEETING MAY BE CLOSED TO MEMBERS OF THE PUBLIC

Acknowledgement of the Traditional Custodians

“Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today.”

Inclusive Banyule Statement

“Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community.”

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 9 May 2022

Disclosure of Interests

1. Urgent Business

2. Petitions

- 2.1 Petition - James Reserve – Relocation of Soccer Club 7

REPORTS:

3. Our Inclusive and Connected Community

- 3.1 Montmorency Bowling Club Redevelopment.....11

4. Our Sustainable Environment

Nil

5. Our Well-Built City

- 5.1 Amendment C119 - Protection of Significant Trees - Panel Report17
5.2 230-232 Banksia Street & 96-100 Oriel Road, Bellfield - Bellfield Redevelopment
Precinct (P1616/2021)22
5.3 3/214 Aqueduct Road, ST HELENA - Packaged Liquor Licence (P130/2022).....47
5.4 Bell Street Development - Resolution of Notice of Intention to Sell Land.....56

6. Our Valued Community Assets and Facilities

- 6.1 46a Mountain View Road Montmorency - Removal of reservation status and sale of
resultant land63
6.2 Bundoora Hall and Annex - Capital Project Funding 22/23.....67

7. Our Thriving Local Economy

Nil

8. Our Trusted and Responsive Leadership

- 8.1 Banyule Advocacy Framework and Priorities71

8.2	Instrument of Delegation from Council to the Chief Executive Officer.....	78
8.3	Instrument of Delegation from Council to Members of Council Staff.....	82
8.4	Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987.....	87
8.5	Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017.....	90
8.6	Awarding of Contract No.1183-2022 for Carpentry Services on Council Facilities and Assets.....	94
8.7	Awarding of Contract No.1185-2022 for Painting Services on Council Facilities and Assets.....	98
8.8	Awarding of Contract No.1184-2022 for Electrical Services on Council Facilities and Assets.....	102
8.9	Awarding of Contract No.1186-2022 for Plumbing Services on Council Facilities and Assets.....	107
8.10	Council Plan 2021-2025 - Progress Report July 2021 - March 2022	112
8.11	Integrated Planning Project - Consideration of Community Engagement Feedback	118
8.12	Record of Councillor Meetings	129

9. Sealing of Documents

Nil

10. Notices of Motion

Nil

11. General Business

Public Question Time

Closure of Meeting to the Public

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:

12. Confidential Matters

- 12.1 Social Enterprise Partnership Agreement Breach - Nomads Pizza and Café
This Report has been designated as confidential pursuant to section and 3(g) of the *Local Government Act 2020* as it relates to private commercial information being information provided by a business, commercial or financial undertaking that if released, would expose both Council and the business, commercial or financial undertaking to disadvantage.
- 12.2 Proposed Change to Boots For All Funding Arrangement
This Report has been designated as confidential pursuant to section and 3(g) of the *Local Government Act 2020* as it relates to private commercial information being information provided by a business, commercial or financial undertaking that if released, would expose both Council and the business, commercial or financial undertaking to disadvantage.
- 12.3 Waterdale Road Pocket Park
This Report has been designated as confidential pursuant to section 3(a) and 3(g) of the *Local Government Act 2020* as it relates to Council business information, being information that could prejudice the Council's positions in commercial negotiations if prematurely released, and it also contains private commercial information being information provided by a business, commercial or financial undertaking that if released, would expose both Council and the business, commercial or financial undertaking to disadvantage.

Matters Discussed in Camera

That all confidential matters and reports related to the above items remain confidential unless otherwise specified.

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed to ensure compliance with the Government's COVID -19 restrictions.

The livestream will be available on Council's Facebook and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 27 June 2022.

2.1 PETITION - JAMES RESERVE – RELOCATION OF SOCCER CLUB

Author: Nicholas Van - Council Business Officer, Executive

SUMMARY

1. A petition titled “James Reserve – Relocation of Soccer Club” has been received with 77 names in support.
2. Entries which have been deemed ineligible by officers have not been included as valid signatories.
3. Officers have taken ineligible signatories to include those that do not have a full address provided including suburb or street number, or where a name was not provided in line with s 46(1)(e) of Council’s Governance Rules.
4. As such, of the 77 submissions of support received there are 21 ineligible signatories for a total of 56 complete signatories.
5. Of the 56 complete signatories, 51 are from within the Banyule municipality and 5 are from outside of municipality.
6. The petition request is summarised as follows:

We, the undersigned, petition and request Banyule Council to:

1. Reduce the increased soccer games being played at James Reserve (increased to 3 in one day recently) in particular no games to be played from 6.00pm to 9.00pm Saturdays.
2. Relocate the soccer club that fits the needs of the soccer club that does not conflict with the residence quiet enjoyment of their property (Residential Act), safety, and community expectation of what the reserve has become during COVID being a much needed green space in this highly developing area and forthcoming developments (Bell Street developments).
3. Stop the fences going up that changes the character of the reserve that serve no real purpose
4. Not to amalgamate the basketball nets along the side the cricket field as in plan, keep as is.

PETITION - JAMES RESERVE – RELOCATION OF SOCCER CLUB cont'd

RECOMMENDATION

That Council:

1. Receives and notes the petition titled “James Reserve – Relocation of Soccer Club”;
2. Refers the petition to the Sport and Leisure Department in the Community Wellbeing Division for investigation;
3. Request a report be brought back to future meeting of Council detailing the outcomes of the investigations; and
4. Advise the primary petitioner of this resolution as soon as practicable.

- A petition with 56 eligible signatories has been received.
- The petition preamble states:

“ We, the undersigned, petition and request Banyule Council to:

- 1. Reduce the increased soccer games being played at James Reserve (increased to 3 in one day recently) in particular no games to be played from 6.00pm to 9.00pm Saturdays.*
- 2. Relocate the soccer club that fits the needs of the soccer club that does not conflict with the residence quiet enjoyment of their property (Residential Act), safety, and community expectation of what the reserve has become during COVID being a much needed green space in this highly developing area and forthcoming developments (Bell Street developments).*
- 3. Stop the fences going up that changes the character of the reserve that serve no real purpose*
- 4. Not to amalgamate the basketball nets along the side the cricket field as in plan, keep as is.*

There are very few grounds where sports and recreational community grounds can be combined successfully especially on a small reserve in close proximity to residents.

From observation the club has outgrown the facilities even by their own admission in regard to more games being played and the noise it makes to nearby residences, the lack of parking causing fights in the street from the soccer patrons and creating more parking would not deal with the real issue of community expectation now seeing James reserve as a much needed reactional reserve for this area where limited green space is available.

Residences have had quiet enjoyment of their properties that surround James reserve for 2 years and are now with the return of the soccer club are now exposed and experiencing raucous cheering from fans for a long period of time into the evenings, safety to residence with, aggressive behaviour toward dog walkers, people using the field and to local residence.

The reserve has become a very important green space catering to dog walkers many family activities sports practice and more. The reserve will become more relied on in the future with the increased development of residences including the apartments in Bell Street.

PETITION - JAMES RESERVE – RELOCATION OF SOCCER CLUB cont'd

Council in their efforts to prioritize the reserve as a sport ground does not fit or meet with community expectation or residential Act 1999 of quiet enjoyment, safety or the Soccer clubs needs and wants”.

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

3.1 MONTMORENCY BOWLING CLUB REDEVELOPMENT

Author: Melinda Ramsay - Sports, Recreation and Community Infrastructure Coordinator, Community Wellbeing

Previous Items

Council on 06 Aug 2018 7.00pm (Item 6.1 - Petrie Park - Multi Purpose Community Building Feasibility Update)

Council on 15 June 2020 (Item 5.13 - 12-16 Mountain View Road, Montmorency and 1 Allens Road, Montmorency - Proposed Part Land Exchange)

SUMMARY

1. In June 2016, Council adopted the Petrie Park and Rattray Reserve Master Plan. A key recommendation was that a feasibility study be undertaken to determine the viability of consolidating the pigeon club and the scout hall with the bowling club, to create a larger multi-purpose community facility.
2. Findings and recommendations of the 2016/17 final report issued by the consultants were not implemented due to site constraints and cost. Importantly the report did recognise that Montmorency Bowling Club needed an upgrade and more space.
3. At the 6 August 2018 Council meeting a report was considered on the feasibility of a multipurpose community building at Petrie Park that consolidated the pigeon club and the scout hall with the Montmorency Bowling Club (MBC).
4. Council resolved at this meeting that this option was no longer viable and to:
 - abandon the feasibility study
 - re-allocate the remaining \$170,000 to investigate what upgrade opportunities exist for the Montmorency Bowling Club
 - request officers explore opportunities in relation to the rectangular parcel of land behind the Montmorency Bowling Club (adjacent to the rear property of 1 Allens Rd)
 - receive a further report to consider concept designs and cost estimates to upgrade the Montmorency Bowling Club building.
5. Following the 2018 Council meeting, officers commenced exploring land exchange to facilitate an enhanced facility upgrade at a more affordable project cost. Council resolved to exchange land at its June 2020 meeting and in February 2022 the application was officially lodged at LandVic.
6. Officers have also been working extensively with Montmorency Bowling Club over the last three years to develop a scope of works that addresses the needs of the Club, members and the broader community. Progress has been intermittent to allow for the negotiation and statutory requirements associated with the land swap to unfold, as this outcome impacted scope.
7. Currently Council has \$1 million allocated in the draft 2022/23 budget for construction and the focus is on enhancing the meeting and storage space, improving the out-dated amenities/kitchen and removing the access barriers to make the facility more accessible and inclusive.

MONTMORENCY BOWLING CLUB REDEVELOPMENT cont'd

8. Detailed design and cost estimates are presented based on this scope which are estimated at \$1.7 million expenditure for redevelopment, **Attachment 1**.
9. Officers have applied for State Government funding under the Sport and Recreation Victoria LSIF grant stream for \$250,000. The outcome will be confirmed by mid-June 2022.
10. If the funding application is successful, there will be a potential budget shortfall of \$450,000. If unsuccessful a shortfall of \$700,000 is anticipated.
11. Officers have explored options of re-designing the scope, however this will not meet the club's future needs or bring the pavilion up to current standards.

RECOMMENDATION

That Council:

1. Refers the shortfall amount of \$700,000 for Montmorency Bowling Club Redevelopment to the 2022/2023 budget process.
2. Notes that a funding application for \$250,000 has been submitted to the Local Sports Infrastructure Fund – Community Facilities stream to support the project implementation.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Promote active and connected living through a range of accessible and inclusive opportunities for all people of all ages through sport and recreation".

BACKGROUND

- At its meeting on 6 August 2018 Council considered a report on the feasibility of a multipurpose community building at Petrie Park that consolidated the pigeon club and the scout hall with the Montmorency Bowling Club (MBC).
- Council resolved at this meeting that this option was no longer viable option and to:
 - abandon the feasibility study
 - re-allocate the remaining \$170,000 to investigate what upgrade opportunities exist for Montmorency Bowling Club
 - request officers explore opportunities in relation to the rectangular parcel of land behind the Montmorency Bowling Club (adjacent to the rear property of 1 Allens Rd)
 - receive a further report to consider concept designs and cost estimates to upgrade the Montmorency Bowling Club building.
- The land swap whilst adding time to this project has been very advantageous to Council, the landowner and the Banyule community as it has facilitated an enhanced upgrade of the MBC at a more affordable project cost. The delay has also resulted in more efficient and effective design outcomes and in particular, the opportunity to address the lack of space in the pavilion to meet the Club's future needs.

MONTMORENCY BOWLING CLUB REDEVELOPMENT cont'd

- Officers have been working extensively with the Club and architects to develop this concept that will address the access and amenity issues and support the Club's growth and future needs.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- A design and quantity survey (QS) has been completed which has indicated a total project cost estimate of \$1.7 million, that includes a \$200,000 contingency. Council has an allocation of \$1 million in the 2022/2023 budget.
- Officers have applied for State Government funding under the Sport and Recreation Victoria LSIF grant stream for \$250,000. The outcome will be confirmed by mid-June 2022.
- If grant funding is successful, there will be a shortfall of \$450,000, if unsuccessful there will be a potential shortfall of \$700,000.

Community Engagement

- Council officers and Club committee members have met regularly to discuss design from concept through to detail.
- Council officers and Club committee members will continue discussions about Club requirements and options, while the facility is under construction to manage any displacement or disruptions to operations.

Collaboration

- In preparing design, Council officers engaged Sport and Recreation Victoria around potential funding opportunities and the suitability of this project to meet their funding criteria. This assisted in preparation of a funding application.

Key Considerations

- Once budget is confirmed, and a contractor appointed, a detailed timeline and project schedule will be developed with the Club. It is anticipated that the project will be completed by June 2023.
- The bowling greens will still be available for use during construction; however, officers will be working with the Club around impacts on activities, with the loss of the pavilion during construction, e.g. toilet, kitchen.
- This project also compliments the improvement works planned as part of the Level Crossing Removal Authority (LXRP) delivery to Petrie Park and E.J Andrews Reserve.
- The bowling facilities are utilised by the broader community and groups for community celebrations and functions. The Club is very inclusive and community focused.

MONTMORENCY BOWLING CLUB REDEVELOPMENT cont'd

KEY ISSUES

- The Montmorency Bowling Club building is 50 years old with aging amenities. In investigating what opportunities exist for the redevelopment, it became clear that the building requires more than just an upgrade of some components to make this facility fit for purpose, people and place while meeting the future needs of the bowling community. Specifically, around
 - outdated kitchen
 - lack of a designated meeting space or spaces
 - minimal storage space
 - existing toilet facilities are not compliant with current regulations
 - access issue's and disability design access (DDA) compliancy.
- Montmorency Bowling Club is one of Banyule's largest bowling clubs, providing sporting and social opportunities to over 200 members.
- A full bowling program of both pennant and social bowls as well as social days operates from the Club and includes both day and evening bowls. Whilst membership and social bowls have grown the facility has not.
- There is a high expectation from the Montmorency Bowling Club that this redevelopment will be delivered over the next 12 months, given that they have been in discussions and negotiations with Council for these works since the masterplan process commenced in 2016.
- Officers have explored options of re-designing the scope to reduce expenditure however this will not meet the Club's future needs or bring the pavilion up to current standards.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

MONTMORENCY BOWLING CLUB REDEVELOPMENT cont'd

ATTACHMENTS

No.	Title	Page
1	MBC plans	

5.1 **AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT**

Author: Nicola Rooks - Strategic Planner, City Development

Previous Items

Council on 06 Dec 2021 7.00pm (Item 5.1 - Exhibition Outcome - Planning Scheme Amendment C119)

Council on 6 July 2020 (Item 5.1 - Planning Scheme Amendment C117 and C119 to make additions to the Significant Tree and Vegetation Register (ESO4))

SUMMARY

1. The purpose of this report is to consider the independent Planning Panel Report (19 April 2021) and its findings on Banyule Planning Scheme Amendment C119bany – Protection of Significant Trees (**C119**) and decide whether or not to adopt the amendment.
2. On 6 December 2021, Council resolved to refer all fourteen (14) submissions received during formal public exhibition of C119 to an independent planning panel (**Panel**).
3. The Panel Hearing was held on 17 March 2022 which provided submitters to C119 with the opportunity to present information and speak to their submission in an independent forum.
4. The Panel Report (included at **Attachment 1**) found '*the Amendment is well founded and strategically justified, and should proceed*'. It recommends the amendment be adopted as exhibited subject to minor corrections identified by Council. The Panel has found that Council's approach to significant trees is built on sound policy justification.
5. In line with the Panel's recommendation it is recommended Council adopt Amendment C119 and submit to the Minister for Planning for final approval.
6. The *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* (see **Attachment 2**) has been updated to accommodate the minor changes supported by Panel. The Tree and Vegetation Assessments provide the strategic basis for the amendment and will be included in the Planning Scheme as a background document. It is recommended the document be adopted by Council.
7. Beyond the scope of Amendment C119 but discussed by the Panel Report, Council has already identified a need to 'tidy up' some of the language, terminology, references and planning permit triggers within its vegetation controls to improve consistency and legibility of the Planning Scheme. This work is being progressed as part of a Vegetation Protection Controls Review – albeit Council will need to understand what changes the State Government may make to planning provisions in relation to its 'Cooling and Greening' program. The Panel acknowledged and supported this approach, noting it had no bearing upon C119.
8. Interim tree protection controls for significant trees that were approved by the Minister for Planning via Amendment C117 are due to expire on 31 May 2022. A request via Planning Scheme Amendment C168 under 20A of the *Planning and Environment Act 1987* has been made asking the Minister for Planning to

**AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT
cont'd**

extend the interim controls by six months until 30 November 2022 and correct technical errors. This allows time for C119 to be considered for adoption by Council and submitted to, and considered for approval by, the Minister for Planning. Such an extension is typical of 'interim' controls where a permanent amendment is appropriately advanced.

RECOMMENDATION

That Council:

1. Note and accept the recommendations of the Planning Panel in the *Banyule Planning Scheme Amendment C119 Additions to the Significant Tree and Vegetation Register, Panel Report* (19 April 2022) at Attachment 1 in accordance with Section 27 of the *Planning and Environment Act 1987*.
2. Adopt Amendment C119 to the Banyule Planning Scheme with changes included in the Panel preferred version of the Environmental Significance Overlay Schedule 4 at Appendix C of the *Banyule Planning Scheme Amendment C119 Additions to the Significant Tree and Vegetation Register, Panel Report* (19 April 2022) in accordance with Section 29 of the *Planning and Environment Act 1987*.
3. Submit the adopted Amendment at Recommendation 2 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
4. Adopt the *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* at Attachment 2.
5. Note the request to the Minister for Planning to prepare Amendment C168 under section 20A of the *Planning and Environment Act 1987* to extend the interim controls on significant trees applied by Amendment C117 and correct some minor technical errors.
6. Continue work on the Vegetation Protection Controls Review to consider improvements to vegetation controls in the Planning Scheme.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Preserve and enhance Banyule's valued heritage, local character, and its significant trees".

BACKGROUND

- Amendment C119 proposes to:
 - Apply Schedule 4 to the Environmental Significance Overlay (ESO4) on a permanent basis to 95 trees or tree groups that have been assessed as significant;
 - Remove the ESO4 from two properties; and

AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT cont'd

- Update ESO4 to meet current form and content requirements.
- Under the ESO4, a permit is required to remove, destroy or lop any significant tree or area of vegetation specified in the clause. A planning permit is also required for the construction of buildings or carrying out of works within five metres of the canopy of the identified vegetation. Pruning trees for maintenance to improve its health or appearance does not require a permit.
- While almost all residential areas in Banyule are subject to general tree protection controls the ESO4 provides a greater level of protection for significant trees in recognition of their special value.
- Council received a total of 14 submissions during exhibition of C119, six in support, six opposing and two from public authorities. In addition, a late submission was received from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation in support of the amendment.
- Council considered submissions to Amendment C119 and resolved to refer them to a Panel on 6 December 2021.
- The Panel Hearing was held on 17 March 2022 in a shortened modified format as there was only one other party to the Panel, being the Housing Industry Association.
- The Planning Panel Report (19 April 2022) included at **Attachment 1** provides an extensive assessment of the amendment and the issues raised by submissions and evidence presented during the Panel.

KEY ISSUES

- The Panel considered all written submissions made in response to the exhibition of the Amendment, regardless of whether the submitter participated in the panel process or not. The Panel also considered observations from site visits, and submissions, evidence and other material presented to it during the Hearing.
- The Panel concluded that C119 is well founded and strategically justified. All trees proposed to be included in the ESO4 were supported. Corrections to mapping errors identified during exhibition and minor administrative changes proposed by Council were considered and supported. The Panel found that the changes adopted by Council in December 2021 reflect a transparent process which included extending the exhibition period. The changes address errors identified following the original exhibition and are supported by the Panel. These corrections have been included in the Panel preferred version of the ESO4 included at Appendix C of the Panel report (**Attachment 1** of this report).
- The Panel's recommendation is to adopt Amendment C119 as exhibited subject to the Panel's preferred version of ESO4 which includes minor administrative and mapping corrections.
- Minor administrative changes to the *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* have been made in line with recommendations of the Panel report. This document provides the strategic basis of the amendment and will be included as a background document in the Banyule Planning Scheme. To assist its inclusion in the Planning Scheme the *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* provided at **Attachment 2** is recommended for adoption by Council.

AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT cont'd

- Council has already identified a need to 'tidy up' some of the language and terminology within its range of vegetation controls to improve consistency. Work on this has begun with a review of the current tree protection controls in the Banyule Planning Scheme. The Panel noted and encourages this review.
- Interim tree protection controls for significant trees were approved by the Minister for Planning via Amendment C117 on 18 June 2021 and expire on 31 May 2022. To allow time for the permanent C119 controls to be adopted by Council, and considered and approved by the Minister for Planning, a request to extend the expiry date by six months until 30 November 2022 has been made on the advice of the Department of Environment, Land, Water and Planning. The request included the correction of minor technical errors and was made on 9 May 2022 via Amendment C168, a prescribed amendment under Section 20A of the *Planning and Environment Act 1987*. A prescribed amendment, undertaken by the Minister for Planning, can only be used in limited circumstances and exempts the Minister for Planning from giving notice of the amendment. Further information on Amendment C168 is available in the Explanatory Report at **Attachment 3**.

SUPPORTING REPORT DETAILS

Legal Consideration

- The following sections of the *Planning and Environment Act 1987* apply in requesting a prescribed amendment and when considering a Planning Panel report, adopting an amendment and submitting an amendment for approval:
 - s20A, The Minister for Planning may determine to prepare a prescribed amendment;
 - s27, Council must consider the panel's report before deciding whether or not to adopt the amendment;
 - s29, Council may adopt an amendment with or without changes; and
 - s31, Council must submit an adopted amendment to the Minister for Planning.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implications arising from the recommendation contained in this report.

**AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT
cont'd**

Community Engagement

- Community consultation occurred during the public exhibition phase of Amendment C119 and was outlined in the Council Report of 6 December 2021.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Amendment C119 - Panel Report	
2	Banyule Significant Tree and Vegetation Assessments 2020 (v.2)	
3	Amendment C168 Explanatory Report	

5.2 230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021)

Author: Adrian Mariniello - Development Planner, City Development

Ward: Olympia

Previous Items

Council on 21 March 2022 (Item 5.3 - Bellfield Redevelopment Precinct - Proposed Development Plan (P1654/2021))

Executive Summary

1. This planning application for the Bellfield Redevelopment Precinct follows Council's approval of the Development Plan at the 21 March 2022 Council Meeting.
2. The proposal seeks approval for buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements.
3. Public notification of the proposal has been undertaken with a letter sent to the Waratah Special Development School as the only direct abuttal. No submissions have been received. This follows extensive notification of the Development Plan application.
4. The assessment of this proposal concludes that while there are some minor variations in the context of the approved Development Plan, specifically with regards to ESD outcomes; the proposal continues to meet the objectives and directions of both the Urban Design Guidelines (UDG) and Development Plan Overlay – Schedule 8 (DPO8), in addition to applicable ResCode objectives.
5. It is recommended that the proposal be approved subject to conditions to improve amenity outcomes for future occupants, ensure tree retention, specify ESD outcomes, improve urban design and public open space in addition to standard conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P1616/2021 for Buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements. At 96-100 Oriel Road BELLFIELD and 230-232 Banksia Street BELLFIELD subject to the following conditions:

General plans

1. Before the development permitted by this permit commences (excluding early works and demolition), amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans (TP 00.00 – 3.30, Revision A prepared by Rothelowman) and accompanying documents submitted 19 April 2022, but modified to show:

- (a) Reconfiguration of Class 1 Townhouses, Lots 42-44, to enable the retention of Tree #18 and accompanying arboricultural evidence to ensure associated encroachment and pruning of the tree is to the satisfaction of the Responsible Authority;
- (b) Tree #18 to be located in common property;
- (c) Provision of a detailed solar orientation assessment to provide solar access opportunities in accordance with essential requirement E of the EnviroDevelopment tool;
- (d) Provision of appropriate external shading in accordance with the results of the solar assessment requested in condition 1(c) and to the satisfaction of the Responsible Authority;
- (e) Electric vehicle charging infrastructure to be notated on plans in accordance with the SMP;
- (f) A minimum of 15% of the Class 1 townhouses to achieve a minimum NatHERS rating of 7 stars;
- (g) Demonstrated of calculation of 20% improvement over minimum lighting power densities in accordance with the submitted SMP prepared by *Ark Resources*;
- (h) Demonstration of compliance with JV3 preliminary section J for the commercial premises in accordance with the submitted SMP prepared by *Ark Resources*;
- (i) Notation of rainwater storage tank capacity for Class 1 townhouses including details of connections and end use;
- (j) The electrical kiosk in the public open space relocated to the basement or if it can be demonstrated that this is not possible, it must outside of the public open space area or not included in the calculated 5% area and sited and appropriately screened to minimise visual impact from the public realm;
- (k) The 'retail premises' to be labelled as 'Commercial: Shop or Food & Drink Premises' or other similar Section 1 use;
- (l) Additional details of external fencing to ground floor private terraces, including materials and style;
- (m) Framing to north elevation of Stage 2 townhouses (Perkins Avenue Façade) to be finished in a darker colour than the external walls to strengthen the podium view from the streetscape and subsequent updates to external materials schedule;
- (n) The location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties for Class 1 townhouses;
- (o) All mail boxes located in accordance with Australia Post guidelines;
- (p) Any modifications required to ensure all windows and balconies of the townhouses comply with Standard B23 'Internal Views'; Demonstrating of compliance with Standard B23 must be provided;
- (q) Details of location of all external lighting to be provided for the safety of residents and pedestrian, to be baffled where necessary to minimise light spill;

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- (r) A staging plan showing the order in which stages/sections of the development will be constructed and to include all public realm works to be constructed within each stage;
- (s) A site services plan showing details (location, heights, colours, screening) of all external services including air conditioners, solar panels, meters, water storage tanks etc
- (t) Stage 1 Development Drainage Plans in accordance with Condition 2 of this permit
- (u) Environmentally Sustainable Development (ESD) Drawings as required by Condition 3 of this permit;
- (v) A Water Sensitive Urban Design (WSUD) Drawing as required by Condition 4 of this permit;
- (w) Tree Preservation Fencing in accordance with Condition 9 of this permit.

Development Drainage Plans

2. Before the development permitted by this permit commences (excluding early works and demolition), Stage 1 Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Drainage plans for subsequent stages must be submitted and approved by the Responsible Authority prior to commencement of buildings and works for that stage. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:
- (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated legal point of discharge;
 - (c) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and include drainage details as a result of landscaping;
 - (d) All drainage plans must show for Trees #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Arbor Survey, December 2021.

Please note the plans must show all protected and/or retained trees on the development site, on adjoining properties where tree canopies encroach the development site and along proposed outfall drainage and roadway alignments (where applicable) and every effort must be made to locate services away from the canopy drip line of trees and where unavoidable, details of hand work or trenchless installation must be provided.

Environmentally Sustainable Development (ESD) Drawing

3. Before the development permitted by this permit commences (excluding early works and demolition), satisfactory indicative ESD Drawings dedicated to demonstrating all features claimed within SMP Report must be submitted to and approved by the Responsible Authority. This will include a minimum of one indicative floor plan and elevations for the apartments, lofts and townhouses respectively. The drawing/s must include the following, **as applicable**:

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- (a) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in the SDA/SMP and their respective locations;
- (b) Water efficient garden design features annotated i.e. indigenous plant species, mulched garden beds, drip irrigation;
- (c) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
- (d) The Hot Water unit type and energy rating;
- (e) The Heating System type and energy rating;
- (f) The Cooling System type and energy rating;
- (g) All electric (no natural gas uses) development features;
- (h) External Lighting including Motion Detectors in their respective locations;
- (i) Clothes lines/efficient clothes dryer installed location;
- (j) Solar panels installed location, their system size (kW), inverter level system and respective locations;
- (k) The Water Sensitive Urban Design (WSUD) measures on the property (as calculated using STORM or MUSIC) claimed, i.e Rainwater Tanks, Raingardens, Permeable Paving, etc and the path of connection to their respective end use, such as rainwater tank connection to toilets;
- (l) Cross-flow ventilation paths annotated for each room, noting the minimum window opening required to meet the calculated to meet 2% or 1 m² opening requirement;
- (m) Location and type of adjustable shading devices to north, east and west facing windows (i.e internally fitted louvres, internal blinds, external blinds/shutters/etc);
- (n) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (o) Electrical Vehicle charging infrastructure;
- (p) Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- (q) Design measures annotated to minimise the urban heat island effect eg. light coloured roof, light coloured paving, vegetated site coverage;
- (r) Product specification of paints /sealants/adhesives/carpets/ engineered wood (as applicable) which meet maximum total indoor pollutant emission limits eg. VOC or formaldehyde;
- (s) Details of signage and educational measures to encourage recycling and organic waste practice.

When approved the assessments and plans will be endorsed and form part of the permit.

Water Sensitive Urban Design (WSUD) Drawing

4. Before the development permitted by this permit commences (excluding early works and demolition), a satisfactory WSUD Drawing demonstrating all features claimed within the MUSIC report and SMP report is to be submitted to and approved by the Responsible Authority.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- A dedicated drawing including all features, their location and corresponding catchment area (m²) as claimed in the Melbourne Water STORM Calculator/ MUSIC Modelling Reporting Tool;
- An excerpt of the most recent Melbourne Water STORM Calculator or MUSIC Modelling Report included on plan with a pass rate that reflects the SMP report;
- A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;

It must include the following **as applicable**;

- The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
- A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
- The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s;
- The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;

When approved the assessments and plans will be endorsed and form part of the permit.

OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT

ESD Inspections and Certifications

5. Prior to commencement of each stage of the development (excluding early works and demolition), a pre-build ESD meeting must be undertaken to advise relevant parties of ESD requirements and initiatives. A copy of the meeting minutes must be provided to Council.
6. During the construction of each stage of the development, a report from the author of the Sustainable Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must confirm that all relevant ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

- Photographic evidence of each ESD features;
- Product specifications evidencing the energy ratings of appliances as claimed in the SMP;
- Product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
- Product specifications evidencing the R-Values of all building fabric insulation used on the project;
- Product specifications evidencing the U-Values and SHGCs of windows, glazed doors and skylights as claimed in the approved NatHERS Energy

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

Report or Section J Energy Efficiency Report to address the NCC; (reference to endorsed smp)

- Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable);

7. Prior to the issue of Statement of Compliance or Occupation of each stage, the owner or developer must notify Council's Development Planning section that the stage of development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

**Please retain all manufacturers stickers on window glazing, WELS and Energy Ratings for fixtures and appliances, hot water services, heating and cooling units for evidencing purposes.*

8. Within 18-24 months of occupation of the development, climate active certification for the Stage 1 apartments must be provided to the satisfaction of the Responsible Authority.

Tree Management and Protection Plan

9. Before the development permitted by this use commences, a Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of the Trees #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76. The Tree Management & Protection Plan must include (but not be limited to):

- (a) A management regime for all trees during the demolition, construction and post construction phases of the development must include and consider all Tree Protection measures condition as part of planning permit P1616/2021
- (b) A tree protection plan drawn to scale.
- (c) All tree protection zones and structural root zones to be indicated on the plan.
- (d) The specific construction techniques set out in the Arborist Report by Arbor Survey, December 2021.
- (e) The types of footings used within tree protection zones where applicable.
- (f) Details of how root systems of the trees to be protected will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist
- (g) The location/design of tree protection fencing for retained trees, mulching/watering requirements and TPZ areas where ground protection systems will be used.
- (h) Tree removal methods for approved vegetation
- (i) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 Pruning of amenity trees, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units. Pruning requirements must be noted to be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Pruning requirements must be restricted to the removal of

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

the minimum amount of live canopy of individual trees to achieve construction clearance requirements.

- (j) Details regarding site access points by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees.
- (k) Details of the treatment of all underground services in relation to the TPZ of retained trees. The Tree Protection Plan must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the Responsible Authority.
- (l) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority.

The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority. Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

Public Open Space Plan

10. Unless otherwise agreed in writing by the Responsible Authority, the development permitted by this permit may not be commenced (excluding early works and demolition) until a satisfactory detailed landscape plan for the public open space reserve within the development is submitted to and approved by the Responsible Authority. Such plan must be prepared by suitably qualified or experienced person/s and shall include as appropriate:

- (a) Details of landscaping and development of the public open space reserve which is to include:
 - (i) Lighting, seating, bollards and public art, including suitable bollards or fencing along the roadside boundary;
 - (ii) Water supply and taps;
 - (iii) Facilities that are to be contained within it must comply with the Disability Discrimination Act. The public open space must be designed for open public access with no restricted access areas included;
 - (iv) The provision of lighting for the safety and security of open space users. Lighting must be designed to avoid the creation of excessive light spillage that could cause a nuisance to adjacent residents;
 - (v) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal;
 - (vi) An indigenous and/or drought tolerant planting theme;
 - (vii) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - (viii) Tree protection measures for trees to be retained;
 - (ix) All footpaths to comply with relevant Banyule City Council specifications;
 - (x) Details of how the public open space will be delineated from other areas of the site;
 - (xi) Details of methods to ensure no vehicles can access the designated public open space area;
 - (xii) Details of the proposed raingarden;
 - (xiii) Details and specifications of the proposed shade structure, with selected design and materials to ensure maintenance requirements are minimised;
 - (xiv) Details of fencing, screening and/or vegetation to incorporate the electrical kiosk into the landscaping scheme of the public open space.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

Landscaping Plans

11. Unless otherwise agreed by the Responsible Authority, before each of the relevant stages of the development permitted by this permit commences (excluding early works and demolition), satisfactory detailed landscaping plans for that stage must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:
- (a) Any amendments required by Condition 1 or other conditions of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) An indigenous and/or drought tolerant planting theme;
 - (d) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - (e) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
 - (f) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;
 - (g) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and WSUD report, with reference to connection details on the engineering plans.

When approved the plan will be endorsed and form part of this permit. Landscaping in accordance with this approved plan and schedule must be completed prior to the occupation of the development.

Construction Management Plan

12. Before the development and use permitted by this permit commences. A construction management strategy must be submitted and approved by the Responsible Authority. The plan will then be endorsed and must include:
- (a) Details of measures to be implemented to minimise adverse impacts during the development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
 - (b) Details of the measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
 - (c) The designation of tree protection zones for canopy trees to be retained on the land.
 - (d) The location of site offices, security fencing, cranes, off-street vehicle parking for construction and trades employees and construction vehicle routes.
 - (e) Details of the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
 - (f) Details of the hours of construction on the site.

All works conducted on the land must be in accordance with the approved Construction Management Strategy.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

Notification of Responsible Authority of other matters

13. Before the development and use permitted by this permit commences, the owner of the land must ensure the Responsible Authority is notified when any plans/documents required by external agencies and shown as conditions on this permit are approved by those agencies and provide copies of any such approval.
14. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until the Tree protection measures required by the Tree protection/landscape condition 5 of this permit are installed to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

15. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy and community infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

Tree Protection

16. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76 to the satisfaction of the Responsible Authority:

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and Condition 9 'Tree Protection and Management Plan'

- (a) Tree protection fencing measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - (i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - (iii) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - (iv) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - (v) All supports, and bracing should be outside the TPF area and any excavation for supports or bracing should avoid damaging roots where possible.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- (vi) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
 - (vii) Where there are approved works within the TPF area, it may only be reduced to the required amount by the project arborist only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
17. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority:
- (a) A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.
 - (b) Any tree pruning is to confirm to AS4373-2007 Pruning of Amenity Trees, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of the minimum amount of live canopy of individual trees to achieve construction clearance requirements.
 - (c) Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard *AS4373-2007 Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
 - (d) The site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Underground Services

18. Any underground service installations within the calculated Tree Protection Zone of any retained Tree must be bored to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained Tree required for the connection of services must be:
- (a) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of Trees under the supervision of the project arborist;
 - (b) Approved by the Project Arborist and a certification document of the works must be submitted to the Responsible Authority as required.

Section 173 Agreement

19. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences (excluding early works and demolition), the owner of the land at 230-232 Banksia Street BELLFIELD and 96-100 Oriel Road BELLFIELD must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement must require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1616/2021.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- (b) The owner acknowledge that occupants of the dwellings will not be granted on street or off street parking by way of a resident or visitor vehicle parking permit.
- (c) The owner acknowledge that an Owners Corporation is responsible for the maintenance and upkeep of all proprietary stormwater devices to the satisfaction of the Responsible Authority.

A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner

ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT

Council Trees

- 20. No Council trees are to be removed without the prior written consent of the Responsible Authority.

Foot Way Easement

- 21. Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of Stage 1 of the development approved under this planning permit, the owner of the land at 230-232 Banksia Street BELLFIELD and 96-100 Oriel Road BELLFIELD must register on title a foot way easement to allow for free and unfettered pedestrian access to any persons across the pedestrian footpath areas between the linear park and Oriel Road.

Civil Works

- 22. Unless otherwise agreed in writing by the Responsible Authority, Prior to occupation of the relevant stage of the development approved under this planning permit, a civil works plan showing design and construction details for the footpath on the eastern bank of the North-South Boulevard and any other relevant works must be submitted and to the satisfaction of the Responsible Authority;

Occupation of Development

- 23. Unless otherwise agreed in writing by the Responsible Authority, each stage of the proposed development must not be occupied until:
 - (a) The parking areas shown on the endorsed plans for the stage have been constructed to the requirements and satisfaction of the Responsible Authority;
 - (b) The landscape areas shown on the endorsed plans for the stage have been substantially planted to the requirements and satisfaction of the Responsible Authority;
 - (c) Drainage works for the stage have been undertaken and completed to the requirements and satisfaction of the Responsible Authority;
 - (d) Driveway, pathway, basement and undercroft lighting for the stage is installed in accordance with the relevant Australian Standards.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- (e) All relevant public realm and civil works for the stage have been substantially completed to the satisfaction of the Responsible Authority.

ONGOING REQUIREMENTS OF THIS PERMIT

General

24. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

Public Open Space

25. At the time of vesting in Council, the designated public open space must be completed to be suitable for use as public open space to the satisfaction of the Responsible Authority.
26. The designated public park must be generally level and made publicly available. The land must be vested in Council and constitutes its public open space contribution as required by Clause 53.01 of the Banyule Planning Scheme.

Car Parking/Access

27. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
28. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose to the satisfaction of the Responsible Authority.
29. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

Restrictions on use (Commercial)

30. The commercial use must only operate between the following hours except with the further written consent of the Responsible Authority:
- (a) Sunday-Wednesday: 7am-10pm
 - (b) Thursday-Saturday: 7am-11pm
31. Except with the prior written consent of the Responsible Authority:
- (a) Deliveries to the site, and
 - (b) Garbage collection from the site

shall only occur between 7am and 6:30pm Monday to Friday.

Amenity (Commercial Use)

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

32. The commercial use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
33. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
34. Except with the further consent of the Responsible Authority no form of public address or music amplification system shall be used within the retail premises so as to be audible outside the building.
35. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.
36. In respect of commerce, industry and trade development and/or use, noise emissions from the commercial space must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).
37. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).

Urban Design and Landscaping

38. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
39. Any air-conditioning or cooling units, condensers and the like must not be located on external walls and, if located on balconies, must be screened, to the satisfaction of the Responsible Authority.
40. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
41. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
42. The owner must ensure that the landscaped areas shown on the endorsed plan and schedule shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.
43. Unless otherwise agreed in writing by the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Waste Management

44. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.

45. Waste management must be carried out in accordance with the Waste Management Plan approved as part of this permit.

Maintenance of property

46. The occupiers or relevant Owners Corporation must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Responsible Authority.

Permit Expiry

47. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- (a) The first stage of the development is not commenced within two years of the date of this permit; or
 - (b) The final stage of the development is not completed within six years of the date of this permit.
 - (c) The use of the commercial premises is not commenced within four years of the completion of the relevant stage.
 - (d) The use of the commercial premises ceases to operate for a period of two years once commenced.
48. This permit has no force or effect until the restriction that affects the land on Crown allotment 2082 is removed or the plans are amended so that the proposal does not result in a breach of the restriction.

PROPOSAL

Planning Application:	P1616/2021
Development Planner:	Adrian Mariniello
Address:	96-100 Oriel Road BELLFIELD & 230-232 Banksia Street BELLFIELD
Proposal:	Buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements.
Existing Use/Development:	Bellfield Community Centre/Vacant
Applicant:	Urbis Pty Ltd
Zoning:	Residential Growth Zone (Schedule 2)
Overlays:	Development Plan Overlay (Schedule 8)

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

	Partial Vegetation Protection Overlay (Schedule 5)
	Partial Special Building Overlay (Schedule 1)
	Development Contributions Plan Overlay (Schedule 1)
Notification (Advertising):	Letter to abutting Waratah Special Development School
Objections Received:	Nil (0)
Ward:	Olympia

- The planning application seeks approval for Buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements.
- The proposed staging of the development is as follows:
 - Stage 1: Apartment Buildings
 - Stage 2: Lofts and Perkins Avenue townhouses
 - Stage 3: South-eastern Townhouses
- The proposed buildings and works include:
 - Three apartment buildings fronting Oriel Road ranging in height from 4-6 storeys. The apartment buildings shall accommodate 219 individual apartments.
 - Four storey loft style apartment building located in the eastern portion of the site accommodating 72 dwellings.
 - A mix of two to three storey townhouses along Perkins Avenue and in the south eastern portion of the site, incorporating 49 dwellings.
 - Commercial space on the ground floor of Apartment Building 1C near the intersection of Oriel Road and Banksia Street. This will likely be used as a shop or food and drink premises.
 - Removal and reinstatement of vehicle crossovers to Oriel Road.
- Residential carparking onsite is provided in accordance with Clause 52.06 of the Banyule Planning Scheme. With the permission for a two space short fall applicable to commercial tenancy.
- Approximately 1300m² of public open space is proposed in the form of a linear park centrally within the site. The public space will contain footpath, landscaping, nature play facilities, a shade structure and bike parking. The public open space is to be vested in Council following completion of the development.
- The planning application follows the approval of the accompanying Development Plan at the 21 March 2022 Council meeting. However, the proposal seeks the following changes to the approved Development Plan:
 - Reduction in the number of Class 1 townhouses that meet a minimum NatHERS rating of 7 stars to 15%.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

BACKGROUND

- The site was recently rezoned to Residential Growth Zone (Schedule 2), with the Development Plan Overlay (Schedule 8) also added to the site through the approval of Planning Scheme Amendment C153. It is noted this amendment went through significant community consultation. Urban Design Guidelines and a Master Plan for the site have also been adopted.
- The site previously functioned as the Banksia La Trobe Secondary College. It is currently vacant and remains under the ownership of Banyule City Council.
- The Development Plan was advertised in February 2022 and five submissions were received with concerns relating to building heights, traffic, carparking, pedestrian links raised. A consultation session was held on 22 February 2022.
- The Development Plan was approved at the 21 March 2022 Council meeting with the following amendments to the plan required:
 1. *Tree #18 ‘**Angophora Costata**’ shown for retention and incorporated into the design response.*
 2. *The following updates to the Ecologically Sustainable Development Plan:*
 - a) *Increase the townhouses Class 1 minimum NatHERS rating to 7 Stars, to be brought up to the expected NCC 2022 level of compliance;*
 - b) *Additional details and information regarding provision of Electric Vehicle charging stations and/or infrastructure.*

SUBJECT SITE AND SURROUNDING AREA

Site area	35,985m ² approx.
Topography	Generally Flat
Existing and Neighbouring Vegetation	The subject site contains a number of scattered canopy trees, particularly in the south western portion of the site along Banksia Street.
Existing Buildings	Bellfield Community Centre in the southwestern corner of the site.
Site Context	<p>The subject site is located north of Banksia Street, east of Oriel Road and south of Perkins Avenue. It is generally rectangular with a curved western edge. The site was previously occupied by the Banksia LaTrobe Secondary College.</p> <p>The subject site is in proximity to a number of community facilities including Ford Park, a community hub that is currently under</p>

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

	construction, the Waratah Special Development School and Heidelberg Repatriation Hospital.
Easements	Nil

Locality Plan



Above: Aerial image of site and surrounds. Subject site denoted by yellow star.

PUBLIC NOTIFICATION

Advertising Period	3 May 2022 – 17 May 2022
Advertising methods	<p>Letter to abutting Waratah Special Development School in accordance with Clause 67.02 of the Banyule Planning Scheme.</p> <p>Public notification of this proposal is limited as the Development Plan application was extensively advertised and the planning application is generally in accordance with the Development Plan.</p> <p>Notification to the Waratah Special Development School is required as the site directly abuts a property that is currently owned by Council.</p>
Objections received	Nil

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

Consultation	No consultation has been held for the planning permit application as notification requirements are limited. A consultation session was previously held during public notification of the Development Plan application.
---------------------	--

REFERRAL COMMENTS

Internal Department/Officer	Conditions /Comments
Developments & Drainage	<p>Council's Developments & Drainage Section has advised the following:</p> <ul style="list-style-type: none"> - The use of separate points of discharge is acceptable given the size of the site. - WSUD proprietary products requires the ongoing maintenance and renewal of such product must be paid for and undertaken by the owner corporation, not Council. This will be confirmed by a condition for a Section 173 Agreement. - Further details regarding design of raingardens and rainwater tanks are required to ensure their effective use. This will be addressed by a condition for dedicated WSUD drawings.
ESD	<p>Council's Environmentally Sustainable Design Officer has reviewed the proposal and ESD report and has suggested the following:</p> <ul style="list-style-type: none"> - A more detailed solar access study is required to determine what extent of external shading devices is appropriate. - Certain number of Class 1 townhouses to achieve 7 star NatHERS rating in lieu of all Class 1 townhouses. - Further details of EV infrastructure provision to be demonstrated on plans. - Requirement for the provision of dedicated ESD and WSUD plans. <p>These outstanding ESD matters will be addressed through permit conditions.</p>
Development Planning Arborist	<p>Council's Development Planning Arborist has advised that Tree #18 '<i>Anghophora Costata</i>' is of high retention value and should be retained except if its retention will result in the loss of three townhouses.</p>

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

	<p>All other trees on site that are proposed for removal are supported. Development impacts are to be managed by tree protection conditions.</p>
Traffic & Transport	<p>Council's Traffic & Transport Section has advised that vehicle and bicycle parking provision within the precinct is acceptable.</p> <p>Further, Council's Traffic and Transport Section has reviewed the submitted Integrated Transport and Traffic Management Plan and agree with its findings and conclusions.</p> <p>Amended plans have confirmed the width of the southern vehicle entry to Banksia Street is 6.1m. This is considered acceptable Council's Traffic and Transport Section.</p>
Public Open Space	<p>Council's Public Open Space Officer has advised that the location of the public open space south of the loft apartments is acceptable. However, concerns have been raised regarding the type of play equipment proposed, the need for a shade structure and the location of the electrical kiosk. Further concerns have been raised regarding the assurance of a through pedestrian path from the North South Boulevard to Oriel Road. These matters will be addressed through permit conditions.</p>
Waste Management	<p>Council's Waste Management Section has advised that the submitted Waste Management Plan (WMP), however, has raised some concern regarding safe access to communal bin storage rooms. The submitted WMP indicates that the waste contractor will be responsible for rotating communal bins to ensure safe and efficient access for occupants is maintained.</p>
Landscape Consultant	<p>Council's Landscape Consultant has advised that the Landscape Master Plan is generally acceptable. Detailed landscape plans will be conditioned as part of any planning permit approval.</p>
Urban Design Consultant	<p>Council's Urban Design Consultant has advised that the proposed design and layout is generally acceptable and provides a high degree of variation to external frontages with suitable visual and physical permeability. Minor improvements to external facades will be sought by condition.</p>
External	Conditions /Comments

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

Department of Transport	No response provided within the required timeframe or received at the time of writing.
-------------------------	--

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

PLANNING CONTROLS

The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered?
Residential Growth Zone (RGZ2)	32.07	Yes
Vegetation Protection Overlay (VPO5)	42.02	No
Development Plan Overlay (DPO8)	43.04	No
Special Building Overlay (SBO1)	44.05	No
Development Contribution Plan Overlay (DCPO1)	45.06	Applies
Car Parking	52.06	No
Native Vegetation	52.17	No
Land Adjacent to a Transport Zone	52.29	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Planning Policy Framework (LPPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Natural Environment	21.05
Built Environment (Diversity area)	21.06
Safer Design Policy	22.03
Non-Residential Use and Development in Residential Zones	22.04
Environmentally Sustainable Design	22.05
ResCode (Clause 55, 58)	55

KEY ISSUES

- Compliance with Development Plan
- Tree retention
- Environmentally Sustainable Design
- Public Open Space
- Commercial use and amenity
- Urban design
- Waste Management

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

TECHNICAL CONSIDERATION

Compliance with Development Plan

- The proposal is considered to be generally in accordance with the approved Development Plan in terms of its layout. The Development Plan gave approval for up to 390 dwellings and two retail spaces within the precinct, however, 340 dwellings and one retail space has been proposed.
- Some variations to the approved Development Plan are sought with regard to provision of Class 1 townhouses meeting the recommended 7 star NatHERS rating. This is discussed below in addition to the retention of Tree #18.

Tree retention

- Tree #18 is a high retention value tree that has been recommended for retention in accordance with Council's February 2019 resolution that sought for all existing high retention value trees to be retained on the subject site where possible.
- Following the approval of the Development Plan, the permit applicant has submitted working drawings demonstrating that the retention of Tree #18 may result in the loss of up to three townhouses from the precinct.
- Our review of the submitted drawings indicate the tree could likely be retained with a loss of one or two dwellings, however, this will require reconfiguration of affected and surrounding dwellings in addition to further arboricultural evidence.
- It is thus recommended that Tree #18 is retained as one of the three high retention trees within the site. The tree is of good health and structure with a long useful life expectancy. The loss of one or two townhouses to accommodate the retention of the tree is considered to be a balanced and acceptable outcome.
- A permit condition will be included requiring dwelling reconfiguration to retain Tree #18. This will be subject to further arboricultural investigation to ensure the TPZ of the tree and its canopy is not damaged by any buildings or works. A further condition will require the tree to be located in common property to ensure regular maintenance.

Environmentally Sustainable Design

- The proposal is considered to provide strong ESD outcomes across the precinct, including minimum NatHers ratings of 7 stars for apartments, use of the Green Factor Tool and climate active apartment buildings to achieve ongoing carbon neutrality.
- The Development Plan approval included a condition for the Class 1 townhouses to achieve 7 star NatHERS rating to meet the expected NCC 2022 level of compliance and to push for strong ESD outcomes. The applicant has offered 15% of Class 1 townhouses to meet the 7 star rating as they have advised that full compliance is not achievable. This is considered to be a reasonable outcome as it is not practical for all Class 1 townhouses to meet this target without significant redesign and townhouses on the end of each bank would still not achieve this target. As such, a condition for 15% of townhouses to meet the 7 star rating will be placed on the planning permit.
- Further details of EV infrastructure provision will be requested by condition to ensure that this is demonstrated on plans. It is understood that there is capacity for all dwellings to have access to EV infrastructure in anticipation of increased EV uptake.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- Further details of solar analysis will be required by permit condition to inform where external shading to buildings is necessary. This will assist to mitigate potential unwanted solar gains to north and west facing habitable room windows.
- Other outstanding ESD requirements will be secured by permit conditions including minimum lighting power densities, demonstration of compliance with JV3 preliminary section J for the commercial space and notation of connections and end use for Class 1 townhouse rainwater tanks. This is in addition to the submitted Sustainability Management Plan submitted by Ark Resources, which will also be endorsed.
- Conditions requiring a pre build ESD meeting, mid build progress reports and ESD inspections upon stage completion will be included in the planning permit. This will enable Council to monitor the development to ensure ESD outcomes are being implemented.

Public Open Space

- A total of 1300m² of public open space is proposed south of the loft townhouses as a linear park measuring 14m in length and 92m in width. The area of public open space exceeds the 5% required by Clause 53.01 of the Banyule Planning Scheme. The public open space will be vested in Council following completion of Stage 2 of the development and a permit condition will be included to ensure the space is complete to Council's satisfaction before handover.
- The public open space will provide a pedestrian link between the adjoining community hub and social housing site to Oriel Road and Ford Park. The section of the pedestrian link that is not within the public open space area will be secured by a requirement for a footway easement. This will ensure the pedestrian link is maintained in perpetuity.
- It is noted that an electrical kiosk has been located in the public open space in proximity to the North South Boulevard. The kiosk was previously located in the basement carpark, however, has been relocated as the applicant has advised that Jemena no longer support this arrangement. This is a concern as the kiosk impacts the functionality of the public open space and may generate visual detriment. A condition will be included on the permit to relocate the kiosk into the basement except where it is demonstrated that this is not possible. Alternatively, further conditional measures can ensure the kiosk is not included in the calculated public open space area and is suitably located and screened to minimise visual impact.
- Further details of the proposed raingarden and shade structure within the public open space will be required by condition. This will assist to ensure both works are completed to Council's satisfaction and are able to be maintained efficiently.

Commercial use and amenity

- Planning permission is sought for use of a commercial space on the ground floor of Apartment Building 1C near the intersection of Oriel Road and Banksia Street. This is considered to be a positive aspect of the design response as it adds a mixed use element to the precinct. Further, the location of the commercial space close to existing shops along Banksia Street and adjacent to Ford Park will minimise potential amenity impacts on surrounding residents.
- Permit conditions will be used to limit operating hours of the commercial space and other matters such as music to ensure the amenity of surrounding residents is maintained.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

- It is noted that a waiver of car parking requirements is sought for the commercial space. This results in a waiver in two spaces and is considered to be an acceptable outcome given the minor nature of reduction required and the likelihood that users of the space will be primarily drawn from local residents.

Urban design

- Overall, the urban design response is considered to accord with the characteristics of the area, the approved Development Plan and be of high quality.
- A condition will be included on the planning permit to improve the façade of the Class 1 townhouses fronting Perkins Avenue by framing balcony and stone cladding elements in a darker colour to improve articulation and visual hierarchy.

ResCode

- The proposal is considered to comply with the majority of the relevant standards and all of the relevant objectives of Clauses 55 and 58 of the Banyule Planning Scheme. This includes matters such as provision of private open space, access to daylight, storage and accessibility.

Waste Management

- A private waste service will be responsible for collecting waste for the entire precinct. The basement carpark and internal precinct roads are satisfactory in size to allow for the safe collection of waste and manoeuvring of a waste collection vehicle.
- It is noted that concerns have been raised regarding placement of bin chutes adjacent to habitable rooms within the apartment buildings. The applicant has advised that relocation of chutes is not possible, however, chute walls will be provided with acoustic treatment to minimise noise and amenity impacts.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021) cont'd

CONCLUSION

- The proposal is considered to accord with the approved Development Plan and provides strong ESD, landscaping and urban design outcomes while meeting relevant ResCode objectives. As such, it is recommended a permit issue subject to conditions.

ATTACHMENTS

No.	Title	Page
1	Architectural Plans	
2	Master Plan	
3	Sustainability Management Plan	
4	Landscape Masterplan	

5.3 3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE (P130/2022)

Author: Emily Harriss - Development Planner, City Development

Ward: Beale

SUMMARY

1. A planning permit application has been received by Council. The application seeks approval for the sale of packaged liquor at 3/214 Aqueduct Road, St Helena. A planning permit is required under Clause 52.27 – Licensed Premises of the Banyule Planning Scheme.
2. The proposed hours of operation are as follows:
 - Monday – Saturday: 9am – 10pm
 - Sunday: 10am – 10pm
 - ANZAC Day: 12 noon – 10pm
 - Good Friday & Christmas Day: No trade
3. A total of twelve objections were received during public notification raising concerns relating to need for a second liquor store within the commercial centre, proximity to educational facilities, safety and security, visibility of liquor store from public realm, degeneration of the commercial centre and traffic impacts.
4. A community consultation meeting was held on 10 May 2022 with five objectors in attendance and representatives from the Development Planning Team as well as the Ward Councillor.
5. The proposal is considered appropriate within the commercial context of the site and achieves an acceptable level of compliance with the decision guidelines included under Clause 52.27. For these reasons, the proposal should be supported subject to permit conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P130/2022 for Use of the land for the sale of liquor (packaged licence) at 3/214 Aqueduct Road ST HELENA subject to the following conditions:

General plans

1. The red line area as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

ONGOING REQUIREMENTS OF THIS PERMIT

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

Hours of Operation (Liquor License)

2. The Packaged Liquor Licence must only operate between the following hours unless with the further written consent of the Responsible Authority:

Monday – Saturday: 9:00am – 10:00pm

Sunday: 10am – 10pm

ANZAC DAY: 12 noon to 10:00pm

Good Friday & Christmas Day: No trade

Permit Expiry

3. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- The use is not commenced within two years of the date of this permit; or
 - The use is discontinued for a period of two years.

PROPOSAL

Planning Permit Application:	P130/2022
Development Planner:	Miss Emily Harriss
Address:	3/214 Aqueduct Road ST HELENA
Proposal:	Use of the land for the sale of liquor (packaged licence)
Existing Use/Development:	Vacant commercial tenancy
Applicant:	Liquorland Australia Pty Ltd
Zoning:	Commercial 1 Zone (C1Z)
Overlays:	Vegetation Protection Overlay (VPO1) Development Contributions Plan Overlay (DCPO1)
Notification (Advertising):	Two (2) sign on site Notices to surrounding properties
Objections Received:	Twelve (12)
Ward:	Beale

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

The application seeks approval for the sale of packaged liquor at 3/214 Aqueduct Road, St Helena.

- The proposed licensed area covers the entire floor area (251m²).
- The proposed hours of operation are as follows:
 - Monday to Saturday: 9am – 10pm
 - Sunday: 10am – 10pm
 - ANZAC Day: 12 noon – 10pm
 - Good Friday Christmas Day: No trade
- The proposal does not include any buildings and works.

BACKGROUND

- The subject site is one of sixteen existing commercial tenancies within the St Helena Marketplace. Recent planning applications within the centre are as follows:

P1346/2015	Permit issued on 9 March 2016 for 12/214 Aqueduct Road ST HELENA for a packaged liquor licence (BWS).
P447/2017	Permit issued on 22 June 2017 for 1C/214 Aqueduct Road ST HELENA for a restaurant and cafe liquor licence. This premises has since been vacated.
P1129/2017	Permit issued on 27 February 2018 for 2/214 Aqueduct Road ST HELENA for a restaurant and cafe liquor licence. This premises has since been vacated.
P237/2020	Permit issued on 22 July 2020 for 214 Aqueduct Road ST HELENA for external alterations and erection of signage.

SUBJECT SITE AND SURROUNDING AREA

- The subject site is located within the St Helena Marketplace at 214 Aqueduct Road, St Helena.
- The site is accessed via Aqueduct Road and contains at grade parking to the south, west and east of the building.
- To the north of the site is a VicRoads reserve that is currently used as a Christmas Tree Farm. To the east are residential properties and a Montessori School to the north-east. To the south-west is a narrow reserve with walking track providing separation between the subject site and residential properties further south.
- The St Helena Marketplace contains a Woolworths supermarket plus fifteen speciality stores including an existing bottle shop (BWS) at Tenancy 12. Existing hours of operation for both Woolworths and BWS are outlined in Figures 2 and 3 below.

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

- Tenancy 3 is proposed to be used as the location for the new bottle shop (Vintage Cellars). The tenancy is located on the eastern side of the complex parallel with Aqueduct Road.
- The tenancy has a floor area of 251m² with two frontages including an external frontage on the eastern interface and internal frontage on the southern interface. Customer access is via the internal entry point.




 Subject Site

Figure 1. Locality plan

<i>Woolworths – Trading Hours</i>	
Monday	7am – 12am
Tuesday	7am – 12am
Wednesday	7am – 12am
Thursday	7am – 12am
Friday	7am – 12am
Saturday	7am – 12am
Sunday	7am – 12am

Figure 2. Woolworths trading hours

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

BWS – Trading Hours	
Monday	9am – 10pm
Tuesday	9am – 10pm
Wednesday	9am – 10pm
Thursday	9am – 11pm
Friday	9am – 11pm
Saturday	9am – 11pm
Sunday	10am – 11pm

Figure 3. BWS trading hours

PUBLIC NOTIFICATION

Advertising Period	Tuesday 29 March 2022 to Tuesday 12 April 2022
Advertising methods	Two (2) signs on site Notices to surrounding properties
Objections received	Twelve (12)
Grounds of objections (summarised)	<ul style="list-style-type: none"> • No need for a second liquor store • Proximity to educational facilities • Safety and security • Visibility of liquor store from public realm • Degeneration of the commercial centre • Traffic impacts
Consultation	<ul style="list-style-type: none"> • A community consultation meeting was held on 10 May 2022 with five objectors in attendance and representatives from the Development Planning Team as well as the Ward Councillor.

REFERRAL COMMENTS

- No internal or external referrals were undertaken as part of this application.

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

PLANNING CONTROLS

- The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Commercial Zone (C1Z)	34.01	No
Vegetation Protection Overlay (VPO1)	42.02	No
Development Contribution Plan Overlay (DCPO1)	45.06	No
Car Parking	52.06	No
Licensed Premises	52.27	Yes

POLICIES CONSIDERED

- The planning policies considered are outlined in Table 2 below:

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	
Settlement	11
Built Environment and Heritage	15
Economic Development	17
Land Use	21.04
Built Environment	21.06
Transport	21.07
Local Places	21.08

TECHNICAL CONSIDERATION

STRATEGIC FRAMEWORK

- The proposal is consistent with Planning Policy Frameworks seeking to encourage and support economic development and a diversity of retail uses.

LAND USE

- A planning permit is not required for use of the land for a bottle shop as this is an as-of-right use under the commercial zoning of the land.

AMENITY

- A planning permit is required for the sale of packaged liquor under Clause 52.27 – Licensed Premises of the Banyule Planning Scheme.
- The decision guidelines of Clause 52.27 require the Responsible Authority to consider the following as appropriate:
 - *The Municipal Planning Strategy and the Planning Policy Framework*

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area*
- *The impact of the hours of operation on the amenity of the surrounding area*
- *The impact of the number of patrons on the amenity of the surrounding area*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area*
- Where applicable, the above decision guidelines are considered in the assessment below.

Sale of Liquor

- From a zoning perspective, the subject site is located within the Commercial 1 Zone which allows for many retail land uses to operate as-of-right, including a bottle shop. Consideration is therefore confined to its appropriateness under Clause 52.27.
- The sale of packaged liquor is considered appropriate within this commercial context. The packaged liquor licence will not allow for any alcohol to be consumed on site.
- Given the liquor is sold for consumption off site and not on the land it is unlikely to result in any off-site amenity impacts. The shop itself is surrounded by other retail tenancies.
- The decision guidelines of Clause 52.27 do not provide a basis to consider more broader social concerns such as the social harm caused by alcohol in general, the accessibility of alcohol more broadly and the potential abuse of alcohol as a product.

Hours of Operation

- The proposed hours of operation are considered reasonable within the commercial context of the site and generally consistent with other stores within the complex, including Woolworths and BWS.
- The proposed hours will not result in the sale of liquor being available for a period greater than is already available to consumers given they are generally consistent with existing hours of operation at BWS.

Cumulative Impact

- In accordance with *Planning Practice Note 61: Licenced Premises – Assessing Cumulative Impact (June 2015)*, the tenancy will not be located within a cluster of licensed premises as will be only one of two licenced venues within a 100m radius of the subject site.
- The proposal will therefore not result in any negative cumulative impacts that may be associated with a cluster of licensed premises.

OBJECTORS CONCERNS

- The majority of objectors' concerns have been addressed in the Technical Consideration section of this report, however the following require further discussion.

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

Need for Second Liquor Store

- Any concerns in relation to the need or demand for another liquor store is not a relevant planning consideration under Clause 52.27 of the Banyule Planning Scheme. The tenancy will not be located within a cluster of licensed premises as is only one of two licenced venues within a 100m radius of the site. Nor for that matter are concerns regarding the economic viability of the store or the centre which remains the concern of the store operators and not Council.

Safety and Security

- The proposal is unlikely to cause any additional safety and security issues given it is located within an existing commercial centre and provides for the sale of alcohol for consumption off site. The applicant has identified a number of security measures to be implemented within the store to minimise the potential of threat and anti-social behaviour.

Degeneration of the commercial centre

- The proposal does not include any buildings and works.

Traffic Impacts

- The proposal does not require any additional car parking to be provided under Clause 52.06 of the Banyule Planning Scheme. The proposal is unlikely to have an adverse impact on car parking or traffic given it is located within an existing commercial centre which has an existing private car parking area surrounding the complex.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- It is considered that the subject matter does not raise any human rights issues.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

- The application has been assessed to be in general accordance with the Planning Policy Frameworks and planning controls relevant to the application. With appropriate conditions in place, the proposal will not cause unacceptable detriment on the amenity of the surrounding area or the St Helena Neighbourhood Centre. For these reasons, the application should be supported.

**3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE
(P130/2022) cont'd**

ATTACHMENTS

No.	Title	Page
1	Advertised Documents	
2	Stamped Advertised Plans	

5.4 BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND

Author: Daniel Fantin - Major Property Projects Coordinator, City Development

Ward: Olympia

Previous Items

Council on 21 March 2022 (Item 5.4 - Bell Street - Commencement of Notice of Intention to Sell Land)

Council on 9 May 2022 (Item 5.5 - Bell Street Development - Public Submissions to Notice of Intention to Sell Land)

SUMMARY

1. Council owns the land at 310 Bell Street, Heidelberg West, which currently functions as a carpark for the Bell Street Mall. There is an opportunity to revitalise the Bell Street Mall area with a purpose-built community facility and associated higher-density, mixed-use development. A section of the subject land, located on the corner of Oriel Road and Bell Street, has been identified for this potential strategic development opportunity.
2. As part of the proposed sale of land, Council would retain ownership of the new community facility within the development.
3. At its meeting on 9 May 2022, Council received and considered four written submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of land at 310 Bell Street, Heidelberg West.
4. The major issues raised by submitters were:
 - The protection of the existing trees at the corner of Oriel Rd and Bell St, and incorporation of greenery within the new development
 - The visibility of and access to existing business within the Mall
 - The current usage level of the existing car park on Bell Street, and the subsequent inconvenience of using the alternative car parks
 - The potential effects of other new developments (e.g. Bell/Bardia) on parking and traffic.
5. Council gave notice of its intention to sell under Section 114 of *the Local Government Act 2020 (Act)* to sell Council land by private treaty and can now make a decision whether or not to sell the Council Land.

BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND cont'd

RECOMMENDATION

That Council:

1. Having complied with sections 55 and 114 of the *Local Government Act 2020*:
 - a. by giving public notice on Council's website and onsite;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 9 May 2022; and
 - c. by recording that four written submissions were receivedis of the opinion that the land at 310 Bell Street, Heidelberg West, as described within this report and on titles Vol 08096 Folio 171 Plan Res1 PS 33018 and Vol 08096 Folio 171 R1 PS 33018, is not required or suitable for any current, or reasonably anticipated, Council projects.
2. Resolves to sell the land to a private developer as the sale will catalyse the development of the site and its surroundings, and ensure Council achieves its long-held vision to deliver a Council-owned community facility within the Bell Street Mall precinct.
3. Notes that Council is not ultimately obliged to sell the land following completion of negotiations with a preferred development partner.
4. Authorises the Chief Executive Officer or delegate to sign and seal the necessary documentation at the appropriate time.
5. Advises submitters of Council's resolution and reasons for its decision in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act').

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Deliver well designed places and spaces that enable stronger connections and liveability to meet the diverse needs of our current and future community".

BACKGROUND

- Council owns the land at 310 Bell Street, Heidelberg West, which currently functions as car parking for the Bell Street Mall. The *Heidelberg Central and Bell Street Mall Car Parking Plan (2016)* identified that there is an ample supply of carparking in and around the Bell Street Mall.
- Council has undertaken comprehensive review into the feasibility of a new, Council-owned community facility within the Bell Street Mall. In order to feasibly achieve this vision, Council is seeking respondents who would purchase this land to deliver a high-density, mixed-use development on the subject site. In return, the development will contain a new, dedicated community facility which would be returned to Council-ownership.
- The area of car parking being considered for sale is shown below (in yellow) and comprises the following titles:

BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND cont'd

- Vol 08096 Folio 171 Plan Res1 PS 33018
- Vol 08096 Folio 171 R1 PS 33018



Figure 1: Location of subject site on corner of Oriel Road and Bell Street, Heidelberg West

KEY ISSUES

- At its meeting of 9 May 2022, Council received and considered four written submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of land at 310 Bell Street, Heidelberg West.
- Council now provides the following responses below the submissions:
- **Submission 1**
 - Major Concerns:
 - Blocking views to the business and their signage in the Mall
 - Inconvenience of accessing the remaining car parks will result in a loss of business
 - Council should make a development plan to address concerns of businesses in the Mall
 - Response:
 - Opportunities for additional wayfinding signage near Bell Street may be explored to ensure traders remain visible to traffic on Bell Street. Council will continue liaising with the traders through the development process.
 - All potential developers will be required to prepare an ongoing stakeholder management plan, which will include coordination with local traders at the Bell Street Mall.
 - The long-term impact to traffic generated by the mixed-use development will be subject to a traffic assessment. The assessment will consider the needs of locals and visitors to the

BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND cont'd

area and ensure that there is minimal impact to the existing conditions and connectivity.

• **Submission 2**

- Major Comments:
 - New development is welcome in this area
 - This development needs to take into strong consideration the inclusion of landscaping and green open space
 - Main concern for this development is protection of the existing gumtrees at the corner of Oriel Rd and Bell Street
- Response:
 - Council does not anticipate that the trees will be affected by the development and notes the environmental significance of the gumtrees and bird-life to the area.
 - Council will look to maximise additional green space, vertical gardens, and sustainable building materials as part of ESD commitments for the site.

• **Submission 3**

- Major Concerns:
 - Already several community spaces close by and this does not demonstrate any firm commitment.
 - Residents will not see the value of a community facility with a 14 storey tower above it.
 - The car park is not currently underutilised and the 2016 Parking Plan is obsolete. New residents populating the Bellbardia, Tarakan, and Cultivate towers will want to park at the Bell Street Mall.
 - The motivation to sell a community asset is for a financial objective which will come at the expense of local amenity and residents.
- Response:
 - Council confirms the new development will contain a new, Council-owned community facility.
 - Council is currently finalising its Community Infrastructure Plan which details the number and types of community facilities required in the area. This new community facility on Bell St will be state-of-the-art and purpose-built, with several environmentally sustainable design features and dedicated carparking for tenants and users provided. The new facility may consolidate nearby services into this building, resulting in repurposing of other local community spaces. Given the residential component may comprise a portion of social or key-worker housing, is it likely that some residents within the 14-storey tower will actually be users of the facility and its services.

BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND cont'd

- It is agreed that the carpark is a community asset. The project seeks to leverage the existing carpark to deliver a crucial asset and key services for the West Heidelberg community. The apartments to be built on top of the new facility may also deliver critical social and key worker housing which is needed in the area. The residents will have their own private carparks and will not be using the publicly available carparking.
 - Council notes that the increased residential density is also supported by the Banyule Planning Scheme, which states that 'the suburb will be more legible through increased building height and high-quality development along main roads designed to minimise the visual impacts of upper levels'. The land is also zoned 'Commercial 1', which encourages 'a vibrant mixed-use commercial centre for retail, office, business, entertainment and community uses'.
 - The 'Heidelberg Central and Bell St Mall Parking Plan' (2016) identified the Bell St Mall car park was being underused. This was reiterated by parking surveys undertaken by traffic consultants in 2015, 2019 and 2020 during the planning process for the development at 294 Bell Street and 8 The Mall. The surveys indicated a significant number of parking spaces available throughout the Bell Street Mall precinct during the weekday and weekends.
 - Any future development located at 310 Bell Street will generate a requirement for on-site car parking that is expected to be provided in accordance with the Planning Scheme. Any parking shortfall generated by the mixed-use development will be subject to a parking assessment that ensures there is minimal impact to the surrounding businesses and community and can be accommodated within the existing parking availability
- **Submission 4 (Late)**
 - Major Concerns:
 - Concern about the sale of land and the potential development
 - Tree on the corner of Bell Street and Oriel Rd must be protected
 - The car park is the closest access point to the only ATM in Heidelberg West for aged and less abled people.
 - The traffic congestion will be directed to the Bell St/Oriel Rd corner, which will become even more dangerous with the Bell/Bardia development.
 - Response:
 - Council does not anticipate that the trees will be affected by the development and notes the environmental significance of the gumtrees and bird-life to the area.
 - The ATM provider will be contacted and asked to relocate this service to an area that remains accessible to all.

BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND cont'd

- There will be an impact on traffic during the construction period, as managed through a future construction management plan. The long-term impact on traffic would be subject to traffic assessment via Council's planning team. The scale and timing of the proposed Bell/Bardia development remains unknown, and potential traffic impact is therefore speculative.
- Any traffic assessment will take into consideration any new or future developments in the vicinity. In particular, the development at 294 Bell Street will be taken into consideration with updated traffic surveys.
- Having considered the issues and concerns raised by submitters, the proposed project's net benefits warrant the project proceeding. This project will deliver upon a long-held vision for Council and the Bell Street Mall precinct at significantly less cost to Council than a standalone development would require.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has undertaken the necessary statutory procedures in accordance with sections 55 and 114 of the *Local Government Act 2020*.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- Council does not expect a financial outcome as a result of this project, but will capitalise on the benefits of a partnership agreement to deliver a brand new community facility at no cost apart from provision of the land.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

6.1 46A MOUNTAIN VIEW ROAD MONTMORENCY - REMOVAL OF RESERVATION STATUS AND SALE OF RESULTANT LAND

Author: Andrea Turville - Property Officer, City Development

Ward: Sherbourne

SUMMARY

1. The drainage reserve known as 46a Mountain View Road, Montmorency (the Land) runs between 44 and 46 Mountain View Road and 3 and 5 St Faiths Road, Montmorency. Part of the Land is currently enclosed within the fenceline of 5 St Faiths Road.
2. There is no strategic or long- term purpose to retain the reserve status on the Land, which has been enclosed within the fenceline of the adjoining properties for over 50 years.
3. Council has undertaken its statutory procedures pursuant to section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020 (the Act) giving notice of its intention to remove the reservation status and sell the resultant land.
4. Public notice was given on Council's website and signage erected on the land from 1 April 2022 advising of Councils intention to remove the reservation status and sell the Land. Public submissions were invited in accordance with Council's Community Engagement Policy and Procedures. The submission period closed on 29 April 2022. No submissions were received.
5. This report discusses the removal of the reserve status from the Land and advises Council of the outcome of the statutory procedures and proposed sale of the resultant Land to the adjoining owners.

RECOMMENDATION

That Council:

Being of the opinion that the drainage reserve known as 46a Mountain View Road, Montmorency (the Land) is surplus to Council's and the community's needs, now directs that:

1. Pursuant to Section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020, the statutory procedures to remove the reservation status and sell the resultant Land have been completed and records that no submissions were received.
2. Following confirmation that no submissions were received, Council will decide whether or not to sell part of the Land to the owner of 5 St Faiths Road, Montmorency.

46A MOUNTAIN VIEW ROAD MONTMORENCY - REMOVAL OF RESERVATION STATUS AND SALE OF RESULTANT LAND cont'd

3. Balance of the Land to be retained in Council's ownership pending interest from adjoining property owner.
4. Authorise the Chief Executive Officer or delegate to sign and seal the necessary documentation relating to the sale of the Land.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Manage Council's commercial assets, leases and contracts to deliver sustainable, accessible and inclusive outcomes for the community".

BACKGROUND

- The drainage reserve known as 46a Mountain View Road, Montmorency (the Land) runs from Mountain View Road through to St Faiths Road and is located between 44 and 46 Mountain View Road and 3 and 5 St Faiths (Refer Figure 1).
- The title (Volume 11196 Folio 978) confirms the land as a drainage reserve registered to Banyule City Council.
- The Land has an area of approximately 194 sqm.
- Part of the Land between 44 and 46 Mountain View Road is open to the road and fenced alongside 44 & 46 Mountain View Road. The Land between 3 and 5 St Faiths Road is partially fenced into No 5 St Faiths. The owners of 5 St Faiths Road have expressed an interest to purchase the Land adjoining their property.
- The Land contains Council drainage infrastructure and an adjoining Yarra Valley Water sewer main and maintenance structures adjacent to the northern section of the Land. Council's engineers have advised that the Land will be required for maintenance and future upgrade purposes. Therefore, the whole of the Land will be encumbered by easements in favour of Yarra Valley Water and Banyule City Council.
- Ausnet Services also require the provision of a registered easement. Whilst their infrastructure (pole) is not located on the Land (located between 44 and 46 Mountain View Road), a 'stay' to support the pole is located on the Land.

46A MOUNTAIN VIEW ROAD MONTMORENCY - REMOVAL OF RESERVATION STATUS AND SALE OF RESULTANT LAND cont'd



Figure 1

KEY ISSUES

- Noting that in accordance with Section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020, public notice of Council's proposal to remove the reservation status and sell the resultant land was undertaken and recorded no submissions.
- Parts of the Land have been fenced in to the adjoining properties for over 50 years. Licences (now expired) had been entered into with previous property owners and the former Shire of Eltham.
- The Land is considered surplus to Council requirements, and in order to resolve the encroachment issues, it is considered in the interest of Council and the community to dispose of the Land.

SUPPORTING REPORT DETAILS

Legal Consideration

- The power to remove the reservation status from land is conferred on Council pursuant to section 24A of the *Subdivision Act* 1988. Before proceeding under section 24A of that Act an application for a planning permit must be made in accordance with Part 4 of the *Planning and Environment Act* 1987, to authorise the removal of the reservation status from the Land.
- Council has undertaken its statutory procedures pursuant to section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020 (the

46A MOUNTAIN VIEW ROAD MONTMORENCY - REMOVAL OF RESERVATION STATUS AND SALE OF RESULTANT LAND cont'd

Act) giving notice of its intention to remove the reservation status and sell the resultant land.

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The Land is intended to be sold at market value, less any relevant discounts for side land and encumbrances, with the purchaser/s covering any additional costs relating to the removal of reservation status and sale.
- Council's Valuer provided a market valuation of \$495/m² (including relevant discounts) as at 7 June 2021. A current valuation no more than six months old at the time of sale will be required prior to the sale to the adjoining owners.
- Proceeds from the sale of the Land are estimated at approximately \$96,000.00 plus GST.

Community Engagement

- Community Engagement has been undertaken in accordance with Council's Community Engagement Policy. Public Notice was given on Council's website and a sign placed either end of the Land for the 28-day period commencing 1 April 2022. Adjoining property owners were also advised by letter.
- Submissions were invited on the proposal and closed on the 29 April 2022. At the close of the submission period, no submissions were received.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

6.2 BUNDOORA HALL AND ANNEX - CAPITAL PROJECT FUNDING 22/23

Author: Lucia Brennan - Leisure Services Place & Partnerships Coordinator, Community Wellbeing

SUMMARY

1. An allocation of \$500,000 was provided in the 2021/22 capital budget for improvement works to Bundoora Hall Annex and Hall to support the operations of the Contact Centre and benefit other casual hall users.
2. Officers have been working with the Contact Centre to develop a scope of works that responds to their needs and address the building constraints and challenges associated with access, amenity and storage.
3. A Quantity Surveyor (QS) Report on the architectural concept design is indicating a potential \$159,000 shortfall in funds.

RECOMMENDATION

That Council:

1. Refers the budget shortfall of \$159,000 for the Bundoora Hall and Annex Upgrade to the 2022/23 budget process.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Deliver well designed places and spaces that enable stronger connections and liveability to meet the diverse needs of our current and future community".

BACKGROUND

- Bundoora Community Hall in Norong Avenue is one of Council's largest and most utilised community halls that supports a range of both regular and casual community groups.
- The Hall consists of a main hall, annex including meeting spaces, offices, kitchenette, commercial kitchen, toilet facilities, storage and outdoor space.
- Bundoora Contact are a key tenant of the hall. They are a not for profit organisation that support men and women, 16 years and above to gather socially and connect over shared interests and activities. Their key values are around caring and sharing.
- Other regular users include: Freedom to Dance, U3A Banyule Inc, Bundoora Calisthenics, Bootscoot'n Basics County Line Dancing, Bundoora Seventh Day Adventist Church, Assembly of God Church of Samoa, and Bundoora Italian Senior Citizens Club.

BUNDOORA HALL AND ANNEX - CAPITAL PROJECT FUNDING 22/23 cont'd

- Officers have been working with the Contact Centre to develop the scope of works which includes a refurbishment of existing spaces to meet modern standards. Improvements include a much needed update to amenities, new office, refurbishment of the old office/storage and a new storage space off the main hall, to accommodate chairs and tables, **Attachment 1**.

KEY ISSUES

- The building is 50 years old with significant access, amenity and storage constraints and challenges.
- There is strong community need for improvements to this centre to support the successful role and functioning of key tenant – Bundoora Contact Centre and other community user groups.
- The works are also proposed to include new solid wood flooring as the floors are nearing end of life and have become too thin for sanding and polishing.
- An initial QS had provided a cost of \$1million which was value managed to provide this revised and reduced QS without compromising the project outcomes and community expectations.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- An additional \$159,000 is required for the 2022/23 financial year to account for the expected shortfall.
- Tenders will be sought for the project at the conclusion of this financial year, following detailed design with works expected to occur in 2022/23.

Community Engagement

- Officers have been involved in extensive engagement and consultation with Bundoora Contact Centre who have advocated strongly for these improvements and fully endorse the concept.
- Other regular users have also been consulted to gain understanding of needs and desired outcomes.

BUNDOORA HALL AND ANNEX - CAPITAL PROJECT FUNDING 22/23 cont'd

- Consultation with all users will continue once contractor is appointed and details around work program and timing is established to ensure that construction causes as little disruption as feasible. Temporary locations will also be facilitated if required in order to support the ongoing operations of the groups.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Bundoora Community Hall Concept	

8.1 BANYULE ADVOCACY FRAMEWORK AND PRIORITIES

Author: Michele Purtle - Advocacy Lead, Executive

SUMMARY

1. This report provides an overview of Banyule's first ever Advocacy Framework and four-year Advocacy Action Plan for the 2022 -2026 period.
2. The Advocacy Framework demonstrates how Council's advocacy work aligns with the Community Vision and Council Plan and includes a set of guiding principles that help determine advocacy priorities, and an approach for reporting back to Council.
3. The Framework identifies the varied roles that Council plays in advocating, including:
 - Supporting our community to advocate for themselves
 - Identifying partnerships with our community and stakeholders for a united voice on advocacy projects
 - Taking the lead on major advocacy priorities.
4. The Advocacy Action Plan lists actions for Council to strengthen its advocacy approach over the next four years.
5. A list of twenty-six (26) advocacy priorities have been identified for the 2022-23 year that respond to each of the priority themes identified in the Community Vision. Advocacy priorities will be presented to Council every twelve months for review and endorsement to ensure they remain consistent with community needs.
6. The 2022-23 advocacy priorities will guide Council's pre-budget submissions to the Victorian and Australian Governments and inform discussions with local MPs and relevant Ministers.
7. Council has identified four key projects to actively campaign for Victorian Government investment in the lead up to the Victorian State Election in November 2022. These are:
 - Better traffic features and land use options to be included in the northern part of the North East Link
 - Re-design of the proposed Greensborough Transport Interchange and commuter carpark
 - Electrification of the Ivanhoe Aquatic and Leisure Centre
 - Accessibility of the Watsonia Station.

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

RECOMMENDATION

That Council:

1. Endorse the Advocacy Framework and four-year Advocacy Action Plan
2. Endorse the 2022-23 Advocacy Priorities and prepare advocacy plans to identify opportunities to engage with local Members of Parliament, Ministers, and Government officials, to secure funding for priority projects.
3. Actively campaign, in the lead-up to the 2022 State Election, for:
 - The northern section of the North East Link to include better transport and land planning options to improve connectivity for residents and commuters, financial viability for local traders, reduced noise, and address environmental concerns.
 - Funding to bring the Watsonia Railway Station up to ground level so that it is accessible to all commuters.
 - Electrification of the Ivanhoe Aquatic Centre, making it one of the first retrofitted leisure centres to achieve five star green accreditation
 - Re-design the Greensborough Bus Interchange and Commuter Carpark to be located on, or adjoining, the Greensborough Railway Station site.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Advocate for community priorities and aspirations to improve service, infrastructure, land use, environmental and social outcomes".

BACKGROUND

- The way of life and liveability of the municipality is rapidly changing. Population density, rising life expectancy, urban development, increased traffic congestion, affordable housing, mental health issues, a commitment to zero emissions and the social and economic impact of COVID-19 are just some of the factors that have had an impact on our community.
- Council is committed to ensuring that Banyule has the essential infrastructure and services in place to improve the wellbeing and liveability for the community.
- Council cannot fund all the key infrastructure, active travel opportunities, and health services needed. It relies on the Victorian and Australian Government to assist with funding these essential services and investing in local facilities.
- A key challenge for Council is developing a clear plan to outline what the priorities are and the impact that action (or inaction) will have on the community. To achieve a strong position of influence, Council requires a clear framework to inform its decision-making process on what to advocate for, when and how.

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

ADVOCACY FRAMEWORK

- The Banyule Advocacy Framework and four-year Action Plan (**Attachment 1**) has been developed to guide this decision making.
- The *Banyule Advocacy Framework and Action Plan 2022-26* provides a co-ordinated strategic approach to advocate for government funding to deliver essential infrastructure and community services, or to seek change to government policy.
- The Framework provides an overview of why Council advocates, how it selects advocacy priorities, advances priorities and reports back on their status. This strategic approach to advocacy will ensure that Council's advocacy efforts are focussed and positioned to have the best chance for success.
- Council's Advocacy Framework determines that the advocacy priorities will be reviewed annually to ensure they respond to the community's immediate and long-term needs and have a strong evidence base.
- For 2022-23, a total of twenty-six (26) advocacy priorities have been identified as needing investment from State and/or Federal Government. The priorities respond to each of the priority themes identified in the Community Vision.
- A summary of the advocacy priorities and corresponding items that are being sought for government funding, or changes in policy, include:

Community Vision Priority theme: Our well-built city

Priority	Advocacy request
La Trobe National Employment and Innovation Cluster	Identify La Trobe NEIC as a priority precinct and secure funding for the development of the precinct.
Greensborough Bus Interchange	Redesign the bus interchange and carpark onto the Greensborough Railway Station side of Para Road.
Extension of North East Link Tunnel and land bridges	Deliver better design outcomes for the northern section of the North East Link.
North East Link Greensborough Gateway and road upgrades	Deliver an enhanced road network to improve traffic movement and public transport operations as a result of the North East Link.
Odenwald Pedestrian Bridge	Construct a dedicated pedestrian/cycling overpass across Odenwald Parade, Eaglemont.
West Heidelberg Reimagined	Support the delivery of a community co-designed vision for West Heidelberg.
Northern Precincts and Regions	TBC

Community Vision Priority theme: Our sustainable environment

Priority	Advocacy request
Montmorency to Eltham Shared User Path	Extend the shared user path to Eltham
Northern Bicycle Trail Rosanna to Heidelberg	Complete the Northern Trail along the Hurstbridge railway corridor.
Green fleet for Local Government	Support the availability and affordability of low emission vehicles for all Council services.
West Heidelberg Business Park Solar sustainability	Investigate the possibility of the West Heidelberg Business Park to fully operate on renewable energy.
Bicycle Strategy	To deliver Council's 'missing' bicycle paths.
7-star rating for construction of new homes	Increases the minimum rating for new homes from six stars to seven stars.

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

Safer communities from climate events	Support to improve the resilience of councils and their communities from climate events.
Electric vehicle charging policy for Melbourne's North	TBC

Community Vision Priority theme: Our valued assets and facilities

Priority	Advocacy request
Ivanhoe Aquatic Centre Electrification	Replacement of the pool heating to low emission 100% renewable energy.

Priority theme: Our inclusive and connected community

Priority	Advocacy request
Watsonia Station DDA compliance	Construction of the Watsonia Station to be at ground level.
Ivanhoe Station DDA compliance and Marshall Street Level Crossing removal	Improve accessibility at the Ivanhoe station and prioritise the nearby Marshall Street level crossing for grade separation.
Supported Playgroup	Expand the Supported Playgroups Program to respond to growing demands of vulnerable families.
Diverse Communities	Expand the Diverse Communities Program.
Housing Outreach Service	Extend the existing 24 hour housing outreach service.
Regional Mental Health Services	TBC
Regional Bus Services	TBC

Community vision priority theme: Our thriving local economy

Priority	Advocacy request
Watsonia Shops Capital Investment and Activation Fund	Fund a capital investment and activation program to support the viability of the Watsonia traders during construction of North East Link.
Inclusive Employment	Support to expand Council's program.

- A full list of all the advocacy 'requests' is included in **Attachment 2**.
- Additionally, funding to upgrade Council sporting facilities and infrastructure will still be considered as advocacy projects, and investment will continue to be sought via government grant programs.
- Each of the advocacy priorities is supported by a sound evidence base as to why the investment is needed and an advocacy plan will be developed to identify the best way to 'advance' what Council is seeking.
- The 2022-23 advocacy priorities will guide Council's pre-budget submissions to the State and Federal Governments and inform discussions with local MPs and relevant Ministers.
- Additionally, Council has identified four priorities as critically important for the State Government to commit to funding in the lead up to the next State Election in November 2022. These include:
 - Transport and land use improvements that must be included in the northern section of the North East Link
 - Re-design of the Greensborough bus interchange and commuter carpark

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

- Electrification of the Ivanhoe Aquatic Centre
- Accessibility of the Watsonia Station.
- An Election campaign will be developed to maximise the opportunity of these projects being funded and receiving a commitment by all political parties in the lead up to the Victorian State Election.

KEY ISSUES

- Changes in the demographic and density of Banyule's population, along with commitments to reducing carbon emission and using renewable energy, all come at a huge cost to Council. Additionally, the social and economic impact of COVID, including an increase in mental health issues and financial burden for businesses, and the need for more health services, affordable housing, and renewed infrastructure to re-connect communities. are essential.
- Council cannot afford to fund the key infrastructure and services needed and relies on Victorian and Australian Government investment to ensure the liveability of the municipality.
- The advocacy priorities are an agreed list of projects that are Council's highest priority when it comes to seeking Government investment to deliver services or seeking changes to government legislation. Whilst all advocacy issues are important, it is not possible to advocate at an equal level on all issues. The Framework is crucial for the effective use of resources and the coordination of advocacy activities.
- Advocacy priorities will be developed for each of the priority themes identified in the Banyule Community Vision 2041 to ensure that Council continues to seek investment in all the areas that the community has identified for a more liveable Banyule. Some advocacy issues will remain for several years whereas others will be for a shorter period.
- With a Victorian State Election scheduled for November this year, several key infrastructure improvements have been identified as needing a promise of critical government investment. It is essential that the State Government commits to:
 - Including transport improvements and better land use options in the northern section of the North East Link.
 - Extending the tunnel to Elder Street or 'capping' the North East Link trench is critical for the viability of Watsonia traders and for connecting the residential area with the railway station and shops and creating an appealing landscape with reduced traffic noise.
 - Bringing the Watsonia station up to ground level to ensure it meets accessibility requirements is also essential.
 - Re-shaping the Greensborough bus interchange and commuter carpark to the Railway Station site is also a high priority.
 - Electrification of the Ivanhoe Aquatic Centre and enabling the facility to be one of the first retrofitted leisure centres in Victoria to achieve five star accreditation.

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

SUPPORTING REPORT DETAILS

Legal Consideration There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- Whilst there are no Human Rights implications from the recommendation in this report, State and Federal Government investment in affordable housing, health services, Disability Discrimination Act (DDA) compliant infrastructure and inclusionary programs will have a positive impact on the liveability and Human Rights of local residents.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The recommendations contained in this report will be funded from within the current Budget.

Community Engagement

- The 2022-23 priorities have been developed in line with Banyule's Community Vision and the feedback provided by our residents.
- The proposed advocacy priorities respond to each of the priority themes identified in the Community Vision – Well Built City, Sustainable Environment, Inclusive and Connected Community, Community Assets and Facilities, Thriving Local Economy.
- The priorities also strengthen the collective advocacy of key networks and alliances, including:
 - Inclusive Banyule
 - Northern Councils Alliance
 - Municipal Association of Victoria
 - Victorian Local Government Association
 - Victorian Council of Social Services
 - Council Alliance for a Sustainable Built Environment
 - Northern Areas Greenhouse Alliance

Collaboration

- The proposed advocacy priorities have been developed in collaboration with the key government networks mentioned above.

Key timelines

- June / July – Advocacy collateral developed

BANYULE ADVOCACY FRAMEWORK AND PRIORITIES cont'd

- July – State Election campaign launched
- November – State Election
- December - MP Meetings
- December / January – pre-budget submissions

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Banyule Advocacy Framework and 4 Year Action Plan	
2	Banyule Council Advocacy Priorities 2022/23	

8.2 **INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER**

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. The current Instrument of Delegation from Council to the Chief Executive Officer, also known as s5 or Schedule 5, was executed on 24 May 2021.
3. There are no material changes proposed to the Instrument of Delegation from Council to the Chief Executive Officer from when it was executed on 24 May 2021.
4. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
5. Council subscribes to the Maddocks (Lawyers) Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and the provision of template instruments, which are then tailored to organisational requirements.
6. The proposed Instrument of Delegation from Council to the Chief Executive Officer (s5) is presented to Council for consideration as attached to this Report at **Attachment 2**.

RECOMMENDATION

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Banyule City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer (Attachment 2 to this report)* subject to the conditions and limitations specified in that Instrument;
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.
- Delegations are assigned to positions within Council, rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.
- The revised Instrument of Delegation to Chief Executive Officer is based upon the previous Instrument considered by Council at its Ordinary Council Meeting on 24 May 2021.
- As per advice received from the Maddocks Delegation and Authorisation In Depth Service, the regular review of delegations, irrespective of changes, is important for the good governance of Council and ensures that Council regularly reviews their delegated powers and that legislative reform and organisation restructures are captured.
- Regular review also promotes transparency and accountability to the community on the powers, duties and functions of Council to all staff, including the Chief Executive officer.
- The revised Instrument details the powers and matters bestowed upon the Chief Executive Officer, including conditions and limitations on what the Chief Executive Officer must not determine, action, or do.
- Examples of the conditions and limitations that are set out in the Instrument include, but are not limited to: the ability to enter into a contract exceeding the value of \$1,000,000 excl GS; appointing an Acting Chief Executive officer for a period exceeding 28 days; electing a Mayor or Deputy Mayor;; granting a reasonable request for leave under s 35 of the Act; making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; or approving and amendment of the Council Plan.

KEY ISSUES

- An important part of Council's effective decision-making framework is the ability to delegate its powers to members of Council Staff directly, and to the Chief Executive Officer, to ensure the continued transaction of Council business in a timely and efficient manner.
- Council subscribes to the Maddocks (Lawyers) Delegation and Authorisation In Depth Service which provides regular updates on legislation and assurance to local government. This Delegations update service mitigates the risks involved in oversight of the many reforms to legislation that govern the operations of Council.

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

- The Instrument of Delegation from the Council to the Chief Executive Officer (s5) is not the only the instrument of delegation Council can execute, or that the Chief Executive Officer or other officers can execute.
- A summary of other instruments is detailed below:
 - s6 - Instrument of Delegation from Council to Members of Council Staff
 - s7- Instrument of Sub - Delegation from the Chief Executive Officer to Members of Council Staff
 - s12- Instrument of Delegation and Authorisation from the Municipal Building Surveyor (MBS) under the Building Act 1993 and the Building Regulations 2018.
 - s13 – Instrument of Delegation from the Chief Executive Officer to Staff of CEO Powers.
 - s14 – Instrument of Delegation from the Chief Executive Officer to Staff (VicSmart Applications).
 - s16 – Instrument of Delegation from Council to staff -Bushfire Reconstruction Applications
 - s18 – Instrument of Sub-Delegation under the Environment Protection Act 2017.
- Attached to this Report are the following documents:
 - Current Instrument of Delegation from Council to the Chief Executive Officer as executed 24 May 2021
 - The proposed Instrument of Delegation from Council to the Chief Executive Officer

SUPPORTING REPORT DETAILS

Legal Consideration

- Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.
- Updating and managing instruments of delegation ensures compliance with Section 11 of the *Local Government Act 2020*.
- Councils are required to maintain a register of all the instruments of delegation that are in force in accordance with S11 of the *Local Government Act 2020*.

Human Rights Charter

- It is considered that the subject matter does not raise any human rights issues.

Financial Implications

- There are no financial implications associated with this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's operating budget.

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Current Instrument of Delegation 24 May 2021	
2	Proposed Instrument of Delegation from Council to the Chief Executive Officer May 2022	

8.3 INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. Council subscribes to Maddocks (Lawyers) Delegations and Authorisations In-Depth Service which provides a range of schedules for Council to utilise and modify according to their organisational needs in line with relevant legislation.
3. One of the instruments that Maddocks structure and prepare in their service is the Instrument of Delegation from Council to Members of Council staff, also known as Schedule 6 or s6.
4. Previously at Banyule City Council the legislation that is encompassed in the s6 was broken down into separated instruments per required legislation and Council had resolved in August 2020 to execute those instruments individually. Those Instruments are effective and have enabled the Council and organisation to transact business.
5. As a process change, and in line with the Maddocks Delegation and Authorisation In Depth Service, those individual instruments of delegation as per each legislation is now encompassed into the s6 schedule.
6. The s6 has been prepared for Council's consideration and provides a schedule of the legislation that only Council can delegate directly to Members of Council staff, and that the Chief Executive Officer is unable to sub delegate under the *Local Government Act 2020*.
7. Members of Council staff from across the organisation have been involved in the consultation process to inform the relevant positions within Council to be 'delegated' the right duties, powers and functions under each respective piece of legislation to support the implementation of Council's decisions and transact the business of Council effectively and efficiently in line with the laws of the day.
8. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
9. The revised Instrument of Delegation from Council to Members of Council Staff (s6) is presented to Council for consideration as attached to this Report.

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

RECOMMENDATION

That Council:

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument (**Attachment 1**) of delegation, resolves that -

1. There be delegated to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.
- Delegations are assigned to positions within Council, rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.
- The s6 Instrument of Delegation from Council to Members of Council Staff is used by a Council to delegate to members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation).
- Where the Chief Executive Officer is listed means that position is also able to exercise these powers.
- The legislation that is captured in the s6 Instrument of Delegation from Council to Members of Council Staff includes the following legislation: *Cemeteries and Crematoria Act 2003, Domestic Animals Act 1994, Food Act 1984, Heritage Act 2017, Local Government Act 1989, Planning and Environment Act 1987, Residential Tenancies Act 1997, Road Management Act 2004, Cemeteries and*

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

Crematoria Regulations 2015, Planning and Environment Regulations 2015, Planning and Environment (fees) Regulations 2016, Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, Road Management (General) Regulations 2016, and the Road Management (Works and Infrastructure) Regulations 2015.

- Where the powers under legislation are not required to be delegated, the column 'delegate' is populated with 'not delegated'.
- As per advice received from the Maddocks Delegation and Authorisation In Depth Service, the regular review of delegations, irrespective of changes, is important for the good governance of Council and ensures that Council regularly reviews their delegated powers and that legislative reform and organisation restructures are captured.
- Regular review also promotes transparency and accountability to the community on the powers, duties and functions of Council to all staff, including the Chief Executive officer.
- The Instrument of Delegation from Council to Members of Council Staff (s6) is attached to this report at **Attachment 1**.

- **KEY ISSUES**

- An important part of Council's effective decision-making framework is the ability to delegate its powers to members of Council Staff directly, and to the Chief Executive Officer, to ensure the continued transaction of Council business in a timely and efficient manner.
- Council subscribes to the Maddocks (Lawyers) Delegation and Authorisation In Depth Service which provides regular updates on legislation and assurance to local government. This Delegations update service mitigates the risks involved in oversight of the many reforms to legislation that govern the operations of Council.
- The Instrument of Delegation from the Council Members of Council Staff (s6) is not the only the instrument of delegation Council can execute, or that the Chief Executive Officer or other officers can execute.
- A summary of other instruments is detailed below:
 - S5 - Instrument of Delegation from Council to the Chief Executive Officer
 - s7- Instrument of Sub - Delegation from the Chief Executive Officer to Members of Council Staff
 - s12- Instrument of Delegation and Authorisation from the Municipal Building Surveyor (MBS) under the Building Act 1993 and the Building Regulations 2018.
 - s13 – Instrument of Delegation from the Chief Executive Officer to Staff of CEO Powers.
 - s14 – Instrument of Delegation from the Chief Executive Officer to Staff (VicSmart Applications).
 - s16 – Instrument of Delegation from Council to staff -Bushfire Reconstruction Applications

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

- s18 – Instrument of Sub-Delegation under the Environment Protection Act 2017.
- Attached to this Report (**Attachment 1**) is the proposed Instrument of Delegation from Council to Members of Council Staff (s6) as prepared by Council Officers.

SUPPORTING REPORT DETAILS

Legal Consideration

- Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.
- Updating and managing instruments of delegation ensures compliance with Section 11 of the *Local Government Act 2020*.
- Councils are required to maintain a register of all the instruments of delegation that are in force in accordance with S11 of the *Local Government Act 2020*.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Financial Implications

- There are no financial implication arising from the recommendation contained in this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's operating budget.

Collaboration

- Council's Senior Management Teams were engaged through training and development, and integral in the preparation of the s6 Instrument of Delegation. Each respective department was involved in providing input and advice on which positions within Council were required to be delegated certain powers, duties and functions to enable the business of Council to be transacted.
- Collaboration and engagement is a key element of the review of Instruments of Delegation.

Key Considerations

- Delegating certain powers, duties and functions under the legislation as captured in Instruments creates the ability for Council to manage its business effectively and for technical experts employed to support the community to undertake their obligations within their position descriptions and achieve elements of the Council Plan and other key documents.
- Effective decision making in a local government context is the power to delegate and delegate effectively to support the outcomes for the Community.

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Instrument of Delegation from Council to Members of Council Staff - S6	

8.4 INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.
2. Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks (Lawyers) Authorisations and Delegations In Depth Service, which Council subscribes to.
3. Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution.
4. Maddocks recommends that Council execute the appointment and authorisation of authorised officers under the *Planning and Environment Act 1987* because these Acts place limitations on what powers can be sub-delegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.
5. Authorisations are different to delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.

RECOMMENDATION

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the instrument as attached at **Attachment 1** be appointed and authorised as set out in the instrument;
2. The instrument comes into force immediately as it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.
- The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations In Depth Service.
- Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.
- The Instrument of Appointment to Authorised Officers under the *Planning and Environment Act 1987* have been prepared by the Governance Team after consultation with the internal departments of Council.
- The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

- There are no legislative changes to the authorisation under the *Planning and Environment Act 1989*.
- The instrument has been updated in line with the revised organisation structure.
- They are delegated to natural people and not positions.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.
- The report complies with Council's obligations under the *Planning and Environment Act 1987* and the *Local Government Act 2020*.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 cont'd

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The preparation of this report and Council's subscription to Maddocks Delegations and Authorisations In-Depth Services is within Council's operating budget. There are no other financial considerations that are required in relation to the preparation of this report.

Collaboration

- This Instrument of Appointment and Authorisation has been prepared following feedback from relevant departments within Council.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Instrument of Appointment to Authorised Officers under the P&E Act 1987	

8.5 INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. The Environment Protection Act 2017 (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.
2. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed however, there have been changes to the laws and powers of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to councils.
3. Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council.
4. Following this, Maddocks (Lawyers) advised that Council should now sub-delegate these powers, as conferred by section 437(2) of the Act to Council officers.
5. The attached Instrument of Sub-Delegation from Council to Members of Council Staff reflects this advice and is presented to Council for adoption.
6. It is important to note that the powers contained in the Instrument of Sub-delegation can only be delegated to council staff who are authorised under section 242(2) of the Act.
7. For this reason, both the Instrument of Delegation and the Instrument of Appointment to Authorised Officers are also presented to Council for adoption (**Attachment 1 and Attachment 2**) to this report.

RECOMMENDATION

That Council:

1. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Banyule City Council (Council) resolves that:
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (**Attachment 1**) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
3. The instrument comes into force immediately after the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

5. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
- a) The members of Council staff referred to in the instruments be appointed and authorised as set out in the instrument (**Attachment 2**).
 - b) The instrument comes into force immediately the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument and remains in force until Council determines to vary or revoke it.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- The *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.
- Council received formal notification from the EPA in June to advise that they had delegated new powers to councils under the Act. The delegation applies to the regulation of:
 - on-site wastewater management systems not exceeding 5000 litres on any day; and
 - noise from construction, demolition and removal of residential premises.
- The EPA's Governing Board approved the Instrument of Delegation and the Instrument of Direction on 4 June 2021. These Instruments enable Council to take necessary steps to assume the new powers under the Act and the Regulations.

KEY ISSUES

- By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.
- The powers, duties and functions described and summarised in the Schedule as attached to this report, are only delegated for the purpose of regulating:
 - onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - noise from the construction, demolition or removal of residential premise.
- Where Council has sub-delegated EPA powers and functions under s437(2) of the Act, the members of Council staff must be authorised officers under s242(2) of the Act.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

- As such, new Instruments of Appointment and Authorisation are included and attached to this report.
- Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.
- In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers.
- A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework.
- Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.
- Further, authorised officers must exercise the powers in accordance with the EPA's approved Instrument of Direction.
- The attached Instrument of Sub-Delegation (and Instruments of Appointment and Authorisation) are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

SUPPORTING REPORT DETAILS

Legal Consideration

- This report has been prepared in line with the *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Financial Implications

- There are no financial implications associated with this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's operating budget.

Collaboration

- Council subscribes to the Maddocks Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and template instruments.
- Consultation with the relevant departments within the organisation has taken place in the preparation of the proposed Instruments.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

Key Considerations

- By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.
- The powers, duties and functions described and summarised in the Schedule as attached to this Report are only delegated for the purpose of regulating:
 - onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - noise from the construction, demolition or removal of residential premises.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	s18 - Instrument of Delegation - EPA Act	
2	Instrument of Appointment to Authorised Officer - EPA Act	

8.6 AWARDING OF CONTRACT NO.1183-2022 FOR CARPENTRY SERVICES ON COUNCIL FACILITIES AND ASSETS

Author: Andrew Last - Building Maintenance Coordinator, Assets & City Services

SUMMARY

- This report is to consider the awarding of Contract No. 1183-2022 for a panel of contractors for the carpentry services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The carpentry panel forms one of the key services undertaking these works.
- The appointment of a panel of contractors under this contract, will support Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
- The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
- Tenders were received from thirteen companies.
- The Tender Evaluation Panel (TEP) has recommended awarding the contract to five contractors in accordance with the tender conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award Contract No. 1183-2022 for Carpentry Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to the following panel of contractors.
 - i. Building Impressions Pty Ltd ATF Building Impressions Unit Trust
 - ii. JR Building and Maintenance Pty Ltd
 - iii. Stylus Building and Maintenance P/L
 - iv. Harris HMC Interiors Pty Ltd
 - v. Arden Building Maintenance Pty. Ltd
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.

AWARDING OF CONTRACT NO.1183-2022 FOR CARPENTRY SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

3. Authorise the Director of Assets and City Services to approve extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".

TENDER DETAILS

Contract Period	Two Years commencing 1 July 2022 & optional three single years (3 x 1) extensions
Contract Type	Schedule of Rates Panel Contract
Advertising Period	12 March 2022
Tenders Closed	6 April 2022
No. of tender documents downloaded	Twenty Two (22) prospective companies downloaded the tender document.
Tender Evaluation Panel	<ul style="list-style-type: none">• Maintenance Coordinator• Facilities Officer• Scheduled Maintenance Officer• Procurement Specialist – Capital Works - (non scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Previous performance, experience, and reliability in the provision of similar types of projects and previous performance, experience and reliability in delivery of contracts, or purchase orders directly with Banyule City Council (if applicable);• Qualifications and experience of nominated staff including experience of nominated sub-contractors.• Existence of Accredited Management Systems and procedures Quality & OH& S; and• Sustainable Procurement Questionnaire.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the Tender Evaluation Panel (TEP) convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender conditions required tenderers to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

AWARDING OF CONTRACT NO.1183-2022 FOR CARPENTRY SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Initial Shortlisting

During the initial opening of tenders and with regard to budget, the agreed weightings and the number of contractors to be appointed on the panel, the TEP agreed that the six (6) lowest priced submissions would be considered further. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

- The TEP individually scored the shortlisted tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a final evaluation, using the weighted evaluation matrix.
- Following is the final score of the shortlisted tenderers:

Contractor	Weighted Scores
Harris HMC Interiors Pty Ltd	81.12
Arden Building Maintenance Pty. Ltd.	77.76
JR Building and Maintenance Pty Ltd	77.67
Building Impressions Pty Ltd ATF Building Impressions Unit Trust	76.62
Stylus Building and Maintenance P/L	70.56
Tenderer I	62.49

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 109(1) of the Local Government Act 2020 requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).
- The awarding of this contract complies with the tendering provisions of Section 109(1) of the Local Government Act 2020.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- Of the five (5) recommended tenderers only two (2), Harris HMC Interiors Pty Ltd and Arden Building Maintenance Pty Ltd tendered positively to the majority of the Sustainable Procurement Questionnaire, are 3rd party accredited

AWARDING OF CONTRACT NO.1183-2022 FOR CARPENTRY SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

environmentally and have social enterprise and indigenous links. However, all five (5) companies are located in the Northern Region.

Financial Implications

- Council has allocated \$350,000 per annum in its annual Delivery and Assets budget over the next five years for the supply of the Carpentry Services on Council Facilities and Asset.
- The total budgeted contract value including extension options is \$1,750,000 exc GST and CPI.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 108 of the Local Government Act 2020. The Local Government Act 2020 and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	RFT Evaluation Matrix - Contract for Carpentry Services on Council Facilities & Assets - CONFIDENTIAL	

8.7 AWARDING OF CONTRACT NO.1185-2022 FOR PAINTING SERVICES ON COUNCIL FACILITIES AND ASSETS

Author: Andrew Last - Building Maintenance Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. 1185-2022 for a panel of contractors for the painting services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The painting panel forms one of the key services undertaking these works.
2. The appointment of a panel of contractors under this contract will support Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion, on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from twelve companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to four contractors in accordance with the tender conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award Contract No. 1185-2022 for Painting Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to the following panel of contractors.
 - i. Building Impressions Pty Ltd ATF Building Impressions Unit Trust
 - ii. Hue Painting and Decorating Pty Ltd
 - iii. Programmed Property Services Pty Ltd
 - iv. GBCC Pty Ltd
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to approve extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two(2) year contract term and extension periods.

AWARDING OF CONTRACT NO.1185-2022 FOR PAINTING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".

TENDER DETAILS

Contract Period	Two Years commencing 1 July 2022 & optional three single years (3 x 1) extension
Contract Type	Schedule of Rates Panel Contract
Advertising Period	12 March 2022
Tenders Closed	6 April 2022
No. of tender documents downloaded	Eighteen (18) prospective companies downloaded the tender document.
Tender Evaluation Panel	<ul style="list-style-type: none">• Maintenance Coordinator• Unscheduled Maintenance Officer• Scheduled Maintenance Officer• Procurement Specialist – Capital Works - (non scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Previous performance, experience, and reliability in the provision of similar types of projects and previous performance, experience and reliability in delivery of contracts, or purchase orders directly with Banyule City Council (if applicable);• Qualifications and experience of nominated staff including experience of nominated sub-contractors.• Existence of Accredited Management Systems and procedures Quality & OH& S; and• Sustainable Procurement Questionnaire.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the Tender Evaluation Panel (TEP) convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender conditions required tenderers to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract, which covers Environmental, Economic and Social sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

Initial Shortlisting

During the initial opening of tenders and with regard to budget, the agreed weightings and the number of contractors to be appointed on the panel, the TEP agreed that the

AWARDING OF CONTRACT NO.1185-2022 FOR PAINTING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

eight (8) lowest priced submissions would be considered further. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

- The TEP individually scored the shortlisted tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a final evaluation, using the weighted evaluation matrix.
- Following is the final score of the shortlisted tenderers:

Contractor	Weighted Scores
Programmed Property Services Pty Ltd	83.21
Building Impressions Pty Ltd ATF Building Impressions Unit Trust	71.48
Hue Painting and Decorating Pty Ltd	70.33
GBCC Pty Ltd	69.45
Tenderer E	62.99
Tenderer B	54.35
Tenderer I	48.41
Tenderer L	44.87

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 109(1) of the Local Government Act 2020 requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).
- The awarding of this contract complies with the tendering provisions of Section 109(1) of the Local Government Act 2020.
- Programmed Property Services Pty Ltd tendered contract departures in relation to Liquidated Damages, Insurances and Indemnity. They are however a current contractor for this panel and have similar conditions currently. The Maintenance Coordinator is comfortable with the departures which are considered low risk to Council in a contract of this nature.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

AWARDING OF CONTRACT NO.1185-2022 FOR PAINTING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Sustainable Procurement Outcomes

- Of the four (4) recommended tenderers Programmed Property Services Pty Ltd tendered the most positively to the Sustainable Procurement Questionnaire, are 3rd party accredited environmentally and have social enterprise and indigenous links. The other three (3) tenderers are located in the Northern Region.

Financial Implications

- Council has allocated \$280,000 per annum in its annual Delivery and Assets budget over the next five years for the supply of the Painting Services on Council Facilities and Asset.
- The total budgeted contract value including extension options is \$1,400,000 exc. GST and CPI.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 108 of the Local Government Act 2020. The Local Government Act 2020 and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	RFT Evaluation Matrix - Contract for Painting Services on Council Facilities & Assets - CONFIDENTIAL	

8.8 AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS

Author: Andrew Last - Building Maintenance Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No.1184-2022 for the electrical services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The electrical contract forms one of the key services undertaking these works.
2. The appointment of a single contractor under this contract, will support the Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from twenty companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a single contractor in accordance with the tender conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award Contract No. 1184-2022 for Electrical Services on Council Facilities and Assets, for the initial two(2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to:
 - Alert Electrical Group
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".

TENDER DETAILS

Contract Period	Two Years commencing 1 July 2022 & optional three single years (3 x 1) extension
Contract Type	Schedule of Rates Panel Contract
Advertising Period	26 March 2022
Tenders Closed	27 April 2022
No. of tender documents downloaded	Fifty three (53) prospective companies downloaded the tender document from Council's website
Tender Evaluation Panel	<ul style="list-style-type: none">• Building Maintenance Coordinator• Zero Carbon Senior Project Manager• Facilities Officer• Procurement Specialist – Capital Works - (non scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's;• Previous performance, experience and reliability in the provision of similar types of maintenance services and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable), including referee feedback (Note that advice may be sought from any other person beyond that given by the nominated referees);• Previous performance, experience and reliability in the provision of Electrical Asset Management, Auditing, and Compliance works. Customers service management process, and Reporting systems and capability.• Existence of an accredited management system and procedures covering Quality and OH&S; and• Sustainable Procurement Questionnaire

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender conditions required tenderers to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Initial Shortlisting

During the initial opening of tenders and with regard to budget and the agreed weightings, the TEP agreed that only the six (6) lowest priced submissions would be considered further. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

- The TEP individually scored the shortlisted tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a final evaluation, using the weighted evaluation matrix.
- Following is the final score of the shortlisted tenderers:

Contractor	Weighted Scores
Alert Electrical Group	85.42
Tenderer F	65.15
Tenderer B	61.64
Tenderer C	60.67
Tenderer L	59.12
Tenderer D	50.21

- It is evident from the above weighted scores that Alert Electrical Group has obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 109(1) of the Local Government Act 2020 requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).
- The awarding of this contract complies with the tendering provisions of Section 109(1) of the Local Government Act 2020.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- Alert Electrical Group tendered positively to the majority of the Sustainable Procurement Questionnaire, were the highest scored tender, have social enterprise links and are located in Airport West.

AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

- As part of the post tender interview, Alert Electrical Group have confirmed and committed to employing a local Banyule work experience student from a Vcal program similar to their current partnerships with MMVLLEN (Maribyrnong and Moonee Valley Local Learning and Employment Network).

Financial Implications

- Council has allocated \$400,000 per annum in its annual Delivery and Assets budget over the next five years for the supply of the Electrical Services on Council Facilities and Asset.
- The total budgeted contract value including extension options is \$2,000,000 exc. GST and CPI.
- Alert Electrical Group were not the lowest priced tenderer, however they scored significantly highly in the non-price criteria of the evaluation compared to other tenderers.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 108 of the Local Government Act 2020. The Local Government Act 2020 and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	RFT Evaluation Matrix - Contract for Electrical Services on Council Facilities and Assets - CONFIDENTIAL	

8.9 AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS

Author: Andrew Last - Building Maintenance Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No.1186-2022 for the plumbing services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The plumbing contract forms one of the key services undertaking these works.
2. The appointment of a single contractor under this contract, will support the Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from fifteen companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a single contractor in accordance with the tender conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award Contract No. 1186-2022 for Plumbing Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to:
 - New Plumbing Solutions
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to *“Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard”*.

TENDER DETAILS

Contract Period	Two Years commencing 1 July 2022 & optional three single years (3 x 1) extension
Contract Type	Schedule of Rates Panel Contract
Advertising Period	26 March 2022
Tenders Closed	27 April 2022
No. of tender documents downloaded	Thirty Two (32) prospective companies downloaded the tender document from Council's website
Tender Evaluation Panel	<ul style="list-style-type: none">• Building Maintenance Coordinator• Zero Carbon Senior Project Manager• Unscheduled Maintenance Officer• Procurement Specialist – Capital Works - (non scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's;• Previous performance, experience and reliability in the provision of similar types of maintenance services and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable), including referee feedback;• Previous performance, experience and reliability in the provision of Plumbing Asset Management, Auditing, and Compliance works. Customers service management process, and Reporting systems and capability.• Existence of an accredited management system and procedures covering Quality and OH&S; and• Sustainable Procurement Questionnaire

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender conditions required tenderers to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

- During the initial opening of tenders and with regard to budget and the agreed weightings, the TEP agreed that only the eight (8) lowest priced submissions would be considered further. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a final evaluation, using the weighted evaluation matrix.
- Following is the final score of the shortlisted tenderers:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
New Plumbing Solutions	85.22
Tenderer D	73.67
Tenderer F	72.37
Tenderer M	71.31
Tenderer L	68.45
Tenderer O	63.78
Tenderer A	59.54
Tenderer B	50.37

- It is evident from the above weighted scores that New Plumbing Solutions has obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 109(1) of the Local Government Act 2020 requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).
- The awarding of this contract complies with the tendering provisions of Section 109(1) of the Local Government Act 2020.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Sustainable Procurement Outcomes

- New Plumbing Solutions tendered positively to the majority of the Sustainable Procurement Questionnaire, were the highest scored tender, are 3rd party accredited environmentally and have social enterprise and indigenous links. They are a current contractor for plumbing services to Council and are located in the Northern Region.
- As part of the post tender interview, New Plumbing Solutions have committed to employing 2 local apprentices, additional to their current workforce for the duration of the contract.

Financial Implications

- Council has allocated \$700,000 per annum in its annual Delivery and Assets budget over the next five years for the supply of the Plumbing Services on Council Facilities and Asset.
- The total budgeted contract value including extension options is \$3,500,000 exc. GST and CPI.
- New Plumbing Solutions were not the lowest priced tenderer, however they scored significantly highly in the non-price criteria of the evaluation compared to other tenderers.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 108 of the Local Government Act 2020. The Local Government Act 2020 and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	RFT Evaluation Matrix - Contract for Plumbing Services on Council Facilities and Assets - CONFIDENTIAL	

8.10 COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022

Author: Gina Burden - Manager Corporate Governance & Communication, Executive

Previous Items

Council on 25 Oct 2021 7.00pm (Item 6.2 - Banyule Council Plan 2021-2025 and Financial Plan 2021-2031)

Council on 21 March 2022 (Item 8.1 - Council Plan 2021-2025 Progress Report July-December 2021)

SUMMARY

1. The *Local Government Act 2020* requires a Council to provide progress reporting on the implementation of the Council Plan, and Council has committed to reporting to the community on a regular basis (including quarterly reporting on annual actions).
2. This reporting forms a key part of Council's commitment to keeping the community informed on how we are tracking with delivery of the Banyule Community Vision 2041 and Council Plan.
3. The Council Plan was developed in partnership with the Community, and was adopted by Council on 25 October 2021, taking effect from 1 July 2021.
4. The Council Plan works together with key plans such as the Municipal Public Health and Wellbeing Plan, Financial Plan, Budget, Revenue and Rating Plan, Asset Plan, and a range of other policies and plans to deliver services and infrastructure and enhance health and wellbeing outcomes for the community.
5. The Council Plan 2021-2025 Progress Report July 2021-March 2022 (**attached**) is Council's 2nd progress report to the community about the new Council Plan.
6. The report covers progress for the Annual Action Plan 2021/2022 over the period 1 July 2021 – 31 March 2022 and shows that Council is on track with the 3rd quarter target, achieving 90% of the target for this reporting period.
7. The progress report includes: a brief message from the Mayor, a progress snapshot for every action (in terms of on-track, off-track, etc), along with several highlights and key achievements for each objective.

RECOMMENDATION

That Council:

1. Note the Council Plan 2021-2025 Progress Report July 2021-March 2022.
2. Acknowledge progress for the Annual Action Plan 2021/2022 over the period 1 July 2021 – 31 March 2022 is on track, achieving 90% of the target for this reporting period.

**COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022
cont'd**

3. Make the Council Plan 2021-2025 Progress Report July 2021-March 2022 available on Council's website and promote the progress of Council Plan actions via the Banner newsletter.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide an integrated approach to planning and community reporting aligned to the Banyule Community Vision 2041".

BACKGROUND

- The Council Plan outlines Council's strategic priorities and directions in the broader context of the Community Vision and adopted policies, strategies, and plans (including the Municipal Strategic Statement and Municipal Public Health and Wellbeing Plan).
- It works together with key plans such as the Financial Plan, Budget, Revenue and Rating Plan, Asset Plan, and a range of other policies and plans.
- The Council Plan outlines and integrates Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response.
- Council's integrated approach to planning, delivery and reporting is important for service delivery and health and wellbeing outcomes for the community, and to meet requirements of the new *Local Government Act 2020*.
- Regular reporting aims to keep the community informed on how Council is tracking with delivery of the Banyule Community Vision 2041 and Council Plan.
- The Council Plan objectives are directly aligned with the Banyule Community Vision themes:

The Banyule Community Vision 2041 statement:

"We in Banyule are a thriving, sustainable, inclusive and connected community. We are engaged, we belong and we value and protect our environment."

**COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022
cont'd**



Progress on achieving Council Plan actions

- The summary of overall progress on the implementation of the Council Plan Annual Action Plan 2021/2022 for the period 1 July 2021– 31 March 2022 shows:
 - the percentage (%) progress against the target for the 3rd quarter, achieving 90% of the target for this reporting period.
 - 177 out of 245 actions are on track.
- Progress is favourable and on track, especially given the impacts of COVID-19, and challenges presented by a range of unforeseen circumstances.
- The overall percentage complete for the Annual Action Plan is 70% (which is slightly below where it should be at this stage, compared with the target of approximately 75%).
- A few of the highlights listed in the progress report for each strategic objective, include:

Priority Theme 1 – Our Inclusive and Connected Community:

- With COVID restrictions easing, community events had a resurgence. Twilight Sounds attracted over 5000 music fans to Heidelberg Park Oval in February, while in March 3000 people attended Malahang Wellbeing Festival.
- Banyule Nillumbik Youth Services Network hosted an online training session for 40 parents and carers on self-harm and suicide, and hundreds of students participated in school workshops to support mental health and wellbeing.

**COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022
cont'd**

- Support for older adults and carers continued, including helping 360 older people navigate the Commonwealth aged care system, and providing a varied program of events and activities.

Priority Theme 2 – Our Sustainable Environment:

- Council's Domestic Animal Management Plan was adopted in February 2022, with a focus on community education and enforcement of responsible pet ownership, and compliance of animal businesses to codes of practice.
- The environmental focused Upskilling workshop series returned in 2022, with the first session in March educating the community about plant biodiversity.
- Preparation for the roll-out of FOGO (food organics and garden organics) waste service gained momentum with community information sessions delivered, as well as new rubbish bins to residents.

Priority Theme 3 – Our Well-Built City:

- Construction of the new Bellfield Community Hub continued during the 3rd quarter. Next door, Council's first partnership with a social housing project, Launch Housing, held a sod turning to mark the start of construction.
- To strengthen positive neighbourhood character outcomes, an integrated approach to Municipal Building Surveyor decisions was established.
- The Banyule Integrated Transport Plan Action Plan 2023 was reviewed and updated with recommendations. Council adopted the Banyule Bicycle Strategy and its Action Plan in February.

Priority Theme 4 – Our Valued Community Assets and Facilities:

- A draft of the Community Infrastructure Framework was developed in consultation with the community to better understand their needs in relation to Council buildings and the services they house.
- On the ground, construction continued on an upgrade to Partingtons Flat pavilion and the design process started for the reconstruction of Warringal Park Oval surface.
- Over summer, the bathroom facilities at Greenhills Neighbourhood House were completed, along with a major refurbishment and expansion of the Greensborough Maternal and Child Health and Preschool.

Priority Theme 5 – Our Thriving Local Economy:

- During the January-March quarter, 41 small business applications were actioned by the Business Concierge Officer, up by 10 in the previous quarter. Round 7 of the COVID-19 Banyule Business grants opened on 1 March 2022 with \$210,000 funding pool available to support local businesses.
- Youth Marketplace continued to promote young entrepreneurs and creatives. This quarter focused on training and development, and eight entry-level employment opportunities were supported in the creative industries.

**COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022
cont'd**

- The Inclusive Jobs Service continued to provide opportunities for locals, including 18 job outcomes created through Council's partnership with Open House's new social enterprise café set to open at Ivanhoe Library and Cultural Hub Cafe.

Priority Theme 6 – Our Trusted and Responsive Leadership:

- Work continued on reviewing important governance policies, including Council's Transparency, Customer Relationship Management, and Privacy policies, as well as the Records Disposal Guidelines.
- To better service the community, a Voice of Customer Framework was developed which will enable better measuring and tracking of customer service performance and identify areas for improvement.
- A four-year Gender Equality Action Plan (GEAP) was endorsed by the executive management team in March 2022 to better protect against gendered discrimination and ensure gender equality in the organisation.

Reporting to the Community

- The progress report includes:
 - A brief message from the Mayor
 - Diagrams providing a summary of action progress - overall and for each Objective
 - Several highlights, key achievements and challenges
 - A progress snapshot for every action (in terms of on-track, off-track, etc).
- The progress report responds to requirements of the new *Local Government Act 2020*, and Council's commitment to reporting to the community on a regular basis (including quarterly reporting on annual actions).
- The report aims to complement Council's current suite of reporting to the community, e.g. Quarterly Financial Management Reports, Annual Report, Annual Community Satisfaction Survey results.
- The Council Plan 2021-2025 Progress Report July 2021-March 2022 will be made available on Council's website, with progress of Council Plan actions promoted via the Banner newsletter.

KEY ISSUES

- This is Council's 2nd progress report to the community about the new Council Plan, covering the period 1 July 2021 – 31 March 2022
- The report shows that Council is on track with the 3rd quarter target, achieving 90% of the target for this reporting period.
- The overall percentage complete for the Annual Action Plan is 70%, which is close to the 75% target at this stage of the year.
- There are many highlights for each strategic objective – these are included in the attached progress report, and several have been mentioned in this report.

**COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022
cont'd**

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the issues contained in this report.
- In accordance with Section 18 (1) (d) and Section 100 (1) of the *Local Government Act 2020*, the Mayor is required to report to the community, at least once each year, on the implementation of the Council Plan.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The Council Plan is implemented through annual action plans, which reflect Council's decisions on the initiatives and priority services to be funded through the Budget each year.
- The Budget and Financial Plan are closely linked with and support the achievement of the Council Plan and Community Vision
- There are no financial implications arising from the recommendation contained in this report.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Council Plan 2021-2025 Progress Report July 2021-March 2022	

8.11 INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK

Author: Tania O'Reilly - Manager Finance & Procurement, Corporate Services

Previous Items

Council on 11 April 2022 (Item 8.1 - Proposed Budget 2022-2026 for public consultation)

Council on 11 April 2022 (Item 8.2 - Revised Financial Plan 2022-2032 for public consultation)

Council on 11 April 2022 (Item 8.3 - Revised Revenue and Rating Plan 2022-2026 for public consultation)

Council on 11 April 2022 (Item 6.1 - 10 Year Asset Plan)

Council on 11 April 2022 (Item 8.4 - Council Plan 2021-2025 - Preparation of Year 2 Annual Action Plan 2022/2023)

SUMMARY

1. At the Ordinary Council Meeting on 11 April 2022, Council resolved to give notice for the preparation of the following integrated planning documents:
 - Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23
 - Proposed Budget 2022-2026
 - Asset Plan 2022-2032
 - Revised Financial Plan 2022-2032
 - Revised Revenue and Rating Plan 2022-2026
2. Subsequently, Council commenced a public consultation period from 12 April 2022 to 3 May 2022 and the integrated planning documents were made available for community comment, enabling members of the community to provide written feedback.
3. Sixty-Three (63) pieces of feedback were received across all the five integrated planning documents and seventeen (17) people requested to speak to their submissions at the Councillor forum on 11 May 2022.
4. This report is to enable Council to formally consider community engagement feedback and submissions received on these integrated planning documents.
5. The community engagement feedback received on the integrated planning documents is presented in the Integrated Planning Project Report '*Results from Shaping Banyule and workshop consultation – April to May 2022*' attached to this report.
6. This report provides a summary of the review of feedback for each of the integrated planning documents and identifies where there is a financial impact to the proposed Budget.
7. In summary, the proposed changes to the Budget 2022-2026 from the Integrated Planning feedback and submissions and supported by officers is:
 - a. 1 year impact: \$0.77m for specific budget requests made

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- b. 4 year impact: \$2.24m for specific budget requests made
- 8. The integrated planning documents will be updated with the details and financial impact, as identified, and as determined by the outcome of Council's consideration of the community engagement feedback.
- 9. Consideration to adopt the integrated planning documents with or without amendment will be held at the Ordinary Council Meeting on Monday, 27 June 2022.

RECOMMENDATION

That Council:

1. Note the community engagement component of the Integrated Planning project 2022 has now concluded and the results from this consultation are attached to this report.
2. Note all changes to the following plans will be undertaken prior to Council considering their adoption at the Ordinary meeting of Council on Monday, 27 June 2022.
 - a. Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23
 - b. Budget 2022-2026
 - c. Asset Plan 2022-2032
 - d. Financial Plan 2022-2032
 - e. Revenue and Rating Plan 2022-2026
3. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Council Plan Year 2 Annual Action Plan 2022/23 in accordance with section 90 of the *Local Government Act 2020*:
 - a. Notes participants are supportive of Council's strategic direction for the future.
 - b. Notes minor changes, as identified from the feedback received, will be incorporated into the Year 2 Annual Action Plan 2022/23 as required.
4. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Budget 2022-2026 in accordance with section 94 of the *Local Government Act 2020*:
 - a. Notes the feedback, issues, concerns and or support from budget feedback.
 - b. Endorses changes to the Budget 2022-2026 as detailed in the attached 'Budget Feedback Recommendations for Council Consideration' for Budget Feedback items 6, 7, 9, 10, 12, 13, 19, 22, 23, 25, 26, 28, 29 and Council Plan Feedback item 5.
 - c. Notes that no changes be made to the Budget 2022-2026 for Budget Feedback items 1, 2, 3, 4, 5, 8, 11, 14, 15, 16, 17, 18, 20, 21, 24, 27 as either the feedback has been noted without any specific funding required, has funding support in the budget, or the

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

request is not supported at this present time (*refer to the attached 'Budget Feedback Recommendations for Council Consideration'*)

5. Having considered the integrated Planning Community Engagement results in respect of Council's intention to adopt the Asset Plan 2022-2032 in accordance with section 92 of the *Local Government Act 2020*:
 - a. Notes the high level of support for most of the Asset Plan recommendations received during the consultation.
 - b. Notes minor changes, as identified from the feedback received, will be incorporated into the proposed Asset Plan 2022-2032 as required.
6. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Financial Plan 2022-32 in accordance with section 91 of the *Local Government Act 2020*:
 - a. Notes the diversity of the feedback received.
 - b. Notes minor changes, as identified from the feedback received, will be incorporated into the revised Financial Plan 2022-2032 as required.
7. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Revenue and Rating Plan 2022-2026 in accordance with section 93 of the *Local Government Act 2020*:
 - a. Notes the overall support received to introduce rate waivers and the separation of the kerbside waste rate and public waste rate from general rates.
 - b. Notes minor changes, as identified from the feedback received, will be incorporated into the revised Revenue and Rating Plan 2022-2026 as required.
8. Advise all proposed Budget 2022-2026 submitters who requested specific funding changes of the outcome of their specific budget request.
9. Update the Proposed Budget 2022-2026 with the financial impact of the Integrated Planning Project feedback to be considered for adoption by Council at its meeting on Monday 27 June 2022.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide an integrated approach to planning and community reporting aligned to the Banyule Community Vision 2041".

BACKGROUND

- The following integrated planning documents require adoption by Council before 30 June 2022:
 - Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/2023
 - Budget 2022-26

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- Asset Plan 2022-32
- Financial Plan 2022-32
- Revenue and Rating Plan 2022-26.
- Council agreed to engage with the community between 12 April to 3 May 2022 via Council's community consultation platform 'Shaping Banyule', community member workshops and a Councillor Forum, in order to test these documents before they are finalised.
- This report includes a summary of the financial impacts (as identified) from the integrated planning project outcomes (Shaping Banyule and Community Workshop consultations).
- This report is presented to enable Council to formally consider and agree on the outcomes of the integrated planning project feedback received.
- The integrated planning community engagement results (Refer report attached: *'Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022'*) are to be formally considered by Council at the Ordinary Meeting of Council on Monday, 30 May 2022.
- The Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/2023; Budget 2022-26; Asset Plan 2022-32; Financial Plan 2022-32 and Revenue and Rating Plan 2022-26 will be updated with the details and financial impact of each submitters feedback, as required, and as determined by the outcome of Council's consideration.
- Consideration to adopt the integrated planning documents with or without amendment will be held at a Council Meeting on Monday, 27 June 2022.

KEY ISSUES

- Community members provided feedback on the integrated planning documents either via Shaping Banyule, during attendance at the workshops and by email.
- The Integrated Planning Project documents included in this report are:
 - Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23
 - Budget 2022-26
 - Asset Plan 2022-32
 - Financial Plan 2022-32
 - Revenue and Rating Plan 2022-26.
- The community engagement feedback received is included in the attached report *'Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022'*.
- A summary of Budget impact recommendations has been listed in the attached *'Budget Feedback Recommendations for Council Consideration'*.
- The following information provides a summary of the review of feedback for each of the integrated planning documents.

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

Council Plan

- The priority Themes in the Council Plan are the same as those in Banyule's Community Vision 2041.
- Feedback on the Council Plan Year 2 Action Plan was provided across all six priority themes:
 - Priority Theme 1 - Our Inclusive and Connected Community
 - Priority Theme 2 - Our Sustainable Environment
 - Priority Theme 3 - Our Well-Built City
 - Priority Theme 4 - Our Valued Community Assets and Facilities
 - Priority Theme 5 - Our Thriving Local Economy
 - Priority Theme 6 - Our Trusted and Responsive Leadership
- There was general support for Council's strategic direction and the actions being proposed to deliver on the direction, and this was consistent across the workshops and the written feedback.
- All Council Plan Year 2 Action Plan feedback has been noted. Based on the feedback received, changes to the Year 2 Action Plan are generally not required.
- Regarding the feedback relating to 'improve safety of footpath on Bannockburn Road, Viewbank, near the childcare centre' (Council Plan Feedback 5), it is considered appropriate that this be brought forward and be supported with an additional \$60K to be allocated in the proposed Budget.
- For the feedback relating to 'the upgrade of Macleod Park toilet facilities' (Council Plan Feedback 16), it is noted this is supported and is funded in the proposed Budget.
- Changes will also be made to the Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23 to strengthen the Action Plan and increase areas of emphasis in response to the community feedback.
- In response to the general feedback received, the following matters are relevant:
 - When developing reviews, strategies and plans that impact the community Council will undertake extensive consultation across the municipality to understand the community's priorities. The outcomes of the community consultation process will inform how Council prioritises. e.g. investment in retail centres, commercial precincts, parks and streetscapes; Urban Forest Strategy, Tennis Strategy, and Banyule Housing Strategy.
 - Interested parties in Council matters will have an opportunity to participate and provide feedback at the time the reviews are underway. This feedback and input from the community will greatly influence and shape any decisions Council makes.
 - Council undertakes targeted service reviews and evaluations to ensure that programs are responsive to community needs and are delivered efficiently and effectively.
 - Council has a strong commitment to emergency management practices and building resilience in community including fire preparedness strategies in partnership with the CFA and Fire Rescue Victoria.

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- Council's Sustainable Building Guidelines will ensure that Council's buildings and other developments are resilient to the impacts of climate change.
- The community engagement feedback received specific to the Council Plan 2021-2025 Year 2 Action Plan 2022/23 is included in Section 6.1 in the attached report *'Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022'*

Budget

- Twenty-six pieces of Budget feedback were received through Shaping Banyule and three by email. Of the twenty-nine (29) pieces of feedback, twelve (12) were submitted by individuals and fourteen (14) on behalf of an organisation or community group.
- A summary of Budget impact recommendations has been listed in the attached *'Budget Feedback Recommendations for Council Consideration'*.
- The Budget feedback received has been reviewed and the following is proposed:
 - That changes be made to the Budget 2022-2026 for Budget Feedback items 6, 7, 9, 10, 12, 13, 19, 22, 23, 25, 26, 28, 29, and Council Plan Feedback item 5 (refer attached *'Budget Feedback Recommendations for Council Consideration'*).
 - That no changes be made to the Budget 2022-2026 for Budget Feedback items 1, 2, 3, 4, 5, 8, 11, 14, 15, 16, 17, 18, 20, 21, 24, 27 as either the feedback has been noted without any specific funding required, has funding support in the budget, or the request is not supported at this present time.
- The outcomes of the community engagement specific to the Budget 2022-2026 are included in the attached reports
 - *'Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022'* (in Section 6.5)
 - *'Budget Feedback Recommendations for Council Consideration'*.

Asset Plan

- Participants were asked to provide their feedback on the recommendations proposed in the draft Asset Plan 2022-32 for the six asset classes:
 - Roads, carpark, kerbs and channels
 - Footpaths
 - Bridges
 - Stormwater drainage
 - Buildings
 - Parks and open spaces.
- Some feedback received related to Council assets in general.
- All Asset Plan 2022-2032 feedback has been noted. No changes are proposed to be made to the recommendations.

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- Where financial changes have been proposed in the Budget 2022-2026 these will need to also be reflected in the Asset Plan 2022-2032. In addition, amendments may be made to add clarification and understanding and will be made prior to Council's consideration of adoption on 27 June 2022.
- The community engagement feedback received specific to the Asset Plan 2022-2032 is included in Section 6.2 in the attached report '*Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022*'.

Financial Plan

- To support the update of the long-term (10-year) Financial Plan 2022-2032, people were asked their level of agreement against nine statements related to the Plan's six strategic actions.
- Council's strategic actions to influence long term financial sustainability include:
 - Generating enough cash to fund capital works and meet the asset renewal requirements as outlined by the VAGO financial sustainability ratios.
 - Encourage more operational innovation to enhance operating activities and control expenditure at levels that can consistently support the funding requirements of the capital works program and provision of quality services.
 - Support the growth of non-rate revenue to achieve greater diversification of the current revenue base and provide flexibility within which to better manage rate revenue increases to within the rate cap.
 - Balance meeting the ongoing core service needs of our community, expectations and quality of delivery with the ongoing achievement of long-term financial sustainability.
 - Delivery of a revenue and rating plan based on stability, equity, efficiency and transparency.
 - Delivery of a debt management strategic plan to ensure decisions and opportunities can be accommodated within a context of responsible, sustainable financial management.
- All Financial Plan 2022-2032 feedback has been noted. No changes are proposed to be made to the Financial Plan 2022-2032 strategic actions.
- Where financial changes have been proposed in the Budget 2022-2026 these will need to also be reflected in the Financial Plan 2022-2032. In addition, amendments may be made to the Financial Plan 2022-2032 to add clarification and understanding and will be made prior to Council's consideration of adoption on 27 June 2022.
- The community engagement feedback received specific to the Financial Plan 2022-2026 is included in Section 6.4 in the attached report '*Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022*'

Revenue and Rating Plan

- Participants were asked to provide feedback on two proposals to change rates. The first change proposes a rate waiver for people experiencing hardship, and the second to separate out a public and kerbside waste rate from existing rates.

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- There has been greater support to include a rate waiver for those people experiencing financial hardship and to implement a separate waste rate(s) and it is therefore recommended that there be no change to the Revenue and Rating Plan 2022-2026.
- All feedback has been noted with no changes proposed to the Plan and a funding allocation to be made to the Proposed Budget 2022-2026 to support the provision of rate waivers. The funding allocation will be reflected in the proposed Budget 2022-2026 prior to Council's consideration of adoption on 27 June 2022.
- Specific feedback received on the application of the rate waiver from the community consultation will be further considered, and where appropriate, included in Council's Rate Hardship Policy 2022-2026 to be also consideration by Council for adoption with the Revenue and Rating Plan 2022-2026 on 27 June 2022.
- The introduction of the kerbside waste rate and the public waste rate has raised several concerns from the community, and these will be addressed to ensure sustainable practices are enhanced.
- The community engagement feedback received specific to the Revenue and Rating Plan 2022-2026 is included in Section 6.3 in the attached report '*Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022*'

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has followed the legislative requirements in accordance with the *Local Government Act 2020* and in accordance with the Council's Community Engagement Policy.
- Council will consider the integrated planning project outcomes at the Council Meeting on Monday, 30 May 2022.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The Integrated Planning Project feedback received by Council cover a wide and varied range of community proposals and requests for additional projects and or funding to be provided for a specific purpose.

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- The community engagement feedback received has been included in the attached report '*Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022*'.
- In summary, the proposed changes to the Budget 2022-2026 from the Integrated Planning feedback and submissions and supported by officers is:
 - 1 year Impact: \$0.77m specific budget requests made
 - 4 year Impact: \$2.24m specific budget requests made
- The financial implications of the community engagement specific to the Budget 2022-2026 are included in the attached report '*Budget Feedback Recommendations for Council Consideration*'.

Community Engagement

- The approach to engagement aligns with the integrated strategic planning and reporting requirements in the *Local Government Act 2020*, and Banyule's Integrated Planning Framework.
- Integrated planning and reporting ensure that we remain an adaptive, responsive and viable local government authority. This is achieved by understanding community aspirations, setting direction within our resource capability, and enabling Council to make informed decisions on behalf of community.
- Key expectations of integrated planning engagement include:
 - Demonstrating linkages and interdependencies across strategic documents
 - Showing how linkages are both explicit and implicit
 - Presenting the relationship between community aspirations and strategy
 - Outlining the specific purpose and function of each document.
- In March 2022, Council agreed to an integrated planning community engagement process to take place from 12 April to 3 May 2022 for the Council Plan Action Plan, Asset Plan, Financial Plan, Budget and Revenue and Rating Plan. This included online surveys on Shaping Banyule, as well as one in-person and one online workshop.
- Delivery of this engagement emphasised how the Budget and Plans are interconnected, and the importance of building community knowledge to engage critically and provide feedback on the documents.
- Importantly, 89 percent of respondents to a post-workshop survey agreed that their understanding of Council's planning processes increased because of the workshops, achieving the objective to strengthen community knowledge of considerations and constraints for Council's decision-making.
- Refer report attached: '*Integrated Planning – Results from Shaping Banyule and workshop consultation – April to May 2022*'. The findings in this report will be used to strengthen and finalise the Budget and four Plans for Council consideration and adoption by end June 2022. The report incorporates information about the engagement methods and participation, including:
 - Shaping Banyule pages were open from 12 April to 3 May 2022. During this time, 59 pieces of feedback were received for the five documents, and

INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK cont'd

- four by email. Participation on Shaping Banyule was promoted via a social media campaign and a feature article in the Banyule Banner.
- The in-person and online workshops were held in the evenings of 27 and 28 April 2022. Eighteen people attended the in-person workshop, and 12 attended the online workshop. Attendees were community members that participated in 2021 deliberative engagement activities and members of our advisory groups and Shaping Banyule.
 - Seventeen (17) people requested to speak to their feedback at the Councillor Forum on 11 May 2022, including one person that asked to speak to three documents.
- Integrated Planning Project feedback has been de-identified to the public where privacy concerns are evident.
 - A written response will be provided to each of those persons who requested specific funding changes on the Budget 2022-2026, to inform them of Council's consideration after the adoption of the Budget 2022-2026.

Key Considerations

- Council relies on a wide range of partnerships and shared resources to provide services to the community. Key partnerships with the Community, other levels of government and agencies are very important to enable Council to deliver on the key directions.
- Council works closely with partners to advocate for improved services, infrastructure and social outcomes. Council also seeks opportunities for equitable funding and service arrangements.
- Consideration to adopt the integrated planning documents with or without amendment will be held at a Council Meeting on Monday, 27 June 2022.
 - Draft Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23
 - Proposed Budget 2022-26
 - Proposed Asset Plan 2022-32
 - Revised Financial Plan 2022-32
 - Revised Revenue and Rating Plan 2022-26.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council has followed the legislative requirements in accordance with the *Local Government Act 2020*.

ATTACHMENTS

No.	Title	Page
1	Integrated Planning - Results from Shaping Banyule and workshop consultation - April to May 2022	

**INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY
ENGAGEMENT FEEDBACK cont'd**

- 2 Budget Feedback Recommendations for Council Consideration

8.12 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Executive

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

1. Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
2. Is attended by at least one member of Council staff; and
3. Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting

Are tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

Record of Meetings

1	Date of Meeting:	2/5/2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Cemetery Trust Meeting • North East Link update • Public Toilet Strategy • Draft Banyule Advocacy Framework and Advocacy Priorities • Digital Transformation • General Business 	
Councillors Present:		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

	<p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Corporate Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Jan Richardson – <i>Cemetery Administration and Support Officer</i> Greg Gale – <i>Manager Delivery and Assets</i> Michele Purtle – <i>Advocacy Officer</i> Shawn Neilsen – <i>Communications, Advocacy and Engagement Coordinator</i></p>
	<p>Others Present:</p> <p>Duncan Elliott – CEO North East Link Project (NELP) Michael Caink – Delivery Director Central (NELP) Marco Di Pietro – Package Director (NELP) Conor Kiernan – Communication and Stakeholders Lead (NELP) Paul Yerondais – Spark Consortium Marco Assorati – Spark Consortium Dieter Lim – Tract Jefa Greenaway – Greenaway Architects Mitch Keddell – Woodmarsh Tony Frodsham - Smedtech</p>
	<p>Conflict of Interest: <i>NIL</i></p>

2	<p>Date of Meeting: 5/5/2022</p> <p>Type of Meeting: Banyule Arts and Culture Advisory Committee</p>
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Welcome & Apologies • Introductions, Food & Networking • Ivanhoe Library & Cultural Hub Tour • Arts & Culture Grants 2022 – Assessment Panel • Arts & Culture Strategic Plan Update • Other Business & What's On
	<p>Councillors Present:</p> <p>Peter Dimarelos</p>
	<p>Staff Present:</p> <p>Kath Brackett – <i>Director Community Wellbeing</i> Hannes Berger – <i>Arts & Culture Coordinator</i> Courtney Blackney – <i>Arts & Culture Programs Support Officer</i></p>
	<p>Others Present:</p> <p>Kate Hansen Craig Eloranta Kevin Ritchie June Gassin</p>

RECORD OF COUNCILLOR MEETINGS cont'd

	Leah Crossman Janelle Dunstan Kate Hansen Craig Eloranta Kevin Ritchie June Gassin Leah Crossman Janelle Dunstan
Conflict of Interest:	<i>NIL</i>

3	Date of Meeting:	9/5/2022
	Type of Meeting:	Pre-Council Meeting Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Provide Itemised Tax Invoice to Owners • Installation of Safety Bollards at the Greville Road Shopping Precinct • Inclusive Banyule draft • Audit & Risk Committee Meeting Minutes - 25 March 2022 • Advisory Committees Report - Quarter Three, 2021/22 • Elevating ESD Targets Project - Stage 2 • Draft Banyule Residential Parking Permit Policy • Watsonia Town Square - Community Consultation Summary & Preferred Concept Design • Amendment C165 - Proposed Heritage Overlay - Consideration of Submissions • 2A Moola Close, Yallambie - Sports Pavilion Additions (P152/2022) • 7 Dunstan Street, MACLEOD - Development of Three Dwellings (P762/2021). • Translating the Banyule Planning Scheme into a New Framework • Bell Street Development - Public Submissions to Notice of Intention to Sell Land • Notice of Intention to Declare a Special Charge - Watsonia Shopping Centre • Notice of Intention to Declare a Special Charge - Macleod Village Shopping Centre • Notice of Intention to declare Special Charge – Eaglemont Village • Notice of Intention to declare Special Rate and Charge – Greensborough Town Centre • Award of Contract No. MAV DO60125 - Provision of Park and Playground Equipment & Associated Products and Services • Record of Councillor Meetings • Quarterly Financial Management Report – March 2022 	
	Councillors Present:	

RECORD OF COUNCILLOR MEETINGS cont'd

Peter Castaldo Alison Champion Peter Dimarelos Rick Garotti Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Corporate Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Nicholas Van – <i>Council Business Officer</i>	
Others Present: NIL	
Conflict of Interest:	NIL

4	Date of Meeting:	11/5/2022
	Type of Meeting:	Community Feedback Forum – Integrated Planning Framework Project
	Matters Considered:	
	<ul style="list-style-type: none"> • Hearing of verbal feedback from the community engagement process seeking feedback on the Integrated Planning Framework Documents. 	
	Councillors Present: Elizabeth Nealy Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Tom Melican Fiona Mitsinikos	
Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Corporate Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Tania O'Reilly – <i>Manager Finance and Procurement</i>		
Others Present: Scott Carne Marissa Johnpillai Sharon Fittock		

RECORD OF COUNCILLOR MEETINGS cont'd

	Daniel Fuge Jeremy Richards (appeared via pre-recorded video) Rob Wendel Zac Anver Felicity Gordon Sarah Willis Gavin Watson
	Conflict of Interest: <i>NIL</i>

5	Date of Meeting: 16/5/2022 Type of Meeting: Councillor Briefing
	Matters Considered: <ul style="list-style-type: none"> • Olympic Leisure Centre Community Co-design Team – Presentation on outcome of community consultation • Delegations and Authorisations • Integrated Planning feedback including: <ul style="list-style-type: none"> ○ Council Plan 2021-2025 - Year 2 Annual Action Plan (2022/23) ○ Budget 2022-26 ○ Ten-year Asset Plan 2022-32 ○ Financial Plan 2022-32 ○ Revenue and Rating Plan 2022-26
	Councillors Present: Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Fiona Mitsinikos
	Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Corporate Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Sherryn Prinzi – <i>Community Impact Coordinator</i>
	Others Present: Community members form the Olympic Leisure Centre Community Co-design Team
	Conflict of Interest: <i>NIL</i>

RECORD OF COUNCILLOR MEETINGS cont'd

RECOMMENDATION

That Council receives and notes the Record of Councillor Meetings report.

ATTACHMENTS

Nil