

Agenda



Monday, 15 June 2020 7.00pm

Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

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.”

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 18 May 2020

Disclosure of Interests

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REPORTS:

2. Petitions

Nil

3. People – Community Strengthening and Support

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4. Planet – Environmental Sustainability

Nil

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Nil

7. Performance - Use Our Resources Wisely

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8. Sealing of Documents

Nil

9. Notices of Motion

Nil

10. 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 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:

11. Confidential Matters

- 11.1 Macleod Recreation and Fitness Centre - COVID -19 impacts and
Y.M.C.A request for Council assistance
- 11.2 Chief Executive Officer Six Month Review period

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 Meetings

Please note that all Council Meetings are streamed live, with the exception of matters identified as confidential items on the Agenda. This includes public participation during the meeting. These recordings will be made available on Council's website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 6 July 2020.

3.1 LOCAL JOBS UPDATE

Author: Kate Baker - Inclusive Employment & Volunteering Team Leader,
Community Programs

EXECUTIVE SUMMARY

Banyule's local economic prospects on a whole are generally good, and the overall published unemployment rate is not significant compared with other municipalities, there are pockets of high disadvantage which sit well below the State average that are almost entirely disguised by the areas of affluence.

In response to this problem of localised unemployment for vulnerable diversity groups, Council established a jobs taskforce that led to the formation of a Social Enterprise & Local Jobs Team in October 2018.

The aspiration was to develop and deliver innovative approaches that create 100 local jobs opportunities for vulnerable diversity groups in Banyule over a three-year period, through both inclusive employment programs and supporting the establishment of social enterprises with the Banyule municipality.

The purpose of this report is to provide an update on Council's performance against the target set in June 2018 of 100 jobs to be created within a three-year period.

Key highlights and achievements to date include the development and introduction of Banyule's Inclusive Employment Program in 2019 targeting those vulnerable communities that may be experiencing barriers to employment. This program is in its second year and has successfully created 39 job outcomes to date.

The partnership work between Council and various Social Enterprises such as Chancez Café (Araluen), Asylum Seeker Resource Centre, Nomads Pizza and Community Grocer to establishment operations within the City of Banyule has led to the creation of 50 employment and training outcomes.

Banyule's continued work in sustainable procurement to create local inclusive jobs and collaborative procurement across the Northern Region Council's has contributed to inclusive employment of 13.75 EFT.

By working with the labour market system to develop and deliver innovative approaches to local job creation, a total 102.75 outcomes have been successfully realised to date.

RECOMMENDATION

That Council note the report and continue to support the Social Enterprise & Local Jobs initiatives at Banyule.

LOCAL JOBS UPDATE cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Stimulate business, employment and investment opportunities".

BACKGROUND

In response to an identified problem of localised unemployment and labour market barriers for vulnerable community groups, in 2018 Council established a jobs taskforce that led to the formation of a Social Enterprise & Local Jobs business unit in October 2018.

The aspiration was to develop and deliver innovative approaches that create 100 local job opportunities for local people facing barriers to employment over a three-year period.

In February 2019 Banyule's first Council - led market program the Inclusive Employment Program (IEP) was developed and implemented. This program delivered eleven (11) employment opportunities for six months paid work across Council with a focus of employing those in our community facing barriers to employment. Council sought participants from Aboriginal & Torres Strait Islander backgrounds, those who are newly arrives from culturally and linguistically diverse backgrounds, people living with a disability and young people that are currently disengaged from work or school.

The program was a huge success and from the eleven (11) participants seven (7) employees have been able to secure ongoing employment with Council at the end of the program. The remaining four (4) continue to be employed by Council as part of a casual pool.

In March 2019, Council partnered with Araluen to create Chancez Café at Possum Hollow Regional Playground. The facility was launched and opened to the public in May 2019 and provides for 15 work placements for those in our community with disabilities per annum.

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 Victorian Charter of Human Rights and Responsibilities.

The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people and those newly arrived from culturally and linguistically diverse backgrounds.

LOCAL JOBS UPDATE cont'd

CURRENT SITUATION

In October 2019, Council held an Information Session for intake for the 2020 IEP and had 91 people expressing interest for the program via the application process demonstrating the need in our community of a program of this sort. After a recruitment selection process involving shortlisting and interviews, sixteen (16) new employees working in roles across all four directorates of Council commenced employment via the IEP in February 2020.

The Department of Education, Skills and Employment indicate the following unemployment rates for the December 2019 quarter:

- Banyule municipality 3.1%
- Heidelberg West area 7.8%
- Greater Melbourne 4.9%

A significant increase in unemployment rates, due to the impacts of COVID-19, is likely to be seen in the March 2020 quarter (results expected to be available late June). Whilst National figures have recently been released, localised statistics are not yet available at the time of writing.

Banyule has also been impacted by the pandemic with several services impacted and a number of staff working remotely from home. The pandemic has had an impact on the work being delivered across the organisation, including the delivery of Banyule's 2020 IEP.

Effective from 3 April 2020, 10 employees in the program placements were postponed due to the nature of their roles and the participants ability to continue receiving adequate management support and guidance in a remote environment. These employees will resume their employment again once staff can commence working from the office location again.

The Local Jobs team have established systems to continue contact and support with each participant during this time and have a plan to support each participant to return to the program, this will mean the 2020 program timelines will be expanded to ensure a full 6-month employment opportunity for each participant.

The commencement of the IEP program in 2021 will need be adjusted to accommodate the return of the postponed placements from 2020 IEP later this year for a six-month period. It is anticipated that new employment contracts for the 2021 IEP will start approximately in September 2021.

100 Local Jobs Target Update

In October 2018, Council developed the Social Enterprise and Local Teams and set a target to create 100 local jobs for those in need and facing barriers to employment.

By working with the labour market system and social enterprise sector to innovatively and meaningfully create local job opportunities for local people, to date, 102.75 job outcomes have been achieved.

These economic opportunities have helped people to form connections with others and their communities, build confidence and skills, and provided an opportunity to contribute to a stronger economy and achieve greater economic independence and security for themselves, their families and their community.

LOCAL JOBS UPDATE cont'd

Some of the key highlights include:

Inclusive Employment Program (IEP)

- Development of a Council-wide inclusive employment program recognised by the local government sector for its excellence in achieving strong economic outcomes for vulnerable community members.
- The 2020 IEP with Council received 91 expressions of interest; 88 met the eligibility criteria and were invited to interview -16 employees commenced in February 2020.
- Municipal Association of Victoria (MAV) sponsor to fund the development of an Inclusive Employment Program toolkit for the local government sector.

Social Enterprise Development

- Partnership with Chancez Café to help scale their operations and impact within Banyule; now located at Possum Hollow Playground, the partnership has enabled new placements annually in Araluen's hospitality program which supports people with an intellectual disability to gain hands-on training and work experience.
- Partnership with Asylum Seeker Resource Centre Cleaning to help expand their residential services to the Northern region and provide local jobs for refugees and newly arrived humanitarian entrants in the area.
- Partnership with the Community Grocer to help establish a pop-up fresh food market;
- Partnership with Nomads Pizza & Café at the Bell Street Mall to assist their transition to a social enterprise model that provides employment and training opportunities for local youth.

Sustainable Procurement

- Security services contract included inclusive employment.
- Fruit2Work contract included inclusive employment.
- Cleaning Melbourne contract inclusive employment across the Northern Region.

Inclusive Employment Program	Jobs	Volunteer
2019 Program	11	
2019 transitional pathways	4	
2019 casual pool	4	
BCC Permanent staff	2	
BCC Apprenticeship	1	
Northern Region employment	1	
2020 Program	16	
Sub Total	39	
Social Enterprise Partnerships		
2019 / 2020 Chancez Cafe	30	
Community Grocer	1	4
Asylum Seeker Resource Centre Cleaning	8	
Nomads Pizza	7	
Sub Total	46	4
Sustainable Procurement		
Security Tender – Northern Region	13.50	
Fruit to Work	.25	
Sub Total	13.75	
TOTAL JOBS	98.75	4

LOCAL JOBS UPDATE cont'd

The Social Enterprise and Local Jobs Team are currently working on several initiatives to create further job opportunities in the coming months. These include a partnership with Youth Projects to operate the Rosanna Train Station Kiosk. The capital works for kiosk fit out are about to commence with operation of the facility expected in the coming months. This partnership will create the opportunity to employ approximately 6 disadvantaged local youth and create hospitality training for about 20 placements per year.

A recent contract was signed with Cleaning Melbourne with the Northern Region Council's that identified the creation of 10 inclusive employment opportunities, the team is working with the company to ensure this target is met.

Work is underway regarding inclusive employment opportunities at the Ivanhoe Library and Cultural Hub café facility and discussions have commenced for opportunities for inclusive employment as part of the North East Link Project.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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 continued investment in social enterprise development, labour market programs and sustainable procurement will position Council to successfully facilitate local job creation for vulnerable communities in the Northern region.

ATTACHMENTS

Nil

3.2 DRAFT RECONCILIATION ACTION PLAN - FOR PUBLIC EXHIBITION

Author: Nicole Findlay - Reconciliation Developments Projects Officer, Community Programs

EXECUTIVE SUMMARY

Reconciliation Action Plans (RAPs) are nationally recognised plans which enable organisations to make their contribution to a reconciled Australia, by emphasising the public commitments an organisation will make to improve understanding and attitudes towards Aboriginal people and improve opportunities to reduce disadvantage for Aboriginal people.

Banyule's Draft RAP replaces Banyule's Aboriginal & Torres Strait Islander Plan (2017-2021) and has been designed to meet both the Reconciliation Australia requirements, as well as Banyule's requirements under Banyule's Inclusion Access & Equity Framework (IAEF).

Banyule's Draft RAP will be implemented over a two-year period (2020 – 2022) and outlines how Council will work in partnership with our First Peoples to promote respect for culture, increase reconciliation awareness, improve Aboriginal service delivery, socio-economic opportunities and support positive cultural change in Banyule.

RECOMMENDATION

That:

1. Council endorse the Draft Reconciliation Action Plan (RAP) for public exhibition for four weeks via Shaping Banyule from 17 June – 14 July 2020.
2. A report be presented back to Council to consider the consultation feedback and adopt the Draft Reconciliation Action Plan.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

BACKGROUND

Banyule Council's journey towards reconciliation has gained considerable strength and momentum over the past few years.

Banyule is extremely proud of the positive relationships we have built with First Nations peoples, communities, businesses and services across Banyule. We have the deepest respect and appreciation for the ongoing guidance we receive from the

DRAFT RECONCILIATION ACTION PLAN - FOR PUBLIC EXHIBITION cont'd

Banyule Aboriginal and Torres Strait Islander Advisory Committee (BATSAC), Wurundjeri Woi-wurrung Traditional Owners and reconciliation partners.

Banyule's steps towards introducing a Reconciliation Action Plan (RAP) are well-considered and have been driven by two consecutive Aboriginal and Torres Strait Islander plans developed by Council since 2014. Both these plans set an important precedent for the RAP and similarly were designed in consultation with Aboriginal communities to outline Council's commitment to working in partnership with Aboriginal and Torres Strait Islander communities.

Banyule's Aboriginal and Torres Strait Islander plans have enabled Council to deepen its appreciation and understanding of the importance of working collaboratively with Aboriginal people and increased our understanding of First Nations peoples' cultures, connection to country and the long-standing approaches taken to sustain culture and communities.

We acknowledge Council still has much to learn and recognise with a RAP we can create a meaningful pathway to strengthen our partnerships with Aboriginal communities and work collaboratively to improve outcomes across a broad range of areas including social and economic well-being, civic participation and cultural heritage.

We recognise there are many historical challenges in the relationship between governments and Australia's First Nations peoples. Through our RAP we will work towards reducing the many barriers that prevent Aboriginal people from being able to make decisions that impact themselves, their families and extended communities.

As Council takes this important next step on its reconciliation journey, we accept the road ahead may be a long one and we acknowledge for true reconciliation to exist, Council needs to support and recognise the benefits of advancing self-determination for Aboriginal people.

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 Victorian Charter of Human Rights and Responsibilities.

Banyule's RAP enhances the rights of our First Peoples by defining the shared approach Council will take with Aboriginal and Torres Strait Islander peoples to develop innovative strategies for advancing reconciliation in our municipality.

Section 19 – Cultural Rights in particular supports the rights of our First Peoples, Aboriginal persons hold distinct cultural rights which must not be denied.

FUNDING IMPLICATIONS

There are no funding implications from this report as the actions within the RAP are already included within Council's budget.

DRAFT RECONCILIATION ACTION PLAN - FOR PUBLIC EXHIBITION cont'd

POLICY IMPLICATIONS

Banyule's Draft RAP builds on Banyule's previous Aboriginal and Torres Strait Islander Plans 2014-2017 and 2017-2021. As such, there are no direct policy implications from this report. The RAP is already reflected in Banyule's Council Plan.

CONSULTATION

Banyule recognises true reconciliation is only possible if we work collaboratively to develop respectful relationships with Aboriginal and Torres Strait Islander people. That's why, over many months, we have been working in collaboration with key stakeholders including Banyule Traditional Custodian Elders and representatives from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Aboriginal community partners, BATSIAC, Local Aboriginal Networks, RAP specialists, Aboriginal service stakeholders and reconciliation networks to develop our draft RAP. Working with these vital stakeholders ensures from the outset, that the construction of our RAP has been guided and developed through the lens of Aboriginal people, embedding Aboriginal voice, input and cultural perspectives into this plan.

There has also been extensive internal consultation across Council so that service units have identified actions that support the organisational cultural capacity and changes to our practices and programs.

It is proposed that the Draft RAP will be available for four weeks of public exhibition via Shaping Banyule, Council's engagement platform

DISCUSSION

Reconciliation Action Plans are nationally recognised plans which enable organisations to make their contribution to a reconciled Australia, by emphasising the public commitments an organisation will make to improve understanding and attitudes towards Aboriginal people and improve opportunities to reduce disadvantage for Aboriginal people.

Banyule's Draft RAP defines the shared approach Council will take with Aboriginal and Torres Strait Islander people to develop innovative strategies for advancing reconciliation in our workplace and across Banyule.

Banyule's RAP has been developed in partnership with Aboriginal and Torres Strait Islander peoples to ensure Council decisions impacting their lives, extended families and communities, are decided upon through shared decision-making, fairness, respect and trust.

Banyule's RAP serves to embed Council's commitment to reconciliation throughout our business and the municipality. It outlines the many ways we will work with Banyule Aboriginal and Torres Strait Islander communities to develop shared goals to tackle inequity issues, create meaningful pathways towards self-determination for Aboriginal people, and improve social and economic well-being, civic participation and respect for cultural heritage in Banyule.

Council's RAP follows two successive Aboriginal and Torres Strait Islander plans implemented by Council since 2014. In addition to meeting Reconciliation Australia's requirements, Banyule's RAP has been developed in accordance with Council's Inclusion, Access and Equity Framework (IAEF).

DRAFT RECONCILIATION ACTION PLAN - FOR PUBLIC EXHIBITION cont'd

The IAEF is the guiding framework to inform Council's activities and commitments to support communities at risk of exclusion. There are four plans that sit under the IAEF:

1. Aboriginal and Torres Strait Islander Plan (which will be replaced by the Draft RAP).
2. Multicultural Plan
3. Disability and Inclusion Plan
4. Lesbian, Gay, Bisexual, Transgender, Intersex, Queer Plus (LGBTIQ+ Plan

Each Plan is overseen and guided by a community Advisory Committee. The Aboriginal and Torres Strait Islander Advisory Committee will continue to oversee the RAP.

TIMELINES

- Public Exhibition via Shaping Banyule: 17 June – 14 July 2020.
- Feedback considered.
- Presentation to Council for consideration of adoption of the Reconciliation Action Plan.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

This report presents the Draft RAP to Council to approve for public exhibition via Shaping Banyule. The Draft RAP builds on Banyule's previous Aboriginal and Torres Strait Islanders Plans to work towards a reconciled Australia.

ATTACHMENTS

No.	Title	Page
1	Draft Banyule Reconciliation Action Plan (RAP)	

3.3 COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

Previous Items

Council on 6 April 2020 (Item 3.1 - Banyule City Council's Response to COVID-19)

EXECUTIVE SUMMARY

At the meeting of Council on 6 April 2020, Council resolved to receive a report on options for Council to provide waivers for ratepayers suffering hardship as a result of the Coronavirus pandemic.

Council is limited in what relief it can provide through section 171A and section 169 of *the Local Government Act 1989* and this has been considered in assessing the options suitable for Banyule City Council.

After considering several general rate waiver options the below 2 options are presented to Council:

General Rate Waiver (waiver) - Option A:

- 1) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be 25% of the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 2) a waiver for commercial and industrial improved properties assessed under Councils' Hardship criteria – Job Keeper eligibility. The amount to be waived will be 25% of the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 3) a waiver for all other ratepayers if assessed as eligible under Councils' hardship criteria – financial hardship demonstrated through a significant loss in income directly due to the coronavirus pandemic. The amount to be waived will be 5% from the applicants 2020/21 general rates levied up to a maximum of \$100.

General Rate Waiver (waiver) - Option B:

- 1) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 2) a waiver for commercial and industrial improved properties if assessed as eligible under Councils' Hardship criteria – Job Keeper eligibility. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 3) a waiver for all other ratepayers if assessed as eligible under Councils' hardship criteria – financial hardship demonstrated through a significant loss of income directly due to the coronavirus pandemic. The amount to be

COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC cont'd

waived will be \$100 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum.

Option A is recommended as the preferred general rate waiver option.

Once a general rate waiver option has been endorsed officers will amend the 2020/21 Rating Strategy and temporary Hardship Assistance Policy (including criteria) to be considered for adoption by Council at its meeting on 6 July 2020.

RECOMMENDATION

That Council

1. Resolve to grant general rates waivers (waiver) under section 171A of the *Local Government Act 1989* to owners or authorised representatives based on the following three strategies:
 - a) Residential waiver (principle place of residence) – upon application rate relief would be available to the ratepayer by granting a waiver of 25% of the applicants 2020/21 general rates levied, up to a maximum of \$500, per assessment if the rate payer is the holder of a Commonwealth Health Care Card – JobSeeker eligibility.
 - b) Commercial Improved and Industrial Improved waiver– upon application rate relief would be available to the ratepayer by granting a waiver of 25% of the applicants 2020/21 general rates levied, up to a maximum of \$500, per assessment if the rate payer meets pre-determined hardship criteria – Job Keeper eligibility
 - c) General waiver - upon application rate relief would be available to the ratepayer by granting a waiver of 5% of the applicants 2020/21 general rates levied, up to a maximum of \$100, per assessment if the rate payer meets pre-determined hardship criteria – significant loss of income due to the coronavirus pandemic.
2. Receive a revised 2020/21 Rating Strategy and Hardship Assistance Policy, containing the specific hardship criteria and requirements for assessing hardship applications at the next meeting of Council for consideration for adoption.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC cont'd

BACKGROUND

At the Council meeting on Monday, 6 April 2020, Council resolved to receive a further report on financial assistance that can be provided to those in the community in greatest need, specifically to Banyule rate payers.

This report contains three proposed strategies for waivers that can be granted after a successful application for hardship assistance.

LEGAL CONSIDERATION

Council is bound by what is contained in the *Local Government Act 1989* under Sections 169 and 171 in offering rate rebates, concessions and waivers.

Penalties apply under the *Local Government Act 1989* for a person who gives to Council information that is false or misleading in any material in respect of an application under section 171.

HUMAN RIGHTS CHARTER

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

Section 13 of The Charter of Human Rights and Responsibilities enshrines the Right to privacy and reputation. In assessing the degree of hardship being suffered by ratepayers, there is a requirement to request more information than is usually provided to Council in the normal course of interactions between ratepayers and Council.

Council may request information and supporting documentation relating to financial and employment status and business-related documents. This information will be used only for the purposes of assessing hardship and will have administrative controls to ensure this information is restricted to those assessing or reviewing hardship status

CURRENT SITUATION

Council resolved on 6 April 2020 to aid ratepayers via a deferral of payments until 30 June 2021, upon application, should any of the following criteria apply:

- Unemployment or significant reduction in earnings
- Business closure or significant restrictions on trade
- Loss of rental income
- Financially supporting a friend or family member who may be experiencing hardship

At the time of drafting this report, over 380 applications have been assessed and assistance has been granted. It is anticipated that this number will increase.

COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC cont'd

FUNDING IMPLICATIONS

The existing payment deferrals will impact Council's income through not levying penalty interest for the last quarter of the 2019/20 financial year. The deferral in payments will result in a reduction to Council's cash-flow but will not impact on the amount of rates that are levied.

Rates waivers offered by Council will impact on the amount of revenue received for the 2020/21 financial year. Although the financial impact to council is uncertain, as it is directly reliant on the number of hardship applications, the reduction in revenue is anticipated to range between \$1.5m - \$7.5m.

This financial impact has been budgeted for in Council's Proposed budget 2020/21 to be considered by Council for adoption at the Council meeting on 27 July 2020 - Council has committed \$10.5m towards assistance related to the coronavirus pandemic for the financial year 2020/21.

Council will limit the cost to administer the temporary hardship applications during the COVID-19 pandemic by simplifying the criteria assessment. The aim is to make the process streamlined, simple yet targeted. It should be noted that the applicant is governed under the LGA and there are penalties under the LGA for false information and Council can undertake audits during the year to verify the information and statutory disclosures being provided by each applicant.

POLICY IMPLICATIONS

Council's 2020/21 Rating Strategy states that Banyule does not grant waivers of rates. It is planned to prepare a revised Rating Strategy and Hardship Assistance Policy for Council to consider prior to the 2020/21 budget being adopted by Council. The revised Strategy and Policy will include a temporary provision for a waiver under section 171A of the *Local Government Act 1989*.

DISCUSSION

The Banyule community is suffering economic hardship as a direct result of the Coronavirus pandemic. Businesses have been shut down or severely restricted through government regulation and the impact to ratepayers in Banyule has been significant.

At present, Council has put in place deferrals of payments that is applicable to all ratepayers in Banyule, upon application. This deferral is providing some temporary relief to ratepayers in that they are not being penalised for not being able to make payments at present.

Several ratepayers are asking Council for further assistance in addition to Council's offering of payment plans. It is therefore proposed, through the \$10.5 million Economic Support Package, to offer ratepayers a partial waiver of general rates, upon application, and under certain categories.

COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC cont'd

It is proposed that the targeted and specific support will fall in to three strategies, being:

1. Residential (principle place of residence) general rate waiver
2. Commercial Improved and Industrial Improved General Rate Waiver
3. General rate waiver

Targeted rate relief for ratepayers will be provided after making a financial hardship application to Council for the year 1 July 2020 to 30 June 2021.

The applications would need to be provided prior to 30 May 2021 for processing.

Several options regarding the percentage and/or amount to be offered for each component is considered below.

Option A:

- 1) A waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be 25% of the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 2) a waiver for commercial and industrial improved properties if assessed as eligible under Councils' Hardship criteria (aligned to eligibility for JobKeeper. The amount to be waived will be 25% from the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 3) a waiver for all other ratepayers if assessed as eligible under Councils' Hardship criteria. The amount to be waived will be 5% from the applicants 2020/21 general rates levied up to a maximum of \$100.

Option B:

- 1) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - Jobseeker category. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 2) a general rate waiver for commercial and industrial improved properties if assessed as eligible under Councils' Hardship criteria (aligned to eligibility for JobKeeper). The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 3) a general rate waiver for all other ratepayers if assessed as eligible under Councils' Hardship criteria. The amount to be waived will be \$100 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum.

The Act specifies that Council can specify the information to be provided as part of an application and that Council may verify the information provided. The Act also states that it is an offence to provide false details or to fail to notify Council of a change in circumstances, with a penalty of ten penalty units (\$1,652.20).

Option A is the recommended option by council officers as it provides the most equitable option for ratepayers who may have varying rates levied in line with

COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC cont'd

principles included in Council's Rating Strategy and considering the proposed expenditure allocated in Council's draft budget.

It is proposed that the information required to be assessed would be included in Council's revised Hardship Policy to be considered by Council on 6 July 2020.

In proposing rates waivers along the lines of those listed above, it is important to note that these measures may not always assist some entities who Council would consider in need of assistance. For example, rates for businesses can be paid by a landlord rather than a tenant and Council is not able to mandate that the relief provided by rates waivers would be passed on to tenants. In these situations, assistance may be available via through business and community grants that Council has in place.

TIMELINES

It is proposed that Council will consider for adoption a revised Hardship Assistance Policy and 2020/21 Rating Strategy on 6 July 2020.

Ratepayers will be notified of the provisions of an updated Hardship Assistance process through their annual rates and valuation notices which will be issued in mid-August 2020.

Hardship Applications will be accepted through to 31 May 2021 and will be able to be made through Council's website. For those ratepayers who do not have access to online services, council officers will be able to assist in the application process.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

In determining the partial waivers, council will consider the ratepayers needs, community and business support, whilst maintaining the financial sustainability required to deliver quality council services and to maintain the infrastructure required for community use into the future.

The criteria for providing waivers will be included in a revised 2020/21 Rating Strategy and temporary Hardship Policy to be considered by Council on 6 July 2020.

ATTACHMENTS

Nil

5.1 CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME

Author: Michelle Isherwood - Economic Development Officer, City Development

Ward: Ibbott

EXECUTIVE SUMMARY

This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Rosanna Village Shopping Centre (“Shopping Centre”).

Following the ordinary meeting of Council on 6 April 2020 and in accordance with the statutory process under the Local Government Act 1989 (“Act”) for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Centre was advertised in the “Herald Sun” on 14 April 2020 and was placed on Council’s internet website. A separate notice, advising of Council’s intention to declare the Scheme, was mailed by ordinary post on 14 April 2020 to all of the owners and occupiers of the properties included in the proposed Scheme with a copy of the public notice.

The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the proposed declaration and may also make a written objection to Council under section 163B of the Act.

The closing date for submissions and objections was on 15 May 2020. Council received by this date a total of eleven written submissions under section 223 of the Act. Five are in support of the proposed Scheme for a variety of reasons. There are two people, representing a total of six properties (five of which are in the same ownership), who oppose the Scheme and these, while submissions under section 223 of the Act, are also (and have been treated as) objections for the purposes of section 163B of the Act.

One person in their written submission has requested that they appear in person before Council. In accordance with this request, the person has been advised of the date, time and place for this meeting. Due to COVID-19 restrictions, special arrangements are being made to adhere to the requirements to allow the submitter to be heard in relation to their submission.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME cont'd

RECOMMENDATION

That:

1. In respect of Council's published intention to declare a Special Charge for the Rosanna Village Shopping Centre ("Proposed Special Charge"); and
2. Having -
 - (a) received and considered submissions received under section 223 of the Local Government Act 1989 ("Act"); and
 - (b) taken account of the objections received under section 163B of the Act -

Council hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at the ordinary meeting of Council to be held on 27 July 2020.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Invest in and support activity centres and employment precincts".

BACKGROUND

Following the Ordinary Council Meeting on 6 April 2020, where Council advised of its notice of intention to commence the statutory process to declare a Special Charge for the Rosanna Village Shopping Centre ("Shopping Centre"), the following acts, matters and things have been done by Council in carrying out its functions under the Act:

- Council commenced the statutory process under the Act to reintroduce a Special Charge for the properties included in the Shopping Centre, to raise an amount of \$39,000 per annum for a period of five years, commencing on 1 July 2020 and ending on 30 June 2025;
- Public notice was given in the "Herald Sun" newspaper on 14 April 2020 of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 27 July 2020 and placed on Council's Internet website;
- Separate letters, enclosing a copy of the public notice, were sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 27 July 2020;
- The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of Special Charge; and
- The Rosanna Village Traders' Association has been advised of the above matters.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME cont'd

Copies of all of the written submissions and objections received by Council during the statutory advertising period have been separately provided to Councillors.

LEGAL CONSIDERATION

The statutory process provides the community generally, and affected ratepayers and property owners and occupiers in particular, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions, and to take into account any objections, in accordance with sections 163A, 163B and 223 of the Act, prior to making a final decision with respect to the declaration of a Special Charge Scheme for the Shopping Centre.

Objections for Certain Special Rates and Charges

Any person who is liable or required to pay a Special Rate or Charge under a proposed scheme has a right to 'object' to the Scheme under section 163B of the Act. The right to 'object' is different from, and in addition to, the right to make a 'submission' under sections 163A and 223.

Any person may make a submission in relation to a proposal to declare a Special Rate or Charge, however, the number of submissions received does not necessarily limit Council's power to declare a Special Rate or Charge.

By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Charge, then Council cannot proceed with the declaration (section 163B(6)) of the Act. Given the number of objections which Council has received for this Scheme, the statutory prohibition does not apply, and Council may decide this Scheme as it sees fit.

HUMAN RIGHTS CHARTER

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

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

The statutory section 223 submissions and section 163B objections process

A summary of the 11 submissions received (which include 6 objections) is provided below. Five submissions support a renewal of the Scheme, while 6 submissions (and the objections) oppose the Scheme. Five of the six objections come from the same property owner.

Comments are made in respect of a particular submission or objection where it is considered necessary to do so. Otherwise, Council is required to consider the submissions and objections in the exercise of its statutory discretions.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME cont'd

SUMMARY OF SUBMISSIONS AND OBJECTIONS RECEIVED

Submissions Received in Support of the Scheme – 5 in total.

Submission 1

This submission is on behalf of the Rosanna Village Traders' Association and its members, who for many years have seen the value which the Special Charge Scheme brings to the Village. Their submission mentions the extraordinary times we live in, and notes that in the view of the Association, the Village can only continue to implement its activities by having a Special Charge in place.

Submission 2

This submission is on behalf of a tenant of one of the properties/businesses in the Scheme, who supports the Special Charge Scheme over the period of the tenant's lease.

Submission 3

This submission notes the Special Charge Scheme (although it is not clear from the wording of the submission whether the person supports or opposes a renewal of the Special Charge), and identifies that they would like to be heard at the Council meeting. As mentioned, the person has been advised of the date, time and place for this meeting, however due to COVID -19 restrictions, special arrangements are being made to adhere to the requirements to allow the submitter to be heard in relation to their submission.

Comment

Confirmation has been received that the person supports a renewal of the Special Charge.

Submission 4

This submission identifies that this trader has been an active member of the Rosanna Traders' Association for many years, and (as they believe) has seen how important the Special Charge Scheme has been, to have a cohesive Village that works together for the common good of the Centre, the locale and the community. The trader also cites the importance of having a Centre Marketing Manager, who can help prepare events and works in the Village, supervise and implement marketing strategies, as well as to liaise with Council and other local bodies, and reiterated that (as they believe) the Special Charge Scheme is even more important in periods of economic uncertainty.

Submission 5

This submission supports the Special Charge renewal, whilst still highlighting the current economic circumstances. The submitter acknowledged the new Rosanna Station, along with the current works to upgrade the Village, and notes that the Special Charge (in their view) is of benefit to bring life back to the Village. The submitter identifies that the Rosanna Traders' Association, along with Council, has helped to promote the services and businesses on offer to the local community.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME cont'd

Submissions Received Opposing the Scheme (these also being objections under section 163B of the Act) – 2 submissions in total, representing 6 properties.

Submission/Objection 1

This submission and objection states that the business conducted on the property does not derive any benefit from the Rosanna Traders' Association or the Special Charge. The property owner does not believe that any prior engagement has occurred to improve the Rosanna Village Shopping Centre. It is also noted that no business is currently being operated from the site, and so on this basis the property is not generating any income in the form of rent, and the owner is thereby experiencing hardship.

Comment

In response to Submission/Objection 1, a best practice approach is adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that will be undertaken. This includes, reviewing the current scheme and facilitating genuine engagement with traders and property owners.

For the current scheme a survey was prepared and property owners were invited to a meeting of the Rosanna Traders' Association to review the Scheme and inform the Traders' Association's business plan and the activities that the Scheme will fund. Correspondence has also been sent to property owners and occupiers to inform them of the Traders' Association's request to renew the Special Charge Scheme.

At the 6 April 2020 meeting, Council also resolved its intention to extend its support for businesses in light of COVID-19 pandemic, by providing additional funding for the Special Charge Scheme. In acknowledgement of the State of Emergency that was declared in Victoria in relation to the COVID-19 pandemic, Council will pay the business contribution for the first two instalments in 2020/2021 should the Special Charge Scheme be successfully declared.

Submission/Objection 2

Identifies that during this time both tenants and landlords of five rateable properties are experiencing significant financial hardship and do not believe that this Scheme will benefit the community at this time, but will instead hinder and add stress.

Comment

This objector is contesting the Special Charge Scheme based on financial hardship however it is considered that these businesses will receive benefit (even if this is only a future and indirect benefit), as the purpose of the Special Charge Scheme is to enhance the overall viability and vitality of the Village.

At the 6 April 2020 meeting, Council also resolved its intention to extend its support for businesses in light of COVID-19 pandemic, by providing additional funding for the Special Charge Scheme. In acknowledgement of the State of Emergency that was declared in Victoria in relation to the COVID-19 pandemic, Council will pay the business contribution for the first two instalments in 2020/2021 should the Special Charge Scheme be successfully declared.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME cont'd

For Council to declare a Special Rate or Charge Scheme, it must comply with the relevant provisions of the Local Government Act 1989. The provisions do not call for 'majority approval' but enable a submissions and objections process whereby a scheme cannot proceed if more than 50% of objections are received from those persons liable or required to pay the Special Rate or Charge (section 163B(6)).

DISCUSSION

The submissions in support of the Scheme highlight the value of the Special Charge to the Rosanna Village Shopping Centre over a number of years. There have been a variety of marketing, events and promotion outcomes identified which have stimulated business and community activity in the Shopping Centre.

The partnership approach with Council is highly valued in terms of the resources that are contributed to the Scheme, and the integrated approaches and working relationship that this stimulates to create better outcomes.

The fact that there were minimal objections to the proposed Scheme is considered to be a very positive reflection on past performance, success, outputs and future plans for the Rosanna Village Shopping Centre.

It is otherwise considered that the submissions opposing the Scheme (or at least imposing Special Charge obligations on property owners) and the objections received do not raise any substantive issues which would prevent, limit or restrict Council from proceeding with the proposed Scheme, if that is what Council chooses to subsequently do.

The Rosanna Shopping Village is in a period of positive opportunity, with the Rosanna Streetscape to be completed in late 2020. There is value in an activated and engaged Traders' Association that can work with the traders and broader community to support the ongoing viability and prosperity of the Shopping Centre.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act* 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 and others involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

Council must take into consideration the submissions and take account of the objections received, along with other relevant information when it makes its decision whether or not to declare the Special Charge at its meeting to be held on 27 July 2020.

ATTACHMENTS

Nil

5.2 CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME

Author: Daniela Ahimastos - Economic Development Officer, City Development

Ward: Olympia

EXECUTIVE SUMMARY

This report is to enable Council to formally consider the written submissions received regarding the proposed Special Rate Scheme for The Bell Street Mall. ("Shopping Centre")

Following the ordinary meeting of Council on Monday, 6 April 2020 and in accordance with the statutory process under the *Local Government Act 1989* ("Act") for the declaration of the Special Rate, the public notice of Council's intention to declare a Special Rate for Shopping Centre was advertised in the "*Herald Sun*" on Tuesday, 14 April 2020 and placed on Council's Internet website. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Tuesday, 14 April 2020 to all of the owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.

The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who was required to pay the Special Rate (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the Act.

The closing date for submissions and objections was 4pm Friday, 15 May 2020. Council received by this date a total of four written submissions under section 223 of the Act. All four submissions are in support of the proposed Scheme

No persons in their written submission requested that they appear in person before Council or be represented by a person specified in their submission.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME cont'd

RECOMMENDATION

That:

1. In respect of Council's published intention to declare a Special Rate for The Bell Street Mall ("Proposed Special Rate"); and
2. Having –
 - (a) received and considered submissions received under section 223 of the *Local Government Act 1989* ("Act"); and
 - (b) taken account the fact that no objections were received under section 163B of the Act –

Council hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Rate, and to give its reasons for its decision, at the ordinary meeting of Council to be held on Monday, 27 July 2020.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Invest in and support activity centres and employment precincts".

BACKGROUND

Following the ordinary Council meeting on Monday 6 April 2020, where Council advised of its notice of intention to commence the statutory process to declare a Special Rate for The Bell Street Mall "Shopping Centre", the following processes have been undertaken by Council to carry out its functions under the Act:

- Council commenced the statutory process under the Act to reintroduce a Special Rate for the properties included in the Shopping Centre, to raise an amount of \$55,000 per annum for a period of five years, commencing on 1 July 2020 and ending on 30 June 2025;
- Public notice was given in the "*The Herald Sun*" newspaper on Tuesday, 14 April 2020 of the intention of Council to declare the Special Rate at its ordinary meeting to be held on Monday, 27 July 2020, and placed on Council's Internet website;
- Separate letters enclosing a copy of the public notice were sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of Special Rate, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on Monday, 27 July 2020;
- The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of Special Rate; and
- The Bell Street Mall Traders' Association has been advised of the above matters.

Copies of all the written submissions received by Council during the statutory advertising period have been separately provided to Councillors.

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME cont'd

LEGAL CONSIDERATION

The statutory process provides the community generally, and affected ratepayers and property owners and occupiers in particular, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act, prior to making a final decision with respect to the declaration of a Special Rate Scheme for Shopping Centre.

Objections for Certain Special Rates and Rates

Any person who is liable or required to pay a Special Rate or Charge under a proposed Scheme has a right to 'object' to the scheme under section 163B of the Act. The right to 'object' is different from, and in addition to, the right to make a 'submission' under sections 163A and 223.

Any person may make a submission in relation to a proposal to declare a Special Rate or Charge, however, the number of submissions received does not necessarily limit Council's power to declare a Special Rate or Charge.

By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Rate, then Council *cannot* proceed with the declaration (section 163B(6)) of the Act.

HUMAN RIGHTS CHARTER

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

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

SUMMARY OF SUBMISSIONS AND OBJECTIONS RECEIVED

There were four submissions received in support of the Special Rate.

All four submissions, provided by Association members state the importance of a Special Rate Scheme in delivering key marketing, branding and positioning particularly important in a period of economic uncertainty.

The submissions also note the importance of a Scheme to assist with physical and safety improvements. An appreciation of Banyule Council's support through the Special Rate Scheme and a commitment from each submitter to The Bell Street Mall's Five-Year Strategic Plan (2020-2025) are also highlighted.

DISCUSSION

The submissions in support of the Scheme highlight the value of the Special Rate to The Bell Street Mall, particularly during a time of economic uncertainty brought on by the impacts of COVID-19.

The Bell Street Traders Association believe that the scheme will assist the entire shopping precinct to attract visitation back to The Mall as well as support business through the transition via joint promotion, marketing and business development

CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME cont'd

activities. A Special Rate will play a critical role in helping to fund these activities and supports.

The partnership approach with Council is highly valued in terms of the resources that are contributed to the Scheme and the integrated approaches and working relationship that this stimulates to create better outcomes.

The fact that no objections to the proposed Scheme were received is considered to be a very positive reflection on past performance and success, as well as an indicator of the need for marketing support during a period of economic downturn.

There is no doubt that concerted, collective marketing efforts will be required in the recovery phase of COVID-19 to encourage commerce and business activity within the Bell Street Mall, reaffirming the centre as a cultural precinct in Melbourne's North East.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act* 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 and others involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

Council must take into consideration the submissions received, along with other relevant information when it makes its decision whether or not to declare the Special Rate at its meeting to be held on Monday, 27 July 2020.

ATTACHMENTS

Nil

5.3 NORTH EAST LINK PROJECT UPDATE

Author: Paul Bellis - Transport Planning & Advocacy Coordinator, City Development

Previous Items

Council on 3 February 2020 (Item 5.1 - North East Link - Minister for Planning Assessment of Environmental Effects)

Council on 18 Nov 2019 7.00pm (Item 5.4 - North East Link Project Advocacy and Financial Update)

Council on 07 Oct 2019 7.00pm (Item 5.6 - Major Transport Projects and North East Link Update)

EXECUTIVE SUMMARY

Council authorised the CEO to commence discussions with representatives of the State Government to ascertain whether it is possible to resolve the dispute in a manner that is acceptable to Council. There are 6 key outcomes or changes Council would like to see and also items on the North East Link complementary project advocacy list that are sought to be delivered.

The resolution also allowed for the CEO to instruct Council's legal advisors to file an Originating Motion for Judicial Review in the Supreme Court against the Minister for Planning. The Cities of Boroondara, Manningham and Whitehorse all made a similar resolution.

An additional \$150,000 of funding and resources was approved to undertake a legal challenge in the Supreme Court of Victoria.

The Originating Motion for judicial review was filed with the Supreme Court of Victoria on 17 February 2020.

A directions hearing was held in the Supreme Court of Victoria on 24 April 2020 to consider the pleadings filed for the case. Parties attended via video link.

The Honourable Justice Garde presided over the Directions Hearing which included an Order for Judicial Mediation agreed by all parties, to be conducted by a private mediator within the period 22 May and 10 June 2020.

Mediation has commenced and there are potential opportunities for a mediated outcome.

The trial is listed to commence on 14 September 2020 if a mediated outcome has not been reached.

Council representatives continue discussions with the North East Link Project team and the State Government on all aspects of the project.

The North East Link Project early works contractor commenced works on site in May. They will establish a site compound at Borlase Reserve and then commence the relocations of numerous services to facilitate the North East Link alignment.

Project funding and expenditure, to date, for the North East Link response and advocacy has been detailed. The expended funds are within the estimated

NORTH EAST LINK PROJECT UPDATE cont'd

expenditure and below the allocated budget. Legal challenge expenditure will continue into 20/21.

RECOMMENDATION

That Council receives and notes the report.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

BACKGROUND

The North East Link (NEL) is being planned by the State Government as a direct north south link through Banyule and is expected to take seven years to construct (2020 to 2027).

An Environment Effects Statement (EES) looking at the construction and long term impacts of the NEL project (the Project) was prepared by the North East Link Project (NELP) and released in April 2019.

A joint Inquiry and Advisory Committee (IAC) considered the Project EES, works approval application, draft planning scheme amendment and public submissions and provided a report to the Victorian Minister for Planning on 22 October 2019.

Both the Minister for Planning's assessment of environmental effects and the IAC report were publicly released on 5 December 2019. The Minister also provided his assessment to the Minister for Transport Infrastructure and statutory decision-makers to inform approval decisions on this project, including for the planning scheme amendment and works approval.

The IAC report and the Ministers Assessment are publicly available on the Department of Environment, Land, Water and Planning's (DELWP) website at www.planning.vic.gov.au/environment-assessment.

Following the Ministers Assessment the associated Planning Scheme Amendment GC98 was gazetted on 3 January 2020 which brings it into effect.

At a Special Meeting of Council on 10 February 2020, Council authorised the Council's CEO to commence discussions with representatives of the State Government to ascertain whether it is possible to resolve the dispute central to the proceeding in a manner that is acceptable to Council.

There are 6 key outcomes or changes Council would like to see, which are:

- Consideration of a longer tunnel to protect local communities, reduce surface works by about 10ha and save 1000s of trees,
- Excluding tunnel boring machine launching from Borlase Reserve,
- Protecting nationally significant nature at Simpson Army Barracks,
- Improved transport connections to Watsonia station and shops, and urban design improvements,
- A new design for the Lower Plenty Road interchange, and
- The Victorian Government should also deliver a transport interchange at Greensborough, cycle links and improved bus services

NORTH EAST LINK PROJECT UPDATE cont'd

There are also the range of matters set out in Council's 'Banyule City Council North East Link project advocacy list – 3 February 2020' document.

The resolution allowed for the CEO or a delegate to instruct Council's legal advisors to file an Originating Motion for Judicial Review in the Supreme Court against the Minister for Planning's assessment of the environmental effects of the North East Link project and his decision to approve the planning scheme amendment GC98. The Cities of Boroondara, Manningham and Whitehorse all made a similar resolution.

An Originating Motion for judicial review was filed with the Supreme Court of Victoria on 17 February 2020.

Council officers jointly (with officers of the Cities of Boroondara, Manningham and Whitehorse) presented to the two bidding consortiums on 19 and 20 February 2020, to inform their tender submissions.

There was also an opportunity to meet with each of the respective bidding teams to discuss the significant issues and outcomes from the Project that are pertinent to Banyule.

A directions hearing was held in the Supreme Court of Victoria on 24 April 2020 to consider the pleadings filed for the case. Parties attended via video link.

LEGAL CONSIDERATION

The Honourable Justice Garde presided over the Directions Hearing, with a summary of the key Orders of the Court being as follows:

- The Originating Motion is to be responded to by the Minister for Planning and the State of Victoria, with an opportunity of reply by the Councils by 22 May 2020
- Judicial Mediation was invited and agreed by all parties, to be conducted by a private mediator within the period 22 May and 10 June 2020
- The Councils can seek non-objectional particular categories of documents of relevance to the case, which the Minister for Planning and the State of Victoria must provide by 5 June 2020
- Affidavits from all parties, with which they respectively intend to rely upon in the case, must be filed with the Court by 24 July 2020
- A further directions hearing has been listed for 31 July 2020
- All parties are to file and serve a written submission with the Court by 4 September 2020, including a combined list of authorities that are to be served
- The trial is listed for commencement on 14 September 2020

HUMAN RIGHTS CHARTER

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

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

CURRENT SITUATION & DISCUSSION

Mediation has commenced with sessions held on 29 May 2020 and 5 June 2020. Discussions are continuing and there is the potential opportunity for a mediated outcome.

NORTH EAST LINK PROJECT UPDATE cont'd

Council officers have worked collaboratively with NELP on preparing a new Memorandum of Understanding (MoU) to cover the working relationships between the parties. This MoU will be in operation for the current pre-tender phase period, through design and construction, until operation of the road. This has been coordinated with the Cities of Boroondara and Whitehorse for consistency, with all parties sharing legal costs associated with the drafting of this document.

Council officers have also closely worked with NELP on establishing a licence agreement for early works, which has also been jointly coordinated with the Cities of Boroondara and Whitehorse, with all parties sharing legal costs associated with the drafting of this agreement. This was to enable the early works contractor (CPB) to undertake service relocations for the main works. However, agreement has not been achieved and as such NELP is now seeking to acquire easements over some parcels or the entirety of the parcel permanently.

The Council parcels that will be acquired or have easements created for access and use by NELP are as follows:

69-71 Frensham Road, Watsonia

NELP has submitted a Notice of Intention to Acquire (NOITA) an easement for this parcel for a possession date of 31 July 2020, to facilitate the relocation of lattice style transmission towers from the Watsonia Railway Station Carpark. This proposal is contrary to Council's two resolutions of 7 October 2019 (CO2019/196) and 18 November 2019 (CO2019/243), to proactively advocate for monopoles to replace the current electricity pylons.

5-9 Borlase Street, Yallambie

NELP has acquired this parcel using its power in accordance with s.134 of the Major Transport Project Facilitation Act (MTPFA). The State Government took possession of Councils land in Borlase reserve on 22 April 2020. The Victorian Valuer General will be processing the valuation of the parcel.

26 Coleen Street, Yallambie

NELP will lodge a s.134 of the MTPFA application to divest a portion of this parcel for relocation of pressure reducing station infrastructure. Possession date is 14 August 2020.

2 parcels at 111 Banyule Road, Rosanna

NELP has submitted a NOITA for easement acquisition for gas, electricity and communications infrastructure for possession date of 31 July 2020.

Near 58 Watsonia Road, Rosanna (within Watsonia Railway Station Carpark)

NELP will lodge a s.134 of the MTPFA application to divest a portion of Watsonia railway Station car park for various works associated with utility relocations and HV electricity. Possession date is 14 August 2020.

CPB will construct a site compound at Borlase Reserve. The site compound will feature a site office, equipment sheds, and amenities including toilets and break

NORTH EAST LINK PROJECT UPDATE cont'd

rooms. These works commenced on 18 May 2020 and are expected to take approximately 6 weeks to be completed, with construction limited to 7am to 6pm, Monday to Friday and 7am to 1pm on Saturdays.

Notification of these works was distributed to all properties within a 300m radius of the works on 8 May 2020. Further, the Borlase Street properties that directly abut Borlase Reserve also received a Property Condition Survey offer and supporting information in relation to dilapidation reports.

Once the site compound has been established, CPB will commence the relocation of numerous services that run along or across Borlase reserve. This will result in the temporary closure of Drysdale Street at its intersection with Borlase Street. As such, NELP propose to temporarily open Borlase Street at Lower Plenty Road during these periods, retaining public vehicle access to properties.

Further, numerous services will be relocated beneath Borlase Street, requiring its excavation and reconstruction. Disruption to property services will be minimised but are unavoidable. These works are all within the NEL project area. There is also a potential need to open Drysdale St at Lower Plenty Road for public access too during these periods. This will require Council consideration. CPB will continue to consult the local community about these works in addition to the proposed temporary changes to the road network.

There will also be a number of services relocated to the Greensborough Road reservation, including gas and water mains beneath traffic lanes, along Greensborough Road to Watsonia Railway Station. Many of these service relocation works will take several months to complete. These services relocations will also have impacts on Lower Plenty Road and Borlase Reserve.

The existing pressure reducing station near the intersection of Drysdale St and Borlase Street, will be relocated to the southern end of Coleen Street reserve adjacent to the Melbourne Water pipe track. Banyule Creek will also be piped, generally running along the western interface of Borlase Street. Melbourne Water have been working with NELP and CPB regarding this work.

NORTH EAST LINK PROJECT UPDATE cont'd

FUNDING AND EXPENDITURE

At the Special Meeting of Council on 10 February 2020, \$150,000 in additional funding and resources to undertake a legal challenge in the Supreme Court of Victoria was approved.

The project funding and expenditure was previously reported on 18 November 2020. It detailed budget remaining in the 2017/2018 year of \$53,035 and 2018/2019 year of \$178,883. The 2019/20 figures have been updated as shown below. The expended funds are generally within the estimated expenditure and under the allocated budget.

Table 1: North East Link Advocacy and EES Costs

Income Sources	2019/20
Council Budget	\$950,000
NELP Contribution	\$204,546 (F)
	<u>\$1,154,546</u>
Total Expenditure	
EES Development - Consultants	\$3,740 (A)
Other Consultants/Costs	\$39,472 (F)
EES Hearing - Representation	\$645,260 (A)
Salaries - Transport Advocacy team	\$232,000 (F)
Legal Challenge	\$110,000 (F)
	<u>\$1,030,472</u>
Budget Remaining/(Shortfall)	\$124,074
NB: A – Actual; F – Forecast,	
<i>Supplementary information:</i>	
<ul style="list-style-type: none"> • The salaries forecast includes time spent on other major projects (M80 and Hurstbridge 2). Forecast has reduced since forecast of 18 November 2019 due to changes in staffing. • The first 9 months of the NELP contribution in 19/20 has been invoiced and paid. The remaining 3 months will be invoiced after the April – June period that it covers. • The current Memorandum of Understanding (MoU) with NELP has been extended to conclude on 30 June 2020. 	
<i>Legal challenge expenditure will continue into 20/21.</i>	

CONSULTATION

CPB has undertaken some consultation with the local community proximate to Borlase Reserve, in relation to the establishment of a site compound at this location, the pending service relocation works and associated road network changes.

NORTH EAST LINK PROJECT UPDATE cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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. However, it is noted that the Director City Development, who has had input into this report, owns a property within the affected area identified in the NELP submissions to the Federal Government for EPBC Act approval. The project has no direct impact on the property.

CONCLUSION

Early works for the North East Link project are progressing, with commencement in May 2020. CPB and NELP will continue to liaise with the impacted sections of the community and provide wider updates across the project area.

Council has commenced its legal challenge regarding the planning for the main works, with a hearing date set for 14 September 2020.

Mediation associated with the legal challenge has commenced and is continuing. There is the potential opportunity for a mediated outcome with the aim to achieve the best possible outcomes for the North East Link in Banyule.

ATTACHMENTS

Nil

5.4 WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS

Author: Jonathan Risby - Manager Transport, City Development

Previous Items

Council on 17 Dec 2012 7.45pm (Item 4.1 - Draft Ivanhoe Structure Plan)

Council on 01 Dec 2014 7.45pm (Item 4.1 - Banyule Planning Scheme Amendment C93 - Adoption of Amendment)

EXECUTIVE SUMMARY

The Ivanhoe Structure Plan was adopted by Council on 17 December 2012 and a revised version adopted 1 December 2014. One of the actions was to explore opportunities for up to seven new public squares. Waterdale Road, south of Upper Heidelberg Road was one area identified and shown as a pedestrianised area on the precinct plan. This area was to be created by the installation of barriers.

To facilitate the construction of the development at 154 Upper Heidelberg Road, Ivanhoe, Waterdale Road, adjacent to the site, has been temporarily closed. The closure commenced in July 2019. Waterdale Road north of Norman Street was changed to two way traffic to accommodate this closure. There have been no complaints regarding the closure and changed traffic conditions.

Given the section of Waterdale Road, south of Upper Heidelberg Road has already been temporarily closed for the last 11 months with no identified issues, it is appropriate to consider the permanent closure of this section of road and the creation of a pedestrianised area in accordance with the Ivanhoe Structure Plan. The area will be used to create a 'pocket park' with \$1.3m funding recently announced by the State Government under the Local Parks Program.

Accordingly, it is proposed to initiate the process under the Local Government Act 1989 to place permanent barriers on Waterdale Road, Ivanhoe.

RECOMMENDATION

That Council:

1. Initiates the process under the Local Government Act 1989 to permanently place barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road.
2. Advertise the proposed placement of permanent barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road, seeking any submissions under Section 223 of the Local Government Act 1989.
3. Write to the Head, Transport for Victoria seeking a report on the permanent placement of barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road under Schedule 11, Clause 9 of the Local Government Act 1989.

**WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS
cont'd**

4. Write to Victoria Police, Metropolitan Ambulance Services and Metropolitan Fire Brigade to request comments on the proposed permanent placement of barriers.
5. Notifies directly affected owners and occupiers of properties on Waterdale Road and Upper Heidelberg Road, Ivanhoe, of the proposal and submission process.
6. Receive a further report summarising any submissions on the proposed permanent placement of barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road.

COUNCIL PLAN

This report is in line with Banyule’s Council Plan key direction to “Provide great public and open spaces”.

BACKGROUND

The Ivanhoe Structure Plan was adopted by Council on 17 December 2012 and a revised version adopted on 1 December 2014 as part of Banyule Planning Scheme Amendment C93.

One of the actions was to explore opportunities for the creation up to seven new public squares. Waterdale Road, south of Upper Heidelberg Road was one of the areas identified. It was shown as a pedestrianised area on the precinct plan with barriers to be installed to prevent vehicle access.

To facilitate the construction of the development at 154 Upper Heidelberg Road, Ivanhoe, Waterdale Road, adjacent to the site, has been temporarily closed. The closure commenced in July 2019. Waterdale Road north of Norman Street was also temporarily changed to two way traffic to allow access to adjacent properties and use of this section of road. Figure 1 shows the area and the extent of the current road closure.

WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS cont'd

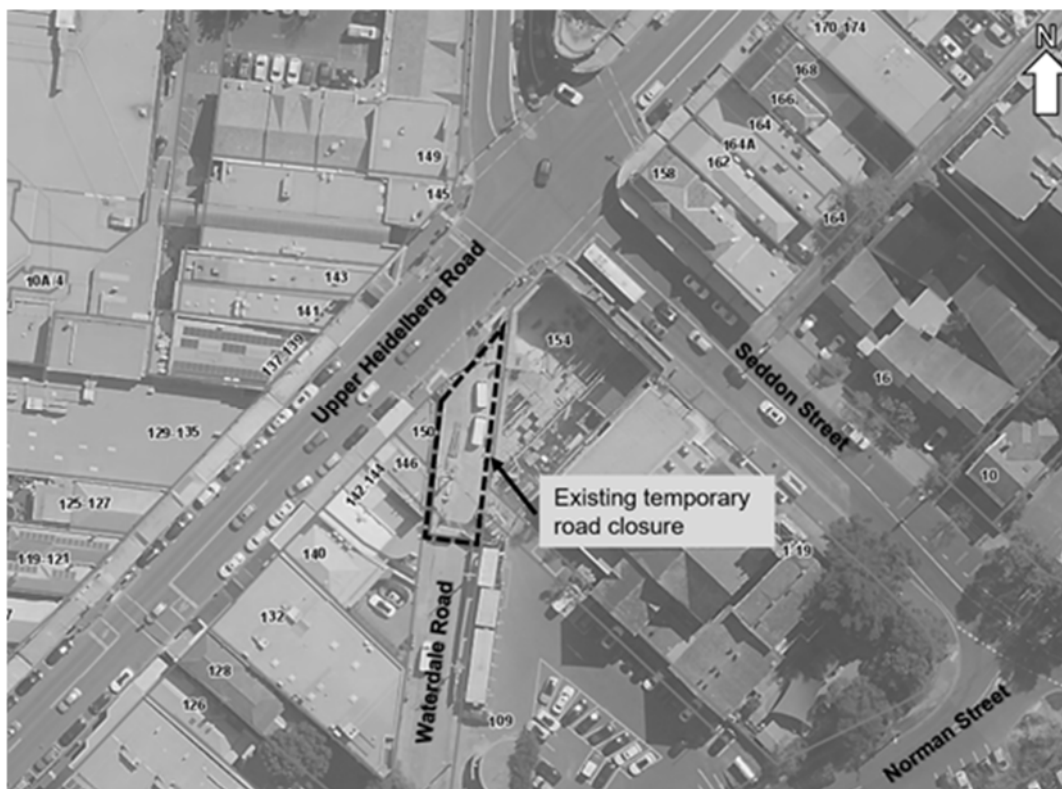


Figure 1. Existing road closure on Waterdale Road, south of Upper Heidelberg Road, Ivanhoe.

An enquiry was received from the Ivanhoe Traders Association as to whether the temporary closure could be made permanent. The developer of the adjoining property at 154 Upper Heidelberg Road has also expressed support for the permanent closure of the road and creation of a pocket park.

LEGAL CONSIDERATION

Council's powers over traffic is defined under The *Local Government Act 1989* (LGA), Section 207 and Schedule 11, which allows Council to permanently place obstructions or barriers on a road under its management (Waterdale Road, south of Upper Heidelberg Road is under Council's control and management) after considering a report from the Head, Transport for Victoria on the proposed closure. Additionally, Council must seek and consider public submissions on the proposal under Section 223 of the LGA.

Under Section 223, Council must publish a public notice:

- Specifying the matter in respect of which the right to make a submission applies
- Containing the prescribed details in respect of that matter;
- Specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;

WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS cont'd

- Stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;

HUMAN RIGHTS CHARTER

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

FUNDING IMPLICATIONS

On 24 May 2020, the Minister for Energy, Environment and Climate Change announced that Council has been successful in obtaining a grant valued at \$1.3 million under the Local Parks Program. This funding will be utilised to create a 'pocket park' in this location and fund works associated with this.

CONSULTATION

As part of the Ivanhoe Structure Plan, consultation was undertaken with the community regarding the plan which included the proposed changes to this section of road.

Consultation on the proposed placement of permanent barriers would occur in accordance with Section 223 of the Local Government Act 1989 as indicated in this report.

Preliminary advice from the Department of Transport has been obtained and there is no in-principle objection to the road closure.

Consultation on the creation and design of the 'pocket park' is currently scheduled to commence in August 2020.

DISCUSSION

This section of Waterdale Road, south of Upper Heidelberg Road has been temporarily closed for the last 11 months with no identified issues. This has provided a good trial run for a permanent closure of the road. Initially there were a couple of enquiries regarding the temporary closure and there has been no recent complaints and the changed traffic conditions are working well.

It is appropriate to consider the permanent closure of this section of road and the creation of a pedestrianised area with no vehicle access in accordance with the Ivanhoe Structure Plan.

Permanent barriers will be installed in two locations at approximately 3.5m and 17.5m from the kerb line of Upper Heidelberg Road to prevent vehicle access. Planning and consultation will be undertaken to determine how this space is designed, developed, implemented and what elements are included as part of the larger pocket park project.

WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS cont'd

Figure 2 indicates the location of the proposed barriers.



**Figure 1: Proposed Permanent Barrier Location -
Waterdale Road, Ivanhoe - south of Upper Heidelberg Road**

OFFICER DECLARATION OF CONFLICT OF INTEREST

Council officers involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

The closure of Waterdale Road, south of Upper Heidelberg Road was proposed as part of the Ivanhoe Structure Plan to create a pedestrianised area and a public square.

It is considered that the process should commence under the Local Government Act 1989 to place permanent barriers on Waterdale Road, Ivanhoe including consultation and a formal submission process.

ATTACHMENTS

Nil

5.5 HEIDELBERG ROAD BIKE LANES - COVID RESPONSE TO TRANSPORT NEEDS

Author: Kathleen Petras - Transport Planning Team Leader, City Development

EXECUTIVE SUMMARY

The COVID-19 pandemic has caused a reduction in the capacity of public transport including along the Hurstbridge Railway Line due to the associated social distancing requirements. This is expected to be the case for some time into the future.

Traffic congestion has eased somewhat due to large numbers of people being required to work from home but this is expected to change as people begin to return to work. Car traffic could potentially worsen as people return to work while avoiding public transport use due to social distancing requirements.

Cycling is a mode of transport that allows for social distancing and could take up some of this capacity if there were direct safe routes in place especially to access the Melbourne CBD and other destinations in the radial corridor from Banyule to the City.

The City of Melbourne and the City of Port Phillip are in the process of accelerating delivery of on road bike facilities in cooperation with the Department of Transport.

Banyule Council has long advocated for the provision of a cycling corridor from Banyule along Heidelberg Road to the CBD as detailed in the Banyule Integrated Transport Plan and the Banyule Bicycle Strategy.

Preliminary work has been undertaken with Yarra and Darebin City Councils to support the provision of safe bicycle facilities along Heidelberg Road to provide this direct access for cyclists. It is agreed that to facilitate a shift from public transport and encourage car drivers (to consider cycling) provision of safe protected cycling facilities must be made to cater to cyclists of all ages and abilities.

It is considered that the provision of this cycling route is now urgently needed to provide a vital transport alternative to aid safe and healthy travel and assist the economic recovery of Banyule and the metropolitan area.

HEIDELBERG ROAD BIKE LANES - COVID RESPONSE TO TRANSPORT NEEDS cont'd

RECOMMENDATION

That Council:

1. Advocate to the State Government for protected on road cycling facilities on Heidelberg Road from the City of Banyule through the City of Darebin and City of Yarra to facilitate access throughout the municipalities and to the Melbourne CBD to support safe and healthy travel alternatives and the economic recovery from the COVID-19 crisis.
2. Continues to work with the City of Yarra and the City of Darebin in this advocacy.
3. Supports part time bike lanes along Upper Heidelberg Road to connect to the full time Heidelberg Road cycling facilities.
4. Advocate to the State Government for part time bike lanes along Upper Heidelberg Road.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Support sustainable transport".

BACKGROUND

The COVID-19 pandemic has caused a reduction in the capacity of public transport including along the Hurstbridge Railway Line due to the associated social distancing requirements. This is expected to be the case for some time into the future.

Traffic congestion has eased somewhat due to large numbers of people being required to work from home but this is expected to change as people begin to return to work. Car traffic could potentially worsen as people return to work and avoid public transport use due to social distancing requirements.

LEGAL CONSIDERATION

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

HEIDELBERG ROAD BIKE LANES - COVID RESPONSE TO TRANSPORT NEEDS cont'd

HUMAN RIGHTS CHARTER

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

It is considered that the subject matter does not raise any human rights issues. Banyule's current policy support for a safe cycling route along Heidelberg Road includes:

Banyule Bicycle Strategy 2010

- Complete the north-South Principal Bicycle Network link from Greensborough Bypass, along Greensborough Highway, the Banyule Shared Trail, Lower Heidelberg Road and Heidelberg Road.

Banyule Integrated Transport Plan 2015

- Action 29: Advocate to VicRoads and to the State Government for the completion of the Principal Bicycle Network.

Banyule Transport Priority Project List 2018

- 7A: Walking and Cycling - Investigate providing a safe north-south cycling route alternative parallel to Waiora Road and Upper Heidelberg Road through Ivanhoe, Heidelberg Heights and West Heidelberg.

DISCUSSION

Cycling is a mode of transport that allows for social distancing and could take up some of the necessary transport capacity shortfalls if there were direct safe routes in place, especially, to access the Melbourne CBD and other destinations in the radial corridor from Banyule to the City.

The City of Melbourne and the City of Port Phillip are in the process of accelerating delivery of on road bike facilities in cooperation with the Department of Transport.

The current cycling route available from Banyule to access the CBD utilise the Main Yarra Trail and is not direct (significantly longer than Heidelberg Road), is not well sealed along its whole length and is not well serviced by lighting. It is also a shared environment with pedestrians which makes it also not ideal for a commuter route, especially given recent significant increase in use of these trails for recreational purposes.

Preliminary work has been undertaken with Yarra and Darebin City Councils to support the provision of safe bicycle facilities along Heidelberg Road to provide this direct access for cyclists.

It is agreed that to facilitate a shift from public transport and encourage car drivers (to consider cycling) provision of safe protected cycling facilities must be made to cater to cyclists of all ages and abilities.

HEIDELBERG ROAD BIKE LANES - COVID RESPONSE TO TRANSPORT NEEDS cont'd

In Banyule the route is proposed to use Upper Heidelberg Road through Ivanhoe and then connect into the bike lanes on Studley Road to connect to Heidelberg Station. It could also potentially continue along Upper Heidelberg Road towards La Trobe University. These routes are currently included in the Principal Cycling Network.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

Council has long advocated for the provision of a cycling corridor from Banyule along Heidelberg Road to the CBD as detailed in the Banyule Integrated Transport Plan and the Banyule Bicycle Strategy.

It is considered that the provision of a safe protected cycling route along Heidelberg Road is now urgently needed to provide a vital transport alternative to aid the economic recovery of Banyule and the metropolitan area.

ATTACHMENTS

Nil

5.6 GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE

Author: Kathy Hynes - Manager Parks & Open Space, Assets & City Services

EXECUTIVE SUMMARY

This report is in response to a Notice of Motion calling for a report that updates on the success of the Greening Banyule initiative and ways in which to increase canopy coverage across the municipality by 2040.

Banyule adopted its Urban Forest Strategic Plan in 2015, the intent of this strategy was to provide a foundation for building policy and programs to ensure Council would effectively plan, manage and maintain one of Banyule's highest valued assets - its urban forest. Since the adoption of the Urban Forest Strategic Plan in 2015, progress has been made in regard to delivering a number of actions outlined in the plan most notable in: promotion and raising the profile of green initiative through the Greening Banyule campaign, increasing the number of trees planted in streets, parks and reserves and increasing the funding for the tree planting program over the 4 years.

In regard to increasing the canopy coverage to a minimum of 40% by 2040 in the public realm, a number of challenges are highlighted such as difficulty in establishing trees in the urban environment and the aging population of Banyule's street trees.

In terms of a way forward for the public realm it is recommended that an audit of Banyule's tree population be undertaken to inform a refresh of the Urban Forest Strategic Plan, advocate to the North East Link Project for funding to plant trees to offset those lost as part of the project and the consideration of the introduction of a fee for the removal of public trees through developments or works associated with other entities.

With regard to the private realm, Council's Neighbourhood Character Strategy sets out tree planting ratios for the different character precincts. Basic modelling of this projects mature tree canopy outcomes as a percentage of the site area at 15% for Garden Suburban Areas, 27% for Bush Garden Areas and 42% for Semi Bush areas. Canopy increases are pursued through permits issued for tree removal (not associated with development) require replacement planting at a ratio of 1 to 2 subject to site capacity.

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

RECOMMENDATION

That Council:

1. Refer budget funding of \$150k to the 2021/22 capital works and initiatives program to undertake an audit of all street trees and to review Banyule's Urban Forest Strategic Plan.
2. Advocate to the North East Link Project for a funding contribution to replacement of street trees in the municipality.
3. Report back to Council on the viability of introducing a charge for the removal of trees in nature strips to fund further nature strip planting.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Protect and enhance our natural environment".

BACKGROUND

This paper is in response to a Notice of Motion put forward in late 2019:

That Council receive a report on the current success of Greening Banyule and how best to achieve a canopy cover of a minimum of 40% across the entire residential area of the City by 2040.

The report also consider:

- a) *how to address increasing the canopy coverage within Business Parks and Shopping Centres including the carparks; and*
- b) *what measures need to be taken with Planning Permits and Building Permits which can assist in achieving a minimum 40% coverage in residential areas.*

In 2015 Council adopted its 'Urban Forest Strategic Plan', which was a key initiative of the City Plan (2013). The intent of this strategy was to provide a foundation for building policy and programs to ensure Council would effectively plan, manage and maintain one of Banyule's highest valued assets - its urban forest. To recap, the strategy defined an urban forest as *a managed population of trees, both planted and naturally occurring, which provide economic, social, environmental and ecological benefits to communities within an urban setting.* The strategy covered topics such as:

- Analysis of Banyule's urban forest in regard to age, health, and species diversity.
- Benefits of trees – social, environmental, and economic.
- Challenges such as climate change, above and below ground services, species diversity (lack of) etc.
- Canopy cover & Urban Heat Island effect
- Goals for Banyule's urban forest were to:
 - Increase canopy cover in available open space
 - Maintain and improve urban character

**GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE
cont'd**

- Raise the profile of the urban forest within Council
- Improve establishment rate of tree plantings

Adoption of this strategy lead to a Council Notice of Motion in August 2015 with the intent to provide information on current and proposed greening initiatives as a consequence of the adoption of the Urban Forest Strategic Plan.

It was the intent that “*Greening Banyule*” would become a recognisable brand within Banyule and would be associated with Council events that contributed to the greening of the municipality such as tree planting, National Tree Planning day, Friends Groups events etc.

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 Victorian Charter of Human Rights and Responsibilities.

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

CURRENT SITUATION

Greening Banyule

Since 2015 the “*Greening Banyule*” brand has been developing and is now used in the Banyule Banner and the State of the Environment report (2018/2019) and other publications to clearly demonstrate the environmental activities, resource allocation and works that are delivering positive green outcomes. In addition, the Bushland Management Unit display “*Greening Banyule*” flags and sandwich boards during their Friends events, and the Parks and Open Space teams use “A frame” promotional signs when undertaking maintenance activities.



Figure 1: Greening Banyule Logo & Promotional Signage

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

Urban Forest Strategic Plan

In the context of thermal comfort and mitigation of the urban heat island effect arguable the highest priority goal of the four was and is *Increase canopy cover in available open space*.

- **Canopy Coverage in Banyule**

The strategy calls for an increase in canopy coverage across the municipality, while it does not recommend an overall canopy percentage it does recommend percentages based on location:

- 50% canopy coverage in parks at tree maturity
- 75% canopy coverage in streets at maturity.

The 'optimal' percentage is an ongoing debate amongst tree academics with some suggesting 30% is the optimal and increases past this are associated with diminishing returns, others suggest 40% is the optimal for social, environmental, and economic benefits while others suggest that simply the more the better.

The actual methodology to measure tree canopy can vary greatly by way of example:

- **2014:** 2020 Vision estimate Banyule's Canopy to be **30%**
- **2015:** Banyule Urban Forest Strategy estimates it to be **37%**
- **2019:** Living Melbourne: our metropolitan urban forest estimates it to be **24%**

As all methodologies have different analysis parameters and degrees of error associated with them, it highlights the importance of adopting one methodology and then solely using that methodology for repeatability.

In terms of bench marking, in the metropolitan context, Banyule ranks highly in tree canopy compared to other municipalities as indicated in Figure 2.

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

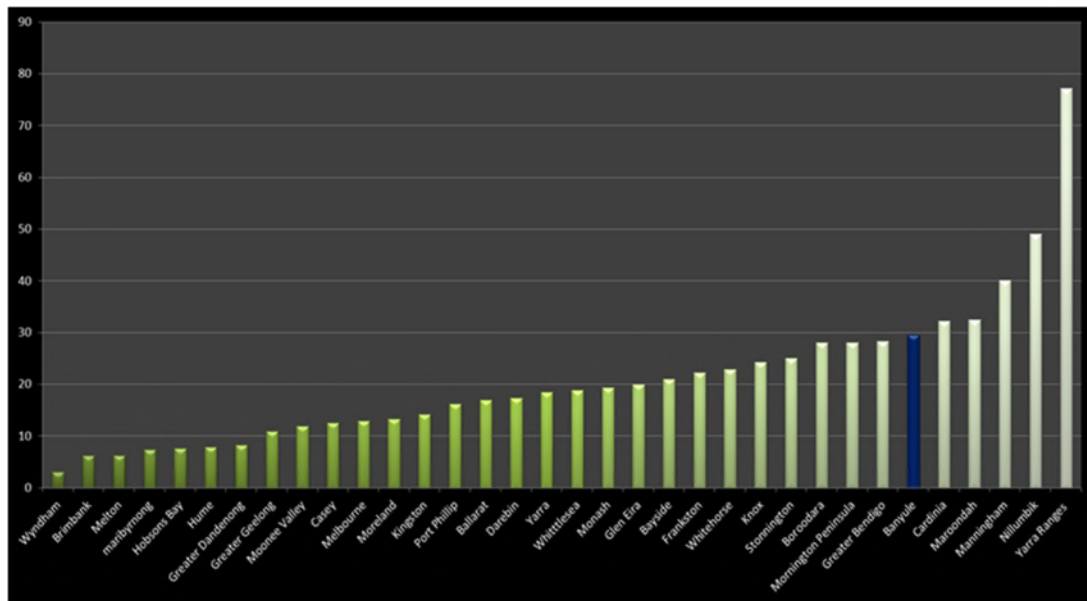


Figure 2: Banyule's Canopy Cover calculated by 2020 Vision

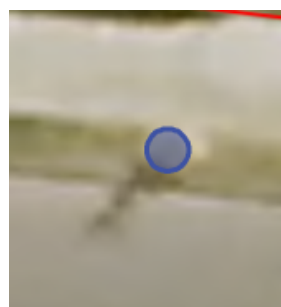
o **Canopy Coverage as a Metric**

While it is noted that canopy coverage targets are a widely used and accepted metric in urban forest management; caution is required when setting canopy targets as it is not as straight forward as it may appear.

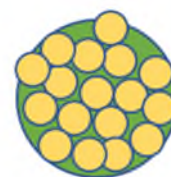
Canopy increases are not as simple as immediately replacing one tree with another – in fact in the example below it would take 17 trees to replace 1 tree in terms of area of canopy with none of the social, environmental or economic benefits that are associated with large canopy trees.



Average Tree Canopy Size in Banyule



Average Canopy Size of Newly Planted Tree



of New Trees Required to Replace like for like Canopy in one year (17)

Figure 3: Illustration of Canopy Lag

The complexity of canopy management comes down to the canopy lag – the time it takes for a tree to reach its canopy maturity, this can be anywhere from 20 – 30 years plus. Short term canopy analysis (e.g. 4-year cycles) are useful for measuring losses, however, long term canopy analysis (10 year+ cycles) are best suited to measuring canopy gains due to canopy lag.

**GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE
cont'd**

For these reasons caution must be exercised when setting canopy percentage goals, by way of further example, due to canopy lag typically, in order to make a 3% canopy gains over a 30-year period three trees would have to be planted for every tree removed (based on current removal rates).

Simple tree metrics such as tree planted vs trees removed are useful short metrics to assist in achieve long term canopy targets.

Public Realm

• ***Contributing Factors to Canopy Increases***

○ **Tree Planting**

The strategy recommended an annual planting target of 4,000 trees in order to achieve long term canopy gains, this was based on the following analysis of the tree population at the time (60,000 street trees):

- Between 600 – 800 trees are removed each year due to risk (infrastructure) and safety (public) concerns;
- 10% of the tree stock has a life expectancy of 10 years or less;
- 65% of tree stock had a life expectancy of 25 years or less (including the 10% above); and
- 16,000 (estimated) locations were available for planting within streetscape.

This analysis indicated that over the next 30 years the majority of street trees would require replacement and canopy losses would be associated with the renewal of aging trees. In an attempt to minimise the predicted loss of canopy it was suggested that vacant locations should be planted as a priority in order to allow time for canopy growth and increase before the renewal of the existing population was required.

The table below illustrates the number of trees planted in streets, parks, and bushland reserves over the past four years.

Year	2016	2017	2018	2019
Trees Planted	4,000	7,347	6,075	3,226

It should be noted that the majority of the stock planted was tube stock and small tree plantings and successfully establishing this stock has been an ongoing challenge, the urban environment is a notoriously harsh environment. Despite the number of trees planted recent estimates place the number of vacant locations in the region of 16,000 this is in part due to: the difficulty of establishing stock, spreading plantings across streets, parks and bushland reserves, and similar to the canopy analysis – the analysis has degrees of error.

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

Numerous trials have been undertaken to improve the establishment rate of trees with the most successful trial being the 2019 trial whereby larger stock was planted, a greater investment was made into the soil treatments for new trees, and a higher-level maintenance program put in place. While this approach resulted in a lower number of trees planted (3,226) it has also resulted in: the highest level of customer satisfaction to date, improved establishment rates, and a much great visual impact across the municipality highlighting efforts to green Banyule.



In addition to this trial the prioritisation of tree planting has also been reviewed. The current program prioritises streets (rather than parks and bushland reserves) that have low canopy cover (i.e. streets with vacant locations), and/ or are well trafficked walking routes in an effort to increase thermal comfort in the years to come.

Figure 4: Advanced Tree

- **Planting in Business Parks, Shopping Centres & Carparks**

Areas such as these are also considered priority areas for planting due to the volume of paved surfaces and associated heat. However, it is also because of these factors that successfully establishing healthy trees is incredibly challenging. The key to increasing canopy coverage in these areas are engineering solutions that consider the needs of a tree.

Advances are continually occurring in this field, a prime example of this is the recent construction of the carpark at Malahang Reserve. For the first time in Banyule a soilless soil pit comprising of rocks and a nutrient rich product called biochar was created below the new carpark at Malahang Reserve. This pit provides ample nutrients and growing space below ground for trees without the need to reduce the number of carparks. Engineering initiatives such as this ensure the health and longevity of trees in these hostile environments.

- **Contributing Factors to Canopy Decreases**

- **Tree removal**

The removal of canopy trees has a notably adverse effect on the overall canopy coverage of a municipality due canopy lag associated with new trees. In recognition of this an in an effort to minimise canopy loss, Council predominantly take a risk base approach to tree assessment, the risk analysis takes in account risk to public safety and risk to infrastructure.

As trees are living organisms it is inevitable that tree losses will occur annually, however, this also highlights the importance of retaining healthy trees and not removing these trees based on aesthetic reasons or because of perceived safety issues or leaf litter nuisance.

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

o Tree Maturity

As noted, earlier, it is estimated that half of the street trees in Banyule City Council will be over mature within 15- 25 years. As trees are living organisms there is always a degree of error with estimates, should this estimate be correct the rate of canopy loss will be further increased in the years comes due to the loss of these mature trees.



Figure 5: Estimated Life Expectancy of Banyule's Street Tree Population (Banyule Urban Forest Strategy).

o Climate Change

Urban forests help control the causes and consequences of climate-related threats. However, forests may also be negatively impacted by climate change, for example, increased frequency, variability and severity of drought, storms and heatwaves will affect tree health and longevity. It is accepted within the industry that trees that were suitable to the urban environment in Victoria 50 years ago will not necessarily be suitable in the next 50 years due to the predicted change in environmental conditions. Therefore, we may see further losses to the canopy over the coming years depending on the severity of the changing climate and adaptability of the tree population.

o Pest and Diseases

Managing for pest and disease risk is vitally important to ensure the health and longevity of urban forests. Depending on the severity of the pest and/ or disease some have been known to wipe out entire populations, such as Dutch Elm Disease. A key risk mitigation practice in urban forestry is to plant a diversity of species in order to contain any potential losses to a type of tree as pests and disease tend to have specific targets. Based on the current population Banyule is over reliant on a small number of tree families, diversifying species selection will ensure a resilient urban forest for Banyule both now and into the future.

o North East Link

At this stage the North East Link project have determined that over 26,000 trees will be removed as part of the project. It is difficult to estimate the impact on Banyule, but it has been estimated that approximately 7,000 trees will be removed in Banyule as

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

part of the project and over a further 2, 000 trees may be potentially impacted by the works. The removal of this many trees in the project area will significantly impact the canopy coverage in this area. Regardless of the number of trees that are planted to offset this loss, the benefits will not be realised for at least 20 years whereas the impact will be felt immediately.

Private Realm

There are a range of planning controls, policies and guidelines set out in the Banyule Planning Scheme which apply to private land and include tree retention and planting objectives. Planning controls are reactive and can only be used to require planting when there is a request for development or removal of a tree for which a permit is required.

Council's Residential Housing Framework is a key strategic driver which balances development opportunities with vegetation outcomes among other considerations.

Council's Neighbourhood Character Strategy sets out tree planting ratios for the different character precincts. Basic modelling of this projects mature tree canopy outcomes as a percentage of the site area at 15% for Garden Suburban Areas, 27% for Bush Garden Areas and 42% for Semi Bush areas. It also sets out a requirement for new street trees where non exist next to developments sites.

In terms of increasing tree planting rates in the private realm, for permits issued for tree removal not associated with development, replacement planting at a ratio of 1 to 2 will be required depending on the capacity of the site.

Retaining canopy in the private realm is challenging, where new dwellings and extensions do not require a planning permit, there is no ability under the Building Regulation's for the relevant Building Surveyor to require the planting of new trees - even if there is a Vegetation Protection Overlay on the site. Council has written to the Minister for Planning raising concern in relation to this gap.

FUNDING IMPLICATIONS

Since the adoption of the strategy, in regard to funding the table below shows the continual increases that have been made to the operational tree planting budget.

Year	2016/2017	2017/2018	2018/2019	2019/2020
Annual Budget *Purchase and planting only	\$85,500	\$188,230	\$215,416	\$352,537

The current operational funding allocation typically enables officers to purchase and plant in the region of 2,000 – 2,500 advanced trees. At present the maintenance cost of these trees is included in the operational budget through the assistance of inhouse teams. Long term there is risk associated with this model due to limited internal resourcing – it is likely that increased maintenance will be required due to the effects of climate change.

The typical cost to purchase, plant, and maintain a tree for 2 years is \$360 per tree, therefore the true cost of planting and maintaining 2,000 – 2,500 advanced trees is actually between \$720,000 - \$900,000.

**GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE
cont'd**

Pending 2020/21 budget adoption an additional \$100,000 per year for the next four years has been allocated in the capital program to plant more trees. This will allow for an additional 278 advanced trees to be purchased, planted, and maintained for a two-year period.

DISCUSSION

It is evident that progress has been made to date in terms of completing a number of key actions in Banyule's Urban Forest Strategy, however, it is also evident that there are a number of opportunities in regard to increasing canopy coverage across the municipality.

- **North East Link**

It is suggested that there is an opportunity to seek funding support through the North East Link project, this project is associated with significant tree losses within the municipality. Contribution towards Banyule's Tree Planting program over the life of the project would benefit both the residents and visitors to Banyule.

- **Introduction of a Tree Amenity Fee**

Trees within the urban landscape are now widely recognised for their associated benefits and are considered valued assets. However, it is also recognised that the monetary value of an asset is often a key consideration in decision making and as such attributing a dollar value to a tree's worth is now necessary to allow for informed decision making.

The value of a tree can be calculated by a variety of methods most of which take into consideration, the size, health, suitability etc. of the tree, the end dollar figure is often referred to as the Amenity Value of the tree.

A number of Councils across Victoria, Australia, and the world assign Amenity Valuations to their trees in an effort to demonstrate the economic value of the tree as an asset. In addition, many Councils also charge developers and entities such as Telstra the amenity value of a tree should they wish to remove the tree or cause damage to the tree during works.

Introducing an Amenity Value charge would further strengthen the importance of trees and their positive contribution to the residents and visitors of Banyule in addition to presenting a potential funding avenue that can be utilised to increase tree planting rates across the municipality.

GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE cont'd

o Refreshing of Banyule's Urban Forest Strategic Plan

The previous sections highlight that there are many opportunities to further increase the canopy coverage across the municipality. It has been five years since the Urban Forest Strategy has been adopted, and an opportunity exists to build on and refine this strategy by:

- Undertaking an audit of the tree population to determine the current population dynamics, and this audit is to include an analysis of the canopy cover at an estimated cost of \$150k of which budget is recommended to be referred to the Capital Works Initiative.
- Use this data to create a long-term plan for Banyule's urban forest that takes into account the opportunities and challenges outlined in this report.

TIMELINES

Tree planting is seasonal in nature, trees are planted in cooler months in order to maximise survival rates. The trees are hand selected between January and February to ensure the best quality stock is purchased. In regard to potential changes to this year's planting plan due to the timelines above this is not possible – purchasing advanced tree stock in bulk this late in the planting season is associated with significant risk in regard to stock quality and future risk tree losses or failures.

Pending budget adoption, an increase of \$100,000 to Council's planting program starting 2020/2021 for the next four years will allow for an additional 1,000 advanced trees planted over this period.

In addition, Council officers will continue to advocate to the North East Link Project for contributions to tree planting in consideration of the thousands of trees that are being removed as part of this project.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

Since the adoption of the Urban Forest Strategic Plan in 2015, progress has been made in regard to delivering a number of actions outlined in the plan most notable in:

- Promotion and raising the profile of green initiative through the *Greening Banyule* campaign.
- Increasing the number of trees planted in streets, parks and reserves.
- Increasing the funding for the tree planting program.

Further opportunities exist to increase public canopy coverage across the municipality such as the renewal of low canopy streetscapes. However, challenges remain due to necessary tree removals, existing maturity of the current populations

**GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE
cont'd**

and early tree deaths as a result of climate change and/ or pest and disease invasions.

In order to increase the public canopy coverage across the municipality of Banyule it is recommended that:

- A street tree audit be undertaken and a review of Banyule's Urban Forest Strategic Plan with the purpose of developing a long term (data based) tree management program to increase canopy coverage across municipality
- Council advocate to the North East Link project to a contribution to it street tree planting program.
- Report back to Council on the viability of introducing an Amenity Value charge on the removal of trees in nature strips to fund further tree planting.

With regard to the private realm, Council's Neighbourhood Character Strategy sets out tree planting ratios for the different character precincts. Basic modelling of this projects mature tree canopy outcomes as a percentage of the site area at 15% for Garden Suburban Areas, 27% for Bush Garden Areas and 42% for Semi Bush areas. Canopy increases are pursued through permits issued for tree removal (not associated with development) require replacement planting at a ratio of 1 to 2 subject to site capacity.

ATTACHMENTS

Nil

5.7 CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL

Author: Mathew Deayton - Capital Works Coordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1029-2020 Contractors for Building Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for building works up to the value of \$200,000.

The works include, but are not limited to, the following:

- Building maintenance works
- Structural works including steelwork and concrete works
- Earthworks including excavation
- Asbestos removal
- Mechanical works
- Painting works and finishing trades

Tenders were received from twenty-two (22) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

RECOMMENDATION

That:

1. The Contract 1029-2020 Contractors for Building Works Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - Bay Building Services Pty Ltd
 - Building Impressions Pty Ltd
 - Sherwood Construction Solutions Pty Ltd
 - United Commercial Projects Pty Ltd
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

**CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL
cont'd**

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND This report is to consider the awarding of Contract 1029-2020 Contractors for Building Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Tenders were invited for Contractors for Building Works Panel in the local Government Tender section of The Age newspaper on Saturday 8 February 2020 and closed on Wednesday 11 March 2020.

The works include, but are not limited to, the following:

- Building maintenance works
- Structural works including steelwork and concrete works
- Earthworks including excavation
- Brick work
- Electrical works
- Carpentry works
- Plumbing works
- Fire services works
- Glazing
- Finishes including tiling, painting and plaster
- Joinery works
- Asbestos removal
- Mechanical works
- Painting works and finishing trades

Fifty-one (51) companies downloaded the tender document from Council's website and twenty-two (22) contractors submitted their tenders by the closing date.

LEGAL CONSIDERATION

Section 186 of the Local Government Act 1989 (*Act*) requires Councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services;
or
- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* for this contract.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as

**CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL
cont'd**

Confidential Information in accordance with Section 77(2)(c) of the *Local Government Act 1989* and 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 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

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.

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

TENDER/QUOTATION EVALUATION

All tenders were evaluated using the following evaluation criteria, which was listed in the tender document:

- Tender Price.
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance 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 an accredited management system and procedures; covering quality and OH&S.
- Sustainable Procurement Questionnaire.

**CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL
cont'd**

- Any other information which the Council may deem to be relevant.

TENDER EVALUATION

The tenders were evaluated by the Tender Evaluation Panel (TEP) comprising of officers from Capital Projects and Procurement Units.

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.

There were six (6) tenders which were non complaint and therefore were not evaluated as part of this process.

The tender evaluation panel individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. The weighted score for the tender was:

Tenderers name	Weighted Scores
Bay Building Services Pty Ltd	83.71
Building Impressions Pty Ltd	78.63
Sherwood Construction Solutions Pty Ltd	76.09
United Commercial Projects Pty Ltd	74.20
Tenderer E	73.57
Tenderer F	72.83
Tenderer G	71.44
Tenderer H	70.26
Tenderer I	69.97
Tenderer J	69.50
Tenderer K	68.61
Tenderer L	67.00
Tenderer M	65.14
Tenderer N	61.98
Tenderer O	57.52
Tenderer P	52.20

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration.

Following the assessment: -

- Bay Building Services Pty Ltd
- Building Impressions Pty Ltd
- Sherwood Construction Solutions Pty Ltd
- United Commercial Projects Pty Ltd

**CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL
cont'd**

are the highest scoring capable tenderers and as such are recommended as the preferred contractors for this contract.

Post tender interviews were held with Bay Building Services on Monday 20 April 2020 and United Commercial Projects on Friday 24 April 2020 where further clarifications were sought and received to the satisfaction of the TEP.

Interviews weren't held with Building Impressions and Sherwood Construction as they were on the current panel.

An independent financial assessment of all preferred tenderers was conducted by Corporate Scorecard which delivered a "pass" rating.

FUNDING IMPLICATIONS

The estimated total value of the work over the four-year period 2020/21 to 2023/24 is approximately \$1.25M which will be funded from Councils approved annual Capital Works budget.

TIMELINES

It is anticipated that the new contractor will be appointed on 1 July 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

This report is to consider the awarding of Contract 1029-2020 Contractors for Building Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives

Evaluation using a weighted matrix was performed for the tender. It is evident from the analysis that awarding the tender to:-

- Bay Building Services Pty Ltd
- Building Impressions Pty Ltd
- Sherwood Construction Solutions Pty Ltd
- United Commercial Projects Pty Ltd

who achieved the highest scores, will deliver the best benefit and value for money for Council.

ATTACHMENTS

No.	Title	Page
1	1029-2020 Tender Evaluation Sheet - CONFIDENTIAL	

5.8 CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL

Author: Mathew Deayton - Capital Works Coordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for Concrete Paving and Kerb and Channel.

The works include new construction and reinstatement of concrete footpaths/trails, kerb and channel, vehicular crossing, and miscellaneous items throughout the Municipality

Tenders were received from nineteen (19) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

RECOMMENDATION

That:

1. The Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - A&F Basile Paving Pty Ltd
 - N&G Nerone Paving Pty Ltd
 - S&A Piccirillo Paving Pty Ltd
 - JR Willett Pty Ltd
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND

This report is to consider the awarding of Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Tenders were invited for Contractors for Concrete Paving and Kerb and Channel Panel in the local Government Tender section of The Age newspaper on Saturday 15 February 2020 and closed on Wednesday 11 March 2020.

The works include new construction and reinstatement of concrete footpaths/trails, kerb and channel, vehicular crossing, and miscellaneous items throughout the Municipality

Thirty-one (31) companies downloaded the tender document from Council's website and nineteen (19) contractors submitted their tenders by the closing date.

LEGAL CONSIDERATION

Section 186 of the Local Government Act 1989 (*Act*) requires Councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services; or
- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* for this contract.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 77(2)(c) of the *Local Government Act 1989* and 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.

CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL cont'd

BANYULE PROCUREMENT POLICY

Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

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.

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

TENDER/QUOTATION EVALUATION

All tenders were evaluated using the following evaluation criteria, which was listed in the tender document:

- Tender Price.
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance 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 an accredited management system and procedures; covering quality and OH&S.
- Recycled Material Content.
- Sustainable Procurement Questionnaire.
- Any other information which the Council may deem to be relevant.

TENDER EVALUATION

The tenders were evaluated by the Tender Evaluation Panel (TEP) comprising of officers from Capital Projects and Procurement Units.

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

CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL cont'd

using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.

One company tendered incorrect pricing which was subsequently confirmed by the company. Accordingly, they withdrew their tender and were deemed non-compliant. The tender submission was not scored by the tender evaluation panel.

The tender evaluation panel individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. The weighted score for the tender was:

Tenderers name	Weighted Scores
S&A Piccirillo Paving Pty Ltd	82.27
N&G Nerone Paving Pty Ltd	81.86
A&F Basile Paving Pty Ltd	80.00
JR Willett Pty Ltd	77.46
Tenderer E	70.98
Tenderer F	67.85
Tenderer G	66.83
Tenderer H	65.64
Tenderer I	63.54
Tenderer J	62.77

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration.

Following the assessment: -

- A&F Basile Paving Pty Ltd
- N&G Nerone Paving Pty Ltd
- S&A Piccirillo Paving Pty Ltd
- JR Willett Pty Ltd

are the highest scoring capable tenderers and as such are recommended as the preferred contractors for this contract.

All contractors are currently contracted to Council and therefore post tender interviews and reference checks were not required.

An independent financial assessment of all preferred tenderers was conducted by Corporate Scorecard which delivered a “pass” rating.

FUNDING IMPLICATIONS

The estimated value of the work over the four-year period 2020/21 to 2023/24 is approximately \$7.2M which will be funded from Councils approved annual Capital Works budget.

CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL cont'd

DISCUSSION

As part of the tender submission tenderers were asked to submit alternative concrete mixes using recycled material and this formed part of the evaluation criteria.

Tenderers indicated they will use recycled concrete as a subgrade for works, recycled water for cleaning tools and can look at using more environmentally sensitive concrete mixes on a case by case basis. On smaller repair works it is not practical or economical to use environmental mixes however on some larger project's officers will work with the contractors to see if there are other options available.

TIMELINES

It is anticipated that the new contractor will be appointed on 1 July 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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

This report is to consider the awarding of Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives

Evaluation using a weighted matrix was performed for the tender. It is evident from the analysis that awarding the tender to: -

- A&F Basile Paving Pty Ltd
- N&G Nerone Paving Pty Ltd
- S&A Piccirillo Paving Pty Ltd
- JR Willett Pty Ltd

who achieved the highest scores, will deliver the best benefit and value for money for Council.

ATTACHMENTS

No.	Title	Page
1	1030-2020 Tender Evaluation Sheet - CONFIDENTIAL	

5.9 CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS PANEL

Author: Mathew Deayton - Capital Works Coordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1039-2020 Contractors for Minor Asphalt Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for small bitumen projects such as roundabouts, car parks and right of ways, asphalt patching, and supply of hot asphalt ex bin.

The works include: -

- Supply of hot asphalt ex bin (Schedule of Rates).
- Asphalt patching (Schedule of Rates).
- Traffic Management (Schedule of Rates).
- Hire Rates for equipment (Schedule of Rates).

Tenders were received from eight (8) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

RECOMMENDATION

That:

1. The Contract 1039-2020 Contractors for Minor Asphalt Works Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - Silman Bros Asphalting Pty Ltd
 - Supersealing
 - Prestige Paving Pty Ltd
 - Statewide Asphalt Services
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

**CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS
PANEL cont'd**

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND

This report is to consider the awarding of Contract 1039-2020 Contractors for Minor Asphalt Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Tenders were invited for Contractors for Minor Asphalt Works Panel in the local Government Tender section of The Age newspaper on Saturday 15 February 2020 and closed on Wednesday 11 March 2020.

Council sought Tenders from experienced contractors to appoint a panel for small bitumen projects such as roundabouts, car parks and right of ways, asphalt patching, and supply of hot asphalt ex bin.

The works include: -

- Supply of hot asphalt ex bin (Schedule of Rates).
- Asphalt patching (Schedule of Rates).
- Traffic Management (Schedule of Rates).
- Hire Rates for equipment (Schedule of Rates).

Twenty-one (21) companies downloaded the tender document from Council's website and eight (8) contractors submitted their tenders by the closing date.

LEGAL CONSIDERATION

Section 186 of the Local Government Act 1989 (*Act*) requires Councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services;
or
- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* for this contract.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 77(2)(c) of the *Local Government Act 1989* and Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being

**CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS
PANEL cont'd**

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 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

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.

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

TENDER/QUOTATION EVALUATION

All tenders were evaluated using the following evaluation criteria, which was listed in the tender document:

- Tender Price.
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance 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 an accredited management system and procedures; covering quality and OH&S.
- Recycled Material Content.
- Sustainable Procurement Questionnaire.
- Any other information which the Council may deem to be relevant.

**CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS
PANEL cont'd**

TENDER EVALUATION

The tenders were evaluated by the Tender Evaluation Panel (TEP) comprising of officers from Capital Projects and Procurement Units.

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.

As part of the tender evaluation documents there is a requirement for tenderers to complete a questionnaire regarding Sustainable Procurement which includes the following Environmental, Economic and Social Sustainability. This forms part of the overall evaluation criteria and is included as part of the weighted score for each tenderer.

The tender evaluation panel individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. The weighted score for the tender was:

Tenderers name	Weighted Scores
Silman Bros Asphalting Pty Ltd	86.00
Supersealing	79.17
Prestige Paving Pty Ltd	77.07
Statewide Asphalt Services	73.19
Tenderer E	73.00
Tenderer F	65.99
Tenderer G	(withdrew tender)
Tenderer H	64.28

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration.

One company tendered incorrect pricing which was subsequently confirmed by the company and they withdrew their tender.

Following the assessment: -

- Silman Bros Asphalting Pty Ltd
- Supersealing
- Prestige Paving Pty Ltd
- Statewide Asphalt Services

are the highest scoring capable tenderers and as such are recommended as the preferred contractors for this contract.

Silman bros Asphalting Pty Ltd and Statewide Asphalt Services are new contractors to Council therefore reference checks were carried out.

**CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS
PANEL cont'd**

An independent financial assessment of all preferred tenderers was conducted by Corporate Scorecard which delivered a “pass” rating except for Statewide.

Due to an illness to their accountant, Statewide was unable to supply the appropriate information to Corporate Scorecard to enable them to provide a rating. The company were able to supply enough information for the TEP to feel comfortable in recommending them for the contract.

FUNDING IMPLICATIONS

The estimated value of the work over the four-year period 2020/21 to 2023/24 is approximately \$2M which will be funded from Councils approved annual Capital Works budget.

DISCUSSION

As part of the tender submission tenderers were asked to submit alternative asphalt mixes using recycled material and this formed part of the evaluation criteria.

Tenderers indicated that the mixes they use all have a level of recycled content in them. They recommended it wasn't practical to use all products with a high recycled content for patching as it wasn't economical or practical for small quantities, however when looking at undertaking sealing of small carpark areas an assessment will be made on a case by case basis on what product to use.

TIMELINES

It is anticipated that the new contractor will be appointed on 1 July 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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 This report is to consider the awarding of Contract 1039-2020 Contractors for Minor Asphalt Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives

Evaluation using a weighted matrix was performed for the tender. It is evident from the analysis that awarding the tender to: -

- Silman Bros Asphaltting Pty Ltd
- Melbourne CivilWorks
- Prestige Paving Pty Ltd
- Statewide Asphalt Services

who achieved the highest scores, will deliver the best benefit and value for money for Council.

**CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS
PANEL cont'd**

ATTACHMENTS

No.	Title	Page
1	1039-2020 Tender Evaluation Sheet - CONFIDENTIAL	

5.10 2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020

Author: Adrian Mariniello - Development Planner, City Development

Ward: Hawdon

EXECUTIVE SUMMARY

The proposal is for the removal of native vegetation (eight trees) at Glенаuburn Park to facilitate the construction of a new baseball pavilion which will replace an existing pavilion. Six trees in this area are proposed to be retained which will maintain a vegetation buffer between the pavilion and Cavanagh Road.

A total of five objections have been received during public notification. Concerns regarding the noise impacts associated with the use of the pavilion, the size of pavilion, location of services and a lack of car parking were raised in the objections. Three objections have raised concern in relation to the proposed tree removal.

The location of the new pavilion is constrained by the setback requirements from the baseball field, and the removal of native vegetation, which surrounds and overhangs the existing pavilion, is necessary to facilitate the construction of the pavilion. It is considered that an opportunity to retain two trees that are of higher retention value can be further investigated. A revegetation plan to offset the removal of trees within Glенаuburn Parkland the local area will also be required.

The removal of the vegetation will provide for an improved community recreation facility and is considered to be appropriate subject to the above requirements.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit in respect of Application No. P219/2020 for Removal of native vegetation in the Environmental Significance Overlay (Schedule 1) and pursuant to Clause 52.17 'Native Vegetation' at 2 Cavanagh Road LOWER PLENTY subject to the following conditions:

General

1. 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.

Tree Retention

2. Tree #1 and #11 must not be removed until it has been demonstrated to the Planning and Parks departments that there are no viable options to retain the

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd**

trees during and after the construction of the pavilion. This must include either:

- A root scan of the critical root zone of these two trees prior to the demolition of the building:
- An exploratory dig of the critical root zone using non evasive methods post demolition but prior to the commencement of works associated with the new pavilion.

If necessary, minor offsetting of the pavilion location and footings may occur to the satisfaction of the Development Planning Department.

Revegetation plan

3. Within 6 months of the vegetation removal, a revegetation plan must be submitted to and approved by Council's Planning and Parks Departments. The plan must show offset planting at a rate of 2 trees for every 1 tree removed and the offset required by Condition 8 of this permit within Glenauburn Park and/or a suitable alternative location including species, location, a planting schedule and associated works and management. The planting approved in the revegetation plan must occur within 18 months of the vegetation removal.

Tree Protection

4. Except with the further written consent of 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.

Tree Preservation Zones

5. Prior to the commencement of works Tree Preservation Zones and fencing must be established around Trees #2, #6 #8, #10, #13 and #14 (along with Trees #1 and #11 should they be retained) to the extent of the calculated TPZ where it occurs within the subject land to the satisfaction of Council's Parks department.

Arborist Supervision

6. A suitably qualified arborist (AQF **Level 5**) must supervise any activity within the calculated TPZ of a retained tree on or adjoining the subject site. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability now or into the future of Trees #2, #6 #8, #10, #13 and #14 (along with Trees #1 and #11 should they be retained).

Native Vegetation Removal and Offsets

7. Before the tree removal permitted by this permit starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd**

relevant permit conditions and associated statutory requirements or approvals.

8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of a minimum 0.02 general habitat units or to the satisfaction of the Responsible Authority:
 - (a) Located within Banyule municipal area or the Port Phillip and Westernport Catchment Management boundary;
 - (b) With a minimum strategic biodiversity score of 0.260 or to the Satisfaction of the Responsible Authority.

Time Limits

9. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The vegetation is not removed within two years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing:

- (a) Before the permit expires, or
- (b) Within six months afterwards, or
- (c) Within 12 months afterwards if the development started lawfully before the permit expired.

In the event that this permit expires or the subject land is proposed to be used or developed for purposes different from those for which this permit is granted, there is no guarantee that a new permit will be granted. If a permit is granted then the permit conditions may vary from those included on this permit having regard to changes that might occur to circumstances, planning scheme provisions or policy.

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd**

Planning Permit Application:	P219/2020
Development Planner:	Mr Adrian Mariniello
Address:	Glenauburn Park - 2 Cavanagh Road LOWER PLENTY
Proposal:	Removal of native vegetation in the Environmental Significance Overlay (Schedule 1) and pursuant to Clause 52.17 'Native Vegetation'
Existing Use/Development:	Council reserve
Applicant:	Banyule City Council
Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Design and Development Overlay (DDO8) Environmental Significance Overlay (ESO1) Development Contribution Plan Overlay (DCPO1) Land Subject to Inundation Overlay (LSIO)
Notification (Advertising):	Two signs on site Letters to abutting property owners and occupiers
Objections Received:	Five (5)
Ward:	Hawdon

PROPOSAL

The proposal is for the removal of eight (8) native trees associated with the construction of a new baseball pavilion at Glenauburn Reserve in Lower Plenty. The trees are located between the proposed pavilion and Cavanagh Road. Trees #1, #3, #4, #5, #7, #9, #11 (all *Eucalyptus Melliodora* - Yellow Box) and #13 (*Corymbia Maculata* - Spotted Gum) as shown on the plans are proposed for removal.

Of the trees to be removed Trees #1 and #11 are considered to be of high retention value.

The proposed pavilion is exempt from planning permission under the PPRZ and is not directly considered in this report. The location of the pavilion and subsequent removal of the trees is required to ensure the setback requirements from the baseball pitch for safety clearances are complied with.

BACKGROUND

There are no previous planning applications relevant to this proposal.

2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (the Act) 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.

SUBJECT SITE AND SURROUNDING AREA

Glenauburn Park in Lower Plenty is a large area of public parkland approximately 4.4 hectares in size. The park straddles the eastern bank of the Plenty River and is accessible via Glenauburn Road. It is one of a series of reserves which together form a linear parkland along the Plenty River corridor. Existing park facilities include a baseball field and associated buildings, toilet facilities, a playground and public car park.

Adjoining land uses to the east and south are primarily residential. Yallambie Park is located on the western bank of the Plenty River and extends to the north of the subject site.



Figure 1: Aerial image of Glenauburn Park and surrounds

2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd

PUBLIC NOTIFICATION

Public notices were sent to owners and occupiers of properties abutting the site. Two public notice signs were displayed on the site for a period of 14 days with one located at the corner of Glenauburn and Cavanagh Roads and another near the public carpark at the end of Cavanagh Road.

Five (5) objections have been received at the date of this report. The following concerns have been raised:

- Vegetation removal;
- Noise impacts associated with the use of the pavilion;
- Size of pavilion;
- Location of services to pavilion;
- Lack of car parking; and
- Additional request for the removal of a Council tree near 9/29 Main Road.

The following is provided in response to the concerns raised:

- The use of the pavilion is not considered to intensify as a result of this proposal. The pavilion will continue to be used for changing facilities for the baseball club.
- There are no plans to upgrade the public carpark at the end of Cavanagh Road at this stage. The comment has been noted and a future upgrade of the carpark may be considered.
- While the pavilion itself does not trigger a planning permit, the Assets department will consider whether the relocation of the pavilion services (hot water, rainwater tanks) outside of the planning process.
- The Parks department will contact the objector to discuss the removal of the additional tree near 9/29 Main Road.

REFERRAL COMMENTS

External	Response
Department of Environment, Land, Water and Planning (DELWP)	DELWP were referred to as a recommending authority pursuant to Section 55 of the <i>Planning and Environment Act 1987</i> . DELWP have no objection to the removal of the native vegetation.

Internal	Response
Development Planning Arborist	The Development Arborist has recommended conditions of permit to allow the exploration for the retention of Trees #1 and #11 in association with the proposed pavilion.
Parks	The Parks department have advised that Tree #1 and #11 should only be removed if it is demonstrated that the trees cannot be retained through the construction of the pavilion.
Property	The Property department did not object to the proposed tree removal.

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 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
Public Park and Recreation Zone (PPRZ)	36.02	No
Environmental Significance Overlay – Schedule 1 (ESO1)	42.01	Yes
Design and Development Overlay – Schedule 8 (DDO8)	43.02	No
Land Subject to Inundation Overlay (LSIO)	44.04	No
Development Contributions Plan Overlay – Schedule 1 (DCPO1)	45.06	No
Native Vegetation	52.17	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
PPF	
Protection of Biodiversity	12.01-1S
Native Vegetation Management	12.01-1S
River Corridors, Waterways, Lakes and Wetlands	12.03-1S
Floodplain Management	13.03-1S
Aboriginal Cultural Heritage	15.03-S-2
Open Space	19.02-6S
LPPF	
Vision and Strategic Framework	21.02
Cultural Heritage	21.03
Land Use	21.04
Natural Environment	21.05

TECHNICAL CONSIDERATION

Response to Policy Framework

The proposal is considered to be an appropriate response to the State and Local Planning Policy Frameworks, noting that these broadly seek the following:

- Provision of community recreational facilities
- Protection of landscape values, remnant vegetation and natural habitat.
- Protection and enhancement of waterways and their corridors.
- Protection, conservation and management of sites of Aboriginal cultural heritage significance.

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd**

Vegetation Removal

The Environmental Significance Overlay (Schedule 1) applying to this site acknowledges the significant natural habitat and environmental qualities of areas adjoining the Plenty River, including indigenous vegetation and landscape quality. Protecting and minimising the loss of vegetation from these areas is one of the environmental objectives to be achieved.

The application is accompanied by an arboricultural assessment, prepared by Tree Care dated 18 February 2020. The report assesses a total of 14 trees and determines retention value, having regard to amenity value and useful life expectancy. The trees assessed are those surrounding the location of the proposed pavilion.

The arboricultural report considers Tree #1 and #11, both *Eucalyptus Melliodora*' (Yellow Box) to be of high retention value.

The other trees assessed have been classified as having medium or low retention value with the exception of Tree #9 which is dead.

Whilst it is preferable for the high retention value trees to be retained, it is acknowledged that the proposed location of the pavilion is constrained by the existing layout of the site and setback requirements from the baseball field. These factors give rise to the competing needs of protecting native vegetation and providing for upgraded recreational sporting facilities. Nonetheless, it is suggested that further investigation of trees #1 and #11 should occur including either:

- A root scan of the critical root zone of these two trees prior to the demolition of the building.
- An exploratory dig of the critical root zone using non evasive methods post demolition but prior to the commencement of works associated with the new pavilion.

Conditions will require that before removal of the trees, the results on the above investigation must be submitted to the Development Planning and Parks departments. An assessment will then be made as to whether trees could be retained in conjunction with a footing design or minor offsetting of the pavilion footprint. Works associated with the new pavilion cannot commence until this has occurred.

Should the retention of the high retention value trees not be achievable, it is considered that the approval conditions will provide for appropriate offset planting in the form of a revegetation plan. The Parks Department has indicated that there is opportunity within and surrounding Glenside Park for offset native tree planting.

Revegetation Plan

A revegetation plan will be a condition of approval to offset the loss of vegetation. The offset ratio will require the planting of two trees for every tree removed and will also need to satisfy the native vegetation requirement of 0.02 general habitat units as set out in Attachment 1. These trees will be large, native species and be planted within Glenside Park or a suitable local alternative location.

**2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020 cont'd**

The revegetation plan will be required to be submitted within 6 months after the removal of vegetation on the site and require replanting to occur within 18 months. Council's Parks department will facilitate the revegetation offsets.

The plan will be required to be submitted to the satisfaction of Council's Development Planning Department.

CONCLUSION

It is considered that the removal of vegetation to accommodate the new pavilion is largely unavoidable given the location of the vegetation and the constraints of the site. The proposed vegetation removal within Glenauburn Park is limited to the area surrounding the existing pavilion and notably, six trees are proposed for retention which will allow for a remaining vegetation buffer between the pavilion and Cavanagh Road. The conditions of permit will provide an opportunity for the retention of the high retention value trees currently proposed for removal. A revegetation plan and future planting will further enhance the landscaped setting of the area.

ATTACHMENTS

No.	Title	Page
1	Native Vegetation (Clause 52.17) Assessment	
2	Advertised Documents	
3	Advertised Plans	

5.11 161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT (SIX DWELLINGS) - P857/2019

Author: Kate Tucker - Development Planner, City Development

Ward: Bakewell

EXECUTIVE SUMMARY

The proposal is for the development of six dwellings, including five 3 storey dwellings and one 2 storey dwelling and vegetation removal.

The proposal includes the retention of one high retention value tree at the site located in the north-west corner of the site with the removal of nine low retention value trees including one protected tree and one street tree.

A total of sixteen (16) objections were received during public notification. Concerns regarding impact on neighbourhood character, amenity impacts, traffic and car parking, vegetation removal, construction impacts, and the removal of the existing dwelling have been raised.

The subject site is located in an accessible area, adjacent to the Greensborough Activity Centre and with good access to services, transport, employment opportunities and shopping facilities. The subject site's location on a main road within the Principal Public Transport Network and opposite to a police station, allows for a development of this type and scale.

Subject to changes including a reduction in site coverage, alterations to the balconies of Townhouses 1 and 2 fronting Grimshaw Street and increased eastern boundary setback it is considered that the application can be supported noting that the dwelling yield has been reduced from seven to six throughout the course of the application process.

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. P857/2019 for Development of six dwellings and vegetation removal at 161 Grimshaw Street GREENSBOROUGH subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans 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 must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but modified to show:

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

- (a) All changes shown on discussion plans submitted to Council on 11 May 2020, including but not limited to:
 - (i) Removal of roof form over the balconies of Townhouses 1 and 2;
 - (ii) Reduction in size of balconies of Townhouses 1 and 2;
 - (iii) Removal of cantilevered elements;
 - (iv) Inclusion of permeable paving on driveway;
 - (v) Inclusion of an 'arbour' along driveway entry;
 - (vi) Increase in side setback of Townhouse 3 to the eastern boundary to a minimum of 1.8 metres at the garage and 1.95 metres for the ground floor bedroom; and
 - (vii) Reduced site coverage to 43.9%.
- (b) Townhouse 1 and 2 shifted towards Grimshaw Street by 150mm and the landscaping area at the end of the driveway on the eastern boundary reconfigured to allow vehicles to manoeuvre out of the garages and exit the site in a forward direction;
- (c) The Townhouse 6 upper level southern balcony deleted, with any habitable room windows screened in accordance with Standard B22 of Clause 55 of the Banyule Planning Scheme;
- (d) Townhouse 6 modified to reduce the overshadowing to the secluded private open space of 1/44 McDowell Street in accordance with Standard B21 of Clause 55 of the Banyule Planning Scheme;
- (e) The arbour across the driveway of a sufficient height to allow private waste collection vehicles to be able to enter and exit safely;
- (f) The TPZ and SRZ of Trees #1, #3, #4, #5, #6, #7, #16 and #17: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius on all floor plans and the location of all tree preservation fencing;
- (g) No part of the development encroaching more than 10% of the TPZs of the tree/s proposed to be retained;
- (h) The design of the vehicle crossing and driveway gradients (including transition zones as required) designed in accordance with *AS2890.1-2004 Parking Facilities*;
- (i) Corner splays on each side of the driveway in accordance with Design Standard 1 of Clause 52.06;
- (j) Meter box enclosures to be sited behind the front building line of the development and be a maximum height of 1.5 metres;
- (k) Gas and water meters to be sited or screened to minimise visibility from the public realm and neighbouring properties;
- (l) The mail boxes for all dwellings shown on the plans and located in accordance with Australia Post guidelines;
- (m) Landscape and tree zones to be clearly marked with hatching, colour coding or similar and distinguished from useable open space areas;

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

- (n) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
- (o) A schedule of external building materials and colours, including details of cladding, roofing and driveway materials. Driveways must be finished in muted tones;
- (p) The provision of a 2000L rainwater storage tank for each of the dwellings including its location at ground level, sizing and a notation of the connections and end use;
- (q) The submitted Waste Management Plan to be updated to include onsite private waste collection in accordance with Condition 16 of this permit;
- (r) The submitted Sustainable Design Assessment (SDA) updated to achieve a Best Practice BESS Score of at least 50% and a pass mark in the mandatory Water, Stormwater, Energy and IEQ for all the 6 dwellings;
- (s) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.);
- (t) The indicative 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;
- (u) The installation of eaves or shading devices to all north-facing windows, designed to provide appropriate shading during summer and allow solar access during winter;
- (v) The side fencing on the Grimshaw Street and McDowell Street frontages to be horizontal boards or another similar high-quality design feature fence;
- (w) Landscaping as required by Condition 2 of this permit;
- (x) The Tree Preservation Fencing in accordance with Condition 12 of this permit;
- (y) Engineering plans showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:
 - (i) The use of an On-site Stormwater Detention (OSD) system;
 - (ii) The connection to the Council nominated legal point of discharge;
 - (iii) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
 - (iv) All engineering drainage plans must show Trees #1, #3, #4, #5, #6, #7, #16 and #17: The Tree Number; The Structural Root

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

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 Peter Yau dated 09/04/2019.

Please note the Engineering 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.

2. The development permitted by this permit must not be commenced until a satisfactory detailed landscaping plan is submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and shall include:
 - (a) Details of planting throughout the site, including that proposed on the driveway arbour structure;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - (d) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (e) Provision of replacement planting for vegetation that is to be removed including a minimum of two (2) large canopy trees (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre) and/or two (2) medium canopy trees (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre) and/or 2 small canopy trees (mature height of at least 5m) planted throughout the site;
 - (f) An indigenous and/or drought tolerant planting theme;
 - (g) 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;
 - (h) Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
 - (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details, arbour details and other landscape works including cut and fill;
 - (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

- (k) All landscaping works for the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the TPZ of all retained/neighbouring trees outside of the approved building envelop.
- (l) All and any excavations within the TPZ of retained trees outside of the approved building envelop must be undertaken by hand or by approved non-destructive.
- (m) No roots greater than 40mm in diameter are cut or damaged during any part of the landscaping process.
- (n) All trees specified to be planted in the endorsed landscape plan must be:
 - Selected and established in accordance with AS 2303-2015 Tree Stock for Landscape Use;
 - Planted as an advanced specimen with a minimum pot-size of 20 centimetres;
 - Sourced from a qualified tree grower or tree nursery.

General

- 3. 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.
- 4. 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 Condition 12 are installed to the satisfaction of the Responsible Authority.
- 5. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering, replacement of street trees).

Urban Design / External Appearance

- 6. The walls of the development on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Car Parking / Access

- 7. 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.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

8. 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.
9. 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 Council prior to occupation of the building. 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.

Tree Protection / Landscaping

No additional tree removal

10. Except with the further written consent of 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.
11. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within:
 - 1m of the western boundary within the TPZ of Tree #1
 - 7.2m from the centre of Tree #5 trunk outside of the approved building envelop
 - 1.2m of the southern boundary within the TPZ of Tree #6
 - 1.8m of the southern boundary within the TPZ of Tree #7
 - 0.5m of the eastern boundary within the TPZ of Trees #16 and #17.

Tree Preservation Zones

12. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones and associated fencing must be established around Trees #1, #3, #4, #5, #6, #7, #16 and #17 *At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' which must include photographic evidence of the below requirements. This correspondence must be sent to enquiries@banyule.vic.gov.au.* Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

Tree Preservation Zones are to be provided to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

property of all trees indicated as being retained on the endorsed plan. The fencing can be realigned and suitable ground protection provided to allow the approved construction therein only to the satisfaction of the project arborist and only when approved by the Responsible Authority.

Tree Preservation Zones must be provided in the following trees:

- (i) Street Trees #1, #3, #4 and #5: to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over)
- (ii) Neighbouring Trees #6, #7, #16 and #17: to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
- (iii) Site Tree #5: to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land

(b) Management of works

- (i) A suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of a retained tree. Any root severance within the TPZ must be undertaken to their satisfaction using a clean sharp and sterilised pruning saw. There must be no root pruning within the SRZ unless consent is received in writing by the Responsible Authority, and there must be no root pruning within the TPZ for works other than those endorsed by the Responsible Authority.
- (ii) All and any excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must only be undertaken by, or directed and supervised by, a suitably qualified arborist for endorsed works or for works subsequently approved by the Responsible Authority.

(c) Weed control

Any weeds located within the Tree Preservation Zone are to be removed and the area mulched with 100mm of composted coarse grade woodchips.

(d) Fencing

- (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard *AS 4687-2007 Temporary fencing and hoardings*.
- (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- (iii) Canopy and Limb protection must be provided in accordance with the guidelines detailed in *AS4970-2009 Protection of Trees on Development Sites*.

(e) Signage

Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from the City of Banyule".

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

(f) Irrigation

The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof equivalent to the percentage of TPZ area occurring within the subject site).

(g) Access to Tree Preservation Zone

- (i) No persons, vehicles or machinery are to enter the Tree Protection Zone except with the consent of the Responsible Authority;
- (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the Tree Preservation Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
- (iii) No storage of material, equipment or temporary building is to take place within the Tree Preservation Zone;
- (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

(h) Underground Services

Any underground service installations transecting a Tree Protection Zone of any retained tree must be bored beneath the entire TPZ 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:

- (i) Undertaken after written approval is received from the Responsible Authority; and,
- (ii) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

(i) Decking

Where decking is proposed within the TPZ of any retained tree, any and all excavations for posts must be undertaken by hand under the supervision of the project arborist, and final post locations must be set away from structural roots. Furthermore, the decking must be constructed using the minimum number of piers necessary, and so that gaps between boards are no more or less than 6mm in width.

NOTE:

Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within a Tree Protection Zone, where granted, may be subject to conditions. Such conditions may include a requirement that:

- Any further works that are approved are to be supervised by the project arborist, and a written component may be required also;
- All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

- Canopy and Limb protection is provided in accordance with the guidelines detailed in AS4970-2009 Protection of Trees on Development Sites.

Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.

Tree Pruning

13. Prior to the commencement of works, the project arborist must determine the canopy impact to Tree #5 in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise Council's Development Planning Arborists via email to enquiries@banyule.vic.gov.au marked "Attention - Development Planner" and including the planning application number.

The low branch on Trees #5s eastern side that is 43cm in diameter where it joins the trunk must not be removed and must remain viable.

Following written approval from the Responsible Authority, all tree pruning must then be carried out by the suitably qualified project arborist (AQF Level 3) in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees, and must be restricted to the removal of no greater than 15% of the total live canopy unless otherwise agreed in writing by the Responsible Authority. Prior to the commencement of works, the project arborist must determine the canopy Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

14. All and any tree pruning must be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of individual trees.

Maintenance of landscaping

15. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Waste Management Plan

16. Before the development permitted by this permit commences, the Waste Management Plan dated 24/02/2020 and prepared by Low Impact Development Consulting must be amended to the satisfaction of the Responsible Authority for approval of the Responsible Authority to be for onsite private waste collection. The plan must also incorporate/show the following:

- a) The location of the waste collection point within the site along the McDowell Street frontage.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

- b) The waste collection vehicle to access the site and collect waste (and enter and exit the site in a forward direction).
- c) The WMP to include organics (garden and food) for the calculation of the total volume of waste to be generated and the number of bins to store generated waste.
- d) The WMP to contain an area for hard waste storage.
- e) The management of green waste from the private garden areas in the bin store (as private garden areas will not be accessible to the private contractor).
- f) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land.

Once approved, the Waste Management Plan must always be adhered to by the owners of the development unless otherwise approved in writing by the Responsible Authority.

Note: If Dwelling 6 is subdivided into its own lot, which is not part of the Body Corporate responsibilities required of Dwellings 1 – 5, Dwelling 6 may be entitled to Council Waste Collection, subject to approval in writing from the Responsible Authority.

Section 173 Agreement – Private Waste Collection

17. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at 161 Grimshaw Street 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 shall require that:

- (a) The owner acknowledges that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan.
- (b) Hard Waste Collection from the site is to be limited to no more than six communal collections in a calendar year, with each dwelling having access to no more than two such collections. Responsibility for the booking and allocation of collections is to be borne by the Body Corporate.

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.

Note: If Dwelling 6 is subdivided into its own lot, which is not part of the Body Corporate responsibilities required of Dwellings 1 – 5, Dwelling 6 may be entitled to Council Waste Collection, subject to approval in writing from the Responsible Authority.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

Waste Management

18. 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 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.
19. Waste must be collected from the site in accordance with the methods specified in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

Construction Management Plan

20. Unless otherwise agreed, prior to the commencement of any works including demolition, a Construction Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

21. Prior to the issue of a building permit for any building or any works approved by this permit, a Development Infrastructure Levy and a Community Infrastructure Levy must be paid to Banyule City Council. The amount of the levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

Removal and Replacement of Council Street Trees

22. Prior to the commencement of development and removal of Street Tree ID 16094 (Tree #2 in the submitted arborist report), the required fee for the planting of three (3) new street trees must be paid to the Responsible Authority.

Note: The planting of a street trees will be carried out as part of Council's works schedule and only during the May to August planting season removal and replacement planting of the tree must be undertaken by Council's Parks department.

Time Limits

23. 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 development is not commenced within two years of the date of this permit;
 - (b) The development is not completed within four years of the date of this permit.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

Planning Permit Application:	P857/2019
Development Planner:	Ms Kate Tucker
Address:	161 Grimshaw Street GREENSBOROUGH
Proposal:	Development of six (6) dwellings and associated vegetation removal
Existing Use/Development:	Single storey detached dwelling
Applicant:	Summitvest Pty Ltd
Zoning:	General Residential Zone 1
Overlays:	Vegetation Protection Overlay 5
Notification (Advertising):	Two (2) signs on site Notices to surrounding properties
Objections Received:	Sixteen (16)
Ward:	Bakewell

PROPOSAL

Details of the proposed development are as follows:

- Construction of 6 dwellings, including 5 three storey townhouses and one double storey townhouse;
- The townhouses are a mix of 3 x two bedroom townhouses, 2 x three bedroom and 1 x 4 bedroom townhouses;
- The retention of Tree #5, a large high retention value tree within the front northwest corner of the site;
- The removal of nine trees of low retention value, one requiring a permit for removal and one being a street tree;
- A new vehicle access provided from McDowell street leading to a shared internal driveway to access 5 of the townhouses; and
- Use of the existing driveway and crossover to access the sixth dwelling.

Discussion plans were submitted by the applicant following public notification including the following changes:

- Removal of roof form over both balconies;
- Reduction in size of balconies;
- Removal of cantilevered elements;
- Inclusion of permeable paving on driveway;
- Inclusion of an 'arbour' along driveway entry;
- Increase in side setback to eastern boundary; and
- Reduced site coverage to 43.9%.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (the Act) 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.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

Council officers involved in the preparation of this report have no conflict of interest in this matter.

BACKGROUND

There are no previous planning permits associated with the site.

SUBJECT SITE AND SURROUNDING AREA

The subject site is located on a corner allotment with frontage to Grimshaw Street and side boundary along McDowell Street. The site has a total area of 942sqm. The site falls approximately 3 metres from the south to the north. The site is developed with a single storey double fronted Californian Bungalow style dwelling and associated outbuildings. The existing vehicle access to the site is from McDowell Street. The site contains one large high retention value native tree in the front setback with an established garden.

The immediate surrounding context is a range of existing single and double storey unit developments to the east and south and is opposite Greensborough Police Station to the west.

The site is located close to Greensborough Activity Centre, public transport services on Grimshaw Street and within the activity centre, Greensborough War Memorial Park, Greensborough Preschool and Greensborough Primary School.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

Locality Plan



Figure 1 – Aerial view of site and surrounding area

PUBLIC NOTIFICATION

Three signs were erected on the site and notices posted to the owners and occupiers of surrounding properties.

To date 16 objections have been received, three objections are from properties directly abutting the subject site, three objections from properties located on Grimshaw Street, eight objections from the surrounding area and three objections from outside the municipality.

The following concerns have been raised in the objections:

- Traffic and parking impacts
- Infrastructure impacts
- Loss of vegetation, wildlife and habitat
- Development not in keeping with neighbourhood character
- Loss of privacy
- Increase in residential noise
- Demolition of existing dwelling
- Construction impacts

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

CONSULTATION

Discussions were held with the objector located at the adjoining property to the east. Amended plans were submitted following public notification, which included an increased ground floor setback to the east boundary and the provision of additional screening to all east facing upper level habitable room windows to assist in addressing their concerns.

REFERRAL COMMENTS

The application was referred to VicRoads, Council's Developments & Drainage, Transport & Traffic and Parks teams and Development Arborist. Key advice is summarised as follows:

VicRoads

VicRoads has considered the application and has no comments to make and also no conditions for the permit.

Developments & Drainage

Council's Developments & Drainage team raise no drainage concerns subject to conditions.

Traffic & Transport

Council's Traffic & Transport team raised no traffic concerns subject to conditions for pedestrian visibility splays and an increased reversing area for vehicles existing Dwelling 3.

Development Arborist

Council's Development Planning Arborist has advised that the proposal can be supported from an arboricultural perspective subject to tree protection conditions.

Parks

Parks supported the removal of a street tree with replacement planting to be secured through permit conditions.

161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT (SIX DWELLINGS) - P857/2019 cont'd

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Planning controls:	<u>Control</u>	<u>Permit triggered?</u>
	General Residential Zone (GRZ1)	Yes
	Vegetation Protection Overlay (VPO5)	Yes
	Clause 52.06: Car parking	No
	Clause 52.29: Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	No

POLICIES CONSIDERED

Relevant policies considered in the assessment of this proposal are outlined in Table 2 below:

Table 2: Relevant Planning Scheme Policy

Policy	Clause
SPFF	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
LPPF	
Vision and Strategic Framework	21.02
Land Use	21.04
Natural Environment	21.05
Built Environment (Accessible Area)	21.06
Residential Neighbourhood Character Policy (Garden Suburban 1 precinct)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Development	22.05

TECHNICAL CONSIDERATION

Council must consider this application within the strategic context of the site location, the response to the character and amenity of the area, internal amenity, car parking provision and vegetation impact and removal. These are discussed below.

Strategic Location of the site

The Residential areas framework plan within the Municipal Strategic Statement (Clause 21.06-2) identifies the site as 'Accessible' and is located within walking distance to the business core of an Activity Centre and to the highest priority sections of the Principal Public Transport Network. These areas provide for medium density living with some opportunities for higher density housing. This site, given its location on a corner site on a main road opposite the Greensborough Police Station and close to Greensborough Activity Centre, public transport and other services provides an opportunity to contribute to the variety of housing stock in the area. This is consistent with Council's policies to promote greater density living around activity centres and transport nodes.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

Neighbourhood Character

It is recognised that the proposal seeks to a new development typology into the area which includes a three storey built which includes a central driveway, rear loaded garages as well as 'reverse living' for three of the dwellings where living spaces are located on upper levels. The following comments are made to this:

- The three storey built form is considered appropriate for this site due to the location on a main road, opposite a non-residential use and abutting a common property driveway. The development steps down to two storeys to provide a transition to the properties within McDowell Street.
- Further improvements suggested by the applicant can improve the proposals presentation to Grimshaw Street though the removal of cantilevered section of balcony, and balcony rooves. This will provide greater setbacks at upper levels and reduce encroachment into the canopy of Tree 5 to be retained.
- The central driveway provides a visual break between the groups of dwellings when viewed from the adjoining properties to the east, reducing the massing and visual bulk of the development. Changes introduced in the discussion plans dated 11 May 2020 provided increased eastern boundary side setbacks which allows for more meaningful screen planting to further assist with the transition to the neighbouring dwellings.
- The provision of a central driveway also limits the number of crossings to McDowell Street which with a typically corner development would result in a vehicle crossover per dwelling fronting the street.
- The proposed development retains the existing high retention large canopy tree (Tree 5) at the northwest corner of the site, softening views of the development when approaching from the west and from opposite Grimshaw Street.

Vegetation Retention and Removal

The proposal includes the retention of one large high retention value tree with the removal of nine low retention trees. Of the trees to be removed one requires a permit for removal and one is a street tree which requires Parks approval.

The removal of these trees is supported based on their low retention value and replacement planting proposed throughout the site.

Internal and External Amenity

The offsite amenity impacts are considered to be appropriately addressed through the discussion plans submitted on the 11 May 2020, in particular the increase in the ground floor side setback to provide greater opportunity for screen planting, the removal of the balcony roofs and side walls and the provision of screening to all east facing upper level habitable room windows above the requirements of ResCode.

Conditions of permit can require that Dwelling 6 be modified to reduce overshadowing to 1/44 McDowell Street to be in accordance with the ResCode standard and the southern upper level balcony to be deleted to address overlooking and overshadowing concerns to the adjoining property to the south.

161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT (SIX DWELLINGS) - P857/2019 cont'd

An assessment of the external impacts of the development is outlined in the attached Technical Consideration (Attachment 1).

The proposal, subject to conditions, provides for appropriate internal amenity for future residents which is demonstrated in the attached Technical Consideration (Attachment 1).

Traffic and parking

The proposed development is providing the recommended number of parking spaces on site as required by Clause 52.06 – Car parking of the Banyule Planning Scheme. As the site is located on the Principal Public Transport Network, there is no requirement to provide for a visitor car space on site. However, it is acknowledged that on street parking directly outside the subject site is restricted through no standing signs on both sides of McDowell Street. It is noted that future residents of the development would not be entitled to any future resident parking permit scheme.

Conditions of permit can require changes to the landscaping along the eastern boundary and a reduction in the front setback of Townhouse 1 and 2 to provide a greater turning area along the central driveway for vehicle entering and exiting the garages.

OBJECTOR CONCERNS

The majority of the objector concerns have been addressed in this report, however further discussion is required regarding the following issues:

Construction impacts

This is a short term amenity issue that cannot be considered given that once a development has been completed, the issue is no longer relevant. Furthermore, the same issue would be present if the existing dwelling was demolished and a new single dwelling constructed that would not require planning approval. Noise and dust in the short term are matters which are not controlled by the Planning Department and are policed by Council's Local Laws and Environmental Health Units and through the building regulations.

Removal of the existing dwelling

The existing house is not considered to be worthy of retention and is not subject to any demolition protection.

CONCLUSION

It is considered that the site provides a good opportunity for a development of this type. The subject site is in a good location to access services and the existing context of established unit and townhouse development also supports this development style and density. The proposal is supported by state and local planning policies. With appropriate conditions, the proposed development should be supported.

**161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT
(SIX DWELLINGS) - P857/2019 cont'd**

ATTACHMENTS

No.	Title	Page
1	Technical Consideration	
2	Advertised Documents	
3	Advertised Plans	
4	Amended Plans Post Advertising	

5.12 59 SWANSTON STREET, HEIDELBERG HEIGHTS - PROPOSED LEASES

Author: Amanda Allen - Property Coordinator, City Development

Ward: Olympia

Previous Items

Council on 18 Nov 2019 7.00pm (Item 11.1 - 59 Swanston Street, Heidelberg Heights - Future options for the site)

Council on 21 May 2018 7.00pm (Item 11.1 - Proposed Property Acquisition)

Council on 17 Sep 2018 7.00pm (Item 11.1 - Proposed Property Use)

EXECUTIVE SUMMARY

Council is the owner of the land and improvements (unit 1, unit 2 and unit 3) at 59 Swanston Street, Heidelberg Heights (the Land). All three units are presently vacant and capital works are underway to enable occupancy.

At the Council Meeting of 18 November 2019 Council resolved to renovate the units and receive a further report to confirm rental arrangements.

Renovation works are nearing completion, the properties have been appraised for an affordable residential option and are intended to be listed late June 2020.

RECOMMENDATION

That Council:

1. Engage a real estate agent to oversee the rental of the properties.
2. Receive a further report in relation to the future of the site at a time when there are improved market conditions.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND

Council owns three units at 59 Swanston Street, Heidelberg Heights. Unit 1 is located at the front of the property and units 2 and 3 at the rear, see **Figure 1**.

Units 2 and 3 were subjected to flooding events in 2008, 2010 and twice in 2011. During the last and most significant of these events, substantial damage was caused. Following proceedings at the Victorian Civil and Administrative Tribunal, Council purchased both units 2 and 3 and following a Council resolution in May 2018 also acquired unit 1 at 59 Swanston Street, meaning that the entire site and land parcel of 1,121m² is now Council owned.

59 SWANSTON STREET, HEIDELBERG HEIGHTS - PROPOSED LEASES cont'd

At its meeting of 18 November 2019, it was resolved (CO2019/251):

That Council:

- 1. Renovate units 1, 2 and 3 at 59 Swanston Street, Heidelberg Height to enable letting of the premises.*
- 2. Fund the renovation works from the Strategic Property Reserve.*
- 3. Receive a further report in relation to the future of the site at a time when there are improved market conditions.*
- 4. A further report be presented to confirm rental arrangements once renovations are complete.*

This report confirms the proposed rental arrangements following remediation and renovation.

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 Victorian Charter of Human Rights and Responsibilities.

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

Locality Plan

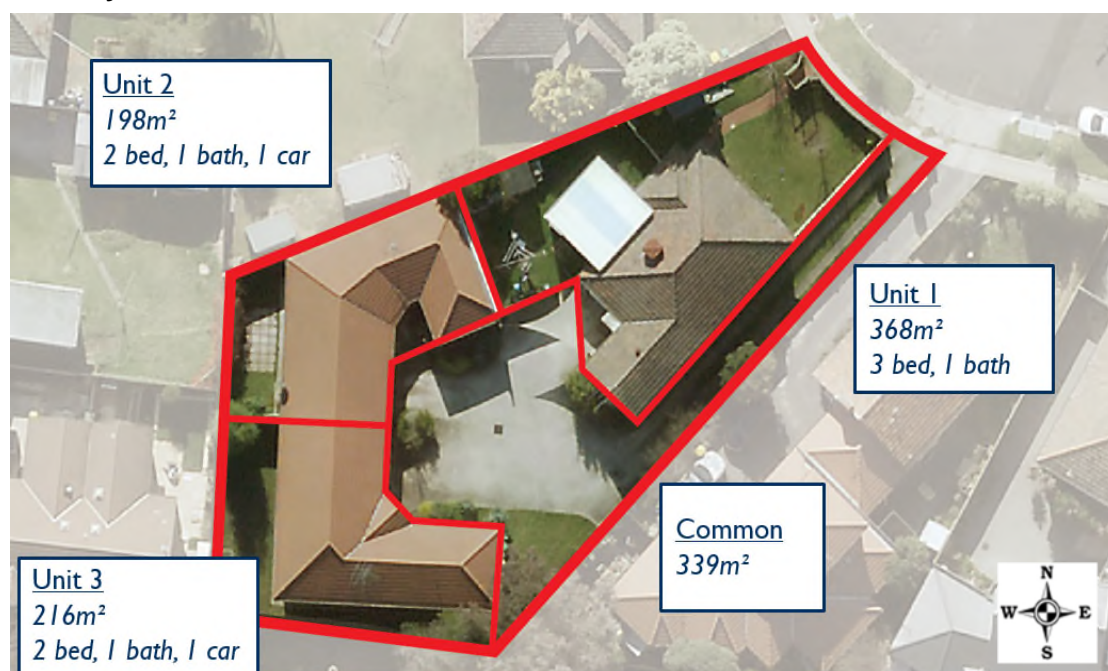


Figure 1: Properties at 59 Swanston Street, Heidelberg Heights

59 SWANSTON STREET, HEIDELBERG HEIGHTS - PROPOSED LEASES cont'd

CURRENT SITUATION

Mould remediation and final safety clearance for units 2 and 3 were completed in January 2020 at a cost of \$27,775.

Renovation works are now underway on all three properties, this includes replacement of damaged framework, floor coverings and non-functioning electrical items, general carpentry and repairs to fixtures and fittings, painting and cleaning. Expected expenditure for this work totals \$114,626.26, excluding any further variances.

The properties are intended to be listed on the residential market in late June 2020 and positioned in order to be an affordable option for average income earners.

Two real estate agents have appraised the properties and advise of the following likely rent:

Property	Rental valuation
Unit 1	\$430 per week
Unit 2	\$390 per week
Unit 3	\$390 per week
Weekly rental return (site)	\$1,210 per week
Annual rental return (site)	\$62,920 per annum

In order to recoup monies spent on preparing the properties for residential tenancy (\$142,401.26), the properties need to be rented for two years and four months (\$145,360.00).

It is proposed that at this time, and assuming there are improved market conditions, a further report be presented to Council in relation to the future of the site.

POLICY IMPLICATIONS

The Lease and Licence Framework (2018) provides that residential tenancy agreements will be entered into at market rent, once the applicant demonstrates they have:

- The financial capacity to pay;
- Undertaken a 100-point check for identification; and
- A proven rental history and are referenced checked.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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.

59 SWANSTON STREET, HEIDELBERG HEIGHTS - PROPOSED LEASES cont'd

CONCLUSION

Council should engage a real estate agent to oversee the rental of unit 1, unit 2 and unit 3/59 Swanston Street, Heidelberg Heights for a period of time until the market conditions improve and receive a further report at this time in relation to future options for the site.

ATTACHMENTS

Nil

5.13 12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD, MONTMORENCY - PROPOSED PART LAND EXCHANGE

Author: Gary Mills - Senior Property Officer, City Development

EXECUTIVE SUMMARY

At its meeting on 18 May 2020, Council received and considered three written submissions pursuant to section 223 of the *Local Government Act 1989* ('the Act') regarding the Land Exchange proposal with the owners of 1 Allens Road, Montmorency (Landowner).

Submissions were received from two adjoining landowners and the Montmorency Bowling Club (MBC). Two submitters expressed concerns about the Land Exchange enabling a future overdevelopment of 1 Allens Road and resultant adverse amenity impacts. The MBC fully supports the proposal which they believe will better facilitate their facility upgrade objectives.

The proposal involves exchanging Parcel A (168m²) ('Council Land') and Parcel B (146m²) (Owners' Land'). Refer Plan of Survey 8342 at Attachment 1. The increased area of land compensates the Landowner for requiring them to enter a section 173 Agreement restricting Parcel A for: garden; landscaping; patio; decking; and swimming pool use only.

Council has completed statutory procedures under sections 189 and 223 of the *Local Government Act 1989* ('the Act') regarding the Land Exchange proposal and can now decide whether or not to approve the Land Exchange proposal.

RECOMMENDATION

That

1. Having complied with sections 189 and 223 of the *Local Government Act 1989*:
 - a. by giving public notice in the "Diamond Valley Leader" on 1 April 2020;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 18 May 2020; and
 - c. by recording that three written submissions were received;

Council is of the opinion that the Council Land (Parcel A) contained on Certificate of Title volume 9821 folio 349 and described as Lot 1 on PS212175W is no longer reasonably required for public use and the Land Exchange is considered desirable for the following reasons:

- Parcel A is considered redundant land for current and future use and activities of the Montmorency Bowling Club.
- The Land Exchange will enable better development outcomes for the bowling club site.

**12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD,
MONTMORENCY - PROPOSED PART LAND EXCHANGE cont'd**

- The Land Exchange provides appropriate controls over the future use of Parcel A, thereby protecting the privacy and amenity of adjoining property owners.
2. Council approves the Land Exchange involving:
 - a. Council Land (Parcel A) contained on Certificate of Title volume 9821 folio 349 and described as Lot 1 on PS212175W. This parcel comprising an area of 168m² and has been valued at \$134,400 plus GST which represents a 20% discount on the land that will be restricted by a Section 173 Agreement;
 - b. Owners' Land (Parcel B) situated at the rear of 1 Allens Road, Montmorency contained on Certificate of Title volume 9034 folio 032 and described as Lot 2 on PS095098. This parcel comprising an area of 146m² and is valued at \$146,000 plus GST;
 - c. Both parties entering a Section 173 Agreement for 'Parcel A' limiting the use of the land to garden; landscaping; patio; decking; and swimming pool and the agreement being registered on title;
 - d. A boundary realignment subdivision be undertaken pursuant to the relevant provisions of the *Subdivision Act* 1988; and
 - e. All costs associated with land surveying, plan of subdivision, section 173 Agreement be borne by Council. The Landowner shall be responsible for the removal of all structures from Parcel B, (other than the large live eucalyptus tree situated on the proposed new title boundary, which Council will remove at its expense), together with their conveyancing and fencing costs and stamp duty.
 3. Council authorises the Director City Development to execute all associated documents pertaining to the land exchange, plan of subdivision, section 173 Agreement and land transfers.
 4. Council advises the submitters of Council's resolution and reasons pursuant to section 223 of the Act.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND

Council has been exploring opportunities to facilitate a future upgrade of the Montmorency Bowling Club (MBC) at Petrie Park, Montmorency. A land exchange proposal between Council and the owner of 1 Allens Road, Montmorency (Landowner) has been the subject of discussions between Council, the Landowner and MBC over the past 18 months.

12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD, MONTMORENCY - PROPOSED PART LAND EXCHANGE cont'd

The Land Exchange proposal as shown in **Figure 1** involves:

- Council Land (Parcel A) contained on Certificate of Title volume 9821 folio 349 and described as Lot 1 on PS212175W. This parcel comprises an area of 168m² and has been valued at \$134,400 plus GST which represents a 20% discount on the land given that it will be restricted by a Section 173 Agreement.
- Owners' Land (Parcel B) situated at the rear of 1 Allens Road, Montmorency contained on Certificate of Title volume 9034 folio 032 and described as Lot 2 on PS095098. This parcel comprises an area of 146m² and is valued at \$146,000 plus GST.
- A boundary realignment subdivision pursuant to the relevant provisions of the *Subdivision Act 1988*.
- Both parties entering a Section 173 Agreement (pursuant to the *Planning and Environment Act 1987*) regarding 'Parcel A' limiting the use of the land to garden; landscaping; patio; decking; and swimming pool and the agreement being registered on title.
- All costs associated with land surveying, plan of subdivision, Section 173 Agreement be borne by Council. The Landowner shall be responsible for the removal of all structures from Parcel B, (other than the large live eucalyptus tree situated on the proposed new title boundary, which Council will remove at its expense), together with their conveyancing and fencing costs and stamp duty.



Figure 1: 1 Allens Road, Montmorency showing land parcels A & B.

LEGAL CONSIDERATION

Council has undertaken the necessary statutory procedures in accordance with sections 189 and 223 of the *Local Government Act 1989*. Whilst a new *Local Government Act 2020* has been enacted, provisions pertaining to the sale and/or exchange of land are not yet in operation.

**12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD,
MONTMORENCY - PROPOSED PART LAND EXCHANGE cont'd**

HUMAN RIGHTS CHARTER

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

Section 20 provides that *“A person must not be deprived of his or her property other than in accordance with law”*.

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

Locality Plan



Figure 2: Locality plan showing land parcels A & B to adjoining properties

Section 223 process

Council gave public notice of the land exchange proposal pursuant to sections 189 and 223 of the Act. Public notice was given in the Diamond Valley Leader on 1 April 2020. The submission period closed on 29 April 2020.

The proposal was published on Council's website and letters sent to the Montmorency Bowling Club and adjoining property owners.

Council received three written submissions which were considered at its meeting on 18 May 2020.

DISCUSSION

Two of the submissions expressed concern that the Land Exchange proposal is likely to enable future two story development at 1 Allens Road which will adversely impact privacy and amenity of nearby properties.

Given there is a requirement for the Landowner to enter a Section 173 Agreement pertaining to Land Parcel A, (restricting use to garden, landscaping, patio, decking and swimming pool), the privacy and amenity concerns of the adjoining and nearby landowners should be alleviated.

Also, any relevant issues pertaining to building heights is subject to the Banyule Planning Scheme and relevant Building Regulations and would therefore be

**12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD,
MONTMORENCY - PROPOSED PART LAND EXCHANGE cont'd**

addressed as part of the statutory process for any future development application 1 Allens Road, Montmorency.

A submission from the MBC supports the Land Exchange as they consider it will deliver a more useable parcel of land resulting in better redevelopment outcomes for the club.

It is considered that Council's Land (Parcel A) is no longer reasonably required for public use and may be exchanged for the Landowners Land (Parcel B) being a more useable parcel of land for Council in assisting with a future upgrade of the MBC.

FUNDING IMPLICATIONS

Council shall be responsible for all relevant costs associated with the Land Exchange proposal which are available within existing budgets.

The Landowner shall be responsible for the removal of all structures from Parcel B, other than the large live eucalyptus tree situated on the proposed new title boundary, which Council will remove at its expense. The Landowner shall be responsible for their share of conveyancing and fencing costs, and stamp duty.

POLICY IMPLICATIONS

The Land Exchange proposal has been undertaken in accordance with Council's Guidelines for the *Land Transaction Framework (2019)*. The proposal fully complies with Council's statutory obligations under the Act.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020 (Act)* 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 Land Exchange proposal is considered advantageous to Council, the Landowner and the Banyule community as it will facilitate an enhanced facility upgrade of the MBC at a more affordable project cost for Council.

ATTACHMENTS

No.	Title	Page
1	Land Exchange Survey Plan No 8342	

7.1 TENANCY 1 AND 2 460 LOWER HEIDELBERG ROAD, HEIDELBERG - PROPOSED NEW LEASE

Author: Gary Mills - Senior Property Officer, City Development

EXECUTIVE SUMMARY

Council has a lease with Specialist Diagnostic Services Pty Ltd (SDS), a subsidiary of Healius Limited for occupancy of Tenancy 1 and 2, 460 Lower Heidelberg Road, Heidelberg.

The current lease commenced on 24 March 2015 and ended on 23 March 2020. The Lease is currently in overholding.

Council has completed statutory procedures under sections 190 and 223 of the *Local Government Act 1989* ('the Act') regarding the Lease proposal.

Public notice was given in The Herald Sun on 15 April 2020 giving Council's intention to enter a new lease with SDS on the following terms:

- a) Initial five-year term commencing 1 April 2020 with two five-year options.
- b) Commencing rent of \$230,000 plus GST per annum (\$19,166 plus GST per month).
- c) Initial rent-free period of three months.
- d) Fixed annual rent increases of 3%.

At the close of the submissions period on 14 May 2020, no written submissions were received.

Council can now decide whether or not to grant a new lease to SDS.

RECOMMENDATION

That

1. Having complied with sections 190 and 223 of the *Local Government Act 1989*:
 - a. by giving public notice in The Herald Sun on 15 April 2020;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 15 June 2020; and
 - c. by recording that no written submissions were received;

Council grants a new lease to Specialist Diagnostic Services Pty Ltd (a subsidiary of Healius Limited) for occupancy of Tenancy 1 & 2, 460 Lower Heidelberg Road, Heidelberg on the following lease terms:

- a. initial five-year term commencing 1 April 2020 with two five-year options;
- b. commencing rent of \$230,000 plus GST per annum (\$19,166 plus GST per month);
- c. initial rent-free period of three months; and

**TENANCY 1 AND 2 460 LOWER HEIDELBERG ROAD, HEIDELBERG -
PROPOSED NEW LEASE cont'd**

- d. fixed annual rent increases of 3%.
2. Council authorises the Director City Development to execute the Lease deed.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Manage the systems and assets that support service delivery".

BACKGROUND

Council leases its property known as Tenancy 1 & 2, 460 Lower Heidelberg Road, Heidelberg to Specialist Diagnostic Services Pty Ltd (SDS) for a genetics/molecular laboratory and office administration occupancy and use. The lease also includes the provision of 23 car parking spaces at basement level. Refer lease premises shown hatched in **Figure 1**.

The current five-year lease commenced on 24 March 2015 and ended on 23 March 2020. The lease is currently in overholding. SDS is seeking to enter into a longer-term lease with Council.

LEGAL CONSIDERATION

Council must act in accordance with sections 190 and 223 of the *Local Government Act 1989*, given the proposed Lease is for a term of ten years or longer and has an annual market rental of \$50,000 or more.

The *Retail Leases Act 2003* (RLA) does not apply to this lease given SDS is a subsidiary of Healius Limited which is a publicly listed company. Publicly listed companies are exempt from the RLA.

On 23 April 2020, the Victorian parliament passed the *COVID-19 Omnibus (Emergency Measures) Act 2020* which in part, covers Landlord and Tenant obligations for residential, retail and commercial leases. On 1 May, the government issued the *COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020*. The Regulations apply where:

- The lease is a retail lease, or a commercial lease or licence, and the premises are used solely or predominantly for the purpose of carrying on a business.
- The tenant, or group of which it is a member, had annual turnover in the previous financial year of less than \$50m.
- The tenant is an employer who qualifies for the JobKeeper scheme and is participating in the scheme.

SDS, being a subsidiary of Healius Limited is ineligible for rent relief under the COVID-19 Act and Regulations based on the above criteria.

TENANCY 1 AND 2 460 LOWER HEIDELBERG ROAD, HEIDELBERG - PROPOSED NEW LEASE cont'd

HUMAN RIGHTS CHARTER

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

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

Locality Plan



Figure 1: Tenancy 1 & 2, 460 Lower Heidelberg Road, Heidelberg

Section 223 process

Council gave public notice of the Lease proposal pursuant to sections 190 and 223 of the Act. Public notice was given in The Herald Sun on Wednesday 15 April 2020. The submission period closed on 14 May 2020. No written submissions were received.

POLICY IMPLICATIONS

Council has acted in accordance with its *Lease and Licence Framework 2018* in dealing with this lease, together with its legislative obligations under the Act.

DISCUSSION

Following recent negotiations and subject to Council ratification, an agreement has been reached between the two parties regarding the rent and tenure arrangements.

It is proposed that Council enter a new lease with SDS for an initial term of five years with two five-year options at the commencing rent of \$230,000 plus GST per annum.

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) 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.

**TENANCY 1 AND 2 460 LOWER HEIDELBERG ROAD, HEIDELBERG -
PROPOSED NEW LEASE cont'd**

CONCLUSION

The proposed lease with SDS provides Council with a long-term commercial tenancy and is considered financially advantageous to Council. Subsequently, the lease proposal is recommended for approval.

ATTACHMENTS

Nil

7.2 ASSEMBLY OF COUNCILLORS

Author: Mary-Jane Borg - Governance Administrative Support Officer, Corporate Services

EXECUTIVE SUMMARY

Assembly of Councillors were previously required by the Local Government Act 1989, this section has now been repealed. Some assemblies included in this report still applied under the former Act. The former requirements are outlined below:

Under the Local Government Act 1989 an Assembly of Councillors is defined as:

A meeting of an advisory committee of the Council, if at least one Councillor is present or;

A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council or;*
- b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.*

In accordance with Section 80A of the Local Government Act 1989 Council is required to report as soon as possible to an Ordinary Meeting of Council a record of any assemblies of Councillors held. Below is the latest listing of notified assemblies of Councillors held at Banyule City Council.

The new Local Government Act 2020 no longer requires Councils to record assemblies and it will be up to each Council how it will record these types of meetings. Council is participating in the co-design of the new Governance Rules with Local Government Victoria and it is being recommended that some of these former requirements be included in the new Governance Rules which are required to be adopted by each Council by 1 September 2020. The Governance Rules will replace the Meeting Procedures Code and include other matters required of the new Act.

It is recommended that Council continue to record Councillor attendance of Briefings and Advisory Committees as it does now including requirements to declare any conflicts of interest and report them to Council until the Governance Rules are adopted. This will provide transparency of details of meetings held outside of Council Meetings.

RECORD OF ASSEMBLIES

1	Date of Assembly: Type of Meeting:	6 May 2020 Advisory Committee Meeting – non-formal Working Group during COVID-19
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ASSEMBLY OF COUNCILLORS cont'd

Matters Considered:	
<ul style="list-style-type: none"> • Welcome, Introduction (relaxed terms of reference for committee meetings during COVID-19) • COVID-19 Arts & Culture Grants <ul style="list-style-type: none"> - Creative Community Quick Response Grants - Creative Recovery Grants • Festivals & Events Alternatives • Other Business 	
Councillors Present:	
Peter Castaldo Craig Langdon	
Staff Present:	
Hannes Berger - <i>Arts & Culture Team Leader</i> Nikki Ralston - <i>Arts & Cultural Development Officer</i> Clarissa Crupi - <i>Festivals Officer</i> Anthea Fahey - <i>Festivals & Cultural Projects Officer</i>	
Others Present:	
Rosemary Crosthwaite Fran Lee Anne Bennett Les Walkling Kevin Ritchie Genelle Ryan Joanne O'Hara Rebecca Armstrong Craig Eloranta Irianna Kanellopoulou.	
Conflict of Interest:	NA

2	Date of Assembly:	8 August 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Arts and Culture Program 2020 • LGBTIQ+ Action Plan Quarterly Update • Inclusive Business Pack • Malahang Festival Planning 2019 • Project/Event Short Updates • Private Lives 3 National Survey • Ivanhoe Community Hub Gender Neutral Toilets Update 	
Councillors Present:		
Craig Langdon		
Staff Present:		

ASSEMBLY OF COUNCILLORS cont'd

Allison Beckwith – <i>Director Community Programs</i> Hannes Berger – <i>Arts & Culture Team Leader</i>	
Others Present: Mason Jefferies Megan Burke Sky Lacey Lara Hunter Stephanie Scane and Ilias Katis (Austin) Lena Risteski (Mind Australia) Brianna Stevenson (Berry Street)	
Conflict of Interest:	NA

3	Date of Assembly:	20 August 2019, 6pm
	Type of Meeting:	Multicultural Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Role of Department of Human Services • Internship Program (Inclusive Employment Program) • Malahang Festival 2019 Update • Multicultural Action Plan Quarterly Update • Universal Diversity Statement • New and Emerging Issues • Mayoral Taskforce Against SRSS Cuts • Climate Action Engagement 	
	Councillors Present: Craig Langdon	
	Staff Present: Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i> Samatar Yusuf – <i>Social Enterprise & Local Jobs Administration Officer</i>	
	Others Present: Maria Axarlis-Coulter Uzma Rubab Samira Liban Daniela Zataroska (Department of Human Services)	
Conflict of Interest:	NA	

4	Date of Assembly:	3 October 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
<ul style="list-style-type: none"> • Early Childhood Rainbow Tick • Arts and Culture Update and Theming • Inclusive Business Pack 101 Sheet • Intersex Awareness Day 		

ASSEMBLY OF COUNCILLORS cont'd

	<ul style="list-style-type: none"> • 'North Is Coming Out' Council Network Update • Inclusive Jobs Program
	<p>Councillors Present:</p> <p>Craig Langdon</p>
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i> Steph Neoh – <i>Art Curator</i></p>
	<p>Others Present:</p> <p>Megan Burke Lara Hunter Jasmine Harris Ilias Katis (Austin) Katie Larsen (Mind Australia) Michelle McNamara (TGV)</p>
	<p>Conflict of Interest: NA</p>

5	<p>Date of Assembly: 15 October 2019, 6pm</p>
	<p>Type of Meeting: Multicultural Advisory Committee</p>
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Supporting Small Businesses • Sustainable Transport Projects • New Resident Welcome Kit Update • Malahang Festival 2019 Update • Regional Advisory Committee Membership • Welcoming Cities Update • New and Emerging Issues
	<p>Councillors Present:</p> <p>Craig Langdon</p>
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i></p>
<p>Others Present:</p> <p>Maria Axarlis-Coulter Uzma Rubab Samira Liban Hedi Azadi Andrea Gallow Ansam Sadik (VicPolice) Alaa Elzokm (Heidelberg Mosque) Suzanne Crellin (Olympic Adult Education) Colin Barlow (Olympic Adult Education)</p>	
<p>Conflict of Interest: NA</p>	

ASSEMBLY OF COUNCILLORS cont'd

6	Date of Assembly:	12 December 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Intersex Community • Arts and Culture Update • Malahang Review 2019 • 2020 Meeting Dates • ABS Census Update • Project/Event Short Updates 	
	Councillors Present:	
	Craig Langdon	
Staff Present:		
Gemma Boucher – <i>Community & Social Planner</i> Theonie Tacticos - <i>Community & Social Planning Coordinator</i>		
Others Present:		
Megan Burke Lara Hunter Brianna Stevenson (Berry Street) Ilias Katis (Austin) James Heaney Skye Lacy Lachlan Harris Callum Cunningham and Nicoletta Anaston (Vic Police) Claire Flynn		
Conflict of Interest:		NA

7	Date of Assembly:	6 February 2020, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • Inclusive Employment Program • Kids Arty Farty and Grand Parade • Midsumma Review 2020 • Better Together Conference • ABS Census Update • Religious Discrimination Bill • Project/Event Short Updates 	
	Councillors Present:	
	Craig Langdon	
Staff Present:		
Lisa Raywood – <i>Acting Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i>		
Others Present:		

ASSEMBLY OF COUNCILLORS cont'd

	Lara Hunter Ilias Katis (Austin) Skye Lacy Lachlan Harris Claire Flynn Mason Jefferies Paul Byrne-Moroney Ashleigh Keenan Billie Weir		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Conflict of Interest:</td> <td>NA</td> </tr> </table>	Conflict of Interest:	NA
Conflict of Interest:	NA		

8	Date of Assembly:	18 February 2020, 6pm
	Type of Meeting:	Multicultural Advisory Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • ASHA Global Foundation • Religious Discrimination Bill • Cultural Diversity Week 2020 • Cultural Diversity Grants Review • Banyule Volunteer Awards • New and Emerging Issues 	
	Councillors Present:	
	Craig Langdon	
	Staff Present:	
Gemma Boucher – <i>Community & Social Planner</i> Theonie Tacticos - <i>Community & Social Planning Coordinator</i>		
Others Present:		
Uzma Rubab Samira Liban Hedi Azadi Shabnam Astaraki Leonidas Nitereka Susan Zhou Veronica Heng Teng Lee Suzanne Crellin (Olympic Adult Education) Vic Narula (ASHA Global Foundation)		
	Conflict of Interest:	NA

9	Date of Assembly:	11 May 2020, 6.30pm
	Type of Meeting:	Councillor Briefing – online meeting
	Matters Considered:	
<ul style="list-style-type: none"> • Greening Banyule & Urban Heat • RSL Grants 		

ASSEMBLY OF COUNCILLORS cont'd

Councillors Present:	
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
Staff Present:	
Allison Beckwith – <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Kathy Hynes – <i>Manager Parks & Open Space</i>	
Others Present:	
NA	
Conflict of Interest:	NA

10	Date of Assembly:	11 May 2020
	Type of Meeting:	Confidential Councillor Briefing – online meeting
	Matters Considered:	
	<ul style="list-style-type: none"> Confidential item relating to Business Information – Commercial Negotiations 	
	Councillors Present:	
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican		
Staff Present:		
Allison Beckwith – <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicole Maslin – <i>Manager Leisure, Recreation & Culture Services</i> Lucia Brennan – <i>Major Facilities Coordinator</i>		

ASSEMBLY OF COUNCILLORS cont'd

Others Present:	
NA	
Conflict of Interest:	NA

11	Date of Assembly:	18 May 2020, 6.35pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Items on the Council Agenda for the Ordinary Meeting of 18 May 2020 (excluding confidential items) as listed below:	
	2.1 Deloraine Aged Care, Adeline Street Greensborough - Request for Investigation to Create an Indented Paved and Curbed Ambulance Parking Space	
	4.1 Draft Community Climate Action Plan - For Public Exhibition	
	5.1 12-16 Mountain View Road and 1 Allens Road, Montmorency - Proposed Part Land Exchange - Public Submissions	
	5.2 Bellfield Project Update: Delivery of Social Housing	
5.3 Changes to Planning Requirements for Non Government Schools		
7.1 Meeting Procedures Code (2015) - Amendment		
7.2 Council's Powers of Delegation - Local Government Act 2020		
7.3 Audit & Risk Advisory Committee Minutes - 13 March 2020		
7.4 Contract No 1038-2020 Kalparrin Early Childhood Intervention Centre Redevelopment		
7.5 Contract No 1031-2020 Asphalt Re-Surfacing Programme		
7.6 Assembly of Councillors		
8.1 Sealing of Documents		
Councillors Present:		
Peter Castaldo Alison Champion Mark Di Pasquale Craig Langdon Tom Melican		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Emily Outlaw – <i>Council Business Team Leader</i>		
Others Present:		
NA		
Conflict of Interest:	NA	

ASSEMBLY OF COUNCILLORS cont'd

12	Date of Assembly:	25 May 2020
	Type of Meeting:	Councillor Briefing – online meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Draft Inclusive Local Jobs Strategy & Draft Social Enterprise Strategy • IT & Digital Transformation • Council's Response to COVID-19 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Cheree Hunter – <i>Social Enterprise & Local Jobs Coordinator</i> Alexandra Denning – <i>Inclusive Employment Facilitation Officer</i> Kate Baker - <i>Inclusive Employment & Volunteering Team Leader</i> Samatar Yusuf - <i>Social Enterprise & Local Jobs Administration Officer</i> Leah van Hemert – <i>Manager IT & Digital Transformation</i>		
Others Present:		
NA		
Conflict of Interest:	NA	

13	Date of Assembly:	1 June 2020, 6.00pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
<ul style="list-style-type: none"> • Draft Reconciliation Acton Plan (RAP) • Hardship Policy • CEO Employment Matters Committee- Confidential 		
Councillors Present:		
Peter Castaldo Alison Champion Craig Langdon Tom Melican Rick Garotti		

ASSEMBLY OF COUNCILLORS cont'd

Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Vivien Ferlaino – <i>Governance Coordinator</i> Lisa Raywood – <i>Manager Aged, Public Health Protection, Aged & Community Planning</i> Theonie Tacticos - <i>Community & Social Planning Co-ordinator</i> Tania O'Reilly – <i>Manager Finance & Procurement</i>	
Others Present: Lydia Wilson, Independent Chairperson , CEO Employment Matters Committee	
Conflict of Interest:	NA

RECOMMENDATION

That:

1. The Assembly of Councillors report be received and;
2. Council continue to consider reports of Councillor attendance at Briefings and Advisory Committee meetings until such time as the new requirements are provided for in the adoption of the new Governance Rules.

ATTACHMENTS

Nil