

Agenda



Monday, 18 May 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 27 April 2020 and;
Special Meeting of Council held 4 May 2020*

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

- 2.1 Deloraine Aged Care, Adeline Street Greensborough - Request for Investigation to Create an Indented Paved and Curbed Ambulance Parking Space 5

3. People – Community Strengthening and Support

Nil

4. Planet – Environmental Sustainability

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6. Participation – Community Involvement in Community Life

Nil

7. Performance - Use Our Resources Wisely

- 7.1 Meeting Procedures Code (2015) - Amendment 29
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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 WaterMarc - Belgravia Leisure Covid-19 Impact to current operations and contract extension

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed to allow members of the community to view the meeting without requiring them to be physically present. To ensure compliance with the Government's new COVID -19 Stage 3 rules for gatherings, members of the public must not attend the meeting. The livestream will be available on Council's Facebook and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 15 June 2020.

2.1 DELORAINA AGED CARE, ADELINA STREET GREENSBOROUGH - REQUEST FOR INVESTIGATION TO CREATE AN INDENTED PAVED AND CURBED AMBULANCE PARKING SPACE

Author: Ellen Kavanagh - Governance Officer, Corporate Services

EXECUTIVE SUMMARY

A petition with 63 signatures has been received, the petition request is as follows:

“We the undersigned petition or request Council to outline the action that Council should take to create an indented paved and curbed parking space (large enough to allow for an ambulance/10 seater age care facility bus) prior to the start of the 2020 winter (that is prior to 1 June 2020) in the nature strip on the Eastern side of Adeline Street Greensborough immediately opposite the (Eastern side of Adeline Street) ramp entrance to Deloraine Aged Care”.

RECOMMENDATION

That Council

1. Receives and notes the petition.
2. Refer the Petition to the Traffic and Transport Team for investigation.
3. Advise the primary petitioner of this resolution.

ATTACHMENTS

Nil

4.1 DRAFT COMMUNITY CLIMATE ACTION PLAN - FOR PUBLIC EXHIBITION

Author: Sian Gleeson - Coordinator Environmental Sustainability, City Development

EXECUTIVE SUMMARY

As part of the 10 December 2018 Climate Action Resolution (CO2018/267) Council requested investigation into how Banyule could support the community in working towards carbon neutrality and the development of a long term plan, in line with the C40 Climate Action Planning Framework.

Work has been undertaken over the last 8 months to inform a draft Community Climate Action Plan (CAP). This has included community consultation during 2018/19, seeking feedback on barriers to the uptake of certain actions.

The CAP identifies 32 draft actions across eight key themes. Together, these will create a thriving and responsive Banyule - one that is connected, inclusive and resilient, in the face of climate change. The draft Plan supports the recently endorsed Corporate Emissions Reduction Plan (2020 – 2023), which outlines priority actions for achieving Council’s carbon neutrality target by 2028.

The draft is presented in this report for Council endorsement to commence public consultation.

RECOMMENDATION

That Council

1. Endorse the draft Community Climate Action Plan (CAP) for a six week public consultation period;
2. Invite former participants of the focus groups and workshop sessions that informed the draft to provide feedback;
3. Promote the exhibition period via a range of digital platforms, including Facebook and e-newsletters.

COUNCIL PLAN

This report is in line with Banyule’s Council Plan key direction to “Lead in planning for, and responding to climate change”.

BACKGROUND

Council’s Climate Action Resolution (CO2018/267) requested the investigation into how Banyule could support the community in working towards carbon neutrality and in turn, establishment of a long term plan in line with the C40 Climate Action Planning Framework.

**DRAFT COMMUNITY CLIMATE ACTION PLAN - FOR PUBLIC EXHIBITION
cont'd**

The draft CAP builds upon Council's recent endorsement of the Corporate Emissions Reduction Plan, which outlines key actions to work towards our corporate emissions reduction target of zero net emissions by 2028.

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.

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.

FUNDING IMPLICATIONS

A staged approach to realising a zero net emissions municipality is proposed. As such, some actions will be funded through existing budget allocations. Others will be subject to funding approval via future budget processes.

DISCUSSION

Development of the draft Plan

A number of stages have been undertaken to inform development of the draft Community Climate Action Plan (CAP). These have included:

<i>Modelling</i>	Modelling and analysis of current and projected municipal emissions.
<i>Targets</i>	The development of targets across key areas (ie existing buildings, transport, and other emission sources), to guide the identification of relevant actions.
<i>Internal consultation</i>	Consultation with key staff, to determine complementary priorities.
<i>Community engagement</i>	A program of community engagement, to identify residential and business barriers to action; and Consultation with Councillors and the Banyule Environment Advisory Committee (BEAC).

**DRAFT COMMUNITY CLIMATE ACTION PLAN - FOR PUBLIC EXHIBITION
cont'd**

The Plan

The draft Plan (**Attachment 1**) acknowledges that across the community, in homes, businesses and schools, Council does not have direct control over emissions like we do when they arise from our own operations.

As a result, the draft Plan outlines how as a Council, Banyule will support our residents, businesses and organisations to reduce emissions and adapt to the impacts of climate change. Specifically, the draft:

- Highlights the broader context in which action is occurring;
- Provides guidance and information to key stakeholders (such as residents, schools and business) in undertaking action;
- Identifies priorities for strengthening Banyule's adaptation response; and
- Highlights the actions that Council will take to support and accelerate progress for the municipality.

Through the Plan, Council will fulfil a number of roles:

- **a collaborator**, working in partnership with households, community groups and businesses in Banyule, as well as NAGA Councils and other levels of government;
- **an enabler**, facilitating others' action through training, grants and other financial assistance;
- **an educator**, providing information and advice, a trusted, third party that can help inform the choice of services and providers;
- **a broker** between players within and beyond the municipality;
- **an advocate**, to State and Federal governments for changes that are beyond our direct control and mobilising the community for support.

Notable actions include:

- Investigation of opportunities to broker a power purchasing agreement (PPAs) for Banyule businesses and households;
- Support for high energy commercial building owners to improve the efficiency of their buildings through facilitating access to low cost financing through Environmental Upgrade Finance (EUF);
- Trialling of environmental sustainable design (ESD) inspections to inform an understanding of current policy compliance levels.

Together, the actions outlined will provide the opportunity to create a thriving and responsive Banyule - one that is connected, inclusive and resilient.

DRAFT COMMUNITY CLIMATE ACTION PLAN - FOR PUBLIC EXHIBITION cont'd

CONSULTATION & TIMELINES

Despite current social distancing requirements, the Council is still able to deliver meaningful engagement opportunities that work with community to inform and strengthen the strategic plan. Notably, a digital only engagement approach will be undertaken effectively by:

- Increasing the consultation period from 4 to 6 weeks;
- Increased promotion via our online e-newsletters (including non environmental options including the Arts & Culture and Older Adults publications), as well as the Council's Facebook platform
- Targeted invitations to all participants of previous focus and workshop groups, which informed the draft Plan.
- Enabling community feedback to be provided via telephone.

Intended timelines for endorsement of the Plan are:

Council Report, seeking endorsement for public exhibition	18 May (Council meeting)
Shaping Banyule exhibition period	19 May – 7 Jul
Revision period	8 Jul – 10 Jul
Council Report, seeking endorsement of final Community CAP	27 July (Council meeting)

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 draft Community Climate Action Plan (CAP) has been developed following significant review and investigation into carbon abatement actions relevant to the Banyule municipality. The draft Plan is now presented to Council for endorsement for public exhibition.

ATTACHMENTS

No.	Title	Page
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

Author: Gary Mills - Senior Property Officer, City Development

Ward: Hawdon

EXECUTIVE SUMMARY

A possible Land Exchange has been explored with the owners of 1 Allens Road, Montmorency (Landowner) to facilitate a future upgrade of the Montmorency Bowling Club (MBC).

The proposal involves exchanging **Parcel A** (168m²) ('Council Land') and **Parcel B** (146m²) (Owners' Land'). Refer Plan of Survey 8342 at Attachment 1.

The proposal provides an increased area of land in **Parcel A** to be exchanged for the Owners' Land in **Parcel B**. This 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.

The statutory procedures under sections 189 and 223 of the *Local Government Act* 1989 ('the Act') regarding the Land Exchange proposal has been completed.

Public notice was given in the "*Diamond Valley Leader*" on 1 April 2020. At the close of submissions on 29 April 2020, three written submissions were received.

The purpose of this report is for Council to consider the written submissions received. The submissions have been provided to Councillors.

A further report will be presented to Council on 15 June 2020 to resolve on the Land Exchange proposal.

RECOMMENDATION

That

1. Council receive and consider three written submissions pursuant to section 223 of the *Local Government Act* 1989 in response to the public notice given of the proposed Land Exchange proposal involving part of 12-16 Mountain View Road and 1 Allens Road Montmorency.
2. A further report be submitted to Council at its meeting on 15 June 2020 to resolve on the Land Exchange proposal.

**12-16 MOUNTAIN VIEW ROAD AND 1 ALLENS ROAD, MONTMORENCY -
PROPOSED PART LAND EXCHANGE - PUBLIC SUBMISSIONS 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

Council has been exploring opportunities to facilitate a future upgrade of the Montmorency Bowling Club (MBC) at Petrie Park, Montmorency. The 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.

The Landowner is fully supportive of a future MBC facility upgrade and has agreed to the proposed terms and conditions for a land exchange. A re-configuration of the Landowner's property may be advantageous to them, as they have plans to redevelop their property.

Whilst the original land exchange proposal involving the exchange of two equal parcels of land measuring approximately 160m² had support from the Landowner, it was not supported by the Landowner's financier/mortgagor. This appears partly due to a requirement for the Landowner to enter a section 173 Agreement restricting use of Council's land to garden, landscaping, patio, decking and swimming pool.

A section 173 Agreement is deemed necessary to ensure appropriate amenity protection for adjoining properties at 2 Robert Street and 3 Allens Road, Montmorency, given the Landowner's future property redevelopment plans.

The current 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 that will be restricted by a section 173 Agreement.
- Owners' Land (Parcel B) is 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 *Subdivision Act* 1988.
- Both parties entering a section 173 Agreement 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 to be borne by Council. The Landowner shall be responsible for their own conveyancing and land transfer costs.

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



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

LEGAL CONSIDERATION

Council is required to undertake any sale of Council land or land exchange in accordance with sections 189 and 223 of the *Local Government Act 1989* (1989 Act). Whilst a new *Local Government Act 2020* has been enacted, sections in the former 1989 Act are still operational.

Following a Council decision to exchange land in this instance, a plan of subdivision will be required in accordance with section 35(8) of the *Subdivision Act 1988* prior to land transfer. As previously outlined, a section 173 Agreement will be required with the owners of 1 Allens Road, Montmorency for the purpose of restricting any future use of 'Parcel A' to passive use only and the agreement will be registered on title.

Currently, Council has a lease with MBC for a term of five years which expires on 30 June 2020. In the event the Land Exchange proposal proceeds, and land transfers affected, any new lease with MBC will reflect the new land realignment.

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.

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

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 1989 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 adjoining unit owners at 2 Robert Street and 3 Allens Road and the MBC.

At the close of submissions, three written submissions were received. Submissions will be provided under separate cover.

Submission #1 – Nearby land owner

The submitter's issues and concerns are summarised below.

- Land Parcel A should firstly, be offered to the owner of units 2 and 3, 2 Robert Street, Montmorency.
- Should the owner not be interested in purchasing the land and the Land Exchange approved, any future redevelopment of 1 Allens Road should be restricted to single storey dwellings only.
- The Land Exchange is likely to facilitate future redevelopment of 1 Allens Road which will adversely impact personal privacy and amenity.
- Any future redevelopment at 1 Allens Road will diminish the value of their property.
- Anticipate increased traffic and parking issues from any future redevelopment of 1 Allens Road.

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

Submission #2 – Nearby land owner

The submitter's issues and concerns are summarised below.

- Against the construction of any double storey building/dwellings.
- If or when any building or decking is constructed by the bowling club and/or the owners of 1 Allens Road, Montmorency, that their amenity and privacy be respected.
- If construction was to eventuate there will be an influx of traffic entering Robert Street and Allens Road, which would adversely impact their amenity.
- Should the proposal not proceed, they would like the opportunity to purchase Land Parcel A.

Submission #3 - Montmorency Bowling Club

The submitter's main points are summarised below.

- There is inadequate room around the MBC building to expand or modify the footprint of the present building.
- There is poor access and very limited parking behind and around the building, making effective use of the existing site difficult. These limitations would be substantially addressed with the opening up of the area by the proposed land exchange.
- The Land Exchange will provide better options for future extension and refurbishment of the bowling club.
- The proposed Land exchange is an important step towards creating opportunities for the growth and development of the club and its surrounds.

Discussion

The primary purpose of the Land Exchange proposal is to facilitate a future upgrade of the Montmorency Bowling Club (MBC). The Land Exchange proposal aims to achieve a long-awaited facility upgrade of the MBC at a more affordable project cost. The acquisition of Land Parcel B offers more useable land for a future single storey building extension at the MBC.

The Land Exchange proposal includes a requirement for the owners of 1 Allens Road to enter into a section 173 Agreement pertaining to Land Parcel A, restricting future use to garden, landscaping, patio, decking and swimming pool only. This ensures the land cannot be built over, thereby providing adequate amenity protection for all adjoining property owners/residents.

The Land Exchange proposal seeks to address potential amenity issues for adjoining residents by restricting the use of Council's Land (Parcel A) for passive use only. It is considered that relevant planning issues can be adequately addressed as part of any future planning application process for the redevelopment of the MBC and 1 Allens Road, Montmorency.

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

POLICY IMPLICATIONS

The Land Exchange proposal has been undertaken in accordance with Council's Guidelines for the Sale and Exchange of Council Land (2009) and Land Transaction Framework (2019) and complies in accordance with sections 189 and 223 of the 1989 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 purpose of this report is for Council to consider the three written submissions received in respect to the Land Exchange proposal.

A further report will be presented to Council on 15 June 2020 where Council will formally consider whether or not to approve the Land Exchange proposal.

ATTACHMENTS

No.	Title	Page
1	Land Exchange Survey Plan No 8342	

5.2 BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING

Author: Lucy Rasdell - Strategic Property Manager, City Development

Ward: Olympia

EXECUTIVE SUMMARY

Banyule Council is undertaking a redevelopment project to deliver a new Community Hub, relocated Community Garden and an integrated housing redevelopment, which includes both market and social housing. The location encompasses part of the former Banksia La Trobe Secondary College site, the existing Bellfield Community centre and community garden, and other properties fronting Oriel Road. The redevelopment of the site is known as the *Bellfield Project*.

As detailed in the 16 March 2020 Council report, an Expression of Interest (Eoi) to find a social housing provider was issued on 28 February 2020. The Eoi was sent to all 37 registered housing associations and providers registered under Victoria's regulatory system which is overseen by the State appointee, the Housing Registrar.

Submissions were received on 3 April 2020 and assessed by the Evaluation Panel against selection criteria previously agreed by Council on 28 October 2019. A shortlist of respondents has been agreed by the Panel. A probity advisor has had overview of the process and was present at the evaluation assessment meeting.

This report provides an update on the shortlisted respondents agreed by the Panel and details for the next stage of the process to select the social housing provider for delivery of social housing on Council-owned land through the Request for Proposal (RfP) process.

The development of social housing at Bellfield provides well targeted economic stimulus, delivering both social benefits and creating jobs. This project is one that could be rolled out in a timely manner, with funding from both State and Federal Governments being likely for community housing providers in the short term.

RECOMMENDATION

That Council

1. Notes the shortlist of providers for construction of social housing at Bellfield which have been selected by the Evaluation Panel and included as confidential Attachment 1.
2. Supports the progression of the social housing project to the Request for Proposal (RfP) Phase to enable selection of a preferred provider for delivery of social housing at Bellfield.
3. Notes the framework for the Contracts (both the Agreement for Lease and Lease documents) in this report and that the draft documents will be attached

BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

to the RfP.

4. Notes the timeline to be followed for the selection of the social housing provider, with appointment to occur in August 2020 following Council approval.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

The Bellfield Project is located on land bordered by Oriel Road, Banksia Street, Perkins Avenue and the Waratah School. This land includes part of the former Banksia La Trobe Secondary College as well as Council owned land located at 96, 98, 98A and 100 Oriel Road. A map showing the total area of the Bellfield Project is included below.

The Bellfield Project consists of three distinct parcels of work which are all well underway. The three projects include:

- Sale of land to developer(s) to enable residential development for market housing;
- Delivery of social housing in partnership with a registered social housing provider; and
- Design and development of a new multi-purpose Community Hub and relocated Community Garden

The progress of these different parcels of work is shown in Attachment 2.

Land adjacent to the new Bellfield Community Hub (part of 230 Banksia Street, Bellfield) has been set aside for the delivery of *social housing* (not public housing). Social housing refers to housing owned or managed by community agencies for low to moderate income earners. Its provision involves some degree of subsidy and the agencies are regulated by the State Government.

Council has agreed that a minimum of 30 residences will be built. A long-term ground lease will be offered (at a peppercorn rent) to a social housing provider who will fund, manage the construction, secure tenants and collect the rental income.

The primary objective of this housing project is to use Council-owned land for the provision of safe, environmentally sustainable, high quality social housing to improve the well-being of local residents on low to moderate incomes and foster a sense of community and inclusiveness both within the development and the broader municipality.

The Expression of Interest issued in February 2020 was the first part of a two-phase selection process to identify organisations that will work closely with Council to deliver the Bellfield social housing project. Respondents were asked to lodge a submission detailing the development proposal, approach, capacity, experience and demonstrated leadership in the development of social housing.

BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

The submissions were received and assessed by the Evaluation Panel against Evaluation Criteria previously agreed by Council at OM 28 October 2019. The assessment process was overseen by a probity advisor and governed by the following key principles:

- Fairness and impartiality;
- Open and competitive process;
- Transparency of process;
- Security and confidentiality; and
- Identification and resolution of any conflicts of interest.

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 and an assessment completed.

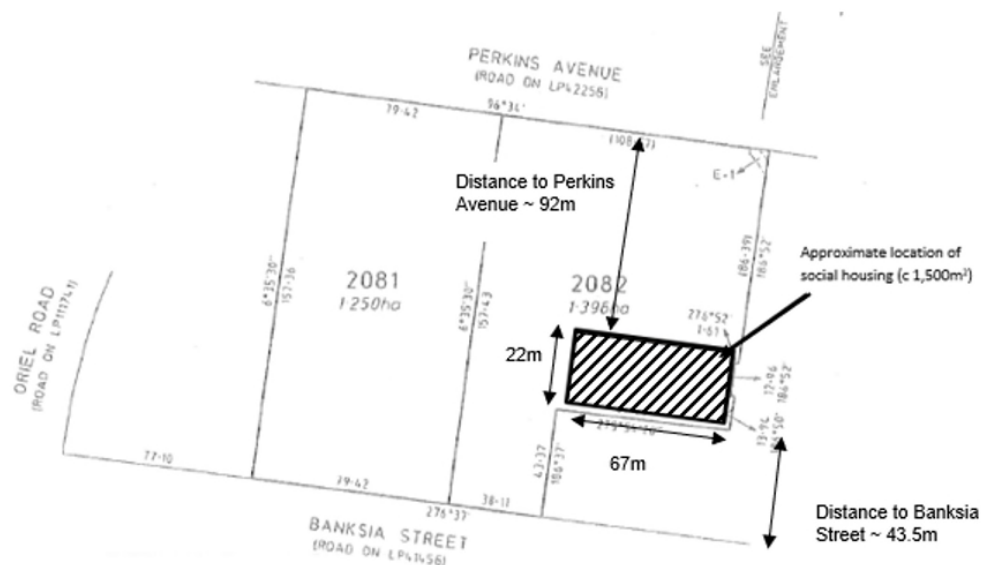
The delivery of social housing at Bellfield will provide housing for low to moderate income earners within our community and enable those individuals to have the assurance and security of having somewhere to live. Social housing will also provide the right to an adequate standard of living which enhances both the health and well-being of the prospective tenants.

Locality Plan



BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

The plan showing the overall Bellfield Project land is shown above.



The land set aside for development of social housing is approximately 1,500m² and forms part of 230 Banksia Street, Bellfield. A surveyed plan of the site will be inserted into the Lease document. The social housing development will sit alongside the new multi-purpose Community Hub and relocated Community Garden.

CURRENT SITUATION

Having completed assessment of all the EoI submissions, four of the submissions attained a score high enough for them to be shortlisted. All shortlisted respondents were interviewed by the Panel in an effort to clarify and request further information on aspects of their proposal. The Panel agreed that all four shortlisted respondents were deemed to meet criteria to enable them to progress through to the second phase, the Request for Proposal (RfP) is contingent on Council approval to progress to this next phase. The shortlisted respondents are provided as a confidential attachment to this report (Attachment 1).

A probity advisor has been appointed to oversee the EoI/RfP processes for the Bellfield project. The advisor's role is to ensure that both transparency and integrity are maintained and that probity principles are adhered to throughout all stages of the projects. The advisor was present during the assessment stage of the EoI submissions by the Evaluation Panel and has advised that all appropriate probity principles have been followed thus far.

In terms of next steps, the shortlisted respondents will be invited to submit a final proposal (via an RfP process) in response to an Agreement for Lease and Lease (the Contracts). A framework for the legal Contracts is provided below.

The RfP will be issued on or around 20 May 2020, with responses due 3 July 2020. The Evaluation Criteria already agreed by Council will be used to assess the submissions. The requirements to be provided under each criterion will be more focussed and will require significantly more detail than that requested at the EoI stage, with the ultimate objective being assurance that the preferred provider selected by the Panel has the essential competency, capacity, experience and financial means to deliver the project.

BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

The delivery partner selected by the Panel will be approved by Council and announced at the August 2020 Council meeting. Once Council agrees to award the Contracts, the final stage will be Contract negotiation and finalisation.

All the shortlisted proponents have provided details of Council's on-going involvement in the social housing development, both during the construction phase and beyond. There will be reporting obligations from the provider to Council during the construction period and a Council representative will form part of the Project Control Group managing the build. Support and guidance will also be provided by Council as part of a community consultative committee or reference group which will assist the provider in identifying and giving priority to suitable tenant groups from the local community.

It is important that the Bellfield social housing project be delivered by Council (and its preferred provider) in a timely manner as a means of responding to the COVID-19 recovery of the economy. The project will generate jobs and also assist those in need of social housing within the local community through the provision of much needed infrastructure. In addition, the timing of the project is ideal given there may be funding opportunities from both State and Federal Governments for social housing providers and important projects such as Bellfield.

CONTRACTS

There are two Contracts which will be made available to the shortlisted social housing providers in the RfP documentation – the Agreement for Lease and the Lease. A framework for both documents is shown below.

Agreement for Lease (AfL)

The AfL is subject to a number of conditions to be satisfied prior to it being considered to be in effect (i.e. the conditions precedent). These include:

- The provider must have funding
- The provider must have a planning permit
- Detailed design documents and the asset management plan must be agreed and approved

The AfL provides conditions for these requirements and dates for the milestones to be met as per the attached table.

Item	Date for completion
Delivery of Application Plans to Council for approval	2 months after date of AfL
Lodgement of Planning Application	6 months after date of AfL
Issue of Planning Permit	12 months after date of AfL
Approval of Development Design Documents	12 months after date of Planning Approval
Commencement of Lease	10 days after approval of Development Design Documents
Commencement of Building Works	6 months after date of Lease
Practical completion of Building Works	12 months after commencement of Tenant's works

BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

Lease

The ground Lease for the land commences ten days following approval of the Detailed Design Documents. The Lease is divided into a number of sections as follows:

- Construction phase – tenant's works, obligations and risks, reporting, health and safety measures, force majeure events and practical completion
- Operational phase – use of the land, repairs, refurbishment and alterations to the asset, insurance, reporting obligations, dispute resolution, council's right and obligations
- End of lease phase - tenant's obligations at end of the Lease and termination of the Lease

Attachments to the Lease include:

- A surveyed plan of the land
- Detailed design documents which have been approved
- Construction Management Plan
- Asset Management Plan
- Operating Plan

TIMELINES

Advertising of the RfP is expected to occur in late May, with an expected five week turnaround. The submissions will be assessed by the Evaluation Panel in July and a preferred provider selected. Council will then consider execution of the legal documentation at its meeting on 17 August 2020. This will be followed by Contract finalisation in late August – early September 2020 so that engagement of the social housing provider can occur prior to the commencement of the Council election 'caretaker period' on 22 September 2020.

Commencement of the construction of social housing will not be known until assessment of the RfPs have been completed and a preferred provider appointed by Council.

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

An Expression of Interest (Eoi) to find a social housing provider for development of social housing at Bellfield was issued on 28 February 2020. The Eoi was sent to all 37 registered housing associations and providers registered under Victoria's regulatory system.

A number of submissions were received and, following assessment by the Evaluation Panel, a shortlist of preferred providers was generated. Interviews were completed with the shortlisted providers and four shortlisted respondents will now be invited to participate in the Request for Proposal (RfP) phase.

BELLFIELD PROJECT UPDATE: DELIVERY OF SOCIAL HOUSING cont'd

The development of social housing at Bellfield provides well targeted economic stimulus, delivering both social benefits and creating jobs. This project is one that could be 'shovel ready' and rolled out in a timely manner, with funding from both State and Federal Governments being imminent for such projects.

It is considered that Council should agree to proceed to the RfP phase for the shortlisted respondents, with the view of appointing a preferred provider by August 2020.

ATTACHMENTS

No.	Title	Page
1	Social Housing Shortlisted Respondents for EoI - CONFIDENTIAL	
2	Bellfield project tracking map	

5.3 CHANGES TO PLANNING REQUIREMENTS FOR NON GOVERNMENT SCHOOLS

Author: Joel Elbourne - Manager Planning & Building, City Development

EXECUTIVE SUMMARY

Currently, non-government schools located in Banyule are located in Residential zones and need planning permission from Council to use of the land for education and for buildings and works. Planning permits will often consider a student capacity and staff numbers are also conditions of planning permits based on the number of car spaces available on campus.

Reforms are now proposed by the State Government which seek to implement a fast-track assessment process for all non-government schools and broaden the Minister for Planning's role as Responsible Authority for new schools and significant expansions to existing schools.

While balancing the needs of Victoria's growing student population, the proposed provisions will diminish notification and review rights currently available to residents.

The changes also set out that the Minister for Planning will be the Responsible Authority for projects at existing schools with an estimated cost of \$4 million or greater. Council's role in this scenario would be limited to providing referral comments only.

The Department of Environment, Land, Water & Planning is seeking Council's views on the proposed changes by 22 May 2020. It is considered that a submission should be made raising concern in relation to changes to third party rights and also seek clarification on other aspects of the changes.

RECOMMENDATION

That Council make a submission to Department of Environment, Land, Water & Planning raising in relation to the proposed permanent planning scheme provisions for non-government schools which:

1. Outlines concern in relation to the:
 - a) diminishing of the rights of residents to be involved in some planning permit applications.
 - b) diminishing of the rights of residents to seek a review of a decision by Council or the Minister for Planning.
 - c) absence of a trial period.
2. Seeks clarification in relation to the intended operation of the provisions with respect to:
 - a) Development Plan Overlays and existing Development Plans.
 - b) Changes sought to existing permits where staff or student numbers are proposed to be increased or a reduction is sought to the car parking rates set out in the Planning Scheme.
 - c) A use application where there is a low or no cost of works.

CHANGES TO PLANNING REQUIREMENTS FOR NON GOVERNMENT SCHOOLS cont'd

- | |
|--|
| <p>3. Seeks clarification in relation to the consideration of community views by the Department of Environment, Land, Water & Planning</p> |
|--|

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

Non-government schools located in Banyule are located in Residential zones and need planning permissions to enable the use of the land for education and for buildings and works. Planning permits will often consider a student capacity and staff numbers are also conditions of planning permits based on the number of car spaces available on campus.

School campuses are large and it is accepted that their facilities are different in height, scale and mass to residential dwellings. It is also accepted that their location in residential areas is appropriate however, their expansion can impact on sensitive neighbourhood character, interfacing dwellings, substantial trees and the local road network.

In December 2019, interim planning provisions were introduced by the State Government to streamline planning permit applications for non-government schools funded under the Victorian Government Non-Government Schools Capital Fund. It was understood that schools linked to this funding were new schools sought to be established in growth areas and the changes were of no consequence to Banyule.

Further reforms are now proposed which seek to implement a fast-track assessment process for all non-government schools and broaden the Minister for Planning's role as Responsible Authority for new schools and significant expansions to existing schools. Draft planning provisions have been prepared to replace the interim planning provisions. Once implemented, the draft provisions will operate on a permanent basis.

LEGAL CONSIDERATION

The proposed changes will mean that Council is not the Responsible Authority for decision making for certain planning proposals by non-government schools. In these cases, Council will be given an opportunity to make comment or objection as a recommending authority. Council will not be the determining authority.

The proposed changes will remove third party review rights of residents in relation to the planning permit process for non-government schools.

Similarly, Council could not seek a review of a decision where the Minister for Planning is the Responsible Authority for applications over certain threshold.

CHANGES TO PLANNING REQUIREMENTS FOR NON GOVERNMENT SCHOOLS cont'd

HUMAN RIGHTS CHARTER

While balancing the needs of Victoria's growing student population, the proposed provisions will diminish notification and review rights currently available to residents.

For many years, Victoria has had a planning system which encourages third party participation.

TECHNICAL CONSIDERATION

Table 1 below sets out the proposed provisions which would apply to all non-government primary and secondary school applications.

	Proposed permanent provisions
<i>Planning Policy Framework</i>	Additional policy statements to explicitly support the establishment and expansion of primary and secondary schools, and to recognise that these facilities have a different built form (height, scale and mass) to dwellings.
<i>Application</i>	Fast-track process applies to all non-government primary and secondary school applications.
<i>Responsible authority</i>	Minister for Planning Responsible Authority for new primary schools, new secondary schools, and all projects at existing schools with an estimated cost of \$4 million or greater. Applications are to be referred to relevant council as a recommending referral authority. Relevant council for all other applications.
<i>Permit assessment process</i>	Building or works associated with a primary school or secondary school in a residential zone up to \$500,000 – subject to the VicSmart permit process (10 days). All other applications – the standard permit process (60 days)
<i>Notice and review rights</i>	No notice and review rights for VicSmart applications. Notice but no review rights for all other non-government school applications.

Table 1: Proposed provisions

CHANGES TO PLANNING REQUIREMENTS FOR NON GOVERNMENT SCHOOLS cont'd

The key implications for Council and residents where non government schools seek to expand or carry out additions depend on the cost of the proposed additions:

1. For new schools or for projects \$4 million in cost or greater:
 - The Minister for Planning will be the Responsible Authority and the standard '60 statutory day' process will apply to the Minister.
 - Residents will receive public notice and can lodge objections.
 - Council will be invited to make comment or objection in relation to the proposal.
 - Neither Council nor residents could seek a review of the decision of the Minister at the Victorian Civil and Administrative Tribunal.

2. For buildings and works that cost between \$500,000 and \$4 million:
 - Council would continue to be the Responsible Authority and the standard '60 statutory day' process would apply.
 - Residents will receive public notice and can lodge objections.
 - Residents could not seek a review of a decision of Council at the Victorian Civil and Administrative Tribunal.

3. For buildings and works that cost up to \$500,000:
 - The application must be considered by Council, as the Responsible Authority as a VicSmart application.
 - The application cannot be placed on public notification.
 - Council could not consider an objection by any resident.
 - Residents could not seek a review of a decision of Council at the Victorian Civil and Administrative Tribunal.

Public notification

Currently, any proposal by a school is be placed on public notification if it is considered that there is a potential for material detriment to any person. The proposed provisions will not allow community input or objection in relation to proposal which meets the category 1 or 3 criteria above.

An exception to this is where a Development Plan Overlay has been applied to the school land which sets out that a Development Plan must be prepared to the satisfaction of the Responsible Authority. Buildings and works in accordance with the Development Plan cannot be placed on public notification. The operating principle in this scenario is that the community is involved in the development of and approval of the Development Plan. It is unclear if the proposed provisions seek to change the role of the Responsible Authority in this regard.

Review rights

Currently, a resident would be able to seek a review of Council's decision in most scenarios. Under the proposed changes, residents will not be able to seek a review of any category of additions listed above.

Furthermore, Council could not seek a review of a decision made by the Minister in category 1.

CHANGES TO PLANNING REQUIREMENTS FOR NON GOVERNMENT SCHOOLS cont'd

Other considerations

As is often the case with new Planning Scheme provisions, the supporting information provided by the Department of Environment, Land, Water & Planning is in the context of new permit applications. It is unclear as to whether there are policy implications for formal Section 72 Amendments to existing permits and secondary consents.

Clarification should also be sought in relation to how the changes would relate to:

- A use application where there is a low or no cost of works such as enabling a place of assembly on a campus not ancillary to the use of the land as a school.
- A change to a permit condition in relation to student or staff numbers where there is low or no cost of works.
- The role of Council when a school is subject to a Development Plan Overlay in relation to approval of the plan and amendments to approved Development Plans.

It is also suggested that the trial period afforded to less sensitive growth areas should now apply in the context of the broader application of provisions in more sensitive infill areas with established neighbourhood character.

There is no indication that Department of Environment, Land, Water & Planning will seek the views of the broader community in its consideration of these changes.

TIMELINES

The Department of Environment, Land, Water & Planning has sought Council's views on the proposed changes by 8 May 2020 which was later extended to 22 May 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

Non-government schools in Banyule are often located in established residential areas and their expansion can impact on sensitive neighbourhood character, interfacing dwellings, substantial trees and the local road network. The removal of some notification and all review rights of residents is not considered to be appropriate on this basis which is not in keeping with the thrust of Victoria's planning system which, for many years, has encouraged third party involvement.

ATTACHMENTS

Nil

7.1 MEETING PROCEDURES CODE (2015) - AMENDMENT

Author: Vivien Ferlaino - Governance Co-ordinator, Corporate Services

EXECUTIVE SUMMARY

Council's Meeting Procedure Code (Code) governs the conduct of Council meetings including the rules of behaviour for those participating in or present at Council Meetings. The Code is incorporated in Banyule City Council Governance Local Law No.2 (2015).

The Governance Local Law and Meeting Procedures Code were made in April 2015.

The new *Local Government Act 2020* (LGA 2020) is now law and will be implemented in four stages. Stage one provisions came into effect on 6 April, the second stage which impacts Council's Meeting Procedures Code comes into effect on the 1 May.

The provision allowing for the calling of Special Council meetings in the *Local Government Act 1989* will be repealed on 1 May 2020 and is not covered in the new 2020 Act.

As part of the new Act, Council will be required to make Governance Rules, these rules are due by 1 September 2020. The Governance Rules will cover many elements of council meeting requirements.

In the interim to ensure Council has the ability to call Special Council Meetings, should they be required, the Meeting Procedure Code needs to be amended to include the provision for Special Council meetings.

This report outlines the proposed amendment and recommends adoption of the revised Code.

RECOMMENDATION

That

1. Council adopts the reviewed Banyule Meeting Procedures Code which has been amended to allow for the calling of Special Council Meetings: and
2. A notice be published in the Victorian Government Gazette advising of the amendments to Council's Meeting Procedures Code, which is incorporated in Banyule City Council Governance Local Law No.2 (2015).

MEETING PROCEDURES CODE (2015) - AMENDMENT cont'd

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

One of the provisions in the *Local Government Act 1989* was repealed on 1 May is section 84 which provides for Special Council Meetings and the process by which they may be called. The new 2020 Act does not provide for Special meetings.

The new Act is described as an enabling Act based on a set of key principles, which means many of the prescriptive details of the previous Act are no longer covered.

These provisions are instead meant to be included in Governance Rules which councils need to have in place by the 1 September 2020. The Governance Rules, amongst many other policies, will be developed by co-design with the State Government (Local Government Victoria) and the local government sector. Once drafted the Council's Governance Rules must undergo an extensive community engagement process prior to adoption.

Council's current Meeting Procedures Code (2015) and Governance Local Law are still valid until such time the Governance Rules are made.

The Meeting Procedures Code requires an amendment to include provisions for the calling of special meetings. The amendment is based on section 84 of the *Local Government Act 1989*:

16. Special Council Meetings
 - (1) A Council may by a resolution call a special meeting of the Council. The resolution must specify the date and time of the special meeting and the business to be transacted.
 - (2) The Mayor or at least 3 Councillors may call a Special meeting of Council. The calling of the Special meeting must be in writing and specify the date and time of the special meeting and the business to be transacted.
 - (3) The Chief Executive Officer must call the special meeting as specified in the notice or resolution.
 - (4) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.

MEETING PROCEDURES CODE (2015) - AMENDMENT cont'd

LEGAL CONSIDERATION

The new LGA 2020 received royal assent on 24 March 2020. The new Act has been developed over a four-year period. Many provisions of the 1989 Act are still operational.

The *Local Government Act 2020* will be proclaimed in 4 stages:

- Stage 1 – 6 April 2020
- Stage 2 – 1 May 2020
- Stage 3 – 24 Oct 2020
- Stage 4 – 1 July 2021

Stage 2 Includes a number of key requirements due by 1 September 2020. To allow councils to comply with the requirements by 1 September 2020 time frame, there is a grace period of 4 months.

More information on the implementation of the new Act can be found:

<https://www.localgovernment.vic.gov.au/our-programs/council-implementation-timeline>

The proposed amendment to Banyule's Meeting Procedure Code (which is an incorporated document in Banyule City Council Governance Local Law 2015) is able to be made by Council resolution and is required to be advertised in the Victorian Government Gazette.

Section 112(2) of the *Local Government Act 1989* provides that if Council amends any matter in a document or code incorporated in a Local Law, Council must first publish a notice in the Government Gazette advising of the amendment. The amendment does not take effect until the notice has been published.

HUMAN RIGHTS CHARTER

The Banyule City Council Governance Local Law No. 2 (2015) and incorporated Meeting Procedure Code were originally assessed against the Human Rights Charter. The assessment indicated that five rights were impacted or affected.

- Right to recognition and equality before the law
- Right to privacy and reputation
- Right to freedom of expression
- Right to take part in public life
- Right to a fair hearing

The proposed changes to the Code do not further impact the rights.

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.

MEETING PROCEDURES CODE (2015) - AMENDMENT cont'd

CONCLUSION

An amendment to Banyule's Meeting Procedures Code is required to incorporate provisions from the former *Local Government Act 1989* on Special Meetings that were repealed on the 1 May 2020.

For the changes to the Code to be effective a notice is required in the Government Gazette.

ATTACHMENTS

No.	Title	Page
1	Meeting Procedures Code (2015)	

7.2 COUNCIL'S POWERS OF DELEGATION - LOCAL GOVERNMENT ACT 2020

Author: Emily Outlaw - Council Business Team Leader, Corporate Services

EXECUTIVE SUMMARY

The new *Local Government Act 2020* (the 2020 Act) is now law and will be implemented in four stages. Stage one provisions came into effect on 6 April, the second stage which impacts Council's Powers of Delegation came into effect on the 1 May.

Section 11(1)(b) of the 2020 Act provides for Council to delegate its powers, duties and functions to the Chief Executive Officer (CEO) or a Delegated Committee; and no longer provides for Council to delegate directly to members of Council staff.

The *Local Government Act 1989* (the 1989 Act) allowed Councils to delegate to Council staff certain powers by instrument of delegation. Under the 2020 Act this will occur by sub-delegation from the CEO under section 47(1).

There are numerous statutes which confer a responsibility on councils to take action or determine matters, it is not practical for the Council or the CEO alone to exercise the many statutory powers bestowed on Council.

A delegation of a council power enables a member of Council staff to act on behalf of Council and allows for the effective day to day functioning of Council. A delegated decision, once made, is for all legal purposes a decision of the Council.

The CEO Instrument of Delegation has been updated in-line with the changes to the 2020 Act.

All existing Council to Members of Staff Delegations remain in force until 1 September 2020 unless revoked sooner.

RECOMMENDATION

In the exercise of the powers conferred by section 11(1)(b) of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation for the Chief Executive Officer, Council resolves that-

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.

COUNCIL'S POWERS OF DELEGATION - LOCAL GOVERNMENT ACT 2020 cont'd

4. The powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

In accordance with section 11(1) of the *Local Government Act 2020*, a Council may by instrument of delegation, delegate to a Delegated Committee or the Chief Executive Officer any power of a Council under the Act or any other Act other than—

- (a) the power of delegation;
- (b) the power to elect a Mayor or Deputy Mayor;
- (c) the power to grant a reasonable request for leave under section 35;
- (d) the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- (f) the power to approve or amend the Council Plan;
- (g) the power to adopt or amend any policy that the Council is required to adopt under the Act;
- (h) the power to adopt or amend the Governance Rules;
- (i) the power to appoint the chair or the members to a delegated committee;
- (j) the power to make, amend or revoke a local law;
- (k) the power to approve the budget or revised budget;
- (l) the power to borrow money;
- (m) subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;

The above exclusions do not include the new provisions of adopting a Community Vision, Financial Plan, Asset Plan or Revenue and Rating Plan, which means that Council's CEO could approve or adopt these plans under their Delegation from Council. It is recommended that these additional Plans be included on the Conditions and Limitations of the Delegation, requiring a Council resolution for their approval or adoption.

Council subscribes to a delegation package by Maddocks Solicitors. An update is received twice a year and includes advice and changes to legislation.

The Council delegations were last reviewed in May 2019.

LEGAL CONSIDERATION

It is not practical for Council and the CEO alone to exercise the many statutory powers bestowed on the Council. There are numerous statutes, over 80 in Victoria alone, which confer a responsibility on councils to take action or determine matters.

COUNCIL'S POWERS OF DELEGATION - LOCAL GOVERNMENT ACT 2020 cont'd

Council is not a natural person and therefore, on a practical level, must undertake its responsibilities through others, usually through Council officers.

Section 11(1)(b) of the 2020 Act provides for Council to delegate its powers, duties and functions to the CEO. The CEO sub-delegates to enable a member of Council staff to act on behalf of Council and allows for the effective day to day functioning of Council. The Act states which powers cannot be delegated to the CEO as provide in the background.

It is important to note that a delegation is not:

- The performance of an administrative task; example – a function under a position description;
- An action of an authorised officer under section 224 of the 1989* Act; example – prosecuting an offender; or
- Decision making under a statutory appointment; example – making a decision as an appointed officer under the Freedom of Information Act 1982.

*As the new 2020 Act will come into operation in stages, there are many aspects of the 1989 Act that are still applicable and will be quoted.

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

The new *Local Government Act 2020* (the 2020 Act) is now law and will be implemented in four stages. Stage one provisions came into effect on 6 April, the second stage which impacts Council's powers of delegation came into effect on the 1 May.

The changes to the Act remove the existing provisions for Councils to delegate powers to members of staff, other than the Chief Executive Officer, requiring Council's existing CEO Instrument of Delegation to be updated to be in line with the 2020 Act.

Previously resolved Instruments of Delegation from Council to members of Council staff will remain in force until 1 September 2020, unless revoked sooner.

The 2020 Act allows Council to delegate its power to the Chief Executive Officer to appoint an Acting Chief Executive Officer for a period of no longer than 28 days. Should the period exceed 28 days, a resolution of Council is required.

**COUNCIL'S POWERS OF DELEGATION - LOCAL GOVERNMENT ACT 2020
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.

CONCLUSION

To ensure that Council's delegations are valid and abide by current legislation, it is proposed that Council endorse the updated CEO Instrument of Delegation which incorporates all relevant changes resulting from the *Local Government Act 2020*.

ATTACHMENTS

No.	Title	Page
1	CEO Instrument of Delegation	

7.3 **AUDIT & RISK ADVISORY COMMITTEE MINUTES - 13 MARCH 2020**

Author: Paul Wilson - Audit Support Officer, Corporate Services

EXECUTIVE SUMMARY

The Audit & Risk Advisory Committee is an Advisory Committee and its role is determined by the *Local Government Act 1989*. The responsibilities and terms of reference of the Audit & Risk Advisory Committee are defined in the Committee's Charter.

With the introduction of the new *Local Government Act 2020 (Act)* new provisions have been legislated for Audit & Risk Committees which take effect on 1 September 2020. These changes include the requirement for a new committee charter, and changes to the membership compilation of these committees. The changes will be reported to Council later in the year.

The Minutes of the meeting of the Audit & Risk Advisory Committee are required to be reported to a Council Meeting.

Consequently, the Minutes of the meeting held on the 13 March 2020 are being circulated for noting by Council, though they are subject to confirmation by the Audit & Risk Advisory Committee at its meeting being held in 19 June 2020.

RECOMMENDATION

That Council note the Minutes of the Audit & Risk Advisory Committee meeting held on the 13 March 2020.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Advisory Committee to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting
- Effective management of Council's strategic risks and protection and control of Council assets
- Monitoring of Council's Business Continuity Plans and processes
- The efficiency and effectiveness of significant Council programmes
- Compliance with laws and regulations as well as use of Best Practice Guidelines
- The effectiveness of the audit functions.

AUDIT & RISK ADVISORY COMMITTEE MINUTES - 13 MARCH 2020 cont'd

LEGAL CONSIDERATION

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

HUMAN RIGHTS CHARTER

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (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

That Council note the Minutes, which are subject to confirmation, of the Audit & Risk Advisory Committee meeting which was held on the 13 March 2020.

ATTACHMENTS

No.	Title	Page
1	Audit & Risk Advisory Committee - Minutes 13 March 2020	

7.4 CONTRACT NO 1038-2020 KALPARRIN EARLY CHILDHOOD INTERVENTION CENTRE REDEVELOPMENT

Author: Albert Aboud - Construction Engineer, Assets & City Services

Ward: Bakewell

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 1038-2020 for Kalparrin Early Childhood Intervention Centre redevelopment, the project is located at 1 Kalparrin Avenue, Greensborough”.

Public tenders were advertised for Kalparrin Early Childhood Intervention Centre redevelopment, Greensborough in The Age newspaper on Saturday, 15 February 2020, as well as on the Banyule website.

Tender applications closed on 18th March 2020, and submissions were received from ten (10) contractors, one (1) contractor has been select to deliver the services to Council under this contract.

RECOMMENDATION

That:

1. Contract No. 1038 - 2020 for Kalparrin Early Childhood Intervention Centre redevelopment, 1 Kalparrin Avenue, Greensborough be awarded to Alchemy Construct Pty Ltd for a lump sum of \$676,023.00 (excluding GST).
2. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

COUNCIL PLAN

This report is in line with Banyule’s Council Plan key direction to *“plan and manage the systems and assets that support Council’s service delivery”*.

BACKGROUND

In 2018, the Council processed a tender for Kalparrin Early Childhood Intervention Centre redevelopment. The contract was withdrawn due to a change in management at the Kalparrin early childhood centre and the design did not match with the vision and direction of the service. Subsequently Council abandoned the current design proposal and commenced consultation to implement a new design that met the new criteria for the centre.

CONTRACT NO 1038-2020 KALPARRIN EARLY CHILDHOOD INTERVENTION CENTRE REDEVELOPMENT cont'd

DCS Design was engaged by the Council to develop a new master plan for the centre with three redevelopment stages to suit the centre's working & budget requirements. The centre management has approved the preliminary design for stage one & requested the architect to proceed with detailed design & tender documentations.

The project will consist of the redevelopment of the existing facility, including all associated services. The work is incorporated in the plans and specifications which includes but is not limited to the following:

- Demolition works for some partitions, windows, doors & external walls as shown in the architectural & structural drawings.
- Building an additional new main entrance, therapy rooms, hall, rotating the stair to the storeroom in level 1, adding new air conditions for the existing rooms, & kitchenette in the hall.
- Removal of the asbestos as shown in the asbestos report.
- Install soundproof insulations in all plasterboard partitions in between all therapy rooms.
- Refurbishing of two unisex toilets.

The new master plan & concept design phase was completed in July 2019, subsequently the detailed design for stage one was completed in January 2020.

Public tenderers were invited for Kalparrin Early Childhood Intervention Centre redevelopment, Greensborough, in The Age newspaper on Saturday, 15th February 2020 along with the Banyule website. Tenders closed on 18th March 2020.

Tender applications closed on 18th March 2020, and submissions were received from ten (10) contractors, one (1) contractor has been selected to deliver the services to Council under this contract.

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*.

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

CONTRACT NO 1038-2020 KALPARRIN EARLY CHILDHOOD INTERVENTION CENTRE REDEVELOPMENT cont'd

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 Victorian 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:

- Tendered price;
- Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's;
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable)
- Existing accredited management system and procedure covering Quality and OH&S;
- Sustainable Procurement Questionnaire;
- Any other factor considered relevant by Council.

CONTRACT NO 1038-2020 KALPARRIN EARLY CHILDHOOD INTERVENTION CENTRE REDEVELOPMENT cont'd

Tender Evaluation Criteria

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.

In order to save time, TEP decided to score and evaluate only the lowest priced five tenderers. If no preferred tenderers could be selected from this group the TEP could revisit the remaining tenderers for further evaluation.

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:

Contractor	Weighted Score out of 100
Alchemy Construct Pty Ltd	80.52
Tenderer B	72.03
Tenderer C	72.00
Tenderer D	68.41
Tenderer E	56.46

TEP shortlisted two contractors, who achieved high scores during the evaluations. Shortlisted contractors were requested to provide further information. After receiving the clarification, an interview was organised with the highest scored tender to discuss their proposed project team, current workloads, tender exclusions, and other conditions stated in their tender submissions.

It is evident from the above-weighted scores that Alchemy Construct Pty Ltd obtained the highest score and will deliver the best value for money to the council.

Alchemy has recently completed the redevelopment for Banyule Flats Pavilion. The project was completed on time & with good quality work.

FUNDING IMPLICATIONS

Funds for the work to be undertaken under this contract are provided from Council, State Government and Kalparrin Early Intervention Centre.

TIMELINES

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

CONTRACT NO 1038-2020 KALPARRIN EARLY CHILDHOOD INTERVENTION CENTRE REDEVELOPMENT 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.

CONCLUSION

Based on the tender evaluation, the Tender Evaluation Panel recommends that the Council awards Contract No 1038-2020 to Alchemy Construct Pty Ltd for Kalparrin Early Childhood Intervention Centre redevelopment, Greensborough for the lump sum price of \$676,023.00 (excluding GST) who achieved a score of 80.52 and will deliver the best benefit and value for money for Council.

ATTACHMENTS

No.	Title	Page
1	1038-2020 Tender Analysis - CONFIDENTIAL	

7.5 CONTRACT NO 1031-2020 ASPHALT RE-SURFACING PROGRAMME

Author: Alex Giammona - Civil Construction Supervisor, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1031-2020 Asphalt Re-Surfacing Programme 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 contractor for asphalt re-sheets, major patching of road pavements and large bitumen projects such as roundabouts, car parks and right of ways.

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

- Council's proposed 2020 to 2024 residential street program for re-sheets, rehabilitations and Roads to Recovery works (Schedule of Rates)
- Asphaltting and roto milling works at single locations such as roundabouts, car parks and right of ways throughout the Municipality (Schedule of Rates).

Tenders were received from nine (9) companies and one (1) company has been chosen to deliver the services to Council under this contract.

RECOMMENDATION

That:

1. The Contract 1031-2020 Asphalt Re-surfacing programme, 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 Asphaltech based on their submitted schedule of rates
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.

CONTRACT NO 1031-2020 ASPHALT RE-SURFACING PROGRAMME 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 1031-2020 Asphalt Re-Surfacing Programme 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 Asphalt Re-surfacing programme 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, but are not limited to, the following:

- Council's proposed 2020 to 2024 residential street program for re-sheets, rehabilitations and Roads to Recovery works (Schedule of Rates)
- Asphaltting and roto milling works at single locations such as roundabouts, car parks and right of ways throughout the Municipality (Schedule of Rates).
- Supply of hot asphalt ex bin (Schedule of Rates).
- Supply and associated laying works for hot & light mixed asphalt – quantities over 100 tonnes (Schedule of Rates).
- Asphaltting works at single locations, < 50 tonnes and 50 -100 tonnes (Schedule of Rates)
- Asphalt patching (Schedule of Rates).
- Traffic Management (Schedule of Rates).

Fifteen (15) companies downloaded the tender document from Council's website and nine (9) 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.

CONTRACT NO 1031-2020 ASPHALT RE-SURFACING PROGRAMME cont'd

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.

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 and CV's
- Recycled material content
- Existence of a management system and procedures; covering quality and OH&S
- Sustainable Procurement Questionnaire

CONTRACT NO 1031-2020 ASPHALT RE-SURFACING PROGRAMME 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.

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
Asphaltech	84.00
Tenderer B	79.95
Tenderer C	77.03
Tenderer D	75.84
Tenderer E	74.85
Tenderer F	74.16
Tenderer G	73.10
Tenderer H	67.35
Tenderer I	Not Scored

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

Asphaltech are the lowest priced and highest scoring capable tenderer and as such were recommended as the preferred contractor for this contract.

A post tender interview was held on Thursday 2 April 2020 with Asphaltech where further clarifications were sought and received to the satisfaction of the tender evaluation team.

An independent financial assessment of Asphaltech was conducted by Corporate Scorecard which delivered a "Strong" rating.

FUNDING IMPLICATIONS

The estimated value of the work over the four-year period 2020/21 to 2023/24 is approximately \$4M which will be funded from Councils approved annual Capital Works budget.

CONTRACT NO 1031-2020 ASPHALT RE-SURFACING PROGRAMME cont'd

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.

Asphaltech provided an extensive list of recycled products that were well priced.

During the interview process Asphaltech indicated that they would assess each project and make a recommendation as to which product is appropriate, either standard asphalt product or recycled product.

The intention is to use a recycled asphalt product where ever it is applicable.

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 1031-2020 Asphalt Re-Surfacing Program 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 Asphaltech, who achieved a score of 84 and were the lowest priced suppliers for individual services, will deliver the best benefit and value for money for Council.

ATTACHMENTS

No.	Title	Page
1	1031-2020 Tender Evaluation Sheet - CONFIDENTIAL	

7.6 ASSEMBLY OF COUNCILLORS

Author: Mary-Jane Borg - Governance Administrative Support Officer, Corporate Services

EXECUTIVE SUMMARY

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.

RECORD OF ASSEMBLIES

1	<p>Date of Assembly: 27 April 2020, 6.33pm</p> <p>Type of Meeting: Councillor Briefing</p>
<p>Matters Considered:</p> <p>Items on the Council Agenda for the Ordinary Meeting of 27 April 2020 (excluding confidential items) as listed below:</p> <p>3.1 Maternal and Child Health – Sleep Settling Initiative</p> <p>5.1 59 Kelvin Avenue, Montmorency – Development of Three Dwellings (P1002/2019)</p> <p>5.2 New Telstra Payphones and Electronic Signage – Various Locations</p> <p>5.3 Amendment C124 Part 1 – Public Open Space Zoning Corrections</p> <p>5.4 Bellfield Planning Scheme Amendment C153 – Panel Report and Adoption of Amendment</p> <p>7.1 Bellfield – Decision following Notice of Intention to Sell Land for Residential Development and Notice of Intention to Lease Land for Social Housing</p>	
<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Philips</p>	

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> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Emily Outlaw – <i>Council Business Team Leader</i>	
Others Present: Nil	
Conflict of Interest:	Nil

2	Date of Assembly:	4 May 2020, 6.37pm
	Type of Meeting:	Councillor Briefing
	Matters Considered: Items on the Council Agenda for the Special Meeting of 4 May 2020 (excluding confidential items) as listed below: 6.1 Council Plan 2017-2021 (Year 4) – For Public Exhibition 6.2 Proposed Budget 2020/2021 – For Public Exhibition	
	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> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Emily Outlaw – <i>Council Business Team Leader</i>	
	Others Present: Nil	
Conflict of Interest:	Nil	

ASSEMBLY OF COUNCILLORS cont'd

RECOMMENDATION

That the Assembly of Councillors report be received.

ATTACHMENTS

Nil

8.1 SEALING OF DOCUMENTS

Author: Amanda Allen - Property Coordinator, City Development

Ward: Bakewell

RECOMMENDATION

That the Common Seal of the Banyule City Council be affixed to:

1. Deed of Consent to Sublease between Banyule City Council, Australian Unity Investment Management Administration Pty Ltd and Idameneo.
2. The Deed of Renewal of Lease between Banyule City Council and Visy Paper Pty Ltd for the renewal of the lease for the Materials Recovery Facility located on part of the Council owned land known as 325 Waterdale Road, Ivanhoe for the term of three years commencing on 1 July 2020 and ending 30 June 2023.

The following documents require the affixing of the Common Seal of Council:

- | | |
|---------------------------|--|
| 1 PARTY/PARTIES: | Banyule City Council, Australian Unity Investment Management Administration Pty Ltd and Idameneo |
| OFFICER: | Amanda Allen |
| FILE NUMBER: | F2013/1447 |
| DOCUMENT: | Sublease |
| ADDRESS: | Part 7 Flintoff Street, Greensborough |
| WARD: | Bakewell |
| BRIEF EXPLANATION: | Council is the owner of the land and improvements at 7 Flintoff Street, Greensborough. |
| | Australian Unity Investment Management Administration Pty Ltd (Australian Unity) has a 30-year lease of part of the Land (the Premises) for car parking, which commenced in 2018. |
| | Australian Unity have requested Council consent to grant a sublease of the whole of the Premises to Idameneo (Subtenant), who also operate the Medical Centre at 9-13 Flintoff Street Greensborough. There is no monetary consideration for the sublease, nor the requirement for statutory advertising. |
| | Hunt and Hunt Lawyers have reviewed the document, which mirrors the head lease agreement and it is considered that the document is in order. |
| | It is proposed that Council approves the Sublease agreement and resolves to affix its Common Seal to the Deed. |
| 2 PARTY/PARTIES: | Banyule City Council and Visy Paper Pty Ltd |
| OFFICER: | Andrea Turville |
| FILE NUMBER: | F2013/995 |

SEALING OF DOCUMENTS cont'd

DOCUMENT:	Deed of Renewal of Lease
ADDRESS:	325 Waterdale Road, Ivanhoe
WARD:	Olympia
BRIEF EXPLANATION:	Council is the owner of the land known as 325 Waterdale Road, Ivanhoe (Land). Council leases part of the Land to Visy Paper Pty Ltd (Visy) for the operation of a Materials Recovery Facility. The current lease, which is expiring on 30 June 2020, provides for two (2) further terms of three (3) years each. Visy have exercised its option for a further term of three (3) years commencing on 1 July 2020 and ending 30 June 2023. A Deed of Renewal of Lease has been prepared to document the terms and conditions of the renewed lease. Council should formally ratify the renewed lease by resolving to affix its Common Seal to the Deed.

ATTACHMENTS

Nil

9.1 **GAMBLING HARM AND COVID-19**

Author: Cr Craig Langdon

TAKE NOTICE that it is my intention to move:

That

1. Council write to the Victorian Government to:
 - a) Ensure that any financial assistance offered to businesses with gambling interests as part of a COVID-19 recovery package, is conditional on permanently reducing gambling harm such as reducing, surrendering and extinguishing EGM entitlements/licenses. and;
 - b) Enact a moratorium on VCGLR applications on Gaming licences until the social and economic impacts of COVID-19 can be determined, or at least until outbreaks of the pandemic are over, the economy has fully recovered and employment levels are significantly reduced.
2. Council write to the Federal Government requesting that they:
 - a) Empower and sufficiently resource Australian Communications and Media Authority (ACMA) to block illegal gambling websites and promote community education around the harms and risks;
 - b) Implement a temporary moratorium, with consideration to making it permanent on online wagering advertisements given the increased vulnerability of Australians to gambling harm during this crisis and absence of professional sport leading to increasingly risky markets and;
 - c) Implement stronger safeguards to protect users of simulated gambling products such as online poker machine apps including restricting access to children, issuing consumer warnings and consider blocking such apps.
3. Council write to:
 - a) The Federal Opposition and the Local Member for Jagajaga and all State Senators seeking their support for this resolution;
 - b) The State Opposition and all State Members of Parliament who represent the City of Banyule also seeking their support for this resolution;
4. A further report be presented to Council on the response to this resolution.

Explanation

We are in unprecedented times due to COVID-19 and as a result pokies venues have closed across Australia and in Victoria in particular which has presented all governments with a once in a lifetime opportunity to monitor the effects of prohibiting the use pokies in hotels and clubs in the long term. While this closure has meant that

GAMBLING HARM AND COVID-19 cont'd

on average communities in Australia are saving \$34.2 million dollars per day from the pokies, it has given rise to other forms of gambling online.

The Alliance for Gambling Reform, of which Banyule City Council is a Leading Council partner, are calling for Councils to support their advocacy on gambling associated with COVID-19 and have outlined a number of options and opportunities as detailed in this report.

In 2019, Council adopted the Banyule City Council Gambling Policy – Gambling Reduction & Harm Minimisation 2019-2022.

This policy recognises the destructive impacts that gambling has on our community and commits to progressively reducing all forms of gambling within our city.

The advocacy issues recommended within this report are consistent with the Banyule Gambling Reduction and Harm Minimisation Policy and specifically link to Councils positions of;

- Actively work to reduce adult financial losses from gambling in Banyule
- Advocating to Government on reforms in the gambling landscape
- Partnering with local government networks, and community organisation such as the Alliance for Gambling Reform to utilise their expertise in broader advocacy issues.

CR CRAIG LANGDON
Olympia Ward

ATTACHMENTS

Nil