

Agenda



Monday, 3 February 2020

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 9 December 2019 and;
Special Meeting of Council held 16 December 2019*

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

- 2.1 11 Macorna Street Watsonia North - Objection to Proposed Development 5
- 2.2 Request for Installation of a Skate Park in Heidelberg 6

3. People – Community Strengthening and Support

Nil

4. Planet – Environmental Sustainability

Nil

5. Place – Sustainable Amenity and Built Environment

- 5.1 North East Link - Minister for Planning Assessment of Environmental Effects 7
- 5.2 240 Southern Road, HEIDELBERG WEST - Olympic Park Redevelopment (P956/2019) 24
- 5.3 17 - 19 Ester Street, GREENSBOROUGH - Additions to an Existing Preschool and Maternal and Child Health Centre (P1187/2019) 39
- 5.4 Duplex (Two Dwellings Side by Side) Development Guidelines for the Postcode 3081 Area 51
- 5.5 Development Planning Activities Report (July - December 2019) 58
- 5.6 Planning Fees & Charges 69

6. Participation – Community Involvement in Community Life

- 6.1 Advisory Committees' Report 71
- 6.2 Nominations for Casual Vacancies on Banyule Advisory Committees 75

7. Performance - Use Our Resources Wisely

- 7.1 Council Elections 2020 79
- 7.2 Report on Property Transactions for the Six Months Ending 31 December 2019 86
- 7.3 Assembly of Councillors 89

7.4	Award of Contract No 1004-2020 "Construction of Kalparrin Gardens Shared Pathway"	95
7.5	Award of Contract No 1009-2019 "Changeroom and Pavilion Upgrade at De Winton Reserve"	99
7.6	Award of Contract No NR-2019-42 "Provision of Cleaning Services - Northern Region Collaboration"	104
7.7	Award of Contract No PA 2103-0839 "Multi Function Devices (Hardware & Software) and Managed Services"	112
7.8	Award of Contract No PA 2110-0503 "Supply of Mobile Bins" ...	117
7.9	Audit & Risk Advisory Committee Minutes - 13 September 2019	122

8. Sealing of Documents

Nil

9. Notices of Motion

9.1 Review of Council Waste Services for all Rated Properties..... 125

10. General Business

Public Question Time

Closure of Meeting to the Public

That in accordance with Section 89(2) of the *Local Government Act 1989*, 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:

11. Confidential Matters

11.1 North East Link Environment Effects Statement Assessment Report - Legal Advice

Matters Discussed in Camera

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

Closure of Meeting

Audio Recording of Council Meetings

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

The next Ordinary Meeting of Council will be held on Monday, 24 February 2020.

2.1 11 MACORNA STREET WATSONIA NORTH - OBJECTION TO PROPOSED DEVELOPMENT

Author: Ellen Kavanagh - Governance Officer, Corporate Services

Ward: Grimshaw

EXECUTIVE SUMMARY

A joint objection with 55 signatures has been received regarding the proposed development at 11 Macorna Street, Watsonia North.

The joint objection states:

"I object to the proposed side-by-side development at 11 Macorna Street, Watsonia North. The proposed development is not in keeping with the neighbourhood character of Watsonia North and is inconsistent with Banyule Council's residential neighbourhood character provisions."

RECOMMENDATION

That Council

1. Receives and notes the joint objection.
2. Notes that a refusal notice for the planning application was issued on 2 January 2020.
3. Advise the primary signatory of this resolution.

ATTACHMENTS

Nil

2.2 REQUEST FOR INSTALLATION OF A SKATE PARK IN HEIDELBERG

Author: Ellen Kavanagh - Governance Officer, Corporate Services

Ward: Olympia

EXECUTIVE SUMMARY

A letter with 29 signatures has been received regarding a request for Council to install a skate park in Heidelberg.

The joint letter request is as follows:

"I am 10 years old and a student at St John's Primary School, Heidelberg and a resident of Banyule City Council. I love to scooter but most of the skate parks I go to are too far away, actually they're about 20 minutes away but I heard there was meant to be a skate park next to Possum Hollow, Is that true?"

I'm sure if you have kids you want them to be healthy, scootering is a great way to get fit and active and keeps kids off digital devices. Kids in this decade are always on their phones, ipads, ps4 and Xboxes. By putting a skate park next to Possum Hollow you will make the park appeal to all generations and bring more business to the new café there.

I have many classmates agree with me as we all always have to travel to either Northcote or West Heidelberg or Greensborough to access the skate parks.

We urge you to install a skate park in the next year as it will be used very often by me and others, to get more people in the great outdoors. Please find attached a petition signed by my grade 4M who strongly agree with me."

RECOMMENDATION

That Council

1. Receives and notes the joint letter.
2. Notes that there are no plans for a skate park at Possum Hollow at this present time, or in the future.
3. Advise the head letter writer of this resolution and thank them for sending this letter to Council.

ATTACHMENTS

Nil

5.1 NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS

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

Previous Items

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

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

Council on 26 Aug 2019 7.00pm (Item 5.1 - North East Link Update)

Council on 05 Aug 2019 7.00pm (Item 5.6 - North East Link Update)

EXECUTIVE SUMMARY

An Environment Effects Statement (EES) including both the construction and operational impacts of the North East Link project (the Project) was required under the *Environment Effects Act 1978*. A joint Inquiry and Advisory Committee (IAC) was appointed to consider the EES, along with proposed planning scheme amendment and works approval. The nine week IAC public hearing started in late July 2019.

The IAC provided a report containing its recommendations to the Minister of Planning at the end of the hearing process. The Minister subsequently released his assessment of the environmental effects of the Project early in December 2019.

The IAC report contained 29 recommendations across a range of potential social, business and environmental impacts of the Project. This included a comprehensive set of modifications to the draft planning scheme's Environmental Management Framework, Environmental Protection Requirements (EPR's) and Incorporated Document.

The Minister in his assessment supported (at least in principle) the majority of the 29 recommendations. Only five recommendations were expressly not supported and three of these are of major significance to Banyule. The Minister did not support the exclusion of Borlase Reserve as a tunnel boring machine launch site, the pursuit of an extended tunnel option, or the designation of Simpson's Barracks as a no-go zone.

On 3 January 2020 following the Ministers assessment, the associated Planning Scheme Amendment GC98 was gazetted to bring it into effect.

In a separate Federal Government process a Public Environment Report (PER) was required for the Project. Based on this report, the Federal Minister for the Environment approved the Project under the Environment Protection and Biodiversity Conservation Act on 13 December 2019.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

RECOMMENDATION

That Council:

1. Advocate with the North East Link Project bidding consortia in their design development to minimise the social, business, environmental and construction impacts to Banyule especially those at Borlase Reserve and Watsonia Village Activity Centre identified by the IAC including consideration of:
 - a. An extended tunnel design.
 - b. A reduced footprint design that improves outcomes at Watsonia.
2. Endorses the updated Banyule City Council North East Link project advocacy list (3 February 2020) and continues to advocate for the projects on the list including:
 - a. Better bus services in the northeast of Melbourne.
 - b. A Civic Drive / Greensborough Bypass intersection upgrade.
 - c. Provision of a safe shared user underpass at Banksia Street (on the Main Yarra Trail).
 - d. Better east west cycling connections especially to La Trobe NEIC (in addition to the proposed path at Drysdale Street).
 - e. An on road bicycle route on Yarra Street, Heidelberg (to connect to the bridge proposed above).
 - f. Upgrades of the Main Yarra Trail between Banksia Street and Burke Road and in the Banyule Flats.
3. Provides input and feedback into the Watsonia Urban Design Framework Plan and advocate for enhancements to Watsonia including:
 - a. Watsonia Station upgrade (including DDA compliance)
 - b. The use of Monopoles where power pylons are being replaced including relocation of existing power pylons adjacent to Watsonia Library
 - c. Development of a town square
 - d. A green bridge connection over the North East Link
4. Continues to advocate for minimisation of impacts to businesses in Watsonia including access, customer travel times to shops, parking availability, and business viability and amenity.
5. Provides input and feedback on the Borlase Reserve and Lower Plenty Road Interchange Urban Design Framework Plan including:
 - a. Reinstatement of Banyule Creek
 - b. Improved amenity outcomes for surrounding residents
6. Writes to North East Link Project requesting clarification on the proposed voluntary property acquisition scheme and the implications for residents in terms of property valuation reporting, eligibility requirements and expected implementation.
7. Provides input and feedback into the M80 Interchange Urban Design Framework Plan including advocating for:
 - a. A gateways structure for Greensborough
 - b. Reduction of through traffic for Greensborough

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

8. Provides input to the Open Space Relocation and Replacement Plan to be developed by North East Link Project for setting out temporary or permanent relocation arrangements for both active (sports) and passive (parklands).
9. Continues to advocate for the relocation of Macleod Cricket Club and Macleod Junior Football Club to Macleod College.

COUNCIL PLAN

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

BACKGROUND

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

An Environment Effects Statement (EES) looking at the construction and long term impacts of the NEL project (the Project) was required as part of the planning process under the *Environment Effects Act 1978*. This was prepared by the North East Link Project (NELP) the Project proponent and released in April 2019.

A joint Inquiry and Advisory Committee (IAC) was appointed to consider the Project EES, works approval application, draft planning scheme amendment and public submissions. The IAC held a public hearing from 25 July 2019 to 16 September 2019 and provided its report to the Victorian Minister for Planning on 22 October 2019.

Council, along with the Cities of Boroondara and Whitehorse, engaged senior legal counsel, technical consultants and expert witnesses to prepare and present a joint submission to the hearing.

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

Council resolved to consider an Urgent Business item regarding the release of the Ministers Assessment on 9 December 2019. Due to short time frames, the full review and consideration of the assessment and the IAC report was not available at that time. On 9 December 2019 it was resolved that Council:

1. *Notes the Minister for Planning Assessment Report in relation to the North East Link Project environmental effects statement (EES) and expresses its great disappointment that many of the recommendations put forward by the independent panel to significantly reduce the environmental and amenity impacts of the project have not been accepted.*
2. *Notes the report of the Inquiry and Advisory Committee (IAC) and acknowledges their recommendations, particularly in relation to the considerable benefit of a longer tunnel, not launching the tunnel boring machine at Borlase Reserve and protection of the significant environmental value of the vegetation in the Simpson Army Barracks.*

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

3. *Notes the substantial investment and resources that contributed to the EES submission and panel hearing process, including the involvement of the Banyule community submitters, which was acknowledged by the IAC in its recommendations.*
4. *Continue to advocate to relevant Ministers, Local State Members of Parliament, the North East Link Project and the bidding consortia to get the best design, maximum environmental protection and minimised impacts for the Banyule community.*
5. *Write to the Commonwealth Minister for the Environment in relation to the IAC recommendation for the designation of a “No-go zone” protecting the vegetation of national and environmental significance in the Simpson Army Barracks and seeking their intervention.*
6. *Continues to work with Boroondara, Manningham and Whitehorse Councils as required in responding to the North East Link Project.*
7. *Obtain preliminary legal advice regarding options to challenge the Planning Assessment Report.*
8. *Delegates to the Chief Executive Officer to take action they deem reasonably necessary to protect Council’s interests, with regard to:*
 - i. *The acquisition of any land or effect on assets owned by Council by the North East Link Project,*
 - ii *An action or decision of the North East Link Project that has potential to cause a significant and unreasonable impact on Council,*
 - iii *The approval of an amendment to the planning scheme which has the potential to cause a significant and unreasonable impact on the Council.*
9. *Receive a further report regarding any legal advice and action being proposed.*

This report has been prepared to provide a thorough analysis of the Ministers Assessment and recommends the next steps and funding requirements for Council’s continued advocacy to protect our natural environment, preserve our local neighbourhoods and provide better transport outcomes for our community.

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

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

LEGAL CONSIDERATION

Council resolved on 9 December 2019 to receive a further report regarding any legal action being proposed in response to the Ministers Assessment.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

This will be provided separately to this report along with any associated cost implications.

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.

DISCUSSION

The IAC provided their advice in a report to the Minister for Planning on 22 October 2019. The report contained 29 recommendations across a large range of possible social, business and environmental impacts of the Project. This included a comprehensive set of modifications to the draft planning scheme's Environmental Management Framework, Environmental Protection Requirements (EPR's) and the Incorporated Document.

The Minister subsequently released his assessment of the environmental effects of the Project on 5 December 2019 including making the IAC report public. Attachment 1 provides a complete listing of the 29 IAC recommendations with the corresponding response by the Minister.

The Minister in his assessment supported (at least in principle) the majority of the 29 recommendations. Only five recommendations were expressly not supported but three of these are of major significance to Banyule.

The Minister did not support the pursuit of an extended tunnel option (recommendation 4), the exclusion of Borlase Reserve as a tunnel boring machine launch site (recommendation 5), or the designation of Simpson's Barracks as a no-go zone (recommendation 15). It is disappointing that these recommendations had not gained the support of the Minister due to their associated impacts as outlined below.

Simpsons Barracks Environmental Impacts

The IAC recommendation to designate the Simpsons Barracks as a 'no-go zone' was made based on their extensive consideration of submissions made to the IAC hearing, including that of well-regarded independent experts. The remnant natural biodiversity at this location was thought to be of such significance that any mitigation measures that could be applied would not be sufficient to ensure its protection. These are considered more fully in the Biodiversity section of this report.

Long Tunnel towards Grimshaw Street

The IAC found that extending the bored section of the tunnel northwards towards Grimshaw Street would reduce ecological, social, noise, air quality, business, and landscape and visual impacts in Banyule.

The long tunnel option would reduce the barrier effect of the Project at Yallambie and Watsonia, and have the particular benefit of reducing the business impacts during construction for the Watsonia traders. The Minister's assessment outlined extra costs

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

and time needed to construct the long tunnel option are sufficient enough to dismiss its adoption. However, as the IAC have found, so many negative impacts could be reduced by its adoption. Therefore it is considered that it should remain worthy of being more fully explored.

Borlase Reserve TBM Launch Site

The likely impacts on the area of Borlase Reserve are significant due to its proposed use as a launch site of a Tunnel Boring Machine (TBM) and construction compound with associated loss of open space and amenity, and introduction of construction traffic, noise, and dust disruption over a sustained period of up to 3 years.

The longer term impacts are also significant with the installation of imposing noise walls and permanent loss of existing views and access to nearby natural parkland and Banyule Creek for surrounding residents.

OTHER IAC RECOMMENDATIONS AND MINISTERS RESPONSE

Reference Design approach

The IAC recommended (recommendation 27) that in future for major projects of this nature a more certain design be used rather than a reference design approach. It was suggested that this would greatly improve community and stakeholder certainty of impacts.

It further recommended (recommendation 28) that the use of a non-standard risk management assessment approach be avoided in future to avoid creating confusion.

The Minister did not support either of these recommendations and advised that a 'case by case' approach will be taken with future projects.

Planning Scheme Amendment and Works Approval

Recommendation 1: Encompasses the IAC's suggested modifications to the Incorporated Document, the Environment Management Framework (EMF) and the Environmental Protection Requirements (EPR's).

Recommendation 2: Facilitates the provision of replacement or enhanced community assets by including these in the Special Controls Overlay (SCO) for the Project.

Recommendation 3: The Environment Protection Authority (EPA) consider the IAC findings and recommendations in determining the Project's works approval application.

These recommendations were supported by the Minister. The suggested modifications are related to many aspects of the Project and the relevant detail will be provided as necessary in further discussion.

Note that subsequent to the Ministers assessment, on 3 January 2020 the Project's Planning Scheme Amendment (PSA) GC98 was gazetted which has:

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

- Applied a Specific Controls Overlay (SCO12) to land required in Banyule for the Project transferring authority for its use and development from Council to the Minister for Planning.
- Applied a Design and Development Overlay (DDO) to land in Banyule that could potentially affect the structural integrity of the Project infrastructure (e.g. over the tunnel). This transfers the authority for its use and development from Council to the Department of Transport.

PROJECT DESIGN AND TRANSPORT

The Minister supported the following recommendations of relevance to Banyule:

Alternative Designs

Alternate designs for the Project as exhibited at the IAC hearing are to be provided to the Project tenderers for consideration. In Banyule these include NELP's alternative designs for Watsonia and the Lower Plenty Road Interchange, and Mr. Fred Buono's SMART Taxpayers Design, and Mr. Andrew O'Brien's (O'Brien's Traffic) design.

It is note that the IAC has indicated a preference for Nell Street to remain open as is indicated in both the SMART design and the O'Brien's design. The Ministers supports this being investigated further by the tenderers.

Active Transport

Shared use path along the Project corridor is included in the core scope of the Project. This includes provision of the 'missing link' between Greensborough and Lower Plenty Road and an upgrade from Chandler Highway to Hoddle Street which Council have long advocated for.

The Minister supported, in recommendation 8, including further active transport projects. To be included they must be directly affected by the Project, within or proximate to the project boundary and managing adverse effects of the Project.

IAC and the Minister both supported NELP's submission to the hearing that the following projects in Banyule be considered for inclusion:

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

- An underpass or shared use path in the shoulder trench at Drysdale Street, Yallambie.
- A walking and cycling bridge across the Yarra River connecting Yarra Street and Banksia Park.

Council had previously advocated for these connections and their inclusion at a minimum and will continue to advocate for the inclusion of its other cycling connections advocacy projects including:

- Provision of a safe underpass at Banksia Street (on the Main Yarra Trail).
- Better east west connections especially to La Trobe NEIC (in addition to the proposed path at Drysdale Street).
- An on road bicycle route on Yarra Street, Heidelberg (to connect to the bridge proposed above).
- Upgrades of the Main Yarra Trail between Banksia Street and Burke Road and in the Banyule Flats.

Rosanna Road

Multiple submitters raised concerns at the IAC hearing about the current safety of Rosanna Road. The Minister agreed with the IAC finding that Rosanna Road will experience improved amenity and safety once the Project is operational.

Rosanna Road is currently subject to a truck ban as part of the North East Truck Curfew from 10pm to 6am for trucks in excess of 16.5 tonnes to improve amenity for local residents at night. This is not proposed to change with the Project.

A review on all truck routes on existing arterial roads between the M80 Ring Road and Eastern Freeway is supported as well as an extension of the North East Truck Curfew within Banyule to 24 hours.

The IAC found that Rosanna Road should remain a key arterial route for over-dimensional trucks and placarded vehicles due to a lack of alternatives after the Project completion.

In recommendation 9, the IAC made the following recommendations for Rosanna Road which was supported by the Minister.

- Alternative routes for spoil haulage caused by the Project construction should be considered for adoption.
- The Department of Transport (DoT) should review truck volumes once the Project is operational to ascertain if further truck curfews or safety improvements should be put in place.

A further recommendation (number 10) that DoT review all the North East Truck Curfew truck routes in the vicinity of the Project after its commissioning was also supported by the Minister. The review is intended to ascertain if a curfew extension to 24 hours is appropriate.

Public transport

There is currently a lack of public transport service in the north south corridor from Banyule to its southern neighbours. Council has been advocating with the Department of Transport for a review of bus services in the northeast for some time to improve service times and reliability.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

Public transport services and functionality were considered in detail at the IAC hearing.

Council has been advocating for the inclusion of bus services that could utilise the Project once in operation to improve connectivity to the south and east. This could potentially connect Watsonia with the NEL upgraded Eastern Freeway services and to services further south.

The IAC found that:

- The Project is likely to improve local bus services generally in addition to the improved services along the Eastern Freeway due to diversion of traffic away from surrounding routes.
- Although improvements, upgrades and additional public transport services are worthwhile they are not required to form part of this Project.

The Minister supported this finding.

There will be continued advocacy for improved bus services with the State Government.

Civic Drive Upgrade

The Minister has advised that a Civic Drive / Greensborough Bypass upgrade is not included in the Project but is expected to be undertaken in conjunction with the Project by the Department of Transport. This project is included in Council's advocacy project list, and further advocacy by Council may be needed to ensure that the project delivery timing is well understood.

BUSINESS IMPACTS

Both IAC and Council consider that the impacts to businesses in Watsonia Neighbourhood Activity Centre during construction of the Project have the potential to be significant. The decision by the Minister to not support a longer tunnel Project design makes it even more important to manage land disturbance that could have been minimised by that design option.

The Minister agreed that five to seven years of project construction could lead to business failures and possibly threaten the sustainability of the activity centre, unless appropriate measures are taken. He also commented that design will be central to achieving greater connectivity and an attractive and viable activity centre.

The IAC recommended (recommendation 20) that an Urban Design Framework Plan be prepared by NELP for Watsonia. The Minister has supported this recommendation and expects it will assist local business by outlining measures that could be facilitated by project works or in partnership with others to reduce impacts. The Minister expects that NELP and Council will work in partnership to investigate opportunities for the activity centre.

At the conclusion of the IAC hearing process, the North East Link Project (NELP) proposed a new business EPR (B1) which outlines a requirement for a Business Disruption Mitigation Plan to be prepared and implemented for any small business disrupted by the Project. This was supported by the Minister and was clearly applied to the Watsonia Neighbourhood Centre in his assessment.

This plan is to be prepared in accordance with the Victorian Small Business Engagement Guidelines (Victorian Small Business Commission) to ensure that

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

business disruption for small businesses arising from the project is mitigated to the extent practicable.

The IAC recommended strengthening an EPR (B6) which is concerned with minimising access and amenity impacts on businesses. The IAC recommended 'not allowing' rather than 'minimising' impacts, specifically to parking availability, business amenity, customer travel times to shops, and business viability. The Minister was confident that the EPR as it stands will sufficiently protect local business.

SOCIAL IMPACTS

When assessing the social impacts of the NEL Project the IAC found that some further protections were needed for the communities affected.

Residential Property Acquisition

The Project will require the acquisition of some residential property both temporarily and permanently in Banyule. The extent of acquisition required is uncertain due to the uncertain nature of the final design of the Project.

The IAC recommended (recommendation 13) that a voluntary acquisition scheme be provided for surrounding residents who find the project to cause significant disruption. The criteria for accessing such a scheme is suggested to be:

- Distance from major works.
- Likely extent and duration of proximate works.
- Predicted adverse effects on amenity.
- Presence of vulnerable occupants.

The Minister supported this and recommended inclusion of a new EPR to give effect to this recommendation with development of a set of eligibility criteria based on those suggested.

The IAC also recommended requiring properties to be acquired as early in the Project as possible to avoid further impact, and for households with special needs to be provided with a social worker or equivalent to make the transition. These recommendations along with other minor suggestions for strengthening of the EPR's were supported by the Minister.

Public Open Space Replacement

The Project will require temporary use of land for compounds to house materials, machinery, and accommodate workers facilities during its construction period. It will also permanently occupy land where the roadway and associated infrastructure are to be put in place.

The IAC found that the Project will have profound impacts on the use and enjoyment of parkland that will impact the community. It found that the impact will peak during the construction period, but persist into the operational stage. It acknowledged that the potential impact in Banyule has been substantially reduced due to the avoidance of the Banyule Flats and Warringal Parklands where the Project is in tunnel.

The land needed includes public open space that is currently used for recreation, nature access and sporting activities. Banyule residents will be impacted by the occupation of reserves and sporting grounds including Borlase Reserve in Yallambie, AK Lines Reserve in Watsonia North, Garbonia Reserve in Watsonia, and Winsor Reserve in Macleod. Binnak Pak in Watsonia North, Ford Park in Ivanhoe and

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

Greensborough College have been identified as replacement locations for sporting facilities.

The relocation of Macleod Cricket Club and Macleod Junior Football Club from Winsor Reserve is unresolved and will require further negotiations. These clubs, with Council's support, prefer a relocation to Macleod College due to its proximity to exiting club members.

As outlined previously the construction and long term occupation of Borlase Reserve in particular is of major concern to local residents.

The IAC also recommended (recommendation 2) the inclusion of land to be acquired for replacement open space purposes to be included in the Project Specific Controls Overlay boundary. This recommendation would effectively streamline the conventional permit application process and ensure that replacement land is provided before existing sites are impacted. This recommendation was supported in principle with the qualification that a separate process may be used to facilitate this land replacement.

The IAC recommended (recommendation 14) the provision of 'like-for-like' open space, parkland, reserves, sport and recreational facilities that are displaced during construction and operation. The Minister supported the recommendation and directed NELP to develop and implement an Open Space Relocation and Replacement Plan setting out temporary or permanent relocation arrangements for both active (sports) and passive (parklands).

It is noted that the Minister also directed NELP to consult with relevant stakeholders including DELWP, Parks Victoria, Melbourne Water, and Birrarung Council to develop a process for selecting and acquiring suitable land. Councils are not included.

He advised that replacement open space should:

- Exclude proposed land bridges (as potential replacement sites).
- Utilise the key landholdings in the long held Public Acquisition Overlay along the Yarra River corridor.

He also qualified his support for the recommendation as follows:

- That 'like-for-like' replacement may not be possible in all circumstances.
- It is acceptable that parkland used temporarily isn't replaced. The land used must be minimised and returned as soon as possible, and the residual parkland must be enhanced.
- In some instances, reduced access to sporting facilities is an acceptable impact of the Project.

BIODIVERSITY AND GROUNDWATER IMPACTS

At the IAC hearing the group of Councils raised concerns about the impacts to the ecological values of the waterway corridors, and the loss of amenity trees and tree canopy. For Banyule this especially concerns the potential loss of significant native vegetation in Simpsons Barracks and impacts on Banyule Creek.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

The IAC recommended modifications to 12 EPR's concerning arboriculture, flora and fauna and the addition of a further EPR. The IAC also made three recommendations including:

- designating the Simpson Barracks as a “no-go zone” (recommendation 15) due to the potential significant environmental effects and loss of vegetation
- Require a revised Native Vegetation Removal Report (recommendation 16) after open space relocation clearing needs and groundwater drawdown are better understood,
- Acquiring all offsets prior to removal of any native vegetation (recommendation 17).

The Minister did not support designating Simpsons Barracks as a “no-go zone” as discussed earlier or a proposed modification of an EPR to similarly protect trees adjacent to Macleod Station (to protect Swift Parrots).

The Minister expressed confidence that the EPR's would sufficiently protect the biodiversity involved, including the Matted Flax-lily and Studley Park Gum, with either avoidance, minimisation or translocation measures. The Minister noted that NELP's alternative design at Lower Plenty Road Interchange could allow reinstatement of Banyule Creek.

In a separate federal government process that has direct relevance for biodiversity impacts discussed here, a Public Environment Report (PER) was required for areas of the Project on commonwealth land.

It contained an assessment concentrated on potential significant fauna and flora loss at the Simpsons Barracks site. Based on this report the Federal Minister for the Environment approved the Project under the Environment Protection and Biodiversity Conservation Act on 13 December 2019. The approval contained specific conditions relating to the protection of the Matted Flax-lily, Studley Park Gum and Plains Grassy Woodland.

In regard to groundwater impacts the IAC recommended (recommendation 24) that a revised groundwater assessment be done prior to construction to reduce uncertainty regarding the effects of groundwater drawdown on Bolin Bolin Billabong and large trees within and adjacent to the Project area. This recommendation and several associated EPR modifications to EPR's was supported by the Minister.

In recommendation 16, the IAC raised concerns about unassessed biodiversity impacts arising from additional works to relocate active open space and community facilities and groundwater changes. The Minister supported its recommendation to review the Native Vegetation Removal Report after these impacts are better understood.

The Minister also supported recommendation 17 to secure all offsets prior to any clearance for the project but specified that it is acceptable for offsets to be secured in stages before any corresponding removal of native vegetation occurs.

VISUAL IMPACT, URBAN DESIGN AND LANDSCAPE

The IAC recommended (recommendation 18) narrowing the Project boundary to improve visual, landscape and urban design outcomes. This was supported in principle by the Minister but not considered essential.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

IAC also recommended (recommendation 19) the inclusion of a set of guiding principles in the Urban Design Strategy to clarify relative priorities for the Project and recommended (22) that the Urban Design Strategy should include consideration of:

- Principles of existing land use legislation and plans concerning the Yarra River.
- Acceptable urban design interfaces with schools along the Project alignment.
- Mandatorily requiring enhancement of local areas. In Banyule this is to include enhancement of biodiversity and habitat links along the Yarra River corridor.

These recommendations were supported by the Minister.

Urban design Framework Plans

The IAC found that it was challenging to evaluate the potential visual and urban design impacts due to the numerous options, layouts and designs of potential infrastructure that could meet the 'Project brief'. To improve clarity it recommended (recommendation 20) the preparation and approval of Urban Design Framework Plans in key locations. In Banyule this includes:

- M80/Greensborough Highway interchange.
- Watsonia Neighbourhood Activity Centre.
- Borlase Reserve and Lower Plenty Road Interchange.

These locations have specific requirements that will benefit from a more detailed examination of visual and urban impacts and mitigation measures.

At the M80 Interchange there is a need to minimise the project footprint which includes elevated infrastructure, and further consider how to integrate the project with its residential surrounds to minimise impacts on nearby residents.

Watsonia has been identified due to its proximity to the Project and the need for sensitive design to minimise visual and functional impacts. Council has previously prepared a Watsonia Centre Concept Plan in conjunction with NELP that was tabled at the IAC hearing. The Minister has advised that this should be used to inform the development of the Urban Design Framework Plan for Watsonia.

Borlase Reserve and the Lower Plenty Road Interchange location is particularly sensitive. Elevated structures, a ventilation structure and construction-related infrastructure (associated with a Tunnel Boring Machine launch site) are proposed for this site.

It further recommended (recommendation 21) that the Urban Design Framework Plans should involve input from expert consultants including the Urban Design Advisory Panel and Councils.

These recommendations were supported by the Minister with the following clarifications. The Urban Design Framework Plans will be integrated into a revised Urban Design Strategy and not involve public consultation.

Consultation with councils as the land managers responsible for the implementation of strategic land use plans is supported by the Minister. The Minister did not provide direction on how that consultation should occur.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

OTHER RECOMMENDATIONS

The IAC recommended (recommendation 23) the incorporation of a broad range of works as an adjunct to the Project that would result in enhanced amenity and functionality for locally affected areas, with priority given to works identified by relevant local councils and submitters. This was supported in principle by the Minister by implementing a Community Involvement Participation Plan to offset the impact of the Project.

By not supporting the designation of the Simpsons Barracks as a 'no go' zone, the Minister has necessitated considering a recommendation (25) that further consultation should be undertaken with the Commonwealth Department of Defence to identify opportunities to relocate and reinstate memorials within the Barracks grounds. The Minister has supported this.

The Minister agreed with the IAC recommendation (26) that the Proponent (NELP) should continue to assist Aboriginal parties through all stages of the Project to enable their effective participation.

The final recommendation (29) was that the Department of Transport should develop a Victorian Transport Plan as required by the Transport Integration Act 2010 to provide an effective framework for consideration of future major transport projects. The Minister expressed support for the fulfilment of this requirement.

ADVOCACY AND NEXT STEPS

The NEL Advocacy list (Attachment 2) has been updated for Council endorsement in light of the Ministers Assessment. In response, it is intended that there will be continued strong advocacy for the protection and enhancement of Banyule. This will include:

Reduced impacts

Advocate with the tender consortiums of the Project for:

- Minimisation of disruption to open space in Banyule including at Borlase Reserve
- consideration of the long tunnel option

Watsonia

Provide input and feedback into the Watsonia Urban Design Framework Plan and generally continue to advocate for enhancements to Watsonia including:

- Watsonia Station upgrade (including DDA compliance)
- The use of Monopoles where power pylons are being replaced
- Development of a town square
- A green bridge connection over the NEL
- Ensure that a Business Disruption Mitigation Plan for Watsonia is prepared and implemented as required (EPR B1).
- Continue to advocate for minimisation of impacts to businesses in Watsonia including customer travel times to shops, parking availability, and business viability and amenity (as per EPR B6).

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

Borlase Reserve and the Lower Plenty Road Interchange

- Provide input and feedback into the Borlase and Lower Plenty Road Urban Design Framework Plan including advocating for:
 - Reinstatement of Banyule Creek
 - Improved amenity outcomes for surrounding residents

Property Acquisition

- Request clarity on the proposed voluntary acquisition scheme and the implications for residents in terms of:
 - Eligibility requirements
 - Introduction timing
 - Property valuation

Open Space Relocations

- Provide input to the Open Space Relocation and Replacement Plan to be developed by NELP for setting out temporary or permanent relocation arrangements for both active (sports) and passive (parklands).
- Continue to advocate for the relocation of Macleod Cricket Club and Macleod Junior Football Club to Macleod College.

Active Transport

Advocate for:

- Provision of a safe shared use underpass at Banksia Street (on the Main Yarra Trail).
- Upgrades of the Main Yarra Trail between Banksia Street and Burke Road and in the Banyule Flats.
- An on road bicycle route on Yarra Street, Heidelberg (to connect to the bridge proposed above).
- Shared use path connections to the Plenty River Trail.
- Better east west connections especially to La Trobe NEIC (in addition to the proposed path at Drysdale Street).

M80 Interchange

Provide input and feedback into the M80 Interchange Urban Design Framework Plan including advocating for:

- A gateways structure for Greensborough
- Reduction of through traffic for Greensborough Principal Activity Centre

FUNDING

A Memorandum of Understanding (MoU) between Council and NELP is currently under consideration, replacing the existing MoU. It is proposed to cover the seven years of Project construction. This is expected to outline resourcing provisions from NELP to allow Council to undertake the work required to assist in the Project's implementation.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

TIMELINES

Important dates for the Project are shown in the table below.

Date		Activity
Completed	2 September 2019	Early Works contract awarded
	5 December 2019	Victorian Minister of Planning assessment released
	13 December 2019	Federal Minister approval of Public Environment Report.
	3 January 2020	Victorian Planning Scheme Amendment gazetted
Upcoming	Early 2020	EPA Work Approval
	Early 2020	Start of Early Works
	Feb 2020	Council briefing to Primary Works tenderers
	May 2020	Tender submissions
	Late 2020	Contract awarded
	Early 2021	Start of Primary Works
	2027	Project completion

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989 (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 these matters. However, it is noted that the Director City Development, who has had input into this report, owns a property within the affected area identified in the NELP submissions to the Federal Government for EPBC Act approval. The project has no direct impact on the property.

CONCLUSION

Following the IAC hearing's suite of recommendations for the NEL Project and the Minister for Planning's subsequent assessment, Council has some clarity around its ongoing advocacy needs to support the Banyule community.

Early works are expected to start shortly with the gazetting of the planning scheme amendment. Advocacy will continue in the interests of the community as outlined in this report.

NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS cont'd

ATTACHMENTS

No.	Title	Page
1	NEL - Summary Table - Minister's Assessment of IAC Recommendations	
2	NEL - Advocacy Project List - 3 February 2020	

5.2 240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK REDEVELOPMENT (P956/2019)

Author: Jonathan Atkinson - Development Planner, City Development

Ward: Olympia

Previous Items

Council on 15 Jul 2019 7.00pm (Item 5.1 - Sporting Oval Resurfacing Works - Olympic Park Main Pitch and Montmorency North Oval (P489/2019 and P503/2019))

EXECUTIVE SUMMARY

The proposal is for Stages 2-4 of the Olympic Park redevelopment and incorporates a number of upgrades to facilities throughout the park including additional car parking, new multi-purpose sporting pitches, family play spaces and a memorial garden. Some vegetation is proposed to be removed and offset with new planting throughout the park.

One objection was received as a result of public notification, however it was withdrawn following discussions. VicRoads, Melbourne Water and the Department of Environment, Land, Water and Planning do not object to the proposal subject to conditions.

The works are designed to consider the sensitive environmental and cultural context of Olympic Park and adjacent residential properties. They will enable the space to meet the future demands of the growing population, community groups and clubs which utilise the venue and improve recreational opportunities for community members, groups and clubs as a result of this upgrade. Accordingly, they should be approved and a permit issued.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolve to issue a Planning Permit in respect of Application P956/2019 for Buildings and works in the Environmental Significance Overlay, Special Building Overlay and Land Subject to Inundation Overlay, vegetation removal and creation of access to a road in a Road Zone, Category 1 at 240 Southern Road HEIDELBERG WEST subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

- (a) The location of the existing security fence along the eastern boundary of the park to the rear of the residential properties on Liberty Parade;
- (b) The provision of wheel stops for car spaces adjacent to footpaths;
- (c) The accessway gradients to comply with Design Standard 3 of Clause 52.06-9;
- (d) The provision of 20 bicycle spaces;
- (e) The Tree Management and Protection Plan (TMPP) in accordance with Condition 4 of this permit;

Landscaping

2. The development permitted by this permit must not be commenced until satisfactory detailed landscaping plans to the satisfaction of the Responsible Authority are submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the Landscape and Planting Concept Layout prepared by Michael Smith and Associates and dated 21 June 2019. When approved, the plans will be endorsed and will then form part of the permit.

General

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

Tree Protection

4. Before the plans required by Condition 1 of this permit are endorsed, a Tree Management and Protection Plan (TMPP) to the satisfaction of the Responsible Authority, must be submitted to, and approved in writing by, the Responsible Authority. The TMPP must be prepared by a suitably qualified and experienced arborist in relation to the management and maintenance of all Trees retained onsite. The Tree Management and Protection Plan must include (but not be limited to):
 - a) The design modifications, particular construction techniques and impact mitigation set out in the Arborist Report by Claudine Reynolds, February 2019.
 - b) A tree protection plan drawn to scale.
 - c) All tree protection zones and structural root zones to be indicated on the plan.
 - d) All TPZ areas where ground protection systems will be used.
 - e) The types of footings used within tree protection zones to be indicated on the plans.

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

- f) All services to be located within the tree protection zones and a notation to state that all services will either be located outside the tree protection zone or bored under the tree protection zone.
- g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the project arborist.
- h) A management regime for all trees during the demolition, construction and post-construction phases of the development. Matters to be addressed, to include the location/design of tree protection fencing, mulching/watering requirements, requirements regarding any suitable excavation and the storage of any related building materials outside the TPZ of retained trees.
- i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the project arborist to the satisfaction of the Responsible Authority.
- j) The project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans in regards to any pruning required to enable clearance from the proposed buildings and works (including any temporary scaffolding requirements). Specific details of the pruning must include photographic diagrams. All tree pruning must then be carried out by the suitably qualified arborist (AQF Level 3) in accordance with *Australian Standard AS4373-2007 Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority.

NOTE:

Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

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

Melbourne Water (Conditions 5 and 6)

- 5. A Site Environmental Management Plan (SEMP) must be developed and implemented during the works. This must include controls to prevent the direct or indirect discharge of polluted or sediment-laden waters into receiving waterways.

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

6. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Drainage

7. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

NOTE:

Any connection to Council's drainage system

(a) Within the road reserve must be carried out under a Memorandum of Consent for Works; and/or

(b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

8. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

Flooding

9. No alteration to existing topography within the existing stormwater drainage easement or stormwater overland flow path is permitted.
10. All boundary and internal fencing must be permeable to overland stormwater flows.
11. Proposed structures must allow for and not restrict or impede the free passage of overland stormwater flows, so that it does not cause higher flood levels or faster flows.

VicRoads (Conditions 12 -15)

12. Before the works associated with the development commences, the following functional layout plans must be submitted to and approved by the Roads Corporation. The plans must be generally in accordance with the concept plan submitted with the application (Traffic Works, Drawing No. 180354-FLT-01, Issue P1, dated 18/12/2018) and must show:
- a) The proposed left-in, left-out access point on Southern Road including the deceleration lane;
- b) Any associated works.

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

13. Before the development commences, the following roadworks (as approved by the Roads Corporation) must be completed at no cost to and to the satisfaction of the Roads Corporation and the Responsible Authority:
 - a) The proposed left-in, left-out access point on Southern Road including the deceleration lane;
 - b) Any associated works.

14. Within 12 months of the development operating/commencing a post development Traffic Impact Assessment report must be submitted to and approved by the Roads Corporation. The Traffic Impact Assessment must include the following:
 - a) An assessment on the operation of the road network post development including adjacent intersections;
 - b) Identify any mitigation measures that may be required to improve the access to Southern Road;
 - c) Traffic Impact Assessment to identify the safety and operational issues with the constructed left-in, left-out intersection and any mitigation measures.

15. Within 18 months of the development operating/commencing the following must be completed at no cost and to the satisfaction of the Roads Corporation:
 - a) Mitigation measures outlined in the post development Traffic Impact Assessment and associated works.

Car Parking

16. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

17. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.

18. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

19. In areas set aside for parking, kerbs or barriers or other means of protection must be installed to the satisfaction of the Responsible Authority so as to prevent damage by vehicles to the fences of adjoining properties or landscape areas.

Native vegetation (DELWP Conditions 20 – 25)

20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.592 hectare, comprised of:
- a) 10 patches of native vegetation with a total area of 0.592 hectare
 - b) One large scattered tree
 - c) 12 small scattered trees
22. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.126 general habitat units:
- a) Located within the Port Phillip and Westernport Catchment Management boundary or Banyule municipal area
 - b) With a minimum strategic biodiversity score of at least 0.156, and
 - c) The offset(s) secured must also protect one large trees.
23. Before any native vegetation is removed this evidence must be one or both of the following:
- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip Region regional office.
25. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

Time limits

26. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

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

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

- Before the permit expires, or
- Within six months afterwards, or
- Within 12 months afterwards if the development started lawfully before the permit expired.

PERMIT NOTES

(A) Expiry of Permit

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

(B) Additional approvals required

Building Permit Required

A Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

Access to Council Reserve

No permission can be granted either temporary or otherwise by Council and/or its employees with respect to access to the adjacent Council owned land (including the road reserve) for any purposes relating to the proposal (e.g. parking of surplus vehicles, delivery of materials etc.), without application being made for the requisite permit (i.e. Local Law Permit).

Supervision of works undertaken on Council Assets

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

commencement of any works, an application must be made and a permit received for:

- A “Memorandum of Consent for Works” for any works within the road reserve; and/or
- A “Drainage Connection Permit” for any works other than within a road reserve.

Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

Native vegetation

Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* is to be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Port Phillip regional office of the Department of Environment, Land, Water and Planning on (03) 9450 8600.

Planning Permit Application:	P956/2019
Development Planner:	Jonathan Atkinson
Address:	240 Southern Road HEIDELBERG WEST
Proposal:	Buildings and works in the Environmental Significance Overlay, Special Building Overlay and Land Subject to Inundation Overlay, vegetation removal and creation of access to a road in a Road Zone, Category 1
Existing Use/Development:	Open sports ground
Applicant:	Banyule City Council
Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Environmental Significance Overlay (ESO1) Special Building Overlay (SBO2) Land Subject to Inundation Overlay (LSIO)
Notification (Advertising):	Signs on site (eight) Letters to nearby properties
Objections Received:	One (withdrawn)
Ward:	Olympia

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

PROPOSAL

The plans assessed in this report are the advertised plans (received by Council on 15 October 2019). The application seeks permission to undertake works associated with Stages 2-4 of the Olympic Park redevelopment. The proposal includes the following:

- New vehicular entry point off Southern Road. This will provide both left-in entry to the park via a new deceleration lane, and allow left-out exit onto Southern Road;
- Three asphalt car parks (147 spaces, 64 spaces and 23 spaces) and one mini bus drop off area;
- New natural turf soccer pitches (2 x 100m x 64m each) with synthetic cricket wicket (28 x 2.8m) (centre of site);
- New natural turf cricket oval/soccer pitch (50m radius) (northern end of site);
- New light poles throughout the site, varying in height between 5 metres and 32 metres (around the main southern pitch);
- New electronic scoreboard for southern pitch (south end of site);
- New 65m x 45m synthetic practice pitch (western edge of site);
- Acrylic basketball/futsal enclosure (western edge of site);
- Olympic memorial garden (western edge of site);
- Play space (eastern edge of site);
- Removal of 17 trees;

BACKGROUND

Following community consultation throughout 2016, Council adopted the Olympic Park Master Plan on 14 March 2017 with a vision to provide a place of welcome, and to deliver leisure, recreational and sporting activities for the community in a safe environment. Two community drop in sessions were held in February 2019 and feedback was incorporated into the final design where appropriate. Additional community drop in sessions were held in July 2019 to communicate design changes.

Stage 1 works relating to the resurfacing of the main southern pitch are currently underway and are scheduled to be completed March 2020. Furthermore, Heidelberg United Soccer Club have also obtained a planning permit to upgrade the existing Kelly Pavilion.

The remaining stages (Stages 2 – 4) include a variety of works which require planning permission:

Stage 2

- New asphalt car parking (total 234 spaces)
- New synthetic practice pitch
- Playground with nature place and BBQ/picnic facilities
- Electrical substation upgrades and new southern (main) pitch lighting
- Landscaping and shared paths
- 1956 Memorial Olympic Garden

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

Stage 3

- Reconstruction and realignment of the centre pitch into two soccer pitches and cricket oval with central synthetic pitch
- New cricket pavilion
- Landscaping and paths

Stage 4

- Reconstruction and realignment of the northern pitch into soccer pitch and cricket oval
- Cricket practice nets
- Acrylic basketball/futsal area
- New cricket pavilion
- Landscaping and paths

A planning permit was also recently granted to reconstruct and upgrade the Darebin Creek shared paths between Banksia Street, Bellfield to Dougharty Road, Heidelberg West. Construction is programmed to commence in the 2020/21 financial year.

SUBJECT SITE AND SURROUNDING AREA

Figure 1 below shows the location of the subject site. The land known as Olympic Park is an established sport and community recreation reserve consisting of two multi-purpose ovals and a soccer pitch, in addition to associated facilities. The entire site is approximately 22.43 hectares in size and is located to the north of Southern Road, between the Darebin Creek trail (west) and residential properties abutting Liberty Parade (east). An education facility (Olympic Adult Education) and residential properties are located to the south across Southern Road.



Figure 1: Locality plan – Olympic Park

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

PUBLIC NOTIFICATION

Letters were sent to nearby owners/occupiers and included an FAQ sheet in relation to the proposed works. A total of eight signs were displayed across the overall site. One objection was received in response on the following grounds:

- Noise
- Security

The objector was contacted to discuss their concerns. Advice was provided that the proposal included the retention of a chain mesh fence running along the eastern boundary to the rear of properties facing Liberty Parade. Further detailed plans were also provided to demonstrate the extent of new landscaping to be provided along this section of the site to act as a screen and reduce noise impacts. Upon review, the objector withdrew their objection.

In response to VicRoads request for more information about the project, a further traffic study was undertaken to review the existing traffic distribution and model future distribution. Traffic counts were conducted to assess traffic movements in and out of the reserve and at nearby intersections. This was used to model future vehicle movements, including the new entry and exit onto Southern Road. VicRoads reviewed the further study and were satisfied. Subsequently, letters were sent to owners/occupiers along parts of Liberty Parade and Catalina Street to inform of the updated data.

REFERRAL COMMENTS

The application was referred to various external and internal authorities and departments.

External	Objection?	Conditions Required?
VicRoads	No	Additional traffic data has been provided to VicRoads to satisfy their initial concerns. Conditions are required and included in the recommendation.
Melbourne Water	No	Yes, see recommendation
DELWP	No	Yes, see recommendation

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

Internal	Objection?	Conditions /Comments
Drainage	No	<ul style="list-style-type: none"> No requirement for flood level consent Drainage to the satisfaction of the relevant building surveyor Standard conditions regarding flooding should be included on any permit issued
Transport	No	<ul style="list-style-type: none"> Car park accessways are to comply with the requirements of Design Standard 1 of Clause 52.06 and AS2890.1. Accessway grades should also be demonstrated. Car parking space dimensions are to comply with Design Standard 2 of Clause 52.06. It is recommended to increase bicycle parking from 7 spaces to 20 spaces as a sustainable transport initiative.
Open Space	No	<ul style="list-style-type: none"> Inclusion of permit conditions requesting the provision of detailed landscaping drawings prior to the commencement of works.
Arborist	No	<ul style="list-style-type: none"> Requirement for Tree Management and Protection Plan
Property	No	<ul style="list-style-type: none"> Local law permit required for construction on Council land

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Planning controls:	<u>Control</u>	<u>Permit triggered?</u>
	Public Park and Recreation Zone (PPRZ)	No
	Environmental Significance Overlay (ESO1)	Yes
	Land Subject to Inundation Overlay (LSIO)	Yes
	Special Building Overlay (SBO2)	Yes
	Clause 52.17: Native Vegetation	Yes
	Clause 52.29: Land Adjacent to a Road Zone, Category 1	Yes

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

POLICIES CONSIDERED

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

Table 2: Relevant Planning Scheme Policy

Policy	Clause
PFF	
Native vegetation management	12.01-2S
River corridors, waterways, lakes and wetlands	12.03-1S
Environmentally sensitive areas	12.05-1S
Floodplain management	13.03-1S
Land use compatibility	13.07-1S
Urban design	15.01-1S
Healthy neighbourhoods	15.01-4S
Aboriginal cultural heritage	15.03-2S
Open space	19.02-6S
Cultural facilities – Metropolitan Melbourne	19.02-3R
Open space – Metropolitan Melbourne	19.02-6R
Integrated water management	19.03-3S
LPPF	
Cultural Heritage	21.03
Land Use	21.04
Natural Environment	21.05

TECHNICAL CONSIDERATION

Response to Policy Framework

The proposal represents an appropriate outcome with respect to the relevant planning policies. The proposed works will enhance facilities which provide recreational opportunities for community members, groups and clubs. The works are designed to consider the sensitive environmental and cultural context of Olympic Park. Moreover, the proposal is consistent with Banyule's vision statement to be regarded as a city offering quality lifestyles in an urban setting enhanced by the natural environment.

Vegetation Removal

The proposed works require the removal of 17 trees, including three trees indicated as having high retention value. This is required to facilitate the improvements to the extended car park, the new synthetic practice pitch and the improved centre pitch. Importantly, the proposal seeks to retain important vegetation buffers along the western, southern and eastern boundaries of the park.

The proposed vegetation removal is considered acceptable for the following reasons:

- The proposed development is generally contained to the areas of open playing fields and grassed areas. Important stands of vegetation near Darebin Creek and adjacent to neighbouring residential property boundaries will be retained and protected.
- The functional layout plan has been revised numerous times to reduce the scale of vegetation loss. Three high retention value trees are proposed for

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

removal (Tree #15, #20 and #36). The retention of Tree #15 (Red Ironbark) would require re-locating the synthetic practice pitch closer to the creek and further away from the established facilities including the Kelly Pavilion. This would have possible flooding implications and require greater cut and fill. The retention of Trees #20 and #36 (two Yellow Box) would likely eliminate the provision of an additional soccer pitch in the centre of the site.

- Over 60 new trees are proposed to be planted throughout the site in addition to shrubs and other plants to enhance the visual setting.
- All native vegetation removal will be offset in accordance with the requirements of the Department of Environment, Land, Water and Planning.

Buildings and Works

The proposed works are generally well set back from the Darebin Creek and are located in the areas largely consisting of open playing fields or grass. Works such as the new internal fences, the new car parking and the new play spaces are all low scale and will fit well within the established tree canopy and overall visual setting of the park. Whilst the proposal includes up to 19 new flood lights ranging from 12 to 32 metres in height, these are generally positioned away from the creek corridor and neighbouring residential properties. The new LED lighting will enable appropriate night time use of the precinct and provide a more powerful, concentrated form of light whilst reducing light spill.

Car Parking and Traffic

The new car parking layout throughout the eastern alignment of the park will result in a total of 234 car spaces, and will also feature seven bicycle spaces and a mini-bus drop off area. The car park will be accessible through the existing access and egress from Catalina Street and a new access/egress point from Southern Road. Community feedback has been incorporated into the final design which features speed humps, extensive landscaping and water sensitive urban design treatments to improve safety, reduce noise impacts and enhance the visual setting.

A Traffic Impact Assessment was submitted with the application to assess traffic generation and parking demand associated with the redevelopment. The assessment concluded that management of car parking and traffic flow would be required during Heidelberg United Soccer Club's major matches, of which there are typically one or two per year. The infrequency of these events will mean that associated detrimental amenity impacts on the surrounding area are minimised. The design recommendations of the assessment, including measures such as introducing speed humps and bicycle spaces, have either been included in the proposal or can be required as a condition of permit.

Flooding

The proposal will have a negligible effect on managing overland stormwater flows through Olympic Park. The only proposed works within the flood prone land adjacent to Darebin Creek are associated with the bio-retention basin which is designed to capture and treat stormwater from development in the park and enable discharge into the existing drainage system. Both Melbourne Water and Council's Drainage engineers have reviewed the proposal and are satisfied any impacts can be appropriately managed.

**240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK
REDEVELOPMENT (P956/2019) cont'd**

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* 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

It is considered the proposal will provide enhancements to community facilities which will have a positive impact on the community. The proposed works are consistent with the applicable planning controls and policies and, in particular, have appropriate regard to the environmental and cultural context of Olympic Park and should be supported subject to conditions.

ATTACHMENTS

No.	Title	Page
1	Olympic Park Redevelopment - Advertised Plans	
2	Olympic Park - Additional Traffic Data	

5.3 17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)

Author: Walla Idris - Development Planner, City Development

Ward: Bakewell

EXECUTIVE SUMMARY

The proposal is for additions to the Greensborough Preschool and Maternal and Child Health Centre in Ester Street, Greensborough and reduction in the standard car parking requirements.

The proposal includes the following:

- Single storey extension to rear of existing building, including secondary play room, kitchen, store room, consultation room and bathrooms;
- Internal reconfiguration of preschool and maternal and child health centre;
- Altered façade treatment;
- Removal of shrubs and a small tree;
- Increase in 33 children for a total of 66 children;
- A reduction of two car parking spaces from the statutory requirements;
- Alterations to the existing car parking including the introduction of one accessible parking space.

Public notification of the application was undertaken and no objections have been received.

The proposal provides updated and improved community facilities for the Greensborough community and should be supported, subject to conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987 resolves to issue a Planning Permit in respect of Application No. P1187/2019 for Buildings and works associated with a Section 2 use (existing child care and medical centre) and reduction of car parking at 17-19 Ester Street GREENSBOROUGH subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans and additional information to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)
cont'd

provided. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:

- (a) Swept path diagrams for vehicles entering and exiting end spaces to demonstrate compliance with Design Standard 1 of Clause 52.06. Amendments to the car parking spaces may be required to demonstrate compliance.
 - (b) The accessible parking spaces designed in accordance with AS 2890.6 (2009) clause 2.2.1. AS2890.6- 2009 and the Building Code of Australia including a kerb ramp providing access from the accessible parking space and shared space to the footpath.
 - (c) The accessible car parking space swapped with the shared space.
 - (d) All access way widths and car parking space dimensions notated on the plans and designed in accordance with Design Standard 2 of Clause 52.06.
 - (e) Tree Management Plan in accordance with Condition 2 of this permit.
 - (f) Tree Protection Zones in accordance with Condition 6 of this permit.
2. Before the plans required by Condition 1 of this permit are endorsed, a Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of the Trees #1, #5 - #9. The Tree Management & Protection Plan must include (but not be limited to):
- (a) The design modifications and particular construction techniques set out in the Arborist Report by Nick Withers December 2019.
 - (b) A tree protection plan drawn to scale.
 - (c) All tree protection zones and structural root zones to be indicated on the plan.
 - (d) All TPZ areas where ground protection systems will be used.
 - (e) The types of footings used within tree protection zones. Which must also be indicated on the plans
 - (f) All services to be located within the tree protection zones and a notation to state that all services will either be located outside the tree protection zone or bored under the tree protection zone.
 - (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the project Arborist.
 - (h) A management regime, for all trees during the demolition, construction and post-construction phases of the development. Matters to be addressed, to include the location/design of tree protection fencing, mulching/ watering requirements, requirements regarding any suitable excavation and the storage of any related building materials to be located outside the TPZ of retained trees.

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)
cont'd

- (i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority.
- (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 Pruning of amenity trees, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority.

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

3. Before the development permitted by this permit starts, engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:
- (i) The use of an On-site Stormwater Detention (OSD) system;
 - (ii) The connection to the Council nominated legal point of discharge;
 - (iii) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (iv) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
 - (v) All drainage plans must show for Trees #1, #5, #6, #7, #8 and #9: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Nick Withers December 2019.

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

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)
cont'd

General

4. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
5. The development hereby permitted must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 'Design Rules for Access by the Disabled' to the satisfaction of the Responsible Authority.

Tree Protection

Tree Preservation Zones

6. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones must be established around Trees #1, #5, #6, #7, #8 and #9. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' the suitably qualified project arborist (AQF Level 5) which must include photographic evidence of the below requirements. This correspondence must be sent to enquiries@banyule.vic.gov.au. Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:
 - (a) Tree Preservation Zones must be provided to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land
 - (b) Where there are approved works within a TPZ, it may only be reduced to the required amount by an authorised person, only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

Weed control

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

Fencing

- (d) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*.

Signage

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

Irrigation

- (f) The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)
cont'd

equivalent to the percentage of TPZ area occurring within the subject site).

Access to Tree Preservation Zone

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

Ground Protection

- (k) A permeable membrane beneath a layer of mulch or crushed rock below rumble boards must be laid down where the tree protection zone occurs outside the fenced area detailed in Condition 6 (a). Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.

Arborist supervision

- 7. A suitably qualified arborist (AQF Level 5) must supervise any activity within the calculated TPZ of a retained tree on or adjoining the subject site. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability now or into the future of Trees #1, #5, #6, #7, #8 and #9.
- 8. All excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must be undertaken outside the calculated structural root zone of any tree unless otherwise approved.
- 9. A qualified arborist must be present during the excavation works where within the TPZ of Tree #1. Any exposed roots <40mm must be carefully and cleanly cut (pruned) with tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. There must be no root pruning within the SRZ.
- 10. The project arborist and builder must ensure that TPZ fencing conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

**17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)
cont'd**

Underground Services

11. Any underground service installations within the calculated Tree Protection Zone of any retained tree must be bored to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:
 - (a) Undertaken after written approval is received from the Responsible Authority; and,
 - (b) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

Restrictions on Use

12. Except with the prior written consent of the Responsible Authority, the maximum number of children accommodated on site at any time shall not be more than 66.
13. Except with the prior written consent of the Responsible Authority, the maximum number of practitioners within the health centre at any time shall not be more than 3.

Car Parking / Access

14. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
15. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
16. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

Time Limits

17. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - (a) The development is not commenced within two years of the date of this permit;
 - (b) The development is not completed within four years of the date of this permit.

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

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

- Before the permit expires, or
- Within six months afterwards, or
- Within 12 months afterwards if the development started lawfully before the permit expired.

PERMIT NOTES

(A) Expiry of Permit

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

(B) Additional approvals required

Building Permit Required

A Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

Building over Easements

No structure (including but not limited to sheds, retaining walls, eaves, water tanks, paving and landings) shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

Access to Council Reserve

No permission can be granted either temporary or otherwise by Council and/or its employees with respect to access to the adjacent Council owned land (including the road reserve) for any purposes relating to the proposal (e.g. parking of surplus vehicles, delivery of materials etc.), without application being made for the requisite permit (i.e. Local Law Permit).

Supervision of works undertaken on Council Assets

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve. .

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

Planning Permit Application:	P1187/2019
Development Planner:	Ms Walla Idris
Address:	17 - 19 Ester Street GREENSBOROUGH
Proposal:	Buildings and works associated with a Section 2 use (existing childcare and health centre) and reduction of car parking
Existing Use/Development:	Pre-school and maternal and child health centre
Applicant:	Banyule City Council C/o Multiply Town Planning
Zoning:	General Residential Zone 1
Overlays:	Vegetation Protection Overlay (VPO5)
Notification (Advertising):	Sign on site Notices to surrounding properties
Objections Received:	Nil
Ward:	Bakewell

PROPOSAL

Planning approval is sought for ground floor extensions to an existing childcare and maternal and child health centre and associated reduction in the standard car parking requirements.

The proposal includes the following;

- Single storey extension to rear of existing building, including secondary play room, kitchen, store room, consultation room and bathrooms;
- Internal reconfiguration of preschool and maternal and child health centre;
- Altered façade treatment;
- Removal of shrubs and a small tree;
- Increase in 33 children for a total of 66 children;
- A reduction of two car parking spaces from the statutory requirements;
- Alterations to the existing car parking including the introduction of one accessible parking space.

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

SUBJECT SITE AND SURROUNDING AREA

The subject site is located on the north side of Ester Street and is rectangular in shape. Vehicle and pedestrian access is provided along the Ester Street frontage.

The site is presently occupied by a single storey brick building for the use of pre-school and maternal and child health centre run by Banyule City Council. The building is centrally located with residential developments to the east and west and Greensborough Fire Station to the rear. A sealed car park is located in the front setback providing 17 car spaces.

The site is situated within a residential setting with a commercial area and Greensborough Major Activity Centre to the east and north-east. The Greensborough War Memorial Park is located opposite the site.

Locality Plan



Aerial Image of subject site

PUBLIC NOTIFICATION

The proposal was publically notified as Council are the owners of the land and permit applicants. The public notification was conducted by means of posting notices to the owners and occupiers of surrounding properties. To date no objections have been received.

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

REFERRAL COMMENTS

Internal referrals

	Objection?	Response
Development Planning Arborist	No	Council's Arboricultural Section have reviewed the proposal and raised no major concerns. Existing vegetation to be retained will not be impacted. Conditions relating to tree protection are to be included on any approval issued.
Drainage	No	Council's Engineering Services Section have reviewed the proposal and raised no major concerns. Formal comments are available on file. Standard conditions relating to drainage are to be included on any approval issued.
Property	No	The site is located opposite Greensborough War Memorial Park therefore the application was referred to Councils Property Services Section who were supportive of the application subject to standard notes being included on the permit. Formal comments are available on file.
Transport	No	The application proposes a reduction in the provision of parking therefore the application was referred to Councils Traffic and Transport Section. Given the availability of short term on-street parking availability in the area and as the site is in close proximity to public transport services, the reduction is considered acceptable. See traffic referral comments on file.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
General Residential Zone 1	32.08	Yes
Vegetation Protection Overlay (VPO5)	42.02	No
Car parking	52.06	Yes

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
LPPF	
Vision and Strategic Framework	21.02
Cultural Heritage	21.03
Land Use	21.04
Natural Environment	21.05
Transport and Infrastructure	21.07

TECHNICAL CONSIDERATION

Response to Policy Framework

The proposed development is consistent with Planning and Local Planning Policies seeking to support community facilities in appropriate locations.

Existing Use Rights and Intensification of Use

The site benefits from existing use rights as the use has been operating from the site for a continuous period of at least 40 years. The proposal will result in an increase in the number of children able to be accommodated within the child care centre. The potential impacts of this intensification on the amenity of the local area are considered to be appropriate for the following reasons:

- The use has been existing for at least 40 years and forms part of the established character of the area.
- The site is located close to a major activity centre including a large supermarket, opposite a public park and within an accessible area surrounded by multi dwelling development.
- No change is proposed to the hours of operation of the existing hours of operation of the centre, which are all within daytime hours and considered reasonable.
- The general layout of the existing site will be retained, including car parking within the front setback, playground to the rear and 1.8 - 2.1m high fencing around all internal boundaries.

Buildings and works

The proposal will be setback a sufficient distance from the adjoining dwellings, and will predominately maintain the existing building footprint with the extension limited to the northern rear ground floor area. This will include an additional play room, store room, kitchen and bathroom. The buildings will not result in any overlooking or overshadowing on the abutting properties. The building will be used as a continuation of the existing non-residential use of the site and is not expected to result in unreasonable off site impacts.

17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019) cont'd

Traffic and car parking

The existing use generates a requirement of 14 spaces for the childcare use and eight spaces for health centre use. The existing site provided 17 parking spaces therefore there is a surplus of five car parking spaces.

The application seeks to intensify the childcare use by 33 children and therefore generates a requirement of 7 additional spaces. The health centre does not propose an increase to the number of practitioners at the site and therefore does not impact parking provision.

Given the availability of short term on-street car parking in the area and as the site is close to public transport services, the reduction of two car parking spaces is considered acceptable.

Vegetation Impacts

The proposed removal of shrubs and a small tree does not require planning permission. The arboricultural assessment provided by the applicant confirmed that all high retention value trees could be retained subject to conditions requiring sensitive construction methods near trees.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* 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

It is considered the proposal will provide enhancements to community facilities which will have a positive impact on the community. The proposed works are consistent with the applicable planning controls and policies and should be supported subject to conditions.

ATTACHMENTS

No.	Title	Page
1	Advertised Plans	

5.4 DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA

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

Ward: Olympia

Previous Items

Council on 05 Aug 2019 7.00pm (Item 5.1 - 18 Davidson Street Bellfield - Development of Two Double Storey Dwellings - P1054/2018)

EXECUTIVE SUMMARY

At its meeting on 5 August 2019, Council resolved to seek a further report which reviews and provides advice on locations within the 3081 postcode area where duplex typologies (two dwellings side by side) could be considered as well as establishing criteria for acceptable design.

This report outlines a strategic basis to allow for a greater degree of change to the existing residential character within accessible housing areas that are zoned General Residential Zone 1 in the postcode 3081 area. With additional design guidance, Development Planning may consider duplex typologies in this area to facilitate outcomes that are consistent with a preferred future character.

The design guidance sets out a criteria for a proposed duplex to:

- Ensure that width of a lot can support a duplex typology
- Ensure that the extent of garages are not a dominant feature of the street façade relative to the lot width
- Ensure passive surveillance opportunities
- Avoid boundary to boundary construction across the width of the site.

If a development proposal can respond appropriately to the design guidance, as well as key policies including Banyule's Residential Neighbourhood Character and Residential Vehicle Crossing policies as well as ResCode, it is recommended that duplex typologies can be considered within accessible housing areas that are zoned General Residential Zone 1 in the postcode 3081 area.

RECOMMENDATION

That Council facilitate appropriate duplex typologies (two dwellings side by side) on land zoned General Residential Zone (Schedule 1) within the postcode 3081 area by:

1. Applying the following guidelines in addition to the relevant ResCode and Residential Neighbourhood Character Strategy objectives, standards, design responses and decision guidelines:
 - a) Where car parking access cannot be provided at the rear of the site, the minimum lot width of the development site must be 15 metres.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA cont'd

- b) Where garages or carports can only be accessed from the front of a lot the development site lot width for:
 - (i) Two single space garages/carports is a minimum of 15 metres.
 - (ii) One single space and one double space garage/carport is 20 metres.
 - (iii) Two double car space garages/carports is 25 metres.
 - c) Dwellings must provide genuine passive surveillance from a ground level habitable room window.
 - d) A setback must be provided from one side boundary of the development site with the dimension having regard to the rhythm of spacing in the streetscape.
2. Subject to compliance with the above guidelines, exercising discretion to support variations to Council's "Residential Vehicle Crossing Policy 2012, 7. Policy Siting Criteria - dot point 2" which sets out that:
- For a site with more than one dwelling, additional single width vehicle crossings is generally acceptable, if the:
 - Width of the existing front boundary is equal to or greater than 20 metres within neighbourhood character precincts GC1, GC2 (South), GC2 (North) [west of Greensborough Bypass] , GC2 (West), GC3, GS1, GS2 and GS3.
3. Outlining the above approach and expectations on Council's website.

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

In considering redevelopment proposals of single infill sites, key policies within the Banyule Planning Scheme generally encourage multi dwelling outcomes with the new dwellings in a 'tandem' arrangement. Typically, this is one dwelling behind another with a single driveway up one side which provides access for each dwelling and associated garages or carports.

Proposals for a 'duplex' typology where dwellings are side by side with independent frontage and vehicle access to the street are not necessarily supported by the relevant policies. Issues raised when considering Banyule's Residential Neighbourhood Character and Residential Vehicle Crossing policies as well as ResCode can relate to:

- Property frontage, vehicle crossing ratios and loss of on-street parking.
- Boundary to boundary construction impacting dwelling rhythm and landscape spacing.
- Lack of dwelling interface with the street and passive surveillance opportunities at ground level.
- Multiple vehicle crossings creating hard stand areas and reducing on street car parking.
- Dominance of garages and carports.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA cont'd

- Excessive hard paving in front setbacks.
- Lack of opportunity for landscaping and substantial trees in the front and side setbacks.
- Altering the rhythm of dwelling spacing in a street
- Large upper level envelopes.
- Weight given to existing neighbourhood character.

There are also positive aspects to this typology such as optimising solar access, efficient use of land, integration between internal living areas and private open space and reduced driveway coverage. Duplex typologies do not need common property and are also an attractive market proposition for this reason.

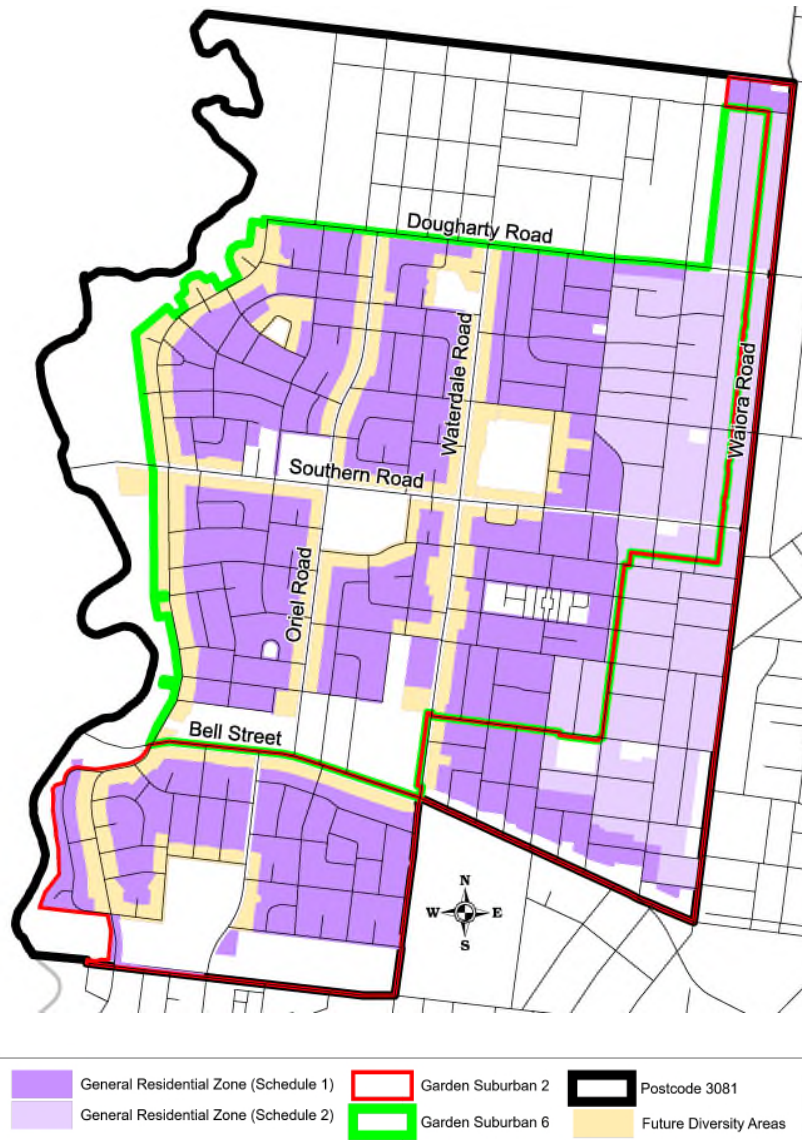
A well-considered design can address a number of the issues listed above. It is also worth noting that there are a number of policies and strategies that support change within the 3081 postcode area which includes Heidelberg Heights, Heidelberg West and Bellfield. This includes that the precinct sits within the Latrobe National Employment and Innovation Cluster and is designated as an 'Accessible' area in Banyule's Residential Areas Framework. The 3081 Urban Design Framework is a further driver for change and could also prompt opportunities on transitional sites to consider a different approach to preferred neighbourhood character. The 3081 Urban Design Framework is awaiting a response from the Minister to consider Amendment C120 to the Banyule Planning Scheme before finalisation and adoption.

There is also an existing character in the 3081 postcode area where there is a much higher representation of duplex typologies than in other character precincts in Banyule. This includes mid-century housing stock with semi-detached houses across two lots as well as more recent examples.

At the meeting of 5 August 2019 Council resolved to seek a further report which reviews and provides advice on locations within the 3081 postcode where duplex typologies could be considered as well as a criteria for acceptable design.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA cont'd

Locality Plan



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.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA cont'd

CURRENT POLICY

The Postcode 3081 area includes Heidelberg West, Heidelberg Heights and Bellfield. There are a range of policy considerations which apply to multi dwelling developments.

Housing Framework and Zoning

The strategic direction for the development of land in the 3081 area can be broadly considered as follows:

- 'Future Diversity Areas' identified in the proposed 3081 Urban Design Framework.
- Properties located within an area designated as 'accessible' under Council's Residential Areas Framework which are zoned General Residential Zone Schedule 1.
- Properties located within an area designated as 'incremental' under Council's Residential Areas Framework which are zoned General Residential Zone Schedule 2. These areas are typically located further away from Activity Centres and the Principal Public Transport Network, where there is less convenient pedestrian access.

Neighbourhood Character

Council's Residential Neighbourhood Character Policy precincts Garden Suburban 2 and Garden Suburban 6 are relevant policy considerations for multi dwelling developments.

Vehicle Crossings

Council's Residential Vehicle Crossing Policy sets out that in the Garden Suburban 2 Precinct, a property frontage must be equal to or greater than 20 metres before a second vehicle crossing can be considered.

ResCode

ResCode sets out the State residential design code which applies to multi dwelling developments.

All of these policies are relevant in considering the appropriateness of a duplex typology.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTODE 3081 AREA cont'd

PROPOSED GUIDELINES

It is considered that some additional guiding principles are necessary to facilitate good design outcomes where duplex typologies are proposed on General Residential Zone (Schedule 1) land.

Objective	Requirement	Discussion
To ensure that width of a lot can support a duplex typology	Where car parking access cannot be provided at the rear of the site, the minimum lot width of the development site must be 15 metres.	Setting a minimum lot width requirement of 15 metres aligns with the minimum ResCode standard for the width of access ways.
To ensure that the extent of garages are not a dominant feature of the street façade relative to the lot width	Where garages/carports can only be accessed from the front of a lot, the development site lot width for two single space garages is a minimum of 15 metres. For one single garage/carport space and one double garage/carport space the minimum development site lot width is 20 metres. For two double car space garages/carports, the minimum development site lot width is 25 metres.	Prescriptive guidance around the size of garages will ensure that garages are not a dominant feature of the street facing façade. Controlling garage sizes also controls the width of driveways to minimise hard paving in front setbacks and provide space for landscaping and planting of substantial trees.
To ensure passive surveillance opportunities	Each dwelling must provide genuine passive surveillance from a ground level habitable room window.	Requiring a habitable room will add interest to facades and increase perceptions of safety by avoiding street facades that feature only garage and pedestrian doors.
To avoid boundary to boundary construction across the width of the site.	A setback must be provided from one side boundary of the development site with the dimension having regard to the rhythm of spacing in the streetscape.	Council's Residential Neighbourhood Character Strategy requires side setbacks however, there should be specific reference to avoiding boundary to boundary design outcomes.

There are a number of objectives and design responses set out in Council's Residential Neighbourhood Character Strategy that are important when considering a duplex typology. In particular the strategy sets out that variation should be provided between each dwelling of a development that faces the street. This can be achieved through varied roof pitches, window and door placement, materials, façade articulation and other design detailing.

DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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

There is a strategic basis to allow for a greater degree of change within accessible housing areas that are zoned General Residential Zone 1 in the postcode 3081 area. With additional design guidance to ensure appropriate lot widths, garage to frontage ratios, passive surveillance and rhythm of dwelling spacing, the Development Planning team can entertain duplex typologies in this area to facilitate outcomes that are consistent with a preferred residential neighbourhood character.

ATTACHMENTS

Nil

5.5 DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)

Author: David Moon - Development Planning Coordinator, City Development

Previous Items

Council on 26 Aug 2019 7.00pm (Item 5.2 - Planning and Building Activities Report (January - June 2019))

Council on 25 Feb 2019 7.00pm (Item 5.6 - Development Planning Activities Report (July - December 2018))

EXECUTIVE SUMMARY

This report presents and provides commentary on the July to December 2019 activities of Development Planning.

Key highlights from the review period include:

- Live planning applications and requests decreased from 447 to 389 over the review period;
- The average percentage of applications determined within the statutory timeframe increased from 57.7% to 71% with a high of 80% in September.
- The number of live planning investigations reduced from 108 to 47 in the review period;
- There has been a decrease in the number of Council's decisions which have been overturned by the Tribunal throughout the review period with 46% of applications for review set aside by the Tribunal compared to 56% in the previous six months.
- A number of applications with significant community interest were processed in the review period within the statutory timeframe.

RECOMMENDATION

That Council note the Development Planning Activities Report for the period July to December 2019.

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

On 13 September 2010, Council received the first of a number of ongoing reports regarding town planning activity at VCAT affecting Banyule City Council. That report outlined the types of appeals, the number of appeals lodged, the number of decisions received, as well as the types of decisions. Subsequent reports have presented six monthly or yearly data from 2010 to date.

DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019) cont'd

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.

PLANNING PERMIT APPLICATIONS AND RELATED REQUESTS RECEIVED AND DETERMINED

In 2019, the downward trend of applications (standard applications and Section 72 amendments) and related requests (secondary consents, subdivision certifications and condition 1 plans) received continued from a historic peak in the 2016.

In 2019, 2239 requests were received compared to a total of 2425 in 2018, resulting in a reduction of 186 (7.67%) requests. The total number of requests determined over the year exceeded the number received with a total of 2330 determined, resulting in 91 greater requests being determined than received. This has assisted with a decline in the total number of live applications and requests, reducing from 420 in July to 389 in December (see Figure 2).

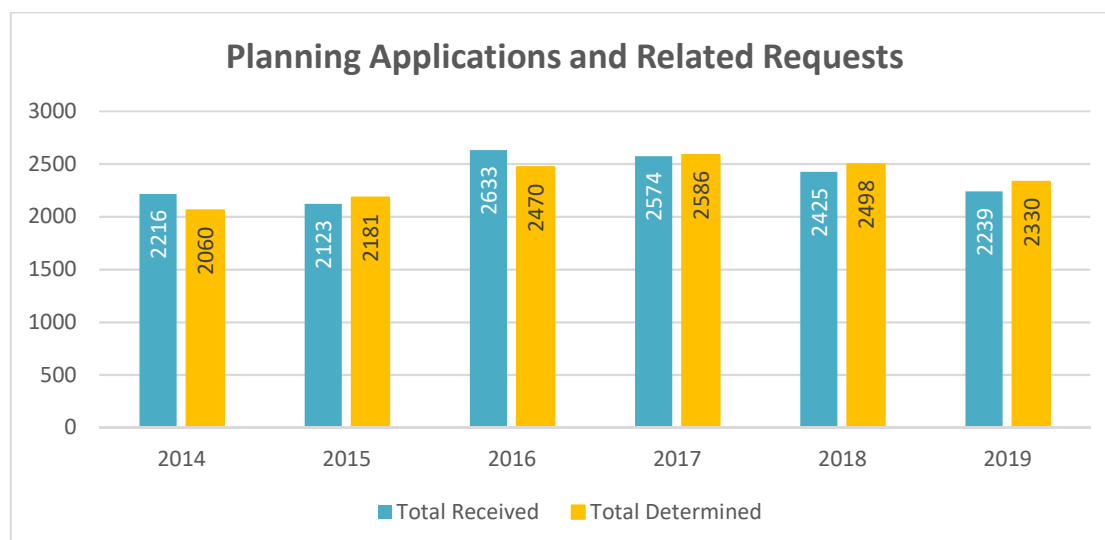


Figure 1 – Comparison with previous years

Reductions in live requests were able to be achieved through the four months from July to October reaching a low of 369, and can be attributed in part to having a near full complement of staff resources available and benefitting from the previous streamlined process initiatives. The number of live applications increased in November and December following an increase in incoming application through the last quarter of the year indicating that there may be a shift in the development market following historic lows throughout the first half of 2019. The reductions in the number of live applications throughout 2019 have seen the target for live application and requests reduce from 475 to 450 (previously 500 in 2018).

DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd

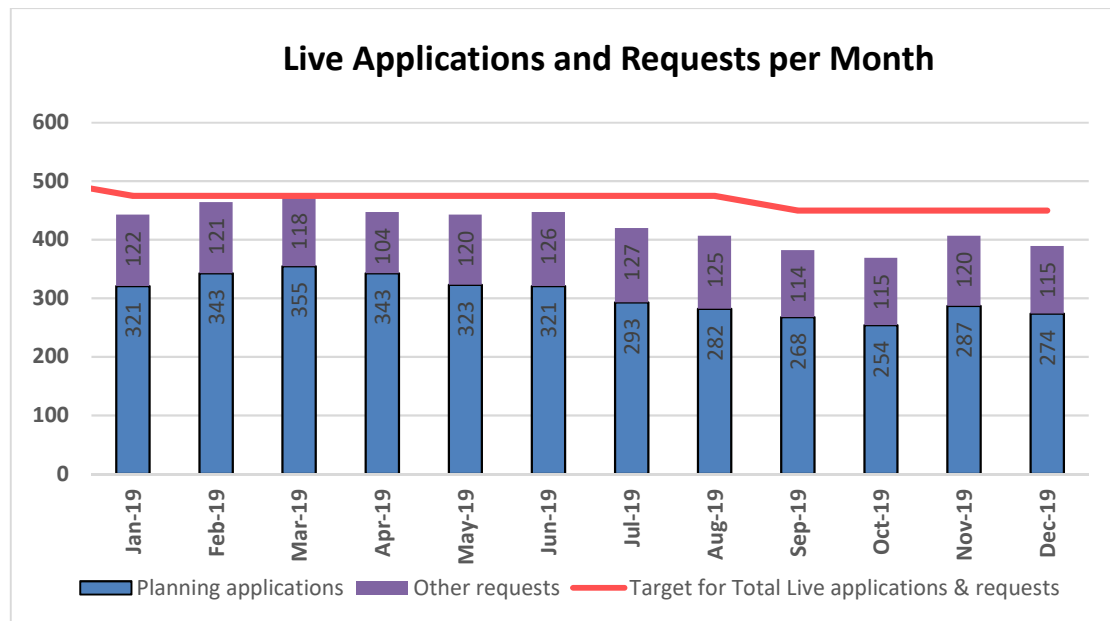


Figure 2 – Live planning applications and related requests by month

As shown in Figure 3 below, on a month to month basis the number of applications received and determined has varied throughout the year. The increase in applications received is notable in the final quarter of 2019 peaking with a 12 month high of 200 applications received in November 2019.

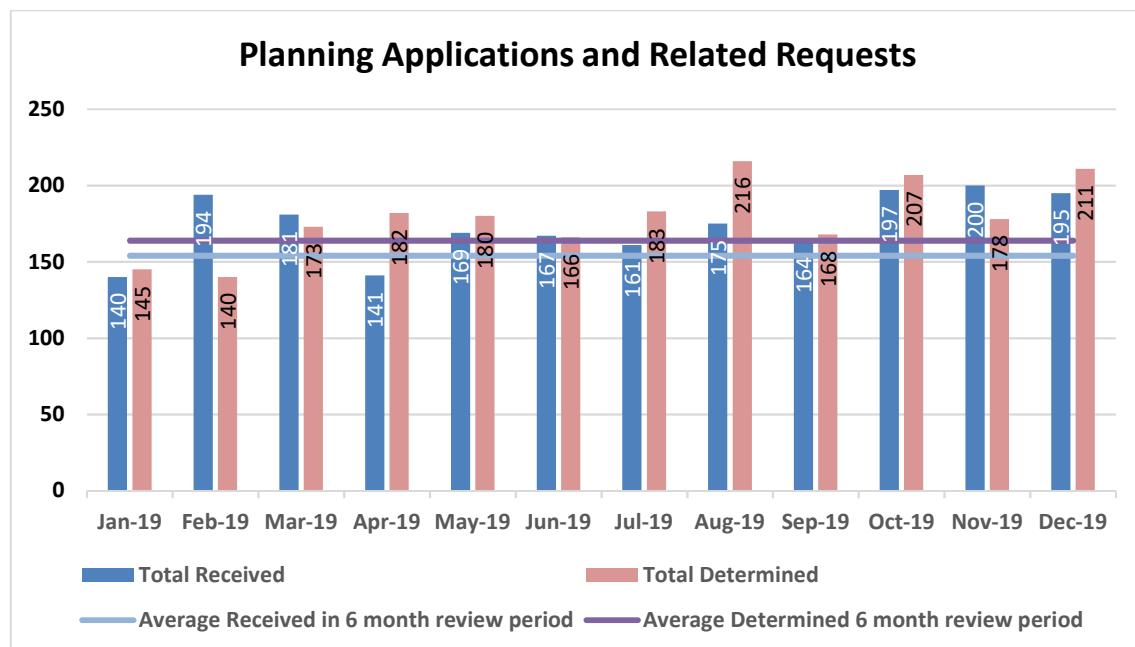


Figure 3 – Applications and requests by month

PROCESSING TIMEFRAMES

Figure 4 below indicates the average number of days for Council to make a determination for each month and the percentage of applications determined within the statutory timeframe.

**DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd**

On average from July to December 2019, 71% of planning applications were determined within the 60 statutory days with a high of 80% of applications being determined in the statutory timeframe in September. The average number of days for determination also dropped to historic lows for these two months with 66 and 68 days respectively. Increasing the number of application determined in the statutory timeframe continues to be a key focus for the planning team.

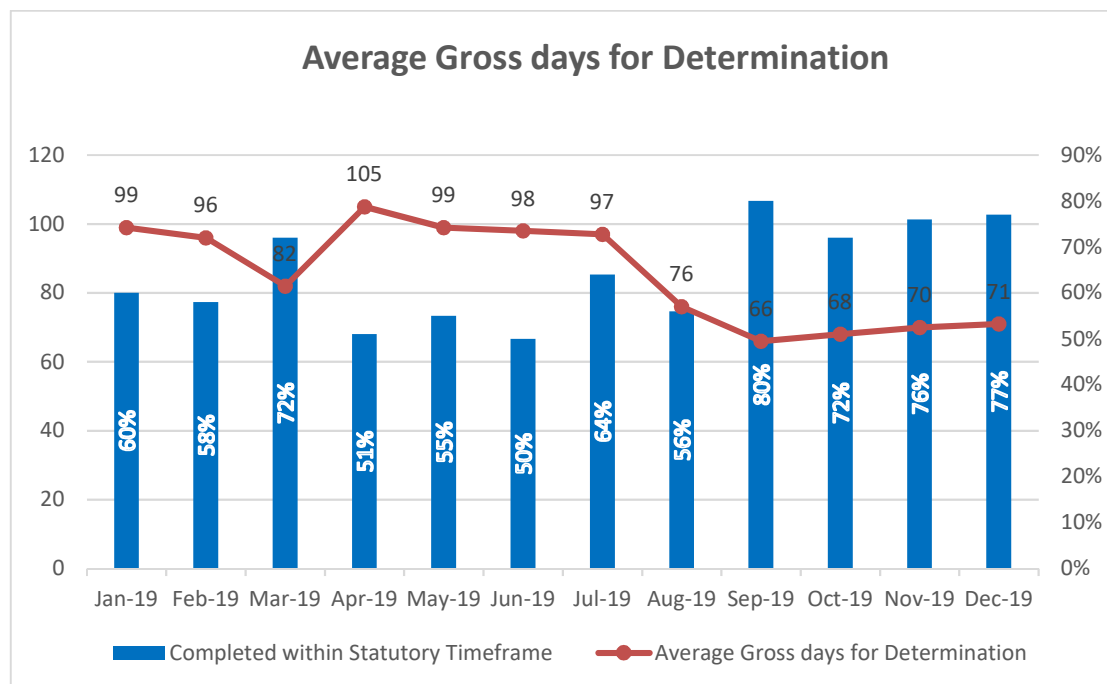


Figure 4 – Timeframes for Determination for 2019

APPLICATIONS BY TYPE

Figure 5 details the planning applications received by proposal including applications for tree removal, multi dwelling proposals, subdivision and other permit requirements. Figure 6 details the planning applications received by type and indicates:

- The number of applications for tree removal and pruning increased during the review period from the first 6 months of 2019, however remains lower than 6 month periods from previous years.
- Applications for multi dwelling development increased in the second half of the year by approximately 15% from 95 to 109 however the total number of multi dwelling applications received in 2019 was 13.1% less than in 2018, continuing a downward trend in the number of multi dwelling applications since 2017;
- The number of subdivision applications has remained steady with the first 6 months of 2019 with 75 applications. This remains above the average of 71 applications per 6 month period over the last 3 years.

DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd

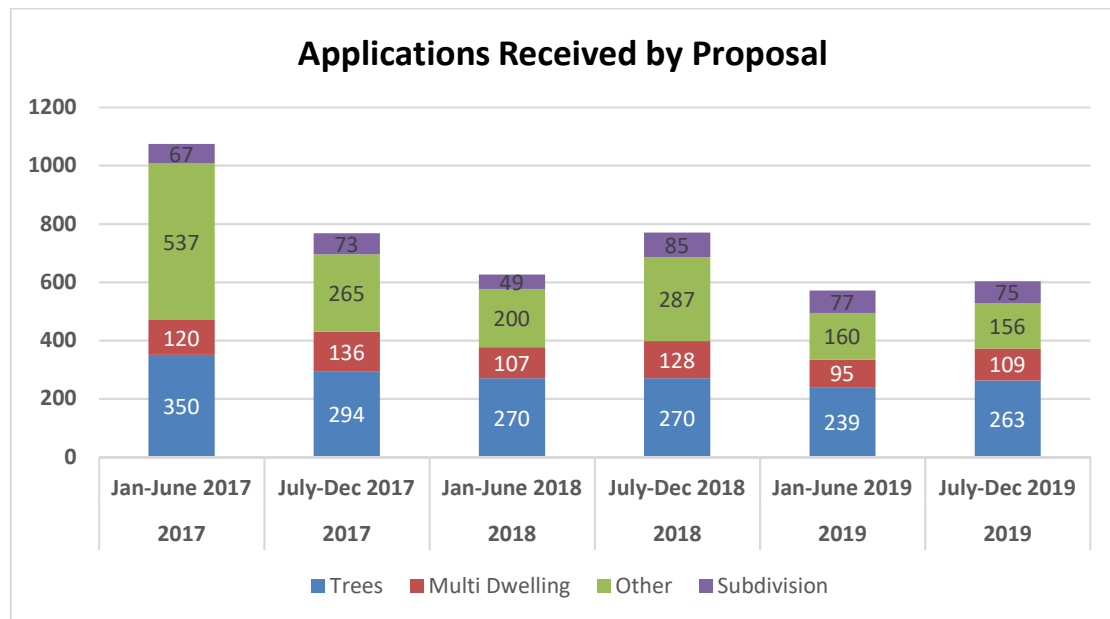


Figure 5 - Planning permit applications received by proposal

Figures 6 and 7 below outline the number of application types (Permit applications, VicSmart, Section 72 Amendments, Certifications and other requests) being received and determined over a 6 month period. During the 6 month review period the number applications determined has exceeded those received in the key areas of permit applications and VicSmart applications (which are reportable application types). Overall during the review period, staff continued to finalise high numbers of applications and related requests. When subdivision certifications are included, a total of 1242 applications were determined, compared with approximately 1088 in the previous 6 month period.

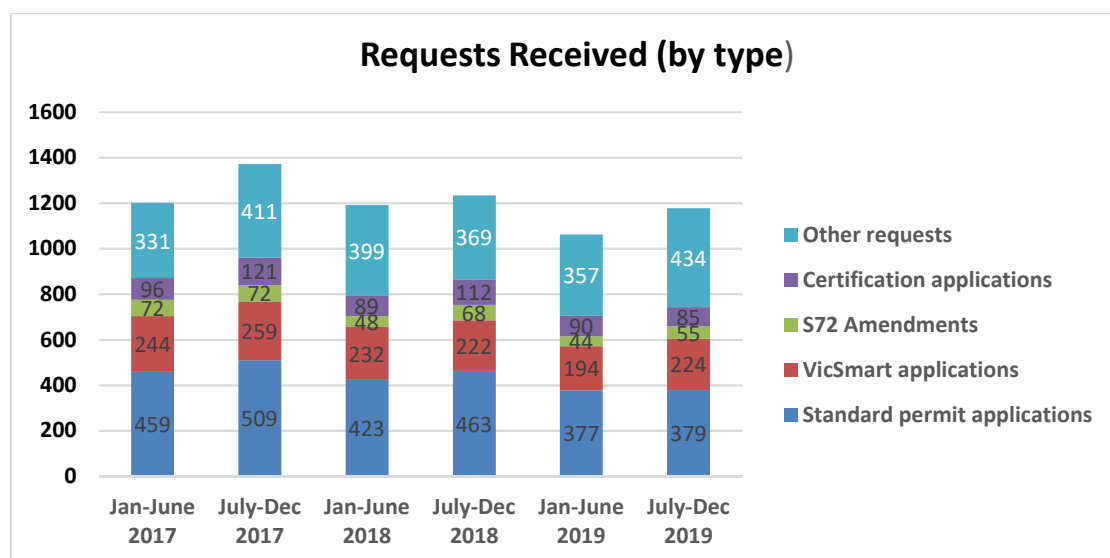


Figure 6 – Requests received by type annually (including certification)

DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd

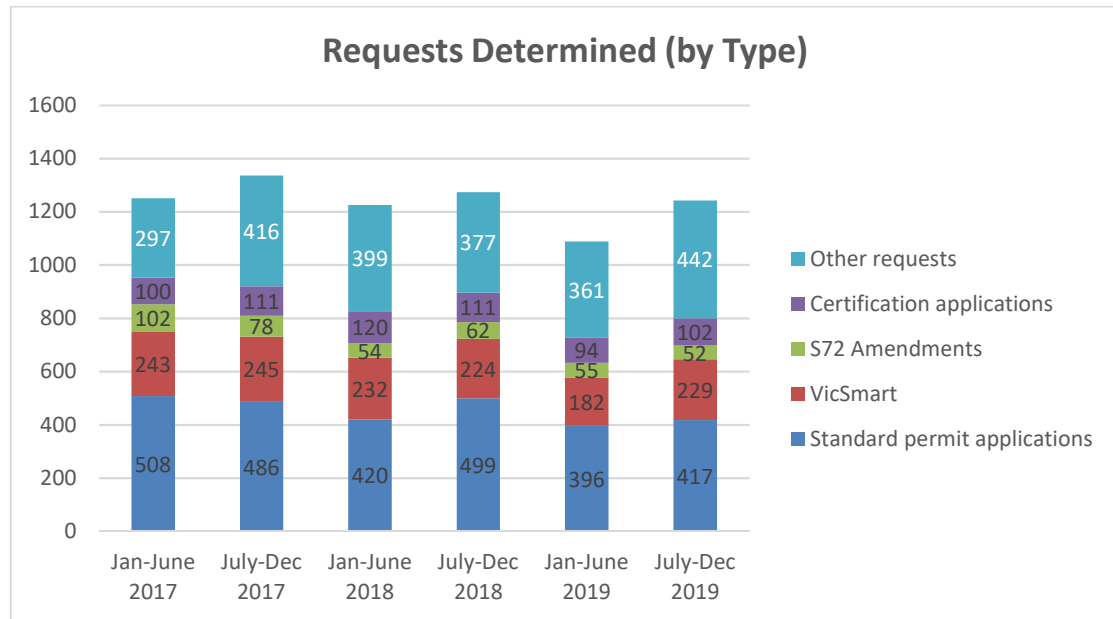


Figure 7 – Requests determined by type annually (including certification)

TREE PERMIT APPLICATIONS

The number of applications lodged and determined for tree removal are shown in Figure 8 below against the actual and target outstanding workload. An average of 42 applications were lodged per month throughout 2019, with the number of applications live in the system decreasing to a low of 8 in September 2019 and finishing the year with a total of 17 live tree applications. This is significantly less than the 45 live tree applications in the system in February 2019 and resulted in the target for live application being reduced from 30 to 25 in August 2019. A spring time rush of incoming applications saw a peak of 58 applications being received in November, the highest number per month throughout 2019.

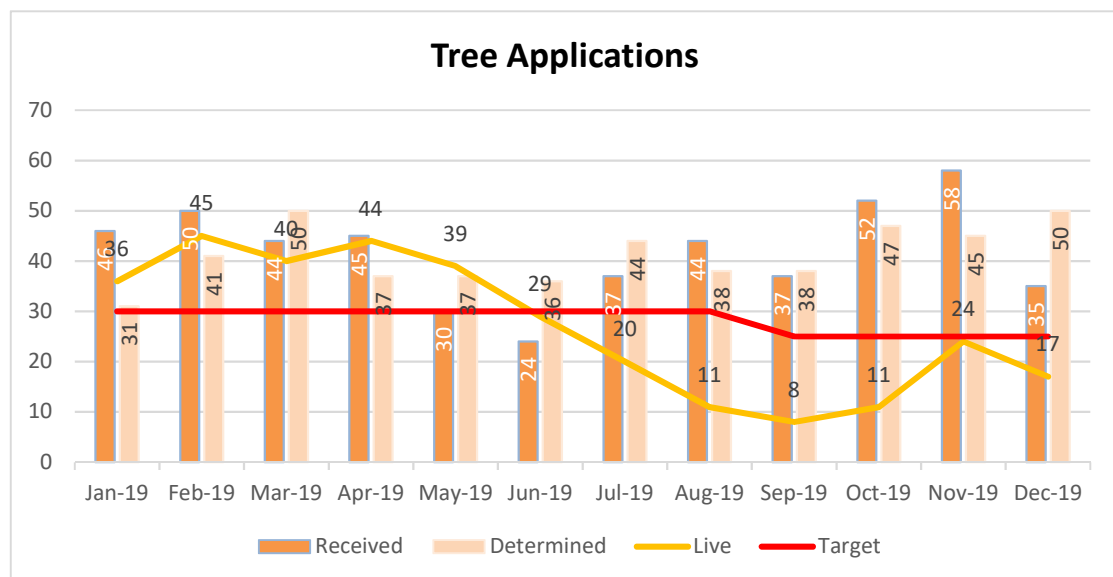


Figure 8: Tree Permit applications received and determined by month

DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd

PLANNING INVESTIGATIONS

An average of 18 breaches per month of Planning Permits and the Planning Scheme were brought to the attention of the Development Planning Unit in 2019.

These breaches relate to built form (such as development, overlooking and signage), land use and vegetation removal. The total number of live investigations declined throughout the year with a significant drop in July when the number of investigations halved from 108 to 54. Overall there was a 306% decrease in live investigations over the 12 month period from 144 to 47. The backlog of live investigations has reduced significantly as a result of the continued efforts of the investigations team to action and close off older investigations.

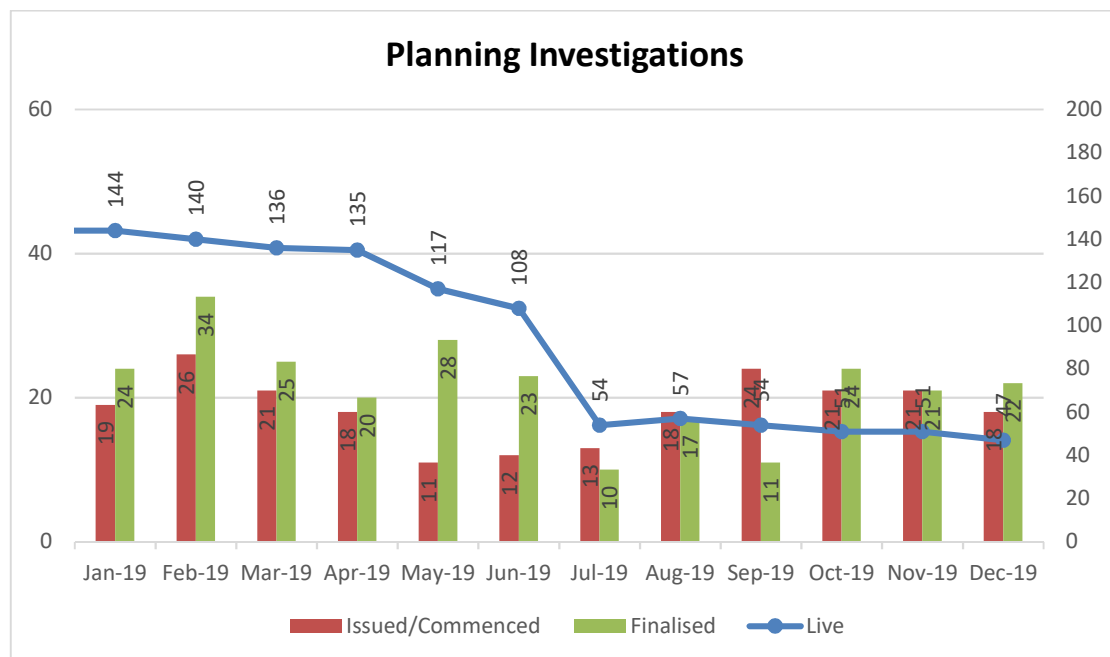


Figure 9 – Planning complaints/investigations initiated and finalised

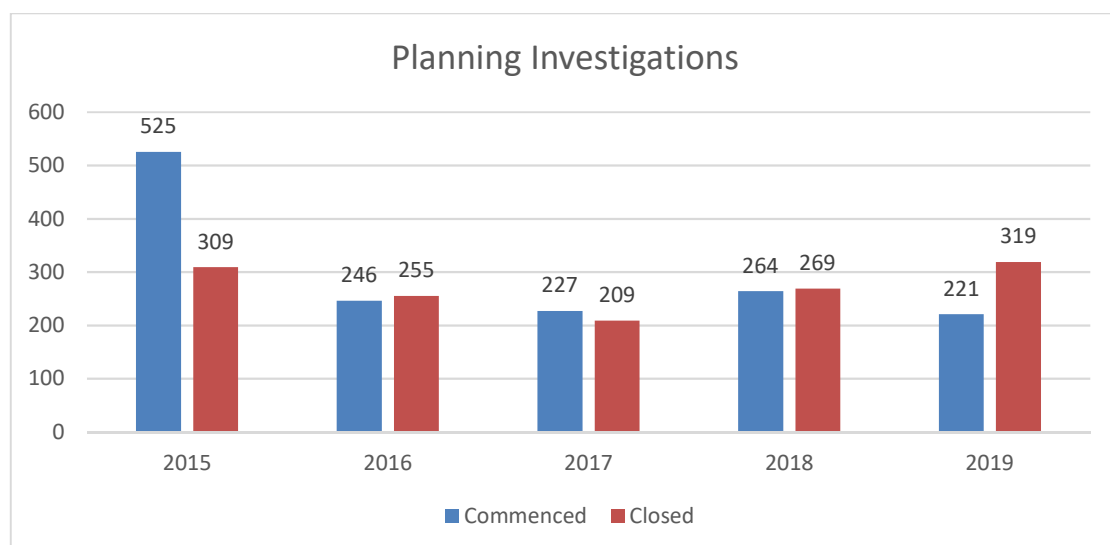


Figure 10 – Planning complaints/investigations initiated and finalised

**DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd**

As detailed in Figure 10 above, 221 planning investigations were instigated in 2019. This is 43 less investigations opened than in 2018. A total of 319 planning investigations have been closed in the 2019, which is 98 more than instigated. This is an improvement on previous years, particularly 2017 when only 209 investigations were closed off.

Over the 6 month review period 18 Planning Infringement Notices have been issued with 16 paid, 2 withdrawn and 5 outstanding at the end of 2019.

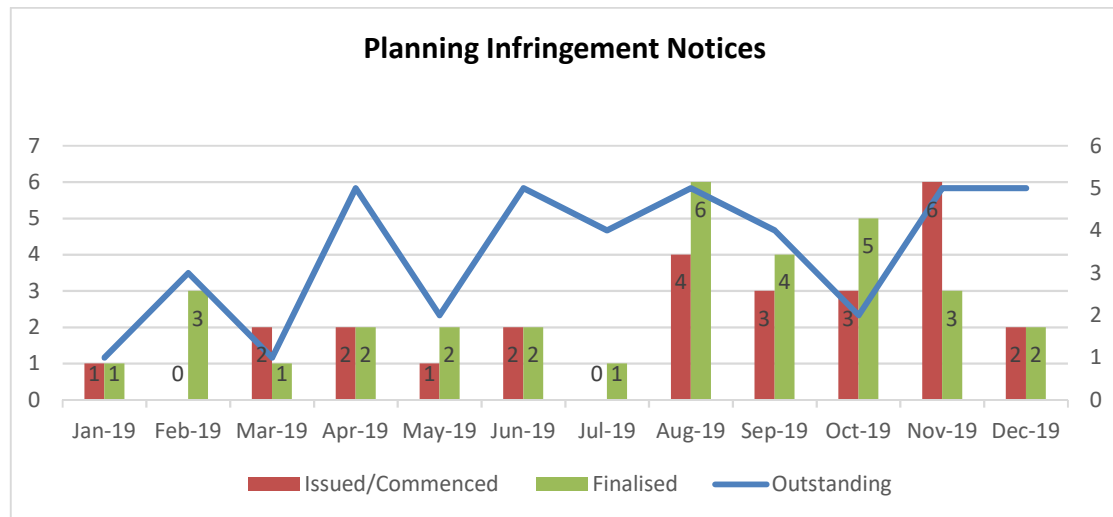


Figure 11 – Planning Infringements initiated and finalised

PLANNING REVIEWS

REVIEWS LODGED

The total number of reviews received for each six month interval since 2015 is detailed in Figure 12 below. There have been 33 reviews lodged in the review period, 7 less than the previous six months however 2019 has seen the highest number of reviews lodged since 2015 with a total of 73.

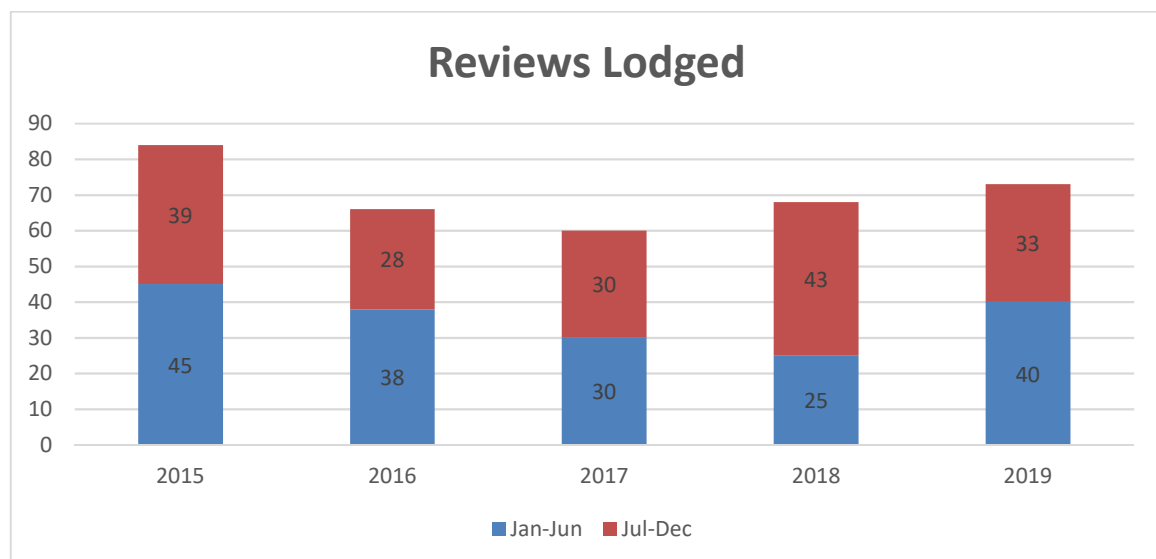


Figure 12 – Total Reviews received by year

**DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd**

As detailed in Figure 13, the majority of reviews lodged continue to be by permit applicants. In the second half of 2019, no reviews were lodged against Council not making a decision within the statutory timeframe (i.e. 'out of time'). This is four less than the previous 6 months.

The number of reviews lodged against refusals for the review period is 25, this is a 3 less than the first half of the year, however remain higher than 2017 and the first half of 2018. The total number of appeals at 33 has continued a downward trend in the number of appeals since a peak of 44 in the second half of 2018.

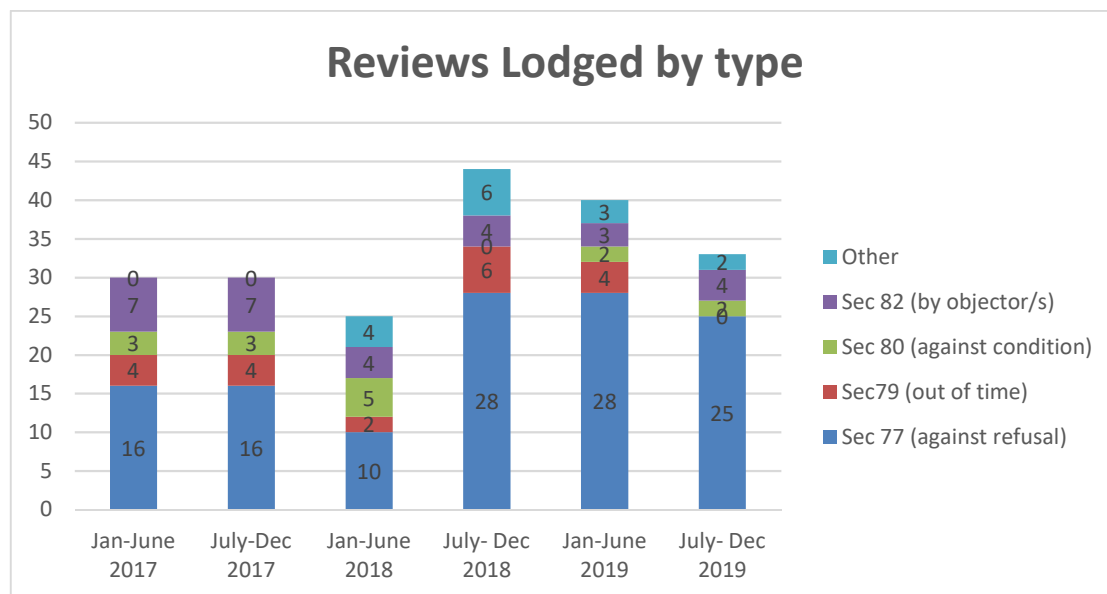


Figure 13 – Reviews lodged by type

DECISIONS RECEIVED

As detailed in Figure 14 below, there has been a decrease in the number of Council's decisions which have been overturned by the Tribunal throughout the review period with 46% of applications for review set aside by the Tribunal compared to 56% in the previous six months. A further 27% of Council's decisions were upheld and 27% of reviews varied. This an upward trend over the previous three review periods and indicates that the Tribunal's view on what is acceptable is better aligning with Council's view. It may also be an indication of an increase in poorly resolved application being determined by Council.

The figures, however, do not indicate when a review results in an improved outcome when compared with an advertised proposal, and in particular improvements to proposals made in substituted plans lodged prior to review hearings.

**DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd**

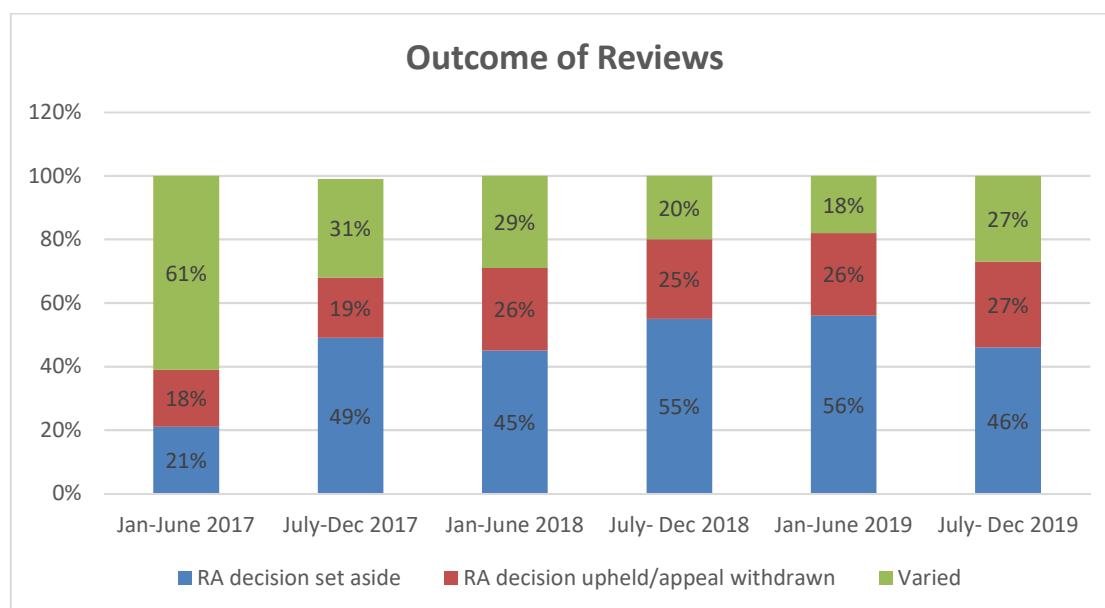


Figure 14 – Outcome of reviews

DISCUSSION AND INITIATIVES

MAJOR PROJECTS DETERMINED

87-131 Bell Street, Ivanhoe

A Notice of Decision to Grant a Planning Permit was issued in September 2019 for a mixed use multi-storey development with two 18 storey buildings, a 15 storey building and a 14 storey building containing 480 apartments.

Prior to lodgement of the application, the applicant engaged with Council to enable the execution of a pre-application information and consultation process including plans being made available to the public through the Shaping Banyule website and the applicant running a public consultation session.

During the application process a further community information session was held with 23 people from the community attending the information session. Following the consultation process 33 objections were received.

The application was determined by Council within the statutory timeframe, and is now subject to an objector review at the Victorian Civil and Administrative Tribunal scheduled for 27 April 2020.

8-16 Seddon Street, Ivanhoe

A proposal for a mixed use multi-storey building ranging from 4 to 9 storeys and providing 71 apartments was refused in June 2019 at 8, 10 & 16 Seddon Street, Ivanhoe.

A total of 52 objections have been received following public notification including an extensive mail out and a community information session.

**DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)
cont'd**

The refusal was reviewed at the Tribunal and subject to a 5 day hearing in November 2019. The Tribunal supported Council's refusal to grant a permit directing that no permit was to be issued.

321 Lower Heidelberg Road, Ivanhoe East

An application for the development of an aged care facility, café, medical centre, child care centre and gym was refused in September 2019. The site was formerly used by the East Ivanhoe Uniting Church.

A community information session was held as part of the public notification process and was attended by approximately 70 community members. A total of 235 objections were received.

The decision was issued within the statutory timeframe and is subject to a preliminary hearing in March 2020 to determine if the proposal is in breach of the restrictive covenants registered to the land. A subsequent hearing is scheduled for 10 days in June 2020.

35 Mount Street, Eaglemont

This application proposed the development of a three storey apartment building containing 18 apartments on a large parcel of land in Eaglemont. The site is located in an 'Incremental' area away from activity centres and public transport.

The application received significant community interest with a total of 563 objections received. The application was refused within the statutory timeframe and is currently subject to a review the Tribunal with the hearing scheduled for 30 March 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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 development planning team have reduced the backlog of planning applications and related requests benefitting from service improvements and initiatives which were introduced in 2018. Processing timeframes have improved with the number of applications decided within the 60 day statutory timeframe increasing to 71%.

ATTACHMENTS

Nil

5.6 PLANNING FEES & CHARGES

Author: David Moon - Development Planning Coordinator, City Development

EXECUTIVE SUMMARY

Council sets its fees annually as part of its budgeting process. This includes non-statutory fees for services that are not covered by the Planning Regulations. These fees support the department to facilitate improvements to planning processes and to focus on providing best practice customer service delivery.

Due to changes introduced by Land Use Victoria in relation to Section 173 agreements, it is proposed to introduce a new fee of \$400 to recover Councils costs when lodging agreements with the titles office.

Following an internal review of fees associated with amending drainage plans approved as part of planning permit outcomes it is proposed to introduce a new fee category. This category will result in a fee schedule that is reasonable for applicants when changes are sought to drainage plans.

The revised non-statutory fee structure supports the department in being able to provide a higher quality of customer service, be adaptive to the changing processes of Land Use Victoria and is in line with Council's City Plan key direction to "*Deliver best value services and facilities*".

RECOMMENDATION

That Council endorse new and amended Planning Fees in the Fees and Charges Schedule 2019/20 as follows:

- Lodgement of Section 173 Agreements - \$400.00; and
- Secondary Consent Applications (Amendments to endorsed drainage plans) - \$300.00.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Deliver best value services and facilities".

BACKGROUND

Council sets its fees annually as part of its budgeting process. This includes non-statutory fees for services that are not covered by the Regulations. These fees support the department to facilitate improvements to planning processes and to focus on providing best practice customer service delivery.

LEGAL CONSIDERATION

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

PLANNING FEES & CHARGES cont'd

HUMAN RIGHTS CHARTER

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

DISCUSSION

LODGEMENT OF SECTION 173 AGREEMENTS

As of 1 August 2019 all Section 173 Agreements are required to be lodged with Land Use Victoria by a legal practitioner working on behalf of Council. Previously the applicant or land owner would arrange the lodgement of the agreement.

As a result of this mandatory change to the lodgement of Section 173 Agreements a new fee is required to be introduced to the Fees and Charges Schedule to cover the cost of the legal practitioner and associated administration fees. The proposed new fee (Lodgement of Section 173 Agreements to Land Use Victoria), to be introduced is \$400.00 per agreement.

SECONDARY CONSENT – AMENDMENTS TO ENDORSED DRAINAGE PLANS

Currently the fee associated with a Secondary Consent amendment to endorsed plans is based on the total cost of the overall development. A proportion of the requests under Secondary Consent are for changes to endorsed drainage plans, which are typically minor changes to plans. Following feedback from permit applicants and developers regarding the fee associated with changes to the endorsed drainage plans, it is proposed to include 'Amendments to endorsed Drainage Plans' in the same category as 'Other Development - \$10,000 or less' which has a fee of \$300.00.

The revised non-statutory fee structure supports the department in being able to provide a higher quality of customer service, be adaptive to the changing processes of Land Use Victoria and is in line with Council's City Plan key direction to "*Deliver best value services and facilities*".

It is considered that the non-statutory fees should be approved.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989 (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 report provides an updated fee schedule for non-statutory fees and seeks Council's approval of these non-statutory fees.

ATTACHMENTS

Nil

6.1 **ADVISORY COMMITTEES' REPORT**

Author: Michael Uniacke - Community & Social Planner, Community Programs

EXECUTIVE SUMMARY

Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective issue.

Advisory Committees provide important linkages between Council, Community and State agencies and interest groups. Following an Advisory Committee meeting, a report is submitted to Council to note the minutes.

Recommendations to Council from Advisory Committees will generally be made to the next Council meeting.

The following Minutes are presented for noting:

1. Banyule Disability and Inclusion Advisory Committee
2. Banyule Arts and Culture Advisory Committee
3. Banyule Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee
4. Banyule Aboriginal and Torres Strait Islander Advisory Committee
5. Banyule Age-friendly City Advisory Committee.

RECOMMENDATION

That Council notes the following minutes/reports:

- 1) Banyule Disability and Inclusion Advisory Committee meeting on 11 December 2019.
- 2) Banyule Arts and Culture Advisory Committee on 3 December 2019
- 3) Banyule Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee meeting on 12 December 2019.
- 4) Banyule Aboriginal and Torres Strait Islander Committee meeting on 5 December 2019
- 5) Banyule Age-friendly City Advisory Committee meeting on 16 December 2019

ADVISORY COMMITTEES' REPORT cont'd

<p>1.</p>	<p>Committee Name: Banyule Disability and Inclusion Advisory Committee</p> <p>Officer: Michael Uniacke</p> <p>Brief explanation: The aim of the Disability and Inclusion Advisory Committee is to provide Council with advice and information on issues facing people with disabilities, and on the development and implementation of Council's Disability Plan.</p> <p>The Disability and Inclusion Advisory Committee met on 11 December 2019 at the Greensborough Council offices. The minutes from this meeting are contained in Attachment 1.</p> <p>Councillor Langdon chaired this meeting. Seven committee members attended. There were no formal recommendations arising from this meeting.</p> <p>Highlights of the meeting included a discussion around a proposed forum on disability employment in collaboration with neighbouring Councils and focusing on the experiences of people with disabilities in employment.</p>
<p>2.</p>	<p>Committee Name: Banyule Arts and Culture Advisory Committee</p> <p>Officer: Hannes Berger</p> <p>Brief explanation: The aim of the Banyule Arts and Cultural Advisory Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and delivery of the 2017 – 2021 Arts and Culture Strategic Plan.</p> <p>The Banyule Arts and Culture Advisory Committee met on 3 December 2019 at the Hatch Contemporary Arts Space in Ivanhoe. The minutes from the meeting are at Attachment 2.</p> <p>Councillor Langdon chaired the meeting; 12 committee members attended. There were no formal recommendations arising from the meeting.</p> <p>A highlight of the meeting was an update of the Public Art Policy.</p>
<p>3.</p>	<p>Committee Name: Banyule LGBTIQ+ Advisory Committee</p> <p>Officer: Gemma Boucher</p> <p>Brief explanation: The aim of the LGBTIQ+ Advisory Committee is to provide Council with advice and information on issues facing the LGBTIQ+ community and on the development and implementation of Council's LGBTIQ+ Plan.</p> <p>The LGBTIQ+ Advisory Committee met on 12 December 2019 at the Hatch Contemporary Arts Space in Ivanhoe. The minutes from the meeting are in Attachment 3.</p> <p>Councillor Langdon chaired the meeting. Nine committee members attended.</p> <p>There were no formal recommendations arising from this meeting.</p> <p>The committee was updated on the progress of the Arts and Culture program for 2020, in particular the exhibition at Hatch Gallery for Midsumma Festival. The committee also reviewed Malahang Festival and</p>

ADVISORY COMMITTEES' REPORT cont'd

	<p>the Rainbow Space stall, as well as discussed the need for Council to take further action on the advocacy effort in relation to the 2021 Census.</p> <p>Banyule Multicultural Advisory Committee Officer: Gemma Boucher</p> <p>This meeting was scheduled to take place on Tuesday 10th December. Due to low member attendance and not making quorum, the Chair made the decision to cancel and the meeting did not go ahead in a formal capacity. The presentation from ADEC (Action on Disability within Ethnic Communities) was given for those who were present.</p>
4.	<p>Committee Name: Banyule Aboriginal and Torres Strait Islander Advisory Committee (BATSAC)</p> <p>Officer: Nicole Findlay</p>
	<p>Brief explanation: The aim of BATSAC is to provide Council with advice and information on issues facing the Aboriginal and Torres Strait Islander communities and on the development and implementation of Council's Aboriginal and Torres Strait Islander Plan.</p> <p>BATSAC met on 5 December 2019 at the Council offices in Greensborough. The minutes from the meeting are in Attachment 4.</p> <p>Councillor Castaldo chaired the meeting. Councillor Langdon was in attendance. Three committee members attended the meeting. There were no formal recommendations arising.</p> <p>The meeting received updates on the progress of the Barrbunin Beek, on the Ivanhoe Library and Cultural Hub, and on RAP developments.</p>
5.	<p>Committee Name: Age Friendly City Advisory Committee</p> <p>Officer: Lauren Brooker</p> <p>Brief explanation: The aim of the Age-friendly City Advisory Committee is to provide Council with advice on older adult issues and ageing well in Banyule. The Committee also oversees Council's involvement in the World Health Organisations Global Network of Age-friendly Cities.</p> <p>The Age-Friendly City Advisory Committee met on 16 December 2019 at the Council offices in Greensborough. The minutes from this meeting are at Attachment 5.</p> <p>Councillor Champion chaired the meeting; Councillor Langdon was in attendance. 11 committee members were in attendance. There were no formal recommendations from this meeting.</p> <p>A highlight of this meeting was a report on the Age-friendly Australia National Forum</p>

ADVISORY COMMITTEES' REPORT cont'd

ATTACHMENTS

No.	Title	Page
1	Banyule Disability and Inclusion Advisory Committee (BDIAC) - Minutes - December 2019	
2	Banyule Arts and Cultural Advisory Committee (BACAC) - Minutes - 3 December 2019	
3	LGBTIQ+ Advisory Committee Meeting - Minutes - December 2019	
4	Banyule Aboriginal and Torres Strait Islander Advisory Committee - Minutes - 5 December 2019	
5	Age Friendly City Advisory Committee - Minutes - 16 December 2019	

6.2 NOMINATIONS FOR CASUAL VACANCIES ON BANYULE ADVISORY COMMITTEES

Author: Michael Uniacke - Community & Social Planner, Community Programs

EXECUTIVE SUMMARY

Banyule's Advisory Committees give advice to Council and Council officers on matters affecting residents from Banyule's diverse populations.

The Advisory Committees are made up of people:

- with disabilities (Banyule Disability and Inclusion Advisory Committee);
- from multicultural communities (Banyule Multicultural Advisory Committee);
- with diverse sexualities (Banyule LGBTIQ+ Advisory Committee);
- from Aboriginal communities (Banyule Aboriginal and Torres Strait Islander Advisory Committee).

The Committees help ensure that Council policies, practices and programs are inclusive and respectful to all.

Due to movement in current membership across each of these committees, a mid-term expression of interest to fill vacancies has been undertaken.

Vacancies exist for each Committee as follows:

Committee	Vacancy
Banyule Disability and Inclusion Advisory Committee (BDIAC)	3
Banyule Multicultural Advisory Committee (BMAC)	5
Banyule LGBTIQ+ Advisory Committee (LGBTIQ+)	3
Banyule Aboriginal and Torres Strait Islander Advisory Committee	6

Nominations were received and assessed.

Council is now being asked to determine the appointments to fill the various vacancies on the committees.

RECOMMENDATION

That Council approve the following member appointments:

- a) [appointment to be determined] to the Banyule Disability and Inclusion Advisory Committee.

NOMINATIONS FOR CASUAL VACANCIES ON BANYULE ADVISORY COMMITTEES cont'd

- b) [appointment to be determined] to the Banyule Multicultural Advisory Committee.
- c) [appointment to be determined] to the Banyule LGBTIQ+ Advisory Committee.
- d) [appointment to be determined] to the Banyule Aboriginal and Torres Strait Islander Advisory Committee.

COUNCIL PLAN

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

BACKGROUND

Banyule's Advisory Committees are made up of residents with knowledge and expertise in diverse populations, and who are willing to commit to serving a two-year term to give advice to Council and to Council officers on matters to ensure that Council policies practices and programs are inclusive and respectful.

The terms of references for each of the Advisory Committees allow for up to 15 committee members. Vacancies for each Advisory Committee are as follows:

Committee	Members	Vacancy
Banyule Disability and Inclusion Advisory Committee (BDIAC)	12	3
Banyule Multicultural Advisory Committee (BMAC)	10	5
Banyule LGBTIQ+ Advisory Committee (LGBTIQ+)	12	3
Banyule Aboriginal and Torres Strait Islander Advisory Committee (BATSAC)	9	6

In order to fill these vacancies, an Expression of Interest (Eoi) form was developed and notices were released through several channels, including social media, to invite interested and experienced community members to lodge Eois to gain a position on a relevant Advisory Committee. Links were provided for electronic lodgement of Eoi forms.

The due date of these Eois was extended to Sunday 12 January to allow for the holiday period. By this time:

- Six Eois were lodged for BDIAC;
- Seven Eois were lodged for BMAC;
- Three Eois were lodged for LGBTIQ+; and
- Two Eois were lodged for BATSAC.

The Support Officers for the four Advisory Committees met to assess the Eois received, with the Acting Coordinator, Community and Social Planning as Chair. Officers prepared an assessment template, based on the selection criteria outlined in the Committees' terms of reference. This template scored each Eoi against:

NOMINATIONS FOR CASUAL VACANCIES ON BANYULE ADVISORY COMMITTEES cont'd

- Confirmation of a significant connection to Banyule through residence, employment or other;
- Self-identification as a community member or an organisational member, score out of five;
- Response to the key needs and issues affecting their population, score out of five;
- Response to links to their community, score out of five;
- Relevant life experience and skills, score out of five; and
- Commitment to meetings and reading of terms of reference, score out of two.

Prior to the assessment meeting, each contact officer reviewed and scored each EoI. During the meeting each EoI was then presented, further assessed and discussed by all contact officers and the acting Coordinator, Community and Social Planning. This approach combined the expertise of the portfolio contact officer with the objective assessments by other contact officers, overseen by the acting Coordinator.

On the basis of a score out of 22, Support Officers arrived at their selections for each Advisory Committee, based on information provided. These selections were endorsed by the Acting Coordinator. Collectively, Support Officers recommend 13 applicants for positions on the four Advisory Committees.

The names of the 13 persons selected by this process for each of these Advisory Committees are in **Attachment 1**.

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.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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.

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

NOMINATIONS FOR CASUAL VACANCIES ON BANYULE ADVISORY COMMITTEES cont'd

CONCLUSION

After careful and comprehensive assessment, it is recommended that the vacancies be filled as follows:

- Three applicants for BDIAC;
- Five applicants for BMAC;
- Three applicants for LGBTIQ+; and
- Two applicants for BATSAC

The new members will complement present members of the advisory groups, and bring added knowledge, insight and expertise that will benefit each Committee and Council overall.

ATTACHMENTS

No.	Title	Page
1	Banyule Advisory Committees - Nominations for casual vacancies - List of recommended applicants - January 2020 - CONFIDENTIAL	

7.1 COUNCIL ELECTIONS 2020

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

EXECUTIVE SUMMARY

The next 4 yearly council elections for 78 of the 79 of Victorian councils will be held on 24 October 2020. The Victorian Electoral Commission (VEC) is the statutory election service provider for Victorian local councils. The VEC became the legislated provider of election services in 2015 following changes to *the Local Government Act 1989* and successfully conducted the 2016 General Elections for all councils.

In 2019 the VEC conducted a Review of Banyule City Council's Electoral Structure. The Review involved two stages of public consultation where Council and members of the public made submissions on their view of the best electoral structure for Banyule.

At the conclusion of the Review the VEC recommended a change to Banyule's structure to the Minister for final approval. The VEC's recommendation was that Banyule City Council consist of nine (9) single councillor wards. Pending a decision from the Minister for Local Government, any changes to the electoral structure of Banyule will take place at the 2020 election.

Councils are able to choose between conducting attendance voting or postal voting elections. Banyule has in the past conducted its elections by attendance voting including the last election held in 2016.

The preliminary estimates from the VEC for conducting an attendance election for Banyule have been received and indicate that the costs have increased by 20% from 2016. In addition the added cost of two additional councillors means the total cost of conducting the election in 2020 will be \$1,008,938.13 (ex GST) if Council wishes to continue with attendance voting. An election by postal method of voting will cost approximately \$808,490.43 (ex GST).

The Local Government Bill 2019 has not yet been passed by Parliament which will provide for the Minister to select the voting method for all councils. At this point in time the current Local Government Act 1989 requires Council to select its voting method.

Council has until 24 February 2020 to confirm the method of voting for Banyule's election and to advise the VEC. It is recommended that postal method of voting be the preferred method of voting to be used for the 2020 Banyule General Elections.

RECOMMENDATION

That:

1. Council note the report and the planning that is underway for the conduct of the 2020 Victorian Local Government General Elections; and

COUNCIL ELECTIONS 2020 cont'd

2. Council confirm postal voting as the method of voting to be used for the 2020 Banyule General Elections.
3. A further report be presented to Council should any changes be made to the method of voting as a result of the changes to the new Local Government Act.

COUNCIL PLAN

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

LEGAL CONSIDERATION

The legal requirements related to local government elections are prescribed within Part 3 of the *Local Government Act 1989* (the Act) and the *Local Government (Electoral) Regulations 2016*.

Section 41A of the Act allows for councils to nominate that all voting at an election is to be by means of postal voting; the alternative being by attendance voting. Section 41(2A) requires that voting at a general election must be conducted by the same means, whether attendance or postal voting, as the previous general election was conducted unless the Council has decided at least 8 months before the election day to change the means of conducting the voting.

For Banyule Council this means that any decision to change the method of voting from the last election would need to be made by 24 February 2020.

HUMAN RIGHTS CHARTER

Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with Charter and to consider relevant Charter rights when they make decisions.

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.

The Human Right that is impacted by the conduct of elections is Section 18 – The right to take part in public life, which includes every eligible person being given the right to vote and be elected at elections.

In determining the method of voting, Council needs to consider the method of voting which best supports and enhances the right for eligible persons to vote, or least impacts on the ability of persons to vote.

FUNDING IMPLICATIONS

As the sole service provider for Banyule City Council's Election services, the VEC has recently written to the CEO advising that they have finalised their Election Plan for conducting the local government elections in 2020. As part of the Plan, and in order to allow councils to budget for the upcoming elections, they provided the preliminary cost estimates for conducting the elections for each individual council.

COUNCIL ELECTIONS 2020 cont'd

The estimated cost of conducting the Banyule General elections is detailed below and includes the estimated cost for attendance and postal voting, and also factors in the cost for seven Councillors and nine Councillors. The estimates are exclusive of GST.

	Conduct of election	Compulsory voting	7 Councillors Total	9 Councillors Total
Attendance	\$692,149.98	\$92,579.86	\$784,729.84	\$1,008,938.13
Postal	\$537,242.13	\$91,583.76	\$628,825.89	\$808,490.43

These figures represents a 20% increase in the cost of the elections from 2016.

REPORT

Election Planning

The VEC finalised and released its Local Government Election Services Plan 2020 in December 2019. The Plan outlines the VEC's work at each stage of the election timeline and sets targets to assess the success of the program following its completion. It also details the areas councils will be contributing to the preparations for the elections and builds on the important partnership between the VEC and its local government clients.

In late 2015, the Victorian Parliament amended the *Local Government Act 1989* to establish the VEC as the statutory election service provider to the local government sector. The VEC conducted the 2016 General Elections for all councils.

In 2019 the VEC also conducted a Review of Banyule City Council's Electoral Structure as required roughly every 12 years under Part 10 of the Act. The Review involved two stages of public consultation where Council and members of the public made submissions on their view of the best electoral structure for Banyule.

At the conclusion of the Review the VEC recommended a change to Banyule's structure to the Minister for final approval. The VEC's recommendation was that Banyule City Council consist of nine (9) single councillor wards. Pending a decision from the Minister for Local Government, any changes to the electoral structure of Banyule will take place at the 2020 election.

Election Period Policy

For the 2016 elections, an Election Period Policy was developed and Caretaker Procedures were implemented at Banyule as required under section 93B of the Act and were used to guide staff and sitting councillors in the lead up to the election. The Election Period Policy was revised and adopted by Council on 7 October 2019 in preparation of the 2020 election.

The three matters that must (as prescribed in the Act) be covered in the policy are:

- Preventing inappropriate decisions and misuse of resources.
- Limiting public consultation and council events.
- Equitable access to Council information.

COUNCIL ELECTIONS 2020 cont'd

Election Costs

As advised under the heading 'Funding Implications' the cost estimate provided for the 2020 elections represents a 20% increase from the previous elections. The reasons the VEC have given for this increase include:

- The estimate has been prepared using key parameters that were agreed with Banyule for the preparation of the VEC's quote in 2016, including local advertising outlets, election office accommodation, candidacy, method of voting, and turnout with CEO list and State enrolment figures from the most recent Electoral Representation Review.
- Costs have increased in a number of areas since 2016 which impact on local government elections. One of the areas is Australia Post, and as a result, postage rates have increased from 87c per item to 1.06c per item from 1 January 2020.

The estimates provided by the VEC have been prepared based on current electoral structures of all councils, no allowance was given for councils that are awaiting a decision by the Minister on the VEC's Electoral Review recommendation. For the purpose of budgeting and this report, officers divided the total estimate by seven to estimate the cost per ward then multiplied that figure by nine.

Incorporating the cost changes, the VEC notes that – based on its costing activity so far – attendance and postal elections have increased in cost by 20.2% and 21.17%, respectively since the 2016 local government elections, with an overall increase of 20.73% since 2016.

Method of Voting – Postal/Attendance

In regard to the method of voting, Banyule Council is one of six of the 79 councils in Victoria to conduct elections by attendance voting, meaning that voters must attend polling booths on the day of the election to cast their votes, unless they have cast a pre-poll vote or applied for a postal vote. All other councils conduct their elections by postal voting.

The other five councils which conducted attendance voting in 2016 were: Greater Dandenong, Knox, Moreland, Port Philip and Yarra Councils. These councils may not necessarily be conducting attendance voting elections in 2020, as with each election the number of councils doing so has progressively declined. The main reasons for this seem to be:

Postal Voting

- Convenience for voters. Ballot papers are posted to voters' for completion. Voters who are isolated, live in remoter locations, or are less able to leave their homes due to illness or disability particularly find postal voting more convenient.
- The cost, which is substantially less. For Banyule the indicative figure is that it will cost \$200,000 (ex GST) less to conduct an election by postal voting.

COUNCIL ELECTIONS 2020 cont'd

- The participation rate under the postal system has been comparably higher than the turnout rate at attendance elections. In 2016 the average participation rate for postal elections was 73.75% and for attendance it was 61.49%.
- Informal vote (and therefore invalid vote) percentages are much less with postal voting than under attendance voting. The average informal voting percentage for postal voting in 2016 was 6.02%, and for attendance voting it was 8.44%.

While postal voting has been the preferred method for the vast majority of councils (73 of the 79 councils use postal voting), those councils that have continued to support attendance voting do so based mainly on the following arguments:

Attendance Voting

- Attendance voting is the method of voting most associated with the democratic process of voting. Some voters and community leaders maintain a preference for attendance voting because it involves face-to-face interaction with candidates or their supporters.
- Some argue that attendance voting can help to discourage dummy candidates believing the postal system to be more open to manipulation in this regard.
- Others believe that postal voting may be more susceptible to fraud (lost and stolen ballots).
- The view that postal material is confusing for voters whereas at attendance elections there are officials present to assist voters.

Banyule Council needs to consider whether it will change the method of voting for the 2020 election and has until 24 February 2020 to inform the VEC of any change.

Local Government Bill 2019

The Local Government Bill 2019 (the Bill) was introduced into Parliament in November 2019 and included a range of reforms to *the Local Government Act*.

One reform included regarding the conduct of elections gives the power to the Minister to determine the system of voting for General Elections.

Clause 262 of *Part 8, Division 5 – Conduct of elections*, provides that the system of voting for general elections and by-elections – either postal voting, attendance voting or any other form of voting – is determined by the Minister on the advice of the VEC.

If the Bill passes, it is unknown when this clause will take effect but it is noted the changes may affect the way Banyule conducts the election.

COUNCIL ELECTIONS 2020 cont'd

TIMELINES

The following key timelines are from the VEC 2020 Election Services Plan:

DATE	ACTIVITY
Jan – Mar 2020	Service level negotiations with councils to be finalised
24 Feb	Final day for councils to resolve to change their method of voting
2 Mar – 30 Apr	Period for receiving preliminary voters' roll data from councils
July	Access to election office accommodation is required
28 Aug	Entitlement Date at 4.00pm
16 Sept	Election Offices open to the public
17 Sept	Certification of the voters' roll by the Registrar Opening of the candidate nomination period
22 Sept	Close of nominations at 12 noon Ballot draws to determine the ballot paper order
23 Sept	Commencement of Election (Caretaker) period 12.00 am Opening of early voting and postal voting
22 Oct	Deadline for applying to receive postal vote for attendance elections
23 Oct	Close of voting for postal elections at 6.00pm Close of early voting for attendance elections at 6.00pm
24 Oct	Election Day
25 – 6 Nov	Counting and declarations
Early Jan 2021	Non-voter follow up commences

CONCLUSION

The Victorian Electoral Commission (VEC) is the statutory election service provider for Victorian local councils.

Councils are able to choose between conducting attendance voting or postal voting elections. In conducting the elections for councils, the VEC is able to recover the costs incurred, which includes the follow-up and enforcement of failures to vote. The preliminary estimates provided to Council for budgeting purposes indicate that there has been a 20% increase in the costs since the 2016 elections, which have been explained by the VEC.

In 2019 the VEC conducted a Review of Banyule City Council's Electoral Structure and recommended to the Minister for Local Government that Banyule's future electoral structure consist of nine councillors. The Minister is yet to make a determination on the final structure of Banyule, however, if adopted, any changes to the structure will take place at the 2020 election. Therefore this report has calculated the total estimates for conducting an election for both seven and nine councillors/wards.

The estimated cost of Banyule General elections, conducted by attendance voting is \$1,008,938.13 (ex GST).

The estimated cost of Banyule General elections, conducted by postal voting is \$808,490.43 (ex GST).

Council will need to factor in this significant increase in costs when determining the method of voting for Banyule in the 2020 elections.

COUNCIL ELECTIONS 2020 cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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.

ATTACHMENTS

Nil

7.2 **REPORT ON PROPERTY TRANSACTIONS FOR THE SIX MONTHS ENDING 31 DECEMBER 2019**

Author: Amanda Allen - Property Coordinator, City Development

Previous Items

Council on 05 Aug 2019 7.00pm (Item 7.4 - Report on Property Transactions for the 6 Months Ending 30 June 2019)

EXECUTIVE SUMMARY

At its Ordinary Meeting on 11 July 2016, Council requested six monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.

This report provides an update to the Council and the community where settlement of land and property transactions occurred in the six month period from 1 June 2019 to 31 December 2019.

This information is presented to Council in February and August yearly.

RECOMMENDATION

That:

1. Council notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending on 31 December 2019.

Land and Property involved

Address	Zone	Description	Area m ²	Price Incl. GST
Part 11 & 11A Porter Street, Montmorency	NRZ3	Creation of Drainage Easement within Council Reserve (No actual transfer of land)	140.59	\$19,903.40 (For the provision of drainage easement rights within the land)

2. A further report be presented to Council in August 2020 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 30 June 2020.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide responsible financial management and business planning".

REPORT ON PROPERTY TRANSACTIONS FOR THE SIX MONTHS ENDING 31 DECEMBER 2019 cont'd

BACKGROUND

Under section of the *Local Government Act 1989*, Council is required to give public notice of its intention to sell or exchange land. In doing so, it is also compelled to invite submissions from the public before exercising its power and making a decision.

Despite a track record of complete legislative compliance and transparent decision making, the public does not always keep up to date with Council land and property transactions. In response to this, Council at its meeting on 11 July 2016, resolved to receive a report identifying all land acquired, disposed, transferred or exchanged by Council every six months. The six monthly reports highlighting such transactions, is aimed at offering improved openness of such property matters for interested persons.

Seven reports have been tabled previously:

- August report for the period 1 January 2019 to 30 June 2019 listed no land or property transactions.
- February report for period of 1 July 2018 to 31 December 2018 listed settlement on five land and property transactions.
- August report for the period 1 January 2018 to 30 June 2018 listed settlement on four land and property transactions.
- February report for period of 1 July 2017 to 31 December 2017 listed settlement on three land and property transactions.
- August report for period of 1 January 2017 to 30 June 2017 listed settlement on seven land and property transactions.
- February report for period of 1 July 2016 to 31 December 2016 listed settlement on four land and property transactions.
- August report for period of 1 January 2016 to 30 June 2016 listed settlement on nine land and property transactions.

LEGAL CONSIDERATION

There are no direct legal implications arising from the recommendation contained in this report. However, in undertaking land property related transactions, Council is required to comply with provisions in Sections 189 and 223 of the *Local Government Act 1989* (Act), relating to the giving of public notice, inviting and any considering submissions received.

HUMAN RIGHTS CHARTER

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

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

Locality Plan

A locality plan for each of the properties transacted can be found in **Attachment 1**.

CURRENT SITUATION

There was one relevant property matter in the period 1 July 2019 to 31 December 2019. In this instance Council granted an easement over part of Briar Valley Reserve

REPORT ON PROPERTY TRANSACTIONS FOR THE SIX MONTHS ENDING 31 DECEMBER 2019 cont'd

for drainage purposes to benefit an adjacent development site. There was no actual transfer of land involved.

The following table details the address, zoning, status and area of the property and the date the matter was considered by Council.

Land and property disposed

Address	Zone	Description	Area m ²	Considered by Council
Part 11 & 11A Porter Street, Montmorency	NRZ3	Creation of Drainage Easement within Council Reserve (No actual transfer of land)	140.59	20 May 2019 (CO2019/72)

Property transactions currently in progress will feature in the next relevant report.

TIMELINES

A further report of transactions concluded in the period 1 January 2020 to 30 June 2020 will be presented to Council in August 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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

During the preceding six months ending 31 December 2019, there was one property matter providing a net financial return to Council of \$19,903.40 (incl. GST). Further transactions remain in progress, which will be reported in the next six monthly report.

It is intended that this six monthly practice of reporting to Council will continue to complement Council's legislative practices and deliver higher levels of transparency.

ATTACHMENTS

No.	Title	Page
1	Locality Plan	

7.3 ASSEMBLY OF COUNCILLORS

Author: Ellen Kavanagh - Governance 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: 26 November 2019</p> <p>Type of Meeting: North East Link Forum</p> <p>Matters Considered: North East Link</p> <p>Councillors Present: Peter Castaldo Alison Champion Mark Di Pasquale Tom Melican</p> <p>Staff Present: Geoff Glynn – <i>Acting Chief Executive Officer</i> Scott Walker – <i>Director City Development</i> Jonathan Risby – <i>Manager Transport</i> Paul Bellis – <i>Transport Planning & Advocacy Coordinator</i></p> <p>Others Present: Rachel Kamath – <i>Transport Planner, Major Projects</i> Various – Large public forum with members of the public</p> <p>Conflict of Interest: Nil</p>
2	<p>Date of Assembly: 3 December 2019</p> <p>Type of Meeting: Arts & Cultural Advisory Committee</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Art Acquisitions • Malahang Community Festival • Pinpoint Networking Series • Banyule Open Studio Pilot • Public Art Policy Update • Olympic Park – Local Histories Project

ASSEMBLY OF COUNCILLORS cont'd

	<ul style="list-style-type: none"> • Ivanhoe Library & Cultural Hub Update • BACAC Evaluation & 2020 Meeting Dates • Carols / Boulevard Lights • Future Histories Exhibition • Napier Wallace House Tour • Arts & Culture Tips for Summer <p>Councillors Present: Craig Langdon</p> <p>Staff Present: Hannes Berger – <i>Arts & Culture Team Leader</i> Nikki Ralston – <i>Arts & Cultural Development Officer</i></p> <p>Others Present: Rosemary Crosthwaite Fran Lee Anne Bennett Les Walkling Kevin Ritchie Genelle Ryan Joanne O'Hara Sandra Diaz June Gassin</p> <p>Conflict of Interest: Nil</p>
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3	<p>Date of Assembly:</p> <p>Type of Meeting:</p> <p>Matters Considered:</p>	<p>9 December 2019</p> <p>Councillor Briefing</p> <p>Items on the Council Agenda for the Ordinary Meeting of 9 December 2019 (excluding confidential items) as listed below:</p> <ul style="list-style-type: none"> 3.1 The Banyule Graffiti Strategy 2020-24 3.2 Banyule Public Art Policy 2020-2024 3.3 Inclusion, Access and Equity Mid Term Achievements Report 2017-2019 3.4 HiCity (Bedford Group) Transition Plan Update 4.1 Banyule Environment Advisory Committee - New membership endorsement 4.2 2018/19 State of the Environment Report 4.3 Council's Corporate Emissions Reduction Plan, 2020 – 2023 5.1 69-71 Banyule Road, Rosanna - Development of 27 Dwellings, Vegetation Removal and partial removal of an easement (P858/2019) 5.2 32 Yando Street, Greensborough - Shared pathway and removal of vegetation within Kalparrin Gardens (P786/2019) 5.3 294 Bell Street, Heidelberg West - Planning Permit Application for a Mixed Use Multi Level Development (P312/2010 Section 72 Amendment) 5.4 New Telstra Payphones and Electronic Signage - Various Locations
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ASSEMBLY OF COUNCILLORS cont'd

	<p>Councillors Present:</p> <p>Staff Present:</p>	<p>5.5 Banyule Road and Beverley Road, Rosanna - Intersection Safety Concerns</p> <p>5.6 Council Report Bellfield Planning Scheme Amendment C153 and Community Consultation Report</p> <p>5.7 Hurstbridge Railway Line Upgrade Stage 2 - Urban Design Principles and Project Update</p> <p>7.1 Land Transactions Framework</p> <p>7.2 Public Consultation - Banyule City Council's Rating Strategy 2020-2021</p> <p>7.3 Public Consultation - Banyule City Council's Draft Schedule of Fees and Charges 2020/2021</p> <p>7.4 New Public Interest Disclosures</p> <p>7.5 Award of contract for '1014-2020 Design & Construct for Glenauburn Modular Pavilion'</p> <p>7.6 Award of Contract '1011 -2020 Contractors for Irrigation Renewal Program'</p> <p>7.7 Award of Contract '0989-2019 Provision of Stormwater Harvesting Maintenance Services'</p> <p>7.8 Award of Contract for '1013-2020 Construction of Outdoor Courts and Design & Construction of Roof Structure - Nets Stadium Banyule'</p> <p>7.9 Assembly of Councillors</p> <p>Urgent Business Item:</p> <p>1.1 North East Link Project Environment Effects Statement Assessment Report</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti <i>at 5:37pm</i> Craig Langdon Tom Melican Wayne Philips</p> <p>Geoff Glynn – <i>Acting Chief Executive Officer</i> Robbie Colosimo – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Darren Bennett – <i>Acting Director Assets & City Services</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Jonathan Risby – <i>Manager Transport</i> Joel Elbourne – <i>Manager Planning & Building</i> Shawn Neilsen – <i>Acting Manager Environment & Place</i> Lucy Rasdell – <i>Manager Strategic Property</i></p>
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ASSEMBLY OF COUNCILLORS cont'd

	<p>Others Present:</p> <p>Conflict of Interest:</p>	<p>Tania O'Reilly – <i>Manager Finance & Procurement</i> Walla Idris – <i>Development Planner</i> Nil Nil</p>
4	<p>Date of Assembly:</p> <p>Type of Meeting:</p> <p>Matters Considered:</p> <p>Councillors Present:</p> <p>Staff Present:</p> <p>Others Present:</p> <p>Conflict of Interest:</p>	<p>11 December 2019</p> <p>Banyule Disability & Inclusion Advisory Committee</p> <ul style="list-style-type: none"> • Announcement of Banyule Council's new CEO, Allison Beckwith • Information on MAV project to survey Victorian Councils' disability advisory groups • Reports on internal and external activities and events for the International Disability Day • Early discussion on the possibility of a disability employment summit or forum in conjunction with our neighbouring Councils • Banyule's Inclusive Employment Program • Safe Access Audit in Were Street Montmorency • Update from Disability Planner <p>Craig Langdon</p> <p>Lisa Raywood – <i>Manager Health Aged & Community Planning</i> Michael Uniacke – <i>Social & Community Planner</i> Hilary Coward – <i>Health Promotion & Project Support Officer</i> Stephen Bell – <i>Project Officer, Municipal Association of Victoria</i> Erin Gook – <i>Auslan Interpreter</i> Thomas King - <i>Notetaker</i> Nil</p>
5	<p>Date of Assembly:</p> <p>Type of Meeting:</p> <p>Matters Considered:</p>	<p>16 December 2019</p> <p>Councillor Briefing</p> <p>Items on the Council Agenda for the Special Council Meeting of 16 December 2019 (excluding confidential items) as listed below:</p> <p>2.1 Rosanna Station Kiosk Lease between Banyule City Council and Youth Projects Ltd</p> <p>6.1 Award of Contract No '0999-2019, The Centre Ivanhoe - Venue Management, Catering and Hospitality Services'</p>

ASSEMBLY OF COUNCILLORS cont'd

		<p>6.2 Award of Contract for '1009-2019 Changeroom and Pavilion Upgrade at De Winton Reserve'</p> <p>6.3 Award of Contract No '1017-2020 Construction – Rosanna Village Precinct Streetscape Renewal'</p>
	Councillors Present:	<p>Peter Castaldo Alison Champion Rick Garotti Craig Langdon Tom Melican Wayne Phillips</p>
	Staff Present:	<p>Geoff Glynn – <i>Acting Chief Executive Officer</i> Robbie Colosimo – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Darren Bennett – <i>Acting Director Assets & City Services</i> Gina Burden – <i>Manager Governance & Communication</i> Ellen Kavanagh – <i>Governance Officer</i></p>
	Others Present:	Nil
	Conflict of Interest:	Nil

6	Date of Assembly:	16 December 2019
	Type of Meeting:	Age Friendly City Advisory Committee
	Matters Considered:	<ul style="list-style-type: none"> • Welcome and Apologies • Actions from Previous Minutes • Age Friendly Australia National Forum: Review • Update on Bellfield Community Hub • Older Adults Action Plan 2018-2019 • General Discussion
	Councillors Present:	Alison Champion Craig Langdon
	Staff Present:	Leanne Horvath – <i>Service Planning, Assessment & Community Support Coordinator</i> Jacqui Stephenson – <i>Senior Project Manager</i>
	Others Present:	Age Friendly Advisory Committee Members: Glenn Swafford Susanne Walker Jennifer Helmich Marita Carmody Allison Ryan Karlene Lang Stewart Morrirt Bev Moss Mary Ann Williams Margaret Breare Jenny Dale
	Conflict of Interest:	Nil

ASSEMBLY OF COUNCILLORS cont'd

RECOMMENDATION

That the Assembly of Councillors report be received.

ATTACHMENTS

Nil

7.4 AWARD OF CONTRACT NO 1004-2020 "CONSTRUCTION OF KALPARRIN GARDENS SHARED PATHWAY"

Author: Brett Jose - Open Space Planning Project Officer, Assets & City Services

Ward: Bakewell

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 1004 - 2020 for "Construction of Kalparrin Gardens Shared Pathway".

A masterplan was prepared for Kalparrin Gardens Reserve, Greensborough, in consultation with community and stakeholders and was adopted by Council on the 20th February 2017. The construction of the Kalparrin Gardens Shared Pathway is a recommendation within the adopted masterplan.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to Geoff Brereton Engineering for the lump sum price of \$949,341 (ex GST) in accordance with the tender and conditions as determined by Council.

RECOMMENDATION

That:

1. Contract No.'1004 - 2020' for 'Construction of Kalparrin Gardens Shared Pathway' be awarded to Geoff Brereton Engineering for \$949,341 (excl.G.S.T)
2. The Director of Assets and 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

Kalparrin Gardens Reserve is a large parcel of public open space (11.5 hectares) in Banyule's North Precinct. It consists of two sections, the general recreational parkland south of Yando Street and the bushland section north of Yando Street. Kalparrin Gardens is one of a series of important community parks, which together form a significant linear parkland, within the Plenty River corridor.

A masterplan was prepared for Kalparrin Gardens Reserve, Greensborough, in consultation with community and stakeholders and was adopted by Council on the

AWARD OF CONTRACT NO 1004-2020 "CONSTRUCTION OF KALPARRIN GARDENS SHARED PATHWAY" cont'd

20th February 2017. The construction of the Kalparrin Gardens Shared Pathway is a recommendation within the adopted masterplan.

The proposed works are to include a 3m wide reinforced concrete path allowing for accessible access to the reserve and looped connectivity around the reserve.

Tenders were advertised in the local government tender section of The Age newspaper on Saturday 31 August 2019 and closed on Tuesday 24 September 2019. During the period that the tenders were open, Twenty Three (23) companies downloaded the tender document from Council's website. Tenders closed at 3pm on 24 September 2019 and six (6) submissions were received by the closing time.

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. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. 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.

AWARD OF CONTRACT NO 1004-2020 "CONSTRUCTION OF KALPARRIN GARDENS SHARED PATHWAY" cont'd

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

A Tender Evaluation Panel (TEP) evaluated each quotation using a weighted matrix based on financial, technical, commercial and other criteria discussed further in this report.

An evaluation matrix was prepared detailing the weightings and scores for each criteria from the 6 submissions.

Tender Evaluation Criteria

Tenders were evaluated by the Tender Evaluation Panel (TEP) comprising officers from Capital Works, Parks & Open Space and Procurement Unit.

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.

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

- Tender Price.
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable);
- Qualifications and experience of nominated staff including experience of nominated sub-contractors.
- Existence of an accredited management system and procedures; covering quality, OH&S and environmental performance.
- Demonstration of Social and Economic Sustainability.
- Any other information which the Council may deem to be relevant.

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

The table below shows the tenders submitted and their weighted score from the evaluation:

AWARD OF CONTRACT NO 1004-2020 "CONSTRUCTION OF KALPARRIN GARDENS SHARED PATHWAY" cont'd

Contractor	Weighted Scores
1. Geoff Brereton Engineering	83.50
2. Tenderer B	74.02
3. Tenderer C	71.43
4. Tenderer D	70.53
5. Tenderer E	60.66
6. Tenderer F	58.91

Geoff Brereton Engineering are the highest scoring and lowest cost tender.

An independent financial assessment and reference checks have also been conducted.

FUNDING IMPLICATIONS

Council has funding in its 2019-20 Capital Works Programme to undertake the construction of the Kalparrin Gardens Shared Pathway.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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

As a result of the quotation evaluation, the Tender Evaluation Panel recommends that Council award Contract No.1004 - 2020 the Construction of Kalparrin Gardens Shared Pathway to Geoff Brereton Engineering for the lump sum price of \$949,341 (excl. GST).

ATTACHMENTS

No.	Title	Page
1	Tender Matrix - CONFIDENTIAL	

7.5 AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE"

Author: Liam McArdle - Project Engineer, Assets & City Services

Ward: Ibbott

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 1009-2019 for "Changeroom and Pavilion Upgrade at De Winton Reserve".

As part of the 2019/20 financial year Capital Works program, Council is proposing to upgrade the De Winton Pavilion to meet current Female Friendly guidelines.

Tenders were advertised in *The Age* and on Council's website. During this period twenty seven (27) companies downloaded the tender documents and ten (10) submissions were received by the closing time.

A report was originally presented at the 18 November Council meeting and Council adopted the officer recommendation to award the contract to Harris HMC Interiors (Vic) Pty Ltd. Upon requesting the required documentation to finalise the contract, the contractor advised Council that they had "uncovered some concerns" with their tender submission. As a result of these concerns, Council was advised by the contractor that an adjustment to the tendered lump sum was required to complete the project.

As a result of the above, the tender was re-evaluated with the updated price from Harris HMC Interiors (Vic) Pty Ltd. Following the re-evaluation, the Tender Evaluation Panel recommends that Council award Contract No 1009-2019 'Changeroom and Pavilion Upgrade at De Winton Reserve', for the lump sum price of \$818,796 (excl. GST), to Alchemy Construct Pty Ltd.

The project will also be delayed approximately eight weeks due to the change of contractor which will result in a significant impact on the sporting clubs. To avoid this, it is proposed to commence construction at the completion of the 2020 football season. Alchemy Construct have agreed to hold their tendered price to accommodate this.

RECOMMENDATION

That Council:

1. Note Harris HMC Interiors (Vic) Pty Ltd, the successful tenderer awarded Contract No. 1009-2019 for 'Changeroom and Pavilion at De Winton Pavilion' at the Council meeting on 18 November 2019, has withdrawn their submitted tender price for \$678,612.59 (ex. GST) and have advised they cannot fulfil the terms and conditions of the contract under the tendered price. The revised price submitted results in a change to their overall ranking, making them no longer the highest ranked tenderer.

AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE" cont'd

2. Having assessed the submitted tenders, award Contract No. 1009-2019 for 'Changeroom and Pavilion at De Winton Pavilion' to Alchemy Construct Pty Ltd, for \$818,796.00 (excl. GST).
3. The Director of Assets and 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 "Manage the systems and assets that support service delivery".

BACKGROUND

As part of the 2019/20 financial year Capital Works program, Council is proposing to upgrade De Winton Reserve Pavilion to meet current Female Friendly guidelines. The works generally comprise of internal fit out to deliver a more gender equitable environment to accommodate the growing demand for female participation in sport. Historically, sporting facilities have been designed primarily to meet the needs of male participants.

Tenders were advertised in *The Age* on Saturday 07 September 2019 and on Council's website. During the period that the tenders were open, twenty seven (27) companies downloaded the tender documents. Tenders closed at 3.00pm on 01 October 2019 and ten (10) submissions were received by the closing time.

This report was originally presented and adopted at the 18 November Council meeting to award the contract to Harris HMC Interiors (Vic) Pty Ltd. Upon requesting the required documentation to award of the contract, the contractor advised Council that they had "uncovered some concerns" with their tender submission. As a result of these concerns, Council was advised by the contractor that an adjustment to the tendered lump sum was required for the contractor to complete the project.

This report is to consider the awarding of Contract No 1009-2019 for "Changeroom and Pavilion Upgrade at De Winton Reserve" given the above changes.

The project will also be delayed approximately eight weeks due to the change of contractor which will result in a significant impact on the sporting clubs. To avoid this, it is proposed to commence construction at the completion of the 2020 football season. Alchemy Construct have agreed to hold their tendered price to accommodate this.

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.

AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE" cont'd

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 & 2, as circulated in the confidential section of the agenda attachments. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. 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:

- 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.

AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE" cont'd

- Existence of an accredited management system and procedures; covering quality, OH&S and environmental performance.
- Demonstration of Social and Economic Sustainability.
- Any other information which the Council may deem to be relevant.

Tender Evaluation

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

Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.

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

The TEP originally undertook the tender assessment which resulted in Harris HMC Interiors (Vic) Pty Ltd being awarded the contract at the 18 November Council meeting. Upon requesting the required documentation from the contractor for the award of the contract, they advised Council that they had "uncovered some concerns" with their tender submission. As a result of these concerns, Council was advised by the contractor that an adjustment to the tendered lump sum was required for the contractor to complete the project.

As a result of the above, the TEP reconvened to discuss the contract award. Only Harris HMC's price was updated and no individual scores were changed. The weighted score for the tender re-assessment are:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
1. Alchemy Construct Pty Ltd	86.65
2. Tenderer B	86.32
3. Tenderer C	85.45
4. Tenderer D	83.24
5. Tenderer E	82.50
6. Tenderer F	80.52
7. Tenderer G	75.07
8. Tenderer H	74.77
9. Tenderer I	70.72
10. Tenderer J	68.17

AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE" cont'd

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

Alchemy Construct Pty Ltd are the highest scoring capable tenderer and fourth lowest priced tenderer and as such are recommended as the preferred contractor for this contract.

As part of this contract award process Alchemy Construct Pty Ltd were interviewed and had reference checks undertaken.

An independent financial assessment of Alchemy Construct Pty Ltd was conducted recently by Corporate Scorecard which delivered a "pass" rating.

FUNDING IMPLICATIONS

This project has allocated funds as part of the 2019/20 Capital Works Program.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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

As a result of the tender evaluation, the Tender Evaluation Panel recommends that Council award Contract No 1009-2019 'Changeroom and Pavilion Upgrade at De Winton Reserve', for the lump sum price of \$818,796 (excl. GST), to Alchemy Construct Pty Ltd.

ATTACHMENTS

No.	Title	Page
1	1009-2019 Original Tender Evaluation Sheet - 18 November Council Meeting - CONFIDENTIAL	
2	1009-2019 Re-assessed Tender Evaluation Sheet - CONFIDENTIAL	

7.6 AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION"

Author: Mark Siantis - Operations Project Coordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No NR-2019-42 for "Cleaning Services".

Banyule City Council participated in a collaborative tendering process with 4 Northern Region Councils, led by City of Whittlesea, to seek submissions from suitably qualified and capable contractors to provide Cleaning Services to the 5 municipalities.

Tenderers were also requested to submit a response that delivers social and economic initiatives to the Northern Region Community, providing employment for residents from disadvantaged backgrounds such as young school leavers, new migrants, long term unemployed etc.

The Contract term sought is 5 years, with an initial period of three years and the option to extend for up to another two years.

The Banyule City Council Tender Evaluation Panel (TEP) has recommended awarding the contract to Cleaning Melbourne Pty Ltd in accordance with the tender and conditions as determined by Council.

RECOMMENDATION

That:

1. Contract No. NR-2019-42 for "Cleaning Services" be awarded to Cleaning Melbourne Pty Ltd for a total estimated value of \$5,764,781 (exc GST) on a lump sum pricing basis for routine services and on a schedule of rates basis for additional reactive services.
2. The Contract term is for an initial 3 year period with an extension option for a further 2 year period at Council's discretion.
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.
4. The Director of Assets and City Services be authorised to award an extension of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year Contract term.

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

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 October 2017 the Northern Region (Melbourne's north) Group of Councils entered into a collaboration to deliver economic, social and value for money benefits for the residents and businesses in the region. As part of this joint effort, a Request for Tender (RFT) for **Cleaning Services** was developed collaboratively by five of the (seven) Northern Region Councils:

- City of Whittlesea;
- Nillumbik Shire Council;
- Mitchell Shire Council;
- Moreland City Council, and
- Banyule City Council.

City of Hume and City of Darebin opted out and did not participate in the process.

Whittlesea was appointed to act as tendering agent on behalf of the participating Councils.

The Council sought to engage the services of one or more suitably qualified and capable contractors to provide a wide range of cleaning services with the intention that the collaborative tender process will:

- leverage aggregated spend;
- make the contract more attractive to the market;
- achieve better value than would be possible if the market was approached individually;
- encourage sharing and implementation of best practice learnings, and
- maximise innovation and value-added benefits.

In order to achieve best value for money outcomes and standardised services across the region, the collaborative group sought to have the core services delivered to as many Council's as possible by one contractor. However, flexibility was maintained to allow each Council to select their own contractor if that outcome was assessed as being the best value for money outcome for that Council.

Services Overview:

The nine key service types that the contractor is responsible for delivering under the Contract are:

- Facility Cleaning Services
- After Function Cleans
- Public Toilet Cleaning Services
- Gutter Cleaning Services
- Set ups and Set downs
- Bus Stop Shelters Cleaning Services
- Public BBQs Cleaning Services
- Picnic Shelters Cleaning Services

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

- Graffiti Removal Services

The services comprise:

- Part A - Fixed routine services, periodical services & reactive services, and
- Part B - Supply of consumables.

Social Procurement

Tenderers were required to meet or exceed these mandatory requirements:

- 5% minimum to be jobseekers from disadvantaged backgrounds
- 90% minimum of the contract workforce to reside within the Northern Region Group of Councils (NRGC)

Contract Term

The Contract term is an initial period of three years with the option to extend for up to another two years.

None of the Participating Councils will be jointly entering the same contract however all contracts will be based on the tendered terms and will align to a common end date of the initial contract term which will be 31 March 2023.

Tenders were advertised in *The Age* on 13 July 2019. During the period that the tenders were open, 29 companies downloaded the tender documents. Tenders closed at 2.00pm on Wednesday, 21 August 2019 (Local Melbourne Time) and 21 submissions were received by the closing time.

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. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

BANYULE PROCUREMENT POLICY

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

The purpose of this Policy is to:

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

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

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

HUMAN RIGHTS CHARTER

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

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

TENDER/QUOTATION EVALUATION

A Tender Evaluation Panel comprising representatives from each of the participating Councils evaluated the tenders in two stages using the following compliance and evaluation criteria. One voting member was nominated from each of the participating Councils to score on behalf of the relevant Council.

A Tender Evaluation Plan which included the agreed selection criteria and weightings was prepared and signed off by the Tender Evaluation Panel prior to tenders closing to ensure transparency, objectivity and fairness to all tenderers involved in this Request for Tender process:

Compliance Criteria

- Conformance with Councils terms and conditions (or acceptability of proposed amendments)
- Conformance with Councils specification of works/ services (or acceptability of proposed amendments)
- ABN Registration
- Acceptable OHS standards and systems
- Commitment to provide evidence of insurances to the satisfaction of the Council
- Satisfactory financial assessment outcome

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

Comparative Criteria

Evaluation Criteria & Sub-Criteria
Price
Capability
- Previous experience and demonstrated ability
- Systems (Quality, OHS, Training, Customer Service, Attendance, Reporting, etc.)
Capacity
- Operational and supervisory resources
- Office, management and support resources
Impact
- Environmental Sustainability
- Social impact
- Innovation

Stage 1 - Compliance Assessment

Each tender was assessed against the compliance criteria to determine whether it conforms or not. At the completion of the assessment the failure to satisfy any of the compliance criteria resulted in the tender being deemed 'non-conforming'. Only conforming tenders (and those that were reasonably expected to reach conformance) progressed to Stage 2.

Stage 2 – Comparative Criteria Assessment

Shortlisting

Post compliance assessment, a shortlisting process was undertaken in accordance with section 8.1 of the Tender Conditions (Part 1 of the RFT) which states:

“The Participating Councils will jointly evaluate this tender with the aim of awarding a Contract to one or more tenderers (ideally as few as practicable) who are assessed as capable of providing the services at best value.”

Conforming tenders were shortlisted to identify the best value service providers for each service component. The shortlist was determined by assessing the offers according to:

- the extent of the services they had tendered to provide;
- the number of participating Councils they had offered to service; and
- the tendered cost of those services.

In accordance with the pre-agreed Tender Evaluation Plan, the panel elected to determine preliminary scores based on the extent to which tender offers could deliver the services to all the Participating Councils and the tendered prices were used to help determine which of the tenders were initially shortlisted for more detailed assessment.

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

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

In the preliminary assessment, a tender was set aside if it:

- was priced significantly higher than other comparable tenders, or
- did not offer services to a range of Councils when other comparable tenders did, or
- attained a preliminary score that was significantly lower than other comparable tenders.

Of the 21 tender submissions received, 13 of the submissions were evaluated as not being sufficiently competitive based on the above criteria and were subsequently set aside and not considered for further evaluation.

Of the 21 tender submissions received, one was for Contract Part B only (Supply of Consumables). This offer was directly compared with the preferred tenderer who bid for both Parts A & B.

The remaining 7 tenders were shortlisted for further evaluation against the non-price Comparative Criteria by the Tender Evaluation Panel (TEP) members according to the scoring guidelines.

Tender Interviews & Clarifications

Following the initial evaluation, the TEP further shortlisted tenderers for interviews. The shortlisted tenderers were requested to review their submitted prices and submit their best and final offer.

The Councils also undertook reference checks on the shortlisted tenderers after which the TEP carried out a further evaluation, using the weighted evaluation matrix. Subsequently an independent financial assessment was undertaken of the preferred tenderer. Whittlesea City Council, as the tendering agent conducted the capacity, impact and referee checks.

The following table shows the final weighted scores of the tendered responses for Banyule City Council only:

Table 1 – Weighted scores	
Contractor	Weighted Score
Cleaning Melbourne Pty Ltd	87.6
Tenderer B	70.1
Tenderer C	64
Tenderer D	66.6
Tenderer E	64.4
Tenderer F	49.8
Tenderer G	57.6

It is evident from the above weighted scores that Cleaning Melbourne Pty Ltd has obtained the highest score and will deliver best value for money to Banyule City Council.

AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION" cont'd

Savings and benefits

On further analysis, based on Banyule's current estimated annual spend on cleaning services of approximately \$1.4M per annum, it is forecasted that this Contract will result in total savings of approximately \$1.2M over the 5 year maximum term of the contract.

There is also opportunity for further savings to be realised in the Reactive Services category, in particular to the approach and methodology with graffiti removal. There are also possible further savings to be determined on the unknown consumable spend (those business areas that don't currently purchase through the current cleaning Contract, will now be required to utilise the new Contract).

Social Benefits

In accordance with the social procurement requirements of the tender the preferred tenderer has indicated that they have partnerships with Brotherhood of St Laurence, and Asylum Seekers Resource Centre which allows them to support disadvantaged community members. In addition, partnerships with Salvation Army Employment Plus and Sarina Russo enables resourcing from local communities and provides opportunities for candidates with disabilities or job-support initiatives to gain employment. The preferred tenderer has also made a commitment to resource the contract with 100% workforce members residing within the Northern Region.

Additional Benefits

The request for tender was structured for bidders to offer:

- productivity benefits in years two and three which offset the costs associated with CPI increases;
- an Innovation Savings Share arrangement to share savings achieved through the implementation of supplier driven innovative practices, and
- discounts where more than one NRCG member contracted with that service provider.

The preferred tenderer's offer to Banyule City Council has included opportunities for these additional benefits during the life of the contract.

FUNDING IMPLICATIONS

Funding is currently available through consolidation of existing operating budgets.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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.

**AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES
- NORTHERN REGION COLLABORATION" cont'd**

CONCLUSION

As a result of the quotation evaluation, the TEP for Banyule recommend that Council award Contract NR-2019-42 Cleaning Services Part A & Part B to Cleaning Melbourne Pty Ltd for the total estimated value of \$5,764,781 (exc GST) on a lump sum pricing basis for routine services and a schedule of rates basis for additional reactive services.

ATTACHMENTS

No.	Title	Page
1	Contract No NR-2019-42 - Weighted Evaluation - CONFIDENTIAL	
2	Provision of Cleaning Services - Group Evaluation Report Excerpt - CONFIDENTIAL	

7.7 AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES"

Author: Joan Ying - IT Infrastructure Project Manager, Corporate Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 'PA2103-0839' for 'Provision of Multi Function Devices (Hardware & Software) and Managed Devices'.

Council previously approved the use of Procurement Australia (PA) contracts. This contract provides benefits of collective purchasing and to improve efficiency in the procurement process of Council's Multi Function Device (MFD) equipment.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to Sharp Corporation of Australia Pty Ltd (Sharp) for a period of three (3) years with options of further 2 extension periods of 12 months each in accordance with the quotation and conditions as determined by Council.

The total overall cost of the Multi Function Devices and the managed print services is estimated to be \$842,514.28 over the 5 year maximum term of the contract. This total estimated cost includes the lump sum cost of \$397,363.72 for MFD leasing, software and managed print services, and an estimated cost of \$444,150.56 for copy/print click charges. This contract represents a decrease in operational costs of approximately \$111,550.76 over the 5 year maximum term.

RECOMMENDATION

That:

1. Contract No. 'PA2103-0839' for 'Provision of Multi Function Devices (Hardware & Software) and Managed Devices' be awarded to Sharp Corporation of Australia Pty Ltd for a total estimated value of \$842,514.28, including lump sum of \$397,363.72 for MFD leasing, software and managed services, and on a schedule of rates basis for copy/print click charges.
2. The contract is over a 3 year period with an extension option for a further 2 extension periods of 12 months each at Council's discretion.
3. The Director of Corporate Services be authorised to sign the contract and any other associated documents.
4. The Director of Corporate Services be authorised to award an extension of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year Contract term.

AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES" cont'd

COUNCIL PLAN

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

BACKGROUND

In accordance with Section 186 of the *Local Government Act 1989*, Council opted into the Contract PA1805-0835 for the current Multifunction Devices and Related Products & Services via Procurement Australia in February 2017 for a term of 3 years.

The Procurement Australia contract expired in 2019 and these services were renewed through a new public tender process undertaken by Procurement Australia and a panel of 11 suppliers were appointed under the new Contract PA2103-0839 from 1 April 2019.

Council's existing contract covered under Procurement Australia Contract PA1805-0835 expires 1 February 2020 and is due for renewal.

Under the new contract Council is seeking a managed print services solution which will deliver:

- Provision of 50 MFD units
- Implementation of the MFD solution and deployment of all MFD's
- Managed Print Services to Council including MFD maintenance & support training and toner provision & delivery
- Click charge rates for Black & White and Colour copy/prints.

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. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES" cont'd

BANYULE PROCUREMENT POLICY

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

The purpose of this Policy is to:

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

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

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

HUMAN RIGHTS CHARTER

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

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

TENDER/QUOTATION EVALUATION

Request for Quote (RFQ) was released on Council's e-Tender Portal on Monday 28 October 2019 and three suppliers from the new PA Contract panel were invited to provide submissions. During the period that RFQ was open, three companies downloaded the quotation documents.

RFQ closed at 3.00pm on Friday 22 November 2019 and three submissions were received by the closing time.

A Tender Evaluation Panel (TEP) evaluated each quotation using a weighted matrix based on financial, technical, commercial and other criteria discussed further in this report.

An evaluation matrix was prepared detailing the weightings and scores for each criteria from the three submissions.

AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES" cont'd

Tender Evaluation Criteria

The tenders were assessed on the criteria and weightings listed below:

	Criteria
1	Tendered price
	Mandatory lump sum Year 1 - 3
	Extension Year 4 -5
	Schedule of Rates
2	Capacity of Tenderer to Undertake Services
	Resources allocated to contract and experience Project Plan
3	Capability of Tenderer to Undertake Services
	Technical Compliance
	Technical Questions
	Solution Design SLA and SLR
4	Sustainability
	Local Sustainability
	Social Sustainability
5	Systems (Accredited Management Systems & Procedures - Quality, OH&S & Environmental)

Following an initial evaluation the Evaluation Team shortlisted two contractors for tender interviews. At the tender interviews both contractors were requested to present their solution design, provide technical demos and respond to the specific questions of clarification sought by the TEP. Both contractors were subsequently requested to submit their Best and Final Offer (BAFO).

Final scores were updated following the conclusion of the interviews and BAFO revised pricing.

Following is the final score of the preferred contractor:

Contractor	Weighted Scores
Tenderer A	76.45
Sharp Corporation of Australia Pty Ltd	90.66
Tenderer C	84.42

Council also undertook reference checks on Sharp Corporation of Australia Pty Ltd with positive feedback received.

It is evident from the above weighted scores that Sharp Corporation of Australia Pty Ltd has obtained the highest score, and will deliver best value for money to Council.

AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES" cont'd

FUNDING IMPLICATIONS

The total overall cost of the Multi Function Devices and the managed print services is estimated to be \$842,514.28 over the 5 year maximum term of the contract. This total estimated cost includes the lump sum cost of \$397,363.72 for MFD leasing, software and managed print services, and an estimated cost of \$444,150.56 for copy/print click charges.

The funds required to action this resolution are budgeted for within the operational budget for IT and individual business units as follows.

- IT - MFD leasing, software and managed services charges - \$397,363.72
- Business units – Copy/print charges - \$444,150.56

The total estimated cost of \$444,150.56 for copy/print click charges is based on the historical printing volume of 1,555,500 colour and 1,626,840 black & white copy/prints per annum, and will be charged on a schedule of rates basis. The actual printing charges will be based on the usage during the contract terms.

Sharp has offered lower print click charge rates than the current contract. With the new features introduced in the proposed solution, including integration with Council's document management system and online cloud storage, it is expected the printing volume will be reduced for further savings on the print click charges. As a climate action, Council will also be seeking to reduce printing and paper documentation and instead use electronic documentation as much as possible.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989 (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

As a result of the quotation evaluation, the Tender Evaluation Panel recommends that Council award Contract No. PA2103/0839, to Sharp Corporation Australia Pty Ltd for the supply of Multi Function Devices (Hardware & Software) and Managed Devices for a total estimated sum of \$842,514.28, including lump sum of \$397,363.72 for MFD leasing, software and managed services, and on a schedule of rates basis for copy/print click charges and reactive services.

ATTACHMENTS

No.	Title	Page
1	PA 2103-0839 Multi Function Devices (Hardware and Software) and Managed Services - Matrix - CONFIDENTIAL	

7.8 AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS"

Author: Andrew Croft - Waste Management Coordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider opting into Procurement Australia Contract "PA 2103-0503" for the 'Supply of Mobile Bins'.

Council provides approximately 150,000 mobile garbage bins to residential and commercial premises to enable them to participate in Council's waste collection services. Bins are constantly being replaced.

In accordance with Section 186 of the Local Government Act 1989, Council opted into the contract for the current 1801/0503 Mobile Garbage Bins via Procurement Australia (PA) Contract Panel.

The current PA Contract Panel contract expired 30 November 2019, and these services have now been renewed through a new public tender process undertaken by Procurement Australia and established a panel of four suppliers.

The Tender Evaluation Panel has recommended awarding the contract to Trident Plastics (SA) P/L for an initial period of 2 years with an option to extend for a further 2 periods of 12 months each.

RECOMMENDATION

That

1. Council opts into the Procurement Australia Contract 2110-0503 for the Supply of Mobile Bins to Council and appoints Trident Plastics Pty Ltd on a schedule of rates basis as the Preferred Supplier to Council for the supply of mobile bins and spare parts.
2. The contract is over a 2-year period with an extension option for a further 2 extension periods of 12 months each at Council's discretion.
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.
4. The Director of Assets and City Services be authorised to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 2-year Contract Term.

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*".

AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS" cont'd

BACKGROUND

Council provides approximately 150,000 mobile garbage bins to residential and commercial premises to enable them to participate in Council's waste collection services.

To support this service, Council purchases over 4,500 new bins annually at a cost of over \$200,000 to replace bins that have been damaged, lost or stolen and for the provision of bins for new services to the increasing number of multi-unit properties within Banyule.

In accordance with Section 186 of the Local Government Act 1989, Council opted into the contract for the current 1801/0503 Mobile Garbage Bins via Procurement Australia Contract Panel.

The current Procurement Australia Contract Panel contract expired 30 November 2019, and these services have now been renewed through a new public tender process undertaken by Procurement Australia and established a panel of four suppliers.

Procurement Australia issued a tender to establish a panel of providers to supply and deliver a range of mobile bin products and related services to its members nationwide across the following two categories:

Category 1 – Two and four wheeled bins in a range of sizes - provision of the basic unit (body, lid, wheels, axles, hinge pins etc.), accessories, markings and product assembly and/or distribution.

Category 2 – RFID technology and bin spare parts - provision of RFID technology, two and four wheeled bin spare parts and field maintenance and repair services.

The supply of bins includes:

- 80 litre – for rubbish
- 120 litre – green waste, household or commercial rubbish
- 240 litre – recycled waste, commercial waste
- 240 litre – garden organics

The contract term is for an initial term of 2 years commencing 1 November 2020 and ending 31 October 2021, with an option to extend for a further 2 periods of 12 months each.

Procurement Australia (PA) advertised the tender in the Adelaide Advertiser 3 September 2019 and Herald Sun on 4 September 2019. Tenders closed on the advertised closing date at 3.00pm AEST on Wednesday 25 September 2019.

Eight (8) companies downloaded the tender documents and five (5) 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

AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS" cont'd

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 Attachments 1 and 2, as circulated in the confidential section of the agenda attachments. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. 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

The tenders were assessed on the criteria and weightings listed below:

AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS" cont'd

- Technical Criteria (80%)
 - Compliance (compliance with insurance, terms and conditions of tender and contract)
 - Professional Competence (experience, satisfaction of range, local manufacturing capability, quality practices and customer focus)
 - Corporate Governance & Social Responsibility (Corporate governance, social impact, environment impact and workplace practices)

- Price (20%)

Of the 5 companies that submitted bids one tender was deemed non-compliant and was excluded from further evaluation.

The following table shows the tenders submitted, their tender prices and the weighted score from the evaluation:

Table 1 Tenders received and weighted scores: Category 1 – Two & Four Wheeled Bins	
Contractor	Weighted Score
Trident Plastics (SA) P/L	240
Tenderer B	229.4
Tenderer C	220
Tenderer D	209

Table 1 Tenders received and weighted scores: Category 2 – RFID & Spare Parts	
Contractor	Weighted Score
Tenderer B	231.25
Tenderer C	215
Trident Plastics (SA) P/L	207.5
Tenderer D	186.25

Category 2 is subservient to Category 1 as RFID (Radio Frequency Identification) is a technology that is added to a bin. RFID is a technology that will allow Council to improve the management of bin contamination and provide more information and a quicker customer service response to residents through real time data on when a bin was collected. This will be available to Council’s customer service team.

Council is seeking to implement RFID technology across all new or replaced bins for contamination management and to improve customer service. RFID technology will provide the following benefits to Council and result in an overall cost reduction in service provision:

- Reduction in contamination to organics and recycled waste
- Identification of reported stolen bins

AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS" cont'd

- Confirmation of bin collection to assist customer service when missed bin complaints are received
- Proactive waste management enabled by identification of households requiring targeted waste education.

Additionally, in order to meet the requirements of Council's Climate Action Program and Waste Minimisation strategy, the new bins sourced will be manufactured from 100% recycled materials.

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

FUNDING IMPLICATIONS

Council has an annual budget for the purchase and repair of mobile garbage bins. No additional funding is required.

The tendered price will result in cost savings to Council. It is proposed that these savings will be reinvested in RFID technology to improve contamination management and assist with the provision of improved customer service. RFID will assist in maximising the investment in truck cameras already purchased for the side loading collection vehicle fleet.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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 analysis of the submitted pricing, along with the overall ranking of tendered responses by PA, the Evaluation Panel recommend that Council opts into the Procurement Australia Contract 2110-0503 for the Supply of Mobile Bins to Council and appoints Trident Plastics on a schedule of rates basis as the Preferred Supplier to Council.

ATTACHMENTS

No.	Title	Page
1	Supply of Mobile Bins - Contract Award Summary - CONFIDENTIAL	
2	Supply of Mobile Bins - Procurement Australia Detailed Tender Evaluation Report - CONFIDENTIAL	

7.9 **AUDIT & RISK ADVISORY COMMITTEE MINUTES - 13 SEPTEMBER 2019**

Author: Tiziana McKenzie - Executive Assistant Corporate Services, Corporate Services

EXECUTIVE SUMMARY

The Audit & Risk Advisory Committee is an Advisory Committee whose 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.

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 September 2019 are being presented to Council for noting.

RECOMMENDATION

That Council note the Audit & Risk Advisory Committee Minutes for the meeting held on the 13 September 2019.

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.

The Audit & Risk Advisory Committee meets quarterly. The Minutes of the Committee meeting are presented to Council for noting.

LEGAL CONSIDERATION

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

AUDIT & RISK ADVISORY COMMITTEE MINUTES - 13 SEPTEMBER 2019 cont'd

HUMAN RIGHTS CHARTER

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (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 notes the Minutes dated the 13 September 2019 of the Audit & Risk Advisory Committee as presented.

ATTACHMENTS

No.	Title	Page
1	Minutes - 13 September 2019	

9.1 REVIEW OF COUNCIL WASTE SERVICES FOR ALL RATED PROPERTIES

Author: Cr Peter Castaldo

TAKE NOTICE that it is my intention to move:

That a report comes to Council to explore the options including costs and issues associated with providing a waste and recycling service to all rated properties within the municipality that currently do not receive a waste service from Council with an objective of providing a better service with improved environmental outcomes.

Explanation

The waste industry is going through significant change with disruption caused by the China sword policy of not accepting other countries contaminated recycling material for processing. As a consequence the Victorian State Government is in the process of implementing a circular economy policy that seeks to address higher rates of recovery and a better quality of recovered materials.

Council currently collects and manages a significant proportion of waste produced across Banyule mainly associated with residential properties. Council does not provide a waste service to some multi-unit developments where permit conditions have been imposed for them to provide a private waste service as they are not easily serviced by Council's waste collection process.

There is an opportunity for Council to explore the potential to provide a Council waste service to these multi-unit development, commercial and industrial sites that currently do not receive a waste service from Council. Providing a consolidated service managed by Council may provide better environmental outcomes, higher levels of recycling recovery and a cost effective service to benefit all ratepayers.

The report should also consider how the waste service is funded, including the possibility of a waste charge to provide a waste service to all properties to provide a fair system that aligns cost with service.

CR PETER CASTALDO
Griffin Ward

ATTACHMENTS

Nil