

# Agenda



**Monday, 6 July 2020 7.00pm**

## Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

## **Acknowledgement of the Traditional Custodians**

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

## **Apologies and Leave of Absence**

## **Confirmation of Minutes**

*Ordinary Meeting of Council held 15 June 2020 and;  
Special Council Meeting on 17 June 2020*

## **Disclosure of Interests**

### **1. Urgent Business**

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## **8. Sealing of Documents**

Nil

## **9. Notices of Motion**

Nil

## **10. General Business**

That in accordance with Section 66(2)(a) of the Local Government Act 2020, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matter relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage:

## **11. Confidential Matters**

11.1 Strategic Property Development Opportunity

### **Matters Discussed in Camera**

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

### **Closure of Meeting**

#### ***Live Streaming of Council Meeting***

*Please note that the Council Meeting will be livestreamed to allow members of the community to view the meeting without requiring them to be physically present. To ensure compliance with the Government's new COVID -19 Stage 3 rules for gatherings, members of the public must not attend the meeting.*

*The livestream will be available on Council's Facebook and website*

*[www.banyule.vic.gov.au](http://www.banyule.vic.gov.au)*

*The next Ordinary Meeting of Council will be held on Monday, 27 July 2020.*



## **2.1 PETITION FOR ZERO RATE RISE FOR THE 2020/2021 FINANCIAL YEAR**

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

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### **EXECUTIVE SUMMARY**

A petition with 108 signatures has been received requesting Council apply a zero rate rise for the 2020/21 financial year.

The petition request is as follows:

*“We, the undersigned ratepayers and / or residents of Banyule City Council petition or request Council to apply a zero rate rise for the 2021 financial year. We support the advocacy of the Banyule Ratepayers Action Group Inc to speak on our behalf.”*

### **RECOMMENDATION**

That Council

1. Receives and notes the petition.
2. Considers the petition request when considering the adoption of the proposed Budget 2020/21 at the meeting of Council on Monday, 27 July 2020.
3. Advise the primary petitioner of this resolution.

### **DISCUSSION**

A petition with 108 signatures has been received requesting Council apply a zero rate rise for the 2020/21 financial year. The signatories of this petition were from the following suburbs.

St Helena	4
Macleod	7
Ivanhoe	52
Greensborough	5
Egglemont	5
Yallambie	3
Viewbank	7
Eltham North	2
Montmorency	5
Heidelberg Heights	3
Heidelberg	4
Lower Plenty	4
Bundoora	1
Rosanna	5
Bellfield	1

**PETITION FOR ZERO RATE RISE FOR THE 2020/2021 FINANCIAL YEAR cont'd**

**ATTACHMENTS**

Nil

### **3.1 DRAFT SOCIAL ENTERPRISE STRATEGY - FOR PUBLIC EXHIBITION**

Author: Cheree Hunter - Social Enterprise & Local Jobs Coordinator, Community Programs

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#### **EXECUTIVE SUMMARY**

Work has been undertaken over the last 16 months to inform a draft Social Enterprise Strategy & Action Plan 2020-2025.

The draft Strategy and Action Plan adopts a whole-of-Council approach and outlines how Council will work in partnership with community to drive employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.

Collectively, the proposed Social Enterprise Strategy and Inclusive Local Jobs Strategy, set an aspirational target of achieving 1,000 jobs for our community in the North by 2025.

The draft Strategy and Action Plan has been developed through both internal and external consultation and is also informed by research, policy and best practice.

The Action Plan details key initiatives that will realise the success of the Strategy. Many key initiatives will be implemented using existing resources, as part of existing roles or through recurring budgets, and some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles.

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

#### **RECOMMENDATION**

That

1. Council endorse the Draft Social Enterprise Strategy and Action Plan for public exhibition for four weeks via a range of digital platforms, including Shaping Banyule, Facebook and e-newsletters from 16 June – 14 July 2020;
2. A report be presented back to Council to consider the consultation feedback and adopt the Draft Social Enterprise Strategy and Action Plan.

#### **COUNCIL PLAN**

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

## DRAFT SOCIAL ENTERPRISE STRATEGY - FOR PUBLIC EXHIBITION cont'd

### BACKGROUND

Banyule has a long and successful history of building a prosperous local economy that responds positively to local challenges and opportunities, where individuals and businesses are supported to reach their economic potential. Yet, some of the municipality's most pressing social challenges – including unemployment and disadvantage in the postcode 3081 area – cannot be solved by Council alone.

Social enterprises are an emerging innovation on traditional business models that reimagine what it means to operate in the economy. They are businesses led by a mission to benefit the community, deriving a substantial portion of their income from trade and reinvesting most of their profits to fulfil their mission.

Despite strong social and economic value, social enterprises face barriers to growth and challenges to becoming sustainable and maximising their community impact. Overcoming these barriers is complex and requires a focus on the entire social enterprise ecosystem, which includes local government.

In developing a plan for the future it is important to recognise the significant work and key achievements that occurred in the past that have helped shape the focus and intent of social enterprise development at Banyule to date.

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

By working with the social enterprise sector to respond to local needs, to date, 50 job and pathways to economic participation outcomes have been achieved. The draft Strategy & Action Plan will help Council embed and build on these initiatives and achievements.

A number of stages have been undertaken to inform the development of the draft Strategy & Action Plan. These have included:

<b><i>Community Consultation</i></b>	Online surveys and workshops held with community members, social enterprises, local organisations, subject matter experts and Council staff.
<b><i>Policy Analysis</i></b>	Review of relevant international, national, state and local policy and plans.
<b><i>Literature Review</i></b>	Examination of literature on challenges and opportunities of developing the social enterprise sector and best practice in social enterprise development and innovation.

### 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.



## **DRAFT SOCIAL ENTERPRISE STRATEGY - FOR PUBLIC EXHIBITION cont'd**

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

### **FUNDING IMPLICATIONS**

Many key initiatives in the Strategy & Action Plan will be implemented using existing resources, as part of existing roles or through recurring budgets, and some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles

### **DISCUSSION**

The Social Enterprise Strategy 2020-2025 aims to drive employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.

The Strategy is the first-of-its-kind for Banyule, activating and enhancing the Victorian Governments' Social Enterprise Strategy at the local level.

The Strategy and Action Plan adopts a whole-of-Council and whole-of-community approach, and consists of four key focus areas; each with key priority actions and a supporting action plan of key initiatives:

- Focus Area 1: Advance place-based social enterprise innovation.
- Focus Area 2: Build business capacity and capability.
- Focus Area 3: Improve market access.
- Focus Area 4: Increase community awareness and engagement.

The Strategy is supported by an Action Plan (attached) that has been co-designed with community to support the creation of 1,000 jobs for our community in the North within a five-year period.

The Action Plan details key initiatives that support the achievement of each focus area of the Strategy and identifies the lead departments that will coordinate efforts under each initiative. It also outlines the funding arrangement for each initiative.

### **CONSULTATION & TIMELINES**

Engagement opportunities to inform and strengthen the Strategy & Action Plan will take place through the use of digital platforms, enabling community input whilst maintaining community safety during the current COVID-19 environment.

The draft Social Enterprise Strategy & Action Plan will be available for public exhibition via Shaping Banyule online portal.

- Promotion of public exhibition will take place via:
  - Promotion via Council's social media platforms
  - Direct notification to key stakeholders, partners and networks
  - Sharing with Council-based community advisory groups

**DRAFT SOCIAL ENTERPRISE STRATEGY - FOR PUBLIC EXHIBITION cont'd**

- The option for community feedback via telephone will also be made available

Intended timelines for endorsement of the Plan are:

Council Report, seeking endorsement for public exhibition	6 July (Council meeting)
Shaping Banyule exhibition period	7 July – 4 August
Revision period	4 August – 19 August
Council Report, seeking endorsement of final Social Enterprise Strategy & Action Plan	7 September (Council meeting)

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**CONCLUSION**

The draft Social Enterprise Strategy & Action Plan 2020-2025 has been developed following significant review and investigation into driving employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector. The draft Strategy & Action Plan is now presented to Council for endorsement for public exhibition.

**ATTACHMENTS**

## **3.2 DRAFT INCLUSIVE LOCAL JOBS STRATEGY - FOR PUBLIC EXHIBITION**

Author: Cheree Hunter - Social Enterprise & Local Jobs Coordinator, Community Programs

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### **EXECUTIVE SUMMARY**

A draft Inclusive Local Jobs Strategy & Action Plan 2020-2025 has been developed.

This Strategy is the first-of-its-kind for Banyule and has been designed to address inequalities of access to employment and aims to build opportunity and economic prosperity for vulnerable community members in Banyule.

The Strategy and Action Plan adopts a whole-of-Council approach and outlines how Council will work in partnership with community to build on existing momentum and further harness the unique role of Council as a major employer and procurer in Banyule, and facilitator of an inclusive economy.

Collectively, the proposed Inclusive Local Jobs Strategy and Social Enterprise Strategy, set an aspirational target of achieving 1,000 jobs for our community in the North by 2025.

The Draft Strategy and Action Plan has been developed through both internal and external consultation and is also informed by research and best practice.

The Action Plan details key initiatives that will realise the success of the Strategy. Many key initiatives will be implemented using existing resources, as part of existing roles or through recurring budgets, and some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles.

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

### **RECOMMENDATION**

That Council

1. Endorses the Draft Inclusive Local Jobs Strategy & Action Plan 2020-2025 for public exhibition for a four weeks via a range of digital platforms, including Shaping Banyule, Facebook and e-newsletters from 16 June – 14 July 2020.
2. Receives a further report to consider the consultation feedback, adopt the Draft Inclusive Local Jobs Strategy & Action Plan 2020-2025 and establish a governance structure

## DRAFT INCLUSIVE LOCAL JOBS STRATEGY - FOR PUBLIC EXHIBITION cont'd

### COUNCIL PLAN

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

### BACKGROUND

In developing a plan for the future, it is important to recognise the significant work and key achievements that have helped shape the focus and intent of inclusive local job creation at Banyule.

Whilst Banyule's local economic prospects are generally good, and the overall unemployment rate is not significant compared with other municipalities, there are pockets of high disadvantage which sit well below the State average that are almost entirely disguised by the areas of affluence. Further, there are some groups in Banyule's community that do not have equal access to employment or pathways to labour force participation; Aboriginal and Torres Strait Islander people, culturally and linguistically diverse people (including refugees and asylum seekers), people living with disability and young people continue to face barriers to full participation. Overcoming these barriers is complex and requires a focus on the entire labour market system, which includes local government.

In response to this problem of localised unemployment and labour market barriers, Council established a jobs taskforce that led to the formation of a Social Enterprise & Local Jobs business unit in October 2018. The aspiration was to develop and deliver innovative approaches that create 100 local jobs opportunities for our most vulnerable community members over a three-year period.

By working with the labour market system to respond to local needs, to date, 102.75 job outcomes have been achieved. The draft Strategy & Action Plan will help Council embed and build on these initiatives and achievements.

A number of stages have been undertaken to inform the development of the draft Strategy & Action Plan. These have included:

<b><i>Community Workshops</i></b>	Workshops held with community members that have lived experience of facing barriers to employment, employment service providers, subject matter experts, government and Council staff.
<b><i>Policy Analysis</i></b>	Review of relevant international, national, state and local policy and plans.
<b><i>Literature Review</i></b>	Examination of literature on barriers to development and participation and best practice in inclusive employment.

The draft Strategy & Action Plan incorporates community feedback that people experience overlap or combinations of a range of identities and experiences; therefore, there will be participants from the groups mentioned above, who will also have other experiences of discrimination and that these experiences also impact on access to employment.

With this in mind, the intersections of LGBTIQ+ identity, gender, older adults and people exiting the justice system will be considered and applied in the context of this strategy. By taking an intersectional approach to people's identities and individual experiences, Council will work toward creating economic opportunities and prosperity for all.

## **DRAFT INCLUSIVE LOCAL JOBS STRATEGY - FOR PUBLIC EXHIBITION cont'd**

Councils LGBTIQ+ community advisory committee members sought inclusion of a fifth diversity group (LGBTIQ+) in the Strategy and specifically the Inclusive Employment Program. This has not been included in the Draft as there is more work to be done by Council to explore a fully considered approach including other community groups. This will be further explored during the community consultation period for the Draft strategy

Council will consider a governance structure for the Draft Inclusive Local Jobs Strategy & Action Plan 2020-2025 to guide an annual evaluation of the Strategy with recommendations for recalibration as required; including a review of community groups and initiatives within the Action Plan.

### **LEGAL CONSIDERATION**

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

### **HUMAN RIGHTS CHARTER**

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

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

### **FUNDING IMPLICATIONS**

Many key initiatives in the Strategy & Action Plan will be implemented using existing resources, as part of existing roles or through recurring budgets, and some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles

### **DISCUSSION**

The Inclusive Local Jobs Strategy 2020-2025 addresses inequalities of access to employment and aims to build opportunity and economic prosperity for vulnerable community members in Banyule.

The Strategy is the first-of-its-kind for Banyule and adopts a whole-of-Council and whole-of-community approach to build on existing momentum and further harness the unique role of Council as a major employer and procurer in Banyule, and facilitator of an inclusive economy.

The Strategy consists of four key focus areas, each with key priority actions and a supporting action plan of key initiatives:

- Focus Area 1: Stimulate inclusive local job opportunities.
- Focus Area 2: Strengthen pathways to labour force participation.
- Focus Area 3: Grow business ownership and entrepreneurship.

**DRAFT INCLUSIVE LOCAL JOBS STRATEGY - FOR PUBLIC EXHIBITION cont'd**

- Focus Area 4: Advance inclusive employment practices across local government and private sector.

The Strategy is supported by an Action Plan (attached) that has been co-designed with community to support the creation of 1,000 jobs for our community in the North within a five-year period.

The Action Plan details key initiatives that support the achievement of each focus area of the Strategy and identifies the lead departments that will coordinate efforts under each initiative. It also outlines the funding arrangement for each initiative.

**CONSULTATION & TIMELINES**

Engagement opportunities to inform and strengthen the Strategy & Action Plan will take place through the use of digital platforms, enabling community input whilst maintaining community safety during the current COVID-19 environment.

The draft Inclusive Local Jobs Strategy & Action Plan will be available for public exhibition via Shaping Banyule online portal.

- Promotion of public exhibition will take place via:
  - Promotion via Council's social media platforms
  - Direct notification to key stakeholders, partners and networks
  - Sharing with Council-based community advisory groups
- The option for community feedback via telephone will also be made available

Intended timelines for endorsement of the Plan are:

Council Report, seeking endorsement for public exhibition	6 July (Council meeting)
Shaping Banyule exhibition period	7 July – 4 August
Revision period	4 August – 19 August
Council Report, seeking endorsement of final Inclusive Local Jobs Strategy & Action Plan	7 September (Council meeting)

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**CONCLUSION**

The draft Inclusive Local Jobs Strategy & Action Plan 2020-2025 has been developed following significant review and investigation into building opportunity and economic prosperity for vulnerable community members in Banyule. The draft Strategy & Action Plan is now presented to Council for endorsement for public exhibition.

**DRAFT INCLUSIVE LOCAL JOBS STRATEGY - FOR PUBLIC EXHIBITION cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Draft Inclusive Local Jobs Action Plan 2020-2025	
2	Draft Inclusive Local Jobs Strategy 2020-2025	





## **5.1 PLANNING SCHEME AMENDMENT C117 AND C119 TO MAKE ADDITIONS TO THE SIGNIFICANT TREE AND VEGETATION REGISTER (ESO4)**

Author: Faza Fauzi - Strategic Planner, City Development

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### **EXECUTIVE SUMMARY**

The Banyule Significant Tree and Vegetation Register (the Register) recognises significant vegetation within Banyule. Nominations made to the Significant Tree Register are assessed by an independent arborist twice a year.

To provide an appropriate level of protection for significant trees and vegetation, statutory protection is required. This is done through applying Schedule 4 of the Environmental Significance Overlay (ESO4). The last update to the ESO4 was via planning scheme amendment C70 in 2011.

An update to the ESO4 is now required to reflect the revised Significant Tree and Vegetation Register. It is proposed that an additional 96 trees or tree groups affecting 138 properties (final total subject to minor refinements & finalised mapping) are included in the ESO4.

The first step is to request that the Minister authorise Council to prepare the following two amendments:

- Amendment C117 to the Banyule Planning Scheme -to provide interim protection to 96 trees or tree groups, whilst the general amendment is progressed.
- Amendment C119 to the Banyule Planning Scheme- to remove the interim status of C117 and apply the control on a permanent basis. This requires an exhibited planning scheme amendment process and the (likely) establishment of an independent planning panel to review submissions prior to final controls being introduced.

### **RECOMMENDATION**

That Council request the Minister for Planning to:

1. Prepare Amendment C117 under Section 20(4) of the *Planning and Environment Act 1987* for the interim protection of trees and vegetation identified in Council's Significant Tree and Vegetation Register.
2. Authorise Council to prepare and exhibit amendment C119 under Section 19(1)(b) of the *Planning and Environment Act 1987* to apply the provisions of the ESO4 on a permanent basis and remove the interim status, introduced through C117, from the affected properties.

**PLANNING SCHEME AMENDMENT C117 AND C119 TO MAKE ADDITIONS TO THE SIGNIFICANT TREE AND VEGETATION REGISTER (ESO4) cont'd**

**COUNCIL PLAN**

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

**BACKGROUND**

The Banyule Significant Tree and Vegetation Register (the Register) documents significant vegetation within Banyule. There are many individual trees, groups of trees and areas of vegetation within Banyule, which have special significance. They include a variety of native and exotic trees and other vegetation, which are of landscape, habitat, horticultural or genetic value, are rare or of localised distribution, are outstanding examples of their species or are of cultural or historical significance.

Anyone from the public can nominate a tree or tree group to be included in the Register. The process of updating the Register requires an assessment of the nominated tree by an independent Arborist. Nominations made to the Register are assessed twice a year.

The criteria used to identify significant trees and vegetation is set out below:

<b>REASON FOR SIGNIFICANCE</b>	<b>CRITERIA</b>
<i>Landscape</i>	A tree or group of trees with outstanding aesthetic value or which frame or screen views, or act as a landmark.
<i>Size</i>	Any tree of outstanding size in height, girth or canopy spread.
<i>Age</i>	Any tree of an age that makes it old or venerable for its species variant.
<i>Botanical</i>	A tree which is rarely found in the wild or in cultivation.
<i>Horticultural</i>	Any tree which is of outstanding horticultural or genetic value, and which could be an important stock for future propagation.
<i>Historic</i>	Any tree with a specific historic or commemorative association.
<i>Form</i>	Any tree with an outstanding, unusual, abnormal or curious growth form.
<i>Remnant</i>	Trees which survive from the pre-European era.
<i>Habitat</i>	A tree or group of trees with outstanding value as habitat or niche for native flora and fauna.
<i>Aboriginal</i>	A tree which has associations with aboriginal culture or heritage.

The Banyule Planning Scheme includes Schedule 4 to the Environmental Significance Overlay (ESO4) to identify properties that have vegetation listed on the Register. Under the ESO4, a permit is required to remove, destroy or lop any significant tree or area of vegetation specified in the clause. A planning permit is also required for the construction of buildings or construction or carrying out of works within 5 metres of the drip line of the identified vegetation.

The last major review of the ESO4 was via Amendment C70bany, gazetted in 2011.

## PLANNING SCHEME AMENDMENT C117 AND C119 TO MAKE ADDITIONS TO THE SIGNIFICANT TREE AND VEGETATION REGISTER (ESO4) cont'd

### LEGAL CONSIDERATION

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

### HUMAN RIGHTS CHARTER

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

### DISCUSSION

An update to the protected trees listed in the ESO4 (Clause 42.01s4) of the Banyule Planning Scheme is now required to reflect the revised Register. It is proposed that an additional 96 trees or tree groups affecting 138 properties are to be included in the ESO4.

Two amendments are required to facilitate this. The first, Amendment C117, will be a Ministerial amendment to apply interim controls on the affected properties. This ensures that significant trees and vegetation have protection whilst Amendment C119 is underway. This can be a lengthy process as it requires an exhibited planning scheme amendment process and the possible establishment of an independent planning panel to review any submissions prior to final controls being introduced.

### OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### CONCLUSION

An amendment to the ESO4 (clause 42.01s4) of the Banyule Planning Scheme is now required to reflect the revised Significant Tree and Vegetation Register. It is proposed that approximately 96 trees or tree groups affecting 138 properties are to be included in the ESO4. This process requires two amendments. C117 to the Banyule Planning Scheme will provide the interim protection whilst the full exhibited amendment C119 is progressed to make the protection permanent.

### ATTACHMENTS

No.	Title	Page
1	List of Significant Trees Recommended for ESO 4 - <b>CONFIDENTIAL</b>	

## **5.2 101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019)**

Author: Mark Sheehan - Major Developments Planner, City Development

Ward: Griffin

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### **EXECUTIVE SUMMARY**

Planning Permit Application P8/2019 for a 13 storey mixed use building was refused on 3 January 2020.

The applicant lodged a review with the Victorian Civil and Administrative Tribunal (VCAT) against the decision. As part of the appeal process, a Compulsory Conference was held over two dates on Thursday 28 May 2020 and Friday 5 June 2020. The Conference was chaired by the Tribunal with the permit applicant and Council representatives in attendance. There are no objectors who are a formal party to the VCAT review.

As a result of the VCAT proceeding, the Permit Applicant agreed to an alternative outcome 'without prejudice' which reduces the height of the proposal by two storeys, increases the size of the civic plaza and revises the façade treatment. Council's representative agreed to conditions reflecting the alternative outcome on the basis that consent be formally obtained from Council.

While no objecting parties have joined the VCAT proceeding, the above changes have been circulated to the objectors.

It is considered that Council should support the alternative outcome and consent to the Victorian Civil and Administrative Tribunal issuing a Planning Permit in accordance with the conditions agreed to at the Compulsory Conference.

### **RECOMMENDATION**

That Council agree to the 'Without Prejudice' conditions received by Council on 5 June 2020 in relation to Planning Permit Application P8/2019 for Buildings and works to construct an 11 storey mixed use development containing dwellings (with access greater than 2m at ground level) and retail/commercial spaces including a variation to an existing easement (easement of way) and reduction in car parking including but not limited to:

1. Reduction in the building height by two storeys through the deletion of two central levels of the building;
2. Revised façade treatments to provide a further vertical 'break' to reduce perceived mass / scale and proportions including:
  - i) greater articulation through a variance in materials / finishes; and
  - ii) the inclusion of an additional break or indent to be applied to the Burgundy Street façade.

**101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019) cont'd**

3. The provision of a glazed or similar lightweight material to the top 1 to 2 storeys of the building to provide a crowning element at the corner of the building;
4. Revised façade treatment to provide a strengthening of the podium levels along the Cape and Burgundy Street facades so as to anchor the buildings and better respond to the remainder (core of the building);
5. Increase of the Public Plaza area by a minimum of an additional 72 square metres and a subsequent reconfiguration of the retail spaces on the ground floor;
6. Addition of one dwelling at the eastern void area on each of Level 3 and Level 4, including floorplan details; and
7. Any required internal reconfiguration of apartments

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (the Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**BACKGROUND**

Planning permit application P8/2019 for a Buildings and works to construct a 13 storey mixed use building containing 123 dwellings and retail/commercial spaces; Use of the land for dwellings; Variation of an existing easement (easement of way); Waiving/Reduction of parking requirements on land at 101 Burgundy Street, Heidelberg was refused by Council's Planning Department under delegated authority on 3 January 2020. Following this decision, the permit applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (VCAT).

As part of the appeal process, a Compulsory Conference was held by VCAT over 2 sessions on Thursday 28 May 2020 and Friday 5 June 2020. The conference was chaired by the Tribunal with the permit applicant and Council representatives in attendance.

As a result of the Compulsory Conference, "Without Prejudice" permit conditions were agreed to by the Applicant for Review. The 'Without Prejudice' conditions secure the following key changes to the proposal:

- Reduction in the building height by two storeys through the deletion of two central levels of the building;
- Revised façade treatments to provide a further vertical 'break' to reduce perceived mass/ scale and proportions including:
  - (i) greater articulation through a variance in materials / finishes; and
  - (ii) the inclusion of an additional break or indent to be applied to the Burgundy Street façade.

**101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019) cont'd**

- The provision of a glazed or similar lightweight material to the top 1 to 2 storeys of the building to provide a crowning element at the corner of the building;
- Revised façade treatment to provide a strengthening of the podium levels along the Cape and Burgundy Street facades so as to anchor the buildings and better respond to the remainder (core of the building);
- Increase of the Public Plaza area by a minimum of an additional 72 square metres and a subsequent reconfiguration of the retail spaces on the ground floor;
- Addition of one dwelling at the eastern void area on each of Level 3 and Level 4, including floorplan details; and
- Any required internal reconfiguration of apartments

The 'Without Prejudice' conditions need to be considered by Council. If Council accepts the 'Without Prejudice' conditions, the Tribunal can direct a planning permit to be issued and the VCAT hearing scheduled to commence on 27 July 2020 will not proceed. If Council does not accept the 'Without Prejudice' conditions the matter will proceed to a full hearing. The Applicant for Review has the option to proceed to the hearing on the original plans or seek to substitute amended plans. Whilst the "Without Prejudice" conditions would become the conditions on the permit issued, these are confidential at this time. This is because the proposed settlement is "without prejudice" and if Council does not agree to the conditions, the changes proposed by these conditions and the applicant's willingness to accept them cannot be used or referenced by Council representatives in a full contested hearing on the merits of the application. The "Without Prejudice" conditions are included as a confidential attachment to this report. The applicant has prepared an indicative sketch set of plans showing roughly how the conditions would change the massing and presentation of the development, and these are also included as a confidential attachment to this report.

**CONSULTATION**

Public notification during the planning process attracted 30 objections. Following the refusal of the application, two objectors lodged a Statement of Grounds for consideration by VCAT. Neither of the objectors that lodged a Statement of Grounds opted to become a part to the appeal proceedings or participate in the compulsory conference or merits hearing.

The objectors to the original application have been notified of the agreed 'Without Prejudice' conditions and were advised that the matter is to be considered by Council at the 6 July 2020 Council Meeting. Objectors were provided with a set of plans indicating the changes set out in the 'Without Prejudice' conditions as well as an invitation to make a submission to the 6 July 2020 Council Meeting.

Any submissions made by objectors can only be considered in Council deciding to accept the agreed conditions with no ability to become a party to the appeal.

**TECHNICAL CONSIDERATION**

In considering the agreed 'Without Prejudice' conditions, the following comments are provided in relation to how the conditions resolve the Grounds of Refusal.

Building design and scale

**101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019) cont'd**

There are a number of changes to the building form required through the 'Without Prejudice' conditions. These include the reduction of two storeys in height, the provision of additional articulation and modulation to the building through improved façade treatments and additional breaks of building form, a lightweight crowning element to the corner of the building, strengthening of the podium treatment and an increase of 72 square metres of public / civic space.

Whilst the building height is greater than the preferred maximum of 25 metres outlined in the Design and Development Overlay (Schedule 5), the reduced height secured by the conditions is considered acceptable when taking in to consideration other recent developments in the area including 'mid block' sites at 120 Burgundy Street (9 storeys, at approximately 33 metres maximum and 68 Cape Street (8 storeys at approximately 28 metres) . It is considered that the size of the site and the corner location in the heart of the activity centres gives a strategic opportunity for greater height.

Importantly, the proposed height will achieve the objective of the DDO5 as the design will mark the corner of the site, provide a suitable amount of useable public space and will allow for views across the Burgundy Street valley to be maintained.

The 'Without Prejudice' conditions includes 'breaking up' the Burgundy Street façade further by the addition of further recesses to allow for the building to display greater modulation and reduce perceptions of horizontal massing. The strengthening of the podium element and capping of the corner with lightweight materiality will serve to temper the verticality of the built form and lower the scale of the built form.

Public / Civic Space

The existing development, 'Burgundy Plaza', currently provides a generous area of publicly accessible space along the Burgundy Street edge of the site, however the space is disjointed and not highly useable. Much of the eastern part of public space at present is given over to ramps, steps and planter boxes, with only a smaller area of open flat and accessible space at the western end of the site.

The applicant has offered a greater amount of public space as part of the proposed 'Without Prejudice' conditions with a further 72 square metres. This is the maximum that can be provided before there would be any impact to structural design of the building form. This will result in a total of approximately 225sqm of public space being provided.

The additional civic space would be provided through a greater recess of shop fronts facing Burgundy Street. It is considered that the size and usability of the public space will make a positive contribution to Burgundy Street and the wider activity centre.

Clause 58 – Apartment Developments Compliance

In assessing the acceptability of the more detailed design elements of the proposal, assessment of the proposal against Clause 58 – Apartment Developments of the Banyule Planning Scheme is required.

**101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019) cont'd**

The proposal continues to meet the objectives set out of Clause 58, however there remain some non compliance matters. The instances of non-compliance were listed as part of the grounds of refusal. Those matters can be rectified through conditions, and the 'Without Prejudice' conditions reflect this.

The proposed conditional changes to the height, scale and massing of the building form will allow the design to meet standards D1 and D2 of Clause 58. With the reduction in the total number of dwellings, it is considered that there is now a sufficient range of dwelling sizes and types across the smaller development and that standard D3 of Clause 58 is now met.

The conditional changes to provide more plaza space and associated changes to the façade setbacks will allow the proposed public space to adequately integrate with the street and meet standard D5 and the changes will also address previous non-compliance with D9.

Overlooking and noise transference from the central communal open space has been addressed by permit conditions requiring use of highlight windows to habitable rooms adjacent to those spaces and it is considered Standard D7 of Clause 58 is achieved. The building maintains two areas of communal open space, one at the rear towards the top of the southern part of the building, and one centrally at level 3. The uppermost communal space to the rear is suitable to meet standard D8. The ground of refusal noting standard D8 was included in relation to the lower level of open space and recognised that with 123 apartments as originally shown, there would be greater call for use of both spaces concurrently, and it was considered prudent to seek to have the lower open space achieve compliance with the standard as well as the upper space. With the reduction in the total number of apartments by 28 and whilst there is no change to the lower central communal open space, the ground of refusal relating to solar access to meet the objective of standard D8 can be removed as there will be less call for both spaces to be occupied at the same time.

Traffic and Car parking

Council's Traffic and Transport team have not raised any concern with regard to the volume of traffic or traffic movements to and from the site.

The application originally proposed 211 car parking spaces, which was a shortfall of 23 car parking spaces. The current proposal seeks to maintain 211 car parking spaces irrespective of a total reduction of 28 apartments.

This would result in the car parking demand being reduced by 22.4 spaces and as such, a reduction of car parking requirements for one car space only. This is considered to be an acceptable outcome recognising the site is positioned in the core of the Heidelberg activity centre that is well served by public transport. The reduction of one car space can be supported with the requirement for a financial contribution.

Waste

The applicant has agreed that a revised waste management plan will be required to satisfy conditions on any permit issued. It is considered the deficiencies identified with the originally submitted waste management plan can be appropriately rectified, particularly given the reduction of dwellings across the site.



**101 BURGUNDY STREET, HEIDELBERG - ALTERNATIVE OUTCOME FOR MIXED USE DEVELOPMENT (P8/2019) cont'd**

**CONCLUSION**

It is considered that the proposed changes to the proposal required through the 'Without Prejudice' conditions agreed to by the Applicant for Review at the Compulsory Conference respond appropriately to the issues that resulted in the original application not being supported and will allow for a development that meets the policy objectives outlined in the Banyule Planning Scheme. It is considered that Council should agree to the 'Without Prejudice' conditions.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Advertised Plans ( <i>Under Separate Cover</i> )	
2	Finalised Draft Permit Conditions 101 Burgundy Street, Heidelberg, P8/2019 VCAT reference - <b>CONFIDENTIAL</b>	
3	Indicative Plans prepared by permit applicant to show effect of Without Prejudice Conditions - <b>CONFIDENTIAL</b>	

## **5.3 COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE 2020-2021**

Author: Michelle Isherwood - Economic Development Officer, City Development

### **Previous Items**

Council on 6 April 2020 (Item 3.1 - Banyule City Council's Response to COVID-19)  
Council on 15 June 2020 (Item 3.3 - Council Support for Ratepayers Suffering Hardship as a Result of the Coronavirus Pandemic)

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### **EXECUTIVE SUMMARY**

On 16 March 2020, a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic. Since this announcement further 'lockdown' measures and responses have been put in place and the State of Emergency was extended until 21 June 2020.

On 6 April 2020 Banyule City Council introduced a five-point plan in response to COVID-19 and on 15 June 2020, Council resolved to support ratepayers suffering hardship as a result of COVID-19.

Gross Domestic Product (GDP) figures from the Bureau of Statistics released on the 3 June 2020 show Australia's economy shrank 0.3 per cent in the March quarter. Australia will suffer its first recession in 29 years, as the full impact of coronavirus-related shutdowns occurred during the current June quarter. COVID-19 will have a profound effect on Australia's economy over the short-term, with the medium to long-term economic effects still unknown.

This report considers additional support for Business and Community including:

- Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications - \$150,000;
- A *Business Concierge Officer* for 12 months to assist new start-up businesses navigate the permit application and various approvals processes within Council - \$150,000 (including associated promotion, process improvements and education material);
- The establishment of a Business Investment Fund to allow Council to financially assist individual enterprises through the application process such as 50% contribution to planning fees for not-for-profits wishing to redevelop or relocate to Banyule - \$200,000;
- Business Support Grant package over four stages - \$460,000 (Council has allocated \$60,000 in its proposed budget);
- Rediscover Local Initiative six-month campaign - \$110,000;
- Building Connection and Celebrating Initiative - \$70,000;
- COVID-19 Community Grants program - (Council has allocated \$353,000 in its proposed budget);
- Additional one-off funding for Banyule Support and Information Centre Inc (BANSIC) set-up costs for BANSIC Food of \$20,000 and a waiver of tenancy fees for 2020/21 \$11,700 totalling \$31,700,
- Additional one-off funding of \$20,000 for Diamond Valley Community Support (DVCS) in acknowledgement of the impact of COVID-19 on their service to vulnerable community

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

- Waiver of the 2020/21 Banyule RSL Grants program with future direction to be determined within the next 12 months

When the proposed 2020-2021 budget was released for public exhibition in May, \$10.5 million was unallocated due to the pending COVID-19 response reports relating to ratepayer relief, business and community support. If Council supports all initiatives included in this report \$1.202million will be required from the \$10.5million within the 2020/21 budget.

**RECOMMENDATION**

That Council:

1. Endorse the proposed initiatives to support Business and Community to an amount of \$1.202million of the unallocated \$10.5million, in addition to items already allocated in the proposed budget in response to the COVID – 19 Pandemic in the following ways:
  - a. Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications - \$150,000;
  - b. A *Business Concierge Officer* for a 12-month period to assist new start-up businesses - \$150,000 (including associated promotion, process improvements and education material);
  - c. The establishment of a *Business Investment Fund* to allow Council to financially assist individual enterprises through the Council application process - \$200,000;
  - d. Business Support Grant package - \$520,000;
  - e. Rediscover Local Initiative six-month campaign - \$110,000;
  - f. Building Connection and Celebrating Initiative - \$70,000;
  - g. COVID-19 Community Grants program - \$363,000;
2. Endorse the additional one off funding of \$20,000 for Banyule Support and Information Centre Inc (BANSIC) to support the set-up costs for BANSIC Food and waiver of \$11,700 tenancy fees for 2020/21 totalling \$31,700.
3. Endorse the additional one-off funding of \$20,000 for Diamond Valley Community Support (DVCS) to support their services to the vulnerable community
4. Endorse the following *Business Support Grant Streams*
  - a. Business Support Grants of up to \$5,000
  - b. Business Coaching Grants of up to \$2,500
  - c. Business Continuity Planning Grants of up to \$1,000
5. Authorise the Chief Executive Officer to distribute the Business Support Grant funding and the COVID–19 Community Support Grants in accordance with criteria to be established to execute the intent of the business and community support.
6. Authorise the Chief Executive Officer or her appointees to develop guidelines associated with the Business Investment Fund and oversee the distribution of

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

the fund. The fund should include support for 50% contribution to planning fees for not-for-profits wishing to redevelop or relocate to Banyule.

7. Receive a further report in December 2020 to review the effectiveness of the additional business support and consider any additional support that may be required.
8. Waiver of the 2020/21 Banyule RSL Grants program and receive a further report in February 2021 outlining future options.

**COUNCIL PLAN**

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

**BACKGROUND**

On 16 March 2020 a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic which was subsequently extended until 21 June 2020. Local Government plays a critical role in supporting its community during this unprecedented time.

On 6 April 2020 Banyule City Council introduced a five-point plan in response to COVID-19. This plan included:

1. Protect staff health and wellbeing
2. Minimise Council service disruption
3. Maintain financial sustainability
4. Support the local community
5. Support the local economy

At the ordinary Council meeting held on 15 June 2020 Council resolved to support ratepayers suffering hardship as a result of the Coronavirus pandemic.

Countries with stricter containment measures and those that acted sooner have had more success in flattening the curve of the virus. These include Australia, China, South Korea, Taiwan and New Zealand.

The International Monetary Fund (IMF) estimate that world growth will contract by 3.0% this year – the most since the Great Depression. The advanced economies of Europe and the US are expected to bear the brunt of this contraction. China is still expected to grow modestly this year by 1.2% before returning to growth of 9.2% next year. The IMF are assuming the impact of COVID-19 fades in the second half of this year and warns the risks of more severe outcomes are substantial.

The IMF are forecasting a contraction of 6.7% this year for Australia, which is worse than the RBA's forecast of -6.0%. The RBA expect growth to return next year of 6%. How soon Australia returns to growth depends critically on how effective the containment of the virus is including the avoidance of a second wave.

GDP figures from the Bureau of Statistics released on the 3 June 2020 show Australia's economy shrank 0.3 per cent in the March quarter. Australia will suffer its

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

first recession in 29 years, as the full impact of coronavirus-related shutdowns occurred during the current June quarter.

A rise in spending on goods, notably in food and pharmaceuticals as people hoarded amid the early stages of the COVID-19 pandemic, was not enough to offset a significant fall in services spending. The biggest spending falls were in those areas most severely affected by travel and social-distancing restrictions, such as transport services (-12 per cent), hotels, cafes and restaurants (-9.2 per cent), and arts and recreation.

New modelling shows the potentially unprecedented impact the coronavirus (COVID-19) pandemic may have on the state's economy. Under the modelling, the economy is anticipated to contract in the June quarter of 2020, with real GDP estimated to be about 14 per cent lower in both the June and September quarters than forecast in the 2019-20 Budget Update.

Under this scenario, Victoria's unemployment rate could rise to 11 per cent, and job losses could peak at around 270,000 in the September quarter. These estimates include the mitigating impacts of Victorian and Commonwealth Government support packages.

The road to recovery will be longer than first expected, with the magnitude of the downturn meaning that Victoria would likely record negative economic growth in both 2019-20 and 2020-21.

The two areas most adversely affected by the crisis are tourism and international education. International education has been Victoria's largest services export industry for more than a decade, and in 2018 it generated \$11.8 billion in export revenue.

Construction has been the mainstay of the economy during the lockdown period. Governments consider this critical to maintaining employment opportunities and economic activity. There was an expectation that development activity in Banyule would slow down significantly with the recession but this has yet to be realised. The six monthly City Development Activity report is due in August and will include full details of activity over the last six months. However, data available to date indicates that the last 3 months have in fact been busier than the comparable period at the same time last year. The table below shows more than 40% increase compared to the same period last year:

<b>Period</b>	<b>Planning Permit Applications received</b>	<b>All Development Planning requests received</b>
11 March 2019 to 17 June 2019	337	554
9 March 2020 to 15 June 2020	484 (43.6% increase)*	777 (40.3% increase)*

\*Note: 90 of the 147 increase are smaller tree related applications

Governments have indicated that one of the best things that Councils can do to maintain investment in construction activity and business expansion is to ensure approval systems are streamlined and 'red tape' for applicants is minimized. With a

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

larger volume of applications and continued complexity in the system there is some risk that development approvals could become bogged down.

Stimulus measures are important in building a bridge between now and economic recovery and helping otherwise viable businesses survive which also helps minimise job losses and support investment which will create new jobs. Both the Australian and State Government have recently released funding to help stimulate the economy.

**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.

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

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

**CURRENT SITUATION**

**Support for Business**

*Status of previous package*

The initial support package for business and community released by Council on 6 April 2020 has been reviewed and a summary of the status and the impact of the funding is included in **Attachment One**.

The Council response has been well received by the business community with the initiatives playing an important part in helping businesses survive. The next response for businesses will be important in building confidence in the local economy and helping businesses not only survive and thrive.

*Shop Local Campaign*

In addition to the shop local campaigns developed by the Traders Associations, the newly appointed Business Support Officer can also deliver a *Rediscover Local* campaign.

The purpose of this campaign is to help boost the local economy by encouraging residents and businesses to shop locally for their goods and services. While this

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

campaign will be Banyule-wide, more targeted support can be given to Neighbourhood Centres, Business Parks and Industrial Estates.

Focused on environmental sustainability, the campaign will be predominantly on-line via a dedicated microsite attached to the Banyule Business webpage. The cost of this six-month campaign is estimated to be \$110,000. A summary of the *Rediscover Local Initiative* is included in **Attachment Two**.

**Business Support Grants**

Two initial grant streams were made available between April and May this year: Business Support Grants (up to \$5,000) and Business Continuity Grants (up to \$1,000). The grant round opened on Friday 24 April 2020 and closed on Monday 18 May 2020 when the \$60,000 funding pool was fully expended. There was a high level of interest in the business grants with 114 businesses applying.

The initial grant streams, criteria and time frames have been reviewed and the following grant streams are now proposed:

**Business Support Grants of up to \$5,000**

**Assist businesses with moving online to sell products and/or services**

Costs associated with:

- Website design and development
- E-commerce platforms (selling online and receiving payments)
- Purchasing of hardware and software
- Cost of new packaging
- Cost of online learning or mentoring to develop e-commerce skills
- Online content development (web pages, mobile apps, audio & visual media)

**Open businesses to new markets**

Costs associated with:

- Purchasing of relevant equipment and shop fit-outs
- Digital marketing and promotion

**Business Coaching Grants of up to \$2,500**

Grants to encourage sound management of businesses during the recovery phase.

Costs associated with

- Engaging a qualified business coach to work with closely with business owners to assist with business adaptation, innovation, marketing and sales.

**Business Continuity Planning Grants of up to \$1,000**

Grant to encourage business continuity and recovery through planning.

Costs associated with:

- Engaging a qualified person to provide advice on business continuity planning – for example but not limited to CPA or CA.
- Financial advice, specialist accounting, legal and business planning advice about cashflow projections, managing risk, diversifying the business, adding value to products and services produced by the business

A total grant pool of \$480,000 will be available over four rounds.

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

Round 1	Round 2	Round 3	Round 4
Open: Tues 14 July 2020 Close: Sun 2 Aug 2020 Announcement: Fri 28 Aug 2020	Open: Tues 1 Sep 2020 Close: Tues 22 Sep 2020 Announcement: Tues 27 Oct 2020	Open: Tues 2 Feb 2021 Closes: Sun 21 Feb 2021 Announcement: Tues 23 Mar 2021	Open: Tues 6 April 2021 Close: Mon 26 April 2021 Announcement: Tues 25 May 2021

It should be noted that an additional \$40,000 will be required to administer the grants.

Additional Training

The objective of the 2019/20 Training and Development package was to provide an opportunity for businesses to be supported through navigating complex decisions that need to be made at this critical time as well as to give them the practical skills to enable them to act quickly. Since the Economic Support package was adopted on the 6 April 2020, 111 businesses have engaged with Banyule Business events for training and development support. Feedback has been extremely positive from those businesses that did attend training.

A revised program that considers feedback received from those attending the initial training and considering the feedback from the business survey, has been prepared and will be delivered throughout 2020/21.

Building Connection and Celebrating Initiative

Given that the delivery of events within a post COVID-19 era is uncertain, this initiative will largely be officer driven and managed and will draw on partnerships with local community groups, service providers, businesses and support agencies. They will be activity, program or event based that focus on:

- Building and re-connecting
  - Celebrating community life
  - Engaging community
  - Developing sense of community
  - Stimulate activity and interaction – economic and social
- Potential projects include:
  - Window Installations in Businesses across the Traders Associations 'From my Window'
  - Activating neighbourhoods and high streets through public art
  - Project – Community public art project 'Our Future'

This initiative will require an additional \$70,000 in funding which is discussed further in the funding implications of this report. Further details in relation to this program is included in **Attachment three**.

**Support for Community**

COVID – 19 Community Grants

Funding for the 2020/21 Community Grants program has been reviewed to better align with community need within a COVID-19 response environment. The approach



**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

is to repurpose and reimagine the Banyule Grants Program so that Council can assist in:

- Rebuilding community resilience
- Supporting community to transition post COVID-19
- Community recovery
- Revitalising public spaces
- Stimulating and inspiring the community
- Encouraging a sense of local pride and connection

The total allocation for Community Grants in the draft 2020/21 budget is \$353,000. The following grant categories are proposed:

- Rapid Response Grants:
  - Community Support- Essential Grants - \$150,000
  - Banyule Creative Community quick Response Grants - \$20,000
- COVID-19 Recovery Grant - Banyule Creative Recovery Grants - \$40,000
- Environmental Grants - \$125,000
- Hall Hire relief - \$10,000 (additional funding to the current budget of \$18,000)

It is also proposed to increase the Hall Hire relief program (currently \$18,000) by \$10,000 (total \$28,000) to support additional cleaning costs incurred by community groups using Council owned community halls, centres and venues due to COVID-19.

Pending Council approval, advertising of all grant programs will commence on Tuesday 7 July 2020 and rounds will open a week later Tuesday 14 July 2020. Further details in relation to the purpose of the grants, timelines and criteria is included in ***Attachment Four***.

*Additional Support for BANSIC*

In April and May Banyule Support and Information Centre Inc (BANSIC) wrote to Council seeking financial assistance through an increase in their current Council grant due to the impact of COVID-19.

BANSIC is a long-standing community information, referral and support service which operates from Shop 48 The Harmony Centre. A critical component is the provision of emergency relief and material aid to individuals and families.

Shop 48 The Harmony Centre temporarily closed to the public from the 26 March 2020. BANSIC and HIMILO Community Connect have continued to operate from the facility, maintaining social distancing and non-face to face contact with clients.

In addition, BANSIC has established a non-contact service pick up for food parcels from the back of the building - *BANSIC Food*.

A meeting was held between BANSIC and Council representatives on the 29 April 2020 to progress the matter. This resulted in the redeployment of Council staff (impacted by COVID-19 closures) to work alongside BANSIC to support the increased service demands - a saving of approximately \$17,000 over a 6-month period.

This report also proposes a one-off payment of \$20,000 in recognition of the set-up costs for BANSIC Food and a waiver of \$11,700 of tenancy fees for 2020/21 a total of \$31,700.

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

*Additional Support for Diamond Valley Community Support (DVCS)*

DVCS provides emergency relief to people in the Banyule Council area who are experiencing financial and/or personal hardship as well as a range of counselling and community services inclusive of but not limited to Emergency relief, Education support, financial counselling, personal counselling and a volunteers resource hub.

DVCS experienced some challenges during Covid 19 specifically with being able to manage the volume of support requested from the community in a time where their volunteer capacity was compromised due to isolation restrictions for older individuals. The group has revised their business model to include increasing paid staff hours.

This report proposes a one-off payment of \$20,000 in recognition of the impact of Covid 19 on the delivery of their services to vulnerable groups within the community.

*Banyule RSL Grants Program*

The Banyule RSL Grant program opens the 1<sup>st</sup> week of October and closes mid December. Assessments generally take place in late January with an awards ceremony celebrated in March.

The RSL Grant program is locked in through a Trust Deed arrangement with each RSL who give back up to \$1k per machine back into supporting community grants inclusive of the following:

- Montmorency /Eltham- \$54k
- Greensborough -\$57,125k
- Watsonia \$103,950k

During this COVID 19 period, each of the RSL have been closed to public and have experience a significant loss of income.

This report proposes a waiver of the 2020/21 Banyule RSL Grants Program and that Council receive a further report in February 2021 outlining future options.

**FUNDING IMPLICATIONS**

When Council released its draft budget on the 7 May 2020, \$10.5 million was allocated due to the pending reports relating to ratepayer relief, business and community support in response to COVID -19.

The initiatives included in this report requires allocation of \$1.2 million of the \$10.5million provided within the 2020/21 budget.

**CONSULTATION**

Banyule Businesses were invited to participate in a survey which opened on Wednesday 27 April and closed on Sunday 10 May 2020. In total 127 businesses participated in the survey.

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

90% of businesses that responded have been adversely affected by the impacts of COVID-19. The top two impacts were loss of revenue (32%) and loss of customers (25%).

The top 3 immediate operational priorities for respondents are:

- Ensuring myself and staff have jobs - 14%
- Paying rent/loans - 11%
- Adopting new systems and practices to ensure we continue operating - 9%

Three key support mechanisms to assist with business continuity include:

- support through mentoring and networking (this included business to business and one on one) 28%
- Marketing programs to drive custom - 24%
- Keeping informed with the latest information from government - 14%.

Benchmarking in relation to business support has been conducted with neighbouring municipalities and key industry bodies such as NORTH Link and the Victorian Government Business Offices in Bundoora has also been consulted.

**DISCUSSION**

Increasing Council's support for new business, investment and attraction within Banyule can be achieved in several ways.

Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications particularly with a focus on industry and employment generation, fast track approvals for small business, support where applicants can demonstrate hardship due to COVID-19 and general streamlining of systems.

*A Business Concierge Officer* for 12 months to assist new start-up businesses navigate the permit application and various approvals processes within Council including associated promotion, systems and education.

Creating a *Business Investment Fund* to allow Council to financially assist individual enterprises through the application process such as 50% contribution to planning fees for not-for-profits wishing to redevelop or relocate to Banyule.

**TIMELINES**

Funding for the community and business support package will be delivered between July 2020 to June 2021.

Pending Council approval, advertising of all grant programs will commence on Tuesday 7 July and rounds will open a week later Tuesday 14 July.

**COVID - 19 RESPONSE - COMMUNITY AND BUSINESS SUPPORT PACKAGE  
2020-2021 cont'd**

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**CONCLUSION**

Council has provided a significant response to the COVID-19 State of Emergency. At the forefront of Council's response is the safety and wellbeing of all members of the community. The emergency, and consequently Council's response, is ever-changing.

The COVID – 19 economic and community well-being recovery depends on the success of the stimulus packages being provided by all levels of government and the effectiveness of the health solutions.

Given the dynamic nature of the COVID – 19 recovery and the direct link to the easing of restrictions, it is difficult to determine what support businesses may require in six months' time. A further report will be presented in December 2020 to review the effectiveness of this increased support and consider any additional support that may be required.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Summary of Previous Support Package	
2	Rediscover Local Campaign	
3	Building Connection and Celebration Initiative	
4	COVID - 19 Community Grants	

## **5.4 LAND AT REAR OF 7A CURZON STREET, IVANHOE - PROPOSED SALE OF LAND**

Author: Gary Mills - Senior Property Officer, City Development

Ward: Olympia

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### **EXECUTIVE SUMMARY**

At its meeting on 18 November 2019, Council resolved on a staged approach for the proposed sale of the Council land described as Lot 1 on unregistered plan PS813368T and situated at the rear of 7A Curzon Street, Ivanhoe ('subject land').

Before commencing statutory procedures under section 189 of the *Local Government Act* 1989 for the sale of Council land, Council requires satisfactory agreement with the prospective purchaser on the purchase price.

The prospective purchaser being the owner of 7A Curzon Street, Ivanhoe (Land owner) is the only suitable purchaser in the market place for the subject land.

Early this year, negotiations commenced with the Landowner for the purchase of the subject land, but satisfactory agreement on the land sale price is yet to be reached.

The subject land will be affected by a section 173 Agreement restricting the use of the land to soft landscaping and uncovered decking extension. Based on the restricted use, Council's valuer has valued the 38m<sup>2</sup> parcel of land at \$14,250 (plus GST).

The Landowner has recently submitted a counter offer of \$11,000 (GST inclusive).

The Landowner currently enjoys use of the subject land under a Licence agreement with Council. The licence commenced on 1 July 2016 and runs whilst the licensee continues to own and occupy the property at 7A Curzon Street, Ivanhoe. The 2019/20 licence fee is currently in arrears.

The most recent counter offer of \$11,000 (GST inclusive) is deemed not a fair and reasonable price for the subject land. In the absence of an agreement with the Landowner, the sale of land proposal should be abandoned and the Landowner continue the use and enjoy the subject land under the terms of the Licence agreement.

### **RECOMMENDATION**

That:

1. Council does not accept the offer of \$11,000 (incl GST) received from the owner of 7A Curzon Street, Ivanhoe for the purchase of Council land described as Lot 1 on unregistered plan PS813368T and situated at the rear of 7A Curzon Street, Ivanhoe.

**LAND AT REAR OF 7A CURZON STREET, IVANHOE - PROPOSED SALE OF LAND cont'd**

2. The Landowner be advised that their offer of \$11,000 (incl GST) for the subject land is not accepted.
3. The Landowner be advised that their request for waiver of the overdue licence fee for the subject land is not accepted.
4. Subject to the Landowner subsequently agreeing to Council's Terms and Conditions of Sale, including the purchase price of \$14,250 (plus GST), Council authorises the commencement of statutory procedures under section 189 of the *Local Government Act 1989* to sell the land.
5. Should agreement not be reached with the Landowner regarding the Terms and Conditions of Sale for the subject land:
  - a) The sale of land proposal be abandoned
  - b) The Banyule Planning Scheme Amendment C124 Part 2 be abandoned
  - c) Council notify the Minister for Planning of the decision to abandon Banyule Planning Scheme Amendment C124 Part 2.

**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**

At its meeting on 18 November 2019, Council resolved on an action plan for a proposed sale of Council land described as Lot 1 on unregistered plan PS813368T and situated at the rear of 7A Curzon Street, Ivanhoe ('the subject land') as follows:

**Resolution (CO2019/240)**

*"That Council:*

1. *Support the following steps to be undertaken:*
  - a. *Subdivide the land at 1 Liberty Parade, Ivanhoe to create the subject land in accordance with the proposed plan of subdivision No. 813368T.*
  - b. *Prepare a Council Report to commence statutory procedures under Section 189 of the Local Government Act 1989 to sell the subject land.*
  - c. *Hear and consider submissions on the Notice of Intention to Sell in accordance with Section 223 of the Local Government Act 1989.*
  - d. *After considering submissions (if any) decide whether or not to sell the subject land.*
  - e. *If necessary, seek an extension of time from the Minister for Planning to prevent Amendment C124 Part 2 from lapsing.*
  - f. *If Council decides to sell the subject land:*
    - i. *Enter into a Section 173 Agreement pursuant to the Planning and Environment Act 1987 in accordance with the proposed agreement at Attachment 1 with the purchaser of the subject land.*

**LAND AT REAR OF 7A CURZON STREET, IVANHOE - PROPOSED SALE OF LAND cont'd**

- ii. *Obtain the written withdrawal of the opposing submission to Planning Scheme Amendment C124 Part 2 subject to the above steps be completed.*
  - iii. *Adopt Planning Scheme Amendment C124 Part 2 as exhibited under delegation.*
  - iv. *Submit Planning Scheme Amendment C124 Part 2 to the Minister for Planning for approval.*
2. *Delegate authority to the Director City Development to adopt Planning Scheme Amendment C124 Part 2, subject first to steps 1f i and 1f ii above being completed.”*

A land valuation was obtained from Council's valuer on 29 January 2020 where the current market value was assessed at \$1,000psm for the 38m<sup>2</sup> parcel of land being \$38,000 (excl GST). This valuation was based on highest and best use of the land and rezoning from Public Conservation and Resource Zone (PCRZ) to Neighbourhood Residential Zone Schedule 3 (NRZ3).

A Preliminary Terms and Conditions Letter was sent to the owner of 7A Curzon Street, Ivanhoe ('Landowner') on 4 February 2020 advising Council's standard terms and conditions of sale, together with Council's land valuation of \$38,000 (plus GST) plus reimbursement of Council's estimated costs of \$6,000 (plus GST).

The Landowner advised on 29 March 2020 that following their own investigations with local real estate agents, they were prepared to offer Council \$7,500 (incl GST) for the subject land and accepted Council's estimated costs of \$6,000 (plus GST).

A fresh valuation was obtained taking account of the proposed section 173 Agreement that would apply to the sale of the subject land. This agreement would restrict future use of the land to soft landscaping and uncovered deck extension only. The revised market valuation for the subject land is \$14,250 (plus GST).

A revised Terms and Conditions letter was sent to the Landowner on 21 May 2020. A counter offer of \$11,000 (incl GST) was subsequently received from the Landowner on 15 June 2020.

Currently, Banyule Planning Scheme Amendment C124 Part 2 is on hold pending an agreed position with regard to the Section 173 Agreement for the subject land (now reached) and the sale of the subject land. Planning Scheme Amendment C124 Part 2 seeks to rezone the subject land from Public Conservation and Resource Zone to Neighbourhood Residential Zone.

## **LEGAL CONSIDERATION**

Where land is considered surplus to Council requirements, all land transactions are to be carried out in accordance with section 189 of the *Local Government Act 1989* and the *Local Government Guideline on the Sale, Exchange and Transfer of Land (2009)* ('*Guideline*'). These provisions of the 1989 Act still apply until 30 June 2021.

The Guideline states *“that sales, exchanges and transfers of land should be in the best interests of the community and provide the best result, both financial and non-financial for the council and the community.”*

## LAND AT REAR OF 7A CURZON STREET, IVANHOE - PROPOSED SALE OF LAND cont'd

Furthermore, the Guideline states that “*generally, all sales and exchanges of land should occur not less than market value assessed by a valuer engaged by the Council. However, in the event that land is sold for less than market value or exchanged for a lesser value, the council should explain the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value.*”

### HUMAN RIGHTS CHARTER

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

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

### Locality Plan

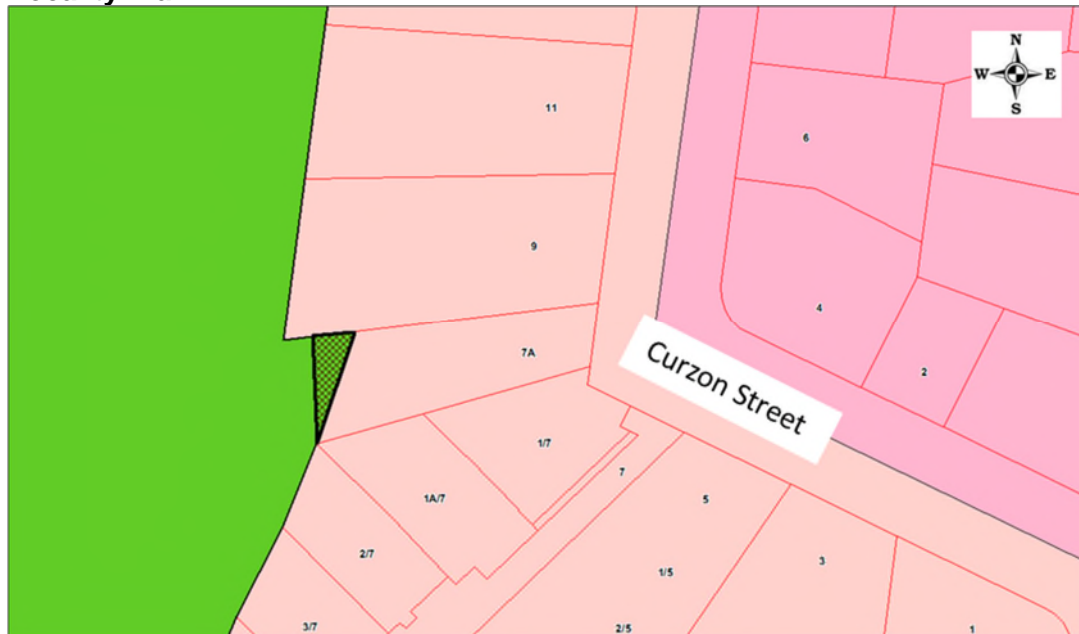


Figure 1: The subject land at the rear of 7A Curzon Street, Ivanhoe shown hatched

### CURRENT SITUATION

The Landowner currently enjoys use of the subject land under a Licence agreement with Council. The Licence commenced on 1 July 2016 and runs whilst the Landowner continues to own and occupy the property at 7A Curzon Street, Ivanhoe.

The annual Licence fee is \$550 (GST inclusive) and the current outstanding balance, is \$550 (GST inclusive). In an email dated 17 June 2020, the Landowner has requested waiver of the 2019/20 licence fee for the subject land as part of the offer.

### POLICY IMPLICATIONS

To date, Council has acted in accordance with its *Land Transaction Framework (2019)* and operational procedures regarding this land sale proposal.



**LAND AT REAR OF 7A CURZON STREET, IVANHOE - PROPOSED SALE OF LAND cont'd**

**DISCUSSION**

The Landowner's recent counter offer of \$11,000 (incl GST) is considered unacceptable. It is considered that there is no substantial reason for accepting a lower sale price to Council's market valuation of \$14,250 (plus GST), notwithstanding the Landowner is the only suitable purchaser in the market place.

Equally, there has been no explanation surrounding the request for waiver of the overdue licence fee. As such any waiver would be without basis.

The Banyule Planning Scheme Amendment C124 Part 2 seeks to rezone the subject land from Public Conservation and Resource Zone to Neighbourhood Residential Zone to facilitate the possible sale of the land.

If agreement cannot be reached with the Landowner (the only potential purchaser), the need to rezone the land becomes redundant and Amendment C124 Part 2 should be abandoned.

In the event the above proposals are abandoned, the Landowner will still have the use and enjoyment of the subject land under the terms of the Licence agreement unless such arrangements are relinquished.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**CONCLUSION**

Whilst the Landowner's latest offer is considered not fair and reasonable, should they subsequently agree to Council's sale price of \$14,250 (plus GST), or Council agrees to a lower purchase price, then Council may commence statutory procedures under section 189 of the *Local Government Act 1989* to sell the land. In the event, agreement is not reached, then the sale of land proposal and Planning Scheme Amendment C124 Part 2 should be abandoned.

**ATTACHMENTS**

Nil

## **5.5 BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN**

Author: Chris McInnes - Development Planner, City Development

Ward: Olympia

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### **EXECUTIVE SUMMARY**

The Department of Health and Human Services (DHHS) is continuing to progress regeneration of public housing in Heidelberg West as part of the Government's Public Housing Renewal Program to redevelop properties across Melbourne. The project includes landholdings at the Bell/Bardia Street and Tarakan Street walk-up flat sites.

Planning Scheme Amendments, including the application of Development Plan Overlays over the sites to facilitate the re-development of the estates were approved by the Minister for Planning in March 2018. Demolition of the existing three storey walk up flats on both of these sites was carried out earlier this year. A project update and Masterplan (June 2020) has been made available and DHHS is seeking community feedback.

From what limited information is available so far, overall the proposals are fair responses to the Design Objectives contained within the DPO5 and DPO6 controls applicable to the sites. In terms of the Bell/Bardia site, building heights concentrated on the southern side of the site fronting Bell Street, the retention of many of the existing canopy trees, provision of a spine of open space running through the site from east to west, and a variety of dwellings styles and sizes.

Initial concerns are raised in relation to both sites about the provision of at-grade car parking, activation to Bell Street, distribution of vehicle access and the interface with the Postcode 3081 Urban Design Framework.

### **RECOMMENDATION**

That Council make a submission to the Department of Health and Human Services in relation to the proposed Bell-Bardia Street and Tarakan Estates Master Plan which:

1. Supports the quantity of social housing proposed which will be greater than the 'plus 10%' advocated by the State Government.
2. Raises concern with distribution of vehicle access, activation to Bell Street, interface to the Postcode 3081 Urban Design Framework and Internal vehicle access.
3. Notes the importance of balancing the various and important outcomes and uses sought in the linear open space proposed for the Bell-Bardia site.

**BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN  
cont'd**

**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. A key initiative is to continue planning for housing renewal and diversity for Heidelberg West.

**BACKGROUND**

The Department of Health and Human Services (DHHS) is progressing regeneration of public housing in Heidelberg West as part of the Government's Public Housing Renewal Program to redevelop properties across Melbourne. The project includes landholdings at the Bell/Bardia Street and Tarakan Street sites.

The Minister for Planning considered the report of the Advisory Committee and approved Amendment C118 for the Bell/Bardia Estate and Amendment C150 for the Tarakan Estate on 29 March 2018, including Development Plan Overlays which detail what the land can be used for, maximum heights, setbacks from boundaries, how much open space is required to be provided and guidance around landscaping and building design.

A Development Plan must now be prepared for both sites in consultation with Council and approved by the Minister for Planning, before a permit for development can be granted. A number of sub-plans and reports must be prepared first that will either inform or form part of the final development plan.

Any Development Plan for either of these sites must address the following key objectives:

- High quality integrated social and private housing that is socially, economically and environmentally sustainable that delivers high levels of residential amenity and liveability.
- An increase in the number of social housing dwellings that achieves dwelling diversity across the site with a range of one, two and three or more bedroom dwellings, balancing issues of equity in the delivery of social and private housing that is well integrated and is visually indistinguishable.
- Integration of the site with the surrounding area by responding to existing or preferred neighbourhood character, enhancing the public realm and existing networks and delivering 'good neighbour' outcomes.
- Opportunities for legible access and address points for the site, buildings and spaces, including defining the types open spaces to foster social connections between residents and the wider community, and that prioritise pedestrian and bicycle access within and external to the site.
- Landscaping and open space (including communal parks, playgrounds and other pocket spaces) that is resilient, well connected and enhances the sense of place, sustainability and liveability of the site and local area, and that meets the needs of both the social and private housing residents.
- Delivery of adaptable buildings and spaces that are accessible and practical for people of all abilities and respond to the future needs of residents.

The DHHS is now undertaking a consultation up until 16 July 2020. Residents can complete an online survey with an opportunity to attend one of two workshops on 1 July 2020 and 2 July 2020.

**BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN  
cont'd**

Amendment C120 – Postcode 3081 Urban Design Framework

This Amendment to the Banyule Planning Scheme proposes to implement the built and landscape form outcomes of the Postcode 3081 Urban Design Framework to guide housing change within Heidelberg Heights and Heidelberg West. This Amendment was adopted by Council on 16 September 2019 and is currently still undergoing assessment by the Department of Environment, Land, Water and Planning (DELWP).

The amendment is expected to have a net community benefit and positive environmental, social and economic benefits through:

- Supporting urban renewal in a location as part of a strategic corridor with ready access to multiple activity centres, medical facilities, public transport routes and pedestrian and bicycle infrastructure in a location that can support increased housing density.
- Encouraging high quality development and good built form outcomes incorporating environmentally sustainable design and water sensitive urban design principles.
- Encouraging the supply of both social, co-housing and private housing opportunities.
- Ensuring that new development protects existing trees and further enhances the existing treed character of the framework area.

**DRAFT BELL/BARDIA AND TARAKAN ESTATES MASTER PLAN**

The Draft Masterplan can be summarised as follows:

Bell/Bardia Estate

- Four apartment buildings on the southern (Bell Street) side of the site. Two buildings at the eastern end are proposed to be 10 storeys high, stepping down to 8 then 6 storeys towards the western end of the site closer to the Darebin Creek.
- A central spine of open space running from east to west through the centre of the site. This area is proposed to contain amenities such as basketball courts, children's playgrounds and community gardens and also features a continuous pedestrian and cycling link leading from the adjoining shopping centre to the east to the Darebin Creek Reserve to the west.
- Another shorter spine of open space containing a pedestrian and cycling path running from north to south through the centre of the site at the point where Mulberry Parade intersects with Bardia Street.
- Four 3 storey buildings on the northern side of the site front Bardia Street which would contain a mixture of townhouse and apartment style dwellings. Smaller 3 storey buildings would also be located immediately adjacent to the larger apartment buildings on the southern side of the site and would allow for

## **BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN cont'd**

- elevated communal open space areas separated from the public realm for the use of residents of the development.
- Car parking facilities are proposed to be constructed at grade level and form some of the lower levels of each of the buildings. The DHHS has stated that the provision of basement level parking would be difficult to achieve owing to soil conditions on the site. Vehicular access to these parking spaces is proposed by two new common driveways accessed via Bardia Street.
- The DHHS has stated that the proposed layout will allow for the retention of many of the existing canopy trees on the site.

### Tarakan Estate

- One 6 storey apartment building at the southern end of the site. Abutting this boundary is the Melbourne Polytechnic Heidelberg Campus.
- Three 3 storey buildings spread throughout the remainder of the site containing a variety of dwelling sizes.
- An area of open space located in line with an existing area of open space abutting the eastern boundary of the site containing the same amenities as proposed for the Bell/Bardia site.
- Car parking is again proposed to be located at grade underneath the buildings and accessed via Tarakan Street.
- The DHHS has stated that the proposal has been designed to be sympathetic to the abutting St Pius X Primary School which abuts the site at its north eastern end.

A copy of the project update is included in attachment 1 and the Draft Masterplan is available on the DHHS website <https://www.dhhs.vic.gov.au/heidelberg-west-bell-bardia-and-tarakan-estates#about-the-project>.

### **PLANNING CONTROLS**

Following the approval of Amendments C118 and C150, both of these sites are located within a Mixed Use Zone (MUZ2). They are both affected by a Vegetation Protection Overlay (VPO5), Parking Overlay (PO4). Development Plan Overlay (DPO5) applies to the Bell/Bardia site, whilst the Tarakan site is affected by another specific Development Plan Overlay (DPO6). Land developed for social housing by the DHHS or a registered housing association is exempt from the requirements of the Development Contributions Overlay.

### **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.

**BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN  
cont'd**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (the Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**DISCUSSION**

The Development Plan Overlay (DPO5) control which applies to both of these sites contains Design Objectives which seek to control what the land can be used for, maximum building heights, building setbacks from boundaries, how much open space is required to be provided and guidance around landscaping and building design.

The Draft Masterplan proposes building heights that are concentrated on less sensitive interfaces such as Bell Street for the Bell/Bardia site and the carpark for the Polytechnic Campus for the Tarakan site.

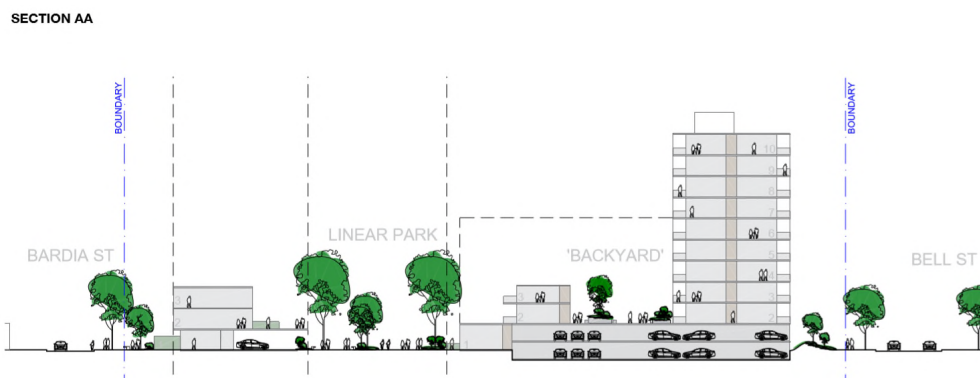
Specific commentary for the two sites is detailed below:

- Increase in social housing and good mix of social and private housing: The Bell/Bardia site will make the primary contribution to delivery of housing which will be 280 social housing dwellings and 280 private dwellings across the two sites.
- Linear connection provided through to Darebin Creek: The Master plan provides for this important connection and also proposes a range of open space facilities in the linear park. It will be important that the future Development Plan strikes a balance between providing open space, existing and new canopy trees, landscaping opportunities, linear pedestrian connection as well provision for active and recreational uses.
- Vehicle access not distributed: Vehicle access appears to be via Bardia Street only without any access from Liberty Parade. The DPO sets out that Liberty Parade should be used for access to minimise vehicle movements relying on Bardia Street and the local network. Furthermore, Council's submission to the DPO advocated that Bell Street should also be considered for access to further distribute traffic away from the local network.
- Interface to Bell Street not activated: The sections provided (See diagram 1 below) indicate that parking will be provided above ground level and there is no commercial use proposed along Bell Street.
- Interface to Postcode 3081 Urban Design Framework not resolved: It is considered that the three storey heights proposed at the west of the site does not interface appropriately with five storey heights entertained in the Postcode 3081 Urban Design Framework for sites located on Liberty Parade which abut

## BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN cont'd

the Bell/Bardia estate. The Masterplan proposes no built form at the estate's Liberty Parade interface.

- Internal vehicle access dissects the estate: Three vehicle accessways will cross the width of the site which will interrupt east-west pedestrian movements across the linear open space.



**Diagram 1: Section proposal for the Bell/Bardia Estate**

- Parking allocation: Both sites are affected by a Parking Overlay (PO4). The car parking spaces required to be provided on each of the sites is detailed in the following table:

Use	Rate	Measure
Dwelling (social housing)	0.4 spaces	to each 1 bedroom dwelling for residents
	0.7 spaces	to each 2 bedroom dwelling for residents
	1 space	to each 3 bedroom dwelling for residents
Dwelling (private housing)	0.9 spaces	to each 1 bedroom dwelling for residents
	1 space	to each 2 bedroom dwelling for residents
	1.5 spaces	to each 3 bedroom dwelling for residents
Dwelling (all)	0.1 spaces	to each dwelling for visitors

**Table 1: Required car parking ratios within Schedule 4 of the Parking Overlay**

Both proposals include at grade car parking facilities located under each of the buildings. Concern is raised about the location of car parking facilities at grade underneath each of the buildings. This could result in a poor design outcome in terms of activating the street frontages. Avoiding large expanses of car parking areas at street level is one of the design requirements contained within the Development Plan Overlay control applicable to both sites.

- Specific comments relating to the Tarakan Estate: Whilst the generous provision of open space throughout the site and concentration of high buildings at the southern end of the site are positive aspects of the proposal, the abovementioned issue of car parking facilities being located at ground level and visible from Tarakan Street is of specific concern at this site.

**BELL BARDIA AND TARAKAN ESTATES RENEWAL PROJECT MASTERPLAN  
cont'd**

**CONCLUSION**

It is being recommended that Council make a submission in relation to the proposed Master Plan which supports the provision of social housing greater than the 'plus 10%' advocated by the State Government but raises concern with distribution of vehicle access, activation to Bell Street, interface to the Postcode 3081 Urban Design Framework and Internal vehicle access. The submission will also note the importance of balancing the various and important outcomes and uses sought in the linear open space.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Planning for the future of the Bell Bardia and Tarakan Estates in Heidelberg West	



## 5.6 COVID-19 STIMULUS OPPORTUNITIES

Author: James Kelly - Manager Delivery & Assets, Assets & City Services

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### EXECUTIVE SUMMARY

Stimulus funding opportunities have been made available by the State and Federal Governments following the economic downturn brought on by COVID-19.

The purpose of this report is to update Council on all current infrastructure stimulus funding opportunities available to Council and provide recommendations on potential projects that will meet the funding criteria.

To date Council has identified three stimulus programs that are available for Local Government to apply for both Federal and State Government funding, these are:

1. Community Sports Infrastructure Stimulus Program with Council resolving at its meeting on 15 June 2020 to proceed with funding applications to the State Government for Olympic Park Stage 3 & 4; Banyule NETs Stadium Outdoor Courts and Darebin Creek Trail Stage 3.
2. Local Roads and Community Infrastructure Program which is a federal Government Program and Council has been successfully awarded \$617,878.
3. Local Parks Program - New Pocket Parks Program which is part of the Victorian Government's commitment to create more than 6,500 hectares of parklands and trails across Melbourne. Officers have identified Were Street Montmorency is best placed to meet the funding criteria.

In addition to the stimulus programs outlined above, it is anticipated that further stimulus opportunities may arise as the State and Federal governments continue to review the status of the economy.

To ensure that Council is best placed if further opportunities arise, officers have reviewed the current capital works program to identify future projects that require additional budget to accelerate the designs to a stage that would enable these projects to be submitted for any future stimulus program funding. This has identified three projects being Yarra Valley Hockey Club additional pitch, Macleod Recreation Centre redevelopment and Ivanhoe Aquatic Centre Stage 2 redevelopment.

The Victorian Greenhouse Alliance has prepared a prospectus that outlines how to align stimulus projects with climate solutions and offers five priority state wide projects that local governments could deliver/facilitate to boost the economy, create jobs and tackle climate change. There is an opportunity for Council to advocate to both levels of government to support this type of funding which will have a positive impact on Council's Climate Action Plan.

**COVID-19 STIMULUS OPPORTUNITIES cont'd**

**RECOMMENDATION**

That Council:

1. Endorse the following projects to be delivered under the Federal Government Local Roads and Community Infrastructure Program:
  - a) Montmorency South Primary School Parking and Traffic Management Improvements – Stage 3
    - Construct indented bays at Reichelt Avenue
    - Design and construct footpath and indented bays on Buena Vista Drive (school side),
  - b) Cape Street, Heidelberg – Brown Street intersection reconfiguration
  - c) Karingal Drive, Montmorency – New Footpath construction from Sherbourne Road to No. 23
  - d) Footpath Defect Rectification Works – Bell Street from Liberty Parade, Heidelberg West to Upper Heidelberg Road, Heidelberg Heights
  - e) Footpath Defect Rectification Works – Grimshaw Street from Plenty Road, Bundoora to Para Rd, Greensborough
2. Submit an application under the State Government's 'Local Parks Program - New Pocket Parks' for the Were Street Pocket Park, Montmorency.
3. Advocate to the State and Federal Governments for further stimulus funding to support the local economy and to deliver much needed local infrastructure for the local community. This can be achieved by allocating funds from the Banyule Economic Stimulus Support Package in the 2020/21 budget to accelerate final design for the following projects (Totalling \$1.35M):
  - a) Yarra Valley Hockey Club Additional Hockey Pitch at Cyril Cummings Reserve \$100,000
  - b) Macleod Recreation Centre Redevelopment \$800,000
  - c) Ivanhoe Aquatic & Leisure Centre Redevelopment Stage 2 \$450,000
4. Advocate to the State and Federal Governments for funding towards the Victorian Greenhouse Alliances – A climate positive stimulus for Victorian Local Governments package which includes:
  - a) Upgrading streetlights
  - b) Charging the regions
  - c) Green Infrastructure
  - d) State wide food and organic program
  - e) Landfill solar

**COUNCIL PLAN**

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

**BACKGROUND**

COVID-19 has greatly affected the Australian economy. State and Federal Governments have previously invested in construction projects to stimulate the economy when economic disruption occurs such as COVID-19.

## **COVID-19 STIMULUS OPPORTUNITIES cont'd**

Since this time there have been various stimulus funding grants which have provided various options that Banyule City Council could benefit from.

The purpose of this report is to:

- Update Council on all current stimulus funding opportunities available to Council
- Provide recommendations on potential projects that will meet the stimulus funding criteria.
- Identify further projects that will provide opportunities if further stimulus funding is made available by the State and Federal Governments.

## **LEGAL CONSIDERATION**

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

## **HUMAN RIGHTS CHARTER**

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

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

## **CURRENT SITUATION**

The first stimulus program identified by Council was the Community Sports Infrastructure Stimulus Program grant which was reported to Council on 15 June 2020. Council resolved to make application to the State Government under this funding round for three Projects being Olympic Park Stage 3 & 4; Banyule NETs Stadium Outdoor Courts and Darebin Creek Trail Stage 3.

Further to this funding opportunity, Council has identified two other stimulus programs, these are:

1. Local Roads and Community Infrastructure Program
2. Local Parks Program - New Pocket Parks

It is anticipated that further stimulus opportunities may arise as the State and Federal governments continue to review the status of the economy. To ensure that Council is best placed if further opportunities arise, officers have reviewed the current capital works program to identify future projects that if design work was accelerated would be ready to meet any future stimulus funding.

Details of programs and future opportunities is provided below:

### **1. Local Roads and Community Infrastructure Program**

The Australian Government has committed \$500 million to the Local Road and Community Infrastructure Program (LRCI Program) to support jobs, businesses and the resilience of local economies. From 1 July 2020, councils will be able to access funding to support delivery of priority local road and community infrastructure projects.

## **COVID-19 STIMULUS OPPORTUNITIES cont'd**

Projects will deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits. All projects are to be in addition to the already budgeted projects in the 2020/21 capital works program and must be completed by 30 June 2021.

Banyule City Council applied for this grant and has been successful in receiving \$617,878. In consultation with all relevant managers and directors, the following projects have been identified to utilise this grant funding.

- Montmorency South Primary School Parking and Traffic Management Improvements – Stage 3
  - Construct indented bays at Reichelt Avenue
  - Design and construct footpath and indented bays on Buena Vista Drive (school side)
- Cape Street, Heidelberg – Brown Street intersection reconfiguration
- Karingal Drive, Montmorency – New Footpath construction from Sherbourne Road to No. 23
- Footpath Defect Rectification Works – Bell Street from Liberty Parade, Heidelberg West to Upper Heidelberg Road, Heidelberg Heights
- Footpath Defect Rectification Works – Grimshaw Street from Plenty Road, Bundoora to Para Rd, Greensborough

## **2. Local Parks Program - New Pocket Parks**

The Local Parks Program for New Pocket Parks is part of the Victorian Government's commitment to create more than 6,500 hectares of parklands and trails across Melbourne. Good quality and well-maintained suburban parks are important for local communities. This program aims to:

- Create new green spaces to improve the health and wellbeing of communities in built-up urban areas.
- Provide local opportunities for Melburnians to connect with green open space and exercise.

Key criteria for this program are:

- The park must be located in the Eltham electorate, where Banyule's north eastern suburbs lie.
- Any proposal must be endorsed by Council prior to any application being submitted by 10 August 2020.

In consideration of the above criteria and consultation with relevant managers and directors, it has been identified that Were Street Pocket Park meets the criteria and is proposed to be submitted for this grant. The scope of this project is:

- There is currently an existing section of land between Were Street and the car park that people use and is well loved by the community, while also acting as a thoroughfare.
- The redesign of this area will:
  - focus on creating a space that caters for all age groups from parents with prams, grandparents with their grandchildren and school aged children.
  - Open the reserve to provide a dedicated space for community events
  - Relocate the toilets to provide increased passive surveillance and provide an opportunity for improved landscaping.

## **COVID-19 STIMULUS OPPORTUNITIES cont'd**

- Improve accessibility, pedestrian priority, retaining the 'Monty feel' and creating places to meet, gather and socialise.

### **Future Stimulus Program Opportunities**

As COVID-19 impacts the economic environment, the state and federal governments continue to identify opportunities where stimulus funding could be implemented to support the economy in the long term.

In addition to the stimulus programs outlined above, it is anticipated that further stimulus opportunities will arise as the state and federal governments continue to review the status of the economy.

In preparation for any future funding opportunities, Council officers have reviewed the current capital works program to identify projects that require additional budget to accelerate the designs to a stage that would enable these projects to be submitted for any future stimulus program funding. These projects are:

- Yarra Valley Hockey (Cyril Cummings) Additional Hockey Pitch
  - This project is to construct an additional hockey pitch at the Yarra Valley Hockey club's facility in Cyril Cummins Reserve
  - Concept designs have been completed.
  - It is estimated that \$100,000 is required to complete further community consultation and finalise the designs.
- Macleod Recreation Centre Redevelopment
  - This project is for the redevelopment of the Macleod recreation centre.
    - Social space
    - Refurbished amenities and gymnastics venue
    - Refurbishment of group exercise rooms
    - Refurbishment of car parking and upgrade of outdoor courts
    - Provision of an outdoor cafe
  - Concept Designs have been completed. It is estimated that \$800,000 is required to complete detailed designs of the proposed redevelopment.
- Ivanhoe Aquatic & Leisure Centre Redevelopment Stage 2
  - This project is to continue the redevelopment of Ivanhoe Aquatic & Leisure Centre.
    - Stage 2 will focus on an increase in aquatic space and on-site car parking to meet current and future demand.
    - It will also update the masterplan which will include plant upgrades and environmentally sustainable initiatives, with a target of net zero emissions and full electrification.
  - Council has \$300,000 allocated in the draft 2020/21 capital works budget to complete concept designs for the next component of the redevelopment.
  - It is considered that an additional \$450,000 will allow final designs to be accelerated and completed.

## **COVID-19 STIMULUS OPPORTUNITIES cont'd**

### **Environmental stimulus opportunities**

The Victorian Greenhouse Alliance has prepared a prospectus that outlines how to align stimulus projects with climate solutions and offers five priority state wide projects that local governments could deliver/facilitate to boost the economy, create jobs and tackle climate change.

In consideration of the prospectus, council officers support the actions outlined in the report and are proposing to use this document to advocate for funding to State and Federal Governments. There are five key actions outlined in the Victorian Greenhouse Alliance report which are as follows;

1. Upgrading streetlights – switching all major road lights to energy efficient smart technology.
2. Charging the regions – A comprehensive electric vehicle (EV) charging network across Victoria.
3. Green Infrastructure – accelerating investment in street trees, parks and gardens, water sensitive urban design, stormwater capture and reuse.
4. State wide food and organic program – diverting food organics from landfill represents a significant opportunity for Council's to support communities to reduce emissions from waste
5. Landfill solar – transforming closed landfills for clean energy generation for local communities.

Further detail on the local government climate prospectus is outlined in Attachment 1.

### **FUNDING IMPLICATIONS**

There are no funding implications for the Local Roads and Community Infrastructure Program and the Environmental stimulus opportunities at this stage.

With regards Local Parks Program - New Pocket Parks, Council currently has \$1.8M proposed for the Montmorency Village precinct (Were street) streetscape renewal in 2021/22. The application will refer to this project as a demonstration of Council's investment in this area. There may be a requirement to allocate a small percentage of funding to be used for design of this pocket park. This will be explored further once application is received.

As for the future stimulus program opportunities a total of \$1.65M is required to accelerate the design of these projects. Currently there is \$300k proposed in year 2020/21 for Ivanhoe Aquatic & Leisure Centre Redevelopment Stage 2. The remaining funds required is \$1.35M. It is proposed to allocated funding in 2020/21 budget from the Banyule Economic Stimulus Support Package.

### **CONSULTATION**

Consultation with all relevant Directors and Managers have been completed with regards to project considerations and final recommendation of proposed projects.

As projects are progressed community consultation as per projects plans will be undertaken.

## **COVID-19 STIMULUS OPPORTUNITIES cont'd**

### **TIMELINES**

Local Roads and Community Infrastructure Program must be delivered within 2020/21 budget and the Local Parks Program - New Pocket Parks must be submitted by the 10 August 2020.

For future stimulus program opportunities, It is proposed to accelerate designs for all these projects within the 2020/21 utilising the Banyule Economic Stimulus Support Package. This would allow these projects to be shovel ready and can be used to apply for potential stimulus funding opportunities as they are announced.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### **CONCLUSION**

There are many COVID-19 stimulus funding programs being introduced to stimulate the economy. This is a great opportunity for Council to attract further funding for key projects through Stimulus Programs announced by the State and Federal Governments.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	A Climate Positive Stimulus for Victorian Local Governments	





## **6.1 RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL**

Author: Gemma Boucher - Community & Social Planner, Community Programs

### **Previous Items**

Council on 6 April 2020 (Item 6.1 - Advisory Committees' Reports)

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### **EXECUTIVE SUMMARY**

At the 6 April 2020 Ordinary Council meeting, Council received a report containing the minutes of the February round of Advisory Committees. The report included a recommendation for Council consideration of a statement regarding the proposed Religious Discrimination Bill. Council resolved to request a further report on the matter this report responds to that resolution.

The Federal Government is preparing a Religious Discrimination Bill which is expected to be introduced to the Lower House in 2020. There is significant broad-based community concern in relation to many aspects of the legislation which overrides existing anti-discrimination laws. Specific areas of concern include the long-term impact of the Bill on the workplace and risk to enabling a cohesive and inclusive community.

### **RECOMMENDATION**

That Council;

1. Notes and endorses the Statement initiated and supported by Council's Advisory Committees, which commits Council to supporting a diverse and inclusive community, and acknowledges that the proposed Religious Discrimination Bill is potentially harmful to achieving these aims;
2. Communicates its commitment by writing to the Federal Government expressing Council's concern about the negative impact of the proposed Bill, as outlined in the Statement; and
3. Monitors the progress of the Bill in Federal Parliament, while continuing to promote diversity, inclusion and respect as core values.

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Advocate for our community".

## **RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL cont'd**

### **BACKGROUND**

On 22 November 2017 a review into religious freedom was announced by the Federal Government. It was announced in response to proposals for legislative reform to protect freedom of religion as a result of the debate during the marriage equality survey.

The review was conducted by a panel, with the Religious Freedom Review report provided to the Prime Minister on 18 May 2018. The report found that there are gaps and inconsistencies in current Commonwealth, State and Territory laws for discrimination on the basis of a person's religious beliefs. The report put forward 20 recommendations to address the panel's findings. The Religious Discrimination Bill has been drafted as an attempt to address three of the recommendations contained in that report.

The Federal Government released the first exposure draft of the Religious Discrimination Bill in August 2019. After reviewing submissions, it released the second draft of the Bill in December 2019. Due to the impacts of Covid19, the Federal Parliament has suspended sitting until August 2020. At this stage the Federal Government has not announced when it plans to introduce the Bill, or if it plans to write a third draft exposure.

The Religious Discrimination Bill focuses on providing specific protection to people of faith. Many aspects of the Bill are no different to other pieces of anti-discrimination legislation, reflecting both religious and secular support for protecting people who are discriminated against because of their religion. Whilst there are a number of elements to the piece of legislation, it is Clause 42 of the Bill that is the most contentious. Clause 42 focuses on the concept of a 'Statement of Belief'- a statement that is in accordance with the individual's religious belief.

A critical aspect of Clause 42 is that a 'Statement of Belief' can be made in key areas of 'public life'- such as within employment, education systems, the provision of goods and services, health practitioners (doctors, pharmacists, nurses) and within aged care. Even if a statement would otherwise be considered discrimination on the basis of a person's race, sexual orientation, gender, disability or other protected attributes as covered in other existing Anti-Discrimination Laws, the Religious Discrimination Bill has been written to override those existing laws. The Bill does not just protect a person from being discriminated against because of their religious beliefs, it allows a person to discriminate on the basis of their beliefs.

The Federal Government, through its own Explanatory Notes developed in relation to the Bill, and other peak bodies have provided extensive lists of examples of how this Bill could be enacted in everyday life. It has been identified that the Bill will impact most significantly on already vulnerable communities such as minority religions, people with a disability, women and LGBTIQ+ people.

Specifically, the Australian Discrimination Law Experts Group has provided examples of behaviour the Bill protects:

- An employer telling a transgender employee that their identity is against the laws of God.
- A single mother dropping their child off at day care may be told by a worker that she is evil for denying her child a father.
- A teacher telling a student that their disability is a trial imposed by God.

## **RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL cont'd**

- A person of a minority faith may be told by a colleague from another religion that they are a heathen destined for eternal damnation.
- A waiter in a café saying to a gay couple 'I will pray for your sins'.

### **LEGAL CONSIDERATION**

There are no direct legal implications arising from the recommendation contained in this report. However, the matter that the report is advocating on will redefine the anti-discrimination landscape in Australia if the Bill is passed through the Federal Government, which can be expected to impact on Council and the community.

### **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.

Both the Australian Human rights Commission and the Victorian Equal Opportunity and Human Rights Commission have made submissions to the Federal Government stating that whilst people should enjoy the right to religious freedom, there is significant concern that the proposed bill does not strike a fair balance and that it must be amended further to avoid limiting other human rights and overriding existing anti-discrimination laws.

In its submission to the Federal Government on the second exposure draft, the Victorian Equal Opportunity and Human Rights Commission stated that they are concerned the Bill:

- continues to privilege religious expression over other rights in a way that unfairly authorises discrimination against other vulnerable groups.
- overrides State and Territory discrimination law, and consequently erodes some existing protections from discrimination for Victorians.
- expands the circumstances in which religious bodies may discriminate in employment and service delivery against people of different or no beliefs by including exceptions for hospitals, aged care facilities, certain accommodation providers, religious camps and conference sites.

As evidenced by the Victorian Equal Opportunity and Human Rights Commission, there will be significant impacts on the human rights of a range of vulnerable groups.

### **ADVOCACY**

One of the main functions of the Advisory Committees is to provide advice and information on Inclusion, Access and Equity issues on behalf of the communities that they represent. Council support of the statement would respond to the advice provided by the Advisory Committees and be consistent with and further support the Inclusion, Access and Equity Framework (IAEF) 2017-2021,

Goal Five of the IAEF Frameworks states:

*“Goal 5: Advocate on behalf of and with our community to reduce discrimination and disadvantage.*

## **RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL cont'd**

*Many of the issues facing our community are outside the direct control of Council. This strategy is about how we advocate on issues that impact our local community, for issues beyond Council or our local community's control.*

*Intended Outcome: Peoples rights are protected and promoted"*

The statement is also consistent with broad based community concerns.

The Australian Government Attorney-General's Department features a list of submissions received during the consultation period of the second exposure draft of the Religious Discrimination Bill. Overall 6972 submissions were received. Submissions against the draft Bill that cite similar concerns as listed in this report, include organisations such as:

- Youth Affairs Council Victoria
- Victorian Legal Aid
- Victorian Trades Hall Council
- Victorian Equal Opportunity and Human Rights Commission
- Women's Health Victoria
- Uniting Church Australia
- Australian Human Rights Commission
- Amnesty International
- City of Darebin
- Beyond Blue

The full list of submissions is publicly available from the following website:

<https://www.ag.gov.au/rights-and-protections/publications/submissions-received-religious-freedom-bills-second-exposure-drafts-consultation>

## **CONSULTATION**

This matter was discussed by each of the four Council advisory committees that operate under Council's Inclusion Access and Equity Framework.

### LGBTIQ+ Advisory Committee

- Members of the LGBTIQ+ Advisory Committee first raised concerns with Council regarding this issue in December 2019. The item was listed on the agenda of the February LGBTIQ+ Advisory Committee meeting and was discussed in depth. The committee members all indicated that would like to see Council acknowledge and advocate on the concerns associated with the draft Religious Discrimination Bill. Work was undertaken during this meeting to draft a statement to recommend to Council. However, as this meeting did not have the necessary quorum required to endorse a recommendation to Council the discussion and draft statement was noted in the minutes. Post meeting Council staff continued to liaise with members on the matter, seeking feedback as it progressed.

### Disability Advisory Committee

- This item was then discussed at the Disability Advisory Committee meeting, with members invited to express their opinion on the matter. Members of this committee also expressed their concerns of the potential for people with

**RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL cont'd**

disability to experience further discrimination through this legislation, and endorsed the proposed statement with a quorum:

*That Banyule Council endorses and communicates the following statement:*

- *Council acknowledges and respects the right to religious freedom and the important role faith plays for members of the community. Banyule Council does not support discrimination in any form and for this reason, Council is concerned about the draft Religious Discrimination Bill proposed by the Federal Government.*
- *Council is concerned that this Bill will override existing State, Territory and Federal anti-discrimination laws which will have a negative impact on the community.*
- *Council will monitor the progress of the Bill in Federal Parliament, and will continue to promote diversity, inclusion and respect as core values.*

**Multicultural Advisory Committee**

- The Multicultural Advisory Committee includes representatives of various faiths including, Islam, Ba'Hai, Hindu and various Christian denominations. This committee was considered a key aspect of the consultation process conducted through the Advisory Committees. At its meeting in February members were invited to discuss the proposed Religious Discrimination Bill. Members provided strong feedback that the levels of protection put in place for people of faith within the Bill were unnecessary, and that they felt that Australia already enjoys religious freedom. Discussion also included that many people had left their country of birth due to strict religious laws in place in those countries and they did not want to see what was considered a 'regression' in Australian anti-discrimination laws. The Multicultural Advisory Committee sought to strengthen the statement endorsed by the Disability Advisory Committee, and made an additional point to the overall statement, which was endorsed by the quorum:
  - *Australia currently enjoys religious freedom and the introduction of laws such as the draft Religious Discrimination Bill will not benefit the progress of our society.*

**Aboriginal and Torres Strait Islander Advisory Committee**

- The Aboriginal and Torres Strait Islander Advisory Committee also discussed the item, with members verbally supporting the statement as prepared by the previous committees.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**RESPONDING TO THE FEDERAL GOVERNMENT'S PROPOSED RELIGIOUS DISCRIMINATION BILL cont'd**

**CONCLUSION**

The statement, initiated and supported by Council's Advisory Committees, seeks Council's commitment to supporting a diverse and inclusive community, and acknowledgement that the proposed Religious Discrimination Bill is harmful. It is agreed by leading organisations such as the Victorian Human Rights Commission that in its current form, the proposed Religious Discrimination Bill is a flawed piece of legislation.

This is an opportunity for Council to participate in an important piece of advocacy work, which is in accordance with Goal Five of the Banyule Inclusion Access and Equity Framework 2017-2021 and consistent with the advice from the Advisory Committees.

**ATTACHMENTS**

Nil

## **7.1 2020 COUNCIL ELECTIONS ARRANGEMENTS**

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

### **Previous Items**

Council on 3 February 2020 (Item 7.1 - Council Elections 2020)

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### **EXECUTIVE SUMMARY**

On Monday 3 February 2020 Council resolved to conduct the Banyule Council election by attendance vote.

The Victorian Government have confirmed the elections will proceed in October this year with a uniform voting method of postal voting, following changes introduced to the *Local Government Act 2020* that allows a state-wide and uniform approach to voting.

This will be the first-time postal voting has been used across all Victorian councils and the first time Banyule Council has conducted an election by postal voting.

A further impact to the conduct of the general election is the move from seven to nine single member wards.

On 22 April 2020, the Minister for Local Government approved the VEC's recommendation to Banyule Council's Electoral Representation Review of increasing to nine single member wards.

Both the changes to the method of voting and electoral structure have resulted in significant cost savings to Council.

All levels of Government in Australia accept that during the period leading up to an election that the Government assumes a 'caretaker role' to ensure that no major decisions are made or actions taken that bind an incoming government and limit its freedom of action.

Councils are required to adopt an Election Period Policy 12 months prior to an election. Banyule adopted the Election Period Policy 2020-24 at a meeting on 7 October 2019.

The Policy outlines the arrangements leading up to an election including decision making, Council resources, public consultation and events, access to information and publications and communications.

Caretaker period begins 32 days prior to an election and ends on election day. This means for the October 2020 election the Caretaker period begins midnight 22 September 2020 and ends at 6pm Saturday 24 October 2020.

## 2020 COUNCIL ELECTIONS ARRANGEMENTS cont'd

### RECOMMENDATION

That Council note the:

1. Minister for Local Government's declaration, in accordance with the Local Government Act 2020, that the uniform method of voting for all Victorian councils for the 2020 Council elections will be by means of Postal Voting;
2. Saving of approximately \$430k in the 2020/2021 Proposed Budget for the provisions of the 2020 election; and
3. Caretaker arrangements for Banyule City Council for the October 2020 Election.

### COUNCIL PLAN

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

### BACKGROUND

Under the *Local Government Act 1989*, Councils were able to choose between conducting attendance voting or postal voting elections. On Monday 3 February 2020 Council resolved to conduct the Banyule Council election by attendance vote.

Provisions in the new *Local Government Act 2020* (2020 Act) prescribes that the Minister of Local Government is to determine a uniform approach to voting for all councils.

All levels of Government in Australia accept that during the period leading up to an election that the Government assumes a 'caretaker role' to ensure that no major decisions are made or actions taken that bind an incoming government and limit its freedom of action.

Councils are required to adopt an Election Period Policy 12 months prior to an election. Banyule adopted the Election Period Policy 2020-24 at a meeting on 7 October 2019. The Election Period Policy will need to be incorporated into the new Governance Rules by 1 September 2020 as a result of changes from the 2020 Act

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 single councillor wards. The Minister for Local Government approved the VEC's recommendation on 22 April 2020 and the changes to the structure will take place at the October 2020 elections.



## **2020 COUNCIL ELECTIONS ARRANGEMENTS cont'd**

### **METHOD OF VOTING**

Banyule City Council has historically conducted elections by attendance voting.

The Victorian Government confirmed the elections will proceed in October this year with a uniform voting method of postal voting.

This will be the first time postal voting has been used across all Victorian councils and the first time Banyule Council has conducted an election by postal voting.

The Chief Health Officer has advised that it is safe for the postal election to proceed this year.

All registered voters will automatically receive their ballot packs in the mail without having to apply for a postal vote and must post their votes by the close of voting at 6pm on Friday 23 October 2020.

The receipt period for the VEC to receive and count postal votes closes at midday Friday 30 October 2020.

Candidates are given the opportunity to provide the VEC with candidate statements, photographs and questionnaires to include with posted ballot packs to all registered voters.

The VEC have advised that due to the impacts of COVID-19 the declaration of the elections results have been delayed to now be by 13 November 2020.

### **CARETAKER ARRANGEMENTS**

Caretaker period begins 32 days prior to an election and ends on election day. This means that for the October 2020 election the Caretaker period begins midnight 22 September 2020 and ends at 6pm Saturday 24 October 2020.

Council's Election Period Policy 2020-24 outlines the arrangements leading up to an election including decision making, Council resources, public consultation and events, access to information and publications and communications.

### **Council Meetings**

No Council meetings are schedule during the Caretaker period to ensure that no decisions are made that would bind an incoming Council.

### **Access to information**

Factual information on existing Council programs, policies and/or projects will be available to all candidates. Council recognises that all election candidates have rights to information from the Council administration. Councillor candidates will be treated in the same way as other candidates with respect to access to Council held information.

It is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns.

## **2020 COUNCIL ELECTIONS ARRANGEMENTS cont'd**

There shall be complete transparency in the provision of all information and advice during the election period.

From the beginning of nominations, any requests for information of a non-election nature by all candidates, and the responses given to those requests will be included in a public register.

An Information Request Register will be maintained by the Governance Department commencing on Thursday 17 September 2020. This Register will be a public document published on Council's website that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.

## **WARD STRUCTURE**

Following the Electoral Representation Review the Minister or Local Government approved the VEC's recommendation of increasing from seven to nine single Councillor wards.

The changes to Banyule's ward structure will be implemented at the upcoming election and remain until the next Electoral Representation Review (roughly every 12 years).

Banyule's current ward boundaries are required to be amended to reflect the new structure and there will be an additional two vacancies at the election in October. Notification of all ward boundaries is expected to occur during the arrangements of the election to inform residents of any changes to their existing ward.

## **LEGAL CONSIDERATION**

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

## **FINANCIAL IMPLICATIONS**

As the sole service provider for Banyule City Council's Election services, the VEC provided preliminary estimates in December 2019 for conducting an election for Banyule by attendance voting at a cost of approximately \$1,008,938.13 (ex GST).

Council resolved to conduct the election by attendance voting and \$1M was included in the 2020/21 Proposed Budget for the provisions of conducting the election.

Due to the change to a uniform method of voting, the VEC have revised the costs for Banyule Council and provided a revised Service Level Agreement in June 2020.

The change in voting method has significantly reduced the overall cost estimate for the election. A further reduction of approximately \$100k has occurred as a result of Council providing available accommodation at 1 Flintoff Street, Greensborough for the election office.

The total revised cost of conducting the election by postal voting for nine vacancies is \$519,588.63 (ex GST) resulting in a saving of approximately \$489,349.50 (total ex GST) than previously budgeted.

## **2020 COUNCIL ELECTIONS ARRANGEMENTS cont'd**

### **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.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### **CONCLUSION**

Banyule City Council has historically conducted elections by attendance voting.

The Victorian Government confirmed the elections will proceed in October this year with a uniform voting method of postal voting.

This will be the first time postal voting has been used across all Victorian councils and the first time Banyule Council has conducted an election by postal voting.

A further impact on the conduct of the general election for Banyule is the move from seven to nine single member wards.

The total revised cost of conducting the election by postal voting for nine vacancies is \$519,588.63 (ex GST) resulting in a saving of approximately \$489,349.50 (total ex GST) than previously budgeted.

Caretaker period for the October 2020 election begins midnight 22 September 2020 and ends at 6pm Saturday 24 October 2020. During the caretaker period arrangements will be in place related to decision making, Council resources, public consultation and events, access to information, and publications and communications.

### **ATTACHMENTS**

Nil

## 7.2 **BUDGET SUBMISSIONS DECLARATIONS**

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

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### **EXECUTIVE SUMMARY**

The Proposed Budget 2020/21 (Budget) has been prepared to deliver the Proposed Council Plan 2017-2021 (Year 4) objectives, which set the overall strategic direction for Banyule. The Budget comprises services, initiatives and capital works across the municipality.

Consideration of submissions received is included in this agenda.

Consideration to adopt the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) with or without amendment will be held at a Council Meeting on Monday 27 July 2020.

The need for Councillors to disclose a conflict of interest where one exists in relation to any of these Budget submissions requires that they be addressed separately.

Any submissions in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Submissions Declarations' process.

Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to vote on the consideration of submissions.

This report provides an opportunity for Councillors to disclose any conflicts in relation to the Budget submissions.

### **RECOMMENDATION**

That:

- 1 The Mayor invite Councillors to disclose any conflicts of interest in relation to consideration of submissions to the Budget by classifying the type and describing the nature of the interest in accordance with the *Local Government Act 1989*.
- 2 Following each disclosure, Council consider and determine upon the relevant submission.

### **COUNCIL PLAN**

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

### **LEGAL CONSIDERATION**

Councillors and staff are required to declare Conflicts of Interest in accordance with the Local Government Act. Normally where a Councillor has a conflict of interest in

## **BUDGET SUBMISSIONS DECLARATIONS cont'd**

an item on the agenda, he/she must declare the interest and must remove themselves from being involved in participating in the discussion or voting on the matter.

With regard to the adoption of the Council Budget, provision has been made in the Act for exempting a Councillor from having to declare a conflict of interest in the overall Budget. The exemption applies so long as the item/s that a Councillor has a conflict of interest in are considered and determined separately prior to adoption of the Budget as a whole.

Council will consider the adoption of the Budget at a meeting on 27 July 2020, This report is to consider the submissions made in relation to the Budget.

Therefore, to ensure all Councillors are able to participate in the adoption of the Budget submissions, any submission to the Budget in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Submissions Declarations' process. Any Councillor declaring a conflict of interest would need to then follow the normal process and remove themselves from the Chamber for the discussion and vote on the matter/s.

Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors will be able to participate in the consideration and adoption of the Budget Submissions as a whole package.

## **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.

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

## **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The Act requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## **CONCLUSION**

In developing the Proposed Budget 2020/21, Council services and capital works have been considered for funding. Councillors who have a conflict of interest in any items to be considered are required to disclose the type and nature of the interest.

Due to the wide-ranging nature of the services and capital works involved in the Budget, it is reasonably foreseeable that a Councillor may disclose a conflict and would otherwise be required to excuse themselves from the vote. As this would make the adoption of an annual Budget unworkable in practice, the Local Government Act provides a mechanism for Councillors to vote on a Budget, by requiring the conflict of

**BUDGET SUBMISSIONS DECLARATIONS cont'd**

interest items to be considered and resolved separately. This good practice has also been applied to the consideration of submissions to the Budget.

**ATTACHMENTS**

Nil

## **7.3 PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED**

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

### **Previous Items**

Special Council on 17 June 2020 (Item 6.1 - Proposed Budget 2020/2021 & Proposed Council Plan 2017-2021 (Year 4) - Hearing of Public Submissions)

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### **EXECUTIVE SUMMARY**

Council, under Section 223 of the *Local Government Act 1989* must consider submissions on any proposal contained in the proposed Budget and proposed Council Plan.

At the Special Council Meeting on Wednesday, 17 June 2020, Council resolved that the submissions received be included in the report to the Council Meeting to be held on Monday, 6 July 2020 for Council consideration to determine outcomes for the submissions.

This report is to enable Council to formally consider and agree on the outcomes of each written submission received regarding the Proposed Budget 2020/21 and the Proposed Council Plan 2017-2021 (Year 4). Forty (40) submissions were received and are presented in a summary table **attached** to this report. The attachment includes a summary of each submission, officer comments and recommendations.

The proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) will be updated with the details and financial impact of each submission, as determined by the outcome of Council's consideration of the submissions.

Consideration to adopt the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) with or without amendment will be held at a Council Meeting on Monday, 27 July 2020.

Any conflicts of interest have been addressed separately under the 'Budget Submissions Declarations' process and will enable all Councillors to be able to vote on the consideration of submissions.

### **RECOMMENDATION**

That:

1. Council having heard and considered the submissions in respect of Council's intention to adopt the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) in accordance with sections 125, 129, and 223 of the *Local Government Act 1989*.
  - a. supports or partially supports the projects and or funding requests for submissions 2, 4, 7, 11-14, 16, 24, 30, and 33 and agrees to amend the proposed Budget 2020/21 as outlined in this report.

## PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd

- b. supports the projects and or funding requests for submissions 6, 8, 15, and 36 as already funded or planned to be funded within the capital works and initiatives program, with no changes proposed to the Budget 2020/21.
  - c. agrees to undertake further investigation regarding the projects and or specific funding requests for submissions 17-23, 27, 37-40 and, if warranted, utilise existing budget allocations and or refer the project to a future budget.
  - d. notes the feedback, issues, concerns and or support from submissions 1, 3, 5, 9, 28-32 and 34 and the two late requests received.
  - e. pursues alternative solutions with the submitters for submissions 10, 25, 26 and 35.
  - f. notes the resolution from the 'Budget submissions declaration of Conflicts of Interest' Report (Council Report No 7.3) and the subsequent decisions in relation to any submissions which were dealt with as part of that resolution.
2. All submitters be advised Council has considered their submissions (as per the attached summary table) relating to the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4), the submitters be advised of the outcome of the consideration as it relates to their specific submission, and they be thanked for their contributions.
3. The details and financial impact of the submissions agreed to be included in the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) be updated with the documents to be considered by Council at its meeting on Monday 27 July 2020, where Council will consider adoption of the proposed Council Plan and Budget.

## COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Engage meaningfully with our community and encourage participation", "Engage meaningfully with our community and encourage participation" and "Deliver best value services and facilities".

## BACKGROUND

This report is presented to enable Council to formally consider written submissions received regarding the Proposed Council Plan 2017-2021 (Year 4) and Proposed Budget 2020/21.

## Submissions

In accordance with the requirements of *Local Government Act 1989* (the Act), formal submissions were called for in relation to the Budget and Council Plan. Copies of the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) were



## **PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

made available for community comment for a minimum of 28 days on Council's website.

The overall total number of submissions received as at the time of preparing this report was Forty (40). The submissions were presented to Council at a Special Council Meeting on Wednesday, 17 June 2020. This separate meeting provided an opportunity for Council to receive and hear the submissions in respect of Council's intention to adopt the Proposed Council Plan 2017-2021 (Year 4) and Proposed Budget 2020/21.

Following the Special Council Meeting of 17 June 2020, a detailed summary of the submissions, including officer comments and recommendations, has been included in this report (**attached**). All submitters will be individually informed of the outcome of their submission in writing after the adoption of the Council Plan and Budget.

In addition to the submissions received, heard and considered Council has received two additional submission requests which were determined to be outside of the formal submission period. These two requests have been provided to Councillors for their information and referred to the relevant Council officers. This is as per the standard Customer Request protocol. These last submission requests were as follows:

1. Banyule Sugar Glider Project – additional funding request
2. Heidelberg West Business Park Association (HWBPA) – thanks Council for continued support and funding

### **SECTION 223 PROCESS**

At the Special Council Meeting on Monday, 4 May 2020, notice was given for the Preparation of the Budget 2020/21 and the Preparation of Council Plan 2017-2021 (Year 4). Copies of the proposed Budget and proposed Council Plan were made available for community comment from Thursday, 7 May 2020 to Thursday, 4 June 2020 on Council's website.

As at the conclusion of the public exhibition period forty (40) submissions had been received in relation to the proposed Budget and Council Plan. All submissions received have been incorporated into this report and are presented for Council consideration. Submissions are de-identified to the public where privacy concerns are evident. All Councillors have received copies of all the full submissions for consideration.

This meeting is for Council to consider all submissions made under Section 223 and will be the mechanism to formally document the decision and the reason for that decision.

### **LEGAL CONSIDERATION**

*Local Government Act 1989 (the Act).*

The public exhibition period is a statutory requirement under the Act and enables members of the community to make formal submissions under Section 223 of the Act.

## **PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

In accordance with the provisions of Section 223 of the Act, submitters have been provided with the opportunity to be heard and address Council in support of their submissions (Special Council Meeting held on Wednesday, 17 June 2020).

Council must also consider any submissions on a proposal (or proposals) contained in the proposed Budget and proposed Council Plan in accordance with the *Local Government Act 1989*.

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 to determine if it raises any human rights issues. Whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report.

It is considered that the subject matter of the Council Plan does not raise any human rights issues but enhances the human rights of our community.

### **ADVOCACY**

Council also relies on a wide range of partnerships and shared resources to provide services to the community. Key partnerships with the Community, other levels of government and agencies are very important to enable Council to deliver on the key directions.

Council works closely with partners to advocate for improved services, infrastructure and social outcomes. Council also seeks opportunities for equitable funding and service arrangements.

### **FUNDING IMPLICATIONS**

The forty (40) submissions received are presented in a summary table **attached** to this report. The attachment includes a summary of each submission, officer comments and recommendations.

Council may consider changes to the proposed Budget and Council Plan due to submissions received or may determine alternate funding mechanisms to incorporate the funding of submissions.

The recommended outcomes, based on the officer review and assessment of these submissions, for the Proposed Budget and Council Plan are outlined below.

**PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

**A. Submissions supported – changes required:**

Submission number and the nature of change to the proposed Budget 2020/21		Financial implication <i>(Allocations are funded from operational surplus unless otherwise stated)</i>
2	Banksia Park – request for short bike path to the traffic lights on the corner of Banksia Street and The Boulevard.	Capital works program – allocation of \$50,000 be provided in 2023/24 (Year 4) <i>Note: The Budget for 2020/21 is not directly impacted. The impact is on the Strategic Resource Plan.</i>
4	Rosanna Parklands and Ellesmere Parade, Rosanna – request for installation of BBQ's in the parklands and for speed humps along Ellesmere Parade.	Capital works program – allocation of \$20,000 in 2020/21 (for consultation regarding public BBQ's). <i>Note: Partially supported: If projects are feasible, these to be considered as part of a future budget potentially in 2021/22 (Year 2):</i> <ul style="list-style-type: none"> <li>• BBQ's: estimated \$120,000</li> <li>• Speed humps: estimated \$150,000</li> </ul>
7	Rosanna Tennis Club – request for upgrade of courts	Capital works program – allocation of \$300,000 in 2020/21. This funding is planned for 2023/24 (Year 4) of the Capital works program and is to be brought forward to Year 1.
11	Bus shelter area in Main Street, Greensborough – request for upgrade	Capital works program – allocation of \$25,000 in 2020/21
12	Diamond Valley Foodshare – request for an increase in grant funding	Operating budget – allocation of an additional \$3,500 per annum
13	Nillumbik and Northcote Units of the Victoria State Emergency Service – request for financial support	Operating budget – allocation of \$10,000 per annum
14	Gleeson Drive road surface and car parking – request for upgrades	Capital works program – allocation of \$90,000 in 2020/21
16	1st Eaglemont Scout Group – request for improvements to Chelsworth Park Gateway at Irvine Road.	Capital works program – allocation of \$8,000 in 2020/21 (to fund detailed plans and estimation of works) <i>Note: Partially supported: If project is feasible, to be considered as part of a future budget.</i>

**PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

Submission number and the nature of change to the proposed Budget 2020/21		Financial implication <i>(Allocations are funded from operational surplus unless otherwise stated)</i>
24	De Winton Park – request to bring forward plans to upgrade ground lighting	Capital works program – allocation of \$300,000 in 2020/21. This funding is planned for 2021/22 (Year 2) of the Capital works program and is to be brought forward to Year 1.
30	Merri Outreach Support Service - Banyule Housing Support Program, Shop 48 – request for increase in funding	Operating budget – allocation of an additional \$15,460 per annum
33	West Heidelberg Community Legal - request for funding support for a Pilot Project: Work and Development Permit Scheme	Initiatives program – allocation of \$17,500

**B. Submissions Supported – No changes required:**

- No. 6 – Funded in current Budget 2019/20 for the lighting design.
- No. 8 – Funded in Years 2 & 3 of the current 4 year capital works program.
- No. 15 - DVCS – request for increased funding – This funding request has been referred to Banyule's Economic Support Package: COVI-19 Response - Community and Business Support Package 2020/21 - Council Meeting 6 July 2020.
- No. 36 - The project is planned to be undertaken in 2024/25 (Year 5) of the capital works program.

**C. Submissions requiring further investigation:**

- No. 17 & No. 40 – Shopping centre reinvigoration events.  
Further engagement with those community groups (who currently receive funding) to ensure events are delivered in a safe way according to the State Government guidelines (hopefully released in July).
- No.18-21, No. 22, No. 27, No.37, No. 38 & No. 39 – Traffic, speed & safety issues.  
The scheduled traffic counts be undertaken once COVID-19 restrictions are lifted. If warranted, the installation of traffic treatments be referred to a future budget including consultation.
- No. 23 – Pedestrian safety

**PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

A night-time audit will be conducted. If the audit result confirms an upgrade or additional lighting is required, appropriate works will be scheduled, utilising the 2020/2021 lighting improvement budget.

**D. Submissions Noted - for comments, suggestions, concerns, or in support of proposed plans**

- No's 1, 3, 5, 9, 32 – comments, suggestions, and or concerns.
- No's 28-31 - in support.
- No. 34 - the submitter be invited to liaise with Council's Economic Development team to discuss their needs regarding business support.

**E. Consider pursuing alternative solutions for these Submissions**

- No. 10 - Heidelberg Road is an arterial road under the control of the Department of Transport (VicRoads) - Council continue to advocate.
- No. 25. - The installation of digital LED Screens at either end of the Ivanhoe Shopping Precinct Upper Heidelberg Road would not complement the neighbourhood character of the Ivanhoe Shopping Precinct.
- No. 26 - Limitations exist due to location of a gas main and potential for vehicles overhanging onto the roadway. Recommendation is for Council to proceed with the alternate solution, to provide 2 parking spaces through a change in parking restrictions and monitor the location.
- No. 35 - It be noted that this is not a Council building and the group be encouraged to apply for projects through the Grants Program, inclusive of the environment grants.

**TIMELINES**

Council held a Special Council Meeting on Wednesday, 17 June 2020 to hear the public submissions.

Consideration of these submissions at the Council Meeting on Monday, 6 July 2020 where the outcomes will be endorsed.

Consideration to adopt the proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) with or without amendment will be held at a Council Meeting on Monday, 27 July 2020.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Councillors need to be mindful of S79C (2) to (4) of the Act: A Councillor with a conflict of interest in a matter contained in the proposed Budget or proposed Council

**PROPOSED COUNCIL PLAN AND BUDGET - CONSIDERATION OF SUBMISSIONS RECEIVED cont'd**

Plan must disclose that interest, and the matter will need to be considered separate and prior to the consideration of adoption of the Budget and Council Plan.

Councillors have had an opportunity to declare any conflicts of interest in relation to consideration of any submission to the Budget. That interest has been addressed separately under the 'Budget Submissions Declarations' process to allow all Councillors to participate in the consideration and adoption of the outcomes of the Budget Submissions as a whole package.

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

**CONCLUSION**

The submissions received by Council cover a wide and varied range of community proposals and requests for additional projects and or funding to be provided for a specific purpose. The forty (40) submissions received are included in this report for Council consideration and to determine outcomes of each of these submissions.

The proposed Budget 2020/21 and proposed Council Plan 2017-2021 (Year 4) will be updated with the details and financial impact of each submission, as determined by the outcome of Council's consideration of the submissions.

Council at its meeting on Monday, 27 July 2020, will then consider adoption of the updated proposed Budget 2020/21 and Council Plan 2017-2021 (Year 4)

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Public Submission 1-40	

## **7.4 NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION**

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

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### **EXECUTIVE SUMMARY**

The *Local Government Act 2020* came into operation on 25 March 2020.

The new Act has a number of requirements which will be implemented over four stages. Each stage is being proclaimed at different times:

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

Aspects of the 1989 Act are still in force and will cease to be in operation once the various stages are proclaimed and come into operation.

The new Act introduces 'overarching governance principles' that set out the expected standards councils should adhere to in ensuring accountability. A failure to meet these principles may result in Ministerial intervention.

The Overarching Governance Principles and supporting principles require councils to develop certain rules, policies and processes.

The second stage of implementation includes a number of major requirements due by 1 September 2020, these are:

- Governance Rules (most of the Meeting Procedures Code and other requirements)
- Council Expense Policy (Councillor expenses and reimbursements)
- Delegated Committees and Asset Committees (not required at Banyule)
- Audit & Risk Committee Charter
- Public Transparency Policy (new)

Community engagement is required on the Governance Rules and Public Transparency Policy.

This report seeks Council approval for the Draft Governance Rules and Draft Transparency Policy to be put on public exhibition for community feedback in the week commencing 13 July to 4 August 2020.

The Rules and Draft Policy in addition to the Audit & Risk Committee Charter and Council Expenses Policy will be considered by Council on the 17 August for adoption.

**NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd**

**RECOMMENDATION**

That:

1. Council endorses the Draft Governance Rules and Draft Public Transparency Policy for public exhibition via Shaping Banyule in the week commencing 13 July to 4 August 2020.
2. A report be presented to Council on 17 August 2020 to consider the consultation feedback and adopt the proposed final drafts of the Governance Rules and Public Transparency Policy.

**COUNCIL PLAN**

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

**BACKGROUND**

The new *Local Government Act 2020* (2020 Act) is replacing the 1989 Act. The 2020 Act is described as an enabling Act and removes much of the prescription of the former Act.

The 2020 Act now includes Overarching Governance Principles and supporting principles as outlined below:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- collaboration with other Councils and Governments and statutory bodies is to be sought;
- the ongoing financial viability of the Council is to be ensured;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- the transparency of Council decisions, actions and information is to be ensured



**NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd**

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—

- the community engagement principles;
- the public transparency principles;
- the strategic planning principles;
- the financial management principles;
- the service performance principles.

**Draft Governance Rules**

The Governance Rules are divided into an Introduction and seven (7) Chapters. Each Chapter has its own Rules.

- Chapter 1 – Governance Framework
- Chapter 2 – Meeting Procedure for Council Meetings
- Chapter 3 – Meeting Procedure for Delegated Committees
- Chapter 4 – Meeting Procedure for Community Asset Committees
- Chapter 5 – Disclosure of Conflicts of Interest
- Chapter 6 – Miscellaneous
- Chapter 7 – Election Period Policy

Banyule's draft rules are based on the current Meeting Procedures Code, Local Government Victoria's (LGV) model Governance Rules, and Maddocks Lawyers' template. They include all the provisions now required as a result of the 2020 Act.

Some of the additional changes are:

- Disclosures of conflicts of interest – procedures for disclosures by Councillors, Council staff and contractors
- Provision for Community Asset Committees and Delegated Committees – in the event they are established by Council
- Councillor Attendance Records (replacement of Councillor Assemblies that no longer exists in the new Act)
- Chief Executive Officer's designation of information as confidential information
- Inclusion of the Election Period Policy (Council adopted its Election Period Policy 7 October 2019 and is included with amendments to incorporate new 2020 references and requirements. (highlighted in pink in the attachment).

**Draft Public Transparency Policy**

The Public Transparency Policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how Council information is to be made publicly available.

**NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd**

A key tenet of the Public Transparency Principles is that Council information must be publicly available unless it is confidential by virtue of legislation or making it available would be contrary to the public interest.

The draft Policy is based on the Model Policy issued by LGV, and discussions held with other councils and networks.

The draft Policy includes a heading for each Public Transparency Principle:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- Council information must be publicly available unless—
  - the information is confidential by virtue of this Act or any other Act; or
  - public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community;
- Public awareness of the availability of Council information must be facilitated.

**LEGAL CONSIDERATION**

**Governance Rules** Section 60(1) of the 2020 Act provides that the Governance Rules must address the following:

- the conduct of Council meetings;
- the conduct of meetings of delegated committees;
- the form and availability of meeting records;
- the election of the Mayor and the Deputy Mayor;
- the appointment of an Acting Mayor;
- an election period policy in accordance with section 69;
- the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- the procedure for the disclosure of a conflict of interest by a Councillor
- the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- any other matters prescribed by the regulations.

Further, the Governance Rules must provide for Council to:

- consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
- Section 19(1)(b) provides the power to the Mayor to direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business. The rules include the procedures and limitations.

## **NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd**

### **Public Transparency Policy**

Council must adopt and maintain a public transparency policy under section 57 of the 2020 Act. This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the 2020 Act.

A public transparency policy must—

- give effect to the public transparency principles;
- describe the ways in which Council information is to be made publicly available;
- subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act;
- include any other matters prescribed by the regulations.

**PUBLIC EXHIBITION** The timelines for adoption of all the requirements by 1 September are tight. It is acknowledged that in-depth engagement is not possible within this tight timeframe. There is no restriction on Council reviewing such documents at a later stage to involve more meaningful engagement with the Community, Councillors and staff in the future.

Feedback and comments will be welcomed on Council's engagement platform, Shaping Banyule.

Community awareness of the consultation and engagement process will be undertaken via Council's website and social media.

This will be supported by direct email to Council's networks and advisory committees.

### **HUMAN RIGHTS CHARTER**

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

### **The Governance Rules**

Right	Comments
Right to recognition and equality before the law (section 8)	Councils must not knowingly be in breach of the Charter of Human Rights and Responsibilities and must always consider them when they create laws, develop policies and deliver services. Council reports which form part of the business considered at Council meetings must consider these rights. At Banyule, a section on Human Rights forms part of the Report template.
Right to privacy and reputation (section 13)	Protected by limitations on expression of interest and right to participate in public life
Right to freedom of expression (section 15)	A Councillor/Visitor has the ability to participate in a respectful manner and contribute to the Good Governance of the Council meeting.
Peaceful assembly and freedom of association (section 16)	Council must preserve the objective of setting the rules of behaviour for those participating in or present at Council meetings. By ensuring that visitors must not interject or take part in the debate protects the integrity of the formal meeting proceedings and protects the rights of all to a respectful meeting.

**NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd**

	It is considered reasonable to preserve the public order of Council meetings.
Right to take part in public life (section 18)	<p>While the Draft Governance Rules imposes procedural limitations, it does so in a manner which is considered proportionate to its purpose and objectives, taking into account the need to provide notice of business to be conducted at a meeting and the efficient and orderly conduct of meetings.</p> <p>The limitation for the public is reasonable and a limitation on speaking times is also applicable to Councillors to allow for the orderly conduct of meetings. (The speaking times for the public do not form part of the draft rules)</p>
Right to a fair hearing (section 24)	Rights supported by providing Councillors an opportunity to speak. Members of the public are provided with opportunities to address the Council

**The Draft Transparency Policy**

The following rights are further assessed:

Right	Comments
Right to public life (18)	This Policy supports and encourages the community to access council services and information and participate in engagements or matters that impact them.
Right to privacy and reputation (section 13)	This Policy supports and protects the privacy of individuals where possible and within the FOI Act.

## NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY - COMMENCE PUBLIC EXHIBITION cont'd

### TIMELINES

The timelines for other aspects for the implementation are provided below:



### OFFICER DECLARATION OF CONFLICT OF INTEREST

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### CONCLUSION

The Local government Act 2020 has now commenced in stages. The first stage enacted the Overarching Governance Principles and five supporting principles.

The second stage requires Council to adopt Governance Rules, including an election period policy, a Public Transparency Policy, Council Expenses Policy and Audit & Risk Committee Charter by 1 September 2020.

The Draft Governance Rules and Draft Public Transparency are presented for endorsement and commencement of public exhibition.

**NEW LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION - DRAFT  
GOVERNANCE RULES AND DRAFT PUBLIC TRANSPARENCY POLICY -  
COMMENCE PUBLIC EXHIBITION cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Governance Rules (Draft 2020)	
2	Banyule Public Transparency Policy (draft)	

## **7.5 ADOPTION OF REVISED 2020/2021 RATING STRATEGY**

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

### **Previous Items**

Council on 15 June 2020 (Item 3.3 - Council Support for Ratepayers Suffering Hardship as a Result of the Coronavirus Pandemic)

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

Council on 16 March 2020 (Item 7.4 - Adoption of Banyule City Council's Rating Strategy 2020/2021)

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### **EXECUTIVE SUMMARY**

Council resolved on Monday, 15 June 2020 to grant general rates waivers under section 171A of the *Local Government Act 1989* to owners or authorised representatives.

The resolution included that Council receive a revised 2020/2021 Rating Strategy and Hardship Assistance Policy, containing the specific hardship criteria and requirements for assessing hardship applications at the next meeting of Council for consideration for adoption.

The 2020/21 Rating Strategy adopted on Monday, 16 March 2020 did not allow the waiver of rates under section 171A of the *Local Government Act 1989*. Council under S171A (3) will allow for only the interest imposed to be waived for late payment, thus precluding the waiver of the general rate component.

The revised 2020/21 Rating Strategy is attached to this report and has since been updated to include the provision of general rate waivers in cases of ratepayer financial hardship.

The revised 2020/21 Rating Strategy will be displayed on Council's website.

### **RECOMMENDATION**

That

1. Council adopt the revised 2020/21 Rating Strategy.
2. the adopted 2020/21 Rating Strategy be made available through Council's website.

### **COUNCIL PLAN**

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

## **ADOPTION OF REVISED 2020/2021 RATING STRATEGY cont'd**

### **BACKGROUND**

It is the recommendation of the Victorian Auditor General's Office and internal audits that Council develop, adopt and continually review the rating strategy. The 2020/21 Rating Strategy was adopted by Council at the meeting on Monday, 16 March 2020.

Due to the impact of the COVID-19 pandemic Council has put in place a mechanism to defer rate payments for up to fifteen months from 11 March 2020 to 30 June 2021. The deferral of rates was an outcome from the recently adopted Banyule Economic Support Package by Council (Council Meeting: Monday, 6 April 2020)

Council has since resolved (Council Meeting: Monday, 15 June 2020) to grant general rates waivers under section 171A of the *Local Government Act 1989* to owners or authorised representatives.

The adopted 2020/21 Rating Strategy states that waivers of rates will not be granted. This prohibiting of waiving rates has been removed so that the assistance measures adopted by Council on Monday, 15 June can be put in to practice.

The revised 2020/21 Rating Strategy is attached to this report and is linked to the revised COVID-19 Pandemic Hardship Assistance Policy (also being considered for adoption at this ordinary meeting of Council on Monday, 6 July 2020).

### **LEGAL CONSIDERATION**

Section 171A of the *Local Government Act 1989* states that Council may grant a waiver, of the whole or part of any rate or charge or of any interest imposed for late payment, upon application by a person who is suffering (or would suffer) from financial hardship if that person paid the full amount of a rate or charge for which they were liable.

Under the current 2020/21 Rating Strategy Council grant interest waivers and prevents the granting of rate waivers. By including the granting of rate waivers in the 2020/21 Rating Strategy officers will have the authorisation to process hardship applications where a general rate waiver is applied for.

### **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**

Prior to the preparation of Council's budget, Council adopts a Rating Strategy each year. This Strategy outlines how Council will divide the rate burden among the various different types of land with Banyule. It also outlines what general rate increase will be implemented through the draft budget, if any.

The 2020/21 Rating Strategy adopted on Monday, 16 March 2020 did not allow the waiver of rates under section 171A of the *Local Government Act 1989*. Council under S171A (3) grants only interest waivers for financial hardship applications.



## **ADOPTION OF REVISED 2020/2021 RATING STRATEGY cont'd**

The revised Banyule City Council 2020/21 Rating Strategy will allow for general rate waivers in addition to the current provision for interest rate waivers.

It is proposed that the following principles remain in place:

- Rates being payable in four instalments
- Maintaining the existing differential rating structure
- Charging five properties under the *Cultural and Recreational Lands Act 1963*
- Not offering any Council concessions
- Not offering any incentives for prompt payment.
- Not levying a Municipal Charge
- Not levying a Service Charge on rateable residential land for the provision on a standard waste service.
- Levying a Service Charge on non-rateable residential land for the provision on a waste service.
- Charging penalty interest in accordance with section 172 of the *Local Government Act 1989*
- Undertaking collections of unpaid rates in accordance with sections 180 and 181 of the *Local Government Act 1989*

## **TIMELINES**

The adopted 2020/21 Rating Strategy informs the preparation of Council's draft 2020/21 budget and is effective from 1 July 2020.

Council's 2020/21 Rates and Valuation Notices are scheduled to be sent to ratepayers in mid-August and will outline the rates and charges levied for the period 1 July 2020 to 30 June 2021.

## **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## **CONCLUSION**

Banyule City Council's revised Banyule City Council 2020/21 Rating Strategy complements the resolution of Council on Monday, 15 June 2020, allowing for waivers of general rates due to the COVID-19 pandemic.

It is recommended that Council adopts the revised 2020/21 Rating Strategy.

Upon adoption, the revised 2020/21 Rating Strategy will be displayed on Council's website.

## **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Draft 2020-2021 Rating Strategy	

## **7.6 ADOPTION OF REVISED HARDSHIP ASSISTANCE POLICY**

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

### **Previous Items**

Council on 15 June 2020 (Item 3.3 - Council Support for Ratepayers Suffering Hardship as a Result of the Coronavirus Pandemic)

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

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### **EXECUTIVE SUMMARY**

Council resolved on Monday, 15 June 2020 to grant general rates waivers under section 171A of the *Local Government Act 1989* to owners or authorised representatives.

The resolution included that Council receive a revised 2020/2021 Rating Strategy and Hardship Assistance Policy, containing the specific hardship criteria and requirements for assessing hardship applications at the next meeting of Council for consideration for adoption.

Banyule City Council's revised COVID-19 Pandemic Hardship Assistance Policy (the policy) outlines the process of applying for and assessing hardship applications.

The policy includes the three eligibility categories that were adopted by Council on Monday, 15 June 2020. Specifically:

- a) ratepayers holding a Commonwealth Health Care Card - JobSeeker category for Residential Improved properties where the ratepayer is an owner-occupier
- b) ratepayers receiving JobKeeper for Commercial Improved and Industrial Improved properties
- c) ratepayers who don't fit in to either criteria a) or criteria b) who are suffering hardship demonstrated through a significant loss in income directly due to the coronavirus pandemic.

The policy and support available to ratepayers will be featured with the 2020-2021 Rates and Valuation Notices, subsequent instalment notices and promoted through Council's website.

### **RECOMMENDATION**

That:

1. Council adopt the revised COVID-19 Pandemic Hardship Assistance Policy.
2. the adopted COVID-19 Pandemic Hardship Assistance Policy be made available through Council's website.
3. ratepayers be advised of the assistance that is available through Council's website and with the distribution of the 2020/21 Rates and Valuation Notices.

## **ADOPTION OF REVISED HARDSHIP ASSISTANCE POLICY cont'd**

### **COUNCIL PLAN**

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

### **BACKGROUND**

Council has put in place a significant stimulus and assistance package, designed to support business trading in Banyule as well as ratepayers who have been impacted by the COVID-19 pandemic. The Banyule Economic Support Package (adopted on Monday, 6 April 2020) involves:

- Refunding street trader permits fees paid in advance
- Waiving Street Trading Permit fees
- Providing rent relief for tenants in Council buildings
- Waiving Health Act Registration fees
- Covering business contributions for special rates and charges
- Introducing 5 business day payment terms
- A business grants program boost
- Increasing Council's business support and advice capacity
- Considering opportunities to fast track "shovel ready" local infrastructure projects that will stimulate local construction activity.
- Waiving fees, charges and rent for 6 months for all local community groups, where applicable for Council tenants, for 6 months starting 1 April 2020.
- Investigating ways Council can assist community groups, particularly those providing much needed advice, advocacy and support services.
- Deferring rates for ratepayers experiencing financial hardship

Council has since resolved (after receiving an additional report to further support ratepayers) to grant general rates waivers under section 171A of the *Local Government Act 1989* to owners or authorised representatives based on the following three strategies:

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

## **ADOPTION OF REVISED HARDSHIP ASSISTANCE POLICY cont'd**

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

The proposed mechanism for application, requirements and conditions of the waivers are included in the Banyule City Council's revised COVID-19 Pandemic Hardship Assistance Policy (the policy).

This policy is linked to the revised 2020/2021 Rating Strategy (also being considered for adoption at this ordinary meeting of Council on Monday, 6 July 2020).

### **LEGAL CONSIDERATION**

Section 171A of the *Local Government Act 1989* states that Council may grant a waiver upon application. The Policy includes the mechanism upon which Council will be accepting applications and assessing them under section 171A.

### **HUMAN RIGHTS CHARTER**

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

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

Council may request information and supporting documentation relating to financial and employment status and business-related documents. This information will be used only for the purposes of assessing hardship and will have administrative controls to ensure this information is restricted to those assessing or reviewing hardship status. This information may need to be passed to Council's internal or external auditor, for the purposes of audit. In these cases, a ratepayer's privacy will be covered by professional auditing practices.

### **FINANCIAL**

The provision of a waiver will impact the net amount of rate revenue raised in the financial year. The amount of rates declared will be as per Council's adopted budget, with waivers granted under this recommendation recorded as a reduction in the overall 'Rates and charges' income on Council's Comprehensive Income Statement in accordance with AASB 118.

Council's revised 2020/21 Rating Strategy proposed Budget 2020/21 makes provision for rates waivers.

The financial impact to council is uncertain, as the total amount waived during the year will be directly reliant on the number of hardship applications made to Council. The total impact on the rate revenue is anticipated to range between \$1.5m - \$7.5m.

The impact to net rate income will be reported through Council's Quarterly Financial Management Report during the financial year.

## **ADOPTION OF REVISED HARDSHIP ASSISTANCE POLICY cont'd**

### **DISCUSSION**

The COVID-19 pandemic has created a unique situation where there is widespread financial hardship impacting many ratepayers in Banyule. As such, Council has resolved to allow general rate waivers that will directly assist ratepayers who are facing financial hardship as a result of the COVID-19 pandemic.

Council determined the general amount and criteria of general rate waivers at the meeting held on Monday 15 June 2020. The granting of these waivers requires a framework in terms of the assessment of financial hardship as well as the quantum of the waiver being granted. This policy provides this framework to allow ratepayers clarity as to how the waivers will be assessed and officers clarity in terms of administration of the resolution of Council.

### **TIMELINES**

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

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

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### **CONCLUSION**

Banyule City Council's revised COVID-19 Pandemic Hardship Assistance Policy supports the resolution of Council to grant waivers to support ratepayers in financial hardship because of the COVID-19 pandemic and associated economic impact.

It is recommended that Council adopts the revised COVID-19 Pandemic Hardship Assistance Policy and provide ratepayers with further clarity in how Council will be assessing and administering waivers.

Upon adoption, the revised COVID-19 Pandemic Rates Hardship Assistance Policy will be displayed on Council's website and promoted with Council's 2020/21 Rates and Valuation Notice and subsequent instalment notices.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	COVID-19 Pandemic Rates Financial Hardship Assistance Policy	

## 7.7 ASSEMBLY OF COUNCILLORS

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

### EXECUTIVE SUMMARY

Assembly of Councillors were previously required by the Local Government Act 1989, this section has now been repealed.

Council at its meeting on 15 July 2020 resolved to continue to consider reports of Councillor attendance at Briefings and Advisory Committee meetings until such time as the new requirements are provided for in the adoption of the new Governance Rules.

### RECORD OF MEETINGS

<b>1</b>	<b>Date of Meeting:</b>	2 June 2020
	<b>Type of Meeting:</b>	Arts & Culture Advisory Committee
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Ivanhoe Library &amp; Cultural Hub – update</li> <li>• COVID-19 Audience Outlook Monitor + Cultural Infrastructure reopening</li> <li>• Audience Research &amp; Development</li> <li>• Arts &amp; Culture COVID-19 Response Grants - update</li> <li>• Other Business - Combined Advisory Committees workshop in October</li> </ul>	
	<b>Councillors Present:</b>	
	Peter Castaldo	
	<b>Staff Present:</b>	
Hannes Berger - <i>Team Leader Arts &amp; Culture</i> Anthea Fahey – <i>Festivals &amp; Cultural Projects Officer</i> Nikki Ralston – <i>Arts &amp; Cultural Development Officer</i>		
<b>Others Present:</b>		
Anne Bennett Kevin Ritchie Craig Eloranta Joanne O’Hara Fran Lee Genelle Ryan Les Walkling Rosemary Crosthwaite Irianna Kanellopoulou June Gassin Lefa Singleton-Norton		
<b>Conflict of Interest:</b>	Nil	

ASSEMBLY OF COUNCILLORS cont'd

<b>2</b>	<p><b>Date of Meeting:</b> 15 June 2020</p> <p><b>Type of Meeting:</b> Councillor Briefing</p>
	<p><b>Matters Considered:</b></p> <p>Items on the Agenda for the Ordinary Meeting on Council on 15 June 2020 (excluding Confidential Items)</p> <p>3.1 Local Jobs Update</p> <p>3.2 Draft Reconciliation Action Plan – For Public Exhibition</p> <p>3.3 Council Support for Ratepayers Suffering Financial Hardship as a Result of the Coronavirus Pandemic</p> <p>5.1 Consideration of Submissions and Objections – Rosanna Village Shopping Centre Special Charge Scheme</p> <p>5.2 Consideration of Submissions and Objections – Bell Street Mall Shopping Centre Special Rate Scheme</p> <p>5.3 North East Link Project Update</p> <p>5.4 Waterdale Road, Ivanhoe – Placement of Permanent Barriers</p> <p>5.5 Heidelberg Road Bike Lanes – COVID Response to Transport needs</p> <p>5.6 Greening Banyule Update &amp; Tree Canopy Coverage in Banyule</p> <p>5.7 Contract No 1029-2020 Contractors for Building Works Panel</p> <p>5.8 Contract No 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel</p> <p>5.9 Contract No 1039-2020 Contractors for Minor Asphalt Works Panel</p> <p>5.10 2 Cavanagh Road, Lower Plenty – Proposed Tree Removal Associated with New Baseball Pavilion – P219/2020</p> <p>5.11 161 Grimshaw Street, Greensborough – Townhouse Development (Six dwellings) – P857/2019</p> <p>5.12 59 Swanston Street, Heidelberg Heights – Proposed Leases</p> <p>5.13 12-16 Mountain View Road, Montmorency and 1 Allens Road, Montmorency – Proposed Part Land Exchange</p> <p>L1 Community Sports Infrastructure Stimulus Programs</p> <p>7.1 Tenancy 1 and 2 460 Lower Heidelberg Road, Heidelberg – Proposed New Lease</p> <p>7.2 Assembly of Councillors</p>
	<p><b>Councillors Present:</b></p> <p>Alison Champion  Rick Garotti  Peter Castaldo  Craig Langdon  Mark Di Pasquale  Tom Melican  Wayne Phillips</p>
	<p><b>Staff Present:</b></p> <p>Allison Beckwith – <i>Chief Executive Officer</i>  Marc Giglio – <i>Director Corporate Services</i>  Scott Walker – <i>Director City Development</i>  Kath Brackett - <i>Director Community Programs</i>  Geoff Glynn – <i>Director Assets &amp; City Services</i>  Gina Burden – <i>Manager Governance &amp; Communication</i></p>

**ASSEMBLY OF COUNCILLORS cont'd**

	Vivien Ferlaino – <i>Governance Coordinator</i>
	Emily Outlaw – <i>Team Leader Council Business</i>
	<b>Others Present:</b> Nil
	<b>Conflict of Interest: Nil</b>

<b>3</b>	<b>Date of Meeting:</b> 22 June 2020
	<b>Type of Meeting: Councillor Briefing</b>
	<b>Matters Considered:</b> Audit & Risk Committee Local Government Act 2020 Implementation Budget & Council Plan Section 223 Submissions
	<b>Councillors Present:</b> Alison Champion Rick Garotti ( <i>left at 6.50pm</i> ) Peter Castaldo Craig Langdon Mark Di Pasquale Tom Melican
	<b>Staff Present:</b> Allison Beckwith – <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett, <i>Director Community Programs</i> James Kelly – <i>Acting Director Assets &amp; City Services</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Vivien Ferlaino – <i>Governance Co-ordinator</i> Tania O'Reilly – <i>Manager Finance &amp; Procurement</i> Michael Fan – <i>Financial Performance &amp; Planning Coordinator</i>
	<b>Others Present:</b> Kate Oliver, Maddocks Lawyers (via Video conference)
	<b>Conflict of Interest:</b>

<p><b>RECOMMENDATION</b></p> <p>That the Record of Councillor meetings report be received.</p>
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**ASSEMBLY OF COUNCILLORS cont'd**

**ATTACHMENTS**

Nil

## **7.8 AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT**

Author: Arun Chopra - Manager Capital Projects, Assets & City Services

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1055-2020 for the construction of landscaping and paving at Ivanhoe precinct redevelopment.

This project was commissioned to improve the overall appearance of Ivanhoe library and Cultural Hub, existing Council building and The Centre Ivanhoe precinct and make a consistent look and feel for all entrances of the existing heritage building to that of the new building. Council in late 2019 engaged a landscape consultant to design the entrances to the existing Council building, The Centre Ivanhoe and McCubbin room and also to upgrade the landscaping to the front of the building and along Ivanhoe Parade. The consultation with key stakeholders and detailed design was completed in April'20.

Tenders were advertised in The Age on 23 May 2020, tender search and on Council's eportal. Tenders were down loaded by 33 contractors and six contractors submitted their tenders in response to tender that was advertised in The Age and also on Council's eportal. All submitted tenders were analysed by the Tender Evaluation Panel (TEP) comprising Council officers from Community Programs, Procurement Unit and Assets and City Services.

The TEP has recommended awarding the contract to GP Bluestone in accordance with the tender and other conditions that have been agreed by Council officers.

### **RECOMMENDATION**

That:

1. Contract No. 1055-2020 for the construction of landscaping and paving at Ivanhoe precinct redevelopment be awarded to GP Blue stone for \$576,825 (ex. GST).
2. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

### **COUNCIL PLAN**

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

**AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT  
cont'd**

**BACKGROUND**

In December 2007, McGauran Giannini Soon (MGS) Architects were commissioned by Council to develop a Masterplan for the Ivanhoe Civic Precinct. This Masterplan together with the Ivanhoe Structure Plan formed the basis of the future development of the Ivanhoe Major Activity Area. The Ivanhoe Civic Precinct Masterplan was adopted in 2014 following extensive community consultation. The plan sets a clear strategic direction for future land use and development of the precinct which features a new Community Cultural Hub, demolition of the existing library and creation of a public landscaped plaza fronting Upper Heidelberg Road.

The now under construction Ivanhoe Library and Cultural Hub will provide the Banyule community with a range of facilities enabling the ultimate learning experience.

In order to improve the overall appearance of Ivanhoe library and Cultural Hub, Council office and The Centre Ivanhoe precinct and make a consistent look and feel for all entrances of the existing heritage building to that of the new building, in late 2019 it was decided to engage a landscape consultant to design the entries to the existing Council building, The centre Ivanhoe and McCubbin room and also to upgrade the landscaping along Ivanhoe Parade. Project scope also included improvements to the overall aesthetic appearance of the building and its surrounds which included new planting along Ivanhoe Parade, west boundary of the car parking and replace street furniture in front of The Centre Ivanhoe. This is a separate project to the landscaping and paving works being done as part of the new Library and Cultural Hub build.

**LEGAL CONSIDERATION**

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

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

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

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

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

**AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT cont'd**

released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

**BANYULE PROCUREMENT POLICY**

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

The purpose of this Policy is to:

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

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

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

**HUMAN RIGHTS CHARTER**

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

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

**TENDER EVALUATION**

Tenders were advertised in The Age on 23 May 2020, tender search and on Council's eportal. During the period that the tenders were open, 33 companies downloaded the tender documents. Tenders closed at 3pm 17 June 2020 and six submissions were received by the closing time.

Before the close of Tenders the Tender Evaluation Panel (TEP) comprising of Council officers from Community Programs, Procurement Unit and Assets and City Services met and decided on the weighting of the evaluation criteria and the evaluation methodology which forms part of tender evaluation plan.

**Tender Evaluation Criteria**

The following evaluation criteria was listed in the tender document. Weightings for each criteria were decided by the TEP prior to the release of tenders.

- Tender Price

**AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT**  
**cont'd**

- Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable)
- Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's
- Existence of a management system and procedures; covering quality and OH&S
- Sustainable Procurement Questionnaire

**Sustainable Procurement**

All contractors stated that their sub-contractors employ apprentices and trainees on the projects of this magnitude. Monthly reports will be provided to Council on the numbers and trades these apprentices work.

All members of the Tender Evaluation Panel (TEP) independently evaluated each tender using a weighted matrix based on financial, technical, commercial and other criteria discussed further in this report. Initial evaluation was performed for all tender submissions using the evaluation criteria and weighted attribute method.

TEP then met and arrived at the consensus score for each criteria for all tenders. The following table shows the tenders submitted, their tender prices and the weighted score from the evaluation:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Tenderer A	74.85
Tenderer B	57.12
Tenderer C	83.54
Tenderer D	83.38
Tenderer E	66.84
Tenderer F	80.06

Three highest scoring contractors were then shortlisted which would deliver best value for money to Council.

During the tender evaluation process the three shortlisted contractors were requested to provide further information, withdraw or submit a price for any exclusions submitted with their tender submissions.

Prices submitted by the shortlisted contractors were then adjusted to include costs of exclusions and clarifications.

After initial clarifications the highest scoring contractor was invited for an interview to further discuss their proposed project team, procurement lead time, tender exclusions and other conditions stated in their tender submissions.

**AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT cont'd**

Highest scoring tenderer was also requested to review its submitted prices and submit their best and final offer after interview was conducted with them.

Following is the final weighted consensus score of the three shortlisted contractors for the evaluation criteria.

<b>Contractor</b>	<b>Weighted Score out of 100</b>
GP Bluestone	83.38
2	82.83
3	82.70

It is evident from the above weighted scores that GP Bluestone has obtained the highest score and will deliver best value for money to Council.

GP Bluestone were previously also on Council's panel for contract 0973-2018 provision of major civil works.

Independent financial checks have also been made by Council's Procurement Unit on the three shortlisted companies, GP Bluestone have obtained a satisfactory score, therefore are deemed to be suitable to the project.

**FUNDING IMPLICATIONS**

The design and construction of paving and landscape works project is fully funded and is included in the proposed 2020/21 capital works program and budget.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

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

**CONCLUSION**

Based on the tender evaluation, the Tender Evaluation Panel recommends that Council awards Contract No. 1055-2020 to GP Blue Stone for the construction of landscaping and paving at Ivanhoe precinct redevelopment at 275 Upper Heidelberg Road Ivanhoe for the lump sum price of \$576,825 (excluding GST).

**AWARD OF CONTRACT FOR CONTRACT NO. 1055-2020 FOR CONSTRUCTION OF LANDSCAPE AND PAVING AT IVANHOE PRECINCT REDEVELOPMENT  
cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Tender analysis sheet 1 - <b>CONFIDENTIAL</b>	
2	Tender Analysis shortlisted contractors sheet 2 - <b>CONFIDENTIAL</b>	