

# Agenda



**Monday, 7 September 2020 7.00pm**

Ordinary Meeting of Council

## **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 17 August 2020*

## **Disclosure of Interests**

### **1. Urgent Business**

## **REPORTS:**

### **2. Petitions**

- 2.1 Petition to Upgrade Greensborough Skatepark..... 5

### **3. People – Community Strengthening and Support**

- 3.1 Update on Advocacy re Gambling Harm and COVID-19..... 7  
3.2 Adoption of Banyule's Reconciliation Action Plan ..... 11

### **4. Planet – Environmental Sustainability**

- 4.1 Climate Action Program - Solar on Leased Facilities..... 17

### **5. Place – Sustainable Amenity and Built Environment**

- 5.1 Development Planning and Building Activities Report (January - June 2020)..... 25  
5.2 North East Link Project - Temporary limited opening of Drysdale Street, Yallambie ..... 45  
5.3 Consideration of Submissions - Waterdale Road, Ivanhoe - Proposal to Place Permanent Barriers ..... 52  
5.4 21 - 25 Bellevue Avenue, ROSANNA - Consent Order for the proposed Child Care Centre (P954/2019) ..... 67

### **6. Participation – Community Involvement in Community Life**

- 6.1 Community Vision Council Plan Project - Engagement Approach ..... 71

### **7. Performance - Use Our Resources Wisely**

- 7.1 Council Meeting Dates After the Election - Changes Required ... 77  
7.2 Fraud and Corruption Control Policy ..... 80  
7.3 Risk Management Framework ..... 84  
7.4 Independent Representative Audit & Risk Committee..... 87  
7.5 Victorian Government - Local Sports Infrastructure and Community Sports Stimulus Funding ..... 90  
7.6 Bellfield Project: Awarding of Lease for Delivery of Social Housing ..... 95  
7.7 Award Contract No 1051-2020 - Hard Waste Collection ..... 103

7.8	Award of Contract No 1054-2020 "Reconstruction of DeWinton Reserve Oval and Cricket Nets" .....	108
7.9	Award of Contract No. 1058-2020 "Construction of Greensborough Preschool Expansion and Refurbishment Works" .....	113
7.10	Assembly of Councillors.....	118

**8. Sealing of Documents**

Nil

**9. Notices of Motion**

Nil

**10. General Business**

**Matters Discussed in Camera**

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

**Closure of Meeting**

***Live Streaming of Council Meeting***

*Please note that the Council Meeting will be livestreamed to ensure compliance with the Government's COVID -19 Stage 4 restrictions.*

*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, 21 September 2020.*



## **2.1 PETITION TO UPGRADE GREENSBOROUGH SKATEPARK**

Author: Ellen Kavanagh - Governance Officer, Corporate Services

Ward: Bakewell

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### **EXECUTIVE SUMMARY**

An online petition with 1265 names from people within Banyule, suburbs outside Banyule, other states of Australia including some signatories from overseas has been received requesting an upgrade of the Greensborough Skatepark. Out of the 1265 signatories 154 are from within Banyule.

A breakdown of the signatories is contained in this report.

The petition request is as follows:

*“This petition requests that Banyule City Council take action to replace the Greensborough skatepark”.*

*The Greensborough skatepark is old, decaying, has poor amenities, an outdated lay-out and has a poor community safety design resulting in making it feel unsafe for many skateboarders and scooter riders.*

*When built, the Greensborough Skatepark was a destination skatepark for many. Over time, the poor upkeep and outdated design has led to its use greatly decreasing.*

*Skateboarding and scooter riding provides excellent physical activity and teaches mutual respect, social networking, artistic expression and an appreciation of the environment. It gives kids something positive to do and links them to something that embraces all types of people.*

*With the Olympics now including skateboarding for the first time, skateparks will increase in popularity and skaters local to Greensborough, and from all over Melbourne would be grateful for a modern and safe place to skate.”*

Council has previously resolved to not accept online petitions. Officers are currently investigating online solutions similar to that used by both Federal and State Parliament. Given the current restrictions in relation to the pandemic, it is recommended that Council accepts the petition.

**PETITION TO UPGRADE GREENSBOROUGH SKATEPARK cont'd**

**RECOMMENDATION**

That Council

1. Receives and notes the online petition of 1265 signatories with 154 from within Banyule
2. Refers the Petition to the Parks and Open Space Team for investigation.
3. Advise the lead signatory to the petition of this resolution.

**REPORT**

A breakdown of all the signatories to the petition are as below.

Mel	Vic	Aust	Syd	NSW	WA	Qld	SA	Tas	ACT	UK	US	NZ	*Other Countries	Total
856	35	119	50	34	30	66	16	2	1	5	21	14	15	1265

\* 1 each from: Cyprus, Denmark, Finland, France, Germany, Ireland, Israel, Macedonia, Colombia, Mexico, 3 from Norway, 2 from Sweden

Of the above total, the number of signatories within and around suburbs of Banyule are:

Greensborough	Montmorency	Bundoora	Watsonia	Macleod	Ivanhoe	Viewbank	Eltham	Total
65	13	21	12	3	4	7	29	154

**ATTACHMENTS**

Nil

### **3.1 UPDATE ON ADVOCACY RE GAMBLING HARM AND COVID-19**

Author: Jo Van Dort - Health Planner, Community Programs

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#### **EXECUTIVE SUMMARY**

At the Ordinary Council meeting on Monday 18 May 2020 Council considered a report on the harm being caused by gambling in the context of COVID 19, and resolved to write to State and Federal Government representatives seeking support on a range of initiatives to reduce this harm and to support and protect persons who are vulnerable to gambling harm.

In accordance with Council's resolution a total of 17 letters were sent to State and Federal Members of Parliament urging changes be made to reduce gambling harm.

This report provides Council with an update in response to the Council Resolution of 18 May.

#### **RECOMMENDATION**

That Council:

1. Notes the report and the correspondence received to date.
2. Continues to advocate to reduce gambling activity and harm from gambling activity in accordance with the Banyule Gambling – Gambling Harm Minimisation Policy 2019-2022.

#### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Support and promote health and wellbeing".

#### **BACKGROUND**

The COVID-19 pandemic has provided a unique opportunity for the State and Federal governments to act on reducing harm within our communities.

There were three areas of advocacy that the Alliance for Gambling Reform, of which Banyule is a leader partner Council, called to be addressed during this time:

1. Providing financial support to clubs and hotels who will permanently forgo EGM (electronic gaming machines or pokies) entitlements;
2. Blocking access to overseas, illegal online gambling;
3. Putting a hold on Victorian Commission of Gaming and Liquor Regulation (VCGLR) hearings for EGM applications.

## **UPDATE ON ADVOCACY RE GAMBLING HARM AND COVID-19 cont'd**

Council resolved to participate in all three areas of advocacy at the Meeting on 18 May 2020. Specifically Council resolved to:

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

Letters were prepared and sent to relevant Ministers and Members of Parliament as per the resolution.

### **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 raise issues relating to the Charter, specifically 'the right to protection of families and children'. This right



## **UPDATE ON ADVOCACY RE GAMBLING HARM AND COVID-19 cont'd**

includes matters which impact and affect the welfare of children within the family, and there has been much debate and research into the effects of EGMs and gambling on the welfare of families and children.

### **ADVOCACY**

A total of 17 letters were sent to politicians including the State Government, Federal Government, Federal Opposition, Local Member for Jagajaga and all State Senators regarding the issues raised in the Resolution. The content of these letters included the following areas of advocacy:

#### **1. Victorian Government**

- a) ensure that any financial assistance offered to businesses with gambling interests as part of COVID-19 recovery package, is conditional on permanently reducing gambling harm such as reducing, surrendering and extinguishing EGM entitlements/licenses and;
- b) enact a moratorium on VCGLR applications on Gaming licenses, until the social and economic impacts of COVID-19 can be determined, or at least until outbreaks of the pandemic are over, the economy has fully recovered and unemployment levels are significantly reduced.

#### **2. Federal Government**

- a) empower and sufficiently resource Australian Communications and Media Authority (ACMA) to block illegal gambling websites and promote community education around the harms and risks;
- b) implement a temporary moratorium, with consideration to making it permanent on online wagering advertisements given the increased vulnerability of Australia's to gambling harm during this crisis and absence of professional sport leading to increasingly risky markets and;
- c) implement stronger safeguards to protect users of simulated gambling products such as online poker machine apps including restricting access to children, issuing consumer warnings and consider blocking such apps.

The Alliance for Gambling Reform also participated in the same advocacy action.

### **CURRENT SITUATION**

Council received seven (7) responses to the advocacy action undertaken.

Mr Anthony Carbines – State Member for Ivanhoe, Ms Fiona Patten – Member for Northern Metropolitan Region, the Honourable Colin Brooks – State Member for Bundoora, Mr Bruce Atkinson – Member for the Eastern Metropolitan Region, and the Honourable Jenny Mikakos – Member for Northern Metropolitan Region made statements of agreeance of the harm that gambling can cause and that they would raise the issue with their colleagues, raise the issues in parliament, or forwarded the letter onto the Minister for Gaming – the Honourable Marlene Kairouz.

Ms Sonja Terpstra – State Member for Eastern Metropolitan Region provided a reply that detailed recent efforts of the Victorian Government to minimise harm from

**UPDATE ON ADVOCACY RE GAMBLING HARM AND COVID-19 cont'd**

gambling and stated that there will be no moratorium enacted to suspend decision making on EGM applications.

Ms Vicki Ward – Member for Eltham has forwarded the correspondence from the Mayor to the newly appointed Minister for Consumer Affairs, Gaming and Liquor Regulation, the Honourable Melissa Horne.

The Alliance for Gambling Reform received no response from either the Federal or State Government to the advocacy action. They have followed up with a second advocacy campaign, of which Banyule is included as a leader partner Council, calling for the end of Gambling advertising.

**POLICY IMPLICATIONS**

Advocacy to reduce gambling activity and harm from gambling activity is included with the Banyule Gambling – Gambling Harm Minimisation Policy 2019-2022.

**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**

Advocacy activity was carried out in accordance with Council's resolution at the OCM 18 May 2020. Neither Federal or State Government have provided a response that commits them to move towards the requested actions of: financial support for venues willing to relinquish EGM licences; block illegal online gambling; implement stronger safeguards on gaming apps; or enact a moratorium on EGM licence decisions.

Council Officers will continue to work with the Alliance for Gambling Reform and other organisations to look for opportunities for further advocacy and opportunities to reduce gambling harm.

**ATTACHMENTS**

Nil

## **3.2 ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN**

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

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### **EXECUTIVE SUMMARY**

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

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

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

### **RECOMMENDATION**

That Council, having considered the feedback from the public exhibition period:

1. Adopt the Banyule Reconciliation Action Plan (RAP) 2020-2022 at Attachment 1 to this report.
2. Write to submitters thanking them for their submission on Banyule's Final Draft Reconciliation Action Plan and advising of council's decision.
3. Continue to work alongside and strengthen our partnerships with our First Peoples and to work collaboratively to improve outcomes across a broad range of areas including social and economic well-being, civic participation and cultural heritage.
4. Continue to work with Banyule's Aboriginal and Torres Strait Islander Advisory Committee to oversee the implementation of the Reconciliation Action Plan actions.
5. Continue to implement the Reconciliation Action Plan actions and embed Council's commitment to reconciliation throughout our business and the municipality.
6. Continue to work with our partners and the wider community in our collective journey towards reconciliation.

## **ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN cont'd**

### **COUNCIL PLAN**

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

### **BACKGROUND**

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

Banyule is extremely proud of the positive relationships it has built with First Nations Peoples, communities, businesses and services across Banyule. We have the deepest respect and appreciation for the ongoing guidance we receive from the Banyule Aboriginal and Torres Strait Islander Advisory Committee (BATSAC), Wurundjeri Woi-wurrung Traditional Owners and reconciliation partners.

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

Banyule's Aboriginal and Torres Strait Islander plans have enabled Council to deepen its understanding of the importance of working collaboratively with Aboriginal and Torres Strait Islander people; To build and promote respect for First Nations cultures, connection to Country and the long-standing approaches to sustaining culture and communities.

Council acknowledges that it still has much to learn and recognises that a RAP can create a meaningful pathway to strengthen our partnerships with Aboriginal and Torres Strait Islander communities and to work collaboratively to improve outcomes across a broad range of areas including social and economic well-being, civic participation and cultural heritage.

Council recognises there are many historical challenges in the relationship between governments and Australia's First Nations Peoples. Through the RAP Council will work towards reducing the many barriers that prevent Aboriginal and Torres Strait Islander people from being able to make decisions that impact themselves, their families and extended communities.

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

### **LEGAL CONSIDERATION**

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

## **ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN cont'd**

### **HUMAN RIGHTS CHARTER**

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

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

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

### **FUNDING IMPLICATIONS**

Resources required to commence implementation of the final draft RAP can be met within the 2020-2021 annual budget.

Some of the actions in the final draft RAP have resource implications across multiple years and will be referred to Council's annual budget processes for consideration.

### **POLICY IMPLICATIONS**

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

### **CONSULTATION**

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

Public exhibition of the final RAP draft was the last activity undertaken as part of Council's comprehensive RAP development process, and occurred between 20 May and 17 June 2020. The public exhibition period provided opportunity for all community stakeholders to review the document prior to consideration for adoption by Council. During this four week period, over 175 views of the document occurred and seven pieces of feedback were received.

Throughout the public exhibition period the draft RAP, along with supporting contextual information, was available for review on Shaping Banyule. The opportunity to participate in the final review process was widely promoted during Council's National Reconciliation Week activities and also via avenues such as 3KND Aboriginal radio station, social media feeds, Banyule Council's website, a promotional article in the Banner May edition, Reconciliation networks, Local

**ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN cont'd**

Aboriginal Network (LAN) Brokers, local government partners, and Aboriginal community partner and service stakeholder networks.

Over **175 views** of the document occurred during the four-week period, demonstrating a strong community interest in Council's commitment to reconciliation and the approach Council is planning to undertake to advance reconciliation across its organisation and more broadly in Banyule.

Seven people made efforts to contribute comments. The nature of the contributions varied from congratulations and support, to a minor correction in reference to the name of the library. Two comments also highlighted the importance of Banyule's cultural learning journey and staff cultural awareness training needs.

The community feedback received does not necessitate alterations to the draft RAP, however it does provide some valuable points for consideration in relation to the development of Cultural awareness activities, the promotion of Cultural heritage, and strengthening Council's Aboriginal community partnerships.

The feedback received was overwhelming in support of Council making this commitment to strengthening relationships between Aboriginal and Torre Strait Islander people and non-Indigenous Australians, and to developing a working plan to carry Council forward on the reconciliation path.

The feedback received did not call for or indicate a need for alterations to the draft RAP. The points raised were mostly from Banyule residents and community groups wanting to applaud Council for making this commitment and one community stakeholder service, Watsonia Neighbourhood House, expressed interest in supporting Council's reconciliation projects.

Details of feedback received and how it will be accounted for within Banyule RAP is included in Attachment 2.

Council Officers have worked in close engagement with Reconciliation Australia (RA) between June to July 2020. Four rounds of feedback were conducted via phone conference and email to ensure Council met RA's feedback process. Through this process a small number of additional deliverables were required to be added to Council's final draft RAP to ensure it met RA's *Innovate* RAP framework guidelines and achieved RA's endorsement.

The majority of the additional deliverables are already in practice in Council, and Council Officers have engaged respective officers and teams to ensure deliverables can be met. The additional deliverables do not require additional budget expenditure and timelines are generous to ensure they are achievable.

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

Council Officers have now received written conditional endorsement from Reconciliation Australia for the RAP, and final endorsement will be received once the final graphic designed version of the RAP booklet is submitted to RA.

## **ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN cont'd**

### **DISCUSSION**

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

Banyule's final Draft RAP defines the shared approach Council will take with Aboriginal and Torres Strait Islander people to develop innovative strategies for advancing reconciliation in our workplace and across Banyule. It has been developed in partnership with Aboriginal and Torres Strait Islander peoples to ensure Council decisions impacting their lives, extended families and communities, are decided upon through shared decision-making, fairness, respect and trust.

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

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

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

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

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

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

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

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

### **CONCLUSION**

This report presents the final Draft Reconciliation Action Plan to Council for approval. The final Draft RAP builds on Banyule's previous Aboriginal and Torres Strait Islanders Plans to work towards a reconciled Australia.

**ADOPTION OF BANYULE'S RECONCILIATION ACTION PLAN cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Draft Banyule Reconciliation Action Plan (RAP)	
2	Draft Reconciliation Action Plan (RAP) Public Exhibition Summary Information	



## **4.1 CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES**

Author: Louise Lovell - Senior Energy Officer, City Development

### **Previous Items**

Council on 6 April 2020 (Item 4.1 - Solar and Batteries in Banyule Council's Climate Action Program)

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### **EXECUTIVE SUMMARY**

In April 2020, Council resolved to maximise solar on all Council owned and occupied buildings, as part of taking action to achieve carbon neutrality by 2028.

A further report was requested for leased facilities, to determine how solar should be allocated on sites where Council does not pay the bills - Scope 3 sites (leased facilities).

Following Council's recent adoption of the Community Climate Action Plan (which includes a target of carbon neutrality for the Banyule Community by 2040) this report:

- explores technical considerations for sizing roof top solar for usage on facilities leased to not-for-profit community organisations;
- considers funding implications; and
- discusses the various options available to Council.

Council has made clear its intention to maximise solar on all its available roof space (having regard to existing site constraints such as the structural integrity of buildings and shading) given its declaration of a *Climate Emergency* and its desire to provide strong leadership to support climate action.

It is not possible to estimate the contribution each lessee will be required to make toward the solar system given the site constraints for each building is unknown and the current billing data is not available to Council. The notion of lessee's paying a contribution towards the system, however, does create value to the overall program.

A partial payback period using energy cost savings for a period of five years provides a strong case study for those not-for-profit community groups who lease council facilities.

This program will provide an ongoing financial benefit for those not-for-profit community groups who contribute to the overall health and wellbeing of Banyule.

**CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

**RECOMMENDATION**

That Council:

1. Confirm support for the roof top solar program on Council owned facilities (leased to not-for-profit community groups) according to the following principles:
  - a. Sized to available roof space (maximise);
  - b. The overall cost of the system be limited to a 10-year return on investment period.
2. The installation will be conditional on the lessee entering into a funding agreement with Council which will include:
  - a. paying the energy saving between the cost of the projected electricity use (with no solar) and the actual electricity use (with solar) for a period of five years;
  - b. Provide annual billing data to Council.
3. Refer the cost estimates for the delivery of this program to the 2021/22 budget process.
4. Receive an update on the program as part of the annual climate action reporting in December of each year.

**COUNCIL PLAN**

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

**BACKGROUND**

On 17 August 2020, Council was presented with the Community Climate Action Plan (CAP) for adoption. This community focused plan identifies actions that Council will undertake to accelerate the uptake of climate action across the municipality.

The plan captures actions to increase renewable energy across businesses, community groups and residents, including the commitment to:

- Work with preschools, sporting clubs and other community users to upgrade energy performance and install solar PV on facilities leased from Council.

This work builds upon Council's Corporate Emissions Reduction Plan (CERP) and Banyule's three-year solar roll out program on Council owned facilities. Facilities captured through this program include sports and leisure centres, as well as Council managed maternal child health centres.

## **CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

Banyule resolved early this year (Council Resolution CO2020/54) to maximise all solar on the rooftops of these assets. This report responds to the request for a further Council briefing on:

- the approach to Scope 3 Council buildings (where Council does not pay the energy bills such as leased facilities);
- the financial implications for Scope 3 buildings;
- funding options to support the delivery of solar on Scope 3 buildings.

## **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**

A number of not-for-profit community groups have leasing arrangements with Council, enabling the use of Council buildings for various activities. These buildings are owned by Council, however, Council does not pay or oncost the energy bills, therefore these buildings are referred to as Scope 3 sites. Common examples include pre-schools and tennis clubs.

Community users of Scope 3 sites are typically responsible for paying the rent and in most cases paying for the utility bills. Council maintains the buildings to various degrees. As such, solar implementation on Scope 3 sites provides no cost savings to Council. It will, however, provide crucial support for community groups, reduce community emissions and demonstrate leadership in climate change mitigation.

Council has prioritised the delivery of solar at sites where Council pays or on-costs the bills such as sports and leisure centres, as well as Council managed maternal child health centres. This program is expected to be largely exhausted in the 2020/21 financial year.

Solar arrangements for Scope 3 Council buildings (leased facilities such as pre-schools and tennis clubs) needs to be determined as part of Council's climate action leadership across the municipality.

It should be noted that this program is only available for not-for-profit community groups who lease Council facilities. Options for commercial leasing arrangements will be considered in the future as part of the Community Climate Action Plan responses.

**CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

**TECHNICAL CONSIDERATION**

The four primary options for sizing roof top solar for usage on leased facilities are discussed below:

OPTION	SIZING	ESTIMATED COST*	BENEFIT
One	Daytime use only (size the system to use the energy when it is made).	This has best return on investment. <ul style="list-style-type: none"> <li>▪ Expected capital costs: \$400,000</li> <li>▪ Expected return on investment: 2-4 years</li> <li>▪ Expected average roof top solar system size: 7.5 kW per building.</li> </ul>	Sizing for daytime use is standard practice and can result in an energy use reduction of between 50-70% dependent on hours of operation of a site.
Two	Daytime and night time use (size the system to make as much solar in the daytime as is used throughout day and night).	The size of the solar systems will need to be larger and incur higher capital costs. The return on investment is also not as strong. <ul style="list-style-type: none"> <li>▪ Expected capital costs: \$650,000</li> <li>▪ Expected return on investment: 4-5 years</li> <li>▪ Expected average roof top solar system size: 12 kW per building.</li> </ul>	Sizing for both day time and evening usage can result in net zero energy usage for a site.
Three	Sized to available roof space (maximised) with a maximum payback period of 10-year return on investment.	Solar exports are expected to be about two times that used on site. Solar systems sized for available roof space (maximised) typically have the worst return on investment. <ul style="list-style-type: none"> <li>▪ Expected capital costs: \$2 million</li> <li>▪ Expected return on investment: 5-7 years</li> <li>▪ Expected average roof top solar system size: 30 kW per building (highly variable).</li> </ul>	Solar systems that expand the solar system to where there is roof capacity available may have a poor return on investment compared with those sized for energy use.
Four	Sized to available roof space (maximised) with no maximum return on investment.	Solar exports are expected to be over two times that used on site. Solar systems sized for available roof space (maximised) typically have the worst return on investment. <ul style="list-style-type: none"> <li>▪ Expected capital costs: \$3 million</li> <li>▪ Expected return on investment: 5 - 15 years (depending on site constraints).</li> <li>▪ Expected average roof top solar system size: 30 kW per building (highly variable).</li> </ul>	In some cases, a site's capacity for a solar expansion may be limited by a site's electrical systems.  Power upgrades will result in a poor return on investment in solar (greater than 10 years).

*\*Note: estimated gross cost is based on approximately 40 buildings.*

**FUNDING IMPLICATIONS**

The estimated gross cost estimates for each option is included in the table above:

- Option One - \$400,000
- Option Two - \$650,000
- Option Three - \$2million
- Option Four - \$3million

## **CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

Council has several funding models available to achieve solar on leased facilities which is summarised in **Attachment 1**.

These funding models include:

- *Business as Usual (BAU)* – Council fund 100% of the solar cost on leased facilities through Banyule's capital works program and no cost recovery from facility users who benefit from the program;
- *Do nothing* - look at other methods of achieving neutrality for the Banyule Community by 2040 such as mandatory green power purchase for all users of leased facilities
- *Pay Back Scheme* – a contribution of the cost of the solar system is gradually paid back by the user via energy savings.

It should be noted that a payback scheme will include additional administration tasks and additional staff resources will be required. This is estimated to be 0.6 EFT for an initial 12 month period to set up the program at a cost estimate of \$67,000 (including on costs). However, the net cost to Council for the solar systems will be reduced if a payback system is implemented.

## **CONSULTATION**

Several conversations with Councillors have been held to gain feedback in relation to the sizing options and funding models for Scope 3 sites (not-for-profit leased facilities) solar.

## **DISCUSSION**

### *System Sizing*

The roll out of solar on Scope 3 sites (Council-owned leased facilities) support Council's carbon neutrality targets. Expected outcomes include:

- Reduced greenhouse gas emissions from Council-owned leased facilities.
- Reduced utility costs for community group tenants, supporting ongoing viability.
- An equitable approach and certainty around the roll out of roof top solar on Council owned leased facilities.
- Tangible demonstration of Council's commitment to leadership in mitigating climate change.

As previously discussed, Council has several options in relation to both sizing and funding the solar roll out on leased facilities.

Based on the Council's target of carbon neutrality for the Banyule Community by 2040, the most cost-effective way to achieve this is to size for daytime and night time use (size the system to make as much solar in the daytime as is used throughout day and night) which will result in net zero energy usage for a site. This option is considered best practice, presents the best return on investment and will enable Council to invest in other community led initiatives to achieve the target of carbon neutrality for Banyule by 2040 such as programs to incentivise solar for business.

Council emissions, which include leased facilities, account for approximately 3% of municipal emissions. Other larger contributors include:

- residential building energy – approximately 28%;
- commercial building energy approximately 36%; and,
- transportation - approximately 36%.

## **CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

A *Do Nothing* approach and exploration of other avenues to achieve the target of carbon neutrality for Banyule by 2040 such as the mandatory purchase of green power for all organisation that use Council owned facilities is also a plausible option.

However, Council has made clear its intention to maximise solar on all its available roof space (having regard to existing site constraints such as the structural integrity of the building and shading) given its declaration of a *Climate Emergency* and its desire to provide strong leadership to support climate action.

While it is possible to confirm principles for the solar program for leased facilities to be based on maximise rooftop coverage, it should be noted that every site presents different site constraints, such as roof structure, shading from nearby trees or buildings and capacity of the sites existing electrical system.

To provide further clarity, create equity and certainly for stakeholders, it would be sensible to establish a maximum payback period of 10-year return on investment for any solar system installation.

### *Funding Options*

As previously mentioned, Council has several funding models available to achieve solar on leased facilities summarised in **Attachment 1**.

The payback scheme will include additional administration tasks and additional staff resources will be required.

It is not possible to estimate the contribution each lessee will be required to make toward the solar system given the site constraints for each building is unknown and the current billing data is not available, however, the notion of lessee's paying a contribution towards the system creates value to the overall program.

A payback period using energy cost savings from those groups who will benefit from the solar system for a period of five years will provide a compelling case study for those not-for-profit community groups who lease council facilities.

This program will provide an ongoing financial benefit for those not-for-profit community groups who contribute to the overall health and wellbeing of Banyule.

## **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.

**CLIMATE ACTION PROGRAM - SOLAR ON LEASED FACILITIES cont'd**

**CONCLUSION**

Increasing solar on Council's buildings that are leased to not-for-profit community groups will provide long term environmental and financial benefits to the community, support Council's recent adoption of the Community Climate Action Plan (CAP) and assist archiving the target of carbon neutrality for the Banyule Community by 2040.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Summary of funding options for Council Owned Leased Facilities	





## **5.1 DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020)**

Author: David Moon - Development Planning Coordinator, City Development

### **Previous Items**

Council on 3 February 2020 (Item 5.5 - Development Planning Activities Report (July - December 2019))

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

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### **EXECUTIVE SUMMARY**

This report presents and provides commentary on the January to June 2020 activities of Development Planning and Building. Key highlights from the review period include:

#### Development Planning

- 'Live' (current) planning applications and requests reached a low of 366 in January and steadily increased over the review period to 407 in June;
- The percentage of applications determined within the statutory timeframes reached a record high in May with 81% of planning application determined in 60 days and 97% of VicSmart application determined within 10 business days.
- The number of tree related applications increased significantly during the review period with 386 applications received, a 46% increase on the previous six months.
- There has been a decrease in the number of Council decisions which have been overturned by the Victorian Civil and Administrative Tribunal throughout the review period with 49% of applications for review set aside by the Tribunal which is an improvement compared to 55% in the previous financial year.
- No 'out of time' appeals have been received in the review period or 2019/20 financial year.

#### Building

- The financial performance of Banyule BPI for the delivery of statutory and commercial services for the 2019/20 financial year is \$270,655 (excluding corporate overheads) compared to \$145,178 in the previous financial year (86% increase).
- Within a competitive market the number of Building permits issued over the 6 month review period was 537 which is comparable to the same time period in 2019 of 533.
- There was a 6% increase in permits issued for this financial year compared to last financial year
- There has been no increase in the number of outstanding building enforcement investigations overall despite receiving many more complex investigation requests than for the same period in 2019.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

COVID-19 Impacts

- By comparison to the same period in the previous financial year, COVID-19 has not resulted in a reduction in Planning and Building applications being lodged in the fourth quarter of 2019/20.
- During the last quarter of the financial year when COVID-19 restrictions were introduced, the number of applications increased and was notably higher than the same period of the 2018/19 financial year.

**RECOMMENDATION**

That Council note the Development Planning and Building Activities Report for the period January to June 2020.

**COUNCIL PLAN**

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

**BACKGROUND**

On 13 September 2010, Council received the first of a number of ongoing reports regarding town planning activity at VCAT affecting Banyule City Council. That report outlined the types of appeals, the number of appeals lodged, the number of decisions received, as well as the types of decisions. Subsequent reports have presented six monthly or yearly data from 2010 to date but with an expanded range of key performance indicators and data sets across Development Planning and Building Approvals and Enforcement.

**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.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**DEVELOPMENT PLANNING**

**PLANNING PERMIT APPLICATIONS AND RELATED REQUESTS RECEIVED AND DETERMINED**

The 2019-20 financial year has seen an increase in the number of planning applications (standard applications and Section 72 amendments to permits) and related requests (secondary consents, subdivision certifications and condition 1 plans for approval) received compared to the previous financial year.

In the 2019-20 financial year, 2410 requests were received compared to a total of 2166 in 2018-19, resulting in an increase of 244 (11.27%) requests. The total number of requests determined over the financial year exceeded the number received with a total of 2434 determinations, resulting in 24 more requests being determined than received.

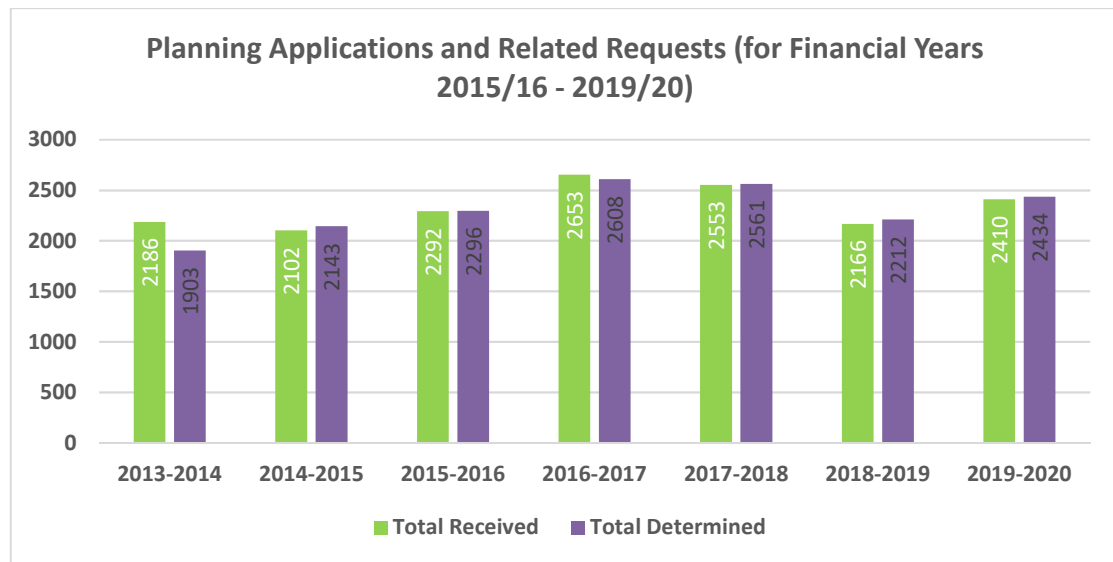


Figure 1 – Comparison with previous financial years

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

Figure 2 below shows the number of 'live' (current) applications per month across the financial year. During the six month review period the number of live applications at any point in time has been on a steady increase from a low of 366 in January 2020 to a high of 407 in July 2020. In other words the 'backlog' in applications being processed at any one point in time has been increasing. This can be attributed to an increase in incoming applications through April to June following the introduction of the COVID-19 restrictions which may be a demonstration of confidence in the housing market. Despite the increase in live applications, the total number of live applications at the end of the review period remains below the live target maximum threshold of 450 set in September 2019.

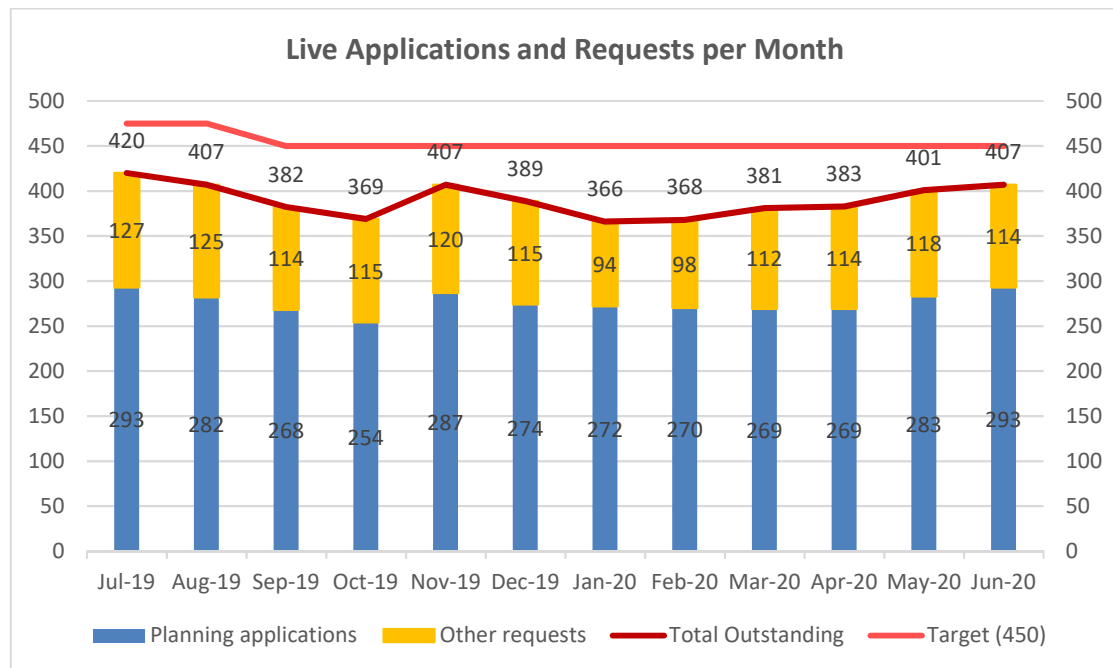


Figure 2 – Live planning applications and related requests by month

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

As shown in Figure 3 below, on a month to month basis the number of planning applications received and determined has varied throughout the year. The six month review period has seen a notable increase in number of applications received and determined, which has resulted in an increase to the averages for each category. In March to June 2020 there were 200 or more applications received per month exceeding all previous months during the financial year except for November 2019 when 200 applications were received.

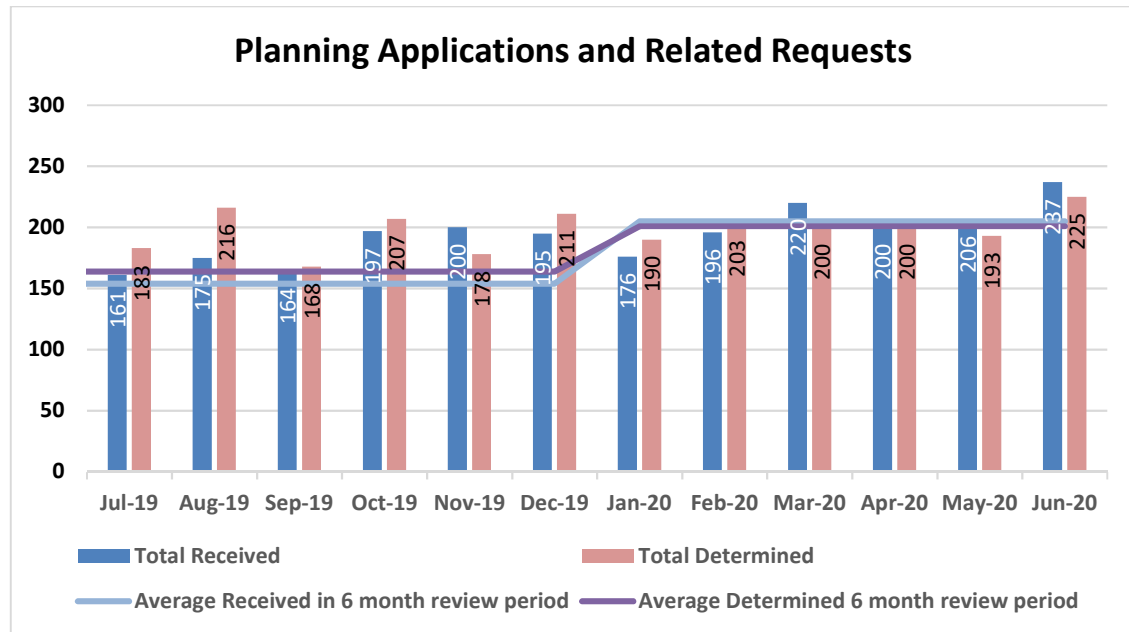


Figure 3 – Applications and requests by month

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**PROCESSING TIMEFRAMES**

Figure 4 below indicates the average number of days for Council to make a determination for each month and the percentage of applications determined within the statutory timeframe for standard planning applications and VicSmart applications which have a 60 day and 10 business day decision timeframe respectively.

On average from January to June 2020, 68% of planning applications were determined within the 60 statutory days and 83% of VicSmart applications were determined within the 10 business day statutory timeframe. The month of May was notable with a high of 81% of planning applications and 97% of VicSmart applications being determined in their respective statutory timeframes. The average number of days for a determination also dropped to a historic low of 44 days in May. Overall, for the review period, the average gross days for a determination was less than the previous review period indicating improved processing times.

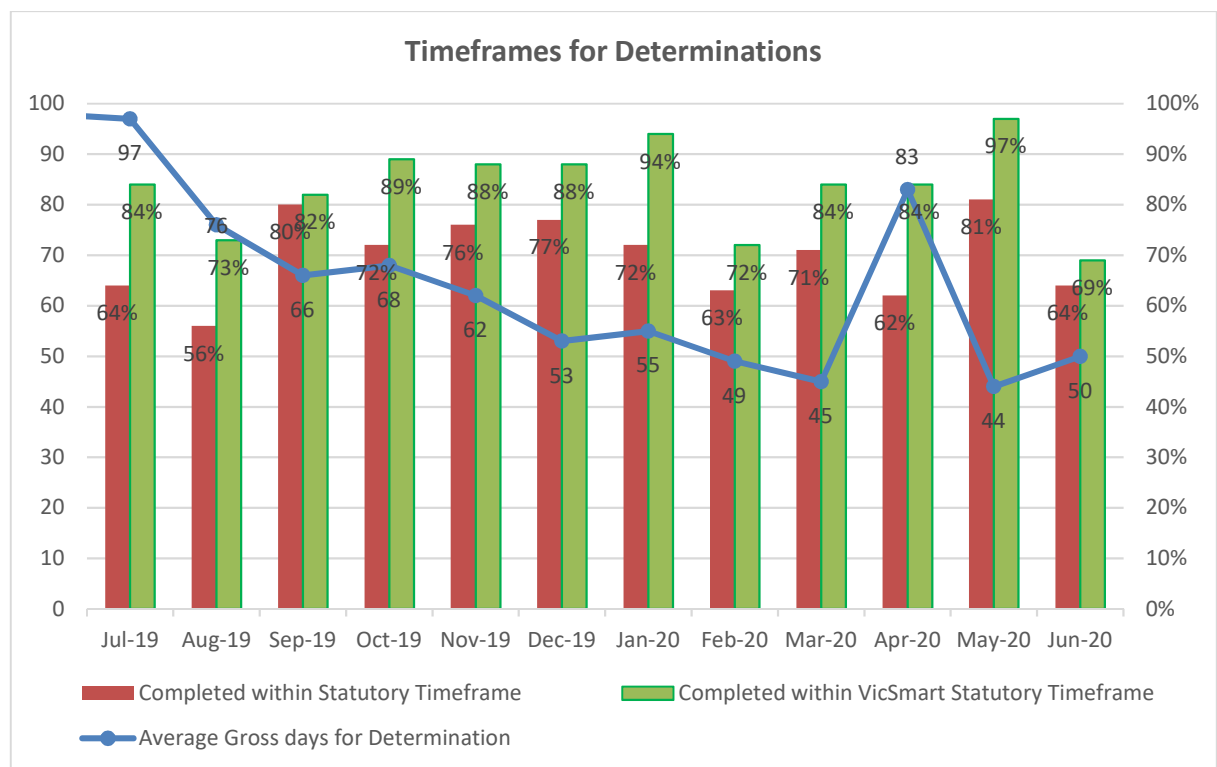


Figure 4 – Timeframes for Determination for 2019/20

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**APPLICATIONS BY TYPE**

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

- The number of applications for tree removal and pruning increased substantially during the review period when compared to the six month review periods from previous years. The number of tree related applications has contributed significantly to the increase in live applications during the review period.
- Applications for multi dwelling development decreased in the second half of the financial year by approximately 16.5% from 109 to 91. The decrease in applications is consistent with previous years where the number of multi-dwelling applications received between January and June is less than July to December with January being a particularly quiet month for incoming applications;
- The number of subdivision applications has increased with 85 applications received which is equal highest with July to December 2018. This may be contributed to by the developments associated with the high number of permits issued between 2017 and 2018 which are now being completed.

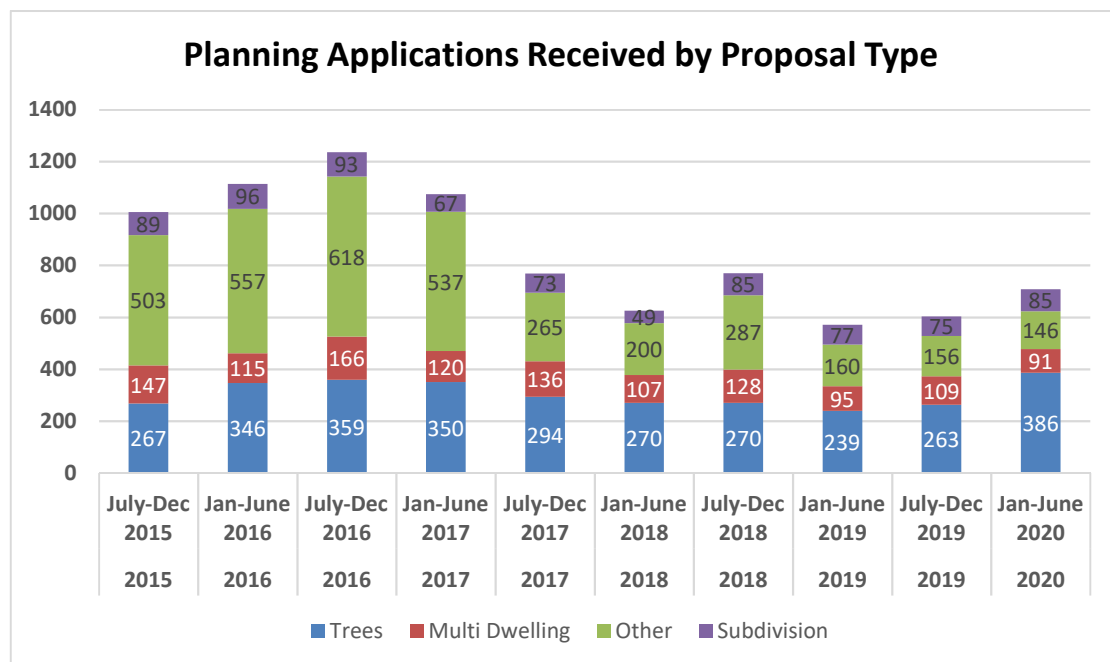


Figure 5 - Planning permit applications received by proposal

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

Figures 6 and 7 below outline the number of planning application types (Permit applications, VicSmart, Section 72 Amendments, Certifications and other requests) being received and determined over a six month period. During the six month review period the number applications received has exceeded those determined in the key areas of permit applications and VicSmart applications (which are reportable application types). When subdivision certifications are included, a total of 1192 applications were determined, compared with 1242 in the previous six month period.

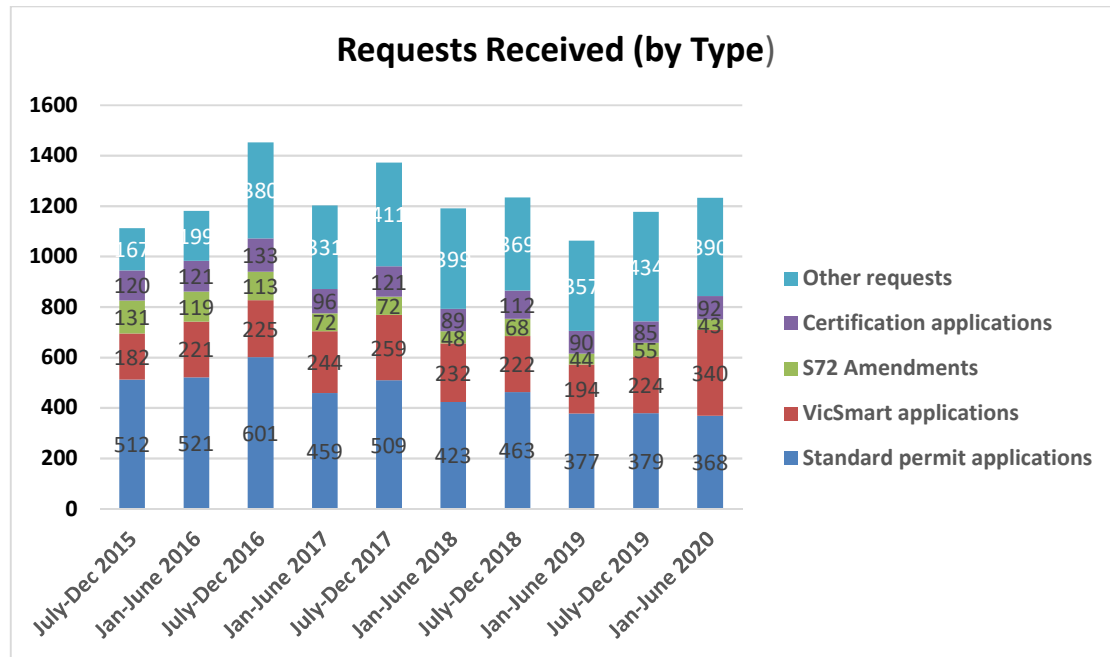


Figure 6 – Requests received by type annually (including certification)

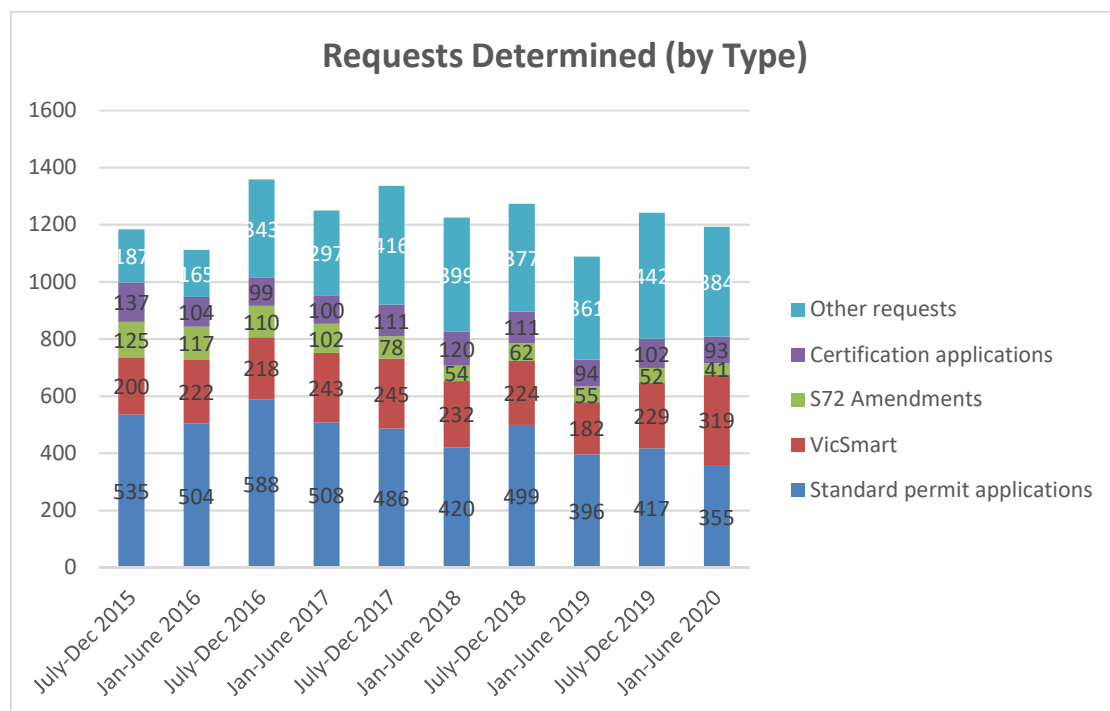


Figure 7 – Requests determined by type annually (including certification)



**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**TREE PERMIT APPLICATIONS**

The number of applications lodged and determined for tree removal are shown in Figure 8 below against the actual and target outstanding workload. An average of 54 applications were lodged per month throughout the financial year. The introduction of COVID-19 restrictions in March resulted in an increase in the number of tree related applications received and the average applications received per month during this period increasing to 69. The increase in applications received resulted in the number of live applications increasing above the target of 25 and the need for consultant support to assist the team in reducing the backlog of tree related applications.

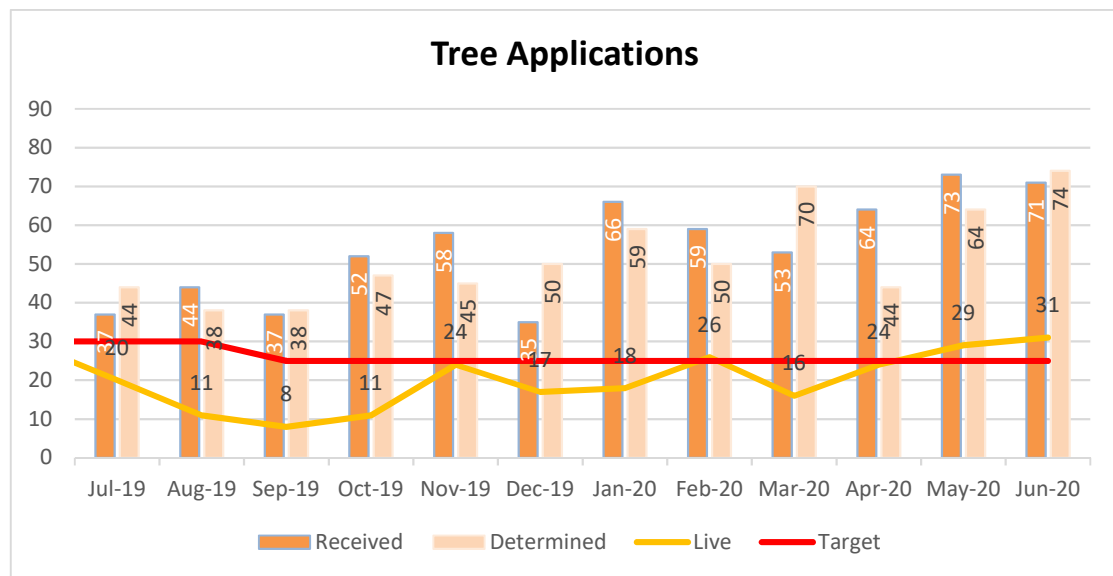


Figure 8: Tree Permit applications received and determined by month

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**PLANNING INVESTIGATIONS**

An average of 18 breaches per month of Planning Permits and the Planning Scheme were brought to the attention of the Development Planning Unit in the 2019-20 financial year.

These breaches relate to built form (such as development, overlooking and signage), land use and vegetation removal. The total number of live investigations declined by 24% from 54 to 41 throughout the financial year through the continued efforts of planning investigations staff to action the requests.

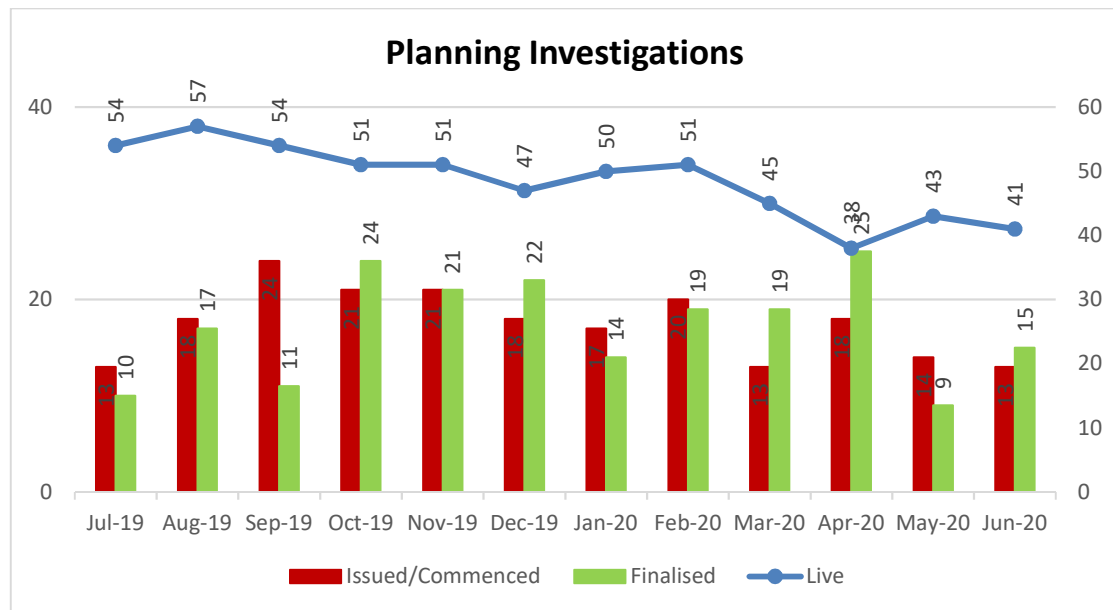


Figure 9 – Planning complaints/investigations initiated and finalised

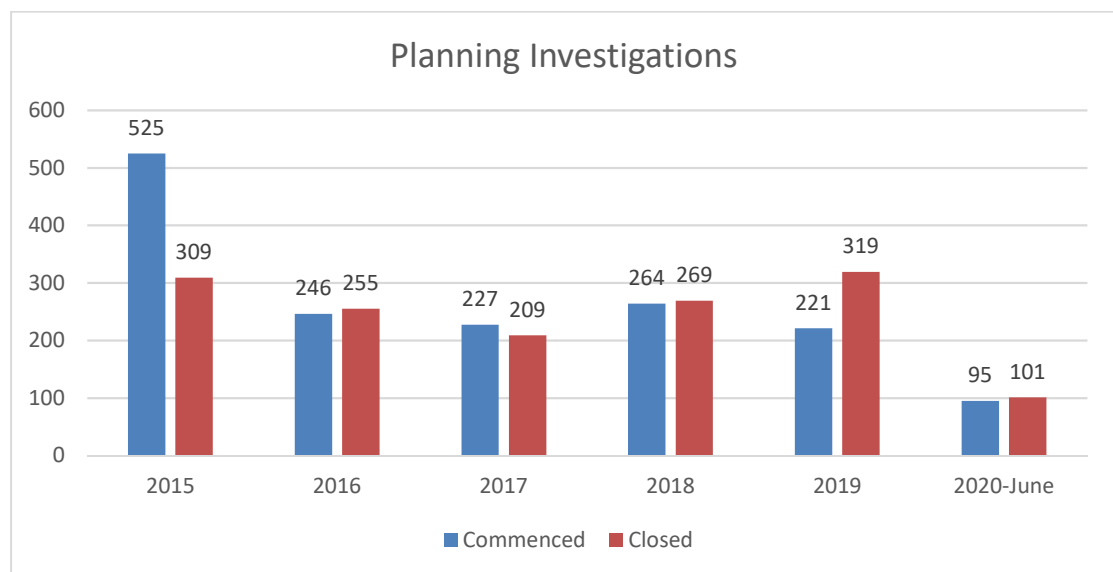


Figure 10 – Planning complaints/investigations initiated and finalised

As detailed in Figure 10 above, 95 planning investigations were instigated, and 101 planning investigations have been closed in the first half of the year. The number of

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

investigations received during the first six months of 2020 is less than half of those received in previous calendar years.

Over the six month review period eight Planning Infringement Notices have been issued with eight paid, three withdrawn and five outstanding at the end of the financial year.

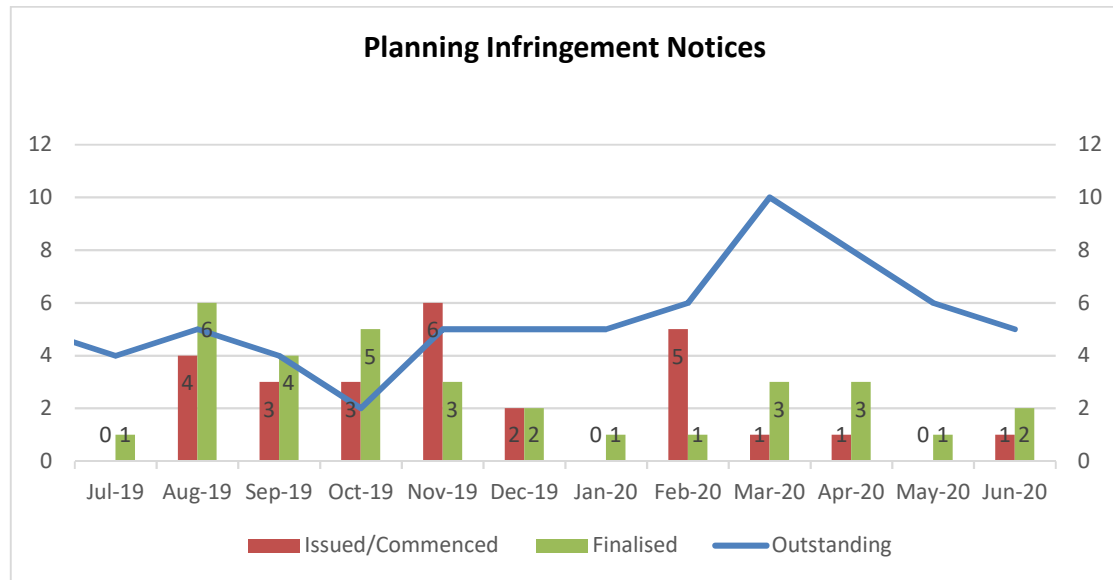


Figure 11 – Planning Infringements initiated and finalised

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**PLANNING REVIEWS (VCAT)**

**REVIEWS LODGED AT VCAT**

The total number of reviews at the Victorian Civil and Administrative Tribunal (VCAT) received for each six month interval since 2015 is detailed in Figure 12 below. There have been 23 reviews lodged in the current review period, 10 less than the previous six months and the lowest number of reviews lodged in a since month period since 2016. This continues a downward trend in the number of reviews lodged at VCAT since a peak of 43 in the second half of 2018.

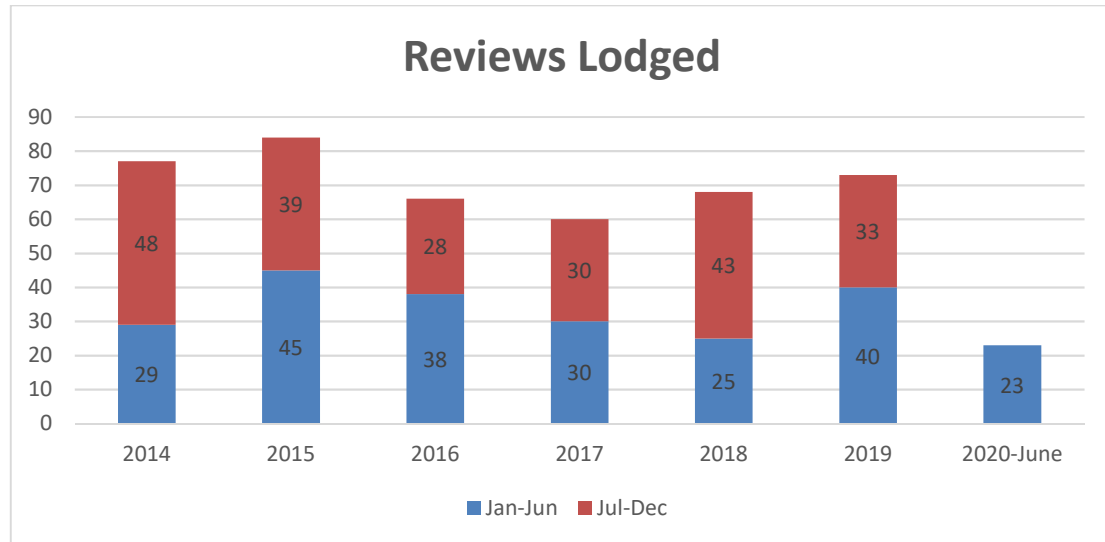


Figure 12 – Total Reviews received by year

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

As detailed in Figure 13, the majority of reviews lodged continue to be by permit applicants.

In the second half of the 2019/20 financial year, no reviews were lodged against Council not making a decision within the statutory timeframe (i.e. 'out of time'). This continues the trend from the first half of the financial year of not receiving any 'out of time' appeals.

The number of reviews lodged against refusals to issue a permit for the review period is 19, this is six less than the previous review period, however remains higher than July to December 2017 and January to July 2018.

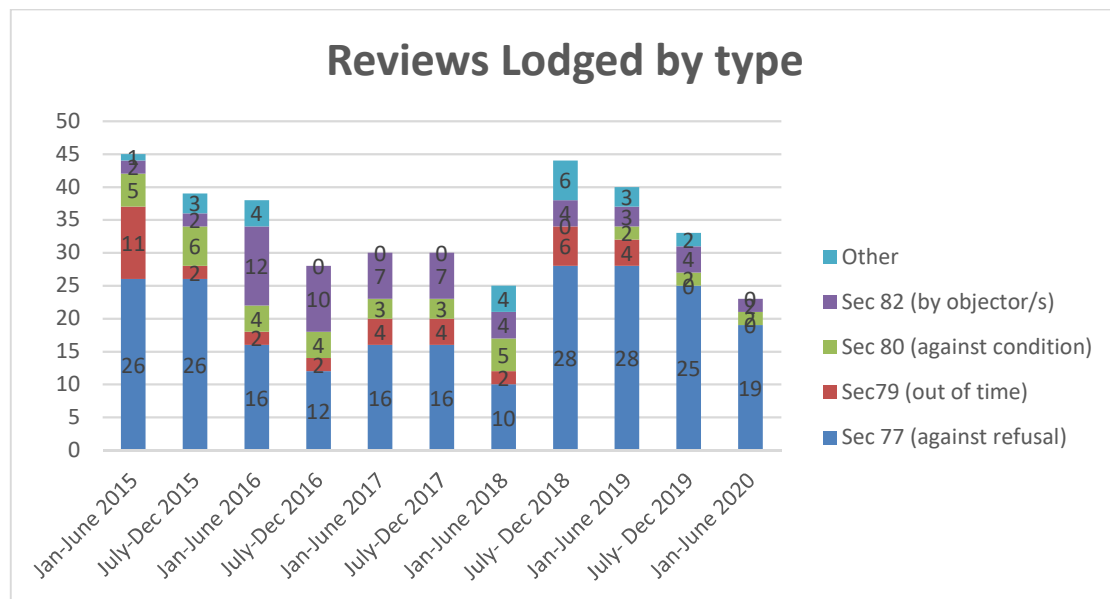


Figure 13 – Reviews lodged by type

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**VCAT DECISIONS RECEIVED**

As detailed in Figure 14 below, there has been a decrease in the number of decisions which have been overturned by the Tribunal throughout the financial year with 49% of applications for review set aside by the Tribunal compared to 55% in the previous financial year. A further 38% of Council's decisions were upheld and 13% of reviews varied. The percentage of reviews with Council's decision upheld at 38% is the largest percentage of decision upheld for the past five financial years and continues to indicate that the Tribunal's view on what is acceptable is better aligning with Council's view.

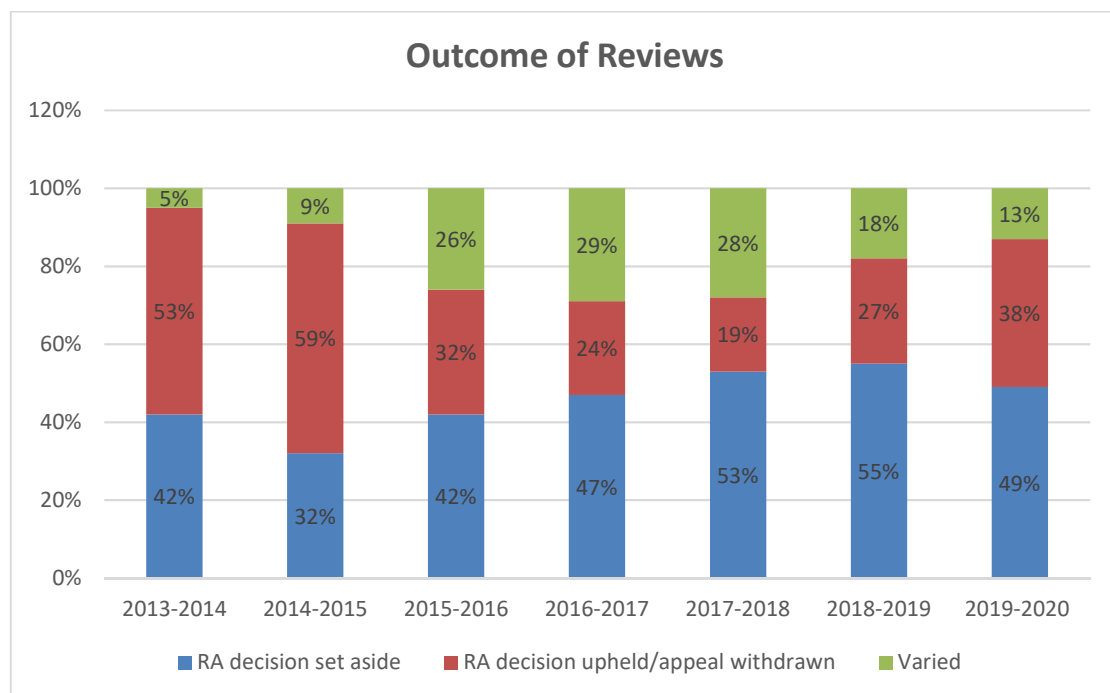


Figure 14 – Outcome of reviews

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**COVID-19 Impacts on Development Planning Activity**

Table 15 below provides a comparison of the number of applications received between April and June 2019 and April and June 2020 to provide an overview of the impact of COVID-19 on the Development Planning team. The table includes data for multi-dwelling applications, tree related applications, PPAR reportable applications which includes planning application, Section 72 Amendment applications, subdivision applications and VicSmart applications and Total Requests.

Applications Received	Multi-Dwelling Applications	Tree Related Applications	PPAR Reportable Applications	Total Requests
April to June 2019	49	101	292	478
April to June 2020	40	205	388	628
Variation	19% decrease	103% increase	32% increase	31% increase

*Table 15 - COVID-19 Impacts on Development Planning Activity*

The above table indicates that there has been increased demand on the Development Planning team since the COVID-19 restrictions were introduced in March and April. There has been a significant increase in the number of Tree Related applications received during this period with more than double received compared to the previous year.

The number of multi-dwelling applications received since the restrictions were introduced has decreased and may be a result of uncertainty in the economy.

Overall the total number of applications and requests received has increased by roughly a third compared to the same period in 2019 indicating that COVID-19 has had less of a reduction on incoming applications than the softening of the housing market did in the previous year.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**BUILDING**

**Financial performance**

The financial performance for the 2019/20 financial year is a net return of \$270,655 (excluding corporate over heads) compared to \$145,178 in the previous financial year (86% increase). Figure 1 below shows this result in the context of previous years.

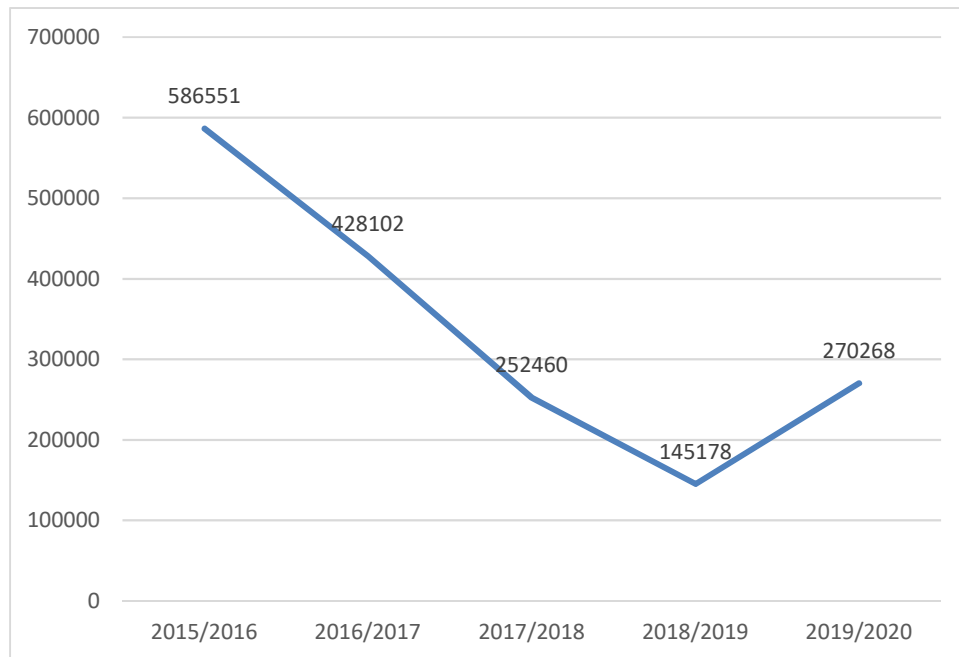


Figure 1. Banyule BPI profit by financial year (note: overhead costs not included)

Council adopted the Banyule BPI Business Plan and has completed the fourth year of the five year plan. This business plan projected a position of \$339,694 for year 4 and the result is \$69,039 unfavourable compared to this result. It is noted that the demand on the senior Building Surveyors due to the Victorian Cladding Taskforce continues to impact on the capacity of the team, to some degree, to pursue a greater market share and business opportunities.



DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd

Building permit activity

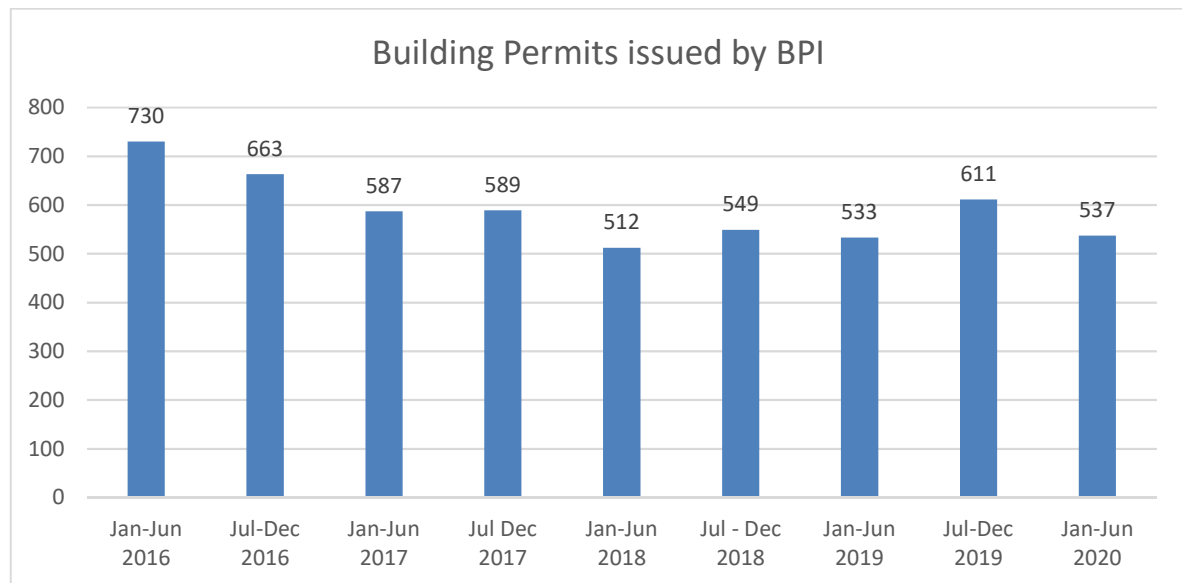


Figure 2: This graph highlights the number of building permits issued over 6 month periods

The graph shows the number of issued building permits over the last 6 month period compared to the same period in 2019. During January - June 2020 there were 537 permits issued, compared to same time in 2019 where there were 533 issued. The department is also focusing on providing services for a wide range of building permit projects rather than relying on volume builders permits.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**COVID-19 Impacts on Building Permit Activity**

Tables 3 below provides a comparison of the number of applications received between April and June 2019 and April and June 2020 to provide an overview of the impact of COVID-19 on Building permit applications being finalised.

Finalisation of a Building permit is largely dependent on the applicant who is waiting to sign contracts with builders, finance, or planning approvals. As such, the issuing of the building permit is a strong indication of readiness to commence building. Table 3 below shows a 5% decrease in the number of building permits issued in the 'COVID-19 period' compared with the equivalent period in 2019.

Building Permits Issued	Dwelling and Multi Units	Commercial	Other	Total
April to June 2019	53	16	226	295
April to June 2020	46	10	224	280
Variation	13% decrease	38% decrease	1% decrease	5% decrease

*Table 3 – Comparison of building permits issued in COVID-19 period.*

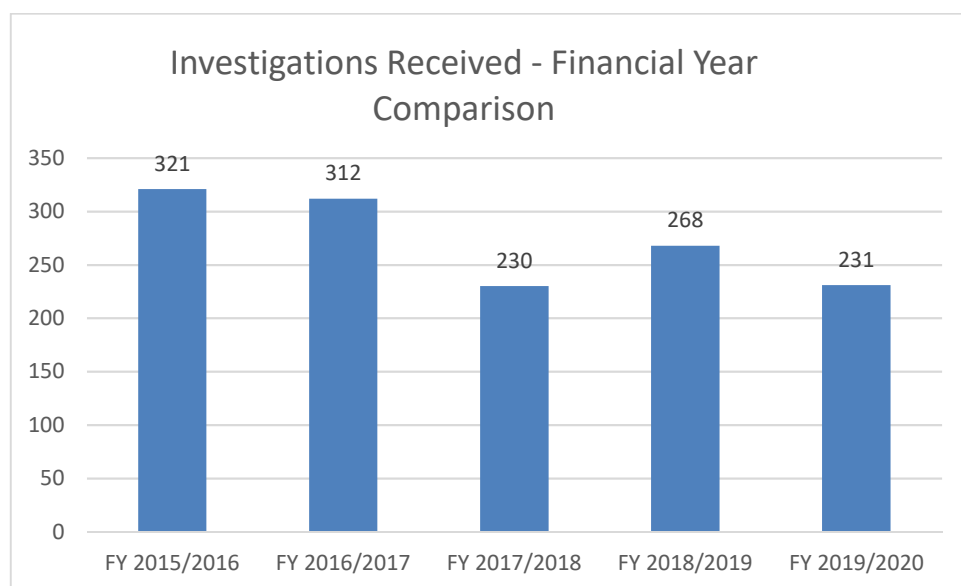
Table 4 below indicates a 5% increase in the number of building permit applications lodged and between April and June 2019 and April and June 2020.

Building Permit Applications Lodged	Received
April to June 2019	297
April to June 2020	312
Variation	5% increase

*Table 4: Comparison of building applications received in COVID-19 period.*

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**Building investigations**



*Figure 5 Complaints received in relation to, illegal building works, unfenced swimming pools and dangerous buildings.*

The number of building investigations received in the 2019/20 financial year is lower than the previous year and considerably lower than the trend 3 to 4 years ago. It is also noted that Cladding Task Force investigations have only been included in this data in recent years. As such, there is clearly a decrease in resident generated building investigation complaints. This result is supported by effective triaging and Officers focusing on providing information to customers at their first point of enquiry.

There are currently 29 ongoing investigations on buildings with dangerous cladding within Banyule reported to Council by the Cladding Task Force of Victoria.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT (JANUARY - JUNE 2020) cont'd**

**CONCLUSION**

The development planning team have reduced the backlog of planning applications and related requests benefitting from service improvements and initiatives which were introduced in 2018. Processing timeframes have improved with the number of applications decided within the 60 day statutory timeframe increasing to 71%.

The financial performance of Banyule BPI for the delivery of statutory and commercial services for the 2019/20 financial year is \$270,655 (excluding corporate over heads) compared to \$145,178 in the previous financial year (86% increase).

By comparison to the same period in the previous financial year, COVID-19 has not resulted in a reduction in Planning and Building applications being lodged in the fourth quarter of 2019/20.

**ATTACHMENTS**

Nil

## **5.2 NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE**

Author: Rachel Kamath - Transport Planner – Major Projects, City Development

### **Previous Items**

Council on 17 August 2020 (Item 5.1 - North East Link Project: Supreme Court Appeal Settlement)

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### **EXECUTIVE SUMMARY**

The North East Link (NEL) is being planned by the State Government as a direct north south road link through Banyule. Early works for the project commenced in May 2020, which include service relocations in preparation for main construction works in 2021.

As part of significant utility relocation early works, the intersection of Borlase Street and Drysdale Street will be temporarily closed by CPB Contractors. This will remove access to the eastern section of Drysdale Street and prevent residential vehicular access for the community, as Drysdale Street currently terminates in a dead-end at Lower Plenty Road.

The closure of Drysdale Street at Lower Plenty Road was originally by order of the City of Heidelberg in December 1975 under the Local Government Act 1958. The gazette for the closure was published on 22 September 1976. This area is outside of the declared project area for the NEL and there is some conjecture on whether the North East Link Project (NELP) can use their powers under the Major Transport Projects Facilitation Act 2009. Given this, NELP has made a request to Council to approve the temporary reopening. As the decision for the closure of the road was made by Council it is considered appropriate that the decision to temporarily reopen the road is also made by Council.

CPB Contractors is seeking to temporarily open Drysdale Street at the south-eastern end, through to Lower Plenty Road, for approximately two one-week periods in September 2020 and May 2021, whilst early works temporarily close the intersection of Borlase Street and Drysdale Street. Subject to approval, the intersection of Drysdale Street and Lower Plenty Road will be open for local vehicular access only during the early works utility relocation period mentioned.

It is considered that the limited temporary opening of Drysdale Street to provide local vehicular access for residents, with a condition of reinstatement after works are completed should be allowed.

**NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd**

**RECOMMENDATION**

That Council:

1. Support the opening of Drysdale Street through to Lower Plenty Road, as a limited temporary measure during works affecting vehicular access at the intersection of Borlase Street and Drysdale Street, as part of early works utility relocation for the North East Link project.
2. Note that the temporary opening of Drysdale Street and Lower Plenty Road is for approximately two one-week periods, occurring in September 2020 and May 2021, with affected residents and Council to be notified a minimum of seven days prior to the road network changes.
3. Advise the contractor that all design and technical documentation pertaining to the opening of Drysdale Street, at its intersection with Lower Plenty Road, must be submitted to and approved by Council prior to commencing works.
4. Advise the contractor that upon completion of these works, the Drysdale Street and Lower Plenty Road intersection must be removed and reinstated to its existing conditions.

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

Early Works for the Project began in mid-May 2020, following the gazettal of Planning Scheme Amendment GC98, designation of the project area, approval of the Cultural Heritage Management Plan, and the review of the Communications and Community Engagement Plan in line with the Project's Environmental Performance Requirements. The first site compound for the North East Link has been established at Borlase Reserve with a Construction Compound Plan approved by the Minister for Planning on 11 May 2020 prior to works.

CPB Contractors (the Contractor) were awarded the Early Works contract in September 2019, and will be relocating power, water, gas, sewer and telecommunications services so major construction work can begin in 2021. Early Works will take place across the north-east of the project area starting from the M80 Ring Road and Greensborough Bypass through to Greensborough Road and Lower Plenty Road intersection.

The Contractor needs to temporarily open Drysdale Street, at the intersection of Lower Plenty Road, for approximately two one-week periods between September 2020 to May 2021.

**NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd**

The closure of Drysdale Street at Lower Plenty Road was by order of the City of Heidelberg in December 1975 under the Local Government Act 1958 with the gazette for the closure being published on 22 September 1976.

This area is located outside of the declared project area for the NEL and there is some conjecture as to whether the North East Link Project (NELP) can use their powers under the Major Transport Projects Facilitation Act 2009 to open the road.

Given this, NELP has made a request to Council to approve the temporary reopening.

This report outlines the proposal submitted by CPB Contractors on behalf of NELP and recommends the next steps to provide access for the local community.

**LEGAL CONSIDERATION**

On 22 September 1976, the eastern end of Drysdale Street, was 'closed to through traffic' pursuant section 539C of the *Local Government Act 1958*, by way of the notice published in *Victoria Government Gazette no. 85*. Before its closure, Drysdale Street was constructed and used by the public as part of the public road network. It is included on Council's register of public roads, where it is classified as a 'non-trafficable' road.

The Project Area for NEL was designated by the Minister for Planning under section 95(2)(a) of the *Major Transport Projects Facilitation Act 2009* (MTPFA) on 5 February 2020. The works supporting the opening of Drysdale Street are outside the NEL designated project boundary and therefore, provisions of the NEL Incorporated Document do not apply.

As the original decision for the closure of the road was made by Council, it is considered appropriate that the decision to temporarily reopen the road is also made by Council.

**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.

## NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd

### CURRENT SITUATION

Drysdale Street is a local street in Yallambie, with one lane of traffic in each direction. It runs from Greensborough Road in the west, and then continues in the east, intersecting with Borlase Street, following which it finishes in a dead-end, closed at Lower Plenty Road. The eastern end of Drysdale Street is currently constructed as public open space and can be used by pedestrians and cyclists to access the existing bus stop on Lower Plenty Road. Drysdale Street can be accessed through Greensborough Road and from Borlase Street via Coleen Street. A locality plan is provided in Figure 1.

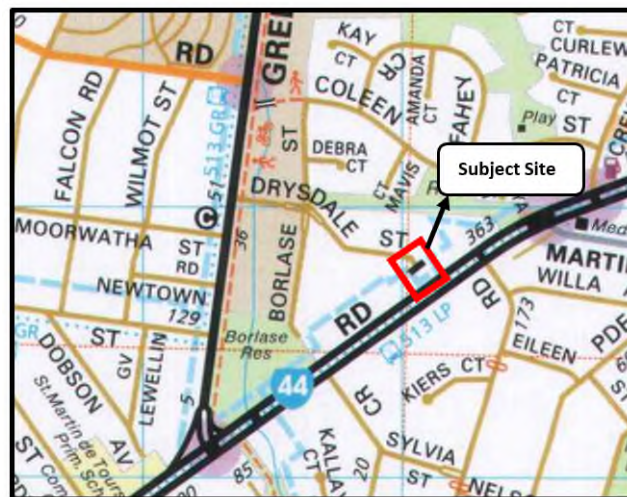


Figure 1 - Locality plan showing Drysdale Street, Yallambie

### DISCUSSION

CPB Contractors (the Contractor) is delivering the Early Works package for NELP and undertaking the relocation of several utility services to enable the commencement of main contract works in 2021. The intersection of Drysdale Street and Borlase Street is scheduled to be temporarily closed due to utility installation works, which will prohibit vehicular access for residents in the eastern section of Drysdale Street, between Borlase Street and Lower Plenty Road. The only point of vehicular access for residents will be through the proposed opening of Drysdale Street on to Lower Plenty Road.

As such, the Contractor is seeking approval from Council to temporarily open Drysdale Street, at its intersection with Lower Plenty Road, for approximately two one-week periods in September 2020 and May 2021. This will enable residential vehicle access to be retained through Lower Plenty Road while works are undertaken at the intersection of Drysdale Street and Borlase Street.

### Description of Works

The proposed works at the intersection of Drysdale Street and Lower Plenty Road will include the following:

- Construction of temporary road pavement to extend the existing road pavement at the south-eastern end of Drysdale Street, providing vehicular access to Lower Plenty Road.



**NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd**

- Temporary relocation of the existing bus shelter on Lower Plenty Road to the west of the proposed intersection, noting that this will also include provision of advertising signage within the relocated shelter.
- Additional speed and traffic management measures on Drysdale Street and Lower Plenty Road when the intersection is in operation (for approximately two one-week periods).
- Barriers to block vehicle access when the intersection of Drysdale Street and Lower Plenty Road is non-operational, thus avoiding through traffic from utilising the intersection.

**Approvals for proposed works**

It is necessary to review technical aspects of this proposal, including but not limited to, stormwater drainage, planning permits, asset relocation and/or protection, pavement and geotechnical design. Therefore, it is required that all design documents must be submitted to Council for assessment and approval prior to commencement of works, in accordance with Council standards.

Consent is required from the Department of Transport (VicRoads and PTV) for the creation of the intersection with an arterial road. In addition, a Traffic Impact Assessment (TIA) with input from Council is to be undertaken prior to works. A road Safety Audit of the road design and its implementation is also required.

Additional considerations include maintaining access for pedestrians, emergency vehicles and waste collection vehicles during the operation of the intersection of Drysdale Street and Lower Plenty Road.

**Reinstatement after completion of works**

As part of the proposal to open Drysdale Street, the Contractor intends to reinstate the south-eastern section of Drysdale Street to its existing condition after completion of the operational period of the intersection. This would include but is not limited to, reinstating the existing reserve status of this section of Drysdale Street and relocating the bus stop infrastructure to its existing location.

Therefore, it is required that the design documents for the proposed works include reinstatement considerations, which must be submitted to Council for assessment and approval prior to commencement of reinstatement works, in accordance with Council standards.

## **NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd**

### **CONSULTATION**

As part of the Contractor's proposal to open Drysdale Street, community consultation was undertaken by the Contractor with the residents in the eastern section of Drysdale Street (all properties east of Borlase Street).

The properties on Drysdale Street, between Lower Plenty Road and Borlase Street, were surveyed. In addition to providing surveys in the resident's letterbox drop on 22 May 2020, CPB Contractors followed up with phone calls to all known residents from 25 May to 28 May 2020. There was a follow-up through door knocking on 1 June 2020 for the remaining residents (through implementation of social distancing rules consistent with the relevant State Government COVID-19 restrictions applicable at that time). An overview of the survey results is shown in Table 1.

**Table 1 Overview of survey results**

<b>Properties included in survey</b>	<b>23</b>
<b>Responses received</b>	<b>15</b>
<b>Properties in agreement of proposal</b>	<b>13</b>
<b>Properties in disagreement or unsure of proposal</b>	<b>2</b>
<b>Vacant properties</b>	<b>2</b>

### **Feedback**

As outlined in Table 1 above, the consultation received a response from 15 properties. Most of the respondents responded positively when asked if they agreed to the opening of Drysdale Street as part of NEL Early Works. Additional feedback from the survey is as follows:

- Most residents did not use the bus stop located at Lower Plenty Road, near Drysdale Street.
- Most residents would park in Borlase Street or Lower Plenty Road if access could not be provided at Drysdale Street during the proposed works.
- Additional comments included a preference for parking to be restricted to one side of the street due to the narrow width of Drysdale Street, when vehicles are parked on both sides in existing conditions.
- Additional comments included a request for provision of off-street parking at the eastern end of Drysdale Street for use by residents.

One respondent did not support the temporary opening of Drysdale Street and requested changes to existing on-street parking conditions.

The Contractor has outlined the feedback received overall as being 'one of acceptance with overall agreement to the short-term traffic changes and the opening of Drysdale Street at Lower Plenty Road'.

**NORTH EAST LINK PROJECT - TEMPORARY LIMITED OPENING OF DRYSDALE STREET, YALLAMBIE cont'd**

In addressing the feedback obtained from residents, the additional comments regarding on street parking have also been forwarded to Council's Traffic and Transport department for further review.

**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**

Access to the eastern section of Drysdale Street, between Borlase Street and Lower Plenty Road, will be negatively impacted during Early Works undertaken for NEL by CPB Contractors, resulting in limited vehicular access for residential properties in this section for two planned short durations.

CPB Contractors is seeking Council permission to temporarily open Drysdale Street through to Lower Plenty Road for approximately two one-week periods in September 2020 and May 2021, in order to provide road access for residents only. Community consultation has been undertaken where most residents agreed to the short-term operation of the Drysdale Street and Lower Plenty Road intersection.

It is considered that Drysdale Street should be temporarily opened to provide vehicular access for the local community, conditional that the contractor undertakes reinstatement upon completion of works.

**ATTACHMENTS**

Nil

## **5.3 CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS**

Author: Shehan Mapa - Traffic & Transport Engineer, City Development

Ward: Griffin

### **Previous Items**

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

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

Council on 15 June 2020 (Item 5.4 - Waterdale Road, Ivanhoe - Placement of Permanent Barriers)

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### **EXECUTIVE SUMMARY**

This report is to enable Council to formally consider the written submissions received regarding the proposed placement of permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road.

As part of the discussions for the Open Space Strategy in 2007 and Ivanhoe Structure Plan (ISP) in 2011, Waterdale Road, at Upper Heidelberg Road, Ivanhoe, was identified as a suitable location to create a pedestrianised area. The ISP was adopted by Council on 17 December 2012 and a revised version on 1 December 2014, which formally recommended a pedestrianised area at this intersection.

Recently, Council was successful in obtaining a grant under the Local Parks Program valued at \$1.3 million to create a 'pocket park' for this location.

There are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now, being the approach to reinstatement of the road following the temporary closure and to give certainty for the concept designs of the pocket park.

Council at its meeting on 15 June 2020, considered a report regarding the placement of permanent barriers on Waterdale Road, at Upper Heidelberg Road and resolved to commence the statutory procedures pursuant to sections 207 and 223 of the *Local Government Act 1989* ("Act"). All relevant statutory procedures have now been completed, including public advertising and consultation with all emergency services and Department of Transport. Submissions received are to be considered in this report before a final decision on 21 September 2020.

Further planning and consultation will also be undertaken to determine how the proposed public space is designed, developed and implemented as part of the larger pocket park project.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**RECOMMENDATION**

That:

1. In respect of Council's published intention to place permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road; and
2. Having received and considered submissions received under section 223 of the *Local Government Act 1989* ("Act");
3. Council hereby resolves to receive and consider a further report and to make a final decision on the proposed placement of permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road, and to give its reasons for its decision, at the ordinary meeting of Council to be held on Monday, 21 September 2020.

**COUNCIL PLAN**

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

**BACKGROUND**

**Ivanhoe Structure Plan**

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

One of the actions within the ISP was to explore opportunities for pedestrianised areas and the creation of up to seven new public squares. Waterdale Road, south of Upper Heidelberg Road is one of those seven locations and was identified as an appropriate location early in the draft stages of the ISP.

The history of this particular site being identified is as follows:

**2007**

The need for additional public gathering spaces and pedestrian friendly environments within Ivanhoe was identified during the preparation of the Public Open Space Plan, notably areas along Upper Heidelberg Road ('Preliminary Background Report – Open Space Analysis' for the Ivanhoe Structure Plan).

During the development of the ISP, an issue was raised regarding the lack of a town square or neighbourhood park in the Ivanhoe Activity Centre. Given this, the following opportunities were identified in 2007 ('Issues and Opportunities Log'):

- *Activity Centre planning has potential to establish a 'hierarchy of movement modes'. If priority is put towards pedestrian needs then reduced traffic speeds in a Pedestrian Priority Precinct, as well as a suite of streetscape improvements, has potential to make a more liveable public realm through the activity centre.*

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

- *Consider feasibility of closing a road intersection to create a neighbourhood park that has frontage on to Upper Heidelberg Road. This will require consideration of traffic management impacts.*

**2011**

The 'Preliminary Draft Structure Plan Background Paper' provided a Framework Plan Detail in 2011, which identified Waterdale Road as a location for a public square and nominated Waterdale Road, south of Upper Heidelberg Road as a location to investigate a potential road closure. This is then carried forward to the Natural Environment Plan (page 21) and Pedestrian and Cycling Plan (page 25) of the 'Post Consultation Draft ISP' as a potential location for a new plaza space. At this point, only 3 of the eventual 7 locations have been identified.

The '2011 Draft ISP' was sent out for broader public consultation later in 2011 with the inclusion of a potential road closure and public square on Waterdale Road, south of Upper Heidelberg Road.

**2012**

A revised 'August 2012 Draft ISP' was presented to Council with several changes made in response to the previous public consultation, including a key action being: "*Better access to open spaces, strengthened heritage controls and the potential for new public squares*". An additional 3 public square locations were included in this Draft ISP, raising the total to 6. Accordingly, further consultation was then conducted on the 'August 2012 Draft ISP'.

General feedback on this Draft ISP indicated support for public squares, however concerns were raised that no public squares were proposed for the Darebin Station Precinct. As such, the revised 'December 2012 Draft ISP' included an additional public square for the Darebin Station Precinct.

**2014**

The final Ivanhoe Structure Plan was adopted in December 2014 following public exhibition and panel review of Amendment C93, which translated the ISP in to the Banyule Planning Scheme. No further changes were proposed regarding the new public squares.

**Public Open Space Plan (2016-2031)**

Page 80 of the Public Open Space Plan (2016-2031) indicates that much of the Ivanhoe Shopping Centre and the Ivanhoe Railway Station Precinct is likely to become multi-level residential and commercial land use, with potentially little or bare minimum community open space provided in new developments. A key recommendation on page 81 is to investigate strategies for improving access to public open space for residents in areas that aren't within reasonable walking distance of a park. The map on page 73 identifies several areas close to the intersection of Waterdale Road and Upper Heidelberg Road that are not within acceptable walking distance to Council open space.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**Local Parks Program**

The Local Parks Program vision is to create new parks and to revitalise existing local parks to provide much-needed recreation space and to provide greener suburbs in built up urban areas of metropolitan Melbourne. This program includes a \$35 million investment towards creating 25 new pocket parks. This investment is part of the Victorian Government's broader commitment to creating a ring of new parklands in growing suburbs and is guided by the new *Metropolitan Open Space Strategy* principles under *Plan Melbourne*, the Victorian Government's long-term vision for metropolitan Melbourne to 2050.

In order to be considered as part of the application process, proposed sites must meet several guidelines. The proposed location meets these guidelines based on the following:

- The site is located within the electorate district of Ivanhoe.
- The land is suitable for repurposing and is less than 2,000m<sup>2</sup>.
- The site is located within a built-up area which is forecast to grow further.
- The site will provide opportunities for recreation and socialising with adequate space for landscaping within an area that has a shortage of public open space.
- The land is owned by Council.
- There will be no impacts to wildlife or existing vegetation.
- The site has been identified in the *Ivanhoe Structure Plan* as a location for a potential pedestrianised area and landscaped public square and is consistent with the *Public Open Space Plan*.
- The site is highly visible and can be designed to meet Crime Prevention Through Environmental Design (CPTED) principles.
- The site is well positioned with regards to public transport and trails/paths.
- The site has access to services and amenities including a public toilet, lighting and water.

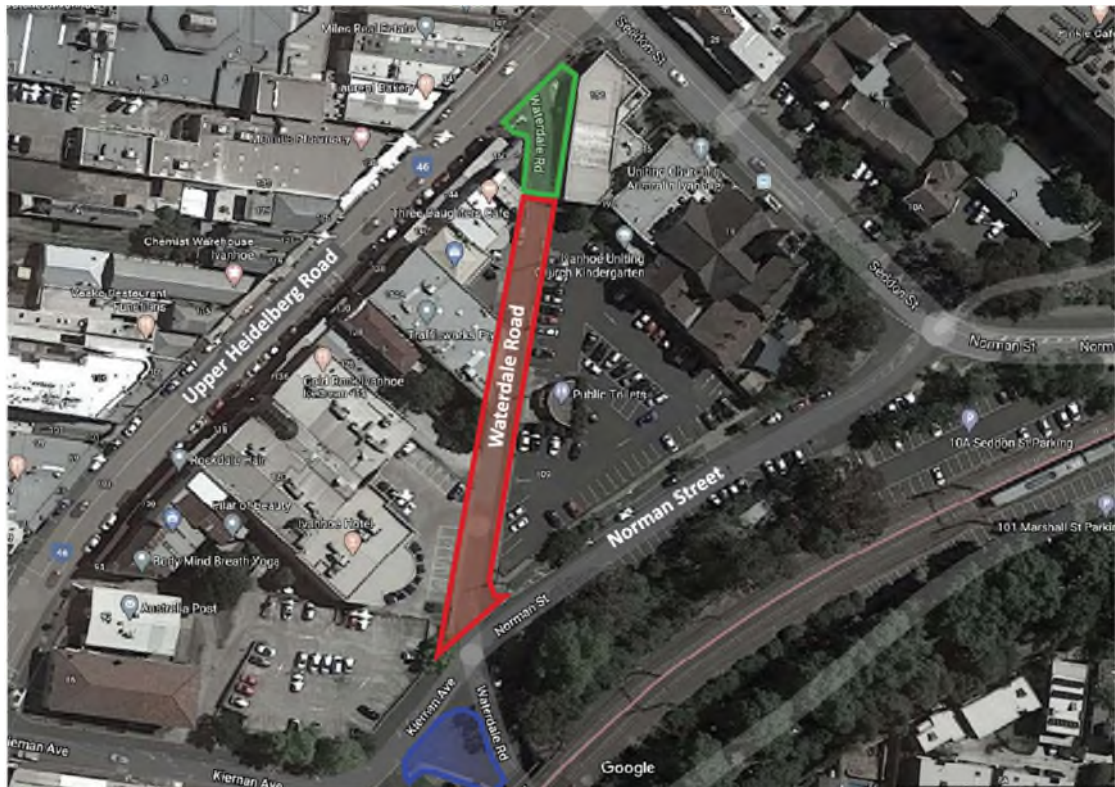
An assessment was undertaken of the seven locations identified in the Ivanhoe Structure Plan, and the Waterdale Road location was considered as the most appropriate site which meets the above criteria and as such an application was submitted.

Council was successful in obtaining a grant valued at \$1.3 million under this program with the funding being announced by the Minister for Energy, Environment and Climate Change on 24 May 2020

The aim of the project is to create a green urban space and to provide an area for passive recreation and socialising in a built-up urban area in Ivanhoe. The concept is to:

- Develop a new pocket park at the intersection of Waterdale Road and Upper Heidelberg Road (green hatching).
- Develop a new pocket park at the intersection of Waterdale Road and Norman Street (blue hatching).
- Convert a section of Waterdale Road between Upper Heidelberg Road and Norman Street into a shared pedestrian – vehicular zone (red hatching).

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 1. Pocket Park Concept Areas**

It is anticipated that the two pocket parks will both provide opportunities for recreation and socialising and could include but not be limited to:

- Canopy trees and areas of soft landscaping.
- Furniture including seats, benches, bike racks and bins.
- Feature paving.
- Lighting.
- Public art.

The shared pedestrian - vehicular zone could comprise of but not be limited to:

- One-way traffic movements north along Waterdale Road, with vehicles egressing the site to Norman Street via an existing right of way that runs along the north-east title boundary of the triangular car park to the east.
- A vehicular speed restriction of 10 km/h (subject to approval).
- Signage to clearly identify pedestrian priority.
- Road pavement to be an alternative material to traditional/surrounding road surfaces to act as a visual clue that the zone is shared with pedestrians.
- Rumble strips/threshold treatments to slow traffic.
- Gun-barrel alignment of Waterdale Road to be broken up with landscaping so that the trafficable surface is serpentine/meandering to physically prevent high speed.
- A rest node in proximity to the existing public toilets located mid-block.
- Canopy trees and areas of soft landscaping to improve visual amenity.

The design will need to comply with current standards and benchmarks. Further consultation will be undertaken with the community on a concept design. Background



**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

investigations are currently being undertaken to inform the pocket park project inclusive of a contamination investigation, feature and levels survey, service infrastructure review and site analysis.

Community consultation with respect to the pocket park is anticipated to commence in late November/early December 2020, subject to Covid 19 restrictions being eased. At this time, the community and key stakeholders will be invited to provide input and feedback to ensure that the park design is functional, in keeping with the local character and commensurate with community expectations and needs.

Consultation is likely to include:

- Mailout;
- Signage;
- Community/stakeholder meetings/workshops;
- Shaping Banyule web page;
- Social media posts.

Prior to detailed design, the outcomes of the community consultation will be detailed in a Council report seeking endorsement of the proposed pocket park concept.

**Timing for closure**

There are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now.

The development at 154 Upper Heidelberg Road is nearing completion. During the works some changes have been made in the road reserve to install services and a permit was granted to use the road reserve for a temporary work compound. These installations and works are required to be reinstated with repairs to any damage caused to the road. If the road is to be closed different requirements can be placed on the developer to reinstate in a way that supports the pocket park. Further, the altered traffic movements that drivers have become familiar with can remain.

However, if the reinstatement works are undertaken to return Waterdale Road to a through road once the development at 154 Upper Heidelberg Road is completed in the near future then those reinstatement works will need to be removed once again at the time that the road is actually closed. This is not a cost effective use of community resources. Additionally, drivers would be given access to Waterdale Road for a short time only before it is once again closed which will be confusing, particularly for drivers who only occasionally use the nearby streets.

The second primary reason relates to the planning of the pocket park project. By confirming that the closure is proceeding now will give certainty for the concept designs of the pocket park. The project will be different if the road is not closed and discussion will need to take place with the State Government regarding a revised scope of the project.

## **CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

### **Placement of permanent barriers**

Council considered a report at its meeting on 15 June 2020 regarding the placement of permanent barriers on Waterdale Road, south of Upper Heidelberg Road. As part of the meeting Council resolved to commence the statutory procedures involved pursuant to sections 207 and 223 of the *Local Government Act 1989* (“Act”).

This report details the submissions received and all other relevant details relating to the proposal.

### **LEGAL CONSIDERATION**

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

Under Section 223, Council must publish a public notice:

- Specifying the matter in respect of which the right to make a submission applies
- Containing the prescribed details in respect of that matter;
- Specifying the date by which submissions are to be submitted, being a date, which is not less than 28 days after the date on which the public notice is published;
- Stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

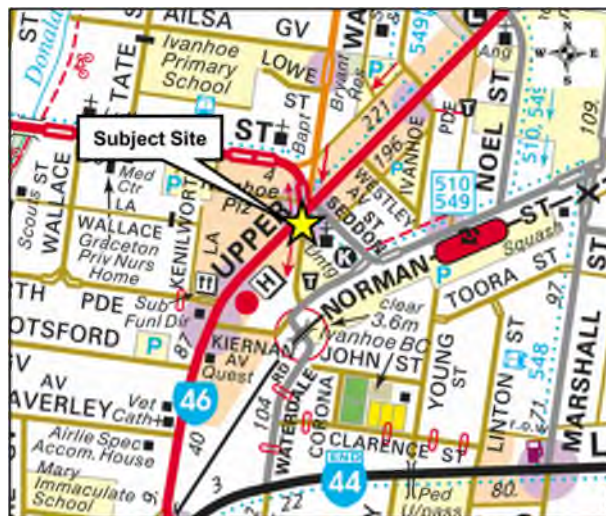
### **HUMAN RIGHTS CHARTER**

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

### **EXISTING CONDITIONS**

The subject site, Waterdale Road, Ivanhoe, at Upper Heidelberg Road is classified as a local/residential street under Council’s road hierarchy. The urban default speed limit of 50km/h applies to this section and given its residential nature, the road is expected to carry less than 2,000 vehicles per day. A locality plan is presented in Figure 1 below.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 2. Locality Plan of Waterdale Road, Ivanhoe, at Upper Heidelberg Road.**

The section of road currently operates in a one-way (southbound) arrangement and is approximately 6.4m wide. Access to the section is limited to a left hand turn only from Upper Heidelberg Road.

To facilitate the construction of the development at 154 Upper Heidelberg Road, access to Waterdale Road from Upper Heidelberg Road was temporarily closed. However, to maintain access to the abutting properties and the off-street carpark, the section of road between the right of way and Norman Street was temporarily modified to allow two-way traffic flow. This closure commenced in July 2019 and will remain in place until the completion of the development which is expected shortly.

**PUBLIC NOTIFICATION**

Council representatives met with the Ivanhoe Traders Association with regard to this project prior to the formal notification period and no immediate concern were raised around the proposal with general support indicated.

Public notice of the intention to install permanent barriers on Waterdale Road, Ivanhoe, at Upper Heidelberg Road pursuant to Section 207 and 223 of the Act was subsequently undertaken with a Public Notice published in the Herald Sun on 16 July 2020.

The notice was also posted on Council's website, on physical boards located at the site of the closure and circulated to over 150 properties within the block of Seddon Street, Upper Heidelberg Road, Kiernan Avenue and Norman Street.

The physical signs were displayed on site between 17 July and 18 August 2020. However, the submission period for the community closed on 25 August 2020 after being extended. Notification was prominently displayed on Council's website for the entire notification period including through until 25 August 2020.

In addition, the proposal was submitted to the Traffic Management Unit of Victoria Police, the Metropolitan Ambulance Service and Metropolitan Fire Brigade for comments.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

The proposal was also submitted to the Department of Transport (DoT) on 19 November 2019 for initial comment and they in principal had no objections to the proposal. A formal report has been requested as per the Local Government Act 1989 requirement. When received, this report needs to be considered prior to any exercising of the installation of permanent barriers powers. This report should be available for consideration at the Council meeting on 21 September 2020.

**Submissions**

During the submission period, 47 written submissions were received. The main points have been summarised below.

Opposition to the closure:

- Closure of Waterdale Road, at Upper Heidelberg Road is against the best interests of the community and commuters.
- Waterdale Road serves as the most direct route travelling south from Upper Heidelberg Road. Alternate routes would take 5-10 minutes longer due to traffic.
- The closure of Waterdale Road would be detrimental to the traders located along Upper Heidelberg Road and would only serve as benefit to the new development located at 154 Upper Heidelberg Road.
- Waterdale Road contains heritage value and should not be altered.
- The traffic volume generated by the closure of Waterdale Road would have a significant impact to the surrounding road network and increase congestion.
- Would limit access to the Norman Street carpark.
- The proposed pedestrianised area would encourage antisocial behaviour from the nearby Ivanhoe Hotel.
- Concerns that the community consultation and advertisement of the proposal was limited due to COVID-19 restrictions and as such are requesting to defer the decision to close the road.
- The proposed “pocket park” location is situated between a number of tall structures and will be subject to limited sunlight and high winds.
- Instead consider a temporary closure and creation of a temporary “pop-up” park to gauge community impacts.
- The closure should be deferred to after the Council elections and the creation of the new Chelsworth Ward.

Support for the closure:

- The existing section of road has limited vehicle use whilst being in a high pedestrian use zone.
- The proposed pedestrianised area would be an asset to the community.
- It would improve the safety of pedestrians travelling in the area

Victoria Police have responded indicating no objections to the proposal.

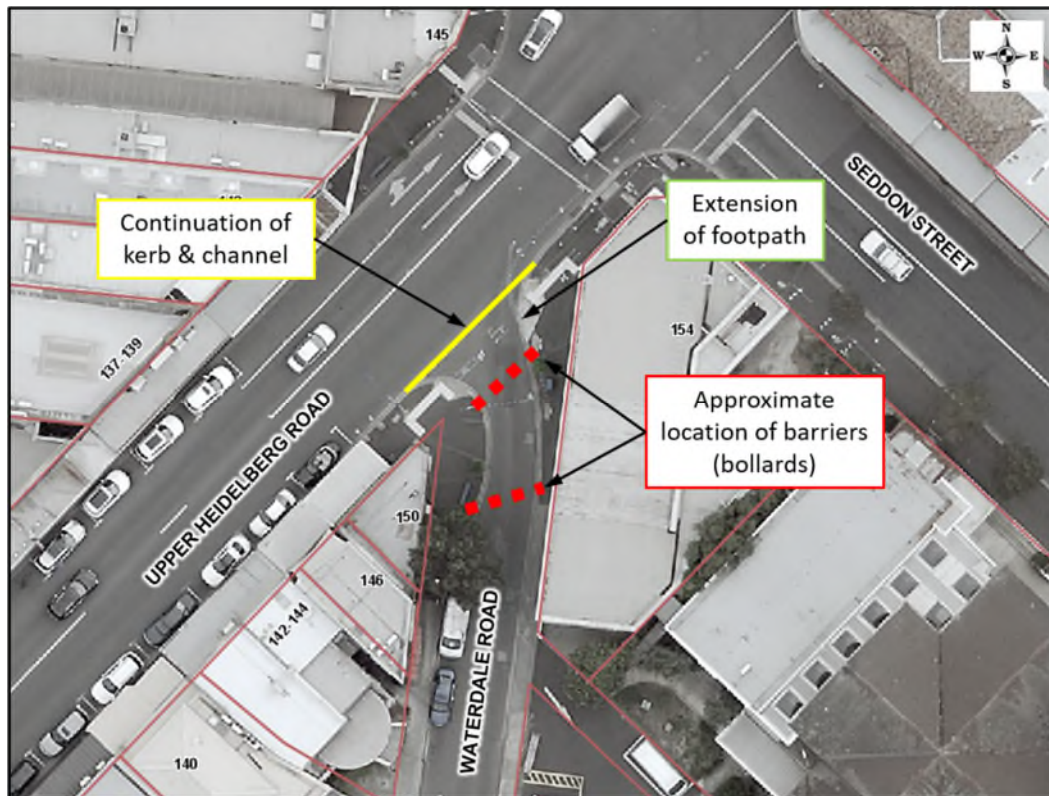
A full copy of all submissions has been circulated to Councillors separately to this report for their information and consideration as part of the hearing of submissions.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**DISCUSSION**

The proposal consists of the installation of permanent barriers on Waterdale Road at Upper Heidelberg Road, to facilitate the construction of a pedestrianised area in accordance with the Ivanhoe Structure Plan.

As shown in Figure 2 below, the current aim is to extend the existing kerb, channel and footpath along Upper Heidelberg Road and install permanent barriers in two locations at approximately 4m and 18m from the kerb line of Upper Heidelberg Road to prevent vehicle access.



**Figure 3. Waterdale Road, Ivanhoe at Upper Heidelberg Road – Proposal Traffic Response**

A number of the submissions received have raised concerns that the proposal would limit traffic access to the area. Figure 3 and Figure 4 shown below, highlight the existing and proposed vehicle route access to the area. The proposed changes will see improved two-way access from Norman Street.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 4. Waterdale Road, Ivanhoe – Current vehicle access**



**Figure 5. Waterdale Road, Ivanhoe – Proposed vehicle access**

Should the road closure proceed, it is expected that the majority of vehicles travelling south along Waterdale Road will travel via Seddon Street instead as appears to be currently occurring. Traffic counts conducted in January 2016 indicated 985 vehicles per day (958 southbound and 28 northbound) along this section of Waterdale Road.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

Given the one-way arrangement at the time, this indicates that 28 vehicles were travelling illegally in the wrong direction.

Traffic counts along Seddon Street indicate that approximately 7,597 vehicles travel along the road per day. Banyule City Council's Road Register classifies Seddon Street as a level 1, sub-arterial road, which is expected to carry between 10,000 – 15,000 vehicles per day. As such, the additional traffic generation is well within the capacity of Seddon Street and will have a minimal impact to the surrounding road network.

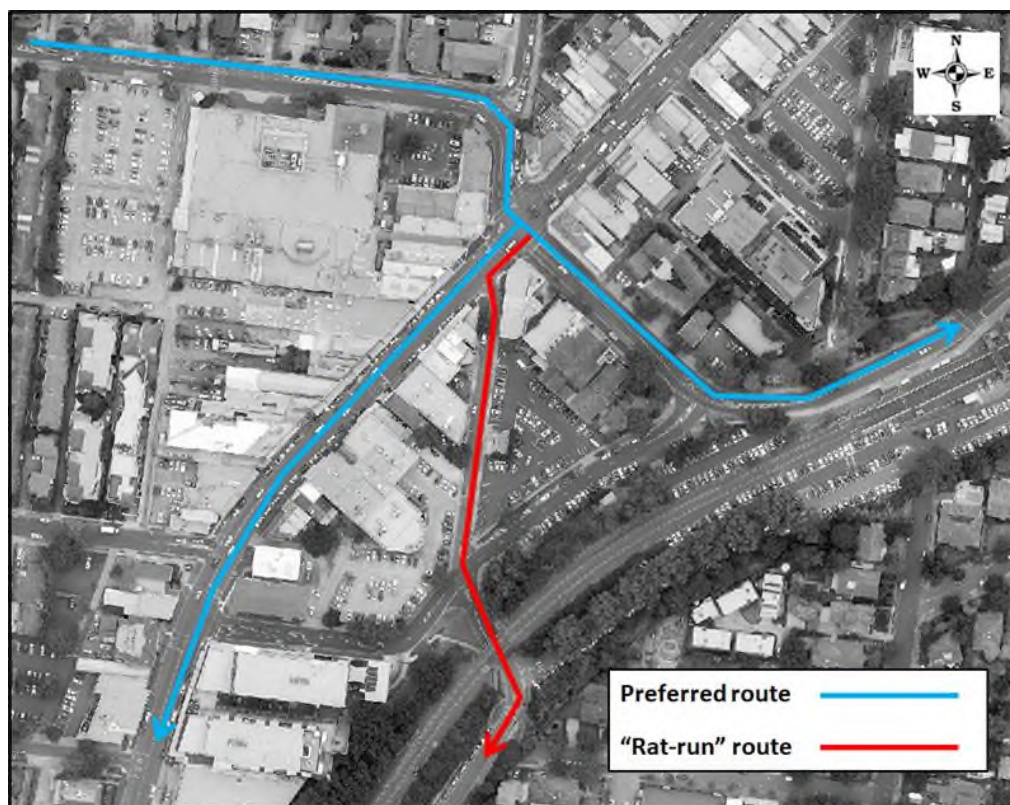
In addition, access to Waterdale Road from Upper Heidelberg Road has been temporarily closed for the last 14 months and no issues have been identified. This has provided a good trial run for a permanent closure of the road and supports the notion that the proposed road closure will have minimal impact to the surrounding road network.

**Local Impacts**

Over the years, Council has received several concerns regarding increasing traffic along Waterdale Road between Norman Street and Lower Heidelberg Road. The proposed closure is expected to reduce the amount of travel through the residential area of Waterdale Road and is expected to encourage motorists to remain on the arterial road network when travelling south through the municipality.

In addition, Council has also acknowledged concerns regarding “rat-running” in the area due to congestion along Upper Heidelberg Road. This issue is substantiated by the number of submissions received objecting to this proposal as it outlines that Waterdale Road is used as a thoroughfare. As shown in Figure 6 below, the existing conditions allow for vehicles to travel from Livingstone Street, continuing south on to Waterdale Road and under the rail bridge to cut through the area via a residential street. The preferred route of travel through the area is via the arterial and sub-arterial road network, specifically through Upper Heidelberg Road and Seddon Street. The proposed road closure will undoubtedly reduce “rat-running” through residential streets which can be seen as a benefit to the residents in the immediate area.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 6. Waterdale Road, Ivanhoe – Travel Routes**

**COVID-19 Impact on Community Consultation**

Concerns have been raised regarding the community consultation and indicated that public notice of the proposal was limited due to COVID-19 restrictions. A significant amount of advertisement was conducted to promote the public notice for submissions. As previously outlined, public notification was conducted through the Herald Sun, Council's website, physical sign boards on-site and through letter drops to over 150 properties.

In response, 47 written submissions been received which is significantly greater than the standard number of submissions received for similar proposals. Hence, the consultation conducted can be considered suitable given the advocacy conducted by local community members.

**Other Concerns**

It has been asserted that the current proposal for a pedestrianised area on Waterdale Road was raised in response or for the sole benefit of the recent development occurring at 154 Upper Heidelberg Road, Ivanhoe. This is not the case as Waterdale Road, amongst six other locations were identified as opportunities in the Ivanhoe Structure Plan. These actions raised within the Ivanhoe Structure Plan occurred prior to the development at 154 Upper Heidelberg Road.

It has been highlighted that Waterdale Road contains heritage value and should not be altered. Whilst Waterdale Road has a long-standing history and was shown on parish plans, the proposal does not intend to remove the road status just restrict vehicle access.



**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

To address concerns for the local traders, the closure of Waterdale Road, at Upper Heidelberg Road and the subsequent creation of a pedestrianised area is supported by the Ivanhoe Traders Association and is considered as a significant benefit to the local traders.

Suggestions have been raised to defer the road closure decision to a later date. As outlined previously, there are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now. Firstly, the development at 154 Upper Heidelberg Road is nearing completion and will soon undertake reinstatement works. Should the road closure proceed, this is not a cost-effective use of community resources. Secondly, the confirmation of the road closure will provide direction for the pocket park concept designs. Further details to these reasons are outlined within the Background of this report under "Timing for closure".

It has also been suggested that a temporary closure is undertaken to facilitate the creation of a temporary "pop-up park" to gauge community impacts. Whilst genuine traffic experiments can be undertaken, this has essentially been reproduced with the introduction of the temporary road closure since July 2019 for the development of 154 Upper Heidelberg Road.

With regards to concerns to specific concerns regarding the pocket park location and design, further planning and consultation will be undertaken to determine how this space is designed, developed and implemented as part of the larger pocket park project.

**FUNDING IMPLICATIONS**

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

If the proposal does not proceed, the funding will need to be returned to the State Government.

**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.

**CONSIDERATION OF SUBMISSIONS - WATERDALE ROAD, IVANHOE -  
PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**CONCLUSION**

The concept of closing a road to create additional public gathering spaces and pedestrian friendly environments adjacent to Upper Heidelberg Road, Ivanhoe dates back to at least 2007 when it was raised during the development of the Open Space Strategy.

In 2011, during the preliminary draft stages of the Ivanhoe Structure Plan (ISP), Waterdale Road, south of Upper Heidelberg Road was identified as a potential location for a public square. The ISP was adopted by Council on 17 December 2012 and a revised version was adopted on 1 December 2014, which confirmed this as a suitable location to create a pedestrianised area and public square.

Recently, Council was successful in obtaining a grant under the Local Parks Program valued at \$1.3 million to create a 'pocket park' on Waterdale Road.

Council at its meeting on 15 June 2020, considered a report regarding the placement of permanent barriers on Waterdale Road, at Upper Heidelberg Road and resolved to commence the statutory procedures pursuant to sections 207 and 223 of the *Local Government Act 1989* ("Act").

Public notice of the consultation period was published in the Herald Sun on 16 June 2020. The notice was also published on Council's website, on physical boards located at the site of the closure and circulated to over 150 properties within the area.

At the close of submissions on 25 August 2020, 47 written submissions were received.

From the written submissions received, the majority focused upon the traffic impacts that would arise if the road closure proceeded. Following traffic counts undertaken in Waterdale Road and Seddon Street, it is expected that Seddon Street has the capacity to carry the additional traffic volume following the road closure.

Comments on the proposal were requested from the Traffic Management Unit of the Victoria Police, the Metropolitan Ambulance Service and the Metropolitan Fire Brigade. Victoria Police have responded with no objections to the proposal.

Council should now hear and consider the submissions received and then formally consider its position on the road closure at its meeting on 21 September 2020. Further planning and consultation will be undertaken to determine how this space is designed, developed and implemented as part of the larger pocket park project.

**ATTACHMENTS**

Nil

## **5.4 21 - 25 BELLEVUE AVENUE, ROSANNA - CONSENT ORDER FOR THE PROPOSED CHILD CARE CENTRE (P954/2019)**

Author: Walla Idris - Development Planner, City Development

Ward: Ibbott

### **Previous Items**

Council on 24 February 2020 (Item 5.3 - 21 - 25 Bellevue Avenue, Rosanna - Proposed Child Care Centre - P954/2019)

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### **EXECUTIVE SUMMARY**

Planning Permit Application P954/2019 for the use and development of a child care centre, reduction in standard car parking requirements and display of advertising signage was refused by Council on 24 February 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 on Friday 7 August 2020. The Conference was chaired by the Tribunal with the permit applicant and Council representatives in attendance. There were five Objectors who were a formal party to the VCAT review.

As a result of the VCAT proceeding, the Permit Applicant and five objector parties agreed to an alternative outcome 'without prejudice' which reduces the number of children, reduces signage size, provides increased setbacks and fencing height. Council's representative agreed to conditions reflecting the alternative outcome on the basis that consent be formally obtained from Council.

It is considered that Council should now 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 Consent Order received by Council on 20 August 2020 in relation to Planning Permit Application P954/2019 for use and development of a child care centre and display of advertising signage.

### **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.

**21 - 25 BELLEVUE AVENUE, ROSANNA - CONSENT ORDER FOR THE PROPOSED CHILD CARE CENTRE (P954/2019) cont'd**

**BACKGROUND**

Planning Permit Application P954/2019 for the use and development of a child care centre, reduction in standard parking requirements and display of advertising signage was refused by Council on 24 February 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 on Friday 7 August 2020. The conference was chaired by the Tribunal with the permit applicant, objector parties and Council representative in attendance.

As a result of the Compulsory Conference, a Consent Order was agreed to by the Applicant for Review and objector parties. The Consent Order secures the following key changes to the proposal:

- Reduction in the number of children to be cared for on the premises
- Car parking to be provided in accordance with car parking rates specified Clause 52.06
- Additional privacy screening measures adjacent to residential properties.
- Additional noise attenuation fencing to outdoor play spaces and site boundaries.
- Increased building setback from residential properties.
- Increased front setback.
- Reduction in pole sign height and removal of illumination to signage

If Council accepts the above changes, the Tribunal can direct a planning permit to be issued and the VCAT hearing scheduled to commence on 8 October 2020 will not proceed.

If Council does not accept that a permit should issue subject to the above changes, 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 could seek to substitute amended plans. Whilst the conditions included in the Consent Order would become the conditions on the permit issued should Council agree, these are confidential at this time. This is because the proposed settlement is "without prejudice" and if Council does not agree to the Consent Order, the changes proposed 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 Consent Order is included as a confidential attachment to this report.

**CONSULTATION**

Public notification during the planning process attracted 13 objections. Following the refusal of the application, five objectors lodged Statement of Grounds for consideration by VCAT nominating to become parties to the review and participated in the compulsory conference. All objecting parties have agreed to the compulsory conference negotiated outcome.

**21 - 25 BELLEVUE AVENUE, ROSANNA - CONSENT ORDER FOR THE PROPOSED CHILD CARE CENTRE (P954/2019) cont'd**

**TECHNICAL CONSIDERATION**

In considering the Consent Order, the following comments are provided in relation to how the conditions resolve the Grounds of Refusal.

Strategic context

The Consent Order secures a reduction in children numbers, reducing the overall intensity of the proposal in the residential context with regard to noise and vehicle activity at the premises.

Furthermore, the reduction in built form particularly at the southern interface addresses the sensitive interface with residential dwellings at 18 and 26 Invermay Grove.

Residential Amenity

The amended proposal as a result of the Consent Order will not result in an unreasonable impact on the amenity of the surrounding residential neighbourhood given the increased building setbacks, reduction in eaves, additional acoustic fencing and overlooking measures.

These include a reduction in first floor building to southern elevation adjacent to the properties at 18 and 26 Invermay Grove and an increased front eastern setback to Bellevue Avenue through a reduction to upper level outdoor play area.

The Consent Order also secures additional acoustic fencing along the east, west and south elevations that are considered to provide sufficient noise attenuation measures for the non-residential use.

Additional visual screening measures to the southern boundary mitigate amenity impacts to neighbouring residential properties to the south.

Open space/landscaping

The proposed siting of the building provides opportunity for landscaping buffers to the street frontage of the site and along the western boundary shared with 2/7 Darvall Street to provide privacy, soften views of the development from neighbouring land and the road and reduce additional noise intrusion from the use.

The Consent Order improves landscaping treatment within the south setback and around the parking area to ensure suitable screening of the building can be achieved.

Car parking

As a result of the changes agreed in the consent order a reduction in the statutory car parking rates is no longer required.

**21 - 25 BELLEVUE AVENUE, ROSANNA - CONSENT ORDER FOR THE PROPOSED CHILD CARE CENTRE (P954/2019) cont'd**

Advertising Signage

The application originally proposed two illuminated signs affixed to building (north and east elevations). The Consent Order reduces the height of Sign C and also requires the Building signage (Sign A) to be non-illuminated.

The proposed signage is appropriately located along Bellevue Avenue vehicle and pedestrian entry in view of the street interface and will have a nominal impact to the residential area to the north and east.

The information on the sign is limited to identification of the business. The size and location of the three business identification signs are considered appropriate having regard to the size of the building and site and will not result in visual clutter.

**CONCLUSION**

It is considered that the proposed changes to the proposal required through the Consent Order agreed to by the Applicant for Review and objector parties at the Compulsory Conference respond appropriately to the issues that resulted in the original application not being supported and will allow for a use and development that meets the policy objectives outlined in the Banyule Planning Scheme. It is considered that Council should agree to the Consent Order.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Consent Order - <b>CONFIDENTIAL</b>	
2	Advertised Plans	

## **6.1 COMMUNITY VISION COUNCIL PLAN PROJECT - ENGAGEMENT APPROACH**

Author: Bridget Ruff - Integrated Planning Project Manager, Corporate Services

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### **EXECUTIVE SUMMARY**

The *Local Government Act 2020* (the Act) is designed to strengthen council autonomy. The detailed, prescriptive processes in the previous Act have been replaced with principles-based provisions, setting outcomes that councils must deliver. To support this, the Act requires councils develop an integrated, longer-term and transparent approach to planning, organised around a ten-year community vision.

It is also a requirement of the Act that deliberative engagement be undertaken to inform the development of the community vision and a number of the wider strategic and financial planning documents in scope of the Banyule Community Vision Council Plan Project (CVCP Project), which includes the four-year Council Plan.

To continue Banyule's long and strong history of working collaboratively with the community to shape our municipality and enhance outcomes, and also to ensure legislated requirements within the Act are fulfilled, work has been undertaken with both internal and external stakeholders, inclusive of Councillors, to develop the CVCPP Engagement Approach.

The purpose of this report is to seek Council resolution on the proposed engagement approach for the CVCP Project.

### **RECOMMENDATION**

That Council

1. Supports the proposed Banyule Community Vision and Council Plan Project Engagement Approach.
2. Notes that Banyule places community aspiration at the centre of Council's strategic and financial planning.
3. Notes that engagement approach has been designed in accordance with the Banyule Community Engagement Policy.

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Engage meaningfully with our community and encourage participation".

**COMMUNITY VISION COUNCIL PLAN PROJECT - ENGAGEMENT APPROACH  
cont'd**

**BACKGROUND**

The CVCP Project Engagement Approach has been designed to maximise the opportunity to work meaningfully and collaboratively with Banyule's community and stakeholders to plan Banyule's future and how to get there.

The approach aligns with requirements in the *Local Government Act 2020*, and also with Banyule's existing community engagement practise, and seeks to continue putting collaboration at the heart of identifying and addressing matters that are important to Banyule, its needs and aspirations.

On 13 July, 10 August and 24 August 2020 Councillors received briefings and undertook subsequent discussion on the Banyule Community Vision Council Plan Project and the engagement approach proposed for the project.

Findings from the Councillor briefing sessions, input from over 1600 community members as part of previous consultations, and discussions with numerous internal stakeholders, along with consideration of local government sector standards and guidance material, have been utilised to inform the proposed engagement approach.

It is via implementation of the engagement activity noted within the proposed approach, that numerous opportunities for all Banyule community and stakeholders to actively participate in this important body of work, will be provided.

The approach consists of a number of stages. It is this staged approach and diversity in methodologies, underpinned by Council's community engagement principles, that position Council to ensure meaningful and compliant community engagement opportunities are provided in accordance with the deliberative engagement requirements of the Act.

**PROPOSED ENGAGEMENT APPROACH:**

The engagement activity for the CVCP Project is being designed to enable participation by a representative sample of Banyule's community. Activity that provides opportunity for whole of population participation will be provided along with opportunities targeted towards specific cohorts.

Engagement opportunities will occur across the following four stages

- |         |  |
|---------|--|
| Stage 1 | Our Future Together – What we want, why and how we are going to get there (Internal & External)  |
| Stage 2 | Checking Back In – What you told us, how we heard you & exploring any gaps (Internal & External) |
| Stage 3 | Public Exhibition - Budget and Revenue and Rating Strategy (Internal & External)                 |
| Stage 4 | Public Exhibition -Community Vision, Council Plan and Financial Plan (Internal & External)       |



## COMMUNITY VISION COUNCIL PLAN PROJECT - ENGAGEMENT APPROACH cont'd

A diversity of engagement methodologies will be utilised, with content for each methodology tailored to the targeted audience/s. The engagement approach is designed to reach both a wide audience (e.g. on-line survey) and also enable deeper conversations (e.g. summits and workshops).

Methodologies used will include:

1. Summits
2. Workshops
3. Online Surveys
4. Phone Surveys
5. Interviews
6. Pop ups
7. Briefings and discussion groups
8. Information Sessions
9. Meetings
10. Drawing Competition
11. Video submissions

## LEGAL CONSIDERATION

The Local Government Act 2020, *Part 4 Planning and Strategic Management, Division 1. Strategic Planning and Division 2. Budget Process*, specifies that Council's must prepare and adopt the following six documents within the specified timeframes and engagement requirements:

Document	Span	Effect	Due	Engagement
Community Vision	10 years (2021-2031)	1 July 2021	31 Oct 2021	Deliberative
Council Plan	4 years (2021-2025)	1 July 2021	31 Oct 2021	Deliberative
Financial Plan	10 years (2021-2031)	1 July 2021	31 Oct 2021	Deliberative
Budget	4 years (2021-2025)	1 July 2021	30 June 2021	Non-specific
Revenue and Rating Plan	4 years (2021-2025)	1 July 2021	30 June 2021	No provision
Asset Plan	10 years (2022-2026)	1 July 2022	30 June 2022	Deliberative

The following additional provisions of the Act are also applicable:

### Part 2 - Councils

#### Division 3 - The Mayor and Deputy Mayor

S18(c) Mayor must lead engagement with the municipal community on the development of the Council Plan

### Part 3 - Council decision making

#### Division 1 - Community accountability

S55. Community engagement policy – requires Council to adopt and maintain a Community Engagement Policy.

**COMMUNITY VISION COUNCIL PLAN PROJECT - ENGAGEMENT APPROACH  
cont'd**

S56. Community engagement principles – describes the Community Engagement Principles and requires that a council must have regard to the community engagement principles. In particular, it states that the municipal community is to be engaged in strategic planning and decision making.

**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 proposed engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.

**FUNDING IMPLICATIONS**

The proposed engagement activity will be undertaken within existing budget allocations.

**POLICY IMPLICATIONS**

The documents in scope of this project are Council's highest-level strategic documents and therefore have numerous aligned lower level plans.

Lower level plans will be developed, as per usual practises and will demonstrate alignment to the direction set within the Community Vision and Council Plan.

**CONSULTATION**

Throughout November 2019 - January 2020 over 1600 community members participated in consultation activity where they were asked 'How would you like to be engaged in the Council planning process in the future?'.

The findings generated through this activity have been utilised to help inform the attached engagement approach.

Councillor input along with internal stakeholder contributions have also played a key role in shaping the engagement approach.

It is via implementation of the engagement approach that we will commence discussion and collaborative work on the development of the documents in scope of this project.

**COMMUNITY VISION COUNCIL PLAN PROJECT - ENGAGEMENT APPROACH  
cont'd**

**TIMELINES**

Engagement is to take place over a 9-month period (30 November 2020 – 3 August 2021), with 14 weeks whole of population active collaboration time.

Stage 1 Engagement	30 November – 21 December 2020
Stage 2 Engagement	15 March – 2 April 2021
Stage 3 Engagement	April – May 2021
Stage 4 Engagement	6 July – 3 Aug 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**

Comprehensive and quality community engagement is critical to the successful development of Council's key strategic and financial planning documents.

It is through the provision of quality community engagement opportunities that we can truly work with community to develop a shared vision for the future, identify the outcomes the community want to see delivered, and to address how these aspirations will be achieved.

The proposed engagement approach has been developed based on community and stakeholder input, project needs, and local government sector standards.

It will position Banyule well to deliver the level of quality engagement required, meet community expectations, and generate the evidence base required to inform the development of Banyule's key strategic and financial planning documents.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Community Vision Council Plan Project Engagement Approach	



## **7.1 COUNCIL MEETING DATES AFTER THE ELECTION - CHANGES REQUIRED**

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

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### **EXECUTIVE SUMMARY**

The Council Meeting dates for 2020 were set by Council in 2019 including the Mayoral Election on Monday 9 November being the first meeting after the general election which has been confirmed for Saturday 24 October 2020.

The Victorian Electoral Commission (VEC) have advised that due to Victoria's COVID pandemic the declaration of the Council election results will now be delayed and are expected to be finalised by Friday 13 November 2020.

Therefore a change is required to re-schedule the Mayoral Election which has a flow on effect for subsequent Council meetings.

This is the first time Banyule Council's election will be held by postal voting due to changes to the Local Government Act 2020 and the Minister of Local Government's declaration that all Victorian Councils will be conducted by a uniform method.

Feedback from Council's whom have conducted postal elections before is that due to Victoria's current COVID pandemic and Australia Post delays, declarations could potentially be delayed further than the VEC anticipate. If this occurs, it is recommended that the CEO be delegated power to amend the Meeting dates accordingly.

### **RECOMMENDATION**

That

1. Council set the Council Meeting dates to be:
  - Wednesday 18 November 2020 – Mayoral Election
  - Monday 23 November 2020
  - Monday 14 December 2020 and the previously scheduled meetings be cancelled.
2. The CEO be authorised to make appropriate changes to the dates if the declaration of the results is delayed further.

### **COUNCIL PLAN**

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

## COUNCIL MEETING DATES AFTER THE ELECTION - CHANGES REQUIRED cont'd

### BACKGROUND

The General Election has been confirmed to proceed on Saturday 24 October 2020 via postal voting.

The VEC have advised that the declaration of results are to be delayed by 1 week to allow for receipt of postage by Australia Post during COVID related delays and to ensure the safety of staff counting votes.

The Mayoral Election is the first Council Meeting after the election and Councillors must take the Oath of Office and be sworn into office. This needs to occur as close after the declaration of the results as possible. It is only then that they are capable of acting as a Councillor.

The current Council Meeting schedule now needs to be changed to accommodate the extended declaration of results for the election.

Month	Current	Proposed
November	9 (Mayoral Election only) 16	18 Wednesday (Mayoral Election only) 23
December	7	14

This is the first time Banyule Council's election will be held by postal voting due to changes to the Local Government Act 2020 and the Minister of Local Government's declaration that all Victorian Councils will be conducted by a uniform method.

Feedback from Council's whom have conducted postal elections before is that due to Victoria's current COVID pandemic and Aus Post delays, declarations could potentially be delayed further than the VEC anticipate. If this occurs, it is recommended that the CEO be delegated power to amend the Meeting dates accordingly.

### LEGAL CONSIDERATION

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

### HUMAN RIGHTS CHARTER

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

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

### OFFICER DECLARATION OF CONFLICT OF INTEREST

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.

**COUNCIL MEETING DATES AFTER THE ELECTION - CHANGES REQUIRED  
cont'd**

**CONCLUSION**

The Council Meeting dates for 2020 were set by Council in 2019 including the Mayoral Election on Monday 9 November being the first meeting after the general election which has been confirmed for Saturday 24 October 2020.

Current COVID practices have impacted the VEC's timelines and the declaration of the Council election results will now be delayed and are expected to be finalised by Friday 13 November 2020. There is the potential risk that the declarations could be further delayed due to COVID and postage delays.

This requires Council to amend it's previously scheduled Mayoral Election and following Council Meetings.

It is recommended that the previously schedule meeting dates for November and December be cancelled and proposed dates set and if further delays are encountered that the CEO be delegated power to set the remaining Council meeting dates for 2020.

**ATTACHMENTS**

Nil

## 7.2 **FRAUD AND CORRUPTION CONTROL POLICY**

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

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### **EXECUTIVE SUMMARY**

The Banyule City Council Fraud and Corruption Control Policy (the Policy) has been developed to align with the Australian AS 8001-2008 *Fraud and corruption control*.

Under Division 8 section 54 of the *Local Government Act 2020* the Audit and Risk Committee is required to monitor and provide advice on risk management and fraud prevention systems and controls. Under the Audit and Risk Committee Charter responsibilities the Committee has resolved for the Policy to be considered by Council for adoption after having received a final draft of the Policy.

The Policy has been reviewed in consultation with stakeholders to ensure alignment with best practice principles and to be consistent with the protected disclosure legislation – *Public Interest Disclosure Act 2012 (PID Act)*. The policy considers the Victoria's Auditor-General's Office, (VAGO) report - 'Fraud and Corruption Control – Local Government 19 June 2019' and The IBAC 'Local Government Integrity Framework Review' – 28 March 2019 recommendations.

Council is requested to adopt the Banyule City Council Fraud and Corruption Policy.

### **RECOMMENDATION**

That Council:

- 1) Note that the Fraud and Corruption Control Policy:
  - a) outlines Banyule City council's approach to controlling the risk of fraud and corruption from prevention through to detection and response activities.
  - b) states a zero tolerance to fraud and corruption with all employees, Councillors, contractors and other services providers required to act with integrity at all times and refrain from fraudulent or corrupt conduct.
  - c) is one component of Banyule's fraud and corruption plan (framework) through which the Audit and Risk Committee can monitor risk management and fraud prevention systems and controls.
- 2) Endorse the Banyule City Council Fraud and Corruption Control Policy (Attached).



## **FRAUD AND CORRUPTION CONTROL POLICY cont'd**

### **COUNCIL PLAN**

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

### **BACKGROUND**

The Audit and Risk Advisory Committee at the 19 June 2020 meeting resolved for the Banyule City Council Fraud and Corruption Control Policy to be considered for endorsement by Council.

The Audit and Risk Committee, under the Audit and Risk Committee Charter are required to monitor and provide advice on risk management and fraud prevention systems and controls. To align with the Committee's functions under Divisions 8, Section 54 of the *Local Government Act 2020* the Audit Committee have reviewed the Policy and resolved for the Policy to be considered by Council for adoption.

### **DISCUSSION**

The Fraud and Corruption Control Policy reflects the requirements of the *Australian Standard AS 8001 - 2008 Fraud and Corruption Control* and the *Public Interest Disclosures Act 2012*.

The Policy is based is built around the three key themes of:

- Prevention
- Detection
- Response

The Policy contains information that promotes increased knowledge of reporting obligations and procedures and most importantly, how to deal with fraud and other corrupt behaviour.

Council will not tolerate fraud and corruption in any form and is committed to:

- Preventing fraud and corruption in the workplace
- Ensuring immediate and appropriate investigation procedures are implemented in the case that fraud is suspected
- Referring cases of suspected fraud to the authorities following due investigation
- Applying appropriate disciplinary penalties should fraud occur
- The recovery of any loss suffered through fraudulent activity.

### **Independent Broad-based Anti-Corruption Commission's (IBAC) Local government integrity frameworks review**

The review undertaken by IBAC in 2019 noted that Victoria's councils have an important role to play in the provision of services at a local level. If there is corruption, it robs the community of much needed funds to support front line services.

It was stated in the review that Public sector agencies need to have strong integrity frameworks comprised of policies and procedures, processes, systems and controls, which promote integrity and help prevent and detect corrupt conduct. All councils are encouraged to develop strong policies and procedures, and to ensure compliance.

## **FRAUD AND CORRUPTION CONTROL POLICY cont'd**

### **Victoria's Auditor-General's Office, (VAGO) report - 'Fraud and Corruption Control – Local Government'**

The report issued by VAGO reviewed fraud and corruption controls and measures relating to responding to suspected incidents of fraud and corruption. The VAGO report formed part of a self-assessment presented to the Audit & Risk Committee on 13 September 2019. The self-assessment against the VAGO recommendations found Council to be compliant in most areas.

### **Fraud and Corruption Control Policy – Key points**

The Fraud and Corruption Control Policy is a very important part of the Fraud and Corruption control Plan which includes council's code of conduct; fraud risk assessments, internal controls, fraud training, internal audit and audit compliance.

- The CEO and Directors are responsible for monitoring the corporate implementation and performance of the Policy which includes promoting an environment where fraud and corruption are not tolerated.
- As a key factor in fraud prevention, senior management must exhibit to employees and customers a genuine and strong commitment to fraud and corruption control.
- The Audit and Risk Committee has an independent role to play in assessing the internal controls of the Council and the adequacy of the financial and performance reports.
- The Internal Auditor is responsible for considering fraud and corruption risks in preparing the internal audit plan and testing controls that are designed to mitigate fraud and corruption risks during audit assignments.
- Banyule City Council has an active and effective risk assessment and recording process in place. This includes the systematic identification and evaluation of fraud and corruption risks across the organisation.
- This Policy demonstrates Banyule City Council's commitment to both fraud and corruption control planning, and to implementing necessary actions to make prevention and awareness part of the Council's business and operating culture, on an ongoing and continuous basis.
- Employees, staff, contractors and Councillors are encouraged to report known or suspected incidents of improper conduct or detrimental action. This is regardless of whether such conduct or action has taken place, is suspected will take place, or is still occurring.
- Suspected fraud or corruption can be reported in line with the public interest disclosures act (see CD15487 Public Interest Disclosure Procedures).

### **LEGAL CONSIDERATION**

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

## **FRAUD AND CORRUPTION CONTROL POLICY cont'd**

### **HUMAN RIGHTS CHARTER**

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

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

### **POLICY IMPLICATIONS**

The Fraud and Corruption Control Policy include the key elements as required by AS 8001-2008 and has been updated to include changes to replace previous 'protected disclosure' arrangements with 'public interest disclosures' under the updated [Public Interest Disclosures Act 2012](#) (Vic).

These changes will not result in any new impact to staff, processes and or obligations, however, the policy will require ongoing staff and Councillor education.

Regular Fraud Awareness training and education is undertaken across Banyule City Council.

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

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

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

### **CONCLUSION**

The Fraud and Corruption Control Policy provides the basis for Council's activities throughout the year and is supported by Fraud and Corruption Control Framework.

Given the resources and responsibilities entrusted to councils, it is important that we continue to develop, implement and maintain strong integrity frameworks, and continuously improve our capacity to identify and prevent corrupt conduct.

The next review and update of the Policy will be undertaken within 2 years.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Draft Banyule City Council's Fraud and Corruption Control Policy	

## **7.3 RISK MANAGEMENT FRAMEWORK**

Author: Melissa Sammut - Risk Management Project Officer, Corporate Services

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### **EXECUTIVE SUMMARY**

In September 2019, Council engaged risk management consultants Aon to undertake a review of our Risk Management Policy (policy) and Risk Management Framework (framework). This review, and subsequent recommendations, form the basis of the new policy and framework, an overview of which is presented in this report to Council for endorsement.

This report outlines the key changes to the Risk Management Framework and Policy, in particular relation to:

- Council's Risk Management Principles
- Likelihood and Impact descriptors
- Control Effectiveness
- Roles and Responsibilities
- Risk Appetite
- Risk Management Action Plan

The Council should note that the Audit and Risk Committee, Senior Management Team have considered the new Policy and Framework prior to submission to the Councilor Group for endorsement.

### **RECOMMENDATION**

That Council

1. Note that the review has further strengthened Banyule's Risk Management practices.
2. Note the commitment of senior management to continuously monitor and improve risk management of Council operations.
3. Accept the Audit and Risk Committee's endorsement of the revised Risk Management Framework and Policy
4. Adopt the Risk Management Framework and Policy.

### **COUNCIL PLAN**

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

## **RISK MANAGEMENT FRAMEWORK cont'd**

### **BACKGROUND**

The Risk Team have made significant changes to the Risk Management Framework with a view to establishing best practice in line with the ISO3100:2018 (ISO) whilst clearly establishing Council's commitment and approach to risk management at all levels. Council is invited to consider the following key changes which align with Aon's recommendations particularly in the following key areas:

- The framework principles have been updated to align to the ISO
- The criteria used for assessing likelihood is more explicitly defined
- The criteria used for determining impact is more explicitly defined
- The overall risk criteria for assessing risk has been updated
- Roles and responsibilities are clearly outlined
- The risk appetite statement has been updated to better describe the level of risk Council is willing to take.

The Risk Team have redrafted the risk Management Policy (Appendix 1) to clearly establish Council's commitment to risk management and streamlined majority of the content. The overall purpose of the policy is to outline Council's commitment to increase risk maturity to deliver informed operational and strategic decision making.

The proposed risk management framework (Appendix 2) clearly establishes the commitment of Council in relation to risk management and provides context around the various elements of risk management and the requirements of Council. Council should note that extensive work has been undertaken to benchmark the framework against others in the sector to ensure alignment with our peers.

In order to establish guidance for Council, the new framework demonstrates Council's willingness to accept risk in terms of Strategic Risk, Operational Risk and in relation to the financial VAGO principles. Council are asked to consider the risk appetite as proposed in section 4 of the framework, noting the following in particular:

- To assist with the ongoing consideration of Council's strategic risk profile, there are 8 key principle risk categories. For each category there is an overarching "willingness to accept risk" and a narrative describing Council's overall approach to exposure in each principle category;
- To assist with the ongoing consideration of Council's operational risk profile, appetite is measured against a red-amber-yellow-green (RAYG) rating whereby the current risk rating determines management focus and action; and,
- Financial risk appetite sets out Council's willingness to expose ourselves to financial risk that would trigger an impact on our financial reporting against the VAGO principles. This requires Council to be cognisant of the impact of investment decisions against the VAGO key indicators.

The Risk Team have proposed the addition of an internal Assurance Committee which will support the organisation's risk consideration and action by providing additional scrutiny of controls, review and horizon scanning.

## **RISK MANAGEMENT FRAMEWORK cont'd**

### **LEGAL CONSIDERATION**

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

### **HUMAN RIGHTS CHARTER**

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

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

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

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

### **CONCLUSION**

The review conducted by Aon has provided Council with the opportunity further strengthen its Risk Management practices. The Framework and Policy have been revised to modernise, simplify and aligned with international best practice in Risk Management. As a result, there have been a number of improvements in monitoring, reporting and oversight from both Council's senior management and the Audit & Risk Committee.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Risk Management Policy	
2	Risk Management Framework	

## **7.4 INDEPENDENT REPRESENTATIVE AUDIT & RISK COMMITTEE**

Author: Paul Wilson - Audit Support Officer, Corporate Services

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### **EXECUTIVE SUMMARY**

The Audit and Risk Committee (the Committee) is established in compliance with section 53(1) of the *Local Government Act 2020* (the Act). The Audit and Risk Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

*The Local Government Act 2020* has five new requirements that Audit and Risk Committees must meet. One of these five requirements to the Act states that a majority of committee members must be independent of council; the chair must not be a councillor and members of council staff must not be committee members. Collectively, the committee must have expertise in financial and risk management and experience in public sector management.

Current membership of the Audit & Risk Committee consists of two Councillors and two Independent Representatives and in its current form will not meet the requirements of the Act.

To meet the requirement of majority independent members the Audit & Risk Committee Charter was amended on the 17 August 2020 to increase the number of Independent members to three.

The position of Independent Representative of the Audit & Risk Committee was advertised on Saturday 4 July and closed on the 17 July 2020. Interviews were held on the 30 July and it is recommended that Greg Rimmer-Hollyman be appointed as the new Independent Representative member from 1 September 2020 for a period of three years (3 years).

### **RECOMMENDATION**

That Council appoint Greg Rimmer-Hollyman as the new Independent Representative member of the Audit & Risk Committee from 1 September 2020 for a period of three years (3 years).

### **COUNCIL PLAN**

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

## **INDEPENDENT REPRESENTATIVE AUDIT & RISK COMMITTEE cont'd**

### **BACKGROUND**

In accordance with the Audit & Risk Committee Charter, the role of the Committee is to assist Council in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements, ensuring sound ethical standards are practised and the necessary system controls are in place to manage risks and prevent fraud and corruption.

The Charter also includes details on the Membership of Independent Representatives.

To ensure Banyule City Council has a majority of Independent Representatives on the Audit & Risk Committee, a comprehensive recruitment process was conducted. The position of Independent Representative of the Audit & Risk Committee was advertised on the Banyule website, Seek, Careers spot, LinkedIn and the Age as of Saturday 4 July with Expressions of Interest closing on 17 July 2020. In total 42 applications for the position were received.

### **DISCUSSION**

The Selection Panel, consisted of committee members Cr Rick Garotti, Chairperson Dr Irene Irvine and Council Officer - Director Corporate Services Marc Giglio. Following remote interviews on Thursday 30 July 2020 the Selection Panel recommended Greg Rimmer- Hollyman be appointed as an Independent Member of the Audit & Risk Committee.

Greg Rimmer-Hollyman has over 20 years experience in developing, implementing, transforming and leading internal audit and risk functions which provided governance and integrity advice for large organisations in various sectors in Australia and South Africa.

Greg is presently an Independent Audit & Risk Committee Member of the Nillumbik Shire and was an Independent Audit & Risk Committee Member of Whitehorse Council from 2011 to 2017. He brings a wealth of Audit experience with previous roles including Head of Audit for Public Transport Victoria and the Chief Internal Auditor for the Australian Taxation Office, and is currently the Chief Internal Auditor at the National Disability Insurance Agency. Greg has numerous degrees and honours degrees including Chartered Public Finance Accountant (CPFA), Chartered Internal Auditor (CMIIA) and Qualification in Internal Audit Leadership (QIAL).

It is being recommended that Greg Rimmer-Hollyman be appointed as the Committee's Independent Representative for a period of three years (3 years) effective from 1 September 2020 and concluding on 30 August 2023 given his qualifications and experience.

### **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.



**INDEPENDENT REPRESENTATIVE AUDIT & RISK COMMITTEE 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**

The appointment of Greg Rimmer-Hollyman, as Independent Representative of Council's Audit & Risk Committee, ensures compliance with the Audit & Risk Committee Charter and Best Practice Standards. Greg Rimmer-Hollyman has the qualifications and experience to fulfil this important position.

**ATTACHMENTS**

Nil

## **7.5 VICTORIAN GOVERNMENT - LOCAL SPORTS INFRASTRUCTURE AND COMMUNITY SPORTS STIMULUS FUNDING**

Author: Melinda Ramsay - Team Leader Leisure Services, Community Programs

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### **EXECUTIVE SUMMARY**

Council has made several funding applications via various State Government funding opportunities to support improvements and redevelopment of sporting infrastructure across the municipality for the 2020/21 financial year.

In February 2020, Council submitted five (5) applications for the Local Sports Infrastructure Fund (LSIF) which provides State Government funding for high-quality and accessible community sport and recreation facilities.

Applications included the following projects:

- Warringal Park Female Friendly and Sports field Lighting upgrade
- Yulong Reserve Female Friendly and Sports field Lighting upgrade
- Greensborough War Memorial Female Friendly Change room upgrade
- Whatmough Park Sports Field Lighting
- Malahang Reserve Splash-park Feasibility Study

In March 2020 Council submitted one (1) application via the World Game Facilities fund which promotes partnerships between the Victorian Government, Local Government Authorities, football leagues and associations and local sporting clubs to deliver on upgrading existing and constructing new football (soccer) facilities. The project applied for was Chelsworth Park Sports field lighting.

In June 2020 the State Government announced a Community Sports Infrastructure Stimulus Program and this was part of the Government's Building Works package, designed to support shovel-ready projects to get thousands of people back to work. Council submitted three (3) projects for this funding round being:

- Banyule Nets Outdoor Multi Sport Courts Stage 2
- Darebin Creek Trail Renewal Project Stage 3
- Olympic Park Redevelopment Stages 3 and 4

In late July and August 2020, Council received notification of all funding rounds and has been successful in receiving funding for two projects being:

- Greensborough War Memorial Female Friendly Change room upgrade
- Whatmough Park Reserve Sports-field Lighting Upgrade

This will result in \$1.1M of community asset upgrades and development with a State Government contribution of \$400,000 via the Local Sports Infrastructure Fund (LSIF).

In relation to the projects that were unsuccessful in receiving State Government funding Warringal Park Female Friendly and Sports field lighting, Yulong Reserve Female Friendly and Sports field lighting have been funded in the 2020/21 Capital Budget and can still proceed without State Government support.

**VICTORIAN GOVERNMENT - LOCAL SPORTS INFRASTRUCTURE AND COMMUNITY SPORTS STIMULUS FUNDING cont'd**

The Malahang Reserve Splash Park is currently not funded in the 20/21 budget and this report recommends an allocation of \$40,000 is made towards this project so that planning, feasibility and design work can be commenced which will allow Council to apply for future funds for constructions work at a later date.

The Chelsworth Park Lighting project is not funded in the 2020/21 budget but is listed for funding in future years and there is an opportunity to reapply in November 2020 for this project for State Government funding.

Regarding the three projects that did not receive the Infrastructure Stimulus funding it is recommended that Council continues to advocate to the State Government for funding to support these significant projects in the future.

**RECOMMENDATION**

That Council:

1. Notes the outcome of the funding applications for the 2020-2021 Local Sports Infrastructure Fund (LSIF), World Games Fund and the Victorian Government's Community Sports Infrastructure Stimulus Program
2. Informs stakeholders regarding the outcome of the funding applications and proceeds with the implementation of the following projects:
  - a. Warringal Park Female Friendly and Sports field Lighting
  - b. Yulong Reserve Female Friendly and Sports field lighting
  - c. Greensborough War Memorial Female Friendly Change room upgrade
  - d. Whatmough Park Sports- Field Lighting.
3. Allocates \$40,000 to the Malahang Reserve Splash Park Feasibility Study to commence this planning and design work.
4. Approves the Chelsworth Park Sports field lighting project to be resubmitted to the World Games Facilities fund when the new funding round opens in November 2020.
5. Continues to advocate to the State Government for funding to support
  - a. Nets Outdoor Multi Sport Courts Stage 2
  - b. Darebin Creek Trail Renewal Project Stage 3
  - c. Olympic Park Redevelopment Stages 3 and 4.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Support and promote health and wellbeing".

**VICTORIAN GOVERNMENT - LOCAL SPORTS INFRASTRUCTURE AND COMMUNITY SPORTS STIMULUS FUNDING cont'd**

**BACKGROUND**

The Local Sports Infrastructure Fund (LSIF) provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation. The outcomes are focused on delivery of high-quality and accessible community sport and recreation facilities. Funding was available under seven categories.

Following Councillor briefings in December 2019 and February 2020 and site visits with Sport and Recreation Victoria the projects submitted for funding included:

- Warringal Park Female Friendly and Sports-field Lighting
- Yulong Reserve Female Friendly and Sports- field Lighting
- Greensborough War Memorial Change
- Whatmough Park Sports- field Lighting
- Malahang Reserve Splashpark Feasibility
- Sport- field Lighting at Chelsworth Park to support the significant growth of the Old Ivanhoe Soccer Club (World Games Fund)

**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**

Council was recently advised that the following two projects have been successful for funding.

**1. Greensborough War Memorial Reserve - Upgrade pavilion to female friendly**

GWM Reserve serves three sporting clubs, Greensborough Senior Football Club Netball Club, Greensborough Cricket Club and Plenty Valley Superules. A Senior women's football team commenced in 2018

All tenant clubs are supportive of the proposed project

**2. Whatmough Park Reserve – Sports field lighting**

Whatmough Park Reserve is home to one of the largest Junior Football and Cricket Clubs in Banyule. Three Sporting clubs play at this reserve which includes St Marys Senior Football and Netball Club, St Marys Junior Football Club and Riverside Cricket Club

**VICTORIAN GOVERNMENT - LOCAL SPORTS INFRASTRUCTURE AND COMMUNITY SPORTS STIMULUS FUNDING cont'd**

All tenant clubs are supportive of the project.

**Unsuccessful Projects**

These projects were unsuccessful receiving funds from the State Government:

- Warringal Park sports field lighting and female friendly
- Yulong Reserve sports field lighting and female friendly
- Chelsworth Park Sport field Lighting
- Malahang Reserve Splashpark Feasibility

The State Government has indicated that the World Games Facilities Fund will open for another round in November 2020 and Sport and Recreation Victoria have advised staff that this application should be re-submitted for consideration. This project supports the significant growth of the Old Ivanhoe Soccer Club Chelsworth Park..

In response to COVID-19 impacts the Victorian Government announced the Community Sports Infrastructure Stimulus program in June 2020. Banyule submitted three projects that met the shovel ready criteria. All three were unsuccessful in receiving State Government support, the projects being:

- Banyule Nets Outdoor Multi Sport Courts Stage 2
- Darebin Creek Trail Renewal Project
- Olympic Park Redevelopment Stages 3 and 4

Sport and Recreation Victoria (SRV) have advised that it is likely that another economic stimulus program will be announced and that these projects can be resubmitted.

**FUNDING IMPLICATIONS**

Council has allocated funds in the 2020/21 budget for the following two projects that were unsuccessful in receiving funds:

- Warringal Park sports field lighting and female friendly
- Yulong Reserve sports field lighting and female friendly

The budget does indicate external funding of up to \$300K across these two projects. It is anticipated that this potential funding shortfall can be accommodated within the current capital works program and adopted council budget, through savings already achieved on other projects through procurement outcomes.

There are no funds allocated in 2020/21 Budget for the Malahang Reserve Splashpark Feasibility (\$40,000) and the Chelsworth Park Lighting (\$300,000).

It is proposed that given the Malahang Splashpark Feasibility is a relatively low budget but an important initiative that has potential to attract some further funding and investment that Council consider allocating \$40,000 to undertake this work in 20/21. It would also support other strategic work that will be undertaken in the future around the needs of the West Heidelberg community and aquatics planning for Banyule.

**VICTORIAN GOVERNMENT - LOCAL SPORTS INFRASTRUCTURE AND COMMUNITY SPORTS STIMULUS FUNDING cont'd**

**DISCUSSION**

There is provision for the Chelsworth Park Lighting in councils sports ground lighting program in future years and an opportunity to reapply in November 2020 to the State Government for the supporting funds.

Regarding the three projects that did not receive the Stimulus funding it is recommended that Council continues to advocate to the State Government for funding to support these significant projects in the future.

**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 2020/21 LSIF will assist Council to deliver 1.1M of community assets and upgrades to support participation, inclusion and community access to sport and recreation. Council has been very successful in delivering enhanced sport facilities and infrastructure to support growing needs and the increasing demands from Clubs to cater for participation growth.

The work that Council has undertaken in the development of female friendly facilities over the last few years is considerable and facilitating positive change in our sports community. Lighting of sports fields enable more training and development opportunities and allows clubs to cater for growth that many are experiencing.

There have been projects supported by the State Government through Sport and Recreation Victoria and we will continue to pursue and develop these partnerships to deliver great sport, health and well-being outcomes for community.

**ATTACHMENTS**

Nil

## **7.6 BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING**

Author: Lucy Rasdell - Strategic Property Manager, City Development

### **Previous Items**

Council on 16 March 2020 (Item 7.1 - Bellfield Project Update: Delivery of Market Housing, Social Housing and Community Hub)

Council on 27 April 2020 (Item 5.4 - Bellfield Planning Scheme Amendment C153 - Panel Report and Adoption of Amendment)

Council on 27 April 2020 (Item 7.1 - Bellfield - Decision following Notice of Intention to Sell Land for a Residential Development and Notice of Intention to Lease Land for Social Housing)

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### **EXECUTIVE SUMMARY**

Council has committed to the delivery of social housing on land adjacent to the Bellfield Community Hub and relocated community garden. A minimum number of thirty dwellings has been previously agreed by Council to be delivered as part of this project.

An Expression of Interest (EoI) was issued to 37 registered community housing providers and associations on 28 February 2020. Selection criteria were agreed by Council for assessment of the EoI submissions to facilitate shortlisting of the respondents.

Of the EoI submissions received, four respondents were shortlisted by the Evaluation Panel and invited to submit a Request for Proposal (RfP), following Council deciding to move to RfP at a meeting on 18 May 2020. The RfP ran from 20 May 2020 until 3 July 2020. Part way through the RfP phase, one of the four shortlisted respondents elected not to continue with the process. The selection criteria previously agreed by Council (for the EoI) were used to assess the RfP submissions.

Three RfP submissions were received and one has been selected as the preferred social housing provider for the Bellfield project by the Evaluation Panel. The successful project includes up to 58 dwellings (depending on the final dwelling configuration and mix) over four levels plus rooftop garden and basement car parking for 43 cars. Council must now consider awarding the project to the preferred provider and execution of legal documentation so that the development can commence.

### **RECOMMENDATION**

That Council:

1. Notes that the Request for Proposal (RfP) for selection of a provider for construction of social housing at Bellfield has been completed.
2. Notes that the Evaluation Panel has selected Respondent 1 as the preferred provider, subject to agreeing and executing the Agreement for Lease (AfL) and Lease.

**BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd**

3. Agrees to the Agreement for Lease (AfL) and grants a Lease to Respondent 1 for the land located at part of 230 Banksia Street, Bellfield for a term of 50 years (commencing date to be confirmed) at \$1 per annum.
4. Note that both Respondents 2 and 3 will be formally advised that they have not been chosen as the preferred provider but that, as the offer is still subject to contract negotiation, they should continue to be committed to the project until formal notification that legal documents have been executed.
5. Authorises the necessary documentation to effect the Agreement for Lease (AfL) and Lease to be signed and sealed at the appropriate time.
6. Agrees to the issue of a public announcement providing details of the preferred social housing provider for the Bellfield project once the Agreement for Lease (AfL) has been signed.

**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**

Council agreed to set aside Public Use (PUZ6) zoned land adjacent to the soon to be built Bellfield Community Hub and relocated community garden for social housing and this was incorporated into the Masterplan for the Bellfield Project. The Bellfield Project encompasses three separate streams of work:

- Sale of land for the development of market housing;
- Delivery of the new multi-purpose Bellfield Community Hub and relocated community garden; and
- Lease of Council-owned land to a registered Housing Association for the construction of social housing.

Social housing is an umbrella term incorporating both community housing (i.e. housing that is owned and/or managed by not for profit housing providers (regulated by the Victorian Housing Registrar) and public housing (i.e. housing that is owned and managed by the State Government). Council's intention is that the site will be used for community housing but the broader term 'social housing' has been used for the development.

The EoI process ran from 28 February 2020 until 3 April 2020. Respondents were advised that Council will offer a long term (up to 50 year) ground lease at a nominal rent to a community housing provider who would fund, manage the construction, secure tenants and collect the rental income, with a minimum of thirty dwellings having to be delivered.

A number of submissions were received and assessed by the evaluation panel. Of these, four were deemed to meet the criteria to enable them to progress through to the second phase, the RfP.



## **BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd**

The RfP document, which also contained a copy of the draft Agreement for Lease (AfL) and Lease, was issued on 20 May 2020, with responses received on 3 July 2020. Part way through the RfP process, one of the providers chose to opt out and not submit a proposal. Three submissions were received and assessed by the Evaluation Panel against the agreed RfP criteria and adjusted weightings which is attached as a confidential attachment – **Attachment 1**.

### **LEGAL CONSIDERATION**

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

A probity advisor has been appointed to oversee the EoI/RfP processes for the Bellfield Project which includes both the sale of land for market housing and the lease of land for the social housing project. The advisor's role is to ensure that both transparency and integrity are maintained and that probity principles are adhered to throughout all stages of the projects. The appointed probity advisor provided oversight of the RfP evaluation process and has provided a report confirming appropriate probity processes have been adhered to (**Attachment 2**).

Legal advice was obtained from Hunt and Hunt lawyers regarding use of Council-owned land for the development of social housing. The land to be used for social housing is zoned Public Use Zone – Local Government (PUZ6). The zoning is flexible in relation to both permissible development and permissible use and there are no land uses listed as prohibited within the PUZ6 zone. Despite this, any use of the PUZ6 land that is not *'by or on behalf of'* Council will require a planning permit to be obtained.

Considering that Council's functions include *'planning for and providing services and facilities for the local community'* and *'providing and maintaining community infrastructure in the municipal district'* as set out in Section 3E(1)(b) and (c) of the *Local Government Act (1989)*, Council's proposed ground lease to a social housing provider fits within those functions. On that basis, there are no legal issues relating to a ground lease being granted to a provider for the provision of social housing on Council owned land, however a Planning Permit is required prior to construction commencing.

### **HUMAN RIGHTS CHARTER**

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

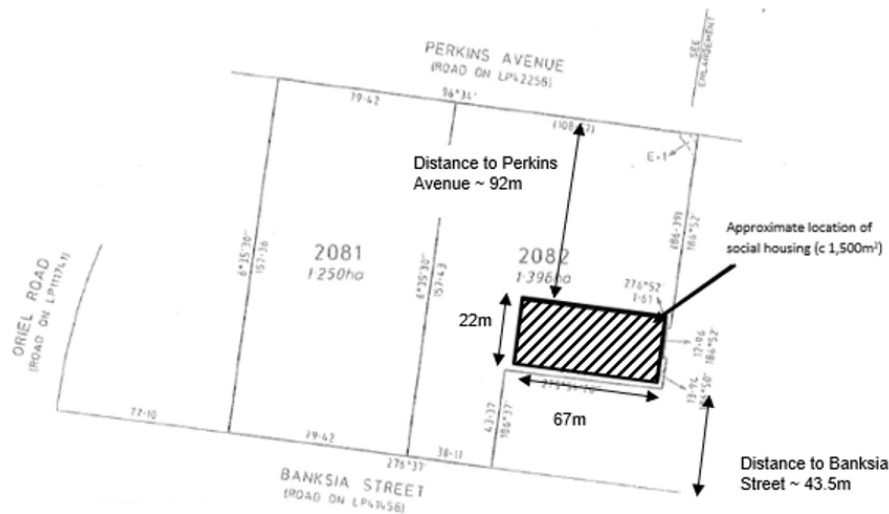
The delivery of social housing at Bellfield will provide housing for low to moderate income earners within the community and enable those individuals to have the assurance and security of having somewhere to live. Social housing will also provide the right to an adequate standard of living which enhances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

## BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd

### Locality Plan



The plan showing the overall Bellfield Project land is shown above with the portion dedicated to social housing shown in white.



The land set aside for development of social housing is approximately 1,500m<sup>2</sup> and forms part of 230 Banksia Street, Bellfield. A surveyed plan of the site has been prepared and will be inserted in to the Lease. The social housing development will sit alongside the new multi-purpose Community Hub and relocated community garden.

### CURRENT SITUATION

The results of the EoI were provided to Council in a report tabled on 18 May 2020, with a decision by Council to support progression of the project to the RfP phase.

**BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd**

Three RfP submissions were received. A summary of the proposals is presented below.

	Respondent 1	Respondent 2	Respondent 3
No of dwellings	Up to 58 – 4 levels plus roof top garden	<b>Option A</b> – Up to 55 – 4 levels plus roof top garden <b>Option B</b> – Up to 44 – 3 levels plus rooftop garden	Up to 30 – 4 levels plus roof top garden
Apartment type	A range of 1bd (including studio) and 2bd units, with a flexible configuration for 3bd arrangements across studio and 2bd units	<b>Option A</b> – a range of 1bd, 2bd and 3bd units <b>Option B</b> - a range of 1bd, 2bd and 3bd units	A range of 1bd, 2bd and 3bd units
Structure	Cross laminated timber (CLT)	Cross laminated timber (CLT) with light weight standing seam metal cladding with brick base	Precast concrete modular pods
Carparking	43 basement	31 (both options) basement	17 on grade
ESD initiatives	Embedded green energy network, rooftop solar PV farm, optimum solar orientation and passive heating/cooling, smart metering and occupancy sensors, double glazed windows, no gas (all electric for net-zero ready building), low embodied energy with cross laminated timber and timber framing throughout, rain water to be used for garden and toilet flushing, reduced carparking. Targetting BESS greater than 70% with minimum NatHERS rating 7.5 stars	Rooftop PV solar array and greenhouse, circulation and natural ventilation, 73% of apartments to be north facing, no gas, energy efficient lighting (LED), appliances and fittings, communal laundry, greywater treatment, rainwater capture, on site organic waste treatment, DHW heatpumps, passive house façade, ultra-low flow showers, light coloured rooftops. Targetting minimum NatHERS rating 7.5 stars	Carbon neutral, roof top solar panels, connected battery storage, passive heating/cooling and ventilation, rainwater capture for flushing and irrigation, roof top garden, double glazed windows, north facing apartments with deep set balconies or fixed horizontal shading, DARWIN Wellness Home Automation system for all apartments, best practice indoor environmental air quality, gas free, two electric vehicle charging stations. Targetting BESS 70% and NatHERS rating 8.0 stars
Proposed dev cost	\$20mill	<b>Option A:</b> \$20mill <b>Option B:</b> not provided	\$7 mill
Timing	<b>Lodge DA:</b> Feb 2021 <b>Permit Approval:</b> June 2021 <b>Start construction:</b> Jan 2022 <b>Occupation:</b> June/July 2023	<b>Lodge DA:</b> Nov 2020 <b>Permit Approval:</b> Mar 2021 <b>Start construction:</b> Dec 2021 <b>Occupation:</b> Apr 2023 *No significant difference in timeline for Option B	<b>Lodge DA:</b> Nov 2020 <b>Permit Approval:</b> Mar 2021 <b>Start construction:</b> May 2021 <b>Occupation:</b> Jan 2022

*Note: All units comply with the Victorian Better Apartment Design Standards (BADs) for bedroom and living dimensions and functional layout*

**DISCUSSION**

While the submission from Respondent 3 meets the criterion of providing a minimum of 30 dwellings, provides for a faster delivery of social housing and may present the lowest risk (given it is the lowest cost option and simplest construction form), the evaluation panel agreed that the submission from Respondent 1 best addressed all the required criteria and is therefore the preferred provider, subject to successful negotiation of the legal documentation.

All three providers have significant experience in the sector and provided detailed community engagement plans to optimise project and tenant outcomes. It is considered that all three could potentially deliver a good quality housing product with crucial ESD elements, however the inspirational design and more comprehensive proposal submitted by Respondent 1 resulted in them scoring higher across most criteria.

## **BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd**

Respondent 1's concept plan was the most innovative and demonstrated an aspirational design that would deliver a sustainable building, showcasing best practice affordable housing and represents a very impressive outcome as Council's first facilitated large scale social housing project.

As part of Respondent 1's submission, variations were requested to be made to certain clauses of the legal documents. These are not considered to be of major significance, however will be reviewed by Council's lawyers, Maddocks, to confirm and assess any risks to Council associated with the proposed changes.

In summary, the preferred proposal includes the following:

- A \$20mill development with up to 58 dwellings (depending on the final dwelling configuration and mix) to be delivered over 5 levels with one level of basement parking (43 spaces). The roof (5<sup>th</sup> level) will include a terrace and roof top edible garden to complement the community garden next door.
- Significant ESD initiatives including a minimum 7.5 NatHERS rating, solar PV array on roof, rainwater harvesting, timber framing throughout, occupancy sensors, embedded green energy network and all-electric (no gas) for a 'net-zero ready' ultra-efficient building - targeting BESS score greater than 70%.
- Innovative all-timber structure which will reduce the development's embodied carbon.
- A sustainable mix of residential apartments with internal and external community spaces for residents.
- A locally based approach to deliver services.
- The use of a number of very high-quality consultants as part of the communication and consultation team.

Respondent 1 is a highly experienced and well-credentialed supplier and manager of social housing with a strong and capable management and corporate structure. Combined with their strong project governance and communication management process, it is considered they will be able to deliver the development.

It is suggested that, although negotiations with the view of executing the AfL and Lease documents with Respondent 1 continues, the other two providers should be kept fully informed and engaged in the event that an agreement cannot be reached. If this occurs, discussions with the next best provider would proceed.

## **FINANCIAL**

The preferred development is estimated to cost around \$20mill. None of the respondents have their respective developments fully funded but are instead reliant on a number of different funding sources. Council has assisted through provision of the land component which is estimated to be approximately \$2.5mill.

Respondent 1 has indicated that they have the capital to fund an additional \$2.5mill through debt and equity. The remainder of the development is to be funded through a number of other channels including grants, philanthropic organisations, foundations (eg Lord Mayor's Charitable Foundation), Federal and State Government and subsidy schemes.

State Government will soon announce a housing stimulus package for 2020 (expected to be October/November 2020). The Bellfield social housing project has

## BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd

the necessary elements that State Government would be looking to support including:

- An agreement between Council and the housing provider and a suitable parcel of land;
- Funding contribution by the housing provider themselves;
- A social housing tenant mix to be allocated through the Victorian Housing Registrar with an emphasis on local residents;
- Strong ESD credentials; and
- Excellent value for money in terms of the cost per unit.

Respondent 1 has demonstrated ability to raise funds from multiple sources and has done so for a number of other multi-million dollar projects in recent times. The risk of Council having to financially support the development is considered to be very low. The Victorian Housing Registrar also has the ability to step-in in the event of a default during project construction to ensure the project is completed.

A cost plan report was prepared as part of the RfP submission by Respondent 1's quantity surveyors and cost consultants. The plan was developed using current market rates and based on works being completed as part of a continuous work stream in a reasonable time frame. The cost plan was independently reviewed by a separate quantity surveyor engaged by the Evaluation Panel and, while there were some small discrepancies, there is sufficient comfort that the development has been adequately costed.

### TIMELINES

Upon Council providing approval to execute the legal documentation, it is expected that Contract finalisation will occur in late September 2020 so that formal engagement of the social housing provider can occur. An indicative development timeline of the next steps has been depicted below and includes Planning Permit approval in mid 2021, development commencing in early 2022 and the social housing building being delivered and occupied by mid-2023.

#### SOCIAL HOUSING DEVELOPMENT INDICATIVE TIMELINE



### 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.

## **BELLFIELD PROJECT: AWARDING OF LEASE FOR DELIVERY OF SOCIAL HOUSING cont'd**

### **CONCLUSION**

A Request for Proposal (RfP) process was undertaken to find a social housing provider for development of social housing at Bellfield. Respondents who were shortlisted following the EoI were invited to submit proposals.

Three RfP submissions were received and, following assessment by the Evaluation Panel, a preferred provider (known as Respondent 1) has been selected. The successful project includes up to 58 dwellings (depending on the final dwelling configuration and mix) over four levels plus rooftop garden and basement car parking for 43 cars.

It is considered that Council should now agree to formally notify Respondent 1 that they are the preferred provider, subject to agreeing and executing the Agreement for Lease (AfL) and Lease. Once legal documentation has been executed, Council will publicly announce the award of the project.

It is further considered that both Respondents 2 and 3 be advised that, while they have not been chosen as the preferred provider, as the offer is still subject to contract negotiation, it is important that they continue to be committed to the project until formal notification that legal documents have been executed.

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

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Evaluation criteria social housing RfP - <b>CONFIDENTIAL</b>	
2	Probity Report	
3	RfP evaluation details - <b>CONFIDENTIAL</b>	

## **7.7 AWARD CONTRACT NO 1051-2020 - HARD WASTE COLLECTION**

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

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1051-2020 for "Hard Waste Collection" which is a component of the kerbside residential waste service.

A tender for Hard Waste Collection Service was advertised in the Local Government tender section of The Age newspaper on Saturday 30 May 2020 and closed on Wednesday 24 June 2020. Each tender was evaluated using a weighted matrix based on financial, technical, commercial and other criteria.

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

### **RECOMMENDATION**

That

1. Contract No. '1051-2020' for 'Hard Waste Collection' be awarded to Jubilee Trial Pty Ltd as per the schedule of rates for an estimated \$1,518,000.00 (ex. G.S.T) over a 4-year period.
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of two (2) years at the end of the first 2 years, subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Avoid waste generation".

### **BACKGROUND**

Council offers residents the opportunity to dispose of unwanted hard waste from the kerbside as part of the waste services provided. The service is popular with usage growing to approximately 23,000 services annually and usually the most popular customer request received by Council.

This service is available to all residents that have a suitable collection point for collection (this includes many residential properties which Council is unable to provide a weekly kerbside bin collection service).

## **AWARD CONTRACT NO 1051-2020 - HARD WASTE COLLECTION cont'd**

Council does not have a legal obligation to provide a hard waste service, but it is common practice for a Council to facilitate a service.

A new contract is required to commence by 1 November 2020 to ensure continuity of service provision.

The Initial Contract Term for this contract will be for a maximum initial period of two (2) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years – 4 years in total.

### **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 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.



## **AWARD CONTRACT NO 1051-2020 - HARD WASTE COLLECTION cont'd**

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

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

### **HUMAN RIGHTS CHARTER**

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

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

### **TENDER/QUOTATION EVALUATION**

A tender for Hard Waste Collection Service was advertised in the Local Government tender section of The Age newspaper on Saturday 30 May 2020 and closed on Wednesday 24 June 2020.

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

- Tendered Price;
- Capacity of Tenderer to provide the services including methodology and experience in waste industry, procedures and technology relating to the services;
- Capability, previous experience, performance and reliability of Tenderer to provide services, including diversion from landfill methods and referee feedback;
- Demonstration of local, social and environmental sustainability;
- Existence of an accredited management system and procedures covering Quality, OH & S and Environmental performance; and
- Any other factor considered relevant by Council.

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

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration. Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.

One tenderer did not submit mandatory Response Schedules with their tender submission, therefore this tenderer was deemed non-compliant by the Procurement Representative and excluded from evaluation.

**AWARD CONTRACT NO 1051-2020 - HARD WASTE COLLECTION cont'd**

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

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Jubilee Trial Pty Ltd	82.10%
Tenderer B	72.62%
Tenderer C	67.84%
Tenderer D	67.18%
Tenderer E	66.76%
Tenderer F	63.20%

Following an initial evaluation, the Evaluation Team scheduled an in-person meeting with Jubilee Trial Pty Ltd to discuss their bid and confirmed their bid details.

The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

Jubilee Trial Pty Ltd are a company local to Banyule. They have indicated that they would prioritise engaging a possible resident within the municipality should additional staff be required for the contract. They have also indicated that they would seek Environmental Management System certification if successful.

Following the final evaluation, the Evaluation Team recommended Jubilee Trial Pty Ltd. Jubilee Trial Pty Ltd are currently contracted to Council to provide waste cartages services for the Banyule Waste Recovery Centre and held and successfully provided the hard waste collection service provider prior to the awarding of the current contract.

**FUNDING IMPLICATIONS**

Council has allocated funds in its 2020/2021 operating budget for this project.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**AWARD CONTRACT NO 1051-2020 - HARD WASTE COLLECTION cont'd**

**CONCLUSION**

As a result of the quotation evaluation, the Tender Evaluation Panel recommends that Contract No. '1051-2020' for 'Hard Waste Collection' be awarded to Jubilee Trial Pty Ltd as per the schedule of rates for an estimated \$1,518,000.00 (ex. G.S.T) over a 4-year period. The contract will be an initial two year period with the Director Assets and City Services authorised to extend the contract for further periods of any duration up to a maximum extension period of two (2) years at the end of the first 2 years, subject to satisfactory performance and the meeting of Council objectives

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Tender Evaluation Matrix - <b>CONFIDENTIAL</b>	
2	Risk Mitigation Strategy - <b>CONFIDENTIAL</b>	

## **7.8 AWARD OF CONTRACT NO 1054-2020 "RECONSTRUCTION OF DEWINTON RESERVE OVAL AND CRICKET NETS"**

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

Ward: Ibbott

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1054-2020 for "Reconstruction of De Winton Reserve Oval and Cricket Nets" for the reconstruction of the oval at De Winton Reserve and the upgrading of the cricket nets in this reserve.

As part of the 2020/21 Capital Works programme, Council is proposing to reconstruct De Winton Oval with works including earth works, drainage works, irrigation works, root zone mix installation, turfgrass establishment, concrete works and fencing. The cricket net works include the construction of four cricket nets.

Tenders were advertised in The Age and on Council's website. During this period, forty-two (42) companies downloaded the tender documents and twelve (12) submissions were received by the closing time.

The Tender Evaluation Panel (TEP) has recommended awarding the contract Contract No 1054-2020 for "Reconstruction of De Winton Reserve Oval and Cricket Nets" for the lump sum price of \$1,290,655 (excl. GST) to Evergreen Turf Group Pty Ltd.

### **RECOMMENDATION**

That:

1. Contract No. '1054-2020' for 'Reconstruction of De Winton Reserve Oval and Cricket Practice Nets' be awarded to Evergreen Turf Group Pty Ltd for \$1,290,655.00 (ex. G.S.T).
2. That the Director of Assets and City Services be authorised to sign the contract and any other associated documents.

### **COUNCIL PLAN**

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

## **AWARD OF CONTRACT NO 1054-2020 "RECONSTRUCTION OF DEWINTON RESERVE OVAL AND CRICKET NETS" cont'd**

### **BACKGROUND**

In May 2018, Council was advised it was successful in obtaining \$400,000 in funding from the State Government through Sport and Recreation Victoria for the reconstruction of the cricket practice nets and pavilion at De Winton Reserve. Approximately \$50,000 of the \$400,000 has been allocated for the upgrading of the nets. The new cricket nets will help the club meet its increased participation numbers and include the construction of four cricket nets.

Increasing participation numbers have been placing additional pressure on the presentation and condition across all of Council's sports fields. In response, Council has committed to a sports field reconstruction program the purpose of which is to increase the quality of the playing surface and increase the number of hours that a ground can be used for. Through geotechnical surveys and consultation with Council's Leisure department a reconstruction program has been developed and De Winton has been program for reconstruction and is included in the 2020/2021 Council budget. The oval works will include: earth works, drainage works, irrigation works, root zone mix installation, turfgrass establishment, concrete works, and fencing.

### **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 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.

**AWARD OF CONTRACT NO 1054-2020 "RECONSTRUCTION OF DEWINTON RESERVE OVAL AND CRICKET NETS" cont'd**

**BANYULE PROCUREMENT POLICY**

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

The purpose of this Policy is to:

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

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

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

**HUMAN RIGHTS CHARTER**

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

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

**TENDER EVALUATION**

Tenders were advertised in The Age on Saturday 6 June 2020 and on Council's website. During this period, forty-two (42) companies downloaded the tender documents. Tenders closed at 3:00pm, Wednesday 1 July 2020 and twelve (12) submissions were received by the closing time.

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

- Tender Price;
- Previous performance, experience and reliability in the provision of similar types of projects;
- Qualifications and capability of nominated staff including experience of nominated sub-contractors;
- Sustainable Procurement Questionnaire;
- Existence of an accredited management system and procedures covering Quality, OH&S; and
- Any other information which the Council may deem to be relevant.

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

**AWARD OF CONTRACT NO 1054-2020 "RECONSTRUCTION OF DEWINTON RESERVE OVAL AND CRICKET NETS" cont'd**

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

The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included or considered Sustainable Procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation criteria for awarding the contract.

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

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Evergreen Turf Group Pty Ltd	91.50%
Tenderer B	79.21%
Tenderer C	68.03%
Tenderer D	75.40%
Tenderer E	77.78%
Tenderer F	80.60%
Tenderer G	79.83%
Tenderer H	90.30%
Tenderer I	78.17%
Tenderer J	69.46%
Tenderer K	67.56%
Tenderer L	89.43%

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

The TEP shortlisted the three highest scoring tenders and undertook reference checks and further tender clarifications. The tender clarifications addressed the tender exclusions and other conditions stated in the tender submissions of all tenderers.

The TEP recommended Evergreen Turf Group Pty Ltd for the reconstruction of De Winton Oval and construction of the cricket practice nets. It is evident from the above weighted scores that Evergreen Turf Group has obtained the highest score and lowest price that will deliver best value for money to Council.

**AWARD OF CONTRACT NO 1054-2020 "RECONSTRUCTION OF DEWINTON RESERVE OVAL AND CRICKET NETS" cont'd**

They have demonstrated in their submission excellent prior experience in similar sized projects across Melbourne including recent Council reconstruction of Montmorency North Oval, highly skilled staff and fully accredited quality, OH&S and environmental systems.

**FUNDING IMPLICATIONS**

The North East Link Project has committed to contributing \$250,000 for the purchasing of instant turf for the oval to assist in minimising the impact of the North East Link on sporting clubs in Banyule.

Sport and Recreation Victoria will contribute \$50,000 towards the construction of the cricket nets.

Council has allocated funds in its 2020/2021 Capital Works program for this project.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**CONCLUSION**

As a result of the tender evaluation, the TEP Panel recommends that Council award Contract No.1054-2020, to Evergreen Turf Group for the Reconstruction of De Winton Oval and Cricket Practice Nets for the lump sum price of \$1,290,655.00 (ex GST).

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1054-2020 DeWinton Reserve Oval Reconstruction - Confidential Appendix - <b>CONFIDENTIAL</b>	



## **7.9 AWARD OF CONTRACT NO. 1058-2020 "CONSTRUCTION OF GREENSBOROUGH PRESCHOOL EXPANSION AND REFURBISHMENT WORKS"**

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

Ward: Bakewell

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1058-2020 for "Construction of Greensborough Preschool Expansion and Refurbishment Works".

As part of the 2020/21 Capital Works programme, Council is proposing to expand Greensborough Preschool to include a new play room and to refurbish the existing preschool building and accompanying MCH.

Tenders were advertised in The Age and on Council's website. During this period twenty six (26) companies downloaded the tender documents and fifteen (15) submissions were received by the closing time.

The Tender Evaluation Panel (TEP) recommends that Council award Contract No 1058-2020 "Construction of Greensborough Preschool Expansion and Refurbishment Works", for the lump sum price of \$996,987.00 (excl. GST), to Malcorp Building and Carpentry Services.

### **RECOMMENDATION**

That:

1. Contract No 1058-2020 "Construction of Greensborough Preschool Expansion and Refurbishment Works", for the lump sum price of \$996,987.00 (excl. GST), be awarded to Malcorp Building and Carpentry Services.
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 NO. 1058-2020 "CONSTRUCTION OF GREENSBOROUGH PRESCHOOL EXPANSION AND REFURBISHMENT WORKS" cont'd**

**BACKGROUND**

This report is to consider the awarding of Contract No 1058-2020 for "Construction of Greensborough Preschool Expansion and Refurbishment Works".

In 2014 Council was awarded \$2.0M from the State Government to undertake works at Sherbourne Primary School. Following further investigation, it was agreed not to proceed with this project and to reallocate \$1.6M of this funding to Greensborough Preschool whilst the remaining \$400k was allocated to seven preschools to improve outdoor spaces and accessibility.

The scope of works includes, but is not limited to:

- A new playroom to be added on to the preschool to increase 4 year old kindergarten places and future proof the site for the introduction of 3 year old funded kindergarten.
- Refurbishment of the existing preschool playroom, staffroom, kitchen and bathroom facilities
- New consulting rooms and waiting room for the MCH
- Upgrade to the drainage infrastructure to cater for the extension works

**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 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.

**AWARD OF CONTRACT NO. 1058-2020 "CONSTRUCTION OF GREENSBOROUGH PRESCHOOL EXPANSION AND REFURBISHMENT WORKS" cont'd**

**BANYULE PROCUREMENT POLICY**

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

The purpose of this Policy is to:

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

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

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

**HUMAN RIGHTS CHARTER**

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

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

**TENDER EVALUATION**

Tenders were advertised in The Age and on Council's website. During this period twenty six (26) companies downloaded the tender documents and fifteen (15) submissions were received by the closing time.

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

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

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

**AWARD OF CONTRACT NO. 1058-2020 "CONSTRUCTION OF GREENSBOROUGH PRESCHOOL EXPANSION AND REFURBISHMENT WORKS" cont'd**

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

The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

During the initial opening of tenders, the eight (8) highest priced submissions were excluded from further consideration. Based on all tendered prices and with the agreed weightings structure they would not have a realistic chance of success. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

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

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Malcorp Building and Carpentry Services	83.66
Tenderer B	77.73
Tenderer C	75.75
Tenderer D	74.77
Tenderer E	74.72
Tenderer F	70.95
Tenderer G	69.84

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

Based on the initial scores the TEP shortlisted Malcorp Building and Carpentry Services only, as the lowest priced and highest scoring tender.

A post tender interview was held with Malcorp Building and Carpentry Services on Wednesday 12 August 2020 where further assurances regarding finances, tendered price, competency, capacity and resourcing for the project were sought to the satisfaction of the panel.

**FUNDING IMPLICATIONS**

Council has allocated funds in its 2020/2021 Capital Works program to undertake the construction of Greensborough Preschool Expansion and Refurbishment Works.

**AWARD OF CONTRACT NO. 1058-2020 "CONSTRUCTION OF GREENSBOROUGH PRESCHOOL EXPANSION AND REFURBISHMENT WORKS" cont'd**

This funding is part of the \$2.0M received from the State Government in 2014.

**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**

As a result of the tender evaluation, the Tender Evaluation Panel recommends that Council award Contract No 1058-2020 "Construction of Greensborough Preschool Expansion and Refurbishment Works", for the lump sum price of \$996,987.00 (excl. GST), to Malcorp Building and Carpentry Services.'

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1058-2020 Tender Evaluation Sheet - <b>CONFIDENTIAL</b>	

## 7.10 ASSEMBLY OF COUNCILLORS

Author: Ellen Kavanagh - Governance 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>	10 August 2020 6.30pm
	<b>Type of Meeting:</b>	Councillor Briefing – Virtual
	<b>Matters Considered:</b>	
	<ol style="list-style-type: none"> <li>1. Gambling – outline of options for supporting socialisation and community connectedness</li> <li>2. Community Vision and Council Plan</li> <li>3. Council Meeting – virtual process</li> </ol>	
	<b>Councillors Present:</b>	
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Vivien Ferlino – <i>Governance Coordinator</i> Kerry Woods – <i>Executive &amp; Councillors Team Leader</i> Lisa Raywood – <i>Manager Public Health Protection, Aged &amp; Community Planning</i> Theonie Tacticos – <i>Community and Social Planning Coordinator</i> Jo van Dort – <i>Community &amp; Social Planning</i> Bridget Ruff – <i>Integrated Planning Project Manager</i>		
<b>Others Present:</b>		
Nil		

ASSEMBLY OF COUNCILLORS cont'd

	<b>Conflict of Interest:</b>	Nil
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<b>2</b>	<b>Date of Meeting:</b>	17 August 2020 – 6.00pm
	<b>Type of Meeting:</b>	Councillor Briefing – Virtual
	<b>Matters Considered:</b>	
	<p>Items on the Council Agenda for the Ordinary Meeting of 17 August 2020 (excluding confidential items) as listed below:</p> <ul style="list-style-type: none"> <li>3.1 Proposal for the establishment of a Banyule Scouts Grants Program</li> <li>3.2 Proposed New Lease with The Scouts Association of Australia (Victorian Branch) - Various Sites</li> <li>5.1 North East Link Project: Supreme Court Appeal Settlement</li> <li>5.2 Hurstbridge Railway Line Upgrade (Stage 2): Advocacy to address project shortcomings</li> <li>5.3 Community Climate Action Plan Adoption</li> <li>7.1 Governance Rules (Draft)</li> <li>7.2 Public Transparency Policy (Draft)</li> <li>7.3 Council Expense Policy (Draft)</li> <li>7.4 Audit &amp; Risk Committee</li> <li>7.5 Update of Delegations</li> <li>7.6 Audit &amp; Risk Advisory Committee Minutes - 19 June 2020</li> <li>7.7 Appointment of Independent Chairperson of the CEO Employment Matters Committee</li> <li>7.8 Financial Management Report - Preliminary June 2020 Performance</li> <li>7.9 Report on property transactions for the 6 months ending 30 June 2020</li> <li>7.10 Proposed Leases – Preschools</li> <li>7.11 Bellfield Project - EOI Evaluation for Delivery of Bellfield Community Hub and Community Garden</li> <li>7.12 Bellfield Project: EOI evaluation for delivery of market housing (Banksia Village)</li> <li>7.13 Contract 1036-2020 – Supply and Delivery of One 6x4 High Pressure and Vacuum Drain Cleaning Truck</li> <li>7.14 Contract No 1042-2020 for "Supply and Delivery of Welding and Fabrication Services"</li> <li>7.15 Eaglemont Tennis Club Capital Works Project - Request for additional funds</li> <li>7.16 Assembly of Councillors</li> </ul>	
	<b>Councillors Present:</b>	
	<p>Peter Castaldo                  Alison Champion                  Mark Di Pasquale                  Rick Garotti                  Craig Langdon                  Tom Melican</p>	

**ASSEMBLY OF COUNCILLORS cont'd**

<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Emily Outlaw – <i>Council Business Team Leader</i> David Pascolo – <i>IT Technical Analyst</i> Duncan Stephen – <i>Jets Sound Engineer / Program Assistant</i>	
<b>Others Present:</b> Nil	
<b>Conflict of Interest:</b>	Nil

<b>3</b>	<b>Date of Meeting:</b>	24 August 2020 6.30pm
	<b>Type of Meeting:</b>	Councillor Briefing – Virtual
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Aged Care</li> <li>• Waste Management</li> <li>• Climate Action</li> <li>• General Discussion – Community Vision &amp; Council Plan</li> </ul>	
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Kath Brackett – <i>Director Community Programs</i> Geoff Glynn – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Lisa Raywood – <i>Manager Public Health Protection, Aged &amp; Community Planning</i> Kaylene Hodgkin – <i>Health Services Policy &amp; Project Coordinator</i> Leanne Horvath – <i>Health Services Policy &amp; Project Coordinator</i> Angela Brophy – <i>Home Support Coordinator</i> Russell Darling – <i>Manager Strategic Waste</i> Andrew Croft – <i>Waste Management Coordinator</i> Darren Bennett – <i>Manager Environment and Place</i>		



**ASSEMBLY OF COUNCILLORS cont'd**

	<b>Others Present:</b> Nil
	<b>Conflict of Interest:</b> Nil

<b>4</b>	<b>Date of Meeting:</b>	24 August 2020 8.30pm
	<b>Type of Meeting:</b>	Confidential Councillor Briefing – Virtual
	<b>Matters Considered:</b>  Confidential Matters considered	
	<ul style="list-style-type: none"> <li>Contractual matters</li> </ul>	
	<b>Councillors Present:</b> Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
	<b>Staff Present:</b>  Allison Beckwith - <i>Chief Executive Officer</i> Kath Brackett – <i>Director Community Programs</i> Geoff Glynn – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Lucy Rasdell – <i>Strategic Property Manager</i>	
	<b>Others Present:</b> Nil	
	<b>Conflict of Interest:</b>	Nil

**RECOMMENDATION**

That the Record of Councillor meetings report be received.

**ATTACHMENTS**

Nil