

# Agenda



**Monday, 14 December 2020 7.00pm**

## Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

## **Acknowledgement of the Traditional Custodians**

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

## **Diversity Statement**

*“Banyule is a diverse community, made up of people from different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities. Council is committed to inclusion, access and equity for everyone. These principles foster cohesiveness, empower people and improve the wellbeing of the Banyule Community.”*

## **Apologies and Leave of Absence**

## **Confirmation of Minutes**

*Ordinary Meeting of Council held 23 November 2020*

## **Disclosure of Interests**

### **1. Urgent Business**

#### **REPORTS:**

### **2. Petitions**

Nil

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- 3.2 Strengthening Opportunities for Community Connection and Reducing Gambling Harm..... 10
- 3.3 COVID-19 Response - Banyule's Economic Support Package - Status Update (Ratepayers, Business and Community)..... 16

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

Nil

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Nil

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## **8. Sealing of Documents**

Nil

## **9. Notices of Motion**

Nil

## **10. General Business**

### **Closure of Meeting to the Public**

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:

### **11. Confidential Matters**

11.1 Strategic Property Development Opportunity

### **Matters Discussed in Camera**

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

## **Closure of Meeting**

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

*Please note that the Council Meeting will be livestreamed to ensure compliance with the Government's COVID -19 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, 8 February 2021.*



### **3.1 EMERGENCY MANAGEMENT PLANNING REFORM**

Author: Kellie Massouras - Municipal Emergency Management Coordinator, Assets & City Services

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#### **EXECUTIVE SUMMARY**

This report is to consider the disestablishment of the Banyule Municipal Emergency Management Planning Committee (MEMPC) and to note the changes brought about by the *Emergency Management Legislation Amendment Act 2018 (EMLA Act)* in relation to the roles and responsibilities of council in the Victorian Emergency Management Arrangements.

The *EMLA Act* was passed through Parliament in August 2018 and seeks to address known and documented risks in emergency management planning by establishing an integrated, comprehensive and coordinated framework for emergency management planning.

Emergency Management Victoria (EMV) has requested that all Councils resolve to disestablish their current MEMPCs as of 1 December 2020. A reformed MEMPC will be established and chaired by Council's newly appointed Municipal Emergency Management Officer (MEMO) [previously known as the Municipal Emergency Resource Officer]. These new arrangements also formalise the existing role of Municipal Recovery Manager (MRM).

Current existing EFT and budgets will cover program support. A review of the implemented reforms will take place in December 2021 whereby future recommendations will be presented back to Council.

This report seeks a resolution from Council to disestablish the current MEMPC.

#### **RECOMMENDATION**

That Council:

1. Authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under *s21(3)-(5) of the Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions were repealed by *s82(2) of the Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of *s68 of the Emergency Management Legislation Amendment Act 2018*
2. Notes the changes to the emergency management arrangements, in particular the roles and responsibilities of Local Government.

#### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Develop and promote safety and resilience in our community".

## **EMERGENCY MANAGEMENT PLANNING REFORM cont'd**

### **BACKGROUND**

This Council report seeks to inform of the changes to the *Emergency Management Act 2013* (as amended by the *Emergency Management Legislation Amendment Act 2018*) and the impacts to the roles and responsibilities of local government.

The state of Victoria has a long history of emergencies, some of them highly destructive, and has developed a capability for dealing with such events. Many organisations across the municipality play a part. The activities of these organisations, both voluntary and permanently staffed, need to be coordinated to avoid conflict, wastage and gaps. Emergency management involves the plans, structures and arrangements which are established to bring together the endeavours of government, voluntary and private organisations and communities to deal with the whole spectrum of emergency needs, including prevention, response and recovery.

In 2018, amendments to the *Emergency Management Act 2013 (EM Act)* were passed through Parliament. The flow on effects of the *Emergency Management Legislation Amendment Act 2018 (EMLA Act)* were:

- The creation of a new State Emergency Management Plan (SEMP).
- The introduction of a new level of arrangements and the development of a Regional Emergency Management Plan (REMP).
- The decommissioning of the current Municipal Emergency Management Planning Committee (MEMPC) and redevelopment of the Municipal Emergency Management Plan (MEMP).
- Decommissioning of the Emergency Management Manual of Victoria (EMMV).
- Development of new Ministerial Guidelines.
- Changes to the Municipal level roles and responsibilities.

The phased commencement and implementation of the new planning arrangements contained in the *EMLA Act* occurred throughout 2020.

To ensure a seamless transition, the legislation was sequenced to allow for the commencement of planning reforms and the creation of the relevant tier plans. The state level amendments were implemented first, followed by the regional and then municipal arrangements. All arrangements outlined in the *EMLA Act* are now implemented in full.

### **LEGAL CONSIDERATION**

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

## EMERGENCY MANAGEMENT PLANNING REFORM 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 Act 2006*.

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

### CURRENT SITUATION

In regard to the new roles and responsibilities under the EMLA Act the following has been implemented within Council:

#### **Municipal Emergency Management Planning Committees**

When the municipal level amendments took effect on 1 December 2020 the *EMLA Act* transferred responsibility for municipal level planning from councils to new multi-agency Municipal Emergency Management Planning Committees (MEMPCs).

The reformed, multi-agency MEMPC has become the peak emergency management planning body in the municipality. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort.

Emergency Management Victoria (EMV) has requested that all councils, in line with *section 59(1)* of the *Local Government Act 2020*, acquit the responsibility [to establish a MEMPC] via a council resolution that ensures a MEMPC is established in accordance with the legislation.

Under the new arrangements the responsibility of the committee as a whole to deliver the emergency management plan and not that of the chair. Councils will convene and chair the committees which recognises their expertise, networks, and ability to coordinate across agencies at this level. However, planning is a shared responsibility of the MEMPC. The nominated chair for Banyule's MEMPC is the Municipal Emergency Management Officer (MEMO).

#### **Municipal Emergency Response Officer superseded by Municipal Emergency Management Officer**

The role of the Municipal Emergency Response Officer (MERO) ceased to have legislative backing come 1 December 2020 when *section 21 of the Emergency Management Act 1986* was repealed. Instead, the role of the MERO is replaced by the Municipal Emergency Management Officer (MEMO). The MEMO's responsibilities are to:

- liaise with agencies in relation to emergency management activities for the municipal district; and
- assist in the coordination of emergency management activities for the municipal council.

Council's MEMO position has been delegated to the Municipal Emergency Management Coordinator.

## **EMERGENCY MANAGEMENT PLANNING REFORM cont'd**

### **Municipal Recovery Manager**

A Municipal Recovery Manager (MRM) has been required under Part 6 of the Emergency Management Manual Victoria (EMMV) with responsibility for coordinating recovery activities at the municipal level. The role of the MRM is now formalised in legislation. The *EMLA Act* defines the responsibilities of the MRM as:

- coordinating the resources of the council and the community for the purposes of recovery;
- liaising with any MEMO appointed for the municipal district in relation to the use of the municipal council's resources for the purposes of recovery; and
- assisting any MEMO appointed for the municipal district with planning and preparing for recovery.

Council's MRM position has been delegated to the Manager Youth and Family Services.

### **Municipal Fire Prevention Officer**

The *Country Fire Authority Act 1958* and the *Fire Rescue Victoria Act 1958* require each council to appoint a Municipal Fire Prevention Officer (MFPO). The MFPO provides council with expertise in relation to fire prevention and provides a connection to local fire services.

The role of the MFPO will continue after 1 December 2020 but will no longer include a legislated planning function. Instead, fire planning will fall under the new integrated planning arrangements.

Council's MFPO position remains delegated to the Senior Municipal Laws Officer.

## **FUNDING IMPLICATIONS**

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

## **TIMELINES**

As at 1 December 2020 all level of reform has been implemented. The disestablishment of the existing MEMPC will occur in December 2020, after the council resolution is issued.

The letters inviting the nominated members of the reformed MEMPC will be distributed in January 2021. The first quarterly meeting of the new committee will be held on 11 February 2021 when the drafted Terms of Reference will be adopted.

Between March 2021 and December 2021 an MEMPC subcommittee will be formed to review and amend the current MEMPC to reflect the required changes.

Throughout the transition period regular updates will be provided to council to inform of progress and decisions.



**EMERGENCY MANAGEMENT PLANNING REFORM cont'd**

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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 changes under the new *EMLA Act* recognises that building safer and more resilient communities is the shared responsibility of all Victorians. In emergency management, shared responsibility refers to the collective obligations and accountabilities held by a range of actors. A commitment to shared responsibility recognises that no single actor can be responsible for emergency mitigation, preparedness, response or recovery. Individuals, communities, businesses, all levels of government and the not-for-profit sector all have a role to play.

The new arrangements provide for increased interoperability across all sector stakeholders and work towards increasing resilience within our communities.

**ATTACHMENTS**

Nil

## **3.2 STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM**

Author: Jo Van Dort - Health Planner, Community Programs

### **Previous Items**

Council on 28 Oct 2019 7.00pm (Item 3.1 - Approval of Alliance for Gambling Reform Partnership)

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### **EXECUTIVE SUMMARY**

Research has been undertaken on possible community connection programs and options for reducing gambling harm that are evidence informed and follow a public health approach. This research has identified Watsonia as a suitable location for a two-year pilot program to be delivered from the Watsonia Neighbourhood House and the Watsonia Library facilities.

The total cost to Council for this program would be \$164,000. The timing of when the program commences has different financial implications for Council's annual budgets. The two implementation options:

- Option 1 - with the program commencing from January 2021 or
- Option 2 – with the program commencing from July 2021.

Key partners in this proposal are: the Yarra Plenty Regional Library Watsonia branch, Watsonia Neighbourhood House, and the Libraries After Dark program.

### **RECOMMENDATION**

That Council:

1. Endorses the partnership project including the provision of \$164,000 funding for a Libraries After Dark program at the Watsonia Library and the Watsonia Neighbourhood House.
2. Invest in Option 1, a two-year project commencing in January 2021, to address social isolation, increase community connection and prevent harm from gambling in Watsonia
3. Allocates \$41,000 in Council's 2020/21 Budget and refers \$82,000 to the 2021/22 Budget process and \$41,000 to the 2022/23 Budget process.
4. Receives a progress report 12 months after the program commences and a final evaluation report at the completion of the 24-month program.

## STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM 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

Gambling has become a normalised activity and nearly 40% of the Banyule adult population participate in gambling activity. The top three gambling activities are Tattsлото, scratch cards and Electronic Gambling Machines (EGMs). Research using self-reported data shows increases in online gambling for pokies, casino tables and sports betting, however it is known that self-reporting of gambling activity is under-reported. The only accurate data currently available is gambling loss from EGMs, due to mandatory reporting by EGM venues.

Gambling causes significant harm in our community and affects not only gamblers, but also their families and employers.

On 28 October 2019, a Council Resolution (CO2019/213) was endorsed:

*That Council:*

- (a) *Considers opportunities to assist with local harm minimisation of gamblers and alternative programs to support social networking for those reliant on gambling venues for socialising.*
- (b) *Calls for a further report on how a grant program (of up to \$100,000pa) could assist such harm minimisation and alternative programs.*

In response to this Council resolution, research has been undertaken and identified a two-year project to minimise gambling harm and increase social connection in Watsonia.

Watsonia was chosen as the preferred location due to the existing infrastructure of the Library and Neighbourhood House. There is also a large gambling venue in Watsonia, with 103 EGMs, taking \$7.7 million revenue in 2019.

Key partners in this proposal are:

- The Yarra Plenty Regional Library Watsonia branch,
- Watsonia Neighbourhood House, and the
- Libraries After Dark program.

Evaluation of the program will occur at project time points of 12 months and 24 months. Evaluation will consist of measuring the strength of partnership and community engagement in the program. Evaluation will be undertaken by Council Officers using evaluation tools and guidance from the Victorian Responsible Gambling Foundation.

## **STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM cont'd**

### **LEGAL CONSIDERATION**

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

### **HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

This project does not impinge on any human rights, instead it enhances the right to the protection of families and children. Harm from gambling impacts families through reduced available income to meet the needs for the family, it is a contributing factor for family violence and gambling causes stress that is associated with financial difficulties and financial losses due to gambling activity.

### **ADVOCACY**

Banyule City Council is a leading Council Partner of the Alliance for Gambling Reform, an agency that leads coordinated state and national advocacy to reduce the harm caused by gambling. Council has participated in advocacy action during the COVID-19 pandemic to reduce the impact of gambling harm on our community.

### **CURRENT SITUATION**

Approximately 25% of adults in Banyule use EGMs, and in 2019, \$58 million was lost from the Banyule community through EGM revenue. There are currently 635 EGMs across 9 venues within the municipality.

The COVID-19 pandemic saw all gaming venues shut down and during the first month of isolation, there was a 67% increase in online gambling in Australia. Another study has found that just over 10% of people who do participate in online gambling, have increased their participation in online gambling during the pandemic.

Gambling has different impacts on different communities, and gambling harm is usually greatest in communities that experience the highest levels of disadvantage. There is often a higher number of EGMs located within these communities.

Watsonia is one of the suburbs within the municipality that is marked by higher levels of disadvantage and poorer social determinants of health. Within Watsonia are more people on low incomes, lower levels of education, high levels of housing stress, higher levels of unemployment, lower levels of internet connection and higher levels of older people lone households. These are all markers that make it difficult for residents to achieve the same levels of health and wellbeing as those who have higher income levels, higher education levels, secure employment and housing.

Further information on gambling losses and social determinants of health, are provided in **Attachment 1**.

Connection to community was low in the last Council Household Survey with only one third of residents feeling part of the community and that they had opportunities to connection with others. There are limited venues open to the Watsonia community in the evening that provide opportunities for connecting with others that are low cost.

## **STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM cont'd**

There has also been a rise in feelings of social isolation and loneliness during the first pandemic lockdown, with a VicHealth study showing that 23% of people didn't feel connected, 30% found it hard or very hard to stay connected with others, and staying connected with other people was most difficult for Aboriginal and Torres Strait Islander people, young people between the ages of 18 and 24 years, people who speak English as a second language, and those on JobSeeker and JobKeeper payments.

The COVID-19 pandemic has seen a dramatic increase in unemployment with those on JobSeeker payments rising from 4.1% pre-COVID to peaking at 9% in September in Watsonia

### **FUNDING IMPLICATIONS**

The total cost of this project for two years will be \$170,000. Libraries After Dark will contribute \$6,000 and the total cost to Council will be \$164,000. Libraries After Dark recommend a two-year implementation period and will only support the program if implemented over two years.

Two options are presented regarding commencement date and budget implications.

#### **OPTION 1:**

Project will commence in January 2021 and run until December 2022.

The annual budget allocations required are:

- \$41,000 - 2020/21 (note there is currently no allocation in the 2020/21 Budget for this project)
- \$82,000 - 2021/22
- \$41,000 - 2022/23

#### **OPTION 2:**

Project will commence in July 2021 and run until June 2023.

The annual budget allocations required are:

- \$82,000 - 2021/22
- \$82,000 - 2022/23

### **POLICY IMPLICATIONS**

This program is in alignment of the current Banyule Gambling Policy: Gambling Reduction and Harm Minimisation 2019-2022, particularly Gambling Policy positions:

1. Actively work to reduce adult financial losses from gambling in Banyule; and
3. Inform the community on programs and services available to prevent harm from gambling.

**STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM cont'd**

This project also aligns with the Banyule Municipal Public Health and Wellbeing Plan through the health priority of Mental Wellbeing

This project aligns to the Department of Health and Human Services COVID-10 Social Recovery Framework.

**DISCUSSION**

There is support from all key stakeholders and partners for the implementation of this project including Yarra Plenty Library, Libraries After Dark, Watsonia Library, Watsonia Neighbourhood House, and Gambler's Help.

This program will enable venues in Watsonia to extend their operating hours so that on Tuesday and Thursday evenings, there will be an alternative venue for the community to participate in activities that are not gambling.

Programs such as Libraries After Dark have been successful across Melbourne and Victoria in offering an alternative venue for people to go to. They are a 'community lounge', rather than a 'gaming lounge'. They offer similar things such as heating/cooling, drinks and snacks, but also internet and computer access, private spaces for reading or studying, as well as other spaces and activities for social connection.

Adding the Neighbourhood House to this program allows more opportunities for people who want to participate in a more active social environment.

There is a strong recommendation to trial the program for two-years to build familiarity with extended opening hours and to build social connection and integration of community members into other programs and services available.

Process and impact evaluation of the program will occur at 12 and 24 months of the implementation, with findings reported back to Council.

Two options are presented regarding timeframes for proceeding with this work:

**OPTION 1:**

Begin to deliver the project next calendar year. Partners have the capacity now to plan and begin to be ready to deliver the program and the community are ready to return to activities after being in extended lockdown. This is a unique window of opportunity to promote new activities to people who gamble and are wanting to continue their break from EGMs. However, financial resources have not been identified within the existing budget to deliver this program.

**OPTION 2:**

This project is considered for the 2021/22 Budget process. This will allow Council time to plan for the financial cost and work. However, this will mean that there is a lost opportunity to deliver the program whilst gaming venues are being re-opened and people who gamble are resetting their gambling behaviour.

## **STRENGTHENING OPPORTUNITIES FOR COMMUNITY CONNECTION AND REDUCING GAMBLING HARM cont'd**

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

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

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

### **CONCLUSION**

Council has the opportunity to invest in a two-year evidence-based, public health approach gambling harm prevention program that will seek to reduce harm from gambling in a vulnerable community. This program will also contribute to social recovery from the COVID-19 pandemic through provision of safe places for members of the community to come together on Tuesday and Thursday evenings to connect through activities within the Watsonia Library and Watsonia Neighbourhood House. This program has strong support from key stakeholders and partners.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	2020.11.24 Gambling Harm in Watsonia and Banyule.docx	

### **3.3 COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY)**

Author: Darren Bennett - Manager Environment & Place, City Development

#### **Previous Items**

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

Council on 6 July 2020 (Item 5.3 - COVID - 19 Response - Community and Business Support Package 2020-2021)

Council on 21 September 2020 (Item 7.5 - Amendments to Banyule's COVID-19 Economic Support Package)

Council on 6 July 2020 (Item 5.6 - COVID-19 Stimulus Opportunities)

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

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#### **EXECUTIVE SUMMARY**

On 16 March 2020, a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic. In response, Council confirmed Banyule's Economic Support Package of \$10.5m to support rate payers, local businesses and community groups to complement both the Federal and Victorian Government's support packages.

Council has provided significant assistance to ratepayers, business and community since the beginning of the COVID-19 Pandemic including:

- Providing support for ratepayers in the form of partial waivers of rates as well as rate deferrals.
  - A total of \$608,588 of rates have been waived for 1,560 of ratepayers in financial hardship. This compares to a budgeted amount of \$7,343,000 for the 2020/21 financial year (8.29% allocation).
  - Approximately \$2.8m of Council rates have been deferred until 30 June 2021 across a total of 1,035 ratepayers.
- Committing \$2.6m to support business recovery (excluding business rate support).
- Responding to the State Government's Outdoor Eating and Entertainment Package.
- As part of Council's support to the local community, the Community Grants Program was reviewed to better align with community need within a COVID-19 response and recovery environment. The approach was to repurpose and reimagine the existing program so that Council can assist to achieve positive community outcomes.
- Applying for state and federal grant funding such as Community Sports Infrastructure Stimulus Program and Local Roads and Community Infrastructure Program



**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

- Rent Relief for Commercial and Community groups until 31 March 2021

This report provides an update in relation to the outputs achieved from the business and community support to date, status of the ratepayer hardship relief and recommends further financial support to assist Rate payers and Businesses in Banyule to emerge from the global pandemic.

**RECOMMENDATION**

That Council:

1. Allocate \$316,017 from the existing Economic Recovery Package for the special rates and charges scheme by paying the business contribution for quarter 3 and quarter 4 of 2020/21.
2. Allocate \$53,035 from the existing Economic Recovery Package to extend the Business Support Officer for an additional six months to support the continuation of the Rediscover Local campaign.
3. Postpone the administration of penalty interest charged on all arrears and outstanding balances from 31 December 2020 to 28 February 2021, with Penalty interest to be processed one business day after the 3rd instalment date and calculated from the last date that penalty interest was charged, 11 March 2020 (excluding balances that have been deferred formally via the COVID-19 deferral process)
4. Refer funding for an expansion of the Business Support Grants and the Rates Hardship Officer resource to the 2021/22 budget process utilising any surplus funding from the Economic Support Package.
5. Continues to freeze the non-statutory fees and charges at 2019/20 prices until 30 June 2021.
6. Notes that fees, charges and rent (where applicable for Council tenants) for all local community groups have been waived until 31 March 2021.
7. Acknowledge that the Women in Business Lunch and the Best Biz Awards, and the commencement of the Economic Development Strategy will be deferred to 2021/22 financial year.
8. Receive a further report outlining key outcomes and recommendations in relation to the program in August 2021 on the community Grant Program – 2020/21.

**COUNCIL PLAN**

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

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**BACKGROUND**

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

- Protect staff health and wellbeing
- Minimise Council service disruption
- Maintain financial sustainability
- Support the local community
- Support the local economy

Council resolved to provide support for rate payers, business and community through the Banyule Economic Support Package. This support took the form of rate deferrals and partial rate waivers; special rates and charges contributions; rent relief; extended grants programs and other business initiative programs.

***Rate Deferrals***

A deferral of payments on an interest-free basis for the 2020/21 financial year has been offered upon application.

The rate deferral in effect will defer the interest penalties that would be imposed in accordance with Section 172 (2) of *Local Government Act 1989*. Interest penalty charges was agreed to be deferred until 31 December 2020. At that date penalty interest will be calculated from the day that interest was last imposed for all previous year debts and from the due date of the first two instalments for the current rating year.

***Rate Waivers***

Council resolved to grant general rate waivers under section 171A of the *Local Government Act 1989* with the application criteria for these waivers as follows:

- A waiver of up to \$500 for owner occupiers who are receiving the JobSeeker payment through Centrelink;
- A waiver of up to \$500 for businesses or sole traders receiving JobKeeper payments directly from the commonwealth government;
- A waiver of up to \$250 for ratepayers who are suffering hardship without JobKeeper or JobSeeker support from the commonwealth, including those receiving JobKeeper payments from their employer.

***Special Rates and Charges Contribution***

The Special Rates and Charges scheme business contribution was agreed to be funded by Council for quarter 1 and quarter 2 (1 July 2020 to 31 December 2020).

***Business Support***

On the 6 July 2020 Council increased its support for business by supporting the following initiatives:

- Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

- A Business Concierge Officer for a 12-month period to assist new start-up businesses;
- The establishment of a Business Investment Fund to allow Council to financially assist individual enterprises through the Council application process;
- Business Support Grants;
- Rediscover Local Initiative six-month campaign;
- Building Connection and Celebrating Initiative;

The total cost of the support for business initiatives is \$2.6m and a summary of the status and the impact of the funding is included in **Attachment 1**.

***Community Support***

Local Government also plays a critical role in supporting its community during this unprecedented time. As part of this commitment, the Banyule Community Grants Program was repurposed and reimagined so that Council can assist local communities to achieve the following outcomes:

- Rebuild and support community resilience and recovery
- Upskill and support community to transition post COVID-19
- Stimulate and inspire the community
- Encourage a sense of local pride and connection
- Revitalise public spaces and venues
- Stimulate activity and interaction – economic and social
- Celebrate community life

These outcomes are aligned to Council's Objectives and Key Directions and primarily focus on *responses* to the impact of COVID-19 through to the *recovery* phase. It is acknowledged that the recovery phase may take several years.

***Capital Infrastructure (shovel ready projects)***

State and Federal Governments have previously invested in construction projects to stimulate the economy when economic disruption occurs such as COVID 19. Since this time there has been various stimulus funding grants which has provided various options that Banyule City Council could benefit from.

- Local Roads and Community Infrastructure Program (LRCI Program)  
The Australian Government has committed \$500 million to the Local Road and Community Infrastructure Program (LRCI Program) to support jobs, businesses and the resilience of local economies
- Community Sports and Infrastructure Stimulus Program  
Community Sports Infrastructure Stimulus Program funding was made available by the State Government. The program was part of the Victorian Government's Building Works package, designed to support shovel-ready projects to get thousands of people back to work.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**Support for Community Groups and Sporting Clubs – Rent Relief**

Council has waived fees, charges and rent for local community groups until 31 March 2021 as it was considered likely that the upcoming summer season of sport would be impacted by COVID-19 restrictions. The relief included fees for ground use, pavilion hire and utilities during this time, and covered hall hire. With the recent ability to re-commence sports again within Banyule rents will be reinstated, according to the agreements, from 1 April 2020.

**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 Act 2006*.

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

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

**CURRENT SITUATION**

**Economic Outlook**

The outlook for the world economy highly depends on how the virus evolves, which can change quickly and is highly uncertain.

Figures released by the Australian Bureau of Statistics (ABS) in September indicated the Gross Domestic Product (GDP) fell an historic 7.0%, as the COVID-19 pandemic and the corresponding movement restrictions continued to impact economic activity.

Local Jobs are forecast to fall by 3.7% in the September Quarter 2020. This equates to a fall of 1,863 local jobs. In the absence of JobKeeper payments, the employment fall is estimated at 13.2% (6,596 jobs).

The 2020/21 State Budget was announced on the 24 November 2020. Details of the budget can be found at <https://www.budget.vic.gov.au/> .

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**Rate Payer Support**

**1. Rate Deferrals**

In terms of the total number of assessments and the percentage who have applied for a deferral, the following table shows the status as at 30 November 2020. The table shows that less than 2% of all ratepayers have applied for a deferral of rates.

<b>Classification</b>	<b>Assessments</b>	<b>Hardship Deferrals</b>	<b>Percentage</b>
Residential Improved	52,509	915	1.74%
Residential Vacant	418	11	2.63%
Commercial Improved	2,076	90	4.34%
Commercial Vacant	24	2	8.33%
Industrial Improved	973	17	1.75%
Industrial Vacant	11	0	0.00%

Council has deferred interest penalties that would be imposed in accordance with Section 172(2) of the *Local Government Act 1989* until 31 December 2020, at that date penalty interest will be calculated from the day that interest was last imposed for all previous year debts and from the due date of the 1<sup>st</sup> instalment for current year debt.

Those having been granted a deferral due to hardship will not be charged interest on these amounts until 30 June 2021. Those in hardship at that time will have the opportunity to enter a payment plan.

Continued promotion of the opportunity for ratepayers to obtain financial relief will be provided through the 2<sup>nd</sup> instalment notifications, through the December edition of the Banner and on Council's website.

**2. Rate Payer Support - Rate Waivers**

Banyule City Council under the Economic Support Package – Rate Support has to date provided 1,560 ratepayers with direct COVID-19 hardship support through a rate waiver in the current financial year.

The rate waivers processed up to 30 November 2020 total \$608,558. Of the 1,668 applications processed, 10 have been ineligible for a rate waiver, as they did not meet the specified criteria as resolved by Council.

Council has developed a process to deal with applications and to respond to customers as promptly as possible, realising that anticipation levels are high. Additional resources have been deployed to process and respond to these applications.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

The financial impact of providing waivers to-date has been \$608,558 of rates waived as well as approximately \$40,000 in staffing costs.

Rate Waiver Category	Applications				
	Amount	Eligible	Pending	Ineligible	Total
JobSeeker Eligibility (Category A)	\$223,000	446	26	3	475
JobKeeper Eligibility (Category B)	\$213,008	434	39	4	477
Other Eligibility (Category C)	\$172,550	695	18	3	716
<b>TOTAL</b>	<b>\$608,558</b>	<b>1,560</b>	<b>83</b>	<b>10</b>	<b>1,668</b>

***Business Support***

**1. Rediscover Local Campaign**

The Rediscover Local campaign was launched in mid-August 2020. The campaign has delivered strong results to date despite the significant impact of the State Government's mandated second lockdown just three weeks after the campaign's launch. Currently 1000 businesses are registered on the business directory.

Over 124 businesses in Banyule submitted offers for inclusion in the Little Book of Banyule Offers. These offers incentivise residents to shop locally and encouraged businesses in Banyule to partner with one another.

The Rediscover Local gift card program has 100 x \$50 gift cards reserved for awarding winners of competitions, equating to injecting \$8,800 into the local economy with a focus on supporting small business in Banyule that have suffered as a result of the impacts of COVID-19.

The campaign has been well received by businesses and community although the Business Support Officer for the Rediscover Local campaign was redeployed for 10 weeks to focus on the Temporary Outdoor Dining project which also had a significant impact on the development and promotion of the Rediscover Local campaign. The Results from the Rediscover Local initiative are included in **Attachment 2**.

**2. Grants**

Three grant streams were made available over two grant rounds in July and September:

- Business Support Grants (up to \$5,000),
- Business Coaching Grants (\$2,500) and
- Business Financial and Legal Planning (up to \$1,000).

The total funding pool for each grant round was \$120,000. There was a high level of interest in the business grants with 61 businesses applying in Round One and 96 businesses applying in Round Two (excluding ineligible applicants). Round Three and Four will occur in February and April and each with a funding pool of \$120,000. A summary of rounds One and Two and the criteria for Rounds Three and Four is included in **Attachment 3**.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**3. Training and Development**

In total 379 businesses have attended online events delivered by Banyule Business in conjunction with Business Victoria, Melbourne Innovation Centre, Small business Mentoring service and neighbouring councils Whittlesea and Nillumbik. A list of all events delivered from 1 July to 25 November 2020 are listed in **Attachment 4**.

**4. Rent Relief**

For properties where Council is the landlord, commercial tenants could apply for rent relief under the COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Miscellaneous Amendments Regulations 2020 and Amended Regulations. The total rent relief calculation to date is \$137,195. This excludes sporting clubs who have a seasonal allocation, however it does include tennis, bowls, croquet, scouts, occasional care, preschools, playgroups, neighbourhood houses, and other miscellaneous community groups as well as commercial tenants that applied and were granted relief.

**5. Business Member Assistance Program**

100 hours of counselling was funded through the Economic Support Package through Council's Business Member Assistance Program provider Access Programs Australia

Uptake on the counselling service has been low with only 13.5 hours expended as at 18 November 2020. Free counselling is now available from the State Government through the Wellbeing and Mental Health Support for Victorian Small Businesses program.

**6. Business Investment Fund and Fast Track Major Development Permits**

The Business Investment and Fast Track Fund is an initiative which has been set up to assist the economic recovery of various organisations impacted by COVID19.

The Business Investment Fund provides economic support by covering part or all of planning permit application fees (including advertising) for small businesses, social enterprises, Non-Government Organisation's, Not for Profits, charities, community groups and others on a case-by-case basis.

A total of six applications for fee subsidy to the value of \$5,149 have been supported as part of the Business Investment Fund and one major development permit has been fast tracked.

**7. Business Concierge Officer**

Council's Business Concierge Officer commenced on 1 October 2020 for a 12-month period to assist new start-up businesses navigate the permit application and various approvals processes within Council. The Business Concierge Officer has been focusing on Temporary Outdoor Dining in Banyule.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**8. *Building Connection and Celebrating Initiative***

*From my Window*

The '*From My Window*' project came about as a response to the COVID-19 lockdown and the effect it had on local artists and businesses. Delivered by the Arts and Culture team, this project supports local businesses and artists to safely enjoy our neighbourhoods and reconnect with one another through the creation of bespoke shopfront window installations.

The project involved 30 businesses and 9 local artists. It has been very well received by the business and the local community.

*Art in Public Spaces*

The Art in Public Spaces project is a collaboration between Economic Development and Arts and Culture teams and aims to activate local trading strips by encouraging residents and families in Banyule to safely enjoy their local neighbourhoods.

Three local artists were commissioned to create and install exciting and community focussed temporary public art in key shopping strips around the municipality. The temporary art adds to the vibrancy and appeal of these spaces and encourages residents to spend more time in their local community.

**9. *Outdoor Dining***

On Sunday 13 September 2020, the Victorian Government announced the *Outdoor Eating and Entertainment Package* to provide support for Local Councils in facilitating Temporary Outdoor Dining in their municipality and to provide grants for hospitality businesses and move to Temporary Outdoor Dining.

Council has made Temporary Outdoor Dining a priority with a team of dedicated staff supporting small businesses with their applications, initiating social distancing circles in Macleod Park and relocating street furniture to open further areas for *businesses* to extend their outdoor dining offering.

To support hospitality businesses transition to Temporary Outdoor Dining, no application or permit fees are applicable and permits are issued until 30 June 2021.

The Business Impact Survey 2020 revealed 42% of respondents thought the Temporary Outdoor Dining initiative was beneficial.

At the time of writing this report 71 businesses have applied for a permit, 24 permits have been issued, 23 are in the final stages of assessment, 6 are in the preliminary stage of assessment, 18 have withdrawn or alternative outcomes have been negotiated.



**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**Community Support**

**1. Grants Program**

There are 9 grant pools and 4 project initiatives that comprise the Banyule Grants Program in 2020/21.

<b>Grants</b>	<b>\$ Pool</b>	<b>Council Plan Key Direction</b>
COVID-19 Community Support Grants	150,000	PEOPLE – Strong Healthy and Inclusive Communities
Arts and Culture Quick Response Grants	20,000	
Arts and Culture Projects Grants	40,000	
Sporting Club Education Grants	10,000	
Sports Travel Grants	12,500	
Facility Subsidy Grants	18,000	
Environment Grants – Round 1	110,000	PLANET – Environmental Sustainability
Home Energy Efficiency Audits	33,000	
Better Score Energy Efficiency Upgrade Project	106,000	
<b>Community Building and Connections Initiatives</b>		
Community Public Art Project	15,000	PLACE – Great Places and Spaces
Neighbourhood Activation Project	17,000	
From My Window Project	28,000	
1000 Stars Project	10,000	
<b>TOTAL</b>	<b>569,500</b>	

Of the 13 initiatives of the Banyule Community Grants Program, nine were activated during the first part of this financial year. Across those activated, 138 applications were recorded of which 58% were approved for funding.

Six grant initiatives have been fully expended and will not be available again until 2021/22. Two of these have been very well accessed i.e. the two Arts and Culture grants and all projects under the Building Connection and Celebration Initiatives. A summary of the Banyule Community Grants Program is included in **Attachment 5**.

**Infrastructure Programs**

**1. Local Roads and Community Infrastructure Program (LRCI Program)**

In consideration of the above criteria Banyule City Council applied for this grant and was successful in receiving \$617,878.

Further to this award Council was notified in writing on 30 October 2020, that the program funding was being extended, and that Banyule had been awarded an additional funding allocation of \$3,872,081. Program guidelines and criteria for this additional funding has not yet been confirmed. It is expected this will be confirmed late December 2020 early January 2021.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**2. Community Sports and Infrastructure Stimulus Program**

There were strict criteria set for any application towards this grant. There were three projects identified that meet the criteria. The projects that were chosen to attract this funding are listed below.

- Olympic Park Stage 3 & 4.
- Banyule NETs Stadium Outdoor Courts.
- Darebin Creek Trail Stage 3.

An application was lodged for this grant opportunity. Council was notified that they were unsuccessful in attracting funding on this occasion.

**FUNDING IMPLICATIONS**

The Banyule Economic Support Package is \$10.5 million. The funding available is dependent on the number of ratepayer applications received and granted under the COVID-19 hardship waiver of general rates. The Budget 2020/21 has allocated \$7.34 million for the financial year ended 30 June 2020 to fund rate waivers.

From the COVID-19 hardship Rate Waiver Provision 8.29% has been directly distributed.

Council officers propose that the special rates and charges scheme is funded by Council for a further 6 months. The cost of funding the contribution of the special rates and charges scheme is \$316,017. This cost can be funded from the \$10.5m Economic Support Package.

The additional funding allocations relating to business support recommended in this report can be accommodated within the \$10.5m Economic Support Package.

**CONSULTATION**

***Banyule Business Impact and Recovery survey***

Banyule Businesses were invited to participate in a second business impact and recovery survey. The first survey was run in May 2020 and 125 businesses responded. The second survey opened on Monday 26 October and closed on Sunday 8 November 2020. In total 135 businesses participated in the survey. 83% of business responded they had been negatively affected by the impacts of COVID-19.

The top three impacts were decrease in cashflow (66%), decrease in customers (63%) compared to 32% and 25% respectively, reported in the first business impact survey. Third impact was unable to pay operational overheads e.g. staff wages, rent, bills (28%)

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

18.5% of businesses expressed they were not at all confident that if restrictions continued, they would not survive 1 month. Those least confident came from beauty/hair/entertainment/ sport/events/travel and associated flow on industries e.g. cake making, photography, food trucks, hair make up stylist, trophies sales  
20 businesses maintain confidence that they will be viable in 12 months' time and all have been able to partially or fully adapt to the restrictions.

Key Findings include:

- Sole traders largely missed in the support that was offered by state and federal government
- JobKeeper was critical in keeping business afloat.
- Businesses are seeking support that:
  - reduces business expenditure for both day to day operation and to adapt
  - offsets the loss of income
  - helps facilitate them to market their business
  - build their knowledge and skills to market and promote their business
- Businesses wanted clear direction in relation to restrictions and see council as a trusted organisation to provide this information.

**DISCUSSION**

The Banyule community and Australia will be permanently changed by the COVID-19 crisis. Individuals and families are coping with the loss of jobs and income and challenges to their mental health, housing, finances and family support.

This section of the report considers changes to rate support; areas of focus for the Economic Development team to June 2021 that will best respond to business needs and also considers emerging Issues and Challenges for the community services sector.

**Support for Ratepayers**

***Publicity and Promotion***

The waiver program has been promoted through the Banner, inserts with annual rates notices and over-prints on annual notices, reminder notices and instalment notices. There has also been publicity through Council's website.

***Application Process***

Applications have mainly been through Council's website, using an on-line form developed by the communications team. The website has catered for the various scenarios and allows applications for multiple properties where a ratepayer owns more than one property.

The form allows ratepayers to upload copies of their lease agreement where a commercial tenant is responsible for paying rates, rather than the owner of the property, who will be shown on the rates notice.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

A hard-copy form has also been developed for the small proportion of ratepayers who do not have internet access.

***Ratepayer Response***

Generally, feedback from ratepayers has been very positive. The negative feedback from the community relates to:

- The lack of provision for waivers for those receiving other types of commonwealth assistance, such as pensioners and health care card holders holding types of card other than JobSeeker cards.
- Those suffering hardship for reasons other than the coronavirus pandemic.
- The inability for business to access the Category B (\$500) waiver if they don't receive JobKeeper from the commonwealth government. This may be due to the fact they haven't traded for the requisite period of time to qualify for JobKeeper.
- The view that Council should waive all rates for the 2020/21 year or waiver rates or penalty interest from prior years.
- The belief that Council should waive rates on properties not in Banyule.
- The difficulty for commercial tenants in dealing with their landlords or agents who may be tardy in providing rental agreements where the applicant doesn't have a copy of their rental agreement.

***Application Difficulties***

There has generally been positive feedback from ratepayers using the online waiver application process. Where there have been technology issues, a paper-based form has been made available through Customer Service.

A small number of applications have been received from properties that are non-rateable but are charged the Fire Services Property Levy and non-rateable waste charges by Council. These applications have been declined.

A few applicants have supplied documentation that fails to support their application and has resulted in further follow-up work from staff. These often include:

- Supplying supporting documentation in the name of someone other than the applicant, such as a partner's health care card when Council has no knowledge of the cardholder and they aren't an owner of a property.
- Supplying a health care card or pension card that has been issued for a reason other than JobSeeker, such as Carer Allowance, Low Income, etc.
- Supplying commercial rental documents that are listed under a company or trust name and this is not referred to in the application.
- Providing documentation with vital information obscured.

Council staff actively try to obtain the correct documentation to assist ratepayers in obtaining a waiver. In some cases, several phone calls and emails have been made and haven't been responded to.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

After a review of the Economic Support Package over the past few months it is proposed to further amend the package. to extend the date of calculating of the interest penalty until after the 3<sup>rd</sup> instalment; ensure resources are provided to work with ratepayers to enter into payment plans; to collect overdue rates after the deferral period has ended and to continue to freeze non-statutory fees and charges.

**Support for Business**

Given the dynamic nature of COVID–19 Council has adopted an agile approach when responding to local business needs. This has required Council to act quickly and step in when needed in an environment of constant change, complexity and ambiguity.

Given the uncertainty around delivering large scale events and the focus on survival for many businesses, it is recommended Council defer both the *Women in Business Lunch* and the *Best Biz Awards* to 2021/22 financial year. It is also recommended Council delaying the commencement of the Economic Development Strategy until the 2021/22 financial year.

According to the Business Impact and Recovery Survey (Nov 2020) training and development remains a valued support mechanism for businesses in Banyule. When asked to rate the benefit of the training and development opportunities delivered as part of the economic support package 40% responded it was beneficial, 24% not beneficial and 36% unsure.

Despite one on one business mentoring rating as a key requirement in the Business Impact Survey (May 2020) the update of the program was less than expected. Contributing factors:

- Timing of launch coincided with business grants
- Stage 4 lockdown announcement and business preoccupied
- Competing offers - state government business resilience package offered 8 hours of free mentoring.

Given the focus of Small Business training and support initiatives announced within the 2020/21 State Budget, no additional resources for Small Business training and development is recommended.

The Business Impact and Recovery Survey conducted in October 2020 revealed:

- 45% of respondents considered the Rediscover Local initiative as beneficial to their business, while 33% saw the potential value in Rediscover Local, which presents an opportunity to promote the initiative further.
- Respondents indicated that strengthening their business branding and marketing was the highest ranked focus for them in the next three months, which identifies an opportunity for them to leverage Rediscover Local initiative to reach more customers and market their business.
- The Rediscover Local initiative was the second most valued support has offered Council offered, just 3% behind COVID-19 Business Support Grants.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

- The opportunity to market and promote their business, was again ranked by participants as the second most valued support for businesses owners, just 2% behind future Business Support Grants.

According to research reported by the Financial Review in July 2020, shopping mall vacancies in Melbourne are now the highest they have been in 20 years. Vacancy rates have hit over 20% in Melbourne's most popular shopping strips and Banyule reports a conservative figure of over 60 vacant retail and hospitality properties, and a total of over 140 commercial properties including medical and consulting suites, industrial buildings and offices (November 2020). These figures are expected to increase in the coming year as small businesses struggle to recover from the impact of COVID-19.

Information sourced from *idcommunity* reports a 7.0% decline in GRP in the September 2020 quarter compared to the September 2019 quarter and 3.7% fewer local jobs (13.2% if JobKeeper scheme ends) over the same period. Attracting new businesses to Banyule is essential to boost the local economy. When asked what opportunities respondents would be interested in taking advantage of moving to COVID normal in the recent Business Impact and Recovery Survey, the overwhelming response was "A pop-up market/space to showcase my product/services for 1-3 months to kick start a marketing campaign."

Combining these insights, it is considered that Council should:

- Extend the Special Rates and Charges scheme contribution for a further 6 months. Whereby the quarter 3 and quarter 4 business contributions for 2020/21 will be fully funded by Council
- Trial the Rediscover Local Shop-able Window initiative for six months, then reassessed for future benefit to business, Real Estate Agents and the community.

The Rediscover Local Shop-able Windows initiative seeks to:

- Reduce the occurrence of graffiti and vandalism and poorly presented properties
- Showcase each vacant property as an attractive commercial opportunity, highlighting Banyule as an attractive area for small business, reducing the time it takes to lease properties.
- Highlighting local makers, creatives, small business and entrepreneurs based in Banyule by offering them interactive shop-able windows to showcase their products.
- Create vibrant and welcoming shopping strips for residents and visitors to buy their goods and services, increasing the liability of Banyule.

To achieve this, Rediscover Local Shop-able Windows will be installed showcasing products supplied by small businesses in Banyule that do not have a physical store and sell their goods online. Products will be styled in a display box with a corresponding QR Code.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

Not only with the window display the of the vacant property and shopping strip, passers-by will be able to purchase products through the QR codes for a contactless shopping experience, which in turn supports small business. Early discussions with Real Estate Agents have been well received and support for the program has been confirmed. A copy of the marketing collateral containing the potential benefits for Real Estate Agents and businesses are contained in **Attachment 6** and **Attachment 7**.

**Support for Community - Grants Program**

***Emerging Issues and Challenges***

The impact of the pandemic on the community services sector cannot be underestimated. A greater burden is already being placed on resources across a range of services including emergency relief, mental health, family support, preventing violence against women, homelessness, drug and alcohol. Some groups have struggled to survive and maintain a service; others have adapted and changed how they deliver services and have thrived. Some may not recover and will close.

There has never been a greater imperative for the community sector to work collaboratively to make a difference to the impact this pandemic is having and will continue to have for many years. The Banyule Grants Program is an enabling tool to assist the community to become resilient, strengthen connections and continue to recover and thrive under a new COVID normal setting.

COVID-19 has had a significant impact on the community and the response to grant initiatives is evidence of that, with demand exceeding the grants pool in general.

Assessment and review of the program will be undertaken for the remainder of this year to determine options to administer the Grants Program into the future. A report outlining key outcomes and recommendations will be provided for Council consideration at the end of the current grant period.

**TIMELINES**

All initiatives included in this report will continue throughout the 2020/21 financial year. It is recommended the *Women in Business Lunch* and the *Best Biz Awards* and commencement of the *Economic Development Strategy* be deferred until the 2021/22 financial year.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**CONCLUSION**

Council has provided a significant amount of financial assistance and support for rate payers, community groups, small and medium business in Banyule since March 2020.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

Council has adopted an agile approach when responding to local business needs and has acted quickly and stepped in when required in an environment of constant change, complexity and ambiguity.

This report recommends additional support to ensure our ratepayers, community and local businesses are supported through this very challenging economic time and identifies key focus areas to ensure resources are targeted to achieve maximum impact.

Support for community is critical. Local businesses are at the forefront of Victoria's recovery and will be crucial in getting our economy back on track. The additional support aims to harness the renewed interest in supporting local enterprise and focusses on providing vibrant and welcoming shopping precincts within Banyule.

The changes to the Banyule Grants Program this year will continue to be monitored and reviewed to evaluate their effectiveness against the COVID-19 responses and anticipated outcomes. A final report to Council is due for Year 1 in August 2021 when a more comprehensive profile of the program will be presented for Council consideration.

Council officers will continue to work closely with local communities to support them to respond to the impacts of COVID-19 through the Banyule Grants Program.



**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE - STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

A summary of the Banyule Economic Support Package – Support extensions are provided below.

Banyule Economic Support Package – Description	Period of Support	Extension of Support Proposed
<p>Provide additional funding for the special rates and charges scheme</p> <p>Provide additional funding for the special rates and charges scheme by paying the business contribution for 3 quarter, from April to December 2020.</p>	1 April 2020 – 31 December 2020	Extend by 6 months – 1 January 2021 – 30 June 2021
Defer rates for ratepayers experiencing financial hardship	<p>1 April 2020 – 30 June 2020</p> <p><i>Hardship application to be made prior to 2<sup>nd</sup> instalment due date.</i></p> <p><i>Penalty Interest charged (Calculated on 31 December 2020)</i></p>	<p>1 April 2020 – 30 June 2020</p> <p><i>Hardship application to be made prior to 3<sup>rd</sup> instalment due date (28 February 2021).</i></p> <p><i>Penalty Interest charged (Calculated 1<sup>st</sup> business day after 28<sup>th</sup> February 2021) on all outstanding rate balances and prior year arrears.</i></p>
All non-statutory fees and charges to remain frozen at 2019/2020 prices until 1 January 2020 *	1 July 2020 – 31 December 2021	Extend by 6 months – 1 January 2021 – 30 June 2021
Business Support Officer to support the Rediscover Local campaign	1 July 2020 – 31 December 2020	Extend the Business Support Officer for an additional six months to 30 June 2021

\*the freezing of fees and charges – although not part of the economic support package, was resolved by Council as part of the adoption of the Budget 2020/21 on 27 July 2020.

**COVID-19 RESPONSE - BANYULE'S ECONOMIC SUPPORT PACKAGE -  
STATUS UPDATE (RATEPAYERS, BUSINESS AND COMMUNITY) cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Business Support Summary	
2	Rediscover Local Analytics	
3	Business Support Grants Summary and Future Criteria	
4	Business Training and Events Summary	
5	Banyule Community Grants Progress Report	
6	Rediscover Local Shop-able Windows - Benefits for Real Estate Agents	
7	Rediscover Local Shop-able Windows - Benefits for Business	

## **5.1 7A CURZON STREET, IVANHOE (LAND AT REAR) - SALE OF LAND PROPOSAL**

Author: Gary Mills - Senior Property Officer, City Development

### **Previous Items**

Council on 23 Nov 2020 7.00pm (Item 5.2 - Proposed Sale of Council Land at Rear 7A Curzon Street, Ivanhoe - Public Submissions)

Council on 6 July 2020 (Item 5.4 - Land at Rear of 7A Curzon Street, Ivanhoe - Proposed Sale of Land)

Council on 18 Nov 2019 7.00pm (Item 5.1 - 7a Curzon Street, Ivanhoe (Land at Rear) - Planning Scheme Amendment C124 Part 2)

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### **EXECUTIVE SUMMARY**

At its meeting on 23 November 2020, Council received and considered nine written submissions pursuant to section 223 of the *Local Government Act 1989* ('the Act') regarding a proposal to sell a 38m<sup>2</sup> parcel of Council land to the owners of 7A Curzon Street, Ivanhoe. Two submitters requested to be heard and their submissions were read at the meeting.

Submitters comments are summarised as follows:

- The sale of public land of environmental significance in Darebin Creek Reserve is inappropriate.
- The sale of land given its current zoning of Public Conservation and Resource and restrictive covenant and reserve status is inappropriate.
- Object to the private sale of any public land in Darebin Creek Reserve.
- The proposed land sale price is well below market value.
- The proceeds of any sale should be allocated towards Darebin Creek Reserve maintenance and improvements.

Following the hearing and consideration of submissions, Council must now decide whether or not to sell the subject land.

The owners of 7A Curzon Street, Ivanhoe (Landowner) have confirmed that in the event Council resolves not to sell the land to them, they will seek to relinquish the Licence agreement.

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

**RECOMMENDATION**

That Council:

1. Having complied with sections 189 and 223 of the *Local Government Act 1989*:
  - a. by giving public notice in the *Herald Sun* newspaper on 7 August 2020;
  - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 23 November 2020; and
  - c. by recording that nine written submissions, including two verbal submissions were received;

Council is of the opinion that the Council Land contained on Certificate of Title volume 11466 folio 105 and described as Lot 1 on PS813368T (unregistered) at the rear of 7A Curzon Street, Ivanhoe should be retained at this time because of its public land value and connectivity to the Darebin Creek Reserve and that:

- a. the sale of land proposal be abandoned;
  - b. the Banyule Planning Scheme Amendment C124 Part 2 be abandoned; and
  - c. Council notify the Minister for Planning of the decision to abandon Banyule Planning Scheme Amendment C124 Part 2.
2. Advise submitters of its resolution and reasons pursuant to section 223 of the *Local Government Act 1989*.
3. Terminate the Licence Agreement with the owners of 7A Curzon Street, Ivanhoe, and the landowner be advised accordingly.
4. Request the Landowner to reinstate the land at the landowners cost and to Council's satisfaction.

**COUNCIL PLAN**

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

**BACKGROUND**

The Landowner was granted a licence to use the subject land by Council on 27 June 2016 for the purpose of garden and landscaping. The licence agreement commenced on 1 July 2016 permitting occupancy and use of the land, so long as the licensee continues to own and occupy the property at 7A Curzon Street, Ivanhoe. The annual licence fee is \$500 (excl GST). All licence fee payments are up to date.

In 2017, the Landowner expressed interest in acquiring the subject land from Council. However, any sale proposal is dependent on the rezoning of the land from Public Conservation and Resource Zone to Neighbourhood Residential Zone 3.

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

The subject land was subsequently included in Planning Scheme Amendment C124 *Public Open Space Zoning Corrections* which proposed to rezone 155 properties within Banyule. The Amendment ensured Council's parks and reserves are correctly zoned for public open space. The Amendment also included a small number of properties with a current open space zoning that does not match their current or intended use.

At its meeting on 24 June 2019, Council considered submissions to Planning Scheme Amendment C124 and resolved to split the Amendment into two parts, because one submission received was objecting to the rezoning of the subject land. Discussions were held with the opposing submitter and a solution to the issues raised in their submission was reached via a proposed section 173 agreement pursuant to the *Planning and Environment Act 1987* (S173 Agreement) in regard to the subject land.

The s173 Agreement aims to reduce the impact of the rezoning and potential residential use of the subject land on the neighbours' views, amenity and privacy. Matters covered in the S173 Agreement include landscaping, retaining walls, fencing and the extent of decking. The opposing submitter and the owners of 7a Curzon Street, Ivanhoe have both agreed the principles of a proposed s173 Agreement.

The splitting of the Amendment allowed the majority of the Amendment, to be included in Part 1, to be progressed without delay and submitted to the Minister for Planning for approval. Amendment C124 Part 1 was approved by the Minister for Planning and gazetted on 27 March 2020.

Amendment C124 Part 2 dealing with the subject land is being dealt with separately, enabling the subject land to be rezoned in order to facilitate the possible future land sale.

At its meeting on 18 November 2019, Council resolved to undertake a multi-staged approach to the proposed sale of land. This involved:

- A Council report seeking authority to commence statutory procedures under section 189 of the Act to sell the land.
- Hearing and considering any submissions received under section 223 of the Act.
- If necessary, seek an extension of time from the Minister for Planning to prevent Amendment C124 Part 2 from lapsing.
- If Council decided to sell the subject land:
  - Enter a Section 173 Agreement regulating use of the land based on the Rear Land Development Restriction Plan at **Attachment 1**.
  - Obtain the written withdrawal of the opposing submission to Planning Scheme Amendment C124 Part 2 subject to the above steps being completed.

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

- Adopt Planning Scheme Amendment C124 Part 2 as exhibited under delegation.
- Submit Planning Scheme Amendment C124 Part 2 to the Minister for Planning for approval.

Following a period of negotiation with the adjoining owner and prospective purchaser regarding the purchase of the land, at its meeting on 6 July 2020, Council formally resolved to commence the statutory process to sell the land. Given that the subject land will be affected by a Section 173 Agreement restricting the use of the land to soft landscaping and uncovered decking extension, Council's valuer has valued the 38m<sup>2</sup> parcel of land at \$14,250 (plus GST). The Landowner submitted a counter offer of \$11,000 (GST inclusive) which was accepted by Council.

**Section 223 process**

Council gave public notice of the proposal to sell the land in the *Herald Sun* newspaper on 7 August 2020 pursuant to sections 189 and 223 of the Act. The submission period closed on 4 September 2020 and three submissions were received.

Council, at its meeting on 21 September deferred consideration of the section 223 process to its meeting on 23 November 2020 and extended the submission period to the 2 October 2020. A further six written submissions were subsequently received.

Council received nine written submissions to the proposal. Two submitters requested to be heard in support of their written submissions. Council received and considered those submissions at its meeting on 23 November 2020.

Council must now decide whether to proceed with the sale of the land.

**LEGAL CONSIDERATION**

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

The *Local Government Guideline on the Sale, Exchange and Transfer of Land* (2009) (Guideline) states that: “sales, exchanges and transfers should be in the best interests of the community and provide the best result, both financial and non-financial for the Council and the community.”

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

## **7A CURZON STREET, IVANHOE (LAND AT REAR) - SALE OF LAND PROPOSAL cont'd**

It is considered in this circumstance, selling the land below Council's market valuation can be justified because there is only one potential purchaser in the market place and the land would be encumbered by a Section 173 Agreement pursuant to the *Planning and Environment Act 1987*, which includes a Development Restriction Plan which encumbers the land.

The Banyule Planning Scheme Amendment C124 Part 2 exclusively deals with the rezoning of the subject land. Should Council proceed with the proposed sale of land, the objector to Amendment C124 Part 2 has advised in writing that they will not be withdrawing their objection to the proposed rezoning of the subject land despite previously indicating that they would on the basis of a suitable Section 173 Agreement which has been drafted.

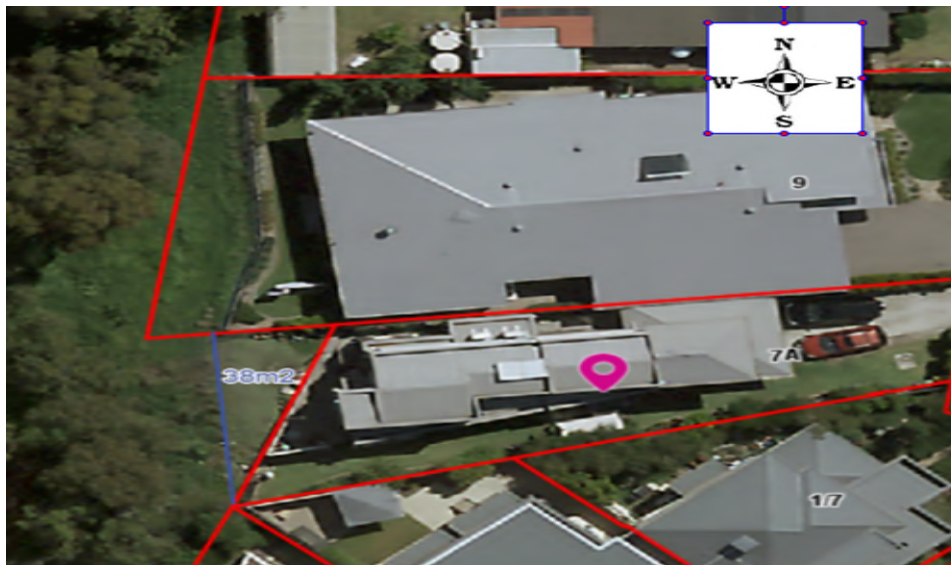
In relation to the Licence Agreement, Council may at any time during the term of the Licence, and for any reason in its absolute discretion, terminate the Licence and resume its use and occupation of the Land.

### **HUMAN RIGHTS CHARTER**

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

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

### **Locality Plan**



**Figure 1: Subject land at Rear 7A Curzon Street, Ivanhoe**

### **POLICY IMPLICATIONS**

The sale of land proposal has been considered in accordance with legislative requirements, The *Local Government Guideline on the Sale, Exchange and Transfer of Land* (2009) and Council's Land Transactions: Sale, Exchange and Transfer of Land Procedures 2020.

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

**DISCUSSION**

**Land Sale Proposal**

The proposal has generated robust local community views and opinions. The majority of submitters consider it highly inappropriate to sell any land contained within the Darebin Creek Reserve into private ownership, irrespective of the size or topography of the land. Many submitters emphasised the public land value of Darebin Creek Reserve and its environmental significance as parkland and flora and fauna. Consequently, they contend that any land contained within the reserve should not be sold, but rather, the reserve needs to be protected and enhanced.

Also, given the current zoning of Darebin Creek Reserve (comprising the subject land) is Public Conservation and Resource Zone, affected by a restrictive covenant and has reserve status, it is argued that it is inappropriate to rezone the subject land for residential use.

The Darebin Creek Management Committee (DCMC) advised that whilst the Committee is generally opposed to the sale of public land, they consider this an exceptional case and do not object to the sale. However, the Committee expects that the subject land be sold at current market value and that sale proceeds be used to increase available public land or enhance biodiversity values on existing public land.

Similarly, the Friends of Darebin Creek requested that any proceeds received from the sale of the land should be allocated to maintenance of the Darebin Creek Reserve.

Almost universally, concerns were expressed over the proposed land sale price of \$11,000 (GST incl) which is below Council's encumbered land valuation of \$14,250 (GST excl). It is noted that there is only one potential purchaser in the market, the land is undevelopable and would be encumbered by a Section 173 Agreement and these should be taken in to account in the land sale price. However, it should be noted that Council's valuer has already taken these into account in arriving at his valuation.

The owners of 7a Curzon Street, Ivanhoe currently occupy the subject land under a licence agreement with Council. Because of its location and the steep topography, it is not practicable for Council to safely access and regularly maintain the subject land. The licencing and potential sale of the land presents efficiencies for Council in this regard. It is the recognition of these difficulties that has lead to DCMC support for the proposal and is a very good reason to proceed. However, there is some evidence that during the license period to date maintenance has not always been adequate.

On balance, the views and opinions of the submitters concerning the public land value of Darebin Creek Reserve have considerable merit.



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

**Planning Scheme Amendment C124 Part 2**

Previously, the objector indicated that they would consider withdrawing their objection to Amendment C124 Part 2, if they could be fully satisfied that the adjoining landowner would agree to use and develop the subject land in accordance with the Rear Land Development Restriction Plan. This Plan was drafted by the objector's planning consultant. The Plan is for the purpose of protecting the amenity of the objector's land, particularly in respect to views over Darebin Creek Reserve to the south west and general privacy concerns. The Plan would be integral to any future section 173 Agreement required as part of any sale of the subject land.

Given that the objector has now repudiated their agreement in this matter, the consequence being, if Council is to continue with Amendment C124 Part 2, it would invariably result in a Panel Hearing, incurring substantial costs for Council and participants. On this basis, it is proposed that the planning scheme amendment process should be abandoned if Council does not proceed with the sale of the land at this time. Should circumstances change in the future then a new 'stand alone' Planning Scheme Amendment can commence.

Given the strong community concerns about this proposal, it is considered that Council ought not proceed with the land sale and that the proposal be abandoned. This would also, necessitate the planning scheme amendment process being abandoned.

**Licence Agreement continuation**

The current Licence Agreement would provide a suitable mechanism for the Landowner to continue using the subject land for its permitted use. If the owner was prepared to continue benefit from the license arrangement, in time, Council could revisit the land sale process. However, the Landowner has since advised in writing that in the event Council decides not to sell the subject land, they will seek to relinquish the Licence agreement. Given this advice, it would now be reasonable for Council to also terminate the Licence agreement.

**Land Maintenance**

Council's Bushland Management Unit has advised that it already maintains the rear of several properties in Curzon Street, Ivanhoe along the ridge line, four or five times per annum depending on seasonal growth. Whilst there may be some challenges in safely accessing the subject land, maintenance work can be undertaken with some minor vegetation clearance and included in a maintenance cycle for this precinct.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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.

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

**CONCLUSION**

Given the level of community concern over this land sale proposal and the merits of their arguments about protecting the public land value of Darebin Creek Reserve, it is recommended that Council abandon the proposal. In addition, the current objection to Planning Scheme Amendment C124 Part 2 and the subsequent cost of Panel Hearing also make it prudent for Council to formally abandon the planning scheme amendment process and not proceed with sale of the land.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Council land at rear 7A Curzon Street, Ivanhoe - Proposed Sale of land - Rear Land Development Restriction Plan	

## **5.2 39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) - REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION OF A CAR PARK (P1139/2020)**

Author: Adrian Mariniello - Development Planner, City Development

Ward: Sherbourne

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### **EXECUTIVE SUMMARY**

The proposal is for the removal of native vegetation (28 trees) on the road reserve adjacent to 39 Grand Boulevard, Montmorency in association with the reconstruction of the existing car park. A total of 37 trees are proposed to be retained, including nine of the 12 high retention value trees on site.

A total of 17 objections have been received during public notification. Concerns have been raised regarding the extent of vegetation removal, habitat impacts, neighbourhood character impacts and opportunities for offset planting. Other concerns have been raised regarding the design of the carpark which is not a direct consideration of this report.

A consultation meeting was held at the road reserve following public notification to discuss the concerns raised and design alterations to retain additional trees. Amendments to the car park design to retain additional vegetation have been included as proposed conditions of permit along with other conditions to protect and enhance habitats and undertake site remediation following the car park works.

The proposal, subject to modification to the car park layout secured through permit conditions, is considered to be acceptable as the majority of the trees on site are to be retained, including ten high retention value trees, maintaining the vegetation dominated character of the local area and streetscapes.

The proposal strikes a balance between the competing objectives of providing safe and efficient car parking while protecting trees and minimising tree removal.

Approval is recommended subject to conditions requiring modifications to retain additional high and medium retention value trees, a comprehensive landscaping plan with replanting to occur on site and native vegetation offset requirements.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

**RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. P1319/2020 for the removal of native vegetation pursuant to Clause 52.17 'Native Vegetation' and the Vegetation Protection Overlay (Schedule 1) in association with the reconstruction of a carpark at the Road Reserve adjacent to 39 Grand Boulevard, Montmorency subject to the following conditions:

**General Plans**

1. Before the tree removal permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans submitted 22 September 2020 with the application but modified to show:
  - (a) The retention of Tree #34, incorrectly shown for removal on Drawing 2263, Rev P9;
  - (b) Realignment of the carpark to allow for the retention of Trees #27, #30 and #33 with no works to occur in the SRZs of those trees;
  - (c) Further amendments to the design of the car park, as required, to provide a clear and designated 'drop zone' and consider impacts on traffic flows. Design amendments must not result in the removal of or additional impact to any tree shown for retention on Drawing 2263, Rev P9;
  - (d) A notation that understorey and ground storey vegetation must be retained and protected where possible in Habitat Zone 3 as mapped in the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical Ecology (September 2020).
  - (e) The provision of sugar glider nesting boxes on trees as recommended by the Montmorency Biodiversity Group;
  - (f) Tree Preservation Fencing in accordance with Condition 5 of this permit.

**Landscape Plan**

2. Within 6 months following the removal of vegetation, a satisfactory detailed landscaping plan must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:
  - (a) Amendments required by Condition 1 of this permit;

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

- (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
- (c) A plan notation indicating that no works or facilities are to be provided within the dedicated landscape areas;
- (d) Retention of understorey and ground storey vegetation in Habitat Zone 3 where possible;
- (e) Provision of the following minimum plantings:
  - (i) Five (5) large canopy trees (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre);
  - (ii) Seven (7) medium canopy trees (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre); and
  - (iii) Additional small canopy trees (mature height of at least 5m), understorey and ground storey vegetation, to the satisfaction of Council's Planning Department, planted throughout the site;
- (f) All plantings, including understorey and ground storey vegetation to be indigenous species and to accord with the recommendations specified in Section 7.3.2 of the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical Ecology (September 2020);
- (g) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (h) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (i) Location and details of paving, steps, retaining walls and other landscape works including cut and fill;

When approved the plan will be endorsed and form part of this permit.  
Landscaping in accordance with this approved plan must be undertaken within 18 months of the date of this permit.

**General**

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

**Tree Protection**

4. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Tree Preservation Zones

5. Prior to the commencement of works associated with the Car Park upgrade, Tree Preservation Zones and fencing must be established around Trees #1-4, #9-14, #18-27, #30, #33-34, #44-45, #47-58 and #63-65 to the extent of the calculated TPZ where it occurs within the subject land to the satisfaction of Council's Planning department.

Arborist Supervision

6. A suitably qualified arborist (AQF **Level 5**) must supervise any activity within the calculated TPZ of a retained tree on or adjoining the subject site. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that works associated with Car Park upgrade do not have an adverse impact on the health or stability now or into the future of Trees #1-4, #9-14, #18-27, #30, #33-34, #44-45, #47-58 and #63-65.

**Native Vegetation Removal and Offsets**

7. Before the tree removal permitted by this permit starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of a minimum 0.035 General Habitat Units or to the satisfaction of the Responsible Authority:
  - (a) Located within Banyule municipal area or the Port Phillip and Westernport Catchment Management boundary;
  - (b) With a minimum strategic biodiversity score of 0.208 or to the satisfaction of the Responsible Authority.

**Works**

9. Works associated with the car park reconstruction must adhere to recommendations 7.2.2 and 7.2.3 as specified in the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical Ecology (September 2020).

**Site Remediation**

10. Within 12 months following the completion of works associated with the car park reconstruction, remediation works must be undertaken on the road reserve in accordance with recommendations 7.3.1 of the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

Ecology (September 2020).

**Time Limits**

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

- The vegetation is not removed within two years of the date of this permit.

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

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

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

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

<b>Planning Permit Application:</b>	P1139/2020
<b>Development Planner:</b>	Mr Adrian Mariniello
<b>Address:</b>	Road reserve adjacent to 39 Grand Boulevard MONTMORENCY
<b>Proposal:</b>	The removal of vegetation pursuant to Clause 52.17 'Native Vegetation' and the Vegetation Protection Overlay (Schedule 1) in association with the reconstruction of a carpark.
<b>Existing Use/Development:</b>	Car park
<b>Applicant:</b>	Banyule City Council
<b>Zoning:</b>	Commercial 1 Zone (C1Z)
<b>Overlays:</b>	Design and Development Overlay (DDO8) Vegetation Protection Overlay (VPO1) Development Contributions Plan Overlay (DCPO1)
<b>Notification (Advertising):</b>	Three signs on site Letters to abutting property owners and occupiers
<b>Objections Received:</b>	13
<b>Ward:</b>	Sherbourne

**PROPOSAL**

The proposal is for the removal of 28 trees located on the road reserve adjacent to 39 Grand Boulevard, Montmorency, in association with the reconstruction of the existing car park.

The reconstruction of the carpark is required due to its poor condition. The reconfiguration and formalisation of the carpark will improve pedestrian safety and drainage issues. The modifications will also ensure vehicles do not park in proximity to established trees, enhancing their health and providing an opportunity for low retention value trees to be replaced by new indigenous trees.

Of the 28 trees proposed for removal, three are considered to be high retention value trees and a further five are medium retention value trees. The remaining 20 trees are considered to have low or no retention value.

A total of 37 existing trees are proposed to be retained on the site, including nine high retention value and 11 medium retention value trees.

20 trees trigger a permit pursuant to the Vegetation Protection Overlay (Schedule 1) and 21 indigenous, remnant trees trigger a permit pursuant Clause 52.17 'Native Vegetation'. Most trees trigger a permit under both controls.

A summary table of all trees to be removed and retained is included as an attachment to this report.



**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

A planning permit is not required for the use of the site as a Car Park as the Car Park has been established for a period of 15 years and has accrued existing use rights. The proposed reconstruction of the Car Park is exempt from planning permission pursuant to Clause 62.02-1 of the Banyule Planning Scheme.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**BACKGROUND**

There are no previous planning applications relevant to this proposal.

**SUBJECT AREA AND SURROUNDING AREA**

The subject area is a large and irregular shaped road reserve adjacent to 39 Grand Boulevard in Montmorency. The area is generally flat with the exception of a relatively steep fall to Buena Vista Drive.

The road reserve is improved by an existing asphalt and gravel carpark that is in poor condition at present. Temporary mesh fencing has been installed in sections of the site to prevent cars parking beneath trees.

The road reserve has frontages to Grand Boulevard, Buena Vista Drive and Reichelt Avenue. There are two vehicle crossovers to Grand Boulevard and informal pedestrian access through the road reserve.

The road reserve contains clusters of indigenous canopy trees scattered around the existing carpark. The most prominent clusters are along the Grand Boulevard frontage and the mid-northern section of the road reserve.

Surrounding the road reserve is the Montmorency South Primary School to the south, a local business and retail precinct and carpark to the north and residential dwellings to the west and beyond. The Car Park primarily services the adjoining school and both customers and workers of the surrounding businesses.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

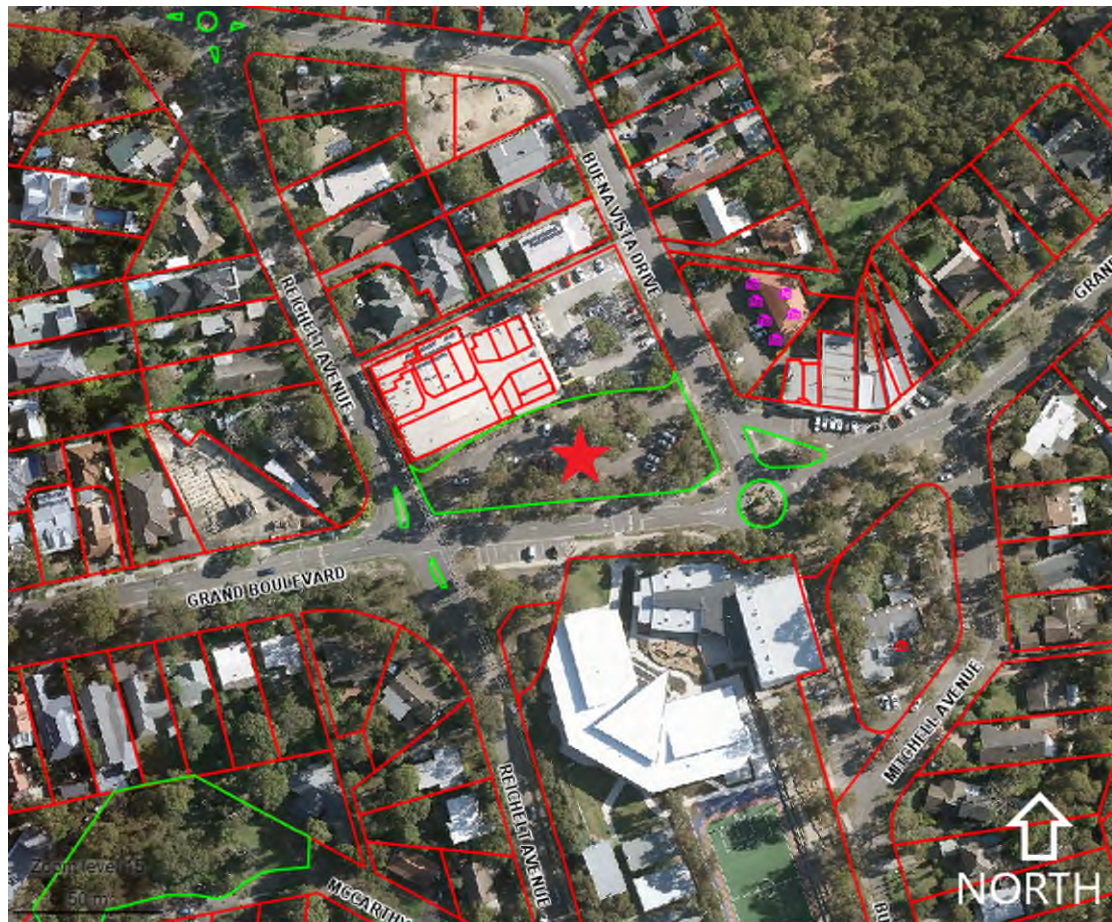


Figure 1: Aerial image of the subject site and surrounds

**PUBLIC NOTIFICATION**

Public notices were sent to owners and occupiers of properties abutting the site. Three public notice signs were displayed on the site with one sign facing Grand Boulevard, Buena Vista Drive and Reichelt Avenue respectively.

17 objections have been received at the date of this report. The following concerns have been raised:

- Impacts on canopy loss, wildlife and climate change
- Excessive tree removal
- Removal of high retention value trees and neighbourhood character impacts
- Unnecessary removal of trees #7, #27, #29, #30, #33, #37, #38, #59
- Concerns relating to offsetting and replanting
- Preference to vehicles over environment
- Inconsistencies with the objectives of Council's Urban Forest Strategy
- Traffic flow arising from the proposed car park layout
- Lack of safety considerations for pedestrians and cyclists

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) - REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION OF A CAR PARK (P1139/2020) cont'd**

- Insufficient consultation process
- Other Council projects should take precedence
- Suggestion of a 'Kiss and Drop' zone instead of a Car Park

A consultation meeting was held on the subject site, on 1 December 2020. The meeting was attended by 13 community members and Council representatives.

Alternative carpark designs were discussed at the Consultation Meeting, including to narrow sections of the carpark to allow for the retention of additional trees. The retention of Tree #27, a high retention value tree, along with Trees #30 and #33, both medium retention value trees can be secured by condition with a requirement that the carpark be modified and no works to occur in the SRZ of those trees.

This reduces the total number of trees to be removed to 25, including two high retention value trees.

Ecological impacts were also discussed at the meeting and a condition can be added to provide sugar glider nesting boxes on the road reserve in accordance with the recommendations of the Montmorency Biodiversity Group, who were represented at the meeting.

There was a suggestion that a habitat report is required pursuant to the VPO1, however, it is noted that there are no application requirements specified in the clause. Nevertheless, impacts on local flora, fauna and habitat links are key objectives of the overlay and considered in the planning assessment.

A comprehensive landscape plan can be added as a permit condition with indigenous, offset planting to occur on the subject site, inclusive of a minimum 12 canopy trees and additional understorey and ground storey plantings.

There was considerable discussion at the consultation meeting regarding the layout of and access to the carpark. While not a direct consideration of the planning assessment, a condition can be added to allow for potential, additional modifications to the car park, on the basis that no additional trees are to be removed or adversely impacted.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) - REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION OF A CAR PARK (P1139/2020) cont'd**

**REFERRAL COMMENTS**

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

Internal	Response
Development Planning Arborist	Council's Development Planning Arborist has reviewed the proposal and is supportive of the proposed removal of medium and low/no retention value trees. Council's Development Planning Arborist has suggested the carpark be reconfigured to allow for the retention of Tree #27, ensuring there is no impacts on the Structural Root Zone of the tree.  Council's Development Planning Arborist has also recommended a comprehensive landscape plan be required by a condition of the permit with indigenous tree and understorey plantings.
Parks	The Parks department have recommended the requirement of Landscaping as a permit condition with canopy potential meeting Urban Forest Strategic Plan targets as well as offsetting vegetation losses.

**PLANNING CONTROLS**

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Commercial 1 Zone (C1Z)	34.01	No
Vegetation Protection Overlay – Schedule 1 (VPO1)	42.02	Yes
Development Contributions Plan Overlay – Schedule 1 (DCPO1)	45.06	No
Native Vegetation	52.17	Yes

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

**POLICIES CONSIDERED**

Table 2: Relevant Planning Scheme Policy

<b>Policy</b>	<b>Clause</b>
<b>PPF</b>	
Protection of Biodiversity	12.01-1S
Native Vegetation Management	12.01-1S
Landscapes	12.05-2S
Neighbourhood Character	15.01-5S
Car Parking	18.02-4S
<b>LPPF</b>	
Vision and Strategic Framework	21.02
Cultural Heritage	21.03
Land Use	21.04
Natural Environment	21.05

**TECHNICAL CONSIDERATION**

Response to Policy Framework

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

- To ensure an adequate supply of car parking that is appropriately designed and located;
- Protection of landscape values, remnant vegetation and natural habitat;
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation;
- Recognise and support natural landscape character.

The proposal seeks to balance the often-competing planning policy objectives of providing sufficient and safe car parking and protecting and enhancing vegetation and landscaped character. The proposal is considered to strike an appropriate balance of the objectives by seeking to upgrade the safety and efficiency of the Car Park while minimising the removal of vegetation and specifically high retention value trees. The proposal also allows for the replanting of trees on site and quality landscaping outcomes to retain and enhance the local character and habitat links.

Vegetation Removal

The Vegetation Protection Overlay (Schedule 1) applying to this site acknowledges the need to protect indigenous vegetation and address habitat degradation throughout North-East Melbourne. Key decision guidelines of the overlay include the value of vegetation to local visual amenity and the ability for vegetation losses to be offset.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

Any decision pursuant to this overlay must also consider the following documents:

- *An Inventory of Sites of Environmental Significance in the City of Banyule and Adjoining Areas*. Banyule City Council, September 1995,
- *Sites of Faunal and Habitat Significance in North East Melbourne*. Cam Beardsell, 1997
- *Wildlife Corridor Program*. Banyule City Council, 2000
- *Banyule Weed Management Strategy* 2006.

The application is accompanied by an arboricultural assessment, prepared by Tree Dimensions, dated 17 August 2020. The report assesses a total of 65 trees on the site and determines retention value, having regard to amenity value and useful life expectancy.

The arboricultural report considers 12 trees to be of high retention value, 16 of medium retention value and the remaining trees to be of low or no retention value. Eight trees on the site are not considered to require a planning permit for removal pursuant to the VPO1 owing to their size, however, in these cases a permit is still required under Clause 52.17 – Native Vegetation.

The below table outlines the high retention trees proposed for removal and where possible, further options to allow the retention of the trees subject to modification to the car park design:

<b>Tree #</b>	<b>Common Name</b>	<b>Retention Value</b>	<b>Comment</b>
5	Yellow Box	High	Remove and replace
7	Yellow Box	High	Remove and replace
27	Yellow Box	High	Retain, subject to conditions

Following a community consultation meeting, a condition of permit can be included which will require the car park to be reconfigured to allow for the retention of Tree #27, a high retention value tree, along with medium retention value trees #30 and #33.

While it is preferable to retain indigenous vegetation where possible, it is acknowledged that the removal of vegetation is considered necessary to facilitate upgrades to the existing car park. The car park is considered to be in poor condition at present with uneven surfacing and temporary mesh fencing to ensure vehicles do not park beneath trees.

The car park design, subject to further conditions, has maximised the retention of medium and high retention value trees where possible while also achieving the above objectives. There is considerable tree retention along the peripheries of the site, maintaining visual amenity and the dominant character of large, indigenous trees along Grand Boulevard, Buena Vista Drive and Reichelt Avenue.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

The proposal is considered to meet the objectives of protecting local habitats as 24 of the 35 large to medium canopy trees on site will be retained (including those retained by condition). It is noted the report prepared by Practical Ecology does not consider the proposed extent of vegetation removal will have a significant, adverse impact on local habitats due to the extent of vegetation to be removed and abundance of similar and more suitable habitats nearby.

Further, removed vegetation will be offset by a minimum 12 canopy trees and additional understory and ground storey planting through the requirement of a landscape plan. Landscaping will accord with the recommendations of the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical Ecology (September 2020).

Landscape Plan

A comprehensive landscape plan can be a condition of approval to offset the loss of vegetation. The planting offset ratio will require the planting of a minimum of one large/medium canopy tree for every large/medium canopy tree removed. This results in offset planting of five large canopy trees and seven medium canopy trees.

Additional understory and ground storey planting will be required throughout the site and a condition can be included to ensure all plantings are indigenous species and in accordance with the recommendations of the Flora and Fauna Assessment and Native Vegetation Impact Assessment prepared by Practical Ecology (September 2020).

The landscape plan can be required to be submitted within 6 months after the removal of vegetation on the site and require replanting to occur within 18 months.

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

At the consultation meeting, a suggestion was made that a 'habitat report' must be prepared and assessed to comply with the Vegetation Protection Overlay requirements. While habitat is a relevant objective of the Vegetation Protection Overlay (Schedule 1) it does not form the assessment basis for the removal of the tree. The request to remove a tree is considered on arboricultural grounds and in the context of other relevant policy objectives and decision guidelines.

Native Vegetation Offsets

Clause 52.17 'Native Vegetation' seeks to manage the removal of vegetation to minimise impacts and ensure biodiversity impacts are offset.

A Biodiversity Impact Assessment and Offset Report has been prepared by Practical Ecology Consultants. The ecological assessment has not identified any potential significant impact on threatened species associated with the removal of vegetation. A detailed assessment is provided as an attachment to this report.

**39 GRAND BOULEVARD, MONTMORENCY (ROAD RESERVE ADJACENT) -  
REMOVAL OF NATIVE VEGETATION ASSOCIATED WITH THE CONSTRUCTION  
OF A CAR PARK (P1139/2020) cont'd**

The report suggests retaining understorey and ground storey vegetation in Habitat Zone 3 (mid north and south east sections of the site) as it provides an excellent nesting habitat for local fauna. A condition can be added to ensure this is retained where possible.

A native vegetation offset of 0.035 General Habitat Units with a minimum Strategic Biodiversity Value of 0.208 can be secured by conditions in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP, 2017)*. Offsets must be provided within Banyule City Council or the Port Philip and Westernport Catchment Management Authority and be undertaken in addition to on-site replanting in accordance with the requested landscape plan.

**CONCLUSION**

The proposal is considered to be acceptable as vegetation removal is unavoidable to facilitate upgrades to the existing car park that is currently in poor condition. The car park has been designed to maximise tree retention on site and specifically the retention of nine out of 12 high retention value trees. The additional retention of Trees #27, #30 and #33 have been added as a proposed permit condition. On-site replanting can be required as part of the car park upgrades, through the conditional requirement of a comprehensive landscape plan and site remediation works along with native vegetation offsets.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	39 Grand Boulevard MONTMORENCY - Advertising Plans	
2	39 Grand Boulevard MONTMORENCY - Advertising Documents	
3	Summary of tree retention and removal	
4	Native vegetation and ecological assessment	



## **5.3 MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE**

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

### **Previous Items**

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

Council on 15 June 2020 (Item 5.3 - North East Link Project Update)

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### **EXECUTIVE SUMMARY**

The State Government is currently progressing major transport projects that will impact the Banyule community in the short to medium term. These projects include the North East Link, Hurstbridge Railway Line upgrade Stage 2, Fitzsimons Lane upgrade and the M80 Ring Road upgrade.

Council has partnered with residents, local businesses, traders, and community groups to advocate for scope inclusions and improvements to these projects.

Some success has been achieved with additional investment, scope inclusion and change being made in some circumstances. However, the lack of detailed information being released by the State Government delivery agencies is limiting the extent of direct Council feedback on the designs.

Strong advocacy will continue on behalf of the community to achieve the best possible outcomes from these major transport projects.

An update on the Major Transport Projects advocacy campaign will be provided once the designs of the North East Link, Hurstbridge Railway Line Upgrade Stage 2 and Fitzsimons Lane are released to the public.

### **RECOMMENDATION**

That Council:

1. Notes the update on North East Link, Hurstbridge Railway Line Upgrade Stage 2, Fitzsimons Lane upgrade and the M80 Ring Road upgrade.
2. Receives a further update on the North East Link project and an updated North East Link Advocacy Project List after the contract is awarded.
3. Receives another report and update on the Major Transport Projects advocacy campaign once the designs of the North East Link, Hurstbridge Railway Line Upgrade Stage 2 and Fitzsimons Lane in early 2021.

## **MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE 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**

The North East Link (NEL) is a proposed continuous free flowing road connecting the M80 with the Eastern Freeway. It 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). Approval for the project was granted by the Minister for Planning in December 2019, with CPB commencing \$195M worth of early works this year. Early works has involved relocating existing services from the main alignment of the NEL.

Concurrently, the North East Link Project (NELP) has progressively obtained relevant approvals for the main works construction, whilst receiving tender submissions for evaluation. There has been delays in the progress of both the early works and tender evaluation. It is anticipated that the main contract will now be awarded in the second quarter of 2020.

There are also three other major transport projects that are due to commence construction in the next few years in Banyule including the M80 Upgrade, the Fitzsimons Lane Upgrade and Stage 2 of the Hurstbridge Rail Line Duplication from Greensborough to Eltham.

The Hurstbridge Railway Line Duplication Project Stage 2 also received approval from the Minister for Planning in February this year. This project involves duplication of the railway line between Greensborough and Eltham, with a new Station at Greensborough and a significant upgrade at Montmorency. A provision for a bus interchange at Greensborough Station is not being precluded but will not be delivered as part of the current project. Neither will a shared user path connecting Greensborough to Eltham. The 20/21 State budget has indicated development funding for a walking and cycling path as part of Hurstbridge line works, but there is no detail of exactly what this will deliver or budget allocation. Construction of the HB2 upgrade will commence in 2021, with a target completion of early 2023.

Fitzsimons Lane Upgrade also received approval from the Minister for Planning in April 2020. The project is focussed on increasing the capacity of the Fitzsimons Lane from Eltham to Doncaster. The works within Banyule are limited to replacing the roundabout at Main Road with a signalised intersection.

The M80 Upgrade overlaps with NEL works, with the duplication of the freeway being coordinated between the respective project teams. The works within Banyule are between Plenty Road and the Greensborough Hwy. Construction timeframes are yet to be announced for this section of the M80.

### **LEGAL CONSIDERATION**

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

## **MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE 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 Act 2006*.

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

### **ADVOCACY & DISCUSSION**

#### **NORTH EAST LINK**

Council considered a report at its meeting of 17 August 2020 and resolved in part (CO2020/145).

*That Council:*

- 1. Continues to work in partnership with residents, local businesses and traders, community groups to advocate to local MPs to achieve the best possible outcomes for the North East Link in Banyule. Including working with the North East Link Project and its contractors to limit the impact on Banyule residents and business, during the early works and full construction period.*
- 2. Continues to pursue the delivery of projects from the Council adopted North East Link Advocacy Project List – 3 February 2020 with the North East link Project and the State Government.*
- 3. Continues to communicate the recent decision to withdraw from the Supreme Court Appeal for the NE Link Project in accordance with the parameters set by the settlement agreement, and Council's ongoing advocacy to achieve improved outcomes for the community, to key local stakeholders, on Councils website and to all local residents.*
- 4. Allocates an additional \$200,000 in the 2020/21 financial year for a North East Link and transport advocacy campaign with officers to prepare a report for Council on how this campaign is to be delivered.*

In relation to item 1 above, Council continues to work with its community in advocating for improvements and the best possible outcomes for the North East Link in Banyule. This ongoing work has been equally focussed on minimising disruptions and impact as much as practicable during the early works construction, in addition to pursuing improvements to NEL design.

With respect to item 2, pursuit of the delivery of projects from the Council adopted North East Link Advocacy Project List continues as part of the advocacy work mentioned for item 1. This supplements the direct presentation to the bidders and NELP, that was provided earlier this year. A review of this list was to be undertaken this year and reported back to Council, however the main NEL contract has not yet been awarded. It is anticipated that the NEL contract will be awarded in the second quarter of 2021. As such, a review of the Council adopted North East Link Advocacy Project List will be completed after the announcement and reported to Council.

Regarding item 3, Council hosted an online community forum in August to communicate the decision to withdraw from the Supreme Court Appeal for the NEL

## **MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE cont'd**

project. The online session was well attended with more than 120 community members logging in. The information from the session was also published on Council's main website and Shaping Banyule. Council's ongoing advocacy position was communicated in both the online forum and documentation published.

Utilising some of the funding allocated in item 4 to supplement the content above, Council prepared a specific North East Link newsletter communicating the settlement, that was distributed to every property in September. A high-level transport advocacy campaign is discussed later in this report.

Council has invoiced NELP for some of the funding that was granted in settlement. Once received, these funds will be used to facilitate planning, investigation, design and development, and construction documentation for the Watsonia Town Square and pedestrian and cycle paths in Heidelberg, south of Banksia Street.

Investigation and preliminary planning for the Watsonia Town Square project has commenced. This will include provision for a shared user path (SUP) connection in each direction; however, the continuation of the SUP will form the basis of a separate project. Identification of key outcomes from the Council adopted Picture Watsonia strategy and relevant physical constraints are being captured to inform a project brief.

These opportunities and constraints will inform the Watsonia Town Square concept design. The design will be developed and progressed in consultation with the multiple stakeholders and is expected to commence early next year.

## **HURSTBRIDGE RAILWAY LINE DUPLICATION STAGE 2**

Council has recently established regular meetings with the Level Crossing Removal Project (LXRP) and their appointed delivery partner, the Southern Program Alliance (SPA) for Stage 2 of the Hurstbridge Railway Duplication project.

The LXRP has progressively obtained relevant approvals for the development and use of the proposed rail infrastructure, the construction, and the associated works that need to comply with a cultural heritage master plan. They are presently investigating matters of offset commuter car parking and proximate construction sites to the rail corridor.

SPA have also advised that they will consult Council on the proposed design of the duplication project. Council has attended some LXRP facilitated online workshops, where some design information has been presented. The LXRP in early December have confidentially released to Council officers the Greensborough and Montmorency Station design packages for detailed review and comment.

Council officers are undertaking an appraisal of the information and will provide detailed and coordinated comment covering civil, drainage, landscape, urban design and traffic disciplines. The response will include advocacy reference of the community feedback that Council has received from local groups. Given the confidentiality of these designs, the LXRP will also be requested to exhibit content publicly to enable appropriate consideration and feedback from the community.

## **FITZSIMONS LANE UPGRADE**

Council has had some engagement with the Major Roads Project Victoria (MRPV), tasked with the responsibility of the design and delivery of this project. Council

## **MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE cont'd**

officers presented to the MRPV and three bidding consortiums in July 2019 regarding the main issues and key outcomes sought with the proposed project. Council supported improvements to the capacity of Fitzsimons Lane, with pedestrian and cycling infrastructure improvements to be incorporated into the project, whilst minimising the footprint of the project to limit the loss of existing vegetation.

Council received a reference design for review in August 2019 and provided comment accordingly, consistent with the design objectives outlined to MRPV and the bidding consortiums. In February 2020 an updated reference design was presented to Council, responding to the functionality aspects that had been previously raised. In April 2020 the project area was approved, with the environment management strategy also approved in August 2020.

The project was recently awarded to BMD Constructions with an updated functional design presented to Council (similarly like the Hurstbridge duplication design presentation). Whilst traffic modelling for Fitzsimons Lane has not been provided for assessment, it is noted that there are capacity improvements in the design. Pedestrian and cycle paths have been provided on the Main Road approach and the Eltham approach to the intersection. The functional design has demonstrated a narrow footprint resulting in a reduction in the loss of trees. There will be continued advocacy for improvement to pedestrian and cycling infrastructure, particularly for the Fitzsimons Lane approach to the Main Road intersection.

Council resolved (as per item 4 above) to prepare a transport advocacy campaign in response to the numerous State projects that are concurrently being delivered within the municipality. A high-level list of advocacy components is outlined below:

- Prepare advocacy collateral on major Council transport advocacy items to local MPs, namely:
  - Greensborough Station Transport Interchange;
  - Shared Used Path connecting Greensborough with Eltham via the rail corridor;
  - A longer tunnel to eliminate dividing the community and lessen the environmental impact;
  - Launching the Tunnel Boring Machines from the Bulleen Industrial Estate and not Borlase Reserve;
  - Reducing the scale and footprint of the NEL interchanges, particularly at Lower Plenty Road;
  - Environmental protection at the Simpson Army Barracks;
  - More support for local businesses and communities impacted by the State Government transport projects;
  - Improved landscaping and urban design of the NEL and rail corridor interface.
- Update Council's North East Link advocacy list after the NEL contract award

## **MAJOR TRANSPORT PROJECTS AND ADVOCACY UPDATE cont'd**

These elements will be further detailed and refined in early 2021 once the design of the North East Link, Hurstbridge 2 and Fitzsimons Lane are released to the public and a further report to Council will be prepared.

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

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

Council officers involved in the preparation of this report have no conflict of interest in this matter. However, it is noted that the Director City Development, who has had input into this report, owns a property within the affected area identified in the NELP submissions to the Federal Government for EPBC Act approval and near to the northern end of the project where it interfaces with the M80. The project has no direct impact on the property.

## **CONCLUSION**

The State Government is progressing with delivering major transport projects within the Banyule municipality. Council's strong advocacy with the support and contribution of its Community has realised additional investment and changes to aspects of the projects to date.

Continuing to work in partnership with residents, local businesses, traders, and community groups to advocate to local MPs is paramount to achieving the best possible outcomes from these projects for the Community in Banyule.

A further update on the North East Link project and an updated North East Link Advocacy Project List will be provided after the contract is awarded.

Another report and update on the Major Transport Projects advocacy campaign will be provided once the designs of the North East Link, Hurstbridge Railway Line Upgrade Stage 2 and Fitzsimons Lane are released to the public.

## **ATTACHMENTS**

Nil

## **7.1 AUDIT & RISK COMMITTEE - INDEPENDENT REPRESENTATIVE AND CHAIRPERSON**

Author: Paul Wilson - Audit Support Officer, Corporate Services

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### **EXECUTIVE SUMMARY**

Each Council must establish an Audit & Risk Committee (the Committee) in accordance with the *Local Government Act 2020*. Each Committee must adopt a Charter. The Charter sets out how the Committee will operate including the membership and terms of appointment. At Banyule the Committee is made up of five members appointed by Council, three of whom must be independent members.

Dr Irene Irvine has been an Independent Representative on the Committee since 1 February 2018 and with the first term concluding on 31 January 2021.

As outlined in the Committee Charter Independent Representatives may be re-appointed for a further term but will not be appointed for more than two consecutive terms.

Since her appointment, Dr Irvine has showed a detailed understanding of the entity's business, displayed the ability to act objectively and independently and made a constructive contribution to the work of the committee. She has displayed a willingness to devote the time required to prepare and participate in committee meetings and engage with management outside committee meetings.

This report seeks to review the appointment term for Dr Irene Irvine, Independent Representative, on the Committee.

Dr Irvine is the current Chair of the Committee having been appointed as chair from 1 October 2018 to 30 September 2020 for two-year term, with her term as Chairperson just having recently expired.

The Committee at its meeting on 18 September 2020 recommended that Dr Irene Irvine be re-appointed as the Committee's Chairperson for a further period of two years (2 years).

### **RECOMMENDATION**

That Council:

1. Re-appoint Dr Irene Irvine for a second term as an Independent Representative on Council's Audit & Risk Committee for a further period of three years effective from 1 February 2021 and concluding 31 January 2024.
2. Appoint Dr Irene Irvine to the role of Chairperson on Council's Audit & Risk Committee for a further period of two years effective from 1 October 2020 and concluding 30 September 2022.

**AUDIT & RISK COMMITTEE - INDEPENDENT REPRESENTATIVE AND CHAIRPERSON cont'd**

**COUNCIL PLAN**

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

**BACKGROUND**

In accordance with 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 outlines how Independent Representatives are appointed and re-appointed for a further term but will not be appointed for more than two consecutive terms.

Dr Irene Irvine has been an Independent Representative on the Audit and Risk Committee since 1 February 2018. She has considerable experience as a Consultant, Senior Executive, Company Director and Audit Committee Member.

Dr Irvine's successful track record includes working collaboratively with Boards, Senior Executives and Audit Committees to: monitor performance; review risk profile; track and advise on audit focus and findings; review control measures; prevent and diagnose fraud; ensure legislative compliance and maintain reporting accountabilities. Her audit experience has been gained in fields of finance, tourism, utilities, education, government and not for profit (NPF) sectors.

It is recommended that Dr Irene Irvine be re-appointed for a further period as an Independent Representative of Council's Audit & Risk Committee for a further term of 3 years.

Council appreciates that Independent Representatives and Chairpersons need to be highly skilful professionals with considerable commercial and Local Government knowledge and expertise.

**Chairperson**

For the role of Chairperson, the Audit & Risk Committee Charter states:

- The Chair of the Audit and Risk Committee must be appointed by Council and must be an Independent Representative
- The Chair plays a pivotal role in the overall effectiveness of the Audit and Risk Committee and must have significant business experience and leadership skills in order to build sound relationships and strong communication channels
- The Chairperson of the Committee will facilitate the meetings of the Audit and Risk Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary



**AUDIT & RISK COMMITTEE - INDEPENDENT REPRESENTATIVE AND CHAIRPERSON cont'd**

- The Chairperson will be required to liaise with Management between Committee meetings on matters needing discussion.

The Audit & Risk Committee at its meeting on 18 September 2020 recommended that Dr Irene Irvine be re-appointed as the Committee's Chairperson for a further period of two years (2 years).

It is recommended that Dr Irene Irvine be re-appointed as the Committee's Chairperson for a further period of two years (2 years) effective from 1 October 2020 and concluding on 30 September 2022 given her qualifications, experience and excellent contribution on Banyule's Audit & Risk Committees over the past 2 years.

**LEGAL CONSIDERATION**

*Local Government Act 2020*, Section 53 requirements:

- (1) *A Council must establish an Audit and Risk Committee.*
- (2) *An Audit and Risk Committee is not a delegated committee.*
- (3) *An Audit and Risk Committee must—*
  - (a) include members who are Councillors of the Council; and*
  - (b) consist of a majority of members who are not Councillors of the Council and who collectively have—*
    - (i) expertise in financial management and risk; and*
    - (ii) experience in public sector management; and*
  - (c) not include any person who is a member of Council staff of the Council.*
- (4) *The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.*
- (5) *Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.*
- (6) *A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the 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 Act 2006*.

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* 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.

**AUDIT & RISK COMMITTEE - INDEPENDENT REPRESENTATIVE AND  
CHAIRPERSON cont'd**

**CONCLUSION**

Dr Irene Irvine be offered a second term as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 February 2021 and concluding 31 January 2024.

The re-appointment of Dr Irene Irvine, as Chairperson of Council's Audit & Risk Committee, for a further 2 years from 1 October 2020 until 30 September 2022 which will ensure compliance with the Audit & Risk Committee Charter and Best Practice Standards. Dr Irene Irvine has the qualifications and experience to fulfil this important advisory position.

**ATTACHMENTS**

Nil

## 7.2 **PROCUREMENT POLICY**

Author: Sonali Cordeiro - Procurement Coordinator, Corporate Services

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### **EXECUTIVE SUMMARY**

The Procurement Policy includes the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

The new *Local Government Act 2020* (LGA 2020) was approved on 24 March 2020.

Under S108 of the LGA 2020, Councils will be required to adopt a new Procurement Policy prior to 31 December 2021.

A new Procurement Policy under LGA 2020 is currently being prepared in collaboration with the Northern Regional Group of Councils, with the intention to standardise the compliance aspects of the Procurement Policy across all seven Councils. The new policy will also strengthen Banyule's sustainable procurement provisions.

The new Procurement Policy will be submitted to Council for adoption in 2021, with an effective date of 1 July 2021. Until the new Policy is adopted and in effect, the existing Procurement Policy under *Local Government Act 1989* (LGA 1989) will apply to all Council's procurement processes.

In accordance with S186A of the LGA 1989, Council must prepare and approve a Procurement Policy and review at least once in each financial year (last reviewed in March 2020)

Council Officers have reviewed the existing Procurement Policy as attached, and recommends that, having reviewed it, and given the imminent adoption of a new Procurement Policy under the LGA 2020, no amendments are made to the current Policy.

### **RECOMMENDATION**

That Council:

1. Retains the existing Procurement Policy under the *Local Government Act 1989*, without amendment, effective for the financial year to 30 June 2021.
2. Notes that the new Procurement Policy under *Local Government Act 2020* will be reviewed and considered for adoption by Council in 2021 with effect from 1 July 2021.

### **COUNCIL PLAN**

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

## **PROCUREMENT POLICY cont'd**

### **BACKGROUND**

The purpose of the Procurement 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;
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Procurement Policy includes the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council. This policy is supported by Council's Procurement Guidelines & Contract Management Guidelines which will be revised to reflect and support the changes made to this policy.

The new *Local Government Act 2020* (LGA 2020) was approved on 24 March 2020. Under S108 of the LGA 2020, Councils will be required to adopt a new Procurement Policy prior to 31 December 2021.

A new Procurement Policy under LGA 2020 is currently being prepared in collaboration with the Northern Regional Group of Councils, with the intention to standardise the compliance aspects of the Procurement Policy across all seven Councils. The new policy will also strengthen Banyule's sustainable procurement provisions including minimum requirements for weightings, specifications and the addition of KPI's for monitoring and reporting.

The new Procurement Policy will be submitted to Council for adoption during 2021, with an effective date of 1 July 2021. Until the new Policy is adopted and in effect, the existing Procurement Policy under the *Local Government Act 1989* (LGA 1989) will apply to all Council's procurement processes.

In accordance with S186A of the LGA 1989, Council must prepare and approve a Procurement Policy and review at least once in each financial year. This is usually scheduled by officers to occur and be considered for adoption by Council prior to 31 March each year.

Council Officers have reviewed the existing Procurement Policy as attached, and recommends that, having reviewed it, and given the imminent adoption of a new Procurement Policy under the LGA 2020, no amendments are made to the current Policy.

### **LEGAL CONSIDERATION**

In accordance with S186A of the LGA 1989, Council must prepare and approve a Procurement Policy and review at least once in each financial year.

Council Officers have received legal advice that given the imminent adoption of a new Procurement Policy under the LGA 2020, no amendments are required to be made to the current Policy and that the Procurement Policy (as attached) can continue to be effective until 1 July 2021 with the endorsement of Council.

## **PROCUREMENT 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 Act 2006*.

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

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

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

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

### **CONCLUSION**

Council Officers have reviewed the existing Procurement Policy under LGA 1989 as attached, and recommends that, having reviewed it, and given the imminent adoption of a new Procurement Policy under the LGA 2020, that no amendments are to be made to the current Policy.

The Procurement Policy (as attached) will be effective to 30 June 2021.

In 2021 an updated Procurement Policy (under LGA 2020) will be considered by Council for adoption with an effective date of 1 July 2021.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Procurement Policy (March 2020)	

## **7.3 QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

Author: Michael Fan - Financial Performance & Planning Coordinator, Corporate Services

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### **EXECUTIVE SUMMARY**

This Financial Management Report is for the period ended 30 September 2020 and provides the explanations for the following:

- The key income and expenditure actual operating results against budget;
- Capital Works financial performance;
- COVID-19 financial impact;
- Other key financial indicators.

The economic disruption caused by the unexpected COVID-19 Stage 4 restrictions imposed by the Victorian Government has had a greater impact on Council's businesses than anticipated in the budget. This has surpassed the budget assumptions including it the Budget 2020/21.

- September forecast revisions have resulted in a further \$1.430m unfavourable movement to the adopted budget deficit of \$1.351m. It is estimated that the additional net annual cost impact is \$4.541m.
- The current spend on the Economic Support Package is \$0.917m. This has been much lower than anticipated with the lower take up of rates waivers and greater number of rate deferral applications. At this stage, no adjustment has been made to the forecast spend of the package and will be regularly monitored over the next quarter.
- The \$10.5m package was further refined by Council at its meeting on Monday 21 September 2020. This included extending the rent relief for commercial and community groups to respond to the Stage 4 restrictions in addition to an increase in Category C waiver and eligibility adjustment to Category B.

### **Operating Surplus:**

The year to date (YTD) actual financial performance against budget is tracking favourable by \$3.085m.

Council has forecasted to deliver an operating deficit of \$2.781m for the year 2020/21. This includes a significant provision for rate waivers of which approximately 5% has been drawn upon.

The forecast variances are primarily related to:

- Exceeded COVID-19 business impact - \$4.541m; offset by
- Additional contributions income (mainly from Public Open Space) - \$1.252m
- Additional operating and capital grants revenue - \$1.455m
- Other income (mainly from insurance reimbursement) – \$0.520m

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

The 2020/21 underlying operating deficit is forecast to be \$13.674m compared to a budgeted underlying deficit result of \$8.444m. This underlying result is determined after adjusting for non-recurrent capital grants and capital contributions of \$10.892m.

**Capital Works Performance:**

As of 30 September 2020, a total of \$13.184m has been spent on capital works.

The capital works expenditure is forecast to be \$74.667m (the adopted capital budget is \$63.550m). The forecast includes capital works projects (\$9.352m) that were budget in 2019/202 and will now be completed in 2020/2021.

**RECOMMENDATION**

That Council note:

1. The Quarterly Financial Management Report for the period 30 September 2020, with consideration of:
  - a. The forecast to deliver an operating deficit of \$2.781m against the adopted budget of \$1.351m for the year ended 30 June 2021.
  - b. The extension of the COVID stage 4 restrictions has surpassed the budget assumptions resulting in a further \$1.430m unfavourable movement to the adopted budget deficit.
  - c. The underlying operating deficit of \$13.674m is after adjusting for non-recurrent capital grants and capital contributions of \$10.892m.
  - d. The net cost impact on the forecast directly from COVID-19 restrictions is \$4.541m.

**COUNCIL PLAN**

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

**BACKGROUND**

The 30 September 2020 Financial Management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, and other key financial information.

Note: material variances are explained – refer notes (variances greater than \$0.300m are considered material).

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

**Financial Sustainability**

The current assessment of the Financial Sustainability of the Organisation is measured against the VAGO indicators.

September 2020	Net Results	Adjusted Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	-1.85%	-9.8%	1.86	39.42%	19.63%	3.22	2.50

Note: Council budgeted to provide a \$10.5m Economic Support Package in 2020/21 which has significantly impacted on the net result and the adjusted underlying results.

- The 'amber' Net Results indicates there is a risk of long-term run down to cash reserves and inability to fund asset renewals (a positive result is financially sustainable).
- The Adjusted Underlying Results measures an entity's ability to generate surplus in the ordinary course of business (5% or greater is considered to be financially sustainable).
- The Internal Financing for 2020/21 measures Banyule's ability to finance capital works using cash generated by operating cash flows. The capital works expenditure that is forecast to be funded from operating cash flow is 39.42% for 2020/21 (75% or greater is financially sustainable).

Both 'red' Internal Financing and Adjusted Underlying Results ratio are isolated to the current year and will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the next few years.

With the COVID-19 financial impacts on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing will highly likely continue to decline. The net result and liquidity will be unfavourably impacted.



**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**
**TABLE 1 - Income Statement**

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Notes	Forecast \$000	Annual Budget \$000	Annual Variance \$000	Notes
<b>Income</b>								
Rates and charges	106,003	105,860	143		99,619	99,005	614	9
Grants - Operating	3,381	3,185	196		13,967	13,185	782	10
Grants - Capital	663	115	548	1	7,746	5,339	2,407	11
Statutory fees and charges	1,544	1,593	(49)		5,992	7,634	(1,642)	12
User fees and charges	4,772	5,694	(922)	2	13,469	18,670	(5,201)	13
Contributions income	1,409	825	584	3	4,877	3,625	1,252	14
Interest income	282	291	(9)		1,002	1,000	2	
Rental income	504	591	(87)		2,362	2,461	(99)	
Net gain/(loss) on disposal of fixed assets	32	40	(8)		222	162	60	
Other income	678	166	512	4	1,107	587	520	15
<b>Total income</b>	<b>119,268</b>	<b>118,360</b>	<b>908</b>		<b>150,363</b>	<b>151,668</b>	<b>(1,305)</b>	
<b>Expenses</b>								
Employee costs	15,897	16,615	718	5	67,652	68,705	1,053	16
Materials and services	9,915	10,760	845	6	45,661	44,476	(1,185)	17
Utility charges	718	848	130		4,261	4,314	53	
Depreciation	5,550	5,550	-		22,201	22,201	-	
Amortisation – intangible asset	72	72	-		288	288	-	
Amortisation – right of use assets	138	136	(2)		540	540	-	
Borrowing costs	590	590	-		2,339	2,339	-	
Finance cost - leases	25	18	(7)		72	72	-	
Donations expenditure	275	439	164		1,381	1,371	(10)	
Contribution expense	1,649	1,811	162		6,869	6,818	(51)	
Other expenses	582	749	167		1,880	1,895	15	
<b>Total expenses</b>	<b>35,411</b>	<b>37,588</b>	<b>2,177</b>		<b>153,144</b>	<b>153,019</b>	<b>(125)</b>	
<b>Surplus/ (Deficit) for the year</b>	<b>83,857</b>	<b>80,772</b>	<b>3,085</b>		<b>(2,781)</b>	<b>(1,351)</b>	<b>(1,430)</b>	
Grants – Non-recurrent Capital	544	0	544	7	6,157	3,758	2,399	18
Capital Contributions – Other Sources	1,277	740	537	8	4,736	3,335	1,401	19
<b>Adj. Underlying Surplus/(Deficit)</b>	<b>82,036</b>	<b>80,032</b>	<b>2,004</b>		<b>(13,674)</b>	<b>(8,444)</b>	<b>(5,230)</b>	

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

**NOTES: Year to Date (YTD) - Major Variances**

As at 30 September 2020 the net result year to date is \$3.085m favourable. Year to date income and expenditure is tracking favourable, \$0.908m and \$2.177m respectively.

The significant contribution to the year to date (YTD) variance comprises of:

1. Grants – Capital: \$0.548m favourable to budget. This variance is mainly driven by the 2019/20 unearned Sport and Recreation Victoria (SRV) grant for Olympic Park Masterplan, now recognised in this financial year to reflect the progression of the project into 2020/21.
2. User fees and charges income is \$0.922m unfavourable mainly due to the budget assumption that only 50% operating business income (for COVID-19 impacted operations) would be received in the 1st Quarter of 2020/21. However, with Stage 4 restrictions the following impacts have been experienced:
  - a. The closure of Council's leisure centres has resulted in no direct income generation for the financial year, resulting in \$0.582m unfavourable YTD variance to the budget.
  - b. Early Childhood Services income is lower than budget by \$0.182m mainly related to less parent fee income being received across the five centres. This is as a result of the Federal government's COVID-19 childcare reforms to help generate economic stimulus by providing 'free child care' until mid-July.
  - c. The Transfer Station is experiencing a reduction in demand on commercial activities resulting in a \$0.232m unfavourable variance to the YTD budget.
3. Contributions income is \$0.584m favourable to budget. This variance is mainly driven by a significant Public Open Space contribution in Heidelberg during July 2020.
4. Other income is \$0.512m favourable to budget, mainly driven by unbudgeted insurance and WorkCover reimbursements respectively:
  - a. for the replacement for the Chlorine generator at WaterMarc (broken down and replaced in the 2019/20 financial year).
  - b. for the Parks and Operation Depot current year incidences.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

5. Employee Cost is \$0.718m favourable to budget as a result of:

Vacant positions: As a result of the unknown and changing COVID-19 restrictions, vacant positions are being constantly reviewed to achieve the best practicable operational outcomes, while other vacant positions are backfilled through the use of agency staff as appropriate. The additional agency cost (refer note 6) generally trends above budget and is offset through a corresponding reduction in employee costs during the year. The budget factors in a saving due to vacancies of \$0.74m and any amount above this will be reflected in the forecast.

\*The EFT reduction is driven from the Leisure Centres been closed from the beginning of the financial year to respond to COVID-19 restriction introduced by the Victoria Governments.

\*\*The EFT reduction is the outcome after accessing operational feasibility under COVID-19 restrictions.

The management is working closely with impacted staff on redeployment opportunities to help people stay connected and working even if it's in different types of roles. The businesses have not incurred \$0.705m in resourcing costs as originally budgeted due to the COVID-19 restrictions.

6. Materials and Services \$0.845m favourable to budget, mainly driven by timing on initiatives cost (\$0.323m) and Community Program Cost (\$0.165m) delayed by the current restrictions. Also Transfer Station disposal cost (\$0.352m) is directly impacted by the reduction of demand.

The favourable variance on Initiatives and Consultancy cost is correlated to the projects not yet commenced (later than anticipated). This temporary variance is offset by contractor cost. Details refer below:

**VARIANCE TABLE - Agency, Consultancy and Contractor Costs – 30 Sep 2020:**

Banyule City Council	Actual YTD	Budgeted YTD	Variance YTD	Forecast FY	Budget FY	Variance FY
Agency (Operations)	\$0.574m	\$0.257m	(\$0.317m)	\$1.283m	\$1.298m	\$0.015m
Consultancy (Operations)	\$0.149m	\$0.311m	\$0.162m	\$1.428m	\$1.467m	\$0.040m
Contractor (Operations)	\$3.867m	\$3.449m	(\$0.418m)	\$13.404m	\$12.863m	(\$0.542m)
Initiatives Expenditure	\$0.681m	\$1.005m	\$0.323m	\$4.971m	\$4.061m	(\$0.910m)

**Agency** is workers who are hired, especially temporarily, using an employment agency, i.e. Comensura.

The agency cost YTD variance is \$0.317m unfavourable, offset by savings in employee benefits. Agency is used to cover short term vacancies in staff.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

**Consultancy** is a particular type of contractor that is engaged primarily to perform a discrete task for Banyule that facilitates decision making through provision of expert analysis and advice, or development of a written report or other intellectual output.

The consultant YTD favourable variance \$0.162m is mainly driven by the timing of the consultancy cost across many operating projects.

**Contractor** is an individual or organisation that is engaged to provide works or services for or on behalf of Banyule.

The contractor costs YTD unfavourable variance \$0.418m mainly due to the unbudgeted running cost while the Recreation Centres remain closed.

**Initiatives** are one-off projects which are submitted by either officers or community. The use of either agency, consultancy and/or contractors is not always known at the time of budgeting for this expenditure.

The initiative cost YTD variance is \$0.323m favourable to budget due to the project commencement timing. The unfavourable forecast reflects the carried forward expenditure from 2019/2020.

7. Grants – Non recurrent Capital is \$0.544m favourable to budget as a result of recognition of 2019/20 unearned capital grants. Refer note 1.
8. Capital Contributions (from other sources) is \$0.537m above budget and mainly represents the Public Open Space contributions received.

**NOTES: Full Year (FY) Forecast - Major Variances**

The operating forecast as at 30 September 2020 is for a deficit of \$2.781m which is \$1.430m unfavourable to the deficit budget (\$1.351m). The significant contributions to the full-year forecast variance are:

9. Rates and charges \$0.614m favourable to budget mainly due to supplementary rate revenue.
10. Grants: Operating \$0.782m favourable to budget, mainly driven by additional grants received.
  - Delivered Meals - \$0.099m additional funding to support the increase of business demand during the COVID-19 pandemic.
  - Commonwealth Home Support Program Emergency Support for the COVID-19: \$0.110m granted in August 2020.
  - Realised unearned grant from 2019/20 (\$0.135m) to comply with the new accounting standard (AASB1058).
  - The early childhood services have received additional grants.
    - \$0.105m as part of the long day care COVID-19 transitional support during COVID restrictions;

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

- plus a lump sum unbudgeted funding of \$0.158m to support local governments to operate long day care services with funded kindergarten enrolments.
  - State Government Grant \$0.138m to be received for the Cultural Precinct Project, which commenced in 2019/20.
- 11. Grants: Capital \$2.407m favourable to budget. The variance is mainly due to:
  - Various Capital grants carried forward/unearned from 2019/20, \$1.005m in total, including Olympic Park Masterplan (\$0.806m) grant from SRV.
  - Unexpended grant Waterdale Road Pocket Parks & Shared Zone project (\$0.650m), securing a total funding of \$1.300m from the State government over three years.
  - Unbudgeted \$0.650m of Leisure Recreation & Culture capital projects related to:
    - Whatmough park lighting,
    - Montmorency South pavilion and
    - Greensborough War Memorial pavilion change rooms upgrade
- 12. Statutory fees are \$1.642m unfavourable to budget directly related to parking infringement fees as enforcement activities reduced more than anticipated during the COVID-19 restrictions.
- 13. User fees and charges is \$5.201m unfavourable to budget. This is directly related to the Stage 4 restrictions resulting in a significant financial impact (exceeding the initial budget principles) to the below Banyule's centres:
  - Leisure Centres including WaterMarc and function centres: the September forecast is reflecting the most recent restrictions, announced on 6 and 18 October 2020, impacting the leisure centres operations for the second quarter as indoor sports facilities will remain closed until the following announcement. The forecast for the second half of the year has been reviewed expecting only to achieve 60% of the budget due to continuing restrictions and social distancing. Although the centres might be opened, they will not operate at full capacity. The forecast revision results in a further decrease in revenue of \$3.911m.
  - Transfer Station fees and charges lower than budget by \$0.591m due to reduction in demand from commercial activities.
  - Parking fees income is forecasted to be \$0.272m lower than budget as the demand on parking facilities are expected to continue to be low for the rest of the year.
  - On 21 September 2020 the Council resolved to continue to support our community groups for a further 6-month period, commencing 1 October 2020 through to 31 March 2021. As a result, \$0.232m of fees income will be waived under Function centres, Community Hall Hire and Sports pavilions (funded from the existing \$10.5m Economic Support Package).

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

14. Contributions income \$1.252m favourable to budget driven by significant Public Open Space contributions based on YTD actual observations to outlook market activities.
15. Other income \$0.520m favourable mainly driven by unbudgeted insurance reimbursement of the Chlorine generator at WaterMarc and unbudgeted WorkCover reimbursement income (refer Note 4).
16. Employee costs is \$1.053m favourable to budget mainly due to the closure of the Leisure Centres since the beginning of the financial year (\$1.142m) with COVID-19 restrictions still in place. A further reduction of the employee cost has been forecasted as per the recent restrictions announced on the 6 and 18 October 2020 impacting the leisure centres operations for the second quarter.

Most of the current vacant (28.67 EFT) positions are forecast to be filled by January 2021 resulting in a \$0.398m favourable variance to budget since July 2020 (with 11.29 EFT advertised and 17.38 EFT to be advertised in the next few months).

The COVID impact on employment cost has been offset by the carry forwards of the Inclusive Employment Program Initiative and unexpended grants for Community Programs (\$0.578m).

A detailed review of vacant positions across the organisation is currently being undertaken by management to review workforce priorities. The result of this analysis will be considered when establishing the workforce foundation for the Budget 2021/22.

17. Materials, contracts, and services is \$1.185m unfavourable to budget after incorporating \$1.152m of initiative and \$0.604m of unexpended grants from 2019/20 to 2020/21.

An additional \$0.385m has been allocated to cover the base maintenance costs (from July to December) to maintain the Leisure Centres whilst these facilities remain closed due to the COVID-19 restrictions.

The Transfer Station disposal cost has been reduced (\$0.825m) to reflect the decrease of demand for commercial activities.

**Underlying Surplus adjustment**

18. Grants – Non-recurrent Capital is \$2.399m above budget due to the additional State Government funding to support capital projects. Refer note 11.
19. Capital Contributions (from other sources) is \$1.401m above budget as a result of significant Public Open Space contributions. Refer note 14.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

**Council Resolutions: impact on financial performance**

The table below lists 2020/21 resolutions carried by Council as at 30 September 2020 which will have an impact on the financial statements.

Resolution	Description	Impact on Forecast	\$'000
CO2020/162	The Eaglemont Tennis Club: Construction of a timber viewing deck, access ramps and landscaping works.	Buildings	0.153
Amount included in Capital works statement- Table 3		<b>Total Capital Works</b>	<b>0.153</b>

**COVID-19 impact on forecast**

- The COVID-19 pandemic has been with us now for about 6 months with extended restrictions. The economic impacts continue unfolding daily with significant impact on the businesses, ratepayers and community within Banyule.
- The September 2020 forecast is projected based on assumptions about how COVID-19 pandemic will affect various business operations across Council, through to 30 June 2021, in accord with the current COVID-19 roadmap for reopening toward normal activities. These assumptions will be continuously reviewed as new government policies are introduced, and restrictions are eased.
- The budget 2020/21 has included a net COVID-19 impact of \$3.359m (\$8.683m unfavourable impact on income and \$5.323m favourable impact on expenditure) The expectation was for a severe financial downturn from the first quarter, but gradually recovering throughout the remainder of the year.
- Due to the COVID-19 second wave in Victoria and extension of the Stage 4 restrictions a further financial impact has been estimated for the period to 30 June 2021. Banyule businesses are likely to incur a further \$4.541m net unfavourable result (Income \$6.409m unfavourable and expenses \$1.868m favourable against adjusted budget)
- In summary, the Banyule business impact from COVID-19 this year is estimated to be \$15.092m loss of revenue (budgeted \$8.683m and unbudgeted \$6.409m), and \$7.191m operating expenditure saving (budgeted \$5.323m and unbudgeted \$1.868m) when comparing to pre-COVID condition.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

As of 30 September 2020, the specific areas forecasted to be impacted include:

Business units	Gross impact income favourable/ (unfavourable)	Gross impact expenditure favourable/ (unfavourable)	Net financial impact net saving / (net cost)
Recreation Centres	(1,967,757)	(365,000)	(2,332,757)
Transport Engineering	(1,876,220)	158,282	(1,717,938)
Leisure Centres-BLFM	(1,770,309)	1,253,470	(516,839)
Municipal Laws	(96,437)	-	(96,437)
Home & Community Care Programs	(12,985)	(67,555)	(80,540)
Functions Centre	(59,901)	(2,369)	(62,270)
Cultural & Heritage Development	(38,648)	-	(38,648)
Property Services	(34,361)	-	(34,361)
Finance & Procurement	1,585	(10,000)	(8,415)
Transfer Station	(600,000)	600,000	-
Health & Aged Services Management	-	3,000	3,000
Major Facilities	(14,731)	24,122	9,391
Records & Information Management	-	19,800	19,800
Youth Services	(8,000)	30,460	22,460
Customer Experience Operations	-	28,865	28,865
Continuous Improvement	-	33,750	33,750
Social Enterprise & Local Jobs	-	54,917	54,917
Early Childhood Services	67,783	(3,560)	64,223
Social Enterprise-New Works	-	110,366	110,366
<b>Total</b>	<b>(6,409,981)</b>	<b>1,868,548</b>	<b>(4,541,433)</b>

The main additional business units affected are:

- **Recreation Centres** including WaterMarc, Macleod YMCA, Ivanhoe Aquatic Centre and Watsonia Pool have been significantly impacted by the COVID-19 Stage 4 restrictions and have been closed from the beginning on the financial year and are not expected to fully open until January 2021.
  - Impacted revenue (\$1.967m or 10.54% of total budgeted User fees and charges) is calculated based on no revenue raised in the first 6 months, and only 10% of the budgeted revenue in the remaining 6 months. In accord with the arrangement (until WaterMarc is entirely operational) Council will only raise the revenue based on Belgravia's actual income and not monthly fixed income as per the original contract.
  - Impacted expenses (\$0.365m), the forecast is reflecting the additional expenditure to cover the base maintenance costs to maintain WaterMarc Recreation Centre and Macleod Leisure Centre while the facilities remain closed due to COVID-19 restrictions.
- **Transport Engineering** has been heavily impacted by the COVID-19 Stage 4 restrictions by reducing the volume of parking fees and infringements.
  - Loss of Parking infringement revenue (\$1.648m or 22% of the total budgeted Statutory Fees & Charges) forecast is based on the reduction of enforcement activities until end of December 2020, and gradually recovering in 2021. The Parking fees are predicted to be reduced by \$0.228m (2% of User Fees and Charges budget), it is driven by demand on parking facilities during Stage 4 restrictions.



**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

- Savings on Expenses is \$0.158m only; the loss of income does not directly drive associated pro-rata expenditure savings as most of the contract expenditure is fixed, while an only small proportion of the expenditure is variable to the number of infringements issued.
- **Leisure and Aquatic Centres** have also been significantly impacted the restrictions and closed from the beginning of the financial year and are not expected to open until January fully.
  - Impacted income (\$1.770m or 9.48% of User Fees and Charges budget) has been forecasted for the second half of the year based on reducing 50% of budgeted revenue in Q3 and 30% in Q4 to allow a transition phase to the centre and running the centre based on COVID requirements of social distancing.
  - Expenditure savings is forecasted to be \$1.253m, which is mainly derived from labour savings in the first 6 months of the year. Although the centre will not be run to full capacity in the second half of the year, a fixed cost is inevitable, and the minimum staff is legislatively required.
- **Transfer Station** is experiencing a reduction in demand on commercial activities due to Stage 4 restrictions to business.
  - The savings offsetting entirely the loss of income (\$0.600m or 3.21% of total User Fees and Charges budget). The forecast has taken the consideration of further business impact in the 2nd quarter 2020/21.

**COVID-19 – Economic Support Package**

- The adopted Council Plan 2017-2021 (Year 4) and Budget 2020/21 have addressed budgetary considerations to COVID-19, including a \$10.5m of Economic Support Package. In the Package, ratepayers encountering financial hardship can defer rates payments until to 30 June 2021. Rates can also be waived up to \$500 in accordance with the Council adopted Hardship Policy. (Refer to the section of Rate Outstanding).
- On the 21 September, the Council approved to continue supporting our community groups for a further 6-month period, commencing 1 October 2020 through to 31 March 2021. The relief includes fees for ground use, pavilion hire and utilities during this time.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

These costs will be funded within the 2020/21 budgeted \$10.5 million Economic Support Package and have been reflected in the September forecast as below:

Business units	User Fees & Charges	Rental Income	Contributions Income	Net impact (net cost)
Community Partnerships	(10,763)	(30,581)	(109,635)	(150,979)
Functions Centre	(111,506)			(111,506)
Sports Pavilions	(87,690)			(87,690)
Recreation Centres		(43,200)		(43,200)
Leisure & Recreation Programs	(15,375)			(15,375)
Early Childhood Services		(9,219)		(9,219)
Maternal & Child Health	(7,663)			(7,663)
Property Services		(950)		(950)
<b>TOTAL</b>	<b>(232,996)</b>	<b>(83,950)</b>	<b>(109,635)</b>	<b>(426,581)</b>

As of 30 September, \$0.917m of Economic Support Package has been provided, including both forgone income and expenses. The details are listed below.

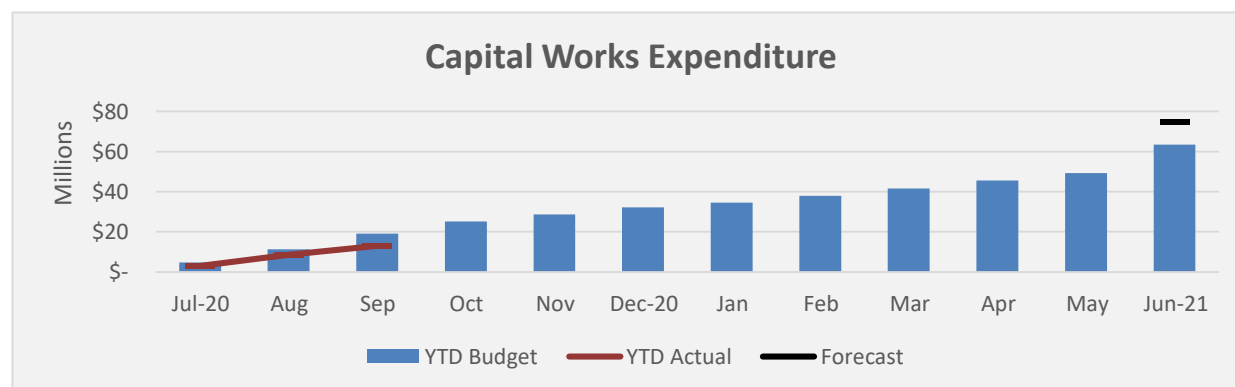
Summary	YTD actuals (\$)
<b>Defer rates for ratepayers experiencing financial hardship up to 15 months</b>	30,600
<b>Refund street trader permits fees paid in advance for the April – June 2020 and waive the permits for 2020/21 (whole year).</b>	22,757
<b>Provide rent relief 1st quarter 2020/21</b>	83,720
<b>Provide additional funding for the special rates and charges scheme, 1st and 2nd quarter in 2020/21</b>	162,686
<b>Waive fees, charges and rent 6 months from 1 July 20</b>	193,980
<b>A <i>Business Concierge Officer</i> for 12 months to assist new start-up businesses navigate the permit application and various approvals processes within Council</b>	31,154
<b>Business Support Grant package over four stages - \$460,000</b>	134,040
<b>Rediscover Local Initiative six-month campaign</b>	36,434
<b>Rates Hardship</b>	196,950
<b>Waiver of commercial bins on non-rateable fees</b>	25,403
<b>Total</b>	<b>917,726</b>

- Victoria shut down its economy to stave off the second wave of COVID-19 in the state. While the strategy has been successful, the economic cost will be larger and the recovery longer than anticipated. In response, Banyule City Council reiterates its \$10.5m Economic Support Package in the September Forecast, to cushion the blow of the second lockdown and for achieving the best possible outcomes for the Banyule's ratepayers, communities, and business owners.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

**Capital Works expenditure**

- As at 30 September 2020 a total of \$13.184m has been spent on capital works. The forecast for capital works expenditure is forecast to be **\$74.667m** including \$9.352m of carry forwards projects from the previous financial year. The adopted 2020/21 capital budget is \$63.550m

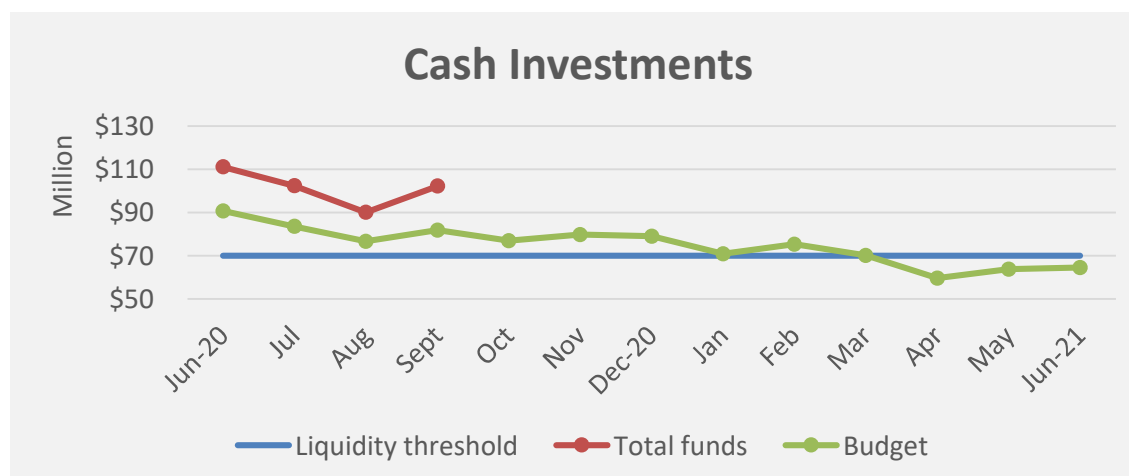


<b>CAPITAL WORKS EXPENDITURE</b>	<b>YTD Actual \$000</b>	<b>YTD Budget \$000</b>	<b>YTD Variance \$000</b>	<b>Forecast \$000</b>	<b>Annual Budget \$000</b>	<b>Annual Variance \$000</b>
<b>Infrastructure</b>						
Roads, streets and bridges	2,068	1,994	(74)	9,990	8,088	(1,902)
Drainage	99	195	96	1,279	1,649	370
Parks and gardens	2,290	1,104	(1,186)	9,268	7,177	(2,091)
Playgrounds	524	360	(164)	896	650	(246)
<b>Total infrastructure</b>	<b>4,981</b>	<b>3,653</b>	<b>(1,328)</b>	<b>21,433</b>	<b>17,564</b>	<b>(3,869)</b>
<b>Property</b>						
Freehold land	593	-	(593)	590	-	(590)
Freehold buildings	5,325	14,319	8,994	40,694	40,140	(554)
<b>Total property</b>	<b>5,918</b>	<b>14,319</b>	<b>8,401</b>	<b>41,284</b>	<b>40,140</b>	<b>(1,144)</b>
<b>Plant and equipment</b>						
Motor vehicles	1,978	864	(1,114)	7,398	2,971	(4,427)
Plant and equipment	219	225	6	1,067	740	(327)
Furniture and fittings	2	-	(2)	385	235	(150)
<b>Total plant and equipment</b>	<b>2,199</b>	<b>1,089</b>	<b>(1,110)</b>	<b>8,850</b>	<b>3,946</b>	<b>(4,904)</b>
<b>Other assets</b>						
Intangible assets	77	-	(77)	2,970	1,770	(1,200)
Art collection	9	25	16	130	130	-
<b>Total capital works expenditure</b>	<b>13,184</b>	<b>19,086</b>	<b>5,902</b>	<b>74,667</b>	<b>63,550</b>	<b>(11,117)</b>

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

**Investment Activity**

- The current short-term term deposit interest rates held by Council are in the range of 0.61% to 1.65%. The current weighted average return, 0.97%, is expected to decrease in the future as a reflection of the RBA cash rate cuts to 0.25% on 20 March 2020.
- The linear gap between budget and actual cash balance depicted in the graph below is the result of a higher cash opening balance than budget projections as at 30 June 2020. Most of this variance comprises allocated funds from 2019/20 carried over capital expenditure, initiative and unspent grant to 2020/21, and a better rate collection result than predicated within the adopted budget under COVID-19 uncertainty.
- Rate instalment payment dates are in September, November, February & May. The usual trend of higher cash receipts in these months has been minimised as ratepayers, via a hardship application, have the option to defer payment without penalty until 30 June 2020.

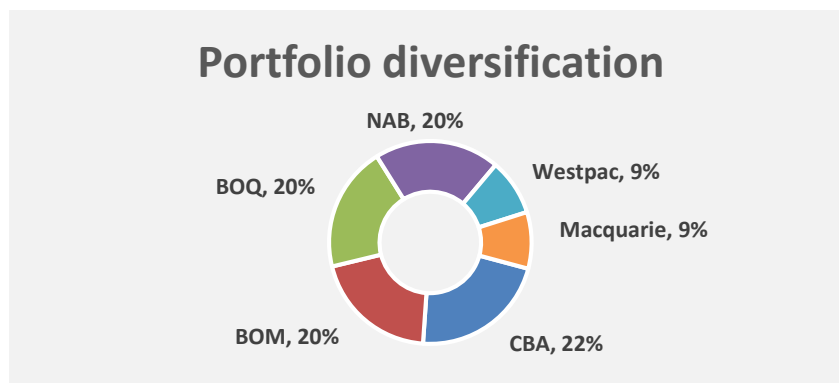


*Note: Liquidity threshold represents the liquidity position 2:1 to cover budgeted short-term liabilities for the year end 30 June 2021.*

- The duration of the term deposits range between 6 to 12 months. Banyule City Council aim to spread maturities throughout the year to match cash outflows. Income from rates will supplement other inflows from which to pay staff salaries and supplier invoices during the year.
- All cash investments are directly invested by Council in Australian financial institutions in accordance with our investment policy, using the Standard & Poors (S&P) short term credit rating. The portfolio diversification of investments is outlined

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 30 SEPTEMBER 2020 cont'd**

The portfolio diversification of investments is outlined in the chart below:



S&P rating	Banks	Investment portfolio	Maximum % holding in a single Financial Institution	Maximum % holding in a single credit rating level
<b>A 1 +</b>	CBA	22%	50%	
	NAB	20%	50%	
	BOM	20%	50%	
	Westpac	9%	50%	
<b>Total A1+</b>		<b>71%</b>		<b>100%</b>
<b>A 1</b>	Macquarie	9%	50%	
<b>Total A1</b>		<b>9%</b>		<b>100%</b>
<b>A 2</b>	BOQ	20%	30%	
	Bendigo	0%	30%	
<b>Total A 2</b>		<b>20%</b>		<b>50%</b>

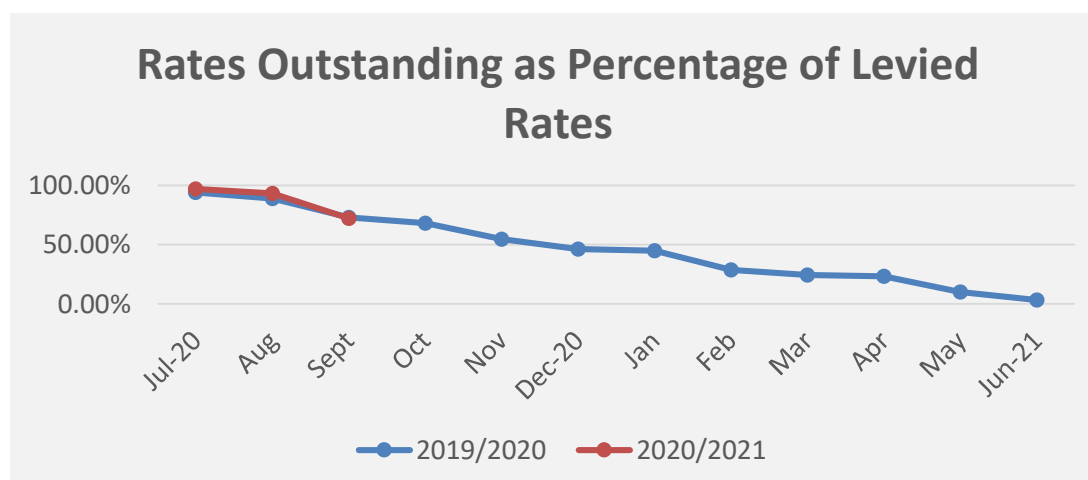
The table above supports Council investments follows Council's current investment policy.

- In addition, a new investment strategy is currently being developed to direct Council to for achieving better investment outcomes under this low-rate financial environment.

**Rates Outstanding**

- For the 2020/21 financial year, Banyule City Council has levied in total \$107.53m in rates revenue (includes waste charges from the schedule of fees and charges and excludes the fire services property levy and the provision for rate waivers of \$7.343m).
- The total outstanding balance as at 30 September 2020 is \$82.727m, 72.16% of the current year levied rate income is outstanding.

QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd

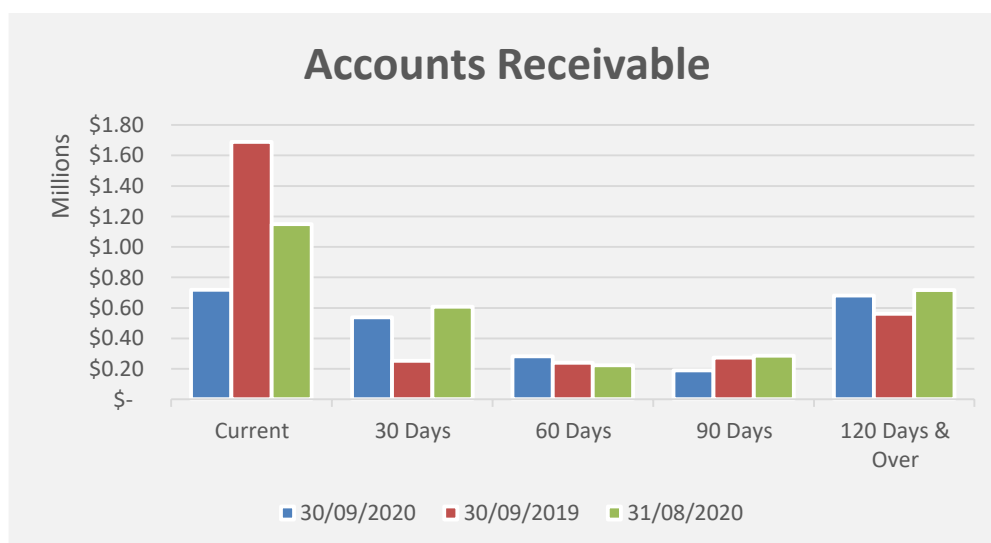


- Even though the rates notices were issued approximately one month later than they were in 2019, the rates outstanding percentage after the September instalment is comparable to last year.
- Council endorsed the waiver of a proportion of 2020/21 general rates due to COVID-19 financial hardship. Ratepayers and Businesses are eligible the partial-waiver between \$500 and \$250 for the 2020/21 rate year and/or a payment deferral up to 15 months, ending on 30 June 2021.
- As of 30 September 2020, \$2.690m rates have been deferred and \$0.196m rates had been waived as part of Council's COVID-19 support packaged. Although a set of principles have been adopted to streamline the rate wavier approval process, additional time is required to assess application as the information provided is, at times, incomplete. As the paper is being prepared, an additional \$0.240m rate waiver applications have been processed.
- In July 2020/21, a large number of supplementary rates were processed increasing the year to date amount levied. Later in the year, it is anticipated that North East Link Authority will compulsorily acquire a number of properties. These properties will become non-rateable and will partially offset the initial levied rates revenue.
- Penalty interest has not been charged on arrears and overdue rates since 10 March 2020. Council has resolved to charge interest after 31 December 2020. This has had an unfavourable impact on Council revenue. It is difficult to measure how much interest income has been foregone to-date.

### Accounts Receivable

- The accounts receivable function of Council raises revenue and collects payments for Children's centres, Aged & Disability services, Health Department, Leisure bookings, Banyule BPI and sundry accounts. (This function does not include revenue for the Planning Department, Animal Registrations and Parking Infringements as these are currently decentralised).

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**



- As at 30 September 2020, the total outstanding debtors balance was \$2.413m (August 2020: \$2.984m).
- Several debtor invoices for 2020/21 have been waived and/or refunded as part of the Economic Support Package limiting the ability to compare prior year trends in the current and 30 days outstanding category. In addition, Council officers will not be actively chasing outstanding debt, whilst there are high levels of COVID-19 financial support required throughout the community.

**LEGAL CONSIDERATION**

Section 97 of the *Local Government Act 2020* requires a quarterly budget report to Council as soon as practical after the end of each quarter. A quarterly budget report must include a comparison of the actual and budgeted results to date, an explanation of any material variations, any other matters prescribed by the regulations.

**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 Act 2006*.

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.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**
**Financial Statements**
**Table 4 - Balance Sheet**

	2020/21 30-Sep-20 \$'000	2020/21 31-Aug-20 \$'000
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	22,165	7,010
Trade and other receivables	89,786	113,235
Other financial assets	80,000	83,000
Inventories	37	37
Assets held for sale	2,650	2,650
Other assets	1,633	1,633
<b>Total current assets</b>	<b>196,271</b>	<b>207,565</b>
<b>Non-current assets</b>		
Trade and other receivables	215	215
Investments in associates and joint ventures	3,187	3,187
Property, infrastructure, plant and equipment	1,667,961	1,665,289
Right-of-use assets	1,542	1,449
Intangible assets	857	881
Investment Property	33,034	33,034
<b>Total non-current assets</b>	<b>1,706,796</b>	<b>1,704,055</b>
<b>Total assets</b>	<b>1,903,067</b>	<b>1,911,620</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Trade and other payables	7,642	8,104
Provisions	15,824	15,735
Interest-bearing loans and borrowings	1,651	1,647
Trust funds and deposits	3,510	3,510
Lease Liabilities	478	478
Unearned Income	2,574	2,574
<b>Total current liabilities</b>	<b>31,679</b>	<b>32,048</b>
<b>Non-current liabilities</b>		
Provisions	1,379	1,379
Interest-bearing loans and borrowings	30,684	30,824
Trust funds and deposits	1,007	1,007
Lease Liabilities	1,105	1,105
<b>Total non-current liabilities</b>	<b>34,175</b>	<b>34,315</b>
<b>Total liabilities</b>	<b>65,854</b>	<b>66,363</b>
<b>Net assets</b>	<b>1,837,213</b>	<b>1,845,257</b>
<b>Equity</b>		
Accumulated surplus	593,683	601,727
Reserves	1,243,530	1,243,530
<b>Total equity</b>	<b>1,837,213</b>	<b>1,845,257</b>



**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

Table 5 - Statement of Cash Flows

	2020/21 30-Sep-20 \$'000	2020/21 31-Aug-20 \$'000
	Inflows (Outflows)	Inflows (Outflows)
<b>Cash flows from operating activities</b>		
<b>Receipts:</b>		
Rates and charges	28,303	4,607
Grants - operating	3,493	3,048
Grants - capital	663	76
Statutory fees and fines	1,109	764
User fees and charges	5,451	4,614
Contributions - monetary	1,409	946
Interest received	661	536
Rental income	388	250
Other receipts	678	213
<b>Payments:</b>		
Employee costs	(15,633)	(10,591)
Materials and services	(17,991)	(13,761)
Utility charges	(718)	(394)
Other payments	(2,380)	(2,056)
<b>Net cash provided by operating activities</b>	<b>5,433</b>	<b>(11,748)</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equipment	(13,183)	(8,548)
Proceeds from sale of property, plant and equipment	128	128
Net (purchases)/redemption of financial assets	17,000	14,000
<b>Net cash (used in) investing activities</b>	<b>3,945</b>	<b>5,580</b>
<b>Cash flows from financing activities</b>		
Borrowing costs - interest	(590)	(393)
Repayment of borrowings	(404)	(268)
Interest paid - lease liabilities	(25)	(7)
Repayment of lease liabilities	(120)	(80)
<b>Net cash (used in) financing activities</b>	<b>(1,139)</b>	<b>(748)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>8,239</b>	<b>(6,916)</b>
Cash and cash equivalents at the beginning of the financial year	13,926	13,926
<b>Cash and cash equivalents at the end of the month</b>	<b>22,165</b>	<b>7,010</b>

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED  
30 SEPTEMBER 2020 cont'd**

**CONCLUSION**

Banyule City Council has forecast to deliver an operating deficit of \$2.781m against the adopted budget of \$1.351m in deficit for the year ended 30 June 2021.

The extension of the COVID stage 4 restrictions has surpassed the budget assumptions resulting in a further \$1.430m unfavourable movement to the adopted budget deficit.

The underlying operating deficit is forecast to be \$13.674m compared to a budgeted underlying deficit result of \$8.444m. This underlying result is after adjusting for non-recurrent capital grants and capital contributions of \$10.892m.

This year Council has forecast for a net cost impact of \$4.541m directly from COVID-19 restrictions and has continued to forecast the \$10.5m to the Banyule Economic Support Package of which \$0.917m has been expended as at 30 June 2020.

**ATTACHMENTS**

Nil

## **7.4 AWARD OF CONTRACT NO. 1067-2020 - PROVISION OF WAN, LAN, WLAN AND MANAGED SERVICES**

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

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1067-2020 for Provision of WAN, LAN, WLAN and Managed Services.

Council is using a wide range of IT systems and applications to deliver the business functions and services to the community. Underpinning the systems and applications is the core IT infrastructure, including the data network.

The Tender Evaluation Panel (TEP) has recommended the awarding of the contract to Thomas Duryea Logicalis Pty Ltd (TDL) in accordance with the tender and conditions as determined by Council.

The contract is over a 4-year period with the option to extend for further periods of any duration up to a maximum extension period of 3 years at Council's discretion.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1067-2020 - Provision of WAN, LAN, WLAN and Managed Services to Thomas Duryea Logicalis Pty Ltd for a total estimated value of \$2,346,365.64 (ex. G.S.T), including WAN, LAN, WLAN and Managed Services and a Schedule of Rates for out of scope services.
2. Authorise the Director of Corporate Services to sign the contract and any other associated documents.
3. Authorise the Director of Corporate Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 4 year contract term and extension periods.

### **COUNCIL PLAN**

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

### **BACKGROUND**

Council is using a wide range of IT systems and applications to deliver the business functions and services to the community. Underpinning the systems and applications is the core IT infrastructure, including the data network.

**AWARD OF CONTRACT NO. 1067-2020 - PROVISION OF WAN, LAN, WLAN AND MANAGED SERVICES cont'd**

Council's current contract to manage data network and Internet expires in December 2020. In February 2020, Council engaged a service provider to provide managed firewall, Internet and email security scanning services. The data network part of the contract is due for renewal.

Council has started to implement a cloud strategy and has migrated 95 per cent of the on-premise servers to the cloud using Infrastructure as a Service (IaaS) and will continue to exploit modern cloud technologies and completely migrate to a cloud-based services model. And a scalable and robust network infrastructure is essential to support the cloud strategy.

Under the new contract Council is seeking a managed network services solution which is to design, supply and implement a new scalable and robust network infrastructure which is essential for providing reliable and responsive IT services to Council and community and establish managed services for future network maintenance and support.

Tender was advertised in The Age on Saturday 5 September 2020, and on Council's website. During the period that the tender was open, 87 companies downloaded the tender documents. Tender closed at 3pm on Wednesday 7 October 2020 and 5 submissions were received by the closing time.

**LEGAL CONSIDERATION**

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

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

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

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

Additional confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. 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. 1067-2020 - PROVISION OF WAN, LAN, WLAN AND MANAGED SERVICES cont'd**

**BANYULE PROCUREMENT POLICY**

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

The purpose of this Policy is to:

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

The *Local Government Act 1989* 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 Act 2006*.

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

**TENDER/QUOTATION EVALUATION**

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

An evaluation matrix was prepared detailing the weightings and scores for each criterion from the 5 submissions.

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

**AWARD OF CONTRACT NO. 1067-2020 - PROVISION OF WAN, LAN, WLAN AND MANAGED SERVICES cont'd**

The weighted scores for the tender are listed in Table 1 below:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Thomas Duryea Logicalis Pty Ltd	86.38
Tenderer B	81.75
Tenderer C	70.06
Tenderer D	68.69
Tenderer E	66.60

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

**Tender Evaluation Criteria**

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

- Tendered price;
- Qualifications and experience of Tenderer to provide the Goods and/or Services and/or Works;
- Previous experience in the provision of similar Goods and/or Services and/or Works, including referee feedback;
- Capacity and capability of the Tenderer to provide the Goods and/or Services and/or Works;
- Solution designs, project plan and SLA/SLR;
- 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 Council (if applicable);
- Existence of an accredited management system and procedures covering Quality and OH&S;
- Demonstration of Social and Environmental Sustainability;
- Any other factor considered relevant by Council.

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

Thomas Duryea Logicalis Pty Ltd submitted a revised tender price of \$2,346,365.64 (ex. G.S.T).

**AWARD OF CONTRACT NO. 1067-2020 - PROVISION OF WAN, LAN, WLAN AND MANAGED SERVICES cont'd**

Council also undertook independent financial and reference checks on the shortlisted contractors after which the Evaluation Team carried out a further evaluation, using the weighted evaluation matrix. Following is the final score of the preferred contractor was Thomas Duryea Logicalis Pty Ltd.

It is evident from the above weighted scores that Thomas Duryea Logicalis Pty Ltd has obtained the highest score and will deliver best value for money to Council.

**FUNDING IMPLICATIONS**

Council has allocated sufficient budget for the purchase/supply of the WAN, LAN, WLAN and Managed Services for the period 2020/21 to 2027/28.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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 tenderer evaluation, the Tender Evaluation Panel recommends that Council award Contract No. 1067-2020 - Provision of WAN, LAN, WLAN and Managed Services to Thomas Duryea Logicalis Pty Ltd for the supply of WAN, LAN, WLAN and Managed Services for the lump sum price of \$2,581,002.20 (incl GST).

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1067-2020 Provision of WAN LAN WLAN and Managed Services - Matrix - <b>CONFIDENTIAL</b>	

## **7.5 AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST CONSULTANCY SERVICES**

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

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1078-2020 - Panel of Arborist Consultancy Services.

Council sought Tenders from contractors to appoint a panel for arborist consultancy services, which included but are not limited to:

- Tree Reports and Risk Assessments;
- Tree Management and Protection Plans;
- Tree Data Collection;
- Construction Impact Assessments;
- Policy and Strategy Development;
- Onsite Arborist roles for Developments;
- Expert Witness Evidence and Statements for legal purposes; and
- Inhouse consulting and interim acting roles.

Tenders were received from fifteen (15) companies and the Tender Evaluation Panel (TEP) has recommended awarding the contract to six (6) tenderers in accordance with the tender and conditions as determined by Council:

The contract will commence 1 January 2021. The Initial Contract Term shall 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 three (3) years based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council

1. Award Contract No. 1078-2020 - Panel of Arborist Consultancy Services to:
  - ENSPEC Pty Ltd
  - Ironbark Environmental Arboriculture Pty Ltd
  - Xylem TreeCare Pty Ltd
  - Tree Dimensions



**AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST CONSULTANCY SERVICES cont'd**

- Tree Logic Pty Ltd
  - Greenscape Tree Consulting Pty Ltd
2. Authorise the Director Assets and City Services to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
  3. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.

**COUNCIL PLAN**

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

**BACKGROUND**

Council is responsible for the management of over 60,000 street trees and many more thousands of parkland trees. In addition, Council also has a role in the management of private trees regarding application for planning permits. Given the volume of work in this area, assistance is required regarding consultant arborist services to provide expertise and support to Council's Parks and Open Space and Development Planning teams, and other teams such as Capital Works across a range of activities.

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

- Tree Reports and Risk Assessments;
- Tree Management and Protection Plans;
- Tree Data Collection;
- Construction Impact Assessments;
- Policy and Strategy Development;
- Onsite Arborist roles for Developments;
- Expert Witness Evidence and Statements for legal purposes; and
- Inhouse consulting and interim acting roles.

This report is to consider the awarding of Contract 1078-2020 Panel of Arborist Consultancy Services', the contract will commence 1 January 2021. The Initial Contract Term shall 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 three (3) years based on satisfactory performance and meeting Council objectives.

Tenders were advertised in The Age on Saturday 12 September 2020 and on Council's website. During the period that the tenders were open, twenty-four (24) companies downloaded the tender documents. Tenders closed on Wednesday 7 October 2020 and fifteen (15) submissions were received by the closing time.

**AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST  
CONSULTANCY SERVICES cont'd**

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989* 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.

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.

**AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST  
CONSULTANCY SERVICES 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 Act 2006*.

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

**TENDER EVALUATION**

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

- Tendered price;
- Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications;
- Local and social sustainability, including economic and environmental; and
- Existence of Accredited Management Systems and procedures Quality & OH& S; and
- Any other factor considered relevant by Council.

The tenders were evaluated by the Tender Evaluation Panel (TEP) comprising of officers from Parks and Open Space, Development Approvals and Procurement Units.

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

The 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.

**AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST  
CONSULTANCY SERVICES 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>
ENSPEC Pty Ltd	84.65
Ironbark Environmental Arboriculture Pty Ltd	79.87
Xylem TreeCare Pty Ltd	72.70
Tree Dimensions	67.80
Tree Logic Pty Ltd	67.61
Greenscape Tree Consulting Pty Ltd	67.37
Tenderer G	66.51
Tenderer H	66.30
Tenderer I	65.07
Tenderer J	62.83
Tenderer K	61.37
Tenderer L	57.62
Tenderer M	57.48
Tenderer N	55.08
Tenderer O	55.07

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

Council reserved the right to choose a maximum of nine tenderers as part of this process, however, the TEP determined that a panel of six tenderer would fulfil Council's requirements. Based on the weighted scores above it is evident that the following six tenderers have obtained the highest score and will deliver best value for money to Council.

- ENSPEC Pty Ltd;
- Ironbark Environmental Arboriculture Pty Ltd;
- Xylem TreeCare Pty Ltd;
- Tree Dimensions;
- Tree Logic Pty Ltd; and

**AWARD OF CONTRACT NO. 1078-2020 - PANEL OF ARBORIST CONSULTANCY SERVICES cont'd**

- Greenscape Tree Consulting Pty Ltd.

**FUNDING IMPLICATIONS**

The estimated total value of the works over the five-year period will be funded from Council's approved annual operational and capital works budgets.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**CONCLUSION**

As a result of the quotation evaluation, the Tender Evaluation Panel recommends that Council award Contract No. 1078-2020 - Panel of Arborist Consultancy Services to:

- ENSPEC Pty Ltd;
- Ironbark Environmental Arboriculture Pty Ltd;
- Xylem TreeCare Pty Ltd;
- Tree Dimensions;
- Tree Logic Pty Ltd; and
- Greenscape Tree Consulting Pty Ltd.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Confidential Contract 1708- 2020 - Panel for Arborist Consultancy Service - Evaluation Matrix - <b>CONFIDENTIAL</b>	

## **7.6 AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS PANEL**

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

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1069-2020 - Contractors for the Construction of Chain Wire Fencing Including Cricket Nets Panel (the contract).

Council sought tenders from experienced contractors to appoint a panel for the construction of chain wire fencing requirements within the municipality.

The works include but not limited to, the following:

- Construction of new park perimeter and sporting oval fences;
- Construction of screen fences;
- Installation of pedestrian and boom gates;
- Construction of cricket nets; and
- Repairs and maintenance to existing chain wire fences.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to two (2) of the six (6) tenderers in accordance with the tender and conditions as determined by Council:

- Supreme Wire Fence & Gate (Aust) Pty Ltd; and
- Melbourne Chain Wire Fencing.

The contract will commence 1 January 2021 for 1 year, including the option to extend the contract to 30 June 2025 based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1069-2020 - Contractors for the Construction of Chain Wire Fencing Including Cricket Nets Panel for the initial period of 1 year commencing on 1 January 2021 with the option to extend for further periods of any duration up to a maximum extension period of 4 years based on satisfactory performance and meeting Council objectives to:

- Supreme Wire Fence & Gate (Aust) Pty Ltd
- Melbourne Chain Wire Fencing

**AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS PANEL cont'd**

2. Authorise the Director Assets and City Services to extend the contract for further periods of any duration up to a maximum extension period of 4 years subject to satisfactory performance and the meeting of Council objectives.
3. Authorise the Director of Assets & City Services to sign the contract and any other associated document.

**COUNCIL PLAN**

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

**BACKGROUND**

This report is to consider the awarding of Contract No. 1069-2020 - Contractors for the Construction of Chain Wire Fencing Including Cricket Nets Panel (the contract) for the period ending 31 December 2021, including the option to extend the contract to 31 December 2025 based on satisfactory performance and meeting Council objectives.

Tenders were invited in the local government tender section of *The Age* newspaper on Saturday 26 September 2020 and closed on Wednesday 21 October 2020.

Council sought Tenders from experienced contractors to appoint a panel for the construction of chain wire fencing requirements within the municipality.

The works include but not limited to, the following:

- Construction of new park perimeter and sporting oval fences;
- Construction of screen fences;
- Installation of pedestrian and boom gates;
- Construction of cricket nets; and
- Repairs and maintenance to existing chain wire fences.

A total of thirty-one (31) prospective companies downloaded the tender document from Council's website and six (6) Contractors submitted their tenders by the closing date.

**AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS PANEL cont'd**

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989* 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.

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



**AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS PANEL cont'd**

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 Act 2006*.

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

**TENDER EVALUATION**

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

- Tendered price;
- Capacity of Tenderer to undertake the services including resources and plant and equipment;
- Capability of Tenderer to undertake the services including demonstrated previous experience, reliability and responsiveness;
- Demonstration of social and local sustainability;
- Existence of Accredited Management Systems and procedures Quality & OH&S; and
- Any other factor considered relevant by Council.

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

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

The 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.

**AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS PANEL 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>
Supreme Wire Fence & Gate (Aust) Pty Ltd	74.67
Melbourne Chain Wire Fencing	73.70
Tenderer C	70.00
Tenderer D	66.01
Tenderer E	61.24
Tenderer F	54.52

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

Based on the weighted scores above it is evident that the following two tenderers have obtained the highest score and will deliver best value for money to Council:

- Supreme Wire Fence & Gate (Aust) Pty Ltd; and
- Melbourne Chain Wire Fencing.

**FUNDING IMPLICATIONS**

The estimated value of the works over the four-and-a-half-year period 2020/21 to 2024/25 will be funded from Council's approved annual operational and capital works budgets.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

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

**CONCLUSION** This report is to consider the awarding of Contract No. 1069-2020 - Contractors for the Construction of Chain Wire Fencing Including Cricket Nets Panel for the period ending 31 December 2021, including the option to extend the contract to 30 June 2025 based on satisfactory performance and meeting Council objectives.

Evaluation using a weighted matrix was performed for the tender. It is evident from the analysis that awarding the tender to the two highest scoring tenders will deliver the best benefit and value for money for Council:

- Supreme Wire Fence & Gate (Aust) Pty Ltd; and
- Melbourne Chain Wire Fencing.

**AWARD OF CONTRACT NO. 1069-2020 - CONTRACTORS FOR THE  
CONSTRUCTION OF CHAIN WIRE FENCING INCLUDING CRICKET NETS  
PANEL cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Evaluation Matrix - Contract No. 1069-2020 Contractors for the Construction of Chain Wire Fencing Including Cricket Nets Panel - <b>CONFIDENTIAL</b>	

## **7.7 AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES**

Author: Melinda Ramsay - Leisure & Cultural Services Coordinator, Community Programs

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 0990-2019 - Provision of Sports, Recreation, Leisure, Open Space, Arts and Culture Consultancy Panel to support the organisation in the following 4 categories:

- **Category A - Public Reserve, Public Realm and Open Space master planning**
- **Category B - Sport Recreation and Leisure Facility master planning**
- **Category C - Sport Recreation and Leisure Facility planning and development**
- **Category D - Arts, Heritage and Cultural Planning**

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

- Development of category related strategies/feasibility studies;
- Master planning;
- Facility planning and development;
- Strategic planning;
- Program review and evaluation;
- Industry analysis, market research and evaluation;
- Document Review and Policy Development;
- Funding submissions;
- Implementation plans;
- Community consultation and engagement.

Tenders were received from thirty-six (36) consultants. The top 6 tenderers in Categories A, B & C are recommended and the top 3 are recommended in Category D. Category D only required 3 based on future projects and the particular category of services.

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

The Initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years at Councils discretion. The contract begins 21 December 2020.

**RECOMMENDATION**

That Council:

1. Award Contract No. 0990-2019 - Provision of Sports, Recreation, Leisure, Open Space, Arts and Culture Consultancy Panel for the initial period commencing 21 December 2020, initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years at Councils discretion to:

**Category A - Public Reserve, Public Realm and Open Space master planning**

- Thompson Berrill Landscape Design P/L
- Michael Smith and Associates Landscape Architecture and Urban Design
- Playce P/L
- Otium Planning Group P/L
- Pollen Studio P/L
- Rush Wright Associates

**Category B - Sport Recreation and Leisure Facility master planning**

- Michael Smith and Associates Landscape Architecture and Urban Design
- Otium Planning Group
- Playce P/L
- City Collective
- Track Consultants P/L
- @leisure

**Category C- Sport Recreation and Leisure Facility planning and development**

- Otium Planning Group
- City Collective
- Tract Consultants
- Tredwell Management Services
- @leisure
- SPORTENG

**Category D - Arts, Heritage and Cultural Planning**

- The Engagement Collective

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

- Planning for Communities P/L
  - MI Associates
2. Authorise the Director of Community Programs to extend the contract for further periods of any duration up to a maximum extension period of 2 years subject to satisfactory performance and the meeting of Council objectives.
3. Authorise the Director of Community Programs to sign the contract and any other associated documents.

**COUNCIL PLAN**

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

**BACKGROUND**

This report is to consider the awarding of Contract No. 0990-2019 - Provision of Sports, Recreation, Leisure, Open Space, Arts and Culture Consultancy Panel for the period commencing 21 December 2020, initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years at Councils discretion.

Council sought Tenders from experienced contractors to appoint a panel of contractors for Provision of Sport, Recreation, Leisure, Open Space and Arts and Culture Consultancy Services in order to support the organisation across the following categories.

- Category A - Public Reserve, Public Realm and Open Space master planning
- Category B - Sport Recreation and Leisure Facility master planning
- Category C - Sport Recreation and Leisure Facility planning and development
- Category D - Arts, Heritage and Cultural Planning

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

Within each category a range of key activities will be required including but not limited to:

- Development of category related strategies/feasibility studies;
- Master planning;
- Facility planning and development;
- Strategic planning;
- Program review and evaluation;
- Industry analysis, market research and evaluation;
- Document Review and Policy Development;
- Funding submissions;

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

- Implementation plans;
- Community consultation and engagement.

Tender was advertised in the local government tender section of *The Age* newspaper on Saturday 20/06/2020 and closed on Wednesday 15/07/2020.

147 prospective companies downloaded the tender document from Council's website and 36 contractors submitted their tenders by the closing date.

**LEGAL CONSIDERATION**

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

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

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008. The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* for this contract.

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

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

**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

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

- Increase the probability of obtaining the right outcome when purchasing goods and services.

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

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

**HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

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

**Tender Evaluation**

Tenders were evaluated by the Tender Evaluation Panel (TEP) comprising officers from Open Space, Banyule Leisure, Cultural Services and Procurement Unit.

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

The TEP then evaluated the tenders using the weighted matrix based on the evaluation criteria. The TEP individually scored all the tenders and a series of TEP meetings were held to agree on consensus scores. Given the number of submissions received over 4 categories, this process required several meetings. The tendered rates were applied to a notional hourly volume per category, in order to ascertain a notional tendered price. The notional volume was based on anticipated quantities of works which may be required under the contract.



**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

Clarifications were sought from some tenderers regarding minor aspects of their submissions and the final weighted scores and recommended tenderers in each category are highlighted in the table below:

<b>Category A - Public Reserve, Public Realm &amp; Open Space Master Planning</b>	
<b>Tenderer</b>	<b>Final Score</b>
<b>Recommended</b>	
<b>Thompson Berrill Landscape Design Pty Ltd</b>	<b>88.67</b>
<b>Michael Smith and Associates Landscape Architecture and Urban Design</b>	<b>86.99</b>
<b>Playce Pty Ltd</b>	<b>82.67</b>
<b>Otium Planning Group Pty Ltd</b>	<b>80.35</b>
<b>Pollen Studio Pty Ltd</b>	<b>80.02</b>
<b>Rush Wright Associates</b>	<b>78.38</b>
<b>Not recommended</b>	
<b>#33</b>	<b>76.47</b>
<b>#1</b>	<b>74.77</b>
<b>#34</b>	<b>74.54</b>
<b>#9</b>	<b>73.21</b>
<b>#13</b>	<b>72.30</b>
<b>#36</b>	<b>69.32</b>
<b>#35</b>	<b>69.17</b>
<b>#4</b>	<b>64.14</b>
<b>#28</b>	<b>63.79</b>
<b>#26</b>	<b>62.92</b>
<b>#24</b>	<b>60.44</b>
<b>#7</b>	<b>59.15</b>
<b>#3</b>	<b>58.94</b>
<b>#8</b>	<b>57.34</b>
<b>#2</b>	<b>56.42</b>
<b>#31</b>	<b>56.23</b>
<b>#23</b>	<b>54.75</b>
<b>#10</b>	<b>47.07</b>
<b>#5</b>	<b>44.26</b>

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

<b>Category B - Sport Recreation and Leisure Facility Master Planning</b>	
<b>Tenderer</b>	<b>Final Score</b>
<b>Recommended</b>	
<b>Michael Smith and Associates Landscape Architecture and Urban Design</b>	<b>84.83</b>
<b>Otium Planning Group Pty Ltd</b>	<b>80.72</b>
<b>Playce Pty Ltd</b>	<b>77.84</b>
<b>City Collective</b>	<b>77.55</b>
<b>Tract Consultants Pty Ltd</b>	<b>76.54</b>
<b>@leisure</b>	<b>75.89</b>
<b>Not recommended</b>	
<b>#34</b>	<b>75.87</b>
<b>#30</b>	<b>75.82</b>
<b>#13</b>	<b>72.31</b>
<b>#19</b>	<b>71.67</b>
<b>#17</b>	<b>71.02</b>
<b>#7</b>	<b>68.91</b>
<b>#21</b>	<b>68.83</b>
<b>#2</b>	<b>68.75</b>
<b>#29</b>	<b>68.41</b>
<b>#28</b>	<b>68.32</b>
<b>#11</b>	<b>67.74</b>
<b>#26</b>	<b>66.86</b>
<b>#10</b>	<b>65.91</b>
<b>#24</b>	<b>65.22</b>
<b>#36</b>	<b>64.37</b>
<b>#31</b>	<b>62.84</b>
<b>#15</b>	<b>61.38</b>
<b>#12</b>	<b>58.17</b>
<b>#35</b>	<b>57.58</b>
<b>#3</b>	<b>49.22</b>
<b>#5</b>	<b>45.83</b>

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

<b>Category C - Sport Recreation and Leisure Facility Planning &amp; Development</b>	
<b>Tenderer</b>	<b>Final Score</b>
<b>Recommended</b>	
#18	82.06
#6	79.28
#33	77.99
#34	77.82
#1	77.67
#30	77.23
<b>Not recommended</b>	
#16	76.65
#20	73.88
#17	72.83
#2	70.17
#11	69.44
#21	67.68
#7	67.61
#10	67.50
#19	67.24
#24	66.78
#29	66.11
#26	65.60
#36	63.16
#15	62.46
#28	59.83
#12	59.49
#35	59.03
#27	54.22
#3	51.50
#5	47.81

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES cont'd**

Category D - Arts, Heritage and Cultural Planning	
Tenderer	Final Score
<b>Recommended</b>	
The Engagement Collective	80.58
Planning for Communities Pty Ltd	80.27
MI Associates	77.71
<b>Not recommended</b>	
#22	70.10
#14	67.76
#23	67.50
#12	64.61
#27	63.44
#26	50.72
#7	48.29
#18	40.25
#3	39.50
#33	29.83
#10	25.40

**Tender Evaluation Criteria**

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

- Tendered price;
- Qualifications and experience of Tenderer to provide the Goods and/or Services and/or Works;
- Previous experience in the provision of similar Goods and/or Services and/or Works, including referee feedback (Note that advice may be sought from any other person beyond that given by the nominated referees);
- Capacity and capability of the Tenderer to provide the Goods and/or Services and/or Works;
- 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) ;
- Existence of an accredited management system and procedures covering Quality & OH&S performance;
- Demonstration of Social, Economic and Environmental Sustainability; and
- Any other information which the Council may deem to be relevant.

A copy of the tender evaluation matrix for each category is provided as confidential attachments 1, 2, 3 and 4.

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

In undertaking the assessment, all members of the TEP completed and signed the conflict of interest and confidentiality declaration.

**TIMELINES**

It is anticipated that the new contractors will be appointed on 21 December 2020.

**FUNDING IMPLICATIONS**

The estimated value of the work will be funded from Councils approved annual Capital Works budget.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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 the following:

**Category A - Public Reserve, Public Realm and Open Space master planning**

- Thompson Berrill Landscape Design P/L
- Michael Smith and Associates Landscape Architecture and Urban Design
- Playce P/L
- Otium Planning Group P/L
- Pollen Studio P/L
- Rush Wright Associates

**Category B - Sport Recreation and Leisure Facility master planning**

- Michael Smith and Associates Landscape Architecture and Urban Design
- Otium Planning Group
- Playce P/L
- City Collective
- Track Consultants P/L
- @leisure

**Category C- Sport Recreation and Leisure Facility planning and development**

- Otium Planning Group
- City Collective
- Tract Consultants

**AWARD OF CONTRACT NO. 0990-2019 - PROVISION OF SPORT, RECREATION, LEISURE, OPEN SPACE, ARTS AND CULTURE CONSULTANCY SERVICES  
cont'd**

- Tredwell Management Services
- @leisure
- SPORTENG

**Category D - Arts, Heritage and Cultural Planning**

- The Engagement Collective
- Planning for Communities P/L
- MI Associates

This will provide a broad and experienced panel of experts that Council can draw on to support the successful planning and delivery of a range of sport, recreation, leisure, open space and arts and culture projects and opportunities.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Confidential - Tender Evaluation Matrix Category A - <b>CONFIDENTIAL</b>	
2	Confidential - Tender Evaluation Matrix Category B - <b>CONFIDENTIAL</b>	
3	Confidential - Tender Evaluation Matrix - Category C - <b>CONFIDENTIAL</b>	
4	Confidential - Tender Evaluation Matrix - Category D - <b>CONFIDENTIAL</b>	

## **7.8 AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION**

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

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1056-2020 - Provision of Architectural Design Services Panel for Building Projects up to \$2 Million.

Council sought tenders from experienced consultants to appoint a panel for the Provision of Architectural Design Services Panel for Building Projects up to \$2 Million.

Services required will include:

- Preparation of concept and detailed architectural designs;
- Specifications and construction drawings;
- Engagement/coordination of other consultants;
- Contract/Project management.

Tenders were received from thirty-eight (38) consultants and five (5) consultants have been chosen to deliver the services to Council under this contract.

The contract will commence 1 January 2021. The Initial Contract Term shall be for a maximum initial period of one years with the option to extend for further periods of any duration up to a maximum extension period of three (3) years based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1056-2020 - Provision of Architectural Design Services Panel for Building Projects up to \$2 Million, for the initial period of 1 year commencing on 1 January 2021 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives to:
  - K20 Architecture
  - Cassisi Architects Pty Ltd
  - Greenway Hurst Page Pty Ltd
  - AVOR Architecture Pty Ltd
  - Davidson Architecture

**AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION  
cont'd**

2. Authorise the Director Assets and City Services to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.

**COUNCIL PLAN**

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

**BACKGROUND**

This report is to consider the awarding of Contract No. 1056-2020 - Provision of Architectural Design Services Panel for Building Projects up to \$2 Million for the period ending 31 December 2021, including the option to extend the contract to 31 December 2024 based on satisfactory performance and meeting Council objectives.

Tenders were invited in the local Government Tender section of The Age newspaper on Saturday 18 July 2020 and closed on Wednesday 12 August 2020.

Services required will include:

- Preparation of concept and detailed architectural designs;
- Specifications and construction drawings;
- Engagement/coordination of other consultants including structural, hydraulic, mechanical, electrical, civil design, access consultants, quantity surveying, building surveyor and landscape design;
- Contract/Project management.

Seventy-Six (76) consultants downloaded the tender document from Council's website and thirty-eight (38) consultants submitted their tenders by the closing date.

**LEGAL CONSIDERATION**

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

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



**AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION  
cont'd**

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

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

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

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

**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 Act 2006*.

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

**AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION  
cont'd**

**TENDER EVALUATION**

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

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

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 thirteen (13) lowest priced submissions were included for evaluation. Based on all tendered prices and with the agreed weightings structure the TEP agreed that the others didn't have a realistic chance of success. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

**AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION  
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>Tenderers name</b>	<b>Weighted Scores</b>
K20 Architecture	83.54
Cassisi Architects Pty Ltd	82.63
Greenway Hurst Page Pty Ltd	82.56
AVOR Architecture Pty Ltd	79.18
Davidson Architecture	74.12
Tenderer F	70.39
Tenderer G	69.04
Tenderer H	68.11
Tenderer I	66.56
Tenderer J	65.19
Tenderer K	57.63
Tenderer L	56.58
Tenderer M	54.35

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

Based on the weighted scores above it is evident that the following five (5) tenderers have obtained the highest score and will deliver best value for money to Council.

- K20 Architecture
- Cassisi Architects Pty Ltd
- Greenway Hurst Page Pty Ltd
- AVOR Architecture Pty Ltd
- Davidson Architecture

**FUNDING IMPLICATIONS**

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

**TIMELINES**

It is anticipated that the new contractor will be appointed on 1 January 2021.

**AWARD OF CONTRACT NO. 1056-2020 - PROVISION OF ARCHITECTURAL DESIGN SERVICES PANEL FOR BUILDING PROJECTS UP TO \$2 MILLION  
cont'd**

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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. 1056-2020 - Provision of Architectural Design Services Panel for Building Projects up to \$2 Million for the period ending 31 December 2021, including the option to extend the contract to 31 December 2024 based on satisfactory performance and meeting Council objectives to:

- K20 Architecture
- Cassisi Architects Pty Ltd
- Greenway Hurst Page Pty Ltd
- AVOR Architecture Pty Ltd
- Davidson Architecture

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1056-2020 Evaluation Sheet - <b>CONFIDENTIAL</b>	

## **7.9 AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS PANEL**

Author: Nick McKay - Team Leader Civil Building, Community Programs

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1081-2020 - Minor Civil Works Panel for Projects Up To \$200,000.

Council sought Tenders from experienced contractors to appoint a panel for minor civil works such as drainage, concreting, earthworks, asphaltting, line marking, retaining walls and landscaping. The works include:

- Asphaltting;
- Kerbing;
- Concrete paving;
- Drainage Pit and Pipe installation;
- Line marking;
- Construction of post and panel Retaining walls;
- Hire Rates for equipment.

Tenders were received from thirty-six (36) companies and five (5) companies have been chosen to deliver the services to Council under this contract.

The contract will commence 1 January 2021. The Initial Contract Term shall be for a maximum initial period of one (1) year with the option to extend for further periods of any duration up to a maximum extension period of three (3) years based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1081-2020 - Minor Civil Works Panel for Projects Up To \$200,000, for the initial period of 1 year commencing on 1 January 2021 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives to:

- Bosco Civil Pty Ltd
- Franco Paving Pty Ltd
- JR Willett Pty Ltd
- Parkinson Group (Vic) Pty Ltd
- Prestige Paving Pty Ltd

**AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS  
PANEL cont'd**

2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

**COUNCIL PLAN**

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

**BACKGROUND**

This report is to consider the awarding of Contract No. 1081-2020 - Minor Civil Works Panel for Projects Up To \$200,000 for the period ending 31 December 2021, including the option to extend the contract to 31 December 2024 based on satisfactory performance and meeting Council objectives.

Tenders were invited for Contractors for Minor Civil Works Panel in the Local Government Tender section of The Age newspaper on Saturday 19 September 2020 and closed on Wednesday 14 October 2020.

Council sought Tenders from experienced contractors to appoint a panel for minor civil works.

The works include:

- Asphaltting
- Kerbing
- Concrete paving
- Drainage Pit and Pipe instillation
- Linemarking
- Construction of post and panel Retaining walls
- Hire Rates for equipment

Eighty (80) companies downloaded the tender documents from Council's website and thirty-six (36) contractors submitted their tenders by the closing date.

**AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS  
PANEL cont'd**

**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.

The *Local Government Act 1989* 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.

**AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS  
PANEL 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 Act 2006*.

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

**TENDER EVALUATION**

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

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

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 fourteen (14) lowest priced submissions were included for evaluation. Based on all tendered prices and with the agreed weightings structure the TEP agreed that the others didn't have a realistic chance of success. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.



**AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS  
PANEL 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:

Tenderers name	Weighted Scores
Franco Paving Pty Ltd	82.50
Bosco Civil Pty Ltd	82.25
Prestige Paving Pty Ltd	82.01
JR Willett Pty Ltd	81.08
Parkinson Group (Vic) Pty Ltd	80.63
Tenderer F	79.75
Tenderer G	77.41
Tenderer H	74.16
Tenderer I	72.14
Tenderer J	70.66
Tenderer K	70.46
Tenderer L	65.15
Tenderer M	58.95
Tenderer N	57.56

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

Based on the weighted scores above it is evident that the following six tenderers have obtained the highest score and will deliver best value for money to Council.

- Bosco Civil Pty Ltd
- Franco Paving Pty Ltd
- JR Willett Pty Ltd
- Parkinson Group (Vic) Pty Ltd
- Prestige Paving Pty Ltd

**FUNDING IMPLICATIONS**

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

**TIMELINES**

It is anticipated that the new contract panel will be appointed on 1 January 2021.

**AWARD OF CONTRACT NO. 1081-2020 - CONTRACTORS FOR MINOR WORKS  
PANEL cont'd**

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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. 1081-2020 - Minor Civil Works Panel for Projects Up To \$200,000 to:

- Bosco Civil Pty Ltd
- Franco Paving Pty Ltd
- JR Willett Pty Ltd
- Parkinson Group (Vic) Pty Ltd
- Prestige Paving Pty Ltd

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1081 - 2020 Tender Evaluation Sheet - <b>CONFIDENTIAL</b>	

## **7.10 AWARD OF CONTRACT NO. 1080-2020 - CONSTRUCTION OF GREENSBOROUGH WAR MEMORIAL PAVILION**

Author: Alvin Lau - Project Engineer, Assets & City Services

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### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No. 1080-2020 - Construction of Greensborough War Memorial Pavilion.

Council sought Tenders from suitably qualified and capable contractors to undertake construction of the renovation and extension to the existing Greensborough War Memorial Pavilion improving female-friendly amenities to cater for the increase female participation in AFL & Cricket.

Tenders were received from Nineteen (19) contractors prior to the closing date.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1080-2020 - Construction of Greensborough War Memorial Pavilion be awarded to Bowden Corporation Pty Ltd for the lump sum price of \$545,000 (ex. GST).
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.

### **COUNCIL PLAN**

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

### **BACKGROUND**

This report is to consider the awarding of Contract No 1080-2020 for "Construction of Greensborough War Memorial Pavilion".

The Tender was advertised in the Local Government tender section of The Age newspaper on Saturday 26 September 2020 and closed on Wednesday 21 October 2020.

Forty-two (42) prospective companies downloaded the tender document from Council's website and Nineteen (19) contractors submitted their tenders by the closing date.

As part of the 2020/21 financial year Capital Works program, Council is proposing to renovate & extend Greensborough War Memorial Pavilion to meet current Female Friendly guidelines. The works generally comprise of amenity improvements to deliver a more gender equitable and inclusive environment to accommodate the growing demand for female participation in sport. Historically, sporting facilities have been designed primarily to meet the needs of male participants.

**AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN cont'd**

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989* 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.

The *Local Government Act 1989* 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 Act 2006*.

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

## **TENDER EVALUATION**

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

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

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

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

The 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 twelve (12) 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.

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

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

Based on the weighted scores, the TEP agreed to send out clarifications to the top four (4) scoring tenderers, to ensure all elemental items were costed.

**AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN cont'd**

A post tender interview was held on Friday 20 November 2020 with Bowden Corporation Pty Ltd to discuss their capability and past performance to the satisfaction of the TEP. The weighted score based on the clarifications and interview are as follows:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
*Bowden Corporation Pty Ltd	84.66
*Tenderer 2	84.48
*Tenderer 3	83.47
*Tenderer 4	81.18
Tenderer 5	79.17
Tenderer 6	75.47
Tenderer 7	74.36

\* Shortlisted tenderer's with adjusted scores

**FUNDING IMPLICATIONS**

Council has allocated funding in the 2020/21 capital works budget for the project. In addition, a Sports & Recreation Victoria (SRV) grant under the Local Sporting Infrastructure Fund (LSIF) was also granted in June 2020 totalling \$250,000 towards this project.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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. 1080-2020 - Construction of Greensborough War Memorial Pavilion to Bowden Corporation Pty Ltd for the lump sum price of \$545,000 (ex GST).

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1080-2020 Evaluation Sheet - <b>CONFIDENTIAL</b>	

## **7.11 AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN**

Author: Jacqueline Stephenson - Senior Project Manager, Assets & City Services

Ward: Olympia

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### **EXECUTIVE SUMMARY**

The Bellfield Community Hub will be an environmentally sustainable building bringing together many of the services Banyule City Council offers for babies, children, families and older adults, in one large integrated hub. The new hub will provide two kindergarten rooms with a large outdoor play area, two maternal child health rooms, one enhanced maternal child health suite, three large community rooms, two allied health consulting suites, three social support rooms for older adults, a social enterprise cafe, a large relocated community garden, landscaping, car parking and a municipal road between Perkins Avenue and Banksia Street.

Council sought submissions via an Expression of Interest for a suitably qualified commercial builder. Council received twenty-four submissions that were evaluated and a shortlist was compiled for the Request for Tender. The Request for Tender was issued directly to the shortlisted builders. It opened on 9 September 2020 and closed on 16 October 2020. Four submissions were received by the closing time.

The Tender Evaluation Panel has recommended awarding the contract to Commercial Industrial Construction Group Pty Ltd in accordance with the tender and conditions as determined by Council.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1052-2020 - Construction of the Bellfield Community Hub and Community Garden to Commercial Industrial Construction Group Pty Ltd for \$11,746,269.00 (ex. G.S.T).
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.

### **COUNCIL PLAN**

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

### **BACKGROUND**

The Bellfield Project consist of three distinct parcels of work which are all well underway.

**AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN cont'd**

These include:

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

The Bellfield Community Hub will be an environmentally sustainable building bringing together many of the services Banyule City Council offers for babies, children, families and older adults, in one large integrated hub. The new hub will provide two kindergarten rooms with a large outdoor play area, two maternal child health rooms, one enhanced maternal child health suite, three large community rooms, two allied health consulting suites, three social support rooms for older adults, a social enterprise cafe, a large community garden, landscaping, car parking and a municipal road between Perkins Avenue and Banksia Street.

An Expression of Interest (Eoi) was advertised in the local government tender section of *The Age* newspaper and posted on Council's tender portal on Saturday 30 May 2020. It closed at 3pm on Wednesday 24 June 2020. Thirty-nine prospective companies downloaded the tender document from Council's website and twenty-four contractors submitted their expressions of interest by the closing date.

The submissions were received and assessed by the Evaluation Panel against Evaluation Criteria determined prior to the release of the Eoi and as listed in the Eoi documents. The assessment process was overseen by a probity advisor and governed by the following key principles:

- Fairness and impartiality;
- Open and competitive process;
- Process transparency; security and confidentiality; and
- Identification and resolution of any conflicts of interest.

At the 17 August 2020 Council meeting, Council endorsed the shortlisted submissions to proceed to a Request for Tender.

The Request for Tenders was issued directly to the shortlisted builders via Council's tender portal on 9 September 2020. During the period that the tenders were open, four companies, who had been shortlisted as part of the Eoi process, downloaded the tender documents. Tenders closed at 3pm on 16 October 2020 and four submissions were received by the closing time.

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989* 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:



## Performance - Use Our Resources Wisely

- \$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.

A probity advisor has been appointed to oversee the tender process for the Bellfield Community Hub and Community Garden. The advisor's role is to ensure both transparency and integrity are maintained and that probity principles are adhered to throughout all stages of the project. The advisor provided a probity plan and probity training for the Tender Evaluation Panel and has overseen the EoI process and the RFT process. They reviewed and endorsed the tender evaluation plan and were present during the assessment and evaluation meetings. They have advised that all appropriate probity principles have been adhered to.

### **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 *Local Government Act 1989* and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

**AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN cont'd**

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 Act 2006*.

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

**TENDER/QUOTATION EVALUATION**

A Tender Evaluation Panel (TEP) evaluated each submission using a weighted matrix based on financial, technical, commercial and other criteria discussed further in this report. The TEP comprised officers from Assets and City Services, City Development and Corporate Services, as well as representatives from the architect. 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 prior to the release of the tender.

**Tender Evaluation Criteria**

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

**Tendered Price:** Overall cost to council

**Capability:** Demonstration of a strong construction methodology and construction programme, including a detailed Gantt chart/project schedule, specific to this project. Timing proposed for project.

**Skills, Qualifications, experience and availability of nominated staff:** Demonstration of a strong project team, their skills, experience & expertise. Detailed breakdown of the availability of the team members and their specific allocation of time to the Bellfield project.

**Sustainable Procurement:** Demonstrated strong dedication to environmentally sustainable workplace and building practices, social procurement and local jobs.

All four tenderers were invited to tender interviews. At the tender interviews tender exclusions and other conditions stated in the tender submissions were discussed. Contractors were also requested to price exclusions that were listed in their tender submissions and submit their revised prices.

The following table shows the tenders submitted and the weighted scores following the evaluation, clarifications and tender interviews:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Commercial Industrial Construction Group Pty Ltd	94.63
Tenderer B	93.07
Tenderer C	92.34
Tenderer D	86.58

Commercial Industrial Construction Group are the highest scoring tender. Through their past experience, proposed methodology, skills and qualifications of their nominated team, Commercial Industrial Construction Group satisfied the TEP that they were highly capability of delivering this important project.

Commercial Industrial Construction Group demonstrated through their submission and interview a strong commitment to the three key areas of Banyule's Sustainable Procurement questionnaire; Environmental, Economic and Social procurement. They have a 3<sup>rd</sup> party accredited Environmental Management System, have committed to the use of local subcontractors and suppliers and have committed to the direct employment of an apprentice and direct employment of a local person who is experiencing barriers to employment for the duration of the Bellfield Community Hub project. The TEP assessed 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.

It is evident from the above weighted scores that Commercial Industrial Construction Group has obtained the highest score and will deliver best value for money to Council.

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

### **FUNDING IMPLICATIONS**

Council has funding in its Capital Works Programme to undertake the construction of the Bellfield Community Hub and Community Garden.

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

The *Local Government Act 2020* 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. 1052-2020 - Commercial Industrial Construction Group Pty Ltd for the Construction of the Bellfield Community Hub and Community Garden for the lump sum price of \$11,746,269.00 (plus GST).

**AWARD OF CONTRACT NO. 1052-2020 - CONSTRUCTION OF THE BELLFIELD  
COMMUNITY HUB AND COMMUNITY GARDEN cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Tender Assessment - <b>CONFIDENTIAL</b>	

## **7.12 BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE)**

Author: Lucy Rasdell - Strategic Property Manager, City Development

### **Previous Items**

Council on 17 August 2020 (Item 7.12 - Bellfield Project: EOI evaluation for delivery of market housing (Banksia Village))

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**

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

At the 16 March 2020 Council meeting, Council agreed to commence the process for the sale and development of residential land for market housing at Bellfield through an Expression of Interest (Eoi) followed by a Request for Proposal (RfP) phase.

Planning Scheme Amendment (PSA C153) had already been prepared to facilitate redevelopment of the land, in accordance with the Bellfield Urban Design Guidelines (UDG 2020) and has since been lodged for Ministerial approval, which is expected in the near future.

The Eoi was issued in May 2020 and, at the August 2020 Council meeting, Council noted the outcome and the shortlist of respondents selected by the Evaluation Panel and agreed to support progression of the sale to the RfP phase. The shortlisted respondents were invited to participate in the RfP, with the land being offered in its entirety under a Contract of Sale which is conditional on planning approval. A Section 173 Agreement was also issued as part of the RfP documentation which aims to lock in key deliverables for the development.

The RfP phase commenced on 8 September 2020 and ran until 23 October 2020. The selection criteria previously agreed by Council for the Eoi were used to assess the RfP submissions. Following assessment by the Evaluation Panel, a preferred developer has been identified. Council must now consider sale of the land to the preferred developer and providing authorisation to finalise negotiation of the Contract of Sale and Section 173 Agreement to enable execution of legal documentation to affect sale of the land.

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

**RECOMMENDATION**

That Council:

1. Notes the outcome of the Request for Proposal (RfP) for sale of the Council owned land known as 96, 98, 98A, 100 Oriel Road and 232 Banksia Street, Bellfield.
2. Accepts the Evaluation Panel recommendation of **Respondent 2** as the preferred developer and agrees to formally advise them that they are the preferred developer subject to finalisation of negotiations and execution of the Contract of Sale and Section 173 Agreement.
3. Agrees to formal notification of the other respondents indicating that, while they have not been chosen as the preferred developer, as the offer is still subject to contract finalisation, they should remain committed to the project until formal notification that legal documents have been executed.
4. Authorises the Chief Executive Officer, or her delegate, to finalise negotiations between Banyule Council and **Respondent 2** in relation to the Contract of Sale and Section 173 Agreement and for the documentation to be signed at the appropriate time.
5. Agrees to issue a public announcement providing details of the preferred developer once all legal documentation has been executed.

**COUNCIL PLAN**

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

**BACKGROUND**

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

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

Progress of the project is shown in **Attachment 1**.

The market housing redevelopment project at Bellfield is located on land bordered by Oriel Road, Banksia Street, Perkins Avenue and the Waratah School. This land includes part of the former Banksia La Trobe Secondary College as well as Council owned land located at 96, 98, 98A and 100 Oriel Road. Development of the market housing is guided by the Council approved Urban Design Guidelines (UDG) 2020.

## **BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

In 2019, a Planning Scheme Amendment (PSA C153) was prepared to ready the land for sale. C153 was adopted by Council on 27 April 2020 and submitted to the Minister for Planning for approval on 4 May 2020. Despite not yet being approved, the process to sell the land has continued, anticipating a favourable outcome. The Amendment process is therefore being run concurrently with the sale of the land.

An Expression of Interest (EoI) campaign was run earlier this year to select a developer to deliver market housing on the land. Respondents were asked to lodge a submission detailing an indicative price for the land, as well as details on their development proposal, approach, capacity, experience and demonstrated leadership in residential developments of the scale and density sought in the UDG 2020. The aim of the EoI was to shortlist developers who score well against the agreed Evaluation Criteria. A report was provided to Council on the outcome of the EoI on 17 August 2020 and Council resolved to progress sale of the land to the next stage, a Request for Proposal (RfP).

A total of seven shortlisted respondents were invited to submit their proposals with the following (at a minimum) requirements:

- Confirmation of acceptance of the proposed terms in the Contract of Sale and a Section 173 Agreement;
- Concept plans that depict the proposed housing diversity, innovation, and development density proposed by the UDG and responds to the planning controls;
- Confirmation that all sufficient due diligence had been completed in order to make an irrevocable offer on the land;
- Financial records that demonstrate the ability to purchase and develop the property; and
- Details of the respondent's corporate and Governance structure and project team with relevant qualifications, experience, skills and capacity necessary to deliver the project.

Of the seven shortlisted proponents, two opted out of the process at the RfP phase and one opted to team up with another proponent to provide a joint bid. Hence four proposals were assessed by the Evaluation Panel.

The RfP submissions were received and assessed by the Evaluation Panel against Evaluation Criteria previously agreed by Council on 16 March 2020. The assessment process was overseen by a probity advisor and governed by the following key principles:

- Fairness and impartiality;
- Open and competitive process;
- Process transparency; security and confidentiality; and
- Identification and resolution of any conflicts of interest.

### **LEGAL CONSIDERATION**

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

## BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd

A probity advisor has been appointed to oversee the EoI/RfP processes for the Bellfield project. The advisor's role is to ensure both transparency and integrity are maintained and that probity principles are adhered to throughout all stages of the projects. The advisor was present for during the assessment stage of the RfP submissions by the Evaluation Panel and has provided a report confirming appropriate probity processes have been adhered to – refer to **Attachment 2**.

The probity adviser has verified that:

- Procedures used to answer questions and receive submissions during the RfP period were appropriate, with probity principles adhered to throughout to ensure information security, process transparency and integrity;
- The process used to assess the RfP submissions was clear and robust; and
- There were no conflicts of interest from any of the Evaluation Panel during the assessment and shortlisting process.

## 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 Act 2006*. It is considered that the subject matter does not raise any human rights issues.

## Locality Plan



The land for sale for the development of market housing consists of four contiguous parcels, giving a total area of land of approximately 22,000m<sup>2</sup> or 2.2 hectares (ha):

- 232 Banksia St – 12,481m<sup>2</sup>
- 96 Oriel Rd – 4,453m<sup>2</sup>
- 98/98A Oriel Rd – 3,149m<sup>2</sup>
- 100 Oriel Rd – 2,026m<sup>2</sup>.



## **BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

The site boundaries shown are approximate only, as is the location of the North-South Road (eastern boundary of the site) which will be constructed by Council during the development of the Community Hub in 2021.

### **CURRENT SITUATION**

#### **Planning Scheme Amendment**

Planning Scheme Amendment C153 sought a number of outcomes including:

- Rezoning land at 96, 98, 98A and 100 Oriel Rd from Public Use Zone Schedule 6 (PUZ6) and Schedule 1 to General Residential Zone (GRZ1) to Schedule 2 to the Residential Growth Zone (RGZ2) to enable high density development;
- Application of a Development Plan Overlay (DP08) across 96, 98, 98A and 100 Oriel Rd and 232 Banksia St to correspond with the objectives of the Bellfield UDG;
- Removal of a covenant on title associated with 98 Oriel Rd which states that only a building 'designed for or in connection with a sheltered workshop or workshops for handicapped persons' is permitted; and
- Making associated changes to the Banyule Planning Scheme, including local provisions maps and minor working changes.

Following adoption by Council, the Amendment was lodged with DEWLP on 4 May 2020 for approval by the Minister for Planning. The latest update from DEWLP indicates that the Amendment is still awaiting approval by the Minister, however the process for sale of the Bellfield land can continue on the basis that a favourable outcome is anticipated. Any changes to the Amendment as part of the Minister's approval will be accommodated as part of the on-going sale process.

#### **Valuation**

A valuation was completed in May 2020 to provide a point of reference for the Evaluation Panel. There is a requirement under Section 189 (2) (b) of the *Local Government Act 1989* to ensure that a valuation on land prior to its disposal (sale or exchange) cannot be greater than 6 months old prior to the sale occurring. An up to date valuation has therefore been sought and is appended as confidential **Attachment 5**.

#### **Request for Proposal (RfP)**

The RfP submissions received for sale of the land were assessed by the Evaluation Panel against the following criteria:

- Financial return (purchase price, terms and conditions)
- Experience and market leadership (benchmark projects)
- Approach and capacity (working with Council, financial/operational capacity)
- Development proposal (concept plan, adherence to UDG)
- Environmental, economic and social sustainability (positive economic, community and environmental excellence outcomes)

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

Further details on assessment of the submissions by the Panel is provided as a confidential attachment, **Attachment 3**. Below is a summary of the proposals.

	<b>Respondent 1</b>	<b>Respondent 2</b>	<b>Respondent 3</b>	<b>Respondent 4</b>
Financial Return	Low	Medium-High	Medium	Low
Experience in delivery of townhouses and apartments	Extensive for both townhouses and apartments	Have developed townhouses and apartments	Predominantly apartment but some townhouse experience	Significant for townhouses only
Financial and operational capacity	High	Medium	Medium	High
Development yield vs anticipated yield from indicative Masterplan	Consistent with Masterplan	Consistent with Masterplan	Consistent with Masterplan	Lower than Masterplan
Adherence to UDG/DPO	Yes	Yes	Yes	No
ESD – no gas	No	Yes	Yes	No
ESD – other (solar, water sensitive urban design, energy efficiency, materials, waste, transport)	Good	Excellent	Good	Good
Social and economic sustainability outcomes	Good	Excellent	Good	Very Good

**DISCUSSION**

The submissions were independently assessed by the Evaluation Panel and a number of meetings convened to discuss the scoring. The initial meeting was held on 9 November 2020 and was also attended by the probity adviser. Clarification meetings were then held to obtain further information on some of the submissions. The Panel spent considerable time scrutinising the merits and risks of each development proposal as well as the most important criterion, financial return to Council.

During the assessment, feedback was also sought from Council’s Development Planning team regarding compliance to the planning controls and UDG of the various schemes lodged as part of the RfP submissions. This was to provide the Panel with an understanding of adherence to planning controls, the planning merits of the proposals and also planning risks.

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

**Financial offer**

The offers for the land varied with the highest offer received for the land from **Respondent 2**. The valuation received provided an appropriate benchmark for evaluating the financial offers which all varied slightly in terms of timing and staging of settlement.

**Experience, approach and capacity**

In general, all of the developers have adequate expertise, well credentialed staff, excellent sub-consultants and relevant experience to deliver the development, although **Respondent 4** did have limited experience in the delivery of apartment typology.

All respondents were determined to be financially sound enough to be able to purchase the land and undertake the development and provided bank references or annual reports with financial statements to attest to their financial capacity and borrowing ability.

**Development Proposal**

Assessment of the development proposals took into account a number of factors including:

- Concept plan - size, scale, layout, elevations, proposed roads, parking ratios, open space layout;
- Development density and mix of housing including materials and finishes, compliance with planning and design guidelines and standards, Environmentally Sustainable Design (ESD) principles;
- Adherence to UDG/Development Plan Overlay; and
- Development timeline - preconstruction and construction periods, proposed staging.

Some of the proponents offered two options which provided additional development density, however adherence to the UDG and the expected development yield for the land was a significant factor for the Evaluation Panel. The indicative Masterplan for the Bellfield market housing development proposed a yield of approximately 280 dwellings over two precincts, the Park and Village precinct (apartment development) and the Neighbourhood precinct (townhouse typology). Overdevelopment of the site and an increased apartment height beyond that agreed in the UDG were not considered favourable against the evaluation criteria at this time. Similarly, underdevelopment of the land does not capitalise on its significant location or deliver the vision that Council has for Bellfield.

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

Other crucial elements for the design were accessibility, green links, linear parks, pedestrian paths, retention of significant trees, a diverse mix of housing, incorporation of ESD outcomes and use of high-quality building materials. Respondents 1, 2 and 3 provided designs that were consistent with the UDG and benchmark masterplan. Respondent 4 provided diversity with respect to housing mix, however their proposed development intensity fell well short of that envisaged in the UDG/DPO.

Respondent 2 and 3's submissions provided the best example of appropriate intensity, demonstrating good design with green links and pedestrian access, retention of high retention value trees and thoughtful placement of dwellings that is highly responsive to the existing neighbourhood character.

The designs were also assessed in terms of their environmental benefits and features. Council's Environmentally Sustainable Development (ESD) Adviser undertook this assessment and provided the Panel with expert advice – refer to next section.

In terms of timing of the development, three of the proponents indicated their developments would be undertaken in stages, resulting in staged payments for the land, while one proponent was prepared to complete settlement on the land in one transaction. Construction of the development ranged from 2-4 years.

**Environmental, economic and social sustainability**

Council's Environmentally Sustainable Development (ESD) Adviser undertook an assessment of the ESD initiatives committed to by the respondents (refer to confidential **Attachment 4**). The assessment considered how the designs would exceed best practice outcomes for ESD, as required by Council's Sustainable Design Assessment in the Planning process within the Banyule Planning Scheme, and also requirements over and above these which will result in achieving ESD excellence.

Proponents were instructed that Council has adopted a Community Climate Action Plan which aims to establish climate action outcomes across the municipality, including improved ESD outcomes for the Bellfield development. ESD commitments by the respondents to be included in the proposed development were assessed including:

- BESS commitment;
- Third party ratings – eg Greenstar Communities, One Planet Living, EnviroDevelopment;
- No gas approach;
- Renewable energy – solar PV;
- Energy efficiency – NatHERS ratings, lighting;
- Indoor environmental air quality – ventilation, thermal comfort, low volatile organic compounds used in materials;
- Water and stormwater – water sustainable urban design (raingardens, swales, irrigation);
- Materials – recycled, low maintenance;
- Waste – waste management and diversion strategies;

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

- Urban ecology and community;
- Transport – e-vehicle charging, care share, bicycle parking etc.

All of the respondents provided various levels of ESD commitments. Respondent 2, however, had a sustainability strategy with clear principles and intentions and committed to a no gas approach, a third party sustainability rating and a whole of precinct climate adaptation plan, demonstrating a higher level of commitment when compared to the other proponents. Their response gave a clear indication of how the proposed development will make a positive contribution to climate and the built environment through sustainable design.

In terms of economic and social sustainability, respondents were asked to provide details regarding the extent to which the development will commit to using local suppliers, generate employment opportunities for local Banyule or wider Northern Region residents as well as people from disadvantaged backgrounds, and opportunities for social inclusion. Respondents were also asked to provide information on how positive economic outcomes could be achieved through sound procurement processes that support local businesses and engage with innovative and emerging sectors within the local municipality.

The Panel agreed the best response was received from Respondent 2 who committed to:

- A vision and intent aligned with Banyule's Inclusive Local Jobs Action Plan 2020-2025, with a commitment to strengthen and enable pathways to employment;
- The use of local trades and services throughout planning, construction and delivery of Bellfield;
- Employment of indigenous and disadvantaged community members as apprentices and trainees;
- Partnerships with local organisations to help with employment opportunities and business activities;
- The use of a local green waste management company, with the introduction of greenwaste chutes in apartments and bin caddies for all dwellings;
- Provision of support services for horticultural therapy and volunteers provided on-site;
- A pop up operational headquarters for an organisation that specialises in the design, installation and maintenance of living infrastructure systems including green walls, roofs, facades and podiums to help grow plants on roofs, walls, within buildings, and outside carparks. They may also assist Farm Raiser with set up and operation of the urban farm on the adjacent Waratah School land as well as setting up an operational headquarters at the Bellfield site;
- Every resident will get an annual allowance of in-home tech support; and
- A pop-up café will be established during the development and operated by a well-known charity. They will also be given the right of first refusal to establish a permanent on-site café, with fit-out contributions from Proponent 2.

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

**Summary**

The highest score following assessment by the Panel was obtained by Respondent 2. They are the preferred developer for a number of reasons. As discussed, the submission provided by this respondent was robust and scored highly for many of the criteria determined by Council. In addition:

- The respondent demonstrated experience, capacity (both operational and financial) and resources to deliver their proposed design;
- Their design was generally in accordance with the UDG and development aspirations for the site, with development risk determined to be low. (The Masterplan for Respondent 2 has been attached as confidential Attachment 6);
- Their design clearly demonstrated their commitment to achieving the design outcomes being sought in terms of environmental and liveability excellence standards;
- They were also able to deliver the greatest financial return to Council. These funds will be used for the construction of the new Community Hub and relocated community garden as well as other significant Council projects and community infrastructure;
- Their development will be staged over three years, however the risks that relate to the timing of staged payments are manageable given Council's debt structuring;
- The ESD commitments will ensure a no-gas development project which demonstrates ESD excellence; and
- The respondent has committed to a number of social and economic sustainability measures which are aligned with Banyule Council's Inclusive Local Jobs Action Plan.

**Contract of Sale and Section 173 Agreement**

There are two Contracts which were in the RfP issued to the shortlisted proponents: the Contract of Sale and a Section 173 Agreement. Further details on both are provided below. While there are some terms that departed from the original contracts that were issued, these will be subject to further negotiations and it is anticipated that agreement will be reached.

***Contract of Sale***

Following assessment of the EoI submissions, it was agreed that the Contract of Sale to be issued with the RfP should be conditional on planning permit approval. This was based on feedback received from the proponents at the EoI stage and the fact that none of them were prepared to enter into an unconditional Contract. From Council's perspective there were also a number of advantages including:

- Planning risk is generally the biggest hurdle for developers. Making the contract subject to permit enabled the respondents to improve their financial offers;

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

- Council has a vision of the urban design outcome it is looking for at Bellfield. Providing respondents with the opportunity to present designs which are 'generally in accordance with' but not 'in strict adherence to' the UDG provides them with greater incentive to work with Council to achieve the desired outcomes. With their offers subject to a permit, the developers were able to come up with innovative designs and not be reluctant to lodge them for consideration as part of their submissions; and
- Council's risk profile is also reduced because, depending on who the developer ultimately is, there is a financial risk of entering into an unconditional contract as banks will generally only loan money for construction once a planning permit has been achieved.

Departures from the Contract requested by Respondent 2 have been assessed as part of the evaluation and deemed not to present any significant risk to Council and able to be resolved during contract finalisation negotiations.

**Section 173 Agreement**

Once the land is sold, Council's ability to control the outcome of the development is diminished. To hold the developer accountable for what was promised to be delivered as part of their proposal a Section 173 Agreement (S173) in accordance with the provisions of the *Planning and Environment Act 1987* is used. A S173 can set provisions which have been agreed to with Council that are not necessarily within the Banyule Planning Scheme but can be enforced by Council should they not be adhered to.

A draft S173 was attached to the RfP documentation which set out certain conditions obligated to be delivered by the purchaser. Council deliberately kept the S173 brief, however, the document includes:

- Timing for the development commencement and completion so that the land does not stay vacant for an indefinite period of time, is landbanked, or the development is protracted.
- All of the ESD initiatives offered as part of the RfP and are over and above requirements contained within the Banyule Planning Scheme.
- All other features and benefits over and above the base requirements of the UDG 2020.

Respondent 2 has agreed to include the above items in to the documentation.

**TIMELINES**

It is expected that negotiations of the legal documents will be completed between December and February 2020 and that the Contract of Sale will be executed by the end of February 2020. Respondent 2 will then look to prepare their development application with the view of lodging by mid-2021. It is expected that all planning approval will be obtained by end of 2021 and that the first stage of development will occur sometime in 2022. The total development is expected to take approximately 3 years and be completed in 2024-2025.

**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* 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**

A Request for Proposal (RfP) process was undertaken to sell the designated land at Bellfield for the development of market housing. Seven respondents, who were shortlisted following the initial EoI phase, were invited to participate and four submissions were received.

Council's key objective for the Bellfield market housing development is to achieve a high-quality residential development that:

- Contributes to and supports high quality, integrated development that caters for a range of lot densities and housing choices that respond to and manage site features and constraints as proposed in the UDG 2020;
- Creates a positive interface with adjacent public open spaces, considering issues of safety and surveillance;
- Provides safe and integrated pedestrian and vehicular connections, both within the development plan area and neighbouring land;
- Delivers a development that is consistent with the Banyule Planning Scheme and Amendment C153bny and also considers environmental, economic and socially sustainable outcomes; and
- Achieves the maximum possible commercial return for the land, having regard to the provisions of the Contract of Sale.

Following assessment of the shortlisted RfP submissions against the agreed evaluation criteria, the Evaluation Panel recommends that the land should be sold to Respondent 2. Their development provides the greatest financial return and meets the key criteria envisaged by the UDG with a diverse housing mix, appropriate yield and excellent environmental and liveability outcomes including the retention of high value trees.

It is considered that Council should now agree to formally notify Respondent 2 that it is the preferred developer, subject to agreeing and executing the Contract of Sale and Section 173 Agreement. Once legal documentation has been executed, Council will publicly announce the sale of the land.

It is further considered that Respondents 1, 3 and 4 be advised that, while they have not been chosen as the preferred developer, as the offer is 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.



**BELLFIELD PROJECT: AWARDING CONTRACT OF SALE FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE) cont'd**

The Bellfield project continues to be a high priority for Council. Despite COVID 19, the demand for market housing in optimal locations, such as Bellfield, remains. The building construction industry plays a critical role in economic recovery. Development of the land at Bellfield will provide crucial employment to hundreds of people and provide economic stimulus to the local Bellfield/West Heidelberg community.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	The Bellfield Project - Process Tracking Map	
2	Probity Report	
3	Detailed Assessment of RfPs - <b>CONFIDENTIAL</b>	
4	ESD Review - <b>CONFIDENTIAL</b>	
5	Valuation (excerpt from report) - <b>CONFIDENTIAL</b>	
6	Respondent 2 Masterplan - <b>CONFIDENTIAL</b>	

## 7.13 RECORD OF COUNCILLOR MEETINGS

Author: Sam Moore - Council Business Team Leader, Corporate Services

### EXECUTIVE SUMMARY

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

### RECORD OF MEETINGS

<b>1</b>	<b>Date of Meeting:</b>	16 November 2020 – 6.30pm
	<b>Type of Meeting:</b>	Councillor Mandatory Training – Module 1
	<b>Matters Considered:</b>	
	<ol style="list-style-type: none"> <li>1. Councillor Mandatory Training (section 32 of the 2020 LG Act) <ul style="list-style-type: none"> <li>• the role of a Councillor, a Mayor and a Deputy Mayor</li> <li>• the role of a Chief Executive Officer</li> <li>• any practices, protocols or policies in relation to the interaction between members of Council staff and Councillors.</li> </ul> </li> <li>2. Councillor Code of Conduct and new Councillor Gift Policy requirements</li> </ol>	
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<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> Megan Kemp – <i>Councillor &amp; Civic Events Officer</i> Kerry Woods – <i>Executive &amp; Councillor Team Leader</i>		

RECORD OF COUNCILLOR MEETINGS cont'd

<b>Others Present:</b>	
Nil	
<b>Conflict of Interest:</b>	Nil

<b>2</b>	<b>Date of Meeting:</b>	30 November 2020 – 6.30pm
	<b>Type of Meeting:</b>	Councillor Mandatory Training – Module 2
	<b>Matters Considered:</b>	
	<p>Councillor Mandatory Training (section 32 of the 2020 LG Act)</p> <ol style="list-style-type: none"> <li>1. Councillor Conduct and Obligations <ul style="list-style-type: none"> <li>• Standards of Conduct</li> <li>• Councillor Misconduct: Misconduct, Serious Misconduct and Gross Misconduct</li> <li>• Internal Arbitration and Councillor Conduct Processes</li> <li>• Complaints and Dispute Resolution Procedures</li> </ul> </li> <li>2. The <i>Local Government Act 2020</i> and Overarching governance principles and the supporting principles</li> <li>3. Governance Rules, including Councillor Expenses</li> <li>4. Confidentiality: Closed Meetings and Confidential Information</li> <li>5. Fraud and Corruption <ul style="list-style-type: none"> <li>• Perceived Bias</li> <li>• Gifts and Bribery</li> <li>• Privacy</li> <li>• Conflict of Interest</li> <li>• Misuse of Position</li> <li>• Improper Direction and Influence</li> <li>• Use of resources</li> </ul> </li> </ol>	
<b>Councillors Present:</b>		
<p>Peter Castaldo  Alison Champion  Peter Dimarelos  Mark Di Pasquale  Rick Garotti  Alida McKern  Tom Melican  Fiona Mitsinikos  Elizabeth Nealy</p>		
<b>Staff Present:</b>		
<p>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></p>		

**RECORD OF COUNCILLOR MEETINGS cont'd**

	Gina Burden – <i>Manager Governance &amp; Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i>	
	<b>Others Present:</b> Steven Cooper – VLGA Tony Raunic – Hunt & Hunt	
	<b>Conflict of Interest:</b>	Nil

**RECOMMENDATION**

That the Record of Councillor meetings report be received.

**ATTACHMENTS**

Nil