

Agenda



Monday, 19 July 2021 7.00pm

Ordinary Meeting of Council

Acknowledgement of the Traditional Custodians

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

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 28 June 2021

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

Nil

3. People – Community Strengthening and Support

- 3.1 COVID-19 Support for Seasonal Sportclubs - Reduction of Winter Sport Allocation Fees..... 5

4. Planet – Environmental Sustainability

Nil

5. Place – Sustainable Amenity and Built Environment

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6. Participation – Community Involvement in Community Life

- 6.1 Banyule Community Vision 2041 25
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7. Performance - Use Our Resources Wisely

- 7.1 Cartmell Street, Heidelberg - Proposed Multi-Deck Carpark and Mixed-Use Development - Project Update 35
7.2 Banyule's Revised Strategic Risks 41
7.3 Property Transactions Report - for 6 month period ending 30 June 2021 44
7.4 Record of Councillor Meetings 48

8. Sealing of Documents

Nil

9. Notices of Motion

Nil

10. General Business

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

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

*The livestream will be available on Council's Facebook and website
www.banyule.vic.gov.au*

The next Ordinary Meeting of Council will be held on Monday, 9 August 2021.

3.1 COVID-19 SUPPORT FOR SEASONAL SPORTCLUBS - REDUCTION OF WINTER SPORT ALLOCATION FEES.

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

SUMMARY

1. On 16 March 2020 a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic which was subsequently extended until 29 July 2021.
2. Local government plays a critical role in supporting its community during this unprecedented time.
3. Council's budget for the 2020/21 financial year included a \$10.5M COVID-19 Support Package for a targeted hardship package and support for those in need.
4. During the last financial year, Council continued to provide targeted support for those in need, including ratepayers, local businesses, community and sporting organisations.
5. All sporting clubs' fees were waived for the 2020/21 financial year due to the impacts that State Government restrictions had on community sport.
6. As the State of Victoria continues to feel the impacts of the COVID-19 pandemic and moves in and out of lockdown and restrictions, Council also made a provision of \$1.5M in its 2021/22 Budget adopted on 28 June 2021 for continued hardship support to business and ratepayers.
7. The State of Victoria went into a further lockdown from the 28 May 2021, with several restrictions in place that had an impact on community sport including the ability to play games and the inclusion of spectators for a three-week period.
8. This report recommends a 20% reduction in the Winter Season Allocations fees for the winter sporting clubs to assist with the financial burden the current restrictions has placed on clubs.

RECOMMENDATION

That Council:

1. Notes the impacts of the latest COVID-19 restrictions on the Winter Season Sports Clubs and the provisions of games and inclusions of spectators.
2. Allocates a 20 percent (20%) reduction in the 2021 Winter Seasonal Fees for impacted clubs.
3. Writes to all winter seasonal clubs to notify them of this discount and support.

COVID-19 SUPPORT FOR SEASONAL SPORTCLUBS - REDUCTION OF WINTER SPORT ALLOCATION FEES. cont'd

COUNCIL PLAN

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

BACKGROUND

- On 16 March 2020 a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic which was subsequently extended until 29 July 2021.
- Local Government plays a critical role in supporting its community during this unprecedented time.
- On 6 April 2020 Banyule City Council introduced a five-point plan in response to COVID-19. This plan included:
 1. Protect staff health and wellbeing.
 2. Minimise Council service disruption.
 3. Maintain financial sustainability.
 4. Support the local community.
 5. Support the local economy.
- Councils budget for the 2020/21 financial year included a \$10.5M COVID Support Package for a targeted hardship package and support for those in need.
- During the last financial year Council continued to provide targeted support for those in need, including ratepayers, local businesses, community and sporting organisations through various hardship programs providing rate waivers and deferrals, various business and community grant programs, the waiver of Council fees relating to rental, hire and permits and the provision of additional funding to various community groups providing extra support for those in need during this time.
- All sporting clubs' fees were waived for the 2020/21 financial year due to the impacts State Government restrictions had on community sport.
- As the State of Victoria continues to feel the impacts of the COVID pandemic and moves in and out of lockdown and restrictions, Council also made a provision of \$1.5M in its 2021/22 Budget adopted on 28 June 2021 for continued hardship support to business and ratepayers.

KEY ISSUES

- The State of Victoria went into a further lockdown from the 28 May 2021, with several restrictions in place that had an impact on community sport including the ability to play games and the inclusion of spectators.
- The Northern Football and Netball League season has been impacted with the reduction of two games. Additionally, one game has been played with no spectators, so clubs have been impacted by three games for the season.

COVID-19 SUPPORT FOR SEASONAL SPORTCLUBS - REDUCTION OF WINTER SPORT ALLOCATION FEES. cont'd

- The Football Federal Victoria season was also impacted by the two games scheduled when community sport was not allowed but it expected that the league will add an additional two games to the end of the season, but this is yet to be confirmed. Local soccer games were also impacted with one game being held with no spectators allowed.
- The Yarra Junior Football League have indicated they will attempt to extend their season by the two games impacted where no sport was allowed. Junior sport was also impacted with the reduction of spectators.
- These restrictions have had a financial impact on all current winter seasonal clubs at Banyule through the loss of potential revenue with impacts on home scheduled games and no spectators.

SUPPORTING REPORT DETAILS

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 *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The total Winter Seasonal fees expected for Council this financial year is \$155,153.00 if clubs played and full round of football with no COVID impacts.
- Considering the impacts outlined in this report, impacting a potential three games staff are suggesting all clubs receive a discount of 20% to their winter season allocation fees.
- If Council approves this discount it would mean a reduction of income by \$31,030.60 for the winter season but would support clubs in the reduction of the games impacted through the latest restrictions.

Community Engagement

- Some clubs have approached Council regarding any support that can be provided to support them during this time, with again another season impacted by the pandemic.

COVID-19 SUPPORT FOR SEASONAL SPORTCLUBS - REDUCTION OF WINTER SPORT ALLOCATION FEES. 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.

ATTACHMENTS

Nil

5.1 **ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS**

Author: Ruth Robles McColl - Senior Project Manager, Assets & City Services

Previous Items

Council on 12 Apr 2021 7.00pm (Item 5.4 - Rosanna Library and Turnham Avenue redevelopment)

SUMMARY

1. Council entered into a “Heads of Agreement” (HoA) with Woolworths to progress a partnership project which will deliver a new 1,300sqm Rosanna Library on the corner of Turnham Avenue and Douglas Street, Rosanna alongside a supermarket in Turnham Avenue (the Project).
2. The Project involves the sale of approximately 828m² of land to Woolworths, which will be subject to formal statutory processes whilst Woolworths will in turn deliver a new library in accordance with a plan to be agreed. The library and supermarket are subject to planning approval.
3. Council has completed stages 1 and 2 of the Community Engagement Plan (CEP) which aimed to inform the community and key stakeholders about the Project and to gain input to inform the redevelopment of the Library and ancillary projects within the Turnham Avenue precinct.
4. The Community Engagement to date has included a range of public information and engagement activities, individual stakeholder meetings, distribution of flyers to over 8000 properties, a social media campaign and a dedicated project page on Councils Shaping Banyule website.
5. On the basis of the consultation feedback provided to date, it is considered that there is broad community support for the Project and that it should now proceed to the next stage.
6. Council needs to decide whether or not to commence statutory procedures under section 114 of the *Local Government Act 2020* giving public notice of its intention to sell part of Council land described as Lot 1 on PS703973P contained in Certificate of Title volume 11562 folio 072, and known as 72 Turnham Avenue Rosanna (**Rosanna Library Site**) to Fabcot Pty Ltd (wholly owned subsidiary of Woolworths limited).
7. This statutory process will deliver on stage 3a of the CEP which aims to provide formal opportunities for community input associated with the sale of the land.

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

RECOMMENDATION

That Council:

1. Receive the Community Engagement Report, noting the extensive engagement undertaken to date and broad community support for the Rosanna Library Project overall and library redevelopment specifically.
2. Progress the proposal to sell part of the Council-owned land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue, Rosanna (*Subject Land*) to Fabcot Pty Ltd for the proposed development of a new Woolworths Supermarket, a new undercover carpark and a new two storey, 1,300m² building (to a 'warm shell' stage) to be occupied by the new Rosanna Library (*Proposed Development*) on the Subject Land, the balance of the Council-owned land at 72 Turnham Avenue, Rosanna, (*Balance Land*) and the land owned by Fabcot at 44 Turnham Avenue and 47-51 Douglas Street, Rosanna (*Fabcot Land*).
3. Confirm that the Subject Land, being 828m² in area and being part of the land described in Certificate of Title Volume 11562 Folio 072 (Lot 1 on PS703973P) and known as (part) 72 Turnham Avenue, Rosanna, is not required for any current or reasonably anticipated Council projects.
4. Acting under section 114 of the *Local Government Act 2020* (the Act):
 - a. Determine that the required statutory procedures be commenced prior to consideration of the sale of the Subject Land;
 - b. Direct that, in accordance with s114 of the Act, Council:
 - i. place a public notice of the proposed sale on Council's website;
 - ii. in accordance with Council's Community Engagement Process:
 - A. place an explanatory note which outlines the Proposed Development on Council's website;
 - B. place on the Subject Land a sign containing a copy of the public notice of the proposed sale; and
 - C. provide a copy of the public notice to any persons directly affected by the sale of the Subject Land; and
 - iii. obtain a valuation of the Subject Land;
 - c. Confirm that the public notice to be given as part of Council's Community Engagement Process should state that Council proposes to sell the Subject Land to Fabcot Pty Ltd for no less than market value plus GST and that submissions in relation to the proposed sale of the Subject Land be addressed to the Chief Executive Officer, Banyule City Council;

ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS cont'd

- d. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under the Act in relation to this matter;
 - e. Confirm that any submissions received pursuant to the Community Engagement Process be heard at the Council meeting on 30 August 2021, if required; and
5. Note that once all public submissions have been considered, a further report will be presented to Council on 20 September 2021 to decide whether to proceed with the proposed sale.
 6. Progress the design and components for the fit out of the library based on the community feedback for finalisation subject to the land being sold.

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

Locality Plan

- Rosanna is located 12 kilometres from the Melbourne CBD and centred around a railway station and traditional strip shopping centre located within the Salt Creek Valley. The map below (figure 1) identifies the site of the library, supermarket, Heidelberg Theatre and Turnham Avenue.



Figure 1 Locality Plan

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

- Council owns the land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue, Rosanna (**Council Land**) on which the Rosanna Library is currently located.
- The Council Land comprises:
 - An area of approximately 828m² which is proposed to be sold to Fabcot (**Subject Land**); and
 - The balance of the site which is to be retained by Council and on which the new library is proposed to be constructed (**Balance Land**).
- Fabcot owns the land adjacent to the Council Land, being the land contained in Lots 2 and 3 on PS 703973P, described in certificates of title volume 11562 folio 073 and volume 11562 folio 074, and known as 44 Turnham Avenue and 47-51 Douglas Street, Rosanna (**Fabcot Land**).
- Council has entered into a Heads of Agreement with Fabcot (**HoA**) to record their in principle agreement for Fabcot to facilitate the development on the Fabcot Land, the Subject Land and the Balance Land for a new Woolworths Supermarket, a new undercover carpark and a new two storey, 1,300m² building (to a 'warm shell' stage) for the new Rosanna Library (**Proposed Development**).
- The construction cost of the new Rosanna Library building will be partly offset against the price payable by Fabcot for the Subject Land.
- The HoA established a framework and timeline for Council's community engagement process.
- The HoA also sets out a framework and timeline for the negotiation of the Contract Documentation which would be required to give effect to the Proposed Development.
- Any decision to proceed with the proposed development outlined in the HoA remains subject to Council resolving whether or not to sell the Subject Land after complying with its statutory obligations under the *Local Government Act 2020*.

KEY ISSUES

- Extensive community engagement has been undertaken to inform community about the project and seek feedback about the library redevelopment.
- There are several key decision gateways and milestones that will ensure a robust and transparent process is being followed throughout the project.
- The next step is to undertake the statutory process for the sale of the land to Fabcot (Woolworths) in accordance with legislative requirements which includes the consideration of any formal submissions before Council resolves on whether to sell the land.
- Any decision by Council under a statutory process to agree to sell the land through a notice of intention to sell does not oblige Council to sell the land.
- Any final sale of land will need to be subject to appropriate contract conditions and requirements being met.
- There will be further work undertaken to progress the concept plans for the library and contract arrangements with Woolworths in preparation for planning approval processes later in the year.

ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS cont'd

- The partnership proposal with Woolworths will provide positive community, social and infrastructure outcomes for Rosanna and is a financially sustainable opportunity for Council.
- The project will provide significant social and economic benefit for the Rosanna community with the provision of a contemporary library facility and supermarket by 2024, meeting learning, cultural and retail needs of the Rosanna community well into the future.
- The project is progressing generally in accordance with the indicative timeframes, although some adjustments will be expected as each milestone is reached.
- Table 1 below provides an updated indicative timeframe with the next milestone being the consideration of formal submissions to the sale of land process on 30 August 2021.

Table 1 - Indicative Timeframes (updated):

Actions	Dates
Community Engagement Plan – <i>Stages 1 & 2</i>	Complete (April/May 2021)
Council Report to advise on CEP outcomes and seek Council authority to commence sale of land process.	Complete (July 2021)
Sale of land statutory process – <i>Stage 3a</i>	July – August 2021
Report to Council to consider any submissions received	30 August 2021
Council resolve on the sale of land proposal	20 September 2021 (30 August if no submissions received)
Contract of Sale with Woolworths incorporating conditions precedent.	September - November 2021
Undertake planning approval process – <i>Stages 3b & 3c</i>	October 2021 – September 2022
Commence library and supermarket building project works – <i>Stage 4</i>	February/March 2023
Project completion (building) (fit-out)	February/March 2024 April - June 2024

SUPPORTING REPORT DETAILS

Legal Consideration

- The sale of any Council land must comply with section 114 of the of the *Local Government Act 2020*, the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land and Council's Community Engagement Policy in accordance with section 55 of the *Local Government Act 2020* (the Act).

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

- The following outlines the process to be undertaken:
 - A public notice on the proposal to be published on Council's website www.banyule.vic.gov.au and <https://shaping.banyule.vic.gov.au/RosannaLibrary>.
 - A public notice will be placed on site.
 - Any person may make a submission on the proposal.
- Any person proposing to make a submission in accordance with Council's Community Engagement Policy under section 55 of the Act must do so within 28 days of the publication of the notification (on 20 July). All submissions will be considered in accordance with Council's Community Engagement Policy and Plans.
- Written submissions to Council quoting **Rosanna Library Project (Ref: F2015/788)** must be received by 5pm 17 August 2021. Submissions should be addressed to the Chief Executive Officer, Banyule City Council and delivered to 1 Flintoff Street, Greensborough, 275 Upper Heidelberg Road, Ivanhoe, posted to PO Box 94 Greensborough 3088 or made online at www.banyule.vic.gov.au.
- Any person requesting to be heard in support of their submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on their behalf.
- Submissions will be considered at the Council Meeting on 30 August 2021 beginning at 7pm.
- Council will consider whether to sell the Land at a subsequent meeting. If no submissions are received, Council may consider whether to sell the Land at the Council Meeting on 30 August 2021.
- Any person making a written submission is advised that all submissions and personal information in the submission will be handled by Council in accordance with the provisions of the *Privacy and Data Protection Act 2014*.

Private Treaty Sale

- Council's proposes to sell 828m² parcel of the Rosanna Library Site to Fabcot Pty Ltd (**Fabcot**) (wholly owned subsidiary of Woolworths Limited) at no less than market value (plus GST) to facilitate the development of a Woolworths supermarket on the adjacent site at 44 Turnham Avenue and 47-51 Douglas Street, Rosanna. In return, Fabcot will construct and deliver a new library to a 'warm shell' to agreed specifications on land to be retained by Council to an agreed construction cost. The library construction cost will be offset against the land purchase price.
- The new library will be a two storey, 1,300m² building that incorporates indoor and outdoor spaces.
- In addition, Fabcot will construct the basement carpark at its cost. The carpark will be a shared use carpark with Council under a Carpark Management Agreement.
- Legal advice has been obtained in relation to pursuing an exclusive private treaty sale with Woolworths, rather than a traditional sale process (such as auction, for sale, expression of interest or tender). Council's legal advice is that a

ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS cont'd

private treaty arrangement can be justified where the benefits outweigh a standard process. In this case it would be reasonable for Council to conclude that the proposal by Woolworths in respect of the Rosanna Library Site is sufficiently unique to justify a private treaty sale by Council.

- The land to be sold to Woolworths is shown in Figure 2.

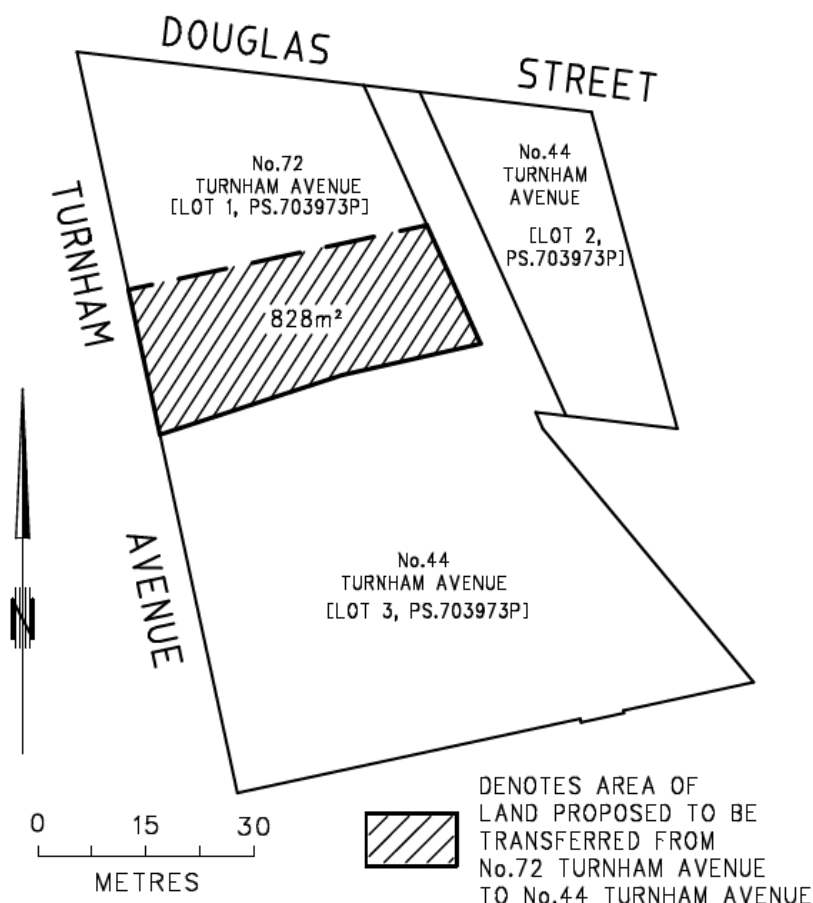


Figure 2 Land to be sold is shown hatched.

- Council has considered the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land and is of the opinion that the Proposed Development is sufficiently unique a proposal to justify Council treating privately with Fabcot Pty Ltd (Woolworths) in respect of the sale of the Land.
- Council has entered into a non-binding Heads of Agreement (HoA) with Woolworths. Prior to entering into a contract of sale with Woolworths, Council must complete statutory procedures in accordance with section 114 of the *Local Government Act 2020* and resolve whether or not to sell the subject land.
- Key steps to be undertaken and conditions precedent to a contract of sale are as follows:
 - Entering a Section 173 Agreement with Council specifying certain requirements to be undertaken by Woolworths relating to use and development of the land, car parking, maintenance of common areas, access, and completion of the development.

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

- Building construction specification requirements, tender process and construction cost in accordance with an agreed concept design.
- Satisfactory results from due diligence works to be completed by Woolworths.
- Woolworths obtaining planning approval.
- Achieving Council's stipulated ESD outcomes for design and construction.
- Construction of the new library and associated infrastructure.
- Registration of a plan of subdivision dividing the supermarket land from the Council owned library land.

Planning Approval Process

- The Banyule Planning Scheme regulates the use, development, protection and conservation of land in Banyule through planning provisions and established objectives and policies. The library site is zoned Public Use Zone 6 (PUZ6) while the site owned by Woolworths is zoned Commercial 1 Zone (C1Z) and Mixed Use Zone (MUZ).
- A Planning Scheme Amendment will ultimately be required to rezone the parcel of Council land to be acquired by Woolworths from Public Use Zone 6 (PUZ6) to Commercial 1 Zone (C1Z).
- Woolworths is required to obtain planning approval for the proposed supermarket and library development. Woolworths will therefore need to undertake a planning process that provides them with planning approval for the combined supermarket/library redevelopment. Woolworths will be the proponent and applicant in this process whilst Council will be the responsible planning authority.
- Nothing in the Contract of Sale will fetter the power or discretion of Council in the exercise of its statutory duties or powers under the *Planning and Environment Act 1987*, *Local Government Act 1989* or the *Local Government Act 2020*. As the responsible authority, Council may make or impose requirements or conditions on the development of the site or granting of any planning approval.

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*.
- Council has ensured that everyone has a right to freely participate in the broad ranging robust community information and engagement process.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS cont'd

Financial Implications

- The sale of the land will provide a financial return to Council which will be used to offset costs associated with the construction of the library. At the Council Meeting on 12 April 2021, Council resolved to consider additional funds be allocated within the future capital works plan to enable the library project to be delivered and the fit out undertaken. Funding was also referred to a future capital works budget for the Turnham Avenue Streetscape works, any capital upgrades at the Heidelberg Theatre and financial support for the Rosanna Traders Association.

Community Engagement

- The Community Engagement Plan (CEP) approved by Council to inform the community and key stakeholders and to gain feedback to inform the redevelopment of the library and ancillary projects within the Turnham Avenue precinct consists of two key engagement components:
 1. **Strategic community** engagement around the library and ancillary projects.
 2. **Statutory** engagement and processes around the sale of the land and the planning scheme amendment.
- Council's *Shaping Banyule* platform went "*live*" following the Council Meeting on 12 April 2021 as the central portal for key project information and communication of engagement opportunities. This was supported by a range of public information forums, on site pop ins, individual stakeholder meetings, project FAQs, letterbox drops and social media updates.
- In April the level of engagement was *inform*. This Stage involved:
 - Announcing the project, social media post over 6,500 people reached,
 - Providing information on the Shaping Banyule consultation platform,
 - Council hosting 10 information sessions, attended by around 80 people,
 - Responding to numerous community questions via phone and email,
 - Local letterbox drops to immediate surrounding properties,
 - A Frequently Asked Questions sheet available online and hard copy at library and Fire Station Community House.
- Throughout May and early June, the level of engagement was *consult*. This engagement primarily sought early input and ideas from the community about what they would like to see or do in a new library and how they would like a new library and surrounds to look and feel
- The consultation and communication activities in stage 2 were effective in engaging with over 1,300 people. The activities and consultation outcomes are further expanded upon and detailed in the Community Engagement Report.
- During this stage, feedback was gathered via a range of activities:
 - Survey (online via the Shaping Banyule consultation platform and hard copy),
 - Short survey (3 questions, hard copy),
 - Ideas drawing sheet (hard copy),

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

- Place-based pop-ups (survey, short survey, voting pod, Chatboards, ideas drawing sheet),
 - Drop in session (post-it ideas),
 - School workshop (dotmocracy voting activity, post-it ideas, ideas drawing sheet),
 - Stakeholder meeting (meeting notes),
 - Email submissions.
- The information and engagement opportunities summarised above ensured that the Rosanna Library project was highly visible and talked about in the community. It generated one of Banyule's highest ever social media post engagements and the Shaping Banyule page to date has received 4,500 views.

Consultation Feedback Summary

- While some people did express concerns about the partnership approach and sale of public land, overall there is strong and positive community sentiment towards the redevelopment of the library.
- People are genuinely excited about the library development and identified a range of opportunities that they would like the library to explore or consider.
- Key findings for stage 2 are detailed in the attached Executive Summary - Rosanna Library Redevelopment Stage 2 Community Engagement Report. The full report will be available on Council's Shaping Banyule website.
- 108 people responded to the survey, of these 98 answered the question about support for the project with the majority indicating they were very supportive or supportive:
 - 78% indicated that they were 'very supportive' or 'supportive' of the redevelopment of the library.
 - 17% indicated that they were 'unsupportive' or 'very unsupportive' of the library redevelopment. This is mainly due to concerns with the sale of land and the partnership with Woolworths.
 - 5% were neutral, with some indicating a concern about the partnership with Woolworths.

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.

**ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS
cont'd**

ATTACHMENTS

N	Title	Page
o	.	
1	Executive Summary - Rosanna Library Redevelopment Stage 2	
↗	Community Engagement Report	

5.2 10 THE BOULEVARD, IVANHOE (SPARKS RESERVE) - PROPOSED GRANTING OF EASEMENT

Author: Amanda Allen - Property Coordinator, City Development

Ward: Chelsworth

SUMMARY

1. Council is the owner of the land at 10 The Boulevard, Ivanhoe (Sparks Reserve).
2. Yarra Valley Water (YVW) have a sewer main adjacent to the Darebin Creek at Sparks Reserve which requires relocation. The current sewer is partially collapsed due to erosion of the creek bank and is at risk of becoming dysfunctional.
3. YVW have a proposed alignment away from the Creek, proposing to traverse Council land. A new sewage easement will need to be created.
4. Council will effectively be disposing of its interest in the land and can do so under Section 116 of the *Local Government Act 2020* which stipulates that Council has the power to transfer, exchange or lease any land to any public body without consideration.
5. Following the proposed relocation of the sewer line, Melbourne Water will be undertaking erosion control works along the Creek.

RECOMMENDATION

That Council:

1. Grants an easement in favour of Yarra Valley Water Corporation for sewage purposes of 196.3m² over the land at 10 The Boulevard, Ivanhoe (Sparks Reserve).
2. Notes that no compensation is payable for the granting of the easement over Council's land, pursuant to Section 116 of the *Local Government Act 2020*.
3. Authorises Council's legal practitioner to execute the documentation in relation to the Creation of Easement and attend to registration at the appropriate time.

COUNCIL PLAN

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

10 THE BOULEVARD, IVANHOE (SPARKS RESERVE) - PROPOSED GRANTING OF EASEMENT cont'd

BACKGROUND

- In mid-2020 an urgent issue presented concerning a possible sewer collapse in the Darebin Creek at 10 The Boulevard, Ivanhoe (Sparks Reserve) see **Figure 1**.



Figure 1: Exposed sewer pipe adjacent to Darebin Creek

- An onsite meeting was held on 7 July 2020 with Yarra Valley Water (YVW) and Harris Civil (HC) to determine an alternative route for the sewer main and discuss timing and associated works.

KEY ISSUES

- The proposed relocated sewer line is away from the creek, shown in **Figure 2**, traverses Sparks Reserve and is outside of the current easement, therefore a new easement will need to be created.



Figure 2: Proposed alignment of new sewer line shown yellow, existing shown red

10 THE BOULEVARD, IVANHOE (SPARKS RESERVE) - PROPOSED GRANTING OF EASEMENT cont'd

- A Creation of Easement Plan has been prepared by YVW, see Attachment 1 noting E-5 and E-6 to be created in accordance with the previously agreed location.
- YVW will facilitate the creation of easement and Council, acting under Section 116 of the *Local Government Act 2020* (the Act) will transfer interest in the land with no consideration.
- Following relocation of the sewer line, Melbourne Water will be undertaking erosion control works along the Darebin Creek.

SUPPORTING REPORT DETAILS

Legal Consideration

- By granting an easement over Council land, Council is effectively disposing of an interest in its land.
- Section 116 of the Act stipulates that Council has the power to transfer, exchange or lease any land to any public body without consideration, and Sections 114 and 115 do not apply to any transfer, exchange or lease under this section to a person or body specified in relevant subsection.
- Yarra Valley Water is a state government statutory authority, established under an Act of Parliament, is considered a 'public body' and therefore Council is not required to give public notice, invite or give consideration to any submissions received.

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.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implications arising from the recommendation contained in this report.
- YVW will reimburse Council for expenses relating to the lodgement and registration of the Creation of Easement plan.

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.

10 THE BOULEVARD, IVANHOE (SPARKS RESERVE) - PROPOSED GRANTING OF EASEMENT cont'd

ATTACHMENTS

N	Title	Page
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1	Creation of Easement Plan	
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6.1 **BANYULE COMMUNITY VISION 2041**

Author: Kamal Singh - Integrated Planning Project Manager, Corporate Services

SUMMARY

1. Since November 2020, as part of the Banyule 2041 Shaping Our Future Project, Council has been undertaking an extensive deliberative consultation process to inform the development of a Community Vision, Council Plan, Long-Term Financial Plan and Asset Plan, in accordance with the *Local Government Act 2020* (the Act). The Act requires that these documents be developed and adopted by 31 October 2021.
2. Banyule 2041 Shaping Our Future Project (the Project) has been delivered in a number of stages. The Stage 1 key findings report was endorsed at the Ordinary Council Meeting on 22 March 2021.
3. In Stage 2 of the Project, Council called upon community members to join the Banyule 2041 Community Working Group (CWG), a representative sample of the Banyule community. The CWG came together over four sessions to develop the Community Vision and key themes. The CWG members worked together to prepare the 2041 Community Vision Statement, and 6 supporting Vision Themes.
4. The Community Vision and its 6 Themes provide a road map for Council to achieve the Community Vision via the Council Plan and other strategic plans. The Banyule Community Vision 2041 (the Vision) (Attachment 2) is now ready for Council adoption. In accordance with the Act, the Vision takes effect from 1 July 2021.
5. A Journey Report on the Banyule 2041 – CWG has also been prepared and is being tabled for Council endorsement (Attachment 1). The report details the process of forming the CWG and the work undertaken to develop the Community Vision and Themes. Also included in the Journey Report is the CWG's members evaluation of the engagement process.
6. The Council Plan and Long-term Financial Plan to support the implementation of the Vision are in development phase and will be put on public exhibition from mid-August, for adoption by Council as a package in October 2020.

RECOMMENDATION

That Council:

1. In accordance with Section 88 (4) of the *Local Government Act 2020* (the Act) adopt the Banyule Community Vision 2041 (the Vision).
2. Note that in accordance with S88 (5) of the Act, the Vision takes effect from 1 July 2021.
3. Promote and exhibit the Vision.

BANYULE COMMUNITY VISION 2041 cont'd

4. Receives and endorses the Banyule 2041 – Community Working Group Journey Report.
5. Share the Community Working Group Journey Report with participants and wider community through Shaping Banyule and Council's Website.
6. Note that the Council Plan and Long-term Financial Plan documents are in development phase and will be put on public exhibition from mid-August, for adoption by Council in October 2020.

COUNCIL PLAN

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

BACKGROUND

Banyule 2041 – Shaping Our Future Project

Project Background

- Banyule 2041 - Shaping Our Future Project (the Project) is being undertaken to strengthen Banyule's approach to integrated planning and to fulfil strategic and financial planning requirements specified within the *Local Government Act 2020*.
- There are numerous stages of engagement activity that span an 11-month period. This approach is designed to maintain a continual conversation with the community, not just a conversation at the start and end of the Project.

Banyule 2041 - Stage 1 Engagement Update

- Stage 1 engagement of the Project started on 30 November 2020 with the launch of an online survey and ended with a Somali youth workshop in February 2021. A range of engagement opportunities such as workshops, online survey, written survey, and telephone surveys were offered throughout the period.
- During this period, over 1300 response were received on what the community values in Banyule, and their aspirations for the municipality they hope to live, work and play in by 2041.

Banyule 2041 Stage 2 – Community Working Group

- As part of Council's deliberative engagement process and to ensure that the community had a voice and platform to shape the future of Banyule, a Community Working Group (CWG) was formed. This CWG was made up of approximately 55 people, representing the Banyule community, through diversity, gender, age, abilities and backgrounds. A group representing a 'Mini – Banyule'; a true reflection of our community.
- The CWG members attended four workshops over April and May 2021. In these workshops the CWG members co-authored the Community Vision statement, identified community priority themes to focus on for the next 20 years, and in doing so has provided the strategic direction for Council to develop its Council Plan and Long-term Financial Plan to be able to support achievement and delivery of the Community Vision.

BANYULE COMMUNITY VISION 2041 cont'd

Banyule Community Vision 2041

- During the final community working group workshop on 15 May 2021, the CWG community members co-authored Banyule's Community Vision statement.
- Banyule's 2041 Community Vision statement, as presented to Council at the conclusion of the workshops, is:

"We in Banyule are a thriving, sustainable, inclusive and connected community. We are engaged, we belong, and we value and protect our environment."

Achieving the Community Vision 2041

- During the workshops the CWG also developed community priority themes, and a series of outcomes which provides Council with the strategic framework to work towards achieving the Banyule Community Vision 2041 (the Vision).
- The Vision themes will become the strategic objectives of the next 4-year Council Plan ensuring that there is a direct link between the community's future vision for Banyule and the strategic direction of Council over the life of the Council Plan.
- The six (6) Vision themes are:
 1. Our inclusive and connected community.
 2. Our sustainable environment.
 3. Our well-built City.
 4. Our valued community assets and facilities.
 5. Our thriving local economy.
 6. Our trusted and responsive leadership.
- Full details on the CWG journey including recruitment process, membership, sessions structure and outputs is outlined in Attachment 1.
- The Banyule Community Vision 2041 can be found as Attachment 2.

Stage 3 Engagement

- The Council Plan and Long-term Financial Plan to support implementation of the Banyule Community Vision 2041 is in development phase and will be put on public exhibition from mid- August to mid-September 2021.
- Council will consider these documents for adoption at its meeting on 25 October 2021.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 88 of the *Local Government Act 2020* outlines the requirements for councils to develop and adopt a Community Vision.
- S 88 - Community Vision:

BANYULE COMMUNITY VISION 2041 cont'd

- (1) A Council must maintain a Community Vision that is developed with its municipal community in accordance with its deliberative engagement practices.
- (2) The scope of the Community Vision is a period of at least the next 10 financial years.
- (3) A Community Vision must describe the municipal community's aspirations for the future of the municipality.
- (4) A Council must develop or review the Community Vision in accordance with its deliberative engagement practices and adopt the Community Vision by 31 October in the year following a general election.
- (5) The Community Vision adopted under subsection (4) has effect from 1 July in the year following a general election.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.
- The proposed engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.
- 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*.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Community Engagement

- Banyule 2041 Stage 1 has now been completed. During this stage of engagement over 1,300 people actively participated in the Project. Stage 1 engagement findings report was shared the with participants and with wider community through Council's website and Shaping Banyule.
- Banyule 2041 Stage 2 has also been competed with formation and delivery of the Community Working Group. During this stage the CWG deliberated over 4 workshops to develop a co – authored Vision statement and provided recommendations to better deliver on Council Plan and Long-Term Financial Plan.

BANYULE COMMUNITY VISION 2041 cont'd

- Next steps for community engagement include:

Stage	Timeline	Engagement Focus
Stage 3 – Public Exhibition	Aug – Sep 2021	Public Exhibition of draft Council Plan and Long-Term Financial Plan
Stage 4 – Adoption	Oct 2021	Council consider Council Plan and Long-Term Financial Plan for adoption

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.

ATTACHMENTS

N	Title	Page
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1	Community Working Group Journey Report	
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2	Banyule Community Vision 2041	
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6.2 COUNCIL ADVISORY COMMITTEES 2021-23 - PROPOSED NOMINATIONS

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

Previous Items

Council on 24 May 2021 7.00pm (Item 3.3 - Review of the Banyule Advisory Committees)

SUMMARY

1. At the meeting of 24 May 2021, Council resolved to approve a new Advisory Committee structure for a two-year period of 1 July 2021 to 30 June 2023 and commence an Expression of Interest process for membership for the committees.
2. Following an Expression of Interest process and Council officer assessment against the respective terms of reference, this report now seeks Council approval for the selected nominees for the advisory and population committees to serve for two years from July 2021 to June 2023.
3. Nominees are being appointed to the following committees:
 - Reconciliation Action Plan Advisory Committee;
 - Arts and Culture Advisory Committee;
 - Banyule Environment and Climate Action Advisory Committee;
 - Multicultural Committee;
 - Disability and Inclusion Committee;
 - LGBTIQ+ Committee; and
 - Age Friendly City Committee.
4. All nominations have been selected against the selection criteria stated in the terms of reference which included:
 - Live, work or study, or have a relevant connection with Banyule.
 - Knowledge and understanding of the needs and issues related to the committee to which they are nominating for.
 - Interest and involvement in local and/or broader projects, social and economic participation, inclusion, human rights and change-based advocacy or networks.
 - Direct links to local community populations and/or relevance organisations in Banyule.

**COUNCIL ADVISORY COMMITTEES 2021-23 - PROPOSED NOMINATIONS
cont'd**

RECOMMENDATION

That Council:

1. Approves the proposed nominations to serve on the Advisory Committees and the population-specific committees for the period July 2021 to June 2023.
2. Writes to applicants advising the outcome of their Expression of Interest application for the Banyule Advisory Committees for the period July 2021 to June 2023.

COUNCIL PLAN

- This report is in line with Banyule’s Council Plan key direction to “Support a connected, inclusive and involved community”.

BACKGROUND

- For more than eight years, advisory committees have provided a valuable input into Council’s work that complements the evidence base from research, best practice, data demographics, and wider consultations conducted, such as Banyule 2041. The resident voices represented in advisory/consultative committees assist Council to meet its legal obligations as required under various State and Federal Government legislation and is embedded in Council’s best practice approach.
- Each Advisory Committee is linked to a Council adopted plan, whereby community voices assist to:
 - Inform the development of the plan;
 - Provide guidance on implementation;
 - Provide a level of accountability back to community on the delivery and evaluation of the plan;
 - Advocate to Council on key issues affecting Banyule’s communities.
- Following a review of Council’s advisory committees, at its meeting on 24 May 2021, Council resolved to establish a new committee structure comprising:
 - Four advisory committees:
 - Reconciliation Action Plan Advisory Committee;
 - Inclusive Banyule Advisory Committee;
 - Arts and Culture Advisory Committee; and
 - Banyule Environment and Climate Action Advisory Committee.
 - The Inclusive Banyule Advisory Committee is an overarching committee which links to the following population-specific committees:
 - Multicultural Committee;
 - Disability and Inclusion Committee;
 - LGBTIQ+ Committee; and

**COUNCIL ADVISORY COMMITTEES 2021-23 - PROPOSED NOMINATIONS
cont'd**

- Age Friendly City Committee.

KEY ISSUES

- The new Inclusive Banyule Advisory Committee is a strategic advisory committee to oversee *Inclusive Banyule*, the Council's social justice, employment, health and wellbeing and inclusion framework.
- The Inclusive Banyule Advisory Committee will comprise representatives from each of the five population-specific committees, in addition to representatives from key organisational partners who will be directly invited to work collaboratively on key projects and advocacy. Hence no Expressions of Interest were sought for this Advisory Committee.
- The EOI was widely advertised. Publicity included invitations sent out to various networks, was on the front page of the Age in Focus newsletter which was widely circulated to community networks, a notice was placed on the Council website, and notices sent through the Council's social media channels. All these provided links to an Expression of Interest form.
- Council received more EOIs than there were available positions. A total of 119 EOIs were received, and 83 appointments were made to the committees. Council Officers reviewed all EOIs received against the committee terms of reference. The recommended applicants for each committee are included in Confidential Attachment 1.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- The activities and role of Council's advisory and other committees work to enhance a range of human rights of Banyule's communities, particularly those who have come from vulnerable communities at risk of exclusion.
- Human Rights that are enhanced by Council's committee structure include:
 - Section 19 Cultural Rights to protect and promote cultural diversity and inclusion,
 - Section 18 which is the Right to participate in public life and access public services,
 - Section 17 the rights of children and families.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

**COUNCIL ADVISORY COMMITTEES 2021-23 - PROPOSED NOMINATIONS
cont'd**

Financial Implications

- There are no financial implication arising from the recommendation contained in this report. The resources required to support the committees is provided though Council's annual budgeting process.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

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1	Advisory and Population Committee Recommended Appointments 2021-2023 - CONFIDENTIAL	

7.1 CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE

Author: Lucy Rasdell - Strategic Property Manager, City Development

Previous Items

Council on 12 Apr 2021 7.00pm (Item 11.3 - Proposed Multi-Deck Carpark and Mixed Use Development)

SUMMARY

1. The existing Cartmell Street public carpark site is 3,310m² with 94 at grade public carparking spaces which are extensively used by local traders and the public visiting the Burgundy Street shopping precinct as well as nearby hospitals and medical offices.
2. With an increase in the scale of built form and more intensive residential and mixed uses emerging in and around the carpark, demand for public car parking in the area has increased. In addition, the current Heidelberg Precinct Structure Plan identifies the site as a strategic redevelopment site.
3. Council cannot deliver increased public carparking and a mixed-use development on its own, hence a decision was made to support progression towards securing a development partner via an Expression of Interest (EoI) process.
4. The EoI was issued on 3 May 2021. Submissions were received on 1 June 2021 and assessed by the Evaluation Panel against selection criteria previously agreed by Council on 12 April 2021.
5. A shortlist of respondents has been agreed by the Panel. A probity advisor has had overview of the process and was present at the evaluation assessment meeting.
6. This report provides an update on the shortlisted respondents agreed by the Panel and details for the next stage of the process to select the preferred developer through a Request for Proposal (RfP) process.

RECOMMENDATION

That Council:

1. Notes the outcome of the Expression of Interest (EoI) process for the delivery of a new public carpark and mixed use development at the Cartmell Street carpark site located at 7-11 Cartmell Street, Heidelberg.
2. Supports the progression of sale of the land to the Request for Proposal (RfP) phase by:
 - a. Inviting the shortlisted respondents selected by the Evaluation Panel to participate in the Request for Proposal (RfP) process;

CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE cont'd

- b. Including a Contract of Sale and a draft Section 173 Agreement, which outlines key deliverables for the development, as part of the RfP documentation.
 - c. Completing due diligence works with reports appended to the RfP to assist the shortlisted respondents with preparation of a binding submission.
3. Notes the timeline to be followed for the selection of the preferred developer, with the Contract of Sale to be awarded at a Council meeting in December 2021.

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 Cartmell Street public carpark site is located north of the Burgundy Street shopping strip and Heidelberg Commercial Activity Centre at 7-11 Cartmell Street, Heidelberg. **Figure 1** shows the location of the site. While single house blocks make up the bulk of the neighbourhood, multi-level apartment buildings are also being developed along Cartmell Street, towards the Cape Street end.
- The site was acquired over a period of time in the 1960s-1970s and consists of a number of separate titles totalling an area of around 3,310m². The majority of the site is zoned General Residential with a small portion zoned Commercial 1.
- The current Heidelberg Precinct Structure Plan identifies the Cartmell Street carpark as land designated to '*provide and manage an appropriate provision of car parking*'. The carpark has also been identified as a strategic redevelopment site.
- There are a number of other Council Plans that reference the Cartmell Street public carpark site and its intended development including The Heidelberg Central and Bell Street Mall Parking Plan (2016) which recommends implementation of a number of strategies to manage current and future parking demands across Heidelberg Central and Bell Street Mall. One such action is to '*Develop the Cartmell Street carpark as the priority location for a mixed-use development with public carparking.*'
- Council is not able to deliver increased public carparking and a mixed-use development on its own. At a Council meeting held on 12 April 2021, Council decided to seek Expressions of Interest (Eoi) from developers with the qualifications, experience and capacity to redevelop the land as a mixed-use development, which includes a multi-deck public carpark that will provide approximately double the number of current public carparking spaces.

CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE cont'd

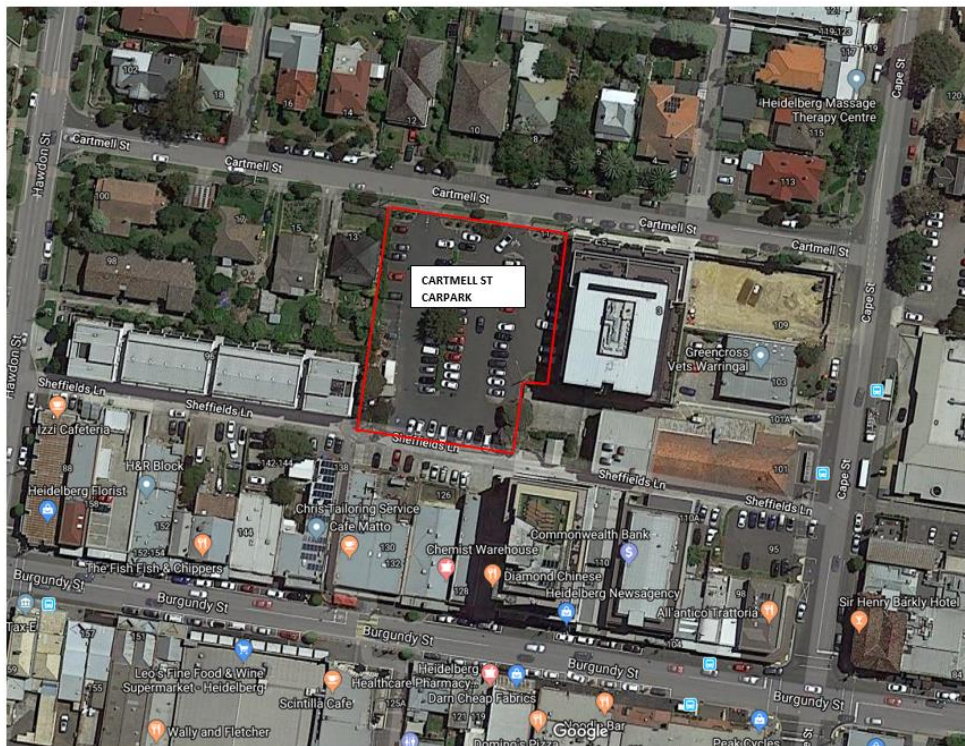


Figure 1: Location of the Cartmell Street public carpark, 7-11 Cartmell Street, Heidelberg

KEY ISSUES

- The submissions received for the Cartmell Street redevelopment project were assessed by the Evaluation Panel against the following criteria which were agreed by Council at the 12 April 2021 Council meeting:
 - Experience, expertise and market leadership (benchmark projects)
 - Approach and capacity (working with Council, financial/operational capacity)
 - Development proposal (concept plan and adherence to design criteria in the Planning Scheme and Heidelberg Structure Plan)
 - Commercial return (cost of public carpark, return for the air rights, terms and conditions)
 - Environmental, economic and social sustainability principles (positive economic, community and environmental excellence outcomes)
- A summary of the submissions is provided as a confidential attachment to this report - **Attachment 1** – Respondent Summary.
- Having completed assessment of all of the EoI submissions, six attained a score high enough for them to be shortlisted. The Panel agreed that all six shortlisted respondents were deemed to meet the criteria to enable them to progress through to the second phase, the Request for Proposal (RfP) which is contingent on Council approval to progress to this next phase. Further details on the shortlisted respondents and Council risks is provided in confidential **Attachment 2** – Shortlisted Respondents.

CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- A probity advisor has been appointed to oversee the EoI/RfP processes for the Cartmell Street redevelopment project. The advisor's role is to ensure both transparency and integrity are maintained and that the probity principles are adhered to throughout all stages of the project. The advisor was present during the assessment stage of the EoI submissions by the Evaluation Panel and has advised that all appropriate probity principles have been adhered to thus far. Please refer to probity letter in **Attachment 3** – Probity Letter.

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.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The EoI contemplated that the public multi-deck carpark which is to be funded by Council will consist of approximately 180 to 200 carparks. The carpark is to be built over a number of levels and will be separated from any private carparking associated with the mixed-use component of the development.
- The EoI stipulated that the public carpark should consider the potential to be constructed so it could be converted to alternate uses in the future if required. This future use could include storage (eg for basement parking) and commercial/residential use for floors that may be on grade or above. Other components of the public carpark were a secure bike cage, end of trip showers/change rooms/lockers, electric vehicle charging ports made available for public use and the option for car sharing and spots proposed for this purpose.
- The public carpark is to be fully funded by Council and will remain in Council ownership. The funding will come from a number of sources, including the Carpark Reserves fund, the Planning Parking Contributions fund and the balance will be funded from the Strategic Property Reserve from the proceeds of strategic property projects. A summary showing the proposed number of public carparking spaces and estimate of cost provided by the shortlisted developers is shown in the confidential attachment – **Attachment 2** – Shortlisted Respondents.
- The shortlisted developers have provided an indicative offer for the land ('air rights') as part of their EoI submissions. These, along with the proposed project structure, are also contained in the confidential attachment – **Attachment 2** – Shortlisted Respondents.

CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE cont'd

Community Engagement

- The Heidelberg Traders Association has already been engaged to discuss the proposed development and expected timing. The Traders are supportive of the development and will be consulted again if the project progresses to the next stage.
- If Council decides to sell the site via an RfP process, a Notice of Intention (NoI) to sell the 'air rights' will be prepared. The NoI will be advertised for the requisite four-week period. Submitters to the NoI will be invited to speak to their submission at the Council meeting following the advertising period and Council will resolve whether or not to proceed with sale of the 'air rights' at the Council meeting following presentation of the submissions (if any). Council resolved to commence the NoI process at the 12 April 2021 Council meeting.
- There will be public consultation completed as part of the review of the Heidelberg Structure Plan. While the study area encompasses a much wider area including the Burgundy Street retail precinct, residential neighbourhoods and nearby hospitals, it is expected that feedback obtained regarding built form expectations for key areas, including the Cartmell Street development site, will be captured as part of this exercise.

Key Considerations

- Council must now consider whether it agrees to proceed with the RfP process to sell the air rights and engage a developer for the Cartmell Street mixed use development project.
- The evaluation criteria adopted for the EoI process will be used for the next phase, however the requirements to be provided under each criterion will be more focussed and will require significantly more detail than that requested at the EoI stage. The ultimate objective is assurance that the preferred provider selected by the Panel has the essential competency, capacity, experience and financial means to deliver the project.
- In terms of next steps, if Council agrees to move to the RfP phase, the following activities will be completed:
 - Due diligence works to assist the shortlisted respondents with preparation of a binding RfP submission including an Environmental Site Assessment, a Geotech Assessment, a feature and levels survey and a Services Infrastructure Assessment,
 - Contract of Sale and draft Section 173 documents.
- All of the documents will be appended to the RfP, with the RfP being issued in September and responses due in early November. It is anticipated that the Contract will be awarded at the last Council meeting of the year in December 2021 with the Contract of Sale being negotiated and executed in early 2022.

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.

CARTMELL STREET, HEIDELBERG - PROPOSED MULTI-DECK CARPARK AND MIXED-USE DEVELOPMENT - PROJECT UPDATE cont'd

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

ATTACHMENTS

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1	Respondent Summary - CONFIDENTIAL	
2	Shortlisted respondents - CONFIDENTIAL	
3	Probity Letter Cartmell Street Eol	

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7.2 **BANYULE'S REVISED STRATEGIC RISKS**

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

SUMMARY

1. Risk management is viewed as central to Council's management process, having relevance and linkage to budget planning, corporate planning, performance, quality, safety and strategic planning.
2. As part of the ongoing evolution of Council's risk management framework, further consideration and scrutiny has been undertaken to delineate between Strategic risk and Enterprise (operational risk).
3. Strategic Risks are the risks where Council has little to no control or influence over the risk materialising. Conversely, Enterprise risk focuses on those risks where Council has significant control/influence in relation to the risk materialising.
4. This delineation allows for Council to effectively focus on and consider the Strategic context in which it is operating to provide the constraints and limitations that guide the CEO and Council officers to respond appropriately to any changes that arise in the strategic environment. Council has utilised ISO31000:2018 (Risk Management - Guidelines) in revising its Strategic Risks.
5. At a workshop held 23 April 2021, Councillors and senior management met to discuss and workshop Council's revised Strategic Risks, noting this shift in strategic focus.
6. Seven new risks were identified, details are provided in Attachment 1.
7. The Audit and Risk Committee meeting held 18 June 2021 considered and endorsed the Strategic Risks for Council adoption.

RECOMMENDATION

That Council:

1. Note the work undertaken in revising Council's Strategic Risks.
2. Note Council's Audit and Risk Committee endorsement the revised Strategic Risks.
3. Adopt the revised Council Strategic Risks.

COUNCIL PLAN

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

BACKGROUND

- Council last formally reviewed its Strategic Risk register in November 2019. In this time, significant work has been undertaken in relation to Council's Risk Management Framework and ongoing consideration of risk.

BANYULE'S REVISED STRATEGIC RISKS cont'd

- In this time, Council has completely refreshed its approach to risk management, endorsing a new risk management framework and establishing a modern risk methodology that more clearly delineates between Strategic and Enterprise risk.
- A workshop was held with Councillors on 23 April 2021 to further tease out the potential strategic threats that, if they were to occur, would be serious enough that a change in strategic direction may be required.
- With reference to ISO31000:2018 (Risk Management - Guidelines) in revising Strategic Risks, the approach to the consideration of Strategic risk differed from that taken in relation to Council's Enterprise (operational) risks, which focuses on the risks that Council has significant control/influence in relation to the risk materialising.

KEY ISSUES

- The workshop considered the strategic environment in which Council is operating. The following are the proposed strategic risks.
 1. Increase in the number and/or severity of climate influenced major disaster events impact Council's ability to deliver services and infrastructure and increasing the burden on Council to support the community.
 2. State/Federal major projects do not adequately factor in local amenity and connectivity needs resulting in substandard outcomes for the community.
 3. Technology advances more rapidly than Council can adapt its services and infrastructure resulting in substandard customer service and delivery.
 4. External financial challenges such as rate capping impact Council's ability to deliver quality services and infrastructure.
 5. Changes to Federal and/or State legislation and regulations are not adequately managed by Council resulting in non-compliant operations.
 6. Global incident (e.g. pandemic/economic downturn) significantly impact Council operations as well as the community and local businesses
 7. Changes in demographics across the local government area are not properly considered and planned, resulting in inefficient long-term resource allocation.
- The proposed new Strategic Risks will replace the current Strategic Risks. A table comparing the two is attached.
- It is recommended that those risks which have been removed will be reflected with Council's Enterprise (Operational) risk register.

SUPPORTING REPORT DETAILS

Legal Consideration

- One of the main functions and responsibilities of Council's Audit and Risk Committee is to monitor and provide advice on risk management.
- At the Audit and Risk Committee meeting held 18 June 2021, the committee considered two reports and confirmed Council's Strategic and Enterprise Risks. The committee noted that the Strategic Risks will be adopted by Council.

BANYULE'S REVISED STRATEGIC RISKS cont'd

Human Rights Charter

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

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implication arising from the recommendation contained in this report.

Collaboration

- At a workshop was held on 23 April 2021 with Councillors and staff, to discuss and workshop Council's Strategic Risks, noting this shift in strategic focus.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

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1	Strategic Risk Progression	
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7.3 **PROPERTY TRANSACTIONS REPORT - FOR 6 MONTH PERIOD ENDING 30 JUNE 2021**

Author: Amanda Allen - Property Coordinator, City Development

Ward: Various

Previous Items

Council on 08 Feb 2021 7.00pm (Item 7.6 - Report on Property Transactions for the six months ending 31 December 2020)

SUMMARY

1. At its Ordinary Meeting on 11 July 2016, Council requested six monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.
2. This report provides an update to the Council and the community where settlement of land and property transactions occurred in the six-month period from 1 January 2021 to 30 June 2021.
3. During this term three Council properties were disposed, which resulted from one strategic property sale, one road discontinuance and one North East Link Project land divestment.
4. This information is presented to Council in February and July/August yearly.

RECOMMENDATION

That Council:

1. Notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending on 30 June 2021.

Land and property sold

Address	Zone	Description	Area m ²	Price Incl. GST
14 Ivanhoe Parade, Ivanhoe	GRZ1	Lot on plan	616	\$2,650,000
Adjacent to 247 Waterdale Road, Ivanhoe	GRZ2	Road	70	\$32,550
Watsonia Station car park, Greensborough Highway, Watsonia	RDZ1 PUZ4	Road	9,810	\$505,000

2. Receive a further report in February 2022 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 31 December 2021.

PROPERTY TRANSACTIONS REPORT - FOR 6 MONTH PERIOD ENDING 30 JUNE 2021 cont'd

COUNCIL PLAN

- This report is in line with Banyule’s Council Plan key direction to “Provide responsible financial management and business planning”.

BACKGROUND

- Under sections 189 and 223 of the *Local Government Act 1989*, Council was required to give public notice of its intention to sell or exchange land. In doing so, it was also compelled to invite submissions from the public before exercising its power and making a decision.
- Despite a track record of complete legislative compliance and transparent decision making, the public does not always keep up to date with Council land and property transactions. In response to this, Council at its meeting on 11 July 2016, resolved to receive a report identifying all land acquired, disposed, transferred or exchanged by Council every six months. The six-monthly reports highlighting such transactions, is aimed at offering improved openness of such property matters for interested persons. Ten reports have been tabled previously.

KEY ISSUES

- Three land and property transactions were settled in the period ending 30 June 2021, providing a net financial return to Council of \$3,187,550 (incl. GST).
- The following table details the address, zoning, status and area of the property transactions as well as the date the matter was considered by Council.

Address	Zone	Description	Area m ²	Considered by Council
14 Ivanhoe Parade, Ivanhoe	GRZ1	Lot on plan	616	21 October 2019 (CO2019/200)
Adjacent to 247 Waterdale Road, Ivanhoe	GRZ2	Road	70	16 March 2020 (CO2020/45)
Watsonia Station car park, Greensborough Highway, Watsonia	RDZ1 PUZ4	Road	9,810	NA

- 14 Ivanhoe Parade, Ivanhoe was earmarked for sale following completion of the Ivanhoe Library and Cultural Hub. In May 2021 Hatch Contemporary Arts Space and ancillary tenants relocated from 14 Ivanhoe Parade, Ivanhoe leaving the premises vacant and surplus to Council requirements.
- The land adjacent to 247 Waterdale Road, Ivanhoe was initiated via a request from that land owner to discontinue the small dead-end right of way (road) and sell the resultant land to that owner for the purpose of increasing their landholding.
- Watsonia Station car park was divested for the North East Link Project under section 134(6) of the *Major Transport Projects Facilitation Act 2009* (MTPFA) with an Order published in the Government Gazette on 9 July 2020 in accordance with section 134(1)(b) of the MTPFA. Possession date of the land was 7 August 2020. This matter was not required to be considered by Council.

PROPERTY TRANSACTIONS REPORT - FOR 6 MONTH PERIOD ENDING 30 JUNE 2021 cont'd

- The land in title was predominantly located on the western side of Greensborough Highway adjacent to the Watsonia Railway Station, although a section ran under the highway and in to the road reserve on the northern side.
- A locality plan for the properties transacted can be found in **Attachment 1**.
- Further transactions remain in progress, which will be reported in the next six-monthly report.

SUPPORTING REPORT DETAILS

Legal Consideration

- In undertaking land property related transactions, Council has been required to comply with provisions in Sections 189 and 223 of the *Local Government Act 1989*, relating to the giving of public notice, inviting and any considering submissions received.
- 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 *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implication arising from the recommendation contained in this report.

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.

ATTACHMENTS

N	Title	Page
o	.	
1	Locality Plan	
	⇒	

**PROPERTY TRANSACTIONS REPORT - FOR 6 MONTH PERIOD ENDING 30
JUNE 2021 cont'd**

7.4 RECORD OF COUNCILLOR MEETINGS

Author: Sam Moore - Council Business Officer, Corporate Services

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

1	Date of Meeting:	21 June 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing Session
	Matters Considered:	
	<ul style="list-style-type: none"> • Rosanna Library Project Update • Assets & City Services Directorate Efficiencies • Draft Banyule Investment Strategy • Strategic Property Strategy 	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Fiona Mitsinikos Elizabeth Nealy	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Ruth Robles McColl – <i>Senior Project Managers</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	28 June 2021 – 5.37pm
	Type of Meeting:	Council Meeting Pre-Briefing
	Matters Considered:	
	Items listed on the agenda for Council Meeting 28 June 2021 as below:	
	<ul style="list-style-type: none"> 2.1 Petition - Montmorency Community Hub 4.1 Power Purchase Agreement (PPA) - Commencement of 100% Green Power 5.1 Adoption of Road Management Plan 2021 5.2 Temporary Outdoor Dining Parklets 5.3 Consideration of Submissions and Objections - Heidelberg Central Shopping Precinct Special Charge 5.4 Ivanhoe Library and Cultural Hub Project Close out Report 5.5 Rosanna Station Integrated Development Opportunity 5.6 Major Transport Projects Update 6.1 Virtual Meeting Participation - Consultation Paper 7.1 Proposed Budget 2021/22 - Declarations 7.2 Adoption of Revenue and Rating Plan 2021-2025 7.3 Adoption of Banyule City Council Budget 2021-202573 7.4 2020 Banyule Election Report 7.5 Record of Councillor Meetings 	
Councillors Present:		
<p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>		
Staff Present:		
<p>Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Jonathan Risby – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Samuel Moore – <i>Council Business Officer</i></p>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

3	Date of Meeting:	5 July 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing Session
	Matters Considered:	
	<ul style="list-style-type: none"> • Australian Community Foundation • Urban Forest Strategy Revision • Retail Activity Centres Marketing and Management Schemes • Gift Card Program • Corporate Services Directorate Improvements and Efficiencies 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Vivien Ferlaino – <i>Governance Coordinator</i> Roberta Colosimo - <i>Manager Family and Youth</i> Ana Caicedo – <i>Acting Manager Parks & Open Spaces</i> Ben De Klepper – <i>Urban Forestry Coordinator</i> Erica Hardie – <i>Senior Project Manager, Economic Development</i> Michelle Isherwood - <i>Economic Development Coordinator</i>		
Others Present:		
Olivia Clark-Moffatt and Maree Sidey from Australian Community Foundation		
Conflict of Interest:	Nil	

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil