

Agenda



Monday, 24 May 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 3 May 2021

Disclosure of Interests

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Nil

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8. Sealing of Documents

Nil

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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, 7 June 2021.

2.1 EAST IVANHOE BOWLING CLUB

Author: Nicole Maslin - Manager Leisure, Recreation and Culture Services,
Community Programs

Ward: Griffin

SUMMARY

1. A petition has been received by Council with a total of 221 signatures.
2. Council's Governance Rules outline criteria for every petition that is submitted to Council. Not all signatories met the criteria and a breakdown of the total signatures is included in the report. Overall 22 signatures were compliant.
3. The petition request is "Stop Banyule Council from closing East Ivanhoe Bowling Club".
4. Council has made no decision in relation to closing East Ivanhoe Bowling Club. The future demand and provision of lawn bowls is a key consideration in the draft Ivanhoe Sports Precinct Plan - Issues and Options Report which will be presented in this agenda and includes a recommendation to release the draft for community consultation.
5. This 6-week consultation period will gather as much community feedback on this draft report and preferred Option and engagement with all key stakeholders and clubs including East Ivanhoe Bowling Club will continue to be a key part of this process.

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Notifies the primary petitioner and East Ivanhoe Bowling Club the outcome of the report on the draft Ivanhoe Sports Precinct Plan - Issues and Options Report recommended for release for community consultation.

DISCUSSION

- A petition to "Stop Banyule City Council from closing East Ivanhoe Bowls Club" with a total of 221 signatures has been received by Council.
- Council's Governance Rules outline that every petition submitted to Council must include names, addresses and original signatures.
- A number of the signatories didn't include one or more of the required criteria but have been included in the total number of signatures.

EAST IVANHOE BOWLING CLUB cont'd

- Details of the signatories are included below:

Total signatories	221
Complete	22
Incomplete	198
Non-compliant	1

- A breakdown of all signatories by suburb:

Abbotsford	2
Bayswater	1
Broadford	2
Bulleen	2
Bundoora	2
Carlton	1
CBD	2
Clifton Hill	1
Coburg	6
Deer Park	1
Docklands	1
Eaglemont	12
East Burwood	1
Eltham	1
Elwood	1
Epping	4
Flemington	1
Glenroy	1
Greensborough	2
Hawthorn	1
Heidelberg	27
Heidelberg West	3
Ivanhoe / East Ivanhoe	27
Kew	3
Lalor	1

Macleod	5
Mill Park	2
Montmorency	1
Northcote	1
Point Cook	2
Port Melbourne	1
Preston	2
Reservoir	8
Richmond	1
Ringwood	1
Rosanna	7
South Melbourne	1
South Morang	1
Springvale	1
St Helena	1
St Kilda	1
Surrey Hills	1
Templestowe	3
Thornbury	1
Viewbank	8
Wantirna	1
Watsonia	1
Incomplete	168
Non-compliant	1

IVANHOE SPORTS PRECINCT PLAN

- Council has made no decision in relation to closing East Ivanhoe Bowling Club. The future demand and provision of lawn bowls is a key consideration in the draft Ivanhoe Sports Precinct Plan - Issues and Options Report which will be presented in this agenda and includes a recommendation to release the draft for community consultation.

EAST IVANHOE BOWLING CLUB cont'd

- This 6-week consultation period will gather as much community feedback on this draft report and preferred Option and engagement with all key stakeholders and clubs including East Ivanhoe Bowling Club will continue to be a key part of this process.
- Decisions about the best use of the facilities in the future and how to maximise the opportunities and participation outcomes for everyone is a key priority for Council. The East Ivanhoe Bowling Club is one of several home clubs whose needs are being considered as part of this long-term plan to guide sports and recreation facility development, unstructured use for play, events and passive recreation for the next 10 years across the Ivanhoe Sports Precinct.
- The petitioners are encouraged to review and consider the draft Ivanhoe Sports Precinct Plan and provide feedback through the engagement processes provided. Council will receive a further report on consultation outcomes before proceeding to development of a final draft Ivanhoe Sport Precinct Masterplan.

ATTACHMENTS

Nil

3.1 BANYULE YOUTH SPACES PLAN

Author: Rod Spivey - Senior Open Space Planner, Assets & City Services

SUMMARY

1. There is currently no specific plan to guide the provision and design of youth facilities in open spaces across Banyule.
2. A draft Banyule Youth Space Plan (the Plan) has been developed to address the provision and design of Youth Facilities.
3. The draft Plan has been developed in consultation with the Youth Summit held on 18 May 2021 and engagement with schools, local groups and attendees at Council held events.
4. The aim of the Plan is to provide strategic direction for the future provision of outdoor recreation places and spaces for young people aged 12 – 25 years across the municipality.
5. The draft Plan is a principles-based document that is underpinned by an assessment of the need and community demand for additional youth recreation spaces and facilities.
6. Key actions include:
 - Investigate locations and feasibility for district youth spaces to service the needs of youth aged 12 – 25 years;
 - Investigate locations and feasibility for walkable local spaces for youth aged 12 – 14 years and spaces for youth aged 15 – 17 years spread equitably across the 7 precincts contained within the Public Open Space Plan 2016 – 2031;
 - Develop a funding program that covers the costs for these proposed facilities including maintenance and renewal.
7. It is intended that the actions to investigate locations and feasibility of local and district spaces will involve further consultation with the community and will target youth to ensure that their voices are heard and inform future decisions.

RECOMMENDATION

That Council:

1. Places the draft Banyule Youth Spaces Plan (the Plan) on public exhibition until 22 June 2021 in the interest of ascertaining the level of community support for the document.
2. Encourages participation in the consultation for the Plan by writing to secondary schools and tertiary education institutions within Banyule, and by advertising the Plan in Shaping Banyule.
3. Notes that participation in the consultation for the Plan was encouraged at the Banyule Youth Summit on 18 May 2021.

BANYULE YOUTH SPACES PLAN cont'd

4. Receives a report with a summary of the process and results of the consultation for the draft Plan.

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 development of the Banyule Youth Spaces Plan (the Plan) advances recommendations contained within the Banyule City Council Youth Plan 2018 - 2021 and Banyule Youth Services Action Plan 2020.
- In developing the draft Plan, Council actively engaged with 348 members of the community.
- The consultation highlighted the need for a diversity of spaces to perform a variety of activities.
- Socialising was a high priority for most and this was identified as a common pastime.

KEY ISSUES

- Safe, inclusive and accessible spaces for play, recreation and socialising are critical to all young people.
- Youth aged between 12 – 14 years are typically looking for opportunities to play and be active. At an age where they are still not able to travel independently, spaces such as parks and reserves that are local to them are critical.
- Youth aged between 15 – 17 years are transitioning into adulthood, are typically more independent and are looking for areas to socialise. Recreation spaces in commercial precincts, libraries and transport nodes are particularly relevant to this cohort.
- Youth aged between 18 – 25 years are more likely to be interested in traditional sports and fitness.
- There is currently no specific plan to guide the provision of youth facilities and their design in open space across Banyule.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

BANYULE YOUTH SPACES PLAN cont'd

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.

Community Engagement

- A total of 348 members of the community were engaged to gather insight and information to assist in developing the plan.
- The consultation asked youth:
 - How they used their spare time;
 - What they do in open public spaces;
 - What they would like to see more of in Banyule;
 - What issues they face in accessing spaces and facilities.
- In addition to the whole of community consultation which was undertaken via a survey on Shaping Banyule, the following stakeholders were actively engaged:
 - Banyule Youth Festival attendees (97);
 - Greensborough Skate Jam attendees (24);
 - Young mother's group (6);
 - Our Lady of Mercy College students (35);
 - La Trobe University students (50);
 - Jetts Music and Creative Arts Centre attendees (7);
 - Malahang Festival attendees (15);
 - Malahang Bike Hut attendees (15).
- The consultation highlighted the need for a diversity of spaces to perform a variety of activities.
- It is intended that the actions to investigate locations and feasibility of local and district spaces will involve further consultation with the community and will target youth to ensure that their voices are heard and inform future decisions.
- A copy of the draft Plan was made available at the Youth Summit on 18 May 2021.

Collaboration

- The Plan was in part funded by Sport and Recreation Victoria through the Community Sports Infrastructure Fund – Planning Stream.

Key Considerations

- Under the Sport and Recreation Victoria funding agreement, the final Plan is due to be complete by 31 July 2021.

BANYULE YOUTH SPACES PLAN 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

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1	Banyule Youth Spaces Plan	
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3.2 INCLUSIVE EMPLOYMENT PROGRAM UPDATE

Author: Alexandra Denning - Inclusive Employment Program Officer, Community Programs

SUMMARY

1. The Inclusive Employment Program for financial year 2020/21 has successfully commenced, with 11 new participants starting on 26 March 2021.
2. 11 participants from the Inclusive Employment Program for financial year 2019/20 have now successfully completed the program.
3. Banyule's Inclusive Employment Program has been recognised for outstanding achievements by winning the Community Service Delivery Award at the 2020 Local Government Professionals Australia Federation Awards.

RECOMMENDATION

That Council:

1. Notes this report and continues to support the Inclusive Employment Program.
2. Receives a further report about the Inclusive Employment Program at the conclusion of the current round of the six-month program.

COUNCIL PLAN

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

BACKGROUND

- In February 2019 Banyule's first Inclusive Employment Program (the Program) was implemented. The Program creates tailored six-month job opportunities at Council for local residents facing barriers to employment, who are members of the following targeted community groups:
 - Aboriginal & Torres Strait Islander peoples,
 - Culturally & linguistically diverse people,
 - People living with disability,
 - Young people (aged 16-25).
- This is an evidence-based program that has been designed to respond to inequality in employment and the specific needs of the targeted community groups in Banyule.
- In the 2018/19 financial year, the Program created 11 job opportunities across Council. In the 2019/20 financial year, the Program created 16 job opportunities for new participants.

INCLUSIVE EMPLOYMENT PROGRAM UPDATE cont'd

- While the unemployment rate for the Banyule local government area as a whole remains lower than the unemployment rate for Greater Melbourne, there has been a notable increase in unemployment over the last 12 months, and significant pockets of disadvantage remain in specific suburbs.
- The most recent Small Area Labour Markets (SALM) unemployment figures released by the National Skills Commission show the following increases in unemployment rates:

	Dec 2019 Quarter	Dec 2020 Quarter
Greater Melbourne	4.9%	6.9%
Banyule	3.2%	5.0%
Heidelberg West	7.7%	10.7%
Watsonia	4.1%	6.0%

- The upwards trend of these unemployment rates demonstrates the continuing need for Council support of labour market programs designed to boost employment opportunities for local residents.

KEY ISSUES

2020/21 Financial Year Inclusive Employment Program

- The Program is being delivered in an adjusted COVID-safe program delivery model. As part of this model, it was not possible to host a Community Information event. Specific roles were created and advertised, and candidates were asked to apply online where possible.
- 115 individual candidates applied for the Program. Of these, 72 applicants met the program eligibility criteria. Application data shows the following representation of community groups among the eligible applicants:
 - 4 Aboriginal and/or Torres Strait Islander people,
 - 42 culturally & linguistically diverse people,
 - 19 people living with disability,
 - 27 young people (aged 16-25).
- Note: an intersectionality approach is applied; therefore candidates can identify with multiple target community groups.
- Taking into consideration this intersectionality approach, application data shows the following representation with community groups who experience higher rates of unemployment:
 - 10 LGBTIQ+ people,
 - 4 people that have interacted with the justice system,
 - 8 older people,
 - 10 refugees or asylum seekers.
- 40 interviews were held in February 2021. As per the COVID-safe model, the majority of these interviews were conducted virtually, while still maintaining best practice inclusive interviewing techniques.

INCLUSIVE EMPLOYMENT PROGRAM UPDATE cont'd

- 11 participants have been selected for the Program. The Program's collected selection data demonstrates that new employees identify as:
 - 1 Aboriginal person,
 - 8 culturally & linguistically diverse people,
 - 4 people living with disability,
 - 4 young people (aged 16-25).
 - Note: an intersectionality approach is applied; therefore employees can identify with multiple target community groups. Taking into consideration this intersectionality approach:
 - 1 employee also identifies as LGBTIQ+,
 - 2 employees also identify as being a refugee or asylum seeker.
- The new employees are working in the following roles across Council:
 - Aboriginal Programs Support Officer,
 - Community & Social Planning Administration Officer,
 - People & Culture Support Officer,
 - Finance Support Officers (2),
 - Delivered Meals & Property Maintenance Support Officer,
 - Waste Management Labourer,
 - Youth Program Support Officer,
 - Environmental Communications Officer,
 - Customer Service Support Officer,
 - Social Impact Analyst.
- In addition to the group of new participants, 8 transitional pathway roles have been created for Inclusive Employment Program alumni in the following roles:
 - Assistant Maintenance Engineer,
 - Home Support Administration Officer,
 - Community Partnerships Administration Officer,
 - Environment Project Officer,
 - Help Desk Officer,
 - Food Hub Support Officer (secondment position with BANSIC),
 - Sustainable Procurement Officers (2).

INCLUSIVE EMPLOYMENT PROGRAM UPDATE cont'd

2019/20 Financial Year Inclusive Employment Program

- The delivery of the Program for financial year 2019/20 (2019/20 Program) was impacted significantly by COVID-19. 11 of the original 16 participants from the 2019/20 Program have now successfully completed the program. 9 participants from that cohort had their employment postponed in April 2020 due to the nature of their roles and the change to a remote working environment, which had significant impacts on the ability of supervisors to provide support and guidance to participants.
 - 6 participants continued working throughout the COVID lockdowns and successfully completed the program in August 2020,
 - 5 participants returned to work at Council in October 2020 and successfully completed their contracts in April 2021,
 - 1 participant has returned to work at Council in March 2021 in the 2020/21 financial year program,
 - 1 participant has secured alternative employment at Council and has chosen not to continue in the program,
 - 3 participants have secured alternative external employment and have chosen not to continue in the program.

- There have been strong outcomes for participants from the 2019/20 Program, with:
 - 11 participants have secured further work at Council in either casual, temporary or permanent roles,
 - 1 participant has enrolled in further study.

Local Government Professionals 2020 National Federation Awards

- The Program has been recognised for its outstanding achievements by winning the Community Service Delivery Award at the 2020 Local Government Professionals National Federation Awards.

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

INCLUSIVE EMPLOYMENT PROGRAM UPDATE cont'd

Sustainable Procurement Outcomes

- While there is no procurement activity discussed in this report, the Program contributes to Banyule's targets for local job creation.

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

Nil

3.3 REVIEW OF THE BANYULE ADVISORY COMMITTEES

Author: Theonie Tacticos - Co-ordinator Community & Social Planning,
Community Programs

SUMMARY

1. Council at its meeting on 11 November 2020 resolved to undertake a review of the advisory committees.
2. The structure for Council's advisory committees has been reviewed.
3. A proposed structure is based on four advisory committees:
 - Reconciliation Action Plan Advisory Committee
 - Inclusive Banyule Advisory Committee being an overarching committee which links to population specific committees.
 - Arts and Culture Advisory Committee.
 - Banyule Environment & Climate Action Advisory Committee (BECAAC).
4. The proposed Inclusive Banyule Advisory Committee is a strategic advisory committee to assist with advocacy, partnership and strategic advice to oversee *Inclusive Banyule*, Council's social justice, employment, health and wellbeing and inclusion framework.
5. It is proposed to include population specific committees to sit alongside the Inclusive Banyule Advisory Committee. These include
 - Multicultural Committee
 - Disability and Inclusion Committee
 - LGBTIQ+ Committee
 - Aged Friendly City Committee
6. Each advisory committee retains the capacity to establish time specific working groups as needed.
7. Community representation on committees is a voluntary role. However, there are additional reporting and monitoring requirements specified by Reconciliation Australia for the externally audited Reconciliation Action Plan (RAP) that place additional responsibilities on the RAP Advisory Committee, which include the payment of a sitting fee for community members.
8. A sitting fee of \$60 per meeting is proposed to be paid to Aboriginal and Torres Strait Islander community members, which replaces the reimbursement of meeting costs afforded to members of the other advisory committees. This \$60 sitting fee is based on a benchmarking of the payments made by other local governments to Aboriginal and Torres Strait Islander community members.
9. It is proposed that the advisory committees are established for a period of two years and a review undertaken during this period, with a report back to Council.

REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

10. The advisory committees include Councillor representation. Each committee is chaired by a Councillor, with exception of the Reconciliation Action Plan Advisory Committee which is co-chaired with community. Council needs to determine Councillor appointments to each committee including substitutes.

RECOMMENDATION

That Council:

1. Establish the following four advisory committees for a two-year term commencing 1 July 2021 to 30 June 2023:
 - a. Reconciliation Action Plan (RAP) Advisory Committee
 - b. Inclusive Banyule Advisory Committee
 - c. Arts and Culture Advisory Committee
 - d. Banyule Environment & Climate Action Advisory Committee (BECAAC)
2. Establish the following committees that support the Inclusive Banyule Advisory Committee:
 - a. Disability and Inclusion Committee
 - b. Multicultural Committee
 - c. Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) Committee
 - d. Age-friendly City Committee
3. Adopt the terms of reference for the advisory committees (Attachments 1-4).and model terms of reference for population committees supporting the Inclusive Banyule Advisory Committee (Attachment 5).
4. Commence the Expression of Interest process to appoint members to the Committees.
5. Receives a further report recommending the successful appointments to the Committees.
6. Approves the \$60 sitting fee per meeting for Aboriginal and Torres Strait Islander community members, for the additional commitments as required by Reconciliation Australia, for overseeing the Reconciliation Action Plan (RAP).
7. Receives a report on the outcomes of a review of the advisory committees in May 2023.
8. Determine and appoint Councillors to each committee including the chair, delegate and substitutes to the respective committees for the period 1 July 2021 to 30 June 2022.

COUNCIL PLAN

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

REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

BACKGROUND

- Advisory committees provide 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.
- Council has had community advisory committees for more than eight years. An evaluation is conducted at the end of each two-year term to seek opportunities for improvement in the effectiveness of Committee meetings.
- Annually Council appoints Councillor delegates to the Council Advisory Committees and other committees, at the annual Mayoral Election meeting. With the changes to the new Act, new engagement requirements, and a new Council term, it was timely to undertake a review of the advisory committees.
- A review has been conducted which included feedback from existing community members, Councillors and officers. The proposed new Advisory Committee structure responds to:
 - New and intersectional issues that cross over portfolios;
 - Support of a higher level of partnership with local organisations to address issues; and
 - Advocacy;
 - Current participation and input from the Banyule community outside of the committee structure such as the Youth Summit and issue based working groups.

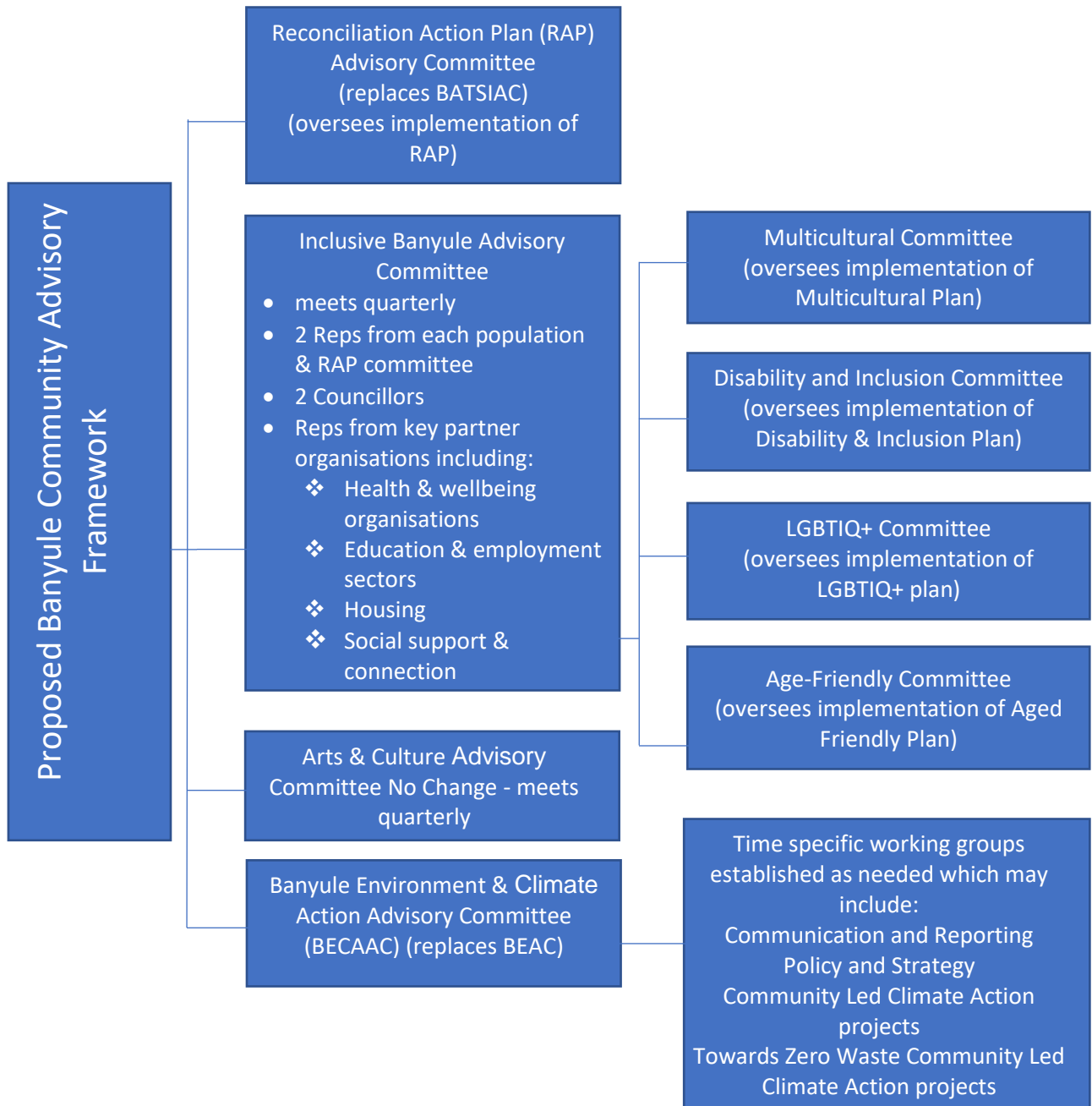
KEY ISSUES

Proposed Advisory Committee Structure

- The proposed advisory committee structure comprises:
 - Reconciliation Action Plan (RAP) Advisory Committee – revised from the previous Banyule Aboriginal and Torres Strait Islander Advisory Committee to oversee the externally assessed RAP.
 - An overarching Inclusive Banyule Advisory Committee, which links to population specific committees. Inclusive Banyule is a strategic advisory committee to assist with advocacy, partnership and strategic advice to oversee *Inclusive Banyule*, Council's social justice, employment, health and wellbeing and inclusive framework.
 - Arts and Culture Advisory Committee –remains unchanged.

REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

- Environment & Climate Action Advisory Committee (BECAAC) – revised from the previous Banyule Environment Action Committee.
- Population specific committees will sit alongside the Inclusive Banyule Advisory Committees
 - Multicultural Committee
 - Disability and Inclusion Committee
 - LGBTIQ+ Committee
 - Aged Friendly City Committee
- It is proposed to establish the advisory committees for a period of two years. During this time a review of the effectiveness of the model will be undertaken and a report on the outcomes of the review provided to Council.



REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

Working Groups

- It is recognised that working groups are needed to support the work of the committees and may be established to provide discrete guidance and input into a specific issue.
- An example of working group focus areas under the BECAAC, may include Policy and Strategy and Community Led Climate Action Projects.
- Working groups will be administered by the Council administration. If a working group is formed, specific Terms of Reference (TOR) will be drafted outlining the:
 - Specific aims and objectives
 - Term of working group – no longer than three months
 - Meeting frequency and duration
 - Membership make up and selection criteria
 - Working group membership
- Membership will be outlined in the TOR.

Support to participate in meetings

- Community representation on committees is a voluntary role. Participants are entitled to reasonable support to enable meaningful and informed engagement. To allow for diverse participation, and considering the various circumstances of members, Council can support participation of members through provision of assistance which includes, but is not limited to, translators, hearing loops, and transport vouchers.
- There are additional reporting and monitoring requirements specified by Reconciliation Australia for the externally audited Reconciliation Action Plan (RAP) that place additional responsibilities on the RAP Advisory Committee. These Reconciliation Australia requirements include the payment of a sitting fee for community members.
- A sitting fee of \$60 per meeting is proposed to be paid to Aboriginal and Torres Strait Islander community members, which replaces the reimbursement of meeting costs afforded to members of the other advisory committees. The \$60 sitting fee is based on a benchmarking of the payments made by other local governments to Aboriginal and Torres Strait Islander community members.

Councillor Representation

- Each of the advisory committees will be chaired by a Councillor. The Reconciliation Action Plan (RAP) Advisory Committee will include co-chairing between a Councillor and Committee Member.
- Two Councillor delegates are required for each Advisory committee and two substitutes.

REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

- One Councillor delegate and one substitute is required for the population specific committees that feed into the Inclusive Banyule Advisory.

SUPPORTING REPORT DETAILS

Legal Consideration

- The new Local Government Act 2020 no longer references advisory committees and it is up to each Council to determine what committees it requires.
- Council has obligations to produce a number of plans required by various Acts of Parliament, which include the obligation of consultation, engagement and partnership with community and key stakeholders. These include for example:
 - *Local Government Act 2020* requires genuine and appropriate engagement that closes the loop.
 - Municipal Public Health and Wellbeing Plan is required under the Victorian *Public Health and Wellbeing Act 2008*.
 - Disability Plan is required under the *Victorian Disability Act 2006*.
 - Victorian *Charter of Human Rights and Responsibilities Act 2006*.
- The proposed advisory committee structure supports the development of these Policies, Plans and legal requirements.

Human Rights Charter

- The activities and role of Council's advisory committees work to enhance a range of human rights of our communities, particularly those who have come from communities at risk of exclusion.
- Human Rights that are enhanced by our Advisory 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.

Financial Implications

- There are no financial implications arising within this report.
- The resources required to support the committees is provided through Council's annual budgeting process.

Innovation and Continuous Improvement

- Including the voices of our community is an important aspect of how Council innovates and continuously improves.

REVIEW OF THE BANYULE ADVISORY COMMITTEES cont'd

Community Engagement

- Advisory committees provide a direct channel to community voices which offer valuable insight into how a program/ project will be received and delivers connections into local communities and community networks. The community voices provided by advisory/consultative committees are a resource for how Council conducts its business, that complements other sources of information, expertise and evidence.
- The role of the Advisory Committees is to assist Council and officers in the development, implementation and evaluation of Council's commitments. The Advisory Committees are an additional resource, a voice of the community to complement the evidence, information and resource base to inform Council's activities, practices and commitments. It is the lived experience and voice from community that is the valuable resource.
- The proposed advisory committee structure was developed after consultation with existing advisory committee members, Councillors, and an officer review.

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	Reconciliation Action Plan (RAP) Advisory Committee - Terms of Reference	
2	Inclusive Banyule Advisory Committee - Terms of Reference	
3	Arts & Culture Advisory Committee - Terms of Reference	
4	BECAAC - Terms of Reference	
5	Model terms of reference for population committees	

5.1 APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI- STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG

Author: Chris McInnes - Development Planner, City Development

Ward: Griffin

SUMMARY

1. The application seeks to construct a commercial office building with semi basement car parking at 14 Martin Street, Heidelberg in the Medical Services precinct of the Heidelberg Activity Centre.
2. The building presents as nine storeys to Martin Street and 11 storeys to the rear. The maximum height of the proposed building is 41.25 metres (AHD 97.6) as measured from the south east corner of the site (excluding rooftop services). This exceeds the preferred 19 metre maximum building height of the Design and Development Overlay (DDO5) which is applicable to the site.
3. The proposal provides 60 car parking spaces. This is less than the 98 required under Schedule 2 of the Parking Overlay. A financial contribution will be required as a condition of permit for the shortfall of onsite car parking spaces.
4. There have been 13 objections received with concerns regarding building height and design, traffic and parking and the impact on the adjoining heritage building primary concerns raised. A consultation meeting was conducted on 5 May 2021; however, this did not result in resolution to any of the major concerns discussed.
5. Permit conditions have been proposed to reduce the overall height of the building by deleting levels 6 and 7 and requiring a more sympathetic response to the adjoining heritage listed building.
6. It is considered that the proposal provides new local employment and business opportunities for the benefit of present and future generations. The building has been designed to be able to be easily converted for medical use in the future depending on future market demand. The proposal, subject to conditions, should be supported.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P1219/2020 for the development and use of the land for a multi storey office building within a Special Use Zone (SUZ3) on land subject to a Design and Development Overlay (DDO5) and removal of vegetation on land subject to a Vegetation Protection Overlay (VPO5) at 14 Martin Street HEIDELBERG subject to the following conditions:

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

FURTHER PLANS AND/OR DOCUMENTS TO BE SUBMITTED TO THE RESPONSIBLE AUTHORITY PRIOR TO COMMENCEMENT OF DEVELOPMENT

General Plans

1. Before the use and development 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 plans submitted on 1 February 2021 (Revision L) with the application but modified to show:
 - (a) The deletion of levels 6 and 7 and the remaining floors renumbered accordingly;
 - (b) A notation on the plan detailing alternative options for the green wall treatment proposed for the east (rear) elevation if plants used within this wall have not developed to an extent deemed acceptable by the Responsible Authority at a date 3 years from completion of the building;
 - (c) The north facing external wall facing 16 Martin Street, from ground level to the top of level 2, to be treated with materials and colours more sympathetic the heritage building located on the adjoining site, to the satisfaction of the Responsible Authority;
 - (d) West facing external windows to be provided with external shading devices such as blinds, louvers, fins or similar to assist with summer heat loads and reduce glare;
 - (e) Minimum of 4 visitor bicycle parking facilities provided in accordance with Clause 52.34 of the Scheme;
 - (f) Basement plans amended to show the location of designated electric vehicle parking bay(s) and location of charging infrastructure;
 - (g) A notation added to the plans detailing what measures will be implemented to the satisfaction of the Responsible Authority to ensure that the vehicular access door from the basement to the rear laneway will only be used when access is required to the electrical substation for maintenance, and cannot be used for any other purpose in accordance with Condition 19 of this Permit;
 - (h) The convex mirror proposed in the accessway relocated so as to provide increased visibility of pedestrians for vehicles exiting to the street;
 - (i) Design changes necessary to increase sight visibility on internal vehicular ramps within the basement to the satisfaction of the responsible authority;
 - (j) A stop/go light system for the main vehicular entry to the basement from Martin Street;

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG
cont'd

- (k) The access width of 6.2 metres to the mechanical parking platform in the basement increased in width to suit the platform width of 2.6 metres;
- (l) The accessway designed to accommodate simultaneous movement at the changes of direction within the basement carpark;
- (m) Any changes necessary as a result of the amended Sustainable design Assessment and Waste Management Plan required by Conditions 3 and 4 of this Permit;
- (n) The mail boxes located in accordance with Australia Post guidelines;
- (o) Location and sizing of any solar hot water units;
- (p) Location and sizing of any photovoltaic power generation systems;
- (q) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
- (r) Lateral clearance in lower basement ramp to comply with Design Standard 1 – Accessways of Clause 52.06;
- (s) Provision of swept paths to indicate simultaneous vehicular movement can be accommodated within the carpark at locations or swept paths indicating where vehicles can stop and wait for another vehicle to pass at each bend in compliance with B99 vehicle exit path and B85 vehicle entrance path.
- (t) All sustainable design features indicated in the Sustainability Management Plan (SMP) required by Condition 4 of this Permit. Where sustainable design features outlined in the SMP cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (u) Development Drainage Plans in accordance with Condition 2 of this permit;
- (v) An amended Waste Management Plan (WMP) in accordance with Condition 3 of this permit;
- (w) An Sustainability Management Plan (SMP) in accordance with Condition 4 of this permit;
- (x) A Construction Management Plan in accordance with Condition 11 of this permit;
- (y) A Maintenance Plan for the green wall treatment in accordance with Condition 5 of this permit; and
- (z) Tree Preservation Fencing in accordance with Condition 8 of this permit.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

Development Drainage Plans

2. Engineering plans showing a properly prepared design with computations for the internal drainage and method for disposal of stormwater from all roofed areas and sealed areas including:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated legal point of discharge;
 - (c) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report and include drainage details as a result of landscaping.
 - (d) All drainage plans must show for Trees #3 and #4: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by **Arbor Survey (Mark Reynolds) 14th November 2020;**

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

Waste Management Plan

3. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be submitted to and approved by the satisfaction of the Responsible Authority. The amended WMP must be substantially in accordance with the advertised WMP prepared by Ratio Consulting on 5 October 2020 by amended to show:
 - (a) The bin store located on a floor level with direct access to a passenger lift;
 - (b) The food organics bins to be a maximum size of 120 litres;
 - (c) The cardboard bin to be of a size accessible to persons of limited mobility;
 - (d) Details provided about waste storage and separation on each level of the building used as an office; and
 - (e) Hard waste storage area to be a minimum size of 3m³.

Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

Sustainability Management Plan

4. Prior to the commencement of the development, a Sustainability Management Plan (SMP) must be submitted to and approved by the satisfaction of the Responsible Authority. The SMP must be substantially in accordance with the advertised Sustainable Design Assessment (SDA) prepared by Enrate Pty Ltd dated 22 September 2020 but include:
- (a) Provide JV3 preliminary assessment to demonstrate energy reduction targets will be achieved and the BCA 2019 performance requirements will be met;
 - (b) Demonstrates that the building's thermal fabric reduces heating and cooling energy consumption below the reference case (NCC Section J) in at least 10%;
 - (c) BESS and SMP reports to be amended to include accurate PV array sizing;
 - (d) All showerheads to be included in BESS assessment;
 - (e) Where effective natural ventilation is not achieved, it is recommended that ventilation systems to be designed to provide 50% more outdoor air (in L/s) than the minimum required by AS 1668:2012; or ventilation systems to be designed to maintain CO₂ concentrations below 800ppm (CO₂ concentrations to be monitored and controlled);
 - (f) Further information on the planter boxes system applied to the rear façade to be provided;
 - (g) Internal blinds to be provided to all east, west and north facing glazing;
 - (h) Kitchen joinery which includes provision for separate disposal of soft plastic, organic, recycling and general waste; and
 - (i) An Implementation Plan section must be included to the SMP, to clearly identify each ESD measures and strategy together with its responsible party and stage of the project.

OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT

Green Wall Maintenance Plan

5. Prior to the commencement of the development, a Maintenance Plan for the green wall treatment proposed for the east (rear) elevation must be submitted to and approved by the satisfaction of the Responsible Authority. The plan must reference the endorsed landscaping plan and must include but not be limited to maintenance procedures, who will be responsible for maintaining the plant wall, how maintenance will be carried out on the property boundaries, and alternative options if plants used have not developed to an extent deemed acceptable by the Responsible Authority at a date 3 years from completion of the building in accordance with Condition 1(b) of this Permit.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG
cont'd

Parking Overlay Financial Contribution

6. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of the development a financial contribution for 14 car parking spaces of \$17,500 (ex GST) adjusted quarterly from 1 February 2016 must be paid to the Responsible Authority in lieu of the provision for 14 on-site car parking spaces in accordance with Schedule 2 to the Parking Overlay of the Banyule Planning Scheme

Note: Reduction adjusted due to reduced total leasable floor area in accordance with Condition 1(a).

Development Contribution Plan Overlay

7. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy and community infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

Tree Protection

8. Prior to the commencement of any building and/or demolition works, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
- (a) Tree protection zone distances:
 - Tree #3- 2 metre radius from the centre of the tree base.
 - Tree #4- 3 metre radius from the centre of the tree base.
 - (b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (c) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - (d) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - (e) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.

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- (f) All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
- (g) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
- (h) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- (i) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
- (j) For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over).
- (k) For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
- (l) Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.

Council Street Trees

9. No Council trees are to be removed without the prior written consent of the Responsible Authority.

Section 173 Agreement

10. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at 14 Martin Street HEIDELBERG must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement must require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1219/2020.
 - (b) The owner acknowledges that occupants of the dwellings will not be granted on-street or off-street parking by way of a resident or visitor vehicle parking permit.

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cont'd

A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

Construction Management Plan

11. Unless otherwise agreed, prior to the commencement of any works including demolition, a Construction Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority.

Note: Prior to the submission of the Construction Management Plan, please contact the Construction Management Assessment Officer to ensure the Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

Council Assets

12. Before any works associated with the development start, a written report, including photos of any existing damage to public infrastructure must be submitted and approved by the Responsible Authority (**Public Infrastructure Report**). The Public Infrastructure Report must identify the condition of Kerb & Channel, Footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Any damage to public infrastructure which is not identified in the Public Infrastructure Report must be prepared to the satisfaction of the Responsible Authority before the development is occupied.

ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT

Notification and rectification

13. Unless otherwise agreed in writing by the Responsible Authority, within 30 days of completion of the development, the owner of the land must advise the responsible Authority in writing that the construction works have been completed and all works have been carried out as per the endorsed documents.
14. Unless otherwise agreed in writing by the Responsible Authority, within 30 days of completion of the development, the owner of the land must remove all temporary hoardings, signage and construction fencing (excluding any required ongoing tree protection barriers) and temporary construction facilities.

Commencement of Use

15. The permitted use must not commence and the subject site must not be occupied for the use until all buildings and works and the conditions of this permit have been complied with, unless with the further prior written consent of the Responsible Authority.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

Car Park

16. Prior to the use permitted by this permit commencing, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- (a) Constructed to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.
 - (e) Line-marked to indicate each car space, loading bay and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - (f) In accordance with any Council adopted policy and guidelines for the construction of car parks including vehicle crossings.

Parking Spaces Clearly Indicated

17. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

ONGOING REQUIREMENTS OF THIS PERMIT

Layout Not To Be Altered

18. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Vehicular access from the rear laneway to the basement

19. The vehicular access door from the basement to the rear laneway is permitted to be used only when access is required to the electrical substation located in the basement for maintenance and may not be used for other purpose.

Amenity

20. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

(d) Presence of vermin.

(e) In any other way.

to the satisfaction of the Responsible Authority.

Directional Sign

21. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3m² in area.

Loading and Unloading

22. The loading and unloading of goods from vehicles and the delivery of goods must at all times be carried out within the boundaries of the subject land.

Use of Loading Area

23. The area designated on the endorsed plan for the purpose of loading and unloading of goods from vehicles shall be made available for such use and shall not be used for any other purpose.

Storage

24. No goods or packaging materials must be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

Garbage Receptacles

25. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare, and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the land.

No Dangerous Goods

26. The subject land must not be used for the storage of dangerous, hazardous or explosive goods, materials or substances except with the prior written consent of the Responsible Authority.

Parking for Disabled People

27. Parking space/s earmarked for disabled people and must be clearly set aside for such purposes and no other use of such space/s will be permitted.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

Landscaping Maintenance

28. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

Timeframes of this permit

Expiry of permit

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

Planning Permit Application:	P1219/2020
Development Planner:	Mr Christopher McInnes
Address:	14 Martin Street HEIDELBERG
Proposal:	Development and use of the land for a multi storey office building within a Special Use Zone (SUZ3) on land subject to a Design and Development Overlay (DDO5) and removal of vegetation on land subject to a Vegetation Protection Overlay (VPO5)
Existing Use/Development:	Single dwelling
Applicant:	14 Martin Pty Ltd
Zoning:	Special Use Zone (SUZ3)
Overlays:	Design and Development Overlay (DDO5) Vegetation Protection Overlay (VPO5) Development Contribution Plan Overlay (DCPO1) Parking Overlay (PO2)
Notification (Advertising):	Signs on site Notices to nearby owners and occupiers
Objections Received:	13
Ward:	Griffin

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

PROPOSAL

- The proposal can be generally described as follows:
 - Demolition of the existing single dwelling on the site and removal of seven canopy trees.
 - Construction of a nine storey commercial building with a four level basement car park.
 - It is proposed to use the building as an office. Floor to ceiling heights are considered adequate to enable conversion to a Medical Centre use as per the requirements of the Special Use Zone (SUZ3).
 - Building will be constructed boundary to boundary at ground level with a zero front and rear setback and will have a height of 34.63 metres above NGL (excluding lift overrun and rooftop mechanical plant) when viewed from Martin Street. However, given the fall of the site to the rear the maximum height increases to 41.25 metres overall when measured from the rear of the site.
 - Front façade of the building to be setback 4.774m from level 3 upwards.
 - The front façade of the building will feature a number of different architectural features including circular and arched elements. At ground level it is proposed to provide an artistic mural to provide visual interest and to help screen site services from street view.
 - Side elevations will feature textured concrete finishes (no windows).
 - The rear elevation will feature glass bricks and planter boxes from Level 1 upwards.
 - A large street tree will be able to be retained.
 - Vehicle access is proposed via a modified crossover to Martin Street at the south west corner of the site.
 - A loading bay has been provided on the second level of the basement with access via the rear laneway.
 - Floor area for the nine above ground levels is 3,291.2m² with 60 car parking spaces to be provided within the basement. Eighteen of these spaces will be provided within a mechanical car stacker.
 - Based on the floor area of the advertised plans, the use would require 98 parking spaces to be provided. Sixty spaces are proposed. As such, there is a shortfall of 38 spaces for which the applicant is seeking a reduction as part of the application.
 - Five motorcycle spaces and 20 bicycle spaces are also to be provided within the basement.
- A copy of the advertised plans form Attachment 1 to this report.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* (the Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

BACKGROUND

- There is no previous planning history pertaining to the subject site.

SUBJECT SITE AND SURROUNDING AREA

- The subject site is located on the east side of Martin Street, approximately halfway between Burgundy Street and Darebin Street.
- The site is regular in shape, with a frontage of 16.29 metres and a depth of 37.19 metres and an overall area of 603m².
- The site slopes from front to rear, with a fall of approximately 7 metres. The site currently contains a double storey single dwelling and a number of canopy trees.
- Adjoining the subject site on both sides are single storey dwellings currently being used as medical centres. The dwelling on the allotment to the north at 16 Martin Street is affected by a heritage overlay (HO43).
- Surrounding land is used and developed for a mix of residential, recreational, office and medical uses within both retrofitted and purpose-built developments.
- A higher, more intensive built form is emerging within the precinct, including multi-level residential apartment, office, and mixed-use developments. Notable nearby use and development includes the Austin and Mercy Hospital complex located on the southern side of Burgundy Street.
- The site is located close to public transport, with the Heidelberg Railway Station and bus interchange located approximately 650 metres away to the south east.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd



Locality Plan

PUBLIC NOTIFICATION

- Public notification was undertaken in accordance with Section 52 of the Act. One sign was erected on the site and notices posted to the owners and occupiers of surrounding properties.
- To date, 13 objections have been received. Grounds of objection are summarised as follows:
 - Traffic and parking including use of laneway and pedestrian safety;
 - Height of the building, overshadowing and loss of views
 - Overdevelopment
 - Unsympathetic to adjoining heritage building
 - Removal of vegetation
 - Impact to neighbourhood character of the residential area north of Darebin Street
 - Noise and disruption during construction phase
 - Boundary dispute between 12 and 14 Martin Street
 - Notification process was not carried out correctly

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

CONSULTATION

- A Consultation Meeting was held on 5 May 2021 with the Council Planning Officer, permit applicant, three Councillors including Ward Councillor and six objectors in attendance.
- Issues raised by the objectors primarily focused on the proposed reduction to the statutory car parking rate, the proposed use of the building as an office within the medical precinct of the Heidelberg Activity Centre, the height and scale of the building, and the impact upon the neighbouring heritage listed building at 16 Martin Street.
- No resolution to the concerns raised was achieved, however the permit applicant and Council representatives were able to answer questions from objectors during the meeting to assist in their understanding of the proposal.

REFERRAL COMMENTS

Internal referrals

	Response
Development Planning Arborist	Council's Development Planning Arborist supports the proposal, subject to conditions requiring tree protection fencing.
Developments & Drainage	Council's Developments & Drainage team supports the proposal, subject to conditions for drainage plans to be submitted requested to be placed on any permit issued.
ESD Advisor	Council's ESD Advisor supports the proposal, subject to conditions to be placed on any permit issued requiring additional information to be included in a Sustainability Management Plan (SMP).
Waste Management	Council's Waste Management team supports the proposal, subject to Conditions on any permit issued to ensure bin storage area in basement is accessible from lifts, the hard waste area enlarged, bin sizes altered and the submission of an amended Waste Management Plan providing details about waste storage and separation on each floor level.
City Futures	Council's City Future team advised that the internal fit out provide flexible opportunities for multiple uses including office, medical, co-working and other emerging office arrangements. Recent development including Warringal Hospital to the south are to be considered in determining a suitable height.
Traffic & Transport	Council's Traffic & Transport team supports the proposal, subject to conditions relating to car parking contributions and alterations to the car park design and layout to improve functionality and safety.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

PLANNING CONTROLS

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Special Use Zone – Schedule 3 (SUZ3)	37.01	Yes
Design and Development Overlay – Schedule 5 (DDO5)	43.02	Yes
Vegetation Protection Overlay – Schedule 5 (VPO5)	42.02	Yes
Parking Overlay – Schedule 2 (PO2)	45.09	Yes
Development Contributions Plan Overlay – Schedule 1 (DCPO1)	45.06	Yes

TECHNICAL CONSIDERATION

Planning and Local Planning Policy and Strategic Drivers

- It is considered that the proposed development is largely consistent with relevant Planning and Local Planning Policy Frameworks.
- Key considerations with regards to this application include:
 - The location of the site within the Heidelberg Activity Centre and the LaTrobe Employment Cluster;
 - The proposed use;
 - The overall height and setbacks of the building;
 - Heritage controls on the adjacent site to the north; and
 - Environmentally sustainable development.
- A detailed Technical Consideration assessment is included as Attachment 1 of this report.

Land use

- The subject site is located within the Special Use Zone (SUZ3). The purpose of the Special Use Zone is to recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.
- In the instance of the subject site, it is affected by Schedule 3, titled Residential and Medical Services Precinct. The purpose of this Schedule is:
 - To implement the Heidelberg Precinct Structure Plan.
 - To encourage the consolidation of medical services within this precinct.
 - To enable a mix of uses within developments that provides dwellings within upper levels of buildings.
 - To protect the amenity of patients and residents within and around this precinct.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

- An office land use is a Section 2 Use within the SUZ3 and requires planning permission.
- Whilst the Office use is not one which is specifically encouraged in Precinct 4, the site is relatively close to Precinct 3 and provides additional commercial and employment floorspace in the Activity Centre.
- Furthermore, the building provides opportunity for the future conversion to other land uses including medical related uses and for these reasons the use of the land for office is considered appropriate.

Building Height, Setbacks and Design

- The Design and Development Overlay (DDO5) seeks to promote new development that provides a positive contribution to the built form and public realm, to discourage underdevelopment of land, and to utilise vegetation to help create a strong identity for the Heidelberg Activity Centre.
- The DDO5 contains preferred maximum building heights to which buildings should be constructed which is a preferred building height of 19 metres for the subject site. A maximum height of 41.25 metres is proposed at the rear of the site excluding roof top services.
- There are examples of large buildings in the vicinity of the site including 8 and 10 Martin Street, the Warringal Private Hospital, and more widely within the Austin Hospital complex and south along Burgundy Street, however the nine storey height proposed exceeds those buildings within Martin Street and would be a notable variation.
- To ensure a more appropriate response to the existing development in the street and activity centre, conditions of permit will require the deletion of levels 6 and 7, the aim being an effective stepping down in building heights from Burgundy Street, north along Martin Street to Darebin Street. Together with balancing the other considerations as outlined in this report, it is considered to be an appropriate response.

Impacts on Heritage Building

- The adjoining site to the north at 16 Martin Street is affected by a Heritage Overlay (HO43). It contains an historic residence known as East View.
- As such, the north elevation of the proposal is considered a sensitive interface as it is unlikely this abutting site to the north will be redeveloped in the future.
- A condition has been proposed to require the north facing podium level external wall of the proposed building be treated in a sympathetic style to the abutting heritage property to lessen the impact the development will have on the heritage significance of the historic residence.

Car Parking

- The proposed development generates a standard car parking requirement of 98 car spaces (3.0 per 100 sqm of net floor area).
- Schedule 2 of the Parking Overlay which applies to the site requires that a financial contribution is required in lieu of any required car parking spaces which are not provided on the land.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

- As proposed conditions of the permit require the deletion of two levels from the building (805.6sqm), this will reduce the car parking requirement to a total of 74 spaces, and a reduced shortfall of 14 spaces.
- A condition of permit has been proposed requiring a financial contribution be paid for the reduction in the parking provision, as required by the Scheme.

Environmentally Sustainable Design

- The Sustainable Design Assessment (SDA) submitted with the application states that solar PV panels will be installed on the roof, a 15,000 litre capacity rainwater tank will be installed on site, that charging facilities for electric vehicles will be initially provided for 2 of the car parking spaces within the basement, and that there is a commitment to use only sustainable timber products, recycled steel and concrete to have 20% recycled content to reduce the use of Portland cement.
- Additional permit conditions have been proposed to further increase the energy efficiency and sustainability performance of the proposal, including requiring that permit applicant demonstrate that the building's thermal fabric reduces heating and cooling energy consumption by at least 10%, additional external window shading on the building's western façade, and requiring that all internal kitchen facilities include separate waste bins for soft plastic, organic, recycling and general waste.
- A condition of permit is proposed which will require a Sustainability Management Plan (SMP) be provided, in order to address any deficiencies of the SDA which have been identified during the assessment of the application to ensure that all policy requirements are met.

Vegetation Removal and Street trees

- The proposal includes the removal of all existing trees from the site. Four of these trees require a planning permit for removal (Trees #1, #2, #8 and #9) under the Vegetation Protection Overlay.
- The removal of the trees is supported based on their low and medium retention value, and the strategic drivers for development within the activity centre.
- A large street tree (Tree #4) is able to be retained as part of the proposal subject to tree protection conditions being placed on any permit issued. This tree is an Australian native species and has been assessed as being of high retention value. A second small street tree (Tree #3) will also be retained.

Response to Objections

- The majority of the objector's concerns have been addressed in the Technical Consideration section above and attached to this report, however the following require further discussion:

Pedestrian Safety

- A Construction Management Plan (CMP) is required as a condition of permit which will address measures including pedestrian access during the construction period. On the completion of the development the footpath along Martin Street and pedestrian access to the rear laneway will be reinstated.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

Loss of Views

- It is a longstanding planning precedent that there is generally no right to a view in an suburban context. Only in limited circumstances are views protected in Overlay controls such as within some schedules to the Heritage Overlay, or more commonly within Banyule in areas affected by the Significant Landscape Overlay.

Noise and disruption during construction phase

- This is a short term amenity issue that cannot be considered given that once a development has been completed, the issue is no longer relevant. Noise and dust in the short term are matters which are not controlled by the Planning Department and are policed by Council's Local Laws and Environmental Health Units and through the building regulations. A Construction Management Plan (CMP) is proposed as a condition of permit which will also address these issues.

Proposed artwork on front on the building not appropriate

- This issue was discussed during the Consultation Meeting where it was clarified that artwork is proposed to be used only to screen site services from view at street level, and that the image included on Sheet TP201 of the advertised plans is of a recently completed building in Richmond and intended to be indicative of the artwork, not cover the first three levels of the building façade.

Dispute in the location of the boundary between 12 and 14 Martin Street

- Sheet TP104 contains a notation on the south boundary that states 'New boundary on proposed Title Office Section 103 application'. 'Section 103' refers to that section of the Transfer of Land Act 1958 (Victoria). Section 103 is the part of the act that provides for the correction of errors on a property title. This is not a planning process, and any future dispute that objector has with regard to the location of the boundary will need to be dealt with as part of the Section 103 application.

Formal notification was not carried out correctly

- Public notification was undertaken correctly in accordance with Section 52 of the Act. One sign was erected on the site and notices posted to the owners and occupiers of surrounding properties. Notices were mailed out to 146 adjoining property owners and occupants. A list of name and addresses which were notified is available on file. This matter was discussed at the Consultation Meeting and later with individual objectors, where it was explained that letters are mailed to adjoining properties and purpose of the sign is to give notice of the application more widely.

Impacts to TV Reception

- This is not a planning consideration, but it is also considered unlikely given that that line of sight from the objector's property to the Mt Dandenong transmission towers passes to the south of the subject site, actually passing through 8 Martin Street which already contains a seven storey building.

APPLICATION FOR PLANNING PERMIT (P1219/2020) - CONSTRUCTION OF A MULTI-STOREY COMMERCIAL BUILDING - 14 MARTIN STREET, HEIDELBERG cont'd

CONCLUSION

- It is considered that the site provides a good opportunity for a large scale commercial development within the Heidelberg Activity Centre which will facilitate additional employment in this location. The height and scale of the development, subject to conditions, will achieve an appropriate outcome and adequately address impacts to the adjoining properties and surrounding area. The application should be supported and a notice of decision to grant a permit should be issued.

ATTACHMENTS

N	Title	Page
o	.	
1	Planning assessment ⇒	
2	Advertised plans ⇒	
3	DDO5 - Precinct 4 map ⇒	

5.2 IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN

Author: Mark Sheehan - Major Developments Planner, City Development

Ward: Chelsworth

SUMMARY

1. Ivanhoe Grammar School has made application seeking a planning permit for the construction of Buildings and Works (fence) in a heritage overlay located in various sections of the school's boundary, including along the Boulevard at the southern end of the school, at the boundaries on Elphin, Fairy and Merton Streets, Ivanhoe and across either end of the 'walkway' located immediately north of the 'South Ground' oval between Russell Street and the Ridgeway.
2. There is an endorsed Development Plan for the school site and the school has applied to amend the plan to reflect the fencing sought under the planning permit application.
3. The proposed fence (including gates) is not consistent with the Development Plan and is directly at odds with the spirit and intent of the endorsed masterplan under the Development Plan Overlay. The proposed fencing seeks to cease long standing access over the land in question that accrued rights may have been established by the broader community.
4. Negotiations have failed to produce an acceptable outcome with the School on behalf of the community's interests, and the applicant has elected to escalate their case to the Victorian Civil and Administrative Tribunal (VCAT) through the lodgement of two applications for review that are envisaged to be heard concurrently.
5. It is considered that the request to amend the Development Plan to show fencing and gates should not be supported noting that the IGS approach has not enabled appropriate community consultation and discussion of options. As such, it is considered that the permit application for the fence and gates cannot be approved.

RECOMMENDATION A

That Council having complied with the Development Plan process and Section 60 of the Planning and Environment Act 1987 resolves to refuse to amend the development plan as:

1. Any change to the reference to the existing ROW pedestrian access from Russell Street to Merton Street is not a minor change and requires community consultation in accordance with the requirements of Section 8 of the development plan;
2. The ceasing of access would be at odds with:
 - a) the communities on-going accrued rights of access over the land;
 - b) The longstanding commitment by Ivanhoe Grammar School to Council and the community through the various iterations of the Development Plan and associated community consultation.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

RECOMMENDATION B

That Council having complied with Section 60, 61 and 62 of the Planning and Environment Act 1987, resolve that if an application for review under Section 79 of the Planning and Environment Act (1987) had not been lodged with VCAT, Council would have issued a Refusal to Grant a Planning Permit in respect of Application No. P1468/2020 for Construction of a fence in a Heritage Overlay at 41 The Ridgeway, IVANHOE on the following grounds:

1. The proposed fencing is not in accordance with the development plan (contained at clause 43.04) and therefore the Responsible Authority is precluded from entertaining the issuing of a planning permit;

RECOMMENDATION C

That Council notes that Ivanhoe Grammar School representation has now applied directly to the Victorian Civil and Administrative Tribunal to remove reference to ROW access. This is despite this access having been a longstanding commitment by Ivanhoe Grammar School to Council and community through the various iterations of the Development Plan and associated community consultation.

RECOMMENDATION D

The Council write to the Principal of Ivanhoe Grammar School expressing disappointment in the approach taken by the school which is contrary to the given commitments to undertake consultation with the community and explore and table options to retain community access at points.

RECOMMENDATION E

That Council notes that:

1. Residents have been provided with an update in relation to the direction that Ivanhoe Grammar School is now taking.
2. Legal representation will be engaged for the Victorian Civil and Administrative Tribunal hearings in relation to this matter who will advocate that affected residents should have the right to join as an interested party in the relevant appeal matter.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

Proposal:	Combined Planning Permit Application P1468/2020 and application to amend the Development Plan
Development Planner:	Mark Sheehan
Address:	41 The Ridgeway, IVANHOE
Existing Use/Development:	Ivanhoe Grammar School
Applicant:	Ratio Pty Ltd
Zoning:	Neighbourhood Residential Zone 3, General Residential Zone 2
Overlays:	Development Plan Overlay 4, Environmental Significance Overlay 4, Vegetation Protection Overlay 3, Significant Landscape Overlay 2, Land Subject to Inundation Overlay, Heritage Overlay (HO69)
Notification (Advertising):	No
Objections Received:	N/A
Ward:	Chelsworth

BACKGROUND

- The first Ivanhoe Grammar School Development Plan was approved on 1 February 2000 (P777/1999).
- The development plan outlines the use and development of the Ridgeway campus of the Ivanhoe Grammar School from 2015 through to the end of 2021.
- The current version of the development plan was endorsed on 12 October 2018 following approval of an amendment at the Council meeting of 25 June 2018. The plan was amended in 2018 to allow alterations to the sports centre building envelope and setting hours of operation for school and community use of the rooftop courts of the sports centre. A copy of the endorsed development plan is available at <https://www.banyule.vic.gov.au/Planning-building/Review-local-planning-applications/Planning-applications-of-significant-interest/Documentation/Ivanhoe-Grammar-plans-and-details>
- A Planning Permit (P2018/850) was issued on 6 December 2018 to allow for construction of a sports centre, generally in accordance with the development plan. Construction of the sports centre commenced in 2019 and is still ongoing with completion expected in 2021.
- During construction of the sports centre (in September 2020), some additional works, including fencing works, were commenced that were not captured or approved by the sports centre permit, and that were not approved under the development plan.
- In response to those works, there were complaints from local residents about the construction of fencing and some local residents raised concerns that they do not wish to lose the access and ability to walk across the school grounds that they currently enjoy.
- Ivanhoe Grammar School was advised that the fencing works were not authorised and the works must cease. It was also advised that a planning permit is required for the fence but could not be considered as there is no provision for fencing on the approved Development Plan.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

- The school was notified that fencing would require an amendment to the development plan and that an amendment to the development plan would require a public notice process, in accordance with the requirements set out at Clause 8 of the development plan.
- The applicant lodged an application for planning permit and an application to amend the development plan in November 2020 as detailed below.

PROPOSAL

- The applicant seeks to amend the development plan to delete reference to wording relating to ROW/pedestrian access and to also clarify that the development plan does not relate to boundary fencing.
- The proposed amendments to the development plan are as follows:
 - Add written text at Section 3.3 and Section 4 to confirm that the development plan does not cover fencing.
 - Replace the proposed development plan at Figure 3.1 and Appendix D with an updated plan which deletes reference to the existing ROW pedestrian access from Russell Street to Merton Street.
 - Replace the proposed landscape plan at Figure 4.2 and Appendix E with an updated plan which deletes reference to the existing ROW pedestrian access from Russell Street to Merton Street.
 - The relevant pages of the proposed development plan with the amendments shown are provided as Attachment 1 to this report.
- A planning permit application has also been submitted for the construction of boundary fencing. Plans of proposed fencing are provided as Attachment 2 to this report.
- The fencing is to be up to 2 metres high metal picket fencing, powder coated blue to match existing fencing on site. It comprises the following:
 - Fencing to the front boundary to No.1 Merton Street (existing fire hydrant cabinet to be retained). The fencing extends onto the Ridgeway campus, with double gates (approximately 4.2 metres wide) proposed next to the Benson Centre. A 4.5 metre wide automatic sliding gate is provided to the existing footpath through the campus.
 - Fencing along the frontage to No.2 Fairy Street, which returns to the south within the campus to adjoin existing fencing. A 4.5 metre wide sliding gate is located in the north-eastern corner of the proposed fence.
 - Fencing along the Elphin Street frontage of the site, connecting with existing fencing to the car park and extending south to The Boulevard. A pedestrian gate (1.5 metres wide) is provided to the existing footpath, with an automatic sliding gate (4.5 metres wide) provided to the existing crossover to Elphin Street.
 - Fencing to The Boulevard (including retrospective approval for recently installed fencing close to the eastern boundary). Approximately 4.4 metre wide double gates on the south side of the TR Lee Building, off Russell Street.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

- Demolition of existing fencing, bollards etc is also proposed to accommodate the proposed fencing.

DECLARATION NOW SOUGHT BY APPLICANT

- While negotiations were ongoing, and hadn't yet reached the point of public notification, the applicant has now lodged an application for review of the planning permit application under Section 79 of the *Planning and Environment Act (1987)* and under Section 149A of the Act seeking a declaration with VCAT. The implication of this are discussed in the technical consideration below.

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* (the Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

SUBJECT SITE AND SURROUNDING AREA

- Ivanhoe Grammar School is located on the southern side of Lower Heidelberg Road, to the east of its intersection with Upper Heidelberg Road. It is bounded by The Boulevard to the south and The Ridgeway and Russell Street to the east and west respectively. The area is typically characterised by residential development set within established gardens.

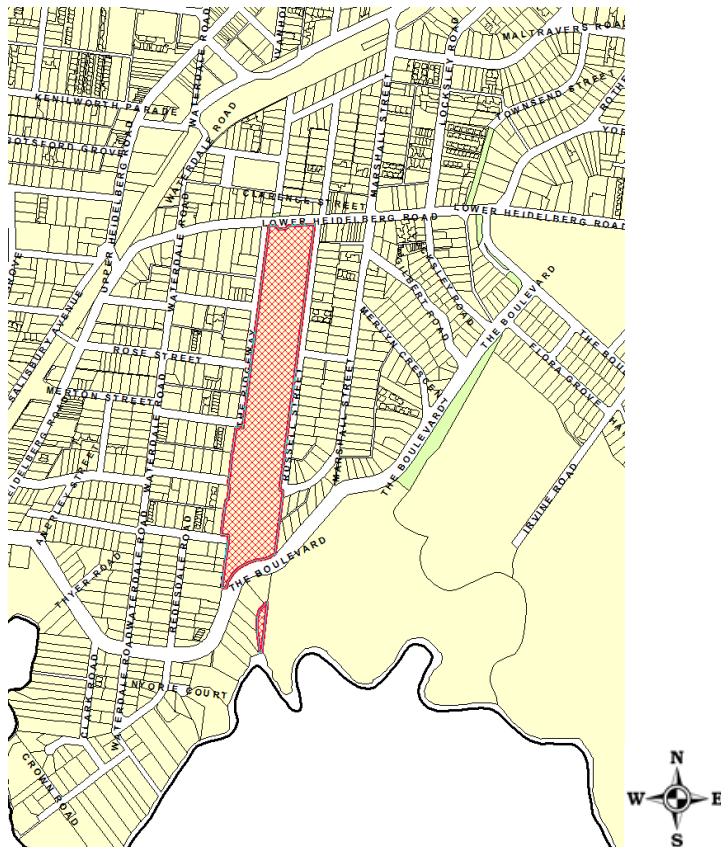


Figure 1: Subject site

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

PUBLIC NOTIFICATION

- The application to amend the development plan has not progressed to public notification. It was hoped that ongoing negotiations would lead to a revised development plan to respond to community concerns and provide for a degree of community access across the land.
- It is considered that an amendment to the development plan that results in the loss of pedestrian access across the land for the public should be notified to the local community. However, this matter is now disputed with the applicant despite there being agreement at the point the application was lodged.
- It is considered that immediately adjacent residential properties, the Ivanhoe Grammar Residents Information Group (IGRIG) as set out in the development plan and the local residents who have raised concerns about the potential loss of access should be consulted and have input before any decision is made. However, whether any residents can be a formal party to the VCAT proceeding and the extent of any notice is a matter that will have to be determined by VCAT. The Development Planning Team and Council's representation will advocate for this through the appropriate mechanisms.
- The above residents have been notified of this matter through an information sheet and an invitation to the Council meeting which considers this item.
- As described in the previous sections, the Heritage Overlay provides that the application for a planning permit for the fence itself is exempt from public notice.

REFERRAL COMMENTS

- Council's Arborist has reviewed the proposal and agrees with the arboricultural advice provided by the applicant that the fencing can be constructed so as to not adversely affect trees. If any approval were to issue, appropriate conditions could be included to ensure protection of trees.

PLANNING CONTROLS

Development Plan Overlay (Clause 43.04)

- A Development Plan must be approved to the satisfaction of the Responsible Authority under the Development Plan Overlay schedule 4 which applies to Private Educational Establishments. This clause requires the preparation of a Development Plan which must be submitted to and approved by Council.
- The plan must relate to the use and development of the land for the next five years and include, amongst other things, the existing and proposed numbers of staff and students, staging and timing of proposed development, height of all proposed buildings, existing and proposed landscaping, existing and proposed provisions for access, car parking and traffic management and measures to address the interface of the land with adjoining land.
- After the Development Plan is approved, each individual development project will still require Council approval through a formal planning permit process but will be exempt from public notification as long as it is generally consistent with the approved Development Plan.
- The current version of the development plan will expire at the end of 2021 and a new development plan will need to be prepared. The new version of the development plan will require community consultation prior to its approval.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

Heritage Overlay (Clause 43.01)

- The heritage overlay provides that a permit is required to construct or carry out works including a fence if it is visible from a street or public park.

General Exemptions - Buildings and works (Clause 62.02)

- Clause 62.02 sets out categories of buildings and works that would ordinarily not require a planning permit, unless those buildings and works specifically require a planning permit by a different clause in the planning scheme. A fence is listed within the general exemption, however the exemption for a fence does not apply where a specific control requires a permit for a fence. This is the case here as the Heritage Overlay 'overrides' the general exemption and mandates that a planning permit is required for a fence.

TECHNICAL CONSIDERATION

Application to amend the development plan

- The applicant was advised to apply to amend the development plan, so as to allow for the planning permit application to be made and that public notice and consultation would be a requirement.
- The applicant agreed with this requirement and lodged the development plan amendment application concurrently with the planning permit application.
- The applicant has been advised of concerns that the removal of public access and the construction of fencing prohibiting public access were a major change and that these were changes that were not in principle supported given the history of access and the potential legal questions as to public access rights to part of the land.
- A meeting was held with representatives of Ivanhoe Grammar School in February 2021 and an undertaking was given for the school to support consultation with the community and explore and table options to retain community access at points.
- With regard to the Section 149 application for declaration that the development plan be amended as requested, it is considered that a decision should be made to oppose the declaration sought and hold that the plan must not be amended as:
 - Any change to the reference to the existing ROW pedestrian access from Russell Street to Merton Street is not a minor change and requires community consultation in accordance with the requirements of Section 8 of the development plan. and
 - There is a potential legal right of access to the land for the local community.

Application for Planning Permit

- The application for planning permit for fencing is considered to be not in accordance with the development plan. Under the Development Plan Overlay (Clause 43.04), a planning permit cannot be issued for buildings and works that are not generally in accordance with an approved development plan.

IVANHOE GRAMMAR SCHOOL - FENCE AND DEVELOPMENT PLAN cont'd

- Whilst the development plan is generally silent on the matter of boundary fencing and does not include a dedicated or specific section relating to boundary fencing, the plan diagrams within the existing approved document do include some notations indicating the location, extent and type of existing fencing both to the boundaries and to some internal areas within the site. These are evident on the landscape plans at figure 4.1 in the development plan. Additionally, Figure 4.2 includes reference to 'proposed steel fence' as well as referencing existing fencing. These inclusions indicate that fencing is a matter that the plan includes as it is shown on those plans.
- The proposed fencing is not in keeping with the approved development plan, and therefore, a permit cannot be considered or approved.
- Notwithstanding that it is considered that a permit cannot be issued, if an application had not been lodged under Section 79 then the application for planning permit would have been refused on the ground that "The proposed fencing is not in accordance with the development plan and a permit cannot be issued".

NEXT STEPS

- Legal advice has been sought in relation to the applications now made to VCAT and legal representation will be engaged for this matter including the Practice Day hearing scheduled for 4 June 2021 where VCAT will consider a position on third party involvement.
- A further update will be provided to the community which explains the outcome from the Practice Day hearing and next steps.

ATTACHMENTS

N	Title	Page
•		
•		
1	41 The Ridgeway IVANHOE - Proposed amended pages to development plan	
2	P1468/2020 - Plans of proposed fencing	

5.3 ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY

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

Previous Items

Council on 08 Feb 2021 7.00pm (Item 5.2 - State Government Roadmap for Environmentally Sustainable Development in Victoria's Planning System)

Council on 08 Feb 2021 7.00pm (Item 4.1 - Climate Action - Annual Update)

Council on 17 August 2020 (Item 5.3 - Community Climate Action Plan Adoption)

SUMMARY

1. Banyule City Council is a member of the Council Alliance for a Sustainable Built Environment (CASBE) and have historically invested in the development of Environmentally Sustainable Development (ESD) requirements in local planning policy.
2. CASBE is inviting all Victorian Council's to express interest in participating in a joint planning scheme amendment to elevate existing ESD Targets in the Planning Scheme for development outcomes through revised ESD policy objectives and standards.
3. The Elevating Targets project sets out to improve existing local ESD policy including the introduction of mandatory minimum standards to work to achieve net zero carbon emissions for energy use in new buildings where a planning permit is required.
4. Council joining this project is consistent with the direction and commitment articulated in Banyule's Community Climate Action Plan and submission to stage 1 of the State Government's Roadmap for ESD. The project has the potential to lift ESD in planning outcomes and furthers Banyule's advocacy position on climate action.
5. Concurrently, the Department of Environment, Land, Water and Planning (DELWP) have released a Roadmap outlining the State Government's agenda for supporting ESD through Victoria's planning system. Stage 2 of the Roadmap work will focus on development of new ESD objectives and standards to give effect to the strategies set out in planning policy with stakeholders facilitated by DELWP by mid-2021.

ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY cont'd

RECOMMENDATION

That Council:

1. Endorses Banyule's participation in the Environmentally Sustainable Development (ESD) 'Elevating Targets' Project run by the Council Alliance for a Sustainable Built Environment (CASBE)
2. Enter into a Memorandum of Understanding for the 'Elevating ESD Targets' Project and commit to the required financial contribution which would be a maximum of \$130,000 funded through the existing Environment Sustainability Project funding in the operational budget.
3. Authorise the Director City Development to execute the necessary documents.

COUNCIL PLAN

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

BACKGROUND

Local ESD Policy

- Environmentally Sustainable Development (ESD) is a keystone principle in Victoria's planning system, embedded in the strategic objectives of State and Local Planning Provisions. However, there has been a significant disconnect between these higher order objectives and achieving on the ground ESD outcomes.
- The main tools and statutory provisions for ESD have traditionally operated outside the planning system, buoyed by the generally held view that ESD should only be addressed during the building stage of a development. Given the lifespan of most new developments, sustainable design at the planning stage is a significant opportunity to set the blueprint for environmental efficiency over the life of development, with long term environmental, economic and social impacts and consequences of inaction. Local government has a role to deliver better sustainable development outcomes for the community.
- In 2005, Moreland City Council and City of Port Phillip pioneered the development of ESD assessment tools for local government. This work was the catalyst for the Sustainable Design Assessment in the Planning Process (SDAPP) program, a framework for considering key environmental performance in the planning permit approvals process. More than 20 Victorian councils have now adopted and implement the SDAPP program. The Council Alliance for Sustainable Built Environment (CASBE) was established in 2009 based on growing local government commitment to a more sustainable built environment.
- CASBE facilitated the uptake of SDAPP and supported the research and policy development that underpinned the ESD policies pioneered and introduced by six Councils including Banyule who requested authorisation of an ESD policy in 2009 which was finally approved in November 2015.

ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY cont'd

- The ESD policy recognises the importance of considering environmentally sustainable design at the time of planning approval for new development so as to maximise sustainable design outcomes and minimise costs associated with retrofit and poor design. The policy enables the following efficiencies and benefits to be achieved:
 - Easier compliance with building requirements through passive design
Reduction of life cycle of building costs
 - Improved housing affordability and running costs
 - Improved amenity and liveability
 - More environmentally sustainable urban form.

Banyule's Community Climate Action Plan (CAP)

- Banyule's Community Climate Action Plan (CAP) was adopted by Council on 17 August 2020. The CAP outlines opportunities for emission reductions across the Banyule municipality. Building upon Council's own Corporate Emissions Reduction Plan, it has been established to:
 - Highlight the broader context in which action is occurring;
 - Provide guidance and information to key stakeholders (residents, schools and business) in undertaking action;
 - Identify priorities for strengthening Banyule's adaptation response; and
 - Highlight the actions that Council will take to support and accelerate progress for the municipality.

State Government Roadmap for ESD

- The Department of Environment, Land, Water and Planning (DELWP) have released a Roadmap outlining the State Government's agenda for supporting Environmentally Sustainable Development (ESD) through Victoria's planning system. The Roadmap paper describes a two-stage approach.
- **Stage 1** involves updates to the Planning Policy Framework (PPF) to more comprehensively incorporate ESD considerations to better reflect the current range of government policy objectives.
- **Stage 2** of the work will focus on development of new ESD objectives and standards to give effect to the strategies set out in planning policy. Broad public and stakeholder consultation on these detailed provisions will commence by mid-2021.
- At Council Meeting 8 February 2021, Council resolved to make a submission in relation to Stage 1 of the State Government's 'Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system' which:
 - a) *Recognises and supports the benefits in strengthening Environmentally Sustainable Development (ESD) policy in Planning Schemes Across Victoria to create greater consistency and clarity of intent.*
 - b) *Indicates general overall support for the process.*

ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY cont'd

- c) *Notes the importance of a review of Building Regulations and the National Construction Code alongside Victoria's planning system.*
 - d) *Notes that Council supports the Built Environment Sustainability Scorecard (BESS) as an assessment tool to support the Sustainable Design Assessment in the Planning Process (SDAPP) framework and a consistent and streamlined process for Councils and planning permit applicants.*
- Council also resolved to:
 - *Proactively pursue an appropriate Environmentally Sustainable Development (ESD) position in the Banyule Planning Scheme, which is consistent with Council's Community Climate Action Plan, through Stage 2 of the process outlined by the State Government noting that this is where more detailed planning mechanisms are to be developed through a consultative process.*

Elevating Targets Project Opportunity

- Banyule City Council is a member of the Council Alliance for a Sustainable Built Environment (CASBE) and have historically invested in the development of ESD requirements in local planning policy.
- CASBE is inviting all Victorian Council's to express interest in participating in a joint planning scheme amendment to Elevate existing ESD targets in the Planning Scheme for development outcomes through revised ESD policy objectives and standards.
- The Elevating Targets project sets out to improve existing local ESD policy including introduction of minimum standards to work toward achieving net zero carbon emissions for energy use in new buildings where a planning permit is required.

KEY ISSUES

- Banyule has historically taken a strong position in advocating for the Planning Scheme to support ESD outcomes through a local policy. This is further underpinned by Banyule's Community Climate Action Plan (CAP). Taking part in a further joint initiative to strengthen the position is consistent with the Council direction.
- Banyule has also advocated that the Minister for Planning should take a lead and introduce strong ESD provision in all Victorian Planning Schemes rather than leaving this to a small group of councils.
- The timing, certainty and detail of any outcome may vary from that anticipated by the project at this stage, however, there is merit in proceeding in good faith noting that taking this approach previously has positioned Banyule where it is today in ESD policy.

SUPPORTING REPORT DETAILS

Legal Consideration

- Stage 1 of the project will finalise the evidence base and undertake peer and legal reviews of the proposed elevated ESD objectives and standards

ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY cont'd

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 in relation to property.

Sustainable Procurement Outcomes

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

Financial Implications

- The estimated cost of the joint planning scheme amendment has been broken down into Stage 1 and 2 by CASBE. The total estimated costs of Stage 1 is \$120,000 (with \$20,000 of to be contributed by CASBE). Therefore, a total shared estimated cost of \$100,000 is required by participating councils. The contribution Banyule City Council would make if it were to join would be based on the number of Council's involved.
- The cost of Stage 2 has also been estimated by CASBE and is based off the original 'Joint 6' planning scheme amendment. The estimated cost for Stage 2 is \$300,000. Again, the contribution Council makes would be based on the number of councils involved and further discussions with CASBE. (see Section 6 of Attachment 1).
- The worst-case scenario contribution for Council would be approximately \$130,000 if no other councils joined. However, it is understood that 17 councils have submitted an expression of interest to be involved.
- There is also an expectation for in-kind contribution of 0.1-0.2 EFT of a Strategic Planning Officer for the duration of Stages 1 and 2 of the project.

Community Engagement

- Engagement was undertaken in 2018 and 2019 to inform Council's Climate Action Resolution (December 2018) and Community Climate Action Plan. This work underpins exploration of a stronger Planning Scheme Position.
- The community and stakeholders would have an opportunity to make a submission to the specific 'Elevating targets' proposal as part of formal exhibition.

Collaboration

- The project is based in a collaborative approach between councils that elect to join Cities of Yarra and Moreland.

Key Considerations

- The *Sustainable Design Assessment in the Planning Process (SDAPP)* Framework focuses on applying ESD principles to the built environment through the statutory planning system in order to achieve more sustainable building outcomes for the long-term benefit of the wider community.

ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS - PROJECT OPPORTUNITY cont'd

- There are several components that support and underpin the SDAPP Framework which are detailed further in Attachment 1. These include:
 - **Local ESD Planning Policy OBJECTIVES**, which includes the ‘Best Practice’ definition, and the objectives for each Sustainable Building Category.
 - **The Best Practice Standards**, which outline councils’ minimum expectations to meet the objectives in the policy. As the Best Practice standards are how councils measure whether a development has met the ESD objectives of council, they are the crux of the SDAPP Framework.
 - **The SDAPP Assets**, which includes the Built Environment Sustainability Scorecard (BESS),
- BESS assesses projects against established benchmarks in nine environmental categories. These categories are consistent with the environmental objectives in the Environmentally Sustainable Development Local Planning Policy.

The elevating targets project will seek to implement revised and elevated ESD policy objectives and standards (stage 1) through an Amendment to the Banyule Planning Scheme (stage 2). This must be supported by the Minister for Planning. It is anticipated that further detail on the extent of elevation of the targets, standards and objectives will be outlined through the project which will focus on: Emissions Climate Resilience Social Sustainability Innovation

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	SDAPP and BESS explained	

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5.4 MACLEOD RECREATION AND FITNESS CENTRE REDEVELOPMENT UPDATE

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

Ward: Ibbott

SUMMARY

1. The Macleod Recreation Redevelopment Master Plan (the Master Plan) was updated in 2018 with an estimated \$15m cost to implement the full plan.
2. The COVID-19 pandemic caused significant disruption to the viability and operation of the centre. The pandemic also disrupted plans to commence design development of the Master Plan, the review of the operating model and Request for Proposal for a service provider.
3. A recent review of the Master Plan has identified an opportunity to better respond to the overlap between service planning and asset renewal by undertaking strategic needs analysis and social infrastructure planning for the precinct prior to any major redevelopment works.
4. Building maintenance and accessibility issues are impacting current operations and will need to be addressed in the short term. This can be achieved via a series of building works; including upgrades to accessibility, building presentation and replacement of loose furniture and fittings.
5. A current capital works budget of \$800k has been allocated to this project for design and development of the Master Plan. It is requested that these funds be reallocated to enable the project to proceed in line with the revised purpose and scope.
6. The proposal is to reallocate the current \$800k of capital works funds towards:
 - Completing a high-level schematic design based on existing Master Plan;
 - Undertaking capital works upgrades to address immediate building maintenance issues; and
 - Conducting research, planning and a review of the operating model to ensure delivery of best value services for the community through infrastructure investment.
7. Further funding will be required in future capital works budgets to undertake detailed design and construction once the scope of the complete upgrade has been clarified.

**MACLEOD RECREATION AND FITNESS CENTRE REDEVELOPMENT UPDATE
cont'd**

RECOMMENDATION

That Council:

1. Reallocate the current \$800k of capital works funds allocated for the Macleod Recreation Redevelopment Master Plan towards:
 - a. Completing a schematic design based on existing Master Plan to be 'shovel ready' should funding opportunities arise;
 - b. Undertaking upgrades to address immediate building maintenance and accessibility issues; and
 - c. Conducting research, planning and a review of the operating model to ensure delivery of best value services for the community through infrastructure investment.
2. Notes changes to project scope.
3. Actively pursues and advocates for external funding opportunities to support the upgrade of the Centre through State Government grants and identification of other potential funding sources.
4. Receives a further report outlining the outcomes and recommendations from the social infrastructure planning and operating model review.

COUNCIL PLAN

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

BACKGROUND

- Macleod Recreation and Fitness Centre (MRFC) is a key recreational facility for the residents of Macleod and surrounding suburbs. Operating as a community leisure facility since the late 1970s, the MRFC is currently at programming capacity and there are a number of universal access and design issues limiting its functionality and ability to serve its community.
- To determine a way forward for the facility, a Master Plan was undertaken in 2014/15 which involved considerable stakeholder and community input. The Master Plan adopted by Council in November 2015 recommended approximately \$11m worth of capital improvement works with the key outcome being a fully redeveloped facility to better meet the needs of the community.
- The Master Plan was updated in 2018 and an architectural firm was appointed to undertake initial schematic design and a high-level cost plan. The estimated cost to implement the full master plan is \$15m.
- The COVID-19 pandemic caused significant disruption to the viability and operation of the centre. The pandemic also disrupted plans to commence design development of the Master Plan, the review of the operating model and Request for Proposal for a service provider.

**MACLEOD RECREATION AND FITNESS CENTRE REDEVELOPMENT UPDATE
cont'd**

- Council is working towards broader Community Infrastructure Service Planning (CISP). This project will undertake strategic planning concurrently with the broader CISP framework development.
- MRFC is located on Crown land and leased to Council. The buildings located on the site are owned by Council and leased to YMCA Victoria. The lease is currently in overhold and it is intended to remain in overhold with YMCA Victoria to allow the social infrastructure planning and operating model to be reviewed.

KEY ISSUES

- In order to provide an ongoing sustainable and affordable service delivery model to our community at MRFC, the necessary strategic planning is required in advance of any future design or construction works.
- This project will address the gaps in information required to drive the project forward with a view to creating a fit for purpose community facility that addresses the needs of the local community post COVID-19 pandemic.
 - This will be achieved through much needed social infrastructure planning that seeks to understand the social value derived from major investment in our infrastructure.
- Council will review the lease arrangements and establish a sustainable operating model in line with current trends in leisure facilities contract management.
 - This will be achieved through a business case to determine scope, followed by a Request for Proposal for service provider. This may also include provision for a Capital Improvement Lease.
- Actions required in order to ensure the operation of the facility in the short term is viable.
 - This will be achieved via a series of immediate building maintenance works; including upgrades to accessibility, building presentation and replacement of loose furniture and fittings.

Revised project scope - Short term: 2021-2022

- Complete a high-level schematic design based on existing Master Plan (detailed enough to have the project shovel ready should a funding opportunity arise).
- Social Infrastructure planning
- Management model review & business case
- Substantial Facility Upgrades including:
 - Compliance and asset renewal work as outlined in 10yr Asset Management Plan [targeted roof replacement, interior and exterior painting, electrical upgrade],
 - Loose furniture,
 - Universal access upgrades,
 - Wayfinding & external works.

**MACLEOD RECREATION AND FITNESS CENTRE REDEVELOPMENT UPDATE
cont'd**

SUPPORTING REPORT DETAILS

Legal Consideration

- MRFC is on Crown land and leased to Council and all improvements are subject to Department of Environment, Land, Water and Planning (DELWP) approval and Council's statutory requirements under the *Local Government Act 2020*.
- Council will consult with DELWP prior to any future redevelopment of the site, in accordance with DELWP Committee of Management Guidelines 2020.
- There are no direct legal implications arising from the issues 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*.
- Everybody has a right to access and use public places and these works ensure universal access improvements for community will result from the alterations.

Sustainable Procurement Outcomes

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

Financial Implications

- A current capital works budget of \$800k has been allocated to this project for design and development of the Master Plan. It is requested that these funds be reallocated to enable the project to proceed in line with the revised purpose and scope.
- Further funding will be required in future capital works budgets to undertake detailed design and construction once the scope of the complete upgrade has been clarified.
- Grant funding may be sought from the State Government through the 'Better Indoor Stadium Fund' for a contribution towards the construction component.
- Funding of significant capital works as part of the redevelopment may be sought from service providers through the EOI process for a long-term lease to manage and operate the centre.

Community Engagement

- An extensive programme of consultation occurred during the development of the Master Plan and further consultation took place with members and user groups in early July 2019.
- Members, key stakeholders and community will continue to be informed and engaged throughout the project. An updated communication and engagement plan will be prepared to inform stakeholders of the preferred way forward.

**MACLEOD RECREATION AND FITNESS CENTRE REDEVELOPMENT UPDATE
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

5.5 MODERNISING VICTORIA'S BUILDING SYSTEM - SUBMISSION TO BUILDING REFORM

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

SUMMARY

1. The State Government has established an independent panel (the Panel) to lead its review of the building legislative and regulatory system and has released 'Framework for Reform – Modernising Victoria's building system' (the Framework).
2. Stakeholder feedback is being sought in relation to issues, possible improvements and key questions across four themes outlined in the Framework being practitioner registration, building approvals, regulatory oversight and consumer protection.
3. Four 'Building Approval' models' are proposed in the Framework. It is considered that the Panel's recommended model is the preferred model notwithstanding that adoption of any of the models will impact on Council primarily as a regulator but also as a provider of building permit services.
4. A submission should be made to the Building Reform Expert Panel which provides commentary in relation to the reform framework themes and also advocates that the Panel give further consideration exploring solutions and provide more detail in relation to a range of issues.

RECOMMENDATION

That Council make a submission to the independent Building Reform Expert Panel (the Panel) (Attachment) 1 which:

1. Gives broad support to the Building Reform review including the recommendation to establish a State Building Surveyor as the statutory technical peak building authority for the State of Victoria.
2. Provides commentary in relation to the four 'Building Approval' models' which are discussed in the Framework for Reform – Modernising Victoria's building system (the Framework) based on recommendations from the Victorian Municipal Building Surveyors Group (VMBSG), the Municipal Association of Victoria (MAV), the Australian Institute of Building Surveyors (AIBS) and a further consideration from the review Panel.
3. Nominates the Panel's model for 'Building Approval' as the preferred model.
4. Provides commentary in relation to the Framework themes of practitioner registration, building approvals, regulatory oversight and consumer protection.
5. Notes that all alternative 'building approval' models proposed will result in greater responsibility and resourcing implications for Council.
6. Advocates that the Panel give further consideration to solutions and provide more detail in relation to a range of issues.

MODERNISING VICTORIA'S BUILDING SYSTEM - SUBMISSION TO BUILDING REFORM cont'd

COUNCIL PLAN

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

BACKGROUND

- The State Government's independent panel's (the Panel) review (the Review) of the building legislative and regulatory system sought to address risks of regulatory failure and modernise the legislative and regulatory framework to address contemporary building design and construction processes.
- The key objectives of the Review are to create a building regulatory system for Victoria that:
 - Delivers safe, compliant, durable, affordable and sustainable housing and buildings efficiently and effectively;
 - Protects consumers and improves confidence in the industry and regulators;
 - Supports skilled and experienced practitioners to carry out compliant and safe practices; and
 - Supports regulators to effectively and efficiently enforce compliance.
- The Framework for Reform – Modernising Victoria's building system (the Framework) can be viewed at https://engage.vic.gov.au/download_file/45232/5338
- Four 'Building Approval' models are discussed in the Framework based on recommendations from the Victorian Municipal Building Surveyors Group (VMBSG), the Municipal Association of Victoria (MAV), the Australian Institute of Building Surveyors (AIBS) as well as a further consideration from the review Panel. A summary of the models is set out in table 1 below.

MODERNISING VICTORIA'S BUILDING SYSTEM - SUBMISSION TO BUILDING REFORM cont'd

Table 1: Proposed 'building approval' models

VMBSG model	Centralised building approvals. Primary responsibility to MBS. PBS role limited to certification of plans and building designs to support applications. No enforcement functions for PBS.
MAV model	PBS to retain role but with greater oversight. Permit and inspection function must be split across different PBSs. Limited enforcement functions for PBS.
AIBS model	Tiered approach with PBS and MBS roles vary depending on class of building. Includes additional steps in building approval process. MBS must complete mandatory inspections. No enforcement functions for PBS.
Panel model	Graduated approach based on risk and complexity of building for building approvals, inspections and enforcement.

KEY ISSUES

Practitioner Registration

- Council does not play a direct role in this aspect of the building system however, it is important that all trades should be registered and accountable for their contribution to building work. Furthermore, it is apparent that building supervisors are currently unregistered and essentially act as Domestic builder Managers in a majority of volume built homes. There can be limited oversight of building work by the nominated Registered builder.

Building Approvals

- There is merit to improved transparency, independence, separation and auditing of building work certification and inspection functions sought as an outcome of the Review;
- The identified models will address the need for independence and the current conflicts of interest of the Private Building Surveyor to be addressed through legislative improvement,
- The graduated risk approach is the preferred model however, more detail is needed in relation to configuration of the risk and complexity approach.
- Any changes to the building system impact on Council in its role as a Private Building Surveyor (PBS) acting for Banyule BPi as well as a regulator as Municipal Building Surveyor (MBS) with enforcement responsibilities.

MODERNISING VICTORIA'S BUILDING SYSTEM - SUBMISSION TO BUILDING REFORM cont'd

- The submission also recommended that the Panel should give further consideration to whether the reform process must take the opportunity to provide a framework for mandatory inspections of Environmental Sustainable Development measures and outcomes where required in Planning Permit approvals.

Regulatory Oversight

- The need for a more cohesive approach to Regulatory oversight has been evident in the fragmented approach to compliance and enforcement to date.
- Creation of an independent Office of the State Building Surveyor (SBS) is supported which would play a role for buildings of high risk and complexity. The frequency of this typology of building in Banyule is limited.

Consumer Protection

- It is considered that a robust and centralised warranty system covering building defects, not only insolvency or death of the builder should be considered.

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

- It noted that all alternative 'building approval' models will result in greater responsibility and resourcing implications for Council.

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

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MODERNISING VICTORIA'S BUILDING SYSTEM - SUBMISSION TO BUILDING REFORM cont'd

1 Submission to Expert Panel



6.1 IVANHOE SPORTS PRECINCT PLAN

Author: Nicole Maslin - Manager Leisure, Recreation and Culture Services,
Community Programs

Ward: Chelsworth

Previous Items

Council on 08 Oct 2018 7.00pm (Item 6.2 - Ivanhoe Sports Precinct Plan)

SUMMARY

1. The draft Ivanhoe Sports Precinct Plan (the Plan) (Attachment 1) establishes a strategic approach to the precinct across three sites - Ivanhoe Park, Ivanhoe Recreation Reserve (John Street) and Chelsworth Park.
2. Following Council consideration of a final draft Plan a Masterplan for the Ivanhoe Precinct will be developed to guide sports and recreation facility development, unstructured use for play, events and passive recreation.
3. A community reference group consisting of a representative from each sports club within the precinct and a community representative, has worked with Council over the last 18 months developing the Plan and exploring the various options from which to progress towards the Ivanhoe Sports Precinct Masterplan. The reference group developed a set of planning principles to guide the development of the Plan.
4. Extensive community consultation and engagement was undertaken with key stakeholders and the relevant state sporting associations to determine current and future needs and participation growth trends. A survey of residents surrounding the three sites was undertaken to seek feedback on the amenity, likes and areas for improvements, (Attachment 2).
5. The draft Plan: Issues and Options Report provides full details of the outcomes of the consultation, site analysis, constraints and opportunities, (Attachment 1). It presents 2 draft options for future Masterplan development and recommends that (one) option be released for community consultation and engagement, this being Option 1, (Attachment 3).
6. A further report will be presented to Council detailing feedback received on Option 1 and seeking Council endorsement to adopt a final draft Ivanhoe Sports Precinct Plan and proceed to the next stage of developing an Ivanhoe Sports Precinct Masterplan.

RECOMMENDATION

That Council:

1. Notes the draft Ivanhoe Sports Precinct Plan Issues and Options report (Attachment 1) to this report.
2. Releases the draft Ivanhoe Sports Precinct Plan Issues and Option report: Option 1, (Attachment 3) for community consultation through Shaping Banyule.

IVANHOE SPORTS PRECINCT PLAN cont'd

3. Endorses the community engagement approach to the draft Ivanhoe Sports Precinct Plan Issues and Options Report: Option 1.
4. Receives a further report on the feedback from the draft Ivanhoe Sports Precinct Plan Issues and Options Report: Option 1, seeking Council endorsement to adopt a final draft Ivanhoe Sports Precinct Plan and proceed to the next stage of developing an Ivanhoe Sports Precinct Masterplan.

COUNCIL PLAN

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

BACKGROUND

- Ivanhoe Park, Chelsworth Park and Ivanhoe Recreation Reserve (John Street), Ivanhoe collectively form a significant sporting precinct that is home to 14 clubs with in-excess of 2000 plus registered members and a significant student population. It also fulfils a strong passive recreation role where the community enjoy its natural environment and amenity.
- Council resolved to fund an Ivanhoe Sports Precinct Plan (the Plan) at Council Meeting 8 October 2018. This was in response to several separate budget submissions from clubs requesting improvements to: address ageing facilities, improve access, increase standards and the need to accommodate growth and participation increases.
- Council was seeking a long-term plan that could consider all of these factors and needs and could guide the effective planning of priorities for the future, (Attachment 1).
- Council officers have been working collaboratively with a community reference group using a set of agreed principles to guide the Plan’s development since project inception.
- Extensive community consultation and engagement was undertaken with key stakeholders and the relevant state sporting associations to determine current and future needs and participation growth trends. A survey of residents surrounding the three sites was undertaken to seek feedback on the amenity, likes and areas for improvements (Attachment 2).

KEY ISSUES

- The draft Ivanhoe Sports Precinct Plan: Issues and Options Report (Attachment 1), presents five main issues and opportunities that influence the future development of the precinct. These are:
 - The need to rationalise existing infrastructure and facilities and create stronger linkages between sports within precinct.
 - The age of the unstructured amenities that require upgrade.
 - Changing sport participation demands.
 - Facilities which don’t meet current industry standards.

IVANHOE SPORTS PRECINCT PLAN cont'd

- Community advocacy for outdoor netball facilities to meet club growth and local training needs.
- The draft Plan recommends a consolidation of the two bowling clubs, either at John Street or Ivanhoe Park. Option One – Bowls at John Street is recommended as the preferred option on the basis that it delivers:
 - Consolidation of bowls and tennis at John Street, with less impact on residential amenity.
 - Updates and integrates clubroom and court /green access at John Street for bowls and tennis to share.
 - Provides logical linkages between the junior football and netball club at Ivanhoe Park in line with State strategies.
 - Delivers improved and diverse open space to Ivanhoe Park in line with the objectives of the *Banyule Public Open Space Plan 2016-2031*.
 - Delivers access to 3 outdoor netball courts to meet demand for 250 female participants and broader community use and access.
 - Improves the open space safety, use and amenity on the corner of the Boulevard and Lower Heidelberg Road and provides a welcoming point of entry from Heidelberg Road.
 - Enables the croquet facility to be extended, supporting regional events.
 - Rationalises built infrastructure and improves the overall amenity of Ivanhoe Park.
 - Maintains the bowls clubrooms at Ivanhoe Park to provide flexible community spaces, with the potential to accommodate a range of community users and groups.
- Both bowling clubs initially approached Council in 2018 indicating an interest to investigate a possible merger between the clubs due to declining participation rates, the challenges of building membership and their difficulty finding the growth needed to support the ongoing sustainability of the clubs. The evidence and analysis gathered through this Plan's development indicates that two bowls clubs located within a short distance of each other is very unlikely to be sustainable in the future.
- The Plan also considers the needs of tennis across the precinct and identifies the need to upgrade existing facilities to support increased use and access by the wider community.
- The key features of the draft Ivanhoe Sports Precinct Plan: Option One includes –
- Ivanhoe Park:
 - Rationalisation and upgrade of built infrastructure i.e. bowls club and public amenities.
 - Improved accessibility.
 - Refurbishment of oval playing surface and lighting.
 - Upgrade of support infrastructure i.e. lighting, seating, shade, walking paths etc.
 - Extension of croquet courts.

IVANHOE SPORTS PRECINCT PLAN cont'd

- Development of 3 netball courts on site of current bowls greens.
- Maintenance of the existing bowling club pavilion for potential broader community use.
- Demolition of two tennis courts.
- Upgrade and diversification of open space areas.
- Ivanhoe Recreation Reserve (John Street):
- Rationalisation and upgrade of built infrastructure i.e. integration of bowls club and tennis club rooms.
- Replacement of tennis court fence to support book a court and community access.
- Improve access to both bowls' greens and tennis courts.
- Chelsworth Park:
 - Work with Ivanhoe Grammar School to improve overall functionality of the park including:
 - Improved traffic management.
 - Provision of lighting across all sports fields.
 - Upgrade or replacement of the clubrooms to support female friendly amenities.
 - Upgrade of tennis courts and club rooms to improve use and community access.
- General
 - Improve linkage between Ivanhoe Park and Chelsworth Park via a walking path around both areas.

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*.
- The long-term planning for equitable access to sport and recreation infrastructure and opportunities supports enhancing human rights of our communities, particularly Section 18 which is the Right to participate in public life and access public services.

Sustainable Procurement Outcomes

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

IVANHOE SPORTS PRECINCT PLAN cont'd

Financial Implications

- The development of the proposed Ivanhoe Sports Precinct Masterplan will include an implementation schedule staged over several years along with priority works and costs for each of the three precinct areas. It will identify the proposed works and components that Ivanhoe Grammar will fund as a requirement of their lease obligations at Chelsworth Park. This includes the tennis court upgrade and the new upgraded female friendly sports pavilion/s.
- There is an existing budget allocation in the 20/21 budget to progress this project and develop the Masterplan and concept designs for implementation priorities when resolved by Council.
- The draft 4-year Capital Works Program (2022/23, 2023/24) has a budget allocation of 700K for implementation of this project.
- The draft 4-year Capital Works Program also makes provision for the following specific sports capital projects that form part of this precinct:
 - Chelsworth Park Sports field Lighting Pitch 1 2022/23 - \$300K
 - Chelsworth Tennis Club design 2022/23 - \$50K
 - Chelsworth Tennis Construct 2023/24 - \$300K

Proposed Consultation and Engagement:

- The following key consultation strategies will be undertaken to seek feedback on the draft Ivanhoe Sports Precinct Plan Issues and Options Report - Option 1.
 - Shaping Banyule Update available from 25 May 2021 with project information, survey and details of community consultation sessions.
 - DL postcard delivered to surrounding households of each precinct advising of the project and directing them to Shaping Banyule for further information.
 - Utilisation of Ivanhoe Grammar School news to promote the project and invite feedback through Shaping Banyule.
 - Two community consultation sessions at Ivanhoe:
 - Wed 9th June 2021, 5.30pm to 8.30pm – Ivanhoe Park – Football/Cricket Club
 - Saturday 19th June 2021, 12.00pm to 2.00pm – Chelsworth park
 - One on one consultation with each club.
 - Meeting of the Ivanhoe Sports Precinct Reference Group.
 - Further discussions with both bowls clubs to discuss impacts and opportunities and how Council may best support their members in a consolidated future model.
- The draft Ivanhoe Sports Precinct Plan Issues and Options Report – Summary Report (Attachment 4), will be provided for community to access via Shaping Banyule.

IVANHOE SPORTS PRECINCT PLAN cont'd

Key Considerations

- Considerations
 - Exploration of the merger opportunities and options for East Ivanhoe and Ivanhoe Bowling Clubs.
 - Exploration needs and opportunities for Ivanhoe Netball Club, who have expressed interest in training facilities and club rooms (not currently located at any of the three sites).
 - Maximisation of existing or re-developed facilities to cater for increased demands and growth, particularly in women's sport.
 - Exploration of potential synergies amongst users and the opportunities to provide for multi-purpose facilities.
 - Identification of additional facilities and infrastructure requirements to accommodate future user needs.
 - Enhancement of connections and collaborations with Ivanhoe Grammar to achieve improved community and club access to Chelsworth Park.
 - The provision of evidence of the demands for access and use of the facilities and activities over the three sites.

Key Timelines

Officer Declaration of Conflict of Interest

- 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	Draft Ivanhoe Sports Precinct Plan Issues and Options Report - May 2021	
2	Draft Ivanhoe Sports Precinct Plan Issues and Options Report - Community Engagement To Date	
3	Draft Ivanhoe Sports Precinct Plan Issues and Options Report: Option 1 - 11 May 2021	
4	Draft Ivanhoe Sports Precinct Plan Issues and Options Report - Summary Report	

7.1 PROPOSED CREATION OF EASEMENT - 111 BANYULE ROAD, ROSANNA

Author: Amanda Allen - Property Coordinator, City Development

Ward: Hawdon

SUMMARY

1. Planning Permit P858/2019 has been issued to the owner/developer of 69-71 Banyule Road, Rosanna (Development Site) for a multi-unit development which abuts Council land at 111 Banyule Road, Rosanna (Creekbend Reserve).
2. The Development Site requires a sewage connection to a Council pit situated on the eastern side of Creekbend Reserve. A new sewage easement is to be created over part of Council Land.
3. To facilitate this proposal, Council must comply with sections 189 and 223 of the *Local Government Act 1989* since it is disposing of an interest in land. The developer has agreed to compensate Council for the granting of easement to benefit the Development Site.
4. Council has given public notice of its intention to grant an easement over Creekbend Reserve. No submissions were received and now requires a decision of Council.

RECOMMENDATION

That Council:

1. Having completed statutory procedures under sections 189 and 223 of the *Local Government Act 1989* and having received no written submissions to the proposal grants a sewage easement over Council's land at 111 Banyule Road, Rosanna (Creekbend Reserve) to benefit 69-71 Banyule Road, Rosanna (Development Site).
2. Seeks compensation of \$27,975.00 (excl GST) plus all associated costs from the owners of the Development Site for the granting of the sewage easement over Council's land at Creekbend Reserve.
3. Authorise the Manager Strategic Property to execute all documents in relation to the Creation of Easement.

COUNCIL PLAN

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

BACKGROUND

- Council issued a planning permit P858/2019 has been issued to the owner/developer of 69-71 Banyule Road, Rosanna for a multi-unit development, removal of existing vegetation, removal of native vegetation and partial removal of existing easement.

PROPOSED CREATION OF EASEMENT - 111 BANYULE ROAD, ROSANNA cont'd

- A condition of the permit requires a sewage connection to a council pit situated on the eastern side of Creekbend Reserve. Consequently, a sewage easement is required to be created over part of Council Land to benefit the development site.
- The development site abuts Council's property known as 111 Banyule Road, Rosanna (Creekbend Reserve), see **Figure 1**.
- The impacted portions of Creekbend Reserve comprise four titles:
 - Lot 1 on TP4444807L contained on Certificate of Title Volume 8808 Folio 618; and
 - Lot 2 on TP4444807L contained on Certificate of Title Volume 8315 Folio 063; and
 - Lot 5 on LP140553 contained Certificate of Title Volume 9510 Folio 583; and
 - Reserve 1 on LP140553 contained on Certificate of Title Volume 9510 Folio 584.



Figure 1: Creekbend Reserve and Development Site

- A sewage easement measuring 2.5m wide and 73m in length (186.5m² in area) forms the proposal. Refer Creation of Easement Plan at Attachment 1.

KEY ISSUES

- A planning permit has been issued for the development and the agreement with Yarra Valley Water for sewer services will be required through a future subdivision permit.
- There are no drainage concerns provided the line is constructed such that it does not affect Council drainage assets.

PROPOSED CREATION OF EASEMENT - 111 BANYULE ROAD, ROSANNA cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- By granting an easement over Council land, Council is effectively disposing of an interest in land and therefore, must comply with sections 189 and 223 of the Act. Accordingly, Council must give public notice of a proposal to grant an easement and invite public submissions pursuant to section 223 of the Act.
- Public notice was given in the Herald Sun on 31 March 2021. The submission period closed on 30 April 2021. No submissions were 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

- Council has obtained a valuation of \$150 pm² being the diminished value of Council's land. The Landowner has agreed to compensate Council \$27,975 plus GST for the creation of easement. In addition, the Landowner is required to pay all associated administrative, legal and transfer costs.

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
0	.	
1	Creation of Easement Plan	

[⇒](#)

7.2 **PROCUREMENT POLICY 2021-25**

Author: Olga Grapsas - Strategic Procurement Coordinator, Corporate Services

Previous Items

Council on 14 Dec 2020 7.00pm (Item 7.2 - Procurement Policy)

SUMMARY

1. The current Procurement Policy under the *Local Government Act 1989* (LGA 1989) was approved by Council on 14 December 2020 and is effective until 30 June 2021.
2. The Council resolution on 14 December 2020 stated that the new Procurement Policy under *Local Government Act 2020* (LGA 2020) will be reviewed and considered for adoption by Council in 2021 with effect from 1 July 2021.
3. The Procurement Policy is to be reviewed by Council every four years.
4. The Procurement Leads of the Northern Councils Alliance (NCA) collaborated to draft a standard Procurement policy for adoption by the Councils under LGA 2020 prior to 30 June 2021.
5. The proposed changes that are incorporated in the new Procurement policy include:
 - Public tender threshold increased to \$300,000 (inc. GST) for goods and services (from \$150,000) and works (from \$200,000).
 - CEO Delegation increased to \$1 million from \$0.5 million.
 - This change in delegation requires an update to the CEO Delegation. With an increased delegation limit, ensuring transparency on the awarding of contracts under delegation is important. Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1 million under the Chief Executive Officer's delegation will be presented bi-annually. In addition, the Annual Procurement Plan is recommended to be presented to Council in the first quarter of each financial year.
 - Standardised procurement policy across the region leading to consistency and better practice.
 - Exemptions from public tenders or expressions of interest outlined.
 - Sourcing of goods, services or works from one supplier (sole sourcing) or a restricted group of suppliers (select) based on public interest criteria will be permitted.
 - Council must consider collaboration with other Councils for contracts with a minimum value of \$1 million per annum.
 - Commitment to Sustainable Procurement:
 - KPIs and targets
 - The possible incorporation of tailored evaluation criteria, where suitable to the provision and industry, for social and sustainable initiatives and practices, including voluntary reporting compliance with the *Modern Slavery Act 2018*.

PROCUREMENT POLICY 2021-25 cont'd

RECOMMENDATION

That Council:

1. Approves the new Procurement Policy to come into effect on 1 July 2021 noting the commitment to sustainable procurement through establishment of KPIs and targets within the Procurement Policy.
2. Receives during quarter one of each year the Annual Procurement Plan.
3. Report each year a list of procurement contracts approved between \$0.5 million and \$1 million under the Chief Executive Officer's delegation.
4. Voluntarily comply with the Modern Slavery Act 2018 once council officers have investigated the reporting requirements.
5. In the exercise of the power conferred by s11(1)(b) of the Local Government Act 2020 resolves that:
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of the Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
 - b. To increase the financial limit of the CEO from \$500,000 to \$1 million (excluding GST) for the awarding a contract or expenditure.
 - c. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
 - d. On the coming into force of the Instrument the previous delegation to the Chief Executive Officer dated 17 August 2020 is revoked.
 - e. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of the Council that it may from time to time adopt.

COUNCIL PLAN

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

BACKGROUND

- Under the new *Local Government Act 2020* (LGA 2020) Council is required to prepare and adopt a Procurement Policy:
 - Which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for the carrying out of works (section 108); and
 - That Council must review every four years.
- Council's Procurement Policy must include the following:
 - Contract value or threshold for public tenders;
 - Description of tender evaluation criteria;

PROCUREMENT POLICY 2021-25 cont'd

- Description of how Council will seek collaboration with other Councils and public bodies;
- Conditions under which Council may procure without inviting tenders or expressions of interest;
- Description of public tender process;
- Any other matters prescribed by the regulations (note the regulations relating to procurement have not been set and are not anticipated to have any impact at this stage).
- Collaborative procurement is a key tenet of the new *LGA 2020*.
- In the spirit of collaboration, the Procurement Leads of the Northern Councils Alliance (NCA) collaborated to draft a standard Procurement policy for adoption by the Councils under *LGA 2020* prior to 30 June 2021.
- The adoption of a standard Procurement Policy will establish a consistent approach to procurement across the Northern Region.
- Features of the proposed new Procurement Policy include:
 - Increased public tender thresholds;
 - Increased quotation and Request for Quote (RFQ) thresholds;
 - Specific exemptions from tenders;
 - Sole and Select Sourcing;
 - Collaborative procurement considerations;
 - Standardised sustainable procurement, principles and objectives.
- The proposed changes that are incorporated in the new Procurement policy includes an increase to the CEO Delegation.
- With an increased delegation limit, ensuring transparency on the awarding of contracts under delegation is important.
 - Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1 million under the Chief Executive Officer's delegation is recommended to be presented to Council annually;
 - Exemptions from public tender or expressions of interest is also recommended to be presented to Council annually.
 - In addition, the Annual Procurement Plan is recommended to be presented to Council in the first quarter of each financial year.
- The benefits of a standardised policy across the Councils in the Northern Region include minimising obstacles for collaboration, consistency (leading to better compliance and best practice across the region), and a standardised approach for addressing Audit/Independent Broad-Based Anti-Corruption Commission (IBAC) concerns.

PROCUREMENT POLICY 2021-25 cont'd

Features of the New Procurement Policy:

Procurement Policy Feature	Details
Public tender threshold increased	Increased to \$300,000 (inc. GST) for goods and services (from \$150,000) and works (from \$200,000, to reflect the cumulative consumer price index (CPI) impact on the existing tender thresholds which have been in place since 2008.
CEO Delegation increased	Increasing the CEO Delegation limit to \$1M, bringing the limit in line with neighbouring municipalities. Banyule's current CEO Delegation is \$500,000.
Standardisation across Northern Council Alliance (NCA)	<p>Standardised procurement policy across the region leading to consistency and better practice including:</p> <ul style="list-style-type: none"> • All 7 Councils to adopt \$300K tender threshold • Standardised sustainable procurement, principles and objectives
Exemptions from public tenders or expressions of interest	<ol style="list-style-type: none"> a. A contract made because of genuine emergency or hardship b. A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party c. Extension of contracts while Council is at market d. Professional services unsuitable for tendering (e.g. Legal Services) e. Novated Contracts f. Information technology resellers and software developers (e.g. renewal of software licences or upgrades to existing systems) g. Regional Waste and Resource Recovery Groups Contracts h. Statutory Compulsory Monopoly Insurance Schemes i. Operating Leases j. Other specific Council exemptions (<i>Banyule specific exemptions will be defined and added in the Appendices – note there are none identified at this stage</i>).

PROCUREMENT POLICY 2021-25 cont'd

Procurement Policy Feature	Details
Sole or select sourcing	Sourcing of goods, services or works from one supplier (sole sourcing) or a restricted group of suppliers (select) based on public interest criteria is allowed.
NCA Collaborative Procurement Considerations	<ul style="list-style-type: none"> • Council must consider collaboration with other Councils for contracts with a minimum value of \$1 million per annum • NCA Procurement leads will develop an annual consolidated a contract register to identify procurement opportunities • Ability to opt-in to collaborative contracts, during the contract term.
Banyule City Council approach to Sustainable Procurement	<p>Commitment to Sustainable Procurement</p> <ul style="list-style-type: none"> • KPIs and targets • The possible incorporation of tailored evaluation criteria, where suitable to the provision and industry, for social and sustainable initiatives and practices, including voluntary reporting compliance with the <i>Modern Slavery Act 2018</i>.

KEY ISSUES

Proposed Increase to CEO Delegation

- Section 11(1)(b) of the 2020 Act provides for Council to delegate its powers, duties and functions to the Chief Executive Officer (CEO) or a Delegated Committee.
- On 17 August 2020 the CEO Delegation was updated in line with the LGA 2020 by resolution of Council. Council's current CEO Delegation is \$500,000.
- Benchmarking of neighbouring municipalities found majority of other Council's CEO Delegation is above \$500,000.
- As the Procurement policy increases the limit the CEO can approve by Delegation to be \$1 million, Council would be required to resolve to change the CEO Delegation to this limit.

Standardisation of the Procurement Policy

- The Procurement Policy that has been standardised across the NCA is structured as follows:
 - Body of the policy covers compliance aspects common and standard to all Councils within the NCA, including Public tender thresholds.
 - All NCA Councils agree to adopt the same content in the body of the policy and review every four years.

PROCUREMENT POLICY 2021-25 cont'd

- The appendices of the policy will contain individual Council specific content and requirements and can be amended at any time by each individual Council outside the collaborative process.

Adoption date of the Procurement Policy

- The Procurement Policy will be effective from 1 July 2021 and is to be reviewed by Council every 4 years.
- It is proposed that the Procurement Policy is reviewed by Council again in 2022 (2nd year of Council term) as this will provide enough time to measure the efficacy of the policy and the proposed social and sustainable procurement KPIs and targets.

SUPPORTING REPORT DETAILS

Legal Consideration

- Under the new *LGA 2020*, Council is required to prepare and adopt a Procurement Policy:
 - which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for the carrying out of works (section 108); and
 - that Council must review every four years.
- The new Procurement Policy under *LGA 2020* must be adopted prior to 31 December 2021.
- Council is not a natural person and therefore, on a practical level, must undertake its responsibilities through others, usually through delegation to the CEO. A delegation of a Council power enables the CEO to act on behalf of Council and allows for the effective day to day functioning of Council.
- A council resolution is required for any changes made to Council's CEO Delegation.
- Until this policy is adopted, the current Procurement Policy under the *LGA 1989*, will continue to apply.

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.

Sustainable Procurement Outcomes

- The Procurement Policy sets out Council's commitment to Sustainable Procurement through:
 - Standardised sustainable procurement, principles and objectives.
 - the setting of KPIs and targets.

PROCUREMENT POLICY 2021-25 cont'd

Financial Implications

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

Innovation and Continuous Improvement

- The standardisation of the procurement policy across the Region is ground-breaking thinking for Victorian councils and this collaborative process has been welcomed and applauded by other Regional Procurement Excellence Networks (RPEN), Municipal Association of Victoria (MAV), Local Government Victoria and Maddocks Lawyers.
- The benefits of a standard policy across the Councils in the Northern Region include:
 - Minimising obstacles to collaborative procurement across the Northern Region as a result of policy standardisation.
 - Consistency leading to better compliance and best practice.
 - Standard approach for addressing Audit/IBAC concerns
 - Northern RPEN leading all the procurement networks in developing a standard policy – it is anticipated that other RPENs will look to adopt policy as well.

Collaboration

- Collaborative procurement is a key tenet of the new *LGA 2020*.
- The Procurement Leads of the Northern Councils Alliance collaborated to draft a standard policy for adoption by the Northern Region Councils under *LGA 2020*.
- The new Procurement Policy sets out the process to be followed when Council collaborates with other councils and allows Council to opt-into other collaborative contracts during the contract term.
- In developing the policy extensive consultation was undertaken with other Councils; the MAV, Local Government Victoria and Sustainability Victoria.

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	Banyule City Council's Procurement Policy 2021 - 2025 (DRAFT)	

7.3 QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021

Author: Lorena Valencia - Senior Accountant, Corporate Services

SUMMARY

1. This Quarterly Financial Management Report is for the period ended 31 March 2021 and provides assessment of the following:
 - Key income and expenditure actual operating results against budget
 - Capital Works financial performance
 - COVID-19 financial impacts
 - Other key financial indicators
2. The Chief Executive Officer, as required by Section 97(3) of the *Local Government Act 2020* is of the opinion a revised budget is not required.

Operating Performance:

3. The March forecast is projected to be a \$9.755m surplus compared to the adopted budget deficit of \$1.351m (a \$11.106m favourable movement).
4. The 2020/21 underlying operating deficit is forecast to be \$2.517m compared to a budgeted underlying deficit result of \$8.484m (a \$5.967m favourable movement).
5. The forecast variance to budget is primarily related to:
 - Higher Public Open Space contributions
 - Additional Government Grants awarded
 - Lower than anticipated rate waiver applications
 - Partially offset by net business impacts from COVID
 - (mainly as a result of extended restrictions).
6. The economic impact caused by COVID-19 is anticipated to have a \$0.547m net financial cost to Council's businesses (this excludes the net cost amendment made to the budget when restrictions were first announced of \$3.359 million).
7. The current spend on the budgeted Economic Support Package is \$3.920m. The \$10.5m package as budgeted has been forecasted down to \$4.206m in this report to reflect the lower take up of rates waiver applications to date.

Capital Works Performance:

8. As of 31 March 2021, a total of \$36.718m has been spent on capital works.
9. The capital works expenditure is forecast to be \$62.340m (the adopted capital budget is \$63.550m).

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

RECOMMENDATION

That the Quarterly Financial Management Report for the period 31 March 2021 be noted with the following impacts and highlights:

- a) The forecast to deliver an operating surplus of \$9.755m against the adopted budget deficit of \$1.351m for the year ended 30 June 2021.
- b) The \$10.5m package has been forecasted down to \$4.206m in this report to reflect the lower take up of rates waiver applications to date.
- c) The underlying operating deficit of \$2.517m is after adjusting for non-recurrent capital grants and capital contributions of \$12.272m.
- d) The net cost impact on the forecast directly from COVID-19 restrictions is \$0.547m unfavourable to budget.

COUNCIL PLAN

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

BACKGROUND

- The 31 March 2021 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).

KEY ISSUES

Financial Sustainability

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

March 2021	Net Results	Adjusted Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	6.09%	-1.70%	2.19	64.94%	18.53%	2.73	2.00

Note: The 2020/21 Economic Support Package and COVID business impact has significantly impacted on the adjusted underlying results.

- The Adjusted Underlying Results measures an entity's ability to generate surplus in the ordinary course of business.
- 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 64.94% for 2020/21.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- The 'red' Adjusted Underlying Results and Internal Financing ratios 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. In a normal year, Council aims for 5% or greater and 75% or greater respectively against the ratio.
- The adjusted underlying result measures an entities ability to generate surpluses in the ordinary course of business. It is calculated as (***Adjusted underlying surplus or deficit***) / (***Adjusted underlying revenue***). It specifically excludes non-recurrent capital grants, other contributions to capital expenditure (including Open Space Contributions) and non-monetary asset contributions (Banyule receives none).
- With the COVID-19 financial impacts and forecast adjustment of Economic Support Package on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing will continue to be impacted throughout the year.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 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
Income								
Rates and charges	105,892	98,945	6,947	1	105,800	99,005	6,795	11
Grants - Operating	10,404	8,680	1,724	2	14,810	13,185	1,625	12
Grants - Capital	2,107	2,613	(506)	3	7,497	5,339	2,158	13
Statutory fees and charges	4,930	5,424	(494)	4	7,277	7,634	(357)	14
User fees and charges	10,219	13,714	(3,495)	5	13,393	18,670	(5,277)	15
Contributions income	3,932	2,469	1,463	6	6,627	3,625	3,002	16
Interest income	619	731	(112)		732	1,000	(268)	
Rental income	1,722	1,847	(125)		2,348	2,461	(113)	
Net gain on disposal of fixed assets	242	121	121		278	162	116	
Other income	1,216	484	732	7	1,280	587	693	17
Total income	141,283	135,028	6,255		160,042	151,668	8,374	
Expenses								
Employee costs	49,829	50,893	1,064	8	67,014	68,705	1,691	18
Materials and services	29,521	32,413	2,892	9	43,025	44,476	1,451	19
Utility charges	2,838	2,791	(47)		4,066	4,314	248	
Depreciation	16,651	16,651	0		22,201	22,201	0	
Amortisation – intangible asset	216	216	0		288	288	0	
Amortisation – right of use assets	412	409	(3)		543	540	(3)	
Borrowing costs	1,757	1,757	0		2,339	2,339	0	
Finance cost - leases	27	54	27		34	72	38	
Donations expenditure	928	1,198	270		1,450	1,371	(79)	
Contribution expense	5,298	5,219	(79)		7,018	6,818	(200)	
Other expenses	1,379	1,282	(97)		2,309	1,895	(414)	20
Total expenses	108,856	112,883	4,027		150,287	153,019	2,732	
Surplus/ (Deficit) for the year	32,427	22,145	10,282		9,755	(1,351)	11,106	
Grants – Non-recurrent Capital	1,761	1,649	112		5,916	3,758	2,158	21
Capital Contributions – Other Sources	3,667	2,287	1,380	10	6,356	3,375	2,981	22
Adj. Underlying Surplus / (Deficit)	26,999	18,209	8,790		(2,517)	(8,484)	5,967	

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

NOTES: Year to Date (YTD) - Major Variances

- As at 31 March 2021 the net result year to date is \$10.282m favourable. Year to date income and expenditure are tracking favourable by \$6.255m and \$4.027m respectively.
- The significant contribution to the year to date (YTD) variance comprises of:
 1. **Rates and charges** are \$6.947m higher than YTD budget based on the Rate Waiver applications (\$6.470m less than YTD budget) and additional supplementary rate revenue received of \$0.362m.

The administration of penalty interest charged on all arrears and outstanding balance for rates resumed to be processed from six business days after the 3rd instalment date of 2021 (this excludes rate deferrals).

2. **Grants – Operating** is \$1.724m higher than YTD budget.
 - Various COVID Support grants have been received across Home Care \$0.234m and Early Childhood Service \$0.339m (refer Note 13).
 - Unearned grant realised from 2019/20 (\$0.272m) to comply with the new accounting standard (AASB1058).
 - Unbudgeted Outdoor Eating & Entertainment Package (COVID-19) from the State Government has been received (\$0.500m in stage one).
 - A recent unbudgeted grant from Working for Victoria, first instalment received for \$0.241m
3. **Grants – Capital** is \$0.506m unfavourable to budget due to:
 - The 2020/21 (R2R3) Roads to Recovery grant payments have been postponed and are still expected to be received within the current financial year (\$0.618m).
 - Timing of the below Capital project grants, yet to be received or partially received, (unfavourable \$1.326m in total). These grants are forecasted to be received within this financial year.
 - De Winton Reserve Reconstruction
 - De Winton Park female friendly & pavilion upgrade
 - Montmorency South P.S Parking & Traffic Management Stage 1A&B
 - Montmorency South Pavilion - Lower Plenty Upgrade
 - Warringal Park and Yulong Reserve Lighting construction
 - Various Capital grants carried forward/unearned from 2019/20, \$0.871m in total (including Olympic Park Masterplan \$0.806m from SRV) partially offset the above unfavourable variance.
 - Additional \$0.236m has been received for the Olympic Park Masterplan project as part of the \$1.700m project; \$0.137m for Community Centre Development (Bellfield) as part of \$2.0m State Government Grant and timing of Greensborough Preschool Expansion & Improvement Grants (\$0.163m)

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

4. **Statutory fees and charges** are \$0.494m unfavourable to budget. Due to the COVID-19 restrictions, enforcement activities were reduced more than anticipated, directly resulting in the loss of parking infringement fees (\$1.260m YTD). With the recent property market recovery, additional revenue (\$0.900m) has been generated from building and planning permits.
5. **User fees and charges** income is \$3.495m unfavourable mainly due to the budget assumption that 50% operating business income (for COVID-19 impacted operations) would be received in the 1st Quarter of 2020/21, 70% and 85% for the 2nd and 3rd quarter respectively. However, with extended stage 4 restrictions, the reality is now:
 - The closure of Council's leisure centres including WaterMarc have resulted in minimal direct income generation for the financial year to date, resulting in \$2.398m unfavourable YTD variance to the budget. The budget assumption was to achieve 70% of operational capacity and although the centres were reopened early December, income commenced to stabilise in March with minimum restrictions now in place.
 - Early Childhood Services income is lower than budget by \$0.190m 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. In addition, the Stage 4 restrictions only allowed kids from essential worker families to attend centres.
 - The Waste Recovery Centre continues experiencing a reduction in demand on commercial activities resulting in a \$0.771m unfavourable variance to the YTD budget.
 - Parking fees income is \$0.136m lower than budget. Due to the COVID-19 restrictions, the demand of using parking facilities continue to be low since the commencement of the financial year.
6. **Contributions income** is \$1.463m favourable to budget. This variance is mainly driven by Public Open Space contributions in Heidelberg, Ivanhoe and Montmorency. Real estate business activities continue to be more active and have had less of a COVID impact than anticipated when preparing the budget.
7. **Other income** is \$0.732m favourable to budget, mainly driven by unbudgeted insurance and WorkCover reimbursements respectively, related to the replacement for the Chlorine generator at WaterMarc (broken down and replaced in the 2019/20 financial year) and current year incidents at the Parks and Operations Depots
8. **Employee Cost** is \$1.064m favourable to budget as a result of:
 - Vacant positions: As a result of the 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 9) generally trends above budget and is fully offset through a corresponding reduction in employee costs during the year.
 - COVID-19 has required extensive additional plans, assessments and implementation to be undertaken.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- Where feasible staff have been relocated from those area experiencing restricted service provision. Management has worked closely with impacted staff on providing redeployment opportunities, helping people stay connected and working, in different types of roles across Banyule.

The table below is the combined cost for Employee Benefit and Agency cost.

Resourcing Table – Employee Costs and Agency Costs – 31 Mar 2021:

March 2021	YTD Actual	YTD Budget	YTD Variance	Forecast	Annual Budget	Annual Variance
	\$m	\$m	\$m	\$m	\$m	\$m
Employee Costs	49.829	50.893	1.064	67.014	68.705	1.691
Agency - Operations	1.940	0.983	(0.957)	2.408	1.298	(1.110)
Agency - Initiatives	0.639	0.539	(0.100)	1.205	0.749	(0.456)
TOTAL	52.408	52.415	0.007	70.627	70.752	0.125

9. **Materials and Services** \$2.892m favourable to budget, driven by timing on Leisure centres (\$0.502m), Youth & Family Services (\$0.101m) and Initiatives project (\$0.412m) delayed or partly cancelled due to the COVID-19 restrictions and the following permanent variances:

- Delivery Meals consumables (\$0.366m) due to the new contract which does not require quarterly invoices to be paid in advance and the removal of the minimum spending criteria (was an obligation to Council).
- Planning (\$0.180m) is due to less planning and buildings disputes.
- Transfer Station disposal cost (\$0.771m), Waste Management (\$0.312m), Hard Waste Collection (\$0.105m) and waste disposal recycling cost (\$0.127m) directly impacted by a reduction of demand.
- Vehicle Running cost (\$0.520m) is due to reduction of motor vehicles usage during COVID, savings have been reflected in this year's forecast.
- Training and Conferences (\$0.360m) has reduced due to the training availability due to COVID restrictions and training prioritisation across the Council.
- Transport Engineering cost (\$0.107m) including Parking Management, reduction due to less parking tickets and traffic works under the COVID environment.
- Corporate Services cost (\$0.213m) based on prioritisation and adjustment of business plans. These costs cover bank charges, legal fees, service reviews, continuous improvement and customer experience program cost.
- Consultancy favourable position (approx.\$0.331m) is linked directly to the projects not yet commenced (projected to commence later than originally anticipated or postponed to the next financial year).

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Variance Table - Agency, Consultancy and Contractor Costs – 31 Mar 2021:

Banyule City Council	Actual YTD \$m	Budgeted YTD \$m	Variance YTD \$m	Forecast FY \$m	Budget FY \$m	Variance FY \$m
Agency (Operations)	1.940	0.983	(0.957)	2.408	1.298	(1.110)
Consultancy (Operations)	0.729	1.060	0.331	1.177	1.467	0.290
Contractor (Operations)	10.439	8.762	(1.677)	13.631	12.863	(0.768)
Initiatives Expenditure	2.521	2.933	0.412	4.468	4.061	(0.408)

- **Agency** - the agency cost YTD variance is \$0.957m unfavourable, fully offset by savings in employee benefits year to date. Agency is used to cover short term vacancies in staff which are not separately budgeted for.
- **Consultant** - the consultant YTD favourable variance \$0.331m is mainly driven by the timing of the consultancy cost across various operating projects, with some projects postponed to the next financial year.
- **Contractor** - the contractor costs YTD unfavourable variance \$1.677m is mainly due to the unbudgeted running costs of the leisure centres while they remained closed in 2020 for a number of months and additional maintenance required (\$0.489m), concrete footpath maintenance work required earlier than expected (\$0.406m) and tree care expenditure (\$0.650m) required to action reactive tree works and additional tree maintenance cost.
- **Initiative** - the initiative cost YTD variance is \$0.412m favourable to budget due to various projects' commencement time being postponed by COVID. Most of the backlogs along with the carried forward expenditure from 2019/20 are projected to be completed within this year. This discrepancy in delivery expectations will continue to be assessed each month during the monthly initiatives project status review by management.

The favourable variance YTD is mainly driven by:

- Timing of Graffiti Management Program Expansion project (\$0.106m), currently waiting on permission from service authorities and commencement of Working for Victoria staff, some Contractors have already begun work with invoices expected from April 2021.
- Timing various Assets and Infrastructure projects (\$0.249m) such as CCTV Management program, Drainage CCTV inspections and Condition Audit surveys (final invoices are due to be received for completed works).
- Permanent variance in the current year on Property initiatives (\$0.245m) related to the sale and development of strategic properties based on timing of Council resolutions, some of the projects will be carry forward to 2021-22.

10. **Capital Contributions (from other sources)** is \$1.380m above budget and mainly represents the Public Open Space contributions received. Refer Note 6.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

NOTES: Full Year (FY) Forecast - Major Variances

The operating forecast as at 31 March 2021 is for a surplus of \$9.755m which is \$11.106m favourable to the deficit budget (\$1.351m). The significant contributions to the full-year forecast variance are:

11. **Rates and charges** \$6.795m favourable to budget mainly due to the re-forecast of Rate Waiver applications (\$6.343m less than budget), additional supplementary rate revenue (\$0.362m) and projected penalty interest income on rates (\$0.100m) overdue, excludes all rates that applied for a deferral under Council's financial hardship policy.
- The full provision of the rate waivers of \$7.343m continue to be assessed, as applications are tracking considerably lower than anticipated, the March 2021 forecast has been adjusted to \$1.000m against the rate waiver provision. (\$2.250m change in the rate waiver provision forecast since December 2021)
12. **Grants: Operating** \$1.625m favourable to budget, mainly driven by additional grants received.
- Various COVID Support grants have been received across Home Care \$0.234m.
 - Unearned grants from 2019/20 (\$0.301m) now realised to comply with the new accounting standard (AASB1058).
 - The early childhood services have received additional grants (\$0.339m) as part of the long day care COVID-19 transitional support during COVID restrictions;
 - State Government Grant \$0.650m for the Outdoor Eating & Entertainment Package (COVID-19), including \$0.500m for stage one and \$0.150m for stage two.
13. **Grants: Capital** \$2.158m favourable to budget. The variance is mainly due to:
- Various Capital grants carried forward/unearned from 2019/20, \$1.116m in total, including Olympic Park Masterplan (\$0.806m) grant from SRV.
 - Additional \$0.650m is expected this year for the Olympic Park Masterplan project as part of the \$1.700m project.
 - Unexpended grants 'Waterdale Road Pocket Parks' & 'Shared Zone project' (\$0.150m), 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 - Lower Plenty Upgrade (additional funding of \$0.350m) and
 - Greensborough War Memorial pavilion change rooms upgrade
 - The unearned State and NELP Capital grants (\$0.480m) are anticipated to be realised with the progress of capital projects, including Watsonia Village Town Square development, Trist Street Reserve upgrade and Bike Path design (Banksia to Burke Rd North).

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- Approximately 55% (\$0.862m) of Greensborough preschool expansion & improvements grant (\$1.600m in total) is expected be received/ realised until next financial year.
14. **Statutory fees** are \$0.357m unfavourable to budget due to less parking infringement fees and partially offset by additional permit revenue generated by building and planning departments, refer Note 4.
15. **User fees and charges** is \$5.277m unfavourable to budget. This is directly related to the COVID-19 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 March forecast reflects the re-opening of the indoor sports facilities from 8 December 2020 and the 5 days lockdown in early February. The forecast has been calculated based on casual fees and expecting a slow increase of customers from February when memberships were reactivated. Although the centres might be opened, not all the members have returned, resulting in a revised revenue variance of \$3.042m.
 - Transfer Station fees and charges lower than budget by \$0.857m due to reduction in demand from commercial activities.
 - Parking fees income is forecasted to be \$0.340m lower than budget as the demand on parking facilities are expected to continue to be low for the rest of the year as per current trend.
 - 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, \$0.226m of fees income will be waived under Function centres, Community Hall Hire and Sports pavilions (funded from the existing \$10.5m Economic Support Package).
16. **Contributions income** \$3.002m favourable to budget, which is mainly derived from the Public Open Space contributions. It was anticipated during the budget development that COVID-19 would significantly impact real estate development activities with a \$1.8m income reduction when comparing to pre-COVID conditions. Based on current YTD actual observations, the coming subdivision in Bell Street, Ivanhoe and the market outlook continue to be positive, with a revised forecast now expected to be \$2.6m better than the adjusted budget. The housing industry was not impacted as expected, the forecast has exceeded the Pre-COVID outlook.
17. **Other income** \$0.693m favourable mainly driven by unbudgeted insurance reimbursement of the Chlorine generator at WaterMarc and unbudgeted WorkCover reimbursement income (refer Note 7).
18. **Employee costs** is \$1.691m favourable to budget mainly due to:
- The total savings from vacant positions, staff turnover, and temporary arrangement are forecasted to be \$3.770m. This is made up of \$1.537m due mainly from the closure of the Leisure Centres and \$2.233m from other business unit staff vacancies. The savings from general vacancies is offset through the backfilling of resources in agency cost of \$1.110m (above budget) during the year.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- The employee cost savings reported above (\$3.770m) are partially offset by additional costs as follows:
 - Carry forwards of the Inclusive Employment Program Initiative and unexpended grants (\$0.440m)
 - Additional unbudgeted positions to support the People & Culture team (\$0.283m) to enhance safety management, and Customer Service (\$0.131m) to support the needs of the municipality during the uncertainty of COVID-19.
 - Provide \$0.170m to expand two positions in supporting the Economic Support Package.
 - \$0.500m of unbudgeted Workcover cost (mainly offset by the reimbursement income, refer Note 170.
 - Estimate less labour capitalisation (\$0.367m) to Capital Works Project than anticipated. The March forecast has reflected the determination of labour capitalisation on IT digital transformation projects.
- Council is participating in the Working for Victoria program. This program is to provide work opportunities, with the matching of relevant skills and experience to those who have lost their jobs due to the economic impacts of COVID-19. Although this program is fully funded by a government grant, the gross cost will be shown within the employee cost category. The cost and income adjustments of this program will be included in the quarter 4 reporting once the numbers of participants have commenced with Council.

19. **Materials and Services** is \$1.451m favourable to budget after a review of operational and initiative project timing and capacity (including Council resolutions during the year).

The net cost savings comprise:

- The Transfer Station disposal cost has been reduced (\$0.705m) Hard Waste Collection (\$0.142m) and Waste disposal (\$0.316m) to reflect the decrease of demand for commercial activities.
- Transport Engineering cost (\$0.301m), it is due to less parking tickets and traffic works under the COVID environment.
- Vehicle Running cost (\$0.825m) is due to reduced motor vehicle usage during COVID; savings have been reflected in this year's forecast.
- Facilities Cleaning services reduced by \$0.207m while the facilities were closed during COVID restrictions.
- Customer Experience & Business Improvement (\$0.207m) reduced program cost for the CX Strategy Coordinator (move to employment cost) and training expenditure based on current priorities and plans.
- Estimate more labour capitalisation through agency cost to Capital Works Projects (\$0.120m) than budgeted.
- Consultancy favourable position (approx.\$0.290m) is linked directly to the prioritisation of projects, which have been delayed or deferred to next Financial year; partially offset by:

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- An additional \$0.499m has been allocated to cover the base maintenance cost (from July to first week of December) to maintain the Leisure Centres whilst these facilities were closed due to the COVID-19 restrictions plus additional facilities maintenance required (pool tiling, electrical maintenance).
- Tree care expenditure (\$0.800m) required to action reactive tree works and additional tree maintenance cost.
- Initiatives expenditure unfavourable position (\$0.408m) to budget mainly driven by: COVID-19 Hygiene Supplies, tree Audit & Revision of Urban Forest Strategy, and Outdoor Eating & Entertainment project.

20. **Other expenses** \$0.414m unfavourable mainly due to additional parking infringement collection provision (\$0.300m) based on recent historical data, and the additional contribution Council committed to Special Rates and Charges Scheme. Refer to COVID-19 Economic Support Package.

Underlying Surplus adjustment

21. **Grants – Non-recurrent Capital** is \$2.158m above budget due to the additional State Government funding to support capital projects. Refer Note 13.

22. **Capital Contributions (from other sources)** is \$2.981m above budget as a result of significant Public Open Space contributions. Refer Note 16.

Council Resolutions: impact on financial performance

The table below lists 2020/21 resolutions carried by Council as at 31 March 2021 which will have an impact on the financial statements.

Resolution	Description	EFT	Impact on Forecast	\$'000
CO2020/143	Banyule Scouts Grants Program		Materials & services	0.050
CO2020/145	Transport Advocacy – NEL		Materials & services	0.200
CO2020/93	Tree Audit & Revision of Urban Forest Strategy		Materials & services	0.150
CO2020/211	Libraries After Dark program		Materials & services	0.041
Amount included in income statement - Table 1		-	Total Operating	0.441
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		-	Total Capital Works	0.153

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

COVID-19 impact on forecast

- The COVID-19 pandemic has significantly impacted the economy, businesses, ratepayers and communities within Banyule.
- The March 2021 forecast is projected based on assumptions about how the Coronavirus pandemic will affect various business operations across Council, through to 30 June 2021, in accordance with the current COVID-19 roadmap for reopening toward normal activities. These assumptions are reviewed as new government policies are introduced, and as restrictions continue to be 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 and gradually recovering throughout the remainder of the year.
- Due to the COVID-19 second wave in Victoria (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 \$0.547m net unfavourable result (Income \$3.160m unfavourable and expenses \$2.613m favourable against the adjusted budget) - December forecast net impact \$0.901m). The COVID-19 impact on forecast is better than previous months predictions mainly due to the better outcome from Public Open Space contribution, Statutory Planning and Building fee income and the additional savings from operational expenditure.
- In summary, the Banyule business impact from COVID-19 this year is estimated to be \$11.843m loss of revenue (budgeted \$8.683m and unbudgeted \$3.160m), and \$7.936m operating expenditure saving (budgeted \$5.323m and unbudgeted \$2.613m) when comparing to pre-COVID conditions.
- As of 31 March 2021, 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	(1,919,389)	(187,771)	(2,107,160)
Transport Engineering	(1,884,389)	266,482	(1,617,907)
Leisure Centres-BLFM	(1,837,808)	1,657,493	(180,315)
Municipal Laws	(165,934)	40,875	(125,059)
Social Enterprise & Local Jobs	0	(38,768)	(38,768)
People & Culture	0	(38,485)	(38,485)
Property Services	(34,361)	0	(34,361)
Finance & Procurement	1,585	(10,000)	(8,415)
Economic Development - Cap Works	650,000	(650,000)	0
Transfer Station	(600,000)	600,000	0
Maternal & Child Health	0	1,716	1,716
Home & Community Care Programs	47,775	(41,693)	6,082
Environment	0	8,043	8,043
Health Mgt - Environmental Health	0	9,000	9,000
Sports Pavilions	0	22,024	22,024
Councillors	0	24,000	24,000
Leisure & Recreation Programs	0	25,554	25,554
Halls	(11,976)	42,901	30,925

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Business units	Gross impact income favourable/ (unfavourable)	Gross impact expenditure favourable/ (unfavourable)	Net financial impact net saving / (net cost)
Continuous Improvement	0	37,275	37,275
Leisure Recreation & Culture	0	40,000	40,000
Customer Experience Operations	0	42,986	42,986
Records & Information Management	0	50,000	50,000
Social Enterprise-New Works	0	51,660	51,660
Youth Services	(8,000)	60,869	52,869
Functions Centre	(47,925)	106,945	59,020
Economic Development	(21,000)	81,000	60,000
Early Childhood Services	97,782	(2,486)	95,296
Cultural & Heritage Development	(33,811)	136,645	102,834
Operations Infrastructure	0	120,000	120,000
Major Facilities	(17,028)	159,409	142,381
Building Services (BPi)	793,875	0	793,875
Development Planning	1,830,000	(2,000)	1,828,000
Total	(3,160,604)	2,613,674	(546,930)

- The main Banyule activities affected are:
 - **Recreation Centres** including WaterMarc, Macleod YMCA Leisure Centre and Watsonia Pool have been significantly impacted by the COVID-19 Stage 4 restriction and have been closed from the beginning on the financial year until the 8 December 2020 when they were partially opened and were fully opened from January 2021.
 - Revenue impact \$1.919m (32%) of the total budgeted aquatic and leisure centre fees and charges is calculated based on no revenue raised in the first 4 months, and 9% of the budgeted revenue in the remaining 8 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.
 - Expenditure impact \$0.187m. The forecast is reflecting the additional expenditure to cover the base maintenance costs to maintain WaterMarc Recreation Centre and Macleod Leisure Centre, offset by lower utilities cost while the facilities were closed due to COVID-19 restrictions recently assessed based on the latest invoices.
 - **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 \$1.548m (45.3% of the total budgeted Local Laws infringements and fines income). The forecast is based on the reduction of enforcement activities until end of January 2021, and gradually recovering in 2021. The Parking fees are projected to reduce by \$0.336m (25% of the Local Laws council fee income) driven by a lower demand on parking facilities during Stage 4 restrictions.
 - Savings on expenses is \$0.266m; the loss of income does not directly drive associated pro-rata expenditure savings as most of the contract expenditure is fixed, while the variable portion of the expenditure has been assessed in March based on the number of infringements issued.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- **Leisure and Aquatic Centres** (Nets Stadium, Olympic and Ivanhoe aquatic centres) have also been significantly impacted by the restrictions and closed from the beginning of the financial year until the 8 December 2020 when they were again partially opened, the centres were fully opened from January 2021, but closed early February during the 5 days lockdown. Forecast will be monitored on a monthly basis as the customer return to centres as it is still under transition phase.
 - Impacted income (\$1.837m or 45% of the total budgeted aquatic and leisure centre fees and charges) has been forecasted for March 2021 based on casual fees and limited capacity. Mainly due to the restrictions and social distancing. The second half of the year assumptions are 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 to social distance.
 - Expenditure savings is forecasted to be \$1.657m, which is mainly derived from labour savings in the first six months of the year and some vacancies to be filled in the first quarter of 2021. Although the centre will not be run to full capacity in second half of the year, a fixed cost is inevitable, and the minimum staff is legislatively required.
- **Economic Development** was granted Government funding of \$0.500m plus \$0.150m for stage two for the Outdoor Eating & Entertainment Package (COVID-19) to support businesses to adapt to outdoor dining and entertainment, helping move the indoor dining and cafe experiences outdoors. The additional grant income is entirely offset by additional employment costs (\$0.035m) and contractor costs (\$0.615m). Some other operational programs were impacted by COVID resulting in \$0.081m of savings.
- **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 of \$0.600m (12.8% of total budgeted transfer station tipping fees). The forecast has taken the consideration the potential business impact continuing into quarter 4 of 2020/21.
- **Building Services (BPI)** – is facing a higher market demand than anticipated, and \$0.793m of additional income is forecasted when compared to the adjusted budget. The net result is \$0.030m lower than Pre-COVID expectations.
- **Development Planning** is experiencing higher business activities in Open Space Contributions and Planning Permit applications than anticipated during COVID restrictions period and have revised favourably the net income impact since the October forecast.
 - The real estate business activities are more active than presumed, and additional POS contribution income is anticipated. Refer Note 16.
 - Additional income from Planning Permit fees and Property Enquiry fees income, \$0.230m more than adjusted budget which is set to be \$0.708m less than pre-COVID condition.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

COVID-19 – Economic Support Package

- The adopted Council Plan 2017-2021 (Year 4) and Budget 2020/21 have addressed budgetary considerations to accommodate COVID-19 financial impacts, including a \$10.5m 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 Rates Outstanding).
- On the 21 September 2020, 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.
- On the 14 December 2020, the Council approved to:
 - Pay the Special Rates and Charges business contribution for Q3 and Q4 of 2020/21.
 - Extend the Business Support Officer for an additional six months
 - Postpone the administration of penalty interest charged on all arrears and outstanding balances to 28 Feb 2021
 - Expand the Business Support Grants and the Rates Hardship Officer resource to the 2021/22 budget process
 - Continues to freeze the non-statutory fees and charges at 2019/20 prices until 30 June 2021
 - Defer Women in Business Lunch and the Best Biz Awards to 2021/22.
 - Allocate \$0.070m to seven neighbourhood houses for digital enablement projects.
- Based on the above resolutions, additional funding is re-allocated within the 2020/21 Economic Support Package and reflected in the forecast as below:

Business units	Expenditure	Income	TOTAL
Culture & Heritage Development	(80,000)		(80,000)
Maternal & Child Health	(347)	(833)	(1,180)
Community Groups/ Partnership	(60,000)	(120,398)	(180,398)
Finance and Procurement	(40,487)	(200,000)	(240,487)
Economic Development	(369,052)		(369,052)
Waste Management	(21,436)		(21,436)
Halls		(111,506)	(111,506)
Leisure & Recreation Programs		(15,375)	(15,375)
Recreation Centres		(43,200)	(43,200)
Sports Pavilions	(51,057)	(87,690)	(138,747)
Early Childhood Services		(2,771)	(2,771)
Property Services		(950)	(950)
TOTAL	(622,379)	(582,723)	(1,205,102)

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

- As of 31 March, \$3.920m of the Economic Support Package has been funded, including both forgone income and expenses. The details are listed below.

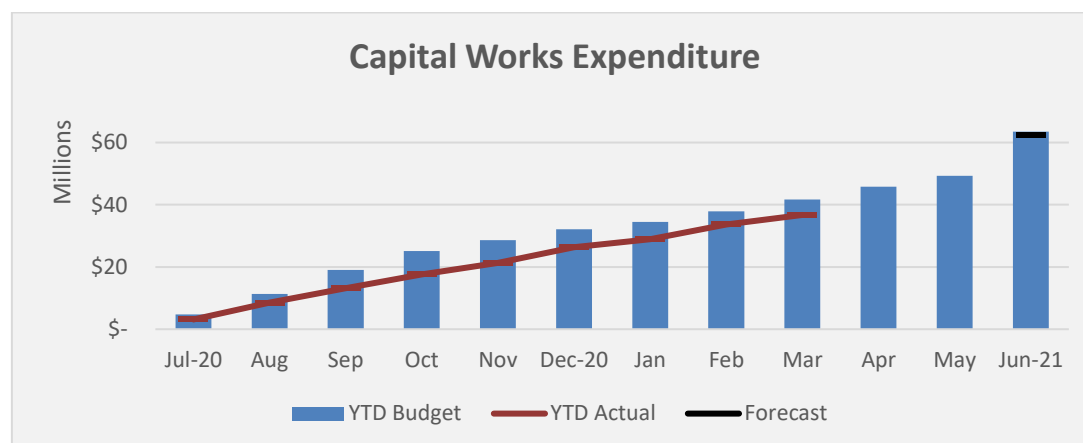
Summary	YTD actual
Defer rates for ratepayers experiencing financial hardship up to 15 months	91,800
Refund street trader permits fees paid in advance for the April – June 2020 and waive the permits for 20/21 (whole year).	68,273
Provide rent relief 1st quarter 20/21	83,720
Provide additional funding for the special rates and charges scheme, 1st and 2nd quarter in 20/21	325,373
Waive fees, charges and rent 6 months from 1 July 20	193,980
A Business Concierge Officer for 12 months to assist new start-up businesses navigate the permit application and various approvals processes within Council	126,122
Business Support Grant package over four stages - \$460,000	270,033
Rediscover Local Initiative six-month campaign	40,097
Rates Hardship	872,308
Waiver of commercial bins on non-rateable fees	25,403
Banyule Support and Information Centre Inc (BANSIC)	20,000
Diamond Valley Community Support (DVCS)	20,000
Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications	12,990
Building Connection and Celebrating Initiative	73,312
COVID-19 Community Grants program	10,000
The establishment of a Business Investment Fund to allow Council to financially assist individual enterprises through the application process such as 50% contribution to planning fees for not-for-profits wishing to redevelop or relocate to Banyule	11,619
Special rates and charges scheme by paying the business contribution for quarter 3 and quarter 4 of 20/21.	631,662
Fees, charges and rent (where applicable for Council tenants) for all local community groups have been waived until 31 March 2021	383,247
One-off payment of \$10,000 for each of the (7) neighbourhood houses for digital enablement projects	70,000
Waive Health Act Registration Fees for the 2020/2021	590,231
Total	3,920,171

- Banyule through this package aims to achieve the best possible direct support to those in financial hardship within the municipality (Banyule's ratepayers, communities, and business owners). After assessing the number of rate waivers applications, the March 2021 forecast was amended for the lower take-up of rate waivers (adjusted by \$6.343m including the \$1.186m of funding reallocation).
- The full utilisation of this year's \$10.5m Economic Support Package has been forecast to \$4.206m as a reflection of current utilisation and resourcing capacity over the next 3 months.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Capital Works expenditure

- As at 31 March 2021 a total of \$36.718m has been spent on capital works. The forecast for capital works expenditure is **\$62.340m**. The adopted 2020/21 capital budget is \$63.550m

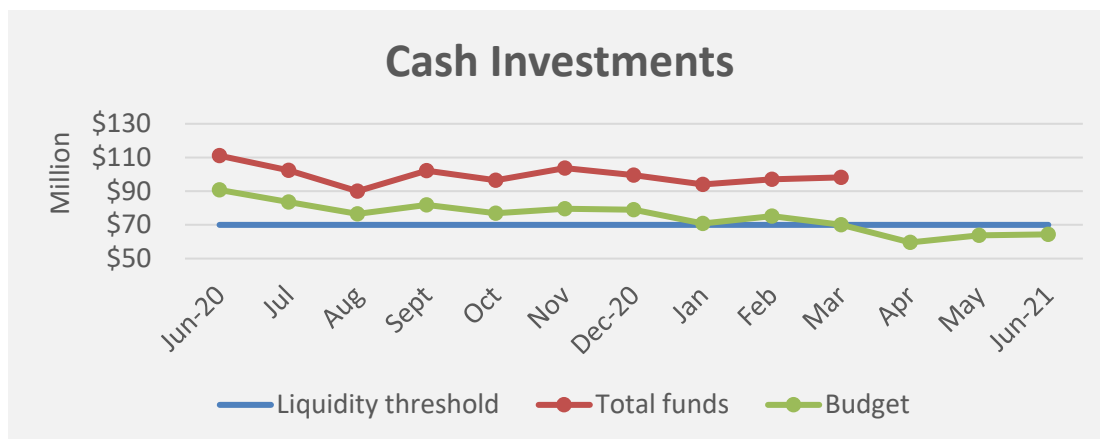


	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Infrastructure						
Roads, streets and bridges	4,694	6,370	1,676	9,125	8,088	(1,037)
Drainage	245	795	550	984	1,649	665
Parks and gardens	8,099	5,654	(2,444)	8,268	7,177	(1,091)
Playgrounds	881	565	(316)	891	650	(241)
Total infrastructure	13,919	13,384	(534)	19,268	17,564	(1,704)
Property						
Freehold land	596	0	(596)	596	0	(596)
Freehold buildings	18,226	24,286	6,061	32,666	40,140	7,474
Total property	18,822	24,286	5,465	33,262	40,140	6,878
Plant and equipment						
Motor vehicles	3,105	2,192	(913)	7,420	2,971	(4,449)
Plant and equipment	482	660	178	1,067	740	(327)
Furniture and fittings	150	180	30	404	235	(169)
Total plant and equipment	3,737	3,032	(705)	8,891	3,946	(4,945)
Other assets						
Intangible assets	229	885	656	808	1,770	962
Art collection	11	75	64	111	130	19
Total capital works expenditure	36,718	41,662	4,946	62,340	63,550	1,210

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Investment Activity

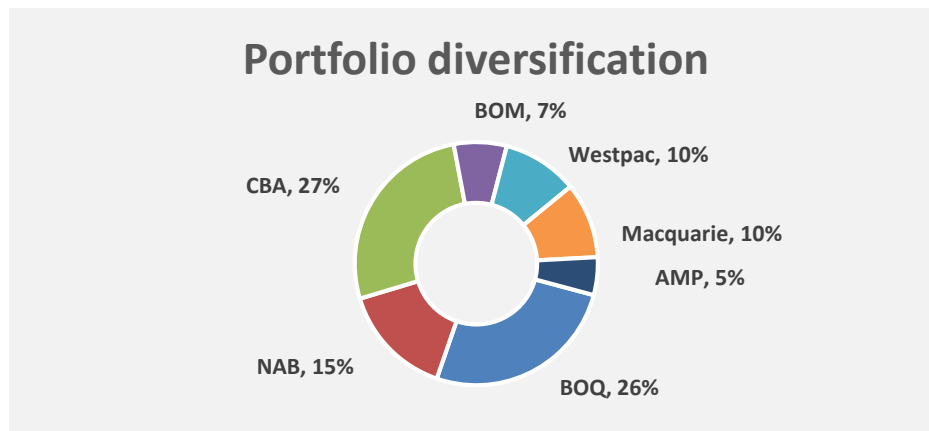
- The current short-term term deposit interest rates held by Council are in the range of 0.40% to 1.20%. The current weighted average return, 0.73%, is expected to decrease in the future as a reflection of the November 2020 RBA cash rate cuts by 0.15% to 0.10%.
- The linear gap between budget and actual 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 grants to 2020/21, and
 - A better rate collection result than predicated within the adopted budget under COVID-19 uncertainty.
- 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.
- Rate instalment payment dates are in September, December, February & May. The usual trend of higher cash receipts in these months has been varied as DHHS paid their rates in full on September and 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.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

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



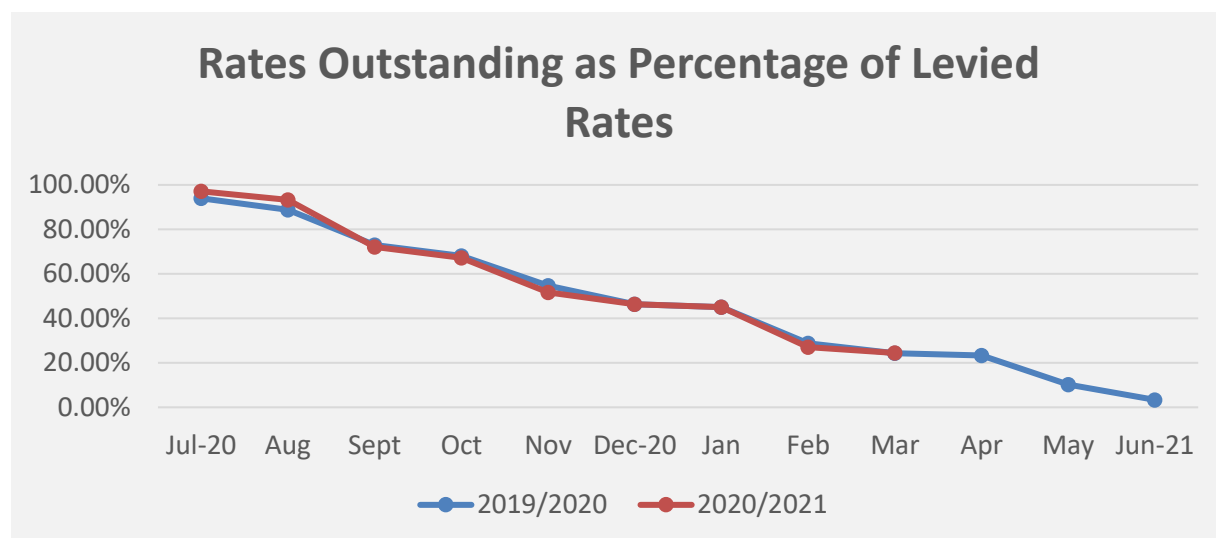
S&P rating	Banks	Investment portfolio	Maximum % holding in a single Financial Institution	Maximum % holding in a single credit rating level
A 1 +	CBA	27%	50%	
	NAB	15%	50%	
	BOM	7%	50%	
	Westpac	10%	50%	
Total A1+		59%		100%
A 1	Macquarie	10%	50%	
Total A1		10%		100%
A 2	BOQ	26%	30%	
	AMP	5%	30%	
	Total A 2		31%	50%

- The table above supports Council investments follows Council's current investment policy.
- In addition, a new investment strategy is currently being developed to aid Council to achieve better investment outcomes under this low-rate financial environment.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Rates Outstanding

- For the 2020/21 financial year, Banyule City Council has levied in total \$108.14m 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).
- The total outstanding balance as at 31 March 2021 is \$30.286m, 24.44% (March 2020: 24.26%) of the current year levied rate income is outstanding.
- The impact from COVID is not as significant as initially anticipated.

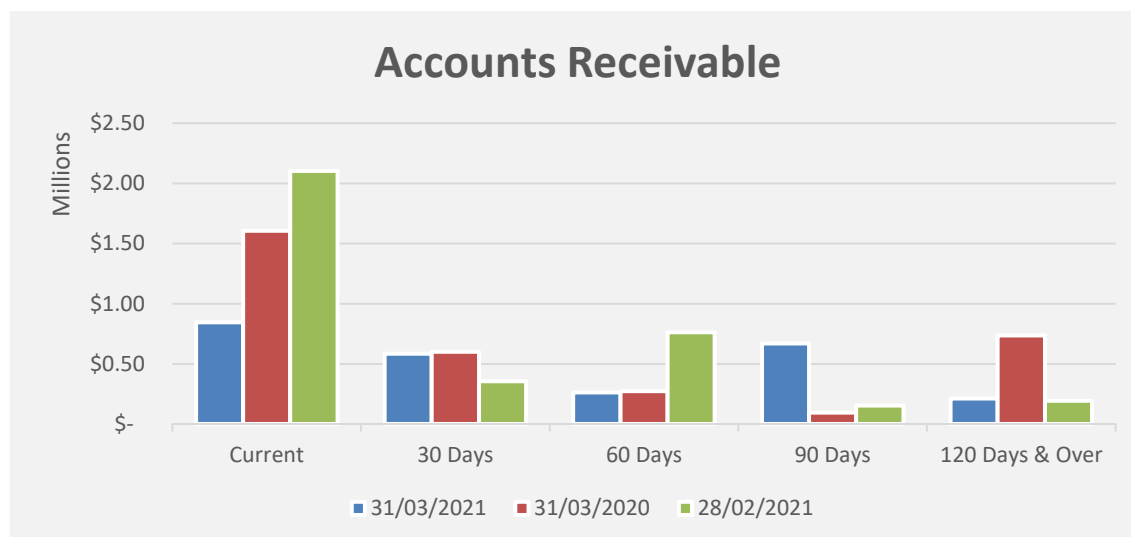


- The rates outstanding percentage after the February instalment is slightly higher to last year. DHHS paid their rates in full at the start of the year, rather than in instalments, thereby offsetting the hardship rate deferrals.
- Council endorsed the waiver of a proportion of 2020/21 general rates due to COVID-19 financial hardship. Ratepayers and Businesses are eligible to a partial-waiver between \$250 and \$500 for the 2020/21 rate year and/or a payment deferral up to 15 months, ending on 30 June 2021.
- As of 31 March 2021, \$2.610m rates have been deferred and \$0.872m rates had been waived as part of Council's COVID-19 economic support package. Although a set of principles have been adopted to streamline the rate waiver approval process, additional time has been required to assess applications (e.g. incomplete data being provided by the applicant).
- In July 2020/21, many supplementary rates were processed increasing the year to date amount levied. Later in the year, it is anticipated that North East Link Project may compulsorily acquire several properties. These properties will become non-rateable and will partially offset the initial levied rates revenue.
- Council has resolved to charge interest from the last date interest was charged for those ratepayers in arrears (excluding those on deferral or under a direct debit arrangement) resulting in a total interest charge of \$0.368m as at end of March 2021. Ratepayers, since March 2020, could apply (and still can apply) for a rate deferral under financial hardship.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

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).



- As at 31 March 2021, the total outstanding debtors balance was \$2.572m (December 2020: \$3.447m), outstanding balance is mainly driven by a Public Open Space Contribution or Planning permits invoices raised but payable until works have been completed.
- 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.

SUPPORTING REPORT DETAILS

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

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Sustainable Procurement Outcomes

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

Financial Implications

- This Quarterly Financial Management Report is for the period ended 31 March 2021 and provides assessment of the following:
 - key income and expenditure actual operating results against budget
 - capital Works financial performance
 - COVID-19 financial impact
 - other key financial indicators
- The March forecast is projected to be a \$9.755m surplus compared to the adopted budget deficit of \$1.351m (a \$11.106m favourable movement).
- The 2020/21 underlying operating deficit is forecast to be \$2.517m compared to a budgeted underlying deficit result of \$8.484m (a \$5.967m favourable movement).
- As of 31 March 2021, a total of \$36.718m has been spent on capital works.
- The capital works expenditure is forecast to be \$62.340m (the adopted capital budget is \$63.550m).
- The economic disruption caused by COVID-19 is anticipated to have had an additional \$0.547m net financial cost impact on Council's businesses than anticipated in the adopted budget and continued uncertainty with COVID-19 restrictions and the flow on financial impacts will continue to impact on the forecast.
- The Council's \$10.5m Economic Support Package has been reforecast to \$4.206m after assessment of current rate waiver applications which as at 31 March 2021 were \$0.872m (budget \$7.343m).

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.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

Financial Statements

Table 4 - Balance Sheet

	2020/21 31-Mar-21 \$'000	2020/21 28-Feb-21 \$'000
Assets		
Current assets		
Cash and cash equivalents	13,280	22,095
Trade and other receivables	33,988	42,155
Other financial assets	85,000	75,000
Inventories	37	37
Assets held for sale	2,650	2,650
Other assets	1,633	1,633
Total current assets	136,588	143,570
Non-current assets		
Trade and other receivables	215	215
Investments in associates and joint ventures	3,187	3,187
Property, infrastructure, plant and equipment	1,679,755	1,679,030
Right-of-use assets	1,541	1,542
Intangible assets	713	737
Investment Property	33,034	33,034
Total non-current assets	1,718,445	1,717,745
Total assets	1,855,033	1,861,315
Liabilities		
Current liabilities		
Trade and other payables	11,336	10,373
Provisions	16,365	16,276
Interest-bearing loans and borrowings	1,595	1,605
Trust funds and deposits	3,510	3,510
Lease Liabilities	479	478
Unearned Income	2,574	2,574
Total current liabilities	35,859	34,816
Non-current liabilities		
Provisions	1,379	1,379
Interest-bearing loans and borrowings	29,902	30,043
Trust funds and deposits	1,007	1,007
Lease Liabilities	1,105	1,105
Total non-current liabilities	33,393	33,534
Total liabilities	69,252	68,350
Net assets	1,785,781	1,792,965
Equity		
Accumulated surplus	542,251	549,435
Reserves	1,243,530	1,243,530
Total equity	1,785,781	1,792,965

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2021 cont'd

* The balance of 'cash and cash equivalents' and 'other financial assets' is \$98.280m (March 2020: \$120.832m).

Table 5 - Statement of Cash Flows

	2020/21 31-Mar-21 \$'000	2020/21 28-Feb-21 \$'000
	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities		
Receipts:		
Rates and charges	84,986	75,713
Grants - operating	10,516	9,441
Grants - capital	2,107	1,212
Statutory fees and fines	3,729	3,228
User fees and charges	10,513	9,437
Contributions - monetary	3,932	3,494
Interest received	1,058	1,010
Rental income	1,701	1,495
Other receipts	1,216	1,089
Payments:		
Employee costs	(49,024)	(43,101)
Materials and services	(34,150)	(31,220)
Utility charges	(2,838)	(2,364)
Other payments	(7,242)	(7,083)
Net cash provided by operating activities	26,504	22,351
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(36,718)	(33,642)
Proceeds from sale of property, plant and equipment	967	467
Net (purchases)/redemption of financial assets	12,000	22,000
Net cash (used in) investing activities	(23,751)	(11,175)
Cash flows from financing activities		
Borrowing costs - interest	(1,767)	(1,567)
Repayment of borrowings	(1,242)	(1,091)
Interest paid - lease liabilities	(27)	(24)
Repayment of lease liabilities	(363)	(325)
Net cash (used in) financing activities	(3,399)	(3,007)
Net increase/(decrease) in cash and cash equivalents	(646)	8,169
Cash and cash equivalents at the beginning of the financial year	13,926	13,926
Cash and cash equivalents at the end of the month	13,280	22,095

ATTACHMENTS

Nil

7.4 AWARD OF CONTRACT NO. 1111-2021 CONSTRUCTION OF FOOTPATH REPLACEMENT PROGRAM

Author: Hassan Abdullahi - Project Engineer, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. 1111-2021 – Construction of Footpath Replacement Program.
2. Council sought submissions from suitably qualified and capable contractors for the construction of the footpath replacement program. As part of Council's Capital Works Program, council is planning to undertake an extensive footpath replacement program throughout the municipality.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Prestige Paving Pty Ltd in accordance with the tender and conditions as determined by Council.
4. Tenders were received from fourteen (14) contractors prior to closing date

RECOMMENDATION

That Council:

1. Award Contract No. 1111-2021- Construction of Footpath Replacement Program to Prestige Paving Pty Ltd for the lump sum price of \$4,061,093.00 (ex. G.S.T).
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”*.

AWARD OF CONTRACT NO. 1111-2021 CONSTRUCTION OF FOOTPATH REPLACEMENT PROGRAM cont'd

TENDER DETAILS

Contract Period	June 2021 to June 2022
Contract Type	Lump Sum
Advertising Period	Saturday 20 th February 2021 to Wednesday 17 th of March 2021 in the Age
Tenders Closed	Wednesday 17 th of March 2021
Works/Project	As part of Banyule City Council's Capital Works Program, council is planning to undertake an extensive footpath replacement program throughout the municipality.
No. of tender documents downloaded	Forty-seven (47)
Tender Evaluation Panel	<ul style="list-style-type: none">• Capital Works Officer• Capital Works Officer• Capital Works Officer• Procurement Officer
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Specific experience in construction of similar footpath replacement programs and previous performance, experience and reliability 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.

TENDER/QUOTATION EVALUATION

- 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.
- During the initial opening of tenders, and with regards to budget and the agreed weightings the TEP agreed that only the seven (7) lowest priced submissions would be considered further. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.

AWARD OF CONTRACT NO. 1111-2021 CONSTRUCTION OF FOOTPATH REPLACEMENT PROGRAM cont'd

- Following the evaluation, the final scores of the preferred contractors are shown below:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Prestige Paving Pty Ltd	67.94
Tenderer B	68.17
Tenderer C	65.61
Tenderer D	62.59
Tenderer E	62.31
Tenderer F	57.34
Tenderer G	52.26

- This is considered a significant sized contract which spans across multiple sites throughout the Municipality. Council are seeking a contractor who can demonstrate they have undertaken a similar type of project, quality systems/processes and organisational skills along with adequate resources to be able to deliver the project to a high standard and within the required timeframes.
- In reviewing the submissions, it became apparent that several did not demonstrate previous experience in managing a project of this size and complexity, along with adequate resources to deliver the project without engaging sub-contractors. It is considered that this can lead to issues in varying degrees of quality and increased supervision.
- The highest score and lowest priced tender, Tenderer B was determined by the TEP to be technically unsuitable for the contract based on their low capability score and their tendered price based on their capability, is thought to be unrealistic. The non-price score for Tenderer B is only 46.94.
- When price is removed Prestige Paving Pty Ltd are highest scored tender (non priced elements).
- A post tender interview was held with Prestige Paving Pty Ltd on Monday 3 May 2021 to the satisfaction of the TEP.
- Based on the above scores, and that they have satisfactorily completed works for council, the TEP agreed to recommend award of the contract to Prestige Paving Pty Ltd.

SUPPORTING REPORT DETAILS

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.

AWARD OF CONTRACT NO. 1111-2021 CONSTRUCTION OF FOOTPATH REPLACEMENT PROGRAM cont'd

- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

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

- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarification on how they have included/considered a sustainable procurement aspect of the contract which covers, Environmental, Economic and Social Sustainability.
- Prestige Paving Pty Ltd demonstrated that where possible, they will utilise recycled crushed concrete as a base for the footpath rectification works.
- Use of Recycled water in the manufacturing process of the concrete.

Financial Implications

- Council has allocated funding in its 2021/22 Capital Works budget to undertake an extensive footpath replacement program throughout the municipality.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with 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*. *Local Government Act 1989* and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

**AWARD OF CONTRACT NO. 1111-2021 CONSTRUCTION OF FOOTPATH
REPLACEMENT PROGRAM 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.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

N	Title	Page
•		
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1	Contract No. 1111-2021 - Tender Evaluation Sheet - CONFIDENTIAL	

7.5 AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES

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

SUMMARY

1. This report is to consider the awarding of Contract No. 1107-2021 - Provision of Contact Centre and Managed Services.
2. Council is replacing its ageing end of life on premise Contact Centre (call centre) to a modern Cloud solution. The Contact Centre software is a central point from where all customer interactions can be managed for Council. This will include telephone calls, emails and live web chat to begin with.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Premier Contact Point Pty Ltd (Premier) in accordance with the tender and conditions as determined by Council.
4. Tenders were received from six companies.
5. The contract will commence 1 June 2021. 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 years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1107-2021- Provision of Contact Centre and Managed Services to Premier Contact Point Pty Ltd for \$466,660.00 (ex. G.S.T) for an initial period of 3 years with an option to extend for a further 2 years.
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 3 year contract term and any 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*".

AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES cont'd

TENDER DETAILS

Contract Period	5 years
Contract Type	Contract/Service
Advertising Period	Saturday 20/02/21 in the Age
Tenders Closed	Wednesday 17/03/2021
Works/Project	Contact Centre
No. of tender documents downloaded	69
Tender Evaluation Panel	Contracts Officer IT Infrastructure and Operations Coordinator Manager Customer Experience and Business Improvement IT Infrastructure Project Manager Technical Specialist Customer Service Team Leader
Tender Evaluation Criteria	<ul style="list-style-type: none"> • 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 • Existence of Accredited Management Systems and procedures Quality and OH&S; • Solution designs, implementation/migration plan, project plan and Service Level Agreement (SLA) /Service Level Rebate (SLR) • Any other factors considered relevant by Council.
Other Background	<ul style="list-style-type: none"> • Council sought Tenders from experienced contractors to appoint an experienced and qualified contractor for the Provision of Contact Centre and Managed Services. The services/works include, but are not limited to, the following: <ul style="list-style-type: none"> ○ design, provisioning, implementation and migration of a new contact centre platform solution, which is essential to provide reliable and responsible customer service to the community ○ provision of ongoing managed support services for the contact centre platform.

AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES cont'd

	<ul style="list-style-type: none"> • The expected benefits from the new contact centre solution are: <ul style="list-style-type: none"> ○ improved contact centre platform availability, reliability and functionalities ○ enhance customer experience; ○ allow new ways to interact with customers such as online chat ○ improve and streamline workflows and processes ○ increase Customer Service and participating business units staff productivity and efficiency ○ improved real time metrics and historical reporting to identify the areas for the continuous improvement.
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TENDER/QUOTATION EVALUATION

- 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.
- 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:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Tenderer A	72.10
Tenderer B	0 (Non-Conforming)
Tenderer C	0 (Non-Conforming)
Tenderer D	87.47
Tenderer E	65.38
Tenderer F	56.91

AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES cont'd

NON-CONFORMING TENDER

- Tenderer B and Tenderer C were deemed to be non-conforming because their tendered pricing was more than 15 per cent above the maximum budget threshold allowed for this project.
- Following an initial evaluation, the TEP shortlisted the following tenderers for tender interviews:
 - Premier Contact Point Pty Ltd
 - Tender A
 - Tender E
- At the tender interviews, tender exclusions and other conditions stated in the tender submissions of three tenderers were discussed.
- All three shortlisted tenderers were requested to present their solution design, provide technical demonstrations and respond to the specific questions of clarification sought by the TEP.
- Three contractors were subsequently requested to explain price exclusions that were listed in their tender submissions and submit their revised prices as their Best and Final Offer (BAFO) within one business day of completing their interviews.
 - Premier Contact Point Pty Ltd submitted a revised tender price of \$466,660 (ex. G.S.T).
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a further evaluation, using the weighted evaluation matrix.

Following is the final score of the preferred contractors:

Contractor	Weighted Scores
Premier Contact Point Pty Ltd	87.47
Tender A	76.30
Tender E	66.10
Tender F	60.17
Tender B	0 (Non-Conforming)
Tender C	0 (Non-Conforming)

- It is evident from the above weighted scores that Premier Contact Point Pty Ltd has obtained the highest score and will deliver best value for money to Council.

AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES cont'd

SUPPORTING REPORT DETAILS

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.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

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

- Premier Contact Point Pty Ltd (Premier) has an Environmental Management System in place. They aim to actively promote and encourage the adoption of ecologically sustainable work practice initiatives and programs within its organisation, including aiming to:
 - Minimise waste-to-landfill, greenhouse gas emissions and other pollution by applying waste management principals,
 - Further reduce consumption of power, water and natural resources,
 - Employ environmental considerations in purchasing decisions,
 - Educating and training people to continually improve awareness, skills and knowledge of environmental issues and practices,
 - Communicate regularly with community groups and key stakeholders on environmental issues,
 - Meet all relevant legislative and regulatory requirements.
- Premier demonstrates a commitment to the following specified areas:
 - Commitment to sustainable, energy efficient and greenhouse gas reduction,
 - Whole-of-product-lifecycle management,
 - Sourcing and procurement of materials from a sustainability perspective,
 - Methodology for continuous environmental performance improvement.
- Premier does not require any hardware to be deployed to customer sites, rather all customers utilise shared infrastructure in a private cloud model, which is delivered out of Equinix data centres. Equinix design, build and operate data centres with high energy efficiency and have a long-term goal of using 100% clean and renewable energy.

AWARD OF CONTRACT NO. 1107-2021 PROVISION OF CONTACT CENTRE AND MANAGED SERVICES cont'd

- Consequently, Premier will achieve a significant reduction in the production of server hardware and the energy that is required to run the equipment at Council site.

Financial Implications

- Council has the allocated budget in financial years 2021/22 to 2026/27 to procure the software and services.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with 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

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

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.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

N	Title	Page
o	.	
1	1107-2021 - Provision of Contact Centre and Managed Services - Matrix and financial implications - CONFIDENTIAL	

7.6 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:	26 April 2021 – 5.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	Banyule 2041 Community Working Group update Macleod Recreation Centre Youth Spaces Plan Procurement Policy and Sustainable Procurement framework Full Review of Council Advisory Groups General Business
	Councillors Present:	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican 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> Kerry Woods – <i>Executive & Councillors Team Leader</i> Kamal Singh – <i>Integrated Planning Project Manager</i> Ruth Robles McColl – <i>Senior Project Manager</i> Rod Spivey – <i>Senior Open Space Planner</i> Robyn Mitchell - <i>Coordinator Open Space and Strategic Planner</i> Ana Caicedo - <i>Acting Manager Operations</i>

RECORD OF COUNCILLOR MEETINGS cont'd

Sonali Cordeiro – <i>Strategic Procurement Coordinator</i> Tania O'Reilly – <i>Manager Finance & Procurement Services</i> Theonie Tacticos – <i>Community & Social Planning Coordinator</i> Lisa Raywood – <i>Manager Health, Aged & Community Planning</i> Darren Bennett – <i>Manager Environment & Place</i>	
Others Present:	
Nil	
Conflict of Interest:	Nil

2	Date of Meeting:	3 May 2021 – 5.30pm
	Type of Meeting:	Council Meeting Pre-Briefing
Matters Considered:		
Items listed on the agenda for Council Meeting 3 May 2021 as below:		
2.1 Greenwood Drive Watsonia - Request for Speed Humps to Reduce Hooning Behaviour		
5.1 Application for Planning Permit to enable Restaurant and Café Liquor Licence - P166/2021 - 154 Upper Heidelberg Road, Ivanhoe		
5.2 Yarra Strategic Plan Endorsement		
7.1 Bellfield Project - Notice of Intention to Sell - Clarification of eastern edge of site		
7.2 Award of Contract No. 1103-2021 - Panel of Continuous Improvement Consultancy Services		
7.3 Award of Contract No. 1095-2020 - Provision of Distribution of Printed Material & Production of Corporate Documentation & Stationary		
7.4 Audit & Risk Committee Minutes - Meeting 12 March 2021		
7.5 Councillor Gift Policy		
7.6 Record of Councillor Meetings		
Councillors Present:		
Peter Castaldo		
Alison Champion		
Peter Dimarelos		
Mark Di Pasquale		
Rick Garotti		
Alida McKern		
Fiona Mitsinikos		
Elizabeth Nealy		
Staff Present:		
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>		
Gina Burden – <i>Manager Governance & Communication</i>		
Vivien Ferlaino – <i>Governance Coordinator</i>		
Emily Outlaw – <i>Council Business Team Leader</i>		
Samuel Moore – <i>Council Business Officer</i>		
David Pascolo – <i>Technical Analyst</i>		

RECORD OF COUNCILLOR MEETINGS cont'd

Duncan Stephen – <i>JETS Sound Engineer/Program Assistant</i>	
Jay Mifsud – <i>Youth Program Officer</i>	
Neale Lawrence – <i>JETS Sound Engineer / Program Assistant</i>	
Others Present:	
Nil	
Conflict of Interest:	Nil

3	Date of Meeting:	10 May 2021 – 5.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Banyule 2041 Community Working Group update Capital Works Quarterly Status Update Finance March Quarterly Update	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Alida McKern 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> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlino – <i>Governance Coordinator</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Kamal Singh – <i>Integrated Planning Project Manager</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Mathew Deayton – <i>Capital Works Coordinator</i> James Kelly – <i>Manager Delivery & Assets</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil

9.1 **EXTERNAL AGENCIES AND CONFIDENTIALITY AGREEMENTS**

Author: Cr Rick Garotti

TAKE NOTICE that it is my intention to move:

That:

1. Council establish an official position on confidentiality agreements that may be entered into between individual Council officers and external agencies.
2. The following wording is to be inserted or attached to all future or amended confidentiality agreements between council officers and external agencies.

"It is recognised that confidentiality agreements between Council officers and external agencies can result in reduced transparency by limiting the sharing of information between Council officers, Council and to our community. Accordingly, as an overarching principle, confidential agreements between external agencies and individual Council officers are to be avoided and only executed where considered absolutely necessary by the Banyule City Council Chief Executive Officer. The Chief Executive Officer is to approve all confidentiality agreements.

The agency recognises that "Council" constitutes Councillors duly elected by the community and whom form Council positions on matters via resolution at official meetings of the Council that are open to the public.

When operating under a confidentiality agreement, the primary role of a Council Officer is to provide technical and operational input to the project to achieve the best possible outcome for the community and Council for the successful design, planning, assessment, procurement, and delivery of the project.

Where input of a technical nature has been provided by Council officers, it should not be purported to be deemed as consultation with the Council or to represent the views or position of the Council unless there is an explicit decision of the Council supporting those views and written advice is obtained confirming this is the case. Where the agency has discussed matters with Council officers, it should not be purported or to be deemed as the authority having consulted with the Council."

3. That Council writes to the North East Link Project (NELP) and the Level Crossing Removal Project (LXRP) to advise them of this position.

EXTERNAL AGENCIES AND CONFIDENTIALITY AGREEMENTS cont'd

Explanation

- In recent time, a number of State Government major transport projects have required the signing of 'confidentiality' agreements or included confidentiality clauses in the terms of reference.
- Such confidentiality agreements allow external agencies to seek advice from Council officers on a technical nature. Without such agreements it is unlikely that any information would be shared with Council officers which would reduce input into the projects.
- Some agreements allow Council officers to share information provided by the agency with other Council officers, directors and consultants engaged by Council but not with Councillors. Councillors are not employees, officers or directors of Council.
- The main reason that Councillors are treated differently or excluded from the agreements / undertakings is that the State Government has formed a view that the *Local Government Act 2020 (Act)* does not provide enough protection to confidentiality and that there is a risk that Council may resolve that information is not confidential under Section 125(2) of the *Act*.
- Many of the confidentiality agreements are a 'one-way agreement', with Council not having the ability to amend the agreement.
- Council has previously requested advice regarding the exclusion of Councillors from the protocols in the confidentiality agreements restricting Councillors from being advised or updated on certain information. Council officers need to be able to share information with Councillors to keep them informed as to project progress.
- It is important to note that such liaison with Council officers does not necessarily constitute consultation or engagement with Council. The discussion between the agency and officers is generally to provide technical advice.
- Any policy position or submission to a proposal requires the Council at a Council meeting to make a decision.

CR RICK GAROTTI
Grimshaw Ward

ATTACHMENTS

Nil