

Agenda



Monday, 30 August 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 9 August 2021

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

Nil

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Nil

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8. Sealing of Documents

Nil

9. Notices of Motion

Nil

10. General Business

Closure of Meeting

Public Question Time

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, 20 September 2021.

3.1 YOUTH SPACES PLAN

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

SUMMARY

1. The draft Banyule Youth Spaces Plan (the Plan) is a principles-based document that provides strategic direction for the future provision of outdoor recreation places and spaces for young people aged 12 – 25 years across the municipality.
2. The draft Plan has been designed to help ensure that safe, inclusive and accessible spaces for play, recreation and socialising are provided to young people across Banyule.
3. Key actions from the draft Plan include:
 - Investigate locations and feasibility for district youth spaces to service the needs of people aged 12 to 25 years;
 - Investigate locations and feasibility for walkable local spaces for youth aged 12 to 14 years and spaces for youth aged 15 to 17 years spread equitably across the municipality;
 - Develop a funding program that covers the costs of these proposed facilities including maintenance and renewal.
4. The consultation and feedback received demonstrates support (96%) for the draft Plan.
5. The actions to investigate locations and feasibility of local and district youth spaces will involve further consultation with community.
6. A copy of the draft Plan can be viewed via Attachment 1.

RECOMMENDATION

That Council:

1. Adopt the draft Youth Spaces Plan.
2. Consider allocating \$50,000 towards the investigation of locations and feasibility of local and district youth spaces throughout the municipality in its Capital Works program for the 2022/23 financial year.
3. Actively seek external grants and funding opportunities to assist with the delivery of youth facilities within open spaces.

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".

YOUTH SPACES PLAN cont'd

BACKGROUND

- The development of the draft Youth Spaces Plan (the Plan) advances recommendations contained within the *Banyule City Council Youth Plan (2018-2021)* and the *Banyule Youth Action Plan (2020)* including to:
 - Deliver a range of accessible, inclusive, unstructured recreational opportunities mitigating as many barriers as possible with the aim of promoting positive well-being and social connectedness.
- The draft Plan is consistent with strategic action 21 in the *Public Open Space Plan (2016 – 2031)*. More specifically:
 - In recognition of the needs of Banyule’s diverse communities, Council will endeavour to provide a wide variety of public open space types and open space infrastructure.
- Community consultation highlighted the need for a diversity of spaces to perform a variety of activities. Spaces should include the provision for active and passive play and opportunities to explore and create through adventure play and artistic elements. Socialising was a high priority for most and this was identified as a common pastime.
- The draft Plan:
 - Assesses the need and community demand for additional youth recreation spaces and facilities;
 - Identifies the design principles to determine the scale, preferred components and most appropriate locations for these spaces.
- A report was considered at the Ordinary Council meeting 24 May 2021 seeking endorsement to place the draft Plan on exhibition. At this meeting, Council resolved to place the draft Plan on public exhibition and to ascertain the level of community support for the document through a report inclusive of a summary of the process and results of the consultation.
- The data collected demonstrated general support for the draft Plan and is outlined in more detail in the Community Engagement section of this report.

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.

YOUTH SPACES PLAN cont'd

- The adoption of the draft Plan will require Council to:
 - Investigate locations and feasibility for walkable local pre-teen/early teen (12 – 14 years) youth spaces spread equitably across the seven precincts contained within the *Public Open Space Strategy*;
 - Investigate locations and feasibility for walkable local teen (15 – 17 years) spaces spread equitably across the seven precincts contained within the *Public Open Space Strategy*;
 - Investigate locations and feasibility for district youth spaces to service the needs of youth aged 12 – 25 years.
 - Ensure that ongoing funds are allocated for the maintenance and renewal of facilities.

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*.
- Article 31 of the *United Nations Convention of the Rights of the Child* has been ratified by the Australian Government. It is noted that:
 - Every child (up to age 18) has the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- The adoption of the draft Plan will advance the objectives of Article 31.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.
- Sustainable procurement outcomes will be pursued as a function of the delivery of the recommendations should Council resolve to adopt the draft Plan.

Financial Implications

- The budgetary implications should Council resolve to adopt the draft Plan are:
 - Allocation of \$50,000 towards the investigation of locations and feasibility of local and district youth spaces throughout the municipality.
- Funding required for the provision and maintenance of new youth facilities in open space will be considered as part of the location and feasibility investigation.

YOUTH SPACES PLAN cont'd

Community Engagement

- As part of the original consultation, a total of 348 members of the community were engaged to gather insight and information to assist in developing the draft Plan.
- The consultation asked young people:
 - How they used their spare time;
 - What they do in 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 attendees (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).
- Parks and open space proved to be the most popular location where survey participants enjoy spending their time but access to open space was identified as an issue.
- Over half of the survey participants identified that socialising with friends outdoors is their preferred way to spend spare time.
- The consultation highlighted the need for a diversity of spaces to perform a variety of activities. A copy of the Consultation Report can be viewed via Appendix 2.
- Consultation associated with the exhibited draft Plan comprised:
 - Copies of the draft Plan being made available and flyers promoting feedback opportunities being displayed at the 2021 Banyule Youth Summit which was attended by 120 diverse young people;
 - A feature in the Banyule Youth Newsletter. This email is distributed every 4-6 weeks to over 500 professionals working with young people (teachers, medical professionals, youth workers, social workers and welfare practitioners);
 - An update on Shaping Banyule inclusive of a copy of the draft Plan, Consultation Report, Demographic Review and survey;
 - Social media posts on Facebook, Instagram and Twitter;
 - An email to the Locality Store, Greensborough;

YOUTH SPACES PLAN cont'd

- A letter to St Helena Secondary College, Parade College, Bundoora Secondary College, Loyola College, Greensborough Secondary College, Macleod College, Montmorency Secondary College, Viewbank College, Ivanhoe Grammar School, Ivanhoe Girls Grammar School, Our Lady of Mercy College and Melbourne Polytechnic;
- Key consultation metrics are listed below:
 - The project received 309 views on Shaping Banyule (the cumulative number of times a visitor visits the page);
 - The project received a total of 3,166-impressions as a result of social media (total number of times social media browsers have been exposed to content);
 - A total of 23 surveys were completed.
- The quick poll asked participants if they supported the draft Plan. Of the 23 quick poll responses, 22 expressed support (96%) and 1 expressed non-support (4%).
- The non-supportive response expressed the need for more skate facilities and suggested this be provided independently to children's play to reduce risk/conflict.
- A total of 14 responses were obtained by those completing the survey. A copy of this feedback can be viewed via Appendix 3.
- The principles-based approach of the draft Plan was deliberately structured to provide flexibility for further consultation in the future and can address feedback such as:
 - The desire for more skate, BMX and scooter infrastructure;
 - The need for intergenerational facilities;
 - The need to ensure consultation is broad and representative of youth across the municipality;
 - The need to encourage youth to be part of the community and to be outdoors.
- Should Council ultimately resolve to adopt the draft Plan, all feedback received as a result of the exhibition will be used to inform the implementation of the various recommendations.

Collaboration

- The draft Plan was in part funded by the Victorian Government through the Department of Health and Human Services via the Community Sports Infrastructure Fund.

Key Considerations

- The completion date associated with the Community Sports Infrastructure Grant has been extended until 15 September 2021.

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.

YOUTH SPACES PLAN cont'd

ATTACHMENTS

N	Title	Page
o	.	
1	Draft Youth Spaces Plan	
2	Consultation Report	
3	Exhibition Feedback	

3.2 REVIEW OF BANYULE'S DIVERSITY STATEMENT

Author: Myfan Jordan - Community and Social Planner, Community Programs

Previous Items

Council on 27 July 2020 (Item 3.1 - Adopting a Diversity Statement for Banyule City Council)

SUMMARY

1. A Diversity Statement was adopted by Council on 27 July 2020, to demonstrate Council's commitment to and valuing of diversity, and to act as a vehicle to raise awareness for staff and the broader community.
2. In developing the Diversity Statement, Council's then seven advisory committees were consulted, and a 12-month trial period was implemented. As this period is now ending, a review of the Statement and its adoption has been conducted.
3. A review of the outcomes and impacts of the Diversity Statement demonstrate that the 12-month pilot of the Diversity Statement has been successful and recommends endorsing a revised Diversity Statement for implementation across Council business units and documents.

RECOMMENDATIONS

That Council:

1. Endorses a revision of the current Diversity Statement to: 'Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. Council is committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an Inclusive Banyule.'
2. Endorses implementation of the revised Diversity Statement and the broader implementation across Council business units and documents.

COUNCIL PLAN

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

BACKGROUND

- Diversity Statements are a short paragraph that concisely capture an organisation's commitment to and value of diversity. A Diversity Statement was adopted for pilot by Council on 27 July 2020, to demonstrate Council's commitment to and valuing of diversity, and to act as a vehicle to raise awareness for staff and the broader community.

REVIEW OF BANYULE'S DIVERSITY STATEMENT cont'd

- The scope of Council's Diversity Statement pilot was to include five key actions:
 - Being read out at Council meetings, after the Acknowledgment of the Traditional Custodians.
 - Being read at the start of Advisory Committee meetings, after the Acknowledgment of the Traditional Custodians.
 - To explore being incorporated into the 'on hold' messages the community may hear when calling Council.
 - To be placed on the Council website at the bottom of the first page, after the Acknowledgement of the Traditional Custodians.
 - To be placed on the Council's internal intranet site – including information for staff regarding how to utilise and respond to the Diversity Statement.

KEY ISSUES

- The Diversity Statement has been used in a number of ways across the period of the 12-month pilot; 4 out of 5 pilot actions have been implemented.
- This included placing the Diversity Statement in key documents, at the bottom of each page of Council's website, on the Shaping Banyule website, and reading out the Diversity Statement at the start of events and meetings, such as Council meetings and Council's population committees.
- The ability to incorporate an 'on hold' message into inbound community calls was explored but deemed not possible due to technical reasons.
- Following the pilot, to review the impact and effectiveness of the Diversity Statement, staff were surveyed in relation to their awareness and usage of the Statement. Councillors were also offered the opportunity to participate in a similar survey. Survey respondents included 42 staff members from across Council, of which highlighted that:
 - 83% of respondents were aware of the Diversity Statement.
 - 19% had used it in a strategic document. 23% had used it in a meeting. 6% had used it in another way.
 - 51% hadn't used the Diversity Statement.
 - 38% said they would be more likely to use it if it was part of their email signature.
 - 28.5% would be more likely to use it if shorter/simpler wording.
 - 19% said regular reminders on Council's intranet.
 - 9.5% said if they understood better how it related to their work.
 - 2% said they would use it if it was mandatory.
 - 2% were "unlikely to ever use a Diversity Statement".
 - 71.5% agreed that including a Diversity Statement in the Banyule Council email signature would "send a useful and positive message". (12% said 'no' and 17% were 'unsure').
 - The Diversity Statement should not in any way compete with Council's Acknowledge of Traditional Custodians; this currently sits below email signatures and before/adjacent to the Diversity Statement on the website.

REVIEW OF BANYULE'S DIVERSITY STATEMENT cont'd

(Note, the placement was agreed in consultation with Council's Aboriginal and Torres Strait Islander Committee and no complaints arose during the pilot period).

- The Diversity Statement is too lengthy, with some words not in 'easy English'.
- The completed consultation and actions demonstrate that the 12-month pilot of the Diversity Statement has been successful and that there are two opportunities for improvement:
 - Revise the Diversity Statement to improve its accessibility and continue to articulate Council's commitment to equalities and diversity, as set out in the Inclusion, Access and Equity Framework 2017-2021 and its (pending) successor, Inclusive Banyule.
 - Broaden the Diversity Statement's implementation.
- Throughout consultation, a number of respondents suggested revisions of the original Diversity Statement.
- The original Diversity Statement is:

"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."
- The proposed revised Diversity Statement is:

"Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. Council is committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an Inclusive Banyule."
- To support broader implementation of the Diversity Statement, Council will need to commit to the following actions across the next 12 months:
 - Endorse the revised Diversity Statement as core and ongoing to our operations.
 - Promote the Diversity Statement internally and externally.
 - Provide updated information and training to staff about the Diversity Statement.
 - Add the Diversity Statement to staff email signatures and to other Council associated websites, such as Shop 48 and Banyule Business.
 - Inclusive Banyule Advisory Committee to review the plan for broader implementation of the Diversity Statement and provide any additional suggestions regarding its successful implementation.

REVIEW OF BANYULE'S DIVERSITY STATEMENT cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. The Inclusion, Access and Equity Framework 2017-2021 cites the Victorian Charter of Human Rights as a key document that informs it. The Diversity Statement cites a number of protected attributes that are listed in the *Equal Opportunity Act 2010 (Vic)*. Specific sections of the Victorian Charter of Human Rights and Responsibilities that are enhanced by the Diversity Statement include:
 - Section 8 Right to recognition and equality before the law;
 - Section 13 Right to privacy and reputation;
 - Section 14 Right to freedom of thought, conscience and belief;
 - Section 15 Right to freedom of expression;
 - Section 16 Right to peaceful assembly and freedom of association;
 - Section 17 Right to protection of families and children;
 - Section 19 Right to protection of cultural rights.
- This project also initiated from a discussion at the LGBTIQ+ Committee whereby members advocated that Council adopt a Diversity Statement.

Sustainable Procurement Outcomes

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

Financial Implications

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

Innovation and Continuous Improvement

- By expanding the implementation of the Diversity Statement to Council staff email signatures and Citizenship Ceremonies, this will send a clear message to Banyule's communities and partners that equality is core business for Council.

Consultation

- A survey was undertaken between March and June 2021 as a part of the evaluation and review process. 42 responses were received.
- Responses from the survey have fully informed the revised Diversity Statement and an updated implementation plan.

REVIEW OF BANYULE'S DIVERSITY STATEMENT cont'd

Key Considerations

- The proposed Diversity Statement will keep access, equity, participation and rights at the forefront of Council business and act as a marker of cultural safety. It is critical to Council's broader policies in relation to improving public health and wellbeing, driving social inclusion and recognising diversity.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.3 REVIEW OF THE RSL TRUST DEEDS AND GRANTS PROGRAM

Author: Frances Gianinotti - Community Partnerships Coordinator, Community Programs

Previous Items

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

SUMMARY

1. At the Meeting on 6 July 2020, Council resolved to waive the 2020/21 Banyule RSL Trust Deeds and Grants Program due to the impact of COVID-19 on RSL revenues.
2. During this hiatus, a review of the RSL Trust Deeds and Grants Program (the Review) was undertaken by Council officers. The Review considered the significant shifts in social attitudes and policy reforms over the past 20 years.
3. The Banyule Gambling Policy outlines Council's strategic intent on Gambling Reduction and Harm Minimisation. There were inconsistencies between the existence of the RSL Trust Deeds and Council's Gambling Policy. The inconsistencies were evident in 5 of the 8 Gambling Policy commitment areas.
4. The Review concluded that the RSL Trust Deeds are not best practice for Local Government and are not aligned with Council's strategic aspirations and policy positions.
5. Council's partnership with the RSLs through the Trust Deeds exposes Council to strategic, operational and reputational risk.
6. Meetings have been held between Council Officers and representatives from each of the three RSLs to discuss the findings of the Review and termination of the Trust Deeds and Grants Program. All three RSL's are in agreement to dissolve the Trust Deeds.
7. Each of the three RSLs have indicated they will continue to work with and support their local communities through a variety of different avenues.
8. The contribution to the Banyule community by the RSL Trust Deeds and Grants program has been significant over the years. In the past 3 funding rounds, a total of \$608,882 has been distributed to 135 projects.
9. The loss of over \$200,000 per annum through the RSL Trust Deeds & Grants Program will have a major impact on local funding opportunities. This combined with the impact of the pandemic on income streams and fundraising ability for community groups will result in increased demand on existing Council grant programs.
10. Council may consider increasing its annual contribution to the Banyule community grants pool in future years to compensate for the loss of the RSL Grant programs.

REVIEW OF THE RSL TRUST DEEDS AND GRANTS PROGRAM cont'd

RECOMMENDATION

That Council:

1. Note the review findings that the RSL Trust Deeds and Grants Program are not aligned with Council's strategic aspirations, policy positions and best practice in Local Government.
2. Terminate the Trust Deeds and Grants Program currently in place with Watsonia RSL, Greensborough RSL and Montmorency/Eltham RSL by September 2021.
3. Write to Watsonia RSL, Greensborough RSL and Montmorency/ Eltham RSL to formally advise them of Council's decision to Terminate the Trust Deeds and Grants Program.
4. Note that the funding made available through the RSL grant program has provided funding for 135 community projects.
5. Refer consideration of increasing Council's contribution to the overall Banyule community grant pool, to offset the loss of the RSL grants, to Council's 22/ 23 annual budget process.

COUNCIL PLAN

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

BACKGROUND

- The RSL Trust Deeds and Grants Program Review (the Review) related to Council's current partnership with the Greensborough, Watsonia and Montmorency/Eltham RSLs. It considered the significant shifts in social attitudes and policy reforms over the past 20 years since they were established.

Review Objectives

- The objectives of the Review were to:
 - Ascertain if and how the RSL Trust Deeds and Grants Program aligns with Council's objectives and the Banyule Gambling Policy;
 - Evaluate the current RSL grants program to determine the most appropriate approach for RSLs to continue to support community initiatives;
 - Determine Council's future role and partnership with the RSLs currently formalised through individual Trust Deeds.

REVIEW OF THE RSL TRUST DEEDS AND GRANTS PROGRAM cont'd

History

- The RSL Trust Deeds were established following requests by the RSLs for an increase in the number of electronic gaming machines (EGMs). The RSL Trust Deeds are an agreement with Council not to submit impact assessments in exchange for the RSLs agreeing to contribute funds to an annual community grants program. The RSL Trust Deeds have been in place for a significant period commencing with the Watsonia RSL executed in 2000, Montmorency RSL executed in 2001 and the Greensborough RSL Trust Deed executed in 2006.
- The RSL grants program is administered by Council Officers. The grants pool is fixed at \$1,000 per EGM per annum. The last funding round was in 2019/20 and the grants pool was a total of \$214,929 distributed as follows:
 - \$57,125 - Greensborough RSL
 - \$54,244 – Montmorency/Eltham RSL
 - \$103,560 – Watsonia RSL
- Over the past 4 funding rounds from 2015/16 to 2019/20:
 - A total of \$608,882 in grants were distributed to the Banyule community comprising 102 various projects (\$541,222) and 34 defibrillators (\$67,660).
 - 36% of total allocations were to sporting clubs/ leisure services followed by 22% to pre-schools and primary schools.
 - 47% of total funds were for capital works projects, followed by 31% for equipment.
- Correspondence from the Watsonia RSL was received in May 2021 advising that it had received advice from RSL Victoria that the Trust Deeds were viewed as Commercial Agreements, and the contributions made through the RSL Grant Program were not a recognised community contribution according to State Government requirements. This letter further requested that the RSL's be discharged from the Trust Deeds.

Montmorency/Eltham RSL

- Council is the owner of the premises at 16 Mountain View Parade, Montmorency which it leases to the Montmorency/Eltham RSL. Whilst the Montmorency/Eltham RSL Trust Deed and the Lease are not legally co-dependent, the intent of the Council decision of 6 February 2012 to support an increase in EGMs was tied to a long-term lease arrangement and an understanding that contributions would continue through the Trust Deed.
- At the time, Council considered the implications to the (then) Council EGM Policy, financial and community benefits.
- The current executed Deed of Renewal term is 1 January 2021 to 31 December 2025. A Deed of Variation can be undertaken at any time during this period or renegotiated at the end of the term if preferred.

REVIEW OF THE RSL TRUST DEEDS AND GRANTS PROGRAM cont'd

KEY FINDINGS OF THE REVIEW

- Council Officers conducted comprehensive research and policy reviews across national and international platforms as well as benchmarking against other Local Governments. A number of findings have been identified from the Review as follows:

Changes in social and public health policies

- The dramatic expansion of legalised gambling has seen researchers and policy analysts place gambling within a public health framework. In addition to financial losses, gambling is linked with a range of issues impacting on the gambler including mental ill health, crime and job loss. Importantly, research continues to highlight that gambling related harm is not limited to the gambler. It is estimated that the harm experienced by each person categorised as a problem gambler in Victoria impacts between 7 to 10 other people, most notably friends, families and employers.
- Since the establishment of the RSL Trust Deeds, significant research and evidence regarding the harms associated with EGMs have been documented, in 2020 the VCGLR data set that reports on losses (expenditure) showed Banyule was ranked 21st.

<https://www.vcglr.vic.gov.au/resources/data-and-research/gambling-data/gaming-expenditure-local-area>

Strategic context

- The Review took into consideration the alignment with Council's key strategic documents including the Banyule Gambling Policy - Gambling Reduction and Harm Minimisation 2019 – 2022. It noted that there were inconsistencies between the existence of the RSL Trust Deeds and Council's Gambling Policy. The inconsistencies were evident in five of the eight Gambling Policy commitment areas.
- The Review indicated that there is insufficient evidence that Council's involvement in the RSL Trust Deeds creates better outcomes, and that overseeing the distribution of gambling revenue was the responsibility of RSL governance structures and the State Government.
- Council's partnership with the RSL's through the Trust Deeds exposes Council to strategic, operational and reputational risk.
- The Review found that Council's involvement in the distribution of gambling revenue through the Grants Program contravenes the Victoria Local Government Association's (VLGA) 'Local Government Gambling Industry Funding Policy'. This policy advises that councils should not accept funding support from gambling industries. They recommend that any historical arrangements should cease, and any unexpended funds should be used in a way that does not undermine positive public health outcomes and principles.
- Banyule has a unique arrangement with the RSLs. There are no other Local Government areas which have similar arrangements in place. Only two other Councils, Hume and Casey, have current arrangements to disburse gambling revenue through grants. Both Councils' grants programs were formed as a result of hotel licencing compliance issues. Those councils became involved as a result of a Victorian Commission for Gambling and Liquor Regulation (VCGLR) decision

REVIEW OF THE RSL TRUST DEEDS AND GRANTS PROGRAM cont'd

and programs are for a 5-year fixed term due to end 2022 with no anticipated extensions.

IMPACT OF TERMINATION OF RSL TRUSTS

- Between 2015 and 2019, the RSL Grant Program contributed more than \$600,000 to local not for profit groups in the Banyule area. The grants have funded over 30 defibrillators, contributed to many capital works projects across a range of facilities including sporting clubs, preschools and disability services and funded equipment and services for a broad range of not for profit groups.
- The loss of over \$200,000 per annum through the RSL Grants Program will have a significant impact on local funding opportunities available to the Banyule community. This combined with the impact of the pandemic on income streams and fundraising ability for not for profits will result in increased demand on existing Council grant programs.
- Council may consider increasing its annual contribution to the Banyule community grants pool in future years to compensate for the loss of the RSL Grant programs.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the issues contained in this report other than the termination of the Trust Deeds by mutual consent of all parties.

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*.

Sustainable Procurement Outcomes

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

Financial Implications

- Consideration of increasing Council's contribution to the overall Banyule community grant pool, to offset the loss of the RSL grants, will be referred to Council's 22/ 23 annual budget process.

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

3.4 SHOP 48 THE HARMONY CENTRE - ANNUAL REPORT 2020-2021

Author: Frances Gianinotti - Community Partnerships Coordinator, Community Programs

SUMMARY

1. Shop 48 The Harmony Centre (S48HC) has been operational since early 2016 and is located in the Bell Street Mall Shopping Centre, Bell Street, Heidelberg West.
2. Council entered into a 10-year commercial lease in 2014 to establish S48HC and the lease will expire in June 2024.
3. There are 4 key functions which operate from S48HC all of which have been impacted by the COVID-19 pandemic in 2020/21.
4. 2020/21 was a difficult year for S48HC due to the pandemic with significant impact on its financial, operational and strategic management. More broadly, the effects of the pandemic on the broader community services sector resulted in key service changes, new alliances and partnerships and increased demands on support required for the local communities.
5. S48HC was closed to the public due to 3 lockdowns for 54% or just over 6 months of 2020/21. During the closures, essential services continued to operate from the facility and continued to deliver online and remote support services. The establishment of the Food Hub by the Banyule Support and Information Centre (BANSIC) was instrumental in distributing food parcels to existing and many new clients.
6. A report “*Shop 48 The Harmony Centre – Annual Report 2020/2021*” **Attachment 1**, details the past 12 months’ operations.

RECOMMENDATION

That Council:

1. Note the *Shop 48 The Harmony Centre – Annual Report 2020/2021*.
2. Acknowledge the excellent work of the S48HC tenant organisations who continued to provide essential and core services throughout the year in the exceptionally challenging environment of the COVID-19 pandemic.

COUNCIL PLAN

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

SHOP 48 THE HARMONY CENTRE - ANNUAL REPORT 2020-2021 cont'd

BACKGROUND

- Council entered into a 10-year commercial lease in 2014 to establish Shop 48 The Harmony Centre (S48HC) in the Mall, Heidelberg West. It opened to the community from early 2016 following extensive refurbishments to the building.
- The key objectives of S48HC are:
 1. Support service integration
 2. Build volunteer capacity and engagement
 3. Strengthen a sense of place
 4. Achieve economic sustainability
- There are 4 key functions of S48HC which are:
 - A community Information Referral and Support Service
 - A range of co-located and outposted community services
 - Bookable community spaces
 - Activities and Programs

KEY ISSUES

- The impact of COVID-19 on S48HC has been significant on its operational, financial and strategic management. Service access, visitor numbers, financial costs and activities all suffered as a result.
- The facility was closed to the public due to 3 lockdowns for 54% or just over 6 months of 2020/21. During the closures, essential services continued to operate from the facility and continued to deliver online and remote support services.
- As a result of the changing service landscape, primarily due to a number of key factors including the pandemic, a review of S48HC was undertaken. The purpose of the review was to assess the current model against contemporary developments to better understand Council's future role. A report regarding the review has been completed and will be presented to Council in the next few months.
- In 2020/21, there were 21 desks tenanted to 9 community groups, a reduction from the previous year. This was due to a number of groups opting to continue to work off site and remotely which was commenced at the beginning of COVID-19. However, in 2021/22, there are 35 desks occupied by 10 agencies, including three new organisations: Brotherhood of St Laurence, Somali Voice and Council's Job Advocate team.
- A report "*Shop 48 The Harmony Centre – Annual Report 2020/2021*" **Attachment 1**, provides full details of the past 12 months' operations.

SUPPORTING REPORT DETAILS

Legal Consideration

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

SHOP 48 THE HARMONY CENTRE - ANNUAL REPORT 2020-2021 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 promotes and advocates for the rights of the individual and the community from all backgrounds and abilities by the provision of information, support services, education and community engagement.

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
o	.	
1	Shop 48 The Harmony Centre - Annual Report - 2020-21	

3.5 DRAFT CHILD AND YOUTH FRAMEWORK

Author: Sherryn Prinzi - Early Years Project Officer, Community Programs

SUMMARY

1. The Banyule Child Youth and Family Plan 2016-2020 has expired, and the next iteration has been prepared for consideration by Council.
2. The Youth and Family Services Team, in partnership with the Child Youth and Family Committee, propose the adoption of a 10-year Child and Youth Framework (the draft Framework) **Attachment 1**, to replace the Child Youth and Family Plan.
3. Extensive research informed this approach and it aligns with research, policy agendas and State and Federal Government reforms.
4. Community consultation was undertaken to inform this draft Framework. Feedback from children under school age, primary schoolers, young people, their families and from the Child Youth and Family Committee closely aligned with the research findings and, through aggregation, became the basis for the draft Framework.
5. The Framework is based on strengthening local assets that support children and young people to thrive. This includes physical, social and psychosocial assets. This approach was adapted from the Australian Institute of Health and Welfare.

RECOMMENDATION

That Council:

1. Endorses the Draft 10-year Child and Youth Framework (the Framework) for public exhibition for a four-week period.
2. Receives a further report following the exhibition period on the consultation feedback.

COUNCIL PLAN

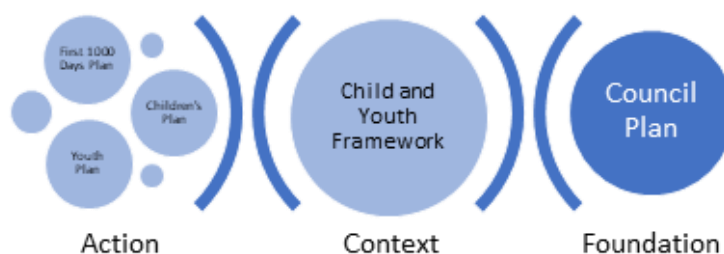
- This report is in line with Banyule’s Council Plan key direction to “Provide a range of services for people at important life stages”.

BACKGROUND

- Children and young people represent 25% of the Banyule population (2020):
 - 8,500 children under school age;
 - 23,300 primary and secondary school aged people; and
 - 8,600 young adults.

DRAFT CHILD AND YOUTH FRAMEWORK cont'd

- The draft Child and Youth Framework 2021-31 (the Framework) **Attachment 1**, is Banyule's commitment to supporting children and young people from pre-birth to 24 years and supports the Australian Research Council for Children and Youth's vision: "all children and youth are loved and safe, have material basics, are healthy, are learning and are participating and have a positive sense of culture and identity".
- The Framework extends from pre-pregnancy to 24 years because these life stages exist on an important continuum, featuring critical dependencies that can shape the trajectories of children and young people and will be considered to represent Council's Municipal Early Years Plan.
- Three action plans (internal documents) will sit under this Framework. This is in recognition of the unique needs of children and young people over this period, and because Council's role changes with different life stages. These action plans represent how Council plans contribute to strengthening community assets; The First 1000 Days Action Plan; Children's Action Plan; Youth Action Plan. The diagram below represents the relationships between the plans.



KEY ISSUES

- A pragmatic approach is required that clearly establishes the value of children and young people within the municipality and the priorities Council will invest in over the next ten years.
- A clear articulation of how Banyule's approach aligns with international, national, state policy and reform agendas and legislation, is required to position Council to offer a complementary local agenda and attract funding.
- A community and evidence-informed approach that brings together commonalities and shared perspectives is needed to serve as a shared roadmap to uplift outcomes for Banyule's children and young people.
- A contextual long-term vision that will be actioned through the delivery of iterative life stage plans is needed to respond to the dynamic environment in which we live and opportunities that will emerge over the decade.

SUPPORTING REPORT DETAILS

Legal Consideration

Local Government Act 2020

- The draft Child and Youth Framework contributes to progressing the state, federal and international priorities; strengthen the local support assets that contribute to a good life; commit to working alongside children, young people and their families.

DRAFT CHILD AND YOUTH FRAMEWORK cont'd

Equality Impact Assessment.

- Assessment was undertaken in line with the requirement in the *Gender Equality Act 2020*. It was determined that the draft Child and Youth Framework complies.

Victorian Child Safe Standards

- The draft Child and Youth Framework specifically responds to Council's obligation under Standard 7 - Empowering children.

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 promotes and supports the rights of children and young people and upholds obligations under the United *National Convention on the Rights of the Child*.
- Specifically responding to Article 3 - all organisations concerned with children should work towards what is best for each child; Article 5 - Governments should respect the rights and responsibilities of families to guide their children so that, as they grow up, they learn to use their rights properly; Article 6 - Children have the right to live a full life. Governments should ensure that children survive and develop healthily; Article 12 - Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.

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

- The draft Framework was developed through collaboration with the Banyule Child, Youth and Family Committee 2018-20 and extensive community consultation including:
 - 68 children under school age were consulted. Their responses advocated for a focus on community spaces that respond to children's needs and welcome their participation, opportunities to experience natural environments and "allowing us [children] to be ourselves".
 - 122 responses were received from primary school aged students. They echoed the priorities suggested by younger children and added that Council should consider how to better support parents, provide opportunities for children to give back to community and help them amplify their voice at Council.
 - 194 responses were gathered from young people online. They seek spaces and opportunities to connect, skills and quality education,

DRAFT CHILD AND YOUTH FRAMEWORK cont'd

employment pathways and support to have a voice and access the services they need to overcome to impacts of COVID.

- 37 families responded to an online survey. They highlighted similar priorities to children and young people - address climate change and sustainable living; place-making and 20-minute neighbourhoods; investment in employment for women with children and affordable housing; supporting parents to navigate the challenges; respond to social isolation; reliable consistent information; opportunities to be heard; and supporting children and young people to contribute to community.

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	Draft Child and Youth Framework 2021-2031	

3.6 ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22

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

Previous Items

Council on 09 Aug 2021 7.00pm (Item 5.4 - COVID-19 response - Business Support Package and Economic Development and Recovery Plan 2022-2025)

Council on 14 Dec 2020 7.00pm (Item 3.3 - COVID-19 Response - Banyule's Economic Support Package - Status Update (Ratepayers, Business and Community))

SUMMARY

1. Council has explored additional options to provide appropriate and timely assistance to the community, ratepayers and local businesses in 2021/22 who may experience hardship associated with the adverse economic implications of COVID-19.
2. The purpose of this report is to:
 - Summarise the additional support provided to the community under the current Economic Support Package 2021/22; and
 - Provide further options in 2021/22 to support the Banyule community and local business.
3. Under the current 2021/22 \$1.5 million Economic Support Package the Council is funding rate waivers and business recovery specific initiatives.
4. It is proposed to provide additional financial support initiatives to supplement the 2021/22 Economic Support Package at a total cost of \$1,154,007.
 - Business Support \$722,754
 - Community Support \$431,253
5. The additional funding required to support the revised 2021/22 Economic Support Package is \$1,154,007.
6. The Total COVID-19 Economic Support, if endorsed by Council, that will be funded in 2021/22 will be \$2,967,676:
 - Current allocated initiatives projects – Initiatives budget: \$1,500,000
 - Current allocated operating funding – Operational budget: \$313,669
 - Additional support options – Initiatives budget: \$1,154,007

RECOMMENDATION

That Council:

1. Notes the current 2021/22 \$1,500,000 Economic Support Package initiative to ratepayers, businesses, and community, as outlined in the Budget 2021-2025.

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

2. Notes the \$313,669 operational budget funding in 2021/22 from carry over funding of the prior year's Economic Support Package.
3. Provides further financial support to support the Banyule community and local business through expanding, extending and providing additional initiatives to the value of \$1,154,007.
 - a. Fund instalment 1 and 2 of the business components of the Special Rate and Charge Schemes across the 10 Trader Associations covering the year 2021/22 (excluding Rosanna) - \$299,754
 - b. Provide a 6-month rent waiver for highly impacted commercial properties where Council is the landlord - \$150,000
 - c. Provide rent relief to eligible tenants under the Victorian Government Commercial Tenancy Relief Scheme, by application - \$15,000
 - d. Business investment funding to continue to fast track permit applications - \$100,000
 - e. Fund Gift Cards and/or vouchers that support shopping local -\$58,000
 - f. Continue to deliver on the Rediscover Local strategy - \$100,000
 - g. Broaden COVID -19 Business Grants eligibility
 - h. Waive from 100% of the 2021 Winter season ground and pavilion hire fees (excluding utilities) - \$155,153
 - i. Increase the funding of the current Community Grants Program – major grants pool - \$50,000
 - j. Waive 100% the 2021/22 fees (excluding utilities) for leased clubs – bowls, croquet, tennis, scouts - \$13,000
 - k. Waive 6 months of rental fees for Shop 48 - \$73,100
 - l. Fund our 7 Neighbourhood houses for service enhancement - \$70,000
 - m. Provide additional funding to support Greenhills Neighbourhood House to continue the food relief and sustainability programs - \$40,000
 - n. Fund the extension of the 'Chillin in Banyule' program for further a 9-months to provide for local musicians to be programmed into local businesses - \$10,000
 - o. Fund an Arts and Culture COVID Relief program to support our local creative sector - \$20,000
4. Provide a status report to Council on Banyule's Economic Support Package at the Ordinary Council meeting scheduled for 6 December 2021.

COUNCIL PLAN

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

BACKGROUND

- At the Council meeting on Monday 9 August 2021 the Council resolved (CO2021/149) to receive from council officers a further report to be provided to the next council meeting (*Item 5.4 COVID-19 response – Business Support Package and Economic Development and Recovery Plan 2022-2025*).

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

- This report is to:
 - Summarise the additional support provided to the community under the current Economic Support Package 2021/22; and
 - Provide further options in 2021/22 to support the Banyule community and local business.
- Council has provided significant assistance through the Banyule Economic Support Package to ratepayers, business and community since the beginning of the COVID–19 Pandemic. This support took the form of rate deferrals and partial rate waivers; special rates and charges contributions; rent relief; extended grants programs and other business initiative programs.
- Into 2021/22 Council has committed \$1,500,000 in support to ratepayers, business and community in the initiative Budget 2021-2025. This funding has been allocated to rate waivers and business recovery specific initiatives.
- The operational budget has also supported \$313,669 in carry over funding from the prior year Economic Support Package.
- Where feasible our community fees, such as ground, pavilion, hall and festival stall hire fees continue to remain frozen (this means no increase for 3 years in some fees - since 2019/20).
- Council has again explored options to provide appropriate and timely assistance to the community, ratepayers and local businesses who may experience hardship associated with the adverse economic implications of COVID-19 during 2021/22.

CURRENT 2021/22 ECONOMIC SUPPORT PACKAGE

- In the Budget 2021-2025 Council has committed:
 - Initiatives - \$1,500,000 in additional support to ratepayers, business and community. This funding has been allocated to rate waivers and business recovery specific initiatives.
 - Operating - \$313,669 cost of continuing initiatives related to 2020/21 and funded from the 2020/21 Economic Support Package Provision (Business Support Grants Program (\$260,000); Administration of rate deferrals (\$43,669); Other community support (\$10,000)).
 - The total Economic Support Package currently funded in 2021/22 is \$1,813,669 (operating and initiatives funding allocation).

Rate Waivers:

- A COVID-19 general rate waiver is being provided upon application for 2021/22. Additional funding has been allocated in the Budget 2021-2025:
 - For ratepayers who hold either a JobSeeker Health Care Card or Low-Income Health Care Card waiver up to \$500 per year
 - For other ratepayers experiencing hardship a general waiver up to \$250 per year.

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

Business Recovery Initiatives:

- To build on the success of the key pillars within the 2020/21 Business Support Package additional funding of \$289,621 has been provided into 2021/22. An allocation has been included in the Budget to:
 - Continue the Business Support Officer role to support the Rediscover Local Campaign - funding \$109,621
 - Expand the Business Support Grants Program - funding an additional \$180,000 (from \$260,000, as included in the operating budget) to \$440,000 in total).

KEY ISSUES

- To provide further financial support to the Banyule community and local business in 2021/22, Fifteen options are being recommended. These options will be included in the 2021/22 Economic Support Package and additional funding provided from Councils cash reserves of \$1,154,007.

RECOMMENDED OPTIONS TO PROVIDE ADDITIONAL SUPPORT FOR 2021/22

Local Business Support, \$722,754 additional funding

1. Fund Instalment 1 and 2 of the business components of the Special Rate and Charge Schemes across the 10 Trader Associations covering the year 2021/22 (excluding Rosanna Special Charge Scheme) - \$299,754
2. Provide a 6-month rent waiver for highly impacted commercial properties where Council is the landlord - \$150,000
3. Provide rent relief to eligible tenants under the Victorian Government Commercial Tenancy Relief Scheme, by application - \$15,000
4. Business investment Funding to continue to fast track planning permit application fees (including advertising) for small businesses going through the Small Business Permit Assist Program. Providing funding to fast track and expedite major development permit applications - \$100,000
5. Fund Gift Cards and/or vouchers for the eleven Trader Associations to deliver marketing and promotional campaigns that support shopping local. Campaigns must include sponsored or partnered by Banyule City Council - \$58,000
 - a. Greensborough, Heidelberg and Ivanhoe - \$8,000 each
 - b. Bell St Mall, East Ivanhoe, Montmorency, Rosanna, Watsonia - \$5,000
 - c. Eaglemont, Lower Plenty and Macleod - \$3,000 each
6. To continue to support home-based businesses, and product and service providers in neighbourhood centres and industrial estates attract new customer and encourage existing customer to shop more often, the following tactical activities (\$100,000) to continue to deliver on the Rediscover Local strategy include:
 - Continuation of the campaign website and Social Media advertising. Digital Display campaign and Little Book of Banyule Offers.
 - Branded Rediscover Local gift cards for competitions and engagement to support Neighbourhood and Industrial Estates, excludes the eleven Trader Associations.

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

7. Broaden COVID -19 Business Grants eligibility to:
 - Include medium enterprises as well where medium enterprises are defined as having between 1-199 employees. This change brings the eligibility criteria in line with our Place Enhancement Grants.
 - Allow past recipients of a minor grant (Coaching and Continuity) to apply for a Business Support Grant where the total funding on offer is capped at \$5,000.

Community Support, \$431,253 additional funding

8. Waive 100% of the 2021 Winter season ground and pavilion hire fees (excluding utilities) - \$155,153.
9. Increase the funding of the current Community Grants Program – major grants pool - \$50,000 (an increase from \$160,000 to \$210,000).
10. Waive 100% the 2021/22 fees (excluding utilities) for leased clubs – bowls, croquet, tennis, and scouts - \$13,000.
11. Waive \$73,100 of rental fees for Shop 48 for 6 months as tenants continue to experience hardship in meeting financial and contractual obligations given the number of lockdowns and ongoing COVID -19 restrictions.
12. Fund our seven Neighbourhood houses (\$10,000 each, total \$70,000) for service enhancement as they each respond to the ongoing impacts of COVID-19 on their operations and service delivery. There are seven Neighbourhood Houses of which six are located in Council owned buildings
 - 1) Contact Community Centre – Bundoora
 - 2) Diamond Valley Learning Centre – Greensborough
 - 3) Greenhills Neighbourhood Centre – Greensborough
 - 4) Olympic Adult Education – Heidelberg West
 - 5) Rosanna Fire Station – Rosanna
 - 6) Watsonia Neighbourhood House – Watsonia
 - 7) Livingstone Community Centre – Ivanhoe (owned by Ivanhoe Baptist Church)
13. Provide additional funding of \$40,000 to support Greenhills Neighbourhood House to continue the food relief and sustainability programs as they operate out of the Greenroom. The group is part of the Food Collective, a very important Emergency Response initiative that commenced at the height of COVID -19 pandemic last year.
14. Fund the extension of the 'Chillin in Banyule' program for a further nine months to provide for local musicians to be programmed into local businesses - \$10,000.
15. Fund an Arts and Culture COVID Relief program to support our local creative sector to deliver projects that celebrate community life through online technologies, creative activation of public spaces or small public art initiatives. The projects are aimed to re-connect community and celebrate community life in COVID-safe ways - \$20,000

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

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 Victorian *Charter of Human Rights and Responsibilities Act 2006*.
- Section 13 of The Charter of Human Rights and Responsibilities enshrines the Right to privacy and reputation. In assessing the degree of hardship being suffered by ratepayers, businesses, and community groups there is a requirement to request more information than is usually provided to Council in the normal course of interactions between business and Council.
- As part of the Economic Support Package 2021/22 Council may request information and supporting documentation relating to financial and business-related documents. This information will be used only for the purposes of assessing hardship and will have administrative controls to ensure this information is restricted to those assessing or reviewing business grant applications.

Sustainable Procurement Outcomes

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

Financial Implications

- The below are the options and associated funding to be considered in providing the \$1,154,007 additional support to ratepayer, business and the community into 2021/22 if endorsed by Council:

Category	Amount
Business Support	\$722,754
Community Support	\$431,253
Total Additional Funding	\$1,154,007

- The total financial impact of \$1,154,007 on the Economic Support Package initiative will to be amended in the Quarterly Financial Management Report.
- The Total COVID-19 Economic Support, if endorsed by Council, that will be funded in 2021/22 will be \$2,967,676:
 - Current allocated initiatives projects – Initiatives budget: \$1,500,000
 - Current allocated operating funding – Operational budget: \$313,669
 - Additional support options – Initiatives budget: \$1,154,007

Community Engagement

- Banyule Businesses were invited to participate in three business surveys (May 2020, October 2020 and June 2020). Overall the latest survey identifies that

ADDITIONAL ECONOMIC SUPPORT PACKAGE 2021/22 cont'd

businesses are still struggling to work back towards their pre COVID-19 trading figures.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

5.1 72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS

Author: Gary Mills - Senior Property Officer, City Development

Previous Items

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

Council on 19 Jul 2021 7.00pm (Item 5.1 - Rosanna Library Project - Consultation Update and Next Steps)

SUMMARY

1. The proposal involves the sale of an 828m² parcel of the Rosanna Library site at 72 Turnham Avenue, Rosanna to Fabcot Pty Ltd (**Fabcot**) (wholly owned subsidiary of Woolworths Limited) at an agreed price and for no less than market value, to enable development of a Woolworths supermarket on the adjacent site.
2. Fabcot will construct and deliver a new library to a 'warm shell' to agreed specifications on land to be retained by Council to an agreed construction cost. The library construction cost will be offset against the land purchase price.
3. The new library will be a two storey, 1,300m² building that incorporates indoor and outdoor spaces. In addition, Fabcot will construct a shared use basement carpark at its cost.
4. Council gave notice of intention under Section 114 of the *Local Government Act 2020 (Act)* to sell part of Council land by private treaty at 72 Turnham Avenue Rosanna.
5. The purpose of this report is for Council to consider 52 written submissions received. Ten submitters have requested to be heard in support of their written submission. Two late submissions were received. All submissions have been separately circulated to councillors.
6. A petition has been received containing 12 signatories objecting to the proposal and will be considered in conjunction with this report.

RECOMMENDATION

That Council:

1. Receive and consider 52 written submissions including 10 verbal submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* in response to public notice given of the proposed sale of part of 72 Turnham Avenue, Rosanna pursuant to section 114 of the *Local Government Act 2020*.
2. Receive a petition containing 12 signatories objecting to the proposal.
3. A further report be submitted to Council at its meeting on 20 September 2021 to resolve on the sale of land proposal.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

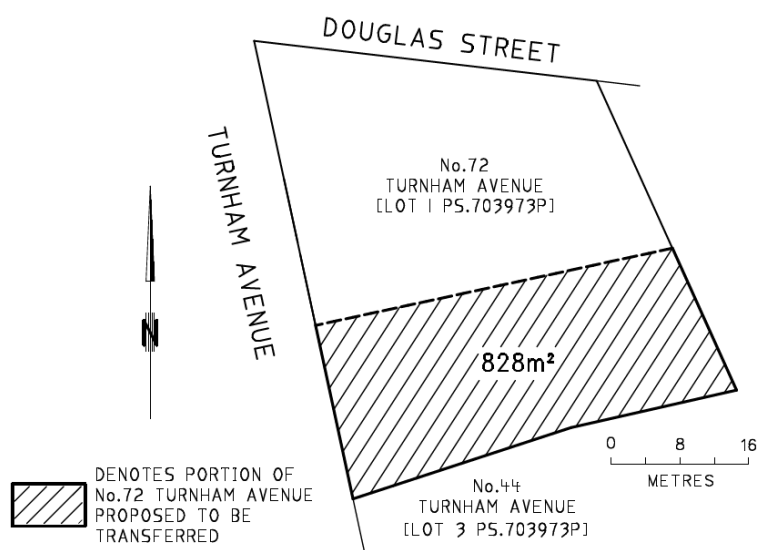
COUNCIL PLAN

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

BACKGROUND

- Council owns the land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue, Rosanna (**Council Land**) on which the Rosanna Library is currently located.
- The Council Land comprises:
 - an area of approximately 828m² which is proposed to be sold to Fabcot (**Subject Land**); and
 - the balance of the site which is to be retained by Council and on which the new library is proposed to be constructed (**Balance Land**).
- Fabcot owns the land adjacent to the Council Land, being the land contained in Lots 2 and 3 on PS 703973P, described in certificates of title volume 11562 folio 073 and volume 11562 folio 074, and known as 44 Turnham Avenue and 47-51 Douglas Street, Rosanna (**Fabcot Land**).
- Council entered into a Heads of Agreement with Fabcot on 12 April 2021 (**HoA**) to record "in principle" agreement for Fabcot to facilitate the development on the Fabcot Land, the Subject Land and the Balance Land of a new Woolworths Supermarket, a new undercover carpark and a new two storey, 1,300m² building (to a 'warm shell' stage) to be occupied by the Rosanna Library (**Proposed Development**).
- The construction cost of the new Rosanna Library building will be partly offset against price payable by Fabcot for the Subject Land.
- The HoA established a framework and timeline for Council's community engagement process.
- The HoA also sets out a framework and timeline for the negotiation of the Contract Documentation which will be required to give effect to the Proposed Development.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd



- Council gave notice under Section 114 of the *Local Government Act 2020 (Act)* of its intention to sell part of Council land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue Rosanna (**Rosanna Library Site**).

KEY ISSUES

- Council proposes to sell an 828m² parcel of the Rosanna Library Site to Fabcot at an agreed price and for no less than market value to facilitate the development of a Woolworths supermarket on the adjacent site at 44 Turnham Avenue and 47-51 Douglas Street, Rosanna.
- In return, Fabcot will construct and deliver a new library to a 'warm shell' to agreed specifications on land to be retained by Council to an agreed construction cost. The library construction cost will be offset against the land purchase price.
- The new library will be a two storey, 1,300m² building that incorporates indoor and outdoor spaces. In addition, Fabcot will construct the basement carpark at its cost. The carpark will be a shared use carpark with Council under a Carpark Management Agreement.
- Any decision to proceed with the proposed development outlined in the HoA remains subject to Council resolving whether or not to sell the Subject Land after complying with its statutory obligations under Section 114 of the Act.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council is required to give public notice under Section 114 of the Act of its intention to sell any Council land.
- Public notice is required to be given in accordance with Council Community Engagement Policy and Plans pursuant to section 55 of the Act.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- Council at its meeting on 19 July 2021, resolved to commence the statutory process giving notice of intention to sell part of the land at 72 Turnham Avenue, Rosanna.
- Community engagement commenced 20 July 2021.
- Public notice was given on Council's website www.banyule.vic.gov.au and [shaping.banyule.vic.gov.au/Rosanna Library](http://shaping.banyule.vic.gov.au/Rosanna%20Library) and signage placed on site. All parties who had previously indicated to Council that they wanted to be kept informed about the project were also notified.
- Any person proposing to make a submission in accordance with Council's Community Engagement Policy under section 55 of the Act must do so within 28 days of the publication of this Notice.
- The 28-day submission period closed on 17 August 2021.

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

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

Sustainable Procurement Outcomes

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

Financial Implications

- There are no financial implications arising from the recommendation contained in this report. Future budget allocations will be required should Council proceed with the sale of the land and the partnership project.

Community Engagement

- An extensive community engagement process was undertaken prior to the commencement of the formal statutory process required under section 114 of the Act.
- Full details of the earlier community engagement process and outcomes were reported to Council at its meeting on 19 July 2021 and is not the focus of this report.

Key Considerations

- Fifty-two written submissions were received. Two late submissions were also received. Ten submitters have requested to be heard in support of their written submission. Submissions are summarised below. Submissions have been circulated to councillors under separate cover.
- Also, a petition has been received containing 12 signatories objecting to the proposal.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- The petitioners “urge Council to reject the proposal to allow Woolworths to build and operate in “Rosanna Village”. It will be detrimental to Rosanna’s character, local amenities, wildlife and for the people that live, work and play in Rosanna. We the public expect Banyule Council to uphold the public’s democratic rights and refuse all unsolicited proposals from developers such as Fabcot (Woolworths).”

Submission #1

- We have a functioning library on public land.
- Loss of mature trees and vegetation.

Submission #2

- We need a new supermarket in Rosanna.

Submission #3

- The land should be retained for library upgrade.
- Council should not be promoting commercial businesses such as Woolworths which will have a detrimental impact on local business.

Submission #4

- Already multiple Coles and Woolworths supermarkets in the nearby area that can be accessed by public transport. A Woolworths supermarket in Rosanna will have a detrimental impact on the IGA and other local businesses.
- Against the sale of public land to a corporation.
- The current library is functional and has served the local community well for many years.
- Loss of mature trees and vegetation.

Submission #5

- Against the sale of public land.
- No need for another Woolworths in Rosanna, given proximity of Heidelberg supermarket.
- Loss of mature trees and vegetation.
- Detrimental impact on local streetscape.
- Against the destruction of the historic bluestone library façade.

Submission #6

- Will destroy a significant part of the nature corridor of Salt Creek.
- Undermines Council’s ethical integrity.
- Removal of another beautiful outdoor, public space.
- Loss of mature trees, canopy and vegetation.

Submission #7

- Loss of mature trees, vegetation and biodiversity habitat.
- A commercial building is not in the best interests of the community.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- There is an existing supermarket in the Rosanna Village. A Woolworths supermarket does not provide additional access to products and services to the community.
- A public library should be separate from commercial premises.

Submission #8 - Request to be heard

- Adverse effects both psychologically and physically due to increasing traffic volumes in local streets.
- Loss of green space.
- Conflict of interest issues.

Submission #9

- Loss of mature trees.
- Existing library is perfectly adequate for the local community.

Submission #10

- Already multiple Coles and Woolworths supermarkets in the nearby areas that can be accessed by public transport.
- A Woolworths supermarket will have a detrimental impact on local business.

Submission #11

- Loss of trees and green space. A protection order for the trees must be in place before any sale is considered.

Submission #12 - Request to be heard

- Loss of trees and green space.
- A Woolworths supermarket will have a detrimental impact on local business.
- There are enough major supermarkets in Banyule. Don't need another in Rosanna.

Submission #13

- The Library is adequate for local community use.
- A new supermarket is not needed.
- Loss of trees and vegetation.

Submission #14 – Request to be heard

- Loss of trees and vegetation.
- Destruction of wildlife corridor in Salt Creek. The subject site is a key to the Salt Creek habitat link.
- Concerned about the overall financial cost of the project to ratepayers.
- Concerned about the physical build and ongoing supermarket operations in a quiet and narrow residential street.
- Adverse impact on residents from increased traffic and noise.

Submission #15

- Against the sale of public land.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- Already a large Woolworths supermarket in Heidelberg 2.2kms away.
- Risks of entering into a partnership agreement with Woolworths.
- Council should build a stand-alone library instead of a partnership agreement with Woolworths.
- Lack of transparency in the use of public resources.

Submission #16

- Against the sale of public land.
- Already a large Woolworths supermarket in Heidelberg 2kms away.
- Risks of entering into a partnership agreement with Woolworths.
- Council should build a stand-alone library instead of a partnership agreement with Woolworths.
- Lack of transparency in the use of public resources.

Submission #17

- Against the sale of public land.
- No need for another Woolworths in Rosanna, given proximity of Heidelberg supermarket.
- Loss of mature trees and vegetation.
- Against the destruction of the historic bluestone library façade.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Council should build a stand-alone library instead of a partnership agreement with Woolworths.
- Lack of transparency in the use of public resources.
- Detrimental impact on local streetscape.

Submission #18

- Loss of established trees and green space.
- Already multiple supermarkets nearby.

Submission #19

- Against the sale of public land.

Submission #20

- Inappropriate to sell a significant part of the Rosanna Library site to a commercial enterprise.
- Rosanna library needs an upgrade to meet current and future needs of the community. This is not the best way of doing this.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

Submission #21

- No justification for a new library. Facility adequately meets community needs.
- Increased traffic congestion in precinct.
- Lack of community consultation regarding this proposal.

Submission #22

- Against the sale of Council land to a supermarket chain.

Submission #23

- Objection to partnering with Woolworths and selling Council Land.
- Increased traffic congestion in precinct.
- Spoil general village amenity of the precinct.

Submission #24

- Objection to the sale of land to a corporate.
- Loss of established trees and greenspace.
- Loss of village amenity.
- Adverse impact on local business.

Submission #25

- Supports the proposal in its entirety.
- Will provide benefits to the local community such as:
 - Job creation and opportunities.
 - Not having to travel to get to a major supermarket or library.
 - Our own hub for community gatherings and resources.

Submission #26

- Do not support the sale of land to a large corporate for an undisclosed amount.
- Against the destruction of mature trees and loss of greenspace.
- Loss of local village amenity.
- Increased traffic congestion.
- Adverse impact on local business.

Submission #27

- Against the sale of public land especially to a large corporate.
- Loss of established trees and shrubs.
- Loss of habitat for many birds and other forms of wildlife, as well as a resting spot for those who visit the current library.
- Loss of local village amenity.
- Adverse impact on local business.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

Submission #28

- Against the sale of public land to Woolworths.
- No need for a supermarket given proximity of Heidelberg store.
- Loss of established trees and greenspace.
- Destruction of the wildlife corridor which is a key site in the Salt Creek habitat link.
- Destruction of historic bluestone facade.
- Loss of neighbourhood character and local village amenity.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.

Submission #29 – Request to be heard

- Vehemently opposed to the proposal to sell the Rosanna Library.
- The community did not know about this proposal at the November 2020 election, so residents did not have an opportunity to vote on the issue.
- This public land sale via “confidential non-binding” agreement was negotiated behind closed doors and signed off in February 2021.
- Lack of openness and transparency in Council’s dealings with Woolworths.
- There is no transparency what Woolworth is paying and what remains for the rate payers to pay.
- No need for a supermarket. There is already a very large, newly built Woolworths supermarket in Heidelberg.

Submission #30 – Request to be heard

- Against the sale of public land especially to a large corporate.
- Lack of openness and transparency in Council’s dealings with Woolworths.
- Loss of established trees and shrubs.
- Loss of habitat for many birds and other forms of wildlife, as well as a resting spot for those who visit the current library.
- Destruction of historic bluestone facade.
- Loss of neighbourhood character and local village amenity.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit

Submission #31 – Request to be heard

- Objects to the sale of public land to Woolworths primarily, on the following grounds:
 - The library can be built as a stand-alone development project.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- The unsolicited proposal made in January 2019 should not have been accepted or advanced by Council officers.
- Unacceptable that the (non-binding) Heads of Agreement was signed in December 2020, confidentially, 5 months before the community was aware. No prior consultation with the community
- Unacceptable that Council officers spent ratepayer funds and resources to progress this partnership without being guided by a Council policy.
- Council should not just support, but champion its own policies including:
 - a. Climate (Emergency) Action Plan
 - b. Wildlife Corridor Strategy
 - c. Urban Forest Strategy
 - d. Biodiversity Plan,
 - e. Stewardship Strategic Plan etc.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Unacceptable that Council did not provide proper community consultation on the “sale of land” process as per legislation requirements under the Local Government Act.

Submission #32

- Supports the Woolworths development and if this means the sale of the land (828m²) will facilitate the construction of a new library in Rosanna so be it.
- The need to balance losing some land to gain a new library is a good trade off, especially if this will facilitate a quicker build than otherwise expected.
- Council needs to clarify what the offset cost of the project will be? This shouldn't remain confidential.
- Concerned about the loss of established trees, greenspace and impact on natural habitat.

Submission #33

- Against the unsolicited sale of Council land to Woolworths.
- Lack of openness and transparency.
- The library upgrade could have been alternatively funded.
- This land is situated in a water corridor.

Submission #34

- Against the sale of land to Woolworths.

Submission #35

- Against the unsolicited sale of Council land to Woolworths.
- Lack of openness and transparency.
- The library upgrade could have been alternatively funded.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- This land is situated in a water corridor, a part of the Salt Creek bed and an overflow site.

Submission #36

- Against the sale of public land.
- Lack of openness and transparency in Council's dealings with Woolworths.
- Loss of established trees and greenspace.

Submission #37

- Against the unsolicited sale of Council land to Woolworths.
- Lack of openness and transparency.
- The library upgrade could have been alternatively funded.
- This land is situated in a water corridor.
- Destruction of historic bluestone facade.
- Loss of neighbourhood character and local village amenity.

Submission #38

- Small business in the area will be affected.
- The loss of mature trees and vegetation.

Submission #39

- Lack of openness and transparency in dealing with Woolworths.
- Council has no policy for unsolicited land sale proposals.
- Adverse impact on local traders.
- The land is situated in a water overflow corridor.

Submission #40

- Lack of openness and transparency in dealing with Woolworths.
- Council has no policy for unsolicited land sale proposals.
- Rosanna Village does not need another supermarket.
- Adverse impact on local traders.
- Increased traffic.
- The land is situated in a water overflow corridor.

Submission #41

- Objects to the sale of land to Woolworths.
- No need for another Woolworths in Rosanna, given proximity of Heidelberg supermarket.
- Adverse impact on the IGA supermarket.
- Loss of mature trees and greenspace.
- The Wildlife corridor will be destroyed.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- The historic bluestone façade will be destroyed.
- Increased traffic congestion.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- The subdivision, planning amendment and planning permit processes are all compromised due to Council's seller's agreements and obligations to Woolworths if the sale goes ahead.

Submission #42

- Against the sale of public land to Woolworths.
- Increased traffic congestion.
- Detrimental impact on local businesses such as IGA and pharmacies.
- The area is already well serviced by supermarkets in nearby suburbs.
- Conflict of interest for Council regarding this proposal and subsequent planning processes.
- Lack of openness and transparency.

Submission #43 - Request to be heard

- The community was not informed of this proposal prior to the 2020 Council election.
- Lack of openness and transparency regarding sale of land proposal.
- Against the sale of public land.
- Council has no policy for unsolicited land sale proposals.
- Council should fund a stand-alone Library upgrade like Ivanhoe.
- Loss of mature trees and greenspace.
- Detrimental impact on wildlife corridor and native habitat.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Already a large Woolworths supermarket in Heidelberg 2kms away.

Submission #44 - Request to be heard

- The community was not informed of this proposal prior to the 2020 Council election.
- Lack of openness and transparency regarding the sale of land proposal.
- Against the sale of public land.
- Council has no policy for unsolicited land sale proposals.
- Council should fund a stand-alone Library upgrade like Ivanhoe.
- Loss of mature trees and greenspace.
- Detrimental impact on wildlife corridor and native habitat.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Already a large Woolworths supermarket in Heidelberg 2kms away.

Submission #45

- The community was not informed of this proposal prior to the 2020 Council election.
- Lack of openness and transparency regarding the sale of land proposal.
- Against the sale of public land.
- Council has no policy for unsolicited land sale proposals.
- Council should fund a stand-alone Library upgrade like Ivanhoe.
- Loss of mature trees and greenspace.
- Detrimental impact on wildlife corridor and native habitat.
- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Already a large Woolworths supermarket in Heidelberg 2kms away.

Submission #46

- Against the sale of public land to Woolworths.
- Loss of mature trees and greenspace.
- Destruction of the Wildlife Corridor in particular the Salt Creek native habitat.
- Loss of the historical bluestone facade.
- Loss of neighbourhood character.
- Overdevelopment of building.
- Parking and traffic congestion.

Submission #47

- The IPCC report should be Council's guidance in all development work.
- Public land should not be sold off via deals.
- Housing is required, not another supermarket.
- Already a large Woolworths supermarket in Heidelberg 2kms away.

Submission #48 - Request to be heard

- Against the sale of public land to Woolworths.
- Loss of high value trees and vegetation without replacement.
- Destruction of the Wildlife Corridor in particular the Salt Creek native habitat.
- Loss of neighbourhood character and village atmosphere.
- This sale adversely impacts governance transparency and unbiased decision making.

72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART SALE OF LAND - PUBLIC SUBMISSIONS cont'd

- Conflict of interest with Banyule Council being the owner/seller and planning authority for a planning permit.
- Opportunity cost of sell this land.
- The proposal goes against many of Council's own policies.

Submission #49

- Against the sale of public land to Woolworths.
- Loss of mature trees and greenspace.
- Council should investigate other funding options to build a new library.
- Loss of bluestone façade.

Submission #50

- Lack of openness and transparency in dealings with Woolworths.
- Not opposed to the proposal in principle, but very concerned about the loss of mature trees and greenspace because of the development.

Submission #51

- Against the unsolicited proposal to purchase Council land from Woolworths.
- Sets a bad precedent in future dealings with any public land.

Submission #52 - Request to be heard

- Against the sale of land to Woolworths based on an unsolicited proposal from Woolworths.
- The sale of public land should only happen after all options have been fully explored.
- All public land to be sold should first be identified as surplus to public requirements.
- Sets a bad precedent in future dealings with public land.
- Lack of openness and transparency in the process and non-disclosure of purchase price.
- Legal justifications in selling the land to Woolworths are questionable?
- Adverse impact on neighbourhood character.
- Council does not respect the Rosanna Village Urban Design and Landscape Guidelines.

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.

**72 TURNHAM AVENUE, ROSANNA (ROSANNA LIBRARY) - PROPOSED PART
SALE OF LAND - PUBLIC SUBMISSIONS cont'd**

ATTACHMENTS

Nil

5.2 WATSONIA TOWN SQUARE PROPOSAL UPDATE

Author: Erica Hardie - Senior Project Manager, City Development

Ward: Bakewell

Previous Items

Council on 18 Nov 2019 7.00pm (Item 5.4 - North East Link Project Advocacy and Financial Update)

Council on 07 Oct 2019 7.00pm (Item 5.6 - Major Transport Projects and North East Link Update)

SUMMARY

1. After successful negotiations with the State Government as part of the settlement agreement resulting from a legal challenge to the planning approval granted for the North East Link, Council secured \$5.5m in funding to deliver a Town Square for Watsonia. \$500,000 of the funding is for the project design and the balance for construction.
2. The first stage of consultation has been carried out, including meetings with the Watsonia Town Square Community Reference Group. The consultation has led to the formation of design principles to inform the concept design options.
3. The design principles relate to the key areas of traffic and parking, access, economic growth, local identity, amenities, flexible spaces, community and sustainability.
4. Consultation to date supports amending the project brief to include the design of new public toilet amenities and the production of an additional concept design that considers the relocation of the transmission towers and installation of slimline monopoles. The inclusion of these items will incur an additional \$91,000 in design costs and increase the project timelines by up to six weeks.
5. A variation is currently being sought to the funding agreement that Banyule Council has with the State Government that outlines the activity deliverables and timeline for the \$5.5m grant.
6. The construction of the public toilet is to be funded through Councils 2022/23 budget process. Funding for the works associated with the detailed design and construction of the monopole option is currently not budgeted or incorporated into the updated project timeline.
7. It is intended to advocate to the State Government to commit to funding the construction of the monopoles (\$4.98m) to enhance the eventual final Watsonia Town Square design solution to be determined after community consultation. In order to meet the revised project timelines, State Government funding commitment is required by the end of January 2022.
8. Broad community consultation regarding the concept design options is now planned in November 2021.

WATSONIA TOWN SQUARE PROPOSAL UPDATE cont'd

RECOMMENDATION

That Council:

1. Endorses the Watsonia Town Square Design Principles relating to traffic and parking, access, economic growth, local identity, amenities, flexible spaces, community and sustainability, that will be used to form the concept design options.
2. Notes the inclusion of the design of public toilet amenities and the monopole concept design option, including the timeline implications and associated funding variation that has been submitted to the State Government.
3. Notes the additional budget implications including:
 - \$91,000 for the monopole feasibility and additional concept design option and public toilet design. This will be met by operational budgets.
 - The construction of the public toilet which will need to be considered and funded through Councils 2022/23 budget process. Ongoing maintenance of the new amenities will be considered as part of the public toilet maintenance regime.
4. Notes that funding for the detailed design and delivery of the monopole option is currently outside of the project budget and timeline.
5. Proactively advocates to the State Government to commit to funding the construction of the monopoles in the creation of the Watsonia Town Square.
6. Writes to the Hon Colin Brooks MP seeking his support for State Government funding for the monopoles and requesting a meeting to discuss Council's advocacy objectives.
7. Notes that a commitment to the State Government funding request is required by the end of January 2022 to mitigate future project delays.
8. Receives a future report that details the consultation outcomes and preferred town square design in early 2022.

COUNCIL PLAN

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

BACKGROUND

- After successful negotiations with the State Government as part of the settlement agreement resulting from a legal challenge to the planning approval granted for the North East Link, Council secured \$5.5m in funding, including the Watsonia Development Grant (\$500,000) and the Watsonia Works Grant (\$5m). The Watsonia Development Grant is for the preparation and delivery of scoping and design development work for urban design improvements for the Watsonia Town Square.

WATSONIA TOWN SQUARE PROPOSAL UPDATE cont'd

- As part of the design consultation, internal and external reference groups have been formed. The first stage of consultation (with these project reference groups only) has been carried out.
- The consultation has led to the formation of design principles to inform the concept design options. These principles are described in the collaboration section of this report.
- Consultation to date supports amending the project brief to include the design of new public toilet amenities and the production of an additional concept design that considers the relocation of the transmission towers and installation of slimline monopoles. The inclusion of these items will incur an additional \$91,000 in design costs and increase the project timelines by up to six weeks.

KEY ISSUES

- *Budget and timeline implications:* The inclusion of the additional items has cost an additional \$91,000 in feasibility and design fees and increased the project timeline by up to six weeks. If the monopole option becomes the preferred design option, the timeline will need to be further revised to accommodate for the detailed designs and construction.
- *Variation to the Funding agreement with the State Government:* Any changes in the project timeline, form a variation to Council's funding agreement with the State Government that governs the expenditure of the \$5.5m.

A variation to the funding agreement with the State Government that accommodates for the public toilet design and additional monopole concept design has been submitted and is currently pending approval.

- *Future Monopole advocacy and implications:* In order to fully explore the monopole concept option, it is envisaged that advocacy to the State Government will need to occur prior to and during the consultation period. Furthermore, a response deadline of the end of January 2022 is appropriate to ensure that future project delays are minimised.
- Council had previously considered a report confirming its advocacy position and summarising the public hearing process for the North East Link Environment Effects Statement at its meeting of 7 October 2019, resolving in part that Council:

“Proactively advocates for positive design ideas in the Ethos Urban report, namely: (i) Monopoles to replace the currently electricity pylons; (ii) the green bridge connection over the North East Link; and (iii) a town square for Watsonia.”

- Council considered a further report providing an update on the North East Link project, including advocacy for monopoles in Watsonia at its meeting of 18 November 2019, resolving in part that Council:
- “Continues to advocate for the installation of monopoles in Watsonia as part of the replacement of the current electricity pylons for North East Link.”*

WATSONIA TOWN SQUARE PROPOSAL UPDATE cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- There is a funding agreement in place between Council and the State Government that outlines the grant activity deliverables and associated timelines. The evidence due date for the upcoming Watsonia Works Grant that will fund the construction of the town square is 31 December 2021.
- A high-level project plan has been produced to seek approval to extend the timing.
- If the monopole option is pursued as Council's preferred concept design, following the community consultation in November 2021, then a further project variation will be required. There is a risk that design delays will put at risk the State Government funding.

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

- Consultation to date supports the inclusion of the design of public toilet amenities and consideration of an option for the relocation of the transmission towers and installation of monopoles (feasibility and concept design stage). The inclusion of the design of these two items is \$91,000. This can be met through operational budgets.
- The construction of the public toilet is to be funded through Councils 2022/23 budget process. Ongoing maintenance of the new amenities will be considered as part of the public toilet maintenance regime.
- Funding for the works associated with the detailed design and relocation of the transmission towers and monopole installation is currently not budgeted.

Community Engagement

- The consultation carried out as part of this project builds on the extensive engagement that was carried out with the community to create the *Picture Watsonia Vision* in 2014. This vision described the community's aspirations for the centre over 35 years, detailing several opportunities including the creation of an active and vibrant town square.
- In February this year, the Project's Shaping Banyule page was launched and expressions of interest for the community reference group were invited.

WATSONIA TOWN SQUARE PROPOSAL UPDATE cont'd

- This group was formed in March and includes a broad cross section of the community including the following membership categories: Watsonia Traders Association, Watsonia RSL, Watsonia business person, Yarra Plenty Regional Library Service, Watsonia Neighbourhood House, local church, local interest group, property owner, resident and a young person (under the age of 25).
- A multi-faceted consultation process was designed and adapted as per the COVID-19 restriction requirements. The five sessions included:
 - Watsonia Community Reference Group Meeting: 25 May 2021
 - Watsonia Community Reference Group Meeting (virtual): 22 June 2021
 - Watsonia Internal Council Workshop (virtual): 22 June 2021
 - Watsonia Reference Groups Site Walk: 6 July 2021
 - Watsonia Community Reference Group Meeting (virtual): 10 August 2021
- In addition, members were provided with several project updates and opportunities to submit their direct feedback to the project team.
- The first stage of consultation with the community reference group, internal stakeholders and authorities is complete. The consultation summary is provided in Attachment 1.
- Broad community consultation regarding the concept design options is planned in November 2021.

Collaboration

- In forming the design principles Council has proactively engaged with the North East Link Project design and planning team, AusNet Services and VicRoads.

Key Considerations

- Consultation that has been carried out has informed a set of design principles that will be used to inform the generation of the concept design options, including the additional monopole option. The principles can be summarised as follows:
 - Traffic and parking: Efficient and integrated traffic treatments and parking that reinforces Watsonia's place value.
 - Access: Ensure Pedestrian and cyclist priority, safety and inclusive accessibility and experience for users of all abilities.
 - Economic Growth: Promote economic growth using unique and innovative designs that encourage increased footfall and patronage to local businesses.
 - Local Identity: Create a civic and cultural heart that is welcoming and memorable. Highlight and embrace existing sites, strengths and attractions.
 - Amenities: Provide better and safer amenities that are respected and valued by the community.
 - Flexible Spaces: Explore opportunities to create additional public spaces and create flexible and multi-use areas.

WATSONIA TOWN SQUARE PROPOSAL UPDATE cont'd

- Community: Encourage community congregation and activity through further developing Watsonia's local identity and creating innovative spaces.
- Sustainability: Enhance and protect surrounding ecology with sustainable practices and greening.

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	Watsonia Village Town Centre: Consultation Report	

5.3 LOCAL PARKS PROGRAM - WATERDALE ROAD

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

Ward: Chelsworth

Previous Items

Council on 7 September 2020 (Item 5.3 - Consideration of Submissions - Waterdale Road, Ivanhoe - Proposal to Place Permanent Barriers)

Council on 21 September 2020 (Item 5.2 - Waterdale Road, Ivanhoe - Proposal to place permanent barriers)

SUMMARY

1. The Waterdale Road shared zone and pocket parks is a grant-funded project from the Victorian State Government through the Department of Environment, Land, Water and Planning (DELWP) via the Local Parks Program.
2. The aim of the Waterdale Road project is to design and deliver a green urban space for passive recreation and socialising in a built-up urban area in Ivanhoe.
3. The grant funding is for:
 - The road closure at the northern end of Waterdale Road and the creation of a pocket park in proximity to the Upper Heidelberg Road shops;
 - The conversion of the balance of Waterdale Road between the pocket park (adjacent Upper Heidelberg Road) and Norman Street into a shared pedestrian – vehicle zone;
 - The conversion of undeveloped land in the road reserve to the south of Norman Street into a pocket park.
4. At the Meeting of 21 September 2020 Council considered the proposal to place permanent barriers across Waterdale Road in Ivanhoe to the south of Upper Heidelberg Road (Resolution CO2020/187).
5. Resolution CO2020/187 included the requirement that a concept design for a pocket park within the closed section of Waterdale Road be prepared in consultation with the community and a report be presented on the final design at a future Council meeting. If the final design does not require the closure of the Road, then the decision to place permanent barriers will not proceed.
6. A draft concept plan was prepared, community consultation has occurred, and a revised concept plan adjusted with due regard to feedback.

RECOMMENDATION

That Council:

1. Endorse the Concept Plan for the Waterdale Road shared zone and pocket parks inclusive of the placement of permanent barriers across Waterdale Road to the south of Upper Heidelberg Road, Ivanhoe.

LOCAL PARKS PROGRAM - WATERDALE ROAD cont'd

COUNCIL PLAN

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

BACKGROUND

- A briefing paper was circulated to Council on 24 October 2019 that provided information with respect to the Local Parks Program and the intent to submit a project nomination application for a new pocket park in the Ivanhoe electoral area to DELWP. The briefing included a high-level concept for the Waterdale Road shared zone and pocket parks.
- Council was successful in obtaining a grant valued at \$1.3 million for the project and a Victorian Common Funding Agreement was executed on 15 April 2020. A briefing paper was circulated to Council on 28 May 2020 informing Council of the grant.
- A report was subsequently prepared and considered at the 7 September 2020 Council meeting. The intent of the report was to enable Council to formally consider the written submissions received regarding the proposed placement of permanent barriers on Waterdale Road to the south of Upper Heidelberg Road. (Council Resolution CO2020/165).
- In line with Council Resolution CO2020/165 an additional report was prepared and considered at the 21 September 2020 meeting to assist Council in making a final decision on the proposed placement of permanent barriers on Waterdale Road. At this meeting, Council resolved that concept designs for a pocket park within the closed section of Waterdale Road, be prepared in consultation with the community and a report be presented on the final design at a future Council meeting. If the final pocket park design does not require the closure of the road, then the decision to place permanent barriers will not proceed (Council Resolution CO2020/187).

KEY ISSUES

- The feedback obtained as a result of the consultation demonstrated general support for the project. The Shaping Banyule survey identified that 67% of participants supported the concept, 12% were neutral and 21% were unsupportive. The social media quick poll demonstrated 76% support and the on-site quick poll demonstrated 88% support.
- The updated concept plan has been prepared for the Waterdale Road shared zone and pocket parks in consultation with the community. A copy of the concept plan is included in **Attachment 1**.
- An extensive analysis of the feedback was undertaken. A summary of the reoccurring concerns and the corresponding change to the concept plan is summarised in **Attachment 2**.
- The concept demonstrates the need to permanently close Waterdale Road on Upper Heidelberg Road. More specifically, if the road closure was not to proceed there would be insufficient space to develop the northern pocket park.
- To enable detailed design to commence, Council endorsement is required.

LOCAL PARKS PROGRAM - WATERDALE ROAD cont'd

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.
- Sustainable procurement outcomes will be pursued as a function of the detailed design should Council resolve to endorse the concept plan.

Financial Implications

- The Local Parks Program vision is to create new parks and to revitalise existing local parks to provide much-needed recreation space and to green suburbs in built up urban areas of metropolitan Melbourne. This program includes a \$35 million investment towards creating 25 new pocket parks. This investment is part of the Victorian Government's broader commitment to creating a new ring of parklands in growing suburbs.
- As part of the Local Parks Program, Council has been successful in obtaining a grant valued at \$1.3 million to progress the Waterdale Road shared zone and pocket parks project and a Victorian Common Funding Agreement was executed in April 2020.
- In accordance with the Victorian Common Funding Agreement, it is anticipated that \$1.135 million will be spent on project construction with the balance of \$165,000 being spent on planning, design, contingencies, escalations and allowances.

Community Engagement

- Community engagement ran for a five-week period between 31 March and 5 May 2021 and comprised:
 - Councillors and EMT presentation/briefing;
 - Meeting with Ward Councillor, CEO and Manager Parks and Open Space to discuss design;
 - Referral and meeting with internal Council stakeholders;
 - Shaping Banyule page (plans, perspectives, background report, strategic documents, survey);
 - Two signs installed on site;

LOCAL PARKS PROGRAM - WATERDALE ROAD cont'd

- Three social media posts using a combination of Facebook, Instagram and Twitter inclusive of one quick poll;
- Letter drop to properties within 400 metres of site;
- Two site pop-up sessions inclusive of one quick poll;
- Postcards distributed at pop-up sessions;
- Copies of the letter drop correspondence made available at the Ivanhoe service desk;
- Information provided to the Ivanhoe Traders Association and meeting;
- Information provided to Ivanhoe Grammar, Ivanhoe Girls Grammar and Mary Immaculate Primary School;
- Information provided to the Department of Transport, Telstra, VicTrack, Metro, Yarra Valley Water, APA and Jemena;
- Opportunity for written submissions to be submitted;
- Update provided to DELWP;
- Meeting with Ward Councillor, Director Assets and City Services and Manager Parks and Open Space post consultation to discuss design outcomes.
- Key consultation metrics are listed below:
 - Approximately 1,250 letters (inclusive of plan) were distributed;
 - The project received 970-page views on Shaping Banyule;
 - The project received 566-engagements as a result of social media (comments, likes, shares);
 - A total of 68 surveys were completed;
 - A total of 118 people contributed towards the two quick poll surveys;
 - A total of 34 written submissions were received;
 - A total of 13 internal teams were consulted.
- The 34 written submissions were received from 11 separate parties. These included:
 - One from The Ivanhoe Traders Association (with nine different responses);
 - One from Ivanhoe Uniting Church (a collective response with a range of issues raised);
 - Nine other parties/people including a mix of local businesses and community members;
 - Of the 34 responses obtained 24 were submitted by one individual opposed to the project.

LOCAL PARKS PROGRAM - WATERDALE ROAD cont'd

- The written feedback obtained from nine of the members of the Ivanhoe Traders Association Committee suggests that the Committee was not united in opinion regarding the project with three members being supportive, three members being neutral and three members being unsupportive.
- The main concerns raised throughout the consultation process included:
 - The impact of the proposal on road safety (pedestrian and vehicular), parking and traffic flow in the area;
 - Questions around the rationality and need of the project;
 - Issues pertaining to process, priorities and consultation.
- A road safety audit on the detailed design will be conducted to ensure that the new road environment is safe and functional for motorists, cyclist and pedestrians.
- Post consultation the concept plan was adjusted in line with more specific feedback; including:
 - Reconfiguration of car parking arrangements around the project site;
 - Deletion of the public art/sculpture in the southern pocket park;
 - Substitution of the lawn in the northern pocket park with a timber deck;
 - Inclusion of street furniture such as handrails, a drinking fountain and a bike repair station; and a three-phase power connection to allow for events to occur in the area;
 - A revised design for the southern pocket park which is to comprise a copse of indigenous canopy trees, understory planting, feature paving and concrete and timber seating;

Collaboration

- Information inclusive of a link to Shaping Banyule and the concept plan was provided to the Department of Transport, Telstra, VicTrack, Metro, Yarra Valley Water, APA and Jemena.
- No comments were submitted by the authorities apart from the Department of Transport.
- The Department of Transport offered no objection to the concept. The detailed design drawings will be submitted to the Department of Transport for approval.

Key Considerations

- The subject site is nominated in the *Ivanhoe Structure Plan (2014)* for investigation as a landscaped public square. The pocket parks will act as welcoming meeting places and focal points for social interactions, artistic, recreational and cultural activity for the community.
- The project is consistent with the *Public Open Space Plan (2016 – 2031)* and the intent to improve access to public open space for an area that is not within easy walking distance of a park.

LOCAL PARKS PROGRAM - WATERDALE ROAD cont'd

- In accordance with the Victorian Common Funding Agreement, delivery of the project is required by 30 June 2022.

Officer Declaration of Conflict of Interest

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

6.1 **DISC GOLF PROPOSAL - CONSULTATION OUTCOMES**

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

SUMMARY

1. As part of the 2019/20 Budget, following a formal budget submission from community members and members of Melbourne Disc Golf, \$30,000 was allocated for Disc Golf.
2. Approximately 378 people participated in one or more of the engagement activities conducted between March 2021 through to August 2021.
3. A copy of the Disc Golf Engagement Summary Report is provided, **Attachment 1** which outlines key community engagement activities and feedback.
4. The consultation indicates that more people are in opposition or have concerns about the proposal than those who support it. Key reasons for opposition included; concerns for safety, risk of injury, privatisation of parklands, inappropriateness of activity for Warringal Park and the impact on dog club training activities.
5. Those who support the project listed reasons including; it is a free outdoor activity, encourages physical activity for people and families and it is a great location.
6. Given the feedback is mostly strongly opposed, particularly from local Banyule residents, it is recommended that the installation of a permanent disc golf course at Warringal Park does not proceed.
7. There are options to consider pop-up, temporary disc golf activity in Banyule locations during summer school holidays.

RECOMMENDATION

That Council:

1. Notes the key community engagement activities and feedback detailed in the Disc Golf Engagement Summary report.
2. Does not proceed with the installation of a permanent disc golf course at Warringal Parklands.
3. Supports the investigation of pop-up temporary disc golf sessions in Banyule during summer school holidays as part of Council's Leisure and Sport program of activities for children and families.

COUNCIL PLAN

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

DISC GOLF PROPOSAL - CONSULTATION OUTCOMES cont'd

BACKGROUND

- A \$30,000 allocation for disc golf was included as part of the 2019/20 Banyule City Council Budget following a formal budget submission from community members and members of Melbourne Disc Golf. Warringal Park was identified as the most suitable location following site investigations and meetings with course designers.
- Disc golf as an activity aligns strongly with Banyule City Council's key Recreation Plan objective: To provide informal opportunities so that our community can access and participate in diverse recreation activities.

KEY ISSUES

- The consultation has highlighted that the proposed location at Warringal Parkland is the key concern. The proposed design layout of the Disc Golf Course at Warringal Park is detailed at **Attachment 2**.
- Many existing park users expressed concern over the negative impacts that they believe this activity will have on the amenity and enjoyment of the parklands.
- There is significant opposition towards this project proposal, particularly from Banyule residents. The objection sentiment is significantly higher than those that have advocated and supported Disc Golf.

Key reasons for Objections

- Incompatibility of this activity with existing park use and users
- Concerns for the safety of users – being injured by flying discs
- Layout and design of the course – close to bike paths and impact on Kintala Dog Club area
- Loss of park use and enjoyment and amenity for local and regular users
- Inappropriateness of this activity at Warringal Park in terms of - infrastructure and expenditure - Money could be better spent on other initiatives
- Concerns around the competition aspect of Disc Golf and the competing demands for use of park

Key Reasons for Support

- It is outdoors in a natural setting
- Affordability of the activity
- Promotes physical activity and participation
- Intergenerational
- Non structured – can be enjoyed in own time
- Accessibility - anyone can participate at any level
- Creates sense of community and belonging

DISC GOLF PROPOSAL - CONSULTATION OUTCOMES cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- 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*.
- It is considered that the subject matter promotes and protects the human rights of Banyule City Council residents and wider community.

Sustainable Procurement Outcomes

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

Financial Implications

- A \$30,000 budget was allocated to this project. The remaining budget will enable the proposed pop-up disc golf activities and any savings will be identified through operating budget processes.

Community Engagement

- The engagement for this project has been challenging and due to Covid-19 few people have been able to experience the activity in person.
- Pre Covid-19 2019 engagement included:
 - On site meetings with stakeholders and user groups including; Banyule Football Club, Kintala Dog Club, Warringal Conservation Society, Banyule Cricket Club
 - Letter box drop to residents advising of proposal – inviting to Come and Try at Warringal Park
 - Come and try activity at the Malahang Community festival in November 2019 to provide people with an opportunity to see what Disc Golf was and ask any questions.
- In March 2021 a deeper engagement and consultation process commenced with a focus on understanding the following:
 - The level of community support for the Disc Golf Proposal
 - Use profile for Warringal Park (who uses it, what they are using it for)
 - Concerns and benefits as seen by the community regarding the introduction of the Disc Golf Proposal
- Four engagement methods were offered:
 1. Come and try day (March 2021) to provide participants with an opportunity to see and directly experience the activity and ask questions

DISC GOLF PROPOSAL - CONSULTATION OUTCOMES cont'd

2. Online survey engagement through Shaping Banyule
 3. Consultation forum seeking alternatives to identified challenges
 4. Submitters Meeting held on Wednesday 11 August 2021
- Participation in the engagement and consultation was driven by the Shaping Banyule online platform and a communications campaign delivered by Council. This included:
 - Signage installed at key outdoor locations within the parklands advertising the Disc Golf project proposal on Shaping Banyule
 - 1500 postcards were distributed to homes, and adjoining properties advertising Shaping Banyule
 - Direct email to community members who had previously engaged with Council in support or opposition, advertising the consultation opportunities
 - Social media post promoting the come and try day
 - In addition to these publicly promoted engagement activities participants submitted feedback directly to Councillors and Council Officers in the form of emails, letters and phone calls.
 - The table below shows Council's engagement activities and the number of people who participated. 378 people engaged, many across multiple forums:

Engagement activity	Indicative number of participants
Attendance at Open Day	125 registered, 30 attended <i>(numbers low due to bad weather)</i>
Participation through Shaping Banyule	243 contributors
Submission direct to Council	59 participants
Attendance at Community Forum	21
Submitters Meeting	15 Speakers and 10 written submissions presented by Council officers
Total participation in engagement activities	378 <i>(some attending multiple forums)</i>

Key Findings

Shaping Banyule online Survey Summary

- 243 people contributed to the Shaping Banyule Survey. See Attachment 1 for details of engagement
- Of the 243 responses 184 (76%) were Banyule residents
- Banyule Residents who visit Warringal Park frequently indicated little to no support for the Disc Golf course, of which there were 70 responses
- 40 People support Disc Golf at Warringal Park or are supportive of it somewhere else.
- Non-Banyule residents represent 59 people (24%)

DISC GOLF PROPOSAL - CONSULTATION OUTCOMES cont'd

- Those who live outside of Banyule were more supportive of the course being implemented, with 46 people of the 59 selecting that they support Disc Golf at Warringal Park.

Submitters Feedback Summary

- On Wednesday 11 August Council held the Disc Golf Submitters meeting online. There were 15 People who presented their submission directly to Council, 12 objections and 3 in Support. There were another 10 written submissions that were read out by officers and all of these were in objection. These submissions were provided to Council for consideration in deciding on this matter.

Temporary Pop-Up Option

- Implementing pop-up, temporary disc golf sessions in Banyule during summer school holidays as part of Council's Leisure and Sport program of activities for children and families, will be developed on the basis that it is short term 3 to 4 days only.
- Temporary removable baskets with no permanent fixturing can be easily located at various locations to provide for the conduct of pop-ups. Warringal Park could be included as a host for one of these locations. Hosting disc golf would be temporary and would not be leading to any permanent installation now or in the future.
- This would assist in meeting the needs of those that were interested in disc golf and supported the proposal, as well as providing some new leisure experiences for the community.

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
0	.	
1	Disc Golf Engagement Summary Report August 2021	
2	Disc Golf Course Map	

7.1 PROPOSED ROAD DISCONTINUANCE AND SALE OF PART RW243 REAR 7 DUNSTAN STREET, MACLEOD - HEARING OF SUBMISSIONS

Author: Andrea Turville - Property Officer, City Development

Ward: Ibbott

SUMMARY

1. RW243 is an unconstructed 'road', part of which is located at the rear of 7 Dunstan Street, Macleod.
2. In December 2020 the owners of 7 Dunstan Street, Macleod (the Applicant), requested Council consider a part road discontinuance and sale in order to extend their yard and increase open space as part of a development proposal.
3. In accordance with section 206 and 223 of the Local Government Act 1989 (Act) and section 114 of the *Local Government Act 2020*, public notice of the proposal was given in the Herald Sun on 6 July 2021. The submission period closed on 3 August 2021 with two submissions received, both from the same submitter. The submitter wishes to speak in support of their submission.
4. The purpose of this report is for Council to consider the submissions received.

RECOMMENDATION

That Council

1. Receive and consider the submissions, in response to the public notice given pursuant to sections 206 and 223 of the Local Government Act 1989 and section 114 of the *Local Government Act 2020* of Council's intention to discontinue part of the road adjacent to 7 Dunstan Street, Macleod and sell the resultant land to that owner.
2. Receive a further report at a future meeting of Council to make a decision on whether or not to discontinue part of RW243 and sell the resultant land adjoining the rear 7 Dunstan Street, Macleod, to that owner.

COUNCIL PLAN

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

BACKGROUND

- The section of road known as RW243 abuts the rear of 7 Dunstan Street, 4-6 and 8a Jacka Street, Macleod and has an area of approximately 56m² (refer **Figure 1**).

PROPOSED ROAD DISCONTINUANCE AND SALE OF PART RW243 REAR 7 DUNSTAN STREET, MACLEOD - HEARING OF SUBMISSIONS cont'd

- The owners of 7 Dunstan Street, Macleod have approached Council to purchase the land for the purpose of extending the backyard to increase open space as part of a development proposal.
- The owners of the neighbouring abutting properties have provided written support for the road to be discontinued and sold to the owners of 7 Dunstan Street, Macleod.
- The Land is intended to be sold at market value, less any relevant discounts for rear land and encumbrances, with the applicant to cover any additional costs relating to the discontinuance and sale.

Locality Plan



Figure 1: Proposed area of discontinuance and sale shown hatched

KEY ISSUES

- Having concluded the public notice advertising of Council's proposal to discontinue the section of 'road' adjoining rear of 7 Dunstan Street, Macleod, this report seeks Council's consideration of the written submissions received.
- Banyule's Land Transactions Framework (2019) stipulates that Council will sell landholdings from discontinued roads to an abutting property owner whose proposal does not have a detrimental effect on other property owners. Alternatively, affected abutting owners will be given equal opportunity to purchase the land.

PROPOSED ROAD DISCONTINUANCE AND SALE OF PART RW243 REAR 7 DUNSTAN STREET, MACLEOD - HEARING OF SUBMISSIONS cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- The power to discontinue or remove 'road' status and sell the resultant land is conferred on Council pursuant to Section 206 and Schedule 10 Clause 3 of the Act.
- Public notice of the proposal was given in the *Herald Sun* on Tuesday 6 July 2021, with submissions on the proposal invited in accordance with section 223 and 206 of the Act. The public notice and locality plan were also available for viewing on Council's webpage.
- The submission period closed at 5 pm on Tuesday 3 August 2021, with two submissions being received, both from the same submitter.

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*.
- *Victoria's Charter of Human Rights and Responsibilities* (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with the Charter and to consider relevant Charter rights when they make decisions.
- Section 20 provides that "A person must not be deprived of his or her property other than in accordance with the law".
- 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

- In principle terms and conditions of sale have been accepted by the Applicant. The proposal is subject to the completion of the necessary statutory procedures and Council resolving to discontinue the section of 'road' and sell the resultant land to the adjoining owner. Council's out of pocket expenses will also be recouped.

Community Engagement

- In accordance with Council's Community Engagement Policy and s.223 of the Local Government Act 1989, a public notice appeared in the *Herald Sun* on Tuesday 6 July 2021. Public notice was also provided on Council's website and an onsite notice at the entrance to the 'road'.

**PROPOSED ROAD DISCONTINUANCE AND SALE OF PART RW243 REAR 7
DUNSTAN STREET, MACLEOD - HEARING OF SUBMISSIONS cont'd**

- The two abutting neighbours of the subject land, located at 4-6 & 8a Jacka Street, Macleod have both provided signed approval of the land being discontinued and sold. The abutting neighbours also had a further opportunity to comment on the discontinuance and sale during the public notice period. No further response or submission has been received.

Key Considerations

Engineering Considerations

- Councils engineers advise that there is a 225mm diameter pipe within the subject land. Easement rights for the entire width of the Land are to be saved in favour of Banyule City Council
- Council's Environmental Planning request that all established trees be retained, where possible.

Service Authority Considerations

- Consultation with the relevant service authorities reveals that there are only Yarra Valley Water assets contained within the vicinity of the land.

Easement Rights (YVW)

- Yarra Valley Water (YVW) consents to the proposed discontinuance and sale subject to the following conditions:
 1. An easement for sewerage purposes must be created in favour of YVW over the whole of the land.
 2. YVW requires continued access to the assets within the area to be discontinued.
 3. Access chambers and inspection shafts must not be covered over or obstructed and any changes to surface levels proposed the access chamber and inspection shaft cover levels must be adjusted at the cost of the property owner/s.

Planning Considerations

- The Banyule Planning Scheme governs the use and development within the municipality and Banyule City Council is the responsible authority administering the scheme. The Land under the Planning Scheme is included in the Neighbourhood Residential Zone (NRZ3) and is subject to an Environmental Significance Overlay – Schedule 2 controls. These controls are considered adequate for protection of the established trees onsite.
- The 'road' is also affected by Development Contributions Plan Overlay – Schedule 1(DCPO1).
- Banyule's Residential Neighbourhood Character Policy at Clause 22.02 of the Banyule Planning Scheme includes the area within its Bush Garden (BG West) precinct.

**PROPOSED ROAD DISCONTINUANCE AND SALE OF PART RW243 REAR 7
DUNSTAN STREET, MACLEOD - HEARING OF SUBMISSIONS cont'd**

DISCUSSION

Submission 1

- Submission 1 came via a 'Letter of Intent' to purchase the discontinued 'road' and was received from a property owner adjoining the right of way closer to Jacka Street and not directly abutting the section of 'road' proposed to be discontinued. The submitters 'Letter of Intent' dated 30 July 2021 enclosed the following information:
 - That the submitter intends on purchasing the section of road known as RW243 subject to the execution of a future definitive and mutually acceptable purchase and sale agreement.
 - The submitter has made an offer to purchase.

Submission 2

- Submission 2 came via the formal submission online form and raised the following issues:
- That the submitter:
 - Disagrees with the proposal to sell to owners adjacent to the land.
 - Requires the land for the development they are proposing.
- The submitter wishes to speak in support of their submission and has been provided all relevant details to that effect.

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

7.2 MINUTES - AUDIT & RISK COMMITTEE MEETING - 18 JUNE 2021

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. The Audit & Risk Committee is an Advisory Committee and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to a Council Meeting.
3. Consequently, the Minutes of the meeting held on the 18 June 2021 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, being held on 17 September 2021.

RECOMMENDATION

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 18 June 2021.

COUNCIL PLAN

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

BACKGROUND

- As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee to facilitate:
 - The enhancement of the credibility and objectivity of internal and external financial reporting;
 - Effective management of Council's strategic risks and protection and control of Council assets;
 - Monitoring of Council's Business Continuity Plans and processes;
 - The efficiency and effectiveness of significant Council programmes;
 - Compliance with laws and regulations as well as use of Best Practice Guidelines;
 - The effectiveness of the audit functions.
- The Committee will meet at least four times annually, with authority to convene additional meetings, as circumstances require.

MINUTES - AUDIT & RISK COMMITTEE MEETING - 18 JUNE 2021 cont'd

- Minutes will be prepared for all meetings and will be provided to the Chair prior to being presented to Council as unconfirmed minutes and then submitted to the subsequent Committee meeting for confirmation.

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.

Sustainable Procurement Outcomes

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

Financial Implications

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

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	Unconfirmed Minutes - Audit & Risk Committee Meeting held 18 June 2021	

7.3 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:	2 August 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Council Plan Workshop 	
	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> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Kamal Singh – <i>Integrated Planning Project Manager</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	9 August 2021 – 5.30pm
	Type of Meeting:	Council Meeting Pre-Briefing
	Matters Considered:	
	<p>Items listed on the agenda for Council Meeting 9 August 2021 as below:</p> <ul style="list-style-type: none"> 3.1 Banyule Scouts Grants Program- Year 1 report 5.1 Local Parks Program - Waterdale Road 5.2 Northern Region Transport Strategy - Final Report 5.3 Planning and Building Activities Report January - June 2021 5.4 COVID-19 Response - Business Support Package and Economic Development and Recovery Plan 2022-2025 5.5 Proposed Declaration of a Special Charge - Heidelberg Central Shopping Precinct 5.6 Mother of God Church, Ivanhoe East - Interim Heritage Overlay Request 6.1 Victorian Government Sport and Recreation Funding Outcomes 6.2 Banyule 2041 Stage 3 - Public Exhibition of Council Plan 2021-2025 and Financial Plan 2021- 2031 7.1 2 Clauscen Street, Heidelberg Heights - Proposed discontinuance and sale of adjacent land 7.2 Banyule Investment Strategy 7.3 Financial Management Report - Preliminary June 2021 Performance 7.4 Record of Councillor Meetings 9.1 Christmas Day Gathering for Isolated or Underprivileged People 	
Councillors Present:		
<p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern – left 6.21pm – returned 6.36pm Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>		
Staff Present:		
<p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> 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> Jay Mifsud – <i>Youth Program Officer</i> Duncan Stephen – <i>Jets Sound Engineer/Program Assistant</i> David Pascolo – <i>Technical Analyst</i></p>		
Others Present:		
<p>Nil</p>		

RECORD OF COUNCILLOR MEETINGS cont'd

	Conflict of Interest:	Cr Alida McKern – Item 5.6 Mother of God Church, Ivanhoe East – Interim Heritage Overlay Request – left 6.21pm – returned 6.36pm
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3	Date of Meeting:	10 August 2021 – 7.30pm
	Type of Meeting:	Watsonia Town Square Community Reference Group Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Watsonia Town Square – Key Observations and Design Principles • Updated timeline and scope of works • Advocacy items relevant to the project 	
	Councillors Present:	
	Mark Di Pasquale – left 8pm Rick Garotti	
Staff Present:		
Scott Walker – <i>Director City Development</i> Joel Elbourne – <i>Manager Planning & Building</i> Erica Hardie – <i>Senior Project Manager</i>		
Others Present:		
Jeremy Richards, Watsonia Traders Association Sarah Maguire, Watsonia Traders Association Paul Parrella, The A Team Kitchen Shaun Paine, Rex Paine Timber and Hardware John Kiriakidis Susannah Madden Kate van der Drift Matthew Guest, Watsonia RSL Barbara Armstrong, Yarra Plenty Regional Library Watsonia Branch Rev Denise Nicholls, Anglican Parish of Banyule Alexander Madden Nathan Mundy, Group GSA John Holland, Group GSA Rita Fernandes, Group GSA		
Conflict of Interest:	Nil	

4	Date of Meeting:	16 August 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
<ul style="list-style-type: none"> • Hurstbridge Line Upgrade • Heidelberg Structure Plan • Neighbourhood Character Introduction • General Business 		

RECORD OF COUNCILLOR MEETINGS cont'd

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> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Joel Elbourne – <i>Manager Planning & Building</i> Fae Ballingall – <i>Principal Strategic Planner</i> James Kelly – <i>Manager Delivery & Assets</i>	
Others Present: Level Crossing Removal Project	
Conflict of Interest:	Nil

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil