

Agenda



Monday, 6 December 2021 7.00pm

Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

Acknowledgement of the Traditional Custodians

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

Diversity Statement

“Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community.”

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 15 November 2021

Disclosure of Interests

1. Urgent Business

2. Petitions

Nil

REPORTS:

3. Our Inclusive and Connected Community

3.1 Working for Victoria Program Review 5

4. Our Sustainable Environment

4.1 Draft Banyule Weed Management Strategy - For Public Exhibition
..... 9

4.2 State of the Environment Report 2020-2021 16

5. Our Well-Built City

5.1 Exhibition Outcome - Planning Scheme Amendment C119..... 23

5.2 Major Transport Projects Update 29

5.3 Final Heidelberg Structure Plan 40

6. Our Valued Community Assets and Facilities

6.1 Supervised Children's Crossings - Update 45

6.2 Viewbank Tennis Club - LED Lighting Upgrade 51

6.3 North East Link Project - Sporting Infrastructure Outcomes and
Club Transition..... 53

7. Our Thriving Local Economy

7.1 2021/22 Economic Support Package - Status Update..... 59

8. Our Trusted and Responsive Leadership

8.1 Provision of Concrete and Asphalt Maintenance Works..... 71

8.2 Award of contract for 1166-2022 Assembly & Logistics for FOGO
Bin Distribution..... 76

8.3	Review of Governance Local Law No. 2	81
8.4	50 Chapman Street, Macleod - Renewal of Telecommunications Lease with Telstra.....	86
8.5	Chief Executive Officer Remuneration Policy.....	89

9. Sealing of Documents

Nil

10. Notices of Motion

Nil

11. General Business

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

*Please note that the Council Meeting will be livestreamed.
The livestream will be available on Council's Facebook and website
www.banyule.vic.gov.au*

The next Ordinary Meeting of Council will be held on Monday, 7 February 2022.

3.1 WORKING FOR VICTORIA PROGRAM REVIEW

Author: Kate Vigilante - Program Coordinator - City Presentation, Corporate Services

SUMMARY

1. The Working for Victoria (WFV) initiative is part of the Victorian State Government's \$1.7 billion Economic Survival Package. The WFV initiative aims to link employees affected by the COVID pandemic with new possibilities that will benefit the community, the initiative places participants with an organisation for a 6-month period.
2. Banyule City Council supported 23 WFV participants in a variety of roles:
 - o 14 City Presentation Officers & 2 Graffiti Mural Artists
 - o 4 Digitisation Officers
 - o 1 Economic Development Officer
 - o 1 Safety & Wellbeing Officer
 - o 1 Program Coordinator
3. There were many achievements over the 6-month period, some of which included:
 - o 1,126 graffiti tags were removed.
 - o 10,000 indigenous tube stock across bushland areas were planted
 - o Mulching & removing litter from 20 playgrounds throughout the municipality
 - o Installation of 7 murals across the municipality
 - o Digitisation of over 2 years' worth of records
 - o Stimulating the economy through business expansion projects.
4. In terms of the benefits to the participants, all were provided with on the job training in technical operational areas as well as upskilling in regard to CV development and interview skills.
5. Of the 23 program participants over 60% have gone on to find further employment.

RECOMMENDATION

That Council:

1. Notes this report and the success and contribution of the Working for Victoria program to the municipality of Banyule.

WORKING FOR VICTORIA PROGRAM REVIEW cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide for and facilitate specific programs and respond to current and emerging preventable disease, outbreaks and public health risks".

BACKGROUND

- The Working for Victoria (WFV) initiative is part of the \$1.7 billion Economic Survival Package put out by the Victorian government. The WFV initiative aims to link employees affected by the COVID pandemic with new possibilities that will benefit the community, the initiative places participants with an organisation for a 6-month period.
- Through this program Council supported 23 unemployed people with a 6-month placement within the organisation across a diverse range of roles. As a result of staggered recruitment, the program began in April 2021 and ended in November 2021.
- The aim of the program was to:
 - Support people whose employment has been adversely affected by COVID return to work in a valuing adding role both for themselves and of the community of Banyule
 - Beautification of streetscapes and parklands across the municipality through the removal of graffiti and litter, for the enjoyment of the Banyule community and providing a clean and visually appealing area to enjoy
 - Improve the customer experience within the planning and development services of Council through speedy resolutions and the provision of electronic documentation, allowing for the speedy processing of outdoor dining and business expansion applications
 - Provide much needed business support to local business within the municipality
- The breakdown of the roles was as follows:
 - 14 City Presentation Officers & 2 Graffiti Mural Artists
 - 4 Digitisation Officers
 - 1 Economic Development Officer
 - 1 Safety & Wellbeing Officer
 - 1 Program Coordinator
- Over the past 6 months, there have been several notable achievements.
- **City Presentation & Graffiti Mural Artists:**
 - 1,126 graffiti tags were removed.
 - 10,000 indigenous tube stock across bushland areas were planted
 - Mulching & removing litter from 20 playgrounds throughout the municipality
 - A wide range of other parks maintenance tasks included weeding, gardening, tree pruning, and mowing

WORKING FOR VICTORIA PROGRAM REVIEW cont'd

- The installation of 7 murals across the municipality (**Attachment 1**) as well as supporting New Hope (youth group) participants with developing their knowledge and skills with guidance on spray painting techniques and application

- **Digitisation Officer & Economic Development**
 - Digitisation of over 2 years' worth of records
 - Stimulating the economy through business expansion projects

- **Program Coordinator & Safety & Wellbeing Officer**
 - Provided essential support to ensure the safety and wellbeing of the participants

KEY ISSUES

- The program has been well received from both residents and staff.
- Many residents have stopped the City Presentation Officers in the street whilst they were performing duties (especially graffiti removal and litter collection around parks) to thank them for cleaning and maintaining their local parks and gardens.
- In terms of the benefits to the participants, all were provided with on the job training in technical operational areas as well as upskilling in regard to CV development and interview skills.
- Of the 23 program participants over 60% have gone on to find further employment.

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.

WORKING FOR VICTORIA PROGRAM REVIEW cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Images of the Graffiti Murals & Parkland Activities	

4.1 **DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION**

Author: Paul Davis - Biodiversity Adviser, City Development

SUMMARY

1. An updated Banyule Weed Management Strategy (Attachment 1) has been prepared, which:
 - Identifies priority weed species that currently have the biggest impact on our environment and public open spaces;
 - Establishes reporting and monitoring procedures to support weed management in Banyule.
2. The Strategy identifies a weed definition and why they are critical to control.
3. It adopts an overarching decision-making methodology to identify priority weed species for each green space managed in Banyule.
4. The Strategy also identifies Banyule's 10 highest priority weeds across all green space management areas, with supporting management plans.
5. It further highlights the importance of using an Integrated Weed Management approach to safely and sustainably control weeds.

RECOMMENDATION

That Council:

1. Endorses the draft Banyule Weed Management Strategy for a six-week public exhibition period, via Shaping Banyule.
2. Receives a report detailing any feedback on the draft Banyule Weed Management Strategy, during the public exhibition period, and presenting a final draft Banyule Weed Management Strategy for consideration.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Protect and enhance our natural environment".

BACKGROUND

- Banyule's well cared for green spaces are highly valued by our community and reflected strongly in the recently adopted vision for the future:

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

- Having a strategic approach to weed management ensures that Council can continue to protect and enhance our highly valued green spaces for their important environmental and amenity values.

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

KEY ISSUES

- Council plays a critical role in managing weeds and minimising their impact on Banyule's environment and public open spaces. The draft Banyule Weed Management Strategy addresses this by:
 - Clearly defining a weed and why they are important to control;
 - Adopting an overarching decision-making methodology to understand what weeds are currently present in Banyule, then identifying the highest priority weeds for each green managed space;
 - Identifying the 10 overall highest priority weeds across all green managed spaces and establishes a supporting management plan.
- The strategy, which replaces the 2006 strategy, further outlines the importance of an Integrated Weed Management approach to effectively and safely manage weeds in Banyule's green managed spaces.
- It also outlines the importance of a collaborative approach to weed management with the community and external stakeholders.

SUPPORTING REPORT DETAILS

Supporting sections from the Banyule Weed Management Strategy

The problem with weeds

A simple definition of a weed is a plant that is growing in the wrong place. Weeds can negatively impact our natural environments, wildlife corridors, green open spaces and overall biodiversity values in Banyule. The way they do this include:

- Preventing natural regeneration;
- Competing with native species for nutrients, space, water and sunlight;
- Reducing suitable wildlife habitat;
- Increasing fuel loads and fire risk; and
- Removing amenity value and reduce aesthetic appeal.

Key Goals

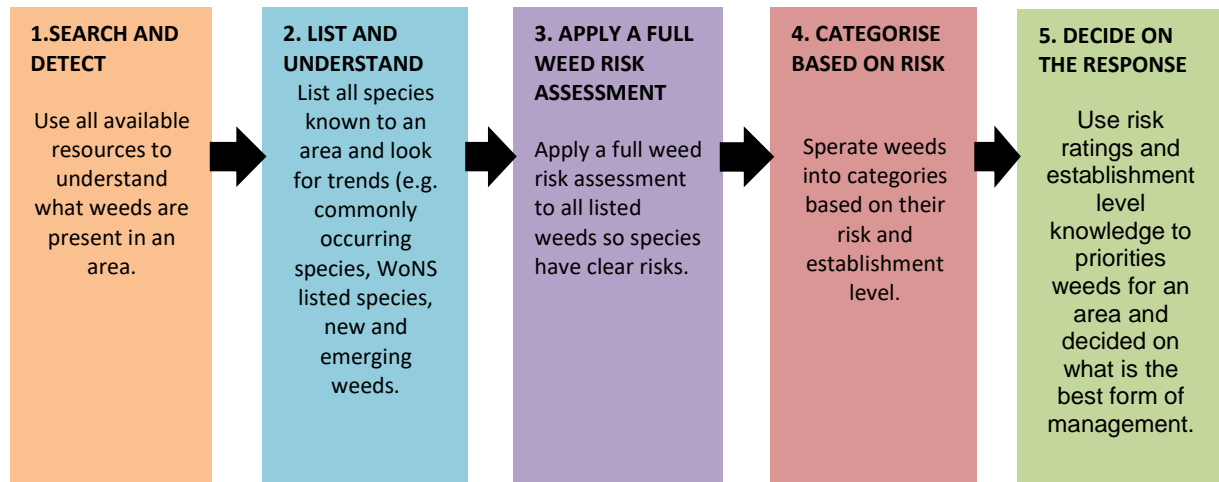
The strategy highlights five overarching goals:

- We understand the current weed status across Banyule and the effectiveness of our weed management programs;
- We actively manage and sustainably control weeds in Banyule;
- We minimise the impact of all priority weeds in Banyule;
- We protect our conservation reserves and wildlife corridors through better plant selection;
- We continually improve weed management across Banyule in partnership with the community.

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

Hight Priority Weeds

- Weeds are pervasive and resources are finite. Therefore, it is critical to identify the highest priority weeds in Banyule to focus on across the municipality.
- An overarching decision-making methodology (detailed below) is identified to prioritise weeds across the entire municipality. This methodology can also be applied by land managers to assess and prioritise weeds at specific sites.



- On the basis of this methodology, the top 10 priority weeds for each green managed space in Banyule has been identified and are listed below for conservation areas, public open space and private garden space.
- Berry & stormwater weeds, and new and emerging weeds, which can be located in the Strategy attached on pages 20 and 21. (Attachment 1).

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

The Top 10 Conservation Area Priority Weeds in Banyule

Rank	Weed Species		Potential for invasion	Rate of Dispersal	Weed Risk Score	Risk Rating	Weed of National Significance (WoNS)	Victorian CaLP Act
	Common Name	Scientific Name						
1	Chilean Needle Grass	<i>Nassella neesiana</i>	Highly Invasive	Rapid	33.3	Very High	✓	✓
2	Blackberry	<i>Rubus fruticosus spp. agg</i>	Highly Invasive	Rapid	33.3	Very High	✓	✓
3	Japanese Honeysuckle	<i>Lonicera japonica</i>	Highly Invasive	Rapid	33.3	Very High		
4	English Ivy	<i>Hedra Helix</i>	Highly Invasive	Rapid	33.3	Very High		
5	Serrated Tussock	<i>Nassella trichotoma</i>	Highly Invasive	Rapid	33.2	Very High	✓	✓
6	Panic Veldt Grass	<i>Ehrharta erecta</i>	Highly Invasive	Moderate	32.2	Very High		
7	Kikuyu	<i>Cenchrus clandestinus</i>	Highly Invasive	Moderate	32.2	Very High		
8	Soursob	<i>Oxalis pes-caprae</i>	Highly Invasive	Slow	31.3	Very High		✓
9	Bridal Creeper	<i>Asparagus asparagoides</i>	Highly Invasive	Rapid	23.3	High	✓	✓
10	Sweet Vernal Grass	<i>Anthoxanthum odoratum</i>	Highly Invasive	Rapid	23.2	High		

Top 10 Public Open Space Weeds in Banyule

RANK	Weed Species		Potential for Invasion	Rate of Dispersal	Weed Risk Score	Risk Rating	Weed of National Significance (WONS)	Victorian CaLP Act
	Common Name	Scientific Name						
1	Desert Ash	<i>Fraxinus angustifolia subsp. angustifolia</i>	Highly Invasive	Rapid	32.3	Very High		
2	Soursob	<i>Oxalis pes-caprae</i>	Highly Invasive	Slow	31.2	Very High		✓
3	Galenia	<i>Galenia secunda</i>	Moderately Invasive	Slow	31.1	High		
4	Toowoomba Canary-grass	<i>Phalaris aquatica</i>	Highly Invasive	Rapid	23.2	High		
5	Patersons Curse	<i>Echium plantagineum</i>	Moderately Invasive	Rapid	22.3	High		✓
6	Wire Weed	<i>Polygonum aviculare</i>	Moderately Invasive	Rapid	22.2	High		
7	Paspalum	<i>Paspalum dilatatum</i>	Moderately Invasive	Moderate	21.1	Moderately High		
8	Suckling Clover	<i>Trifolium dubium</i>	Highly Invasive	Rapid	13.2	Moderately High		
9	Varigated Thistle	<i>Silybum marianum</i>	Moderately Invasive	Rapid	12.1	Medium		✓
10	Capeweed	<i>Arototheca calendula</i>	Moderately Invasive	Rapid	12.1	Medium		

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

Top 10 Private Garden Space Weeds in Banyule

RANK	Weed Species		Potential for Invasion	Rate of Dispersal	Weed Risk Score	Risk Rating	Weed of National Significance (WONS)	Victorian CaLP Act
	Common Name	Scientific Name						
1	Blackberry	<i>Rubus fruticosus spp.agg</i>	Highly Invasive	Rapid	33.3	Very High	✓	✓
2	English Ivy	<i>Hedra helix</i>	Highly Invasive	Rapid	33.3	Very High		
3	Flax-leaf Broom	<i>Genista linifolia</i>	Highly Invasive	Moderate	32.2	Very High	✓	✓
4	Montpellier Broom	<i>Genista monspessulana</i>	Highly Invasive	Moderate	32.2	Very High	✓	✓
5	Wandering Trad	<i>Tradescantia fluminensis</i>	Highly Invasive	Moderate	32.2	Very High		
6	Cape Ivy	<i>Delairea odorata</i>	Highly Invasive	Moderate	32.2	Very High		
7	Soursob	<i>Oxalis pes-caprae</i>	Highly Invasive	Slow	31.3	Very High		✓
8	Angled Onion	<i>Allium triquetrum</i>	Highly Invasive	Slow	31.2	High		✓
9	Small-flowered Mallow	<i>Malva parviflora</i>	Moderately Invasive	Moderate	22.2	High		
10	Common Sow-thistle	<i>Somchus oleraceus</i>	Highly Invasive	Rapid	13.3	Moderately High		

Identified Highest Priority Weeds in Banyule

The strategy also outlined the 10 highest priority weed species that impact on all green spaces through Banyule, each of which have a supporting management plan.

The top 10 species are:

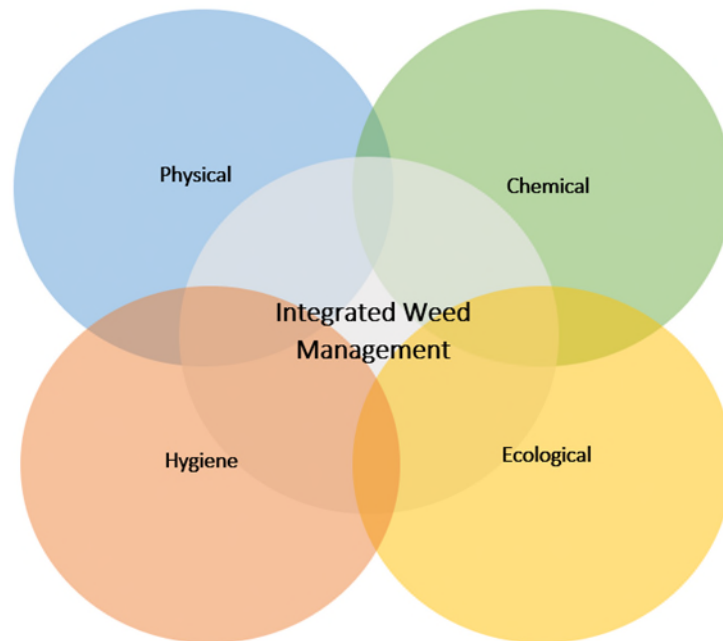
- Chilean Needle Grass - *Nassella neesiana*;
- Blackberry - *Rubus fruticosus* aggregate;
- Desert Ash - *Fraxinus angustifolia* subsp. *angustifolia*;
- Soursob - *Oxalis pes-caprae*;
- English Ivy - *Hedra helix*;
- Flax-leaf Broom - *Genista linifolia*;
- Large-leaf Cotoneaster - *Cotoneaster glaucophyllus*;
- Sweet Pittosporum - *Pittosporum undulatum*;
- South African Weed Orchid - *Disa bracteata*;
- Serrated Tussock - *Nassella trichotoma*.

Detailed weed species management plans for each of these species can be found in the attached strategy from page 26 – 36. (Attachment 1).

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

Integrated Weed Management

- An integrated weed management approach combines the use of complimentary weed control methods to ensure weeds do not build resistance to one particular method and reduce an overall reliance on chemicals.
- This approach also allows for a more environmentally friendly and cost-effective approach to weed management as some techniques (herbicides) can be expensive.



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.

Financial Implications

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

Community Engagement

- The development of this Strategy required ongoing engagement with internal departments, external stakeholders and the community. Community consultation

DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION cont'd

to inform development of the Strategy was conducted over a 4-week period in April 2021 through Shaping Banyule.

- All community feedback indicated support for the direction of the Strategy. Several suggestions were provided to strengthen the intent of the Strategy (Attachment 2).
- It is proposed that the draft Banyule Weed Management Strategy is now made available for a four-week public exhibition period. This will provide further opportunity for community to comment prior to the document being considered by Council for adoption. During public exhibition the draft Strategy will be publicly available via Councils' online engagement platform Shaping Banyule.

Collaboration

- A key focus for successful weed control highlighted in the Strategy is working collaboratively between Council, external organisations, Traditional Owners and the community. Actions as part of this objective includes:
 - Establishing a working group between Council and other land managers in the area
 - Outlining Banyule's current priority species to external stakeholders and the community
 - Supporting the community through educational materials and workshops to better understand the impact of weeds in Banyule

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

No.	Title	Page
1	draft Banyule Weed Management Strategy	
2	Community Consultation Summary Page	

4.2 STATE OF THE ENVIRONMENT REPORT 2020-2021

Author: Ellie Hall - Environmental Sustainability Officer, City Development

SUMMARY

1. The annual Banyule State of Environment report (Attachment 1) reports on the work that Council delivers annually to ensure our natural environment is healthy, green and actively cared for.
2. The report shows that Council is progressing well against our environmental KPIs, including being on track to meet the goal for a carbon neutral organisation by 2028.
3. Key highlights include:
 - A 7.6% reduction in corporate greenhouse gas (GHG) emissions;
 - Reduction in water use, with above annual rainfall averages in metropolitan Melbourne;
 - \$110,000 allocated to community groups, individuals and non-for-profit organisations through the annual Environment Grants, to support them to lead projects and initiatives;
 - Participation of 48 households and one social housing provider in the Better Score Program, enabling them to undertake upgrades ensuring higher thermal comfort, lower bills and lower emissions.
 - The provision of online educational opportunities to 902 participants of the Rethink Centre.

RECOMMENDATION

That:

1. Council endorse the Banyule State of Environment 2020-2021 report.
2. The Banyule State of Environment 2020-2021 report be made available on Council's website, at libraries with Banyule and at Council's service centres.
3. Council notes that we are progressing well against our environmental key performance indicators and are on track to meet the goal of being a carbon neutral organisation by 2028.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Empower and educate the community and businesses to take actions to achieve positive environmental and climate change outcomes".

STATE OF THE ENVIRONMENT REPORT 2020-2021 cont'd

BACKGROUND

- The Banyule State of Environment report (SOE) report details Council's performance as it relates to our environmental policy and programs for the previous financial year.
- The report captures the key areas of biodiversity, corporate and community emissions, water, waste and stewardship results from Financial Year 2020/21.
- The complete report is provided in **Attachment 1** and shows strong results across all Key Performance Indicators (KPIs).

Key Highlights

- A 7.6% reduction in corporate greenhouse gas (GHG) emissions;
- Reduction in water use, with above annual rainfall averages in metropolitan Melbourne;
- \$110,000 allocated to community groups, individuals and non-for-profit organisations through the annual Environment Grants, to support them to lead projects and initiatives;
- Participation of 48 households and one social housing provider in the Better Score Program, enabling them to undertake upgrades ensuring higher thermal comfort, lower bills and lower emissions.
- The provision of online educational opportunities to 902 participants of the Rethink Centre.

SUPPORTING REPORT DETAILS

State of Environment 2020/21 Annual Results:

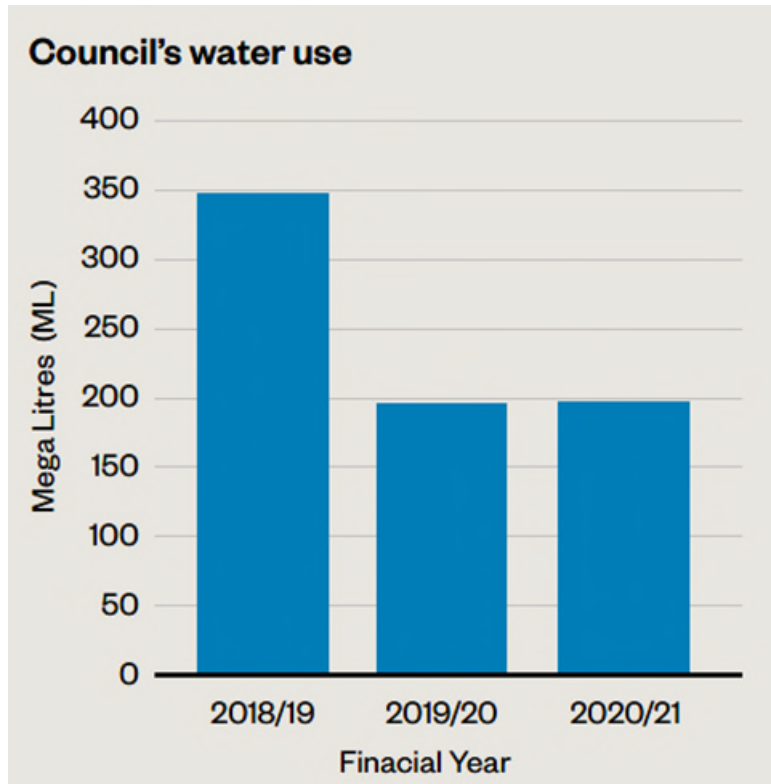
Biodiversity highlights:

- A new population of the endangered Eltham Copper Butterfly was found in Montmorency with a total of 167 larvae counted in February 2021.
- 781 residents took part in the annual Backyard Bird Count, recording over 33,000 sightings of 104 different bird species.
- Friends of volunteer hours and planting numbers were down in 2020/21 due to the COVID 19 related restrictions on gatherings.

Water highlights:

- Annual rainfall was well above average for metropolitan Melbourne. This continued the trend of lower irrigation requirements across our parks, street trees and sporting ovals.
- This saw Council stay well below its water conservation target of 330ML/year at 197 for 2020/21 (below)

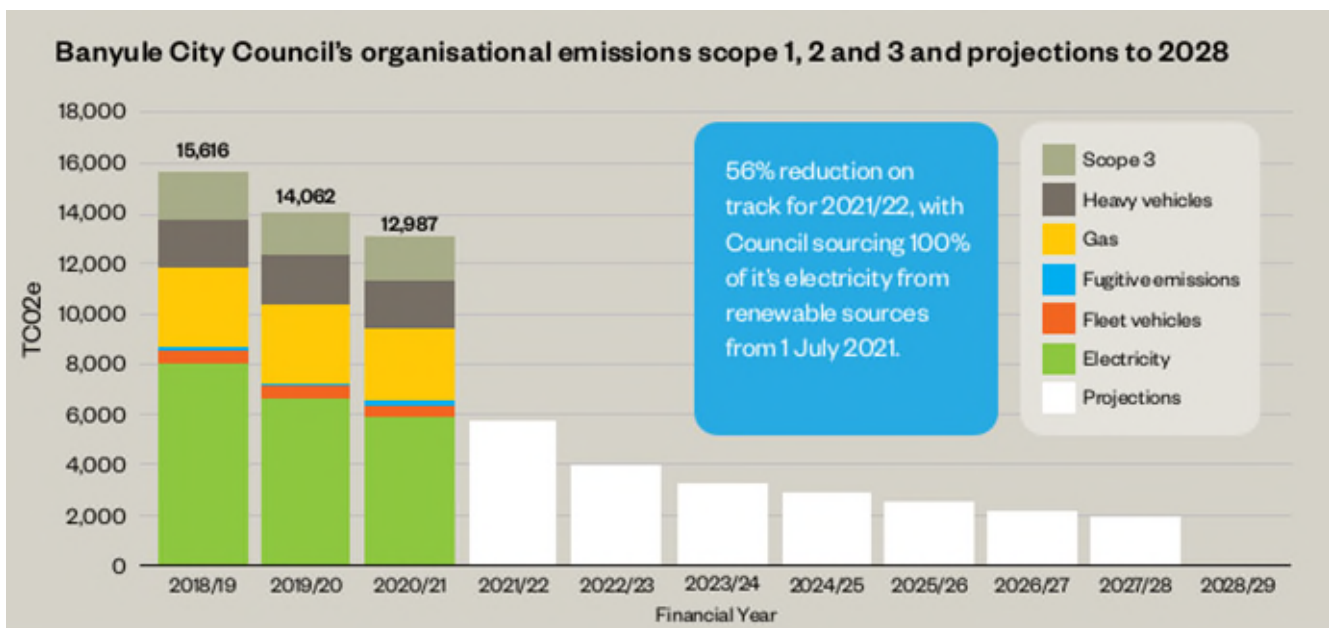
STATE OF THE ENVIRONMENT REPORT 2020-2021 cont'd



- Council removed 200 tonnes of sediment from Kalparrin Lake in 2021, ensuring the stormwater harvesting project continues to work effectively by protecting water quality and biodiversity in the Plenty River.

Corporate Emissions highlights:

- In 2020/21, Banyule Council's emissions dropped just over 7% to 12,987 CO2eT in FY 2020/21. This result is in line with high level projections, indicating we are on track to meet our net zero by 2028 goal.
- The below graph shows Council emissions reduction in relation to our baseline year of 2018/19.



STATE OF THE ENVIRONMENT REPORT 2020-2021 cont'd

- Scope 1, 2 and 3 emissions relate to the different sources of those emissions;
 - Scope 1 refers to emissions that are directly released as a result of council activities; i.e. the petrol burnt in fleet cars.
 - Scope 2 refers to emissions that are indirectly emitted as a result of Council's electricity use; Banyule's Power Purchasing Agreement (PPA) will see scope 2 emissions drop dramatically from the 2021/22 FY
 - Scope 3 relates to emissions that are generated in the wider economy to produce a range of products and services that council procures; i.e. paper and catering.
- As shown in the graph, we expect to see a notable drop in corporate emissions next financial year, due to the PPA, which will see 100% of our electricity being sourced from renewable energy.

Community Emissions highlights:

- The Community Climate Action Plan (CCAP) was released in August 2020 with a goal for a carbon neutral community by 2040.
- The CCAP was launched in December 2020 with a series of expert panels which aimed to support the community to take action, over 200 participants took part.
- The Better Score Project saw 48 households and 1 social housing provider access subsidies to undertake upgrades in their home which will ensure they have lower bills, are more comfortable and are contributing to lowering emissions.

Waste highlights:

- As a result of COVID 19 restrictions and pending building works, no on-site education sessions were able to be held in 2020/21 at the Rethink Centre.
- The centre, however, pivoted quickly to online delivery and was able to ensure 902 participants didn't miss out on waste education.
- As part of the Towards Zero Waste plan, St Hellier Street Children's Centre trialled a reusable nappy service in 2021, which saw a drop of 300 disposable nappies a week which would usually be going to landfill. This service will now be rolled out to other childcare settings.

Stewardship highlights:

- The Home Harvest program delivered eight seed libraries to the community to support home growing and food security.
- Through the annual Environment Grants \$110,000 was allocated to community groups, individuals and non-for-profit organisations to support them to lead projects and initiatives which align with Council's environmental goals.
- With children learning at home and residents staying local, Council developed a series of activities to ensure families could enjoy our local parks and gardens. A series of treasure maps, an audio mystery tour and a nature photography workshop were some of the activities introduced.

STATE OF THE ENVIRONMENT REPORT 2020-2021 cont'd

Indicators at a glance:

Indicator	2018/19	2019/20	2020/21
Corporate Emissions			
Total annual corporate GHG emissions (Scope 1, 2 and 3)	15,616	13,928	12,987
Total renewable energy capacity (MW)			1.13 MW
Biodiversity			
Friends of volunteer hours in bushland reserves	1,884	1,334	746
Indigenous Species planted in bushland reserves	15,130	22,362	11,500
Indigenous Plant Vouchers redeemed	179	243	117
Council tree plantings in streets and parks	3,226	2,963	3,150
Net gain of trees per year (public land)	1,581	1,460	1,350
Water			
Banyule Council Water use (ML)	348	196	197
Litter collection (Tonne)	49	49	77.5
Silt collection (Tonne)	168	200	280
Waste			
Landfill waste per household (kg)	423	424	456
Recyclables per household (kg)	243	245	233
Organic waste per household (kg)	174	224	232
Diverted from landfill – total (%)	49.7	36.5	50.5
Diverted from landfill – consumer (%)	52.5	36.5	33.8
Students at the rethink centre	2,292	1,892	902 (online)
Stewardship			
Grant applications	19	36	37
Home Energy Audits	30	34	71

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

- The SOE report will be easily accessed online and printed material will be limited.
- Printed copies will be available in libraries and council service centres points, these will be printed on recycled paper

Financial Implications

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

Officer Declaration of Conflict of Interest

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

STATE OF THE ENVIRONMENT REPORT 2020-2021 cont'd

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

ATTACHMENTS

No.	Title	Page
1	Banyule State of the Environment Report 2020/21	

5.1 **EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119**

Author: Nicola Rooks - Strategic Planner, City Development

Previous Items

Council on 6 July 2020 (Item 5.1 - Planning Scheme Amendment C117 and C119 to make additions to the Significant Tree and Vegetation Register (ESO4))

SUMMARY

1. The proposed Banyule Planning Scheme Amendment C119 (**C119**) seeks to apply permanent tree protection controls to 95 significant trees within Banyule and to remove the control from two properties where the trees have been legally removed.
2. Interim tree protection controls for significant trees were approved by the Minister for Planning via Amendment C117 on 18 June 2021 and expire on 31 May 2022.
3. The exhibition of C119 occurred from 3 August 2021 to 8 October 2021. Council received a total of fourteen (14) submissions, six (6) in support, six (6) opposing and two (2) from public authorities. **Attachment 1** provides a summary and response for each submission.
4. During exhibition of C119 a number of mapping errors were revealed for trees included in the amendment. A further review of all trees identified a total of eleven (11) mapping errors. Properties affected by these errors were all notified directly, and the exhibition period was extended by four weeks to accommodate this extra notification.
5. Pursuant to Section 23 of the *Planning and Environment Act 1987*, it is required to review submissions and decide to:
 - a. make changes to the amendment to resolve submissions,
 - b. refer submissions to a planning panel, or
 - c. abandon the amendment.
6. As not all issues raised in submissions have been able to be resolved, referral to an independent Planning Panel (Panel) is recommended.
7. A Panel allows for an independent examination of the issues and evidence. This would result in Council, the Minister for Planning and all submitters receiving a clear set of recommendations about the merits of the proposed amendment and any recommended changes.
8. Council would then have a further opportunity to consider the amendment and make a decision based on the recommendations of the Panel.

EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119 cont'd

RECOMMENDATION

That Council:

1. Note the submissions to Amendment C119bany to the Banyule Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987* (Attachment 1)
2. Approve the post exhibition changes outlined in Attachment 2 and proceed with Amendment C119bany based on these revisions.
3. Request that the Minister for Planning appoint a Planning Panel to consider unresolved submissions to Amendment C119bany in accordance with Section 23 of the *Planning and Environment Act 1987*.
4. Accept any late submission received from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation regarding Amendment C119bany and refer the submission to the Planning Panel as necessary.

COUNCIL PLAN

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

BACKGROUND

- There are 331 significant trees and areas of vegetation already protected in the Banyule planning scheme by Environmental Significance Overlay 4 (ESO4). Since the last review of ESO4, a further 95 trees have been assessed as significant. C119 proposes to protect these trees by adding them to the ESO4.
- At its meeting on 6 July 2020, Council resolved to request the Minister for Planning to:
 1. *Prepare Amendment C117 under Section 20(4) of the Planning and Environment Act 1987 for the interim protection of trees and vegetation identified in Council's Significant Tree and Vegetation Register.*
 2. *Authorise Council to prepare and exhibit amendment C119 under Section 19(1)(b) of the Planning and Environment Act 1987 to apply the provisions of the ESO4 on a permanent basis and remove the interim status, introduced through C117, from the affected properties.*
- Interim controls via Amendment C117 were requested on 17 December 2020 and approved on 18 June 2021. The interim controls expire on 31 May 2022 and provide protection for the trees whilst the permanent controls are considered via C119.
- Authorisation to prepare Amendment C119 seeking permanent vegetation controls was requested on 17 December 2020 and received on 18 June 2021.
- Under the ESO4, a permit is required to remove, destroy or lop any significant tree or area of vegetation specified in the clause. A planning permit is also required for the construction of buildings or carrying out of works within 5 metres of the canopy of the identified vegetation. Pruning trees for maintenance to improve its health or appearance does not require a permit.

EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119 cont'd

- While nearly all residential areas in Banyule are subject to general tree protection controls the ESO4 provides a greater level of protection for significant trees in recognition of their special value.

KEY ISSUES

Submissions

- Council received a total of fourteen (14) submissions during exhibition, six (6) in support, six (6) opposing and two (2) from public authorities. Opposing submissions included general comments re the ESO4 and objections to specific trees being included on the ESO4. The key matters raised in submissions are outlined below.
- In support (x6):
 - Trees are important to combat rising temperatures, provide health benefits to the community and create healthier ecosystems
 - It is important to retain trees in the face of development pressures and loss of tree coverage
 - Significant trees add to character and landscape quality of Banyule
 - It is important to preserve and protect trees for future generations
- Opposed with regard to specific trees (x4):
 - The tree is dangerous, drops large seeds & branches
 - Tree causing damage to property foundations and plumbing
 - Tree is too large for a suburban backyard, need to consider detrimental impact on property because of large size
 - Conflicts with planning objective for higher density on the site
- Opposed in general (x2):
 - Objects to the ESO4 policy in principle
 - Objects to various requirements of the ESO4
 - Concerned with changes to formatting and removing reference to background documents in the ESO4
- From public authorities (x2):
 - Queries consultation process for trees of Aboriginal cultural heritage
 - Query regarding permit requirements in ESO4
- Council is currently consulting with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) in regard to tree #703 to confirm the tree's Aboriginal cultural heritage significance. The WWCHAC have indicated they would like to make a comment on the amendment however have been unable to do so at the time of writing of this report. It is recommended if comments are received, they are accepted as a late submission and referred to the Planning Panel discussed below.

Discussion

- Submissions raising concerns with specific trees mostly describe pre-existing issues with trees relating to property damage and safety. These issues will not change with the proposed new control and are considered to be best addressed at the planning permit application stage when the appropriate reports can be requested and any development impacts known.
- Submissions regarding changes to the ESO4 are generally not able to be addressed as part of this amendment. C119 proposes to add additional trees to the ESO4. It does not propose any changes to the objectives, permit triggers,

EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119 cont'd

decision guidelines or application requirements in the schedule. If such changes were considered they would need to be publicly exhibited and all properties affected by the ESO4 notified. Council has begun work on a Vegetation Protection Controls Review and this will continue into 2021/22 (refer 3.6.4 of [Council Plan 2021-2025](#)). Suggested changes to the ESO4 can be appropriately considered as part of this broader review and any subsequent planning scheme amendment.

- A full summary of all submissions with an individual response provided is at **Attachment 1**. There are no changes recommended to the amendment as a result of the submissions.

Referral to Panel

- As the opposing submissions have not been resolved referral to an independent Planning Panel is appropriate. The Panel would receive all submissions and facilitate a hearing, where submitters will have an opportunity to present their submission and have evidence considered in an open and transparent manner. The Panel would then prepare a report and make a series of recommendation on a way forward for the amendment.
- Council would receive the report and is then required to consider the Panel report and recommendations at a future meeting before deciding on the amendment.

Changes to the amendment

- During exhibition of C119 a number of mapping errors were revealed for trees included in the amendment. In response, Council undertook a complete review of all trees in C119 and identified 11 mapping changes that were required for trees #428, #433, #441, #442, #453, #457, #671, #687, #713, #754 & #799. Properties affected by these changes were notified with the last notification being on the 7 September 2021. To accommodate this extra notification the exhibition period was extended to 8 October 2021 to ensure all owners/occupiers had at least one month in which to make a submission.
- A further five small adjustments are recommended to the amendment in relation to revised mapping, updates to addresses and updates to tree assessment data. These were identified in response to resident queries, site visits and Council review.
- A full list of recommended changes to C119 are at **Attachment 2**. These can be put forward to any Panel as recommended changes.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council must make a decision about submissions in accordance with section 23 of the *Planning and Environment Act 1987* (Act) as noted below:

After considering a submission which requests a change to the amendment, the planning authority must:

- (a) change the amendment in the manner requested; or*
- (b) refer the submission to a panel appointed under Part 8; or*
- (c) abandon the amendment or part of the amendment*

EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119 cont'd

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

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.

Innovation and Continuous Improvement

- The original Banyule Significant Tree and Vegetation Study was completed in 2000 and the last major update prior to this amendment was in 2011. The preparation of the current amendment has highlighted a review of the Significant Tree Register would be beneficial to ensure it is in line with current expectations and best practice. Council has already begun this review and will include learnings from C119 as it progresses.

Community Engagement

- Formal exhibition of Amendment C119 occurred over nine weeks from 3 August 2021 to 8 October 2021 and included:
 - Letters to all affected property owners and occupiers
 - Letters to public authorities and prescribed Ministers
 - Information on Council's Shaping Banyule with an ability for online submissions to be made
 - Notice on the Department of Environment, Land, Water and Planning website
 - Notice in the Herald Sun and Government Gazette on 5 August 2021
 - Emails to stakeholders and interest groups

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.

EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119 cont'd

ATTACHMENTS

No.	Title	Page
1	C119 - Summary & Response to Submissions	
2	C119 - Post Exhibition Changes	

5.2 MAJOR TRANSPORT PROJECTS UPDATE

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

Previous Items

Council on 28 Jun 2021 7.00pm (Item 5.6 - Major Transport Projects Update)

SUMMARY

The following update is provided on the state's major transport projects that are occurring in Banyule.

NORTH EAST LINK

1. Service relocation works primarily proximate to Borlase Reserve and along Greensborough Road have continued as part of the early works phase of the project, with most service relocation works approaching completion.
2. Ministerial approval is currently being sought for the use of Frensham Reserve for a construction compound. This is to facilitate the construction of Northern Gas Main Relocation Works. Council has received for review, the construction compound plans for Frensham Reserve and the preliminary gas main design.
3. Construction works in the Watsonia Station car park have commenced to relocate the existing telecommunications tower further south, still within the current footprint of the station car park. The works involve telecommunications and electrical cabling, an associated telecommunications compound with landscaping and fencing, and replacement commuter car parking where the previous transmission towers were previously located.
4. The Victorian Government and NELP announced the North East Link central package (tunnelling) to SPARK with an updated concept design released. In Banyule these include:
 - Extended twin tunnels north to Watsonia to be constructed using tunnel boring machines
 - A simplified Lower Plenty Road interchange
 - Borlase Reserve with 10 hectares of community parklands, shared used path, walking trails and Banyule Creek wetlands
 - A new pedestrian/cyclist bridge over Lower Plenty Road
 - Greensborough Road to be re-built as a tree-lined boulevard with service road access for properties on the western side
 - An extra 9km of walking and cycling paths added to the North East Trail
5. From 2022 the other packages of work will be progressively put out to market, with the northern package covering the balance of the North East Link within Banyule to be finalised in the coming 12-18 months.
6. A review of the previously Council adopted North East Link Project Advocacy List has been undertaken. The list contains projects Council would like in NEL.

HURSTBRIDGE LINE DUPLICATION

MAJOR TRANSPORT PROJECTS UPDATE cont'd

7. Council has continued to receive design packages for review and comment on technical matters that primarily relate to Council assets. The designs are nearing finalisation and will be issued for construction imminently.
8. The removal of vegetation along the rail corridor to facilitate preparatory works and ultimate rail infrastructure construction has also been undertaken. Excavation and piling for key structures have also been undertaken.
9. The Eltham Copper Butterfly (ECB), a federally listed species afforded protection, was discovered in Council land and the rail corridor earlier this year. This resulted in a project scope and design change, that retained the single track immediately east of the new Montmorency railway station and the retention of the Mountain View Road bridge over the rail.
10. Council land was licenced for use to facilitate construction of the project for a period of 13 months at the following locations:
 - o EJ Andrews Reserve, Greensborough
 - o A portion of Petrie Park, Montmorency
 - o 156 Sherbourne Road, Montmorency
11. Council secured in principle agreement with the LXRP for additional funding, to be supplemented with a co-contribution from Council, towards the embellishment of EJ Andrews Reserve and Petrie Park. The improvement works will be consistent with the Council approved Public Open Space Plan Technical Report (2016 – 2031) and the Petrie Park and Rattray Reserve Master Plan (June 2016). An MoU is being developed to formalise this arrangement.
12. Council also secured agreement for a funding contribution towards road safety improvements in Mountain View Road at, Mayona Road intersection and the school children's crossing immediately north of the railway line. Council will deliver these works, bringing forward future capital works funding.

FITZSIMONS LANE UPGRADE

13. The project has progressed with vegetation removal, drainage installation, retaining wall construction and excavation at the Main Road and Fitzsimons Lane intersection, in preparation for road widening and road pavement construction, lighting, traffic signal infrastructure and hardware associated with signalisation.
14. The intersection design has been finalised with a separated shared user path to be provided along the north side of Main Road, between Bolton Street and the new traffic signals, with a transition to merge to an exclusive on road bicycle lane heading north towards Eltham. A shared user path on the east side of Fitzsimons Lane connecting to the Main Yarra Trail as per the original design has been retained.
15. The project is currently working towards finalising the utility relocation designs, as drainage works continue to progress. Council is yet to receive a landscape plan for review and comment.
16. These works are in preparation for the 1 month Main Road construction blitz, which is scheduled to commence in early January 2022.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

RECOMMENDATION

That Council:

1. Notes the Major Transport Project update.
2. Endorses the North East Link Project Advocacy List – December 2021.
3. Prepare a transport advocacy campaign report detailing strategy and delivery for proactive advocacy for the projects in the North East Link Project Advocacy List – December 2021 to the Victorian Government.
4. Receives further updates on the North East Link Project, Hurstbridge Line Duplication Project and Fitzsimons Lane Upgrade Project as information becomes available.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Lead on the use of sustainable modes of transport, and encourage walking, cycling and use of public transport".

BACKGROUND

- At the Council Meeting of 28 June 2021, Council considered a report providing an update on the recent progress of the State Major Projects, namely the North East Link (NEL), Hurstbridge Line Duplication Project – Stage 2 (HLD2) and Fitzsimons Lane Upgrade (FLU). This report follows on from the update in June.

NORTH EAST LINK

Early Works

- Service relocation works primarily proximate to Borlase Reserve have continued as part of the early works phase of the project, with most service relocation works approaching completion.
- This included the relocation of gas mains and electricity services within the Greensborough Road pavement; boring for these services beneath Lower Plenty Road and reinstatement of the road surfaces, with works occurring overnight.
- Pressure reducing stations have been constructed in land divested from Council at the rear of Coleen Reserve. These assets are connected to significant Melbourne Water and Yarra Valley Water distribution watermains, servicing both the local and broader area.
- Both regional and local transmission watermains were relocated to run underneath Borlase Street. Overhead power to properties in Borlase Street has also been undergrounded, with a new road pavement also constructed with residential access for individual properties also reinstated.
- These works resulted in the temporary closure of the Borlase Street and Drysdale Street intersection, and resultant opening of the southern ends of both Borlase Street and Drysdale Streets at Lower Plenty Road, providing vehicular access to properties. This was in accordance with Councils resolution CO2020/171.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- These works were impacted by the state-wide shutdown of the construction industry during October. As such, the associated temporary opening of both Borlase Street and Drysdale Street has been extended to enable the completion of the re-construction works, in particular the intersection of Borlase and Drysdale Streets.
- The high voltage transmission lattice towers within Watsonia Railway Station car park were relocated east of Greensborough Road in the electricity easement in Frensham Reserve.
- Three Council properties were divested as part of the NEL pursuant to section 134 of the *Major Transport Projects Facilitation Act 2009* (MTPFA). These are 5-9 Borlase Street, Yallambie (Borlase Reserve), part of 26 Coleen Street, Yallambie (Coleen Reserve) and part of Watsonia Station carpark land.
- Council received compensation (based on current market value) plus allowances and interest for the Watsonia Station carpark land on 26 February 2021. The Property Services Team are working through the compensation claims relating to Borlase Reserve, part of Coleen Reserve and an easement acquired over part 111 Banyule Road, Rosanna (Creekbend Reserve).
- Ministerial approval is currently being sought for the use of Frensham Reserve to house a construction compound. Council has recently received for review, construction compound plans and preliminary elements of the design for the Northern Gas Main Relocation Works. These works consist of two gas main bypass sections:
 - Todman Street Bypass (impacting parts of Watsonia Road, Elders Street, Elonera Avenue and Yallambie Road).
 - Grimshaw Street Bypass (impacting parts of Kalparrin Street, Yando Street, Pinehills Drive, Kempston Street and Frye Street).
- Construction works in the Watsonia Station car park have commenced to relocate the existing telecommunications tower further south, still within the current footprint of the station car park. The works involve telecommunications and electrical cabling, an associated telecommunications compound with landscaping and fencing, and replacement commuter car parking where the previous transmission towers were previously located.

Replacement Tree Planting

- As previously advised and in accordance with the planning approval granted for the NEL, Environmental Performance Requirements (EPRs) stipulating tree planting parameters, the tree planting will be focussed primarily along the NEL alignment. As part of the design additional planting will occur as close as possible to the project area and the balance to occur within the municipalities directly impacted by NEL.
- Whilst there has been some early tree replacement planting at Watsonia Primary School, with Council also involved in preliminary discussion with NELP for additional sites. It is anticipated that Council will be more actively involved with early tree planting in the forthcoming tree planting season in 2022.
- As a part of the recently announced updated design, a re-built Greensborough Road will be lined with up to 700 trees.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

Auditing

- NELP engaged an Independent Environmental Auditor (IEA) as part of regular ongoing work to monitor compliance against the project's Environmental Management Framework (EMF) and 100+ Environmental Performance Requirements (EPRs).
- This independent auditing program gives an added layer of assurance EPRs are being monitored, and should an issue be found, that it be formally documented, reported and addressed.
- The IEA's first two bi-annual summary reports are available on the NELP website, with the latest covering February 2021 to July 2021. This report summarises:
 - the IEA's audit activities;
 - the IEA's audit findings;
 - actions to address the previous audit's findings; and
 - the early works contractor's (CPB) level of compliance.
- The most recent report finds that CPB have generally complied with the EMF, but there were 21 non-compliance findings in relation to the EPRs.
- One major non-compliance was identified against Groundwater EPRs GW1 to GW4. Excavation of a manhole with potential to intercept groundwater was undertaken prior to IEA verification and NELP acceptance of the Groundwater Management Plan.
- CPB advised that groundwater was not intercepted, leading the IEA to consider it unlikely that this activity impacted the environment.
- 13 minor non-compliances and 7 opportunities for improvement were also identified against EPRs in the following categories:
 - Arboriculture
 - Contamination and Soil
 - Flora and Fauna
 - Landscape and Visual
 - Surface Water
 - Sustainability and Climate Change
 - Traffic and Transport
- Overall the IEA found that that there were not systemic issues with the project, nor that it posed a risk to the environment. They were satisfied with the approach CPB has taken to addressing all non-compliance findings during the period the report covers.

Primary/Central Package

- In late October 2021, the Victorian Government and NELP announced that the central package (tunnelling) of North East Link had been awarded to the SPARK consortium. SPARK are comprised of WeBuild, GS Engineering and Construction, CPB Contractors, China Construction Oceania, Ventia, Capella Capital, John Laing, DIF and Pacific Partnerships.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- The SPARK consortium were previously confirmed as the preferred bidder in June, and will now build, maintain, and operate the North East Link tunnels. This is the first major works package awarded for the project since the early works package.
- As a part of this announcement, an updated concept design has been released, which are improvements from the NEL reference design. In Banyule these include:
 - Extending the twin tunnels north to Watsonia, with an additional 1.9km of the overall length being constructed using tunnel boring machines
 - A simplified Lower Plenty Road interchange
 - Post construction a reinstated Borlase Reserve with 10 hectares of community parklands, walking trails and Banyule Creek wetlands
 - A new River Gum Walk bridge across Lower Plenty Road, connecting the reinstated Borlase Reserve with Banyule Flats and the Yarra River trails
 - Greensborough Road will be re-built as a tree-lined boulevard, including an off-road shared-user path and a service road for vehicular access to properties on the western side
 - An extra 9km added to the North East Trail, to create 34km of walking and cycling paths linking the city's north east to the Yarra River Trail and parklands
- Preparatory works and investigations for the tunnel boring machine launch site will commence shortly, with site mobilisation and tunnel construction to commence later in 2022.
- From 2022 the other packages of work will be progressively put out to market, with the northern package covering the balance of the NEL within Banyule to be finalised in the coming 12-18 months. The balance of the remaining packages, along with the central package, are all planned to be completed concurrently for an opening of NEL in 2027/28.
- Consultation with the community will be undertaken to ascertain their views on the look and feel of the project's design in their local area, with urban design and landscape plans providing increased detail at a local level.
- Council will also be provided a confidential briefing by the SPARK consortium and consulted with on the concept design in addition to the urban design and landscape plans. This is consistent with the terms of the Deed of Settlement to Council's legal challenge to the planning approval granted for the NEL.
- The Urban design and landscape plans for the tunnels and trails are anticipated to be exhibited in late March 2022.

HURSTBRIDGE RAILWAY LINE DUPLICATION PROJECT – STAGE 2

Early Works

- Following planning approval granted for the project, the Southern Program Alliance (SPA), the delivery agency engaged by the Level Crossing Removal Project (LXRP), has continued issuing design packages for Council officer review and comment on technical matters that primarily relate to Council assets. This typically includes where the Hurstbridge Railway Line Duplication project – Stage 2 (HLD2) interfaces with Council assets such as footpaths, roads and reserves.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- Whilst design is nearing finalisation, SPA/LXRP have also completed the removal of vegetation to facilitate the preparatory works and ultimate rail infrastructure construction. The vegetation removal provided access at key locations to the rail corridor for future construction and for preparatory works including early delivering of signalling infrastructure.
- As previously advised, the Eltham Copper Butterfly (ECB), a federally listed species afforded protection, was discovered in Council land and the rail corridor earlier this year. SPA and the LXRP undertook targeted surveys for the ECB, seeking counsel from DELWP and accordingly revised their design proximate to the habitat to prevent any impacts.
- This resulted in a narrowed project scope, namely the reduction of 950m of duplicated track immediately east of the new Montmorency railway station and the retention of the Mountain View Road bridge over the rail.
- Council land was licenced to the SPA to offset the loss of commuter car parking from Greensborough and Montmorency railway stations for a period of 15 months, commencing on 1 March 2021, at the following locations:
 - Flintoff Street/Para Road, Greensborough; 70x spaces
 - Pioneer Reserve, Greensborough; 21x spaces
 - Petrie Park, Montmorency; 23x spaces
- Additional Council land was also licenced for use by SPA to facilitate construction of the project for a period of 13 months at the following locations:
 - EJ Andrews Reserve, Greensborough
 - A portion of Petrie Park, Montmorency
 - 156 Sherbourne Road, Montmorency
- Council has secured in principle agreement with the LXRP for additional funding, to be supplemented with a co-contribution from Council, towards the embellishment of EJ Andrews Reserve and Petrie Park. The improvement works will be consistent with the Council approved Public Open Space Plan Technical Report (2016 – 2031) and the Petrie Park and Rattray Reserve Master Plan (June 2016). An MoU is being developed to formalise this arrangement.
- Council has also secured agreement for a funding contribution towards road safety improvements in Mountain View Road at, Mayona Road intersection and the school children's crossing immediately north of the railway line. Council will deliver these works, bringing forward future capital works funding.
- Council has provided comment on the options development for a Shared User Path (SUP) from Greensborough to Eltham. Council continues to advocate for this asset to be constructed as part of the Hurstbridge duplication project.
- The project will focus on works at Victoria Park and Clifton Hill for the remainder of this year, with minimal activity in Greensborough and Montmorency. A renewed concentrated effort will recommence in the municipality in January 2022.

FITZSIMONS LANE UPGRADE

- This project has progressed with vegetation removal, drainage installation, retaining wall construction and excavation at the Main Road and Fitzsimons Lane intersection, in preparation for road widening and road pavement construction, lighting, traffic signal infrastructure and hardware associated with signalisation.

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- The MRPV have finalised the design of the abovementioned intersection, including a final response to Council's concern regarding cycling infrastructure. A separated shared user path (SUP) will be provided along the north side of Main Road, between Bolton Street and the new traffic signals, with a transition to merge to an exclusive on road bicycle lane heading north towards Eltham. The original SUP design provided on the east side of Fitzsimons Lane connecting to the Main Yarra Trail has been retained.
- Initially defined project No-Go zones were slightly altered due to DOT safety requirements that increased the minimum lane widths. Water sensitive urban design treatments were also incorporated into these designs, following a multi-stage review process.
- The project is currently working on finalising the utility relocation designs, as drainage works continue to progress. The MRPV is yet to provide a landscape plan for Council review and comment.
- These works are in preparation for the Main Road construction blitz, which is scheduled to commence on the 4th of January 2022 and run for approximately 1 month.
- It is anticipated that there will be lengthy traffic delays for motorists using the intersection during this period. The MRPV will raise public awareness in the lead up to the blitz.

KEY ISSUES

- Council had previously adopted the North East Link Project Advocacy List in February 2020. It contains a range of improvement projects that had been advocated for inclusion into the NEL.
- As a result of the recent NEL central package announcement, a review of this list has been completed. The following Council project advocacy items are now included in the NEL; The below content is to be read in conjunction with the North East Link Project Advocacy List – 6 December 2021 (attachment 1):
 - An extended tunnel; this is a **partial inclusion**. Council requested that the tunnels be extended to the north of Watsonia Station. It is recommended that the item remain for advocacy for the NEL northern package
 - Enhanced east-west connectivity across NEL; this is **partially included** with the delivery of extended tunnels. It is recommended that the item remain for advocacy for the NEL northern package
 - Simplified Watsonia Rd/Greensborough Rd intersection; **included**. This will be resolved as part of the detailed design associated with the central package.
 - Urban Design Land Use Plans for Watsonia Activity Centre; **included**. These will be prepared in consultation with Council and the community
 - Watsonia public space, traffic and infrastructure improvements; **included**. \$5.5M funding granted as part of the settlement for Council's legal challenge to the planning approval. Additional improvements to compliment the Watsonia Town Square to be advocated for inclusion in the NEL northern package

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- Watsonia Shopping Centre business support; **included**. There are a number Environmental Performance Requirements covering business support
- Upgrade Main Yarra Trail safe underpass at Banksia St; **included**. The existing underpass and approaching sections of path will be upgraded
- Upgrade Main Yarra Trail shared use path between Banksia St and Burke Road North; **considered**. Council will receive \$100,000 from the settlement to its legal challenge towards the design of this path. Council will continue to advocate for this path to be included in the NEL works
- Upgrade Main Yarra trail from Chandler Hwy to Hoddle St; **included**
- Bridge over Yarra River to link Banyule to Manningham; **included**
- Shared use path between Heidelberg and Watsonia; **considered**. DoT is separately investigating a SUP connection from Heidelberg to Rosanna, whilst Council is progressing with construction of a SUP from Macleod Station to Ruthven St and an SUP design that continues south from Ruthven St along the rail corridor to Davies St
- Share use path along the rail corridor from Greensborough Station to Eltham Station; **considered with design funding**. LXP are undertaking design development of the SUP between Greensborough and Montmorency. Council will continue to advocate for the construction of this path as part of the HLD2
- Improve existing sections of trail in Banyule, including the Plenty River Trail and Main Yarra Trail; **partially included**. Approach sections of the Main Yarra Trail underpass of Banksia St are to be upgraded. Council will continue to advocate for relevant sections to be upgraded.
- Shared use path connections to the Plenty River Trail and the Diamond Creek Trail; **considered**. The LXP design development work for the SUP connecting Greensborough to Eltham has investigated connections to these paths
- Early tree planting; **included**. Preliminary consideration and discussion have taken place for early tree planting within Banyule
- Provide improvements to Ford Park, Bellfield consistent with the Ford Park Master Plan to offset the impacts on other recreational and sporting facilities; **completed**. Improvement works have been undertaken and the facility has been re-opened for use
- Upgrade the public open space at Trist Street Reserve and transfer ownership to Council; **included**. Council will receive \$80,000 towards improvement works at Trist St Reserve from the settlement of its legal challenge to the planning approval granted for NEL
- High quality landscaping and offset planting; **included**. Borlase Reserve and the area north connecting the Simpsons Barracks frontage (above the tunnel extension) will become 10ha of public open space with fitness equipment, significant complimentary landscaping, a reconstructed Banyule Creek with wetlands and a SUP. Council will continue to advocate for similar inclusions as part of the northern package
- Increase size and number of land bridges; **included**. The tunnel extension has effectively resulted in the consolidation of land bridges into a

MAJOR TRANSPORT PROJECTS UPDATE cont'd

- continuous form. Council will continue to advocate for additional land bridges as part of the northern package
- Provide alternative regional tennis centre prior to closing Boroondara Tennis Centre; **included**. An 18-court tennis centre will be constructed in Glen Waverley near the golf course
- There are some advocacy projects identified as both being “considered for scope” and “in scope”. This is due to the central package announcement only partially addressing Council’s project list and that there is a need for continued advocacy for the northern package
- Council resolved (CO2020/145) at its meeting of 17 August 2020 to allocate an additional \$200,000 in the 2020/21 financial year for a North East Link and transport advocacy campaign. This funding has been carried forward to the current financial year, as its expenditure was to be targeted for projects that were omitted from any NEL related package announcement
- Given the above assessment has been completed, it is recommended that Council proactively advocates to the State Government for the inclusion of key outstanding items on the revised North East Link Project Advocacy List – December 2021
- An advocacy campaign including delivery is to be developed and presented to Council for its consideration

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

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

Financial Implications

- Existing funds allocated by Council will be used to progress a targeted advocacy campaign

Officer Declaration of Conflict of Interest

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

MAJOR TRANSPORT PROJECTS UPDATE cont'd

ATTACHMENTS

No.	Title	Page
1	North East Link Advocacy - Project List (Council Meeting 6 December 2021)	

5.3 FINAL HEIDELBERG STRUCTURE PLAN

Author: Fae Ballingall - Principal Strategic Planner, City Development

Previous Items

Council on 20 Sep 2021 7.00pm (Item 5.3 - Draft Heidelberg Structure Plan - For Exhibition)

SUMMARY

1. The purpose of this report is to seek approval of the final Heidelberg Structure Plan (**Attachment 1**).
2. The draft Heidelberg Structure Plan (the Plan) is a place-based strategic framework that will guide growth and coordinate Council investment and activity in the Heidelberg Major Activity Centre over the next ten years.
3. The draft Plan builds upon the previous 2010 version. Key elements include a centre-wide framework organised into four key themes with objectives and strategies for 'Activity and Land Use', 'Built form and character', 'Access and connection' and 'Places for people' (public realm/ public spaces). It also includes 6 precincts, each with its own vision and strategies.
4. Comprehensive community and key stakeholder engagement has occurred over three stages, beginning with the Heidelberg Liveability surveys in February 2020, the release of a Key Directions Paper in April 2021, and consultation on the Council endorsed draft Plan from 21 September to 19 October 2021.
5. Submissions have highlighted a number of valid and genuine issues. Accordingly, a number of changes have been made to the Plan in response to submissions, notably:
 - Decrease of heights in sections of the residential precinct and the interface with Yarra River parklands
 - Strengthening connection with Yarra River
 - Additional strategies and actions related to supporting sensitive public realm interfaces, pedestrian and cycling access and connectivity.
6. Once approved, preparation of a planning scheme amendment will commence for the purpose of implementing the Plan through the Banyule Planning Scheme. It is intended that new planning provisions will be prepared to achieve the preferred outcomes outlined in the Structure Plan.
7. The Plan also provides a tool under which a range of Council activities and projects can be coordinated to deliver the shared vision for the centre. This includes alignment of future costed and funded capital works projects, advocacy, public realm planning, investment attraction and activation of public spaces amongst other things. An implementation plan will be prepared in support of a 'place-based' approach to support the continued growth of the centre over the lifetime of the Structure Plan.

RECOMMENDATION

FINAL HEIDELBERG STRUCTURE PLAN cont'd

That Council:

1. Approve the final draft Heidelberg Structure Plan in **Attachment 1**.
2. Note the submissions and comments made during consultation on the draft Heidelberg Structure Plan as described in **Attachment 2**.
3. Receives an outline of a proposed planning scheme amendment and a request to seek authorisation from the Minister for Planning at a Council meeting in early 2022 for the purposes of implementing the Plan through the Banyule Planning Scheme.
4. Note that the Heidelberg Structure Plan may be the subject of recommendations from a planning panel prior to Council's adoption of any final planning scheme amendment before submitting to the Minister for Planning for approval.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Prioritise a series of localised plans for twenty-minute neighbourhoods across Banyule that are well connected and meet community needs closer to home".

BACKGROUND

- The purpose of the draft Heidelberg Structure Plan (the Plan), provided as **Attachment 1**, is to establish a place-based framework to coordinate and guide future work and investment in the Heidelberg Major Activity Centre (MAC).
- Identified as a MAC by the State Government's Metropolitan Planning Strategy, *Plan Melbourne (2017)*, this emphasis for Heidelberg is recognition of the centre's significant potential to anchor a major health, education, research and innovation centre in Melbourne's north-east as part of the La Trobe National Employment and Innovation Cluster.
- Structure planning commenced in February 2020, with a period of significant community engagement to inform a *Liveability Study* and a series of technical background documents.
- This was followed by a Key Directions paper to support further consultation with the community and key stakeholders, including the hospitals, Heidelberg Retail Trader's Association, and schools.
- The Key Directions paper summarised the outcomes of the technical background studies with a clear link back to the themes expressed in the 2020 community surveys and how the Plan would respond.
- The project has also involved trialling several place-making ideas and activations to help renew and reconnect the centre with the community, particularly in the context of post-Covid19 recovery. This included parklets to expand outdoor dining and a pop up park on Council owned land, outside of Leo's Supermarket. These pilot activations received strong community and trader support.
- The Plan was endorsed for community and stakeholder consultation at the Ordinary Council Meeting on 20 September 2021.

FINAL HEIDELBERG STRUCTURE PLAN cont'd

KEY ISSUES

- Consultation took place between 21 September to 19 October 2021. It was supported by a 3,498 letter mail out to all residents and businesses within the structure plan area. A series of social media posts supported the consultation campaign and webinar sessions were offered.
- Overall 639 people connected via Shaping Banyule and 41 submissions were received. Of these, 26 contributions were received via the Shaping Banyule survey form. There were 5 direct submissions made from organisations and 3 from businesses. The remainder were submissions made by residents within the study area. Feedback was also gathered through individual discussions, community information sessions and workshops, including a cultural consultation with the Wurundjeri.
- The key areas of concern in submissions were building height within and adjacent to the residential precincts, having better access to, and more, green open space, and strengthening the connection with the Yarra River corridor.
- In response to the submissions the Plan has been updated. These changes are outlined in the Community Engagement Summary (Attachment 2).

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.

Community Engagement

- Consultation was predominantly online due to COVID-19 restrictions.
- Like many projects over the last 18+ months, this project has been affected by strict COVID-19 restrictions, including the inability to hold face-to-face meetings or conduct in-person surveys or promotion of the Plan for much of the time.
- The website analytics for Shaping Banyule indicate that good numbers of people accessed information and social media posts also raised the awareness and profile of the project.
- The limited number of submissions is somewhat surprising given the level of website traffic, however; there are no obvious indications that there were any challenges with accessing information, understanding how to make a submission or the time period for consultation. Council received no feedback about any

FINAL HEIDELBERG STRUCTURE PLAN cont'd

limitations, and it can be assumed that people were satisfied with what was made available to them.

- It is acknowledged that it has been a tough and enduring period for business owners, health practitioners and everyone in our community. Levels of stress, fatigue, higher personal or business priorities, engagement fatigue (the need to engage often through multiple online forums) could all reasonably be highlighted as challenges throughout this time and it is hard to determine the precise impacts on a project of this nature.
- There will be further opportunities for community and stakeholder submissions during the planning scheme amendment process.

Key Considerations

- Engagement was embedded into the preparation of the new Heidelberg Structure Plan from the outset and has endured throughout the project to date. The Heidelberg Liveability Study was a significant piece of engagement that was done 'up-front' to shape the rest of the process and provides the benchmark data for not just the draft structure plan but the future focus for Council work in the Centre. People shared their views very early and in a compelling way.
- It is also highlighted that this is not a new structure plan. Rather, it represents a 'refresh' or review of the existing (2010 Structure Plan) to bring it up-to-date. In this regard, many of the major issues about the principles of change, built form, land use or transport were tackled during the preparation of the earlier plan.
- Approval of the final Heidelberg Structure Plan is the starting point for future delivery of preferred outcomes and initiatives. The next step is preparing an amendment to the Banyule Planning Scheme to implement the final Plan and will include the application of a new *Activity Centre Zone* (ACZ) to identified land within the Activity Centre study area. This will set out the statutory planning controls and guidelines required to assess planning permit applications.
- Adoption of the planning scheme amendment (including the Plan) which will be the subject of a future Council decision.
- An Implementation Program is being prepared that will outline the proposed actions required to deliver the Vision for Heidelberg. This program will be aligned with other Council activities and initiatives to ensure coordinated outcomes.

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

No.	Title	Page
1	Draft Heidelberg Structure Plan	
2	Community Engagement Summary 18 Nov 2021	

6.1 SUPERVISED CHILDREN'S CROSSINGS - UPDATE

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

Previous Items

Council on 18 Nov 2019 7.00pm (Item 3.1 - Supervised Children's Crossing Locations and Subsidy for 2020/21)

SUMMARY

1. Council is responsible for the ongoing review and installation of children's crossings throughout the municipality.
2. Each year, the State Government provides a subsidy to Council to offset some of the costs of supervision at sites that meet specific warrants in accordance with the Department of Transport's Crossing Supervisor Subsidies.
3. Given the challenges of obtaining accurate school crossing data over the last two years due to COVID-19 restrictions, the Department of Transport have committed to providing subsidy funding based on previous subsidy applications prior to COVID-19.
4. For the 2021/22 financial year, the Department of Transport provided a funding contribution for 76 crossing supervisors totalling \$468,920.00 (GST exempt).
5. Over the last four (4) years, some school crossing locations have not met the warrants for a crossing supervisor, resulting in Department of Transport not providing any funding for the supervision of the locations. These crossing supervisors have been fully funded by Council during this time.
6. Given that these school crossing locations have not met the warrants for a supervisor over the past several years, a review has been undertaken regarding the future of the school crossings at these locations.
7. It has been recommended that two (2) school crossings be maintained on safety grounds, one (1) supervisor be relocated from the flagged school crossing to the signals and the redundant crossing removed and one (1) school crossing be removed, with the school crossing supervisor being relocated to another location.

SUPERVISED CHILDREN'S CROSSINGS - UPDATE cont'd

RECOMMENDATION

That Council:

1. Discontinues the supervision of the Wungan Street, Macleod, between Portree Street and Highview Crescent school crossings as of December 2021.
2. Notes that the school crossing supervisor has been relocated from Altona Street, Heidelberg West, between Waterdale Road and Kokoda Street to the signals at the intersection of Altona Street and Waterdale Road, Heidelberg West due to changes to access to the school.
3. Writes to:
 - a. St Pius X Primary School to advise that:
 - i. the Altona Street flagged crossing has not met the warrants for a crossing supervisor over several years;
 - ii. Council has now relocated the school crossing supervision to the pedestrian operated signals at the Altona Street and Waterdale Road intersection and it will be funded until the 23/24 financial year after which it will be reviewed; and
 - iii. the school crossing features of the flagged school crossing will be removed and reverted to a crossing point, where vehicles would have the right of way.
 - b. Macleod College to advise that:
 - i. the Wungan Street crossing has not met the warrants for a crossing supervisor over several years;
 - ii. Council will discontinue funding the supervision of the school crossing; and
 - iii. the school crossing features will be removed and reverted to a crossing point, where vehicles would have the right of way.
4. Continues to fully fund the supervision of the following school crossings on safety grounds until the 23/24 financial year, after which they will be reviewed:
 - a. Altona Street, Heidelberg West, at the Waterdale Road intersection,
 - b. Mountain View Road, Briar Hill, between Campbell Road and Fernside Avenue.
 - c. Sherbourne Road, Montmorency, between Hyacinth Street and Outlook Crescent.

COUNCIL PLAN

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

BACKGROUND

- Council is responsible for the ongoing review and installation of children's crossings throughout the municipality. Each year, the State Government provides a subsidy to Council to offset some of the costs of providing school crossing supervision.

SUPERVISED CHILDREN'S CROSSINGS - UPDATE cont'd

- Over the last two financial years, there have been difficulties obtaining accurate school crossing data due to COVID-19 restrictions.
- Given these challenges, the Department of Transport have committed to providing school crossing subsidy funding based on previous subsidy applications prior to COVID-19.
- For the 2021/22 financial year, the Department of Transport provided a funding contribution for 76 crossing supervisors totalling \$468,920.00 (GST exempt).
- A list of all approved sites for the school crossing subsidy program 2021/22 is provided in **Attachment 1**.
- Subsidies are provided for sites that provide access to primary and secondary schools and meet specific warrants in accordance with the VicRoads' Crossing Supervisor Subsidy guidelines. Table 1 specifies the warrants that need to be met for school crossings.

Table 1: Warrants for school crossings for a 1 hour period

VicRoads Crossing Supervisor Subsidy Warrants			
Description	Pedestrians (P)	Vehicles (V)	Multiple (PxV)
Standard School Crossing – Primary School	20	100	5,000
Standard School Crossing – Secondary School	20	250	25,000
Pedestrian Operated Signals – Primary School	20	-	-
Other School Crossing Warrants			
Unsupervised School Crossing	20	50	-

- At its meeting on 18 November 2019, Council resolved to fully fund several school crossings that did not meet the warrants for VicRoads school crossing subsidy based on safety grounds.
- From a review of these locations, it has been identified that two (2) school crossing locations have continuously failed to meet the warrants for funding subsidy. These locations are:
 - Altona Street, Heidelberg West, between Waterdale Road and Kokoda Street (St Pius Primary School).
 - Wungan Street, Macleod, between Portree Street and Highview Crescent (Macleod College).
- The Altona Street and Wungan Street crossing locations have not met the warrants for a crossing supervisor for over four (4) years, as the number of pedestrians is lower than required. A summary of the historical crossing counts undertaken is shown in Table 2 and Table 3 below.

Table 2: Historical crossing counts at Altona Street, between Waterdale Road and Kokoda Street.

SUPERVISED CHILDREN'S CROSSINGS - UPDATE cont'd

Date	Pedestrians (P)	Vehicles (V)	Multiple
12 March 2020	14	271	3,794
12 September 2019	5	260	1,300
15 June 2018	6	191	1,146
20 November 2017	8	201	1,608

Table 3: Historical crossing counts at Wungan Street, between Portree Street and Highview Crescent

Date	Pedestrians (P)	Vehicles (V)	Multiple
2020 – No counts conducted due to lockdown restrictions	-	-	-
19 September 2019	13	887	11,531
28 June 2018	4	898	3,592
27 November 2017	3	945	2,835

CURRENT SITUATION

- To review the two crossing locations, recent school crossing counts were undertaken during 2021 to determine whether a crossing supervisor was warranted. This data was obtained outside of COVID-19 restrictions, with school attendance resuming to normal.
- Upon review of the crossing data at both sites, the number of pedestrians (children) did not meet the warrants for a crossing supervisor.
- In addition, both locations did not warrant an unsupervised school crossing. As such, it is considered appropriate for these school crossings to be removed.
- Table 4 below summarises the latest crossing counts undertaken in 2021 at both sites in comparison to the VicRoads' warrants.

Table 4: School crossing counts conducted in 2021.

Crossing Location	Date	Pedestrians (P)	Vehicles (V)	Multiple (PxV)
Altona Street b/w Waterdale Road and Kokoda Street	18/11/2021	5	149	745
Wungan Street b/w Portree Street and Highview Crescent	12/03/2021	11	839	9,229

Altona Street, Heidelberg West

- The school crossing is located on a raised pavement, mid-block of Altona Street, Heidelberg West, between Waterdale Road and Kokoda Street and services students from St Pius X Primary School.

SUPERVISED CHILDREN'S CROSSINGS - UPDATE cont'd

- The results at the crossing site indicate that it did not meet the number of pedestrians and multiple value for the provision of a school crossing supervisor.
- This location has not met the warrants for a school crossing supervisor or to be maintained as an unsupervised school crossing for over four (4) years.
- During the COVID-19 lockdown restrictions, the school crossing supervisor at this location was relocated to the pedestrian operated signals at the intersection of Altona Street and Waterdale Road, to assist school children crossing Waterdale Road.
- It is recommended that the school crossing supervision be relocated to pedestrian operated signals and Council to fully fund the supervision until the 23/24 financial year, after which the location will be reviewed.
- It is recommended that the school crossing features along Altona Street, between Waterdale Road and Kokoda Street are removed, and the crossing is reverted to a raised crossing point, where vehicles would have the right of way.
- St Pius X Primary School will be notified of the decision and upcoming changes to the crossing.

Wungan Street, Macleod

- The school crossing is located mid-block along Wungan Street, Macleod, between Portree Street and Highview Crescent and services students from Macleod College.
- The results at the crossing site indicate that it did not meet the number of pedestrians and multiple value for the provision of a school crossing supervisor.
- This location has not met the warrants for a school crossing supervisor or to be maintained as an unsupervised school crossing for over four (4) years.
- During the COVID-19 lockdown restrictions, this school crossing location was not supervised.
- As such, it is proposed that the school crossing features are removed, and the location is reverted to a crossing point, where vehicles would have the right of way.
- Macleod College will be notified of the decision and upcoming changes to the crossing.

Mountain View Road, Briar Hill and Sherbourne Road, Montmorency

- Following the Council report in 18 November 2019, Department of Transport did not support the ongoing funding subsidy for the following locations:
 - Mountain View Road, Briar Hill, between Campbell Road and Fernside Avenue (Briar Hill Primary School).
 - Sherbourne Road, Montmorency, between Hyacinth Street and Outlook Crescent (Sherbourne Primary School).
- Whilst these school crossings are also unlikely to have an increase in pedestrian movements since 2019, it is recommended that Council continues to fully fund their supervision based on safety grounds until the 23/24 financial year, after which they will be reviewed.

SUPERVISED CHILDREN'S CROSSINGS - UPDATE cont'd

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Approved Sites for School Crossing Supervisor Program 2021/22	

6.2 VIEWBANK TENNIS CLUB - LED LIGHTING UPGRADE

Author: Mathew Deayton - Capital Works Coordinator, Assets & City Services

SUMMARY

1. There is an allocation in the 2021/22 Capital Works Program for the upgrade of lighting infrastructure (poles and lights) at the Viewbank Tennis Club for courts 7 and 8.
2. There is an additional allocation in the 2022/23 program to convert the remaining court lights to LED.
3. To minimise disruption to the club and realise possible cost savings, approval is being sought to bring the LED light conversation project forward from 2022/23 financial year to this financial year and deliver the two projects concurrently.

RECOMMENDATION

That Council:

1. Acknowledge there is currently an allocation of \$90,000 within the draft 2022/23 capital works program for the upgrade of LED lighting at the Viewbank Tennis Club.
2. Endorses an additional \$90,000 within the 2021/22 capital works program for the upgrade of LED lighting at the Viewbank Tennis Club and fund the additional allocation from deferrals within the 2021/22 capital works program.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Strategically plan, build and renew community assets and facilities that meet current and future service needs and instil a sense of civic pride".

BACKGROUND

- As part of the 2021/22 Capital Works Program, there is an allocation of \$80,000 to upgrade lighting infrastructure on courts 7 and 8 at the Viewbank Tennis Club. There is a further allocation of \$90,000 in the 2022/23 Capital Works Program to convert the remaining courts to LED lighting.
- If the allocation in 2022/23 can be brought forward and the works tendered together, there is potential to realise cost savings as well as cause less disruption to the club.
- Approval is being sought to use funds made available from deferred projects in the 2021/22 Capital Works Program, to bring forward the \$90,000 from the 2022/23 Capital Program and complete the two lighting projects at the Viewbank Tennis Club together in this financial year.

VIEWBANK TENNIS CLUB - LED LIGHTING UPGRADE cont'd

KEY ISSUES

- By tendered the works together there is potential to realise cost savings across the two projects.
- If the works are carried out concurrently there will be less disruption to the club.

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

- The use of LED lighting will assist Council to reach its goal of being carbon neutral by 2028.

Financial Implications

- There is financial capacity within the capital works program for the LED light conversion project to be brought forward given there are other significant projects that have been deferred to next year including the Redmond Court Wetland, Macleod Pavilion and Beverley Road Oval Renovation.
- A portion of the funding from projects deferred to the next financial year can be used to complete the LED lighting conversion project earlier than expected.

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

6.3 NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES AND CLUB TRANSITION

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

SUMMARY

1. The purpose of this report is to provide Council with an update on the completion of the sporting infrastructures projects as part of the North East Link Project (NELP), and the transitioning of displaced clubs to the new facilities.
2. In 2019, the NELP identified the following three sporting sites across Banyule, that would be impacted during the construction period of the project. These being: AK Lines Reserve, Gabonia Ave Reserve and Windsor Reserve.
3. Banyule strongly advocated for outcomes to support the impacted clubs and Otium Planning were engaged by the NELP and three sites, Binnak Park, Ford Park and Greensborough College were identified as relocation sites for displaced sporting clubs. Ford Park was also identified as the preferred location for the Yarra Junior Football League who would be impacted at its site at Bulleen Park in Manningham Council.
4. The Projects are part of an overall \$68 million investment to help upgrade sporting facilities while the North East Link is being constructed. The three sporting infrastructure projects completed across Banyule are estimated at a combined cost of \$35 million, fully funding by the NELP.
5. To complete the final transition of the clubs there is some minor works and equipment support needed to assist reallocation of clubs to their new homes. This report recommends that Council allocate \$80,000 for these items and to complete these works.

RECOMMENDATION

That Council:

1. Notes the successful outcome of the Sporting and Community Infrastructure at Greensborough Secondary College, Binnak Park and Ford Park delivered and paid for by the North East Link Project at an estimated value of \$35 million.
2. Thank the North East Link Project, Council's project management team and key club stakeholders for their contribution to the successful delivery of these projects.
3. Approve an allocation of \$80,000 from the 2021/2022 Capital Works Budget towards the remedial works and equipment required at AK Lines Reserve and Binnak Park to ensure the successful transition of the sporting clubs. This includes \$30,000 for AK Lines Reserves for remedial ground and pavilion works; and \$50,000 for Binnak Park for path works and equipment fit out of the pavilion.

**NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES
AND CLUB TRANSITION cont'd**

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Promote active and connected living through a range of accessible and inclusive opportunities for all people of all ages through sport and recreation".

BACKGROUND

- In 2019 the North East Link Project (NELP) identified three sporting sites across Banyule that would be impacted during the construction period of the project. The three active reserves being:
 - AK Lines Reserve
 - Gabonia Ave
 - Windsor Reserve
- Banyule strongly advocated for outcomes to support the impacted clubs.
- NELP engaged Otium Planning to develop a Sport and Recreation Preliminary Options Assessments plan for sport and recreation facilities impacted by the future construction of the North East Link. Three sites were identified as relocation options for displaced sporting clubs:
 - Binnak Park
 - Greensborough Secondary College
 - Ford Park
- This purpose of this report is to provide Council an update on the completion of the sporting infrastructures projects as part of the NELP, and the transitioning of displaced clubs to facilities.
- The Projects are part of an overall \$68 million investment to help upgrade sporting facilities while the North East Link is being constructed. The three sporting infrastructure projects completed across Banyule are estimated at a combined cost of \$35 million, fully funded by the NELP.

Banyule Sporting Infrastructure Projects

Greensborough College

- Construction of AFL/Cricket sports field, Cricket NETS, synthetic soccer pitch, 150 lux level sport field lighting and electronic scoreboard on both ovals, coach's box's and time keepers' box on AFL ground.
- The two-storey pavilion includes:
 - Ground level home and away unisex change room facilities, (4 in total that can convert in 8 junior) 1 kitchen/canteen, community room for AFL/Cricket, unisex umpires change facility and storage rooms, first aid.
 - First level includes canteen/kitchen and social room for soccer club, amenities, storage area. Includes a lift and the facility is fully electric.
- Landscaping, paths and carpark.

NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES AND CLUB TRANSITION cont'd

- Under a joint user agreement with the facilities at Greensborough College are allocated to the school during school hours with community use made available for after school hours.
- Council is responsible for maintaining the sporting facility and associated grounds.
- Watsonia Heights Soccer Club moved into the Greensborough College facility in mid-June 2021.
- Macleod Cricket have relocated to Greensborough College from Windsor Reserve, Macleod Junior Football club will be relocating from Winsor reserve for their 2022 winter season.
- St. Marys Junior Football club will also have allocated space at Greensborough College due their upcoming displacement from Ak Lines.
- Positive feedback has been received regarding the facility and provides a great asset for school, community and sporting clubs of Banyule.

Binnak Park

- Fully reconstructed sports field oval with 7 table turf cricket wicket, 100 LED lux level sports field lighting, electronic scoreboard and 3 cricket NETS.
- Two story pavilion includes:
 - Ground level home and away unisex change rooms (2 in total can convert into 4 change rooms for junior), unisex umpire change rooms, storage, first aid, and curators shed for turf wicket.
 - First level social area, canteen kitchen, meeting/time keepers' room, storage, amenities. Includes a lift and facility is fully electric.
- Land scaping and the planting of over 40 new trees.
- New car parking.
- Binnak Park is home to Parade St. Damians Junior Football who have been relocated to another facility during the construction period, the club will return to the facility in 2022.
- Watsonia Sporting Club will be relocating their training and competition from AK Lines Reserve to Binnak Park with a part transition in 2022 and full transition in 2023.

Ford Park

- South Oval reconstructed to regional standards, 200 LED lux level sports field lighting, electronic scoreboard, time keepers. New cricket NETS on North Oval.
- Single story pavilion which includes office space for Yarra Junior Football League, social room and viewing area to both grounds, kitchen/canteen to service both grounds, 2 unisex change rooms (can convert into 4 change rooms for junior) for both grounds, umpires change room, storage.
- Public toilets attached to the end of pavilion, to service playground and community usage of the park.

NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES AND CLUB TRANSITION cont'd

- Landscaping, planting of over 100 new trees, upgrade of paths throughout the park.
- Ford Park design and works are consistent with the Banyule's endorsed Master Plan developed in 2016, including public exercise stations, multipurpose basketball/futsal court, climbing equipment and upgraded carparking.
- Ford Park is home to Bellfield Cricket club and Ivanhoe Junior Football Club, clubs will use the North Oval for training and competition.
- The Yarra Junior Football League will move to Ford Park utilising the South Oval from 2022.

KEY ISSUES

- The scheduled impact on AK Lines Reserve was originally planned for 2022. This is more likely to occur mid-2023.
- While the Watsonia Sporting Club will train and play at Binnak Park in 2022, the club will still use AK Lines Pavilion for functions and will fully relocate to Binnak Park in 2023 The 2022 season will be a transition period for both the Senior and Junior clubs
- Whilst AK Lines Sports field will not be used by Watsonia Sporting club from 2022, it is recommended that some remedial works take place on the oval. The oval can then cater for other Banyule Clubs that may need to be relocated during the season for training etc due to unforeseen ground works by Banyule Sports Field maintenance team
- A relocation date for Yarra Junior Football League's move to Ford is still to be decided, the lease between Council is waiting on the League to sign of its lease.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities Act 2006.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

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

Financial Implications

- Remedial works at AK Lines Reserve Sports Field oval totalling \$15,000.

**NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES
AND CLUB TRANSITION cont'd**

- Fit out of the Binnak Park Pavilion Community Social Space with furniture and equipment totalling \$25,000.
- Upgrade/completion of path around the oval at Binnak Park totalling \$25,000.
- Small remedial works at the AK lines pavilion for health and safety and operations totalling \$15,000.

Community Engagement

- Council and stakeholders at all three sites have had discussion around displacement and relocation to the new facilities.
- A joint user agreement completed with Greensborough College. Seasonal allocation with Watsonia Heights Soccer Club
- A joint user agreement will be drawn up between the Parade St. Damians Junior Football Club and Watsonia Sporting Club for the combined use of use of Binnak Park.

In the future the Binnak Park pavilion will be available for use during the week days for Community Groups.

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

7.1 2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE

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

Previous Items

Council on 30 Aug 2021 7.00pm (Item 3.6 - Additional Economic Support Package 2021/22)

SUMMARY

1. Council has provided well needed assistance to ratepayers, local businesses and community groups since the beginning of the COVID–19 Pandemic through its Economic Support Package.
2. This report provides an update in relation to the outputs achieved to date to assist those ratepayers, businesses and community groups in Banyule to respond to and emerge from this global pandemic.
3. The 2021/22 funding allocation of Banyule's Economic Support Package is forecast as at 31 October 2021 at \$3.540m and is allocated across:
 - Ratepayer Support
 - Business Support
 - Community Support.
4. Council will continue to monitor the needs and impacts of the community as the demand to re-activate community events, celebrations and sporting activities commence.
5. The economic support provided to our businesses, community service organisations, sports, arts and cultural groups has been critical to sustain basic levels of operation and survival during lockdown.
6. Given the unexpected duration of lockdowns due to COVID–19, Council has extended its support through the continuation of programs such as the Rediscover Local Campaign and the COVID-19 Business Grants Program and will continue to do so over the next six months.
7. To ensure hardship and collection activities continue to be handled efficiently, while being sensitive to a ratepayer's circumstances, it is proposed to continue the employment of the Rates Hardship and Collections Officer for the remainder of the year.

RECOMMENDATION

That Council:

1. Notes the current status of the 2021/22 Banyule Economic Support Package to support ratepayers, businesses, and community.
2. Notes the extensive efforts undertaken to support local economy, businesses and jobs in response to the economic impacts of COVID-19.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

3. Acknowledge that the Best Biz Awards Program will be deferred until the Economic Development Strategy and Recovery Plan has been finalised.
4. Endorse the continuation of the rates hardship and collections officer through to 30 June 2022 utilising the unallocated funding of the 2021/22 Economic Support Package.
5. Refer funding for ongoing Economic Support to the 2022/23 budget process as required beyond 30 June 2022.
6. Receive a further report outlining key outcomes in relation to the 2021/22 Economic Support Program in August 2022.

COUNCIL PLAN

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

BACKGROUND

- Council introduced a five-point plan in response to COVID-19. This plan included:
 1. Protect staff health and wellbeing
 2. Minimise Council service disruption
 3. Maintain financial sustainability
 4. Support the local community
 5. Support the local economy
- To support the five-point plan, the Budgets for 2020/21 and 2021/22 included provisional funding to ratepayers, local businesses and community groups to complement both the Federal and Victorian Government's support packages.
- At the Council meeting on Monday 30 August 2021, Council explored additional 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. Council at this meeting resolved to receive from council officers a status report on Banyule's Economic Support Package at the council meeting scheduled for 6 December 2021.
- This paper provides a status update on the 2021/22 funding allocation of Banyule's Economic Support Package.
- The Council's Economic Support Package for 2021/22 is forecast as at 31 October 2021 at \$3.540m and is allocated across:
 - Ratepayer Support
 - Business Support
 - Community Support.

KEY ISSUES

- Council has continued to respond to ratepayers, community and local business needs. The Economic Support Package for 2021/22 has continued to provide

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

programs, initiatives and monetary contributions to support ratepayers, the local community and businesses in a time of constant change and uncertainty.

- Snap lockdowns have continued to significantly impact local businesses and are at rightly the forefront of Victoria's recovery program and will be crucial in getting our economy back on track.
 - The pandemic has placed significant unanticipated costs on community services, at a time of funding loss and urgent need.
 - Community groups, clubs and associations have also seen much disruption, culminating in financial instability, reduced participation and declining volunteering.
 - Council has also played an important support role to assist sporting clubs and community groups to navigate the return to play and requirements for adhering to roadmap restrictions due to COVID-19. This is often being managed by volunteers who have appreciated advice and communications.
- The COVID-19 economic recovery depends on the success of the stimulus packages being provided by all levels of government.

ECONOMIC SUPPORT PACKAGE – STATUS

Economic Outlook:

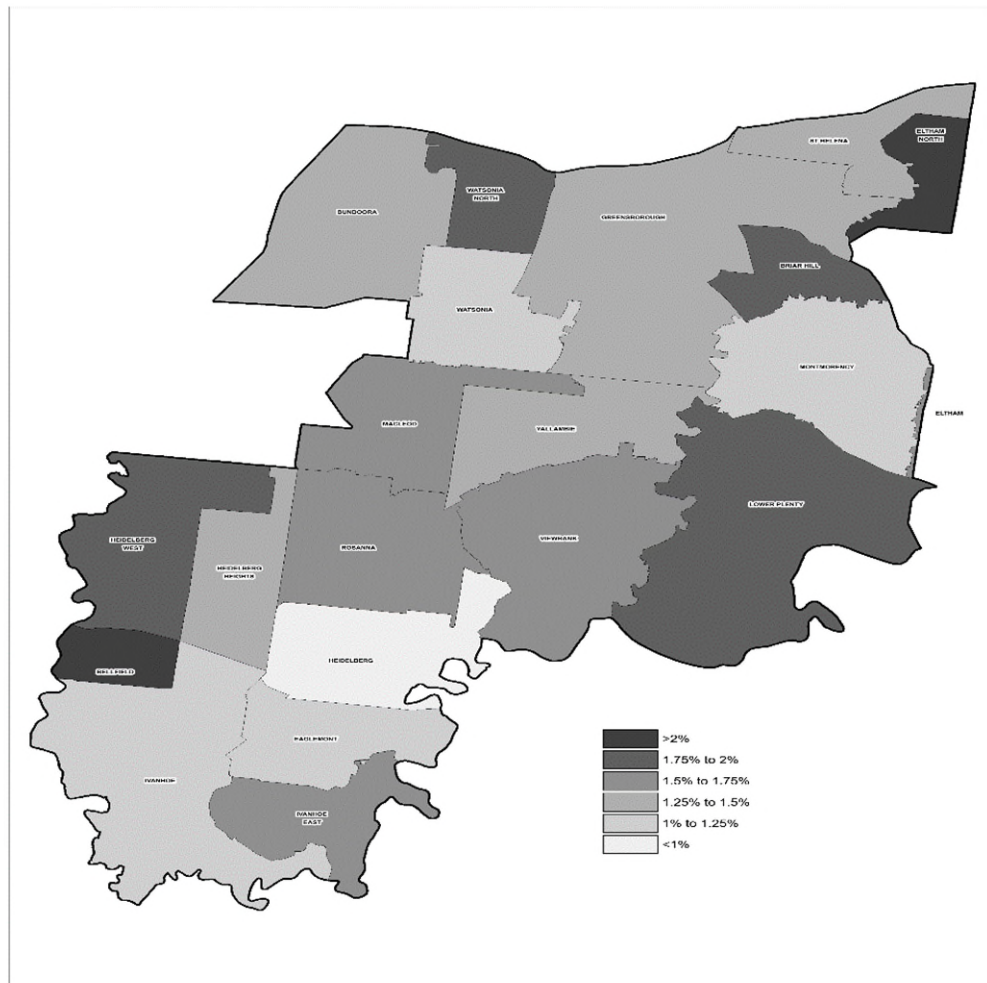
- The outlook for the Australian economy is positive, with vaccination rates having broken through the 80 percent threshold, consumer confidence rising and borders reopening.
- Figures released by the Australian Bureau of Statistics (ABS) in September 2021 indicated the Gross Domestic Product (GDP) stabilised at 0.7% cent driven by domestic demand which saw continued growth across household spending, private investment and public sector expenditure.
- While Australia is seeing a recovery, the closure of Australia's international border and the departure of many temporary visa holders during the pandemic along with disruptions to training have exacerbated the shortage of workers.

Ratepayer Support:

- A COVID-19 general rate waiver is being provided upon application for 2021/22 for:
 - ratepayers who hold either a JobSeeker Health Care Card or Low-Income Health Care Card waiver up to \$500 per year
 - other ratepayers experiencing hardship a general waiver up to \$250 per year.
- As at 15 November 2021 the support provided to ratepayers through general rate waivers is as follows for Ratepayer (Residential) Support:
 - Rates Waiver - Category A (JobSeeker / Low Income Card) \$106,000 across 222 eligible households
 - Rates Waiver - Category B (No Eligible Centrelink Card) \$128,750 across 472 eligible households.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

Rate Waivers Processed per Suburb (% of property assessments) 2021



- Eligible households are those residential properties that are not owned by the state government or their rates are not paid for by Defence Housing. Many of the properties included in the above data will also be ineligible as they are not owner-occupied, are owned by trusts or self-managed super funds.
- Resources to support the rate waivers, deferrals and collection are recommended to continue throughout the year to ensure hardship and collection activities are handled efficiently, while being sensitive to a ratepayer's circumstances.

General Comments on rate waivers:

- Generally, ratepayers have been complimentary of Council when they have been granted a general rate waiver. Other, more critical feedback has been related to ineligibility and the amount provided as a rate waiver. E.g.:
 - Entitlement to a higher waiver
 - Criteria for eligibility limiting
 - Waivers not retrospectively provided for prior years
 - Not all rate classes being eligible for a waiver (investment properties Commercial and Industrial properties)

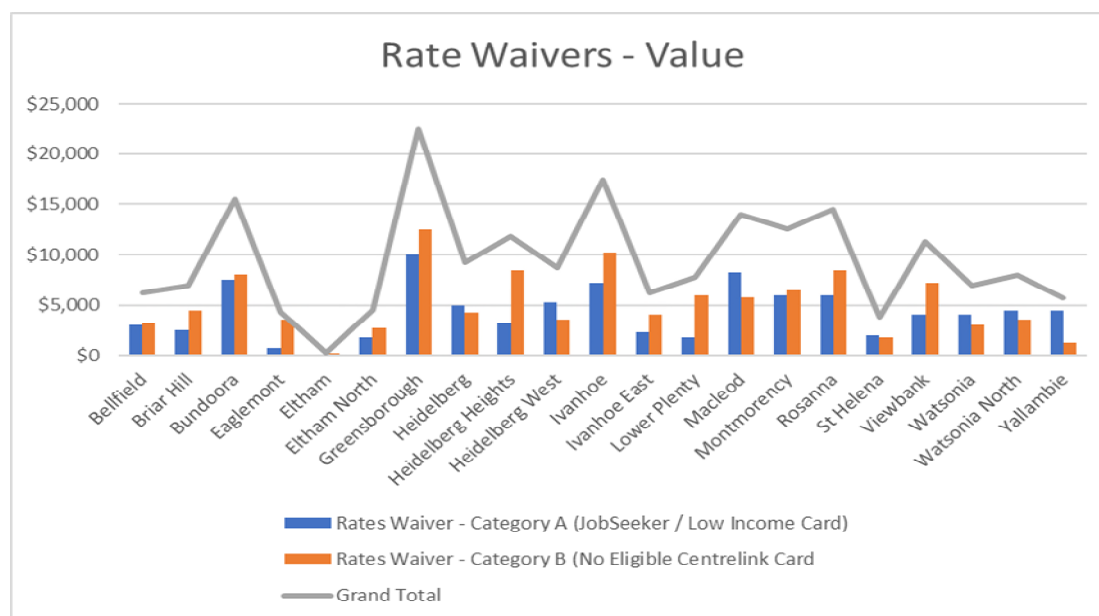
2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

- Comparisons with other government entities where ratepayers claim that the State Revenue Office or Australian Taxation Office will aid over the phone with no application required.
- The provision of waivers has resulted in contact being established with ratepayers who are suffering from underlying hardship, exacerbated by the pandemic. This has provided the opportunity for officers to work through payment arrangements with ratepayers and to recommend financial counselling to assist them in managing their finances.

Awareness of eligibility

Officers have noted that when discussing hardship with ratepayers, there is a lower level of awareness of the hardship waivers than would be expected. When officers probe further, it appears that many ratepayers have not read their notices, *Banner*, other publications or Council social media. In such cases, officers are explaining what assistance is available and sending links to Council’s website. Uptake of these invitations to apply for hardship assistance is not as high as would be expected, even when ratepayers indicate over the phone that they will apply for assistance.

Rate Waivers Processed – Year to Date: 2021/22



Local Business Support

Special Rate and Charge Schemes Contribution

- In recognition of the COVID-19 related impacts on businesses, Council has extended its support for businesses by providing additional funding for the Special Rate and Charge Schemes for 2021/22 in the amount of \$599,507.
- As annual notices were issued prior to Council’s decision to pay the business component of the levy, in addition to landlords and agents not informing businesses of the waiver, a significant number of businesses have paid the levy. Council officers have been issuing refunds or transfers to these businesses throughout 2021.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

Rediscover Local Campaign

- The Rediscover Local Campaign was formed to boost the local economy by motivating residents and businesses to shop locally for their goods and services.
- The campaign has reinvested into the local economy by partnering with Banyule businesses. It has continued to deliver:
 - Campaign website: A Banyule Business Directory of business, Little Book of Banyule offers (Round 2 set to launch in January 2022) and a sequence of Small Business videos
 - Social Media presence: Instagram and Facebook pages promoting Banyule businesses
 - Advertising: print and digital advertising and direct mail out to resident and businesses, bus shelter advertising, posters, gift cards, videos and programmatic advertising
 - Shop front and place activation: Branded in-store collateral and activation of vacant shopfronts.
- The campaign supports home-based businesses, and product and service providers in neighbourhood centres and industrial estates to attract new customer and encourage existing customer to shop more often. The following tactical activities to continue to deliver on the Rediscover Local strategy include:
 - Branded Rediscover Local gift cards for competitions and engagement to support Neighbourhood and Industrial Estates, excludes the eleven Trader Associations.
 - Collaborations with the Youth Team and Arts and Culture Team to bring the campaign to residents in a meaningful way.
 - A branding refresh so that it remains vibrant, engaging and relevant.

Business Grants

- The COVID-19 Business Grants program has been in operation since its inception in April 2020. The program has been successful in supporting existing businesses impacted by COVID-19 and new start-ups finding opportunity in the changed environment. In 2021/22 the eligibility has been expanded to:
 - Include medium enterprises (defined as having between 1-199 employees).
 - Past recipients of a minor grant can also apply for a Business Support Grant.
- In September 2021, Round 6 opened with two grant streams available;
 - Business Support Grants (up to \$5,000) and
 - Business Coaching Grants (\$2,500)
- There was a high level of interest in the business grants with 77 businesses applying for a share of the \$210,000 funding pool. Existing businesses represented 68% (52) of applicants and new businesses represented 32% (25).
- It is anticipated that approximately 43 applicants will receive a grant when announcements are made at the end of November 2021. Councillors will receive a briefing report with a list of recipients. Round 7 will commence in March 2022.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

Business Investment Fund and Major Development Permit Applications

- Councils Business Investment Fund has financially assisted individual enterprises through the Council application process by covering the planning permit application fees (including advertising) for small businesses and to Fast-Track and expedite major development applications.
- Approximately \$8,000 of the investment fund has been expended on contract staff and \$2,000 on consultants for the fast tracking of commercial applications this financial year. With the easing of restrictions, it is envisaged that the number of planning permit applications and commercial applications will increase. The fund will continue to provide support as intended.

Small Business Permit Assistance

- Through Council's Business Concierge Officer, the Small Business Permit Assist Program is providing tailored preliminary information to start up and existing businesses.
- The program aims to provide businesses with;
 - Guidance on the types of permits and registration you may need
 - details on the documentation and supporting information needed to lodge complete permit and registration applications
 - an indication of the aspects of your business idea that generally align with policy or could introduce complexity if you do apply for permits and registration
 - business planning or support services
- A total of 59 start ups accessed the Small Business Permit Assist Program in the July-September quarter indicating entrepreneurial optimism in the current COVID environment.

Gift Card Program

- Gift Cards were funded for the eleven Trader Associations to deliver marketing and promotional campaigns that support shopping local (Greensborough, Heidelberg and Ivanhoe, Bell St Mall, East Ivanhoe, Montmorency, Rosanna, Watsonia, Eaglemont, Lower Plenty and Macleod).
- Centres will report back to Council on the outcomes of their promotions once finalised.

Outdoor Dining

- A number of initiatives were rolled out as a result of the Victorian State Government's 2020/22 Extended Outdoor Dining Program including a pop-up

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

park that was installed in Heidelberg from April 2021 to August 2021. The park received overwhelmingly positive community feedback.

- Banyule Council is continuing to support businesses to temporarily extend their outdoor dining area through extended footpath trading in key activity strips in Banyule until 30 June 2022.
- The Victorian State Government recently announced a COVIDSafe Activation Fund on 18 October 2021 to help councils transform outdoor areas and entice visitation. As a result of this fund, Banyule Council is:
 - extending support to the retail sector through a Temporary Outdoor Retail Permit Program which has so far issued 14 permits to assist retail businesses expand their business onto footpaths, and
 - exploring opportunities to activate shopping precincts to entice residents to shop locally.
 - relocating the Heidelberg pop-up park to the Greensborough Walk to revitalise and activate the area.
- With regard to existing parklets, further community engagement will be undertaken in early 2022 to further increase Council's understanding of the impact parklets are having on its shopping centre precincts.

Business Rent Waivers / Relief

- Council provided an immediate 6-month rent waiver for highly impacted commercial properties where Council is the landlord. The value of waivers to date, for the seven highly impacted tenants, is \$109,638 (July to October 2021) and has been gratefully received.
- Under the Victorian Government Commercial Tenancy Relief Scheme, Council has provided \$2,791 in rent relief. The Scheme, available to small and medium sized businesses who have experienced a loss in turnover of more than 30 per cent during the pandemic. Tenants are to apply directly to their landlord for a reduction proportionate to downturn. The Scheme applies retrospectively from 28 July 2021 and will run until 15 January 2022.

Community Support

Community Waivers / Relief

- The impact of the COVID-19 pandemic on the community services sector has been substantial. Increasing demand for resources has placed additional burden on organisations that deliver a range of services including emergency relief, mental health, family support, preventing violence against women, homelessness, drug and alcohol. Many groups have had to adjust in the way they deliver services.
 - The waving of rental fees for Shop 48 provided some financial relief for these organisation at a time when many of them were unable to access the facility due to lockdowns and restrictions.
 - Waiver of 100% of the 2021 Winter seasonal ground and pavilion hire fees (excluding utilities) have been processed for those clubs who had paid their fees, with most clubs requesting a refund (rather than a credit).

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

- Waiver of 100% the 2021/22 fees (excluding utilities) for leased clubs – bowls, croquet, tennis, and scouts also processed, and refunds provided.
- It is important to also note that where feasible our community fees, such as sports ground, pavilion, hall and festival stall hire fees have remained frozen at the 2019/20 rates.

Community Grants

- The additional funding to the Banyule Community Grants Program provides further support to assist the community to become resilient, strengthen connections and continue to work towards recovery.
 - The impact of COVID-19 has been significant on the community and the variety of the responses to the community grant initiatives reinforce the evidence of that impact.
 - A total of 36 applications were received for the 2021 Community Grants annual funding round across the 4 categories of:- Community Projects; Minor Capital Works; Technology Support for not-for-profit groups; and Training and Development for not-for-profit groups.
 - Approximately \$173,000 has been approved for 31 applicants. The Minor Capital works category was very popular with 17 applications received. Applicants cited reduced income and lack of ability to fundraise through the pandemic as triggers for requiring funding assistance for these projects.
 - Monthly equipment grants have been well subscribed with approximately \$11,400 allocated in the first two rounds and a further \$12,500 requested in the October 2021 round. Increased funding will provide access to this grant pool across the financial year. The funding is important as not-for-profits have identified the need for equipment, as they start to reengage with the community as COVID restrictions continue to ease.

Funding support

- Each of the seven Neighbourhood houses were allocated \$10,000 for service enhancement as they each respond to the ongoing impacts of COVID-19 on their operations and service delivery. Due to prolonged lockdowns in 2021, the houses are only beginning to reopen and welcome participants back.
 - Coordinators have reported 'pandemic fatigue' across staffing and volunteers with the constant need to pivot to accommodate the new environments.
 - The injection of funds has been well received and has taken some of the stress away in terms of meeting financial commitments. Some groups will be using the funding for staff and others to enable the adaptation of programs to COVID Safe requirements.
 - The houses were very appreciative of the funding and felt that Council had acknowledged the role they play in maintaining community connection, especially for some of the more vulnerable residents.
- The additional \$40,000 funding allocated to support Greenhills Neighbourhood House will support the modification of their Greenroom and allow the house to continue to deliver the food relief program in a suitably designed space; whilst enhancing the occupational health and safety for both staff and volunteers. This work is expected to be completed by the end of June 2022.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

- Other programs such as 'Arts and Culture' Relief program and 'Chilling in Banyule' have been impacted by COVID lock-downs and will be initiated again in 2022.
 - The Chillin' in Banyule program will be rescheduled from August 2021 to summer/autumn 2022. When it resumes, additional opportunities for both artists and businesses to participate will be offered to expand the program.
 - The funding for the 'Arts and Culture' relief program will be utilised as part of a 'creative recreation' project from Jan-March 2022 called 'Reels on Wheels'. Up to 20 local artists will be funded to contribute digital / video content to a series of outdoor, public screening events curated via 'Projector Bike Tours'. The project is designed to support Banyule's new Bicycle Strategy, promote outdoor events and encourage residents to re-connect post lock-down, while discovering the creativity of Banyule's local artists in unusual settings.

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

Sustainable Procurement Outcomes

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

Financial Implications

- Council resolved the 2021/22 Economic Support Package to be increased to \$3.540m at its meeting on 30 August 2021, comprising:
 - the \$1.500m Economic Support Package initiative to ratepayers, businesses, and community, as outlined in the Budget 2021-2025.

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

- At Council meeting 4 October 2021 Council resolved (CO2021/201) to allocate \$0.081m from the Economic Support Package to support the business operation at Macleod Recreation and Fitness Centre – YMCA.
 - the \$0.314m operational budget funding in 2021/22 from carry over funding of the prior year's Economic Support Package, and
 - further funding to support the Banyule community and local business through expanding, extending and providing additional initiatives to the value of \$1.727m.
- As of 30 September, \$1.299m of the Economic Support Package has been funded including forgone income and expenses. Further details will continue to be provided within the Quarterly Financial Management Reports.
 - It is recommended to continue to fund, from the Economic Support Package provision, appropriate resourcing to support the rate waivers, deferrals and collection. An increase from 0.50 eft to 0.80 eft for the period from 1 July 2021 to 30 June 2022 is anticipated.
 - Banyule through this package aims to achieve the best possible direct support to those in financial hardship within the municipality (Banyule's ratepayers, communities and business owners).

Community Engagement

- The Economic Development Team are currently preparing the 2022-2025 Economic Development Strategy and Recovery Plan. Results of engagement process will inform the 2022-2025 strategy. The engagement process aims to identify key issues and opportunities and has included:
 - Consultation with the Project Reference Group
 - Banyule businesses invited to participate in a survey
 - Workshops with government, business, community and Council Staff
- The Arts and Culture and Sports and leisure communities are regularly engaging with council officers both formally and informally to communicate needs and challenges in relation to COVID recovery and this has helped form the approaches to the economic support provided to these groups to date.

Key Considerations

- Council will continue to monitor the needs and impacts of the community as the demand to re-activate community events, celebrations and sporting activities commence.
- A return to participation in community life is very important for our community to support recovery from COVID lockdowns and restrictions. The economic support provided to our businesses, community service organisations, sports, arts and cultural groups has been critical to sustain basic levels of operation and survival during lockdown and now equip for recovery as we enter the final stages of roadmap.
- Given the unexpected duration of lockdowns due to COVID-19, Council has extended its support through the continuation of programs such as the

2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE cont'd

Rediscover Local Campaign and the COVID-19 Business Grants Program and will continue to do so over the next six months.

- Given the focus on recovery and in some cases, survival for many businesses it is recommended that Council defer the *Best Biz Awards* until the Economic Development Strategy and Recovery Plan is finalised. This strategy is underpinned by extensive engagement that is seeking to determine what is important to businesses after a time of significant disruption. The strategy will play a role in recalibrating the Economic Development Program to ensure it meets business' needs during the recovery phase.

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

8.1 PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS

Author: Adam Khoweiss - Infrastructure Maintenance Engineer, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. 1148-2022 - Provision of Concrete and Asphalt Maintenance Works.
2. The Contract was set out as separable portions of concrete and asphalt services, allowing tenderers to submit a response for both categories or a specialised service of one (1) category.
3. Tenders were received from 37 Companies.
4. The Tender Evaluation Panel (TEP) has recommended awarding the Contract to four (4) companies for each category.
5. The contract will commence 3 January 2022. The Initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for a maximum of two (2) years, based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1148-2022- Provision of Concrete and Asphalt Maintenance Works to the following contractors for a combined spend of \$1 million per annum (ex. G.S.T) for a period of three (3) years with optional extension period of any duration up to a maximum of two (2) years:

Concrete Service:

A&F Basile Paving Pty Ltd
JR Willett Pty Ltd
N&G Nerone Paving Pty td
S&A Piccirillo Paving Pty Ltd

Asphalt Service:

Prestige Paving Pty Ltd
Roadsafe Asphalt Vic Pty Ltd
Silman Bros Asphaltting Pty Ltd
Statewide Asphalt Services Pty Ltd

2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the end of the initial three (3) year contract term and extension periods.

PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS cont'd

COUNCIL PLAN

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

TENDER DETAILS

Contract Period	Initial Contract Term of 3 years with extension period of up to (2) years.
Contract Type	Contract
Advertising Period	Saturday 28 August 2021 to Wednesday 22 September 2021 in the Age
Tenders Closed	Wednesday 22 September 2021
Works/Project	Provision of Concrete and Asphalt Maintenance Works
No. of tender documents downloaded	83 prospective companies downloaded the tender documents from Council website 37 Contractors submitted their tenders by closing date.
Tender Evaluation Panel	Claudia Oqueli – Coordinator Operations Infrastructure Adam Khoweiss – Infrastructure Maintenance Engineer Jarryd Borg – Landscaper/Operator
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications;• Use of recyclable materials;• Local and social sustainability, including economic and environmental measures; and• Existence of Accredited Management Systems and procedures Quality & OH&S; and• Any other factor considered relevant by Council
Other Background	The works listed were set out as separable portions of: <ul style="list-style-type: none">• Construction, reinstatement and maintenance of Concrete infrastructure, including paving, kerb and channel, pram crossings and grinding;• Construction, reinstatement and maintenance of Asphalt infrastructure including footpaths, roads and pram crossings. Tenderers also had to tender rates for Mandatory Traffic Management as part of the Contract.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the Tender Evaluation Panel (TEP) convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated.
- The tender submission included a requirement for the contractors to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability.
- The environmental sustainability requirement included elements such as reporting on and reducing carbon emissions, use of recyclable materials in construction, and other environmental processes and procedures as set out in tenderer's Environmental Management Systems.

PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS cont'd

- The TEP assessed all the above information as part of the weighted score for each tenderer and this formed part of the overall evaluation and recommendation for awarding of the contract.

NON-CONFORMING TENDER

- 6 Tenders were deemed to be non-conforming as these failed to provide the required traffic management component or the full scope of services within the elected category. These 6 tenders were removed from the evaluation process.
- Based on volumes of responses received, the Procurement representative and TEP members chose to also shortlist on price. Based on the budget available, the TEP agreed to score only those tenders which were of a notional value of \$170,000 per annum or less for Concrete and \$145,000 or less per annum for Asphalt services respectively.
- As a result, a further 9 tenders were excluded, based on price.
- The remaining 26 tenders were individually evaluated by the TEP based on the Tender Evaluation Criteria, with 13 tenders in each category.
- The TEP agreed that four (4) Contractors would be sufficient to undertake the works required in each category, therefore the Contractors with the 4 highest weighed scores in each category were recommended.
- The following are the Weighted Scores for each tenderer for the two services:

Concrete Service Contractors	Weighted Scores (%)
A & F Basile Paving Pty Ltd	94.83%
JR Willett Pty Ltd	90.41%
N & G Nerone Paving Pty Ltd	91.48%
S & A Piccirillo Paving Pty Ltd	90.49%
Tenderer E	90.11%
Tenderer J	88.72%
Tenderer T	84.23%
Tenderer AA	82.69%
Tenderer Z	80.68%
Tenderer K	76.88%
Tenderer AK	72.53%
Tenderer S	68.04%
Tenderer P	64.79%

Asphalt Service Contractors	Weighted Scores (%)
Prestige Paving Pty Ltd	85.12%
Roadsafe Asphalt Vic Pty Ltd	82.29%
Silman Bros Asphaltting Pty Ltd	84.00%
Statewide Asphalt Services Pty Ltd	83.50%
Tenderer Y	81.98%

PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS cont'd

Tenderer I	79.95%
Tenderer S	78.93%
Tenderer E	78.23%
Tenderer L	76.56%
Tenderer AB	74.25%
Tenderer C	74.24%
Tenderer X	64.26%
Tenderer AK	59.04%

- All 4 Contractors for each service respectively, are either currently contracted to or have been previous incumbents to Council and therefore post tender interviews and reference checks were not required.
- Independent financial scorecards were not requested for this tender process as all successful Tenderers have previously undergone financial assessments for Council in the last 12 months, resulting in favourable scores.
- All nominated Contractors have environmental systems, policies and procedures in place in line with the environmental sustainability requirements.
- The Contractors have committed to the direction of the Chief Health Officer regarding COVID-19 policies and will ensure that social distancing is adhered to.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- All eight recommended Tenderers were assessed in accord with Council's Sustainable Procurement Guidelines and their appointment will deliver social, economic and/or environmentally positive benefits to Council and the community.

PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS cont'd

Financial Implications

- The combined spend over the 2 categories of asphalt and concrete is estimated at \$1 million per annum (\$5.07 Million over the five-year period 2021/22 to 2025/26). This will be funded from Councils approved annual Operational budget, which has an allocation of \$1,087,224 in its 20/21 and future Operational budget.
- Although a large component of these works is scheduled and programmed maintenance, there is also a need to respond to un-programmed works which is challenging to budget for these types of works. The budget will be monitored monthly and reported at the end of the financial year.

Additional information

- Attachment 1 and 2, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

Officer Declaration of Conflict of Interest

- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	Asphalt – Matrix - CONFIDENTIAL	
2	Concrete – Matrix - CONFIDENTIAL	

8.2 AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION

Author: Andrew Campbell-Fraser - Senior FOGO Project Manager, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. 1166-2022 – Assembly & Logistics for FOGO Bin Distribution.
2. Tenders were received from two companies.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Bin Servicing Pty Limited (trading as The Bin Guy) in accordance with the tender and conditions as determined by Council.
4. The contract will commence in December 2021 with delivery of bin components to the contractor for assembly & distribution commencing February 2022. The Contract Term shall extend until the launch of Council's FOGO service in mid-2022.

RECOMMENDATION

That Council:

1. Award Contract No. 1166-2022 - Assembly & Logistics for FOGO Bin Distribution to Bin Servicing Pty Limited (trading as The Bin Guy) for \$537,895 (excl GST).
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets & City Services to award extensions of/variations to this Contract, subject to review of the Contractor's performance and Council's business needs.

COUNCIL PLAN

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

AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION cont'd

TENDER DETAILS

Contract Period	One year (maximum)
Contract Type	One-off Contract
Advertising Period	16 October 2021 in the Age
Tenders Closed	10 November 2021
Works/Project	FOGO Project
No. of tender documents downloaded	Six, as follows: <ul style="list-style-type: none">• Part 1 – Conditions of Tendering• Part 2 – Instrument of Agreement• Part 3 – Specification• Part 4 – Returnable Schedules• Tender Addendum 1• Tender Addendum 2
Tender Evaluation Panel	<ul style="list-style-type: none">• Senior FOGO Project Manager• Waste Management Coordinator• Capital Works Coordinator
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Capacity of Tenderer to undertake Services including experienced human resources, vehicle plant & equipment• Capability of Tenderer to undertake Services including clarity and quality of methodology• Social, Economic & Environmental Sustainability• Systems (Quality, OH&S and Environmental Systems including Accredited Management Systems and Procedures)
Other Background	<ul style="list-style-type: none">• A request for further clarification from the preferred tenderer was sought to ensure complete confidence of the evaluation team in the tenderer's offer

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION cont'd

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

The weighted score for the tender was:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Bin Servicing Pty Limited (trading as The Bin Guy)	85.67%
Tenderer B	70.60%

- Following an initial evaluation, the TEP shortlisted the following tenderer, from which it sought some minor clarifications to ensure complete confidence in the tenderer's offer:
 - Tenderer Bin Servicing Pty Limited (trading as The Bin Guy)
- The clarifications sought from the preferred tenderer were not materially relevant to its tendered price, and so revised pricing was not sought.
- Council also undertook independent financial and reference checks on the preferred tenderer, after which the Evaluation Team decided that no change was warranted to the evaluation scoring previously developed.
- Following is the final score of the preferred contractors:

Contractor	Weighted Scores
Tenderer Bin Servicing Pty Limited (trading as The Bin Guy)	85.67%
Tenderer B	70.60%

- It is evident from the above weighted scores that Tenderer Bin Servicing Pty Limited (trading as The Bin Guy) has obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION 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 and proposed conduct of Council or its officers does not raise any human rights issues.

Sustainable Procurement Outcomes

- The procurement seeks to minimise waste in that:
 - Bins and bin components retrieved from households will be recycled
 - Council will work with the contractor to optimise the delivery/retrieval routes over which the work is to be undertaken.
- The procurement has factored evaluation outcomes giving weight to a contractor with a metropolitan Melbourne head office and operations base located within the Northern Region of Melbourne.

Financial Implications

- Council allocated \$3,270,000 (excl GST)

Additional information

- **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

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.

AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION cont'd

- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	Confidential - 1166 -2022 FOGO Bin Distribution Evaluation Matrix - CONFIDENTIAL	

8.3 **REVIEW OF GOVERNANCE LOCAL LAW NO. 2**

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

SUMMARY

1. In 2015 Council developed its Governance Local Law (No.2) and Meeting Procedures Code (2015).
2. In accordance with the *Local Government Act 2020* (the Act) Council was required to adopt Governance Rules which describe the way it will conduct Council meetings and make decisions, replacing the Meeting Procedures Code (2015).
3. The Governance Local Law No. 2 provides for the use of the common seal and issuing of infringement notices in relation to offences incurred against the local law. It continues to operate until it is revoked or sunsets in 2025.
4. The Governance Local Law No. 2 was made under the 1989 Act and requires updating in line with new legislation and to remove references to the Meeting Procedures Code (2015).
5. Officers engaged Maddocks Lawyers to review the Governance Local Law No. 2 in line with the 2020 Act.
6. The process Council must take to make a local law is outlined in the Act, including public exhibition in line with Council's Community Engagement Policy.
7. If public consultation results in amendments to be made to the draft Governance Local Law No.2 the exhibition process must recommence.
8. An additional new requirement of the Act is that before a Local Law is made Council must obtain a certificate from a qualified person (lawyer) stating that the proposed local law is consistent with the local law requirements of the Act.

RECOMMENDATION

That:

1. Council endorse the draft Governance Local Law No.2 for public exhibition via Shaping Banyule, Council's website and inspection at the service centres from 7 December 2021 to 14 January 2022.
2. A report be presented back to Council to consider the consultation feedback.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- Council's Governance Local Law No.2 and Meeting Procedures Code (2015) were developed in 2015.

REVIEW OF GOVERNANCE LOCAL LAW NO. 2 cont'd

- In line with the 2020 Local Government Act, Banyule Council adopted its Governance Rules at the meeting of Council on 17 August 2020.
- The Governance Rules outline the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. This was previously included in the Meeting Procedures Code which was an attachment to the Governance Local Law No.2. The Governance Rules replaced the Meetings Procedures Code 2015.
- The matters covered by the Governance Rules no longer need to be specified in a local law.
- There is a need to have a local law which covers the use of Council's common seal and sets out enforceable penalties for offences relating to the common seal and to Council meetings.
- Accordingly, Council is required to revoke the existing Governance Local Law No. 2 and adopt a new Governance Local Law No.2. The process for doing this is outlined in the *Local Government Act 2020*.

Overview of Amending the Governance Local Law No.2

1. Amend the existing Governance Local Law No.2 to:
 - Remove the references to Meeting Procedures Code (2015)
 - Provide guidance and consistency for the use of Council's common seal
 - Set penalties for certain conduct in relation to Council meetings and other public meetings
2. Public exhibition of the draft Governance Local Law No.2 inviting submissions.
3. Obtain a certificate from a qualified person stating that the proposed local law is consistent with the local law requirements.
4. Remake the Governance Local Law No.2 under the *Local Government Act 2020* provisions, revoking the existing Local Law in the process.
5. If any amendments are made to the proposed Local Law No.2 based on public consultation the exhibition process must be undertaken from the beginning again. Any amendments would need to be reviewed and assessed by a legal professional to ensure that it is consistent with the local law requirements in order to obtain a certificate under the requirements of the *Local Government Act 2020*.

Changes to the Governance Local Law No.2

- The Local Law is largely the same as Council's current Governance Local Law No. 2 (2015), the following changes are noted:
 - All references to the Meeting Procedures Code (2015) removed, since this has been superseded and replaced by Council's Governance Rules.
 - Expansion of the signing requirements where the Common Seal is affixed to a document to:
 - provide for the affixation to be witnessed by a Councillor and a Director where the document is one in which the CEO has an interest – this frequently arises as an issue in connection with the execution of the CEO Contract of Employment; and

REVIEW OF GOVERNANCE LOCAL LAW NO. 2 cont'd

- provide for the affixation to be witnessed by the CEO and a witness where the Common Seal is affixed by the CEO pursuant to delegation – this is consistent with the second sealing clause under cl 2.1(6) of the Local Law.
- Updated offences to refer to Council meetings and other meetings held in a place that is open to the public. This should extend to offences committed at things like Delegated Committee meetings and public forums (at least where that public forum is being chaired by a Councillor).
- Clause 3.1(2) provides that a Council resolution is required to commence a prosecution for an offence against a Councillor who breaches cl 3.1(1)(a) or 3.1(1)(d).
- Reduced the infringement penalty amounts from 10 penalty units to 5 penalty units. This is because, according to the Attorney-General's Guidelines to the Infringements Act 2006, an infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the relevant offence. Given that the maximum penalty under the Local Law is 20 penalty units, 5 penalty units for infringements will ensure that Council is acting consistently with the Guidelines.

KEY ISSUES

- The Governance Local Law No.2 (2015) is required to be updated in line with current legislation and to remove references to the Meeting Procedures Code (2015) which is now contained in Council's Governance Rules.
- There is still a need to have a local law which covers the use of Council's common seal and sets out enforceable penalties for offences relating to the common seal and to Council meetings.
- A public consultation process, in line with Council's Community Engagement Policy to be undertaken prior to consideration of the proposed local law.
- The attached proposed Governance Local Law No.2 has been drafted by Maddocks' Lawyers in line with legislative requirements for local laws. If Council choose to include any amendments they will be required to be assessed by Maddocks' and the consultation process will need to restart again.
- In order to make any local law Council is required to obtain a certificate by a qualified person as defined under the Local Government Act 2020.

SUPPORTING REPORT DETAILS

Legal Consideration

- From 1 July 2021, any new local laws must be made in accordance with the 2020 Act. In the meantime, local laws made under the 1989 Act continue to apply. Local laws made under the 1989 Act can be amended or revoked by a local law made under the 2020 Act.
- Section 73 of the Local Government Act 2020 details that before Council makes a local law it must comply with the following procedure:
 - Make the local law in accordance with Council's Community Engagement Policy
 - Publish a notice on Council's website stating:

REVIEW OF GOVERNANCE LOCAL LAW NO. 2 cont'd

- (a) *the objectives of the proposed local law; and*
 - (b) *the intended effect of the proposed local law; and*
 - (c) *that a copy of the proposed local law is available for inspection—*
 - (i) *at the Council's office; and*
 - (ii) *on the Council's Internet site; and*
 - (d) *the community engagement process that applies in respect of the making of the local law.*
- Council must ensure that a copy of the proposed local law is available for inspection—
 - (a) at the Council's office; and
 - (b) on the Council's Internet site.
- Section 74(1) of the Local Government Act outlines that before a Council makes a local law, a Council must obtain a certificate from a qualified person stating that the person is of the opinion that the proposed local law is consistent with the local law requirements.
 - For the purposes of section 74 (1), "qualified person" means a person who—
 - (a) is an Australian lawyer who has been admitted to the legal profession for at least 5 years; and
 - (b) is not a Councillor of the Council.

Human Rights Charter

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

Right	Comments
Right to recognition and equality before the law (section 8)	Councils must not knowingly be in breach of the Charter of Human Rights and Responsibilities and must always consider them when they create laws, develop policies and deliver services. Council reports, which form part of the business considered at Council meetings, must consider these rights. At Banyule, a section on Human Rights forms part of the Report template.
Right to freedom of expression (section 15)	A Councillor/Persons has the ability to participate in a respectful manner and contribute to the Good Governance of meetings.
Peaceful assembly and freedom of association (section 16)	Council must preserve the objective of setting the rules of behaviour for those participating in or present at meetings. By outlining offences to protect the integrity of the formal meeting proceedings it protects the rights of all to a respectful meeting. It is considered reasonable to preserve the public order of meetings.

- The Human Rights Charter – Assessment of Compatibility is attached.
- In all instances, it was considered that the limitation was reasonable because the interests or impact to the majority of the community and good conduct of the meetings was greater than the interest or impact on an individual.

REVIEW OF GOVERNANCE LOCAL LAW NO. 2 cont'd

Community Engagement

- In line with Council's Community Engagement Policy, Council is required to publish its intention to make a local law and invite members of the public to make submissions in reference to the proposed local law.

Key Considerations

Timeline

Report to Council to commence public exhibition of proposed Governance Local Law No.2	6 December 2021
Notice on Council's website	7 December 2021
Shaping Banyule public exhibition (6 weeks allowed due to Christmas Holidays)	7 December 2021 to 14 January 2022
Copy of proposed Local Law available at Council offices & online	7 December 2021 to 14 January 2022
Report to Council to hear submissions on proposed Governance Local Law No.2 (if applicable)	7 February 2022
Report to Council to consider adopting the proposed Governance Local Law No.2	28 February 2022* <i>*If no submissions are received this can be brought forward to 7 February 2022.</i> <i>**If changes are required to the proposed Local Law the exhibition process must restart.</i>

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

No.	Title	Page
1	Proposed Governance Local Law No.2 - November 2021	
2	Human Rights Assessment for Proposed Governance Local Law No2	

8.4 50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TELSTRA

Author: Amanda Allen - Acting Manager Strategic Properties, City Development

Ward: Ibbott

SUMMARY

1. Telstra Corporation Limited (Telstra) currently leases part of Macleod Park at 50 Chapman Street, Macleod in the south west corner of the Park, for the purposes of a telecommunications tower. This Lease is due to expire on 5 June 2023.
2. A variation to the current Lease was negotiated recently to allow for a 30-metre monopole to replace the existing monopole. This variation is not signed to date as Telstra need to provide final plans to be annexed to the Deed of Variation.
3. Telstra have requested early assurances of a new lease being entered, to allow them sufficient time to consider alternative locations if a new lease cannot be negotiated.
4. Council can enter a future lease, pending completion of negotiations and compliance with s. 115(4) of the *Local Government Act 2020* (the Act).

RECOMMENDATION

That Council:

1. Subject to the requirements of s. 115(4) of the Act, authorises the Director City Development to undertake negotiations with Telstra Corporation Limited to enter into a new ten-year lease with two five-year options to renew, commencing 6 June 2023 at market value rent.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

BACKGROUND

- In 2003 Banyule City Council entered into a lease with Telstra to install a telecommunications facility on the Council owned land at 50 Chapman Street, Macleod. The subject site, shown in **Figure 1** has an area of approximately 13m² and is located at the south western corner of the Park. The telecommunications facility comprises a 20 m monopole and an equipment shelter.
- The original lease was for an initial term of ten (10) years with options for two (2) further terms of five (5) years each (effectively a 20-year lease). The final term of the lease expires on 5 June 2023.

50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TELSTRA cont'd



Figure1: Locality Plan

- A variation to the lease is currently being negotiated to allow Telstra to replace the 20m monopole with a 30m monopole and a permit has been applied for.
- Macleod Park covers around 39 hectares and is mainly used for sport. It houses a tennis court, cricket pitch, football pitch, oval, pavilion/hall and public toilets. Council owns the Park.

KEY ISSUES

- Telstra has written to Council seeking to secure its tenure by entering into a new lease commencing 6 June 2023. The request seeks a lease for a further term of 10 years with two options to renew of five years each (effectively a 20-year lease).
- Telstra have proposed a commencing rental based on current market value. This valuation represents a 35.6% decrease on the final year's rent payment due under the current lease. The rental proposed is below the range considered reasonable on the current market value as advised by Council's Valuer, but a market valuation closer to the new lease commencement date will be sourced.
- Commercially, the current tenant's request for an extension of the tenure of the lease is not considered unreasonable, however it may be prudent to consider a shorter initial term of 5 years with three options of 5 years each.
- Telstra are seeking assurances to enter into the new lease at this point in time to allow them sufficient time to find an alternative site if required.

SUPPORTING REPORT DETAILS

Legal Consideration

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

**50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS
LEASE WITH TELSTRA cont'd**

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

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

Financial Implications

- Telstra have proposed a commencing rent based on current market value, representing a 35.6% decrease in the final year's rental payment due under the current lease. The market rental should be set closer to the expiry date of the current lease at which time a new valuation will be sourced.

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

8.5 CHIEF EXECUTIVE OFFICER REMUNERATION POLICY

Author: Kerryn Woods - Acting Governance Coordinator, Corporate Services

SUMMARY

1. The *Local Government Act 2020* (the Act) introduced several new requirements for councils in relation to the Chief Executive Officer employment, remuneration and performance review. Section 45 of the Act requires Council to develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy (the Policy).
2. The Policy must be adopted by 31 December 2021 and provide for the following matters which Council is responsible for:
 - a. the recruitment and appointment of the CEO
 - b. approving the Contract of Employment between Council and the CEO
 - c. the appointment of an Acting CEO
 - d. the provision of independent professional advice in relation to the matters dealt with in the Policy
 - e. the monitoring of the CEO's performance
 - f. an annual review of the CEO's performance
 - g. determining the CEO's remuneration
3. Council has operated a CEO Employment Matters Advisory Committee (the Committee) since October 2014. The Committee is chaired by an independent expert member and all Councillors are appointed as members.
4. The Terms of Reference (ToR) for the Committee provides a good foundation for the Policy. The ToR document complements the Policy and they will operate concurrently.
5. The draft Policy has also taken into account the Model Policy issued by Local Government Victoria (LGV), and benchmarking with other councils' policies.
6. This report provides context in which a CEO Employment and Remuneration Policy is required and recommends adoption of the Banyule CEO Employment and Remuneration Policy.

RECOMMENDATION

That Council adopts the Banyule CEO Employment and Remuneration Policy. In accordance with the requirements of Section 45 of the *Local Government Act 2020*.

CHIEF EXECUTIVE OFFICER REMUNERATION POLICY cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- The reforms implemented through the *Local Government Act 2020* (the Act) for the requirement of a CEO Employment and Remuneration Policy (Policy) will align employment and remuneration processes for all councils throughout Victoria.
- All councils are required to adopt a CEO Employment and Remuneration Policy by 31 December 2021, which includes engagement of an independent expert member as part of a CEO's recruitment, contractual arrangements and performance monitoring.
- Under Section 45 of the *Local Government Act 2020*, Council is responsible for developing, adopting and keeping in force the CEO Employment and Remuneration Policy.
- Council has operated a CEO Employment Matters Advisory Committee (the Committee) since October 2014.
 - The Committee is chaired by an independent expert member and all Councillors are appointed as members.
 - The Committee is advisory in nature and has no delegated powers, all recommendations from the Committee must be considered by the Council in a Council Meeting.
 - Terms of Reference (ToR) for the Committee were adopted in August 2015 and further reviewed and adopted on 17 August 2020.
 - The ToR outlines the following in relation to the Committee:
 - The Purpose
 - Function of the CEO
 - Membership and Terms of Appointment
 - Accountability and Extent of Authority
 - Role and Criteria of the Independent Chairperson including the, Selection Process, Fees, and Reimbursement of expenses
 - Reporting of the CEO Performance Review
- A CEO Employment and Remuneration Policy has been developed and is included as Attachment 1 of this report.

KEY ISSUES

- The Policy must be adopted by 31 December 2021: and
- Provide for the following matters which Council is responsible for:
 - the recruitment and appointment of the CEO
 - approving the Contract of Employment between Council and the CEO
 - the appointment of an Acting CEO

CHIEF EXECUTIVE OFFICER REMUNERATION POLICY cont'd

- the provision of independent professional advice in relation to the matters dealt with in the Policy
- the monitoring of the CEO's performance
- an annual review of the CEO's performance
- determining the CEO's remuneration

SUPPORTING REPORT DETAILS

- A working group with representation from the People and Culture, and Governance Teams, was established to assist with the development and drafting of the Policy.
- The ToR for the Committee provided a good foundation for development of the Policy. The ToR document complements the Policy and they will operate concurrently.
- Local Government Victoria (LGV), provided a Model Policy for councils to use as a base for their policies.
- Other council's CEO Employment and Remuneration policies were considered a number of their principles have been included in the draft Policy

Legal Consideration

- The *Local Government Act 2020* requires Council to develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy. The Policy must:
 - a. provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
 - b. provide for the following—
 - i. the recruitment and appointment process;
 - ii. provisions to be included in the contract of employment;
 - iii. performance monitoring;
 - iv. an annual review; and
 - c. include any other matters prescribed by the regulations.
- The draft Policy addresses all of the requirements of the Act.

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.

CHIEF EXECUTIVE OFFICER REMUNERATION POLICY cont'd

Financial Implications

- The remuneration of the Independent Expert Member that chairs the CEO Employment Matters Committee is a financial implication, as this has been in place since 2014 it is included in Council's Annual Budget.

Key Considerations

- Adopting a CEO Employment and Remuneration Policy is a requirement under the Act.
- Adoption of the Policy will also promote transparent and accountable decision making and enhance community confidence in Council's decision making with regard to the recruitment, contractual arrangements and performance monitoring of the Council's CEO.

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

No.	Title	Page
1	CEO Employment & Remuneration Policy (draft)	