

Ordinary Council Meeting Agenda



Monday, 4 October 2021 7.00pm

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 20 September 2021

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

Nil

3. People – Community Strengthening and Support

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4. Planet – Environmental Sustainability

Nil

5. Place – Sustainable Amenity and Built Environment

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6. Participation – Community Involvement in Community Life

Nil

7. Performance - Use Our Resources Wisely

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8. Sealing of Documents

Nil

9. Notices of Motion

Nil

10. General Business

Closure of Meeting to the Public

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

11. Confidential Matters

- 11.1 Macleod Recreation and Fitness Centre – YMCA COVID-19
Operational Support Request

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

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

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

The next Ordinary Meeting of Council will be held on Monday 25 October 2021.

3.1 CHRISTMAS DAY GATHERING FOR ISOLATED OR UNDERPRIVILEGED PEOPLE

Author: Frances Gianinotti - Community Partnerships Coordinator, Community Programs

Previous Items

Council on 09 Aug 2021 7.00pm (Item 9.1 - Christmas Day Gathering for Isolated or Underprivileged People)

SUMMARY

1. This report is in response to the Council resolution of 9 August 2021 on the feasibility of a Council-run or Council supported community Christmas lunch for socially isolated or disadvantaged community members.
2. Historically, there have been several activities and events held primarily by faith groups and local community groups to celebrate Christmas and deliver Christmas Day lunches to their own communities.
3. COVID-19 has had a significant impact on the ability and capability of churches and community groups who have had to cancel or reimagine their Christmas events in 2020 due to the pandemic. COVID restrictions continue to make effective planning difficult because of stretched resources and fatigue.
4. Council has an important role to facilitate and support current and future community endeavours in this space.
5. Given the extended pandemic and impact on the community, current groups and churches traditionally involved in these types of events have little capacity in 2021 to initiate a substantial response to the provision of social gatherings for isolated or disadvantaged people in Banyule.
6. Council officers are in ongoing discussions with community groups and churches to provide support should local conditions and availability of community resources change. Council support may include financial or in-kind resources as identified. Under such conditions, a short-term allocation will be made from existing budgets to ensure the delivery of gathering(s) in 2021.
7. Responding to people who are isolated and disadvantaged aligns with key Council strategies, specifically; the Council Plan, the Banyule 2041 Community Vision, Banyule Diversity Statement, and the Banyule Inclusion, Access and Equity Framework. Future planning for 2022 will also include a broader cultural and strategic approach to responding to these groups.

CHRISTMAS DAY GATHERING FOR ISOLATED OR UNDERPRIVILEGED PEOPLE cont'd

RECOMMENDATION

That Council:

1. Note the findings of the feasibility review for a Council-run or Council supported community Christmas lunch for socially isolated or disadvantaged community members.
2. Note a further feasibility review will be conducted in 2022 when it is anticipated that the capacity of the community sector to participate in such responses is improved.
3. Note that, if required, support will be provided to groups to offer a 2021 Christmas lunch for socially isolated or disadvantaged community members.
4. Support future work on establishing a broader cultural and strategic approach to responding to isolated and disadvantaged groups, particularly during periods significant cultural and religious significance.

COUNCIL PLAN

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

BACKGROUND

- This report is in response to Council's resolution at its Ordinary Meeting on 9 August 2021 to investigate the feasibility of a Council-run or Council supported community Christmas lunch for socially isolated or disadvantaged community members.
- Council Officers conducted several investigations to inform this report as follows:
 - Mapped relevant events, activities and programs held in Banyule over the past 5 years;
 - Held discussions with the Banyule & Nillumbik Emergency Relief Network;
 - Held one to one discussion with key community groups and churches;
 - Held internal consultations with relevant Council Officers;
 - Contacted several Local Government Authorities to ascertain what role and supports they offered to their communities and who were the key stakeholders;
 - Completed desk top research into other models and approaches;
 - Assessed the proposal against Council key plans and strategies.

CURRENT SITUATION

- Historically, there have been several responses delivered primarily by faith groups and local community groups to celebrate Christmas and deliver Christmas Day lunches to their own communities and often to the wider community who may have been alone and without any social networks during this time.

CHRISTMAS DAY GATHERING FOR ISOLATED OR UNDERPRIVILEGED PEOPLE cont'd

- Examples of past Christmas Day activities include the following:
 - St James Anglican Church in Ivanhoe hosted an open community lunch on Christmas Day after their service, held at Banyule Community Health for a 5-year period (pre COVID) for the 3081 community with 50 participants.
 - Ivanhoe Baptist Church / Livingstone Community Centre held an annual Christmas community luncheon for approximately 40 residents. In 2020 they prepared and distributed hampers to community members.
 - All Saints Anglican Church in Greensborough held an open Christmas Day BBQ lunch for several years up to 2017.
 - Exodus Community located in Heidelberg West hold an annual Christmas meal in December (not on Christmas Day) for their community members.
 - Diamond Creek Uniting Church (located in Nillumbik) have provided an open community Christmas meal for up to 190 people for 16 years. In 2020 they provided a take-away/delivered hot meal and hamper service.
 - Several essential services including Diamond Valley Community Support (DVCS), Banyule Support and Information Centre (BANSIC) and Big Group Hug have for many years provided Christmas food hampers and toy drives for vulnerable members of the Banyule Community.

IMPACT OF COVID-19

- COVID-19 has had a significant impact on the ability and capability of the community sector to continue to deliver Christmas Day events because of public health restrictions and availability of volunteers to support those initiatives.
- All these groups cancelled or reimagined their Christmas events in 2020 due to the pandemic. COVID restrictions have made effective planning difficult. After each lockdown, when restrictions are lifted and people can once again socialise, some of the more vulnerable members of the community are hesitant to re-join large scale events due to the COVID risk.
- The capacity of community groups to deliver additional events and support is compromised particularly in 2021 as COVID fatigue creeps in. Volunteers and staff who have continued to work relentlessly throughout the pandemic are suffering under the strain of responding to persistent community demand from a growing clientele base. Further, these groups are operating within changing COVID parameters.

KEY FINDINGS

- There appears to be adequate access to food hampers and Christmas focussed toy drives in Banyule pre COVID and under current conditions. Feedback is overwhelmingly about the need for increased social connectedness, enhancing a sense of belonging and inclusion.

CHRISTMAS DAY GATHERING FOR ISOLATED OR UNDERPRIVILEGED PEOPLE cont'd

- Council has an important role to facilitate and support any current and future community endeavours by key groups and churches to deliver a Christmas Day lunch for isolated or underprivileged people.
- There is COVID fatigue in the community sector and seeking support to undertake a project like this in 2021 appears to be a challenge under current COVID restrictions.
- Given recent Victorian Government announcements of the Roadmap to Recovery, it is unlikely that an indoor event will be achievable in 2021. The option of an outdoor gathering is more relevant.
- Council officers are in ongoing discussions with the appropriate community groups and churches to provide support should local conditions and availability of community resources change. Council support may include financial or in-kind resources as identified. Under such conditions, a short-term allocation will be made from existing budgets to ensure the delivery of gathering(s) in 2021.

FUTURE CONSIDERATIONS

- A stronger focused response to this issue may be achievable for 2022 onwards should Council wish to re-examine and progress this proposal further. It is anticipated that this deliverable will be substantially possible from 2022 when COVID vaccination rates are higher, lockdowns and the pandemic settle and some semblance of a COVID 'normal' resumes. Specifically, Council's future approach may be guided further by the following:
 - The opportunity for Council to acknowledge not only the traditional Christian celebration of Christmas, but also encourage the celebration of other significant cultural and religious dates in our community e.g. Diwali, Eid, Chinese New Year. It recognises that isolation and loneliness is felt by individuals and families particularly on dates of significance to them, not only at Christmas.
 - Further deliberation of how Council can more effectively contribute to building sustainable connections and a sense of belonging for people who are isolated and or experiencing disadvantage and acknowledges the magnitude and often complex needs they represent.
- This broader cultural and strategic approach to responding to people who are isolated and disadvantaged aligns with key Council plans, specifically the Council Plan, the Banyule 2041 Community Vision, Banyule Diversity Statement and the Banyule Inclusion, Access and Equity Framework.
- The various Banyule faith groups would be encouraged to provide active leadership and development of relevant community events of significance.
- There are several successful long standing 'community' driven Christmas events held across Melbourne which are organised by not for profits e.g. Mission Australia, Frankston Life Community Inc, Foothills Community Care Yarra Ranges, Salvation Army. Banyule could look at these models for future planning should a decision be made to investigate further for Christmas 2022. There is the opportunity for these models to expand into the Banyule area e.g. Mission Australia.

CHRISTMAS DAY GATHERING FOR ISOLATED OR UNDERPRIVILEGED PEOPLE cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

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

- The subject matter upholds and models the value of inclusion, access and equity for everyone.
- Within its broader context, the subject matter reflects the opportunity to promote inclusion in line with Council's Inclusion, Access and Equity Framework and the Banyule Diversity Statement.

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

Nil

3.2 BELLFIELD SOCIAL ENTERPRISE CAFE

Author: Cat Brown - Social Enterprise Officer, Community Programs

Ward: Olympia

Previous Items

Council on 24 February 2020 (Item 5.1 - Bellfield Community Hub Concept Plan)

SUMMARY

1. The Bellfield Community Hub (BCH) Café provides Council with an opportunity to expand its work in supporting social enterprise development in the municipality and continue the work it is undertaking to create local jobs for local people experiencing barriers to employment.
2. Council has undertaken an Expression of Interest (EoI) process for the lease of BCH café to identify a suitably qualified social enterprise operator.
3. Five EoI submissions were received and assessed by an assessment panel. For Change Co. were identified as the preferred social enterprise operator.
4. A five-year lease agreement and partnership is proposed for Council endorsement to support the creation of 126 local job outcomes for local people experiencing barriers to employment and an additional 6 new local employment opportunities over the five-year term.
5. Council's award-winning Social Enterprise Partnership Program will provide the proposed social enterprise operator with additional specialist capacity building support to increase community awareness of and commercial engagement with the new café and its impact.

RECOMMENDATION

That Council:

1. Notes an Expression of Interest process for the lease of Bellfield Community Hub (BCH) Café has been completed.
2. Notes the Assessment Panel selected For Change Co. as the preferred social enterprise operator.
3. Grants a five-year retail lease with For Change Co. to operate a social enterprise café at 'Ground Level, 230 Banksia Street, Bellfield', in line with the proposed lease schedule and terms.
4. Notes all unsuccessful Expression of Interest submitters will be formally advised that they have not been selected and thanked for their submission.
5. Authorise the Director Community Programs to execute the new retail lease.
6. Allocate a total of \$15,000 + GST to fund the cost of expected outgoings for the Bellfield Community Hub social enterprise café in years one and two.

BELLFIELD SOCIAL ENTERPRISE CAFE cont'd

COUNCIL PLAN

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

BACKGROUND

- Banyule City Council has a planned capital works project to develop the Bellfield Community Hub (BCH), for expected completion in February 2022. The BCH will bring together Banyule's services and provide a revitalised, environmentally sustainable building where community can gather. The site intends to be a thriving place of community connection and cohesion and an inclusive environment where all people feel welcome; and will house a range of services for babies, children, families and older adults, community rooms, a community garden, a café and an outdoor area.
- At the Council Meeting on 24 February 2020, Council resolved to commence exploration of leasing the BCH kiosk to a social enterprise operator for the purpose of operating a new social enterprise café that provides local training and employment opportunities for local residents experiencing barriers to employment.
- Postcode 3081 is made up of Heidelberg Heights, Bellfield and Heidelberg West, and is distinguished by its socio-economic profile of disadvantage. The community has higher unemployment rates and more low-income households than greater Banyule and Melbourne. In response, the proposed social enterprise café at BCH commits to leverage a place-based approach that creates targeted local job outcomes for residents of postcode 3081 who identify as unemployed and experiencing barriers to employment. Council also committed to facilitating partnerships with Launch Housing and the Waratah Development School.
- The BCH social enterprise café initiative activates Council's Social Enterprise Strategy & Action Plan 2020-2025; supporting the development of a thriving and innovative social enterprise sector, whilst driving employment participation and inclusive economic growth through social enterprise.

KEY ISSUES

Retail Lease

- Throughout May – July 2021, an Expression of Interest (EoI) process was undertaken to identify a suitably qualified operator for the proposed social enterprise café located within the Bellfield Community Hub (BCH).
- A cross-functional assessment panel was established to evaluate three criteria: capacity and capability; social, economic and environmental impact; and accredited management systems and procedures.
- Five (5) EoI submissions were received and assessed. Following scoring and interviews, the assessment panel unanimously identified For Change Co. (formerly Society Melbourne) as the preferred operator. The enterprise is a not-for-profit Social Traders' certified social enterprise who have proven success in providing job outcomes to young people experiencing disadvantage and facing barriers to work.
- Founded in 2015, For Change Co. run five hospitality venues across Melbourne – two cafes, two coffee carts and a food truck with profits being directly invested

BELLFIELD SOCIAL ENTERPRISE CAFE cont'd

into the impact model. The new café will support a strategic expansion of For Change Co.'s café operations, balancing increased sustainable revenue generation and expanding their impact to a new location.

- The BCH café lease provides Council with a further opportunity to expand its work in supporting social enterprise development in the municipality and continue the work it is undertaking to create local jobs for local people experiencing barriers to employment.
- It is proposed that Council lease the cafe for a period of five years, commencing from 1 February 2022 until 31 January 2027 (timeline subject to delays due to COVID). This arrangement will provide maximum long-term value to the community, lasting outcomes to local people experiencing barriers to employment and support the business sustainability of the preferred social enterprise operator.
- The creation of 126 local job outcomes for local people experiencing barriers to employment and an additional 6 new local employment opportunities is expected to be realised by For Change Co. over the proposed five-year term.
- Banyule City Council is seeking formal agreement to lease the Belfield Social Enterprise Café to For Change Co. with the proposed schedule:

Land:	Part of the land described in certificate of title Volume 11428 Folio 802
Premises:	Café, Ground Level, 230 Banksia Street, Bellfield being part of the Land and Building identified on the Plan
Commencement Date:	1 February 2022 (timeline subject to delays due to COVID).
Term:	5 years commencing on the 1 February 2022 and ending on the 31 January 2027 (timeline subject to delays due to COVID).
Rent:	Year 1 - \$1.00 plus GST Year 2 - \$1.00 plus GST Year 3 - \$7,500 plus GST Year 4 - \$7,500 plus GST Year 5 - \$15,000 plus GST payable in monthly instalments, equivalent to one-twelfth of the Rent (Gross Lease)
Outgoings	NIL
Permitted Use:	Café/Kiosk, which includes the operation and management of a premises involving the preparation, service and sale of food and beverages.
Tenant's Operating Hours:	7.00am to 3.00pm Monday to Friday (both inclusive) except for gazetted public holidays in the State of Victoria
Key Performance Indicators:	The Tenant must: <ul style="list-style-type: none"> • Work in alignment with the Equal Opportunities Act 2010 'designated roles' special measure to provide targeted opportunities for local people experiencing significant disadvantage and barriers to employment.

BELLFIELD SOCIAL ENTERPRISE CAFE cont'd

	<ul style="list-style-type: none">• Provide at least 6 paid employment opportunities at the premises in its first year of operations to local people, with a focus on people living in the Banyule suburbs of Heidelberg West, Heidelberg Heights and Bellfield.• Provide at least 18 employment opportunities at the premises via a targeted hospitality training program per calendar year for local people experiencing disadvantage and barriers to gaining employment, with a focus on people living in the Banyule suburbs of Heidelberg West, Heidelberg Heights and Bellfield.• Use best endeavours to provide at least 18 graduates of the hospitality training program per calendar year with further support to transition to paid employment or further education.• Partner with Waratah Special Development School to develop a modular work experience program.• Provide 10 work experience opportunities per calendar year to students or graduates of the Waratah Special Development School.
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The current market rental value of the BCH café for a commercial operator is \$30,000 plus GST per annum. However, the proposed lease fee structure considers the social value to be created by the social enterprise operator, and is informed by the following key principles:

- **Community benefit:**
Providing efficient use of Council facilities that support a range of community groups to provide benefit for the Banyule community.
- **Return to Council:**
Maximising return on investment for commercial and residential properties and providing a fair and reasonable rate for community and not for profit entities.
- **Good governance and accountability:**
Delivering an equitable, transparent and well documented process.
- **Sustainability:**
Promoting sustainable practices and encouraging lessees to take an active role in environmental initiatives.

Partnership Agreement

- Council's award-winning Social Enterprise Partnership Program supports social enterprises to access tangible growth opportunities through planned capital works and other Council-identified projects of shared value. The program provides coordinated financial and specialist capacity building support that is tailored and responsive to a social enterprise's unique needs, challenges and opportunities for business and impact growth whilst enabling innovative place-based responses to local issues in the Banyule community.

BELLFIELD SOCIAL ENTERPRISE CAFE cont'd

- Through this program, Council will provide the proposed social enterprise operator with additional support, particularly in the first 2 years of operating, to increase community awareness of and commercial engagement with the new café and its impact.

Proposed Social, Economic and Environmental Impact

- Supported by the proposed retail lease and partnership, For Change Co is expected to create 126 local job outcomes for local people experiencing barriers to employment and an additional 6 new local employment opportunities over a five-year term.
- The impact of the new café takes a place-based approach, leveraging For Change Co.'s existing partnership with Launch Housing and developing a new partnership with Waratah Special Development School.
- 100% of profits from trade will be directly invested back into For Change Co.'s impact model to support providing job outcomes for young people experiencing disadvantage and barriers to work.
- For Change Co. have a strong commitment to sustainability and will use its best endeavours to minimise the café's environmental impacts, utilising practices outlined in Council's Community Climate Action Plan such as waste minimisation and reducing emissions.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 115 of the *Local Government Act 2020* is not triggered given the rent for any period of the lease is less than \$100,000, the current market rental value of the land is less than \$100,000 and the term of the lease is less than 10 years.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes Aboriginal & Torres Strait Islander people, young people, people living with disability, LGBTIQ+ and those from culturally and linguistically diverse backgrounds.
- Furthermore, the proposed lease agreement enables equity of employment opportunity, leveraging the *Equal Opportunities Act 2010* 'designated roles' special measure.

Sustainable Procurement Outcomes

- Any items to be procured by Council in support of the partnership will be sought from social benefit and/or local suppliers, where possible. As per Council's Procurement Policy, no planned procurement activities are expected to exceed the \$30,000 procurement threshold, and thus require 2 written quotes.

BELLFIELD SOCIAL ENTERPRISE CAFE cont'd

Financial Implications

- The fit out of the Bellfield Social Enterprise Cafe will be delivered as part of Council's existing capital works program and approved Bellfield Community Hub budget.
- The proposed capacity building support will be delivered as part of Council's existing Social Enterprise Partnership Program operational budget.
- The implications of the lease terms present an opportunity cost (forgoing of potential future income) to Council, however will generate significant social value for community. Additionally, a budget of \$7,500 + GST in the 2022/2023 FY and 2023/2024 FY (\$15,000 + GST total) is required to cover the cost of estimated outgoings for the social enterprise café during the start-up phase. Beyond this period the rent cost is expected to cover outgoings.

Key Considerations

- The Bellfield Community Hub and Bellfield Social Enterprise Café is currently planned for launch in February 2022. However, COVID-19 restrictions on construction activities may delay the planned timeline – which may change the proposed lease agreement term.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.3 REIMAGINING OLYMPIC LEISURE CENTRE

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

SUMMARY

1. Council is committed to providing accessible, high quality and contemporary facilities that support our community to be active, engaged and healthy.
2. In 2020 an independent review of Olympic Leisure Centre (OLC) confirmed declining performance and identified some of the contributing factors through a comparative and industry situational analysis. It also highlighted some of the issues and constraints in terms of its future role as a facility to provides Aquatics in Banyule.
3. OLC is currently closed and has been since April 2020 due to emergency works needed to repair essential safety elements and leaking pools as well as Covid-19 restrictions.
4. Council has developed a Draft Aquatic Strategy to guide future direction and decision making around its aquatic facilities to ensure that future provision of facilities and services offered address current and future demands and needs of the Banyule community.
5. Council now has a unique opportunity to be proactive in its response to determine the future use, role and priorities for OLC.
6. The current state of the facility, community desire for other services and facilities, and the strategic direction outlined in the Draft Aquatic Strategy presents Council with an opportunity to re-imagine and upgrade OLC to be more in-line with community aspirations including what the community wants and needs today and into the future.
7. To do this successfully, Council is committed to genuinely involving and engaging with the community and key stakeholders by undertaking a co-design process that provides a clear and supported direction for the future of OLC.
8. This project involves three main components. These components are interconnected and happening simultaneously yet have separate outcomes.
 - Short term: Activation of Olympic Village Precinct
 - Short to medium term: Re-imagining OLC Co-design Process
 - Long term: Heidelberg West Key Partners Collaborative Working Group
9. Following the community engagement process, Council will receive a report that outlines the key findings and presents Council with a feasible, outcomes orientated plan for the reimagining of Olympic Leisure Centre.
10. Project principles, aligned with the Banyule Community Vision, will be used to guide the Reimagining project:
 - Sustainable & connected
 - For everyone
 - Flexible
 - Transformational
 - Predictive & proactive
 - Collaborative

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

RECOMMENDATION

That Council:

1. Note the Heidelberg West community has a long history of engagement and consultation on a range of issues and projects and the co-design approach for this project leverages off the existing data.
2. Endorse a community engagement plan that involves:
 - a. a co-design process to re-imagine Olympic Leisure Centre (OLC) with the community and key stakeholders;
 - b. call for Expressions of Interest from community to join the Reimagining OLC Co-design Team, to be convened by the ward Councillor with an invitation extended to all interested Councillors to attend;
 - c. the establishment of a Key Partners Collaborative Working Group to support the Olympic Leisure Centre project and to start exploring and planning longer-term possibilities for Heidelberg West;
 - d. the Key Partners Collaborative Working Group be convened and Co-Chaired by the ward Councillor and Mayor with an invitation to be extended to all interested Councillors; and
 - e. a series of activation activities for the Heidelberg West community commencing in January 2022
3. Endorse the Olympic Leisure Centre (OLC) Reimagining Project Principles:
 - a. Sustainable & connected
 - b. For everyone
 - c. Flexible
 - d. Transformational
 - e. Predictive & proactive
 - f. Collaborative
4. Approve bringing forward \$200,000 from the 2022-2023 capital works budget to the 2021-2022 budget to support the reimagining co-design process including engagement and activation activities in the Olympic Village Precinct, engagement of local community facilitators, and draft concept plans.
5. Receive a report in early 2022 following the community engagement process that outlines the key findings and presents Council with a feasible, outcomes orientated plan for the redevelopment of Olympic Leisure Centre.
6. Notes the Draft Aquatic Strategy currently does not include the Olympic Leisure Centre as part of the Aquatic Facilities for Banyule and will be finalised following conclusion of the Olympic Leisure Centre reimagining project.

COUNCIL PLAN

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

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

BACKGROUND

- Council is committed to providing accessible, high quality and contemporary facilities that support our community to be active, engaged and healthy.
- There are currently four aquatic and recreation facilities within the Banyule municipality.
- All facilities are owned by the Council, with different management arrangements are in place across the four sites:
 - Ivanhoe Aquatic Centre, operated by Council, is well utilised and reaching capacity and needs further redevelopment to meet the needs and expectations of the community.
 - WaterMarc is a regional facility operated by Belgravia on a contractual arrangement and is well utilised but has some capacity for further use.
 - The Watsonia Pool is a Council owned facility leased to a not for profit operator as a learn to swim facility.
 - Olympic Leisure Centre, operated by Council, is reaching the end of its useful life as an aquatics facility and has declining participation. The Centre is currently closed for emergency repairs.
- Council has developed a Draft Aquatic Strategy to guide future direction and decision making around its aquatic facilities to ensure that future provision of facilities and services offered address current and future demands and needs of the Banyule community.

KEY ISSUES

Olympic Leisure Centre

- The Olympic Leisure Centre (OLC) located at 15 Alamein Road, West Heidelberg has operated as a recreational facility for residents of Heidelberg and Heidelberg West areas for nearly 70 years. The Centre is managed by Banyule Leisure Facility Management (BLFM –Council's in-house management team).
- Council now has a unique opportunity to be proactive in its response to determine the future use, role and priorities for OLC.
- Council recognises the value that local community voices bring to development of projects in their neighbourhood; and is committed to a genuine process of working with community to build understanding, strengthen relationships and inform decisions.
- The Heidelberg West community has a long history of engagement and consultation on a range of issues and projects.
- Research and community feedback have indicated that the traditional leisure centre model is not really working, and the community wants to see other services, and programs incorporated into this area.
- Some ideas from the community have included spaces for library services, informal gathering and meeting spaces, co-working spaces and access to computers and Wi-Fi, youth spaces, women's only spaces as well as continuing activity-based programs like basketball, exercise classes, gym workouts, women's only classes and mum's and bubs classes.

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

- Council has heard this feedback over the past few years and more recently during the Shop 48 Review and Banyule Community Vision consultation.
- In 2020 an independent review of OLC confirmed declining performance and identified some of the contributing factors through a comparative and industry situational analysis. It also highlighted some of the issues and constraints in terms of its future role as a facility to provides Aquatics in Banyule.
- OLC is currently closed and has been since April 2020 due to emergency works needed to repair essential safety elements and leaking pools as well as Covid-19 restrictions.
- The Draft Aquatic Strategy (Attachment 1) recommends a hierarchy that does not include Olympic Leisure Centre as an aquatic facility. This is being recommended for a number of reasons including the centre operating well below industry standards, driven by:
 - low usage of the pools and low membership numbers;
 - poor quality and outdated facilities that are in desperate need of upgrade;
 - increasing operational costs;
 - competition from other nearby centres; and
 - a community preference for other spaces like a library, meeting rooms, co-working spaces, youth spaces etc.
- With the centre needing to be upgraded, the pools at the end of their life and the community wanting something different, Council has an opportunity to re-imagine and upgrade OLC to be more in line with what the community wants and needs today and into the future.
- To achieve this, Council is proposing to not replace the pools at OLC, and to work with the community and key stakeholders to deliver an upgraded facility that is driven, valued and well-utilised by the local community.
- Taking cues from what has worked in the past, the OLC facility will be reimagined for the needs of our Heidelberg West community today, and for long-term benefit.
- Council values the community and its diversity, and the proud history of advocating for what they need. This project will see the next chapter of OLC narrated through co-design with the community.

Community Engagement

- The current state of the facility, community desire for other services and facilities, and the strategic direction outlined in the Draft Aquatic Strategy presents Council with an opportunity to re-imagine and upgrade OLC to be more in-line with community aspirations including what the community wants and needs today and into the future.
- To do this successfully, Council is committed to genuinely involving and engaging with the community and key stakeholders by undertaking a co-design process that provides a clear and supported direction for the future of OLC.
- The proposal is to involve the Heidelberg West community in a co-design approach to discover what the future of OLC could look like and will test assumptions of need and value along the way.

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

- In line with social sustainable procurement principles, Council will train and employ local community facilitators to support the project.
- Council also plans to activate the Olympic Village Precinct in the summer school holidays (January) and possibly beyond, to support people to be active, engaged and connected while OLC is closed and while the re-imagining process is underway.
- A staged, multifaceted communications and engagement plan has been developed.

The key features are:

- A co-design process to re-imagine the Olympic Leisure Centre with the community and key stakeholders with the establishment of a community OLC Co-design Team, chaired by the Ward Councillor
- The establishment of a Key Partners Collaborative Working Group to support the Olympic Leisure Centre project and to start exploring and planning longer-term possibilities for Heidelberg West
- Activation activities for the Heidelberg West community commencing in January 2022 that support the reimagining process.

Re-imagine OLC Community Co-Design Team membership

- The Ward Councillor would have the official role of Convenor of the group. Banyule Community Health would be a member of the team, as a support and Key Partner of the project
- Recruitment for the team would happen throughout October and early November. Key Council staff, Banyule Community Health and community groups could assist in the recruitment process to ensure a diverse group of voices are included in the process.
- The team would be made up of up to 20 participants and selected to represent the different groups and communities in Heidelberg West. For example: the group should include members to represent:
 - People with diverse backgrounds
 - Indigenous community
 - Users or members of OLC
 - Young people 16-24 years (eg: young people who use the basketball courts)
 - Older people (60-84 years)
 - Parents or carers with dependents
 - Older workers/ retirees
 - Local business owners
 - LGBTIQ+ community
 - People with a disability

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

- Co-design sessions will be planned from November – January.
- Each session would be attended by an architect/s and communications/ advocacy staff with feedback gained in the sessions to inform draft concept designs to be developed in February, as well as advocacy materials to be presented to the Key Partners Collaborative Working Group.

Key Partners Collaborative Working Group

- Council has strong, willing organisational partners in the Heidelberg West community and has forged enduring trust-based relationships. We will collaborate with our partners to unlock long-term community value.
- In addition to the OLC project, Council is also in the process of exploring and planning longer term possibilities for Heidelberg West. To map out, plan and realise these longer-term possibilities, Council is looking to establish a collaborative working group with key partners, local service providers and agencies.
- The **Key Partners Collaborative Working Group** is proposed to be convened by the Ward Councillor and the Mayor.
- The goal of the working group is to respond to community feedback and input and work collaboratively to make things happen and capitalise on opportunities within the precinct and beyond.
- The Re-imagining OLC would be the first project this collective group would collaborate on.
- **Attachment 2 *Re-Imagining Olympic Leisure Centre Engagement and Communications Plan Summary*** provides a detailed overview of the key engagement activities.

Reimagining Olympic Leisure Centre Project Principles

- The following principles are aligned with the Banyule Community Vision and will be used to guide the Reimagining project.
 - a. **Sustainable & connected** - in harmony with the natural environment, interfaces with the public realm, supports economic and social prosperity, and is delivered in a financially responsible way.
 - b. **For everyone** - upholds the rights of everyone, creates opportunities to participate, improves access experiences for all and promotes equity.
 - c. **Flexible** - adaptable to meet changing needs; supports intergenerational use; used for multiple purposes; unlocks opportunity for use; promotes innovative uses over time.
 - d. **Transformational** – designed to build community wealth, celebrate culture and history, support people to discover their potential.
 - e. **Predictive & proactive** - proactively responds to the diversity of communities & emerging community need; strives to uplift health, wellbeing & liveability over the long term; achieves ongoing safety and quality standards; integrates new technology to improve useability.

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

- f. **Collaborative** – we will pursue initiatives that aspire to achieve significant, community-wide progress on complex, systemic issues by enlisting and engaging key partners to work together toward a shared vision.

Draft Aquatic Strategy

- The Draft Aquatic Strategy proposes the following recommendations and will be finalised and adopted post a co-designed and reimagined OLC.

Recommendation 1:

- The Strategy recommends the following aquatics facility hierarchy for Banyule:

Banyule Facility	Service Hierarchy
Watsonia Pool	Local Facility
Ivanhoe Aquatic Centre	Major/Municipal
WaterMarc	Regional
Olympic Leisure Centre	Not part of aquatic hierarchy. OLC to be reimagined in line with identified community need

Recommendation 2:

- A detailed feasibility and planning study for the Olympic Leisure Centre be undertaken in consultation with the local community to determine the future role, use and priorities for the Centre.

Recommendation 3:

- Council reviews Stage Two of the Ivanhoe Aquatic Centre redevelopment to prioritise the following components:
 - Program water for learn to swim and warm water therapy and rehabilitation activities.
 - Interactive leisure water/aqua play equipment.
 - Spa and sauna.
 - Extension of health and wellness areas.

Recommendation 4:

- Council work in collaboration with Belgravia Leisure to identify opportunities to increase usage and participation at the WaterMarc facility.

Recommendation 5:

- Council undertakes a review of the fees and charges for the use of all aquatic and leisure centres to ensure they encourage participation.

Recommendation 6:

- Council continues to develop and implement a 10-year asset management plan including universal design considerations for all aquatic centres.

REIMAGINING OLYMPIC LEISURE CENTRE cont'd

Recommendation 7:

- Council continues to identify opportunities to include environmentally sustainable design initiatives in the development of facilities in recognition that our aquatic and leisure centres are a key focus to support Council in achieving its organisational carbon neutrality by 2028.

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 promotes and advocates for the rights of the individual and the community from all backgrounds and abilities by the provision of information and an accessible, transparent co-design community engagement approach.

Sustainable Procurement Outcomes

- This project proposes a positive outcome through the employment of local community facilitators during the community engagement period.
- This will provide mutual benefit by tapping into local talent for the project outcomes as well as providing valuable skills training in facilitation and engagement.

Financial Implications

- This project will provide Council and community with a clear direction on options and considerations for the future of Olympic Leisure Centre.
- The report recommends Council bring forward an allocation of \$200,000 from 2022-2023 budget to the 2021-2022 budget to support the stakeholder engagement, co-design process and planning.
- The funds will be used for the co-design process including:
 - Training and employment of local community facilitators
 - Activation activities in the Olympic Village Precinct in January 2022
 - Establishment of the OLC co-design team and Key Partners Collaborative Working Group
 - Architectural design services for draft concept plans
- Once the outcome of the co-design process is finalised, in planning for future long-term budgets, Council would look to potentially commit \$10 million to the project.

REIMAGINING OLYMPIC LEISURE CENTRE 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	DRAFT Banyule Aquatic Strategy	
2	Reimagining Olympic Leisure Centre Community Engagement Summary	

5.1 GREENSBOROUGH NORTH EAST GATEWAY INTEGRATED STRATEGIC PLAN

Author: Klover Apostola - Principal Strategic Planner, City Development

SUMMARY

1. A Greensborough North East Gateway Integrated Strategic Plan (ISP) is under preparation which considered land use and public realm planning for Greensborough in the area generally between Para Road, Main Street, Grimshaw Street and Flintoff Street (referred to as East Main Street Precinct) and Poulter Reserve.
2. A background review that includes a draft vision and key principles has been completed to support the ISP. It is proposed that this background review will form the basis for consultation with key stakeholders in relation to future preferred outcomes for the Greensborough study area.
3. Confirmation of the new train station location by the Level Crossing Removal Authority now provides certainty to address whole-of-centre planning, accessibility, connectivity and legibility. However, there is concern that the State Government's planning misses the opportunity to address:
 - Whole-of-centre planning, accessibility, connectivity and legibility.
 - An integrated public transport interchange at the train station and a directly accessible shared-user trail into the heart of the activity centre which further segregates the Plenty River trail.
4. It is considered that Council should write to key Ministers and Government Departments seeking the appointment of either the Victorian Planning Authority or Development Victoria to help oversee integrated precinct planning on behalf of the State to ensure that this once in a generation opportunity achieves the best possible outcome for the community.

RECOMMENDATION

That Council:

1. Note and support the background work *Greensborough North-East Gateway Integrated Strategic Plan - Background Review* (June 2021) at Attachment 1, including the working draft vision and principles for the purpose of commencing consultation with key stakeholders about future public realm outcomes.
2. Write to the State Government and key Ministers to:
 - a) Request the appointment of an agency capable of overseeing whole-of-centre integrated land use and transport planning in partnership with Council
 - b) Secure further State Government investment into the centre, including commitment to an appropriate transport interchange as part of any activated mixed-use development and delivery of a shared Plenty River trail connection directly accessible from the heart of the activity centre.

GREENSBOROUGH NE GATEWAY INTEGRATED STRATEGIC PLAN cont'd

COUNCIL PLAN

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

BACKGROUND

Previous work

- [The Greensborough Principal Activity Centre Plan 'The Greenbook'](#), prepared in 2007, set the vision for the future of the Greensborough Major Activity Centre (GMAC) and was the basis for the current controls in the Banyule Planning Scheme for Greensborough ([Schedule 1 to the Activity Centre Zone \(ACZ1\)](#)). Council has since made significant investment in the centre through the construction of Watermarc, Council offices, and the Greensborough Walk, but many of the outcomes that were anticipated by the Greenbook have not been realised due to the lack of private investment or certainty around the public transport outcomes.
- Council has since done further work on the centre to consider what improvements can be made in the centre and how Council can help facilitate them. This includes the:
 - Greensborough Activity Centre - Urban and Landscape Design Guidelines for Precincts 2, 5 and 6 (2015), which led to updated guidance in the ACZ1 for development in the area east of Flintoff Street, the Henry Street carpark and the residential area to the south.
 - Greensborough Activity Centre Transport Master Plan (2017), which considered how to enhance transport and accessibility options in Greensborough.
 - Greensborough Parking Plan (2019) to guide parking management in the centre, which led to a number of changes including new car parking requirements.

Current work

- The State Government's delivery of a new train station at Greensborough, as part of the Hurstbridge Line Upgrades Stage 2 (HB2), is a significant opportunity for GMAC and has prompted Council to build upon existing work and consider a number of interrelated projects. The timing of the HB2 works has meant that a targeted approach is required by Council to refresh previous planning and consider the areas closest to the train station, rather than a broader review of the plan for the entire centre.
- The Greensborough North East Gateway Integrated Strategic Plan (ISP) Background Review, July 2021 (Stage 1) has been prepared. The ISP Background Review is provided in **Attachment 1** and includes consideration of:
 - Public realm and open space improvements.
 - The Greensborough Station design and improving connections and accessibility between the train station, other transport connections, parks and reserves and the Plenty River Trail.
 - The potential for Council's land assets in GMAC to help catalyse urban renewal.

GREENSBOROUGH NE GATEWAY INTEGRATED STRATEGIC PLAN cont'd

- The strategies and planning controls to support the above, including a review of Council's vision for the area.
- The ISP focuses on the northern part of the GMAC, which is centred around the train station (see Figure 1 below)

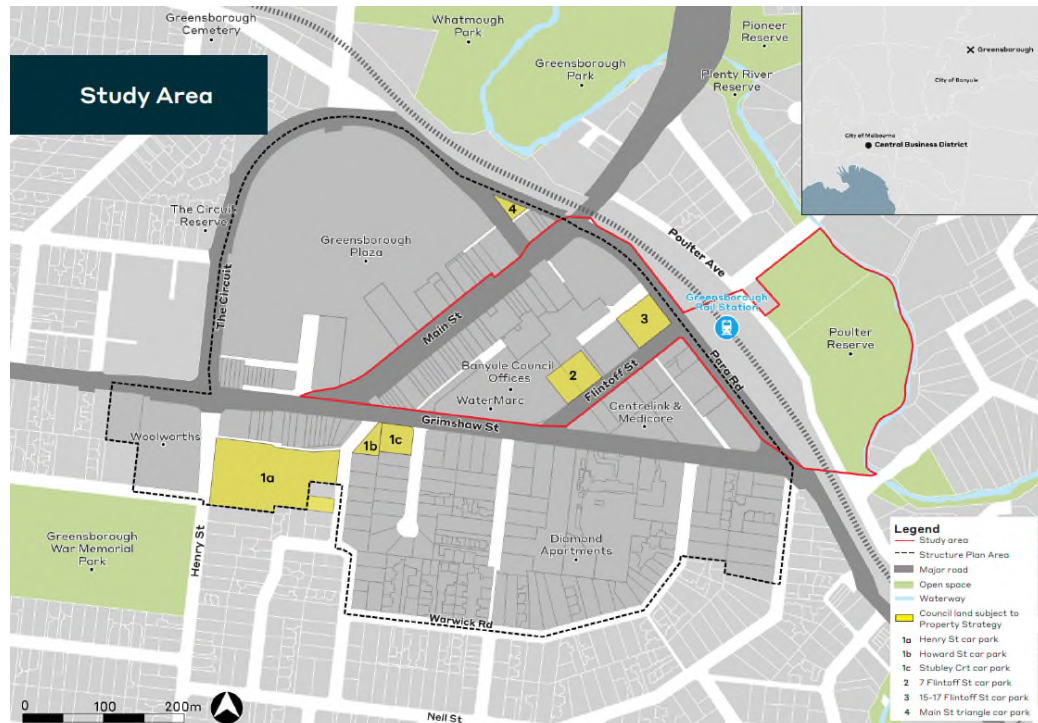


Figure 1: Study Area of the ISP outlined in red. Council land in yellow outside the study area is considered in the property strategy component of the ISP.

- The ISP Background Review includes a draft Vision and Principles, (**Attachment 2**). The vision aims to guide the integrated strategies and actions for the study area and is based on principles and objectives associated with:
 - Place & Identity
 - Connection & Integration
 - Accessibility
 - Character and Design
 - Adaptability
- The ISP Background Review has identified that the challenges facing the study area include the:
 - Limited private investment in GMAC, despite policy support for growth.
 - Poor public realm, character, gateway (or entry) presentation, connectivity and wayfinding in the car-based centre.
 - Dominance of car parking that is not well connected to the centre's key features.
 - Relatively low resident population to support economic growth.
 - Design of the new Greensborough Station, which has missed opportunities to improve access and connections with its surrounds.

GREENSBOROUGH NE GATEWAY INTEGRATED STRATEGIC PLAN cont'd

- Lack of State Government commitment to the delivery of a future bus interchange in any location in GMAC.
- The property market assessment within the background review identifies that the lack of private investment in the centre is due to a number of factors including:
 - Absence of a major attractor to the centre (such as a hospital, university or major shopping centre). Council's other major activity centres (Ivanhoe and Heidelberg) are also closer to the CBD and have valued character and heritage attributes.
 - High density residential development is not occurring in the centre. Very few permits issued for development have been acted upon. This is impacted by the current market uncertainty and the effects of the pandemic as well as the fact that local market conditions are not quite ready to support significant higher density housing from a construction/sale price point perspective versus detached dwellings.
 - Properties in the study area are relatively small and have many different owners, which along with the steep slopes, make sites difficult to develop and integrate.
- There are also risks associated with any sale of Council land, which could include delayed outcomes, or development that does not achieve the vision for the centre. It highlights the need to consider net-community benefit also for Council.
- The Background Review has also identified a number of opportunities for Council to consider including:
 - Investigating opportunities for a bus interchange near the station (not on State land) – albeit careful consideration has to ensure that any outcome doesn't further alienate pedestrians and cyclists and create further barriers (perceived or actual) between the train station and Main Street.
 - Identifying options for investment and renewal opportunities on Council owned land, including the creation of a gateway at the station interface, in line with the working draft vision for the study area which is provided in **Attachment 2**.
 - Potential public realm improvements, which range from the simple provision of greenery and consistent streetscape treatments, to providing a series of civic spaces along key connections.

KEY ISSUES

- The provision of a new train station is a significant State Government investment that could have addressed a number of connectivity and access issues in the centre and help catalyse renewal. However, it is understood that it will not provide a better located station with improved access or incorporate a much anticipated integrated bus interchange.
- The certainty that a new station will be delivered means that Council should advocate for and take a whole-of-centre approach in response to this new infrastructure and recognised challenges across the study area through:
 - Advocating for further State Government investment into the centre, notably a bus interchange and shared trail. A range of possible options can be considered here but with a focus on creating a more pedestrian oriented, connected and accessible centre as a priority. Careful

GREENSBOROUGH NE GATEWAY INTEGRATED STRATEGIC PLAN cont'd

consideration to any transport interchange needs to make a contribution to 'place' and ensure it doesn't dominate the location by creating further pedestrian barriers.

- Recognition that land within proximity to the station needs to fulfil a gateway role with seamless connections and an attractive and inviting public realm and must avoid any standalone piece of transport infrastructure that would be an opportunity cost to the community i.e. activated, legible mixed-use outcomes that support jobs, housing and activity should be prioritised.
- Encouraging uses that will activate and attract further investment in the centre, including further health and well-being uses that build on both existing and emerging strengths of the centre.
- Public realm concept planning for the study area, in consultation with key stakeholders (including traders and landowners) to help improve the amenity of the area and catalyse investment. This would identify options for investment and renewal opportunities on Council owned land and the broader study area and help inform future programming. Potential improvements range from the simple provision of greenery and consistent streetscape treatments, to providing a series of civic spaces along key connections.
- Recognition there is already a surplus of parking in Greensborough and that any further commuter parking should be provided for at an improved Watsonia Train Station which is a regionally more accessible transit hub of the future, inclusive of access from the State arterial road network, unlike Greensborough.

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

- There are no immediate financial implication arising from the recommendation contained in this report. Future public realm planning, if changes are to be delivered, would require future commitment in any budget.

GREENSBOROUGH NE GATEWAY INTEGRATED STRATEGIC PLAN cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Background Review	
2	Draft Vision and Principles	

5.2 BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 - 680 THE BOULEVARD, IVANHOE EAST

Author: Anthony Calthorpe - City Futures Coordinator, City Development

Previous Items

Council on 01 Mar 2021 7.00pm (Item 5.4 - Planning Scheme Amendment C107 - Treetops Adventure Park in Yarra Flats - Exhibition Outcome)

SUMMARY

1. The purpose of this report is to:
 - a. Advise Council of the findings and recommendations of the Planning Panel that considered submissions to Planning Scheme Amendment C107.
 - b. Establish Council's formal position in response to the Panel Report to provide clarity and certainty for all parties to move forward.
 - c. Seek Council's support for the amendment, subject to satisfactory resolution of cultural heritage management plan progression.
2. Between 29 October to 10 December 2020, Council exhibited the proponent-led planning scheme amendment C107 (C107) which is for the purpose of a tree-based adventure facility. 217 submissions were received (including late submissions). At its Ordinary Council Meeting of 1 March 2021, Council resolved to refer all submissions to an independent planning panel.
3. The Planning Panel was held between 5 July – 9 July 2021. The Panel's report was received by Council 19 August 2021 and released publicly on 2 September August 2021 (copy at **Attachment 1**).
4. The Planning Panel was a robust, fair and transparent process, enabling all submitters and parties to the amendment the opportunity to put forward submissions and evidence (including cross-examination) during an extensive five-day hearing.
5. In summary, the Planning Panel found that Council has followed a sound process and recommends that the amendment be adopted, noting the following key findings:
 - *The Panel concludes that the proposed use and development is an appropriate one on public land and is broadly consistent with its reservation status and location within the PCRZ.*
 - *The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and is strategically justified subject to addressing a range of potential impacts including on cultural heritage and ecology.*
6. As per bullet point 2 above, the Panel found two 'threshold' issues that it considered needed a resolution before Council should adopt the amendment, being:
 - *the current lack of partnership with the Traditional Owners and consideration of potential cultural heritage impacts*

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST cont'd

- *the provision of offsets consistent with Clause 52.17 of the Planning Scheme.*

7. In summarising, the Panel notes that:

Provided these matters are resolved, the Panel considers the Amendment to be appropriate, having regard to the Yarra River protection principles, the YRP Act and the draft YSP. The application of the SCO is an appropriate approach and ensures that the underlying zoning and public land status of the land remains.

8. Of the two key 'threshold' matters identified by the Panel, the provision of offsets is considered a relatively straightforward matter that the public land manager, Parks Victoria can resolve. On the other, cultural heritage will require time to progress, recognising the significant time and financial burdens placed on the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation (the Corporation) to engage in such planning matters.
9. Council is not the public land manager nor the sponsor for the proposal and, as such, should expect Parks Victoria to lead the necessary discussions about cultural heritage sensitivity on State land with the Corporation. The proponent and Council can support this process.
10. The other Panel recommendations can all be readily accommodated into the final amendment documentation to manage the proposed use and development.
11. Council should take full confidence in the extensive process that has been followed and in the findings of the Planning Panel. For this reason, it is recommended that the amendment is supported subject to the adoption of the Panel recommendations in full.
12. The proposed use and development will add significantly to outdoor recreation opportunities in Banyule and enhance opportunities for health and wellbeing, local jobs and tourism and bring added vibrancy, safety and surveillance to this part of Yarra Flats.

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST cont'd

RECOMMENDATION

That:

1. Council note and accept in full the findings and Recommendations 1 to 5 of the Planning Panel in respect of Amendment C107 contained in the '*Banyule Planning Scheme Amendment C107 Bany Treetop Adventure Park, Yarra Flats Park, Ivanhoe East*' Panel Report (19 August 2021) at Attachment 1 and all pursuant to Section 27 of the Planning and Environment Act 1987.
2. Council adopt Amendment C107 to the Banyule Planning Scheme pursuant to Section 29(1) of the Planning and Environment Act 1987 but subject to the following conditions:
 - a. Pursuant to Recommendation 1 of the Planning Panel Report (referenced in Recommendation 1), final adoption be delegated to Council's Chief Executive Officer (CEO) and shall only occur when sufficient progress has been agreed in writing between the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation, Parks Victoria and the Proponent (Ecoline) to demonstrate that an appropriate outcome can be progressed for the site through a cultural heritage management plan process (CHMP); and
 - b. In conjunction with the proponent, amend all relevant Amendment C107 documents (as appropriate) pursuant to recommendations 2 to 5 of the Planning Panel Report at Attachment 1.
3. Once adopted under Recommendation 2, the Amendment be submitted for approval to the Minister for Planning pursuant to Section 31(1) of the Planning and Environment Act 1987.

COUNCIL PLAN

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

BACKGROUND

- Council's 1 March 2021 Report provides significant background about Amendment C107 up to and including the decision to refer all submissions to an independent planning panel.
- Recommendation 4 of the Council resolution of the 1 March 2021 ensured that Council would explore the following key matters at the Panel:
 4. *Explores further key issues in relation to the Amendment through the Planning Panel particularly in relation to:*
 - a) *The aboricultural assessment undertaken including the age and type of vegetation, vegetation to be removed and tree safety.*
 - b) *The opportunity to limit the footprint of the ropes course and minimise the extent of any vegetation removal through the final approval so that the proponent does not have the ability to remove up to 50% of vegetation.*

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST cont'd

- c) Ensuring that replacement planting and new landscaping is undertaken with indigenous vegetation which is suitable for the local environment.*
 - d) Reviewing the aboriginal heritage issues and important cultural heritage considerations.*
- Further extensive and detailed background is contained in Council's combined Part A and Part B submission that was submitted to the independent Planning Panel. This included a detailed summary of all of the key State Government plans, policies and strategies that are relevant to Parks Victoria's proposal for using State Government land for a leisure and recreational facility. Council's submission and all other relevant information from the Planning Panel is contained on Shaping Banyule.
- The Planning Panel Report (19 August 2021) and included at **Attachment 1** (to this report) provides an extensive assessment of the amendment and all of the key issues raised by submissions and evidence presented during the Panel.
- The Planning Panel ran for five (5) days from the 5 - 9 July 2021. It was held online due to COVID19 restrictions. A total of 193 documents were tabled during the hearing and considered by the Panel as relevant to Amendment C107.
- In support of the amendment the Panel found that:
 - the amendment is strategically justified, and the proposed use and development is an appropriate one on public land
 - the use is likely to meet objectives that relate to the activation of parks, encourage all ability activities, exercise and social connection and meet the needs of a wider range of users.
 - the potential impacts on trees, fauna and habitat to be minor in nature
 - the identified trees are suitable for the proposed use
 - the proposal will have negligible impact on traffic activity or the availability of carparking
 - the proposal will not result in a significant negative impact on the amenity of the park and adjoining areas for its users and local residents
 - the Incorporated Document (when amended) provides appropriate mechanisms to respond to safety issues, flooding and signage
 - Council and Parks Victoria have appropriately discharged their responsibilities as planning authority and public land manager
- Pursuant to the 1 March 2021 Council Resolution, all the key matters identified in recommendation 4 have been addressed in some considerable detail by the Panel Report.

KEY ISSUES

- The Independent Planning Panel Report provides clear, reasoned and justified support for the amendment, subject to the five (5) recommendations contained within it. Council can be assured that a robust and transparent process has been followed that enabled all parties to have their submissions heard fairly and equitably. The Panel Report provides a clear basis on which to progress the amendment.

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST cont'd

- The hearing process enables evidence to be presented and heard on key technical matters. Evidence is given significant weight by the Panel, particularly where it is found to withstand cross-examination. The Panel Report findings, therefore, should be afforded significant weight by Council when considering its next steps.
- The key outstanding issue is that of cultural heritage sensitivity. The Panel has recommended that progress should be made to bring all relevant parties together to consider how to best progress a Cultural Heritage Management Plan (CHMP) prior to Council adopting the amendment.
- The broader cultural heritage sensitivities throughout the Yarra Valley Parklands, which have been identified through the emerging Yarra River Strategic Plan and the Bulleen Land Use Framework Plan are acknowledged. Council considers that Parks Victoria is the public land manager and holds a broader responsibility throughout this precinct beyond any issues associated to just the subject site. For these reasons, it is considered that Parks Victoria is best placed to lead continued discussions with the Corporation and the Department of Environment, Land, Water and Planning (DELWP) around a voluntary Cultural Heritage Management Plan. Council can support this process.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council is now required to receive and consider the Panel Report and take the next steps in the planning scheme amendment process pursuant Sections 27 and 29 of the Planning and Environment Act 1987 (as amended).
- There are no other 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.
- All parties have had the opportunity to make submissions and be party to the independent planning panel process to have their views heard and considered.

Sustainable Procurement Outcomes

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

Financial Implications

- There are no immediate financial implications arising to Council from the recommendation contained in this report.
- It must be noted that the cost of the planning panel was covered by the proponent. This included fees under the *Planning and Environment (Fees) Regulation 2016* of \$40,386 to Council for considering submissions and meeting the requirements of Panel, which were used to cover the costs of representation.
- It should be noted that the proponent, Ecoline, has invested considerable expense into the planning scheme amendment process over a number of years and, if the amendment is successful, it would result in further capital investment

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST cont'd

into leisure and recreation facilities in Banyule along with creation of additional local jobs and tourism benefits to the local community.

Community Engagement

- Community consultation has occurred since the development of the Yarra Valley Parklands Management Plan (Parks Victoria 2008), the Yarra Flats Concept Plan (2009) through to the 2020 exhibition of Amendment C107. Consultation relating to Amendment C107 was outlined in the Council Report of 1 March 2021.
- Although not strictly community engagement, it should be noted that all parties who made a submission during Amendment C107's exhibition phases were invited to participate in the independent planning panel hearing process. For the record, of 217 submitters, only 11 appeared at the Panel (not including Council, the Proponent and Parks Victoria).

Key Considerations

- The Planning Panel Report, much like Council's own assessment of submissions received, considered four main technical areas in some detail, being:
 - Strategic justification
 - Cultural heritage
 - Ecological values
 - Traffic and parking
- Further, matters of signage, amenity, flooding, drainage and safety were also considered as 'secondary issues'. The Panel identified cultural heritage and ecological off-sets as the determinative matters.
- With changes to the proposed amendment documentation, notably to the Incorporated Document that would control the future use and development of land (much like a planning permit), all technical impacts of the proposal are capable of being managed through the imposed conditions.
- It was generally acknowledged and accepted by parties at the Panel that the Victorian planning system does not work on a basis of 'no impact'. All planning scheme zones and overlays anticipate change. The opportunity to manage and mitigate that change arises through the need for planning permits, or in this case, a planning scheme amendment. The Panel has found that in key areas, the Incorporated Document along with the Special Controls Overlay is an appropriate method for ensuring that the use and development will minimise its impact on the location, while enabling the use of the land in a way that was anticipated by purpose for which the Crown Land was originally reserved (public park and recreation, conservation, recreation, leisure and tourism).
- Progress on a cultural heritage management plan, which sits outside of the planning system, could technically occur post adoption and even approval of any planning scheme amendment. In this instance, it is considered appropriate that early progress between key parties is advanced on matters of cultural heritage. It should be noted that the proponent offered to undertake a voluntary cultural heritage management plan (CHMP) at the Planning Panel as part of its commitment to this proposal. A CHMP is progressed under the Aboriginal Cultural Heritage Act 2006 and follows the requirements of the Aboriginal Heritage Regulations 2018.

BANYULE PLANNING SCHEME AMENDMENT C107 (TREETOP CLIMBING FACILITY) AT 340 -680 THE BOULEVARD, IVANHOE EAST 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	Banyule Planning Scheme Amendment C107 Planning Panel Report, 19 August 2021	

5.3 7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND

Author: Amanda Allen - Property Coordinator, City Development

Ward: Griffin

SUMMARY

1. At its meeting of 20 September 2021, Council received and considered twelve written submissions including eight verbal submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of part of the Council land at 7-11 Cartmell Street, Heidelberg ('Cartmell Street car park'). A number of late submissions were also received.
2. All twelve submissions received were against the proposal. The major issues of the submitters were:
 - Overshadowing of the area and adjacent properties
 - Increased pressure on infrastructure with adverse implications
 - Loss of car parking spaces
 - Opposition to high density development
 - Car park was financed by traders, Council has no right
 - Lack of transparency
 - Inappropriate deal for Council to make
 - No consideration for adjacent property owners
 - Poor timing with COVID
3. The proposal involves the sale of approximately 3313m² of the Cartmell Street car park site located at 7-11 Cartmell Street, Heidelberg to a private developer to facilitate a private mixed-use development and associated car parking. In addition, the developer would be expected to construct and deliver a new public car park to agreed specifications on land to be retained by Council at an agreed construction cost. It is the air rights above this land is proposed to be sold.
4. Council gave notice of its intention to sell under Section 114 of the *Local Government Act 2020 (Act)* to sell part of Council land by private treaty and can now make a decision whether or not to sell the Council Land.

7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND cont'd

RECOMMENDATION

That Council:

1. Having complied with sections 55 and 114 of the *Local Government Act 2020*:
 - a. by giving public notice on Council's website and onsite;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 20 September 2021; and
 - c. by recording that twelve written submissions were received, including eight verbal submissions

is of the opinion that the 3313m² parcel of land being part of the Cartmell Street car park site at 7-11 Cartmell Street, Heidelberg described as Lot 1 on TP629723, contained in certificate of title volume 4300 folio 949, Lot 2 on TP 696642 contained in certificate of title volume 4088 folio 586, Lot 2 on TP 692735 contained in certificate of title volume 4642 folio 284, Lot 1 on TP 158982 contained in certificate of title volume 9381 folio 785, Lot 1 on TP 696642 contained in certificate of title volume 4088 folio 586, Lot 1 on TP 692735 contained in certificate of title volume 4642 folio 284, Lot 1 on TP 433160 contained in certificate of title volume 8777 folio 290 and Lot 2 on TP 413329 contained in certificate of title volume 8758 folio 166, known as 7-11 Cartmell Street, Heidelberg (**Council Land**) is not required or not suitable for any current, or reasonably anticipated, Council projects and resolves to sell the land to a private developer for no less than market value plus GST for the following reasons:

- d. The sale of the Council Land to a private developer will facilitate the development of the site which was identified as a strategic redevelopment site for mixed-use in the Structure Plan for the Heidelberg Precinct.
 - e. In return, the developer will construct a public car park which will be returned to Council ownership. The car park construction cost will be offset against the land purchase price.
2. Authorise the Chief Executive Officer to negotiate and sign the transaction documents for the sale of the Council Land for the intended purpose at the appropriate time.
3. Advise submitters of Council's resolution and reasons for its decision in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act').

COUNCIL PLAN

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

7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND cont'd

BACKGROUND

- Council owns the land described as Lot 1 on TP629723, contained in certificate of title volume 4300 folio 949, Lot 2 on TP 696642 contained in certificate of title volume 4088 folio 586, Lot 2 on TP 692735 contained in certificate of title volume 4642 folio 284, Lot 1 on TP 158982 contained in certificate of title volume 9381 folio 785, Lot 1 on TP 696642 contained in certificate of title volume 4088 folio 586, Lot 1 on TP 692735 contained in certificate of title volume 4642 folio 284, Lot 1 on TP 433160 contained in certificate of title volume 8777 folio 290 and Lot 2 on TP 413329 contained in certificate of title volume 8758 folio 166, known as 7-11 Cartmell Street, Heidelberg (**Council Land**) on which is the Cartmell Street car park.
- The Council Land comprises an area of approximately 3313m², see **Figure 1**. Council proposes to sell the land (in essence, the air rights above) to facilitate a private mixed-use development and associated car parking. In return the developer will construct a public car park which will be returned to Council ownership.

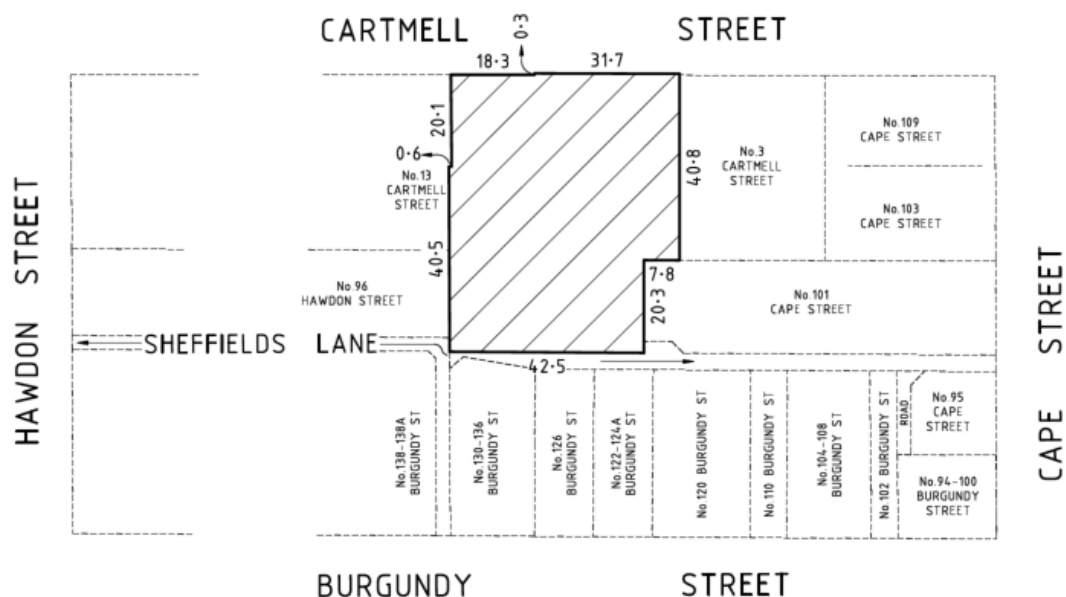


Figure 1: Council Land proposed for sale

KEY ISSUES

- At its meeting on 20 September 2021, Council received and considered twelve written submissions including eight verbal submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of part of Council land at 7-11 Cartmell Street, Heidelberg ('Cartmell Street car park'). A number of late submissions were also received.
- Of the twelve submissions, all objected to the proposal.
- Issues and concerns raised in the submission are listed and discussed below.

7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND cont'd

Overshadowing of the area and adjacent properties/ no consideration for adjacent property owners

Any future design of the building is to be assessed and evaluated as part of the Request for Proposal (RfP) stage to ensure the built form is considerate to its surroundings. Should the proposal progress, the development would also require planning approval, whereby it will be assessed in accordance with the Banyule Planning Scheme.

Loss of car parking spaces/car park was financed by traders, Council has no right

As the site is heavily used by local shoppers and traders in Burgundy Street, Council has committed to increase in the number of public car parking spaces available from 94 to approximately 180-200.

Increased pressure on infrastructure with adverse implications

Traffic and parking implications will be addressed as part of the future planning approval considerations for the site. It is further noted, that the sale of the land in itself does not directly impact on car parking arrangements.

Opposition to high density development

The Structure Plan for the Heidelberg Precinct (2010) sets out directions for the preferred locations for higher density housing, retail and commercial uses. The Heidelberg Activity Centre is identified for higher density within the Burgundy Street valley.

Additionally, any proposal is subject to a planning approval process which will consider important design elements including the streetscape interface to ensure that it is appropriate and provides a positive contribution to the character of the area.

Lack of transparency

The process undertaken by Council is sound and appropriate, as per obligations under the *Local Government Act 2020*. This notice of intention to sell the land (subject of this report) included two signs placed onsite, notice on Council website and mail notification to adjacent owners and occupiers.

Inappropriate deal for Council to make

Council is both the landowner and is also the Responsible Authority for consideration of planning approvals. Council must carefully exercise its discretion and powers independently and transparently when fulfilling each role. This has occurred on a number of strategic property projects and been tested at various forums including at Planning Panel Hearings and the Victorian Civil and Administrative Tribunal. All independent bodies have accepted that Council can perform both roles.

Poor timing with COVID

7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND cont'd

It is acknowledged that COVID restrictions have implications on how consultation is carried out. The process undertaken has met all statutory obligations which are required to keep the proposed project on schedule.

- Having considered the issues and concerns raised by submitters, the proposal's net benefits warrant proceeding. Future processes will ensure an appropriate outcome in accordance with long held strategic objectives for this site.
- By partnering with a private developer, Council will be able to deliver an increased number of car parking spaces to meet current and future community needs, at significantly less cost to Council sooner than if Council were to pursue a stand-alone development project.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has undertaken the necessary statutory procedures in accordance with sections 55 and 114 of the *Local Government Act 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

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

Financial Implications

- The sale of the Council land and negotiated project outcome is considered financially advantageous to Council.
- Future budget allocations will be required to ensure that the partnership project can proceed and be fully delivered.

Key Considerations

- Twelve written submissions were received and considered. A number of late submissions were also received. Eight submitters requested to be heard in support of their written submission. Submissions were heard and considered at the Council Meeting on 20 September 2021 and have now been responded to 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.

7-11 CARTMELL STREET, HEIDELBERG - PROPOSED SALE OF LAND cont'd

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

ATTACHMENTS

Nil

7.1 13 COOMALIE CRESCENT HEIDELBERG WEST - RENEWAL OF TELECOMMUNICATIONS LEASE WITH AXICOM

Author: Andrea Turville - Property Officer, City Development

Ward: Olympia

SUMMARY

1. Axicom Pty Ltd (Axicom) currently lease the site at 13 Coomalie Crescent, Heidelberg West for the purposes of a telecommunication tower which forms part of the carpark adjoining The Bell St Mall. This lease is due to expire on 8 February 2023.
2. Axicom have requested early assurances of a new lease being entered into pending an application for a planning permit to increase the height of the telecommunications pole by an additional 4 metres to allow for an additional service provider.
3. Council is able to enter into a future lease, pending completion of negotiations and compliance with s.115(4) of the *Local Government Act 2020*.

RECOMMENDATION

That Council subject to the requirements of s.115(4) of the *Local Government Act 2020*, authorises the Director City Development to undertake negotiations with Axicom Pty Ltd to enter into a new lease for a twenty-year term, commencing 9 February 2023 at market value rent. Negotiations should consider a shorter term with the ability to terminate the lease on the service of either a demolition or relocation notice.

COUNCIL PLAN

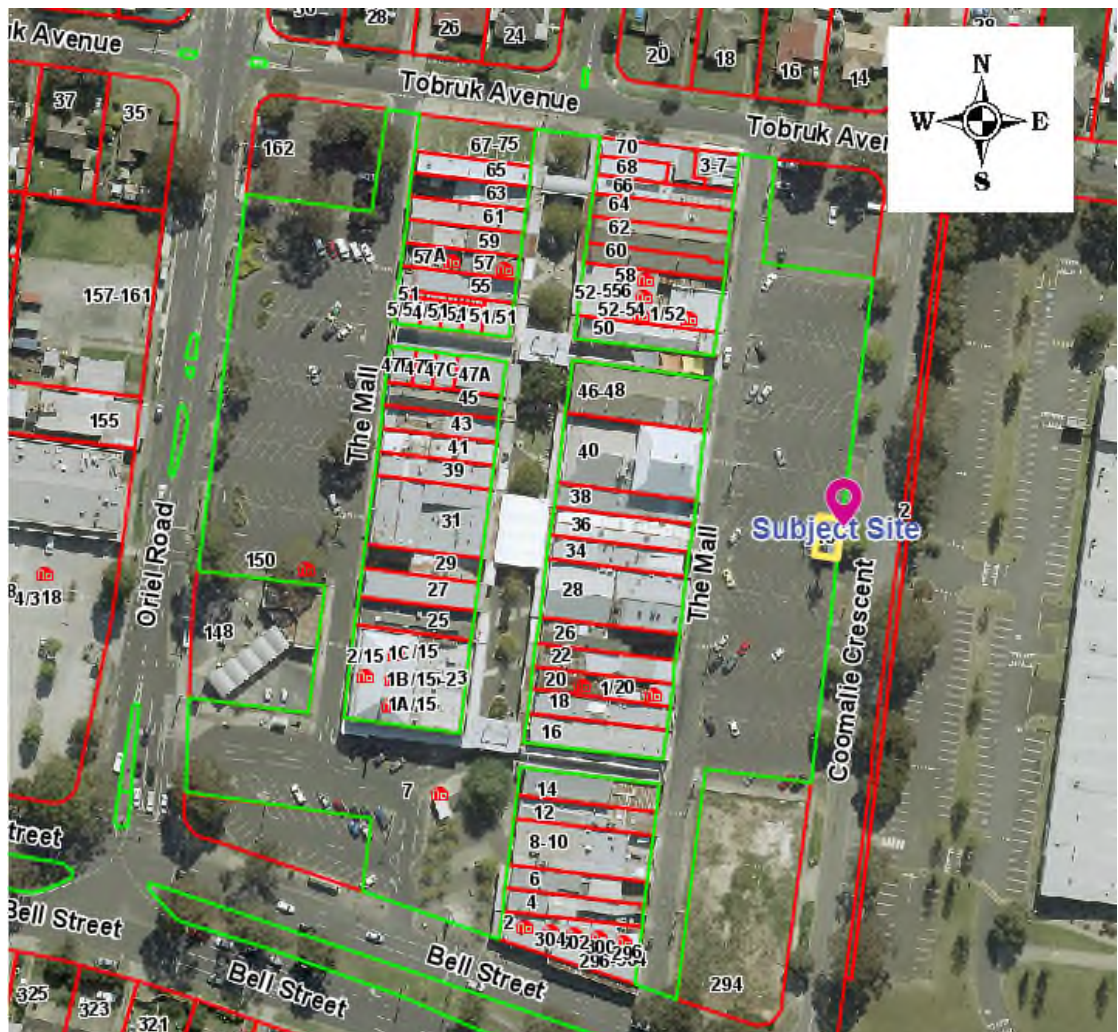
- This report is in line with Banyule's Council Plan key direction to "Provide responsible financial management and business planning".

BACKGROUND

- In 1993 the former Heidelberg Council entered into a lease with Optus Mobile Pty Ltd in relation to the installation of a telecommunications facility on Council-owned land at 13 Coomalie Crescent Heidelberg West (the subject site) located in the eastern car park at the Bell Street Mall (the Mall). The telecommunications facility comprises a 23.5m monopole with a number of antenna panels and an equipment shelter. The subject site, shown in the Locality Plan below, has an area of 60m² (being 6m x 10m).

13 COOMALIE CRESCENT HEIDELBERG WEST - RENEWAL OF TELECOMMUNICATIONS LEASE WITH AXICOM cont'd

Locality Plan



- The original lease was for an initial term of five (5) years with options for three (3) further terms of five (5) years each (effectively a 20-year lease).
- The lease was subsequently assigned to Crown Castle Australia Pty Ltd (the current tenant) in November 2000. The final term of the lease expires on 8 February 2023 (the current lease).
- The Bell St Mall covers around 3.4 hectares and consists of 56 properties with 62 shops and 44 property owners. Council owns the car park, which has an area of approximately 1.9 hectares. As previously mentioned, the subject site is located within the eastern car park, shown in the above Locality Plan.

KEY ISSUES

- Axicom has written to Council seeking to secure its tenure by entering into a new lease commencing 9 February 2023. The request seeks a lease for a further term of 20 years, with break dates every 5 years.

13 COOMALIE CRESCENT HEIDELBERG WEST - RENEWAL OF TELECOMMUNICATIONS LEASE WITH AXICOM cont'd

- Axicom have suggested a commencing rental based on current market value. The suggested commencing rental represents a 23.07% decrease on the final year's rental payment due under the current lease. A current market valuation has been obtained which confirms that a decrease in commencing rent is warranted.
- Commercially the current tenant's request for an extension of the tenure of the lease (for a period of 20 years) is not considered unreasonable. However, it may be prudent to consider a shorter term with the ability to terminate the lease on the service of either a demolition or relocation notice.
- Axicom are also requesting assurances to enter into a new lease in order to facilitate a 4-metre extension to the existing monopole to incorporate an additional service provider. A Planning Permit is required and will be considered separately.

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

- Axicom have requested a commencing rent based on market value. The suggested commencing rental represents approximately 23.07% decrease in the final year's rental payment due under the current lease.

Community Engagement

- Council's power to lease land is limited by the provisions of s.115 of the *Local Government Act 2020*. As the proposed lease is for a period of "ten years or more", Council must include the proposal in the financial budget for 2022/2023 or undertake a community engagement process in order to comply with the requirements of s.115 of the *Local Government Act 2020*.

Collaboration

- In considering the commencing market rental, a valuation was obtained and benchmarked against similar telecommunication leases with other Councils.

13 COOMALIE CRESCENT HEIDELBERG WEST - RENEWAL OF TELECOMMUNICATIONS LEASE WITH AXICOM cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

7.2 BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2021/2022

Author: Olga Grapsas - Strategic Procurement Coordinator, Corporate Services

Previous Items

Council on 24 May 2021 7.00pm (Item 7.2 - Procurement Policy 2021-25)

SUMMARY

1. Council approved the new Procurement Policy on 24 May 2021 to come into effect on 1 July 2021.
2. As part of the adoption of the new Procurement Policy, the CEO Delegation increased to \$1 million from \$0.5 Million. With an increased delegation limit, ensuring transparency on the awarding of contracts under delegation is important. Transparency will be supported via:
 - a. Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1 million under the Chief Executive Officer's delegation is to be presented to Council annually;
 - b. Exemptions from public tender or expressions of interest is to be presented to Council annually;
 - c. An Annual Procurement Plan is to be presented to Council in the first quarter of each financial year.
3. The attached Annual Procurement Plan for the financial year 2021/22 incorporates all the currently known and planned sourcing events (as at 1 July 2021).
4. Sustainable procurement opportunities have also been considered against each known sourcing event.
5. The procurement plan is continually reviewed and updated throughout the year.

RECOMMENDATION

That Council notes:

1. The Annual Procurement Plan for the financial year 2021/22 developed in collaboration between the Strategic Procurement unit and Business Units across the organisation;
2. The sustainable procurement opportunities for the known strategic sourcing events; and
3. That the procurement plan is continually reviewed and updated throughout the year.

COUNCIL PLAN

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

BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2021/2022 cont'd

BACKGROUND

- The Procurement Policy was adopted by Council on 24 May 2021 and came into effect on 1 July 2021 with a legislative requirement for Council to review the Policy every 4 years.
- It is proposed that the Procurement Policy is reviewed by Council again in 2022 (2nd year of Council term) as this will provide enough time to measure the efficacy of the policy and the proposed social and sustainable procurement KPIs and targets.
- As part of the adoption of the new Procurement Policy, the CEO Delegation increased to \$1 million from \$0.5 Million. With an increased delegation limit, ensuring transparency on the awarding of contracts under delegation will be enabled via:
 - Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1 million under the Chief Executive Officer's delegation is recommended to be presented to Council annually;
 - Exemptions from public tender or expressions of interest is also recommended to be presented to Council annually.
 - In addition, an Annual Procurement Plan was recommended to be presented to Council in the first quarter of each financial year.

KEY ISSUES

- The Annual Procurement Plan is the first procurement report requested under the new Procurement Policy and is provided for Council's noting. The Procurement Plan is a point in time document that may change throughout the year to include unforeseen sourcing events.
- Further reports will be provided throughout the year on 'Request for Quote' (RFQ) and 'Request for Tender' (RFT) value, exemptions and sustainability.
- The Procurement Plan is a document currently used by the Procurement team to plan and allocate resources to its tendering activities throughout the year.
- The Procurement Plan is prepared in collaboration with business units and is informed by other artefacts such as the Capital Works program, the Digital Transformation Strategy and the budget.
- The benefits and impacts of having an annual Procurement plan are:
 - Promotes better collaboration between procurement and business units and encourages early planning and engagement with the procurement team to drive the right market approach and best value for money outcomes.
 - Provides visibility into upcoming Sustainable Procurement opportunities (refer below section on Sustainable Procurement Outcomes).
 - The Procurement plan provides transparency to Council and the community on planned quotation and tendering activities.
 - The Procurement Plan provides ongoing continuous improvement through the application of strategic and proactive procurement as opposed to a transactional and reactive approach.

BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2021/2022 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

- The Procurement Policy sets out Council's commitment to Sustainable Procurement through:
 - Standardised sustainable procurement, principles and objectives.
 - the setting of KPIs and targets.
- The Annual Procurement Plan identifies Sustainable Procurement Opportunities which suitably tailored and weighted evaluation criteria will be applied to.
- Sustainable Procurement opportunities have been considered and classified in the Procurement Plan for each known sourcing event, to identify high, medium and low opportunities across social, environmental and economic categories.
- Those sourcing events with the highest opportunities are colour coded in dark green, medium opportunities are a medium-green and the lowest opportunities are a light green.
- Procurement is continuing to work with business units on the customisation of appropriate sustainable procurement opportunities.
- Procurement will report to Council in 2022 to provide an update on the efficacy of Sustainable Procurement evaluation criteria.

Financial Implications

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

Innovation and Continuous Improvement

- The Annual Procurement Plan will be used as a key document to identify collaborative procurement opportunities with the Northern Regional Procurement Excellence Network (RPEN)

Collaboration

- The Procurement Plan was developed through collaboration between procurement and business units. The document will be amended reactively throughout the year to include unforeseen procurement.

BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2021/2022 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	Annual Procurement Plan for the Financial Year 2021/2022	

7.3 COUNCIL MEETING DATES 2022

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

SUMMARY

1. In accordance with *The Local Government Act 2020* and Council's *Governance Rules* (adopted 17 August 2020), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
2. To assist in forward planning, dates for the next year are generally determined in each August/September the year before. The dates and venues of Council Meetings are published in the Council Calendar, Banner and Council's website.
3. The proposed dates for 2022 are based on a meeting every 3 weeks, and take into consideration Public Holidays, the requirements for the Budget and Council Plan timetable; Annual Report, the Election of Mayor, and the Australian Local Government Association (ALGA) National General Assembly dates.
4. The proposed dates have allowed for 14 Ordinary Council meetings for 2022, including the Mayoral Election.
5. It is recommended that all Council Meetings for 2022 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe subject to any COVID-19 restrictions in place at the time. Alternatively, Council can continue to hold Meetings online if restrictions prevent attendance in person.
6. The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2022. Council may by resolution amend these dates.

COUNCIL MEETING DATES 2022 cont'd

RECOMMENDATION

That:

1. Council Meetings for 2022 be held at 275 Upper Heidelberg Road Ivanhoe unless COVID -19 restrictions apply, in which case alternate arrangements will be made; and
2. The meetings commence at 7.00pm on the dates listed below:

Month	Date (Monday)
February	7 28
March	21
April	11
May	9 30
June	27
July	18
August	15
September	5 26
October	17
November	7 (Mayoral Election only) 14
December	5

COUNCIL PLAN

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

BACKGROUND

- Decision making is an important part of Local Government. Key decisions are made at Council Meetings.
- Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
- At Banyule, Council meetings are held at 7.00pm on Monday evenings, generally on a three-weekly basis.
- The Mayoral Election must be held after the 4th Saturday in October, but not later than 30 November each year. A meeting for the Mayoral Election in 2022 has been proposed for Monday, 7 November 2022.

COUNCIL MEETING DATES 2022 cont'd

KEY ISSUES

- The proposed Council Meeting dates have been scheduled taking into consideration the Victorian Public Holidays for 2022, the requirements for the Budget and Council Plan and; Annual Report timetable and the expected dates for the Australian Local Government Association (ALGA) National General Assembly, which a number of Banyule Councillors have attended in the past. With six Public Holidays occurring on Mondays and one on Tuesday in 2022, this has also impacted on the dates.
- A total of fourteen (14) Ordinary Meetings have been scheduled on a three-weekly basis, with three exceptions being:
 - During the Easter period between April and May
 - To accommodate the Public Holiday in June and
 - To facilitate an evening where no Briefing or Meeting is scheduled in August where there is five Mondays during the month and to align internal department's deadlines to ensure they can meet report timeframes.
- For the purpose and requirement of fixing a place of the Council Meetings, it is recommended that all Council Meetings for 2022 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe subject to any restrictions in place at the time. Alternatively, Council can continue to hold Meetings online if restrictions prevent attendance in person.

SUPPORTING REPORT DETAILS

Legal Consideration

- Pursuant to s 60 of the *Local Government Act 2020* (the Act), Council is required to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions.
- The Rules outline the requirements to set Ordinary and Unscheduled Meetings (previously Special Meetings), the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. They also outline the process for the appointment of the Mayor and Deputy Mayor.

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.

Innovation and Continuous Improvement

- Continued Victorian restrictions in 2021 has meant Council has needed to be agile and adapt to changing health directions and restrictions and deliver Council Meetings in alternate ways.

COUNCIL MEETING DATES 2022 cont'd

- Council has implemented different inclusive ways to enable the community to participate in Council Meetings whilst public are not permitted to attend due to State Government directions.
- Council Meetings have been held online for majority of 2021 due to Victorian restrictions preventing physical attendance enabling the meetings to be open to the public.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

7.4 RECORD OF COUNCILLOR MEETINGS

Author: Fletcher Coburn - Executive Customer Support Officer, Corporate Services

SUMMARY

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

Record of Meetings

1	Date of Meeting:	3 September 2021, 5.50pm												
	Type of Meeting:	Banyule Arts & Culture Advisory Committee												
	Matters Considered:													
	<ul style="list-style-type: none"> • Welcome & Introductions • Banyule Arts & Culture Program Overview • Cultural Vitality – discussion • Arts & Culture Working Groups • What's Coming Up 													
	Councillors Present:													
	Peter Dimarelos Alida McKern <i>arrived at 6.00pm</i> Elizabeth Nealy													
Staff Present:														
Kath Brackett – <i>Director Community Programs</i> Nicole Maslin – <i>Manager Leisure, Recreation & Culture</i> Hannes Berger – <i>Arts & Culture Team Leader</i> Steph Neoh – <i>Art Curator</i>														
Others Present:														
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Kate Hansen</td> <td style="width: 50%;">Janelle Dunstan</td> </tr> <tr> <td>Kevin Ritchie</td> <td>Caroline Wall</td> </tr> <tr> <td>Genelle Ryan</td> <td>Leah Crossman</td> </tr> <tr> <td>Craig Eloranta</td> <td>Paul Higgins</td> </tr> <tr> <td>Joanne O'Hara</td> <td>Deb Lemcke</td> </tr> <tr> <td>June Gassin</td> <td>Amy Stephenson</td> </tr> </table>			Kate Hansen	Janelle Dunstan	Kevin Ritchie	Caroline Wall	Genelle Ryan	Leah Crossman	Craig Eloranta	Paul Higgins	Joanne O'Hara	Deb Lemcke	June Gassin	Amy Stephenson
Kate Hansen	Janelle Dunstan													
Kevin Ritchie	Caroline Wall													
Genelle Ryan	Leah Crossman													
Craig Eloranta	Paul Higgins													
Joanne O'Hara	Deb Lemcke													
June Gassin	Amy Stephenson													
Conflict of Interest:	Nil													

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	6 September 2021, 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Councillor Training - Conflicts of Interest • IT & Digital Transformation Quarterly Update 	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present:		
Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Deb Weiss – <i>Manager IT & Digital Transformation</i>		
Others Present:		
Tony Raunic – Hunt & Hunt Lawyers		
Conflict of Interest:	Nil	

3	Date of Meeting:	9 September 2021, 6.15pm
	Type of Meeting:	Environment and Climate Action Advisory Committee meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Urban Forest Strategic Plan • Better Score Project • Community Led Energy Innovation Grants 	
	Councillors Present:	
Peter Castaldo Alida McKern Tom Melican		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Jonathan Risby – <i>Manager Transport</i> Ellie Hall – <i>Sustainability Officer</i>	
Others Present: Jacinta Humphrey Lynne Siejka Michelle Giovas Denise Fernando Alex Tzikas Linus Mayers	
Paul Gale Baker Trivess Moore Jack Ellis Kellie Watson Vicky Rowe	
Conflict of Interest:	Nil

4	Date of Meeting:	13 September 2021, 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Strategic Waste Update • Hawdon Hall • Olympic Leisure Centre 	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Joel Elbourne – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Kerry Woods – <i>Acting Governance Coordinator</i> Nicole Maslin – <i>Leisure Manager</i> Ruth Robles McColl – <i>Senior Project Manager</i>		
Others Present:		
Conflict of Interest:		

RECORD OF COUNCILLOR MEETINGS cont'd

5	Date of Meeting:	15 September 2021, 5.30pm															
	Type of Meeting:	Disability and Inclusion Committee Meeting															
	Matters Considered:																
	<ul style="list-style-type: none"> • First meeting of 2021-2022 term of Disability Committee – review of aim of committee & code of conduct. • Disability action plan – overview of process to review current plan & develop the new plan • Initial discussion of barriers to disability access and inclusion in Banyule • Inclusive Banyule committee – invitation of Disability Committee representatives • Intergovernmental Panel on Climate Change 6th report 																
	Councillors Present:																
	Alison Champion Rick Garotti																
Staff Present:																	
Kath Brackett – <i>Director Community Programs</i> Theonie Tacticos – <i>Coordinator, Community & Social Planning</i> Michael Uniacke – <i>Disability Planning Officer</i>																	
Others Present:																	
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Nick Bamford</td> <td style="width: 50%;">Sharon Solomidid</td> </tr> <tr> <td>Kerryn Burgoyne</td> <td>Laila Fernandez</td> </tr> <tr> <td>Sarah Hockey</td> <td>Ros Melling</td> </tr> <tr> <td>Elizabeth Parry</td> <td>Emma Lowe</td> </tr> <tr> <td>Sam Cartledge</td> <td>Dani Stramandinoli,</td> </tr> <tr> <td>Allan Leenaerts</td> <td>Daniel Hately - Auslan interpreter</td> </tr> <tr> <td>Parvin Ahadi</td> <td>Mark Quinn - Auslan interpreter</td> </tr> <tr> <td>Alisha Rotella</td> <td></td> </tr> </table>		Nick Bamford	Sharon Solomidid	Kerryn Burgoyne	Laila Fernandez	Sarah Hockey	Ros Melling	Elizabeth Parry	Emma Lowe	Sam Cartledge	Dani Stramandinoli,	Allan Leenaerts	Daniel Hately - Auslan interpreter	Parvin Ahadi	Mark Quinn - Auslan interpreter	Alisha Rotella	
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Parvin Ahadi	Mark Quinn - Auslan interpreter																
Alisha Rotella																	
Conflict of Interest:	Nil																

6	Date of Meeting:	20 September 2021, 5.30pm
	Type of Meeting:	Council Meeting Pre-Briefing
Matters Considered:		
<p>2.1 Watsonia Town Square Proposal Support and Monopole Advocacy</p> <p>2.2 Sale of Public Land - Rosanna Library</p> <p>3.1 Safer Banyule Plan - Year 4 report</p> <p>3.2 Watsonia After Dark Project Update</p> <p>4.1 Integrated Water Management Plan for the Yarra</p> <p>5.1 Cartmell Street carpark - 7-11 Cartmell Street, Heidelberg - Proposed part sale of land - Public submissions</p> <p>5.2 Gloucester Drive and Bristol Street, Heidelberg - Temporary Road Closure</p> <p>5.3 Draft Heidelberg Structure Plan - For Exhibition</p>		

RECORD OF COUNCILLOR MEETINGS cont'd

5.4	72 Turnham Avenue, Rosanna - Rosanna Library - Proposed Part Sale of Land
5.5	Banyule Heritage Study 2020 Adoption and Planning Scheme Amendment for updated Heritage Overlay
5.6	Were Street, MONTMORENCY - Streetscape Upgrade (P883/2021)
6.1	Banyule Youth Summit Recommendations 2021
7.1	345-347 Bell Street, Bellfield - Proposed Sale of Land
7.2	Councillor Report on Conference attendance
7.3	Certification of the Financial Statements and Performance Statement for the Year Ended 30 June 2021
7.4	Proposed Road Discontinuance and sale of part RW243 at rear 7 Dunstan Street, Macleod
7.5	Record of Councillor Meetings
Councillors Present: Peter Castaldo Alison Champion <i>arrived 5.43pm</i> Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern <i>arrived 6.00pm</i> Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present: Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Joel Elbourne – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i>	
Others Present: David Pascolo – Technical Analyst	
Conflict of Interest:	Nil

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil