

# Agenda of Ordinary Meeting of Council - Monday, 15 August 2022

commencing at 7pm

Nellie Ibbott Chambers, Ivanhoe Library & Cultural Hub, 275 Upper Heidelberg  
Road, Ivanhoe 3079



FREEDOM OF INFORMATION STATUS EXEMPT (SECTION 38)

RELATING TO ITEMS IN RESPECT OF WHICH THE  
MEETING MAY BE CLOSED TO MEMBERS OF THE PUBLIC

## Acknowledgement of the Traditional Custodians

“Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as traditional custodians of the land and we pay respect to all Aboriginal and Torres Strait Elders, past, present and emerging, who have resided in the area and have been an integral part of the region’s history.”

## Inclusive Banyule Statement

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

## Apologies and Leave of Absence

## Confirmation of Minutes

Ordinary Meeting of Council held 18 July 2022

## Disclosure of Interests

## Presentations

Parks and Leisure Australia (VIC/TAS) Playspace Award Presentation

### 1. *Urgent Business*

#### 2. *Petitions*

Nil

#### REPORTS:

#### 3. *Our Inclusive and Connected Community*

Nil

#### 4. *Our Sustainable Environment*

Nil

#### 5. *Our Well-Built City*

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Nil

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## ***11. General Business***

### **Public Question Time**

### **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:

#### **12. Confidential Matters**

##### 12.1 Cartmell Street Project - Additional Public Assets Information

This report has been designated as confidential pursuant to section 3(1)(g) of the *Local Government Act 2020*; as it contains confidential information relating to private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets; or if released, would unreasonable expose the business, commercial or financial undertaking to disadvantage.

### **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](http://www.banyule.vic.gov.au)*

*The next Ordinary Meeting of Council will be held on Monday, 5 September 2022 .*



## **5.1 DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022**

Author: Hayley Plank - Development Planning Team Leader, City Development

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### **EXECUTIVE SUMMARY**

- This report presents and provides commentary on the January to June 2022 activities of Development Planning and Building with key highlights from the review period.

### **Development Planning**

- The number of planning applications and requests received increased by 2.3% in the 2021-22 financial year as compared to the previous financial year.
- The average number of 'Live' (current) planning applications and requests increased by an average of 29 per month as compared to the previous review period.
- The percentage of applications determined within the statutory timeframes reached a high in April with 81% of planning application determined in 60 days. In March, 88% of VicSmart applications were determined within 10 business days.
- Applications for multi dwelling development decreased by 30% in the six-month review period from 116 in the previous review period to 79. This is the lowest number of multi dwelling applications received in a six-month review period since records began in 2017. This may reflect current market uncertainties.
- There has been an increase in the number of Council decisions overturned by the Victorian Civil and Administrative Tribunal throughout the review period with 67% of applications for review set aside by the Tribunal. This is compared to 28% overturned in the previous six months.
- Two 'out of time' appeals were received in the review period.

### **Building Services and Banyule Bpi**

- Less building permits were issued in the review period (371 permits) compared with 475 in the corresponding period for the previous year which is a 21.89% decrease.
- The financial position for Banyule BPI for end of the 2021/22 financial year is a \$180,158 cost (excluding corporate overheads).
- The investigation is consistent and the team continue to address outstanding swimming pool registrations and sites identified by Cladding Safe Victoria as directed by the State Government.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd**

**RECOMMENDATION**

That Council note the Development Planning and Building Activities Report for the period January to June 2022.

**COUNCIL PLAN**

- Banyule’s Council Plan strategy to is relevant to Planning and Building activities.

**BACKGROUND**

- On 13 September 2010, Council received the first of a number of ongoing reports regarding town planning activity at VCAT affecting Banyule City Council. That report outlined the types of appeals, the number of appeals lodged, the number of decisions received, as well as the types of decisions. Subsequent reports have presented six monthly or yearly data from 2010 to date but with an expanded range of key performance indicators and data sets across Development Planning and Building Approvals and Enforcement.

**KEY HIGHLIGHTS – DEVELOPMENT PLANNING**

- Detailed metrics, previous year trends and commentary is set out for Development Planning in **Attachment 1**.

**Planning applications and related requests**

- In the 2021-22 financial year, 2602 planning applications (planning permits, Section 72 Amendments, VicSmart and subdivision applications) and related requests (Secondary Consent, Extension of Time, Development Plan Approval, variations to a section 173 legal agreement, requests to endorse ‘condition 1’ plans) were received compared to a total of 2543 in the 2020-21 financial year, resulting in an increase of 59 (2.3%) requests.

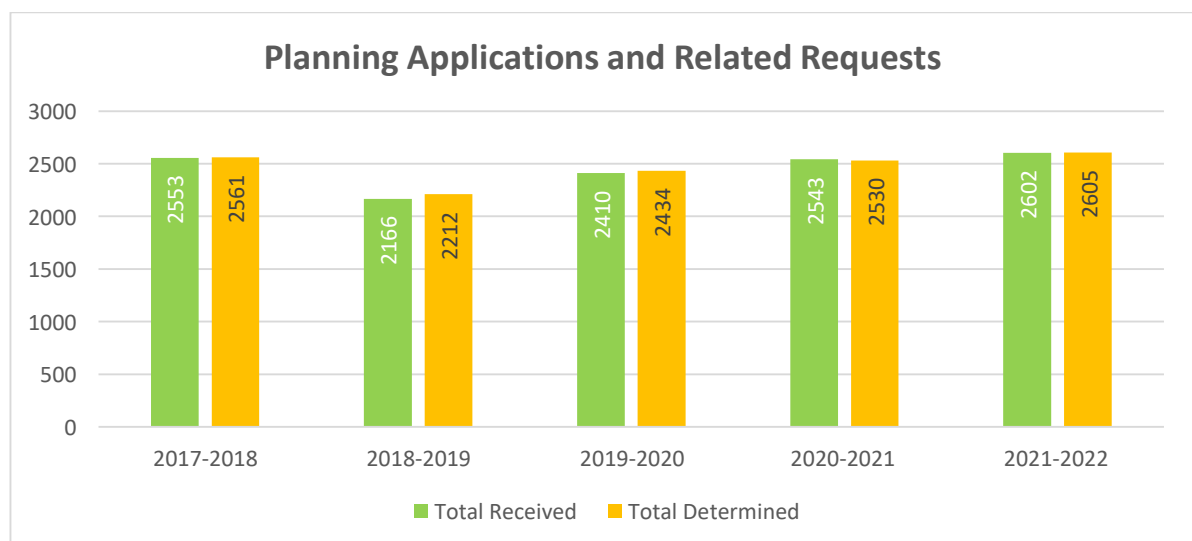


Figure 1 – Comparison with previous years

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd**

- The total number of requests determined over the financial year was 3 more than the number received with a total of 2605 determinations. The number of determinations in the 2021-22 exceeded the number of determinations in 2020-21 by 75 (3%).
- During the review period the number of 'live' (current) applications and requests has remained consistently above the live target of 400, with high of 452 applications in April and a low of 402 applications in June.

**Processing Timeframes**

- On average for the six-month review period, 75% of planning applications were determined within the 60 statutory days and 77% of VicSmart applications were determined within the 10 business day statutory timeframe.
- The months of March and June were most notable from VicSmart determinations, with over 85% being determined within the 10 business day timeframe. April and June were the most notable for planning applications with over 80% being determined in the 60 day timeframe.
- The average gross days for a determination during the review period increased when compared to the previous review period, likely as a result of the closure of a number of old applications during this time.

**Applications by Proposal**

- The number of applications for tree removal and pruning has dropped slightly during the review period but continues to be high with 344 applications received. The number of live tree applications remained well under the target of 25 throughout the financial year.
- Applications for multi dwelling development decreased significantly in the second half of the financial year from 116 to 79. This is the lowest number of multi dwellings applications received in a review period since records began and may reflect uncertainties in the current market.
- Comparing the 2021-22 financial year to the previous, there has been a 30% decrease in multi dwelling applications. These applications represent the greatest demand on all administration and technical resources within the Development Planning team and the many teams across the organisation who provide referral advice.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd**

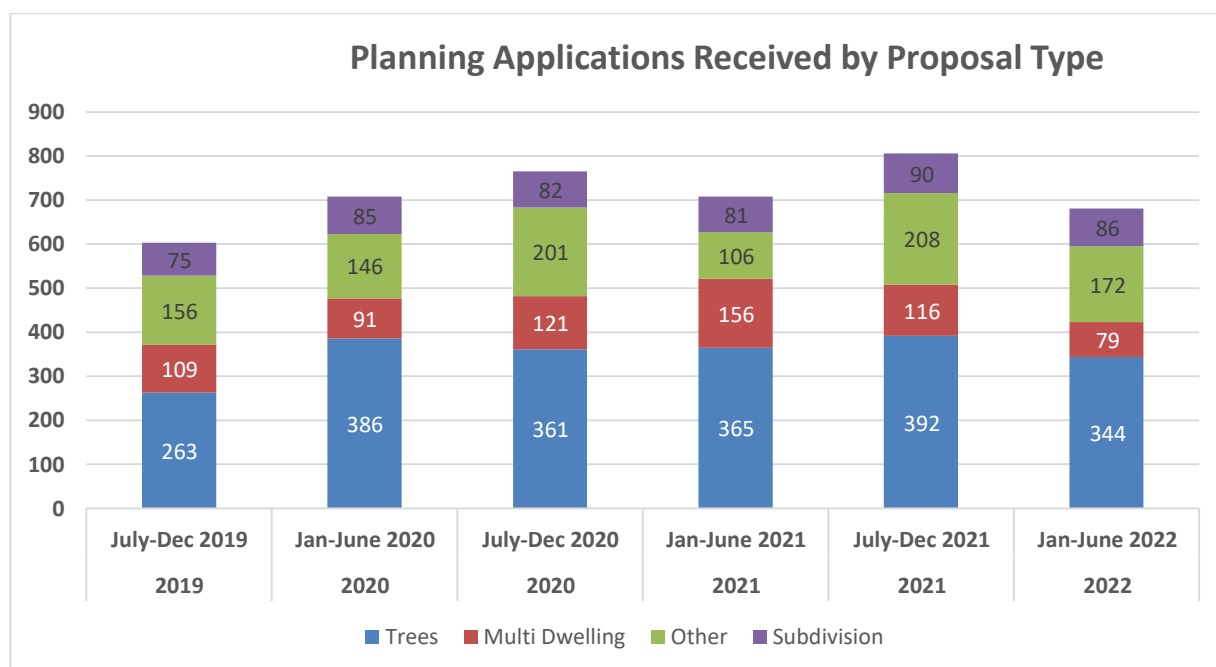


Figure 2 - Planning permit applications received by proposal

- The number of other applications (single dwellings, dwelling additions and change of use) increased by 24% from 307 to 380.

**Investigations**

- An average of 14 breaches of Planning Permits and the Planning Scheme were brought to the attention of the Development Planning team each month in the six-month review period. These breaches relate to built form (such as development, overlooking and signage), land use and vegetation removal.
- The total number of investigations instigated in the review period increased by 15 from 68 to 83. The number of investigations finalised was slightly less than those commenced with 78 investigations closed.
- A total of 12 Planning Infringement Notices (PINs) were issued during the review period and all outstanding PINs have been finalised.

**VCAT Appeals**

- There were 21 reviews lodged with the Victorian Civil and Administrative Tribunal (VCAT) in the six-month review period, which is consistent with the previous two review periods.
- The majority of reviews lodged continue to be by permit applicants with 13 reviews lodged against refusals to issue a permit during the review period. This is two more than the previous review period and is the first time reviews against refusals have increased since early 2018. The number of reviews lodged by objectors increased from two to five in the review period.
- In the six-month review period, two reviews were lodged against Council not making a decision within the statutory timeframe (i.e. 'out of time'). This is the



## DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd

first time more than one out of time appeal has been received in a review period since early 2018.

- There has been an increase in the number of decisions which have been overturned by the Tribunal in the review period:
  - 67% of applications for review were set aside by the Tribunal.
  - This is significant decrease for Council compared to 28% of decisions being overturned in the previous six months.
- Otherwise, 17% of Council's decisions were upheld and 16% of reviews varied.

### KEY HIGHLIGHTS – BANYULE BPI AND STATUTORY BUILDING SERVICES

#### Financial Position and permit activity

- The financial position for Banyule BPI for end of the 2021/22 financial year is a \$180,158 cost (excluding corporate overheads). Figure 3 outlines this position in comparison to previous years. It is note that this concludes the 5 year business plan which on average over the 5 years has returned a favourable result to Council (excluding overheads) and covered the cost of providing the statutory building service.

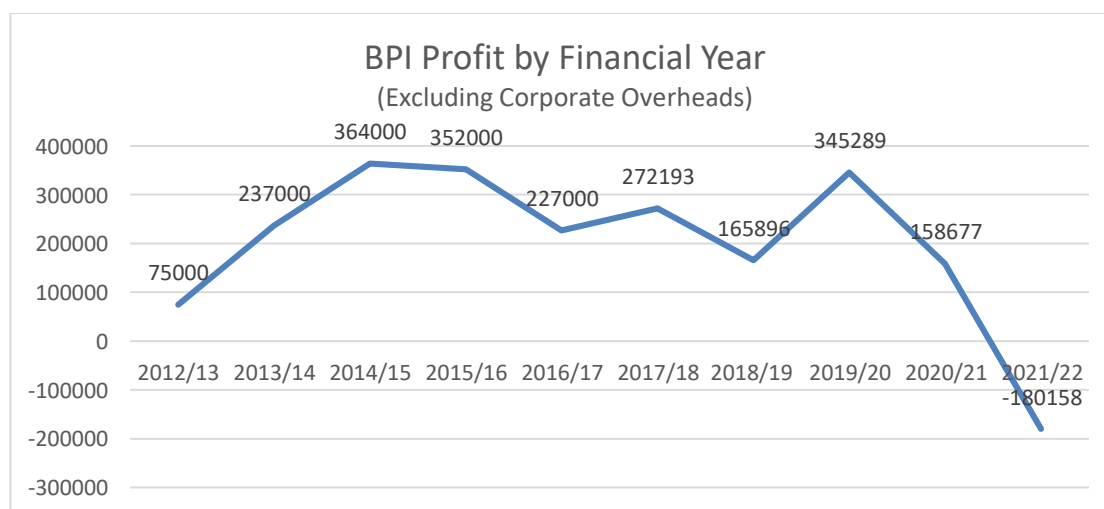


Figure 3: Banyule Bpi profit by financial year (note: overhead costs not included)

- Between January – July 2022 there were 371 permits issued, compared with 475 in the corresponding period for the previous year which is a 21.89% decrease (figure 4). The reduction in permits is a result of reduced capacity in the team as well as a range of issues influencing the viability of the current housing market and construction sector. It is also noted that the work profile has been low volume, lower complexity where in previous years this was more characterised by low volume, higher complexity.

DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd

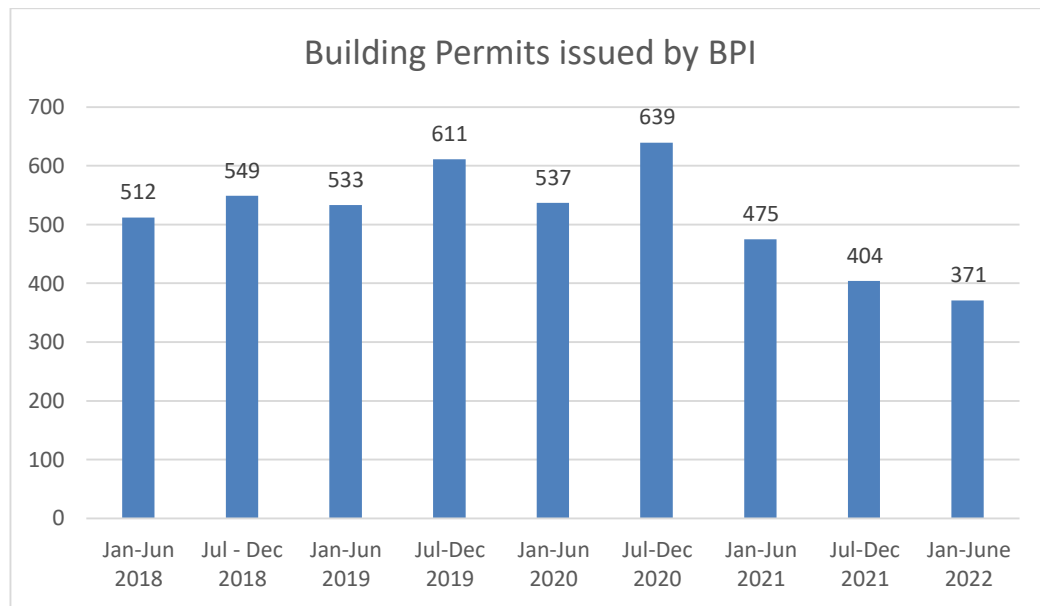


Figure 4: Building permits issued over 6-month periods

**Investigations**

- There was an average of 17.8 new investigations received per month between We currently have 182 complaints outstanding with this backlog increasing by 6 over the review period.
- There is little variance to the distribution of the risk rating of matters being investigated as outlined in figure 6.

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd**

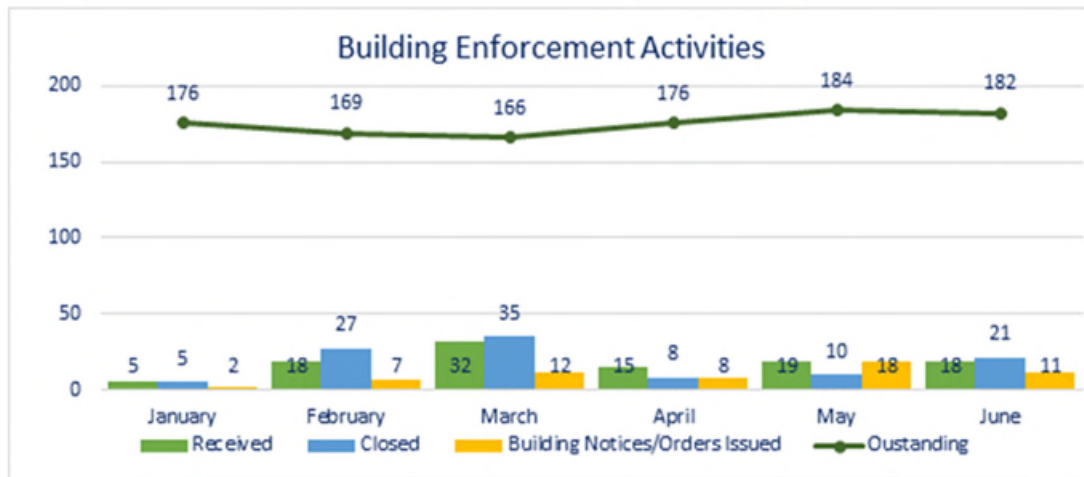


Figure 5: Shows the overall activity of the enforcement area within the building department

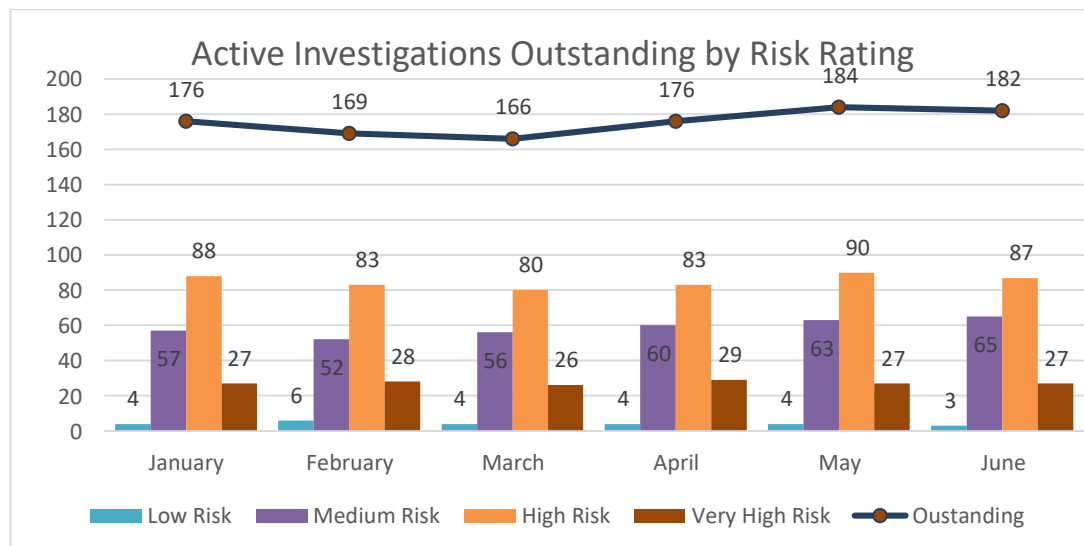


Figure 6: This graph indicates the total active number of investigations and the level of risk associated with the type of investigation as well as the total numbers of investigations per month.

**Swimming Pool Registrations**

- A further 181 registrations were received over the 6-month review period. A further 35 remain outstanding. All owners of properties with swimming pools that did not register their swimming pools or spas within the statutory timelines where been granted several further extensions of time over the last 6 month period. A total of 4,470 residents with properties containing swimming pools or spas have now registered with Council in accordance with new legislation
- Communication and escalation with property owners who are yet to register is currently under way.

**Combustible Cladding Enforcement**

- Council continue to work with Cladding Save Victoria CSV and the Victorian Building Authority VBA to address buildings identified as containing combustible cladding. Council has closed 50 of the 78 outstanding orders administered by Banyule or VBA with 28 remaining active sites. There is an ongoing challenge for

**DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022 cont'd**

Council with additional buildings being inspected and identified as having combustible cladding which has increased the total numbers over the last 6 months.

**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*.

**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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Development Planning Activities Report Data	

## **5.2 GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS**

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

Ward: Hawdon

### **Previous Items**

Council on 9 May 2022 (Item 2.2 - Installation of Safety Bollards at the Greville Road Shopping Precinct)

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### **SUMMARY**

1. A petition with 57 'eligible' signatures was considered in May 2022, requesting the installation of safety bollards at the Greville Road Shopping Precinct. The petitioners indicated historical incidents where motorists had mounted the footpath and crashed into the building frontages of businesses in Greville Road.
2. Our understanding of these incidents is that they were all unintentional whereby parked motorists have attempted to reverse out of a car space and had been in forward gear and accidentally accelerated onto the footpath.
3. For any bollard to effectively deter vehicles from mounting the footpath, they are required to be 'impact-resistant' with deep and heavy foundations to prevent them from being dislodged. Such bollards do carry a significant cost and are difficult to install due to conflicts with underground services. They should only be considered where the risk of errant vehicles and pedestrian movements are significantly high.
4. It is also that the configuration of street furniture and design of parking on Greville Road is not dissimilar to that of other shopping strips in Banyule. As such, there is no unique reason why the installation of additional bollards within the Greville Road Shopping Precinct is needed and it is recommended they not be supported.
5. A range of strategic documents are being developed to effectively prioritise future capital works investment across all centres within Banyule and to ensure that any works take into account the entire centre. Future streetscape works in Greville Road Shopping Precinct could consider a focus on infrastructure to improve safety along shop frontages.

### **RECOMMENDATION**

That Council:

1. Note that the installation of additional bollards in the Greville Road Shopping Precinct is not supported.
2. Note that strategic work is underway to guide future capital investment across Banyule's major, minor and neighbourhood centres including Greville Road Shopping Precinct. Future streetscape works can consider a focus on infrastructure that increases safety along these shop frontages.

## GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS cont'd

3. Advise the primary petitioner of this resolution.

### COUNCIL PLAN

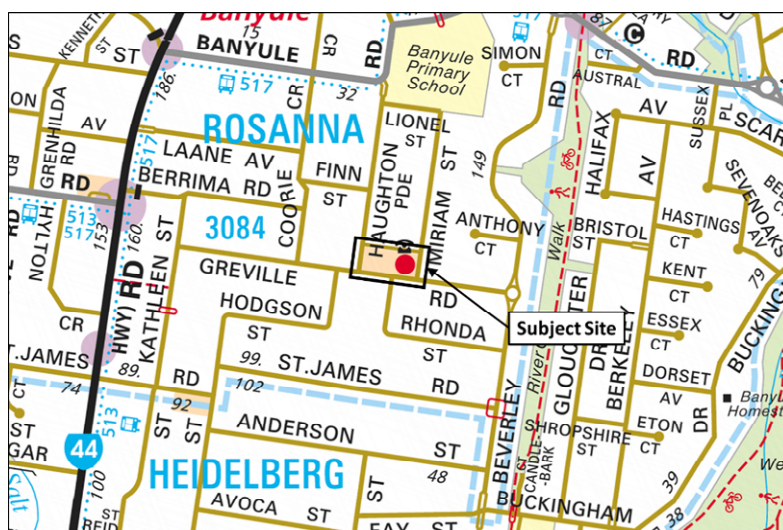
- This report is in line with Banyule's Council Plan strategy to "Deliver well designed places and spaces that enable stronger connections and liveability to meet the diverse needs of our current and future community".

### BACKGROUND

- A petition with 57 'eligible' signatures was received on 30 March 2022 requesting the installation of safety bollards at the Greville Road Shopping Precinct.
- At its meeting on 9 May 2022, Council considered the petition acknowledgment report and resolved to investigate the concerns raised.
- All 57 signatories are residents of Banyule, of which:
  - 31 reside in Rosanna
  - 13 reside in Heidelberg
  - 11 reside in Viewbank
  - One (1) resides in Macleod
  - One (1) listed a PO box in Banyule

### DISCUSSION

- The Greville Road Shopping Precinct is located along Greville Road, Rosanna, between Houghton Parade and Miriam Street. The precinct currently contains 13 tenancies and one empty lot.
- There are 25 parking spaces, angled at 90 degrees, directly along the frontage of the shops. Site investigations undertaken on various occasions indicate the majority of the motorists park in a forward direction.
- A locality plan and aerial image is shown in Figure 1 and 2 below:



## GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS cont'd

Figure 1. Locality Plan of Greville Road Shopping Precinct

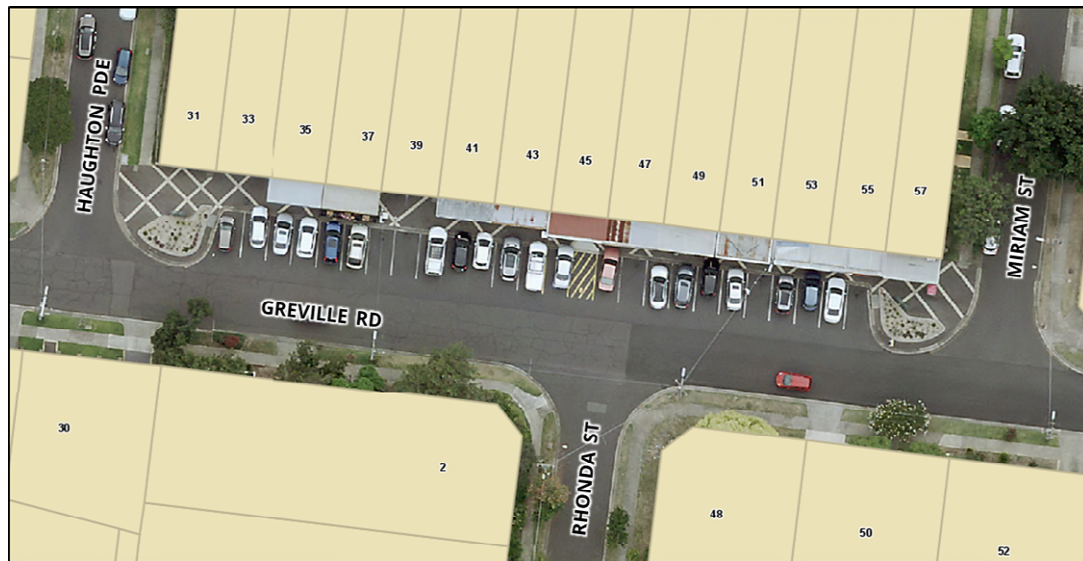


Figure 2. Aerial Image of Greville Road Shopping Precinct

- The original petition has outlined that there have been at least four (4) incidents in recent years where motorists have mounted the footpath and continued into the shops on Greville Road causing damage to buildings.
- Victorian Crash database indicate one incident occurred on Greville Road, between Haughton Parade and Miriam Street in the last 5 years. It is believed that any additional incidents may have occurred without police attendance or after the last update of the database.
- Our understanding of these incidents is that they have occurred unintentionally with motorists intending to reverse out of the parking bay, however being in forward gear and accidentally accelerating forward instead.
- Unintentional acceleration onto the footpath is considered to be a 'human error', often undertaken by distracted motorists. Incidents like these are not isolated to the Greville Road shopping strip and can occur in similar locations where 90-degree angled parking is provided along the shop frontages.

### Request for Bollards

- Bollards are typically installed to deter motorists from driving or parking along footpaths. Contrary to some beliefs, standard bollards are not installed to protect pedestrians or properties from vehicle impacts.
- The installation of bollards within pedestrian areas can potentially become safety hazards as they can be dislodged by vehicles on impact, often acting as projectiles to nearby pedestrians. Standard bollards are hence not installed in areas with high pedestrian movements.
- The configuration of street furniture and design of parking in front of the Greville Road shopping strip is not dissimilar to that of other shopping strips in Banyule. It is noted there are a number of existing bollards along the shopping strip. These are not 'impact-resistant' bollards and have been installed in the past to deter

## **GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS cont'd**

parking on footpath, discourage 'ram raid' type of behaviour and as part of historical streetscape works to beautify the area.

- For any bollard to effectively prevent vehicles from mounting the footpath, they are required to be 'impact-resistant' with deep and heavy foundations which would prevent them from being dislodged. They would also have to be spaced at reasonably tight intervals as it would be difficult to ascertain which car space may prevent a risk. Such bollards do carry a significant cost to install and are only considered where the risk of errant vehicles and pedestrian movements are significantly high. Also finding a location for them is difficult due to the typical location of underground services in the road reserve.
- Based on the above, it is recommended that the installation of additional bollards within the Greville Road Shopping Precinct not be supported.

### **Streetscape Works**

- On-site investigations of the area have revealed that there is currently sufficient street furniture and infrastructure installed along the Greville Road shopping strip that would deter motorists from intentionally mounting the footpath.
- Investigations of the existing barrier kerb along the parking bays has revealed its condition to be suitable with only minor sinking over time. Its condition does not require any immediate maintenance at this time.
- Previous streetscape works were undertaken along the Greville Road shopping strip over 22 years ago. Since that time there have been several minor installations of street furniture on an individual request basis and consideration has not been given to strategic placement during the installation. A reconfiguration of existing and installation of new street furniture is anticipated to improve local appeal to the shopping strip and can reduce impacts of accidental motorist incidents.
- A suite of strategic documents is being developed that will provide Council with a robust and innovative framework for all of Banyule's Activity Centres. They include a public realm guide, integrated place-based framework, and an Economic Development Strategy. This will assist Council to effectively prioritise future capital works investment across its centres, including Greville Road Shopping Precinct.

## **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*.



**GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS  
cont'd**

**Sustainable Procurement Outcomes**

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

**Financial Implications**

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

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

Nil

## **5.3 WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS INVESTIGATION**

Author: Janice Ng - Traffic & Transport Engineer, City Development

### **Previous Items**

Council on 7 February 2022 (Item 2.1 - Wallace Street, Ivanhoe - Traffic and Parking Concerns)

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### **SUMMARY**

1. At its meeting on 7 February 2022, Council considered a petition regarding a number of traffic and parking issues along Wallace Street, Ivanhoe and resolved to refer the matter to the Transport Team for further investigation about issues and solutions for traffic speed and volume on Wallace Street, Ivanhoe and for a report to a future Council Meeting.
2. New counts were undertaken in March 2022 and the survey data collected reflects consistency with the previous results collected in 2018 and are within the range which is expected for local street of similar nature.
3. Accordingly, the traffic data does not support the installation of traffic calming infrastructure along Wallace Street at this time.
4. Turn ban restrictions have been considered but will cause significant disruption to local residents, visitors and those motorists who have a genuine cause to access the area. Controls such as this are also expected to shift the motorists to other local roads, this option is also not considered a suitable option.
5. There are no suitable locations along Wallace Street where a road closure can be achieved due to existing infrastructure constraints such as power poles and street trees.
6. Wallace Street does not meet the criteria for 40km/h speed limit in accordance with the Department of Transport's 'Speed Zoning Policy', whose approval is required for installation.

### **RECOMMENDATION**

That Council:

1. Note that new traffic counts have been undertaken in Wallace Street, Ivanhoe, with the results indicating that the speed and volume of vehicles are within the acceptable range for a local road and traffic calming infrastructure and speed limit reduction is not warranted.
2. Note that turn bans at the intersection of Livingstone Street and Wallace Street and at the intersection of Kenilworth Parade and Upper Heidelberg Road are not supported as they would shift motorists to other surrounding streets and limit access to residents in the area and businesses located along Upper Heidelberg Road.

## WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS INVESTIGATION cont'd

3. Advise the primary petitioner of this resolution.

### COUNCIL PLAN

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

### BACKGROUND

- At its meeting on 7 February 2022, Council considered a petition in relation to the traffic and parking concerns in Wallace Street, Ivanhoe. At the meeting, it was resolved to refer the petition to the Transport Engineering Team for further investigation on the traffic speed and volume on Wallace Street, Ivanhoe and for a report to be presented back to Council.
- Wallace Street is classified as a local road located approximately 250 metres from the Ivanhoe Activity Centre. The speed limit along Wallace Street is 50km/h, which is a default speed limit for residential streets in a built-up area.
- Wallace Street connects Livingstone Street, which is an arterial road, and Kenilworth Parade, which is a local road. Kenilworth Parade then connects into Upper Heidelberg Road, which is also an arterial road. A locality plan is shown in Figure 1 below.

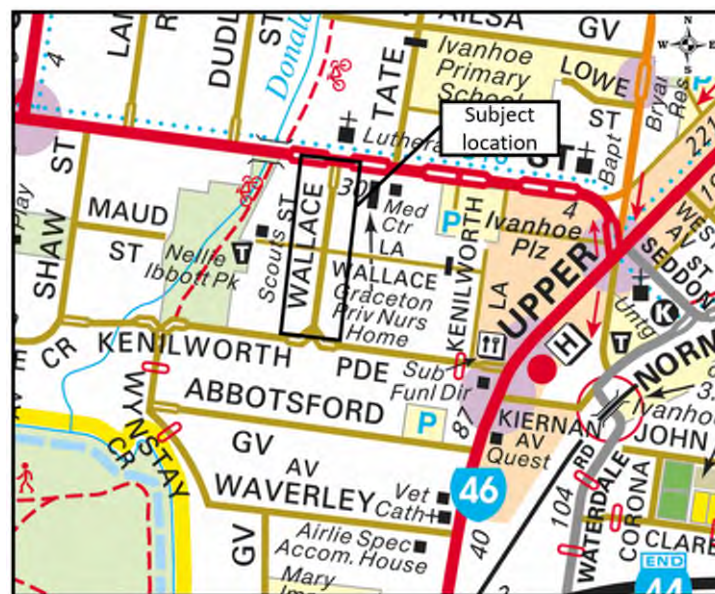


Figure 1. Wallace Street, Ivanhoe – Locality Plan

### DISCUSSION

#### Speed and volume survey results

- A traffic speed and volume survey was conducted on Wallace Street, Ivanhoe for a one-week period commencing on 4 March 2022 to determine the current vehicle usage and any change in traffic flow since 2018. Table 1 summarises the

**WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS INVESTIGATION cont'd**

results of the most recent survey and compares them with the data collected in 2018.

**Table 1 – Results of traffic speed and volume surveys.**

Date	85th%tile speed* (km/h)	Average Weekday Daily Traffic Volume	AM Peak Traffic Volume	PM Peak Traffic Volume
1 June 2018	46.0	1730	264	199
4 March 2022	45.2	1827	213	180

\*85th percentile speed is the speed 85 percent of vehicles are travelling at or below and is the figure used as the primary determinant of the appropriate speed limit on road in accordance with Australian Standards.

- The results indicate that the 85th percentile speed was 45.2 km/h, which is well within the residential default speed limit of 50km/h. This also indicates motorist speeds have slightly decreased along the road compared to data collected in 2018.
- The average weekday daily traffic volume was 1,827 vehicles per day, which has slightly increased in comparison to 2018, however, the increase is within the design expectations of a local street of this nature which provides such a connection between two arterial roads.
- The morning (AM) and evening (PM) peak hour volumes are determined to be between 9.9% -11.7% of the recorded average daily traffic volume. These results are below the roads capacity and consistent with expectations of such a road.
- As such, it should be noted that the current survey data collected reflects consistency with the previous results collected in 2018.

**Consideration of Turn Bans**

- Time-based turn bans are major traffic control measures that are generally used to prevent a specific direction of traffic from entering the local road network at peak times.
- Wallace Street is of high local importance and serves an important function in the local residential street network. Whilst restricting entry and exit to and from the local road network may limit traffic volumes on this road, it will also cause significant disruption to local resident, visitors and those motorists who have a genuine cause to access the area. This also includes waste collection and emergency services vehicles. For these reasons, the use of wide scale turn ban should not be considered lightly.
- Implementing turn bans at the intersection of Wallace Street and Livingstone Street and at the intersection of Kenilworth Parade and Upper Heidelberg Road is expected to shift the motorists to the other local roads, such as Shaw Street, Belmont Road and nearby right of ways. It would also restrict access to the local businesses that face Upper Heidelberg Road but have access through the rear right of way during peak times.
- Further site observations undertaken during peak hour traffic in July 2022 at these intersections indicate that there is no obvious pattern of traffic flow during peak hour traffic. As such, time-restricted turn bans are not considered a suitable option to restrict movements along Wallace Street and Kenilworth Parade.

**WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS  
INVESTIGATION cont'd**

**Consideration of Road Closure**

- As indicated in the previous Council Report, due to existing infrastructure, including power poles and street trees along the road, there is no suitable location where a road closure can be considered whilst allowing safe turning movement areas for waste collection trucks. It would also limit access options for the residents of the street.

**Consideration of Speed Limit Reduction**

- In accordance with the Department of Transport's 'Speed Zoning Policy', 40km/h speed limits are considered in areas of high pedestrian and cyclist activity, which include shopping precincts and schools. Speed limits are required to be set so that they are consistent with speed limits on roads in a similar environment with similar road functions and characteristics.
- Wallace Street does not have any high pedestrian generators and does not fall under the Local Bicycle Network, making the road ineligible for these criteria. As Wallace Street is a residential street that solely comprises residential frontages, the default residential speed limit of 50km/h is considered appropriate.
- As traffic control measures are only installed in locations where the data supports their installation, based on the above investigation and the current survey data, it is recommended that Council note that the installation of traffic treatments is not considered warranted along Wallace Street at this time.

**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*.

**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.

**WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS  
INVESTIGATION cont'd**

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

Nil

## **5.4 2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022)**

Author: Emily Harriss - Development Planner, City Development

Ward: Griffin

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### **SUMMARY**

- This application is for the reconstruction of the Warringal Park Oval.
- The proposal seeks to replace the existing ground cover with a new free draining sand profile and turf surface in addition to upgrading other assets on the oval including the irrigation and drainage systems, perimeter fencing, cricket wicket, goal posts and storage cage.
- No vegetation is proposed for removal.
- As a local government project subject to Clause 52.31, the proposal was exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987*.
- The proposed works will enhance recreational opportunities for the community and improve the efficiency of the site's irrigation and drainage systems without impacting on overland flow paths or significant areas of natural habitat.
- Melbourne Water are the relevant drainage authority in relation to the changes proposed and do not object to the proposal subject to conditions included in the recommendation.
- The proposal should be supported subject to permit conditions.

### **RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P704/2022 for Buildings and works associated with the reconstruction of an open sports ground on land affected by a Land Subject to Inundation Overlay and Environmental Significance Overlay at 2 Beverley Road HEIDELBERG subject to the following conditions:

#### **General**

1. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

#### **Tree Protection Measures**

2. Tree protection fencing must be erected/installed around all existing trees surrounding the perimeter of the oval, prior to the commencement of any works, to ensure that no physical damage occurs to the trees or their root

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

systems, to prevent the compaction of soil and to prevent the storage of any materials near tree trunks, to the Responsible Authority's satisfaction.

3. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plans or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

**Drainage**

4. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

**NOTE:**

Any connection to Council's drainage system

(a) Within the road reserve must be carried out under a Memorandum of Consent for Works; and/or

(b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

5. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

**Melbourne Water**

6. Fill within the floodplain must be kept to a minimum in accordance with the 'CUT AND FILL SUBGRADE PLAN' (Sheet No. 08, Feb 2022) or as otherwise agreed to the satisfaction of Melbourne Water to allow for the maintenance of floodplain storage.

7. Any new fencing and gates within the floodplain must be an open style of construction to allow for the passage of floodwaters.

8. Prior to the commencement of works, a SEMP prepared by a suitably qualified professional must be submitted to and approved by Melbourne Water. The SEMP must include:

(a) Detailed pollution and sediment control measures which ensure that a pollution and sediment laden runoff is not discharged directly or indirectly into Melbourne Water's drains or waterways;

(b) Vegetation management techniques;



**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

- (c) Access tracks;
- (d) Spoil stockpiling;
- (e) Machinery/plant locations;
- (f) Exclusion fencing around native vegetation and habitat.

**Time Limits**

9. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit;
  - (b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing:

- Before the permit expires, or
- Within six months afterwards, or
- Within 12 months afterwards if the development started lawfully before the permit expired.

<b>Planning Permit Application:</b>	P704/2022
<b>Development Planner:</b>	Miss Emily Harriss
<b>Address:</b>	2 Beverley Road HEIDELBERG
<b>Proposal:</b>	Buildings and works associated with the reconstruction of an open sports ground on land affected by a Land Subject to Inundation Overlay and Environmental Significance Overlay
<b>Existing Use/Development:</b>	Warringal Park Oval (open sports ground)
<b>Applicant:</b>	Banyule City Council
<b>Zoning:</b>	Public Park and Recreation Zone (PPRZ)
<b>Overlays:</b>	Environmental Significance Overlay (ESO1) Significant Landscape Overlay (SLO1) Land Subject to Inundation Overlay (LSIO)

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

<b>Notification (Advertising):</b>	Any application under any provision of the planning scheme to develop land on or behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the <i>Planning and Environment Act 1987</i> in accordance with Clause 52.31 of the Banyule Planning Scheme
<b>Objections Received:</b>	Not applicable
<b>Ward:</b>	Griffin

**PROPOSAL**

- The application is a Local Government Project made under Clause 52.31 of the Banyule Planning Scheme.
- The proposal seeks approval for the reconstruction of the Warringal Park Oval.
- The existing soil surface is proposed to be replaced with a new free draining sand profile and turf surface.
- The proposal also includes upgrades to other assets on the oval including the irrigation and drainage systems, perimeter fencing, cricket wicket, goal posts and storage cage.
- The proposal does not require the removal of any existing vegetation on or surrounding the oval.

**BACKGROUND**

- There are no recent planning permits of relevance relating to the Warringal Park Oval.
- Planning Permit P442/2021 was issued following the Council Meeting on 28 February 2022 for the reconstruction of the Beverley Road Oval.

**SUBJECT SITE AND SURROUNDING AREA**

- The subject site, known as the Warringal Park Oval, forms part of the Warringal Parklands which contain a number of sporting ovals and pavilions, tennis courts, bike and walking tracks, wetlands and large areas of open space.
- The entire site is approximately 35.149 hectares in size and is bordered by residential land to the north and west and the Yarra River to the south and east.

**Locality Plan**

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**



**PUBLIC NOTIFICATION**

- Any application under any provision of the planning scheme to develop land on or behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* in accordance with Clause 52.31 of the Banyule Planning Scheme.

**CONSULTATION**

- Council's Parks and Natural Environment Department have advised that billboards will be erected on site to notify the community of the proposed works.

**REFERRAL COMMENTS**

External	Objection?	Conditions /Comments
Melbourne Water	No	Melbourne Water, pursuant to section 56(1) of the <i>Planning and Environment Act 1987</i> , does not object to the proposal, subject to the following conditions: <ol style="list-style-type: none"><li>1. Fill within the floodplain must be kept to a minimum in accordance with the 'CUT AND FILL SUBGRADE PLAN' (Sheet No. 08, Feb 2022) or as otherwise agreed to the satisfaction of Melbourne Water to allow for the maintenance of floodplain storage.</li><li>2. Any new fencing and gates within the floodplain must be an open style of construction to allow for the passage of floodwaters.</li></ol>

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

		<p>3. Prior to the commencement of works, a SEMP prepared by a suitably qualified professional must be submitted to and approved by Melbourne Water. The SEMP must include:</p> <ul style="list-style-type: none"> <li>a. Detailed pollution and sediment control measures which ensure that a pollution and sediment laden runoff is not discharged directly or indirectly into Melbourne Water's drains or waterways;</li> <li>b. Vegetation management techniques;</li> <li>c. Access tracks;</li> <li>d. Spoil stockpiling;</li> <li>e. Machinery/plant locations;</li> <li>f. Exclusion fencing around native vegetation and habitat.</li> </ul>
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**PLANNING CONTROLS**

- This application meets the criteria for a Local Government Project under Clause 53.31 of the Banyule Planning Scheme so does not require a planning permit under the Public Park and Recreation Zone (PPRZ).
- A planning permit is still however required under any relevant overlays that affect the land which in this case includes the Environmental Significance Overlay (ESO1) and Land Subject to Inundation Overlay (LSIO).
- A Cultural Heritage Management Plan (CHMP) is not required as part of this proposal as the oval has been used as an open sports ground since prior to 28 May 2007.
- The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

<b>Control</b>	<b>Clause</b>	<b>Permit Triggered</b>
Public Park and Recreation Zone (PPRZ)	36.02	No
Environmental Significance Overlay – Schedule 1 (ESO1)	42.01	Yes
Significant Landscape Overlay – Schedule 1 (SLO1)	42.03	No
Land Subject to Inundation Overlay (LSIO)	44.04	Yes
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Not Applicable
Native Vegetation	52.17	No

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

**POLICIES CONSIDERED**

- The planning policies considered as part of this application are outlined in Table 2 below:

Table 2: Relevant Planning Scheme Policy

<b>Policy</b>	<b>Clause</b>
<b>Planning Policy Framework (PPF)</b>	
Native Vegetation Management	12.01-2S
River Corridors, Waterways, Lakes and Wetlands	12.03-1S
Environmentally Sensitive Areas	12.05-1S
Floodplain Management	13.03-1S
Land Use Compatibility	13.07-1S
Urban Design	15.01-1S
Healthy Neighbourhoods	15.01-4S
Aboriginal Cultural Heritage	15.03-2S
Open Space	19.02-6S
Cultural Facilities – Metropolitan Melbourne	19.02-3R
Open Space – Metropolitan Melbourne	19.02-6R
Integrated Water Management	19.03-3S
<b>Local Planning Policy Framework (LPPF)</b>	
Land Use	21.04
Natural Environment	21.05

**TECHNICAL CONSIDERATION**

**Strategic Framework**

- The proposal is consistent with the Planning Policy Framework.
- The proposed works will enhance an existing community facility that provides recreational opportunities for community members and sporting clubs.
- The proposed works have appropriate regard to the sensitive environmental context in which the site is located. Notably, no vegetation of significance is required for removal and changes to the existing surface levels will have negligible impact on the site's flood storage capacity.

**Environmental Significance Overlay (ESO1)**

- The subject site is affected by the Environmental Significance Overlay (ESO1) due to its proximity to the Yarra River. A planning permit is required under this overlay to construct or carry out works, including a fence.
- Key considerations include the impact the proposed development may have on natural ecosystems in the area.
- The proposal is considered to align with the decision criteria for the ESO1.
- The proposed works are consistent with the existing use and development and will not further encroach upon the areas of natural habitat surrounding the location of the proposed works.

## **2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022) cont'd**

- No vegetation is proposed for removal, with tree protection conditions to be included as part of the permit to manage impacts on trees surrounding the perimeter of the oval.
- The proposed works are sufficiently setback from the Yarra River ensuring the development will not result in erosion or pollution which may damage this watercourse.
- Furthermore, the proposed works are low in scale ensuring the development will not detract from the visual amenity and environmental character of the area.

### **Land Subject to Inundation Overlay (LSIO)**

- The subject site is also affected by the Land Subject to Inundation Overlay (LSIO) due to its proximity to the Yarra River. A planning permit is required under this overlay to construct or carry out works, including a fence.
- Key considerations include the impact the proposed development may have on the flood storage capacity of the site and surrounds.
- The proposal is considered to align with the decision criteria for the LSIO.
- The proposed works are consistent with the existing use and development of the land resulting in a neutral cut and fill that will have negligible impact on the site's flood storage capacity.
- The application was referred to Melbourne Water as the relevant floodplain management authority who did not object to the proposal subject to permit conditions.

### **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*.

#### **Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who 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.

### **CONCLUSION**

- The proposed development will provide significant benefit to the community without impacting on overland flow paths or significant areas of natural habitat.
- The proposal is consistent with the Planning Policy Framework, including the Environmental Significance Overlay (ESO1) and Land Subject to Inundation Overlay (LSIO) and should be supported subject to permit conditions.

**2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL  
PARK OVAL (P704/2022) cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Warringal Oval Redevelopment Plans	





## **7.1 CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE SPECIAL RATE AND CHARGE**

Author: Daniela Parisella - Economic Development Officer, City Development

### **Previous Items**

Council on 9 May 2022 (Item 7.4 - Notice of Intention to declare Special Rate and Charge – Greensborough Town Centre)

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### **SUMMARY**

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Rate and Charge Scheme for the “Greensborough Town Centre” (Town Centre).
2. Following the Ordinary Meeting of Council on Monday 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Rate and Charge, the public notice of Council’s intention to declare a Special Rate and Charge for the Town Centre was advertised in the “*Herald Sun*” on Tuesday 17, May 2022 and placed on Council’s public website.
3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Wednesday, 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday, 17 June 2022. Council received by this date a total of seven submissions in support of the proposed Scheme and zero objections.
6. The Greensborough Chamber of Commerce has indicated their request for a representative to appear in person before Council.

### **RECOMMENDATION**

That Council:

1. In respect of Council's published intention to declare a Special Rate and Charge for The Greensborough Town Centre (“Proposed Special Rate and Charge”); and

Having –

**CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE  
SPECIAL RATE AND CHARGE cont'd**

- (a) received and considered submissions received under section 223 of the *Local Government Act 1989 and Local Government Act 2020*; and
  - (b) taken account the fact that no objections were received under section 163B of the *Local Government Act 1989*–
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Rate and Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.

**COUNCIL PLAN**

- This report is in line with Banyule’s Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

**BACKGROUND**

- Following the Ordinary Council Meeting on Monday, 9 May 2022, where Council advised of its notice of intention to commence the statutory process to declare a Special Rate and Charge for Greensborough Town Centre “Town Centre”, the following processes have been undertaken by Council to carry out its functions under the Act:
  - Council commenced the statutory process under the *Local Government Act 1989* to reintroduce a Special Rate and Charge for the properties included in the Town Centre to raise an amount of \$180,000 per annum for a period of five years, commencing on 1 July 2022 and ending on 30 June 2027;
  - Public notice was given in the “*Herald Sun*” newspaper on Tuesday 17 May 2022 of the intention of Council to declare the Special Rate and Charge at its Ordinary Meeting to be held on Monday 5 September 2022, and placed on Council’s public website;
  - Separate letters enclosing a copy of the public notice were sent to the owners and occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of the Special Rate and Charge, advising of the intention of Council to declare the Special Rate and Charge at its Ordinary Meeting to be held on Monday 5 September;
  - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of the Special Rate and Charge; and
  - The Greensborough Chamber of Commerce have been advised of the above matters.

**KEY ISSUES**

- Any person who is liable or required to pay a Special Rate and/or Charge under a proposed Scheme has a right to ‘object’ to the scheme under section 163B of the *Local Government Act 1989*. The right to ‘object’ is different from, and in addition

## **CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE SPECIAL RATE AND CHARGE cont'd**

to, the right to make a 'submission' under sections 163A and 223 of the *Local Government Act 1989*.

- Any person may make a submission in relation to a proposal to declare a Special Rate and/or Charge, however, the number of submissions received does not necessarily limit Council's power to declare a special Rate and/or Charge.
- By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Rate, then Council cannot proceed with the declaration (section 163B(6)) of the *Local Government Act 1989*.
- There were seven submissions received supporting the proposed Scheme and zero objections.
- The fact the no objections were received is considered to be a very positive reflection on past performance and success, as well as an indicator of the need for the support provided through the Scheme.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- The statutory process provides the community generally and affected ratepayers and property owners and occupiers, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*, prior to making a final decision with respect to the declaration of a Special Rate or Charge Scheme for Shopping Centres.

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

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

### **Community Engagement**

- To declare a Special Rate and Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989 and Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989 and Local Government Act 2020* prior to making a final decision.
- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's

**CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE  
SPECIAL RATE AND CHARGE cont'd**

community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.

- A best practice approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current scheme and facilitating genuine engagement with traders and property owners when developing the proposed five-year business plan.
- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of the Greensborough Town Centre to review the current Scheme and inform the Traders' Association's five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Traders' Association's request to renew the Special Rate and Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

**Key Considerations**

- *Submissions Received in Support of the Scheme – seven in total.*

**Submission 1**

This submission was provided by the President of the Greensborough Chamber of Commerce acknowledging the importance of funds in marketing the centre and outlining the importance in the continuation of the scheme to support the centre through upcoming disruptions.

**Submissions 2 and 3**

These two submissions were provided from owner/occupiers of properties in the rateable area noting the ongoing need for the scheme to support ongoing growth of the Town Centre.

**Submissions 4, 5, 6 and 7**

These four submissions were provided by occupiers who occupy a rateable property in the scheme noting the importance of the scheme in enabling the centre to be professional managed and implement marketing initiatives that support the centres growth.

- No objections were received to the scheme.
- There is no doubt that concerted, collective marketing efforts will be required in the recovery phase of COVID-19 to encourage commerce and business activity within Greensborough Town Centre, reaffirming the centre as a popular shopping destination in Melbourne's North East.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission. The Greensborough Chamber of Commerce has indicated that they would like a representative to be heard.

**Officer Declaration of Conflict of Interest**

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

**CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE  
SPECIAL RATE AND CHARGE cont'd**

**ATTACHMENTS**

Nil

## 7.2 **CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE**

Author: Daniela Ahimastos - Economic Development Officer, City Development

Ward: Bakewell

### **Previous Items**

Council on 9 May 2022 (Item 7.1 - Notice of Intention to Declare a Special Charge -  
Watsonia Shopping Centre)

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### **SUMMARY**

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Watsonia Shopping Centre ("Shopping Centre")
2. Following the Ordinary Meeting of Council on Monday, 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council's intention to declare a Special Charge for the Shopping Centre was advertised in the "*Herald Sun*" on Tuesday, 17 May 2022 and placed on Council's Internet website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday, 17 June 2022. Council received by this date a total of six written submissions in support of the proposed Scheme and no objections.
6. The Watsonia Traders Association has indicated via email their request for a representative to appear in person before Council on the 15 August 2022.

### **RECOMMENDATION**

That Council:

1. In respect of Council's published intention to declare a Special Charge for The Watsonia Shopping Precinct ("Proposed Special Charge") and having –
  - (a) received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*; and

## **CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE cont'd**

- (b) taken account the fact that no objections were received under section 163B of the *Local Government Act 1989*.
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.

### **COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

### **BACKGROUND**

- Following the Ordinary Council Meeting on Monday 9 May 2022, where Council advised of its notice of intention to commence the statutory process to declare a Special Charge for the Watsonia Shopping Centre (Shopping Centre), the following processes have been undertaken by Council to carry out its functions under the *Local Government Act 1989* and the *Local Government Act 2020*:
  - Council commenced the statutory process under the Act to reintroduce a Special Charge for the properties included in the Shopping Centre, to raise an amount of \$44,850 per annum for a period of five years, commencing on 1 July 2022 and ending on 30 June 2027;
  - Public notice was given in the "*The Herald Sun*" newspaper on Tuesday, 17 May 2022 of the intention of Council to declare the Special Charge at its ordinary meeting to be held on Monday, 5 September 2022, and placed on Council's Internet website;
  - Separate letters enclosing a copy of the public notice were sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of Special Rate, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on Monday 5 September 2022;
  - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of Special Charge; and
  - The Watsonia Traders' Association has been advised of the above matters.

### **KEY ISSUES**

- Any person who is liable or required to pay a Special Rate or Charge under a proposed Scheme has a right to 'object' to the scheme under section 163B of the *Local Government Act 1989*. The right to 'object' is different from, and in addition to, the right to make a 'submission' under sections 163A and 223 of the *Local Government Act 1989*.
- Any person may make a submission in relation to a proposal to declare a Special Rate or Charge, however, the number of submissions received does not necessarily limit Council's power to declare a Special Rate or Charge.
- By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Rate, then Council

## **CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE cont'd**

*cannot* proceed with the declaration (section 163B(6)) of the *Local Government Act 1989*.

- There were six submissions received supporting the proposed Scheme and no objections received opposing the proposed Scheme.
- The fact that no objections were received is considered to be a very positive reflection on past performance and success, as well as an indicator of the need for marketing support during a period of economic consolidation.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- The statutory process provides the community, affected ratepayers and property owners and occupiers, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*, prior to making a final decision with respect to the declaration of a Special Charge Scheme for Shopping Centre.

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

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

### **Community Engagement**

- To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989 and Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989 and Local Government Act 2020* prior to making a final decision.
- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.
- A best practice approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the



## **CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE cont'd**

current scheme and facilitating genuine engagement with traders and property owners when developing the proposed five-year business plan.

- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of the Watsonia Traders Association to review the current Scheme and inform the Traders' Association's five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Traders' Association's request to renew the Special Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

### **Key Considerations**

- *Submissions Received in Support of the Scheme – six in total.*

#### **Submission 1**

The submission was received from a member of the Association who is a landlord, business owner and active committee member representing one rateable property in the scheme. They noted the success of the Watsonia Traders Association in driving marketing initiatives and promotions including graffiti, events, the new town square development and street beautification. They also note the benefit of a collective voice in advocating during the seven year North East Link project.

#### **Submission 2**

The submission was received from an occupier of a rateable property in the scheme who noted the benefit of the scheme in delivering online promotions, graffiti removal, trader initiatives and annual community events.

#### **Submission 3**

The submission was received from the President and Vice President of the Watsonia Traders Associations on behalf of approximately 70 businesses in the scheme. They highlight the proven success of the scheme in creating a better shopping atmosphere for customers and businesses, improved traffic flow and increased business opportunities for individual businesses. They also note the benefit of a collective voice in advocating during the seven year North East Link project.

#### **Submission 4**

The submission was received from an occupier of a rateable property in the scheme who noted the benefit of the scheme in supporting his business with advertising, graffiti cleaning and financial support via the gift card program. They note the great community and unity that the scheme brings to the trader group.

#### **Submission 5**

The submission was received from an occupier of a rateable property in the scheme who noted the benefit of the scheme in supporting his business with advertising, promotions and street cleaning. They note the importance of the scheme during the construction phase of the North East Link project.

#### **Submission 6**

The submission was received from an occupier of a rateable property in the scheme who noted the support they receive from the scheme including collective advertising, promotion and business development which they would struggle to complete on their own.

**CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE cont'd**

- No objections were received to the scheme.
- There is no doubt that concerted, collective marketing efforts will be required in the consolidation phase of COVID-19 and the construction phase of the North East Link to encourage commerce and business activity within the Watsonia Shopping Centre.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission. The Watsonia Traders Association has indicated that they would like a representative to be heard.

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

Nil

## **7.3 CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE**

Author: Daniela Parisella - Economic Development Officer, City Development

### **Previous Items**

Council on 9 May 2022 (Item 7.3 - Notice of Intention to declare Special Charge –  
Eaglemont Village)

---

### **SUMMARY**

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the “Eaglemont Village Shopping Precinct” (“Shopping Precinct”).
2. Following the Ordinary Meeting of Council on Monday 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Precinct was advertised in the “*Herald Sun*” on Tuesday 17, May 2022 and placed on Council’s public website.
3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 17 June 2022. Council received by this date a total of nine submissions in support of the proposed Scheme and zero objections.
6. The Eaglemont Village Traders Association has indicated their request for a representative to appear in person before Council.

### **RECOMMENDATION**

That Council:

1. *In respect of Council’s published intention to declare a Special Charge for The Eaglemont Village Shopping Precinct (“Proposed Special Charge”) and having –*
  - a. *received and considered submissions received under section 223 of the Local Government Act 1989 and Local Government Act 2020;*  
*and*
  - b. *taken account the fact that no objections were received under section 163B of the Local Government Act 1989.*

**CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE cont'd**

*Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.*

**COUNCIL PLAN**

- This report is in line with Banyule’s Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

**BACKGROUND**

- Following the Ordinary Council Meeting on Monday 9 May 2022, where Council advised of its notice of intention to commence the statutory process to declare a Special Charge for Eaglemont Village “Shopping Precinct”, the following processes have been undertaken by Council to carry out its functions under the *Local Government Act 1989*:
  - Council Commences the statutory process under the Act to reintroduce a Special Charge for the properties included in the Shopping Precinct to raise an amount of \$15,000 per annum for a period of five years, commencing on 1 July 2022 and ending on 30 June 2027;
  - Public notice was given in the “*Herald Sun*” newspaper on Tuesday 17 May 2022 of the intention of Council to declare the Special Charge at its Ordinary Meeting to be held on Monday 5 September 2022, and placed on Council’s public website;
  - Separate letters enclosing a copy of the public notice were sent to the owners and occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of the Special Charge, advising of the intention of Council to declare the Special Charge at its Ordinary Meeting to be held on Monday 5 September;
  - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of the Special Charge; and
  - The Eaglemont Village Traders Association has been advised of the above matters.

**KEY ISSUES**

- Any person who is liable or required to pay a Special Rate and/or Charge under a proposed Scheme has a right to ‘object’ to the scheme under section 163B of the *Local Government Act 1989*. The right to ‘object’ is different from, and in addition to, the right to make a ‘submission’ under sections 163A and 223 of the *Local Government Act 1989*.
- Any person may make a submission in relation to a proposal to declare a Special Rate and/or Charge, however, the number of submissions received does not necessarily limit Council’s power to declare a special Rate and/or Charge.

## **CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE cont'd**

- By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Rate, then Council cannot proceed with the declaration (section 163B(6)) of the *Local Government Act 1989*.
- There were nine submissions received supporting the proposed Scheme and zero objections.
- The fact the no objections were received is considered to be a very positive reflection on past performance and success, as well as an indicator of the need for the support provided through the Scheme.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- The statutory process provides the community generally and affected ratepayers and property owners and occupiers, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*, prior to making a final decision with respect to the declaration of a Special Rate or Charge Scheme for Shopping Centres.

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

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

### **Community Engagement**

- To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989 and Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989 and Local Government Act 2020* prior to making a final decision.
- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.

**CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE cont'd**

- A best practice approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current scheme and facilitating genuine engagement with traders and property owners when developing the proposed five-year business plan.
- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of Eaglemont Village to review the current Scheme and inform the Traders' Association's five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Traders' Association's request to renew the Special Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

**Key Considerations**

- *Submissions Received in Support of the Scheme – nine in total.*

**Submission 1**

This submission was received from the Centre Manager appointed by the Eaglemont Village Traders Association in conjunction with a request to speak.

**Submission 2**

This submission was received from the president of the Eaglemont Village Traders Association noting the scheme is vital in the development and marketing of the centre to ensure it remains economically sustainable.

**Submission 3**

This submission was received from an owner representing two rateable properties acknowledging the need for funds to further support the marketing and promotions of the centre.

**Submission 4**

This submission was received from an owner of one rateable property acknowledging the need for funds to further support the marketing and promotions of the centre.

**Submission 5 and 6**

These two submissions were received by owners who also occupy a rateable property in the scheme acknowledging the need for funds to further support the marketing and promotions of the centre.

**Submission 7, 8 and 9**

These three submissions were provided by occupiers who occupy a rateable property in the scheme. acknowledging the need for funds to further support the marketing and promotions of the centre.

- No objections were received to the scheme.
- There is no doubt that concerted, collective marketing efforts will be required in the recovery phase of COVID-19 to encourage commerce and business activity within Eaglemont Village.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission. The Eaglemont

**CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE cont'd**

Village Traders Association has indicated that they would like a representative to be heard

**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 CONSIDERATION OF SUBMISSIONS - MACLEOD SPECIAL CHARGE**

Author: Daniela Ahimastos - Economic Development Officer, City Development

Ward: Ibbott

### **Previous Items**

Council on 9 May 2022 (Item 7.2 - Notice of Intention to Declare a Special Charge - Macleod Village Shopping Centre)

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### **SUMMARY**

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Macleod Village Shopping Centre (Shopping Centre).
2. Following the Ordinary Meeting of Council on Monday, 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council's intention to declare a Special Charge for the Shopping Centre was advertised in the "*Herald Sun*" on Tuesday 17 May 2022 and placed on Council's Internet website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 17 June 2022. Council received by this date a total of two written submissions in support of the proposed Scheme and no objections.
6. There were no requests to be heard at the Council meeting on the 15 August 2022.

### **RECOMMENDATION**

That Council:

1. *In respect of Council's published intention to declare a Special Charge for The Macleod Village Shopping Precinct ("Proposed Special Charge") and having –*
  - (a) *received and considered submissions received under section 223 of the Local Government Act 1989 and Local Government Act 2020; and*
  - (b) *taken account the fact that no objections were received under section 163B of the Local Government Act 1989 –*
2. *Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its*



**CONSIDERATION OF SUBMISSIONS - MACLEOD SPECIAL CHARGE cont'd**

*decision, at a future Ordinary Meeting of Council to be held in September 2022.*

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

**BACKGROUND**

- Following the Ordinary Council Meeting on Monday 9 May 2022, where Council advised of its notice of intention to commence the statutory process to declare a Special Charge for the Macleod Village Shopping Centre (Shopping Centre), the following processes have been undertaken by Council to carry out its functions under the Act:
  - Council commenced the statutory process under the Act to reintroduce a Special Charge for the properties included in the Shopping Centre, to raise an amount of \$19,170 per annum for a period of five years, commencing on 1 July 2022 and ending on 30 June 2027;
  - Public notice was given in the "The Herald Sun" newspaper on Tuesday 17 May 2022 of the intention of Council to declare the Special Charge at its ordinary meeting to be held on Monday, 5 September 2022, and placed on Council's Internet website;
  - Separate letters enclosing a copy of the public notice were sent to the owners and the occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of Special Rate, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on Monday 5 September 2022;
  - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of Special Charge; and
  - The Macleod Traders' Association has been advised of the above matters.

**KEY ISSUES**

- Any person who is liable or required to pay a Special Rate or Charge under a proposed Scheme has a right to 'object' to the scheme under section 163B of the *Local Government Act 1989*. The right to 'object' is different from, and in addition to, the right to make a 'submission' under sections 163A and 223 of the *Local Government Act 1989*.
- Any person may make a submission in relation to a proposal to declare a Special Rate or Charge, however, the number of submissions received does not necessarily limit Council's power to declare a Special Rate or Charge.
- By contrast, if a proposed Scheme receives more than 50% of objections from those persons who are liable or required to pay the Special Rate, then Council *cannot* proceed with the declaration (section 163B(6)) of the *Local Government Act 1989*.

## **CONSIDERATION OF SUBMISSIONS - MACLEOD SPECIAL CHARGE cont'd**

- There were two submissions received supporting the proposed Scheme and no objections received opposing the proposed Scheme.
- The fact that no objections were received is considered to be a very positive reflection on past performance and success, as well as an indicator of the need for marketing support during a period of economic consolidation.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- The statutory process provides the community generally and affected ratepayers and property owners and occupiers, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*, prior to making a final decision with respect to the declaration of a Special Charge Scheme for Shopping Centre.

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

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

### **Community Engagement**

- To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989 and Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989 and Local Government Act 2020* prior to making a final decision.
- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.
- A best practice approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current scheme and facilitating genuine engagement with traders and property owners when developing the proposed five-year business plan.

## **CONSIDERATION OF SUBMISSIONS - MACLEOD SPECIAL CHARGE cont'd**

- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of the Macleod Traders Association to review the current Scheme and inform the Traders' Association's five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Traders' Association's request to renew the Special Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

### **Key Considerations**

- *Submissions Received in Support of the Scheme – two in total.*

#### **Submission 1**

The submission was received from the Centre Coordinators of the Macleod Traders Association. They note the success of the Macleod Traders Association in increasing foot traffic, trader engagement and development in the area as well as reduction in shop vacancies. They note the positive reviews they received from traders operating in the scheme. They note that the continuation of the special levy will provide much needed support for businesses as they recover from the impacts of COVID-19 and face new pressures in a challenging economic environment.

#### **Submission 2**

The submission was received from an occupier of a rateable property in the scheme who noted the benefit of the scheme in delivering initiatives and marketing activities that would not otherwise be achievable.

- Concerted collective marketing efforts will be required in the consolidation phase of COVID-19 to encourage commerce and business activity within the Macleod Village Shopping Centre.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission. Submitters have not indicated that they would like to be heard as part of this process.

### **Officer Declaration of Conflict of Interest**

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

## **ATTACHMENTS**

Nil



## 8.1 **PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 30 JUNE 2022**

Author: Gary Mills - Senior Property Officer, City Development

Ward: Various

### SUMMARY

1. At its Ordinary Meeting on 11 July 2016, Council requested six-monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.
2. This report provides an update to Council and the community where settlement of land and property transactions occurred in the six-month period from 1 January 2022 to 30 June 2022.
3. This information is presented to Council in February and August yearly.

### RECOMMENDATION

That Council:

1. Notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending 30 June 2022.

#### Land Sold/Exchanged

Address	Zone	Description	Area m <sup>2</sup>	Price Incl. GST
Rear of 7 Dunstan Street, Macleod	GRZ	Discontinued Road	56	\$21,714
Part of 419 Upper Heidelberg Road, Ivanhoe	RGZ	Public playground	966	\$1.10
Part of 12-16 Mountain View Road, Montmorency	GRZ	Vacant land	168	\$1.10

#### Land Acquired/Exchanged

Address	Zone	Description	Area m <sup>2</sup>	Price Incl. GST
Part of 421 Upper Heidelberg Road, Ivanhoe	PPRZ	Part of Yarra Valley water tank site	2081	\$1.10
Part of 1 Allens Road, Montmorency	GRZ1	Residential property	146	\$1.10

2. Notes a further report will be presented to Council in February 2023 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 31 December 2022.

**PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 30 JUNE 2022 cont'd**

3. Notes a separate report will be presented to Council identifying the Council land impacted by North East Link permanent and temporary land acquisitions.

**COUNCIL PLAN**

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

**BACKGROUND**

- Under section 114 of the *Local Government Act 2020*, Council is required to give public notice of its intention to sell or exchange land and undertake a community engagement process in accordance with its community engagement policy.
- Despite a track record of complete legislative compliance and transparent decision making, periodic publishing of Council property transactions for public information purposes is considered desirable.
- Council at its meeting on 11 July 2016, resolved to receive a report identifying all land acquired, disposed, transferred or exchanged by Council every six months. The six-monthly reports outlining such transactions aims to provide openness and transparency regarding Council property transactions.

**KEY ISSUES**

- Five property transactions were settled in the period ending 30 June 2022, providing a net financial return to Council of \$21,714 (incl. GST).
- Table 1 details property transactions considered and resolved on by Council.

Address	Zone	Description	Area m <sup>2</sup>	Council Resolution
Rear 7 Dunstan Street, Macleod	GRZ1	Discontinued road	56	20 September 2021 (CO2021/188)
Part 419 Upper Heidelberg Road, Ivanhoe		Public playground	966	25 October 2021 (CO2021/204)
Part 421 Upper Heidelberg Road Ivanhoe	PPRZ	Part of Yarra Valley Water - water tank site	2081	25 October 2021 (CO2021/204)
12- 16 Mountain View Road Montmorency	PPRZ	Vacant land	165	15 June 2020 (CO2020/100)
Part of 1 Allens Road Montmorency	GRZ1	Residential land	140	15 June 2020 (CO2020/100)

Table 1

Rear 7 Dunstan Street, Macleod

- Sale of a portion of disused right of way at the rear of 7 Dunstan Street, Macleod.

**PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING  
30 JUNE 2022 cont'd**

419 & 421 Upper Heidelberg Road, Ivanhoe

- Land Exchange agreement with Yarra Valley Water at the former tank site. The land exchange facilitates a larger footprint for the public playground.

12-16 Mountain View Road & Part of 1 Allens Road Montmorency

- Land exchange agreement to facilitate extension to the Montmorency Bowling Club building.
- A locality plan for the properties transacted is provided at **Attachment 1**.
- A number of property transactions remain in progress, which will be reported in the next six-monthly report.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- In undertaking sale of land transactions, Council is required to comply with provisions in Section 114 of the *Local Government Act 2020* relating to the giving of public notice and undertaking a community engagement process in accordance with its community engagement policy.
- There are no direct legal implications arising from the recommendation contained in this report.

**Human Rights Charter**

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

**Sustainable Procurement Outcomes**

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

**Financial Implications**

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

**Officer Declaration of Conflict of Interest**

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

**PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING  
30 JUNE 2022 cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Property Transactions Plans	



## **8.2 AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL"**

Author: Brett Jose - Sports Field & Open Space Assets Coordinator, Assets & City Services

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### **SUMMARY**

1. This report is to consider the awarding of Contract No.1198–2022 for “Reconstruction of Beverley Road Oval” within Warringal Parklands.
2. As part of the 2022/23 Capital Works program, Council invited submissions from suitably qualified contractors for the reconstruction of Beverley Road Oval. Project works include earth works, drainage works, irrigation works, root zone mix installation, turfgrass establishment, concrete works and fencing, and associated works.
3. Tenders were advertised in The Age and on Council’s website. During this period, forty-two (42) companies downloaded the tender documents, and eight (8) submissions were received by the closing time.
4. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Evergreen Turf Group Pty Ltd in accordance with the tender and conditions as determined by Council.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1198-2022 “Reconstruction of Beverley Road Oval to Evergreen Turf Group Pty Ltd for \$1,587,919 (ex. G.S.T)
2. Allocate additional funding of \$226,711 from the Public Open Space Reserve required to deliver the project.
3. Authorise the Director of Asset & City Services to sign the contract and any other associated documents.

### **COUNCIL PLAN**

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

**AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL" cont'd**

**TENDER DETAILS**

Contract Period	September 2022 to April 2023
Contract Type	Lump Sum Contract
Advertising Period	Saturday 14 May 2022 to Wednesday 8 June 2022 in the Age
Tenders Closed	8 June 2022
Works/Project	<ul style="list-style-type: none"> <li>• As part of the proposed 2022/2023 financial year Capital Works program, Council is proposing to reconstruct Beverley Road Oval</li> <li>• The scope of works includes but is not limited to construction activities involving: <ul style="list-style-type: none"> <li>○ Earth works, drainage works, irrigation works, root zone mix installation, turfgrass establishment, concrete works and fencing and associated works as per design.</li> <li>○ Ensure all works are undertaken as per Planning Permit P442/2021</li> </ul> </li> </ul>
No. of tender documents downloaded	42
Tender Evaluation Panel	<ul style="list-style-type: none"> <li>• Project Delivery Officer</li> <li>• Acting Sportsfield Team Leader</li> <li>• Capital Works Coordinator</li> <li>• Sportsfield &amp; Park Assets Coordinator (Non-Scoring Member)</li> </ul>
Tender Evaluation Criteria	<ul style="list-style-type: none"> <li>• Tendered price</li> <li>• Previous performance, experience, and reliability in the provision of similar types of projects</li> <li>• Qualifications and capability of nominated staff including experience of nominated sub-contractors</li> <li>• Local and social sustainability, including economic and environmental</li> <li>• Existence of Accredited Management Systems and procedures Quality &amp; OH&amp; S</li> <li>• Any other information that Council may deem relevant</li> </ul>
Other Background	<ul style="list-style-type: none"> <li>• Increasing use and participation numbers have placed additional pressure on the condition and presentation of playing surfaces across all of Council's sportsfields.</li> <li>• In response, Council has committed to a sportsfield reconstruction program. The program purpose is to increase the quality of the playing surfaces and increase the number of hours that a ground can be used for.</li> <li>• Subsequently, funding was allocated in the 2022/23 budget to reconstruct Beverley Road Oval.</li> <li>• The design and consultation process for the reconstruction of Beverley Road Oval was undertaken in 2020/21 and construction initially scheduled for 2021/22.</li> <li>• However, the initial design was not supported by Melbourne Water and a redesign was required which resulted in the project being delayed by 12 months.</li> </ul>

**AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL" cont'd**

	<ul style="list-style-type: none"><li>• Endorsement of the revised design has since been received from Melbourne Water and a planning permit has been issued.</li><li>• The project was tendered on the 14 May 2022.</li></ul>
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**TENDER/QUOTATION EVALUATION**

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

The weighted score for the tender was:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Tenderer A	64.14
Tenderer B	88.00
Tenderer C	77.72
Tenderer D	75.30
Tenderer E	85.20
Tenderer F	78.19
Tenderer G	79.50
Tenderer H	81.61

- Following an initial evaluation, the TEP shortlisted the top two (2) Contractors based on highest weighted scores; however, clarifications were required regarding pricing and exclusions listed in both tender submissions.
- The TEP panel reconvened on 6 July 2022 to assess the responses to clarifications. The panel had concerns with the response from one of the tenders as the tender was for a fixed lump sum price, not subject to rise and fall therefore the TEP agreed to deem that tender submission non-compliant.
- Following clarifications and based on the highest score the TEP concluded, Evergreen Turf Group Pty Ltd was the recommended Tenderer for this project following clarifications.

**AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL" cont'd**

- An independent Corporate Scorecard assessment was requested for Evergreen Turf Group Pty Ltd as required for high value projects. The assessment returned a "Sound" rating.

Following is the final score of the preferred contractors:

<b>Contractor</b>	<b>Weighted Scores</b>
Evergreen Turf Group Pty Ltd	88.00
Tenderer E	85.20
Tenderer H	81.61
Tenderer G	79.50
Tenderer F	78.19
Tenderer C	77.72
Tenderer D	75.30
Tenderer A	64.14

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

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

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

**Human Rights Charter**

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

**Sustainable Procurement Outcomes**

- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability
- There are no sustainable procurement activities arising from the recommendation contained in this report.

**AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL" cont'd**

**Financial Implications**

- Council has allocated \$1,520,000 in its 2022/23 Capital Works budget for the construction of the Beverley Road Oval.
- Additional funding of \$226,711 (which includes 10% contingency) is required to meet the shortfall between budget allocation and tender to complete the project.

**Additional information**

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

**Banyule Procurement Policy**

- Council's Procurement Policy is made under *Section 108 of the Local Government Act 2020*. The *Local Government Act 2020* and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Contract No.1198-2022 - Tender Evaluation Sheet - Confidential	

## 8.3 **FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2022 PERFORMANCE**

Author: Michael Fan - Financial Performance & Planning Coordinator, Corporate Services

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### **SUMMARY**

1. The Financial Management Report - Preliminary June 2022 Performance is the actual unaudited financial results for June 2022 against the adopted budget 2021/22.
2. The June Preliminary Financial Management Report (as attached) provides assessment of the following:
  - Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
  - Capital Works Expenditure – summary of actual spend and budget.
  - Investment activity – compliance against the current Investment Policy
  - Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements
3. The unaudited financial result for the period ended 30 June 2022 is preliminary and is subject to change pending finalisation of year-end adjustments including assessment of:
  - Accruals and prepayments
  - EOFY unearned income review
  - Valuation adjustment
  - Capitalisation of expenditure
  - Depreciation and amortisation adjustment
4. The Audited Financial Report for the year ended 30 June 2022 will be presented to Audit and Risk Committee on 23 September 2022.

### **Financial Performance**

5. The Adopted Budget 2021/22 surplus is \$14.58m. The preliminary June 2022 Actual Operating Surplus for the year is **\$10.09m** and compares unfavourably to budget by \$4.49m.
6. The actual to budget results are primarily related to the lower than expected receipt of capital government grants; reduced fees and charges income due to COVID-19 service closures; agency cost expensed from the capital budget (CAPEX), and partially offset by gains on asset disposals.
7. The 2021/22 result will be further impacted by pending year-end adjustments. Currently the preliminary underlying operating result is a **\$0.42m** underlying surplus. The budgeted underlying deficit adopted was \$1.19m.

**FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2022  
PERFORMANCE cont'd**

8. Capital works expenditure is **\$39.178m** (adopted budget: \$66.745m). The amount of capital works expenditure to be carried forward to the 2022/23 financial year will be determined once the financial statements have been completed, including all accruals and prepayments.

**RECOMMENDATION**

That Council note:

1. The Financial Management Report – Preliminary Performance for the period ended 30 June 2022
2. The preliminary operating surplus of \$10.09m against the adopted surplus budget of \$14.58m for the year ended 30 June 2022.
3. The audited Financial Statements for the period ended 30 June 2022 will be presented to Audit and Risk Committee on 23 September 2022.
4. The audited Financial Statements for the period ended 30 June 2022 will be considered for 'In Principle' approval by Council on 26 September 2022.

**COUNCIL PLAN**

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

**BACKGROUND**

- The Financial Management Report - Preliminary June 2022 Performance comprises a review of the full year budget and full year actual, and other key financial information.
- Material variances are explained in the notes to the attached Report (variances greater than \$0.500m are considered material).
- The final year-end result is expected to change after invoices related to 2021/22 are received and accrued later in the month of July/August.

## FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2022 PERFORMANCE cont'd

### KEY ISSUES

#### Financial Sustainability

- The current assessment of the Financial Sustainability of the Organisation is measured against the VAGO (Victorian Auditor-General's office) indicators. These ratios are not final and are likely to change after all the year-end adjustments are processed. The final ratios will be updated within the Annual Report.

	Net Result	Adjusted Underlying Result	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
June 2022	1.52%	(4.77%)	2.37	88.88%	16.67%	1.74	1.62

- The 'red' Adjusted Underlying Result of -4.77% will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the next few years. In a normal year, Council aims for 5% against this ratio.
- The adjusted underlying result measures an entities ability to generate surpluses in the ordinary course of business. It is calculated as *(Adjusted underlying surplus or deficit) / (Adjusted underlying revenue)*. It specifically excludes non-recurrent capital grants, other contributions to capital expenditure (including Open Space Contributions) and non-monetary asset contributions (Banyule receives none).
- The Internal Financing for 2021/22 measures Banyule's ability to finance capital works using cash generated by operating cash flows. The capital works expenditure that is estimated to be funded from operating cash flow is 88.88% for 2021/22. In a normal year, Council aims for 100% against this ratio.

### SUPPORTING REPORT DETAILS

#### Legal Consideration

Section 97 of the *Local Government Act 2020* requires a quarterly budget report to Council as soon as practical after the end of each quarter. A quarterly budget report must include a comparison of the actual and budgeted results to date, an explanation of any material variations, any other matters prescribed by the regulations.

#### Human Rights Charter

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

#### Sustainable Procurement Outcomes

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



**FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2022  
PERFORMANCE cont'd**

**Financial Implications**

- This Preliminary Financial Management Report is for the period ended 30 June 2022 and provides assessment of the following:
  - key income and expenditure actual operating results against budget
  - capital Works financial performance
  - COVID-19 financial impact
  - other key financial indicators
- The preliminary June 2022 operating surplus is \$10.09m and compares unfavourably to the budgeted operating surplus of \$14.58m. (\$4.49m unfavourable movement).
- The preliminary June 2022 underlying operating surplus is \$0.42m and compares favourably to the budgeted underlying operating deficit of \$1.19m (\$1.61m favourable movement).
- As at 30 June 2022, a total of \$39.18m has been spent on capital works (adopted budget is \$66.75m). There are several capital projects that have been delayed and will be deferred to 2022/23 (in part or full) due to resourcing, project complexities or revised project timing.
- Delay in capital delivery is being experienced across the sector which can be attributed to internal resourcing shortages due high levels of illness, a stimulated construction industry attracting skilled staff to different sectors, worldwide material shortages, limited contractor availability and higher construction costs.
- The economic disruption caused by COVID-19 is anticipated to have had an additional \$3.57m net financial cost impact on Council's businesses than that anticipated in the adopted budget.
- Of Council's \$3.54m Economic Support Package, 75% has been expended (\$2.67m). Current rate waiver applications applied for and approved were \$0.33m.
- The final year-end result is expected to change after invoices related to 2021/22 are received and accrued later in the month of July/August.
- Transactions not yet processed that will result in a further variance to the year end result include the WaterMarc share loss; IT projects expensed (from CAPEX budget); depreciation; labour capitalisation and unearned capital grants.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who 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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Financial Management Report - June 2022 Preliminary Report	

## **8.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022**

Author: Allison Beckwith - Chief Executive Officer, Executive

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### **SUMMARY**

1. Local government leaders from around Australia gathered in Canberra from 20 – 22 June 2022 for the 28th National General Assembly of Local Government (NGA).
2. Banyule Council attendees included Cr Peter Castaldo, Cr Peter Dimarelos, Cr Elizabeth Nealy, Cr Tom Melican and Allison Beckwith, Chief Executive Officer.
3. In keeping with the theme of the Assembly 'Partners in Progress', councillors committed to partnering with the Australian Government to progress critical reforms, including:
  - National productivity,
  - Climate change transition,
  - Closing the Gap,
  - Housing affordability including increased social housing, appropriate road safety reforms,
  - Restoring integrity of federal funding to local government, and
  - Improved local delivery of community services.
4. The Assembly committed to progressing the next step of Closing the Gap and passed a motion supporting the Uluru Statement from the Heart.
5. The Assembly heard from leading economists that local government is the most productive level of government yet collects just 4% of national taxation revenue.
6. The Assembly agreed that councils need more sustainable and transparent formula-based funding to restore integrity to federal funding of local government.
7. Further, they noted the essential federal funding support to local communities and called on the Government to review Financial Assistance Grants and restore them to at least 1 percent of Commonwealth taxation revenue
8. It is important to note that there were 106 policy initiatives that were adopted at the Assembly that will be implementation over the course of the coming months.
9. The purpose of this report is to adhere to the principles of accountability and transparency of Councillor attendance at conferences and seminars, to highlight to the Banyule Community that importance of the National General Assembly of Local Government and the impact that national advocacy can have on the sector, and to report back on any outcomes, learnings and advocacy that is occurring as a result of the Assembly.

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022 cont'd**

**RECOMMENDATION**

That Council:

1. Receive and note the Officer Report relating to the Australian Local Government Association (ALGA) – National General Assembly 19- 22 June 2022;
2. Note that **Attachment 1** to this Report details the summary of presentations and discussions and highlights several 'call to action' recommendations associated with each;
3. Note that 106 policy initiatives were adopted by the ALGA National General Assembly that will be implemented over the course of the coming months;
4. Request for a future report to be presented back to the Community via the Council as reasonably practicable on the implementation at a national level of each motion; and
5. Acknowledge and note the importance of the annual Australian Local Government Association – National General Assembly, and the importance of collaboration between local government agencies at local, state and national level.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Advocate for community priorities and aspirations to improve service, infrastructure, land use, environmental and social outcomes".

**BACKGROUND**

- Local government leaders from around Australia gathered in Canberra from 20 – 22 June 2022 for the 28th for the National General Assembly of Local Government (NGA).
- This event was held on the traditional lands of the Ngunnawal people, and the Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.
- Banyule Council attendees included Cr Peter Castaldo, Cr Peter Dimarelos, Cr Elizabeth Nealy, Cr Tom Melican and Allison Beckwith, Chief Executive Officer.
- Around 1,000 delegates from across Australia welcomed and congratulated the Albanese Government on being elected and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including Minister King, Minister McBain, Minister Watt, Minister Burney, Minister Rowland, Leader of the National Party David Littleproud, and Zali Steggall OAM.
- All reaffirmed the importance of local government, and councils look forward to seeing action through better partnerships.

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022 cont'd**

- Local governments had previously asked for a Minister in Cabinet and welcomed the appointment of Cabinet Minister King supported by former Bega Valley Shire Mayor Minister McBain.
- The Assembly welcomed the announcement from Minister King that she would work with Minister McBain to re-establish the Australian Council of Local Governments and was encouraged by the Government's willingness to engage and partner with local councils.
- In keeping with the theme of the Assembly 'Partners in Progress', councillors committed to partnering with the Australian Government to progress critical reforms, including:
  - National productivity,
  - Climate change transition,
  - Closing the Gap,
  - Housing affordability including increased social housing, appropriate road safety reforms,
  - Restoring integrity of federal funding to local government, and
  - Improved local delivery of community services.
- The Assembly committed to progressing the next step of Closing the Gap and passed a motion supporting the Uluru Statement from the Heart.
- The Assembly heard from leading economists that local government is the most productive level of government yet collects just 4% of national taxation revenue.
- The Assembly agreed that councils need more sustainable and transparent formula-based funding to restore integrity to federal funding of local government.
- Further, they noted the essential federal funding support to local communities and called on the Government to review Financial Assistance Grants and restore them to at least 1 percent of Commonwealth taxation revenue.

**KEY ISSUES**

- Delegates and speakers recognised the protracted challenges of the COVID pandemic, unprecedented droughts, bushfires, and recent floods, and commended the work of local councils, local communities and government agencies on their work on emergency response and recovery.
- A number of flood affected leaders also met personally with the Prime Minister, and highlighted ways to better work together to prevent and prepare for natural disasters.
- The Assembly warmly received Governor-General David Hurley and his comments on the vital role councils are playing supporting disaster impacted communities and will need to play in the future.
- The Assembly noted however that more needs to be done on mitigation and the prevention of climate induced natural disasters.
- The Assembly discussed the global challenges to democracy and the critical importance of local government. The Assembly reaffirmed its commitment to strong local leadership, transparency and public accountability, free and fair elections and local democracy.

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022 cont'd**

- After a stirring address from the Ukraine Ambassador, the Assembly passed a unanimous motion supporting the Ukraine people and their legitimate and democratically elected governments.
- Other critical issues addressed at the Assembly included migration between cities and regions, housing affordability and the role councils can play in social housing, critical workforce challenges and road safety.
- Delegates agreed to continue to meet with their local federal members to highlight the importance of sustainable and transparent funding for local governments, and better partnerships that will help support progress in every community.
- More detailed notes on sessions are included in **Attachment 1**.

**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 National Assembly motions that were considered and conference discussions included presentation focused on several human rights; including
  - National productivity,
  - Climate change transition,
  - Closing the Gap,
  - Housing affordability including increased social housing, appropriate road safety reforms,
  - Restoring integrity of federal funding to local government, and
  - Improved local delivery of community services.

**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, and it is important to note that all expenses have already been incorporated into Councils operational budget.
- Council have an adopted Council Expenses Policy that provides for the ability for Councillors to undertaken relevant professional development matters and attendance at conferences and seminars that are relevant to their role.

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022 cont'd**

- As part of Councils Commitment to transparency and accountability all expenses are to be reported on.
- Total costs associated with accommodation, registration and flights for the Councillors and Chief Executive Officer who attended ALGA totalled \$10,289.00
- It should be noted that Cr Castaldo's total costs excluded transport costs and Cr Nealy total cost included only a 1-way flight.

**Collaboration**

- Convened by the Australian Local Government Association (ALGA) the NGA is the largest national gathering of democratically elected representatives in the nation.
- ALGA is the national voice of local government and will review more than 106 policy initiatives adopted by resolution of the Assembly in the coming months.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who 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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Local Government Association NGA Report	

## **8.5      *AUDIT & RISK COMMITTEE MINUTES 17 JUNE 2022***

Author: Paul Wilson - Audit Support Officer, Corporate Services

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### **SUMMARY**

1. The Audit & Risk Committee is an Advisory Committee of Council and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to an Ordinary Council Meeting.
3. Consequently, the Minutes of the meeting held on the 17 June 2022 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, scheduled for 22 September 2022.

### **RECOMMENDATION**

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on 17 June 2022

### **COUNCIL PLAN**

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

### **BACKGROUND**

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

## **AUDIT & RISK COMMITTEE MINUTES 17 JUNE 2022 cont'd**

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

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

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

#### **Human Rights Charter**

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

#### **Sustainable Procurement Outcomes**

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

#### **Financial Implications**

- There are no financial 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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Unconfirmed Minutes from the Audit & Risk Committee - Meeting held 17 June 2022	



## 8.6 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Executive

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### SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

1. Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
2. Is attended by at least one member of Council staff; and
3. Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting

Are tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

### Record of Meetings

1	<b>Date of Meeting:</b>	11/07/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	Community Satisfaction Survey Waste Rate Update Inclusive Banyule
	<b>Councillors Present:</b>	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy
	<b>Staff Present:</b>	

**RECORD OF COUNCILLOR MEETINGS cont'd**

Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Tania O'Reilly – <i>Manager Finance &amp; Procurement</i> Allister Crawford – <i>Strategic Development &amp; Performance Coordinator</i> Philip Ryan – <i>Revenue Services Coordinator</i> Sherryn Prinzi – <i>Community Impact Coordinator</i> Laura Mannix – <i>Social Policy &amp; Planner Team Leader</i> Jo Wilson – <i>Manager Resilient &amp; Connected Communities</i>	
<b>Others Present:</b>	
NIL	
<b>Conflict of Interest:</b>	NIL

<b>2</b>	<b>Date of Meeting:</b>	18/07/2022
	<b>Type of Meeting:</b>	Pre- Council meeting Briefing
	<b>Matters Considered:</b>	
	Ivanhoe Sports Precinct Plan Consultation Outcomes Reconciliation Action Plan Annual Update - Year 1 89 Marshall Street, Ivanhoe - Development of four dwellings (P1280/2021) Social Infrastructure Framework 2022-2032 Banyule City Council's Annual Procurement Plan - 2022/23 Council Meeting Prayer Record of Councillor Meetings	
	<b>Councillors Present:</b>	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Krysten Forte – <i>Governance Coordinator</i>		
<b>Others Present:</b>		
NIL		

RECORD OF COUNCILLOR MEETINGS cont'd

	<b>Conflict of Interest:</b>	NIL
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3	<b>Date of Meeting:</b>	18/07/2022
	<b>Type of Meeting:</b>	Cemeteries Trust Meeting
	<b>Matters Considered:</b>	
	Class B Cemetery Trust - Protective Data Security Plan (PDSP) - Attestation	
	<b>Councillors Present:</b>	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Krysten Forte – <i>Governance Coordinator</i> Jan Richardson – <i>Cemetery Administration &amp; Support Officer</i>		
<b>Others Present:</b>		
NIL		
	<b>Conflict of Interest:</b>	NIL

4	<b>Date of Meeting:</b>	25/07/2022
	<b>Type of Meeting:</b>	Councillor Development Workshop
<b>Matters Considered:</b>		
Councillor Development		
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos		

RECORD OF COUNCILLOR MEETINGS cont'd

Elizabeth Nealy	
<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i>	
<b>Others Present:</b> NIL	
<b>Conflict of Interest:</b>	NIL

5	<b>Date of Meeting:</b>	01/08/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b> Ivanhoe Aquatic Centre Stage 2 Redevelopment - Consultation and Concept Options Assessment North East Link - Advocacy Update / Next Steps Advisory and population committee report 2021-22 Boulevard Christmas Lights 2022 Inclusive Employment Program for 22/23FY	
	<b>Councillors Present:</b> Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Elizabeth Nealy	
	<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Nicole Maslin – <i>Manager Healthy &amp; Active Communities</i> Shawn Neilsen – <i>Communications, Advocacy &amp; Engagement Coordinator</i> Jonathan Risby – <i>Manager Transport &amp; Environment</i> Megan Kemp- <i>Executive &amp; Councillors Team Leader</i>	
<b>Others Present:</b> NIL		
<b>Conflict of Interest:</b>	NIL	

**RECORD OF COUNCILLOR MEETINGS cont'd**

**RECOMMENDATION**

That Council receives and notes the Record of Councillor Meetings report.

**ATTACHMENTS**

Nil



## **10.1 VOLUNTEER GUIDELINES FOR FRIENDS OF GROUPS WHO OPERATE ON COUNCIL OWNED OR MANAGED LAND**

Author: Cr Alida McKern

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**TAKE NOTICE** that it is my intention to move:

1. That a report be presented to Council regarding the development of guidelines to support volunteer Friends of Groups that operate on Council-owned or managed land in revegetation, planting and similar activities.

### **Explanation**

Council plays a key role in supporting the community to participate in local volunteering opportunities, which includes various Friends of Groups (FoGs). Such groups make significant contributions to Council endeavours in implementing Council strategies and plans.

It is important that Council support these endeavours in both promoting these volunteering opportunities and assisting with the support of new or emerging groups. It is equally important that the purpose of the groups and Council's objectives are aligned.

This Notice of Motion seeks to establish guidelines for FoGs that address:

- Promotion & facilitation of volunteer groups—addressing the barrier to access
- Recruitment of volunteers
- Induction program for volunteers
- Health & safety of volunteers
- Support for volunteers – and skills development of volunteer managers
- Addressing grievances & complaints raised by volunteers
- Advocacy for volunteers' rights and responsibilities

The guidelines would apply to FoGs and similar such environmental groups undertaking revegetation projects or land management programs on land owned or managed by Banyule City Council.

**CR ALIDA MCKERN**

**VOLUNTEER GUIDELINES FOR FRIENDS OF GROUPS WHO OPERATE ON  
COUNCIL OWNED OR MANAGED LAND cont'd**

**ATTACHMENTS**

Nil