

# Agenda of Ordinary Meeting of Council - Monday, 27 June 2022

commencing at 7.00pm

Nellie Ibbott Chambers, Ivanhoe Library and Cultural Hub, 275 Upper  
Heidelberg Rd, 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

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

## 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 30 May 2022*

## Disclosure of Interests

### 1. *Urgent Business*

#### 2. *Petitions*

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### REPORTS:

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

Nil

#### 4. *Our Sustainable Environment*

Nil

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

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## **9. Sealing of Documents**

Nil

## **10. Notices of Motion**

Nil

## **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 Outcomes of CEO Employment Matters Committee

This report has been designated as confidential pursuant to section 3(1)(f) of the *Local Government Act 2020* as it contains confidential information relating to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs - The information within the report relates to the employment, remuneration, and annual review of the Chief Executive Officer.

### **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, 18 July 2022.*



## 2.1 **PETITION - PARKLETS ON UPPER HEIDELBERG RD**

Author: Nicholas Van - Council Business Officer, Executive

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### **SUMMARY**

1. A Petition titled "Do Not Support Extension to Parklets on Upper Heidelberg Rd beyond June 30<sup>th</sup> 2022" was received and signed by 90 signatories in support of the Petition.
2. There are 3 signatories from outside Banyule and 87 from within Banyule. Of the 87 from within Banyule there are 4 from Livingstone Parade and 83 from Upper Heidelberg Road.
3. The petition request is summarised as follows:

*We the undersigned, petition of request Council to not support the extension of parklets on Upper Heidelberg Rd beyond June 30<sup>th</sup> 2022. This includes the introduction of any new parklets on Upper Heidelberg Rd.*

### **RECOMMENDATION**

That Council:

1. Receives and notes the petition 'Do Not Support Extension of Parklets on Upper Heidelberg Rd beyond June 30<sup>th</sup> 2022';
2. Refers the petition to the Economic Development Department in the City Development Directorate for consideration and response to the head petitioner accordingly; and
3. Advise the primary petitioner of the Council resolution associated with this report.

- A petition with 90 signatories has been received.
- The petition preamble states:

*We, the undersigned, petition or request Council do not support the extension of parklets no Upper Heidelberg Rd beyond June 30<sup>th</sup> 2022. This includes the introduction of any new parklets on Upper Heidelberg Rd.*

*Main Reasons –*

1. *Originally introduced as a temporary measure to COVID restrictions with a definite end date being 30/06/21. There are no COVID restrictions any longer.*
2. *Customer complaints due to the reduction of carparks on UHR. Carparks on UHR have always been in place to serve **ALL** businesses and the entire community, not a select few.*

**PETITION - PARKLETS ON UPPER HEIDELBERG RD cont'd**

3. *Parklets were now causing financial and mental stress to some traders, with customers telling traders they can't find parking nearby, so they move on as a result.*

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**ATTACHMENTS**

Nil

## **5.1 WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN**

Author: Erica Hardie - Senior Project Manager, City Development

Ward: Bakewell

### **Previous Items**

Council on 30 Aug 2021 7.00pm (Item 5.2 - Watsonia Town Square Proposal Update)

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### **SUMMARY**

1. Community consultation regarding four concept design options for the Watsonia Town Square was carried out in November/ December 2021, and included an online information session, face to face consultation and targeted engagement.
2. During the consultation period, the Watsonia Town Square Shaping Banyule page received 13,636 views, 160 full survey responses and 442 quick poll responses.
3. The consultation showed strong support for concept option number four and the following features: more greenery, a modest loss of car parking, the simplification of the intersection with a t-intersection, discontinuance of Ibbottson Street and maximising key features, such as the playground area, open flexible and seating spaces and the biodiversity/ sensory area.
4. Following the consultation period, Council proactively advocated to the State Government to fund the construction of monopoles in the creation of the Watsonia Town Square, which were estimated to cost \$4.98m.
5. Despite the high level of community support for the monopoles, the State Government has not made a funding commitment by the required deadline so the monopole advocacy has ceased, and the project will move forward without this element.
6. Advocacy to the State Government will continue to further enhance the Town Square and support businesses and the community during the North East Link Project disruption period.
7. A preferred concept design has been formed that incorporates the existing lattice towers and responds to the community feedback, strategic context, and technical advice, including traffic modelling for different intersection options.
8. The preferred design includes the loss of 29 existing car parking spaces. In order to mitigate car parking losses a second project stage could be considered that removes the High Street roundabout to create additional car parking. This stage is currently unfunded (\$1.24m) and additional opportunities will be considered to expand the project area to increase car parking as part of the detailed design phase.
9. A brief exhibition period for the preferred concept design with an optional stage two (High Street roundabout removal) is proposed following the Council resolution. As part of the exhibition period, the statutory process to discontinue Ibbottson Street will commence.

**WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

**RECOMMENDATION**

That Council:

1. Notes the community consultation that was carried out between 5 November 2021 – 5 December 2021 and the consultation summary contained in this report.
2. Endorses the preferred Watsonia Town Square concept design for community exhibition, with the following changes:
  - a) Relocation of the shared user path in Morwell Avenue approximately 6m south of its current location;
  - b) Redesign of the active space and skate elements and open grass area north of Grace Street to accommodate the realignment of the shared user path;
  - c) Realign the car parking on northern and southern sections of Morwell Avenue from angled to parallel parking;
  - d) Redesign of the central section of the carpark to two rows of 90-degree parking with a central aisle; and
  - e) The loss of an additional 12 car parking spaces to accommodate the abovementioned changes.
3. Endorses the inclusion of Stage 2: The High Street roundabout removal, in the upcoming community exhibition phase. Noting that the detailed designs and construction of Stage 2 (\$1.24m) is currently unfunded and will be subject to consideration as part of Council's normal annual budget process.
4. Notes that the Watsonia Town Square concept design may be subject to refinement as it enters the detailed design phase.
5. Explores additional parking opportunities outside of the project area as part of the detailed design phase, including –
  - a) Outside of and adjacent to 65 Watsonia Road; and
  - b) Outside of and adjacent to 47 Watsonia road.
6. Notes that several intersection options for Morwell Avenue and Grace Street have been assessed in the creation of the preferred design, that a signalised intersection is preferred and that the signals will be optimised for vehicle and pedestrian movement.
7. Commences the statutory process under the *Local Government Act 1989* to permanently place obstructions or barriers on Ibbottson Street to restrict access of vehicles to the western end.



## WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd

8. Notes the advocacy to the State Government that has been carried out seeking a commitment to fund the construction of monopoles as part of the Watsonia Town Square, that the monopole advocacy has now ceased, and no funding commitment to deliver monopoles was received.
9. Continues to work alongside the Watsonia Traders' Association in advocating to the State Government to fund the Investment and Activation proposal to enhance the Town Square and support businesses and the community during the North East Link Project disruption period.
10. Notes that negotiations with the Anglican Diocese of Melbourne are continuing regarding the use of the land at 72 Watsonia Road, Watsonia. If these negotiations are unfavourable, the design may need to be amended to exclude this land.

### COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction 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

- After successful negotiations with the State Government as part of the North East Link planning approval Council secured \$5.5m in funding to facilitate the design and construction of a Town Square for Watsonia (\$500,000 is for the design phase and \$5m for the construction phase).
- At Council's ordinary meeting on 30 August 2021, further project background was provided, including a summary of the first stage of consultation and the project's design principles. At the meeting it was also resolved in part that Council:  
*"Receives a future report that details the consultation outcomes and preferred town square design in early 2022".*
- Since the last update, the project has significantly progressed, with the following key milestones being met:
  - The production of four concept design options for Watsonia Town Square in collaboration with the project's community reference group and authorities;
  - Extensive community consultation regarding the four concept design options;
  - Advocacy carried out to encourage the State Government to commit to funding the construction of the monopoles in the creation of the Watsonia Town Square; and
  - Production of a preferred concept design that responds to the community feedback, strategic context, and technical advice. The technical advice includes traffic analysis regarding the intersection options.

## WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd

### KEY ISSUES

- *Car parking losses:* The preferred design includes a loss of 29 car parking spaces, equating to a 13% reduction across the project area. This is supported by an independent car parking occupancy study, the recent community consultation results and previous strategic plans.

If the preferred design is amended to move the location of the shared user path and realign car parking in Morwell Avenue, this would result in an additional loss of 12 car parking bays resulting in an overall loss of 41 car parking spaces.

In accordance with the *Picture Watsonia Vision (2014)*, in 2019 a project was undertaken to expand the Morwell Avenue carpark, with the objective of moving car parking away from the core of the activity centre to create the necessary space for a future town square. Through the project there was a net increase of 40 parking bays, with 45 constructed and 5 removed.

This car park extension was delivered on the premise that some of the gains, would later be offset to enable the creation of the Watsonia Town Square.

- *Budget:* There is some community support for retaining the current number of car parks in the centre. Opportunities have been identified to create additional car parking in the centre to offset the proposed losses, however these are currently unfunded.

These opportunities include:

- An additional project Stage to remove the High Street Roundabout. This is projected to cost an additional \$1.24m in detailed designs and construction.
- Additional car parking outside of the current project area located outside of and adjacent to 47 and 65 Watsonia Road.
- *Future advocacy:* Noting that the State Government has not made a funding commitment to deliver monopolies as part of the Town Square, there are several opportunities to continue advocacy to support local businesses and the community during the North East Link Project disruption period as detailed in the advocacy section of this report. Council's ongoing partnership with the Watsonia Traders' Association will be critical in pursuing such opportunities.
- *Land ownership:* Part of the proposed Town Square area at 72 Watsonia Road, Watsonia is currently owned by the Anglican Diocese of Melbourne (ADOM) and leased by Council. Council made a formal offer to purchase the land for the Town Square in November 2021 and is currently negotiating with the ADOM in mutual goodwill and interest. The preferred design is proceeding on the basis that a favourable outcome will be reached. However, should the negotiations result in an unfavourable outcome there is a risk that other options may need to be considered, including omitting the land from the project area.

## **WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

- There is a funding agreement in place between Council and the State Government that outlines the grant activity deliverables and associated timelines for the project's design and construction. Any proposed variations that may impact the project timelines, will require State Government approval and may put at risk the funding.

#### **Human Rights Charter**

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

#### **Sustainable Procurement Outcomes**

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

#### **Financial Implications**

- The previous Council report on 30 August 2021 detailed the budget implications of the inclusion of the design of public toilet amenities and the monopole feasibility and concept design. These items were met through operational budgets. The construction of the public toilet is proposed to be funded through Council's 2022/23 budget process.
- Given the nature of the current town square proposal, it is likely to exceed the \$5m construction budget. As the project advances to the detailed design phase additional funding opportunities will be identified and pursued or the project scope reduced to meet the budget, if required.
- Options to deliver additional parking outside of the project area are not currently budgeted. There is the option to monitor the parking supply post the construction of the Town Square to determine if the additional parking opportunities are a priority.

#### **Community Engagement**

- The consultation carried out as part of this project builds on the extensive engagement that was carried out with the community to create the *Picture Watsonia Vision* in 2014.
- In February 2021, the Project's Shaping Banyule page was launched, and the projects Community Reference Group was formed. The first stage of consultation was focused on the design principles, project aspirations and scope. It was carried out with the Community Reference group, internal reference group and authorities and completed in August 2021.
- The broad community consultation period for the Watsonia Town Square Project was from 5 November – 5 December 2021. The overall consultation approach

**WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

and outcomes are summarised in the Watsonia Town Square Consultation Update – March 2022 (refer **Attachment 1**).

- The consultation for the Watsonia Town Square Project included:
  - An online information session on Tuesday 16 November;
  - Several drop-in consultation sessions on Tuesday 20 November;
  - The youth outreach service on Saturday 20 November and Friday 26 November; and
  - A presentation to both the North East Link Project (NELP) Business Liaison Group and NELP Community Liaison Group.
- A second online information session was scheduled on Friday 19 November, however was cancelled due to low registration numbers.
- The consultation period was advertised extensively, including:
  - Mailbox drop: Approximately 2,000 postcards delivered to local households and businesses.
  - Banyule Banner and News from Our Neighbourhood features – Bakewell and Grimshaw ward editions.
  - In Centre Promotions: 15 bin wraps, A3 shopfront posters, postcards, 4 large corflute panels, 3 large paste ups, 50 footpath decals, library walkway feature and displays at the North East Link Project Watsonia hub and the Watsonia Neighbourhood House.
  - Social Media Advertising: Facebook and LinkedIn posts.

**Consultation Results**

- The survey and quick poll responses can be summarised as follows:
  - The survey showed that concept option number four is the community's preferred (47%), followed by concept option number three (23%). Concept option number two and one were the community's least preferred options (17% and 12% respectively).
  - The quick poll results were similar with 71% of respondents indicating that they support concept option number four. 50% support concept option number three, 31% option two and 29% for option one.
  - The options that are preferred by the community involve a change in traffic treatments, including the installation of a t-intersection and the discontinuance of Ibbottson Street.
  - 64% of community members are either supportive or very supportive in reducing car parking to allow for more public space.
  - 72% of community members support Council's advocacy position to install monopoles as part of the project.
  - The playground area; open flexible space; gathering and seating spaces; library extension/ outdoor learning pods and biodiversity/ sensory areas, were the features that received the strongest community support.

**WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

The response for each of the proposed features is summarised below, with the percentage of respondents that rated each item with a 4 or 5 out of 5.

**Table One: Watsonia Town Square Features – Summary of Consultation Results**

Feature	% Support or Strongly support	Additional Comments
Playground area	77%	Suggestion that innovative features are explored, and sandpits avoided due to risk and maintenance considerations.
Open Flexible Space	76%	Opportunity to consolidate this space with the gathering and seating spaces/ amphitheatre.
Gathering and Seating Spaces	72%	As above.
Library extension/ outdoor learning pods	69%	The library support outdoor seating areas however are not in favour of structures that duplicate their service.
Biodiversity pods/ sensory areas	66%	Desire for trees that provide maximum shade and more greenery throughout the town square.
Waterplay features	59%	Safety concerns were expressed and the appropriateness of waterplay features in the environment.
Basketball court	50%	The community expressed concern regarding the impact on adjacent residential areas and risk considerations, being close to busy roads.
Multipurpose court	60%	As above.
Amphitheatre	56%	Strongly supported by the library to facilitate their story time.
Library story trail	53%	Strongly supported by the library and could provide an opportunity to acknowledge traditional owners and the area's history.
Bouldering	46%	
Skate features	39%	Some community members expressed safety concerns regarding the features.
Table tennis	33%	Some community members expressed risk concerns, in the feature being close to busy roads.

**Preferred Concept Design**

- Based on the community consultation results, strategic context and technical advice, a preferred concept design has been formed (**refer Attachment 2**).
- The preferred design further develops and enhances the traffic and transport treatments and car parking configurations contained in option number four.
- The design also includes the following features that are supported by the community consultation: a playground area, open flexible space, gathering and

## **WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

seating spaces (including outside of the library), biodiversity pods/ sensory areas, library story trail, amphitheatre, skate features and bouldering.

- The design has omitted the following features: table tennis, basketball court, multipurpose court and waterplay.

### **Intersection Options**

- In forming the preferred concept design several intersections options were considered including a signalised t-intersection, a non-signalised t-intersection and a roundabout. A temporary roundabout that could be changed into a t-intersection after the North East Link Project, was also analysed.
- A signalised t-intersection rates as the most favourable regarding the following considerations: time (construction and design), consultation and strategic planning alignment, parking and open space provision, delivery of key features and pedestrian safety outcomes. It is also less costly than a temporary roundabout option that would involve two construction phases and additional design expenses.
- Traffic modelling was carried out for both the t-intersection and roundabout options. In terms of projected traffic and queue times, the t-intersection was confirmed as the preferred treatment.

### **Community Reference Group**

- The projects community reference group has been guiding the design development process over the past 12 months. A meeting of the group was held on the 29 March 2022 where the group expressed their broad support for the preferred design.
- The extension of the project scope to accommodate for extra parking and offset the 29 car parking losses was also supported.
- Following the reference group meeting, Cr. Rick Garotti, Cr. Mark Di Pasquale and Jonathan Risby, Manager, Transport and Environment met with the Watsonia RSL on 8 April 2022 to discuss the preferred design. At the meeting the Watsonia RSL raised concerns with the safety of the shared user path in its current location in the Morwell Avenue car park and drivers reversing out of the angled car parks on to Morwell Avenue. It was noted that changes to the angle of the parking and location of the shared user path would lead to an additional 12 car parking losses, resulting in an overall loss of 41 spaces.

### **Monopole Advocacy**

- At Council's ordinary meeting on 30 August 2021, it resolved in part that Council:  
*“Proactively advocates to the State Government to commit to funding the construction of the monopoles in the creation of the Watsonia Town Square”.*  
*“Writes to the Hon Colin Brooks MP seeking his support for State Government funding for the monopoles and requesting a meeting to discuss Council's advocacy objectives”.*  
*“Notes that a commitment to the State Government funding request is required by the end of January 2022 to mitigate future project delays”.*

**WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

- As part of Council's advocacy, the Red Bridge group were engaged to develop an advocacy program to support Council's position. The program included the development and implementation of a political case and advocacy campaign.
- During the advocacy period, meetings were held with the Hon Colin Brooks MP and Victorian State Government decision-makers including Tim Pallas' office.
- A social media advocacy campaign was carried out through Banyule's Corporate Facebook Page that reached over 21,000 people. It was a successful campaign given the high click through rate of 11%, noting that 2.5% is very engaging content.
- Despite the high level of community interest and support, the State Government has not made a funding commitment to fund construction of the monopoles in the creation of the town square.
- As per the Council resolution, the monopole advocacy has now ceased, and the project will move forward without monopoles.
- There are however several opportunities to continue to advocate to the State Government to maximise the town square features and activate the area. Council has developed the Investment and Activation Fund proposal in partnership with the Watsonia Traders' Association (**refer Attachment 3**). This proposal is one of Council's advocacy priorities and was presented to the Hon Colin Brooks MP at a meeting with the Watsonia Traders' Association on 29 April 2022.
- Following the meeting local businesses have been encouraged to contact the Hon Colin Brooks MP to express their support for the proposal. Council will also continue to raise the opportunity as part of its monthly meetings with Colin.

**Collaboration**

- In forming the concept design options and the preferred design, Council has proactively engaged with the North East Link Project design and planning team, AusNet Services, APA and the Department of Transport.
- The State Government requested several changes including additional bus bays in the preferred design to accommodate for future services. The preferred design accommodates for current bus services to minimise further car parking losses. The parking configuration has been designed in a way that it can be changed in future to adapt to changing needs.
- Further collaboration will be required as part of the detailed design process and if the High Street roundabout removal is progressed.
- The detailed design phase is scheduled to be carried out from mid-July 2022 until the end of the year. The construction of the Town Square is anticipated to commence from April 2023.

**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.

**WATSONIA TOWN SQUARE - COMMUNITY CONSULTATION SUMMARY & PREFERRED CONCEPT DESIGN cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Attachment One: Watsonia Town Square Consultation Update - March 2022	
2	Attachment Two: Watsonia Town Square Preferred Design	
3	Attachment Three: Watsonia Investment and Activation Fund Proposal	



## **5.2 NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN**

Author: Jonathan Risby - Manager Transport, City Development

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### **SUMMARY**

1. In late October 2021, the Victorian Government and North East Link Project (NELP) announced that the central package (tunnelling) of the North East Link (NEL) had been awarded to the SPARK consortium.
2. As a part of this announcement, an updated concept design was released. It is an improvement on the North East Link reference design including longer tunnels, an increase in public open space at the completion of construction, a simplified Lower Plenty Road interchange and additional shared user paths with improved local connections
3. The Minister for Planning approved a planning scheme amendment which applied the North East Link Incorporated Document, December 2019 to the project area. This document requires that an Urban Design and Landscape Plan (UDLP) is prepared for the project or sections of the project.
4. The UDLP was released for public comment between Wednesday 11 May until 5pm, Tuesday 31 May 2022.
5. Council officers provided comments on operational and technical matters as attached.
6. Traffic modelling is required and treatments for Crew Street / Lower Plenty Road intersection, given the proposed permanent Borlase Street closure south of Coleen Street. This requires further direct consultation with the Yallambie residential properties affected by this proposal and will be the subject of a future report to Council.
7. The NEL design within the UDLP determines the termination of the Greensborough Road boulevard solution at the Watsonia tunnel portal and then transitions the NEL footprint to the original reference design solution through Watsonia. This effectively secures or “locks in” the NEL open trench design for the northern package. This is contrary to Council’s previously resolved position.

### **RECOMMENDATION**

That Council:

1. Notes the North East Link central package Urban Design and Landscape Plan has positively responded to many of the Council adopted North East Link Project Advocacy List from December 2021.
2. Requests the extension of the North East Link tunnel through Watsonia to Elder Street, via an alternate construction methodology, continuing the proposed Greensborough Road tree lined boulevard to Elder Street, in accordance with Environment Performance Requirement Land Use

## **NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN cont'd**

Planning (LP1) as a major amendment to the North East Link central package Urban Design Landscape Plan.

3. Writes to both the North East Link Project and the SPARK consortium, providing a copy of this report and associated attachment for their consideration of Council's submission to the Urban Design Landscape Plan process.

### **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**

- In late October 2021, the Victorian Government and North East Link Project (NELP) announced that the central package (tunnelling) of North East Link had been awarded to the SPARK consortium. SPARK are comprised of WeBuild, GS Engineering and Construction, CPB Contractors, China Construction Oceania, Ventia, Capella Capital, John Laing, DIF and Pacific Partnerships.
- As a part of this announcement, an updated concept design was released, which is an improvement on the North East Link (NEL) reference design. In Banyule these include:
  - Extending the twin tunnels north to Watsonia, with an additional 1.9km of the overall length being constructed using tunnel boring machines
  - A simplified Lower Plenty Road interchange
  - Post construction a reinstated Borlase Reserve with 10 hectares of community parklands, walking trails and Banyule Creek wetlands
  - A new River Gum Walk bridge across Lower Plenty Road, connecting the reinstated Borlase Reserve with Banyule Flats and the Yarra River trails
  - Greensborough Road will be re-built as a tree-lined boulevard, including an off-road shared-user path and a service road for vehicular access to properties on the western side
  - An extra 9km added to the North East Trail, to create 34km of walking and cycling paths linking the city's north east to the Yarra River Trail and parklands
- Preparatory works and investigations for the tunnel boring machine launch site have begun, with site mobilisation and construction to commence later in 2022.
- The other NEL packages of work will be progressively put out to market, with the northern package covering the balance of the NEL within Banyule to be finalised in the coming 12 months. The balance of the remaining packages, along with the central package, are all planned to be completed concurrently for an opening of NEL in 2027/28.
- The Minister for Planning approved a planning scheme amendment in December 2019 which applied the North East Link Incorporated Document, December 2019

## **NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN cont'd**

to the project area. This document requires that an Urban Design and Landscape Plan (UDLP) is prepared for the project or sections of the project.

- It is important to note that the Minister's assessment supported the Independent Advisory Committee (IAC) recommendation for alternatives road designs to be provided to the tenderers for their consideration in reducing the footprint of the reference design, whilst retaining the road functionality and that in particular the recommended changes would likely assist in achieving a narrowing of the ultimate road alignment to provide improved visual, landscape and urban design outcomes. It was acknowledged that the final design needed to balance the environmental effects of the NEL built form against traffic performance and function.
- The UDLP must show the following aspects:
  - The final built form design for the Project and include, where relevant:
    - a) A site layout plan that shows the location of permanent above-ground buildings and structures (including but not limited to proposed bridges, elevated roads, tunnel portals, ventilation structures, flood walls, noise walls, public transport infrastructure, and walking and cycling facilities).
    - b) Architectural plans, including sections and elevations, with materials and finishes.
    - c) Landscape plans, including sections and elevations, with plant species.
  - A UDLP must be accompanied by the following, where relevant:
    - a) An explanation demonstrating how the UDLP is in accordance with the approved Urban Design Strategy including any relevant urban design framework plan.
    - b) An explanation demonstrating how the UDLP would comply with the Environment Performance Requirements (similar to planning permit conditions) included in the approved Environmental Management Framework.
    - c) A plan which shows the extent of the UDLP area in relation to any publicly available or approved UDLP/s.
    - d) A plan which shows the boundary of the Project Land and location of areas to be used for construction compounds consistent with the approved Construction Compound Plan.
- Public consultation was undertaken with the community on the UDLP for the central package between Wednesday 11 May and Tuesday 31 May 2022 to ascertain their views on the look and feel of the project's design in their local area, with urban design and landscape plans providing increased detail at a local level. Council officers have also provided comments on operational and technical matters.
- There are two previous Council decisions that should be considered in conjunction with the UDLP response being the Ordinary Meeting of Council 3 February 2020 (North East Link - Minister for Planning Assessment of Environmental Effects) and 6 December 2021 (Major Transport projects update).
- The relevant sections, in response to the UDLP, of the resolution from Council's February 2020 meeting are as follows:

## **NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN cont'd**

- Advocate with the North East Link Project bidding consortia in their design development to minimise the social, business, environmental and construction impacts to Banyule especially those at Borlase Reserve and Watsonia Village Activity Centre identified by the IAC including consideration of:
  - a. An extended tunnel design.
  - b. A reduced footprint design that improves outcomes at Watsonia.
  - c. Declaration of the Simpson Army Baracks as a project "NO GO ZONE"
  - d. Excluding Borlase Reserve as a Tunnel Boring Machine Launch or Retrieval Site
- Provides input and feedback on the Borlase Reserve and Lower Plenty Road Interchange Urban Design Framework Plan including:
  - a. Reinstatement of Banyule Creek
  - b. Improved amenity outcomes for surrounding residents
- From the endorsed North East Link Project Advocacy List from the December 2021 meeting the following are the relevant advocacy items:
  - Extend the NEL tunnel to the north of Watsonia Station
  - Shared use path between Heidelberg and Watsonia
  - Addressing safety issues with adverse cross fall at the Lower Plenty Road / Greensborough Highway intersection
  - Temporarily removed community open space facilities should be replaced with improved facilities
  - Public art opportunities
  - High quality landscaping and offset planting
  - Increase size and number of land bridges

### **KEY ISSUES**

- A consolidated list of specific comments covering various disciplines is attached to this report, with a summary of the key UDLP issues discussed below:

### **VEGETATION**

- Designs should reflect diversity in strata levels, and include dense, prickly shrubs to minimise pest bird species and encourage biodiversity, with plant selection, seed collection, propagation and expedited planting, using advanced tree stock.
- Inclusion of more pollinator spaces would be preferable in the planting design with diversity in local indigenous grasses (e.g. *Microlaena stipoides* - aka Weeping Grass, sedgels lilies and herbaceous flora).

### **BORLASE RESERVE / OPEN SPACE**

- It is important to take advantage of this opportunity to construct a grade separated bridge across the Greensborough Road to Borlase Reserve, providing a far better connection to the western residential side of the road.

**NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN cont'd**

- It is acknowledged that this Borlase Reserve will continue to have a primary function of drainage that should have a natural meandering constructed waterway for Banyule Creek that includes water quality treatment and areas of reinstated vegetation.
- Wildlife corridor treatments should be improved, including consideration of constructing habitat infrastructure underneath Lower Plenty Road.
- References to "nature play" do not align with artists impressions depicting a playground and provide further explanation on a half-basketball court as the choice of "active" space usage within the reserve.
- Youth spaces should be included in the UDLP. Consideration for dirt jumps and mountain bike track treatments should be investigated. It is an ideal area to include these given the proximity to Watsonia the train station.

**TUNNEL, ROADS & SHARED USER PATHS INFRASTRUCTURE**

- Traffic modelling is required and treatments for Crew Street / Lower Plenty Road intersection, given the proposed permanent Borlase Street closure south of Coleen Street. This requires further direct consultation with the Yallambie residential properties affected by this proposal and will be the subject of a future report to Council.
- Important improvements to be made on Greensborough Road and associated service roads, including better access out of services roads and improved vehicle movement across Greensborough Road.
- The NEL design within the UDLP determines the termination of the Greensborough Road boulevard solution at the Watsonia tunnel portal and that it transitions the NEL footprint to the original reference design solution through Watsonia. This effectively secures or "locks in" the NEL open trench design for the northern package. This is contrary to Council's previously resolved position. It is requested that the tunnel solution be extended further north including the proposed Greensborough Road tree lined boulevard, to Elder Street or further north.
- Improve safety of the SUP bridge south of Lower Plenty Road by bringing it to ground further away from the pedestrian crossing, constructing safety barriers with graffiti removal in mind, and planting appropriately sized trees so as not to obstruct line of sight.
- Ensure safety in and around Borlase Reserve / Greensborough Road by incorporating SUP lighting, and safety barriers around retarding basin.
- Improve SUP network by including multiple crossings across Banyule Creek within Borlase Reserve, ensuring effective connection across Greensborough Road at Erskine Road, extending eastward along Lower Plenty Road, and continuing in outer separator on western side of Greensborough Road.

## **NORTH EAST LINK URBAN DESIGN LANDSCAPE PLAN cont'd**

### **SUPPORTING REPORT DETAILS**

**Legal Consideration** There are no direct legal implications arising from the recommendation contained in this report.

#### **Human Rights Charter**

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

#### **Sustainable Procurement Outcomes**

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

#### **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	North East Link – Urban Design and Landscape Plan – Banyule Council Response	

## **6.1 ADOPTION OF 10 YEAR ASSET PLAN**

Author: Mohammad Rashid - City Assets Coordinator, Assets & City Services

### **Previous Items**

Council on 11 April 2022 (Item 6.1 - 10 Year Asset Plan)

Council on 30 May 2022 (Item 8.11 - Integrated Planning Project - Consideration of Community Engagement Feedback)

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### **SUMMARY**

1. The adoption of a 10-year Asset Plan (The Plan) is a requirement under section 92 of the *Local Government Act 2020*. The scope of The Plan covers all major asset categories and includes financial forecasts to manage the assets over that period of time.
2. The Plan outlines key elements involved to sustainably and effectively manage Council's infrastructure assets and is a key element of Council's strategic asset management planning.
3. It focuses on Council's fixed infrastructure assets (excluding land and trees) of \$986 million in value. Six asset categories included in this plan are roads, footpaths, bridges, drainage, buildings and parks and open space (POS).
4. The Plan recommends increasing renewal funding by \$6.3 million over the next 10 years for roads (including carparks and kerb and channel) through the rebalancing of funding across asset categories.
5. The Plan also recommends increasing expenditure by \$10 million for POS renewal and upgrade to improve the level of service of POS, as supported by Vision 2041 community feedback.
6. Community engagement was undertaken between 12 April to 3 May 2022 through two workshops and the Shaping Banyule online platform. The community engagement approach included an integrated planning process across the Council Plan Year 2 Action Plan, Asset Plan, Financial Plan, Budget and Revenue and Rating Plan.
7. Community support for the recommendations proposed in the Plan was generally high.
8. The Plan is now being presented to Council for their consideration for adoption. Once adopted, the Asset Plan 2022–2032 will be displayed on Council's website.

### **RECOMMENDATION**

That Council:

1. Note this report is in accordance with Section 92 of the *Local Government Act 2020*.
2. Having considered all feedback received and having complied with the requirements of the *Local Government Act 2020*, adopt the Asset Plan 2022-2032.

## **ADOPTION OF 10 YEAR ASSET PLAN cont'd**

3. Publish the Asset Plan 2022-2032 on the Banyule City Council website.

### **COUNCIL PLAN**

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

### **BACKGROUND**

- The *Local Government Act 2020* requires a 10-year Asset Plan to be in place by the end of June 2022. This plan is to cover all major asset categories and include 10-year financial forecasts to manage the assets over that period of time.
- The Asset Plan (the Plan) (**Attachment 1**) outlines key elements involved to sustainably and effectively manage Council's infrastructure assets and is a key element of Council's strategic asset management planning.
- The Plan provides financial forecasts in managing Council's fixed infrastructure assets (excluding land and trees) of \$986 million in value. Six asset categories included in this plan are:
  - Roads, including kerb and channel and carparks
  - Footpaths
  - Bridges, including road and pedestrian bridges
  - Stormwater Drainage
  - Buildings
  - Parks and Open Space (POS)

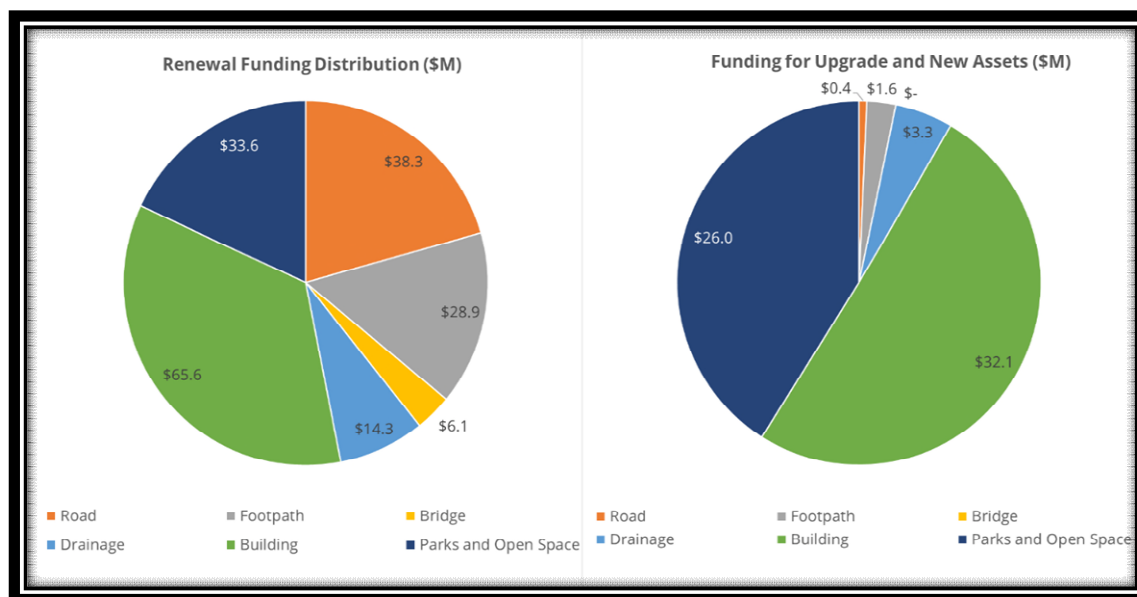
### **KEY ISSUES**

- The Asset Plan must be adopted by 30 June 2022 as required by the Local Government Act 2022.
- It is recommended to implement the renewal funding proposed by the Plan:
  - This includes increasing renewal funding by \$6.3 million over the next 10 years for roads (including carparks and kerb and channel) through the rebalancing of funding across asset categories.
  - The Plan also recommends increasing expenditure by \$10 million for POS renewal and upgrade to improve the level of service of POS, as supported by Vision 2041 community feedback. This funding is included in Banyule's 10-year Financial Plan.
- Minor amendments to the Plan have been undertaken following the community engagement on the draft Plan. These include:
  - Further clarification of asset condition ratings.
  - Adjustments to financial figures to maintain alignment with the 2022/23 Council Budget and Financial Plan proposed for adoption, and
  - Update of community engagement/inputs.



**ADOPTION OF 10 YEAR ASSET PLAN cont'd**

- Proposed capital funding distribution among various asset categories, as recommended by the Plan, is depicted in the following figure:



- A comparison between renewal funding allocated and required for different asset categories along with Renewal Gap Ratio and renewal intervention condition is summarised below.

Asset Category	VAGO Financial sustainability indicators		Renewal Modelling Financial Indicator			
	Renewal Gap Ratio	Risk Level	Renewal Funding Allocation, (\$M)	Required Renewal Funding (\$M)	Renewal Intervention, Condition	Financial Sustainability (%)
Road	0.7	Medium	38.3	38.3	5	100%
Footpath	1.16	Low	28.9	20.7	4	140%
Bridge	6.11	Low	6.1	1.5	4	402%
Drainage	0.67	Medium	14.3	9.4	4	152%
Building	4.54	Low	65.6	38.1	4 & 5	172%
Parks and Open	1.17	Low	33.6	31.2	5	108%
<b>Total</b>			<b>186.8</b>	<b>139.2</b>		<b>134%</b>

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

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

## **ADOPTION OF 10 YEAR ASSET PLAN cont'd**

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

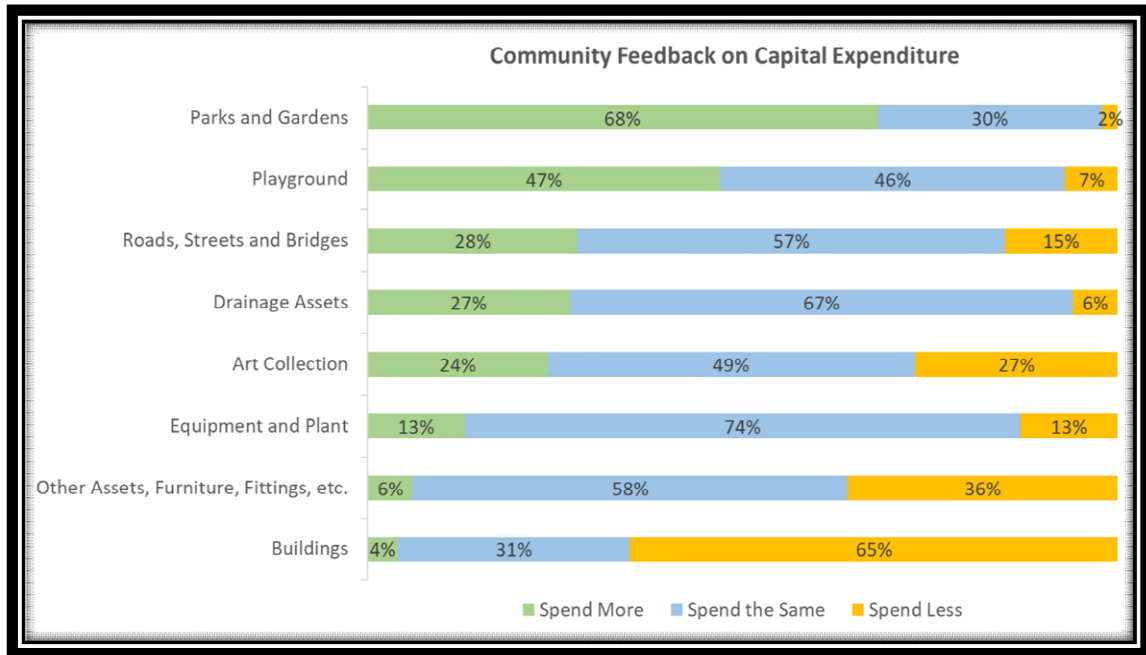
### **Financial Implications**

- The financial related recommendations within The Plan are in alignment with and included in the proposed Capital Works and Initiatives Program 2022/23, 2022/23 Council Budget and 10 Year Financial Plan.
- There are no further financial implications arising from the recommendation contained in this report.

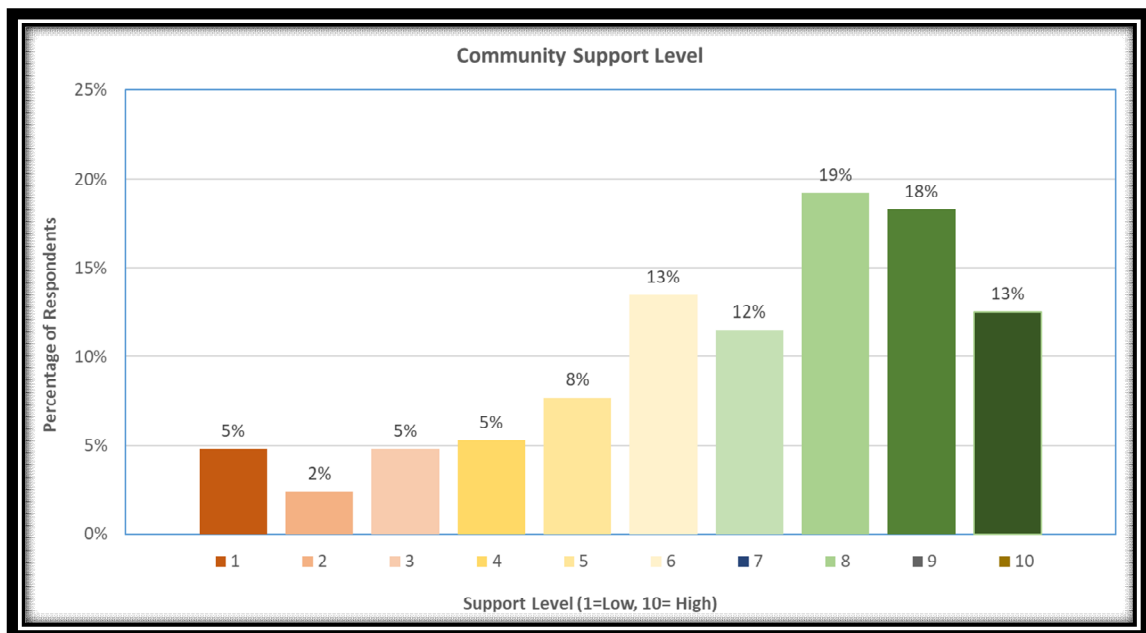
### **Community Engagement**

- Deliberative community engagement was not required for The Plan, however it has been developed by Council in accordance with its Community Engagement Policy.
- The Plan considers feedback received from the community during the deliberative engagement undertaken for the Community Vision 2041 and Council Plan 2021-2025. Key feedback received from the community was:
  - To spend more on fixing existing infrastructure rather than building anything new.
  - Not to borrow funds to build new infrastructure.
  - To find efficiencies to reduce costs and fully utilise existing assets.
- The following figure presents the summary of 320 responses to the question 'When considering how Council spends on Capital Works, do you think Council should spend more, the same or less?'

**ADOPTION OF 10 YEAR ASSET PLAN cont'd**



- The first draft of the Plan was developed based on this community feedback.
- Following Council endorsement of the draft Plan, community engagement was undertaken between 12 April to 3 May 2022 through two workshops and the Shaping Banyule online platform. The community engagement approach included an integrated planning process across the Council Plan Year 2 Action Plan, Asset Plan, Financial Plan, Budget and Revenue and Rating Plan.
- Participants were asked to provide their feedback on the recommendations proposed in the draft Asset Plan. The community support was high on a ten-point scale (1 is low and 10 is high) as depicted in the following figure of combined results.



- Only minor amendments to the Plan have been undertaken following the community engagement, as outlined earlier in this report. The recommendations of the Plan remain unchanged.

**ADOPTION OF 10 YEAR ASSET PLAN cont'd**

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Banyule's 10 Year Asset Plan 2022-2032	

## **7.1 TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM**

Author: Fae Ballingall - Economic Development Coordinator, City Development

### **Previous Items**

Council on 28 Jun 2021 7.00pm (Item 5.2 - Temporary Outdoor Dining Parklets)

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### **SUMMARY**

1. Banyule Council has received over \$1.15 million in grant funding from multiple State Government COVID19 support packages since October 2020.
2. This grant funding has been used to waive Temporary Outdoor Dining Permit fees, support interested businesses to transition to temporary outdoor dining, install parklets, outdoor precincts and pop-up parks and other support to businesses impacted by the restrictions.
3. Targeted engagement was undertaken in May 2021, with a report to Council recommending that the outdoor dining permits, fee waivers and parklets be extended from the initial expiry date of June 2021. Council resolved to extend the program for a further 12 months and conduct additional consultation.
4. As per Council's resolution, a second round of engagement took place from April to May 2022 to assess the impact of the parklets and provide Council with clear, evidence-based recommendations going forward.
5. The second stage of engagement is now complete. The key findings and recommendations are provided in Attachment 1.
6. Overall, there was overwhelming support from the community and traders to continue and enhance the extended outdoor dining, parklets and pop-up parks.
7. The notable exception was for the two collective parklets on Upper Heidelberg Road, Ivanhoe, which generated strong reactions and multiple points of view from businesses, representatives of the Traders Association and the community.
8. There was a consistent view expressed from the participants that Council continue the parklet program.

### **RECOMMENDATION**

That Council:

1. Note the Engagement Recommendations Report.
2. Support the continuation of the Parklet Program.
3. Proceed to remove the collective outdoor dining parklet at 187-209 Upper Heidelberg Road, Ivanhoe and retain the other six parklets.
4. Approve an extension to the remaining six temporary Outdoor Dining Parklets in Banyule to 12 July 2023.

**TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM cont'd**

5. Support ongoing collaboration with Trader Associations, businesses and community to improve place-making opportunities in activity centres.
6. Develop a Banyule Parklet Policy and Design Guidelines.
7. Waive the permit fees (approximately \$36,050) for footpath trading (which includes extended outdoor dining) for the 2022/23 financial year.

**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**

- In response to the impact that COVID-19 restrictions had on the hospitality sector, the Victorian Government introduced a Temporary Outdoor Dining Initiative. This encouraged local councils to support the implementation of temporary additional outdoor dining spaces and small public gathering spaces referred to as 'parklets'.
- In October 2020, Banyule Council introduced Temporary Outdoor Dining Permits for eligible hospitality businesses in support of the Victorian Government's Temporary Outdoor Dining Initiative.
- Banyule Council received a total of \$650,000 in grant funding for extended outdoor dining on footpaths, the waiver of Temporary Outdoor Dining Permit fees and to invest in infrastructure to support businesses transition to temporary outdoor dining, including the installation of seven parklets in key activity strips in Banyule.
- The parklets are currently clustered in the southern part of the Banyule municipality in Upper Heidelberg Road, Ivanhoe; Burgundy Street, Heidelberg; and Silverdale Road, Eaglemont. The pop-ups are on Greensborough Walk, Burton Crescent and outside the Ivanhoe Library and Cultural Hub.
- The Temporary Outdoor Dining Permits (including for parklets) were set to expire on 30 June 2021. In May 2021 the impact of parklets on community and businesses was analysed and the results reported to Council. Out of the 308 business, individuals and organisations that participated in this first round of engagement 15% wanted to remove the parklets.
- From this meeting, Council resolved to:
  - Extend the seven temporary outdoor dining parklets in Banyule to 30 June 2022.
  - Waive the permit fees (approximately \$36,050) for footpath trading (which includes extended outdoor dining) for the 2021/22 financial year.
  - Engage with key stakeholders including Trader Associations, Department of Transport, shoppers, and residents to evaluate the parklets over the next 12 months.

## **TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM cont'd**

- As per Council's resolution, a second round of engagement commenced in April 2022 to assess the impact of the parklets and the pop-up outdoor precincts, that were enabled through this additional State Government COVID-19 funding.

### **KEY ISSUES**

- An external community engagement consultant was appointed to assess the impact of the parklets and provide Council with clear, evidence-based recommendations for next steps. Engagement took place from April to May 2022 and the outcomes of this are provided in Attachment 1.
- Council Officers have now considered the analysis and recommendations and there is clear justification for continuing with the parklet program beyond the 30 June 2022 expiry date.
- Those parklets used as gathering spaces also generated significant community and trader support and the engagement results provide a strong basis to continue funding the activation of existing parklets whilst exploring future streetscape activation and place-making opportunities.
- The collective parklet at 187-209 Upper Heidelberg Road was originally installed to support four hospitality venues. Two of these are no longer trading. The continuation of this large parklet for two business is not justified. Council should consider discontinuing the parklet, with appropriate support provided to the impacted businesses to support the transition. The six on-street car park spaces will be reinstated, however there is a future opportunity for these car parks to be transformed into a permanent public open space.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

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

#### **Human Rights Charter**

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

#### **Sustainable Procurement Outcomes**

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

#### **Financial Implications**

- The installation of original parklets was \$160,253.36.
- If the decision is made to continue the program a maintenance budget will be necessary. To date, there has been one maintenance request for parklets, related to timber lifting and cost \$1000. As these assets age there will be an increase in repair requests. Maintenance of the pop-up parks and street furniture will include watering of plants, refurbishment, repair and cleaning. This is

## **TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM cont'd**

estimated to be approximately \$5000 per annum and can be funded through City Futures capital works budget.

- The cost of removing the parklet at 187-209 Upper Heidelberg Road, including traffic management, will be \$9800 and off-site storage of materials is \$500 per month.
- The final State Government COVID-19 funding grant of \$575,000 will be fully acquitted on 31 July 2022.

### **Community Engagement**

- 389 people participated in the community engagement activities including:
  - 11 telephone interviews with businesses, Centre Managers and Trader Association representatives
  - Four consultation events at outdoor dining and open space parklets and,
  - An on-line survey for completion by local residents, visitors and businesses.
- The 334 survey responses received were from 281 residents, 13 visitors to Banyule, 21 business owners and 19 workers in Banyule. Of the 21 business owners who completed the survey, four had parklets in front of their premises.
- The four consultation events were held at Greensborough Walk, Burton Crescent, East Ivanhoe and outside the parklets on Upper Heidelberg Road, Ivanhoe and Burgundy Street, Heidelberg. 44 people actively participated in these discussions.
- The interviews were conducted with a range of individual businesses and four Trader Associations representatives. Five of these businesses were located next to open space parklets, one was near an outdoor dining parklet and one was using an outdoor dining parklet.
- The key findings and recommendations were based on visitation, positive and negative feedback through the various engagement options and the participants relationship to the spaces (e.g., local residents, visitors, businesses with/out parklets, Centre Manager).
- In addition to the consultation led by Council, the Ivanhoe Traders Association submitted a petition with 90 signatures on 7 June 22 requesting that Council not support the extension of parklets on Upper Heidelberg Road beyond 30 June 2022, and no new parklets be introduced.

### **Key Considerations**

#### **Open Space Parklets (Pop-up Parks)**

- There was a consistently positive response to these parklets across the various cohorts of participants and types of engagement activities. Common themes were that the parklets improved amenity, comfort and community atmosphere, provided a place to connect, have takeaway and support local businesses.
- Negative impacts mostly related to weather protection, and seat location. Only one business at the Burton Crescent expressed negative sentiments about the space, including removal of car park.
- Overall, the pop-up parks were found to have made a positive contribution to the vibrancy and amenity of the Centres and should be retained, but there were



## **TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM cont'd**

opportunities for improvements including more programming for different age groups (e.g., children), maintenance of plants and furniture, weather protection, and provision of additional rubbish bins.

### **Outdoor Dining Parklets**

- There are seven outdoor dining parklets in Eaglemont, Heidelberg and Ivanhoe. Ivanhoe has two collective parklets at 187 – 209 Upper Heidelberg Road, Ivanhoe and 227-235 Upper Heidelberg Road, Ivanhoe. The other parklets are individual.
- The collective parklet at 187-209 Upper Heidelberg Road, has had two of the original businesses close.
- Parklets outside of cafes or take-away premises had higher frequency of visitation than outside of restaurants and hotels.
- Out of the 21 businesses who completed the survey, nine reported parklets had a positive impact, two had no impact, five had a negative impact and five responded that parklets were too far away for direct impact.
- Positive themes from both business surveys and interviews, included attraction of more customers to the area, supporting local businesses, providing a COVID-19 safe environment and making the street lively.
- Negative themes were loss of parking and taking up too much footpath and taking trade from other businesses. Suggested improvements were around removal and reinstatement of car parks, weather protection and maintenance.
- The residents, visitors or workers who participated in the community engagement activities provided overwhelmingly positive feedback, citing enhancement to community atmosphere, benefits to businesses, allowed for COVID-19 safety and were a better use of space compared to car park spaces. Only 5% mentioned the loss of car park spaces as a negative outcome.
- In response to Council's decision on the future of parklets:
  - **118** wanted them kept as they are
  - **208** wanted them improved for use in colder weather
  - **28** wanted Council to re-instate the footpath/car park spaces
  - **119** wanted Council to provide more parklets and,
  - **13** thought Council should add more events and activities for shoppers.
- In addition to the consultation led by Council, the Ivanhoe Traders Association submitted a petition with 90 signatures on 7 June 22 requesting that Council not support the extension of parklets on Upper Heidelberg Road beyond 30 June 2022, and no new parklets be introduced.
- The Ivanhoe Traders Association expressed concern over the number of car parks repurposed into parklets, and that parklets were a temporary measure and no longer required now that density restrictions are no longer in place.
- The 2 collective parklets on Upper Heidelberg Road occupy ten car spaces. There are approximately 2000 public car parks available within the Activity Centre.

## **TEMPORARY OUTDOOR DINING PARKLETS AND POP-UP PROGRAM cont'd**

- The last two and a half years have presented enormous challenges for Council, traders and the community. The outdoor dining and activation program was implemented in exceptional circumstances to support traders, particularly hospitality, to remain in business during the pandemic restrictions and, through the recovery phase.
- The State Government funding allowed Council a unique opportunity to pilot parklets as a place-making initiative across Banyule.
- The Engagement Report provides recommendations to further improve these spaces, including safety, amenity, shared parklets, programming and better collaboration with traders and Trader Associations.
- A priority action is to prepare a Parklet Policy and Design Guidelines, and a Communications Plan.
- Several businesses have invested significant resources or received additional grant funding to enhance their parklet. There is also an opportunity for parklets to transition to public open space when not in use by businesses.

### **Outdoor Dining Permits**

- Current outdoor dining permits are set to expire 30 June 2022.
- On 6 April 2022 a declaration was made under section 165AE of the *Public Health and Wellbeing Act 2008* to extend the pandemic declaration to 12 July 2022. As the exemptions run for 12 months past the date the pandemic declaration is in force, the end date is actually 12 July 2023. This includes planning permit exemptions set out in Clause 52.18 of the Banyule Planning Scheme.
- This allows for a grace period of transition before permit requirements revert to pre-COVID-19 settings.
- It is recommended that Council supports the extension of existing outdoor dining permit holders and continue to waive fees until 12 July 2023.
- Any new applications received to trade on the footpath will be in accordance with Council's foot path trading policy requirements.

### **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	Understanding the Future of Outdoor Dining Parklets and Pop Up Parks - Engagement Recommendations Report	

## **8.1 PROPOSED BUDGET 2022-2026 - DECLARATIONS OF INTEREST**

Author: Gina Burden - Manager Corporate Governance & Communication,  
Executive

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### **SUMMARY**

1. The Proposed Budget 2022-2026 has been prepared to deliver the overall strategic direction for Banyule. The Budget comprises services, initiatives and capital works across the municipality.
2. Consideration to adopt the Proposed Budget 2022-2026 with or without amendment is included in this agenda.
3. The need for Councillors to disclose a conflict of interest where one exists in relation to any of the Budget services or capital works requires that they be addressed separately as part of the Budget process.
4. Any item in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Declarations' process.
5. If a Councillor declares a conflict of interest, they must outline the nature of the interest and leave the Chamber at the request of the Mayor/Chairperson.
6. Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision making. Making available the opportunity to declare before the adoption of the budget strengthens these principles.
7. Under the 2020 Act, there are two types of conflicts of interest that are defined. These types are detailed in the body of this report.
8. Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to vote on the Proposed Budget 2022-2026.
9. This report provides an opportunity for Councillors to disclose any conflicts in relation to the Proposed Budget 2022-2026.

### **RECOMMENDATION**

That:

1. The Mayor invite Councillors to disclose any conflicts of interest in relation to adoption of the Proposed Budget 2022-2026 describing the nature of the interest in accordance with the *Local Government Act 2020* and the Banyule Governance Rules.
2. Following each disclosure, Council consider and determine upon the relevant project and the associated funding in the Proposed Budget 2022-2026.

## PROPOSED BUDGET 2022-2026 - DECLARATIONS OF INTEREST cont'd

### 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

- In developing the Proposed Budget 2022-2026, Council services and capital works have been considered for funding. Councillors who have a conflict of interest in any items to be considered are required to disclose the type and nature of the interest.
- Due to the wide-ranging nature of the services and capital works involved in the Budget, it is reasonably foreseeable that a Councillor may disclose a conflict and would otherwise be required to excuse themselves from the vote. As this would make the adoption of an annual Budget unworkable in practice, *Local Government (Governance and Integrity) Regulations 2020* provides a mechanism for Councillors to vote on a Budget, by requiring the conflict of interest items to be considered and resolved separately.
- Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).
- Managing conflicts of interest is about ensuring the integrity and transparency of decision-making. The conflict of interest provisions in the Act apply to a 'relevant person'.
- A relevant person is defined as either a councillor, a member of a delegated committee who is not a councillor, a member of council staff (who is a member of a delegated or community asset committee who is providing advice to the council, a delegated or community asset committee, a staff member exercising a delegation; or exercising a delegated function or statutory power).
- Councillors are elected by their communities to make decisions on behalf of those communities. The obligation to disclose a conflict of interest is a personal responsibility and each relevant person must monitor their own circumstances and identify their conflicts of interests.
- There are two types of conflicts of interest that are defined under the *Local Government Act 2020* as stipulated in Division 2, s 127 and s 128.
- For the benefit of Councillors and the community, the following categories defined the types of conflicts of interest that can exist under the Act.
  - **General conflict of interest** - A general conflict of interest is less specific and direct than a material conflict of interest.
  - The Act states a relevant person will have a general conflict of interest in a matter if "an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty".

**PROPOSED BUDGET 2022-2026 - DECLARATIONS OF INTEREST cont'd**

- There are three parts of a general conflict of interest which should all be considered: the private interest, the public duty, and what an impartial, fair-minded person would consider.
- **Material conflict of interest** – a material conflict of interest involves specific relationships or situations that could result in a benefit or loss. A relevant person has a material conflict of interest when “an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.”
- There are two elements to a material conflict of interest; who an affected person is and what is a benefit or a loss.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Councillors and staff are required to declare Conflicts of Interest in accordance with the *Local Government Act 2020* at Division 2 onwards, the *Local Government (Governance and Integrity) Regulations 2020* and as enshrined in the Banyule Governance Rules. Normally where a Councillor has a conflict of interest in an item on the agenda, they must declare the interest and must remove themselves from being involved in participating in the discussion or voting on the matter.
- With regard to the adoption of the Council Budget, provision has been made in the *Local Government (Governance and Integrity) Regulations 2020* (regulation 7, 1r) for exempting a Councillor from having to declare a conflict of interest in the overall Budget so long as the item/s that a Councillor has a conflict of interest in are considered and determined separately prior to adoption of the Budget as a whole.
- Therefore, to ensure all Councillors are able to participate in the adoption of the Budget, any items included in the Budget in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this ‘Budget Declarations’ process. Any Councillor declaring a conflict of interest would need to then follow the normal process and remove themselves from the Chamber for the discussion and vote on the matter/s.
- Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors will be able to participate in the consideration and adoption of the Budget as a whole package.
- A Councillor that carries out a function in any of the positions outlined in the Regulations r7(2) is prescribed to be exempt from the Conflict of interest provisions, some of these positions include:
  - As a representative of the Council to a Local Government Waste Forum established under the *Environment Protection Act 1970*
  - As a director of a Waste and Resource Recovery Group established under the *Environment Protection Act 1970*
  - As a representative of the Council, or Councils, to the Municipal Association of Victoria or in another body that has a purpose of representing the interests of a Council or Councils.

**PROPOSED BUDGET 2022-2026 - DECLARATIONS OF INTEREST cont'd**

- 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.

**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

## **8.2 COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN 2022/2023**

Author: Gina Burden - Manager Corporate Governance & Communication, Executive

### **Previous Items**

Council on 25 Oct 2021 7.00pm (Item 6.2 - Banyule Council Plan 2021-2025 and Financial Plan 2021-2031)

Council on 11 April 2022 (Item 8.4 - Council Plan 2021-2025 - Preparation of Year 2 Annual Action Plan 2022/2023)

Council on 30 May 2022 (Item 8.11 - Integrated Planning Project - Consideration of Community Engagement Feedback)

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### **SUMMARY**

1. This report is presented for the adoption of Banyule's Council Plan - Year 2 Annual Action Plan 2022/23, to continue the implementation of the four-year Council Plan
2. The focus of the Year 2 review of the Council Plan has been based on a continuation of the Objectives and Strategies, which are directly aligned with Banyule's Community Vision 2041.
3. The Council Plan 2021-2025 - Draft Year 2 Annual Action Plan 2022/23 (**attached**):
  - Outlines initiatives and priority services Council will deliver to achieve strategies of the Council Plan.
  - Integrates with Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response
  - Has been prepared based on organisational and service area strategic planning discussions during October 2021 – March 2022, which were closely linked to annual review of the Budget, Capital Works & Initiatives Programs.
  - Incorporates elements from key supporting plans and policies adopted by Council.
  - Responds to feedback and input received through continued and ongoing community engagement.
4. Feedback received on the Council Plan 2021-2025 - Draft Year 2 Annual Action Plan (as part of the integrated community engagement approach during 12 April - 3 May 2022) was heard at a Councillor Forum (on 11 May 2022) and considered by Council at a Council Meeting on 30 May 2022.
5. Having considered the feedback received, minor adjustments have been made to the Council Plan 2021-2025 - Draft Year 2 Annual Action Plan to incorporate valuable comments and suggestions received and which respond to identified community needs.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN  
2022/2023 cont'd**

**RECOMMENDATION**

That Council:

1. Adopt the Council Plan 2021-2025 - Draft Year 2 Annual Action Plan 2022/23.
2. Notes the community feedback, valuable comments and suggestions provided during the Community engagement activities.
3. Thank the community members who participated in the integrated planning Community engagement activities.
4. Make the Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23 available on Council's website and promote it via the Banner newsletter.
5. Note this report is in accordance with Section 90 of the *Local Government Act 2020* and Council's annual review of the Council Plan.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Provide an integrated approach to planning and community reporting aligned to the Banyule Community Vision 2041".

**BACKGROUND**

**Council Plan 2021-2025**

- Following the Council election in October 2020, Council prepared and adopted its current four-year Council Plan 2021-2025 in accordance with Section 90 of the *Local Government Act 2020*.
- The Council Plan was developed in partnership with the Community, and was adopted by Council on 25 October 2021, taking effect retrospectively from 1 July 2021.
- The Council Plan 2021-2025:
  - Is Council's key strategic document, outlines our priorities and focus for the four-year period, and helps guide the services Council provides to the community
  - Aligns with Banyule's Community Vision and demonstrates how we will strive towards that vision, focus our efforts, and measure our progress
  - Works together with key plans such as the Municipal Public Health and Wellbeing Plan, Financial Plan, Budget, Revenue and Rating Plan, Asset Plan, Municipal Strategic Statement, and a range of other policies and plans.
- The Council Plan was adopted after a comprehensive review process. This included a deliberative community engagement program, incorporating extensive community engagement and planning sessions and workshops with Councillors, Community and Staff.
- Council's integrated approach to planning, delivery and reporting:



**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN 2022/2023 cont'd**

- Supports and underpins the delivery of the Banyule Community Vision 2041 and Council Plan
  - Incorporates Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response
  - Is important for service delivery and health and wellbeing outcomes for the community, and to meet requirements of the new Local Government Act 2020.
- The Council Plan objectives are directly aligned with the Banyule Community Vision themes:

*The Banyule Community Vision 2041 statement:*

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



**Council Plan Review**

- The Council Plan is reviewed on an annual basis to ensure that it continues to meet the needs of the community. It is implemented through annual action plans, which reflect Council's decisions on the initiatives and priority services to be funded through the Budget each year.
- Council's significant Budget discussions and planning work during October 2021 - March 2022 have included consideration of key emerging issues, priorities and resource requirements to enable continued implementation of the Council Plan.
- This annual review has included strategic planning by service areas to ensure projects, activities and services continue to align with the Council Plan Objectives and Strategies, Banyule's Community Vision 2041, and the implementation of a range of supporting policies and plans.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN 2022/2023 cont'd**

- During this annual review process, Council has continued its conversation with the community, through an integrated community engagement approach.
- The Year 2 review of the Plan has been based on a continuation of the Objectives, Strategies and Strategic Indicators.
- The main focus has been on preparing the annual actions for Year 2 (2022/23) and included ongoing work with Councillors, staff and community, in particular:
  - Checking in with the Community to see how people think Council is progressing with the Plan and things to consider for the second year
  - Continuing to implement the Council Plan framework and refreshing the key initiatives to reflect activity resourced through Council's annual Budget (and Financial Plan), and integration with key plans and policies
  - Making any minor changes that may be required based on feedback and the review process.

**Draft Year 2 Annual Action Plan**

- The Council Plan 2021-2025 - Draft Year 2 Annual Action Plan 2022/23 (attached) outlines initiatives and priority services Council will deliver to achieve strategies of the Council Plan (and Community Vision).
- The draft Year 2 action plan has been developed based on a range of considerations, including:
  - Integration with Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response
  - Organisational and service area strategic planning discussions during October 2021 – March 2022 which were closely linked to annual review of the Budget, Capital Works & Initiatives Programs, and key plans
  - Incorporating elements from key supporting plans and policies adopted by Council (and capturing key plans and policies under review or development).
  - Actions are aligned with and resourced through the budgeting process
  - Monitoring progress of the Year 1 (2021/22) action plan, especially given the impacts of COVID-19, and challenges presented by a range of unforeseen circumstances
  - Responding to feedback and input received through continued and ongoing community engagement.

**Community engagement**

- Feedback has been received on the Council Plan 2021-2025 - Draft Year 2 Annual Action Plan as part of the integrated community engagement approach undertaken during 12 April - 3 May 2022 (with closely linked key plans: Financial Plan, Revenue and Rating Plan, Budget and Asset Plan).
- The feedback was heard at a Councillor Forum (on 11 May 2022) and considered by Council at its Council Meeting on 30 May 2022.
- Thirty (30) community members provided feedback on the Council Plan Year 2 Action Plan during in-person and online workshops, and 13 community members

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN 2022/2023 cont'd**

provided 24 pieces of feedback via our online engagement platform, Shaping Banyule and by email.

- The feedback on the Council Plan Year 2 Action Plan was provided across all six priority themes (objectives).
- There was general support for Council's strategic direction and the actions being proposed to deliver on the direction, and this was consistent across the workshops and the written feedback.
- Feedback has been incorporated into the final draft of Council Plan 2021-2025 - Draft Year 2 Annual Action Plan (attached) and minor adjustments have been made to strengthen the Action Plan and increase areas of emphasis in response to the valuable comments and suggestions received, including:

Action	Type of change
Action 1.4.1 - Deliver improved pedestrian access at priority locations	Annual target/measure has been expanded to include Bannockburn Road, Viewbank in the list of nominated sites. This is in response to feedback relating to 'improve safety of footpath on Bannockburn Road, Viewbank, near the childcare centre' (Council Plan Feedback 5)
Action 3.1.6 - Continue to deliver the Watsonia Town Square Project	New action
Action 3.2.2 - Develop a Public Realm Manual to inform the technical specifications for public realm assets and their maintenance requirements	Annual target/measure has been expanded in detail to highlight a focus on public lighting and other relevant aspects.
Action 3.7.4 - Prepare a masterplan for Rosanna Parklands to ensure the parklands are attractive, environmentally sustainable and accessible for all users.	Action added (and aligns with feedback relating to responsible pet ownership, potential improvements to parks and open spaces, etc)
Action 3.8.2 - Implement Banyule Bicycle Strategy and Walking Strategy action plans.	Annual target/measure details have been expanded (and this action has operational links to feedback relating to bicycle travel along shared trails)
Action 3.8.3 - Complete Safe Access Audits for pedestrians, cyclists, and mobility scooters around schools.	Action and annual target/measure wording has been updated
Action 3.8.5 - Deliver community behaviour change programs that support sustainable and safe transport initiatives.	Action and annual target/measure wording has been updated
Action 4.1.1 - Deliver sports field lighting improvements at nominated locations.	Action and annual target/measure wording has been updated to reflect an additional location for lighting improvement (Montmorency North Oval)

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN  
2022/2023 cont'd**

<b>Action</b>	<b>Type of change</b>
Action 4.1.6 - Deliver improvements to Council's public toilet facilities at priority locations to improve amenity and accessibility	Action and annual target/measure wording has been updated to reflect an additional location for improvement of public toilet facilities (planning and design of Macleod Village public toilet), which relates to Council Plan Feedback 16)
Action 4.1.7 - Complete the design of Anthony Beale sporting pavilion redevelopment and Seddon Reserve change rooms.	Action and annual target/measure wording has been updated
Action 4.1.9 - Install a new batting cage at the Greensborough Baseball Club facilities at Elder Street Reserve, Watsonia	New action
Action 4.1.10 - Implement upgrades to tennis facilities at Chelsworth Park, including court resurfacing and lighting.	New action
Action 4.1.11 - Prepare designs for Willinda Park to improve the athletic track and field facilities and infrastructure.	New action
Action 4.3.4 - Redevelop the Montmorency Bowling Club facilities to improve access and amenity and increase club house capacity and function.	New action
Action 6.3.2 - Introduce key components associated with the Rating and Revenue Plan	New action with the Annual target/measure including provision of a rate waiver for people experiencing financial hardship, and implementation of a separate waste rate.

**KEY ISSUES**

- Banyule's Council Plan - Year 2 Annual Action Plan 2022/23 underpins and enables the continued implementation of the four-year Council Plan
- The focus of the Year 2 review of the Council Plan has been based on a continuation of the Objectives and Strategies, which are directly aligned with Banyule's Community Vision 2041.
- Community feedback has:
  1. Provided valuable comments and suggestions and has indicated general support for Council's strategic direction and the actions proposed to deliver on the direction.
  2. Helped shape the Council Plan 2021-2025 - Draft Year 2 Annual Action Plan (attached), with minor adjustments made to strengthen the Action Plan.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN  
2022/2023 cont'd**

- The community engagement undertaken has continued the conversation and builds on the extensive deliberative Community engagement that helped shape the Community Vision and Council Plan.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- There are no direct legal implications arising from the recommendation contained in this report.
- Council prepared and adopted its current four-year Council Plan 2021-2025 in accordance with Section 90 of the *Local Government Act 2020* (the Act).
- In line with the Act, Council's Community Engagement Policy includes reference to the Council Plan being developed and reviewed in accordance with Council's deliberative engagement practices.
- Council has developed an integrated strategic approach to planning and reporting to deliver service outcomes for the community and to meet requirements of the Act.
- Council is required under the Victorian *Public Health and Wellbeing Act 2008* to prepare a Municipal Public Health and Wellbeing Plan (MPHWP) every four years or include public health and wellbeing matters into its Council Plan, the latter being the approach Banyule Council has adopted.

**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 integrated community engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.
- It is considered that the subject matter does not raise any human rights issues.

**Sustainable Procurement Outcomes**

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

**Financial Implications**

- The Council Plan is implemented through annual action plans, which reflect Council's decisions on the initiatives and priority services to be funded through the Budget each year.
- The Budget and Financial Plan are closely linked with and support the achievement of the Council Plan and Community Vision.
- There are no financial implication arising from the recommendation contained in this report.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 2 ANNUAL ACTION PLAN  
2022/2023 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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Council Plan 2021-2025 - Draft Year 2 Annual Action Plan 2022/2023	

## 8.3 ADOPTION OF FINANCIAL PLAN 2022-2032

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

### Previous Items

Council on 25 Oct 2021 7.00pm (Item 6.2 - Banyule Council Plan 2021-2025 and Financial Plan 2021-2031)

Council on 11 April 2022 (Item 8.2 - Revised Financial Plan 2022-2032 for public consultation)

Council on 30 May 2022 (Item 8.11 - Integrated Planning Project - Consideration of Community Engagement Feedback)

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### SUMMARY

1. This report is presented for the adoption of Banyule City Council's Financial Plan 2022-2032 in accordance with the *Local Government Act 2020*.
2. Council has prepared its revised Financial Plan 2022-2032 focusing on long term financial sustainability. The Financial Plan is developed and adopted by Council to provide a long-term view of the resources that are expected to be available to council and the predicted use of those resources over a 10-year period.
3. Feedback received on the revised Financial Plan (as part of the integrated community engagement project during 12 April - 3 May 2022) was heard at a Councillor Forum (on 11 May 2022) and considered by Council at a Council Meeting on 30 May 2022.
4. Following the community engagement period, minor changes have been incorporated into the Financial Plan 2022-2032 now being presented for adoption.

### RECOMMENDATION

That Council:

1. Note this report is in accordance with Section 91 of the *Local Government Act 2020*.
2. Having considered all feedback received and having complied with the requirements of the *Local Government Act 2020*, adopt the Financial Plan 2022-2032.
3. Publish the Financial Plan 2022-2032 on Banyule City Council website.

### 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".

## **ADOPTION OF FINANCIAL PLAN 2022-2032 cont'd**

### **BACKGROUND**

- The revised Financial Plan 2022-2032 has been developed to guide how Council will remain financially sustainable while supporting the Community Vision and the Council Plan. It will be used by Council to ensure long-term viability based on the following:
  - incorporates reviews of the current conditions such as the economic climate, government policy, corporate priorities and has considered the the financial impacts due to COVID-19 in the medium to long term
  - assesses Council's current and projected financial capacity to continue delivering high quality services, facilities and infrastructure while identifying critical new capital investment to respond to future conditions and challenges
  - explains major revenue and expense categories and includes annual percentage escalations for the next ten years comprising the major line items included in the ten-year Comprehensive Income Statement and the estimated annual CPI increases
  - demonstrates the financial sustainability against a range of financial indicators to gain a better understanding of key measures such as indebtedness and liquidity.
- Banyule City Council is in a strong financial position under this revised Financial Plan 2022- 2032 which demonstrates that the established financial management principles can be maintained in the long term.

### **KEY ISSUES**

- The Financial Plan is informed by and informs the Council Plan, the Asset Plan, the Budget and Revenue and Rating Plan, and all other adopted major strategies and plans. The Financial Plan and Asset Plan have a strong symbiotic two-way relationship and interdependency.
- The revised Financial Plan 2022-2032 (through the integrated planning project) was endorsed by Council for public exhibition and consideration of community feedback at the Ordinary Meeting of Council on 11 April 2022 and 30 May 2022 respectively.
- Minor amendments to the revised Financial Plan 2022-2032 have been undertaken following the community engagement period.
- Adjustments to the financial figures were required to maintain alignment with the Budget 2022-2026 and Asset Plan 2022-2032 also being proposed for Council to consider for adoption on 27 June 2022.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

- There are no direct legal implications arising from the recommendation contained in this report.
- Council has prepared its Financial Plan 2022-2032 in accordance with Section 91 of the *Local Government Act 2020* (the Act).



## **ADOPTION OF FINANCIAL PLAN 2022-2032 cont'd**

- Section 91 of the *Local Government Act 2020* outlines the requirements for councils to develop and adopt a Financial Plan. The Financial Plan must include:
  1. The scope of a Financial Plan is a period of at least the next 10 financial years.
  2. A Financial Plan must include the following in the manner and form prescribed by the regulations—
    - (a) statements describing the financial resources required to give effect to the Council Plan and other strategic plans of the Council
    - (b) information about the decisions and assumptions that underpin the forecasts in the statements specified in paragraph (a)
    - (c) statements describing any other resource requirements that the Council considers appropriate to include in the Financial Plan
    - (d) any other matters prescribed by the regulations.
- In line with the Act, Banyule's Community Engagement Policy includes reference to the Financial Plan being developed and reviewed in accordance with Council's deliberative engagement practices.

## **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.
- The integrated community engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.

## **Sustainable Procurement Outcomes**

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

## **Financial Implications**

- The Financial Plan is closely linked with the Budget, Asset Plan, Revenue and Rating Plan and supports the achievement of the Council Plan and Community Vision.
- The Financial Plan shows how the viability and financial sustainability of Council will be achieved and maintained over the 10-year period. The focus is on providing stability, predictability and effective mitigation and management of strategic financial risk.
- Council's strategic actions to influence long term financial sustainability include:
  - Generating enough cash to fund capital works and meet the asset renewal requirements as outlined by the VAGO financial sustainability ratios
  - Encourage more operational innovation to enhance operating activities and control expenditure at levels that can consistently support the funding

## **ADOPTION OF FINANCIAL PLAN 2022-2032 cont'd**

requirements of the capital works program and provision of quality services

- Support the growth of non-rate revenue to achieve greater diversification of the current revenue base and provide flexibility within which to better manage rate revenue increases to within the rate cap
- Balance meeting the ongoing core service needs of our community, expectations and quality of delivery with the ongoing achievement of long-term financial sustainability
- Delivery of a revenue and rating plan based on stability, equity, efficiency and transparency
- Delivery of a debt management strategic plan to ensure decisions and opportunities can be accommodated within a context of responsible, sustainable financial management.

### **Community Engagement**

- The *Local Government Act 2020* (the Act) requires councils to undertake deliberative engagement to inform the development of the Community Vision, Council Plan, Financial Plan, Asset Plan and Budget.
- Feedback has been received on the revised Financial Plan 2022-2032 as part of the integrated community engagement project undertaken during 12 April - 3 May 2022 (with closely linked key plans: Council Plan, Revenue and Rating Plan, Budget and Asset Plan).
- The feedback on the revised Financial Plan 2022-2032 was provided on the Financial Plan's six strategic actions.
- The feedback from the community was heard at a Councillor Forum (on 11 May 2022) and considered by Council at its Council Meeting on 30 May 2022.
- Where financial changes have been proposed in the Budget 2022-2026 these have been reflected in the revised Financial Plan 2022-2032 along with other minor amendments following the integrated planning project community engagement.

### **Key Considerations**

- The Financial Plan identifies Council's current and projected financial capacity to continue delivering high quality services, facilities and infrastructure while identifying critical new capital investment to respond to future conditions and challenges.
- Developing a Financial Plan is dependent and relies upon several key assumptions. Over time, assumptions will change based on the evolving internal and external environment. The Year Financial Plan will be actively monitored with regular revision to reflect changes.
- The proposed Budget 2022-2026 is the base year of the revised Financial Plan 2022-2032 with successive versions enhanced as our approach to long term planning and modelling matures with more sophisticated data and information.
- In this Financial Plan, the major revenue and expense categories are explained and include annual percentage escalations for the next ten years comprising the major line items included to the ten-year Comprehensive Income Statement and the estimated annual CPI increases.

## **ADOPTION OF FINANCIAL PLAN 2022-2032 cont'd**

- A range of financial indicators are used to demonstrate the financial sustainability of the Financial Plan to gain a better understanding of key measures such as indebtedness and liquidity.
- The revised Financial Plan 2022-2032 has incorporated findings from extensive community engagement and will be key to delivering on the Banyule Community Vision 2041.
- The revised Financial Plan 2022-2032 is now ready for Council to consider for adoption with an effective date of 1 July 2022.

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

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

## **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Banyule City Council Revised Financial Plan 2022-32	

## **8.4 ADOPTION OF REVENUE AND RATING PLAN 2022-2026**

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

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### **SUMMARY**

1. The adoption of a Revenue and Rating Plan is a requirement under section 93 of the *Local Government Act 2020* and ensures that Council has a clear set of directions relating to revenue sources and strategies.
2. The revised Revenue and Rating Plan 2022-2026 (the Plan) contains fundamental changes in the way Council services are funded with the separation of the cost of providing waste management services being removed from general rates from 1 July 2022.
3. The costs of providing waste management services will be separately identified via a Public Waste Rate and a Kerbside Waste Rate.
4. Council resolved on Monday, 11 April 2022 to endorse the Plan for community consultation. Following the community consultation period minor changes have been made in the Plan to clarify the application of the new Public Waste Rate, Kerbside Waste Rate, and to streamline other administrative processes.
5. The Plan is now being presented to Council for their consideration for adoption and for the Plan to inform the proposed Budget 2022-2026.
6. Once adopted, the Revenue and Rating Plan 2022-2026 will be displayed on Council's website along with ongoing education to the community to support the new rating framework and Council's objective to reduce waste to landfill in line with Banyule's Council Plan.

### **RECOMMENDATION**

That Council:

1. Notes that the Revenue and Rating Plan 2022 -2026 has been prepared in accordance with Section 93 of the *Local Government Act 2020*.
2. Notes the community feedback, valuable comments and suggestions provided during the Community engagement activities.
3. Adopt the Revenue and Rating Plan 2022-2026.
4. Make available through Council's website the adopted Revenue and Rating Plan 2022-2026.

## **ADOPTION OF REVENUE AND RATING PLAN 2022-2026 cont'd**

### **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 *Local Government Act 2020 Section 93* requires Council to adopt a Revenue and Rating Plan prior to 30 June following a general election and must cover a period of at least four years.
- The revised Revenue and Rating Plan 2022-2026 (the Plan) will direct the way that revenue sources are budgeted for, including the way rates are levied.
- The Plan outlines the rating principles used to levy rates and charges, the framework under which Council will fund services, capital works and initiatives over the four years that the plan is active.
- In funding services, capital works and initiatives, Council operates under restrictions imposed by the Fair Go Rates System cap and grant allocations from the state and commonwealth government.

### **KEY ISSUES**

- It is proposed that the following rating principles remain in place:
  - Rates being payable in four instalments only
  - Maintaining the existing differential rating structure
  - Charging five properties under the *Cultural and Recreational Lands Act 1963*
  - Not offering any Council concessions
  - Not offering any incentives for prompt payment.
  - Not levying a Municipal Charge
  - Levying a Service Charge on non-rateable residential land for the provision on a waste service.
  - Charging penalty interest in accordance with the *Local Government Act 1989 section 172*
  - Undertaking collections of unpaid rates in accordance with the *Local Government Act 1989 sections 180 and 181*.
- It is proposed to introduce two new service rates from 1 July 2022 being:
  - The Public Waste Rate which will finance waste services in public areas, such as street sweeping and public rubbish bins. It will be levied on all rateable properties in Banyule, as the entire community benefits from these services.
  - The Kerbside Waste Rate will finance household kerbside collections – rubbish, recycling, Food Organics Green Organics (FOGO), hard waste and bundled branch collections.
- The rationale behind the revised rating model relates to waste costs increasing significantly beyond the increase in the Fair Go Rate Cap. Separating out the

## **ADOPTION OF REVENUE AND RATING PLAN 2022-2026 cont'd**

waste costs will allow the waste rates to be reviewed to align with the actual costs of delivering the services, while continuing to help our community reduce waste to landfill, a major cost to the budget and the environment.

- Banyule is one of only a small number of Victorian councils that has not already introduced a separate waste charge/rate. Until now, Council has paid for waste services out of general rates income. General rate increases are controlled by a rate cap (set at CPI each year). This is despite waste costs continuing to rise above CPI. The waste costs incurred by Council for 2022/23 represent 14% of the total income raised from rates.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- *Section 93 of the Local Government Act 2020* states that a Council must prepare and adopt a Revenue and Rating Plan by the next 30 June after a general election for a period of at least the next 4 financial years.
- Due to the introduction, from 1 July 2022, of a Kerbside Waste Rate and Public Waste Rate a revised Revenue and Rating Plan 2022-2026 has been developed.
- Consultation on the Revised Revenue and Rating Plan 2022-2026 was undertaken in accordance with Council's Banyule Community Engagement Policy (adopted in accordance with section 55 of the *Local Government Act 2020*).

### **Human Rights Charter**

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

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

- The introduction of the Kerbside Waste Rate and Public Waste Rate will not result in any additional funds being raised by Council in 2022/23, although changes may occur from property to property, depending on changes to property values.
- From 2022/23 the separation of waste costs from general rates will mean that future cost fluctuations in providing waste services will be quarantined from general rates, enabling council to plan with more certainty.
- The waste rate will be calculated on property valuation and follows the same rating basis as previous levied. This approach has no correlation with the individual ratepayer's consumption of services.
- External influences are increasing the cost of providing waste services. Some of these external influences include:
  - New gate fee for recycling waste. The recycling fee was fully implemented in 2019/20 and represents about \$0.800 million per year.

## **ADOPTION OF REVENUE AND RATING PLAN 2022-2026 cont'd**

- Landfill levy increment of 91% by 2022/23 will impact the disposal cost of general waste. Increases go from \$85.90/tonne on 1 January 2021 to \$105.90/tonne on 1 July 2021 and then \$125.90 from 1 July 2022.
- Landfill operator's costs increased considerably in 2021/22 under a new regional contract.
- New operating and capital requirements to implement new services such as FOGO from July 2022 and glass recycling collection stream before 2027.
- As a result, it has become extremely challenging for Banyule City Council, within the current rate capping environment, to absorb the significant costs increases in the future and to maintain the ongoing financial sustainability that ensures delivering high-quality community services and infrastructure.

### **Community Engagement**

- The revised Revenue and Rating Plan 2022-2026 is developed within Council's overall strategic planning framework. This framework guides the Council with information that aids in identifying community needs and aspirations over the long-term, converting these into medium objectives, key directions, initiatives, activities and allocates resources in a considered manner with this information.
- As noted by Council on 30 May 2022, consultation on the revised Revenue and Rating Plan 2022-2026 was undertaken from 12 April to 3 May 2022.
- Several community members provided feedback on the Plan and other integrated planning documents during in-person and online workshops, via email and our online engagement platform, Shaping Banyule.
- Generally, the feedback received supported the introduction of a waste rate on the basis that it would recover costs related to the waste service. There was also a strong desire for Council to encourage waste minimisation across the community.
- All feedback received was considered and where appropriate incorporated into the final draft of the revised Revenue and Rating Plan 2022-2026 for adoption:

### **Collaboration**

- Officers have met with the Essential Services Commission to ensure Council's planned introduction of a waste rate is compatible with the principles of the Fair Go Rate Cap.

### **Key Considerations**

- The decision to separate waste costs from general rates will mean that future cost fluctuations in providing waste services will be quarantined from general rates, enabling council to plan with more certainty.
- The introduction of a separate waste rate will also result in rate relief for ratepayers who do not receive a kerbside waste service, with the kerbside waste rate only being levied on properties receiving a household waste service.
- The waste rates will be set according to property values, in the same way that general rates are set. This progressive rating method is a more equitable way to pay for the many services Council delivers and that are used by everyone, regardless of their income.

## **ADOPTION OF REVENUE AND RATING PLAN 2022-2026 cont'd**

- Officers are preparing printed literature to accompany annual rates and valuation notices, social media campaigns and frequently asked questions to be made available via Council's website.
- In determining the waste services to be included in the Public Waste Rate and Kerbside Waste Rate the below allocation has been agreed:
  - Public Waste Rate will be levied on each rateable property and is in place to fund the provision of infrastructure and services to support:
    - Street-sweeping
    - Dumped rubbish collections
    - Laneway clearance
    - Litter and public realm refuse collection and disposal
    - Park litter collection and disposal
    - Waste Education / waste and littering reduction initiatives
    - Waste Recovery Centre
  - Kerbside Waste Rate is levied on properties that are used wholly or partly for residential purposes that can receive a standard kerbside waste collection. The Kerbside Waste Rate is not levied on properties that do not receive a kerbside waste service due to conditions imposed under the *Planning and Environment Act 1987*, through locational constraints or other factors that make kerbside waste collection impractical.

### **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	Revised Revenue and Rating Plan 2022-2026	



## **8.5 ADOPTION OF RATES FINANCIAL HARDSHIP ASSISTANCE POLICY 2022-2026**

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

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### **SUMMARY**

1. Council's existing Rates Financial Hardship Assistance Policy is under review and this report outlines the proposed changes to the Rates Financial Hardship Assistance Policy for the period 1 July 2022 to 30 June 2023 for consideration by Council for adoption.
2. The draft Rates Financial Hardship Assistance Policy 2022/23 (the Policy) outlines the process of applying for and assessing hardship applications and introduces:
  - a. the permanent framework for providing waivers of rates, interest, levies and charges
  - b. the impact of family violence as being a contributory factor to hardship by including family violence in the assessment criteria
  - c. a greater emphasis on providing referrals to support agencies, financial counselling and establishing and monitoring payment arrangements.
3. The anticipated financial impact of providing permanent rate waivers, as well as administering the Policy (through temporary staffing and/or agency) is estimated to cost approximately \$0.25m per annum from 2022/23 (increased by CPI each year).
4. The draft Rates Financial Hardship Assistance Policy 2022/23 and support available to ratepayers will be featured with the 2022/23 Rates and Valuation Notices, subsequent instalment notices and promoted through Council's website.

### **RECOMMENDATION**

That Council:

1. Adopt the Rates Financial Hardship Assistance Policy 2022/23.
2. Note the inclusion of the availability to a rate waiver under section 171A of the *Local Government Act 1989* in the Rates Financial Hardship Assistance Policy 2022/2023.
3. Note the transparent and simple financial hardship application process and criteria to be used to assess the eligibility for a partial rate waiver and/or interest waiver.
4. Fund through the proposed Budget 2022-2026 a provision of \$0.25m for the partial waivers to those ratepayers in financial hardship and the administration costs of establishing and monitoring payment arrangements.
5. Make available through the Council's website the adopted Rates Financial Hardship Assistance Policy 2022/23.

**ADOPTION OF RATES FINANCIAL HARDSHIP ASSISTANCE POLICY 2022-2026  
cont'd**

**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**

- During the COVID-19 pandemic, Council adopted a Rates Financial Hardship Assistance policy that provided for temporary rates waivers to those who were directly impacted by COVID-19. While the financial impact of the pandemic has somewhat reduced, there remains hardship in the community caused by other factors.
- In 2021 the Victorian Ombudsman released its report on its 'Investigation into how local councils respond to ratepayers in financial hardship'. This draft Policy has incorporated a number of these recommendations including allowing in the draft policy permanent access to a rate waiver for those ratepayers in financial hardship.
- On 10 June 2022 the State Government announced an amendment to local government legislation to address the 2020 Local Government Rating System Review and recommendations of the 2021 Victorian Ombudsman's investigation – Local Government Legislation Amendment (Rating and Other Matter) Bill 2022.
- To date there are no further amendments proposed to the draft Rates Financial Hardship Assistance Policy 2022/23 as an outcome of the Bill. Council will continue to review related recommendations from the State Government and the Essential Services commission associated with this Policy and make any necessary amendments as required.

**KEY ISSUES**

- Hardship is not a simple issue to tackle. It requires tact, sensitivity, compassion and understanding to be able to deal with ratepayers who are under stress, often with contributory factors exacerbating their hardship, such as unemployment, relationship break-up, family violence or other health conditions. An officer with experience and training in assessing and assisting people in hardship was engaged on a temporary basis during the pandemic and similar support will be required into the future when this policy is adopted, including training for all relevant staff.
- Financial hardship is assessed using a points-based questionnaire designed to enable officers to make an objective assessment of a ratepayer's situation and determine if they are eligible to be considered under the Policy for financial hardship support. The points system under this draft Policy has been revised from the current policy (pre-COVID-19 policy) to:
  - Reduce the points assigned to a ratepayer receiving a pension in recognition of the support provided by the commonwealth and state governments, specifically pensioners receiving the Municipal Rates Concession provided by the Victorian government.
  - Incorporate the impact of family violence as being a contributory factor in hardship.

**ADOPTION OF RATES FINANCIAL HARDSHIP ASSISTANCE POLICY 2022-2026  
cont'd**

- The policy includes extending the points-based questionnaire to assess eligibility for financial hardship support in which ratepayers may be eligible for a rate waiver. Generally, all property owners (residential, commercial and industrial) are eligible to apply for financial hardship and if financial hardship is established a deferral of penalty interest and/or the waiver of penalty interest is granted. To be eligible for a rate waiver (new from 1 July 2022), the ratepayer applying for financial hardship will need to be an owner occupier of a Residential Improved property.
- The Policy includes waivers of rates to assist those in serious hardship by providing waivers of 25% of rates (including the general rate, kerbside waste rate and public waste rate) to a maximum of \$500 per year.
- A rate waiver will be granted only when the following criteria apply:
  - The applicant must be an owner-occupier or life tenant of a Residential Improved property.
  - The applicant must have been assessed using the points-based questionnaire as receiving 100 points or greater.
  - Ratepayers who have received a rebate under this policy, applying for a rebate in subsequent years will only be granted a rebate when the applicant supplies a letter of support from a financial counsellor, dated not more than three months prior to the date of application
- The Policy also includes the provision to waive rate arrears and penalty interest where an applicant can provide documentation from a financial counsellor detailing:
  - The hardship that existed in previous years
  - The reason that a waiver of arrears and penalty interest will reduce current hardship
  - A payment plan that the ratepayer can abide by over the coming twelve months that is judged acceptable to Council.
- The attached Rates Financial Hardship Assistance Policy 2022/23 includes the points-based questionnaire to assess eligibility for financial hardship support.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Section 171A of the *Local Government Act 1989* states that Council may grant a waiver upon application. The Policy includes the mechanism upon which Council will be accepting applications and assessing them under section 171A.

**Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. Section 13 of The Charter of Human Rights and Responsibilities enshrines the Right to privacy and reputation. In assessing the degree of hardship being suffered by ratepayers, there is a requirement to request more

**ADOPTION OF RATES FINANCIAL HARDSHIP ASSISTANCE POLICY 2022-2026  
cont'd**

information than is usually provided to Council in the normal course of interactions between ratepayers and Council.

- Council may request information and supporting documentation relating to financial and employment status and business-related documents. This information will be used only for the purposes of assessing hardship and will have administrative controls to ensure this information is restricted to those assessing or reviewing hardship status. This information may need to be passed to Council's internal or external auditor, for the purposes of audit. In these cases, a ratepayer's privacy will be covered by professional auditing practices.

**Sustainable Procurement Outcomes**

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

**Financial Implications**

- The total amount to be waived during the year will be directly reliant on the number of hardship applications made to Council.
- The total impact on the rate revenue is estimated to be approximately \$0.25m. This amount has been included in Council's proposed Budget 2022-2026. This includes resourcing to work with ratepayers to assist those in hardship with the development, monitoring and re-assessment of ongoing payment arrangements and to administer the rate and interest waivers available to those in financial hardship.
- The impact to net rate income will be reported through Council's quarterly Financial Management Report during the financial year.
- The resourcing to administer the draft Policy has been estimated to require temporary agency support or part-time staffing support of approximately 0.40 EFT. This resourcing will be used to work with ratepayers to assist those in hardship with ongoing payment arrangements and to administer the waivers available to those in hardship. The funding required against the policy will need to be assessed each year.

**Community Engagement**

- As noted by Council on 30 May 2022, consultation was undertaken from 12 April to 3 May 2022 and feedback on the proposal to include a provision of rate waivers for those in financial hardship was received from the public.
- The feedback received revealed community sentiment including:
  - The desire to assist those in genuine hardship
  - A holistic concern about ratepayers' situations outside of their difficulty paying rates
  - A desire to see longer-terms assistance to ratepayers in hardship via financial counselling
  - A concern that application processes need to strike the right balance between the ease of application and rigorous enough to identify and eliminate spurious or disingenuous claims of hardship.

**ADOPTION OF RATES FINANCIAL HARDSHIP ASSISTANCE POLICY 2022-2026  
cont'd**

- The Policy has taken these views in to account with a transparent and simple application process, resourcing to support the monitoring and timely updating of payment arrangements and, as appropriate referring those ratepayers in hardship to suitable support services.

**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	Draft Rates Financial Hardship Assistance Policy 2022/2023	

## **8.6 ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026**

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

### **Previous Items**

Council on 30 May 2022 (Item 8.11 - Integrated Planning Project - Consideration of Community Engagement Feedback)

Council on 11 April 2022 (Item 8.1 - Proposed Budget 2022-2026 for public consultation)

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### **SUMMARY**

1. This report is presented for the adoption of Banyule City Council's Budget for 2022-2026 in accordance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.
2. The proposed Budget 2022-2026 also declares the total amounts which the Council intends to raise by general rates, municipal charges, service rates and service charges and whether general rates will be raised by the application of a uniform rate, differential rate or limited differential rate.
3. Council has prepared its proposed Budget 2022-2026 focusing on long term financial sustainability. The Budget will ensure Council's finances remain sustainable and that appropriate resources are allocated to meet the services and capital requirements of the community.
4. This Budget, having considered public feedback and other information, works to provide a range of high-quality services, programs and initiatives that meet community needs. Following the community engagement period, changes have been incorporated into the proposed Budget 2022-2026 (attached).
5. The changes are based on the outcome of Council's consideration of community engagement feedback at a Council Meeting on Monday, 30 May 2022. A number of items have also been referred to the proposed Budget 2022-2026 by reports to Council. Other modifications including changes to service delivery, capital works and initiative costings and revision of some of Council's fees & charges have also been made.
6. Council has been slow to recover from the financial impacts of COVID-19, and as a recovery budget will continue to adapt its services to provide support to the community. The proposed Budget 2022-2026 is now being presented for adoption with changes as outlined in this report.

### **RECOMMENDATION**

That Council:

1. Having considered all feedback received and having complied with the requirements of the *Local Government Act 2020*, adopt the attached proposed Budget 2022-2026 with the following amendments:
  - a. The outcomes of Council's consideration of public feedback on the proposed Budget 2022-2026.

## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

- b. Items that have been referred to the proposed Budget 2022-2026 by reports to Council which require additional funding not considered during the budget development process.
  - c. Other modifications including changes to service delivery, capital works and initiative costings and revision of fees & charges.
2. In accordance with sections 158 and 161 of the *Local Government Act 1989*, declare the Rates, Levies and Annual Service Charges for the 2022/23 rating year commencing 1 July 2022 and ending 30 June 2023 as detailed in the proposed Budget 2022-2026.
3. Provides a written response to each of those persons who requested specific funding changes on the proposed Budget 2022-2026, to advise them of the outcome of their feedback as it relates to their specific budget submission.
4. Writes to all organisations funded in the budget regarding the funding they will receive.
5. Makes the adopted Budget 2022-2026 available through Council's website and that the Minister for Local Government be advised.

## **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 proposed Budget 2022-2026 has been prepared with a focus on responsible financial management and in accordance with *the Local Government Act 2020* (and where applicable *the Local Government Act 1989*) *Local Government (Planning and Reporting) Regulations 2020* and *Accounting Standards*.
- The proposed Budget 2022-2026 is for the Year 1 July 2022 to 30 June 2023, and the subsequent three financial years 1 July 2023 through to 30 June 2026. It is a rolling (4-year) budget.
- The proposed Budget 2022-2026 works in line with the directives of the Council Plan. Councillors and staff are committed to achieving these medium and long-term objectives that ensure we are building a better Banyule.
- During the preparation on this Budget, great care has been taken to ensure Council can demonstrate responsible financial management and governance. It looks to balance competing demands on providing community services, maintaining and renewing infrastructure with the community's capacity to pay for it.

## **KEY ISSUES**

- This Budget highlights the longer-term financial impacts on Council services from the COVID-19 economic and health crisis and Council's business recovery as

**ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

planned over the next 4 years as many of councils' critical services were severely impacted by the financial impacts of COVID-19.

- Council is proposing to separate out the cost of providing waste and recycling services into two new waste rates to align with Council's objective to achieve zero waste to landfill by 2030 and to better manage rising waste costs. The overall general rates collected across the municipality will be reduced in 2022/23 to fully offset the introduction of these rates, namely the Kerbside Waste Rate and the Public Waste Rate.
- Council will continue delivering quality and inclusive services to the community that offer value for money and respond to community and lead on environmental sustainability. We will invest in infrastructure and community facilities that service our community today and for future generations and plan for our growing City, addressing development, transport, open space and diversity; and maintain our public and open spaces to preserve neighbourhood character.
- To help us to deliver on these main focus areas and important initiatives Council will work in partnership with the community; engage with our community to ensure they are well informed and represented and meaningfully involved in decision making; encourage community participation and inclusion to provide opportunities for all; and advocate for our community to improve services, infrastructure and social outcomes.
- As required under the *Local Government Act 2020*, new strategies and initiatives flowing from the Council plan are included and considered in the development of the proposed Budget 2022-2026 and other integrated planning documents (including the Council Plan, Financial Plan, Asset Plan and Revenue and Rating Plan) to be adopted at the Council meeting on 27 June 2022.

**Financial Sustainability**

- Through this budget Council represents as being financially sustainable. Council is providing further support to ratepayers through its Draft Rates Financial Hardship Assistance Policy whilst maintaining core services, investment in infrastructure, and renewal through its continuous capital work programs and major initiatives.
  - The draft Income Statement reports a surplus for each year of the four-year Budget.
  - An underlying deficit will be reported in 2022/23 as Banyule recovers from the negative financial impacts of COVID-19. An underlying surplus is being reported in year 2 through to year 4.
  - An operating surplus of \$15.11 million (underlying deficit \$4.03 million) in 2022/23 is projected.



## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

### **Rate Cap**

- Each year the Minister for Local Government will set the rate cap that will specify the maximum increase in Councils' rates for the forthcoming financial year. For 2022/23 the rate cap has been set at 1.75% and increases over the next couple of years to 2.50%.

<b>Projection</b>	<b>Y1</b>	<b>Y2</b>	<b>Y3</b>	<b>Y4</b>	<b>Y5- Y10</b>
<b>CPI</b>	1.75%	2.25%	2.50%	2.50%	2.50%
<b>Rate Cap</b>	1.75%	2.25%	2.50%	2.50%	2.50%

### **EFT**

- The proposed equivalent full-time staffing profile (EFT) for 2022/23 Budget totals 694.87 from 691.65 EFT in 2021/22.
- The four-year budget for employee costs is planned to reduce to 675.12 in 2025/26. This accounts for several roles supported for the 2022/23 Budget being temporary (e.g. project based or have short term external funding).
- The four-year budget does not take account of any other staff reductions as a result of service reviews and process efficiencies or increases aligned to new and unplanned grant funding.

### **Revenue and Rating Plan 2022-2026**

- Banyule City Council's Revenue and Rating Plan is reviewed annually to ensure that Council supports the rating principles used to levy rates and charges, in collaboration with determining the proposed Budget 2022-2026.
- Rates and charges contribute funds to address ageing infrastructure, improve the amenity and quality of community assets and deliver vital services across the breadth of the City.
- Council proposes to increase rates by 1.75% in line with the State Government's Fair Go Rates System.
- Council proposes to separate out the cost of providing waste and recycling services. Separating out the waste costs will allow the waste rates to be reviewed to align with the actual costs of delivering the services, while continuing to help our community reduce waste to landfill, a major cost to the budget and the environment.
- It is proposed to introduce two new service rates from 1 July 2022 being:
  - The Public Waste Rate which will finance waste services in public areas, such as street sweeping and public rubbish bins. It will be levied on all rateable properties in Banyule, as the entire community benefits from these services.
  - The Kerbside Waste Rate will finance household kerbside collections – rubbish, recycling, Food Organics Green Organics (FOGO), hard waste and bundled branch collections.

## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

### **Fees and Charges**

- Statutory fees and charges are fixed by statute and can only be increased in line with the annual increases announced by State Government. The balance of fees and charges are discretionary in that Council can levy the amount it believes is equitable for each service/item (user fees).
- Council has over 800 user fees (excludes statutory fees) allocated as either commercial or community fees. Community fees are where no competition for the service exists. The services provided aim to strengthen capacity and connections to build healthy and strong communities. Commercial fees are for where services are predominately provided to commercial clients, or for the services operating under a commercial environment.
- Council aims to ensure that the services provided by Council are affordable. Council in its determination of user fee increases has taken into consideration the needs and accessibility of the community; demand for the service, pricing and cost to sustain a viable service. Council will continue to annually review fees and charges considering the affordability of the services, costs to provide the services and market conditions as appropriate.

### **Investing in infrastructure and initiatives**

- The proposed Budget 2022-2026 has an allocation of \$61.55 million to deliver capital works projects and \$8.75 million to deliver Council initiatives (excluding projects carried forward from 2021/22). Of the total capital works budget 92% is invested into asset renewal and upgrade.
- There is significant investment into our parks, gardens, playgrounds and shared paths; upgrade to sporting grounds, facilities and pavilions; whilst continuing to invest in the maintaining of our roads, bridges and drainage.

### **Delivery of Core Services**

- Council's Services and initiatives are outlined within the proposed Budget 2022-2026 under the following six themes of:
  - Our Inclusive and Connected Community
  - Our Sustainable Environment
  - Our Well-Built City
  - Our Valued Community Assets and Facilities
  - Our Thriving Local Economy
  - Our Trusted and Responsive Leadership
- A major focus of Council is to promote and support good health for people of different ages, life stages and backgrounds. Council assists local businesses and shopping precincts to thrive, while the neighbourhood houses and libraries continue to connect people and offer a vast array of learning opportunities.
- Council provides a range of popular community events and activities, and investing in recreation, leisure and arts, helping to support a vibrant, connected community.

## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

### **Borrowing**

- The budget document includes consideration to borrow in Year 1 for the Capital Works Program. Further details are outlined in the proposed Budget 2022-2026. If there is a decision to borrow later in the year and borrowing has not been included in the adopted budget 2022-2026 a revised budget will be required (as per the *Local Government Act 2020*).

### **Cash Balances**

- The cash generated from Council's operating activities is estimated to be \$37 million in 2022/23 financial year (\$142 million over the 4-year budget)
- The projected cash balance is to be \$73 million at the end of 2025/26.

### **Operational Efficiency**

- In this proposed Budget several strategies have been considered to meet the service needs of the community as well as remain financially sustainable. As a result, the increase in operational expenditure has been set to be CPI-0.25%, after including the below strategies.
  - Service reviews – Council continues to conduct service reviews to ensure operations meet quality, cost and service standards in line with community expectations.
  - Continuous improvement – Council develops and implements a Continuous Improvement program to deliver operational efficiency and in achieving economic, social and environmental sustainability.
  - Digital Transformation – Council maintains its capital works investment in the maintenance and renewal of existing systems and infrastructure and provides additional funding for new systems to build customer capability and operational efficiency.

Collaboration and partnerships – Council continues to actively participate in collaborative opportunities with the Northern Region Alliance of Council to maximise procurement and purchasing

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- Council has followed the legislative requirements in accordance with the *Local Government Act 2020* and in accordance with the Council's Community Engagement Policy.
- Under Section 94 of the Local Government Act 2020, Council must prepare and adopt a budget for each financial year and the subsequent three financial years.
- If a Budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the Budget or Council Plan if the:
  - Council previously approved the matter for inclusion, and
  - Councillor disclosed the nature of the conflict of interest when the decision in respect of the matter was previously considered and made.

## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

### **Human Rights Charter**

- Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with Charter and to consider relevant Charter rights when they make decisions.
- In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. Whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any human rights issues.
- The preparation and adoption of Council's Budget facilitates the protection of many of our communities' human rights as funding for many Council projects, programs and initiatives is directly related to protecting and enhancing the human rights of the community. Council continues to work on behalf of its community to ensure the upholding of human rights for all.
- 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**

The proposed Budget 2022-2026 has been amended to reflect the following:

- Community engagement feedback – financial outcomes of Council's consideration of community engagement feedback (*CO2022/106 – Council meeting 30 May 2022*)
- Other - modifications since the budget development process including:
  - Operational adjustments
  - Capital Works Program – savings, other changes due to emerging issues or identified community need.
  - Fees and Charges – waste charges, statutory increases and other amendments
- Other minor formatting, notes disclosures and commentary have been incorporated as appropriate to enhance the report. These changes have no financial impact.
- Any other changes that are identified between the writing of this report will be amended in the forecast 2022/23 and reported within the financial management report each quarter to Council.

**ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

**Other** – Operational adjustments since the budget development process:

<b>Nature of change to proposed Budget 2022-2026</b>	<b>Financial implication</b>
Additional Supplementary rates	Increase in Income – Rates Revenue: Year 1: \$264,228, and total over 4 Years: \$1,095,245.
On-going financial hardship support	Increase in Expense – Other: Year 1: \$250,000, and total over 4 Years: \$1,032,342.
Additional Victoria Grants Commission funding	Increase in Operational Grants: Year 1: \$139,234, and total over 4 Years: \$577,101.
Net rental income - Level 2 / 1 Flintoff Greensborough	Increase in Income – Rental Income: Year 1: \$167,066, and total over 4 Years; \$691,828 Increase in Expense – Other; Year 1: \$99,964, and total over 4 Years: \$412,788.
Additional investment income due to the recent increase of interest rates.	Increase in Income – Interest: Year 1: \$1,013,000, and total over 4 Years: \$5,797,000.
Enterprise Agreement - quantum	Decrease in Expense – Employee Benefit: Year 1: \$121,254; and Increase in Expense – Employee Benefit total over 4 Years: \$663,157.

**Capital Works Program** - adjustments since the budget development process:

The changes within the Capital Works Schedule for 2022-2026 includes additional projects due to the consideration of community engagement feedback, and projects where the budget costs have been revised due to rising construction costs, listed as follows:

<b>Nature of change to proposed Budget 2021-2025</b>	<b>Financial implication</b>
Waterdale Rd Pocket Park	Increase in Capital Works Expense -Year 1: \$700,000
Bundoora Community Hall & Annexe - Refurbishment	Increase in Capital Works Expense -Year 1: \$159,000
Montmorency Bowling Club Redevelopment	Increase in Capital Works Expense -Year 2: \$700,000

## **ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

### **Fees and Charges – statutory**

The changes in several fees as a result of the fee units and penalty units announced through the Victorian Government Gazette No. S 6 (under the Monetary Units Act 2004) on 21 April 2022:

- a) The value of the fee unit is \$15.29; and
- b) The value of the penalty unit is \$184.92; and

<b>Fees &amp; Charges - Description</b>	<b>Initial Proposed Fee</b>	<b>Amended Proposed Fee</b>
State government levy dogs and State Government levy cats	\$4.10; \$4.10	\$4.23; \$4.23
Building authority fees; Planning scheme amendment fees; Planning permit application fees; Prescribed fees; Subdivision fees; Planning permit amendment fees	Various	Various
Kerbside waste charges – amendment to fees to support to the introduction of the kerbside waste rates (description, frequency, and price are amended)	Various	Various
Kerbside waste charges - additional fees to align with FOGO service delivery	Various	Various

### **Community Engagement**

- As noted by Council on 30 May 2022, consultation on the proposed Budget 2022-2026 was undertaken from 12 April to 3 May 2022.
- Several community members provided feedback on the proposed Budget 2022-2026 during in-person and online workshops, via email and our online engagement platform, Shaping Banyule.
- During the Community Consultation period on the proposed Budget 2022-2026 submitters were provided with the opportunity to be heard and address Council in support of their feedback. Council then considered all community feedback on a proposal (or proposals) contained in the proposed Budget the Council Meeting on Monday, 30 May 2022.
- A summary of Budget impact recommendations has been listed, considered and endorsed by Council in the 30 May 2022 Meeting (*CO2022/106*). A written response will be provided to each of those persons who requested specific funding changes on the proposed Budget 2022-2026, to inform them of Council's consideration after the adoption of the Budget 2022-2026.

### **Key Considerations**

- Having considered the community engagement feedback received adjustments have been made to the proposed Budget 2022-2026 to incorporate valuable feedback received and which respond to identified community needs.

**ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

- This proposed Budget 2022-2026 meets the requirements of Section 94 of the *Local Government Act 2020* which requires Council to prepare a budget for each financial year and the subsequent 3 financial years. This rolling 4-year budget is to be prepared in the form and include information required by regulations.
- The budget outlines how resources will be allocated across initiatives, programs, services, and capital works, as well as financing and debt redemptions/servicing. It also provides a comprehensive outline of all income derived from rates, fees and charges, grants and other revenue. Ongoing services and programs are described in summary form and include prescribed indicators and measures of service performance.
- The proposed Budget for 2022-2026 is aligned to the long-term strategies of Council and is in line with Council's commitment to sustainable budgeting and responsible financial management.
- As required under the *Local Government Act 2020*, new strategies and initiatives flowing from the Council plan are included and considered in the development of the Budget 2022-2026, and flow through into the related integrated planning documents to be adopted at the Council meeting on 27 June 2022.
- Following adoption, copies of the Budget 2022-2026 will be sent to the Minister for Local Government and will be made available to the public Council's website.

**Officer Declaration of Conflict of Interest**

- Section 130 of the *Local Government Act 2020* requires:
  - A relevant person who has a conflict of interest in respect of a matter must—
    - a. disclose the conflict of interest in the manner required by the Council's Governance Rules; and
    - b. exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.
- A Councillor with a conflict of interest in a matter contained in the proposed Budget 2022-2026 must disclose that interest, and the matter will need to be considered separate and prior to the consideration of adoption of the Budget.
- To allow any Councillor who may have a conflict of interest in any item contained within the proposed Budget 2022-2026 the opportunity to declare that interest has been made available, via a separate report 'Proposed Budget 2022/23 – Declarations'. This report will precede the 'Adoption of Banyule City Council Budget 2022-2026' at the Council meeting on 27 June 2022.
- The report will allow a councillor to declare the matter in which they have a conflict of interest, and for the matter to be considered separately (without the councillor/s present), thereby allowing the councillor/s the opportunity to participate in the consideration of all other submissions.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

**ADOPTION OF BANYULE CITY COUNCIL BUDGET 2022-2026 cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Banyule City Council Proposed Budget 2022-2026	



## **8.7 CONTRACT FOR THE PROVISION OF PARKING AND TRAFFIC ENFORCEMENT AND ADMINISTRATION SERVICES**

Author: Ana Caicedo - Transport Engineering Coordinator, City Development

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### **SUMMARY**

- This report is to consider the awarding of Contract No. 1135 – 2021: *Provision of Parking and Traffic Enforcement and Administration Services*.
- The Tender Evaluation Panel (TEP) has recommended awarding the contract to DCA Technologies Pty Ltd in accordance with the tender and conditions as determined by Council.
- Tenders were received from three companies.
- The contract will commence on 1 July 2022. The Initial Contract Term shall be for a maximum initial period of 4 years with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council:

1. Award Contract No. 1135-2021 for the Provision of Parking and Traffic Enforcement and Administration Services to DCA Technologies Pty Ltd for:
  - a. a total estimated value of \$15,269,440 (ex. G.S.T);
  - b. an initial contract term of four years with the option to extend for further periods of any duration up to a maximum extension period of three years.
2. Authorise the Director City Development to sign the contract and any other associated documents.
3. Authorise the Director City Development to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs.

### **COUNCIL PLAN**

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

**CONTRACT FOR THE PROVISION OF PARKING AND TRAFFIC ENFORCEMENT AND ADMINISTRATION SERVICES cont'd**

**TENDER DETAILS**

Contract Period	Initial term: 1 July 2022 to 30 June 2026  With the option to extend up to a maximum period of three years (until 30 June 2029)
Contract Type	Service
Advertising Date	29 January 2022 in the local government tender section of The Age
Tenders Closed	23 February 2022
Works	Provision of Parking & Traffic Enforcement & Administration Services
No. of tender documents downloaded	14
Tender Evaluation Panel	<ul style="list-style-type: none"><li>• Manager Transport and Environment</li><li>• Coordinator Transport Engineering</li><li>• Team Leader Transport Planning</li><li>• Senior Accountant (non-scoring member)</li></ul>
Tender Evaluation Criteria	<ul style="list-style-type: none"><li>• Tendered price;</li><li>• Qualifications and experience of Tenderer to provide the services;</li><li>• Previous experience in the provision of similar services;</li><li>• Capacity and capability of the Tenderer to provide the Services;</li><li>• Previous performance, experience and reliability in the provision of similar contracts, and previous performance in delivery of contracts directly with Banyule City Council;</li><li>• Existence of an accredited management system and procedures covering Quality, OH&amp;S and Environmental performance;</li><li>• Demonstration of Social and Economic Sustainability.</li></ul>

**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 assessed this information as part of the weighted score for each tenderer.
- The TEP members individually evaluated and scored the submissions based on the non-priced criteria in accordance with the score guide.

**CONTRACT FOR THE PROVISION OF PARKING AND TRAFFIC ENFORCEMENT AND ADMINISTRATION SERVICES cont'd**

- 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	64.37%
DCA Technologies Pty Ltd	77.18%
Tenderer C	36.62%

- Tenderer A had the lowest price however they could not demonstrate the ability to deliver the service.
- The TEP discussed and agreed that neither Tenderer A or Tenderer C would be shortlisted for interview or demonstration as the TEP were not confident in their ability to undertake the services based on their submission.
- The TEP agreed further that DCA Technologies Pty Ltd, being the incumbent, would not be required to undertake a demonstration. An interview was arranged, and DCA was invited to submit their best and final offer (BAFO) within one working day of attending the interview.
- An independent financial scorecard was undertaken on DCA Technologies Pty Ltd as per the agreed tender evaluation plan.
- Several contract departures were negotiated, and legal advice was sought on numerous key departures.
- It is evident from the above that DCA Technologies Pty Ltd will deliver best value for money to Council.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Section 109(1) of the Local Government Act 2020 requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).
- The awarding of this contract complies with the tendering provisions of Section 109(1) of the Local Government Act 2020.

**Human Rights Charter**

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

**CONTRACT FOR THE PROVISION OF PARKING AND TRAFFIC ENFORCEMENT AND ADMINISTRATION SERVICES cont'd**

**Sustainable Procurement Outcomes**

- Vehicles for the life of this contract will not exceed 5 years of age.
- DCA are planning to upgrade their total enforcement fleet to hybrid vehicles.
- DCA has built relationships with Melbourne based Universities to promote intern opportunities, both paid and unpaid.
- DCA partners with, and currently provides employment and training support to the Asylum Seeker Resource Centre (ASRC). DCA have facilitated mock interviews for customer service roles and offered employment in some instances.
- DCA have also begun the process of establishing relationships with Aboriginal/Torres Strait Islander (ATSI) organisations (such as Supply Nation and Kinaway) to better engage with and support local communities.

**Financial Implications**

- Council has allocated funds in its 2022/23 operating budget for the provision of parking and traffic enforcement and administration services.
- A positive net increase to the proposed 2022/23 Council Budget is expected given the expected changes in income and expenditure under the contract terms.

**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.

**CONTRACT FOR THE PROVISION OF PARKING AND TRAFFIC ENFORCEMENT  
AND ADMINISTRATION SERVICES cont'd**

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Score Matrix - Provision of Parking and Traffic Enforcement Administration Services - <b>CONFIDENTIAL</b>	

## 8.8 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Executive

### 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

<b>1</b>	<b>Date of Meeting:</b>	27/4/2022
	<b>Type of Meeting:</b>	Banyule Disability and Inclusion Advisory Committee
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Population Plans Achievement Report</li> <li>• National and Victorian Disability Plan</li> <li>• Inclusive Banyule</li> <li>• AAA Sport and Recreation Grant and Program</li> <li>• Inclusive Banyule Grants</li> <li>• Stakeholder Updates</li> <li>• General Discussion</li> </ul>
	<b>Councillors Present:</b>	Alison Champion Rick Garotti
	<b>Staff Present:</b>	Vicki Martinez – <i>Community and Social Planner</i> Danielle Clarke – <i>Acting Team Leader Social Planning</i> Sherryn Prinzi – <i>Coordinator Community Impact</i>
<b>Others Present:</b>	Sarah Hockey Donna Prichard Allan Leenaerts Parvin Ahadi Laila Fernandez	

RECORD OF COUNCILLOR MEETINGS cont'd

	Ros Melling Emma Lowe Dani Stramandinoli Elizabeth Parry Alicia Rotella Kerryn Burgoyne
	<b>Conflict of Interest:</b> <i>NIL</i>

<b>2</b>	<b>Date of Meeting:</b>	23/5/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Banyule's Unconstructed Roads</li> <li>• Continuous Improvement - Benefits Realisation Framework</li> <li>• Draft Economic Development Strategy/Retail Review</li> </ul>	
	<b>Councillors Present:</b>	
	<ul style="list-style-type: none"> <li>• Peter Castaldo</li> <li>• Alison Champion</li> <li>• Peter Dimarelos</li> <li>• Mark Di Pasquale</li> <li>• Rick Garotti</li> <li>• Alida McKern</li> <li>• Tom Melican</li> <li>• Fiona Mitsinikos</li> <li>• Elizabeth Nealy</li> </ul>	
	<b>Staff Present:</b>	
<ul style="list-style-type: none"> <li>• Allison Beckwith - CEO</li> <li>• Marc Giglio – Director Corporate Services</li> <li>• Darren Bennett – Director Assets &amp; City Services</li> <li>• Natasha Swan – Director City Development</li> <li>• Kerryn Woods – Executive &amp; Councillor's Team Leader</li> <li>• Greg Gale – Manager Delivery &amp; Assets</li> <li>• Mohammad Rashid – City Assets Coordinator</li> <li>• Joseph Linnestad – Customer Experience &amp; Business Improvement Manager</li> <li>• Kirsten Farrell – Continuous Improvement Coordinator</li> <li>• Karen Leeder – Manager City Futures</li> <li>• Dani Ahimastos – Economic Development Officer</li> <li>• Fae Ballingall – Economic Development Coordinator</li> </ul>		
<b>Others Present:</b>		
	<b>Conflict of Interest:</b>	<i>NIL</i>

<b>3</b>	<b>Date of Meeting:</b>	25/5/2022
	<b>Type of Meeting:</b>	Multicultural Committee Meeting
	<b>Matters Considered:</b>	
<ul style="list-style-type: none"> <li>• Inclusive Banyule</li> </ul>		

**RECORD OF COUNCILLOR MEETINGS cont'd**

	<ul style="list-style-type: none"> <li>• Women's Only Swim Night</li> <li>• Banyule Calendar of religious and cultural days of significants</li> <li>• Refugee Week</li> </ul>
	<p><b>Councillors Present:</b></p> <p>Fiona Mitsinikos</p>
	<p><b>Staff Present:</b></p> <p>Jo Wilson – <i>Manager Resilient and Connected Communities</i> Danielle Clarke – <i>Social Policy &amp; Planner Team Leader</i></p>
	<p><b>Others Present:</b></p> <ul style="list-style-type: none"> <li>• Jeyarajah (Raj) Ramanathan</li> <li>• Louisa Ong</li> <li>• Naaz Fahmida</li> <li>• Susan Zhou</li> <li>• Baljit Singh</li> <li>• Ginger (Lan) Jiang</li> <li>• Samira Liban</li> <li>• Mandira Panday</li> <li>• Albert Fatileh</li> <li>• Ansum Sadik</li> <li>• Suzanne Crenlin</li> </ul>
	<p><b>Conflict of Interest:</b>      <i>NIL</i></p>

<b>4</b>	<p><b>Date of Meeting:</b>      30/5/2022</p> <p><b>Type of Meeting:</b>      Pre Council Meeting Briefing</p>
	<p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Montmorency Bowling Club Redevelopment</li> <li>• Amendment C119 - Protection of Significant Trees - Panel Report</li> <li>• 230-232 Banksia Street &amp; 96-100 Oriel Road, Bellfield - Bellfield Redevelopment Precinct (P1616/2021)</li> <li>• 3/214 Aqueduct Road, ST HELENA - Packaged Liquor Licence (P130/2022)</li> <li>• Bell Street Development - Resolution of Notice of Intention to Sell Land</li> <li>• 46a Mountain View Road Montmorency - Removal of reservation status and sale of resultant land</li> <li>• Bundoora Hall and Annex - Capital Project Funding 22/23</li> <li>• Banyule Advocacy Framework and Priorities</li> <li>• Instrument of Delegation from Council to the Chief Executive Officer</li> <li>• Instrument of Delegation from Council to Members of Council Staff</li> <li>• Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987</li> <li>• Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017</li> <li>• Awarding of Contract No.1183-2022 for Carpentry Services on Council Facilities and Assets</li> </ul>



**RECORD OF COUNCILLOR MEETINGS cont'd**

	<ul style="list-style-type: none"> <li>• Awarding of Contract No.1185-2022 for Painting Services on Council Facilities and Assets</li> <li>• Awarding of Contract No.1184-2022 for Electrical Services on Council Facilities and Assets</li> <li>• Awarding of Contract No.1186-2022 for Plumbing Services on Council Facilities and Assets</li> <li>• Council Plan 2021-2025 - Progress Report July 2021 - March 2022</li> <li>• Integrated Planning Project - Consideration of Community Engagement Feedback</li> <li>• Record of Councillor Meetings</li> </ul>
	<p><b>Councillors Present:</b></p> <p>Peter Castaldo                  Alison Champion                  Peter Dimarelos                  Mark Di Pasquale (attended via phone link)                  Alida McKern                  Tom Melican                  Fiona Mitsinikos                  Elizabeth Nealy</p>
	<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i>                  Marc Giglio – <i>Director Corporate Services</i>                  Natasha Swan – <i>Director City Development</i>                  Greg Gale – <i>Manager Assets &amp; Delivery</i>                  Kath Brackett – <i>Director Community Wellbeing</i>                  Gina Burden – <i>Manager Governance &amp; Communication</i>                  Krysten Forte – <i>Governance Coordinator</i>                  David Moon – <i>Development Planning Coordinator</i>                  Nicholas Van – <i>Council Business Officer</i></p>
	<p><b>Others Present:</b></p> <p>NIL</p>
	<p><b>Conflict of Interest:</b>      NIL</p>

<b>5</b>	<p><b>Date of Meeting:</b>      6/6/2022</p> <p><b>Type of Meeting:</b>      Councillor Briefing</p>
	<p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Rates Hardship Policy</li> <li>• People and Culture Quarterly Update</li> <li>• Capital Quarterly Update</li> <li>• FOGO Update</li> </ul>
	<p><b>Councillors Present:</b></p> <ul style="list-style-type: none"> <li>• Peter Castaldo</li> <li>• Alison Champion</li> <li>• Mark Di Pasquale</li> <li>• Rick Garotti</li> <li>• Tom Melican</li> <li>• Fiona Mitsinikos</li> </ul>

RECORD OF COUNCILLOR MEETINGS cont'd

	<ul style="list-style-type: none"> <li>Elizabeth Nealy</li> </ul>
	<p><b>Staff Present:</b></p> <ul style="list-style-type: none"> <li>Allison Beckwith - CEO</li> <li>Marc Giglio – Director Corporate Services</li> <li>Natasha Swan – Director City Development</li> <li>Kerryn Woods – Executive &amp; Councillor's Team Leader</li> <li>Tania O'Reilly – Manager Finance &amp; Procurement</li> <li>Phillip Ryan – Revenue Services Coordinator</li> <li>Toni Toaldo – Manager People &amp; Culture</li> <li>Greg Gale – Manager Delivery &amp; Assets</li> <li>Kathy Hynes – Manager Operations</li> <li>Alana Shepherd – Waste Service (FOGO) Project Officer</li> </ul>
	<p><b>Others Present:</b></p>
	<p><b>Conflict of Interest:</b>      <i>NIL</i></p>

<b>6</b>	<p><b>Date of Meeting:</b></p>	6/6/2022
	<p><b>Type of Meeting:</b></p>	CEO Employment Matters Committee
	<p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>CEO annual performance review</li> </ul>	
	<p><b>Councillors Present:</b></p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>	
	<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer (for part of the meeting)</i></p>	
	<p><b>Others Present:</b></p> <p>Allan Bawden – <i>Independent Chairperson/Advisor (via Teams)</i></p>	
	<p><b>Conflict of Interest:</b></p>	<i>NIL</i>

<b>7</b>	<p><b>Date of Meeting:</b></p>	9/6/2022
	<p><b>Type of Meeting:</b></p>	Environment and Climate Action Advisory Committee Meeting

## RECORD OF COUNCILLOR MEETINGS cont'd

<b>Matters Considered:</b> <ul style="list-style-type: none"><li>• No Local Extinction Plan</li><li>• Hurstbridge Rail Feasibility Study</li><li>• Green Factor Tool</li></ul>	
<b>Councillors Present:</b> Peter Castaldo Alida McKern Tom Melican	
<b>Staff Present:</b> Jonathan Risby – <i>Manager Transport &amp; Environment</i> Ellie Hall – <i>Sustainability Officer</i> Paul Davis – <i>Biodiversity Officer</i>	
<b>Others Present:</b> BECAAC Members Kellie Watson Denise Fernando Alex Tzikas Lynne Siejka Jack Ellis Paul Gale Baker Trivess Moore Vicky Rowe	
<b>Conflict of Interest:</b>	<i>NIL</i>

### RECOMMENDATION

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

### ATTACHMENTS

Nil