

Agenda of Ordinary Meeting of Council - Monday, 5 September 2022

commencing at 7.00pm

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



FREEDOM OF INFORMATION STATUS EXEMPT (SECTION 38)

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

Acknowledgement of the Traditional Custodians

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

Inclusive Banyule Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 15 August 2022

Disclosure of Interests

Presentations

1. Outcomes from 2022 Youth Summit Report Card
2. MAV Technology Awards for Excellence 2022 – (People’s Choice Award): Internet of Things (IoT) Smart Cities Asset Management Initiatives project
3. Procurement Australia - Collaboration and Innovation in Procurement Award 2020-2022

1. *Urgent Business*

2. *Petitions*

Nil

REPORTS:

3. *Our Inclusive and Connected Community*

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4. *Our Sustainable Environment*

Nil

5. *Our Well-Built City*

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11. General Business

Public Question Time

Closure of Meeting to the Public

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

12. Confidential Matters

12.1 Cartmell Street Project

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

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

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

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

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

3.1 IVANHOE AQUATIC CENTRE STAGE 2 REDEVELOPMENT - CONSULTATION FEEDBACK AND REVISED CONCEPT DESIGN

Author: Nicole Maslin - Manager Healthy & Active Communities, Community Wellbeing

Ward: Griffin

Previous Items

Council on 11 April 2022 (Item 6.3 - Ivanhoe Aquatic Redevelopment Stage 2 - Concept Design)

SUMMARY

1. The Ivanhoe Aquatic and Recreation Centre is a key leisure facility for the residents of the City of Banyule that is managed by Council.
2. A staged multimillion-dollar masterplan was developed in 2012 to bring the ageing facility up to standard. Stage one of the Masterplan was completed in 2016.
3. The Stage 2 redevelopment is focused on expanding and improving the aquatics spaces to meet increasing community requirements. The project will also deliver on Council's commitment to net zero through an all-electric, 5 Star Green Star accredited facility outcome.
4. Council endorsed the Ivanhoe Aquatic Centre Stage 2 concept plan for community consultation at its 11 April 2022 Council meeting, **Attachment 1**.
5. The consulted option - Ivanhoe Aquatic Centre Stage 2 (Option 1) has been preliminary costed at \$21.6 million.
6. The consultation feedback received on Option 1 strongly supports that a further expansion of the aquatics spaces is needed to meet future demand.
7. Based on this feedback, peer review of both concepts and industry benchmarking, a revised concept (Option 2), **Attachment 2**, has been developed and preliminary costed at \$28.7 million. This responds to the feedback to deliver increased water spaces for learn to swim, lap swimming and aquatics programming.
8. Both options have been independently analysed to assess the financial, economic, social and health impacts that will be stimulated.
9. Option 1 has been assessed as delivering a facility that will only address the short term, immediate needs of the centre. Option 2 has been assessed as delivering a facility that will address both the immediate demand and the long-term growth projections, delivering a centre that will service the needs of the community for the next 30-50 years.
10. Proceeding with detailed design on Option 2 is a commitment to keep the project progressing and becoming shovel ready.
11. The current budget allocation over three financial years is \$12.7 million. Council will be advocating for funding opportunities from external bodies throughout the design development process and refer any shortfall to future budget processes.

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

12. Council will receive a further report on the outcome of the funding strategy that presents options to respond to the project budget shortfall, to successfully deliver Stage 2.

RECOMMENDATION

That Council:

1. Note the community consultation feedback and analysis on Option 1.
2. Endorse the revised Concept Plan - Option 2, **Attachment 2**, to proceed to schematic design, noting that this has been assessed as delivering a facility that will address both the immediate demand and the long-term growth projections.
3. Note that Council has a current budget allocation of \$12.7million over the next 3 years for Ivanhoe Aquatic Centre Stage 2 re-development and a funding strategy is currently being planned.
4. Receive a further report on the outcome of a funding strategy, that presents options to respond to the project budget shortfall, to successfully deliver Ivanhoe Aquatic Centre Stage 2 re-development.

COUNCIL PLAN

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

BACKGROUND

- At its meeting of 11 April 2022, Council resolved that Council:
 - Endorses the Ivanhoe Aquatic Redevelopment Stage 2 concept plan for community consultation in accordance with the Community Engagement Plan.
 - Notes this proposed project will deliver on Council's commitment to net zero through an all-electric, 5 Star Green Star accredited facility outcome.
 - Notes that Council will apply for funding from the Victorian Governments Local Sports Infrastructure Fund (LSIF) program when the next round of funding opens in 2023. Grants of up \$2 million are available to support redevelopment of aquatic leisure centres.
 - Refers any funding shortfall to future budget processes.
 - Receives a further report at a future Council meeting to present consultation outcomes and endorsement of final concept for detailed design.
- Stage 2 is focused on addressing the remaining capacity constraints and ageing infrastructure primarily associated with the aquatic hall and responding to the

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

increased community and member need for aquatics space to support growth in learn to swim, demand for better opportunities for lap swimming and other water-based programs such as aqua classes.

Project Objectives

- To ensure the Ivanhoe Aquatic Centre meets the needs of the members and community now and into the future.
- To complete the works with minimal disruption to current operations and programs.
- To achieve and provide a net zero emission, fully electric facility that meets contemporary standards.

KEY ISSUES

- The consulted concept (Option 1) whilst being prioritised and refined following the review of the 2012 masterplan, does not meet community aspirations and needs.
- The consulted option (Option 1) is preliminarily costed at \$21.6 million and can essentially deliver:
 - New warm water pool (10m x 10m – 1.1m depth).
 - New learn to swim pool adjoined to existing toddlers (12.5m x 10m).
 - Upgrade of the existing 25m pool and existing toddler's pool (fix leaks and new tiling).
 - Outdoor zero-depth water play space.
 - Relocate spa and sauna.
- The consultation feedback strongly supports a further expansion of the aquatics spaces to meet future demand and fully realise the opportunity for Council. This was also supported by peer review analysis and benchmarking with other aquatic redevelopments, that highlighted shortfalls in the Option 1 concept along with potential missed opportunities.
- These additional opportunities were explored further with key stakeholders and the lead consultants to develop a revised and expanded concept that responds to this feedback (Option 2).
- The revised concept (Option 2) has been preliminary costed at \$28.7 million and delivers increased water spaces for learn to swim and programming with the following changes:
 - Increasing size of the warm water pool by 10m (10m x 20m – variable 1.1m-1.3m depth).
 - Separating the new learn to swim pool from existing toddlers (12.5m x 10m).
 - Remove the outdoor zero-depth play space and add water play features to the toddler's area.
 - Adding a steam room with the spa and sauna.
- A detailed assessment of the financial, economic, social and health impacts of the concept 1 and 2 redevelopment options was completed. The analysis confirms that Option 2 delivers the best net community benefit and addresses

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

both the immediate demand and the long-term growth projections, to deliver a centre that will service the needs of the community for the next 30-50 years.

- The revised Option 2 has a preliminary cost of \$28.7 million compared to \$21.6 million – Option 1. There is currently a significant budget shortfall with only \$12.7 million allocated over 3 years.
- Endorsing revised Option 2 to detailed design, despite not having the total project construction funds in current budget, presents Council with an opportunity to commit to progressing the project to shovel ready. This would demonstrate the redevelopment vision to potential funding partners and present a strong advocacy case that positions Council to attract additional investment.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *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

- As one of Council's major projects to be delivered, this project will contribute short and long-term sustainable procurement outcomes through its commitment to environmentally sustainable principles and local job creation.
- This project will ensure local and regional economic uplift through areas such as job creation during construction and increased operations.

Environmental Considerations

- The proposed design for the modernised Ivanhoe Aquatic Centre addresses a need for contemporary aquatic spaces to meet the needs of the community and a high-performance, environmentally sustainable design (ESD) aligned with Banyule City Council's Climate Action Plan.
- Key sustainability features of the design include:
 - Very high-performance building fabric, aligning with Passive House standard.
 - All electric building systems, including electric heat-pumps for hot water.
 - Significant rooftop PV system.
 - Retention of building primary structure, reducing embodied carbon.
 - Purchase of 100% Green Power for the site.
 - Strong daylight and views between the pool hall and the outside.

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

Financial Implications

- The current budget allocation over three financial years is \$12.7 million. The revised concept option 2 has been preliminarily costed at \$28.7 million.
- This project is listed as a key priority project in Council's advocacy strategy and officers continue to pursue opportunities for funding from Federal and State Governments and present options back to Council that respond to the project budget shortfall. Council can then consider these options and make decisions as part of future budget process.
- There are a number of State and Federal government funding opportunities that are being explored including electrification and local sports infrastructure – redeveloped aquatics.
- A financial budget commitment beyond the \$12.7 million to proceed from detailed design to the construction of this project will not be confirmed until the options are presented back to Council. Officers will continue to work on these throughout the design process.

Community Engagement

- There is widespread support for this redevelopment which has been earmarked since 2012 as part of Council's ongoing commitment to positive health and wellbeing outcomes for the community.
- Since 2012, Council has continued to inform members and community about the project and Stage 2 redevelopment as part of ongoing communications through newsletters and bulletins.
- In 2020, targeted stakeholder engagement was undertaken to review the 2012 master plan and inform the development of a Draft Banyule Aquatic Strategy.
- Throughout 2021, several targeted workshops were held to address the scope of this next stage and exploration of ESD goals.
- Council endorsed the Ivanhoe Aquatic Centre Stage 2 concept plan for community consultation at its 11 April 2022 Council meeting.
- There has been positive community engagement, with 115 contributors to Shaping Banyule, staff workshops, three pop up sessions on site at Ivanhoe Aquatic Centre, as well as static displays and information for patrons to review and respond to.
- Key feedback includes:
 - Strong support for additional program pool to shift activities from the 25m pool and free up for lap swimming. High dissatisfaction from current lap swimmers regarding lack of available swimming lanes.
 - Very positive response to extra pool spaces for learn to swim. The program is currently at capacity in most timeslots and many customers are being turned away.
 - Older adults' members very excited about a warm water program pool to support rehabilitation activities, gentle aqua classes, water walking.

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

- Majority of customers and staff would like to see a larger program pool than 10m, as they feel this is not big enough. 10m will not accommodate the much-needed extra use that a larger pool can support.
- Strong support for the separation of different aquatic activities – options of the new Learn to Swim and program pool to reduce competing activities clashing.
- New spa and sauna appreciated and request for a steam room to be included.
- Mixed reaction on outdoor zero depth, many people questioning the value and use in Melbourne and would prefer the investment to be focused on addressing the priorities of indoor water space.
- Fantastic support for zero emissions - a very positive element that community supports whole heartedly.
- The community want to avoid Ivanhoe Aquatic Centre closing for redevelopment whilst Northcote Aquatic Centre is currently closed for renovation.
- Mixed views about temperature and depths of program pool, can't be too hot for water classes and has to be the right height for activities.
- Request to maximize the outdoor space – bring the outdoors in through the design. Appreciate the setting that Ivanhoe Aquatic Centre sits within and some expressed desire to take advantage of this.
- Other comments – (not in scope)
 - Indoor 50m pool
 - Outdoor 50m pool
 - Another 25m pool
 - Upgrade to fitness areas
 - Upgrade existing changeroom
- A peer review of the initial concept was also undertaken by Otium Consulting which has also been considered in defining the revised concept.

Collaboration

- Officers consulted with other councils that are currently planning or constructing aquatic spaces to obtain their feedback and opinions on the different program pool options.
- Members of the Banyule Leisure leadership team also undertook some site visits of centres to see and experience some other aquatic centres that had similar spaces to what Banyule is considering.

Work completed to date

- Officers have undertaken a series of feasibility reports, site investigations and options assessments to ensure rigorous and robust advice is being provided to Council about the proposed redevelopment. Over the two years, this work has included:

**IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION
FEEDBACK AND REVISED CONCEPT DESIGN cont'd**

- Revised Master Plan
- Electrification feasibility study
- Energy audit
- Pool Plant Condition & Maintenance Audit
- Sustainability approach to Green Star
- Aquatics specification tech note
- Traffic Investigations and preliminary Green Travel Plan
- Land Surveying & Underground Services Scans
- Geotechnical & Geochemical
- Prior town planning permit conditions and overlays including research about car parking requirements
- Electrical Existing Supply Investigations
- 25m Pool Leak Investigations
- Structural investigations (to support extension)

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Ivanhoe Aquatic Centre Stage 2 - Concept Plan Option 1.	
2	Ivanhoe Aquatic Centre Stage 2 - Concept Plan Option 2.	

3.2 IVANHOE AQUATIC CENTRE STAGE 2 REDEVELOPMENT - CONTRACT VARIATION

Author: Joe Kelly - Senior Project Manager, City Development

Ward: Griffin

SUMMARY

1. This report is to be considered in conjunction with the Ivanhoe Aquatic Centre Stage 2 Redevelopment – Consultation Feedback and Revised Concept Design Report listed as Item 3.1 in the agenda for the 5 September 2022 Ordinary Meeting of Council.
2. This report recommends a revised concept be endorsed for a design that expands on the original scope in order to meet the current and future needs of the community for the next 30 – 50 years.
3. Due to the proposed increase in project scope from the consulted concept plan to concept Option 2 (\$28.7 million), a variation in the architectural fees of \$334,000 is being sought to progress to detailed design.
4. The variation to the contract will exceed the CEO's delegation and this report seeks Council approval to delegate its power to the CEO to approve the variation under delegation.

RECOMMENDATION

That Council:

1. Approves the \$334,000 (inc GST) variation to Contract number 1140-2021 to reflect the uplift in cost required for design services as a result of the revised scope and increase in overall project cost for Ivanhoe Aquatic Centre Stage 2 redevelopment;
2. Notes that the additional funds will be funded by the current budget allocation for the Ivanhoe Aquatic Centre Redevelopment;
3. Approves for the delegation to the CEO to sign all necessary documentation that approves the \$334,000 variation;
4. Notes that Haskell Architects will be advised of the decision to proceed to schematic and detailed design which represent project phases 2 and 3;
5. Notes that at this stage a request is being made for the additional funds for phases 2 and 3 only. If the project funding is realised, a separate report will come to Council for approval of Phases 4 and 5.

IVANHOE AQUATIC CENTRE STAGE 2 REDEVELOPMENT - CONTRACT VARIATION cont'd

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

- Haskell Architects were appointed to work on the Stage 2 redevelopment for Ivanhoe Aquatic Centre on 23 November 2021. Since then, they have prepared a couple of concept options, including Option 1 (costed at \$21.6 million). Council endorsed this concept plan for community consultation at its 11 April 2022 Council meeting.
- The consultation feedback received on this option strongly supports that a further expansion of the aquatics spaces is needed to meet future demand and deliver increased water spaces for learn to swim, lap swimming and aquatics programming.
- Based on this feedback, along with peer review of both concepts and industry benchmarking, a revised concept, Option 2, has been developed and the preliminary cost is \$28.7 million.
- While there is currently not enough budget allocated to proceed with Option 2, progressing with the detailed design is a commitment to get the project 'shovel ready' while officers continue to work on a funding strategy to respond to the budget shortfall.
- The report 'Ivanhoe Aquatic Centre Stage 2 Redevelopment – Consultation Feedback and Revised Concept Design' tabled at the 5 September 2022 Council meeting asks Council to endorse the Option 2 concept and provide agreement to proceed to detailed design.

KEY ISSUES

- The original Contract 1140-2021 was awarded to Haskell on 23 November 2021 for the design for refurbishment of Ivanhoe Aquatic Centre Stage 2. At the time the project budget provided to Haskell was \$15 million.
- For the majority of large infrastructure projects, the architectural fees are a percentage of the total construction budget.
- Option 2 presents an increase in the project scope and an increase in the construction budget (\$28.7 million), hence the architectural fees will increase accordingly.
- If Council agrees to endorse the Option 2 concept and proceed to detailed design, a variation to the Contract will be required as the total architectural fees will exceed the CEO delegation amount.

SUPPORTING REPORT DETAILS

Legal Consideration

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

IVANHOE AQUATIC CENTRE STAGE 2 REDEVELOPMENT - CONTRACT VARIATION 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

- Sustainable procurement outcomes were assessed when Haskell Architects were appointed and there are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The financial information detailing the increase cost to project scope is referenced at **Confidential Attachment 1 and 2**.
- The information within this attachment has been designated as confidential pursuant to section 3(1)(a) of the *Local Government Act 2020*.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Ivanhoe Aquatic Architectural Costs - CONFIDENTIAL	
2	Financial Implications Summary - CONFIDENTIAL	

3.3 INCLUSIVE BANYULE

Author: Sherryn Prinzi - Community Impact Coordinator, Community Wellbeing

Previous Items

Council on 9 May 2022 (Item 3.1 - Inclusive Banyule draft)

SUMMARY

1. In recognition that our communities continue to face barriers to inclusion, Inclusive Banyule 2022-26 seeks to:
 - Clearly articulate Council's legislative responsibilities and role in uplifting inclusion.
 - Better understand, acknowledge and value Banyule's diverse communities and how different groups experience access, equity, participation and the upholding of human rights.
 - Implement meaningful and purposeful steps to address barriers to inclusion over time.
2. The draft Inclusive Banyule plan underwent a six-week public consultation process, resulting in significant changes to the final draft Inclusive Banyule 2022-26, as represented in **Attachment 1**.
3. Whilst the three inclusion objectives and drivers of change remain the same, consultation findings demonstrate that community would like to see a more specific link between intent and strategy. As a result, Inclusive Banyule 2022-26 was adapted to strengthen the linkage between strategy, outcomes and indicators.
4. A specific 2022-23 Integrated Action Plan was developed to highlight the next steps Council will take to uplift inclusion, as represented in **Attachment 2**.

RECOMMENDATION

That Council:

1. Having considered the community feedback on the draft Inclusive Banyule Plan 2022-26, adopts the final draft Inclusive Banyule 2022-26 at Attachment 1 to this report.
2. Notes the Inclusive Banyule- 2022-23 Integrated Action Plan, at Attachment 2 to this report, and receives a Year 1 outcomes report in the first quarter of 2023/24.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Promote community awareness and support a diverse, connected, and inclusive community that respects and celebrates different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities".

INCLUSIVE BANYULE cont'd

BACKGROUND

- In recognition that communities continue to face barriers to inclusion, Inclusive Banyule 2022-26 seeks to:
 - Clearly articulate Council's legislative responsibilities and role in uplifting inclusion.
 - Better understand, acknowledge and value Banyule's diverse communities and how different groups experience access, equity, participation and the upholding of human rights.
 - Implement meaningful and purposeful steps to address barriers to inclusion over time.
- On 9 May 2022, Council received the draft Inclusive Banyule plan and approved a six-week public consultation period.
- Community feedback demonstrated there are varying perspectives regarding what inclusion means. Responses ranged from the view that inclusion means the focus is on ensuring "Everybody has same rights and opportunities and all work together for the good of the whole community" to "acceptance" and everyone is welcome".
- These differing views on what inclusion means led to the insertion of a standard descriptive statement promoted by the Diversity Council of Australia; "Inclusion occurs when a diversity of people (e.g., of different ages, cultural backgrounds, genders) feel valued and respected, have access to opportunities and resources, and can contribute their perspectives and talents to improve their community".
- During consultations, the community were invited to assess the extent to which Banyule is currently perceived as inclusive. Across five domains, results from Shaping Banyule indicated:
 - Almost 50% of respondents disagree or strongly disagree that in Banyule, everyone can access places, spaces, services and programs that meet their needs.
 - 57% of respondents state they disagree or strongly disagree that in Banyule, everyone has equal opportunity.
 - 50% of respondents agree or strongly agree that in Banyule, difference is recognised, celebrated and valued.
 - Just under 50% of respondents state they disagree or strongly disagree that everyone has the opportunity for real participation in decision making, and 18.5% state they did not know or were unsure.
 - When asked to comment on whether people in Banyule live in harmony, without the risk of discrimination or violence, the response was mixed. The same number of respondents agreed (30.8%) or disagreed (30.8%), suggesting the experiences of people are varied.
- Community was asked to comment on and add to the list of key community barriers to inclusion. These are confirmed to include:
 - Community attitudes to diversity
 - The physical environment not supporting inclusion (e.g., universal access considerations)

INCLUSIVE BANYULE cont'd

- Affordability or cost of services
 - Discriminatory policies and practices
 - Poor access to information
 - Limited service options locally
 - Limited opportunity to participate
 - Lack of understanding about diversity.
- Community feedback indicates, over the course of the COVID-19 pandemic, the Australian values including fairness, respect, tolerance, compassion, equal opportunity for all, and freedom and dignity of the individual, were tested. Community consultation suggests, in addition to existing inclusion barriers, societal events created further barriers to inclusion. As such, the list of important community issues generated from the Banyule Community Vision 2041 consultation data, has been adapted and now represents the following issues:
 - Accessible and social housing
 - Social infrastructure
 - Connected and cohesive communities
 - Employment pathways and workplace conditions
 - Mental health and support services
 - Family violence
 - Gender equity
 - Environment and sustainability
 - Fairness and safety
 - Whilst the three inclusion objectives and drivers of change stay the same, consultation findings demonstrate that community would like to see a more specific link between intent and strategy. As a result, Inclusive Banyule was adapted to strengthen the linkage between strategy, outcomes and indicators. The hallmarks of Council's inclusive approach have been refined and strengthened. Page 4 of Inclusive Banyule describes 16 unique hallmarks of Council's inclusive approach under the headings of:
 - Learn and adapt
 - Partnerships and collaboration
 - Focus

KEY ISSUES

- The Banyule community have generously shared their differing views with Council during the consultation period, and because people's experiences differ considerably, Council recognises that uplifting inclusion is important and necessary.
- Inclusive Banyule 2022-26 was adapted to reflect that inclusion is an ongoing pursuit, and Council's role is to continue to reflect, learn and adapt our practices to comply with our 'positive duty' responsibilities to eliminate discrimination, sexual harassment and victimisation under the *Equal Opportunities Act 2010 (Vic)*.

INCLUSIVE BANYULE cont'd

- Because societal events continue to impact our communities' experiences of inclusion, Inclusive Banyule creates a renewed imperative to partner with our diverse communities and service organisations to discuss barriers to inclusion and uplift inclusive practices across the municipality.
- The Inclusive Banyule- 2022-23 Integrated Action Plan defines the next steps Council will take to uplift inclusive practices. An integrated approach was developed as a means of considering inclusion issues from an intersectional lens and to drive cohesive and connected responses for multiple communities impacted by issues.

SUPPORTING REPORT DETAILS

Legal Consideration

- In line with legislation, Inclusive Banyule aims to ensure everyone can participate in society and that conditions are created to ensure equal opportunity for all. Our legislative obligations include, but are not limited to:
 - **Local Government Act 2020 (Vic)** - requires Council to achieve the best outcomes for the community and future generations.
 - **Disability Act 2006 (Vic)** - requires Council to reduce barriers to accessing goods, services and facilities; and obtaining and maintaining employment. Promote inclusion and participation in the community and achieve tangible change in attitudes and practices that discriminate.
 - **Gender Equality Act 2020 (Vic)** - requires Council to consider and promote gender equality; and take necessary and proportionate action towards achieving gender equality, including undertaking Gender Impact Assessments.
 - **Public Health and Wellbeing Act 2008 (Vic)** - requires Council to create an environment which supports the health of community members and strengthens the capacity of people to achieve better health.
 - **Child Wellbeing and Safety Act 2005 (Vic)** - requires Council to support all children to reach their full potential and participate in society irrespective of their family circumstances and background.
 - **Climate Change Act 2017 (Vic)** - outlines Council's role in supporting vulnerable communities and promoting social justice and intergenerational equity. It also includes principles of equity and community engagement to inform decision making.
 - **Charter of Human Rights and Responsibilities Act 2006 (Vic)** - requires Council to act in a way that is compatible with human rights.
 - **Multicultural Victoria Act 2011 (Vic)** - in alignment with this Act, all Banyule residents are equally entitled to access opportunities and participate in and contribute to social, cultural, economic and political life.
 - **Racial and Religious Tolerance Act 2001 (Vic)** - in alignment with this Act, Council promotes the full and equal participation of every person in a society that values freedom of expression and is an open and multicultural democracy.
 - **The Equal Opportunity Act 2010 (Vic)** - makes discrimination because of a personal characteristic, as defined in the Act*, against the law. The Act creates 'positive duty' responsibilities which requires Council to eliminate discrimination, sexual harassment and victimisation as much as possible. This means taking reasonable and proportionate measures which align with the six minimum standards identified by the Victorian Equal Opportunity & Human Rights Commission.

INCLUSIVE BANYULE cont'd

- **Family Violence Protection Act 2008 (Vic)** - creates an obligation for Council to take reasonable steps to maximise safety for children and adults who have experienced family violence who access relevant Council services and prevent and reduce family violence.
- **Planning and Environment Act 1987 (Vic.)** - creates an obligation for Council to secure a pleasant, efficient and safe working, living and recreation environment for all and to balance the present and future interests of all Victorians.

Human Rights Charter

- It is considered that the subject matter upholds the Victorian Charter of Human Rights and Responsibilities as it specially seeks to address social justice issues of access, equity, participation and rights. Specifically, Inclusive Banyule uplifts rights under section 14- right to freedom of thought, conscience, religion and belief; Section 15- right to freedom of expression; Section 19- Cultural rights. The impact created by the adoption of Inclusive Banyule means the interests of all people is balanced by addressing inequities experienced by identified communities within the municipality.

Sustainable Procurement Outcomes

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

Financial Implications

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

Innovation and Continuous Improvement

- Inclusive Banyule represents an integrated approach which will support Council to amplify community benefit through specific and targeted actions. It will support the organisation to uplift integrated planning and form collaborative, collective responses to key issues.

Community Engagement

- Extensive public consultation was undertaken through a range of activities including Shaping Banyule, Banyule networks, Banyule advisory and population committees, staff engagement, pop up consultations, meetings with residents and intercept surveying in major and neighbourhood shopping precincts. 70 survey responses were received and 24 engagement activities with groups and networks occurred during the six-week consultation period.

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.

INCLUSIVE BANYULE cont'd

ATTACHMENTS

No.	Title	Page
1	Final draft Inclusive Banyule 2022-26	
2	Inclusive Banyule 2022-23 Integrated Action Plan	

3.4 **BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD**

Author: Leonie Farrell - Youth Services Coordinator, Community Wellbeing

SUMMARY

1. The Banyule Youth Summit is a biannual event hosted by Banyule City Council. The purpose of the Summit is to provide a platform for Banyule young people to discuss and identify issues important in their lives. The Youth Summit model comprises a two-year cycle as follows:
 - **Year 1** - the preparation and delivery of the Youth Summit and development of key recommendations by young people;
 - **Year 2** - implementation of the key recommendations and delivery of a "Report Card" to the community about Council work undertaken and achieved.
2. On 18 May 2021, the fourth Banyule Youth Summit was held, with over 100 young people from across twenty secondary schools in and around Banyule participating to discuss issues identified by both themselves and their peers, during pre-summit workshops coordinated by Council's Youth Services team.
3. The main topics identified by young people for discussion were the environment, mental health, racism & cultural diversity, LGBTIQ+, gender equality, education, all abilities and Somali-Australian young people.
4. Twenty-one key desired recommendations were made on the day and subsequently incorporated for action as part of the Youth Services Annual Planning process for 2021/22.
5. On 2 August 2022, Council hosted a Youth Summit Report Card event to share and celebrate the outcomes of the 2021 Summit Recommendations. The event was hosted by young people who took part in the 2021 Youth Summit. They were joined by representatives from local schools, services and organisations who heard from the young people present, who showcased and discussed the projects in which they had participated.

RECOMMENDATION

That Council:

1. Receives the Report Card of the 2021 Banyule Youth Summit.
2. Continues to work in partnership with young people to ensure they have an authentic opportunity to actively express their ideas and opinions.

BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide a range of services and programs that support the development of children, young people and families".

BACKGROUND

- The Banyule Youth Summit is a biennial event hosted by Banyule City Council. The purpose of the Summit is to provide a platform for Banyule young people to discuss and identify issues important in their lives. The Youth Summit model comprises a two-year cycle as follows:
 - **Year 1** - the preparation and delivery of the Youth Summit and key recommendations;
 - **Year 2** - implementation of the key recommendations and delivery of a "Report Card" to the community about Council work undertaken and achieved.
- On 18 May 2021, the fourth Banyule Youth Summit of its type was held at the Heidelberg Golf Club. Over 100 young people from across 20 secondary schools in and around Banyule participated to discuss issues identified by both themselves and their peers, during pre-summit workshops coordinated by Council's Youth Services team. A diverse range of young people attended including those with disabilities, those who identified as LGBTIQA+, Somali-Australian/CALD young people and First Nations young people.
- The main topics identified by young people for discussion were the environment, mental health, racism & cultural diversity, LGBTIQA+, gender equality, education, all abilities and Somali-Australian young people.
- Young people were seated with peers at tables discussing topics they were passionate about. Participants were asked to devise a desired outcome for each of their topic areas. Following on from this, a number of possible strategies/recommendations were proposed. Twenty-one overarching outcomes were presented. These outcomes and proposed recommendations/strategies were incorporated as part of the Youth Services annual planning process for 2021/22. A greater focus on the outcomes young people identified as being important, has enabled further flexibility and creativity to achieve the 2021 Summit recommendations.

KEY ISSUES

2022 Youth Summit Report Card outcomes achieved based on 2021 Youth Summit Recommendations:

- **Cultural Diversity** - In partnership with State Government, Council supported the establishment of the SALDHIG Diverse Community project team, to build capacity within the local CALD and Somali Australian community. The team has designed a 'Cultural Competency Training' for community sector workers that aims to equip participants with a deeper understanding of Somali culture, community and faith. The training aims to improve the knowledge of Somali Australian culture with the hope of increasing CALD community access into local services while promoting cohesion and knowledge.

BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD cont'd

- **Environment** - Council supported a young person to deliver a school jumper recycling project that saw over 200 jumpers originally destined for landfill head towards a textile recycler. They took these jumpers to use the wool to make new product and in doing so, prevented many kilograms of greenhouse gases from polluting the atmosphere.
Council's Sustainability Team invited young people to hear about actions and initiatives that Council is working on to tackle environmental sustainability. Young people workshopped ideas about how change could be realised in their communities and took part in an indigenous plant potting workshop. Youth Services and Council's sustainability team worked with staff and young people at the Jets youth facility to develop a waste minimisation strategy for Jets, reducing landfill and creating better recycling options.
- **Education**
Council developed a range of new workshops and school holiday opportunities to address the presenting needs and interests of young people including bullying and social harassment, plus a series a workshops aimed at building life skills and pathways.
- **Mental Health**
Based on feedback from young people, two new workshops 'Supporting friends: A tool Kit of skills to help you check in with your loved ones' and 'Building Boundaries' were developed and have now been presented in person to over 300 students in schools throughout Banyule. In partnership with the Banyule Nillumbik Youth Services Network, professional workshops for parents and carers have also been delivered focusing on topics such as suicide prevention and building positive body image and self-esteem. Based on responses from Council's annual youth survey, a local young artist developed a digital image that encompassed themes and responses relating to young people's hopes, dreams and challenges experienced throughout 20-2021. This artwork was displayed at the Art on the Walk exhibition in Greensborough over the 2021 summer break.
- **Racism**
At the 2021 Youth Summit, young people made a recommendation to Council to stamp out racism by creating awareness of First Nations culture through sharing stories, culture and hearing First Nations people's voices. In partnership with emerging First Nations leaders, two videos were created on the topic of acknowledging country. The first is an acknowledgement of country in young people's voices, and in the other video, First Nations young people share their insights about the importance of a meaningful acknowledgement of country. Council also implemented several other awareness raising activities and workshops in partnership with First Nations leaders.
- **All Abilities**
Council in conjunction with Yellow Lady Bugs, supported the production of 'Orange Juice'; a short film about the uniquely female experience of being on the Autism spectrum, written, filmed and directed by a local young Autistic woman.
Council celebrated Banyule's young inclusion community by launching 'Art on the Walk'; culminating in the installation of a permanent art installation

BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD cont'd

celebrating the talents and creativity of young people active in Council's youth inclusive creative arts programs.

- **Somali-Australian Young People**

Young men from the Somali Australian community were invited by Council to an Employment Forum to connect with career mentors and to investigate their employment pathway opportunities, while being linked in on the day with local support services.

A range of exciting leadership, cultural and wellbeing activities have been delivered for Somali-Australian young men and women based on consultation and feedback from the community. Opportunities have included Mental Health First Aid, recreation activities, art workshops, wellbeing events and intergenerational, cultural and community celebrations.

- **Young Carers**

Merri Health produced four short films in partnership with young people to raise awareness of and enhance understanding and appreciation of young carers. The films sought to provide a greater understanding of what a young carer might be experiencing day to day. Additionally, Council partnered with Merri Health to support young carers through an 8 week 'Young Carers' social group where young people could come together to socialise with other young carers and have access to professional youth worker support.

- **LGBTIQA+**

Youth Services developed 'Ditching Discrimination' - a workshop to support teachers to understand LGBTIQA+ issues and provide practical ways teachers in schools can support students. Additionally, a second workshop 'Queer-ies' was created in partnership with young people from Council's Rainbow Space program discussing the various ways that young people can be an ally to LGBTIQA+ peers.

Council held queer music event 'Shout It Out' for LGBTIQA+ young people and allies. The event was developed after young people expressed to Council they wanted to be seen, heard and free to express themselves. The event included live music, performances and a LGBTIQA+ friendly market space.

- **Gender Equality**

In partnership with WaterMarc, Youth Services hosted a Women's Only Slide Night to bring together girls and women of all ages to enjoy themselves in a safe environment. This event was developed in response to feedback from young women who asked for a woman's only space where they could experience a greater sense of security and enjoyment.

Council funded the delivery of 'Man Cave' workshops in a Banyule secondary school which worked closely with 70 young men from across Year 9 and 11 to support their understanding of healthy masculinity and emotional regulation. Feedback indicated that young men who completed the program felt better able to manage their mental health, seek support and communicate their emotions in a healthy way.

BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD 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, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues. It is considered that the Banyule Youth Summit and its outcomes and recommendations enhances and protects the following Human Rights:

- Right to recognition and equality before the law (section 8)
- Freedom of thought, conscience, religion and belief (section 14)
- Freedom of Expression (section 15)
- Protection of Families & Children (section 17)
- Taking part in a Public Life (section 18)
- Cultural Rights (section 19)
- Right to liberty and security per person (section 21)

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- As part of the formation of the 2021 Banyule Youth Summit Recommendations over 100 young people from across Banyule were consulted as representatives of their peers. The Banyule Youth Summit is one of the key components of Council's ongoing consultation strategy with young people alongside an annual Youth survey. This consultation informs the annual Youth Service action plan. A further 1000+ young people were engaged with planning, developing and delivering the recommendations from the 2021 Youth Summit.

Collaboration

- Collaboration with Nillumbik Council in the delivery of parents and carers workshops was obtained.

BANYULE YOUTH SUMMIT RECOMMENDATIONS 2022 REPORT CARD cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Youth Summit Report Card - Booklet 2022	

3.5 REVIEW OF COUNCIL'S ADVISORY AND POPULATION COMMITTEES

Author: Sherryn Prinzi - Community Impact Coordinator, Community Wellbeing

Previous Items

Council on 24 May 2021 7.00pm (Item 3.3 - Review of the Banyule Advisory Committees)

SUMMARY

1. This report provides an update on the review of Council's advisory and population committees.
2. At the 24 May 2021 Council Meeting Council's advisory committees were reviewed and a new committee structure endorsed.
3. Between July 2021 and June 2022, four advisory and five population committees met, with an average attendance rate of 78%.
4. The Banyule Advisory and Population Committee report (the Report) highlights that each committee has made progress in line with the Terms of Reference, with key achievements related to informing Council policy and strategy agendas, supporting days of significance, informing community grants, progressing discussions on social policy issues and influencing improvements to public spaces, **Attachment 1**.
5. The Report also identifies seven continuous improvement opportunities to improve the experiences of members and amplify outcomes for Council.

RECOMMENDATION

That Council:

1. Receives the Banyule Advisory and Population Committee report.
2. Acknowledges the contribution of committee members in their first year of the 2021-2023 committee term.
3. Receives an Advisory and Population Committee Achievements Report in June 2023.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Promote community awareness and support a diverse, connected, and inclusive community that respects and celebrates different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities".

REVIEW OF COUNCIL'S ADVISORY AND POPULATION COMMITTEES cont'd

BACKGROUND

- At the 24 May 2021 Council Meeting Council's advisory committees were reviewed and a new committee structure was endorsed. Eight committees were inducted in line with updated Terms of Reference.
- Four committees were designated advisory committee status: Reconciliation Action Plan (RAP); Environment and Climate Action; Arts and Culture; and Inclusive Banyule.
- Four committees were designated population committee status: Disability and Inclusion; Age-friendly; Multicultural; LGBTIQ+.
- During the period between July 2021 and June 2022, committees met regularly as per their Terms of Reference. Member attendance rates varied considerably. The Environment and Climate Action Advisory Committee and the Age-friendly Committee noted a 90% attendance rate. Whereas the Multicultural Committee notes a 56% attendance rate.
- Due to COVID lockdowns the meeting formats were modified, and most meetings were delivered online. Members experienced these changes in different ways. For example, the Disability and Inclusion Committee reported that the online Zoom Platform was more inclusive of people with hearing impairments and members with health conditions. Whereas the Multicultural Committee reported difficulties engaging in conversations in online platforms. Some reported online meetings were valued as a time saver. Hybrid meeting formats were the least preferred option, as reported by contact officers.
- A review of minutes reveals all committees made progress in line with the purpose defined in the Terms of Reference. **Attachment 1** provides a summary of these achievements.
- In June 2022, the first integrated Committee meeting was delivered, involving the LGBTIQ+, Multicultural and Disability Committees. Feedback demonstrates the value of developing shared understandings and working collaboratively on shared projects. At this meeting, a shared project was identified and as a result the Inclusive Seminar Series Working Group has been established, with 6 members from the three committees committed to planning six inclusive forums in 2022-23.

KEY ISSUES

- A range of committee development opportunities have been identified. These opportunities include:
 - Induction and mentoring enhancements
 - Annual surveying
 - Improved subject matter briefings
 - Targeted and timely committee consultations
 - Simplified committee agendas
 - Integrated working groups
 - Inclusive meeting practice guides.

REVIEW OF COUNCIL'S ADVISORY AND POPULATION COMMITTEES cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has a range of obligations to ensure equal opportunity and reduce barriers to accessing services, facilities and opportunities. The findings of this report reflect obligations under varying acts, including:
 - *The Disability Act 2006 (Vic.)* requires Council to promote inclusion and participation in the community.
 - *The Multicultural Act 2011 (Vic.)* requires Council to facilitate opportunities for all residents to equally participate in and contributes to social, cultural, economic and political life.
 - *Equal Opportunity Act 2010 (Vic.)* creates a positive duty for Council to eliminate discrimination, sexual harassment and victimisation as much as possible.
 - *The Local Government Act 2020 (Vic.)* requires Council to achieve best outcomes for the community and future generations.
 - *Charter of Human Rights and Responsibilities Act 2006 (Vic.)* requires Council to act in ways that are compatible with human rights.

Human Rights Charter

- It is considered that the subject matter upholds the Victorian Charter of Human Rights and Responsibilities as it specially seeks to address social justice issues of access, equity, participation and rights. Specifically, Banyule Advisory and Population Committees uphold rights under section 14 - right to freedom of thought, conscience, religion and belief; Section 15 - right to freedom of expression; Section 19 - Cultural rights.

Sustainable Procurement Outcomes

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

Financial Implications

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

Innovation and Continuous Improvement

- Officers have noted continuous improvement opportunities in the body of the paper. These improvement opportunities intend to uplift the value of participating in a committee for members and the value Council receives as a result of the committees' outputs.

REVIEW OF COUNCIL'S ADVISORY AND POPULATION COMMITTEES cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Advisory and Population Committee Review June 2022	

5.1 157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022)

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

Ward: Griffin

SUMMARY

1. The proposal is for the development of a five storey building, to be used for a retirement village. The building will accommodate 56 independent living units and communal recreation areas. Car parking will be provided at basement level.
2. The subject site is located within the General Residential Zone (Schedule 2) within an area identified by the policy framework as an incremental area approximately midway between the Ivanhoe and Ivanhoe East shopping centres. Due to its size and proximity to services, it is considered an appropriate strategic redevelopment site.
3. A total of 54 objections were received during the public notification period (prior to completion of this report), raising concerns relating to the scale of the building, impacts of amenity, inadequate car parking and impacts on vegetation. A community information session was held on 9 August 2022.
4. The proposal can generally be supported in relation to the use, site layout, design of built form and opportunities for landscaping. The development also appropriately retains and protects more significant trees within and adjoining the site and a high standard is achieved in relation to Environmentally Sustainable Development (ESD), with proposed initiatives including all electric, solar PV and electric vehicle infrastructure.
5. However, the proposed five storey development is not considered appropriate in the context of the surrounding built form and strategic context:
 - Being a residential area consisting entirely of one to three storey development and well removed from an activity centre. This provides a poor transition between the development and the adjoining lower scale development and will adversely impact the outlook of adjoining neighbours.
 - The mandatory height for residential development on the subject site and surrounding area is three storeys. The proposed height is at odds with what is allowed under the mandatory heights and the existing scale of development in this area which includes the Beauview Heritage Estate.
6. The proposal should therefore be refused in its current form.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Refusal to Grant a Planning**

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Permit in respect of Application No. P779/2022 for Use and development of land for a retirement village, removal of vegetation and alteration of access to a road in a Transport Zone 2 at 157-163 Lower Heidelberg Road IVANHOE EAST, on the following grounds:

Building Height & Scale

1. The height and scale of the proposed building does not appropriately respond to the local context, including the broader incremental residential area and areas of heritage significance, and is inconsistent with the strategic expectations for the scale of development (such as mandatory height requirements) for the General Residential Zone, contrary to Clauses 15.01-1S – Urban Design, 15.01-2S – Building Design, 21.06 – Built Development, 21.06-2 – Residential Areas Framework and 32.08 – General Residential Zone (Schedule 2) of the Banyule Planning Scheme.
2. The height of the proposed building does not provide an appropriate transition to, and is at odds with the immediately adjoining residential dwellings and the broader incremental residential area and fails to make a positive contribution to the character of the area, contrary to Clauses 15.01-1S – Urban Design, 15.01-2S – Building Design, 21.06 – Built Development, 21.06-2 – Residential Areas Framework and 32.08 – General Residential Zone (Schedule 2) of the Banyule Planning Scheme.
3. The height and scale of the proposed development will have an overbearing physical impact on the outlook from neighbouring properties and will have an adverse impact upon local residential amenity contrary to Clauses 15.01-1S – Urban Design, 15.01-2S – Building Design and 21.06 – Built Development of the Banyule Planning Scheme.
4. The height and scale of the proposed development will have a detrimental impact upon the streetscape of Lower Heidelberg Road.

Parking and Access

5. The proposed access arrangements (specifically lack of provision of a turning lane for right turn movements into the site) will result in unreasonable delays to motorists using Lower Heidelberg Road, contrary to Clause 52.29 – Land Adjacent to the Principal Transport Network of the Banyule Planning Scheme.
6. Inadequate manoeuvring space has been provided within the basement parking area to serve the development, contrary to Clause 52.06 – Car Parking of the Banyule Planning Scheme.

Planning Permit Application:	P779/2022
Development Planner:	Hayley Plank

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Address:	157-163 Lower Heidelberg Road IVANHOE EAST
Proposal:	Use and development of land for a retirement village, removal of vegetation and alteration of access to a road in a Transport Zone 2
Existing Use/Development:	Decommissioned residential aged care facility (western part of site) and 23 single storey residential units (eastern part of site)
Applicant:	Villa Maria Catholic Homes (VMCH)
Zoning:	General Residential Zone (Schedule 2)
Overlays:	Vegetation Protection Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
Notification (Advertising):	Sign on site Notices to surrounding properties
Objections Received:	54 (at time of completing this report)
Ward:	Griffin

PROPOSAL

- The applicant is seeking approval for the use and development of the application site for a retirement village.
- The retirement village will comprise 56 independent living units (one, two or three bedrooms) and communal facilities including a café/restaurant, gymnasium, day spa and library.
- The development will comprise a five level building and a partially covered terrace at roof level. The building will cover 43% of the site and will be laid out in a 'T' shaped formation, with the two sections connected through a glass atrium. The building will be setback 8-19.5 metres from Lower Heidelberg Road and minimum side setbacks will range between 4.465m (east) and 5.9m (west).
- A basement level will accommodate almost all on-site parking (81 parking spaces and eight bicycle parking spaces proposed), as well as servicing and storage facilities. Access to the site will be provided from Lower Heidelberg Road, with two separate crossings, providing access to the basement parking area and a port cochere at the front of the building. Visitor parking/loading bays are provided at the front of the building.

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

- Most of the existing vegetation on site will be removed to construct the development, including five trees protected by the VPO3. An existing Silky Oak tree is proposed to be retained within the front setback. The application is supported by a comprehensive landscape plan, detailing the proposed planting and landscape treatment of distinct landscape zones throughout the development.

BACKGROUND

- There are previous planning applications for the subject site.

SUBJECT SITE AND SURROUNDING AREA

Site area	5,732m ²
Topography	Site slopes uphill from front (south) to rear (north), with approximately 2-3m difference in levels
Existing and Neighbouring Vegetation	<p>Six trees on site which meet the criteria for protection under the VPO3. Tree #1 (Silky Oak) considered of moderate retention value, all others of low retention value.</p> <p>Other small trees, shrubs and garden plantings scattered across the site.</p> <p>Tree #11 (Lemon Scented Gum) located on adjoining site to the east and considered of high retention value.</p> <p>14 other trees on neighbouring sites to north, east and west will require consideration and protection.</p> <p>Street tree on Lower Heidelberg Road in front of the western portion of the site.</p>
Existing Buildings	<p>The western site (157 Lower Heidelberg Road) contains a two storey brick building, previously used as an aged care facility.</p> <p>The eastern site (161 Lower Heidelberg Road) contains 23 single storey brick dwellings.</p>
Fencing	<p>Both sites contain low front fencing, comprising brick and combination of brick and rail.</p> <p>Solid timber fences to each side (approximately 1.8-2m in height).</p> <p>Concrete retaining wall to rear, with timber fencing above.</p>
Easements	There are no easements on the application site.

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Surrounding Area

The application site adjoins established residential development to its north, east and west, with Lower Heidelberg Road and Ivanhoe Park to its south. The site is located approximately midway between the Ivanhoe and East Ivanhoe shopping centres and outside of the designated activity centres or structure plan area.

The development to the north comprises one or two storey residential dwellings facing York Avenue or The Oaks. Due to the topography of the area, these abutting sites are set at a higher level than the application site. The dwellings at 3 and 4 The Oaks are setback approximately 2.5m from the northern boundary of the site, while the setback to 47 and 49 York Avenue is substantial.

The development to the east comprises a three storey, modern apartment building (167 Lower Heidelberg Road), with two double storey townhouses at the rear (part of 169 Lower Heidelberg Road). This development is setback approximately 2-3m from the eastern boundary. A large Lemon Scented Gum tree also exists on this site, between the two buildings, close to the boundary with the application site.

The development to the west comprises a row of seven single storey 'villa units' setback approximately 1.3m from the application site. These are in individual ownership and unlikely to be redeveloped.

Locality Plan



PUBLIC NOTIFICATION

Advertising Period	5 – 19 August 2022
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157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Advertising methods	Two signs on site Notices to all properties within approximately 150m radius from the application site
Objections received	54 at the time of completing this report
Grounds of objections (summarised)	<ul style="list-style-type: none"> • Height of development not in keeping with area • Visual dominance • Excessive site coverage • Loss of natural light/overshadowing • Loss of privacy/overlooking • Parking is inadequate, particularly for visitors/staff • Impact on property values • Noise from communal areas • Location of basement access, substation and loading pad • Impact on significant tree (Lemon Scented Gum) • Damage to adjoining property • Construction impacts on health and wellbeing • Loss of tenants to adjoining dwellings • Traffic Impact Assessment not representative of typical conditions • Pedestrian safety • Commercial uses on site • No provision for harvesting and reuse of water
Consultation	An on-line community information session was held on 9 August 2022.

REFERRAL COMMENTS

External	Objection?	Conditions /Comments
Department of Transport	Unknown	No response received at the time of preparing this report (response due by 4 August 2022).

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Department/ Officer	Conditions /Comments
Arborist	Council's Development Planning Arborist has reviewed the proposal and advised that the proposal can be supported subject to tree protection conditions.
Developments and Drainage	Council's Developments & Drainage Department have reviewed the proposal and advised that the proposal can be supported subject to standard permit conditions.
ESD	Council's ESD Advisor has reviewed the proposal and advised that the proposal can be supported subject to conditions.
Urban Design	Council's Urban Design Consultant has reviewed the proposal and advised that the development is generally supported from an urban design perspective.
Property	Council's Property Department have reviewed the proposal and advised that they have no comments to make.
Traffic and Transport	Council's Traffic and Transport Department have reviewed the proposal and recommended that alterations are made to the access arrangements and layout of the basement parking area to improve function.
Waste Management	Council's Waste Management Department have reviewed the proposal and advised that the waste collection and storage arrangements (including design) are acceptable.
Landscape	Council's Landscape Consultant has reviewed the proposal and advised that the proposal can be supported subject to the provision of taller tree species in north west corner and eastern boundary.

PLANNING CONTROLS

- The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
General Residential Zone – Schedule 2 (GRZ2)	32.08	Yes
Vegetation Protection Overlay – Schedule 3 (VPO3)	42.02	Yes

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	No
Car Parking	52.06	No
Native Vegetation	52.17	No
Land Adjacent to a Transport Zone – Schedule 2	52.29	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Natural Environment	21.05
Built Environment (Incremental Area)	21.06
Residential Neighbourhood Character Policy (Garden Suburban 3 Precinct)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05
ResCode	58

TECHNICAL CONSIDERATION

- Council must consider this application within the physical strategic and policy context of the site, the response to the land use, neighbourhood character and amenity of the area, traffic and car parking, vegetation impacts and Environmentally Sustainable Design (ESD) considerations.

Strategic Framework

- The Residential Areas Framework Plan within the Municipal Strategic Statement (Clause 21.06-2), identifies the site as being within an ‘Incremental area’ which are typically located further away from Activity Centres and the Principal Public Transport Network (PPTN) and where there is less convenient pedestrian access. The policy however also recognises that there are limited opportunities for higher density development on well located, large strategic redevelopment sites.
- The application site is considered to meet the criteria for a large strategic redevelopment site and therefore, in principle, appropriate for a higher density development. It is acknowledged that this 5732m² combined site is unusual rare within the local area having regard to the subdivision pattern, with land holdings typically in the range of 600m² – 3500m² albeit with a number of smaller unit type developments too. In addition, the site has direct access to the PPTN (bus routes on Lower Heidelberg Road) and Ivanhoe Park. Whilst not within an Activity Centre, the site is within walking distance of both Ivanhoe and East Ivanhoe shopping precincts.

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- While acknowledging these physical and strategic characteristics, it is also relevant to note that given the way that the area has developed over time, it is not likely that any similar type of built form will be built in the immediate area. This means that the development of the site as proposed will always be unusual for the locality. The development will in many respects be at odds with the existing and any likely future development of the area. This means that the development potential of the site needs to be balanced and should not be regarded as unfettered.
- While there is some scope for a higher density of development with a different built form typology to single dwellings, it is considered that the 5 storey scale of the proposal will not provide an acceptable outcome in the context of the following strategic considerations:
 - The subject site and surrounding area are zoned General Residential Zone (Schedule 2) and there is a 3 storey mandatory height for residential development.
 - The level of change anticipated for the 'incremental area' by the Residential Areas Framework Plan is influenced by the low scale housing and the Beauview Estate heritage area to the east and the largely consistent pattern of the predominant built form in the area.

Land Use

- The proposed land use is for a 'retirement village'. The planning scheme defines this use as "*land used to provide permanent accommodation for retired people of the aged and may include communal recreational or medical facilities for residents of the village*". It is notable that this is a different use than 'residential aged care' and the use does not include 'dwellings'. As such, the use is discretionary within the GRZ2.
- It is acknowledged that the site has historically been used for a similar use (residential aged care). In addition, there are a number of factors which support this use of the site including the predominantly residential nature of the use, the opportunity it provides for residents to stay within their own community and the location attributes including proximity to shopping, the park and public transport.
- As a retirement village, the use would be governed by the provisions of the Retirement Villages Act 1986, which includes restrictions in terms of who can reside in the village, and therefore the development will not be available for general residential occupation.
- The definition of 'retirement village' also anticipates that there may be communal recreational facilities for residents of the village. The plans indicate a number of communal facilities including a café/restaurant, day spa, theatre and gym. There is no indication in the application that these facilities will be provided for any persons other than residents and their guests.
- The use of the site as a retirement village is therefore supported.

Building Height, Visual Bulk, Location and Design

- The proposal is for a substantial development, which is of a scale significantly greater than anything currently existing or likely within the vicinity.

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

- The building is proposed to be constructed on five levels and has a maximum height of 18m. Part of the roof terrace is also proposed to be covered, providing an additional 2.5m to the height of a small area in the centre of the building.
- The use as a 'retirement village' is not subject to the mandatory height constraints which typically apply to dwellings and residential buildings (11m) in the GRZ or residential aged care developments (16m) (Clause 53.17) where the residential aged care development is in the GRZ. It is of note that Clause 53.17 provides a type of policy concession for residential aged care facilities because it is necessary to recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood. Even in that context, in a GRZ, Clause 53.17 limits the height of those types of facilities to 16 metres. It seems a bit odd then, that a land use which is not recognised in the planning scheme as requiring any policy assistance or recognition as to built form (like what Clause 53.17 does for residential aged care facilities) would be able to provide a form of development that has a materially different scale and built form to the surrounding neighbourhood.
- As the site is located approximately midway between two activity centres, the surrounding context is almost entirely single and double storey dwellings. The exception is the three storey apartment development adjoining to the east. The proposed development will be an additional two storeys (approximately 7m) higher than this existing development and four storeys higher than the single storey dwellings to the west, which results in an abrupt change to built form. While setbacks of the two upper levels will assist in reducing some amenity impacts on direct neighbours, the building will still have an impact on neighbours by virtue of its scale and bulk and also appear very prominent within the streetscape and as viewed from neighbouring properties and the park. Given the objectives of the GRZ2 and the tempered expectations for development within incremental areas, it is considered that the height of the building is not appropriate in this context and should not be supported even for a large strategic redevelopment site. In the context of a large site which is over 5000sq metres, higher density development does not need to be overly tall development.
- It is also relevant to note that the Incremental Area between the two villages of Ivanhoe to the west and Ivanhoe East to the east provides for a very distinct visual break between the more robust built form of development in the two activity centres and serves to reinforce that sense of separation between the two centres.
- With appropriate treatment to the height and the related scale of the development, the development should be able to respond positively to the local context and has been well considered in relation to its layout and location and the outcomes in the Garden Suburban 3 Precinct that are appropriate to expect for the proposed typology. Council notes, positively that:
 - The front setback is consistent with surrounding development and the deeper setback to the eastern part of the building allows space for planting in addition to the operational requirements (access/loading etc).
 - The site coverage is 43.4%, which is a significant reduction in the existing level of site coverage across the site and allows for 46.4% 'garden area'. This is significantly more than the 35% minimum garden area required for a typical residential development.

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- Setbacks to the side and rear boundaries are generous and the basement has been designed to allow for deep soil planting areas along all boundaries.
- Likewise, the design of the building is supported in principle. Advice on this matter was sought from an Urban Design Consultant, who has concluded that the building provides an acceptable response to the public realm, with ground level activation and passive surveillance, as well as a breaking up of the façade through the port cochere feature and extensive glazing and balconies. The design, while acknowledged to not be of 'residential' character, is considered to appropriately respond to the surrounds, including the use of traditional brick work and a simple, regular and visually 'quiet' expression. The mass the building is articulated through differentiation of materials, lighter colours in the upper levels and a grid based, consistent façade.

Landscaping

- A comprehensive landscape design has been provided with the application. This demonstrates a highly considered and quality landscape design across a number of different "zones" within the site. A total area of 2664m² (46.4%) of the site is proposed to be landscaped, which is noted to be a far greater level than what would be expected of a typical residential development.
- The development allows for 33.2% of the site area to be available for deep soil planting. This allows for the provision of a large number of canopy trees across the site and along boundaries. The planting schedule indicates that 33 large sized trees (mature height exceeding 12m) will be established on site. This is far in excess of the 14 medium-large trees which would be normally required under the provisions of the GS3. The areas available for deep soil planting would also far exceed that required by the Better Apartment Design Standards (BADs).

Amenity

- The development is considered to meet the standards usually required to ensure that impacts on the amenity of adjoining sites is minimised, in relation to overshadowing and overlooking. While the setbacks to boundaries are considered generous, the scale of the building does result in a small non-compliance with the Rescode technical standard to both the east and west boundaries. While this is unlikely to result in discernible impacts in terms of loss of light/overshadowing, it will result in built development extending closer to neighbouring dwellings than the standard anticipates and will contribute to the perception of bulk and loss of visual amenity as viewed from these properties. The shear three storey presentation of the lower levels of the building is also considered to exacerbate impacts on the outlook of neighbours at these walls will be in the direct line of view of residents of adjoining dwellings.
- The development is considered to provide a high standard of internal amenity for its residents and would comply with relevant requirements of BADs. This includes generously sized balconies/terraces for each unit; a large amount of communal outdoor and indoor space; design consideration of south facing units so that the majority of living spaces and balconies have dual aspect; storage spaces above the typical requirements, within both the units and basement; and

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room sizes and depths exceeding that usually expected by Rescode. Advice from an acoustic consultant has also been considered in relation to the units fronting Lower Heidelberg Road and glazing designed to provide an appropriate level of noise suppression.

- In addition, all units have been designed to be fully accessible and exceed the normal requirements of BADS.

Tree Removal and Protection

- All trees on the application site, with the exception of the Silky Oak near the street frontage, are proposed for removal. This includes five trees protected by the VPO3. All trees requiring a permit which are proposed for removal are considered to be low retention value. The removal of all trees is supported subject to replacement planting.
- There are a number of trees on adjoining sites, including a significant Lemon Scented Gum on the adjoining property to the east, which is considered to be of high retention value. The development has been designed so that encroachments into the tree protection zones of these trees are minor and unlikely to have a detrimental impact on the trees. Conditions are recommended by Council's Arborist to protect these trees during construction.

Environmentally Sustainable Development

- A Sustainability Management Plan (SMP) was submitted with the application, which concludes that the building will exceed minimum statutory energy efficiency required under the NCC 2019 and the ESD objectives under Clause 22.05. The building will achieve an average NatHERS star rating of at least 7.5 stars. Additional measures proposed include an all-electric development, rooftop solar PV, rainwater tanks with a volume of 35,000 litres and electric vehicle charging infrastructure. The proposal achieves a BESS score of 57%.

Site Services

- Servicing areas have generally been integrated into the design of the building, including an electrical substation to the eastern side of the building and other servicing areas located within the basement. The servicing area on the roof top will be screened by 1.8m high screens.
- A structure containing the fire booster and water meters is proposed at the front of the site near the western edge of the site. Further consideration could be given to the location of this (as regulations allow) as well as measures to reduce its visual impact.

Car Parking and Access

- The proposal generates a standard car parking requirement of 69 spaces (all residential). Clause 52.06 does not require the provision of staff spaces in relation to 'retirement villages' or visitor spaces when a site is located within the PPTN. A total of 81 spaces are proposed, and the applicant has noted that it is intended that six spaces will be allocated to visitors, five spaces allocated to staff and one accessible space provided. Eight bicycle spaces are also provided within the basement.

157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY RETIREMENT VILLAGE (P779/2022) cont'd

- The car park and vehicle access has generally been designed in accordance with the design requirements of the planning scheme. Some minor changes to layout are recommended to improve function and safety within the ramp/car park area.
- Lower Heidelberg Road is identified as a Transport Zone (Schedule 2) and the alterations to access proposed require the approval of the Department of Transport (DoT). While a referral request has been made to DoT, no response has been received at the time of preparing this report. It is acknowledged that Council's Traffic Engineer has recommended that a turning bay be constructed to facilitate right hand turns into the development without obstructing the function of the road.

OBJECTORS CONCERNS

- The majority of objectors' concerns have been addressed in the Technical Consideration section of this report, however the following require further discussion:

Construction Impacts

- Should a permit be granted, the developer would be required to prepare and adhere to a Construction Management Plan, which would detail such matters proposed protection measures, hours of operation and waste disposal. Matters such as levels of construction noise and asbestos removal are controlled under separate legislation and beyond the scope of a planning application.

Impact on Property Values

- It is a long standing planning principle that the perceived loss of property value by objectors is not a matter which can be sustained when assessing an application for planning permit.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Officer Declaration of Conflict of Interest

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

CONCLUSION

- While the proposed development has positive attributes, the overall scale of the building is not considered appropriate having regard to the location and the

**157-163 LOWER HEIDELBERG ROAD, IVANHOE - PROPOSED 5 STOREY
RETIREMENT VILLAGE (P779/2022) cont'd**

surrounding scale of development. It is recommended that this application be refused.

ATTACHMENTS

No.	Title	Page
1	Site and floor plans	
2	Elevation plans	
3	Landscape plans	
4	Visualisations and materials schedule	

5.2 HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL

Author: Michelle Herbert - Senior Transport Engineer, City Development

Previous Items

Council on 28 February 2022 (Item 4.2 - Draft Hurstbridge Rail Feasibility Study)

SUMMARY

1. In June 2021, Council engaged the services of a consultant (Stantec/Outlines) to develop the Hurstbridge Rail Feasibility Study in Banyule. The Banyule section of the Hurstbridge Rail Corridor is 18km long and extends from Darebin station to Montmorency station.
2. The Study is intended to inform and support future work to develop the options for the provision of landscaping and walking and cycling facilities. It will also support future transport advocacy for State Government provision of these where appropriate.
3. A draft Hurstbridge Feasibility Study was presented to Council on 28 February 2022 and approval obtained to commence community consultation. This was undertaken during the six-week period from 14 March 2022 to 22 April 2022.
4. The social media campaign was highly effective in achieving a click through rate of 4.3% (anything over 3% is considered very engaging). It reached 26,736 people and generated 751 views of the Shaping Banyule page. In total 3613 views of the Shaping Banyule page resulted in 374 contributions
5. A presentation on the draft feasibility study was provided to the Department of Transport. DOT provided feedback that has been incorporated into the final study and will assist into the future in strengthening the understanding and alignment between Council and DOT aims.
6. The feedback obtained from community and stakeholder consultation has been incorporated into a consultation summary document (at **Attachment 1**) and incorporated into the final Hurstbridge Rail Feasibility Study as provided at **Attachment 2**.
7. The finalised study will be used to undertake advocacy, inform Council's Capital Works Program and inform future policy and strategy work.

RECOMMENDATION

That Council:

1. Endorse the use of the Hurstbridge Rail Feasibility Study to inform further work to develop the identified options for the provision of landscaping and walking and cycling facilities including where appropriate in advocacy to State Government agencies.

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

2. Provide the Hurstbridge Rail Feasibility Study to the Department of Transport and to the Department of Environment, Land, Water and Planning.

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 June 2021, Council engaged the services of a consultant (Stantec/Outlines) to develop the Hurstbridge Rail Feasibility Study in Banyule. The Banyule section of the Hurstbridge Rail Corridor is 18km long and extends from Darebin Station to Montmorency Station.
- Along the corridor there are significant centers of activity and employment, including Greensborough and Ivanhoe, and the commercial and health precincts in Heidelberg. Local retail centres surround many of the stations including Watsonia, where the Watsonia Town Square will be redeveloped by Council in conjunction with the North East Link Project.
- The study included high-level consideration of active transport connections and landscape/open space embellishment options along the rail corridor including options to:
 - Achieve safe, direct and legible active transport connections along and across the rail corridor to link people to key destinations including activity centres and schools;
 - Provide attractive and welcoming places through improved urban design and landscaping along the rail corridor; and
 - The Study is intended to inform and support future work to develop the options for the provision of landscaping and walking and cycling facilities. It will also support future transport advocacy for State Government provision of these where appropriate.

KEY ISSUES• The study found that whilst there is a broad proposed cycling network in Banyule, much of the Strategic Cycling Corridors (SCC) and Principal Bicycle Network (PBN) is yet to be realised, resulting in a disjointed and incomplete active travel network along the Hurstbridge rail line.

- Similarly, there are very few formal crossing points of the rail line, resulting in reduced accessibility to many attractions/destinations for residents.
- Much of the land abutting the Hurstbridge rail line is neglected and overgrown with little formal landscaping or urban design, making for an unattractive environment.

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

- The recent level crossing removal at Rosanna has resulted in the addition of a shared user path and enhanced landscaping along the western fringe of the rail line between Lower Plenty Road and Davies Street. This enhancement provides a good case study in understanding what can be achieved in terms of good active transport accessibility and connectivity; and landscaping along the rail corridor.
- There is a desire and potential for many residents to utilize the land abutting the Hurstbridge rail line to make vital transport and recreational connections, if the land was redeveloped to provide appropriate active transport pathways.
- The feedback obtained from community and stakeholder consultation (as detailed in the following section) has been incorporated into a consultation summary document (at **Attachment 1**) and incorporated into the final Hurstbridge Rail Feasibility Study as provided at **Attachment 2**.

SUPPORTING REPORT DETAILS

Community Engagement

- A draft Hurstbridge Feasibility Study was presented to Council on 28 February 2022 and approval obtained to commence community consultation. This was undertaken during the six-week period from 14 March 2022 to 22 April 2022.
- A coordinated campaign using Banyule's social media channels directed people to the draft study information and feedback portal on Shaping Banyule (Council's community engagement website). Corflute posters alerting the community to the consultation opportunity were also placed strategically in places along the rail corridor.
- The social media campaign was highly effective in achieving a click through rate of 4.3% (anything over 3% is considered very engaging). It reached 26,736 people and generated 751 views of the Shaping Banyule page.
- In total 3613 views of the Shaping Banyule page resulted in 374 contributions. The highest response (156 contributions) were obtained for the general section on *Active Travel and Open Spaces*. People were asked to complete two sentences. Word clouds representing the large responses are shown below.

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

- The next highest response (36 contributions) was obtained for the Rosanna Station to Macleod Station section. Themes included:
 - Ensuring a higher density of indigenous species to encourage biodiversity. Active waste and litter controls considered to reduce further degradation to the environment.
 - Removal of weeds & revegetation.
 - Increasing the facilities with Rosanna Parklands.
 - Safe, separated cycling paths with a mix of paved and unpaved tracks.
- The Heidelberg Station to Rosanna Station elicited 26 contributions. Themes included:
 - Opportunities to increase open, green spaces.
 - More and better use of underused public land.
 - Desire for a dedicated bike lane between Rosanna and Heidelberg.
 - Encouragement of children cycling to school.
- The Ivanhoe Station to Eaglemont Station section obtained 24 responses within the following themes:
 - Landscaping including seating, public art and tree planting.
 - Landscaping and amenity are valued over transport options.
 - Increased pedestrian facilities in the rail corridor.
 - Preference for face to face consultation.
- More detail is provided in a community consultation summary at **Attachment 1**.
- Finally, a Social Map on the Shaping Banyule page invited the community to drop pins on a map of each corridor outlining any additional comments or feedback they would like to give in the area. 100 pins were dropped onto the maps. Themes included:
 - Improvement of the area along the rail line between Ivanhoe and Heidelberg stations given the extensive planting carried out by Friends of Eaglemont Village.
 - The overall rail line would benefit from walking facilities with seating strategically placed along the length of railway.
 - Denser planting of indigenous plants. Community cherish the natural setting as an escape from the built environment. Improve biodiversity and amenity by planting within the rail corridor and Increase vegetated areas on both sides of track.
 - Planning of open space and active travel ideas to be integrated with the Watsonia town square development.
 - Safer walking and cycling pathways extending along the railway line and connecting to shops and activity centres
- Twelve additional written responses were received from the community. These responses reflected the feedback received on Shaping Banyule and included a strong emphasis on the work undertaken by Friends of Eaglemont Village, the

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

need for face to face consultation with the community, and the desire for good active transport paths particularly in the northern half of the community.

Collaboration

- A presentation on the draft feasibility study was provided to the Department of Transport (DOT) on 1 April 2022.
- DOT provided valuable feedback including:
 - Generally supportive of the study and its aims, believe it will be very valuable to Council and the DOT working together and moving forward.
 - Discourage the use of shared use paths (SUPs) within station precincts due to the volume of pedestrian traffic.
 - Discourage the use of SUPs when there are generally high volumes of cyclists and pedestrians interacting.
 - Requesting an action in the study for Council to continue to engage with DOT and assist in updating the Movement and Place framework which includes mapping of cycle and pedestrian routes.
 - Ensuring all proposed DOT walking and cycling links are noted in the study.
- All feedback that has been incorporated into the final study and will assist into the future in strengthening the understanding and alignment between Council and DOT aims.

Summary of changes made to the Study following the consultation process

- DOT feedback as noted above has been included in the Study.
- Mapping around the Local Bicycle Network and Strategic Cycling Corridors has been improved and incorporated into the Study.
- Acknowledgement of the work undertaken by Friends of Eaglemont Village and its value to the community on the rail line reserve between Ivanhoe and Heidelberg rail stations. Looking at more opportunity to add value to the rail reserve.
- Inclusion of new and upcoming State Government walking and cycling infrastructure along the rail line.
- Inclusion of universal opportunity along the rail line adding in seats along footpaths and SUPs to allow for rest breaks, in particular with steeper gradients.
- Change in alignment of cycling option in Greensborough away from the busier Grimshaw Street to the more local Adeline-Hobson alignment.
- The Study document is quite lengthy and many of the suggestions made during the community consultation were already in document in a different section.

Implementation Process

- Further work will be undertaken over the next year to develop and prioritise the identified options for the provision of landscaping, walking and cycling facilities along each section of rail line.

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

- Council will continue to advocate to and work with State Government agencies to identify opportunities to use the work undertaken in the Study to improve landscaping, walking and cycling outcomes along the rail corridor.
- The Study will be used to inform Council's Capital Works Program and to inform future policy and strategy work.

Conclusion

- There has been positive support for the draft Hurstbridge Rail Feasibility with overall support for the concept of an active transport corridor extending from Darebin Station to Montmorency Station, which is well designed, accessible, safe, flat and considers the interaction of cyclists, walkers and walkers with dogs.
- Urban design and landscaping were also favourably received by the community, particularly around the concept of a wildlife corridor and continuing with the good work undertaken by the Friends of Eaglemont Village. Positive feedback was obtained in relation to the Improvements recently completed on the shared path alongside the Rosanna Parklands, with a desire to retain Rosanna Parklands as is.
- However, the community agrees that there is significant work to be done to achieve a safe and comfortable cycling and walking environment for all, including vulnerable users. How to achieve the infrastructure for this cycling and walking environment varies in the feedback.
- Most contentious issues revolve around the installation of bike infrastructure on road, sharing of shared user paths, shared user path behaviour particularly the behaviour of speeding cyclists, loss of parking, and any loss of trees/greenery.
- The feedback obtained from community and stakeholder consultation has been incorporated into a consultation summary document at **Attachment 1** and incorporated into the final Hurstbridge Rail Feasibility Study as provided at **Attachment 2**.
- The finalised study will be used to undertake advocacy, inform Council's Capital Works Program and inform future policy and strategy work.

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

HURSTBRIDGE RAIL - LANDSCAPE AND ACTIVE TRANSPORT FEASIBILITY STUDY - FINAL cont'd

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 who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Hurstbridge Rail Feasibility Study - Community Consultation Paper	
2	Hurstbridge Rail Feasibility Study - Final	

5.3 TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS RESERVE UPGRADE - P641/2022

Author: Carmelo Sposato - Development Planner, City Development

Ward: Grimshaw

SUMMARY

1. The applicant seeks permission for removal of trees associated with the Redmond Court Wetlands Reserve Upgrade Project.
2. The Wetland Upgrade seeks to address functionality issues with the wetland and to refresh the parkland for all community members. There has been a significant consultation process undertaken as part of the project.
3. Trees of higher retention values and a dead tree of environmental and character significance are being retained as part of the project. These trees are predominantly located in the open space area to the east of the reserve.
4. 220 site trees are proposed for removal, plus 2 street trees. 59 trees require permission to remove under the Vegetation Protection Overlay – Schedule 5.
5. The proposed tree removal facilitates the replacement of very low, low and low-moderate retention value trees, including a number of weeds, non-native vegetation with a proposed native replacement planting schedule. No high retention value trees are proposed for removal.
6. Proposed replacement planting includes 101 new canopy trees, 237 shrubs, 1,336 native grasses/tufting/tussocks, 274 groundcover plantings.
7. The proposal should be supported subject to permit conditions, including additional tree planting.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P641/2022 for Removal of 59 protected trees within the Vegetation Protection Overlay (VPO5) at 12 Redmond Court BUNDOORA (Redmond Court Reserve) subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans prepared by **Banyule City Council**, marked **Revision B** dated **02/08/2022** but modified to show:

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

- (a) The Landscaping Plan (DD-401 & DD-402) amended to include the following;
- i. An additional 17 replacement canopy trees, equating to a 2:1 replacement for trees requiring permits to remove. A minimum total of 118 replacement canopy trees are to be provided;
 - ii. The proposed *eucalyptus leucoxydon* 'Euky Dwarf' replaced with *eucalyptus ovata* or alternative indigenous species, to the satisfaction of the Responsible Authority;
 - iii. The proposed *casuarina cunninghamiana* replaced with species *allocasuarina littoralis* or alternative indigenous species, to the satisfaction of the Responsible Authority;
 - iv. The five trees proposed nearby the property boundary with 3 Hayden Court to be replaced with a smaller species such as;
 - Tree Violet – *Melicytus dentatus*
 - Sweet Bursaria – *Bursaria spinosa*
 - v. An increased diversity of proposed grasses, to also include;
 - Wallaby grasses – *Rytidosperma spp.*
 - Kangaroo grass – *Themeda triandra*
 - vi. The proposed *acacia cognata* replaced with species *acacia acinacea*;
 - vii. All trees to have species and planting locations carefully selected to avoid canopy or root conflicts with overhead wires, easements, existing trees and neighbouring property;
- (b) Tree protection fencing required by condition 5 of this permit;

Replacement Planting Requirements

2. Within twelve (12) months of the completion of construction works associated with the Wetlands Upgrade Project, replacement planting in accordance with the endorsed landscaping plan must be undertaken within the property. These plantings must be provided to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority. All replacement tree plantings must be:
- Established in accordance with *AS 2303-2015 Tree Stock for Landscape Use*;
 - Planted as advanced specimens with a minimum pot-size of 20 centimetres;
 - Sourced from a qualified tree grower or tree nursery.

General

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

Tree Protection

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

4. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.
5. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including **Trees #3-9, #11, #40, #55, #67-71, #75-80** to the satisfaction of the Responsible Authority:

Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Tree Logic** dated **13 October 2021**.

(a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
- ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994.
- iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
- v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
- vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
- vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

- ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over).
- x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
- xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.
- xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority.

At least 14 days prior to commencement of works, you must submit a 'Statement of Compliance' (from a suitably qualified Arborist - AQF Level 5) which must include photographic evidence of the installed TPZ requirements. Submission must be made to enquiries@banyule.vic.gov.au referencing the address and planning permit number.

- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
 - i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.
 - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority.
 - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
 - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Time Limits

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

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

- (a) Before the permit expires, or
- (b) Within six months afterwards, or
- (c) Within 12 months afterwards if the development started lawfully before the permit expired.

PERMIT NOTES

(A) Expiry of Permit

In the event that this permit expires or the subject land is proposed to be used or developed for purposes different from those for which this permit is granted, there is no guarantee that a new permit will be granted. If a permit is granted then the permit conditions may vary from those included on this permit having regard to changes that might occur to circumstances, planning scheme provisions or policy.

(B) Supervision of works undertaken on Council Assets

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

(C) Completion of Development

Immediately upon completion of the development permitted by this permit, the contractor or council department responsible for development of the subject land must notify Council's Development Planning Section that the development is complete and complies with all requirements of the permit. The development will then be inspected to ensure compliance.

(D) Previous Planning Approvals

This Planning Permit must be read in conjunction with previous permits that may affect the site.

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

Planning Permit Application:	P641/2022
Development Planner:	Mr Carmelo Sposato
Address:	12 Redmond Court BUNDOORA
Proposal:	Removal of 59 protected trees within the Vegetation Protection Overlay (VPO5)
Existing Use/Development:	Public Park and Wetlands Environs
Applicant:	Banyule City Council (Open Space & Strategic Projects)
Zoning:	Public Park & Recreation Zone
Overlays:	Vegetation Protection Overlay – Schedule 5 Development Contributions Plan Overlay
Notification (Advertising):	4 signs on site Letters to abutting and opposite properties
Objections Received:	None
Ward:	Grimshaw
Referrals:	Development Planning Arborist Urban Forestry Arborist

PROPOSAL & BACKGROUND

The Redmond Court Wetland was constructed in c.2001 as part of the College View residential subdivision.

The Redmond Court Wetland Reserve Upgrade Project is a project that intends on addressing current functionality issues within the wetland. The project aims to improve Banyule's waterways and to also refresh the parkland for all community members. There has been a significant consultation process involving the proposal.

As part of the wetlands upgrade, additional passive open space (lawn area) will be provided and the wetland will be upgraded. The health of existing trees have resulted in the proposed tree removal. Majority of trees on site were considered either very low (2.88%), low (75.03%) or low-moderate (17.69%) arboricultural value, given their health, useful life expectancy, structure, form, etc. All trees of higher retention values excepting tree #12 are proposed for retention. There are also a number of lower

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

retention value trees being retained in key strategic locations which aid in preserving a buffer of existing vegetation to the wetland.

The proposal is to remove 220 trees on-site with 59 of these trees requiring planning permission. Trees proposed for removal will be replaced with new tree stock established in accordance with *AS2303-2015*.

TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS RESERVE UPGRADE - P641/2022 cont'd

SUBJECT SITE AND SURROUNDING AREA

<p>Site area</p>	<p>12552m²</p>
<p>Topography</p>	<p>Varying topographic conditions with western portion of the site containing Wetlands environs and embankments designed for the storage and treatment of water with a levelled area to the eastern side of the site used as a public open space area with a number of new park benches present.</p>
<p>Existing Vegetation</p>	<p>Large native and some non-native trees, native landscape plantings of varying heights and species</p>
<p>Fencing</p>	<p>The reserve is bounded by post and wire fencing surrounding the entire wetlands area. There is a metal gate to an vehicle access point along Luton Way. Fencing abutting the open space area to the ease of the site consists of timber bollards that presumably prevent vehicle parking. They are open with no connecting chains.</p>
<p>Easements</p>	<p>The diagram is a detailed site plan for 'RESERVE No.5 FOR MUNICIPAL PURPOSES 1.251ha'. It shows a central area bounded by several easements: E-2, E-5, E-6, E-11, E-12, E-14, and E-15. The reserve is situated between 'COURT' to the west and 'MOLLOY COUR' to the east. Lot numbers 436 through 458 are shown along the northern boundary, and lot 409 is at the southern end. Dimensions for boundaries and easements are provided in feet and inches, such as 80°08', 96°08'20", and 276°08'50". A note on the left side reads 'SEE ENLARGEMENT'.</p>

TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS RESERVE UPGRADE - P641/2022 cont'd

EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1, E-3, E-7, E-13 & E-17	SEWERAGE	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN AND YARRA VALLEY WATER LTD.
E-2, E-3, E-12, E-13, E-15, E-16 & E-17	DRAINAGE	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN AND CITY OF BANYULE
E-4, E-7, E-14 & E-15	ELECTRICITY	2	THIS PLAN	T.X.U. ELECTRICITY LIMITED
E-5, E-6 & E-12	SEWERAGE	SEE DIAGRAM	PS436383Y	YARRA VALLEY WATER LTD.
E-6, E-11 & E-17	WATER SUPPLY	SEE DIAGRAM	INST. 1713422	VOL.3324 FOL.609. VOL.3259 FOL.706 AND MEM.642 BOOK.448
E-6, E-11 & E-17	WATER SUPPLY	SEE DIAGRAM	THIS PLAN	YARRA VALLEY WATER LTD.
E-8 & E-16	PIPELINE (WATER)	SEE DIAGRAM	C/E P780108P	M.M.B.W.
E-9	DRAINAGE & SEWERAGE	SEE DIAGRAM	LP217226E	LOTS ON LP217226E
E-10	SUPPLY OF GAS	SEE DIAGRAM	C/E P763616K	GAS AND FUEL CORPORATION OF VICTORIA
E-10	TRANSMISSION OF ELECTRICITY	SEE DIAGRAM	C/E P780109L	S.E.C.V.
E-10	WATER SUPPLY	SEE DIAGRAM	C/E R398845Y	LOT 1 ON LP217226E
E-13 & E-17	WATER SUPPLY	SEE DIAGRAM	THIS PLAN	YARRA VALLEY WATER LTD.
E-13 & E-17	GAS SUPPLY	SEE DIAGRAM	THIS PLAN	VIC GAS DISTRIBUTION PTY. LTD.
E-13 & E-17	ELECTRICITY	SEE DIAGRAM	THIS PLAN	T.X.U. ELECTRICITY LIMITED
E-13 & E-17	SUPPLY OF GAS, WATER, ELECTRICITY, TELEPHONE & TRANSMISSION OF DATA SERVICES	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN
E-14 & E-15	TELEPHONE AND TRANSMISSION OF DATA SERVICES	2	THIS PLAN	LOTS ON THIS PLAN

Locality Plan

Below is a 2022 Aerial Image of the Subject Site and surrounds:



**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

PUBLIC NOTIFICATION

Advertising Period	This application was re-advertised to ensure clarity on the exact number of trees proposed for removal in correspondence to the public. The application was advertised for a 14 day period. 5 August 2022 - 19 August 2022
Advertising methods	Four signs on site with three facing Redmond Court and one facing Luton Way Letters to adjoining and opposite properties
Objections received	None

REFERRAL COMMENTS

Department/ Officer	Position	Conditions /Comments
Urban Forestry	Support – Subject to conditions	Council's Urban Forestry Department have reviewed the proposal and advised that the proposal can be supported subject to 2 for 1 replacement planting. Council's Urban Forestry Department also advised that council should explore additional funding for tree planting in the local surrounding area under the Urban Forest Strategy which identifies Bundoora as a Priority Area.
Arborist	Support – Subject to conditions	Council's Developments Planning Arborist has reviewed the proposal and advised that the proposal can be supported subject to tree protection conditions, additional canopy tree planting and some minor changes to the landscaping plans.
Property	Support	Council's Property Department have reviewed the proposal and advised that the proposal can be supported subject to note on permit (B).
Parks (Biodiversity)	Support	Council's Parks Department has reviewed the application including the proposed landscaping plan and tree removal. Parks are supportive of the proposal subject to alternative species within the landscape plan with a preference for indigenous species selection.

TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS RESERVE UPGRADE - P641/2022 cont'd

PLANNING CONTROLS

- The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Public Park and Recreation Zone (PPRZ)	36.02	No
Vegetation Protection Overlay – Schedule 5 (VPO5)	42.02	Yes
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	N/A
Native Vegetation	52.17	No
Local Government Projects	52.31	No

Clause 52.31 – Local Government Projects

- The proposed buildings and works associated with the wetlands upgrade are exempt from requiring planning permission under Clause 52.31-1 of the Banyule Planning Scheme. The exemptions are provided for any buildings and works development proposal on behalf of a municipal council, valued at less than \$10 million. This development proposal is considered to be exempt under such criteria. Tree removal still requires planning permission and is not exempt from notice and review rights.

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	
Environmental and Landscape Values	12
State Planning Policy Framework (SPPF)	
Land Use	21.04
Natural Environment	21.05
Safer Design Policy	22.03
Overlays	
Vegetation Protection Overlay	42.02
Particular Provisions	
Local Government Projects	52.31
General Provision	
General Exemptions – Buildings and Works	62.02

TECHNICAL CONSIDERATION

- Council must consider this application with respect to the purpose, objectives and decision guidelines of Schedule 5 to the Vegetation Protection Overlay.
- The proposed tree removal, including the proposed replacement planting within the landscape plan, is consistent with the purpose of the Vegetation Protection Overlay. The proposal is consistent with the planning policy framework, including the Municipal Planning Strategy.

TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS RESERVE UPGRADE - P641/2022 cont'd

- This is evident in that the proposal seeks to:
 - Propose removal of only vegetation that is considered non-significant from an arboricultural value, with very low, low or low-moderate arboricultural value trees proposed for removal.
 - Enhance habitat and encourage regeneration of native vegetation through the proposed Native Victorian planting scheme and this is also reflected in the proposed removal of non-native trees and weed species.
- The objectives of Schedule 5 to the Vegetation Protection Overlay include that where tree removal is permitted, appropriate replacement planting is provided and located appropriately on site. The recommended permit, subject to conditions, achieves a replacement planting ratio of 2:1 for replacement trees for protected trees.
- 42 trees of arboricultural significance (including substantial and higher retention value trees) are being retained on site and in the street reserve. This allows for the retention of a buffer of vegetation for this wetland environment. This will compliment new vegetation which is expected to make a positive contribution to the wetland landscape character over the long-term.
- Tree #80 which may contain hollows as habitat for local fauna is proposed for retention.
- It is considered that the proposal appropriately contributes to the local environment, tree canopy cover and management of stormwater and sequestration of pollutants as is the purpose of the wetlands site by proposing retention of high value trees and replacing trees proposed for removal with canopy trees at semi-advanced states, specifically chosen for the local wetland environment.
- The proposal is responsive to the needs of the site which serves as a wetlands and stormwater treatment reserve. The selected species within the planting schedule has been employed to reflect the nature of the land use and the need to provide native vegetation.

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.

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.

**TREE REMOVAL ASSOCIATED WITH REDMOND COURT WETLANDS
RESERVE UPGRADE - P641/2022 cont'd**

CONCLUSION

- The proposed tree removal, subject to permit conditions, addresses state and local planning policies and the Vegetation Protection Overlay. The proposal should be supported subject to conditions requiring additional replacement planting and tree protection.

ATTACHMENTS

No.	Title	Page
1	Redmond Court Wetlands Reserve Upgrade - Tree Removal and Replacement Planting Plans - Rev B	
2	Redmond Court Wetland Reserve Upgrade Tree Removal Summary	

7.1 INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM UPDATE

Author: Mizzi Walker - Strategic Development Officer, Community Wellbeing

SUMMARY

1. Council's Inclusive Employment Program (Program) for the 2021-22 financial year concluded 3 June 2022. Fourteen participants successfully completed the program and strong outcomes were achieved. Ten participants gained further employment and four participants joined Council's casual pool.
2. An external evaluation of the Program was undertaken to assess the impact and outcomes of the Program for participants and Council. The findings highlighted that very positive outcomes for participants continue to occur. Participants felt supported, more confident and are satisfied with their employment experience at Banyule.
3. The evaluation also reviewed the 4 target population groups supported by the Program to understand any recommended adjustment. The evaluation found that the current four groups: Aboriginal and Torres Strait Islander people, culturally and linguistically diverse people, people living with a disability and young people, are still experiencing the most barriers to employment; therefore, no changes are recommended.
4. Some opportunities for improvement of the Program were also highlighted. This includes boosting efforts to engage with Aboriginal & Torres Strait Islander peoples prior to the 2022-23FY program commencing.
5. In response to the evaluation completed, a number of continuous improvement initiatives have been prioritised – some are already fully or partially complete, and others are planned for completion within the 2022-23 financial year.
6. Preparations for the Program to be delivered in the 2022-23 financial year have commenced; with up to 15 new placements available.
7. Council continues to lead advocacy among the local government sector for the Program's expansion beyond Banyule.

RECOMMENDATION

That Council:

1. Notes the achievements of the Inclusive Employment Program and continues to support its implementation.
2. Receives a further Council Report update on the Inclusive Employment Program following the conclusion of the 2022-23 financial year program.

INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM UPDATE cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan 2021-2025 to "Create inclusive employment opportunities within Banyule Council workforce for people facing barriers to employment".

BACKGROUND

- Banyule City Council's Inclusive Employment Program (Program) addresses barriers to employment experienced by local residents – and is contributing to the achievement of 1000 local job outcomes for local people experiencing barriers to employment by 2025.
- The Program offers a 6-month paid job opportunity at Banyule City Council for local residents of Banyule who identify as one of the following 4 target population groups:
 - Aboriginal and Torres Strait Islander peoples,
 - Culturally and linguistically diverse people,
 - People living with disability
 - Young people (16-25yrs).
- An intersectionality approach is used and LGBTQIA+ people, women, older adults and people impacted by the justice system are encouraged to apply.

KEY ISSUES

- Council's Inclusive Employment Program (Program) for the 2021-22 financial year was delivered from December 2021 to 3rd June 2022.
- Fourteen tailored placements were created – with participants using their individual skills, experiences and abilities to deliver on important work across Council.
- Acknowledging that success looks different for everyone, the Program has realised strong job outcomes:
 - 5 participants secured ongoing employment – 1 participant secured an internal role at Banyule City Council and 4 participants secured external roles.
 - 5 participants secured a transitional pathway employment opportunity at Banyule City Council, commencing 4 July 2022. Four of these opportunities are for 12 months and one is for 6 months.
 - 5 participants secured a placement within Council's casual pool. Two of these participants also secured an external role and want to continue their casual role at Council alongside their new role.
 - 1 participant is working with an employment agency to identify further tailored support with a goal of engaging in further education and employment that will help identify their career aspirations.
- To support continuous learning and development, an evaluation of the Program was undertaken by an external evaluator. The evaluation assessed the impact and outcomes of the Program for participants and Council.

INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM UPDATE cont'd

- Overall, the findings of the evaluation highlighted that very positive outcomes for participants continue to occur. Participants of the 2021-22FY program reported that they felt supported, are more confident and were satisfied with their employment experience at Banyule City Council.
- Several Program strengths were acknowledged, these include:
 - The support provided by the Inclusive Employment Program Lead to the participants and supervisors. Both participants and supervisors spoke highly of the guidance and support they received throughout the Program, in particular participants commented on feeling safe, supported and encouraged.
 - *“I always felt like I had someone in my corner. Someone I could turn to and ask for help. I felt very supported and also felt like [the Program Lead] would give me good direction/advice or a little push if I needed.”* – Participant
 - Involvement of Senior and Executive staff as well as Councillors was highly valued by participants.
 - *“Banyule [Council]’s organisation structure feels very ‘flat’ and I was able to talk to Directors, Managers, etc from the start and felt listened to and welcomed by them.”* – Participant
 - The tailored recruitment processes which ensure roles provided are meaningful and contribute to long term career goals for participants. The evaluation noted the tailored recruitment process helped to rebuild participants’ confidence after poor application experiences prior.
 - *“After a few doors are closed...your confidence goes down so much...surprisingly I got a call back, I said “is this real? Is this happening.”* – Participant
 - The Program’s effectiveness at improving participants’ core skills for work. By the end of the Program 100% of participants said they have the skills to create a SMART Development plan, understand how to write a resume and prepare for a job interview.
 - *“I gained confidence to work in local government. Now I think I am ready to apply for long-term permanent opportunities.”* – Participant
 - The opportunity for participants to experience suitable employment, tailored to their interests, abilities and skill level. 100% of participants reported they were given opportunities to grow and develop while participating in the Program.
 - *“Having a sense of fulfilment after getting the chance to work and gain experience in a finance-related role which has always been my dream.”* - Participant
- Council has committed to review the suitability of the 4 target population groups of the Program every 2 years. In alignment with this commitment and the *Equal Opportunity Act (2010)*, the evaluation reviewed the 4 target population groups supported by the Program to confirm that local people experiencing the most significant disadvantage to accessing employment in Banyule, are underrepresented in Banyule’s workforce, are supported to have equitable

**INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM
UPDATE cont'd**

access to employment within Council through this program – and or understand any recommended adjustment.

- The evaluation found that the current 4 groups: Aboriginal and Torres Strait Islander people, culturally and linguistically diverse people, people living with a disability and young people, are still experiencing the most barriers to employment; and no changes are recommended. The 4 target population groups are to continue, alongside an intersectional approach.
- The Program evaluation also highlighted some continuous improvement opportunities based on outcome evidence and feedback from Council staff and participants involved in the program.
 - To strengthen relationships with the labour market ecosystem, there is an opportunity to consider and define the desired role of external partners in the Program, to assist with broadening the range of external partnerships to increase community support and participation in the Program.
 - To ensure sustainable and efficient program planning and delivery, there is an opportunity to review the Program structure and the operational delivery of the program.
 - To enhance the participant and hosting teams experience, there is opportunity to increase staff understanding of the barriers to employment that individuals may face, as well as how to foster an inclusive and diverse workplace – particularly amongst Council Officers supporting participants through the program.
 - Across the 4 target population groups, strong engagement continues among those that identify as culturally and linguistically diverse, living with disability or young people. However, Aboriginal and Torres Strait Islander people's engagement in the Program remains below Council's target – both in volume of applications and program placements. Therefore, increased engagement with First Nations peoples is necessary to understand how best to support this target population group.
- In response to the improvement opportunities identified, Council has or will:
 - Reviewed the role of external partners in the program and commenced the development of a local network of employment service providers which will strengthen collaboration with local employment organisations.
 - Boost efforts to engage with Aboriginal & Torres Strait Islander peoples prior to the 2022-23FY program commencing. All Program collateral has been reviewed by an Aboriginal enterprise to ensure it is culturally safe and identified positions specific to this population group are supported.
 - Council has employed a dedicated Koori Jobs Victoria Advocate who has commenced supporting local First Nations peoples and will be supporting the delivery of a tailored community information session at Barrbunin Beek before new Program applications open and providing tailored pre-program support.
 - Commenced a review of how Council can best support Aboriginal & Torres Strait Islander peoples employment pathways at Banyule City Council in future. Findings and recommendations are planned for early 2023.

INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM UPDATE cont'd

- Due to the Program's evidenced success, program evaluation will transition to a bi-annual approach.
- Preparations for the Program to be delivered in the 2022-23 financial year have commenced. The new program is planned to start on 2 December 2022; and will create up to 15 placements for local people. Following the program, up to 5 transitional pathways will be supported in mid-2023.
- Council continues to lead advocacy among the local government sector for the Program's expansion beyond Banyule. A dedicated program toolkit and guide has been created and is available online to support other Council's to set up a similar program within their municipality. Additionally, several media opportunities have been realised to promote the program across the sector, this includes two MAV articles: Spotlight On and Mayoral Blog, which will promote the toolkit and program to the local council sector. Additionally, Council is collaboratively leading a shared advocacy project alongside the Northern Council Alliance to realise the Inclusive Employment Program in all 7 northern region councils.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The Inclusive Employment Program utilises the *Equal Opportunity Act 2010* designated roles special measure to promote employment opportunities to communities facing barriers to employment. In Banyule City Council those community groups include Banyule residents who identify as Aboriginal and Torres Strait Islander people, people living with disability, culturally and linguistically diverse people and young people. We acknowledge that individuals have overlapping identities and use an intersectional approach, with LGBTQIA+ people, women, older adults and people affected by the justice system encouraged to apply.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- All procurement activities undertaken for this Program will be in accordance with Council's Sustainable Procurement Policy and where possible products and services will be procured from local or social benefit suppliers.

Financial Implications

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

**INCLUSIVE EMPLOYMENT PROGRAM 2021/22FY - END OF PROGRAM
UPDATE cont'd**

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

7.2 SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW

Author: Daniela Ahimastos - Senior Economic Development Officer, City Development

SUMMARY

1. For almost 30 years, Banyule Council has provided structured programs and support that has facilitated growth, revitalisation, strategic marketing and management of its 11 key retail centres through its special rate and charge schemes and associated Council funding support.
2. These schemes facilitate the annual distribution of \$1.16 million across 11 retail Traders' Associations, to deliver collective marketing, management and beautification initiatives.
3. Despite the strengths of the schemes, several issues and opportunities have been identified and a comprehensive review was instigated.
4. The review aimed to determine whether Banyule's Special Rate and Charge model was working effectively for both Council and its 11 Trader Associations and whether the approach was contemporary and the most effective model in delivering the highest level of economic and social benefits to businesses and the community.
5. The review is the first of its kind since the inception of the program and a result of Council's new *Local Government Act 2020* obligations, the release of the Banyule Community Vision 2041, and the development of the Economic Development Strategy 2023-2028. It occurred as part of Council's new responsibilities to manage programs where we provide funding.
6. Recommendations by consultants Premier Retail Marketing and Urban Enterprise underpinned the suite of reforms to be piloted over an approximate two and a half year period commencing October 2022 and ending February 2025.
7. Council officers have met with each Centre Manager and at least one Committee representative from each of the 11 trader associations between 11 July 2022 and 17 August 2022 to discuss the reforms. Of the 11 Trader Associations, eight were supportive and three were unsupportive.
8. Feedback from the engagement process was considered and informed the final reforms.
9. The changes to the Funding Agreements seek to set Council and the associations up for success through genuine collaboration and a focus on outcomes. Council will work closely with committees to implement changes.
10. Council will review the model in two and a half years' time and may consider transitioning to an alternative model, pending the outcome of the review.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

RECOMMENDATION

That Council:

Having considered the contents of this report and its attachments, resolves to endorse the suite of reforms through a two-and-a-half-year pilot, as follows:

- a) A Council officer be appointed to each Trader's Association Committee as an ordinary Committee member;
- b) For giving effect to part a), nominates and authorises all Economic Development Officers of Council (or the persons acting for the time being in those positions) to attend all required meetings of the relevant traders' associations and to vote on any matter relating to the administrative expenditure of the special rate or charge fund by the traders' associations on behalf of Council. This is to ensure Council plays a role in the strategic direction of the association, can provide an increased level of support and that the special rate or charge fund is used in accordance with the terms and conditions of the funding agreements entered into between Council and the relevant traders' associations and the requirements of section 163(6) of the *Local Government Act 1989*.
- c) Requires such officers to comply with all and any requirements specified in the conflict of interest provisions of sections 126 to 131 of the *Local Government Act 2020* and the requirements of the *Local Government (Governance and Integrity) Regulations 2020*.
- d) Consistent key performance indicators (KPIs) are investigated and implemented across all centres;
- e) Funding agreements are modified to include clear and measurable KPIs that must be met for funding to be released to the Association;
- f) The Economic Development Team is to report on centre manager performance following the annual general meeting of each Association;
- g) Council to participate in strategic planning with centres undergoing a renewal and cover business planning costs for smaller centres;
- h) Implement maximum tenures for office bearers in the three larger centres being Heidelberg, Ivanhoe and Greensborough;
- i) Strengthen governance processes across all Trader Associations (procurement, conflict of interest, code of conduct and contracts);
- j) Introduce a defined hourly rate range for Centre Managers and capped annual average of benchmarked hours per week to carry out core marketing and administrative duties;
- k) Engage with Centre Managers to undertake specialised industry workshops;

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- l) Endorse additional resources (2 EFT) for a two-and-a-half-year period to achieve and monitor each of the short-term recommendations;

Notes that these reforms will form part of the new Funding Agreements between Council and the Trader Associations that govern the expenditure of special rate and charge funds and associated Council contributions; and

Receives a Report assessing the reforms at the conclusion of the pilot.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Stimulate and support a vibrant and resilient local economy to encourage business, employment and investment opportunities".

BACKGROUND

- Banyule Council has historically set a high benchmark with its commitment and approach to the marketing and management of its retail centres, through its special rate and charge schemes and associated Council funding support.
- Banyule Council provides funding contributions to each retail activity centre (approximately \$500,000 per year amongst the 11 centres). Banyule Council is one of the few councils that contributes towards the funds raised by the special levy scheme for each centre which provides a total budget of over \$1 million per annum.
- The size of Banyule's schemes varies in scale from smaller activity centres with 25 properties raising \$26,900, to larger centres containing 366 properties raising \$285,000. Further detail regarding Banyule's schemes is contained in **Attachment 1**.
- Some councils provide some funding in addition to a special levy; however, there is no formal commitment to a set contribution. The Banyule retail funding model enables the Associations to spend their Council contribution on other items not directly related to marketing and promotions. This includes: maintenance of assets and infrastructure such as painting and graffiti removal, security, landscaping and beautification and new street furniture. This allows the Associations to respond to local infrastructure issues and opportunities which may be difficult for Council to fund given other competing budget priorities.
- Fundamental to the continued success and improvement of these programs is a well governed, accountable and engaged Trader Association. Equally important is the leadership, guidance, tools and support that Council provides to develop the capacity of the Associations.
- In the last three years, Council support has been expanded to include Banyule's largest industrial precinct, the Heidelberg West Business Park (HWBP). Although there is no special levy in place in the HWBP, Council funding has been provided to the HWBP Association to enable the inception of the Association and the delivery of a range of marketing, management, business development and

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

beautification initiatives. These have been carried out in line with the Association's strategic business plan.

- There are an additional 30 minor activity centres that don't receive any formal funding support from Council.
- Despite the strengths of the scheme there were several issues and opportunities identified in July 2021.
- The concerns highlighted were:

1. Inequity in funding distribution between the centres

The larger centres receive a significant proportion of Council's funding contribution. Consequently, they have greater spending power than smaller centres that often find it challenging to deliver programs within their approved budget.

2. Conflicting priorities between Council and the Traders' Associations

The schemes are managed by independent incorporated Associations who form the Associations strategic business plan and annual budget. Although this process is a collaboration with Council and needs to align with the mutual funding agreement, the Associations' priorities do not always reflect Council's strategic priorities.

3. Performance of Schemes

Council's Marketing and Management Guidelines outline best practice provisions regarding the performance of the schemes. However, given the independent nature of each Association, there are insufficient levers for Council to address poor performance and turnover when required. In addition, there is limited visibility at times regarding Council's return on investment.

- The review is the first of its kind since the inception of the program 29 years ago and as a result of Council's new *Local Government Act 2020* obligations, the release of the Banyule Community Vision 2041 and the development of the Economic Development Strategy 2023-2028.
- Fundamentally the review was undertaken as part of our responsibilities to manage programs where Council provides funding.
- The review sought to determine whether Banyule's Special Rate and Charge model was working effectively for both Council and its 11 Trader Associations, and whether the approach was contemporary and the most effective model in delivering the highest level of economic and social benefits to businesses and the community.
- This review was to inform the Economic Development Strategy and propose a preferred funding model based on successes seen in other comparable municipalities.
- Premier Retail Marketing Consultants were procured to undertake the review with a focus on consultation with centre managers, businesses located within and external to a Special Rate and Charge Scheme and Council staff across several business units. The report examined the current funding model and provided recommendations on areas for improvement.
- Recommendations from the report and Council's progress against each recommendation is included in **Attachment 2**.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- Urban Enterprise Consultants were procured to complete the external benchmarking and analysis given their concurrent work developing the Economic Development Strategy 2023-2028. Premier Retail Marketing's report informed Urban Enterprises' report.
- Project objectives undertaken by Urban Enterprise were broken down into three parts being:
 - Part A: An Existing Situation Analysis
 - Part B: Benchmarking & Case Study Analysis
 - Part C: Recommendations
- In scope was an options assessment that considered four potential funding models against a set of defined criteria. The four funding models considered were:
 1. **Activity Centre Traders' Association** – existing model.
 2. **Precinct Traders Association** – a trader association representing a spatial precinct rather than a specific activity centre which allows for the inclusion of home-based businesses and other businesses located outside an activity centre.
 3. **Council Managed** – Council is solely responsible for the management and oversight of an activity centre or precinct.
 4. **Representative Management Committee Board** – An independent Committee that includes a range of key stakeholders (Council, business owners, industry representatives) provides management and oversight with a centre manager assuming responsibility for administration and marketing duties, preferably in a precinct-based approach.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- A summary of the options assessment scored against a matrix (out of a total score of 21) can be found below.

Table 1: Options Assessment Matrix, by Urban Enterprise Consultants

Criteria	(1) Activity Centre Traders' Association	(2) Precinct Traders' Association	(3) Council Managed	(4) Representative Management Committee/Board
Accountability & transparency	2	2	3	2
	Model (3) is expected to yield the highest result in this category due to the accountability it has to the community, as well as Council's experience and expertise in this field. The other models scored slightly lower due to less oversight from Council and the private sector's lower level of motivation to engage with other stakeholders (eg. community)			
Business engagement	3	2	1	2
	Business engagement is expected to be highest under Model (1) due to the larger role played by the trader associations at the activity centre level, whilst (2) and (4) receive an equal score due to the role of the traders' association and business representatives respectively. Model (3) receives the lowest score in this category due to Council's lesser ability to engage with the business base.			
Financial efficiency	2	3	1	1
	Model (2) scores highest in this category due to the efficiencies associated with a precinct-based approach, whilst (1) is considered the next best based on the financial competency of associations. Models (3) and (4) scores lowest in this area due to the likely impact of broad stakeholder involvement and potential inefficiencies associated with Council management.			
Infrastructure & placemaking	1	2	3	1
	Model (3) scores highest in this area due to Council's superior ability to deliver infrastructure and placemaking projects. Model (2) is considered the next best option based on efficiencies associated with a precinct-based approach whilst the activity centre-based approach for (1) and (4) are expected to yield less optimal outcomes in this category.			
Effective marketing	3	2	2	2
	Model (1) received the highest score in this area due to the benefits associated with an activity centre specific model and being able to deliver relevant content to the catchment. Models (2), (3) and (4) all scored equally due to the lower level of cut through associated with precinct specific marketing, as well as the risks associated a representative committee.			
Influencing business mix	2	2	2	2
	All models are considered equal in this category. Models (1) (2) and (4) have perceived benefits due to the direct influence of business. Model (3) received an equal score in this category as Council's ability to influence business is still considered moderate given the close connection to existing businesses.			
Council strategic alignment	1	2	3	2
	Model (3) naturally scores highest in this area due to Council being the primary management agent, as well as the benefits associated with a precinct-based approach. Models (2) and (4) received the next best score because of the precinct based-approach and additional Council input respectively. Model (1) score lowest in this category due to the limited input from Council, as well as the activity centre-based approach.			
Total Score	14	15	15	12
Ranking	=2	=1	=1	3

- Findings indicated that the equal highest-ranking options (15) were the Precinct Traders Association and Council Managed followed by Activity Centre Traders' Association (14) with Representative Management Committee Board ranked lowest (12).

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

Consultant Recommendations

- The report concluded that based on the options assessment, it is recommended that Council implement short term recommendations (1-2 years) before reviewing the model in two years' time and consider transitioning to a precinct-based approach pending review of the changes.
- The benefits of a precinct-based approach are cited to include:
 - Economies of scale in service delivery
 - Cohesive precinct-based outcomes
 - Provide representation of home-based businesses, smaller centres and industrial precincts
 - Generate equitable outcomes across Banyule

The eight short terms recommendations (1-2 years) are tabled below. The recommendations are being progressed except for Recommendation Number 5 which will be considered as part of the review at the conclusion of the pilot.

Table 2. Short Term Recommendations by Urban Enterprise Consultants

No.	Urban Enterprise Recommendation	Urban Enterprise Justification
1	Appoint a Council Representative as an ordinary member of the committee to each activity centre trader's association	Council makes a substantial contribution to the trader's association that warrants input into the strategic direction of the associations as well as a selection of key personnel. This is particularly important given Council is accountable to the community and must be transparent in the allocation of funds. This role will provide Council with an active role in the appointment and performance management of centre managers and oversee governance and procurement.
2	Investigate and implement consistent KPIs across all major and minor centres such as pedestrian counters or Spendmapp subscription.	Provide an accurate understanding of performance of individual activity centres driving evidence-based decision making.
3	Modify Funding Agreements to include clear and measurable KPIs that must be met for funding to be released. This should include indicators related to business engagement, marketing and centre performance.	To enhance accountability and transparency for trader associations.
4	Economic Development Team to report on centre manager performance following AGMs.	To enhance accountability and transparency measures for centre managers.
5	Create a more equitable distribution of the Council contribution to activity centres and allocate portion of the funding to smaller centres and industrial precincts.	Council investment across the activity centre network and other employment precincts is not equitable.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

6	Modify funding agreement to stipulate the use of scheme funding for strategic business planning costs.	Council's input to the strategic direction and operation of the activity centre network is limited.
7	Engage with centre managers to undertake industry workshop with marketing consultant.	The quality of marketing content across the activity centre network is varied.
8	Advocate to Council for additional resources (estimated 2 EFT) to achieve short term recommendations.	Benchmarking against other metropolitan LGAs indicates Banyule is under resourced.

- Alongside the review undertaken by external consultants, Council completed its own additional auditing and review to identify further opportunities for improvements to enhance accountability, transparency and performance:
 - The existing quarterly reporting process and opportunities for a more streamlined approach.
 - The quality of reporting received in terms of outcomes and opportunities to better understand the economic impacts of centre-led initiatives.
 - The quality of reporting received in terms of transparency in spend and opportunities to better understand the way funds are distributed and reasons for surpluses.
 - Current governance processes adopted by committees and opportunities to strengthen these in a consistent manner across all 11 centres.
 - Current Funding Agreements in place and how these align with Council's existing Service Level Agreements across the organisation that are outcome focused.

KEY ISSUES

- A recent analysis of the Victorian Special Rate and Charge Scheme payments in 2019-2020 revealed that on average metropolitan Melbourne Councils typically make a small contribution (8%) to the special rate schemes with the majority of funds levied from businesses (92%). These results are in stark contrast to Banyule where 44% is contributed by Council and 56% of funding is levied on property owners / businesses.
- This analysis highlights the unique position of Banyule in terms of the contribution made by Council and substantiates its input into the strategic direction, sound management and performance expectations of each association.
- The review looked at ways to strengthen the program to ensure transparency and accountability to satisfy Council's auditing requirements against the new *Local Government Act 2020* obligations. The introduction of Key Performance Indicators aligns our expectations with existing Service Level Agreements across the organisation and sets Council and the Associations up for success and ensures the schemes are generating the highest level of economic and social benefit to businesses and the community.
- The recommendations from consultants have been assessed and the following suite of reforms will be piloted over a two and a half-year period following which a full review will be undertaken and findings reported to Council.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- New Funding Agreements will include governance, centre performance and committee spend KPIs as referenced in **Attachment 3 and 4**.

SUPPORTING REPORT DETAILS

Legal Consideration

- Funding Agreements are the key tool to manage the special levy process and relationship between Council and the association.

For Centres Undergoing a Special Rate and Charge Renewal in 2022

- The reforms will be included in new Funding Agreements for centres that are undergoing a Special Rate and Charge renewal in 2022. These Funding Agreements will be presented to the following Committees pending the Declaration of their Special Rate and Charge programs on 26 September 2022.
 - Eaglemont
 - Greensborough
 - Macleod
 - Watsonia

For the Heidelberg Central Traders Association

- Council will invoke its termination rights in the Heidelberg Central Funding Agreement and introduce the new Funding Agreement for signing by the Heidelberg Central Traders Association.

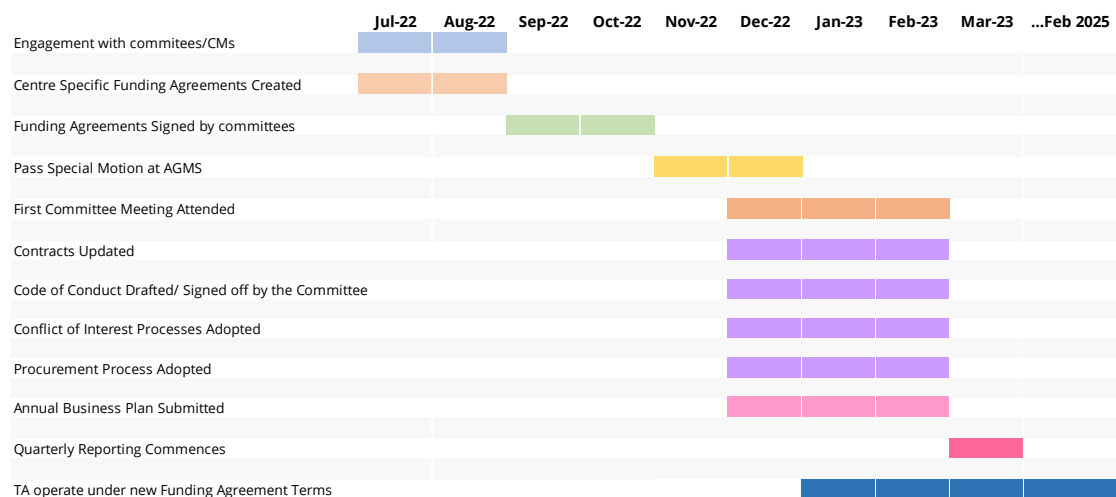
For all other Centres

- It is acknowledged that the decision to end an agreement needs to be made fairly with justification, in the spirit of the legislation outlined in the *Local Government Act 1989 and 2020* and in accordance with Funding Agreement termination clauses.
- Council seeks to terminate all other existing Funding Agreements and introduce new Funding Agreements by mutual agreement for the following centres:
 - Ivanhoe
 - Montmorency
 - Lower Plenty
 - The Bell Street Mall
 - Rosanna
 - East Ivanhoe
- Where a mutual agreement cannot be met and where required, Council will provide a notice to relevant committees in line with their existing Funding Agreements outlining any breaches of the agreement and provide notice to remedy the breach to Council's satisfaction within a 14-day period. Council may terminate the existing Funding Agreement if the breach is not remedied within the specified time to Council's satisfaction.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- Council has been working closely with supportive committees to prepare for their Annual General Meetings where the Special Resolutions required will be voted on.
- Funding Agreements will be provided to all committees mid-September for review and signing with implementation of changes commencing thereafter in accordance with the below timeline.

Graph 1: Timeline



Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- There are financial implications as a result of this pilot program. Two additional full-time employees are required to deliver the program of work. The two positions equate to a total cost to Council of \$240K per annum (including on-costs) for 2.5 years.
- Council will cover the cost of updating the Rules of the Association per each scheme at a total cost of \$2,100, subject to the passing of a special resolution.

Innovation and Continuous Improvement

This review is fundamentally a continuous improvement project and there are many aspects of this review that have continuous improvement at the fore including streamlining of the reporting process which will bring considerable benefits to both Council Centre Managers and committees in the following manner:

1. Consistency in the way centre managers' report back their findings.
2. Visibility in the effectiveness of each initiative and key learnings.
3. Enhanced transparency of Council reporting expectations.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

4. Enhanced transparency of quarterly spend.
5. All key documents and reports housed in one location enhancing document accessibility particularly in the event of committee and/or Centre Manager and/or council staff turnover.

Engagement

- Council has met with each Centre Manager and at least one Committee representative from each of the eleven trader associations. The engagement period occurred between 11 July 2022 and 17 August 2022. Of the eleven Trader Associations, eight were supportive and three were unsupportive.
- Of those supportive, feedback themes are summarised as follows:

From Committee Representatives

- They saw value in having a designated council representative to work alongside with and the efficiencies that can be gained by having a single point of contact within Council (outside of events and streetscape requests).
- They acknowledged the value in having additional support to guide the committee and Centre Manager.
- They acknowledged the difficulty in attaining a quorum at times and saw the value in an extra committee member with voting rights (particularly the smaller centres).
- They saw the value in a streamlined reporting platform to house all key documents and reports.
- They noted the difficulty in recruiting new committee members.

From Centre Managers

- They saw the value in Council assisting with conflict resolution where required (with committee members and traders).
- They appreciated the tailored training program proposed.
- They saw the value in Council being hands on with the strategic planning process.
- Whilst supportive of the governance processes, they noted that they don't want to be tied down in bureaucratic processes.

- Of those unsupportive, feedback themes are summarised as follows:

From Committee Representatives

- They voiced their concerns regarding a Council officer having a voting right and perceived conflicts of interest that may ensue as a result.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

- They noted the difficulty in recruiting office bearers.
- They noted concerns regarding the use of centre specific KPIs to measure the effectiveness of activities.

From Centre Managers

- Introducing a council officer with voting rights needs more discussion as there are concerns around conflict of interest and how this would be managed and the potential for meetings to be council focused.
- Imposing maximum tenures in larger centres only was considered unfair and it may be difficult to fill positions and could threaten the sustainability of the committee ongoing including a loss of intellectual property. It was acknowledged that it is difficult to get suitable representation on a committee and that more clarification on the proposed process was required.
- It was acknowledged that pay parity proposed is unfair given it does not consider the experience and qualifications of the individual. Council has taken on board this feedback and adjusted its recommendation to include a pay range that meets industry standards.
- They were however supportive of strengthening KPIs, Council being involved in the development of strategic plans and training and development opportunities.

Key Considerations

- The changes to the Funding Agreements seek to set Council and the associations up for success through genuine collaboration and a focus on outcomes.
- Banyule's significant contribution to the schemes places it in a unique position to warrant strategic input and oversight.
- Council will review the model in two and a half years' time and may consider transitioning to an alternative model, pending the outcome of the review.

SUPPORT FOR BANYULE RETAIL CENTRES - REVIEW cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In relation to any possible future conflict of interest on the part of an officer of the Council (in circumstances where the officer was exercising voting rights on behalf of Council (solely for the purposes of ensuring that the proceeds of the special rate or charge were being applied to and for the purposes for which Council had declared the special rate or charge)), Council requires such officers to comply with all and any requirements specified in the conflict of interest provisions of sections 126 to 131 of the *Local Government Act 2020* and the requirements of the *Local Government (Governance and Integrity) Regulations 2020*.

ATTACHMENTS

No.	Title	Page
1	Banyule Schemes Overview	
2	Draft Key Recommendations by Premier Retail Marketing Consultants	
3	New Funding Agreement Inclusions	
4	Centre Classification and Expectations of the Role	

8.1 COUNCIL MEETING DATES 2023

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. In accordance with *The Local Government Act 2020* and Council's *Governance Rules* (adopted 17 August 2020), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
2. To assist in forward planning, dates for the next year are generally determined in each August/September the year prior.
3. The dates and venues of Council Meetings are published in the Council Calendar, Banner and Council's website to ensure transparency on forthcoming meetings and organisational and community planning.
4. The proposed dates for 2023 are based on a Council meeting cycle for a meeting to occur approximately every 3 weeks where possible.
5. The schedule considers Public Holidays, the requirements for the adoption and consideration of the Annual Budget, Strategic Integrated Planning Documents and Council Plan timetable (June 2022); Annual Report, the Election of Mayor and Deputy Mayor requirements, and the Australian Local Government Association (ALGA) National General Assembly anticipated Assembly schedule.
6. The proposed dates have allowed for 15 Ordinary Council meetings for 2023, with an additional one (1) statutory meeting for the Election of the Mayor and Deputy Mayor scheduled.
7. Planning or Unscheduled (formally known as Special Council Meetings) can be scheduled, when required in accordance with Council's Governance Rules.
8. It is recommended that all Council Meetings for 2023 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe subject to any COVID-19 restrictions in place at the time. Alternatively, and pending the ability for virtual council meetings to be enshrined in Council's Governance Rules, Council may continue to hold Meetings virtually or via a hybrid approach when required and in line with Rules direction.
9. From time to time Council may opt to change the location of the Council Meetings and will communicate the change of location via Council's website and social media and other communication methods as necessary.
10. The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2023. Council may by resolution amend these dates as required.

COUNCIL MEETING DATES 2023 cont'd

RECOMMENDATION

That Council:

1. Approve for the Council Meetings for 2023 to be held at 275 Upper Heidelberg Road Ivanhoe unless COVID -19 restrictions apply, in which case alternate arrangements will be made; and
2. Adopt the following meeting dates for 2023 calendar year for Ordinary Council Meetings for the Banyule City Council as per the table listed below:

Month	Date (Monday)
February	6 27
March	20
April	17
May	8 29
June	26
July	17
August	7 28
September	25
October	9 30
November	13 (Mayoral and Deputy Mayor Election only) 20
December	11

3. Note that the meeting time will commence a 7:00pm for Council Meetings, unless otherwise notified.

COUNCIL PLAN

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

BACKGROUND

- Decision making is an important part of local government and key decisions are made at Council Meetings.
- Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
- Traditionally at Banyule City Council, Council meetings are held at 7.00pm on Monday evenings, generally on a three-weekly basis.

COUNCIL MEETING DATES 2023 cont'd

- Pursuant to s26(4) of the *Local Government Act 2020* If the Mayor is elected for a 1-year term, which was the case in 2022, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
- As such a meeting for the Mayoral Election in 2023 has been proposed for Monday, 13 November 2023.

KEY ISSUES

- The proposed Council Meeting dates have been scheduled taking into consideration the Victorian Public Holidays for 2023, the requirements for the Budget and Council Plan and; Annual Report timetable and the expected dates for the Australian Local Government Association (ALGA) National General Assembly, which a number of Banyule Councillors have attended in the past.
- A total of 15 Ordinary Meetings and one (1) statutory Council Meeting (Election of the Mayor and Deputy Mayor) have been scheduled on a three-weekly basis, the exceptions to this cycle as per below:
 - To accommodate the Public Holiday for Easter 2023 where Easter Monday which falls on Monday April 10 2023.
 - To accommodate the Public Holiday in June (Queens Birthday 12 June) and the anticipated meeting of the Australian Local Government Association (ALGA) National General Assembly expected to be held on 19 June 2022.
- For the purpose and requirement of fixing a place of the Council Meetings, it is recommended that all Council Meetings for 2023 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe subject to any restrictions in place at the time.

COUNCIL MEETING DATES 2023 cont'd

Schedule of Meeting 2023

Month	Date (Monday)	Notes
February	6 27	
March	20	Labour Day falls on 13 March 2023.
April	17	Easter weekend and public holidays run from Friday 7 – Monday 10 April 2023. Anzac Day falls on Tuesday 26 April 2023.
May	8 29	
June	26	The Queen's Birthday falls on Monday 12 June. ALGA usually between last week in June, so projected for 18 th – 21 June 2023.
July	17	
August	7 28	
September	25	This date allows for annual report preparation and requirements. It is important to note that the 25 September falls on the Monday after the AFL grand final (long weekend).
October	9 30	
November	13 (Mayoral and Deputy Mayor Election only) 20	Melbourne Cup Day falls on 7 November 2023.
December	11	

COUNCIL MEETING DATES 2023 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Innovation and Continuous Improvement

- Continued impacts of the COVID-19 pandemic has meant Council needs to continue to be agile, prepared and adapt to changing health directions and restrictions if they occur and deliver Council Meetings in alternate ways. Moreover, alternate options to attend meetings such as via electronic means may allow for quorum issues to be managed should Councillors fall unwell or are subject to Victorian Health directions relating to isolation periods.
- Council has implemented different inclusive ways to enable the community to participate in Council Meetings whilst public are not permitted to attend due to State Government directions.

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 DRAFT GOVERNANCE RULES

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. Banyule City Council's Governance Rules (including the Election Period Policy) were prepared and adopted on 17 August 2020 as required under the *Local Government Act 2020* (the LG Act 2020), after a period of public exhibition and community consultation was undertaken.
2. On 30 November 2021, the *Regulatory Legislation Amendment (Reform) Bill 2021* was introduced into Parliament, foreshadowing a change to the *Local Government Act 2020* that would require all councils to alter their Governance Rules by the end of August 2022 to include processes for conducting Council meetings by electronic means of communication.
3. It is important to note that Council has the ability under Chapter 2, Division 15 part 61 in the current Governance Rules to be able to undertake electronic meetings: 'Meetings conducted remotely'.
4. However, with any adopted Council position, rule or policy it is important to remain contemporary and reflect industry standards and best practice that meets the needs for Banyule Council, as well as take learnings from the last two (2) years where the organisation and Council have facilitated a mix of wholly in person, wholly remote or partially in person and partially electronic (hybrid) Council meetings.
5. In recognition of the requirement to amend Council's Governance Rules (including the requirement to undertake a community engagement process as part of the process to engage on proposed changes), together with the opportunity to reflect on the first 18 months of operation of the Rules, Officers have commenced the review of the Rules accordingly.

RECOMMENDATION

That Council:

1. Endorse the Banyule City Council Draft Governance Rules (including Election Period Policy) as attached to this Report;
2. Approve for community consultation on the Draft Governance Rules to commence from 6 September 2022 to 27 September 2022 pursuant to section 60(4) of the *Local Government Act 2020* and Council's Community Engagement Policy; and
3. Note that a report will be presented to Council in November 2022 to consider and adopt the final Banyule City Council Governance Rules under section 60 of the *Local Government Act 2020*.

DRAFT GOVERNANCE RULES 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

- Banyule City Council's Governance Rules (including the Election Period Policy) were prepared and adopted on 17 August 2020 as required under the *Local Government Act 2020* (the LG Act 2020), after a period of public exhibition and community consultation was undertaken.
- On 30 November 2021, the *Regulatory Legislation Amendment (Reform) Bill 2021* was introduced into Parliament, foreshadowing a change to the *Local Government Act 2020* that would require all councils to alter their Governance Rules by the end of August 2022 to include processes for conducting Council meetings by electronic means of communication.
- It is important to note that Council has the ability under Chapter, 2, Division 15 part 61 in the current Governance Rules to be able to undertake electronic meetings: 'Meetings conducted remotely'. However, with any adopted Council position, rule or policy it is important to remain contemporary and reflect industry standards and best practice that meets the needs for Banyule Council, as well as take learnings from the last two (2) years where the organisation and Council have facilitated a mix of wholly in person, wholly remote or partially in person and partially electronic (hybrid) Council meetings.
- In recognition of the requirement to amend Council's Governance Rules (including the requirement to undertake a community engagement process as part of the process to engage on proposed changes), together with the opportunity to reflect on the first 18 months of operation of the Rules, Officers have commenced the review of the Rules accordingly.
- In 2020, and in line with the impending requirement for all councils to have their Governance Rules prepared and adopted, Maddocks Public Law Firm (Maddocks) released a template 'model rules' which Banyule and many councils in Victoria used as their template.
- All changes in the Draft Governance Rules (other than formatting and grammatical changes) are reflected at **Attachment 1**.
- It is the legislative amendments relating to electronic meetings and the impending two (2) year anniversary of the establishment of Council's Governance Rules that is now the impetus for the review.
- The Rules as presented in this Report do not incorporate amendments to community participation in Council meetings (such as petitions, joint letters, request to address/speak and public questions) and therefore Officers are not seeking feedback from the community on those matters.
- It is important to note that in 2023, Officers aim to undertake a stage 2 review of the Rules which will focus on the public participation in Council meeting elements of the Rules, including addressing the Council meetings, Petitions, and Public Questions.
- This Stage 2 review (in 2023) will require a further targeted community engagement process, focusing on those specific inclusions and proposed changes.

DRAFT GOVERNANCE RULES cont'd

- Council is required to engage with the community on any proposed changes to the Governance Rules- section 60(4) of the *Local Government Act 2020*.
- Accordingly, a community engagement plan has been prepared that sets out the community engagement methodologies and consultation timeframes in the body of this Report.
- Undertaking the Governance Rules Review in two stages also assists in targeting consultation.
- Only the amendments that have been proposed in the Draft Rules will form part of the consultation at this stage.
- Formatting, minor grammar or wording change is not considered to be significant or material changes and are cosmetic in nature and therefore are not considered as part of the community engagement and consultation.

KEY ISSUES

- Various small amendments have been made throughout the document such as grammar, formatting and other edits to text. These changes do not constitute as material and substantial changes.
- The changes listed below in **bold** are the most material and significant changes.
- **Inclusion of a Statement of Commitment to Good Governance**
 - This refers to the governance principles set out in section 9 of the *Local Government Act 2020* that details the obligations of governance principles that Council must adhere to
 - Enshrining the principles and an overarching commitment to each further reiterates that Council meetings are to uphold these principles
- **Election of the Mayor and Deputy Mayor**
 - Clear and revised process and removes ambiguity at election
 - In line with Maddock Law Firm's Model Rules
 - In line with industry standards
- **Insertion of provision for general business**
 - Enshrines the current process Council follows when raising general business items
 - Currently omitted in the Rules
 - Steps out examples as a reference
 - Includes speaking time of there (3) minutes
- **Updates to terminology in the Election Period Policy**
 - Updates to the October 2024 Election Date
 - Updates to references to terminology (definitions)
 - Expansion on some of the provisions to provide more guidance to officers, councillors, candidates, and the Governance Team in interpreting and applying the Election Period Policy

DRAFT GOVERNANCE RULES cont'd

- Enables greater guidance for staff, Councillors and Councillor- candidates in application and interpretation of the Policy
- **Change to speaking times**
 - Updates the councillor speaking times on motions to reflect
 - 3 minutes for the mover
 - 2 minutes for other speakers
 - 1 minute for the right of reply
- **Other minor changes**
 - Update of the Procedural Motions table
 - Change of terminology from scheduled meetings to special meetings
 - Formatting, grammar, amendments to lay out and structure
 - Gender neutral pronouns utilised to support Banyule Gender Equality Action Plan (GEAP)
 - Clarity and guidance around when the mayor can participate in debate
- **Physical and Remote Attendance**
 - The most substantial insertion and change to the Governance Rules is the provision for either in person or remote attendance at council meetings.
 - The provision allows for a request from a Councillor to seek to participate in the Council meeting electronically
 - It sets a timeframe for the request to be received – 10am on the day of the Council Meeting
 - This is supported by the infrastructure and service available for electronic meetings to occur and through engagement from Jets
 - The provision is in line with Maddocks model rules template which is being used by most councils.
 - It is important to note that the provisions in this section relate to Councillors only, who together when meeting establish a formally constituted Council Meeting, and who have individual voting rights.
 - The proposed clause included in the Draft Governance Rules is as follows:

Chapter 2 - Division 15 - Physical and Remote Attendance.

Mode of Attendance

- (1) *Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:*
- (a) *wholly in person;*
 - (b) *wholly by electronic means; or*
 - (c) *partially in person and partially by electronic means*

DRAFT GOVERNANCE RULES cont'd

- (2) *The indication of the notice of meeting must be consistent with any Resolution of Council that has expressed preference for, or otherwise specified, when Council meetings are to be conducted:*
- (a) *wholly in person;*
 - (b) *wholly by electronic means; or*
 - (c) *partially in person and partially by electronic means*
- (3) *The default mode of attendance for a council or special meeting is wholly in person*
- (4) *If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means*
- (5) *Any request made under sub rule 64.4 must*
- (a) *be in writing;*
 - (b) *be given to the Chief Executive Officer no later than 10am on the day of the relevant Council meeting; and*
 - (c) *specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.*
- (6) *The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 64.5 and any other request received from a Councillor to attend electronic means is made known at the commencement of the relevant Council meeting.*
- (7) *The Chief Executive Officer may approve and must not unreasonably refuse any request and will confirm in writing or verbally no later than 3pm on the day of the request for the Councillor(s) to attend by electronic means and must inform the rest of the Councillors of their decision.*
- (8) *A Councillor who is attending a council meeting by electronic means is responsible for ensuring that they are able to access equipment and are in such an environment that facilitate participating in Council meetings.*
- (9) *Without detracting from anything said in sub-Rule 64.8, a Councillor who is attending a meeting by electronic means must be able to:*
- (a) *hearing the proceedings;*
 - (b) *see all Councillors and members of Council staff who are also attending the Council meetings, at least while a Councillor or member of Council staff is speaking;*
 - (c) *be seen by all Councillors, members of Council staff, members of Council staff and members of the public who are physically present at the Council meeting; and*
 - (d) *be heard when they speak*

DRAFT GOVERNANCE RULES cont'd

(10) *If the conditions of sub-Rule 64.9 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:*

(a) *the council meeting will nonetheless proceed as long as a quorum is present;*

(b) *the relevant Councillor (or Councillors) will be treated as being absent from Council meeting or that part of the Council meeting*

unless the Council meeting has been adjourned in accordance with these Rules.

(11) *Nothing in this Rule 64 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 64.9 even if the Council meeting has already commenced or has continued in their absence.*

SUPPORTING REPORT DETAILS

Legal Consideration

- The review of the Governance Rules has been undertaken in line with s 60 of the *Local Government Act 2020*.
- s 60 of the Act focuses on the provisions for preparing, adopting and keeping in force Governance Rules.
- s 60(4) prescribes the requirements for community consultation to be undertaken in the preparation of the Governance Rules.
- Council's Community Engagement Policy and guidelines have been referenced and followed in the preparation of this Review.

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.

Community Engagement

- S 60(4) of the *Local Government Act 2020* requires councils to undertake a process of community engagement when developing or amending its Rules.

DRAFT GOVERNANCE RULES cont'd

- A consultation period of three (3) weeks via Shaping Banyule will commence on 6 September 2022 and conclude on 27 September 2022.
- A notice has been prepared and included in the Banyule Banner (circulated on 30 August 2022).
- A community engagement plan has been established and informed the consultation process in connection with Councils Community Engagement Policy.
- In 2023 stage 2 of the review will be undertaken where a targeted focus on the public participation in council meeting including the prescribed process and guidelines around submitting petitions, joint letters, questions and requesting to address Council.
- Only amendments that have been made to the Rules as detailed in Attachment 1 require community consultation and feedback.
- The Governance Rules Review anticipated timeframes are set out as follows:

Matter	Timeframe
Draft Rules to be endorsed by Council	Council Meeting – 5 September 2022
Consultation period	6 September – 27 September 2022
Officers to consider feedback and refine Rules where appropriate	October 2022
Presentation to Councillors at a Briefing on Draft Rules after consultation concludes	October 2022
Final Rules to be presented to Council for adoption	Monday 14 November 2022

Key Considerations

- There are legislative requirements now imposed on councils for the provision of remote / electronic attendance at Council meetings to be enshrined in each council's governance rules.
- For Council to hold hybrid or remote meetings in future the provisions incorporated under Chapter 2, Division 15 of the draft Rules will need to apply.
- The amendments made to the Rules strive towards meeting the principles of good governance, accountability and transparency in Council's decision making framework and aims to build community confidence.
- Community feedback received will be given due consideration in the preparation of the final Rules presented to a future Council meeting in November 2022.

DRAFT GOVERNANCE RULES cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Draft Governance Rules	
2	Ministerial Good Practice Guideline	

8.3 **AUDIT & RISK COMMITTEE - BI-ANNUAL REPORT AND CHARTER REVIEW**

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. The *Local Government Act 2020* (LGA) section 53 requires all councils to establish an Audit Committee.
2. The Committee operates under a Charter determined by Council and based on the best practice guide from Local Government Victoria. It is an advisory committee of Council.
3. The Audit & Risk Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter (adopted 17 September 2020) in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
4. It is also a requirement of the *Local Government Act 2020* (the Act) for the Audit & Risk Committee to:
 - a) review its Charter annually and report any changes to Council for adoption.
 - b) prepare a bi-annual report indicating how the Committee has discharged its responsibilities, as set out in the Audit & Risk Charter, for the previous 6 months.
5. At the Audit & Risk Committee meeting held 17 June 2022, the Committee provided feedback on its Charter and endorsed the revised Charter for Council adoption on 5 September 2022.

RECOMMENDATION

That Council:

1. Adopt the bi-annual report indicating how the Audit & Risk Committee has discharged its responsibilities for the 6-month period 1 December 2021 to 30 May 2022, as required by the *Local Government Act 2020*.
2. Adopt the changes to the Audit & Risk Charter as endorsed by the Audit & Risk Committee at its meeting held 17 June 2022.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Promote community awareness and support a diverse, connected, and inclusive community that respects and celebrates different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities".

**AUDIT & RISK COMMITTEE - BI-ANNUAL REPORT AND CHARTER REVIEW
cont'd**

BACKGROUND

Bi-Annual Report

- *Local Government Act 2020*, section 54(5) and 54(6) states an Audit and Risk Committee must —
 - a) prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
 - b) provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.
- The Chief Executive Officer must—
 - a) ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee; and
 - b) table reports and annual assessments of the Audit and Risk Committee at Council meetings when required by this Act and when requested by the Chairperson of the Audit and Risk Committee.
- The Audit and Risk Committee Bi-Annual Report (1 December 2021 – 30 May 2022) was adopted by the Committee at its meeting on 17 June 2022 and is now tabled for adoption by Council.

Audit & Risk Committee Charter

- The *Local Government Act 2020* (the Act) states that councils must prepare and approve a committee charter by 1 September 2020.
- The draft Audit & Risk Committee Charter was reviewed and endorsed by the Committee at the 19 June 2020 Committee meeting, and Council formally adopted the Audit & Risk Committee Charter on 17 August 2020.
- The Annual Work Plan requires an annual review of the Audit & Risk Committee Charter.
- The Committee were invited to review the Audit & Risk Committee Charter, suggested changes and provide feedback

The main changes to the Charter include:

- a) Update the responsible department from Governance & Communication to People & Culture within the Corporate Services Directorate.
- b) Update to the required attendance at meetings to remove the Governance Coordinator and to include other managers as required
- c) Update to include a provision for removal of an independent member due to non-attendance of 3 consecutive meetings,
- d) Update to include the Terms of the Chair

Note: There are no changes required to the Legislative Context

Legal Consideration

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

**AUDIT & RISK COMMITTEE - BI-ANNUAL REPORT AND CHARTER REVIEW
cont'd**

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Audit and Risk Committee Charter - 1 August 2022	
2	Audit & Risk Committee Bi-Annual Report Dec 21 to May 22	

8.4 AWARDING OF CONTRACT NO: 1202-2022 FOR THE PROVISION OF INTERNAL AUDIT SERVICES

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. This report is to advise Council on the awarding of Contract No 1202-2022 for the Provision of Internal Audit Services.
2. The purpose of the Internal Audit function is to provide independent and objective assurance and advisory services that add value and improve financial and operational controls for Council.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Pitcher Partners Consulting Pty Ltd in accordance with the tender and conditions as determined by Council.
4. Tenders were received from four companies.
5. The contract will commence 1 October 2022. The Initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of two (2) years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1202-2022- Provision of Internal Audit Services to Pitcher Partners Consulting Pty Ltd for \$467,500.00 (ex. G.S.T) for a maximum period of five (5) years.
2. Authorise the Director of Corporate Services to sign the contract and any other associated documents.
3. Authorise the Director of Corporate Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial three (3) year contract term and extension periods.

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"*.

**AWARDING OF CONTRACT NO: 1202-2022 FOR THE PROVISION OF
INTERNAL AUDIT SERVICES cont'd**

TENDER DETAILS

Contract Period	Three years commencing 1 October 2022 & optional two single years (2 x 1) extension
Contract Type	Service Contract
Advertising Period	Saturday 28 May 2022 to Wednesday 22 June 2022 in the Age
Tenders Closed	Wednesday 22 June 2022
No. of tender documents downloaded	Fifteen (15) prospective companies downloaded the tender document from Council's website
Tender Evaluation Panel	<ul style="list-style-type: none">• Director Corporate Services• Governance Coordinator• Audit and Risk Committee Independent Representative• Manager Finance and Procurement - (non scoring)• Manager People and Culture - (non scoring)• Financial Accounting Coordinator - (non scoring)• Risk & Assurance Officer - (non scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price• Capacity and capability of Tenderer to provide the services based on:<ul style="list-style-type: none">○ Demonstrated previous experience in delivering similar services○ Expertise, specialist knowledge, resources and qualifications○ Overall internal audit methodology• Demonstration of local and social sustainability• Existence of an accredited management system and procedures covering Quality, OH&S and Environmental performance; and• Any other information which the Council may deem to be relevant.

TENDER EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened on 20 May 2022 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 before the tender was closed.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

AWARDING OF CONTRACT NO: 1202-2022 FOR THE PROVISION OF INTERNAL AUDIT SERVICES cont'd

- The TEP individually scored the tenders and then a tender evaluation panel meeting was held on 18 July 2022 to review the outcome of individual scoring and moderated scores as required for non-price criteria only. It was decided at this meeting to seek clarifications from Tenderer A and Tenderer C.

The initial weighted score for the tender was:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Tenderer A	39.77
Pitcher Partners Consulting Pty Ltd	80.37
Tenderer C	82.83
Tenderer D	73.43

- Following an initial evaluation, the TEP reconvened on 25 July 2022 to review clarifications from Tenderer C and Tenderer D. At the meeting, consensus was reached to shortlist and proceed with reference checks for the two (2) highest scoring Tenderers:
 - a) Tenderer C
 - b) Pitcher Partners Consulting Pty Ltd
- The TEP resumed on 9 August 2022 to discuss feedback from reference checks undertaken by TEP panel member, Director Corporate Services.
 - a) **Pitcher Partners Consulting Pty Ltd** received positive and solid feedback based on quality of reporting, methodology and expertise of listed personnel directly involved in the delivery of audits which supported the TEP's initial scores. One panel member chose to re-score capacity and capability and increased their initial score based on the feedback.
 - b) **Tenderer C** feedback was generally positive although there were some reservations of "vanilla type" reports and the use of graduates undertaking the services based on blended rate for all personnel. Two panel members chose to adjust their scores down based on feedback.
 - c) Following this discussion, the TEP agreed **Pitcher Partners Consulting Pty Ltd** were the preferred Tenderer for the Provision of Internal Audit Services.
- Following is the final score of the preferred contractors:

Contractor	Weighted Scores
Pitcher Partners Consulting Pty Ltd	81.04
Tenderer C	80.50
Tenderer D	73.85
Tenderer A	39.77

**AWARDING OF CONTRACT NO: 1202-2022 FOR THE PROVISION OF
INTERNAL AUDIT SERVICES cont'd**

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

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 (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 108 (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.

Sustainable Procurement Outcomes

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

Financial Implications

- The estimated cost of the successful bid is \$467,500 over life of contract. The average of estimated cost of the unsuccessful bids is \$533,133. Accordingly, the procurement process has resulted in a cost avoidance benefit of \$65,633 for this procurement process.
- The estimated cost of the successful bid is \$467,500 over life of contract, \$93,500 per annum, while the available budget for internal audit services \$102,500 per annum, therefore the estimated annual savings to budget is \$9,000.
- Although not the lowest priced Tenderer, the TEP were of the view that **Pitcher Partners Consulting Pty Ltd** had the greater necessary expertise and experience required to undertake the services. They rated highest in the non-priced criteria from commencement of evaluation for capability, expertise, resources and overall audit methodology.

**AWARDING OF CONTRACT NO: 1202-2022 FOR THE PROVISION OF
INTERNAL AUDIT SERVICES cont'd**

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 3(1)(g) of the *Local Government Act 2020*; as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	1202-2022 - Evaluation Summary - CONFIDENTIAL	

8.5 *PROCUREMENT AUSTRALIA (PA 2406-0713)* ***IT SERVICES CONTRACT***

Author: Armando Giaccotto - IT Infrastructure & Operations Coordinator,
Corporate Services

SUMMARY

1. This report is to consider the awarding of Contract PA 2406-0713 for Provision of Information Technology Products and Services and Multi-Functional Devices.
2. This contract has a total of 6 categories that will allow Council to purchase goods and services providing value for money.
3. The new contract is for the period 1 July 2022 to 30 June 2024 with the option of a one (1) twelve (12) month extension until 2025.

RECOMMENDATION

That Council:

1. Approve the use of Procurement Australia contract PA 2406-0713 to purchase information technology products and services, and multi-functional devices, as required.
2. Note the new contract is for the period 1 July 2022 to 30 June 2024 with the option of a one (1) twelve (12) month extension until 2025.
3. Authorise the Director of Corporate Services to sign and execute any associated documents and contracts.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Continually improve, innovate and review our services to ensure they are effective, efficient and represent value for money".

BACKGROUND

- This new contract replaces two previously separate Procurement Australia contracts (2103-0839 and 2106-0713) for Multi-Functional Devices and Information Technology Products and Services.
- Council has used the previous contract to purchase Lenovo monitors and laptops and uses the agreement for the Sharp printing and copying solution.

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

TENDER DETAILS Prior to the advertising of the Tender, an industry briefing webinar was held on Wednesday 27 October 2021 for consultation to assist with development of specification.

The Tender was then advertised by Procurement Australia in the following newspapers:

- Sydney Herald Sun – Tuesday 23 November 2021; and
- Herald Sun - Wednesday 24 November 2021.

The tender closed at 3.00 pm AEDT Wednesday 15 December 2021.

A total of 59 organisations downloaded the tender documents, and 42 suppliers submitted a tender by the closing date.

The tenders were assessed on the criteria and weightings listed below:

Criteria		Sub-Criteria
Technical Criteria – 80%	Compliance - Unweighted	<ul style="list-style-type: none">• Compliance with Insurance Requirements• Compliance with Terms and Conditions of Tender• Compliance with Terms and Conditions of Contract
	Professional Competence	<ul style="list-style-type: none">• Relevant Experience• Performance Capability• Quality & Work Health & Safety Practices• Customer Focus
	Corporate Governance & Social Responsibility	<ul style="list-style-type: none">• Corporate Governance• Social Impact• Environmental Impact• Workplace Practices
Price Related Criteria - 20%	Price	<ul style="list-style-type: none">• Price Elements• Price Hold Period• Payment Terms

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

Following the evaluation of all tenders submitted, the following listed Suppliers were appointed to the Panel for Contract

2406-0713 Information Technology Products and Services and Multi-Functional Devices under the service categories listed below:

Category 1 – IT Hardware

Rank	Supplier	Score	Coverage
1	Winc Australia Pty Limited	229	National
2	Learning with Technologies Pty Ltd trading as LWT Systems	227	NSW, SA, VIC
3	Data#3 Limited	224	VIC
4	Thomas Peer Solutions Pty Ltd	218	National
5	Konica Minolta Business Solutions Australia Pty Ltd	214	National
6	Ricoh Australia Pty Ltd	211	ACT, NSW, QLD, SA, VIC, WA, NT
7	Logicalis Australia Pty Ltd	209	National
8	Fujifilm Business Innovation Australia Pty Ltd	208	National
9	Anabelle Bits Pty Ltd T/A ASI Solutions	207	National
9	SolutionOne Pty Ltd	207	National
11	Toshiba Australia Pty Ltd	206	ACT, NSW, QLD, VIC
12	Information Potential Pty Ltd (Information Potential)	202	ACT, NSW, QLD, SA, TAS, VIC
13	mcr Computer Resources Pty Ltd	194	National
14	Blue Apache Pty Ltd t/as blueAPACHE	188	National
14	The Trustee for WILAPPS UNIT TRUST, Trading Name- Interscale	188	National
16	Blue Connections Pty Ltd	186	National

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

Category 2 – IT Software

Rank	Supplier	Score	Coverage
1	Data#3 Limited	233	VIC
2	Fujifilm Business Innovation Australia Pty Ltd	220	National
3	Thomas Peer Solutions Pty Ltd	218	National
4	Logicalis Australia Pty Ltd	214	National
5	Crayon Australia Pty Ltd	213	National
6	Ricoh Australia Pty Ltd	212	ACT, NSW, QLD, SA, VIC, WA, NT
7	Anabelle Bits Pty Ltd T/A ASI Solutions	208	National
8	Konica Minolta Business Solutions Australia Pty Ltd	206	National
9	Open Windows Software Pty Ltd	202	National
10	Cyber Risk Pty Ltd	200	National
11	mcr Computer Resources Pty Ltd	198	National
11	Information Potential Pty Ltd (Information Potential)	198	ACT, NSW, QLD, SA, TAS, VIC
11	SolutionOne Pty Ltd	198	National
11	Toshiba Australia Pty Ltd	198	National
15	The Trustee for WILAPPS UNIT TRUST, Trading Name- Interscale	194	National
16	Blue Connections Pty Ltd	192	National
17	CloudPoints Consulting Group Pty Ltd	184	VIC
17	Blue Apache Pty Ltd t/as blueAPACHE	184	National
19	Outcomex Pty Ltd	182	ACT, NSW, QLD, SA, TAS, VIC, NT
19	Sharp Corporation of Australia Pty Ltd	182	National
21	Programus Australasia Pty Ltd	172	National
22	Galapagos Pty Limited t/a iPLATINUM	162	National

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

Category 3 – IT Services

Rank	Supplier	Score	Coverage
1	Winc Australia Pty Limited	226	National
2	Logicalis Australia Pty Ltd	224	National
3	Data#3 Limited	214	VIC
4	Netra IT	208	National
4	Anabelle Bits Pty Ltd T/A ASI Solutions	208	National
6	Konica Minolta Business Solutions Australia Pty Ltd	206	National
7	Fujifilm Business Innovation Australia Pty Ltd	200	National
7	Information Potential Pty Ltd (Information Potential)	200	ACT, NSW, QLD, SA, TAS, VIC
7	Ricoh Australia Pty Ltd	200	ACT, NSW, QLD, SA, VIC, WA, NT
10	Blue Apache Pty Ltd t/as blueAPACHE	198	National
10	Crayon Australia Pty Ltd	198	National
12	mcr Computer Resources Pty Ltd	191	National
13	Sharp Corporation of Australia Pty Ltd	190	National
14	CampusGuard Pty Ltd	188	National
14	Industry Trading Pty Ltd ATF Industry Trading Unit Trust	188	National
14	Metamorph Business Pty Ltd Minnovation Australia (Trading Name)	188	National
14	Thomas Peer Solutions Pty Ltd	188	National
18	Virtual IT Services Pty Ltd TA Virtual IT Group	180	National
19	Cyber Risk Pty Ltd	176	National
19	IT Global Pty Ltd	176	National
21	Blue Connections Pty Ltd	175	National
22	Programus Australasia Pty Ltd	172	National
23	CloudPoints Consulting Group Pty Ltd	170	National

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

Category 4 – IT Finance

Rank	Supplier	Score	Coverage
1	Ricoh Australia Pty Ltd	232	ACT, NSW, QLD, SA, VIC, WA, NT
1	Logicalis Australia Pty Ltd	211	National
3	Anabelle Bits Pty Ltd T/A ASI Solutions	210	National
4	Maia Financial Pty Limited t/a Maia Financial	209	National
5	Vestone Capital Pty Ltd	189	National
6	SolutionOne Pty Ltd	165	National

Category 5 – Telecommunications

Rank	Supplier	Score	Coverage
1	Data#3 Limited	221	VIC
2	Winc Australia Pty Limited	218	National
3	Logicalis Australia Pty Ltd	216	National
4	VoIP Pty Ltd	204	National
5	Fujifilm Business Innovation Australia Pty Ltd	202	National
6	Anabelle Bits Pty Ltd T/A ASI Solutions	198	National
7	mcr Computer Resources Pty Ltd	194	National
8	LMGPS Pty Ltd T/A Buroserv	190	National
9	Blue Apache Pty Ltd t/as blueAPACHE	187	National
10	The Trustee for WILAPPS UNIT TRUST, Trading Name-Interscale	186	National
11	Outcomex Pty Ltd	181	ACT, NSW, QLD, SA, TAS, VIC, NT
12	Ricoh Australia Pty Ltd	178	ACT, NSW, QLD, SA, VIC, WA, NT

Category 6 – Multi-Functional Print Devices

Rank	Supplier	Score	Coverage
1	Konica Minolta Business Solutions Australia Pty Ltd	253	National
1	Kyocera Document Solutions Australia Pty Ltd	253	National
3	Fujifilm Business Innovation Australia Pty Ltd	245	National
4	Toshiba Australia Pty Ltd	240	National
5	Canon Australia Pty Ltd	239	National
6	Sharp Corporation Of Australia Pty Ltd	228	National
7	Winc Australia Pty Limited	227	National
8	Ricoh Australia Pty Ltd	226	National

PROCUREMENT AUSTRALIA (PA 2406-0713) IT SERVICES CONTRACT cont'd

KEY ISSUES

- There are no known issues or risks in utilising this contract.

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

- Council has the following funding available:
 - \$60,000 for photocopy meter charges
 - \$95,000 for photocopy and equipment lease charges
 - \$1,365,000 for IT Infrastructure Renewal and Innovation
- Potential Estimated Value of this Contract (over its full period) is \$1,520,000

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

8.6 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Executive

SUMMARY

1. 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:
2. If there is a meeting of Councillors that:
 - Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
 - Is attended by at least one member of Council staff; and
 - Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting
3. Are tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

Record of Meetings

1	Date of Meeting:	8/8/2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Census Data presentation • Graffiti management expansion program update – presentation • General business and CEO update <ul style="list-style-type: none"> ○ put a lid on it • Rates and valuation update <ul style="list-style-type: none"> ○ understanding rates brochure ○ valuation process ○ what makes up rate bill • Overview of agenda items for 15 August 2022 Council Meeting 	
Councillors Present:		
Peter Castaldo Peter Dimarelos Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Governance Coordinator</i> Sherryn Prinzi – <i>Community Impact Coordinator</i> Hariklia Kessarar – <i>Data Support & Analysis Officer</i> Claudia Oqueli – <i>Operations Infrastructure Coordinator</i> Adam Khoweiss – <i>Infrastructure Maintenance Engineer</i> Kathy Hynes – <i>Manager Operations</i>	
Others Present:	
Nenad Petrovic – <i>Demographic Consultant, Informed Decisions</i>	
Conflict of Interest:	Nil

2	Date of Meeting:	15/8/2022
	Type of Meeting:	Pre-meeting briefing
Matters Considered:		
Development Planning and Building Activities Report – January to June 2022 Greville Road Shopping Precinct – Request to Install Bollards Wallace Street, Ivanhoe Traffic Speed and Volume Concerns Investigation 2 Beverley Road, Heidelberg – Reconstruction of Warrigal Park Oval (P704/2022) Consideration of Submissions – Greensborough Town Centre Special Rate and Charge Consideration of Submissions – Watsonia Special Charge Consideration of Submissions – Eaglemont Village Special Charge Consideration of Submissions – Macleod Special Charge Property Transactions Report for the Six Month Period Ending 20 June 2022 Award of Contract No 1198-2022 “Reconstruction of Beverley Rd Oval” Financial Management Report – Preliminary June 2022 Performance Australia Local Government Association – National General Assembly 19-22 June 2022 Audit & Risk Committee Minutes 17 June 2022 Record of Councillor Meetings Volunteer Guidelines for Friends of Groups who operate on Council owned or managed land Cartmell Street Project – Additional Public Assets Information		
Councillors Present:		
Peter Castaldo Alison Champion Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		

RECORD OF COUNCILLOR MEETINGS cont'd

Staff Present:	
<p>Darren Bennett – <i>Acting Chief Executive Officer</i> Greg Gale – <i>Acting Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Danie Fantin – <i>Major Property Projects Coordinator</i> Lucy Rasdell – <i>Manager Strategic Properties & Projects</i> Jonathan Risby – <i>Manager Transport & Environment</i></p>	
Others Present:	
Nil	
Conflict of Interest:	Nil

3	Date of Meeting:	17/8/2022
	Type of Meeting:	Advisory Committee Meeting Multicultural Committee Meeting
	Matters Considered:	
	<p>Banyule Waste Services Changes (FOGO) consultation Inclusive Banyule endorsement and Action Plan Collaborative project opportunity Advisory Committee review Inclusive Banyule Grants Youth Summit Report Card Inclusive Employment Program Census data</p>	
	Councillors Present:	
Fiona Mitsinikos		
Staff Present:		
<p>Jo Wilson – <i>Manager Resilient & Connected Communities</i> Laura Mannix – <i>Social Policy & Planning Team Leader</i> Lisa King – <i>Community & Social Planner</i> Alana Shepherd – <i>Rethink Centre Coordinator</i> Andrew Croft – <i>Waste Management Coordinator</i></p>		
Others Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Jeyarajah Ramanathan Louisa Ong Linda Liwewe Naaz Fahmida Susan Zhou Ginger (Lan) Jiang Samira Liban Mandira Panday Saqib Awan Alaa Elzokm Ansum Sadik Albert Fatileh	
Conflict of Interest:	Nil

4	Date of Meeting:	22/8/2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Council Meeting Dates & Schedule - 2023 Mid Term Councillor Induction: Module 1: Councillor Conduct Obligations Review of Governance Rules Urban Forest Strategy – Draft Community Infrastructure Plan- Progress update Inclusive Banyule 2022-2026 update	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Elizabeth Nealy	
	Staff Present:	
Darren Bennett – <i>Acting Chief Executive Officer</i> Greg Gale – <i>Acting Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Linda Chapple – <i>Strategic Procurement Coordinator</i> Michael Tanner – <i>Manager Parks & Natural Environment</i> Cameron Schmelitschek – <i>Urban Forestry Strategic Officer</i>		
Others Present:		
Kate Oliver – <i>Lawyer, Maddocks Legal Firm</i>		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

RECOMMENDATION

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

ATTACHMENTS

Nil