

Agenda of Ordinary Meeting of Council - Monday, 17 April 2023

commencing at 7pm

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



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 Islander 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 20 March 2023

Disclosure of Interests

1. Urgent Business

2. **Petitions**

Nil

Reports

3. **Our Trusted and Responsive Leadership**

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Nil

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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:

11. Confidential Matters

- 11.1 Outcomes from the CEO Employment Matters Committee Meeting held on 13 February 2023
- 11.2 Public Notification of Strategic Acquisitions

11.1 Outcomes from the CEO Employment Matters Committee Meeting held on 13 February 2023

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

11.2 Public Notification of Strategic Acquisitions

This report has been designated as confidential pursuant to s 3(1)(g) of the 2020 Act as the information within the report contains information relating to commercial information, being information provided by a business, commercial or financial undertaking and relates to either trade secrets and if released prematurely, could 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, 8 May 2023

3.1 AWARDING OF CONTRACT - MAV ES8111 - ICT PROFESSIONAL & LEASING SERVICES

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

SUMMARY

1. This Report is for Council to consider the awarding of Contract No. MAV – ES8111 – 2021.
2. In 2016, Banyule opted into the Municipal Association of Victoria (MAV) Procurement & National Procurement (NPN) contracts for various IT services.
3. The MAV-ES8111-2016 contract was refreshed in September 2021 and Council again opted to be party to the tender process.
4. Council has accessed some of the panel services on a Request for Quote basis since April 2022 and are now seeking to execute the contract with the MAV.
5. These contracts provide benefits of collective purchasing and to improve efficiency in the procurement process of Council's IT infrastructure and services.
6. The MAV – ES8111 contract covers most aspects of IT software, hardware, leasing and consulting services.
7. MAV panel received tenders from a total of 117 companies.
8. The contract term shall be for an initial period of 3 years with the option to extend for further periods of any duration up to a maximum extension period of 4 years based on satisfactory performance and meeting Council objectives.
9. The Tender Evaluation Panel (TEP) has recommended awarding the contract to MAV in accordance with the tender and conditions as determined by Council.
10. The confidential MAV tender evaluation report can be found in **Attachment 1**.

RECOMMENDATION

That Council:

1. Award Contract No. MAV – ES8111 for an estimated spend of \$3,500,000 (ex. G.S.T) for an initial period of 3 years with the option to extend for further periods of any duration up to a maximum extension period of 4 years, commencing 1 September 2021.
2. Authorise the Director Corporate Services to sign the contract and any other associated documents in regard to Contract No. MAV – ES8111.
3. Authorise the Director Corporate Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business

AWARDING OF CONTRACT - MAV ES8111 - ICT PROFESSIONAL & LEASING SERVICES cont'd

needs, at the conclusion of the initial 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*”.

TENDER DETAILS

Contract Period	21 September 2021 to 20 September 2028 (This is the total contract length available by the MAV)		
Contract Type	MAV Contract Panel		
Advertising Period	Tuesday 15 December 2020 to Monday 15 February 2021		
Tenders Closed	Monday 15 February 2021		
Works/Project	ICT Professional & Leasing Services		
No. of tender received	117		
Tender Evaluation Panel	MAV Panel Members		
Tender Evaluation Criteria			
		Criteria	Criteria Weighting
Mandatory		Completeness of Schedules (Unweighted)	Comply/Partial Compliance/Non-Compliant 0
		Categories (Unweighted)	Reviewed Only 0
Qualitative – 100%		Experience & Past Performance	30%
		Capability (Resources, facilities & staffing)	Services Offered 30%
		Contract Management & Implementation	20%
		Capacity (Delivery, Order Management & Fulfillment)	10%
		Corporate Social Responsibility & Environmental Competence	10%
Pricing		Completeness of Excel Price Schedule (Unweighted)	0

- Through the MAV a public tender was conducted for IT Services.

AWARDING OF CONTRACT - MAV ES8111 - ICT PROFESSIONAL & LEASING SERVICES cont'd

TENDER/QUOTATION EVALUATION

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

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 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 financial implications associated with this report are absorbed in Council's operating budget.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains

AWARDING OF CONTRACT - MAV ES8111 - ICT PROFESSIONAL & LEASING SERVICES cont'd

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

N	Title	Page
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1	MAV Attachment Evaluation Report - CONFIDENTIAL	

3.2 AWARD OF CONTRACT NO. 1244-2022 IMPLEMENTATION OF MICROSOFT AZURE MIDDLEWARE PLATFORM

Author: Lyn Windsor - IT Program Manager, Corporate Services

SUMMARY

1. This report is for Council to consider the awarding of Contract No. 1244-2022 – Implementation of Microsoft Azure Integration Services (AIS) Middleware Platform.
2. In alignment with Council's Digital Transformation strategy, IT & Digital Transformation Department will be implementing a Middleware Platform for integrating and connecting disparate systems across Banyule's applications landscape. Banyule's current applications landscape is comprised of a core business management system, Authority and several other systems.
3. The Tender Evaluation Panel (TEP) recommends awarding the contract to Fusion5 to implement Microsoft Azure Integration Services as the Middleware platform, in accordance with the tender and conditions as determined by Council.
4. Tenders were received from two (2) companies.
5. The contract is scheduled to commence in April 2023. The Initial Contract Term shall be for initial period of one (1) year 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. 1244-2022- Implementation of Microsoft Azure Integration Services and Managed Services to Fusion5 for \$1,033,305.48 (ex. G.S.T) for a period of 1 year with an option to extend for a maximum of 2 years.
2. Authorise the Director Corporate Services to sign the contract and any other associated documents regarding Contract No. 1244-2022.
3. Authorise the Director 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 1-year contract term and extension periods regarding Award Contract No. 1244-2022.

COUNCIL PLAN

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

AWARD OF CONTRACT NO. 1244-2022 IMPLEMENTATION OF MICROSOFT AZURE MIDDLEWARE PLATFORM cont'd

TENDER DETAILS

Contract Period	1 year
Contract Type	Contract/Service
Advertising Period	Saturday 10 December 2022 to Tuesday 17 January 2023 in The Age
Tenders Closed	Tuesday 17 January 2023
Works/Project	Middleware implementation
No. of tender documents downloaded	25
Tender Evaluation Panel	<p>Procurement Lead (non-scoring)</p> <p>IT Program Manager</p> <p>Manager Customer Experience and Business Improvement</p> <p>Head of IT and Digital Transformation</p> <p>IT Business Analyst</p>
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered price • Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications • Local and social sustainability, including economic and environmental; and • Existence of Accredited Management Systems and procedures Quality & OH& S • Solution designs, implementation/migration plan, project plan and Service Level Agreement (SLA) /Service Level Rebate (SLR) • Level of customer service and support services provided
Other Background	<ul style="list-style-type: none"> • Council sought Tenders from Microsoft implementation partners to appoint an experienced and qualified vendor for the implementation of the Middleware. The services/works include, but are not limited to, the following: <ol style="list-style-type: none"> 1. Design, provisioning, and implementation of a Strategic Integration Platform for Banyule to support a fully integrated application landscape with data sourced from relevant systems were required. 2. Provision of ongoing managed support services for the Middleware platform. • The expected benefits from the Middleware solution include: <ol style="list-style-type: none"> 1. Enabling the council to utilize a modern, fit-for-purpose and flexible integration platform providing the ability to support multiple patterns and ensure continuous support by the product vendors.

AWARD OF CONTRACT NO. 1244-2022 IMPLEMENTATION OF MICROSOFT AZURE MIDDLEWARE PLATFORM cont'd

	<ol style="list-style-type: none">2. Avoidance of delays in integration, reducing the time to market and supporting faster release of software initiatives across Banyule.3. Introduction of standardised integration patterns within the council to ensure consistency and enabling use across projects.4. Provision of auditing and monitoring capability to proactively detect and fix any issues prior to impacting users, reducing application support costs.5. Provision of support for scalability for future needs future proofing Council's applications landscape.6. Facilitation of complete, up-to-date, accurate aggregation of data by bringing disparate systems and data sources together, thereby enabling the Council to improve services and deliver accurate timely information to citizens and customers.7. Enablement of interoperability among various systems, versions, data sources and devices.
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TENDER/QUOTATION EVALUATION

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

The weighted score for the tender was:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Fusion5	79.13
Tenderer B	54.41

- Following an initial evaluation, the TEP shortlisted the following tenderer for tender interview:
 - Fusion5

AWARD OF CONTRACT NO. 1244-2022 IMPLEMENTATION OF MICROSOFT AZURE MIDDLEWARE PLATFORM cont'd

- At the tender interviews, tender exclusions and other conditions stated in the tender's submission were discussed.
- The contractor was subsequently requested to explain price exclusions that were listed in their tender submission and submit their revised prices.
- Fusion 5 listed the most concise list of resources that met council requirements at a more mature level than other tenderers.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a further evaluation, using the weighted evaluation matrix.
- Following is the final score of the preferred tenderer:

Tenderer	Weighted Scores
Fusion5	79.13
Tenderer B	52.86

- It is evident from the above weighted scores that Fusion5 has obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 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

- Council has allocated sufficient funds in its 2023-2027 Initiative Program budget for the purchase and implementation of the Middleware.

AWARD OF CONTRACT NO. 1244-2022 IMPLEMENTATION OF MICROSOFT AZURE MIDDLEWARE PLATFORM 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 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

N	Title	Page
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1	Middleware Platform Implementation - CONFIDENTIAL	

3.3 AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE

Author: Sarah Armitage - OD Change Management Team Lead, Corporate Services

SUMMARY

1. This report is for Council to consider the awarding of Contract No. 1234-2022 – Provision of a Panel for Coaching, Facilitation, Capability and Compliance
2. The Tender Evaluation Panel (TEP) has recommended awarding the contract to 10 tenderers across 3 categories in accordance with the tender and conditions as determined by Council.
3. Tenders were received from 20 companies for the following Consultancy Services categories:
 - Coaching
 - Training Workshop Development and Facilitation
 - Team/ Leadership Capability Development
 - Compliance and OHS Training
4. The contract is scheduled to commence on 15 May 2023. The initial contract term shall be for an initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of one (1) plus one (1) year at the Council's discretion.

RECOMMENDATION

That Council:

1. Award Contract No. 1234-2022 – Provision of a Panel for Coaching, Facilitation, Capability and Compliance, for an initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of one (1) plus one (1) year at Council's discretion, to the following:
 - a. Category A- Coaching
 - i. Bendelta Pty Ltd
 - ii. People Tank
 - iii. Progenuity Pty Ltd
 - iv. Robert Brennan & Associates
 - v. SafeAssure Pty Ltd
 - vi. TMS Consulting
 - b. Category B – Training Workshop Development and Facilitation
 - i. Bendelta Pty Ltd

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

<p>ii. ICML Pty Ltd iii. LKA Group t/as Wise Workplace Training iv. People Tank v. Time2Talk vi. TMS Consulting</p> <p>c. Category C – Team/ Leadership Capability Development i. Bendelta Pty Ltd ii. LKA Group t/as Wise Workplace Training iii. People Tank iv. SafeAssure Pty Ltd v. The Hub for Learning Pty Ltd vi. Time2Talk vii. TMS Consulting</p> <p>d. Category D – Compliance and OH&S Training i. The TEP panel decided not to proceed with this category.</p> <p>2. Authorise the Director Corporate Services to sign the contract and any other associated documents in relation to Contract No. 1234-2022.</p> <p>3. Authorise the Director 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 3-year contract term and extension periods in relation to Contract No. 1234-2022.</p>

COUNCIL PLAN

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

TENDER DETAILS

Contract Period	The initial contract term shall be for an initial period of three (3) years with the option to extend for further periods of any duration up to a maximum extension period of one (1) plus one (1) year at the Council's discretion.
Contract Type	Service
Advertising Period	22/10/2022 – 15/11/2022 in the Age
Tenders Closed	15/11/2022
Works/Project	N/A
No. of tender documents downloaded	94
Tender Evaluation Panel (TEP)	<ul style="list-style-type: none">• Organisational Development Change Management Team Lead• Safety and Wellbeing Coordinator• Learning and Development Advisor• Community Wellbeing Executive Assistant
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

	<ul style="list-style-type: none"> • Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications • Local and social sustainability, including economic and environmental • Existence of Accredited Management Systems and procedures Quality & OH&S and • Demonstrated current and previous experience in delivering similar services within local/other government capacities within a diverse environment • Any other information which the Council may deem to be relevant
Other Background	<p>Tenders were sought for the provision of services in the following categories and activity areas:</p> <ul style="list-style-type: none"> • Category A: Coaching <ul style="list-style-type: none"> ○ Executive, Leadership Development, Performance and Career Coaching • Category B: Training Workshop Development and Facilitation <ul style="list-style-type: none"> ○ Enhance the capability across diverse areas of the Council to support skills development, change and continuous improvements • Category C: Team/ Leadership Capability Development <ul style="list-style-type: none"> ○ Development of leadership capability across the Council at an individual, team, and organisational levels • Category D: Compliance and OHS Training <ul style="list-style-type: none"> ○ The TEP panel decided not to proceed with this category. This is due to the rollout of “Aspire” Council’s Human Resource Information System (HRIS) after the tender advertising period and the current availability of online (eLearn) training options. Also, the tender responses lacked suitable “off the shelf” training packages that met Council’s requirements and provide value for money.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

- Tender submission included a requirement for the contractor to complete a questionnaire that sought clarification on how they have included/considered sustainable procurement within the contract being Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.

The weighted score for the tender was:

Table 1 – Tenders received and weighted scores		
Category A – Coaching	Weighted Score	Recommended
Bendelta Pty Ltd	62.41	Yes
Tenderer B	59.29	No
Tenderer C	58.69	No
Tenderer G	56.72	No
People Tank	72.27	Yes
Progenuity Pty Ltd	68.56	Yes
Robert Brennan & Associates	70.04	Yes
SafeAssure Pty Ltd	68.94	Yes
TMS Consulting	77.11	Yes
Tenderer S	62.25	No
Category B - Training Workshop Development and Facilitation	Weighted Score	Recommended
Bendelta Pty Ltd	75.92	Yes
Tenderer B	59.29	No
Tenderer C	58.69	No
ICML Pty Ltd	73.66	Yes
LKA Group t/as Wise Workplace Training	72.93	Yes
People Tank	69.60	Yes
Tenderer J	68.14	No
Tenderer K	68.73	No
Tenderer L	67.99	No
Tenderer N	64.40	No
Tenderer O	53.26	No
Time2Talk	72.05	Yes
TMS Consulting	73.79	Yes
Tenderer R	57.40	No

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

Tenderer S	44.50	No
Category C – Team/ Leadership Capability Development	Weighted Score	Recommended
Bendelta Pty Ltd	72.48	Yes
Tenderer B	54.44	No
Tenderer C	65.63	No
Tenderer E	67.64	No
LKA Group t/as Wise Workplace Training	72.44	Yes
Tenderer G	54.28	No
People Tank	68.57	Yes
Tenderer J	62.28	No
Tenderer K	65.29	No
SafeAssure Pty Ltd	67.88	Yes
Tenderer N	63.60	No
The Hub for Learning Pty Ltd	70.97	Yes
Time2Talk	71.56	Yes
TMS Consulting	74.25	Yes
Tenderer S	55.18	No
Tenderer T	44.13	No

- Based on the future scope of works and necessity for services, the tender evaluation panel agreed that the top 6 Tenderers in Category A, and the top 7 in Categories B & C be recommended to be appointed to the Panel of Providers.
- The tenderers who obtained the highest scores also deliver the best value for money to Council.
- Clarifications were sought from some tenderers regarding departures from contract conditions. Legal advice was sought prior to acceptance or modification of any conditions.
- Reference checks were undertaken for tenderers who were not incumbent from the previous 0947-2018 Panel for the Provision of Leadership and Training Programs or were previously engaged in past Council projects.

NON-CONFORMING TENDER

- Tenderer D was deemed to be non-conforming because the response was not completed in Council format and omitted mandatory details and information.
- Tenderer M was deemed to be non-conforming because of inadequate response with little detail and no current, relevant experience. Did not meet compliance requirements.
- Tenderer P was deemed to be non-conforming because their expertise is related primarily to planning/governance/compliance training, not relevant to this tender's scope of services.

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and inviting tenders before entering into a contract when the value of the contract is equal to or greater than \$300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 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

- The tendered responses were evaluated based on the demonstration of commitment to sustainable procurement outcomes.
- The sustainable procurement commitment demonstrated included the following examples:
- **Environmental Sustainability** – one (1) tenderer has a comprehensive Ethical Procurement Policy that details the Ethical Trading Policy, Modern Slavery Policy, Sustainable Procurement Policy, Statement of Commitment on Climate Change, Environmental Management Policy and Procedure and Environmental Management Plan.
- **Social Sustainability** – there were two (2) tenders with Social Sustainability. One (1) of the tenderers works with Melbourne University, Bond University and Queensland University of Technology to regularly offer internships to students, developing their skills and experience and providing a pathway to future career opportunities.

Another tenderer, in 2022 facilitated workshops for Play Like a Girl. This is a leadership development program in Australia to guide the personal and professional journey of girls through a sports lens.

Financial Implications

- The estimated total value of the services over the five-year period will be funded from Council's approved annual operational budgets.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with 3(1)(g) of *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.

AWARDING OF CONTRACT NO: 1234-2022 PROVISION OF A PANEL FOR COACHING, FACILITATION, CAPABILITY AND COMPLIANCE cont'd

- This item has been included for Councillors in confidential attachments 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 Council's Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applied 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 the 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

N	Title	Page
0	.	
1	Pricing Matrix for Contract 1234-2022 Provision of a Panel for Coaching, Facilitation, Capability and Compliance - CONFIDENTIAL	

3.4 COUNCILLOR PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Author: Linda Chapple - Governance and Council Business Specialist, Executive

SUMMARY

1. The Banyule Council Expense Policy [Councillor Expense Policy | Banyule Council](#) provides the opportunity for Councillors to attend conferences and training sessions to enhance their knowledge and skills to help them make informed decisions and improve effective community representation and advocacy.
2. In accordance with the Policy, Councillors are required to provide a brief report on their attendance after undertaking a major professional development activity.
3. The Australian Institute of Company Directors (AICD) are an independent and trusted organisation established for directors and business leaders, dedicated to improving the quality of governance and directorship.
4. Councillor Peter Castaldo attended the Company Director Courses facilitated and delivered by AICD on 16 September 2021.
5. Municipal Association Victoria (MAV) is a membership association and the legislated peak body for local government in Victoria.
6. Councillors Peter Dimarelos and Elizabeth Nealy attended the Company Director Courses facilitated and delivered by MAV on 4 June 2021 and 6 June 2022 respectively.
7. Another professional development program, Cranlana Centre for Ethical Leadership is available to Councillors and is a partnership between Monash University, The Myer Foundation and The Vincent Fairfax Family Foundation. It aims to assist organisations and individuals become effective and ethical agents for change, and to strengthen their capacities to “leading with courage and wisdom”.
8. Councillor Alida McKern attended Monash University on 8th and 9th March 2023 and undertook a course in Executive Ethics.
9. Accordingly, a report has been prepared by Officers detailing the professional development opportunities Councillors have undertaken recently.
10. **Attachment 1** provides accounts from Councillors Peter Castaldo, Elizabeth Nealy, Peter Dimarelos, and Alida McKern detailing their feedback and learnings on the respective courses.

RECOMMENDATION

That Council:

1. In accordance with section 9.1.5 of Council’s adopted Council Expenses Policy, receive and note this report regarding Councillor Professional Development Opportunities 2021-current.

COUNCILLOR PROFESSIONAL DEVELOPMENT OPPORTUNITIES 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

- The Banyule Council Expense Policy provides the opportunity for Councillors to attend conferences and training sessions to enhance their knowledge and skills to make informed decisions and improve effective community representation and advocacy.
- The Policy was adopted by Council in 2020 pursuant to s 41 of the *Local Government Act 2020*.
- Professional development opportunities are available to Councillors to assist them in discharging their duties with the aim of strengthening their leadership, risk management and financial acumen, appreciation of sector trends and matters and strategic planning and thinking.
- Therefore, Councillors may attend professional development opportunities that:
 - Relate to, leadership, governance in the context of the role of Councillor, or enhance the personal skills of the individual to undertake the role
 - Relate directly to the duties and responsibilities of the Councillor
 - Areas of local government activity
 - Are organised by a Local Government peak body/association - MAV, VLGA, ALGA, ALGWA, etc.
 - Are a governance and leadership course approved by the Chief Executive Officer, such as the Australian Institute of Company Directors (AICD) course
 - Are specific needs-based training approved by the Chief Executive Officer, including media, chairing, public speaking and social media use
- In accordance with the Policy, Councillors are required to provide a brief report on their attendance after undertaking a major professional development activity.
- Below is a summary of the professional development opportunities Councillors are reporting on under the Policy.

Australian Institute of Company Directors (AICD)

- The Australian Institute of Company Directors (AICD) are one of Australia's independent and trusted organisations for directors and business leaders, dedicated to improving the quality of governance and directorship.
- Councillors Peter Castaldo attended the Company Directors Course facilitated by the Australian Institute of Company Directors (AICD) on 16 September 2021.
- The Company Directors Course has been completed by over 65,000 participants and provides an in-depth look at the responsibilities and expectations of directors. It explores issues and trends facing boards and businesses and enhances and deepens understanding of what constitutes and demonstrates effective governance in practice.

COUNCILLOR PROFESSIONAL DEVELOPMENT OPPORTUNITIES cont'd

Municipal Association Victoria (MAV)

- MAV is a membership association and the legislated peak body for local government in Victoria. MAV offers diverse business services to council members including specialist policy and advocacy, governance and legislative advice, sector development, insurance and procurement services and learning opportunities.
- The AICD Company Directors Course is endorsed by the MAV, and offers councillors a course to enhance and broaden their skills and abilities in their role as a councillor. The MAV continues its long-standing partnership with AICD to offer their flagship program, the Company Directors Course to councillors, now as an online course.
- Councillors Peter Dimarelos and Elizabeth Nealy attended the Company Directors Course 4 June 2021 and 6 June 2022 respectively.

Cranlana, Centre for Ethical Leadership

- Cranlana Centre for Ethical Leadership is a partnership between Monash University, The Myer Foundation and The Vincent Fairfax Family Foundation, and is established to strengthen and building better leaders by assisting organisations and individuals to become effective and ethical agents for change, and to lead with courage and wisdom.
- Since 1993, thousands of Australian leaders have experienced the unique approach to leadership development across many programs offered at Cranlana Centre for Ethical Leadership. The program was created to promote informed discussion about responsible, ethical leadership. The programs are a deep dive into the practice of ethical decision-making, drawing on a rich history of philosophical wisdom, they encourage fresh and considered approaches to challenges. The courses help leaders apply the skills they already have more wisely – by building clarity of purpose and ethical courage.
- Councillor Alida McKern attended Monash University on 8th and 9th March 2023 and undertook a course in Executive Ethics, featuring in-depth discussions on key philosophical frameworks and practical skill development around ethical workplace leadership.

KEY ISSUES

- Councillors may attend development opportunities that relate to leadership, governance in the context of the role of Councillor, or enhance the personal skills of the individual to undertake the role.
- Opportunities assist to build on the foundations required to be effective in their role as Councillor.
- Participation in professional development programs that relate to their leadership qualities and councillor duties is encouraged and supported.

COUNCILLOR PROFESSIONAL DEVELOPMENT OPPORTUNITIES cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- The Council Expense Policy provides opportunity for training and development for Councillors, amongst other provisions for the opportunity to be reimbursed for bona fide out of pocket expenses.
- The Policy is required to be adopted and in force by Council in line with s 41 of the *Local Government Act 2020*.
- Council is also required to ensure that Council operates to the governance principles, s9 of the *Local Government Act 2020* and the transparency principles s 58 of the *Local Government Act 2020*.
- Reporting on Councillors professional opportunities works toward upholding these principles and obligations.
- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The cost for the AICD course is \$8,168.00 per participant, the MAV course is \$7,368.00 per participant and the Cranlana course is \$2,363.00 per participant inclusive of GST.
- These costs are reflected in the Councillor expense register for the months in which they were incurred as per Council's Public Transparency Policy obligations and commitment to accountability and transparency.
- There are no financial implications arising from the recommendation contained in this report.

Innovation and Continuous Improvement

- Participation in the courses detailed in his report provide the opportunity for Councillors to enhance their knowledge and skills in a range of key competencies such as financial literacy, legal environment for boards/councils, ethical workplace leadership, strategy, good governance, improving community representation and advocacy.
- These competencies and skills aim to strengthen the continuous improvement of various outcomes for the community, including but not limited to their strategic direction and planning skills, strategic and long-term financial planning, and strategic governance matters.

COUNCILLOR PROFESSIONAL DEVELOPMENT OPPORTUNITIES 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

N	Title	Page
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1	Attachment Councillor Report on Conference Attendance	



3.5 RECORD OF COUNCILLOR MEETINGS

Author: Amy Woollcombe - Council Business Officer, Executive

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 14 November 2022 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

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

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

Record of Meetings

1	Date of Meeting:	13 February 2023 6:30pm
	Type of Meeting:	CEO Employment Matters Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • 6-month CEO Performance Review • CEO Contract • CEO Annual Performance Review meeting & date & other preparations. 	
	Councillors Present:	
	Mayor Cr Peter Castaldo Cr Alison Champion Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Fiona Mitsinikos	
Staff Present:		
Allison Beckwith – <i>Chief Executive Officer</i> (only present for the CEO 6-month performance review conversation/ presentation & not present for contract and annual performance conversation). Present from 6.35pm – 7.35pm.		
Others Present:		
Allan Bawden – Independent Advisor and Chair – CEO Employment Matters Committee		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	9 March 2023 6pm
	Type of Meeting:	Banyule Environment and Climate Action Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Urban Forest Strategic Plan • Waste Plan • Advocacy Priorities • ICLEI Membership • Urban Food Strategy 	
	Councillors Present:	
	Mayor Cr Peter Castaldo – arrived 6:30pm Deputy Mayor Cr Alida McKern – arrived 7:15pm	
Staff Present:		
<ul style="list-style-type: none"> • Jonathan Risby – Manager Transport & Environment • Damien Harrison - Environment Coordinator • Ellie Hall - Community Climate Action Lead Environmental Sustainability • Cameron Schmelitschek - Urban Forestry Strategic Officer • Michele Purtle - Advocacy Lead • Andrew Croft - Waste Management Coordinator • Alana Shepherd - Senior Team Leader Waste Education & Facilitation 		
Others Present:		
Banyule Environment & Climate Action Advisory Committee Members: Paul Gale Baker Vicky Rowe Alex Tzikas Trivess Moore Sarah Bandey		
Conflict of Interest:	Nil	

RECORD OF COUNCILLOR MEETINGS cont'd

3	Date of Meeting:	20 March 2023 5:30pm
	Type of Meeting:	Pre-Council Brief
	<p>Matters Considered:</p> <p>The Agenda for the Council Meeting – 20 March 2023 including:</p> <ul style="list-style-type: none"> • Petition - Request to Review the Incorrect "rezoning" to high impact growth zone of Liberty Parade, Bellfield • Petition - Reducing the current speed limit, adding pedestrian refuge islands and upgrading the old bus stations • Report on Property Transactions for Six Months Ending 31 December 2022 • Banyule Cemeteries Trust - Financial Statement • Banyule Cemeteries Trust - Operations Report • Council Plan 2021-25 Progress Report July to December 2022 • Record of Councillor Meetings • Reconciliation Action Plan 2022 Review • 2022-2023 Banyule Community, Environment and Arts and Culture Project Grant Allocations • Neighbourhood House Partnership Framework • international Campaign to Abolish Nuclear Weapons • Response to Banyule Blitz Notice of Motion • Ivanhoe Grammar School - Public Access • Tree removal associated with the Watsonia Town Square redevelopment - P105/2023 • 118 Karingal Drive Greensborough - Telecommunications lease with Amplitel Pty Limited • Ivanhoe Sports Precinct Masterplan - Implementation Plan • Montmorency Community Hub: 1 - 3 Mountain View Road, Montmorency • Supply Chain Integrity 	
<p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Peter Dimarelos – arrived 5:37pm Cr Mark Di Pasquale Cr Rick Garotti – arrived 5:47pm Cr Tom Melican Cr Fiona Mitsinikos</p>		
<p>Staff Present:</p>		

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> Linda Chapple - <i>Governance & Council Business Specialist</i> Amy Woollcombe – <i>Council Business Officer</i>	
Others Present: Nil	
Conflict of Interest:	Yes Cr Peter Dimarelos for item 6.3 - Ivanhoe Grammar School - Public Access

4	Date of Meeting:	24 March 2023 10am
	Type of Meeting:	Audit and Risk Committee
	Matters Considered: <ul style="list-style-type: none"> • VAGO - Draft Audit Strategy for the Financial Year Ending 30 June 2023 • Updated Fraud and Corruption Control Policy • Pitcher Partners - Internal Audit Status Report - March 2023 • Pitcher Partners - Business Function Risk Assurance Map - March 2023 • Pitcher Partners - Internal Audit Plan - 1 March 2023 to 30 September 2023 • PR5 Status Update Report • Directors Presentation - Kath Brackett – Director Community Wellbeing • Victorian Auditor General's Office: Results of 2021-22 Local Government Audits • Follow Up Actions arising from the Committee meeting held Friday 9 December 2022 • HRIS Audit Requirements • Annual Work Plan - March 2023 • Status Report - Internal Audit and Self-Assessment Recommendations as of 1 March 2023 • Integrity Agencies - Self Assessment Status Report as of 1 March 2023 • Safety Metrics Report - 1 November 2022 to 28 February 2023 • December 2022 Quarterly Financial Management Report • Computer Assisted Audit Techniques (CAAT's) - Quarterly Report 	
Councillors Present: Mayor Cr Peter Castaldo Cr Peter Dimarelos Cr Elizabeth Nealy		

RECORD OF COUNCILLOR MEETINGS cont'd

Staff Present: Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio - <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Natasha Swan – <i>Director City Development</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Toni Toaldo – <i>Manager People & Culture</i> Kat Rainham - <i>Risk & Assurance Coordinator</i> Paul Wilson – <i>Risk & Assurance Advisor (Minute Taker)</i>	
Others Present: Dr Irene Irvine - <i>Chairperson</i> Prof Stuart Kells – <i>Independent Representative</i> Mr Gregory Rimmer-Hollyman – <i>Independent Representative</i> Graham Noriskin – <i>Pitcher Partners (Internal Audit)</i> Richard Wilson – <i>Pitcher Partners (Internal Audit)</i> Nick Walker – <i>HLB Mann Judd</i>	
Conflict of Interest:	Nil

5	Date of Meeting:	27 March 2023 5pm
	Type of Meeting:	Meeting Procedure Training for Councillors
	Matters Considered: Meeting Procedure Training under the Governance Rules	
	Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Elizabeth Nealy Cr Tom Melican Cr Fiona Mitsinikos	
	Staff Present: Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio - <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Natasha Swan – <i>Director City Development</i> Krysten Forte – <i>Governance Coordinator</i> Linda Chapple - <i>Governance & Council Business Specialist</i> Amy Woollcombe – <i>Council Business Officer</i>	
Others Present: Nil		
Conflict of Interest:	Nil	

6	Date of Meeting:	27 March 2023 6:48pm
	Type of Meeting:	Councillor Briefing

RECORD OF COUNCILLOR MEETINGS cont'd

Matters Considered:	
<ul style="list-style-type: none"> • Quarterly Strategic Waste Update • Strategic Property Projects - History and Overview • Heidelberg & Greensborough – Strategic Site Assessment • Budget 2023/24 - including EFT, Fees and charges, Capex and Initiative • VAGO Report on Swimming Pool Regulation Council Performance • Urban Food Strategy: Project Update • Lighting at Price Park Dog Park 	
Councillors Present:	
<p>Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Elizabeth Nealy Cr Tom Melican Cr Fiona Mitsinikos Cr Mark Di Pasquale – left at 9.10pm Cr. Peter Dimarelos – arrived at 7pm.</p>	
Staff Present:	
<p>Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio - <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Natasha Swan – <i>Director City Development</i> Krysten Forte – <i>Governance Coordinator</i> Kathy Hynes - <i>Manager Operations</i> Lucy Rasdell - <i>Manager Strategic Properties & Projects</i> Daniel Fantin - <i>Major Property Projects Coordinator</i> Tania O'Reilly - <i>Manager Finance & Procurement</i> Andrew Croft - <i>Waste Management Coordinator</i> Mohammad Rashid – <i>City Assets Coordinator</i></p>	
Others Present:	
Nil	
Conflict of Interest:	Nil

7	Date of Meeting:	3 April 2023, 6:41pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
<ul style="list-style-type: none"> • 2022 Household survey and comparison against Liveability Survey • Community Consultation - Officer comments and recommendations - Budget 2023-27 and Council Plan 2021-2025 Year 3 actions 		

RECORD OF COUNCILLOR MEETINGS cont'd

	<ul style="list-style-type: none">• Community Consultation - Budget 2023-27 and Council Plan 2021-2025 Year 3 feedback• General Business - Meeting opportunities for Improvement
	Councillors Present: Mayor Cr Peter Castaldo Cr Elizabeth Nealy – arrived 7:01pm Cr Tom Melican Cr Fiona Mitsinikos Cr Mark Di Pasquale Cr Rick Garotti Cr Alison Champion
	Staff Present: Allison Beckwith – <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio - <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Natasha Swan – <i>Director City Development</i> Megan Kemp - <i>Strategic Executive Assistant to CEO & Mayor</i> Karen Leader - <i>Manager City Futures</i> Sherryn Prinzi - <i>Community Impact Coordinator</i> Andrew Whalley - <i>Social Research & Community Outcomes Officer</i> Tania O'Reilly - <i>Manager Finance & Procurement</i> Michael Fan - <i>Financial Planning & Performance Coordinator</i>
	Others Present: Lucie Holden Genevieve Speechley Julie Johnston Mark Favetta Jasdip Singh Janelle Dunstan Rhonda West Karen Fitzsimons
	Conflict of Interest: Nil

RECOMMENDATION

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

ATTACHMENTS

Nil

4.1 MINUTES FROM THE AUDIT & RISK COMMITTEE MEETING HELD 24 MARCH 2023

Author: Paul Wilson - Risk & Assurance Advisor, Corporate Services

SUMMARY

1. The Audit & Risk Committee acts as an advisory committee of Council, and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. In line with the Audit & Risk Committee Charter, the minutes of each Audit & Risk Committee meeting are required to be reported to an Ordinary Council Meeting.
3. Accordingly, the minutes of the meeting held on the 24 March 2023 are presented in this report for noting by Council.
4. These minutes are subject to confirmation by the Audit & Risk Committee at its next meeting scheduled for 23 June 2023.

RECOMMENDATION

That Council:

1. Note the unconfirmed meeting minutes of the Audit & Risk Committee meeting that was held on the 24 March 2023 before presentation to the Audit and Risk Committee for confirmation at its scheduled meeting for 23 June 2023.

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

Audit & Risk Committee Meeting 24 March 2022

- As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee in accordance with the Local Government Act 2020 to facilitate:
 - The enhancement of the credibility and objectivity of internal and external financial reporting.
 - Effective management of Council's strategic risks and protection and control of Council assets.
 - Monitoring of Council's Business Continuity Plans and processes.
 - The efficiency and effectiveness of significant Council programmes.

MINUTES FROM THE AUDIT & RISK COMMITTEE MEETING HELD 24 MARCH 2023 cont'd

- Compliance with laws and regulations as well as use of Best Practice Guidelines.
- The effectiveness of the audit functions.
- The Committee will meet at least four times annually, with authority to convene additional meetings, as circumstances require.
- Minutes will be prepared for all meetings and will be provided to the Chair prior to being presented to Council as unconfirmed minutes and then submitted to the subsequent Committee meeting for confirmation.
- The minutes of the meeting held on the 24 March 2023 are being presented to Council for noting.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The confirmation of meeting minutes from the Audit and Risk Committee works towards achieving compliance with Council's Audit and Risk Committee Charter and obligations under 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

- 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

N	Title	Page
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**MINUTES FROM THE AUDIT & RISK COMMITTEE MEETING HELD 24 MARCH
2023 cont'd**

- 1 Unconfirmed Minutes ARC 24 March 2023



4.2 ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023

Author: Jo Graham - Executive Assistant to the Director Community Wellbeing,
Community Wellbeing

SUMMARY

1. Advisory committees are made up of Councillors and Community members.
2. They have set terms of references (TOR) and meet to discuss relevant issues, advise Council on specific matters based on the committee's purpose and objectives, and oversee the implementation of Council's strategic plan for their respective focus.
3. Advisory Committees provide important linkages between Council, Community, State agencies and interest groups. Following each advisory committee meeting, a report is submitted to Council to note the minutes from the committee meetings held during that previous period (for this period it is February-March 2023) and to draw attention to specific recommendations that each advisory committee wishes to bring to the attention of Council.
4. Where there have been actions requested or recommendations made by the committee, officer comments have been provided in the report.
5. Where there may be resource, workforce or project implications recommendations call for a further report to be presented back to Council or to the Committee on the impacts of such.
6. The following minutes are presented to Council for noting and are attached to the body of this report.
 - Inclusive Banyule Advisory Committee – Meeting held on 1 March 2023
 - Reconciliation Action Plan Advisory Committee – Meeting held on 15 February 2023
 - Banyule Environment and Climate Action Committee – Meeting held on 9 March 2023
 - Multicultural Committee – Meeting held on 15 February 2023
 - Banyule Disability and Inclusion Committee – Meeting held on 22 February 2023
 - LGBTIQ+ Committee – Meeting held on 9 February 2023
 - Age Friendly Committee – Meeting held on 23 March 2023

RECOMMENDATION

That Council:

1. Notes the following meeting minutes and reports:
 - a) Inclusive Banyule Advisory Committee – Meeting held on 1 March 2023

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

- b) Reconciliation Action Plan (RAP) Advisory Committee – Meeting held on 15 February 2023
 - c) Banyule Environment and Climate Action Committee – Meeting held on 9 March 2023
 - d) Multicultural Committee – Meeting held on 15 February 2023
 - e) Banyule Disability and Inclusion Committee – Meeting held on 22 February 2023
 - f) LGBTIQA+ Committee – Meeting held on 9 February 2023
 - g) Age Friendly Committee – Meeting held on 23 March 2023
2. Note the Reconciliation Advisory Committee (RAP) supports the Aboriginal and Torres Strait Islander Employment Pathways Research Report that has been undertaken.
 3. In line with recommendation 2, request officers prepare a further report on the Aboriginal and Torres Strait Islander Employment Pathways Research Report and the viability and resource implications of the recommendations and its impacts on Council's Inclusive Employment Program, noting that this report will also be shared with the RAP and all other Population and Advisory Committee.
 4. Note the recommendation from the Banyule Environment & Climate Action Advisory Committee (BECAAC) is that Council pursue membership of Local Government for Sustainability Oceania (ICLEI) for a trial year of 2023/24.
 5. Note that in line with recommendation 4, request that the Banyule Environment & Climate Action Advisory Committee receives an activity and evaluation report before a recommendation is made on continued membership and additionally provide these recommendations to Council at a future Council meeting.
 6. Note the Age Friendly Committee recommendations request that:
 - a) That there is no monetary charge associated for attendance at the Banyule Volunteer Celebration scheduled 17 May 2023 for individual volunteers.
 - b) That community events that are not age specific are scheduled to be held during the daytime as opposed to night-time, as night-time is often not as accessible for older adults.
 7. Note the officer recommendations and responses to the above recommendations are as follows:
 - a) That Council does not intend for individual volunteers to be charged to attend the Banyule Volunteer Celebration however note that volunteer not-for-profit organisations would be expected to make a small contribution for their ticket.

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

- b) In the instances where volunteer groups or organisations do not have the ability to pay for a ticket due to limited funds or special circumstances, Council will make available free tickets to individual volunteers.
- c) In relation to the recommendation at 6(b) note that as part of annual event planning processes for events officers will plan for more community events to be held during the daytime to accommodate greater participation.

COUNCIL PLAN

- This report is in line with Banyule’s Council Plan key direction 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".
- **BACKGROUND** Advisory committees are made up of councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council’s strategic plan for their respective focus.
- Advisory committees provide important linkages between Council, community and state agencies and interest groups. Following an advisory committee meeting, a report is submitted to Council to note the minutes and consider any issue raised.

KEY ISSUES

1.	Report/Committee Name: Inclusive Banyule Advisory Committee
	<p>The aim of the Inclusive Banyule Advisory Committee is to deliver on Council’s ongoing and embedded commitment to social justice and inclusion. The Committee brings together policy, practice and lived experience to work cooperatively on social inclusion issues. The Committee identifies issues for advocacy and works with Council to identify future policy issues and addresses the ongoing impacts of COVID-19 on social inclusion and considers social justice and equity in the community.</p> <p>1 March 2023 Meeting: The Inclusive Banyule Advisory Committee met on 1 March 2023 at Bellfield Community Hub. The minutes from this meeting are in Attachment 1. The meeting was chaired by Cr Peter Castaldo and a total of 16 committee members were in attendance.</p> <p>The Committee received an overview regarding the newly established unit, North East Public Health Unit (NEPHU) which is one of 9 regional units across Victoria.</p> <p>A representative from the Department of Health, Mental Health and Wellbeing Division shared updates and progress about Victoria’s mental health and wellbeing system.</p> <p>The Committee discussed Council’s work towards progressing mental health priorities as part of the Banyule Municipal Public Health and Wellbeing Plan, the Inclusive Banyule Action Plan, addressing affordable and social housing and Council’s gambling and harm minimisation policy position.</p>

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH
2023 cont'd

	<p>Actions/ Recommendations:</p> <p>There were no recommendations to Council arising from this meeting.</p>
2.	<p>Report/Committee Name: Reconciliation Action Plan Advisory Committee</p> <p>The aim of the Reconciliation Action Plan (RAP) Advisory Committee is to provide Council with advice and information on inclusion, access and equity issues facing Aboriginal and Torres Strait Islander communities and to oversee the development of Council's <i>Innovate</i> RAP between September 2020 and September 2022.</p> <p>15 February 2023 Meeting:</p> <p>The Reconciliation Action Plan Advisory Committee met on 15 February 2023 via a hybrid approach of online and in person. A report of this meeting is in Attachment 2.</p> <p>The Meeting was chaired by Maddie Miller and Cr Peter Castaldo. Cr Peter Dimarelos, and Cr Elizabeth Nealy were in attendance. A total of 19 committee members attended.</p> <p>The Committee received an update regarding the First Nations Employment research project and were advised of the outcomes, findings and recommendation.</p> <p>Council's Uluru Statement from the Heart Communication Plan was presented and discussed.</p> <p>The Committee received an update on the draft RAP report and discussed National Sorry Day. The Committee was updated regarding the Shaping Banyule EOI to develop a piece of art for its new banner, the seven-season project to highlight and educate the community about the Kulin Nation's seven seasons, and the expected completion date of the spirit trail which runs along Darebin Creek from Barrbunin Beek. The Committee also discussed the Inclusive Banyule Committee's intention to table a report about their key priorities as a committee and were updated about the sub-committee's consultation regarding Creative Banyule 2030.</p> <p>Actions/ Recommendations:</p> <p>The Committee recommends that Council support the Aboriginal and Torres Strait Islander Employment Pathways Research Report recommendations. These recommendations are:</p> <ol style="list-style-type: none">1. Council to develop a culturally safe and supported employment pathways program in line with the recommendations outlined in the Aboriginal & Torres Strait Islander Employment Pathways review; leveraging existing operating budget of Council's Inclusive Employment Program to create up to 4 Aboriginal and Torres Strait Islander identified traineeships per annum and 1 Aboriginal and Torres Strait Islander identified permanent role to lead the program.2. While the Inclusive Employment Program is a commendable program, it is not adequately meeting the needs of Aboriginal and Torres Strait Islander peoples and that a new evidence-based approach tailored to Aboriginal and Torres Strait Islander peoples is required. <p>The committee also recommend that Council allows the proposed program to not be bound by Banyule municipality boundaries.</p> <p>Officer Comment:</p> <p>A report for Council consideration at a future council meeting will be prepared regarding the Aboriginal and Torres Strait Islander Employment Pathways program, and the viability and resource implications of the recommendations and it</p>

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

	impacts on Council's Inclusive Employment Program, noting that this report will also be shared with the RAP and all other Population and Advisory Committee.
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3.	Report/Committee Name: Banyule Environment and Climate Action Advisory Committee
	<p>The aim of the Banyule Environment & Climate Action Advisory Committee (BECAAC) is to provide feedback and advice to Council to support its work in developing and implementing long term environmental policy, goals strategies, and in commenting on the achievement of these.</p> <p>9 March 2023 Meeting: The Banyule Environment & Climate Action Advisory Committee met in person on 9 March 2023. A report of this meeting is in Attachment 3.</p> <p>Council's Manager Transport and Environment Mr Jonathan Risby chaired the meeting and Cr Alida McKern and Cr Peter Castaldo were in attendance. 14 committee members attended this meeting.</p> <p>The Committee received an update regarding the Urban Food Strategy, Creative Banyule 2030 (Arts & Culture Strategy), the community visioning project for Olympic Leisure Centre and the Economic Development Strategy.</p> <p>The Committee discussed the Urban Forest Strategic Plan, Banyule's advocacy priorities and were consulted and provided feedback regarding Banyule's Integrated Waste Strategic Plan. Updates were provided regarding the Volunteer Strategy, Biodiversity Working Group, International Council for Local Environment Initiatives (ICLEI) - Local Governments for Sustainability Oceania membership</p> <p>Actions/ Recommendations: The Banyule Environment & Climate Action Advisory Committee recommends that Council pursue membership of ICLEI - Local Government for Sustainability Oceania for a trial year of 2023/24 and that the Banyule Environment & Climate Action Advisory Committee receives an activity and evaluation report before a recommendation is made on continued membership.</p> <p>Officer Comment: A report will be provided a future Council meeting that considers the viability and resource implications of this recommendation.</p>
5.	Report/Committee Name: Multicultural Committee
	<p>The aim of the Multicultural Committee is to provide Council with advice and information on the evolving context of multiculturalism, and on inclusion, access, equity and human rights issues, barriers and challenges facing, the opportunities available to, and the aspirations of, multicultural communities in Banyule.</p> <p>15 February 2023 Meeting: The Multicultural Committee met on 15 February 2023 in person. A report of this meeting is in Attachment 4.</p> <p>Cr Fiona Mitsinikos chaired the meeting and 11 Committee members attended.</p> <p>The Committee were consulted about the Community Infrastructure Plan and discussed the two high-level priorities of mental health and social and affordable housing identified by the Inclusive Banyule Committee.</p> <p>The Committee received a summary of the Advisory Committee Survey Results and shared information about the Victorian Multicultural Gala Dinner 2023, the Referendum on the Voice to Parliament, Harmony Week, the Accessible Communication Guide and the Inclusive Meetings Guide. The Committee were also provided with an update from Council.</p>

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

	<p>Actions/ Recommendations: The were no recommendations arising from this meeting.</p>
6.	<p>Report/Committee Name: Banyule Disability and Inclusion Committee</p> <p>The aim of the Disability and Inclusion Committee is to provide Council with disability, inclusion, access, equity and human rights advice and information on the evolving context of disability, and on the issues, barriers and challenges facing, the opportunities available to, and the aspirations of, people with disabilities in Banyule.</p> <p>22 February 2023 Meeting: The Disability and Inclusion Committee met on 22 February 2023 in person. A report of this meeting is in Attachment 5.</p> <p>Cr Peter Castaldo chaired the meeting and a total of 11 committee members were in attendance.</p> <p>The Committee received a presentation about the Inclusion@Sport program and were consulted on engaging with sporting clubs and the types of programs that would be well received by people with a disability. The Committee received a presentation regarding the Community Infrastructure Plan and provided feedback.</p> <p>The Committee also discussed and provided feedback about the high-level priorities identified by the Inclusive Banyule Committee which are mental health and social and affordable housing. The Committee received a summary of the Advisory Committee Survey Results and discussed the Inclusive Banyule Workplan for Disability, the existing Council web page for people with a disability, the proposed new Council disability website, the Accessible Communication Guide and received a Council and community update.</p> <p>Actions/ Recommendations: The were no recommendations arising from this meeting.</p>
8.	<p>Report/Committee Name: LGBTIQA+ Advisory Committee</p> <p>The aim of the LGBTIQA+ Committee is to provide Council with advice and information on inclusion, access and equity issues facing the LGBTIQ+ community, and on the implementation and review of Council's LGBTIQ+ Plan.</p> <p>9 February 2023 Meeting: The LGBTIQA+ Committee met on 9 February 2023 in person at Ivanhoe Library and Cultural Hub. A report of this meeting is in Attachment 6.</p> <p>Cr Peter Castaldo chaired the meeting and there was a total of 10 committee members in attendance.</p> <p>The Committee received a presentation regarding the QWere St event taking place in June 2023.</p> <p>The Committee discussed and provided feedback about the high-level priorities identified by the Inclusive Banyule Committee which are mental health and social and affordable housing. An update from Council was provided and Council's Rates team sought advice on how to best support persons transitioning as they make a request to change names in Council's system.</p> <p>The Committee discussed IDAHOBIT Planning, Trans Day of Visibility, LGBTIQA+ inclusion at Banyule Community Health and the Viewbank Tennis Club LGBTIQA+ open night.</p> <p>Actions/ Recommendations: There were no recommendations to Council arising from this meeting.</p>

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

9.	Report/Committee Name: Age Friendly Committee
	<p>The aim of the Age-Friendly City Committee is to provide Council with advice on older adult issues and ageing well in Banyule. The Age-friendly Committee will oversee the relevant strategic plan and Council's involvement in the World Health Organisation's Global Network of Age-friendly Cities.</p> <p>23 March 2023 Meeting:</p> <p>The Age-Friendly Committee met on 23 March 2023 in person. A report of this meeting is in Attachment 7.</p> <p>Cr Tom Melican chaired the meeting and 10 Committee members attended.</p> <p>The Committee received an update from Council and an update about the Community Connections Age Friendly programs including the Harmony Day event, Walkathon and Age Friendly Grants.</p> <p>The Committee were consulted regarding the Creative Banyule 2030 Strategy and provided feedback. An update was provided about the Banyule Community Bus. The Committee discussed the Age Friendly Champion relaunch and signing of the EveryAGE Counts pledge and received an update regarding the City of Banyule Older Adults Strategic Plan Review and development of a new strategy.</p> <p>The Planning Day and Draft Action Plan were discussed, and an update was received about the Inclusive Banyule Committee. The current committee tenure extension and the Population and Advisory Committee Honourarium were discussed. The Committee were also informed of future major events such as World Elder Abuse Day and the Seniors Festival.</p> <p>Actions/ Recommendations:</p> <p>The Age Friendly recommends:</p> <ul style="list-style-type: none"> • There is no charge for the Banyule Volunteer Celebration scheduled 17 May 2023. • There are more community events that are not age specific held during the daytime as night-time is often not as accessible for older adults. <p>Officer Comment:</p> <ul style="list-style-type: none"> • The Age Friendly Committee recommendation was taken to the Volunteer Celebration Working Group for discussion. It was recommended that the Volunteer Celebration continue to be a ticketed event where seats are available for a small contribution. The reason for the fee is to encourage people who book into the event to attend on the evening. When the event was free for attendees there were large numbers of people registered who didn't attend, and there is always a waiting list for the event. Although it is only a nominal amount, Council does not intend for volunteers to pay to attend, rather their not-for-profit organisation pays for their ticket. Where volunteer groups or organisations do not have the ability to pay for a ticket due to limited funds or special circumstances, Council will make available free tickets to individual volunteers. The money raised through ticket sales is directed back to community groups and organisations through prizes on the night. • Officers are supportive of the recommendation for more community events that are not age specific to be held during the daytime as night-time is often not as accessible for older adults. This can be achieved as part of current operational planning for events.

ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH 2023 cont'd

SUPPORTING REPORT DETAILS

- **Legal Consideration** There are no direct legal implications arising from the recommendation contained in this report.
- **Human Rights Charter** The Advisory Committees Report and the Committees themselves directly address the *Victorian Charter of Human Rights and Responsibilities 2008*. The Committees provide important linkages between Council, Community, State agencies and interest groups and their existence ensures equalities and inclusion are at the heart of everything that Council does, from daily operations through to collaborative relationships.
- This report relates to the following human rights and responsibilities:
 - Section 8 - The right to recognition and equality before the law.
 - Section 10 - The right to protection from torture and cruel, inhuman or degrading treatment.
 - Section 14 - The right to freedom of thought, conscience, religion and belief.
 - Section 19 - Cultural rights, including Aboriginal cultural rights.
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Sustainable Procurement Outcomes

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



Financial Implications

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


Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
0	.	
1	Minutes- Inclusive Banyule Advisory Committee- March 1st 2023.docx 	
2	Minutes - RAP Reconciliation Action Plan Advisory Committee - 15 February 2023 	

**ADVISORY AND POPULATION COMMITTEES REPORT - FEBRUARY - MARCH
2023 cont'd**

3 Minutes - Banyule Environment and Climate Action Advisory Committee
 BECAAC - 9 March 2023

4 Minutes - Multicultural Committee Committee - 15 February 2023



5 Minutes - LGBTIQA+ Committee Meeting - 9 February 2023



6 Minutes- Banyule Disability and Inclusion Committee - 22 February 2023



7 Minutes - Age Friendly Committee Meeting - 23 March 2023



4.3 DEVELOPMENT OF AN ABORIGINAL ACTION PLAN

Author: Zali Mifsud - First Nations Lead, Community Wellbeing

Previous Items

Council on 20 March 2023 (Item 4.1 - Reconciliation Action Plan 2022 Review)

Council on 5 December 2022 (Item 3.1 - Uluru Statement from the Heart)

SUMMARY

1. Council's Innovate Reconciliation Action Plan (RAP) 2020-2022 set a vision, desired outcomes and guided actions related to advancing reconciliation in Banyule until 2022.
2. The RAP expired in September 2022 and as such Council has undertaken a review of the RAP to consider its success and key learnings for future strategic reconciliation planning with the RAP Final Report being adopted at the 20 March 2023 Council meeting.
3. Following the completion of Council's RAP, Council alongside the RAP Advisory Committee considered how Council is best placed to strategically advance Council's Reconciliation efforts with our First Nation community.
4. Two (2) options were considered; developing a localised Aboriginal, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy or developing a new Reconciliation Action Plan (RAP).
5. At the 5 December 2022 Council meeting, Council noted the recommendation from Council's RAP Advisory Committee for Council to develop an Aboriginal Action Plan (Strategy) using the Victorian Aboriginal Government Strategy as the new strategic way forward for reconciliation and resolved to receive a further report on the matter.

RECOMMENDATION

That Council:

1. Having considered the recommendation from the RAP Advisory Committee, endorse the development of an Aboriginal Action Plan (Strategy) using the Victorian Aboriginal Local Government Strategy.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Enhance our relationship and work in respectful partnership with the Traditional Custodians of Banyule, the Wurundjeri people, identified Elders and other Aboriginal and Torres Strait Islanders".

DEVELOPMENT OF AN ABORIGINAL ACTION PLAN cont'd

BACKGROUND

- Following the completion of Council's RAP, Council alongside the RAP Advisory Committee considered how Council is best placed to strategically advance Council's reconciliation efforts with our First Nation community.
- Two options were considered by the RAP Advisory Committee: Developing a localised Aboriginal, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy; and developing a new Reconciliation Action Plan (RAP).
- The RAP Advisory Committee recommended that Council consider option one: developing a localised Aboriginal, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy.
- At the 5 December 2022 Council meeting, Council noted the recommendation from Council's RAP Advisory Committee for Council to develop an Aboriginal Action Plan (Strategy) using the Victorian Aboriginal Government Strategy as the new strategic way forward for reconciliation and resolved to receive a report on the matter.

KEY ISSUES

A New Strategic Plan

- Due to the expiration of the Innovate RAP, Council can reflect on what strategic direction they will continue to progress on its reconciliation journey. With more options at hand than ever before, Council is in a privileged position to have a choice surrounding which strategic direction to take.
- Two options included:
 - 1) developing a localised Aboriginal, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy; and
 - 2) Developing a new Reconciliation Action Plan (RAP).

Option one (1):

Council to develop and implement a localised, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy.

Intended benefits:

- Early adoption of new strategies that align with government self-determination policies and treaty discussions.
- In line with current community movements towards truth and treaty.
- Allows for considered action beyond what a RAP framework delivers.
- A bespoke document that reflects our community.
- Potential for improved accountability and reporting functions.
- Aboriginal-led, potential for local governance.

Potential risks:

DEVELOPMENT OF AN ABORIGINAL ACTION PLAN cont'd

- This approach is a larger and more holistic approach.
- This is a relatively new approach.
- The governance structure and reporting are not pre-determined. While this allows greater flexibility and opportunity for helpful improvement, it also requires this to be self-determined and developed.

Option two (2):

Continue with the Reconciliation Australia process to develop and implement a second Innovate RAP.

Proposed benefits:

- Oversight from Reconciliation Australia.
- Established document structure that the community is familiar with.
- Consistent with current practice.

Potential risks:

- RAP framework does not address whole-of-Council services and departments. Therefore, some efforts are not included and/or some departments or services may not be considering their shared responsibility in reconciliation.
 - Delaying Council's readiness for treaty and/or self-determination movements.
 - Lack of accountability, which can lead to community frustration.
-
- Council's Reconciliation Action Plan (RAP) Advisory Committee reviewed the best practice and potential options with regard to the future strategic direction of reconciliation in Banyule.
 - The Committee's formal recommendation is for Council to undertake **option one (1)** *Council to develop and implement a localised, self-determination strategy that aligns with the core pillars of the new Victorian Aboriginal Local Government Strategy.*
 - This approach will position Council to advance its reconciliation journey with Australia's First Nations People, enabling a localised approach that has self-determination at the core.
 - Strategic planning and development to guide reconciliation in Banyule for the next three years will be undertaken throughout the 2022/23 financial year and 2023/24 financial year.
 - Council has established a comprehensive community engagement plan, with community consultation to commence in May 2023. This will support the co-design of the Strategy for Council consideration by December 2023.

DEVELOPMENT OF AN ABORIGINAL ACTION PLAN cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- Banyule's RAP enhances the rights of our First Peoples by defining the shared approach Council will take with Aboriginal and Torres Strait Islander peoples to develop innovative strategies for advancing reconciliation within the municipality.
- The RAP supports section 19 of the Human Rights Charter – Cultural Rights, and supports the rights of First Peoples, as Aboriginal persons hold distinct cultural rights which must not be denied.

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- A comprehensive Community Engagement Plan to support the co-design of the new strategy will be developed following Council decision making on strategic direction.

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

4.4 COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS

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

SUMMARY

- This report is to enable Council to formally consider community engagement feedback on the draft integrated planning documents - Budget 2023-2027 (comprising the Budget Principles, Capital works and Initiatives program) and the Council Plan 2021-2025 Year 3 Action Plan.
- Community engagement occurred from mid-December 2022 to mid-March 2023 for the draft annual Capital Works and Initiatives Program Year 1 2023/24 and high-level financial principles. The draft Council Plan 2021 – 2025, Year 3 Action Plan was out for community engagement from February 16 to 2 March 2023.
- Feedback has been sought via Council's engagement platform, Shaping Banyule, two online information sessions on 13/14 December 2022 and two community drop-in sessions in February 2023.
- Eighty-six (86) pieces of feedback were received from sixty-eight (68) individuals and organisations on the financial principles being used by Council to develop the draft Budget 2023-27, the draft Capital Works Program, and the draft Initiatives Program. Forty-three (43) of the submitters were individuals and twenty-five (25) represented organisations or community groups.
- Fifteen community members provided feedback on the draft Council Plan - Year 3 Action Plan via Shaping Banyule.
- The Councillor feedback forum on 7 March 2023 was undertaken as an opportunity for people that submitted feedback to have their feedback heard by Councillors, prior to Council formally considering all the feedback received at the 17 April Council meeting.
- Of the twenty-two (22) people that initially requested to speak to twenty-three (23) pieces of feedback, sixteen (16) attended on the evening of Tuesday 7 March 2023 and spoke in support of their feedback.
- The community engagement feedback received on the draft integrated planning documents is presented in the Report *Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement'* (refer attached) and reported against the draft:
 - Council Plan 2021-2025 - Year 3 Action Plan 2023/24
 - Budget 2023-2027
 - Financial Principles
 - Budget 2023/24 Capital works program
 - Budget 2023/24 Initiatives program

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- This Council report provides a summary of the review of feedback for each of the integrated planning documents and identifies where there is a financial impact to the Budget.
- In summary, the financial impact on the Budget 2023-2027 from the Integrated Planning feedback and supported by officers is:
 - 1-year impact: \$1.531m for specific budget requests made
 - 4-year impact: \$1.671m for specific budget requests made
- Should Councillors have any conflicts of interest, they will need to be declared at the Council Meeting on 17 April 2023 and before any discussion is undertaken.
- The Draft Budget 2023-2027, Draft Council Plan 2021-2025 - Year 3 Action Plan 2023/24 and Draft Revenue and Rating Plan will then be developed and presented to Council on 29 May 2023 for final exhibition.
- Proposed adoption of the Budget and associated plans is scheduled for the 26 June 2023 Ordinary Council Meeting.

RECOMMENDATION

That Council:

1. Note the community engagement component on the draft Integrated Planning documents has now concluded and the results from this consultation are attached to this report.
2. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Council Plan Year 3 Annual Action Plan 2023/24 in accordance with section 90 of the *Local Government Act 2020*:
 - a. Notes participants are supportive of Council's strategic direction for the future.
 - b. Notes minor changes, as identified from the feedback received, will be incorporated into the Year 3 Annual Action Plan 2023/24 as required.
3. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Budget 2023-2027 in accordance with section 94 of the *Local Government Act 2020*:
 - a. Notes participants are generally supportive of Council's financial principles.
 - b. Notes the feedback, issues, concerns and or support from budget feedback.
 - c. Endorses changes to the Budget 2023-2027 draft capital works or draft initiatives program detailed in the attached '*Budget Feedback Recommendations for Council Consideration*' for Budget Feedback items 22, 25, 38, 44, 46, 47, 50 and 52.
 - d. Notes that no changes be made to the Budget 2023-2027 draft capital works and initiatives program for Budget Feedback items 1-

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

21, 23, 24, 26-37, 39-43, 45, 48, 49, and 51 as either the feedback has been noted without any specific funding required, has funding support in the budget, or the request for funding is not feasible at this present time and will be referred to a future budget (*refer to the attached 'Budget Feedback Recommendations for Council Consideration'*)

4. Supports officers to commence development of the integrated planning documents for public exhibition at the ordinary Meeting of Council on Monday 29 May 2023.
5. Advise all draft Budget 2023-2027 submitters who requested specific funding changes of the outcome of their specific budget request.
6. Note that the following plans will be considered for adoption by Council at the Ordinary meeting of Council on Monday 26 June 2023.
 - a. Council Plan 2021-2025 - Year 3 Annual Action Plan 2023/24
 - b. Budget 2023-2027
 - c. Revenue and Rating Plan 2023-2027

COUNCIL PLAN

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

BACKGROUND

- The following integrated planning documents require adoption by Council before 30 June 2023:
 - Budget 2023-2027
 - Revenue and Rating Plan 2023-2027
 - Council Plan Action Plan 2021-2025 – Year 3 Action Plan (2023/24)
- Council undertakes a process to review the Council Action Plan annually in line with the Budget and the legislated requirement of the *Local Government Act 2020*.
- This report is presented to enable Council to formally consider and agree on the outcomes of the community engagement feedback received and for these to be formally considered by Council at the Ordinary Meeting of Council on Monday, 17 April 2023.
- Community engagement occurred from mid-December 2022 to mid-March 2023 for the draft annual Capital Works and Initiatives Program Year 1 2023/24 and high-level financial principles.
- The draft Council Plan 2021 – 2025, Year 3 Action Plan was out for community engagement from 16 February 2023 to 2 March 2023.

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- The public feedback received, and all supporting documentation, has been provided to Councillors and assessed by Council officers for consideration in the development of the draft Budget 2023-2027.
 - No change is recommended by officers to the:
 - Budget 2023-2027 Financial Principles
 - Council Plan Year 3 actions.
- Attached to this report are the specific Budget 2023-2027 feedback summaries with officer comments, financial impact and recommendations.
- The draft Budget 2023-2027 and associated plans will be presented to Council on 29 May 2023 for final exhibition, with adoption to be considered by Council on 26 June 2023.

KEY ISSUES

- The community engagement feedback received, and a summary of Budget impact recommendations has been listed in the attachments: *'Budget Feedback Recommendations for Council Consideration'* and *Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement'*.
- The following information provides a summary of the review of feedback for each of the integrated planning documents:
 - Council Plan 2021-2025 - Year 3 Action Plan 2023/24
 - Budget 2023-2027
 - Financial Principles
 - Budget 2023/24 Capital works program
 - Budget 2023/24 Initiatives program

Council Plan

- The priority Themes in the Council Plan are the same as those in Banyule's Community Vision 2041.
- Feedback on the Council Plan Year 3 Action Plan was provided across all six priority themes:
 - Priority Theme 1 - Our Inclusive and Connected Community
 - Priority Theme 2 - Our Sustainable Environment
 - Priority Theme 3 - Our Well-Built City
 - Priority Theme 4 - Our Valued Community Assets and Facilities
 - Priority Theme 5 - Our Thriving Local Economy
 - Priority Theme 6 - Our Trusted and Responsive Leadership
- There was general support for Council's strategic direction and the actions being proposed to deliver on the direction, and this was consistent across the workshops and the written feedback.

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- All Council Plan Year 3 Action Plan feedback has been noted. Based on the feedback received, changes to the Year 3 Action Plan are not required.
- Further information, a stronger emphasis and requests for specific projects or service areas have been taken into consideration as part of the implementation of the Year 3 Action Plan.
- In response to the general feedback received, the following matters are relevant to the Council Action Plan:
 - Council will continue to seek feedback from people of all ages across the municipality to ensure their voices are heard and services provided are targeted at promoting health and well-being.
 - Council, through the development of the Cultural Strategy will address and support artists and art societies in the utilisation of suitable space across the municipality.
- The community engagement feedback received specific to the Council Plan 2021-2025 Year 3 Action Plan 2023/24 is included in Section 5.1 in the attached report (Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement')

Budget

- The outcomes of the community engagement specific to the Budget 2023-2027 are included in the attached reports:
- *Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement':*
 - (Section 5.2)
 - 5.2.1 Financial Principles
 - 5.2.2 Draft Capital Works Program
 - 5.2.3 Draft initiatives Program
 - *'Budget Feedback Recommendations for Council Consideration'*.
- The split of this feedback across the three components of Budget engagement is detailed as follows:

Component of Budget engagement	Number of pieces of feedback
Financial Principles	29
Draft Capital Works Program	39
Draft Initiatives Program	18
TOTAL	86

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

Financial Principles

- To support the update of the Budget 2023-2027, people were asked their level of agreement against each of the six financial principles (strategic actions) to influence long term financial sustainability:
 - Generating enough cash to fund capital works and meet the asset renewal requirements as outlined by the Victorian Auditor General's Officer (VAGO) financial sustainability ratios.
 - Encourage more operational innovation to enhance operating activities and control expenditure at levels that can consistently support the funding requirements of the capital works program and provision of quality services.
 - Support the growth of non-rate revenue to achieve greater diversification of the current revenue base and provide flexibility within which to better manage rate revenue increases to within the rate cap.
 - Balance meeting the ongoing core service needs of our community, expectations, and quality of delivery with the ongoing achievement of long-term financial sustainability.
 - Delivery of a revenue and rating plan based on stability, equity, efficiency, and transparency.
 - Delivery of a debt management strategic plan to ensure decisions and opportunities can be accommodated within a context of responsible, sustainable financial management.
- All financial principles feedback has been noted. No changes are proposed to be made to the financial principles.
- The community engagement feedback received specific to the financial principles is included in Section 5.2.1 in the attached report (*Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement'*)

Capital Works and Initiatives Program

- The Budget feedback received has been reviewed and the following is proposed:
 - That changes be made to the Budget 2023-2027 for Budget Feedback items 22, 25, 38, 44, 46, 47, 50 and 52.
 - That no changes be made to the Budget 2023-2027 for Budget Feedback items 1-21, 23, 24, 26-37, 39-43, 45, 48, 49, and 51 as either the feedback has been noted without any specific funding required, has funding support in the budget, or the request is not supported at this present time and may be considered in future budgets.
- A summary of Budget impact recommendations has been listed in the attached '*Budget Feedback Recommendations for Council Consideration*'.

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has followed the legislative requirements in accordance with the *Local Government Act 2020* and in accordance with the Council's Community Engagement Policy.
- Council will consider for public exhibition the integrated planning documents at the Council Meeting on Monday, 29 May 2023.
- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The Integrated Planning feedback received by Council cover a wide and varied range of community proposals and requests for additional projects and or funding to be provided for a specific purpose.
 - The total estimated financial costs of the individual feedback is \$8.645m in year 1 and \$11.526m over the 4 years. This is including both funded and unfunded requests from the community for considerations as part of the development of the Budget 2023-2027.
 - Officers currently support inclusion of submissions in the Budget 2023-2027 of \$2.313m in year 1 and \$4.103m over the 4 years of which \$1.531m in year 1 and \$1.671m over the 4 years is unfunded.
 - The supported projects with a financial impact on the draft Budget 2023-2027 for inclusion in the budget development are:
 - Safety improvements - Sherbourne Road (no. 22)
 - Investment in Cycling infrastructure (no. 25)
 - Beautification works (no. 38)
 - Assessable changerooms at Watsonia Tennis Club (no. 44)
 - Viewbank Scouts Hall renovations (no. 46)
 - Retaining wall and fencing replacement – Ivanhoe Tennis Club (no. 47)
 - Functions and events support - Heidelberg West Business (no. 50)

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- Improvements to Watsonia IGA carpark (no. 52)
- The community engagement feedback received has been included in the attached report *Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback* - 'Results from Shaping Banyule and in-person engagement'.
- The financial implications of the community engagement specific to the Budget 2023-2027 are included in the attached report 'Budget Feedback Recommendations for Council Consideration'.

Community Engagement

- The approach to engagement aligns with the integrated strategic planning and reporting requirements in the *Local Government Act 2020*, and Banyule's Integrated Planning Framework.
- Integrated planning and reporting ensure that we remain an adaptive, responsive and viable local government authority. This is achieved by understanding community aspirations, setting direction within our resource capability, and enabling Council to make informed decisions on behalf of community.
- Key expectations of integrated planning engagement include:
 - Demonstrating linkages and interdependencies across strategic documents
 - Showing how linkages are both explicit and implicit
 - Presenting the relationship between community aspirations and strategy
 - Outlining the specific purpose and function of each document.

Public Feedback

- The public feedback has been consolidated into a report 'Results from Shaping Banyule and in-person engagement' and reported against the draft:
 - Council Plan 2021-2025 - Year 3 Action Plan 2023/24
 - Budget 2023-2027
 - Financial Principles
 - Budget 2023/24 Capital works program
 - Budget 2023/24 Initiatives program
- Community engagement occurred from mid-December 2022 to mid-March 2023 for the draft annual Capital Works and Initiatives Program Year 1 2023/24 and high-level financial principles.
- The draft Council Plan 2021 – 2025, Year 3 Action Plan was out for community engagement from 16 February 2023 to 2 March 2023.
- This included online surveys on Shaping Banyule, as well as one in-person and one online workshop.

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- Delivery of this engagement emphasised how the Budget and Plans are interconnected, and the importance of building community knowledge to engage critically.
- Fifteen community members provided feedback on the Council Plan - Year 3 Action Plan via Shaping Banyule.
- Eighty-six (86) pieces of feedback were received from sixty-eight (68) individuals and organisations on the financial principles being used by Council to develop Budget 2023-27, the draft Capital Works Program, and the draft Initiatives Program.
- Forty-three (43) submitters were individuals and twenty-five (25) represented organisations or community groups.

Councillor Forum

- The Councillor feedback forum was held on Tuesday, 7 March 2023 where feedback was heard by Councillors, prior to Council formally considering all the feedback received at the ordinary meeting of Council (Monday, 17 April 2023).
- Of the twenty-two (22) people that initially requested to speak to twenty-three (23) pieces of feedback, sixteen (16) attended on the evening of Tuesday 7 March 2023 and spoke to their feedback.

Table 1 - Shaping Banyule and email feedback

Document	Pieces feedback (#)	Requests to speak at hearing on feedback (#)
Council Plan – Year 3 Actions	15	1
Budget 2023-27	52	22
Total	67	23

- The feedback provided and supporting documentation has been assessed by Council officers on the Draft Budget 2023-2027 and Draft Council Plan 2021-2025 - Draft Year 3 Action Plan 2023/24.
- The community engagement feedback has been de-identified to the public where privacy concerns are evident.
- A written response will be provided to each of those persons who requested specific funding changes on the Budget 2023-2027, to inform them of Council's consideration of the Budget 2023-2027.

Key Considerations

- Council relies on a wide range of partnerships and shared resources to provide services to the community. Key partnerships with the Community, other levels of government and agencies are very important to enable Council to deliver on the key directions.

COMMUNITY CONSULTATION - FEEDBACK RECOMMENDATIONS FOR COUNCIL CONSIDERATION ON BUDGET 2023-27 AND COUNCIL PLAN 2021-2025 YEAR 3 ACTIONS cont'd

- Council works closely with partners to advocate for improved services, infrastructure and social outcomes. Council also seeks opportunities for equitable funding and service arrangements.
- The Draft Budget 2023-2027, Draft Council Plan 2021-2025 - Draft Year 3 Action Plan 2023/24 and Draft Revenue and Rating Plan will be presented to Council on 29 May 2023 for final exhibition.
- Proposed adoption of the Budget and associated plans is scheduled for the 26 June 2023 Ordinary Council Meeting.

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

N	Title	Page
0	.	
1	Community consultation – Budget 2023-27 and Council Plan 2021-2025 Year 3 Feedback - 'Results from Shaping Banyule and in-person engagement'	
2	Budget Feedback Recommendations for Council Consideration	

6.1 HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN

Author: Michelle Herbert - Senior Transport Engineer, City Development

Previous Items

Council on 5 September 2022 (Item 5.2 - Hurstbridge Rail - Landscape and Active Transport Feasibility Study - Final)

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

SUMMARY

1. The Hurstbridge Rail Feasibility Study (HFS), incorporating community and stakeholder feedback was presented to Council on 5 September 2022. Council resolved to receive a future report to identify the process and resources to undertake an implementation plan that sets out priority projects for referral to future budgets.
2. It is considered appropriate to implement the HFS using its existing section-by-section approach and undertaking deeper investigations into each of its eight sections. This includes development of the identified issues and opportunities into landscaping and civil concept plans and online community engagement.
3. As this project aligns with other similar projects from the Banyule Bicycle and Walking Strategies, existing transport planning staff resources would be available. They would undertake high level project planning, engagement and management of consultants, facilitation of community engagement, development of advocacy collateral and/or capital works budget bids as capacity and competing priorities allow. This is envisioned as being at a minimum one section completed per year. The maximum pace is estimated to be two sections per year. The overall project will require 4 to 8 years.
4. Resources above the existing transport planning staff resource are required to appoint external consultants to analyse each rail corridor section and prepare the concept plans and their refinement following community consultation.
5. Funding of approximately \$640,000 would be required over the life of the project for the preparation of the implementation plans.

RECOMMENDATION

That Council:

1. Endorse the Hurstbridge Rail Feasibility Study – Implementation Plan as outlined in this report.
2. Refers any costs associated with the outcome of proceeding with preparation of Implementation Plans in various sections to the relevant annual budget processes.

HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN cont'd

3. Advocate for funding in line with the opportunities identified in the Hurstbridge Rail Feasibility Study with the state and federal governments.

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 2021, Council engaged the services of a consultant to develop the Hurstbridge Rail Feasibility Study (HFS) in Banyule. This corridor has been identified as important in Council transport strategy, Banyule Bicycle Strategy 2022 and the Northern Council's Alliance regional open space strategy, the Northern Trails 2022.
- The HFS included high-level consideration of active transport connections and landscape/open space embellishment options throughout Banyule. Eight separate sections were considered along the rail corridor from Darebin Station in Ivanhoe to Montmorency Station. Each section was analysed 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; and
 - Provide attractive and welcoming places through improved urban design and landscaping along the rail corridor; and
 - Inform and support future work to develop the options for the provision of landscaping and walking and cycling facilities, and support future transport advocacy for State Government provision of these where appropriate.
- A draft HFS was presented to Council on 28 February 2022 and approval obtained to commence community consultation for a six-week period.
- Community consultation feedback indicated positive support for an active transport corridor along the rail alignment, 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.
- The community agreed that significant work is still to be done to achieve a safe and comfortable cycling and walking environments for all, including vulnerable users.

KEY ISSUES

- The Northern Trails 2022 (NT22) strategy identifies priority action to construct a new shared user trail along the Hurstbridge rail line corridor emphasising its ability to connect the Darebin Creek Trail in Ivanhoe, the Plenty River Trail in Greensborough, and the Diamond Creek Trail in Eltham.
- The Banyule Bicycle Strategy (BBS) recognises that most of the Hurstbridge rail corridor is prioritised as a State Government Strategic Cycling Corridor. This is the case between Ivanhoe and Watsonia Stations, and between Greensborough and Eltham Stations. The BBS also recognises that the rail corridor is not the

HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN cont'd

most suitable route for a cycling connection between Watsonia and Greensborough Stations and prioritises alternatives.

- The final HFS was presented to Council on 5 September 2022, incorporating community and stakeholder feedback. Council resolved to endorse the use of the HFS to inform further work and to receive a future report to identify the process and resources to undertake an implementation plan that sets out priority projects for referral to future budgets.
- The path to an Implementation Plan is complex as it involves developing active transport and landscaping/urban design solutions along 18km of diverse land usage in and abutting the Hurstbridge rail line, and wide-ranging community consultation.

HURSTBRIDGE RAIL FEASIBILITY STUDY IMPLEMENTATION PLAN

- It is considered appropriate to implement the HFS using its existing section-by-section approach and undertaking deeper investigations into each of the eight sections identified in **Table 1** below. This includes development of the identified issues and opportunities into landscaping and civil concept plans.
- This is envisioned as being at a minimum one section completed per year. The maximum pace is estimated to be two sections per year. The overall project will require 4 to 8 years.
- Implementation of the HFS is planned to proceed in four stages as follows:
 - Stage 1 - Preliminaries: Plotting high level options against committed Council and State Government projects, Establishing land ownership for all high-level options. Finalisation of section priority across the eight rail corridor sections (4 weeks).
 - Then individually for each section:
 - Stage 2 - Planning: Analysis of issues and opportunities including in addition to those identified in the HFS: land ownership, State Government and Council commitments, current strategies and policies, and the scope of concept plans (8 weeks).
 - Stage 3 - Development: Development of landscape and civil concept plan, Community consultation, and reporting to Council (22 weeks).
 - Stage 4 – Implementation: Plan for the individual rail section, and reporting to Council (6 weeks).
- Preliminary research into the eight rail sections indicates the priority sequencing set out in **Table 1**. Note that this is subject to change based on a more in-depth study of prioritisation of sections to be undertaken in Stage 1 of implementation plan.

HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN cont'd

Table 1 – Proposed Prioritisation of Rail Sections

Section – In order from south to northeast.	Cost of study and consultation	Comments	Priority
Darebin Station to Ivanhoe Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Would provide early connection to the Darebin Creek and Parklands. 	1
Ivanhoe Station to Heidelberg Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Would provide early connection to Darebin Creek and to the city. 	2
Heidelberg Station to Rosanna Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. State commitment of \$5 million to delivery path. 	3
Rosanna Station to Macleod Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Grade separation of train line at Ruthven Street announced. Likely to include some shared paths. Study should occur after LXP project is finished (2027). 	6
Macleod Station to Watsonia Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Study should occur after NEL is completed (2028). 	7
Watsonia Station to Kalparrin Gardens	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Study should occur after NEL is completed (2028) 	8
Kalparrin Gardens to Greensborough Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Study timing to be confirmed after NEL Northern UDLP is endorsed (2024). 	4
Greensborough Station to Montmorency Station	\$80,000	<ul style="list-style-type: none"> Section prioritised in BBS and NT22. Majority of connection being delivered in conjunction with the Hurstbridge line duplication project stage 2. Study would review links to new path. Study should occur after LXP project is finished (2024). 	5

HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- Additional consultant budget is required to appoint external consultants to analyse each rail corridor section and prepare the concept plans and their refinement following community consultation. This will require approximately \$80,000 per section.
- There may be savings in some sections due to existing detailed functional and concept designs (Council and State Government) reducing the need for full masterplan/concept planning. These include:
 - The construction of the McNamara Street Shared User Path (underway currently – Council).
 - The construction of the Greensborough to Montmorency Shared User Path (underway currently - LXR).
 - The development of the Montmorency to Eltham Shared User Path (underway currently - DTP).
 - The delivery of a small section of the Heidelberg to Rosanna Shared User Path (underway currently - DTP).
- As this project aligns with similar projects from the Banyule Bicycle and Walking Strategies, existing transport planning staff resource is available to support the work as capacity and competing priorities allow. This includes high level project planning, engagement and management of consultants, facilitation of community engagement, development of advocacy collateral and/or capital works budget bids.

Community Engagement

- Community engagement was undertaken as part of the draft HFS for a six (6) week period from 15 March 2022 to 22 April 2022 and informed the final HFS.
- Further community engagement will be undertaken as proposals and concept plans for each rail section are developed.

HURSTBRIDGE RAIL FEASIBILITY STUDY - IMPLEMENTATION PLAN cont'd

Collaboration

- Collaboration with landowners along the rail line including VicTrack, VicRoads and private property owners will be actively sought and required to ensure successful outcomes.

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

6.2 PROPOSED AMENDMENT C172 TO THE BANYULE PLANNING SCHEME (IMPLEMENTATION OF THE HEIDELBERG MAJOR ACTIVITY CENTRE STRUCTURE PLAN)

Author: Paul Fyffe - Senior Strategic Planner, City Development

Ward: Hawdon

SUMMARY

1. The purpose of this report is to seek approval from Council to commence a planning scheme amendment that will implement an updated Heidelberg Structure Plan through the Banyule Planning Scheme.
2. On 6 December 2021, Council approved a new version of the Heidelberg Structure Plan, which was informed and shaped by a significant amount of community consultation and establishes a place-based framework to coordinate and guide future work and investment in the Heidelberg Major Activity Centre.
3. To be effective, the Structure Plan needs to be implemented through an amendment to the Banyule Planning Scheme. Consequently, Council's resolution of 6 December 2021 to approve the Plan also requested that officers present a proposed planning scheme amendment for Council to consider.
4. Since Council's resolution, officers have drafted minor changes to the Heidelberg Structure Plan to improve its clarity in support of proposed Planning Scheme Amendment C172. The revised Heidelberg Structure Plan (April 2023) is provided as **Attachment 1**.
5. To progress with Amendment C172 Council is required to request Ministerial authorisation to commence and exhibit the amendment.

RECOMMENDATION

That Council:

1. Approves the Heidelberg Structure Plan (April 2023).
2. Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C172 to the Banyule Planning Scheme, in accordance with the *Planning and Environment Act 1987*, which proposes planning scheme changes outlined in this report to implement the Heidelberg Structure Plan (April 2023).
3. Notes that a report will be presented to Council after public exhibition of Amendment C172 to the Banyule Planning Scheme and that the report will consider all submissions received.

PROPOSED AMENDMENT C172 TO THE BANYULE PLANNING SCHEME (IMPLEMENTATION OF THE HEIDELBERG MAJOR ACTIVITY CENTRE STRUCTURE PLAN) cont'd

COUNCIL PLAN

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

BACKGROUND

- At its Council meeting on 6 December 2021, Council was presented with a new structure plan for the Heidelberg Major Activity Centre (Heidelberg MAC) and was informed:
 - Of the importance of the new structure plan in articulating Council's vision and objectives regarding the Heidelberg MAC.
 - That the structure plan has been informed by and responds to a significant amount of community consultation.
- On considering the matter, Council passed a resolution that:
 1. *Approved the final draft Heidelberg Structure Plan (December 2021).*
 2. *Noted the submissions and comments made during consultation on the draft Heidelberg Structure Plan.*
 3. *Sought an outline of a proposed planning scheme amendment and a request to seek authorisation from the Minister for Planning at a Council meeting in early 2022 for the purposes of implementing the Plan through the Banyule Planning Scheme.*
 4. *Noted that the Heidelberg Structure Plan may be the subject of recommendations from a planning panel prior to Council's adoption of any final planning scheme amendment before submitting to the Minister for Planning for approval.*
- In accordance with Point 3 of Council's resolution, since December 2021 officers have been:
 - Drafting revisions to the Heidelberg Structure Plan (December 2021) that will better allow the document to support a planning scheme amendment by improving the clarity of the document and the guidance it provides.
 - Drafting the planning scheme amendment requested by Council, which is proposed will be Amendment C172 to the Banyule Planning Scheme.

KEY ISSUES

Revisions to the Heidelberg Structure Plan

- The revised Heidelberg Structure Plan, dated April 2023, is provided as **Attachment 1**.
- The revisions made are consistent with and support the recommendations contained within the Structure Plan that Council approved on 6 December 2021. For example, there is no change to the recommended building height limits.
- Updates have been made to maps, visuals and text to state, support and guide the urban design and land use outcomes sought by the Plan more clearly.

**PROPOSED AMENDMENT C172 TO THE BANYULE PLANNING SCHEME
(IMPLEMENTATION OF THE HEIDELBERG MAJOR ACTIVITY CENTRE
STRUCTURE PLAN) cont'd**

- A table provided as **Attachment 2** explains changes incorporated into the revised Structure Plan (April 2023).
- The changes contained within the Heidelberg Structure Plan (April 2023) are important to supporting the proposed Amendment C172, as the Structure Plan will provide the strategic justification for the amendment.

The Proposed Amendment C172 to the Banyule Planning Scheme

- The purpose of Amendment C172 is to provide the Heidelberg MAC with a suite of planning provisions that best implements the recommendations of the Heidelberg Structure Plan (April 2023).
- To this end, Amendment C172 primarily proposes to apply two new zones within the Heidelberg MAC, which are:
 - Schedule 2 of the Activity Centre Zone (Heidelberg Major Activity Centre), which can be referred to as the ACZ2.
 - Schedule 5 of the General Residential Zone (Heidelberg Activity Centre – Transitional Areas), which can be referred to as the GRZ5.
- **Attachment 3** shows the proposed application of these zones. Further, each zone provision is provided as **Attachment 4** (ACZ2) and **Attachment 5** (GRZ5).
- In addition, another type of zoning change proposed by Amendment C172 is to modify the text of Schedule 1 to the Residential Growth Zone (RGZ1), which is a zone currently applied to parts of the western approach to the MAC in vicinity of Bell Street. A copy of the proposed modified RGZ1 is provided as **Attachment 6**.
- Further points to explain the key proposed zoning changes are:
 - The ACZ is the Victorian Planning Zone that is designed for Major Activity Centres. The ACZ1 is currently applied to the Greensborough MAC.
 - A schedule to the ACZ comprehensively applies both urban design and land policy, rather than requiring a separate planning provision for each.
 - The ACZ2 will implement the recommendations of the Heidelberg Structure Plan (April 2023) in the heart of the centre, including building height limits.
 - The proposed GRZ5 has been designed to specifically guide and suitably regulate further residential land use within much of the periphery of the MAC.
 - The proposed RGZ1 has been modified to support the objectives of the structure plan for the western approach to the MAC along Bell Street, including to support a density and style of residential development that provides a transition between the MAC and low scale residential areas outside the centre.
- An explanatory report for Amendment C172 is provided as **Attachment 7**, which details and explains all the changes proposed by the amendment.
- The processing of a planning scheme amendment follows a statutory process detailed in the *Planning and Environment Act 1987* (the Act). In accordance with the Act, Council is required to request authorisation from the Minister to “prepare” (i.e., commence) and exhibit the amendment.
- On receiving authorisation, the amendment will be put on public exhibition in accordance with the requirements of the Act. Further, all submissions received in

PROPOSED AMENDMENT C172 TO THE BANYULE PLANNING SCHEME (IMPLEMENTATION OF THE HEIDELBERG MAJOR ACTIVITY CENTRE STRUCTURE PLAN) cont'd

response to exhibition of the amendment will be presented to a Council meeting for consideration.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- This report aligns with Council's obligations under the *Planning and Environment Act 1987*.

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 implications arising from the recommendation contained in this report.

Innovation and Continuous Improvement

- The proposed amendment will provide an improved planning framework for the community and stakeholders relevant to the Heidelberg MAC. In particular, it will update and streamline the planning provisions that guide the Heidelberg MAC.







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

N	Title	Page
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1	Heidelberg Structure Plan (April 2023)	

**PROPOSED AMENDMENT C172 TO THE BANYULE PLANNING SCHEME
(IMPLEMENTATION OF THE HEIDELBERG MAJOR ACTIVITY CENTRE
STRUCTURE PLAN) cont'd**

- 2 Explanation of revisions incorporated into the Heidelberg Structure Plan
 (April 2023)
- 3 Map of rezoning proposed by Amendment C172 to the Planning Scheme

- 4 Proposed Schedule 2 to the Activity Centre Zone (ACZ2)

- 5 Proposed Schedule 5 to the General Residential Zone (GRZ5)

- 6 Proposed revised Schedule 1 to the Residential Growth Zone (RGZ1)

- 7 Explanatory Report for Amendment C172 to the Planning Scheme


6.3 NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT

Author: Kathleen Petras - Transport Planning and Projects Coordinator, City Development

Previous Items

Council on 06 Dec 2021 7.00pm (Item 5.2 - Major Transport Projects Update)

Council on 27 June 2022 (Item 5.2 - North East Link Urban Design Landscape Plan)

SUMMARY

1. Council provided a submission to the North East Link (NEL) Central Package Urban Design Landscape Plan (UDLP) public exhibition process following its meeting of 27 June 2022.
2. Council's most prominent comment related to a concern that the termination of the Central Package UDLP south of Watsonia locks in restrictions to the design of the adjoining Northern Package including limiting opportunity to avoid an open NEL trench in Watsonia.
3. Council's submission also included comments on the proposed design based on the outstanding items on Council's endorsed Transport Advocacy List including improved and further provision of pedestrian and cyclist paths, safe road design at the Lower Plenty Road/ Greensborough Road intersection, improved community open space facilities, public art, and high-quality landscaping.
4. On 3 February 2023 the Central Package Urban Design Landscape Plan (UDLP) was endorsed by the Minister for Planning. The endorsed UDLP has been updated to take the public exhibition feedback into account and includes:
5. Changes to the Shared User Path bridge over Lower Plenty Road to improve safety and access.
6. A new wildlife crossing under Lower Plenty Road between Borlase Reserve and Banyule Flats.
7. Additional screen planting around the northern tunnel ventilation structure.
8. A new fence along the east side of Borlase Reserve to provide residents with greater privacy.
9. Opportunities noted to increase the density of planting throughout the project, including with the species requested by Banyule Council.
10. The endorsed UDLP has not supported Council's submission for:
 - An extension of the NEL tunnels north of Watsonia.
 - The realignment of the NEL shared user path (SUP) east of the Lower Plenty Road Interchange Structure to avoid at grade road crossings.
 - The retention of a roadway connection between Drysdale Street and Coleen Street in Yallambie.

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

- Consideration of significant improvements to recreational facilities on Winsor Reserve after its seven year occupation by NELP.
- Improvement to the Main Yarra Trail Banksia Street underpass in Heidelberg.
- Continuation of the East West Trail SUP through Drysdale Reserve and along Lower Plenty Road to the Plenty River Trail as specified in the Urban Design Strategy.

RECOMMENDATION

That Council:

1. Continue to advocate for the best outcomes for the Banyule community in relation to the construction of the North East Link including following up on matters raised in Council's North East Link Central Package Urban Design and Landscape Plan submission to the North East Link Program in regular Council officer interface meetings and in the design development reviewing process.
2. Write to the North East Link Program, SPARK, the Minister for Planning, and the Minister for Transport and Infrastructure thanking the State Government for the improvements to the NEL Central Package UDLP and requesting:
 - a) Close collaboration between Council and the North East Link Program and SPARK for the delivery of more tree canopy cover both inside and outside the North East Link project boundary in accordance with the North East Link Program's revegetation requirements and the aims of the draft Banyule Urban Forest Strategy.
 - b) Provision of an upgraded Banksia Street underpass and connections to the Main Yarra Trail to improve cyclist safety and accessibility as part of the North East Link project.
 - c) Reconsideration of a continuous shared user path to avoid the road crossings at the Lower Plenty Road interchange by using a route via the east of the interchange structure.
 - d) That cyclist accessibility and connectivity is maintained with appropriate detours at all impacted locations during the North East Link construction period.
 - e) Consideration of an early delivery of the Drysdale Reserve shared user path to connect Borlase Street to Lower Plenty Road and the Plenty River Trail to compensate for cyclist disruption as part of the Central Package works.
 - f) Further discussion on the returned facilities on Winsor Reserve to adequately meet the future recreational needs of the local community.
 - g) The development of the North East Link Northern Package Urban Design and Landscape Plan includes:
 - Further consideration of design options at the Watsonia interface for improved local uplift and amenity, and future

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

proofed east-west vehicular, public transport, walking, and cycling connectivity, that do not trigger the need for either more private land acquisition or the construction of another ventilation structure.

- Inclusion of a fully grade separated shared user path connection from Frensham Reserve to Watsonia Station carpark to better meet the connectivity aims of the North East Link Urban Design Strategy.

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

- The North East Link (NEL) is being developed and constructed for the North East Link Project (NELP) in two sections (packages) by separate building consortia in Banyule. The Central Package runs from Bulleen (in tunnel under Banyule Flats and Lower Plenty Road) to just south of Watsonia. The Northern Package includes Watsonia and extends to the M80 Ring Road.
- The Minister for Planning approved a planning scheme amendment in December 2019 which applied the North East Link (NEL) Incorporated Document, December 2019 to the project area. This document requires that an Urban Design and Landscape Plan (UDLP) is prepared and endorsed by the Minister of Planning for each package of the project.
- Each UDLP must:
 - Detail the design of the project including site layout plans of proposed infrastructure (above ground), architectural plans with materials and finishes, and landscape plans with species selections.
 - Demonstrate how it is in accordance with the approved Urban Design Strategy, the Environment Performance Requirements (EPR's) in the approved Environmental Management Framework.
 - Be accompanied by a summary of the consultation carried out including all written comments received and responses to issues raised.
- In October 2021, the Victorian Government NELP announced that the Central Package of NEL had been awarded to the SPARK consortium.
- As a part of this announcement, an updated concept design was released, which improved on the NEL reference design. This included a simplified Lower Plenty Road interchange, extension of the NEL tunnels closer to Watsonia, additional parklands and trails through Borlase Reserve, a shared user bridge over Lower

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

Plenty Road, Greensborough boulevard solution (extra tree planting), and extra trails.

- Council was provided a briefing on a draft Central Package UDLP which provided more detail on the SPARK concept design in early May 2022. This was immediately followed by the UDLP's 21-day public exhibition. Council provided a submission to the public exhibition following its meeting of 27 June 2022.
- Council's submission included both technical comment on the proposed design, and advocacy comment based on the outstanding items on Council's endorsed Transport Advocacy List (Council meeting – 6 December 2021) including provision of further pedestrian and cyclist paths, safe road design at the Lower Plenty Road/ Greensborough Road intersection, improved community open space facilities, public art, and high-quality landscaping.
- Council's most prominent comment related to a concern that the termination of the Central Package UDLP south of Watsonia locks in restrictions to the design of the adjoining Northern Package including limiting opportunity to:
 - Avoid an open NEL trench in Watsonia
 - Improve the poor existing east west accessibility across Greensborough Hwy.
 - Continue the boulevard treed design solution to Elder Street.

Upcoming Northern Package UDLP

- In October 2022, the Victorian Government and North East Link Project (NELP) announced that the preferred bidder for the northern section of the NEL from Watsonia to the M80 as AMA consortium comprised of Acciona Construction Australia Pty Ltd, AECOM Australia Pty Ltd, and MACA Civil Pty Ltd. Since the announcement the consortiums name has changed to NELNA (North East Link Northern Alliance).
- NELNA and NELP are currently working together to develop the design through a 'project solution' stage. The award of the contract to NELNA is expected at the conclusion of this stage in around June 2023 when NELNA and NELP are expected to formally enter an Alliance agreement to complete the design and construction of the project.
- A Northern interface zone where the two designs must integrate has been designed to a preliminary stage by SPARK to ensure that the Northern Package is designed to fit in with the preceding Central Package design. The Northern

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

Package design team will finalise the design in this section as part of their work. This is shown in Figure 1 below.

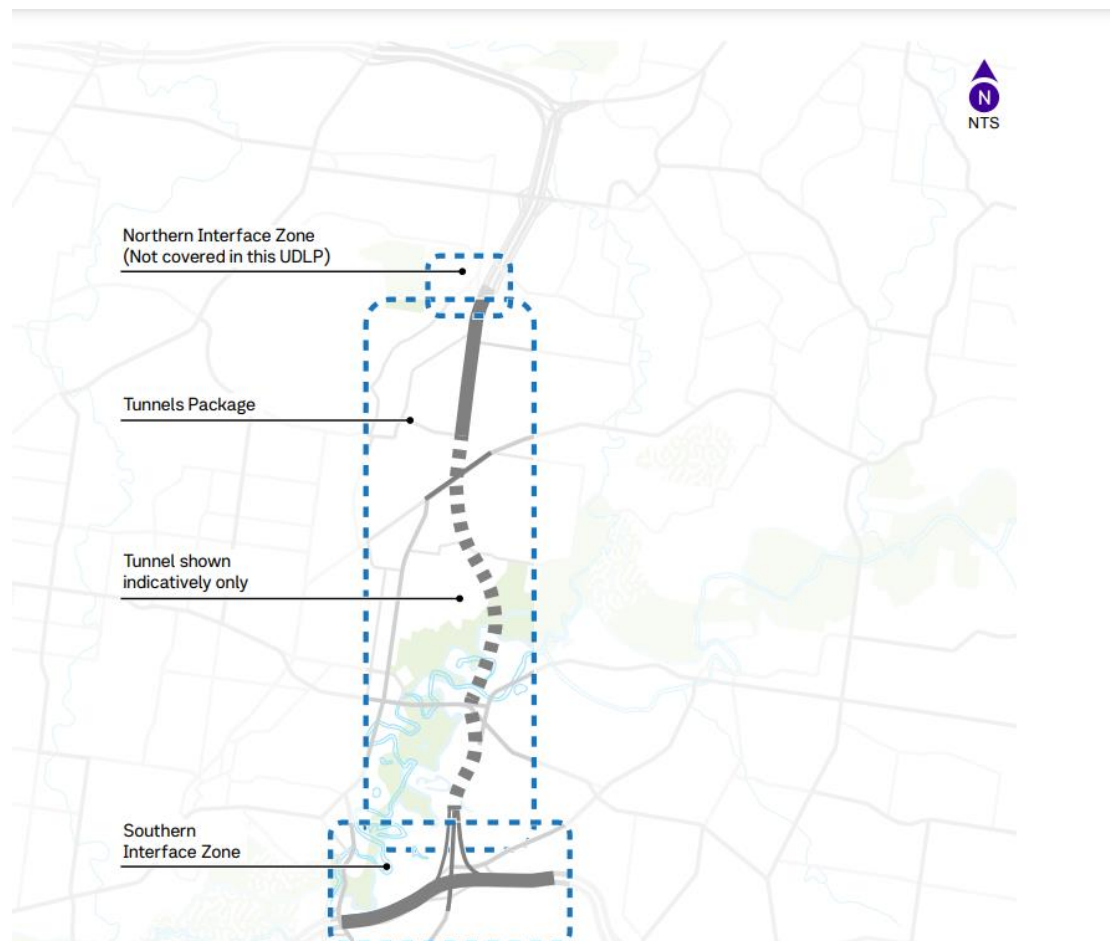


Figure 1: Image from the NELP Central Package endorsed UDLP (page 25/388)

- The Northern Package Urban Design Landscape Plan (UDLP) outlining concept designs for both the Northern interface zone and the Northern Package is expected to be released around October 2023 for public exhibition leading to refinement for Ministerial endorsement around April 2024.
- Site preparation for the northern works is expected to begin in early 2024 with major construction beginning after the endorsement of the Northern Package

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

UDLP. The design is expected to be developed in the two years following the award of the contract and be finalised in around June 2025.

- Construction of the central and northern sections of the NEL is planned to be completed concurrently for opening in 2027/28.

KEY ISSUES

Central Package UDLP – Minister Endorsement

- On 3 February 2023 the Central Package Urban Design Landscape Plan (UDLP) was endorsed by the Minister for Planning allowing construction of permanent works to begin (previously only site preparation works were underway).
- A total of 256 submissions from local community groups and organisations including Council were considered by NELP. The key points for Banyule are set out in Table 1 below.

Table 1: NELP Central Package UDLP – Submissions and response.

Community concern and requests		NELP Response
Greensborough Road and Borlase Reserve	Neighbouring properties resistance to opening of local roads to new public facilities (due to loss of privacy).	High-quality fencing and more trees and plants to be provided for privacy for residents on the east side of Borlase Reserve.
	Accommodation of more diverse visitors, cafes and carparking needed.	Detailed designs for play and exercise areas to be developed to allow all the surrounding community to use.
	Requests for reinstatement to bushland after construction. Requests for avoidance or minimisation of tree and vegetation loss along Greensborough Road including concern for local wildlife habitats.	More trees and plants to be provided for habitat for wildlife and enhancement of bushland. A wildlife crossing to be provided under Lower Plenty Road to connect Borlase Reserve and Banyule Flats.
Ventilation Stack	A better visual outcome for the tunnel ventilation structure, including planting more trees near it.	Banyule Creek will be undergrounded where it passes behind the tunnel ventilation structure and space is limited. This delivers a better outcome for the overall health of the creek and creates more space for trees and plants to screen the structure.
Trails	Extra walking and cycling paths along and across Greensborough Road in Yallambie, including around Lower Plenty Road and the Lower Plenty Road interchange ramps – including more bridge crossings.	The provision of wider paths on the north side of the Lower Plenty Road SUP bridge and improving the landing point on the south side.
		NELP investigated a SUP bridge over the Lower Plenty Road interchange ramps near Edward Street, or a path around them, but found there would be

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

Community concern and requests		NELP Response
		impacts on Banyule Creek and less space for trees and plants.
	Improving walking and cycling connections to Yarra River trails, Heide Museum of Modern Art including a new bridge over Manningham Road.	A SUP bridge over Manningham Road will not be provided – due to needed to use land outside project boundary. There has also been no confirmation of any improvement to the Banksia Street underpass in Banyule.
Local Roads	Keeping Coleen Street connected to Drysdale Street in Yallambie for residents to use.	NELP considers that it isn't possible to keep this connection and have space for Banyule Creek, surrounding wetlands and parklands.
	Extending the service road on the west side of Greensborough Road near Erskine Road and Fairlie Avenue in Macleod to improve access to homes nearby.	NELP will explore options to improve access for homes on Greensborough Road near Erskine Road, Fairlie Avenue and Cooley Avenue as part of more detailed design work.

DISCUSSION

- Council received a point-by-point response from NELP to its submission to the UDLP. The complete list of NELP's responses along with a consideration of next steps for Council is provided at Attachment 1.
- Most of the issues concerned matters that will be followed up in Council officer interface meetings and design review commentary as the project continues to be delivered.
- However, there are some important areas that the endorsed UDLP has not supported including:
 - An extension of the NEL tunnels further north due to space constraints to launch the tunnel boring machines (TBMs) without the acquisition of more homes and the provision of an additional ventilation structure would also be required.
 - The realignment of the NEL shared user path (SUP) around the Lower Plenty Road interchange and retains a signalised crossing of the interchange ramps due to site and traffic constraints including impacts on Banyule Creek and less space for trees and plants.
 - The retention of a connection between Drysdale Street and Coleen Street. This was attributed to a low volume of affected traffic, traffic modelling that shows reduced delay in the proposed alignment in the area and the need to use this land for surrounding wetlands and parklands.
 - Any improvements on reinstatement of Winsor Reserve post-construction above providing the same active and passive recreation activities that were provided prior to construction.

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

- There has also been no confirmation of any improvement to the Main Yarra Trail's Banksia Street underpass in Banyule which was previously understood to be included as part of the NEL project but has not been shown in the UDLP.
 - This upgrade was a suggestion in the Urban Design Strategy – March 2020 (UDS 2020) 3D - *Consider enhancing the existing underpass (across the Yarra River under Banksia Street) to have clear sightlines, good lighting and be attractive to use (pages 52 and 53).*
- The UDLP has also shown a truncation of the intended shared user path through Drysdale Reserve and along lower Plenty Road has occurred in the UDLP reducing the reach of the SUP from the Plenty River Trail to Crew Street in Yallambie from that specified in the UDS 2020.
 - Page 45. *Item 1B - Provide a new east-west walking and cycling path along the easement connecting to Lower Plenty Road to the east and continuing towards the Plenty River trail.*
- It is considered that early delivery of the Drysdale Reserve shared user path to connect Borlase Street to Lower Plenty Road and the Plenty River Trail will go some way towards compensating cyclist disruption as part of the Central Package works.
- It is also considered important that the Northern Package UDLP include further consideration of design options at the Watsonia interface for improved local uplift and amenity, and future proofed east-west vehicular, public transport, walking, and cycling connectivity, that do not trigger the need for either more private land acquisition or the construction of another ventilation structure.
- This should also include a fully grade separated shared user path connection from Frensham Reserve to Watsonia Station carpark to better meet the connectivity aims of the NEL Urban Design Strategy 2020 to:
 - *Provide a new walking and cycling link from the east side of the road corridor across Greensborough Road and connecting to the Watsonia Station and the Watsonia Neighbourhood Centre. Ensure there are pedestrian connections to Watsonia Station platforms that addresses key desire lines, enhance sightlines, wayfinding and legibility for walking and link to the walking and cycling paths/bridge. Watsonia Neighbourhood Activity Centre Framework Plan 2020 (Item 2C – Page 126).*

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.

NORTH EAST LINK - CENTRAL PACKAGE - URBAN DESIGN AND LANDSCAPE PLAN - MINISTER ENDORSEMENT cont'd

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

N	Title	Page
o	.	
1	NEL - Urban Design and Landscape Plan – NELP response to Council Submission	

6.4 ABANDONMENT OF PLANNING SCHEME AMENDMENT C107 - TREETOP ADVENTURE PARK IN YARRA FLATS

Author: Fae Ballingall - Strategic Planning & Urban Design Coordinator, City Development

Ward: Griffin

Previous Items

Council on 04 Oct 2021 7.00pm (Item 5.2 - Banyule Planning Scheme Amendment C107 (Treetop climbing facility) at 340 -680 The Boulevard, Ivanhoe East)

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

Council on 07 Oct 2019 7.00pm (Item 5.4 - 340-680 The Boulevard, Ivanhoe East - Amendment C107 combined S96a amendment and planning permit - Outdoor recreation facility)

Council on 26 September 2022 (Item 5.3 - Planning Scheme Amendment C107 - Treetops Adventure Park in Yarra Flats - Extension to Lapse Date)

SUMMARY

1. Banyule Planning Scheme Amendment C107 (C107) was requested by Ecoline Pty Ltd to facilitate the use and development of Parks Victoria land in Yarra Flats Park, Ivanhoe East for an outdoor recreation facility (Treetops Adventure Park). Under the proposal, Ecoline would operate the facility under a lease from Parks Victoria. Parks Victoria chose the site for the proposed activity and is the sponsor of the proposal.
2. C107 was exhibited between 29 October and 10 December 2020. A total of 217 submissions were received and Council resolved at its meeting of 1 March 2021 to refer all submissions to an independent Planning Panel.
3. The Planning Panel was held between 5 July – 9 July 2021. The Panel Report recommended the C107 be adopted subject to conditions including further discussion with Traditional Owners and consideration of cultural heritage impacts.
4. Council considered the Panel Report at its meeting of 4 October 2021 and resolved to adopt C107, subject to satisfactory progress being made with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) to resolve cultural heritage matters.
5. Discussions between Parks Victoria, Ecoline and WWCHAC progressed slowly. As C107 was due to lapse on 29 October 2022, an extension to the lapse date was requested to allow further time to work towards an agreed cultural heritage outcome. The request was submitted to the Minister for Planning on 27 September 2022 and an extension approved until 29 October 2023.
6. The WWCHAC have now advised Council they remain opposed to C107 due to its impacts on the sensitive cultural heritage values of the area and have requested the amendment no longer be pursued.
7. Given a key condition of the 4 October 2021 Council resolution has not been achieved and to give proper respect to the role of the Traditional Owners as

ABANDONMENT OF PLANNING SCHEME AMENDMENT C107 - TREETOP ADVENTURE PARK IN YARRA FLATS cont'd

custodians of the Yarra River it is recommended Council abandons the amendment.

RECOMMENDATION

That Council:

1. Abandon Banyule Planning Scheme Amendment C107 pursuant to section 28 of the *Planning and Environment Act 1987*.
2. Write to Ecoline, Parks Victoria, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation and the Minister for Planning to inform them of Council's decision.
3. Write to all submitters to Amendment C107 to advise them of Council's decision.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Preserve and enhance Banyule's valued heritage, local character, and its significant trees".

BACKGROUND

- Amendment C107, was requested by the proponent, Ecoline, who seeks to operate the facility under a lease from Parks Victoria. Parks Victoria chose the site for the proposed activity and is the sponsor of the proposal.
- The land is part of Yarra Flats Park, shown in Figure 1 below:



Figure 1: Subject site outlined in blue; treetop activity area shown dotted red

ABANDONMENT OF PLANNING SCHEME AMENDMENT C107 - TREETOP ADVENTURE PARK IN YARRA FLATS cont'd

- The amendment was exhibited between 29 October and 10 December 2020 and received 217 submissions. Council resolved to refer the submissions to an independent Planning Panel on 1 March 2021.
- The Planning Panel was held over five days from 5-9 July 2021. The Panel Report provided clear, reasoned and justified support for the amendment and recommended C107 be adopted subject to conditions. A key condition was for discussions to occur with the WWCHAC to determine whether an appropriate outcome can be achieved on cultural heritage matters.
- Council considered the Panel Report at the Ordinary Council Meeting of 4 October 2021 and resolved that:
 1. *Council note and accept in full the findings and Recommendations 1 to 5 of the Planning Panel in respect of Amendment C107 contained in the 'Banyule Planning Scheme Amendment C107 Banyule Treetop Adventure Park, Yarra Flats Park, Ivanhoe East' Panel Report (19 August 2021) at Attachment 1 and all pursuant to Section 27 of the Planning and Environment Act 1987.*
 2. *Council adopt Amendment C107 to the Banyule Planning Scheme pursuant to Section 29(1) of the Planning and Environment Act 1987 but subject to the following conditions:*
 - a. *Pursuant to Recommendation 1 of the Planning Panel Report (referenced in Recommendation 1), final adoption be delegated to Council's Chief Executive Officer (CEO) and shall only occur when sufficient progress has been agreed in writing between the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation, Parks Victoria and the Proponent (Ecoline) and any other group deemed appropriate by the CEO to demonstrate that an appropriate outcome can be progressed for the site through a cultural heritage management plan process (CHMP); and*
 - b. *In conjunction with the proponent, amend all relevant Amendment C107 documents (as appropriate) pursuant to recommendations 2 to 5 of the Planning Panel Report at Attachment 1.*
 3. *Once adopted under Recommendation 2, the Amendment be submitted for approval to the Minister for Planning pursuant to Section 31(1) of the Planning and Environment Act 1987.*
- As Council is not the public land manager, nor the sponsor or proponent for the proposal it was expected that Parks Victoria and Ecoline progress the necessary discussions about cultural heritage sensitivity on State land with the WWCHAC. Council supported this process by writing to the WWCHAC after the 4 October

ABANDONMENT OF PLANNING SCHEME AMENDMENT C107 - TREETOP ADVENTURE PARK IN YARRA FLATS cont'd

2021 meeting, outlining the process and issues and noting Parks Victoria would soon be in contact.

- Discussions between Parks Victoria, Ecoline and WWCHAC progressed slowly. As C107 was due to lapse on 29 October 2022, Ecoline, with the support of Parks Victoria, requested Council to make a request for an extension to the lapse date to the Minister for Planning. This allowed Ecoline further time to work with the WWCHAC towards an agreed cultural heritage outcome. The request was submitted on the 27 September 2022, and an extension was approved until 29 October 2023.

KEY ISSUES

- Council has received a letter from the Chief Executive Officer of the WWCHAC expressing clear opposition to the Treetop Adventure Park in its planned location '*due to the sensitivity and importance of the area to Wurundjeri Woi-wurrung people*' and the proposal's impacts on the '*sensitive cultural values*' of the area. The letter is dated 2 November 2022 and is jointly addressed to Banyule Council and Parks Victoria. It is noted that neither Council or Parks Victoria received the letter until 27 February 2023. A copy of the letter is provided at **Attachment 1**.
- The *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* provides a framework for the management of the Yarra River environs. It sets out 19 protection principles including Cultural principles that aim to ensure Traditional Owners are involved in decision-making and their cultural values, heritage and knowledge is acknowledged, reflected, protected and promoted.
- In recommending further consultation with the WWCHAC the Panel considered that despite best efforts, the proposal at that stage had not been developed with the partnership and representation of the Traditional Owners that is anticipated by the Yarra River protection principles.
- The Traditional Owners are not in support of the proposal due to its impacts on the cultural heritage values of the area. Giving genuine respect for their position is in line with the cultural principles of the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* and the recommendations of the C107 Planning Panel Report.

SUPPORTING REPORT DETAILS

Legal Consideration

- A decision to abandon an amendment is made pursuant to Section 28 of the *Planning and Environment Act 1987*.

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.

ABANDONMENT OF PLANNING SCHEME AMENDMENT C107 - TREETOP ADVENTURE PARK IN YARRA FLATS cont'd

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

N	Title	Page
0	.	
1	Letter from Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	

8.1 NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE - IVANHOE SHOPPING CENTRE

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

Ward: Chelsworth

SUMMARY

1. Ivanhoe Shopping Centre is one of eleven (11) retail precincts located in the City of Banyule that benefits from a special rate or charge program, which enables traditional shopping strips and the trader associations and businesses located within them to strategically plan, market and manage as a collective group. Unlike the East Ivanhoe Village scheme also up for renewal in 2023 which collects a flat fee levy otherwise known as a charge, the Ivanhoe scheme adopts both a rate levy (calculated on the Capital Improved Value of a property) and a minimum charge.
2. Operating since 2003, the current five (5) year program for Ivanhoe Shopping Centre is set to expire on 30 June 2023. Accordingly, Council has received formal correspondence from the Ivanhoe Traders' Association (ITA) requesting that Council declare, by way of renewal, a new Special Rate and Charge scheme for a period of five years, raising \$140,000 annually, \$20,000 more than what is being levied in the current 2018-2023 scheme.
3. The proposed scheme will involve 247 rateable properties, including nine new properties considered to satisfy the criteria for inclusion in the scheme.
4. The ITA further requests Council's continued support by way of a Council contribution amount of \$100,000 per annum to supplement the amount raised by the proposed Scheme.
5. The continuation of a Special Rate and Charge Scheme will aim to achieve the following:
 - Collective marketing and promotion of the Centre as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the Centre with the support of Council, and
 - Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Centre.
6. To declare a Special Rate and Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989* (the Act) and the *Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**

submissions and take into account any objections in accordance with the Act prior to making a final decision.

7. Council is currently undertaking a pilot program that enhances collaboration with our Trader Associations. The new Funding Agreement will see Council increase its support to the ITA over a 17-month period.

RECOMMENDATION

That Council:

1. Commences the statutory process under the *Local Government Act 1989 and 2020* to reintroduce a Special Rate and Charge in the defined Ivanhoe Shopping Centre.
2. Increases the levy from \$120,000 to \$140,000 per annum and the minimum charge from \$200 to \$300 per annum for a period of five years, commencing on 1 July 2023 and ending on 30 June 2028.
3. Publishes a public notice in *The Herald Sun* newspaper of the intention of Council to declare a Special Rate and Charge at its ordinary meeting on 7 August 2023 in accordance with the Proposed Declaration of Special Rate and Charge (being **Attachment 1**).
4. Issues separate letters to owners and occupiers, enclosing a copy of the public notice and advising:
 - of the intention of Council to declare the Special Rate and Charge at its ordinary meeting on 7 August 2023,
 - the amount for which the property owner or the occupier will be charged, and
 - that submissions and/or objections in writing in relation to the Proposed Declaration of a Special Rate and Charge will be considered by Council in accordance with the Act.
5. Consider funding allocation as part of Council's 2023/2024 and subsequent budget processes.
6. Authorises the appropriate members of Council's staff:
 - to carry out administrative procedures necessary to enable Council to carry out its functions under the Act; and
 - to prepare a funding agreement between Council and the Traders Association to formalise the Special Rate and Charge.
7. Reviews the funding agreement, and if satisfied, approves and signs (by a delegated authority) before funds are paid to the Traders Association.

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**

COUNCIL PLAN

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

BACKGROUND

- The *Local Government Acts 1989 and 2020* enables Council to levy a special rate or charge on properties within a defined area if it considers that the land in that area will receive a 'special benefit' from the use of funds raised.
- A Special Rate and Charge Scheme has operated in the Ivanhoe Shopping Centre since the early 2000s. The current Scheme is a five-year program that expires on 30 June 2023 and raises \$120,000 per annum. This amount has been supported by a Council contribution of \$100,000 per annum to provide a total annual budget of \$220,000. This amount (as a combined sum) has been used for the purposes of marketing, promotions, event delivery, business development, place improvement and beautification of the Ivanhoe Shopping Centre.
- Council has received a letter from the Ivanhoe Traders Association to re-introduce a Special Rate and Charge Scheme for the Ivanhoe Shopping Centre. The letter received from the Association requests that the new Scheme operate over a five-year period, commencing on 1 July 2023 and ending on 30 June 2028.
- Additionally, the letter requests that Council increase the levy by \$20,000 to raise \$140,000 annually with the minimum charge increasing from \$200 to \$300 per rateable property. The Association has justified the increase in their letter. Justification includes:
 - To mitigate rising costs due to inflation.
 - The last increase was 10 years ago.
 - New properties entering the scheme and contributing towards the rate.
 - Allows for more resources towards Marketing & Events (such as a Fiesta).
 - Comparing what other centres in Banyule are contributing towards their respective special rates.
 - Results from the Ivanhoe Special Rate Survey.
 - Feedback from a workshop with traders facilitated by the Centre Manager in March 2023.
 - Committee consideration on the topic.
- Furthermore, the letter also requests that should Council decide to alter its position on matched funding contribution within the next five years, that it increases its contribution to the Ivanhoe Traders Association by \$40,000.
- The purposes of Council declaring a Special Rate and Charge for the Ivanhoe Shopping Centre include:
 - To defray the expenses incurred by Council in providing funds to the Ivanhoe Traders' Association, the Association must spend the funds raised by the Special Rate and Charge only in accordance with the approval, direction and control of Council; and

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**

- To spend the funds raised by the Special Rate and Charge on contracted support, promotional, advertising, marketing, business development and other incidental expenses associated with the encouragement of commerce, retail and professional activity and employment in the Shopping Centre.
- Council's review into new properties that now meet the criteria for inclusion in the Ivanhoe Special Rate and Charge scheme has identified nine properties that are seen to be deriving a special benefit. The ITA has requested that these new properties be included in the scheme as contributors.
- Council is currently in the implementation phase of a 2.5 year pilot following an extensive review into the current retail funding model. Council has implemented a suite of recommendations to support an increased level of governance and professional development of Trader Associations across Banyule.

KEY ISSUES

- The Reserve Bank of Australia's (RBA's) decision to increase interest rates in February and March followed the highest Australian inflation figures for 32 years for the December quarter 2022 at an annual rate of 7.8%. Official interest rates are now at their highest for over a decade since early June 2012 (3.75%),
- While inflation appears to have now passed its peak, having fallen to 7.4% in January 2023, it remains high and well above the RBA's target range of 2-3%.
- As households are becoming more selective in their discretionary spending, it is important that Banyule's shopping precincts, including Ivanhoe Shopping Centre, remain a priority.
- The Ivanhoe Traders Association and Council believe that the Special Rate and Charge scheme will proactively encourage commerce and business activity within the Ivanhoe Shopping Centre, enhancing visitation during these economically challenging times. The Scheme will aim to support businesses through joint promotion, marketing and business development activities.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are several legislative processes that must be undertaken when declaring a special rate and/or charge for a shopping Centre (Refer to **Attachment 2**). 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.

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**

Sustainable Procurement Outcomes

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

Financial Implications

- The Ivanhoe Traders' Association has requested that the total rate amount in the proposed scheme is increased by \$20,000 to \$140,000 per annum. They have also requested that the minimum charge be increased from \$200 per annum per ratable property to \$300 per annum per ratable property.
 - Since the last scheme was declared by Council, nine new properties have been identified by Council to satisfy the criteria for inclusion in the scheme given they are now considered to derive a benefit. The ITA has requested that Council included these nine properties as contributors to the scheme. The new properties, as a collective will contribute approximately \$6,000 per annum to the scheme.
 - Based on a total of 247 properties included in the Scheme, it is proposed that each property will be levied a Special Rate based on the 2022 capital improved value (CIV) of each property multiplied by an amount of 0.03503 combined with a minimum amount payable of \$300.
 - Based on the 247 rateable assessments included in the Scheme, this will raise an amount of \$140,000 per annum for a period of five years, providing a total levy of \$700,000 over the period of the Scheme.
 - Council's contribution of \$100,000 per annum will allow the Retail Centre to address many of the physical development, maintenance and amenity issues that the Special Rate and Charge proceeds cannot be spent on. For example, Council's contribution can be used for:
 - Physical works;
 - Maintenance;
 - Infrastructure; and
 - Beautification of the shopping center.
 - This joint approach to funding ensures that both the marketing of the Shopping Centre, as well as the physical and social environment is supported by the Scheme.
 - Council resolved on 23 April 2012 to cap its contributions at the 2011-12 levels for all the eleven special rate and/or charge schemes operating within the Council's municipal district (including Ivanhoe Shopping Centre). Accordingly, Council's contribution to the Ivanhoe Shopping Centre Special Rate Scheme renewal is proposed to remain at \$100,000 per annum for the life of the Scheme subject to Council's annual budget process.
- Community Engagement**
- The Ivanhoe Traders Association has been working over the past few months to review the current program and develop a draft Business Plan. The Business

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**

Plan will guide the Centre's business and marketing activities over the next five years in the event that a new Special Rate and Charge scheme is successfully declared.

- The review and consultation process has included:
 - The Traders Association's list of key achievements over the last five years sent to all owners and occupiers (**refer Attachment 3**).
 - Owners and occupiers surveyed in order to give feedback and opinions on past marketing and management activities and suggested activities for the future.
 - Conversations with local businesses.
 - Owners and occupiers invited to a workshop presented by the Ivanhoe Traders Association to discuss ideas and priorities for the future.
 - Survey responses along with workshop and conversational feedback have been considered in developing priorities for the Draft Ivanhoe Strategic Business Plan 2023-2028.
 - Owners and occupiers have received correspondence from Council informing them of the Traders Association's request to renew the Special Rate and Charge Scheme.
 - The key directions of the Draft Ivanhoe Strategic Business Plan 2023-2028.
- The Business Plan is currently in draft format. Owners and occupiers will be invited to comment on the plan when the official Notice of Intention letter is distributed.
- The Funding Agreement states that the Traders Association cannot receive any Special Rate and Charge payments from Council until a final Business Plan is submitted and approved by Council's Economic Development Unit. It is noted that the Business Plan will be finalised before Council makes its decision on whether to declare a new Special Rate and Charge Scheme at its meeting on 7 August 2023. The Funding Agreement further advises that funds raised from the Scheme are to be used in accordance with the Business Plan. As such, any significant deviations from the plan must involve consultation with Council and written approval of Council must be sought.
- To declare a Special Rate and Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989 and 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989 and 2020* prior to making a final decision.
- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council will be in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020* and Council's public transparency policy and the public transparency principles set out in section 58 of the 2020 Act.

**NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE -
IVANHOE SHOPPING CENTRE cont'd**




Key Considerations

- The key process and timelines for the Ivanhoe Special Rate and Charge Scheme are as follows:
 - Notice of Intention to Declare Council Report – 17 April 2023
 - Public Notice of Proposed Declaration of Special Rate and Charge in the Herald Sun – 20 April 2023
 - Notice of Intention to Declare letter mailed to all property owners and business operators with a copy of the Proposed Declaration of Special Charge Public Notice – 20 April 2023
 - Submissions and Objections due – 19 May 2023
 - Council formally considers submissions and objections received –17 July 2023 Ordinary Meeting, and
 - Council makes a decision on proposed Scheme at Ordinary Meeting of Council – 7 August 2023

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

N	Title	Page
o	.	
1	Proposed Declaration of Intention-Ivanhoe Shopping Centre 	
2	The Statutory Process Key Stages 	
3	Ivanhoe Shopping Centre Key Achievement Flyer 	

8.2 NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE

Author: Daniela Parisella - Economic Development Officer, City Development

Ward: Griffin

SUMMARY

1. The East Ivanhoe Village is one of eleven retail Centers located in the City of Banyule that benefits from a Special Rate or Charge program, which enables traditional shopping strips and the trader associations and businesses located within them to strategically plan, market and manage as a collective group. Unlike the Ivanhoe Shopping Centre scheme also up for renewal in 2023 which adopts both a rate levy (calculated on the Capital Improved Value of a property) and a minimum charge (flat fee), the East Ivanhoe scheme collects a charge only.
2. Operating since the late 1990's over a number of schemes, East Ivanhoe Village's current five-year program is set to expire on 30 June 2023. In response, Council has received a letter from the East Ivanhoe Business Association requesting that Council declare, by way of renewal, a new Special Charge Scheme for a period of five years, raising \$48,125 annually.
3. The proposed scheme will involve 77 rateable properties including one additional property not previously included that is now considered to satisfy the criteria for inclusion in the new scheme.
4. The East Ivanhoe Business Association further requests Council's continued support by way of a Council contribution amount of \$37,000 per annum to supplement the amount raised by the proposed Scheme.
5. The continuation of a Special Charge Scheme will aim to achieve the following:
 - Collective marketing and promotion of the Centre as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - A resourced and supported Business Association that coordinates the daily management of activities and drives the overall strategic direction of the Centre with the support of Council, and
 - Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Centre.
6. To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989* (the Act) and the *Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the Act prior to making a final decision.
7. Council is currently undertaking a pilot program that enhances collaboration with our Traders Associations. The new Funding Agreement will see Council

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

increase its support to the East Ivanhoe Business Association over a 17-month period.

RECOMMENDATION

That Council:

1. Commences the statutory process under the *Local Government Act 1989 and 2020* to reintroduce a Special Charge in the defined East Ivanhoe Village.
2. Notes this Charge will raise \$48,125 per annum for a period of five years, commencing on 1 July 2023 and ending on 30 June 2028.
3. Publishes a public notice in *The Herald Sun* newspaper of the intention of Council to declare a Special Charge at its ordinary meeting on 7 August 2023 in accordance with the Proposed Declaration of Special Charge (being **Attachment 1**).
4. Issues separate letters to owners and occupiers, enclosing a copy of the public notice and advising:
 - of the intention of Council to declare the Special Charge at its ordinary meeting on 7 August 2023,
 - the amount for which the property owner or the occupier will be charged, and
 - that submissions and/or objections in writing in relation to the Proposed Declaration of a Special Charge will be considered by Council in accordance with the Act.
5. Consider funding allocation as part of Council's 2023/2024 and subsequent budget processes.
6. Authorises the appropriate members of Council's staff:
 - to carry out administrative procedures necessary to enable Council to carry out its functions under the Act; and
 - to prepare a funding agreement between Council and the Business Association to formalise the Special Charge.
7. Reviews the funding agreement, and if satisfied, approves and signs (by a delegated authority) before funds are paid to the Business Association.

COUNCIL PLAN

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

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

BACKGROUND

- The *Local Government Acts 1989 and 2020* enables Council to levy a special rate or charge on properties within a defined area if it considers that the land in that area will receive a 'special benefit' from the use of funds raised.
- A Special Charge Scheme has operated in the East Ivanhoe Village since the late 1990s. The current Scheme is a five-year program that expires on 30 June 2023 and raises \$39,375 per annum. This amount has been supported by a Council contribution of \$37,000 per annum to provide a total annual budget of \$76,375. This amount (as a combined sum) has been used for the purposes of marketing, promotions, event delivery, business development, place improvement and beautification of East Ivanhoe Village.
- Council has received a letter from the East Ivanhoe Business Association to re-introduce a Special Charge Scheme for the East Ivanhoe Village. The letter received from the Association requests that the new Scheme operate over a five-year period, commencing on 1 July 2023 and ending on 30 June 2028.
- Additionally, the letter requests that Council increase the levy by \$8,750 to raise \$48,125 annually. This moderate increase in budget reflects;
 - the increasing cost of services and inflation;
 - the addition of one property that now falls within and satisfies the scheme criteria;
 - Comparative special charge to others in Banyule; and
 - The concerted effort that will be required by the Association to see through anticipated disruptions caused by the planned East Ivanhoe streetscape upgrade.
- The purposes of Council declaring a Special Charge for East Ivanhoe Village include:
 - To defray the expenses incurred by Council in providing funds to the East Ivanhoe Business Association, the Association must spend the funds raised by the Special Charge only in accordance with the approval, direction and control of Council; and
 - To spend the funds raised by the Special Charge on contracted support, promotional, advertising, marketing, business development and other incidental expenses associated with the encouragement of commerce, retail and professional activity and employment in the Shopping Centre.
- Council is currently in the implementation phase of a 2.5 year pilot following an extensive review into the current funding model. Council has implemented a suite of recommendations to support an increased level of governance and professional development of Trader Associations across Banyule.

KEY ISSUES

- The Reserve Bank of Australia's (RBA's) decision to increase interest rates in February and March followed the highest Australian inflation figures for 32 years for the December quarter 2022 at an annual rate of 7.8%. Official interest rates are now at their highest for over a decade since early June 2012 (3.75%),

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

- While inflation appears to have now passed its peak - having fallen to 7.4% in January 2023, it remains high and well above the RBA's target range of 2-3%.
- As households are becoming more selective in their discretionary spending, it is important that Banyule's shopping precincts, including East Ivanhoe Village, remain a priority.
- The East Ivanhoe Business Association and Council believe that the Special Rate and Charge Scheme will proactively encourage commerce and business activity within East Ivanhoe Village, enhancing visitation during these economically challenging times. The Scheme will aim to support businesses through joint promotion, marketing and business development activities.

SUPPORTING REPORT DETAILS

- **Legal Consideration** There are several legislative processes that must be undertaken when declaring a special rate and/or charge for a shopping Centre (**Refer to Attachment 2**). There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The East Ivanhoe Business Association has requested that the proposed Scheme raise an amount of \$48,125 per annum, which is a moderate increase in relation to the current Scheme.
- The current Scheme collects from each rateable assessment an amount of \$525 per annum. Based on a total of 77 properties included in the Scheme, it is proposed that each property will be levied a Special Charge of \$625 per annum, this will raise an amount of \$48,125 per annum for a period of five years, providing a total levy of \$240,625 over the period of the Scheme.
- Council's contributions have allowed the Village to address many of the physical development, maintenance and amenity issues that the Special Charge proceeds cannot be spent on. For example, Council's contribution can be used for:
 - Physical works;
 - maintenance
 - Infrastructure; and
 - Beautification of the Shopping Centre.

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

- This joint approach to funding ensures that both the marketing of the Village, as well as the physical and social environment is supported by the Scheme.
- Council resolved on 23 April 2012 to cap its contributions at the 2011-12 levels for all the eleven special rate and/or charge schemes operating within the Council's municipal district (including East Ivanhoe Village). Accordingly, Council's contribution to the Shopping Centre's Special Charge Scheme renewal is proposed to remain at \$37,000 per annum for the life of the Scheme subject to Council's annual budget process.

Community Engagement

- East Ivanhoe Business Association has been working over the past few months to review the current program and develop a draft Business Plan (the East Ivanhoe Village Business Plan 2023-2028). The Business Plan will guide the Centre's business and marketing activities over the next five years in the event that a new Special Charge Scheme is successfully declared.
- The review and consultation process has included:
 - The Business Association's list of key achievements over the last five years sent to all owners and occupiers (**refer Attachment 3**).
 - Owners and occupiers surveyed in order to give feedback and opinions on past marketing and management activities and suggested activities for the future.
 - Conversations with local businesses.
 - Owners and occupiers invited to a workshop presented by the East Ivanhoe Business Association to discuss ideas and priorities for the future.
 - Survey responses along with workshop and conversational feedback have been considered in developing priorities for the the East Ivanhoe Village Business Plan 2023-2028.
 - Owners and occupiers have received correspondence from Council informing them of the Business Associations request to renew the Special Charge Scheme.
 - The key directions of the draft the East Ivanhoe Village Business Plan 2023-2028.
- The Business Plan is currently in draft format. Owners and occupiers will be invited to comment on the plan when the official notice of intention letter is distributed.
- The Funding Agreement states that the Business Association cannot receive any Special Charge payments from Council until a final Business Plan is submitted and approved by Council's Economic Development Unit. It is noted that the Business Plan will be finalised before Council makes its decision on whether to declare a new Special Rate and Charge Scheme at its meeting on 7 August 2023. The Funding Agreement further advises that funds raised from the Scheme are to be used in accordance with the Business Plan. As such, any significant deviations from the plan must involve consultation with Council and written approval of Council must be sought.

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

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



Key Considerations

- The key process and timelines for East Ivanhoe Village Special Charge Scheme are as follows:
 - Notice of Intention to Declare Council Report – 17 April 2023
 - Public Notice of Proposed Declaration of Special Charge in local newspaper – 20 April 2023
 - Notice of Intention to Declare letter mailed to all property owners and business operators with a copy of the Proposed Declaration of Special Charge Public Notice – 21 April 2023
 - Submissions and Objections due – 19 May 2023
 - Council formally considers submissions and objections received – 17 July 2023 Ordinary Meeting, and
 - Council makes a decision on proposed Scheme at Ordinary Meeting of Council – 7 August 2023

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.
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ATTACHMENTS

N	Title	Page
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1	Proposed Declaration of Intention - East Ivanhoe Village 	
2	The Statutory Process Key Stages 	

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE - EAST IVANHOE VILLAGE cont'd

3 East Ivanhoe Village Key Achievements



9.1 PUBLIC HEALTH CONCERNS – THE REGULATIONS CONCERNING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL’S ADVOCACY OPTIONS

Author: Cr Rick Garotti

Ward: Grimshaw

TAKE NOTICE that it is my intention to move:

A Report be presented to Council on or before 30 June 2023 regarding regulations and requirements on retailers concerning the selling and advertising of e-cigarettes and vapes, and Councils advocacy options to State & Federal Government.

The Report is to detail the current health crisis faced in the community from exposure and use of e-cigarettes and vapes and Council’s role in promoting and protecting the health and wellbeing of the Community.

Explanation

- The purpose of this Notice of Motion (NOM) is for Council to understand the legislative and regulative framework that guides the lawful retail of e-cigarettes and vapes.
- The Notice of Motion (NOM) further seeks to understand what role Council can play in public health and promotion and enforcement.
- Being the closest tier of government to the community provides Council with firsthand accounts of the growing concerns in the community by the use and exposure of the e-cigarettes and vapes.
- Greater clarity regarding what role Council can play, and the advocacy options that are available for Council to exercise to the relevant levels of Government will help Council and the community understand what necessary steps can be taken to support the community through this public health issue.
- There are concerns that vapes and e-cigarettes have become increasingly popular in recent years as a smoking alternative, and there are some beliefs that they are a healthier and safer alternative to traditional tobacco products.
- There are concerns in the community and more broadly about the long-term health effects of using these products, as well as the potential for them to be a gateway to smoking for young people living, working and playing in our community and across Victoria.
- There are many reports that there is now a health crisis faced by the community on the exposure and use of e-cigarettes and vapes. As a result, there has been growing interest in regulating the sale of e-cigarettes and vapes in Australia.
- It is understood that In Australia, it is illegal to sell e-cigarette liquids that contain nicotine unless they are approved by the Therapeutic Goods Administration (TGA) as a smoking cessation aid and administered through a pharmacy via medical subscription. The sale of e-cigarette products containing nicotine that is

PUBLIC HEALTH CONCERNS – THE REGULATIONS CONCERNING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL’S ADVOCACY OPTIONS cont’d

outside of this process is illegal in Victoria under the Drugs, Poisons and Controlled Substances Act 1981.

- It is understood that local government currently undertakes a monitoring and enforcement role under the *Tobacco Act 1987* and other key pieces of legislation regarding this public health issue.
- This is an emerging health crisis and exploring options on Council’s role in its advocacy to State and Federal Government for more action and regulation is critical to protecting and promoting the health and wellbeing of our community.

Legal Implications

- *Local Government Act 2020*
- *Tobacco Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Infringements Act 2008*
- *Drugs, Poisons and Controlled Substances Regulations 2017*

CR RICK GAROTTI
Grimshaw Ward

ATTACHMENTS

Nil