

Agenda of Ordinary Meeting of Council - Monday, 11 December 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.”

Diversity 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 November 2023

Disclosure of Interests

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2. **Petitions**

Nil

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Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed.

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, 5 February 2024

3.1 78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS

Author: Daniel Fantin - Strategic Properties and Projects Coordinator, City Development

Ward: Griffin

Previous Items

Council on 25 September 2023 (Item 6.2 - 78-80 Hawdon St, Heidelberg - Commencement of Notice of Intention to Sell Land)

Council on 29 May 2023 (Item 3.10 - Proposed Sale of 78-80 Hawdon Street, Heidelberg)

SUMMARY

1. Council owns the land at 78-80 Hawdon Street, Heidelberg, publicly referred to as the Hawdon Street Community Hall (or Hawdon Hall).
2. At the time that the Community Hub at Bellfield was planned, Council contemplated relocation of other users into this new facility. This was to occur in conjunction with the subsequent sale of ageing buildings. One of the buildings from which users were to be moved was the Hawdon Street Community Hall.
3. From the point at which Council advised that it would consider the sale of the Hawdon Street Community Hall, Council's Community Facilities Team has been working individually with each current user group to find an alternate community venue that meets their needs.
4. There are seven (7) regular not-for-profit community groups currently located at Hawdon Hall. Six (6) have identified a suitable alternative community hall that they are happy to relocate to and are working with Council officers to ensure a smooth transition. One (1) group has chosen not to continue operating, noting that this is not due to the potential sale.
5. One of the other main user groups is a commercial dance studio that services and supports many local young girls and women to access dance classes for activity and competition. Council can provide a mix of other halls to replace Hawdon Hall, however the times and venue spread remains problematic. Council officers are currently looking at other community facility options in consultation with the dance school and are confident a viable solution can be found.
6. At the 25 September 2023 Ordinary Meeting of Council, Council gave notice of its intention under Section 114 of the *Local Government Act 2020* to potentially sell the Council land by private treaty at 78-80 Hawdon Street, Heidelberg.
7. The report was presented to Council on 20 November 2023 and was deferred until the 11 December 2023 Council meeting. The deferral was due to a process oversight. All six (6) submitters have been invited to speak to Council During the Request to Speak Process if they would like to.
8. The purpose of this report is for Council to consider the six (6) separate written submissions received in response to the notice of intention to sell. Each submitter has been advised of the presentation of this report to Council and advised of the opportunity to register to be heard by Council at the meeting.

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

RECOMMENDATION

That Council:

1. Receive and consider six (6) written submissions with regards to the sale of 78-80 Hawdon Street, Heidelberg, in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020*.
2. Receive and Consider the verbal submissions presented to Council who requested to speak to Council in regards to their written submission.
3. Note a further report will be submitted to Council at its meeting on 5 February 2024 to resolve on the sale of land proposal.

COUNCIL PLAN

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

BACKGROUND

- Council owns the land and improvements known as Hawdon Hall, 78-80 Hawdon Street, Heidelberg (refer to **Figure 1**).



Figure 1: 78-80 Hawdon Street, Heidelberg. Hawdon Hall shown shaded yellow.

- The land is identified as Lot 1 on LP 38617 Vol 8664 Folio 477 and Lot TP 400507 Bol 8664 Folio 467.

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

- Hawdon Hall has been used as a community centre since its purchase by Council in 1967, accommodating many different user groups. The Hall was originally established as a senior citizens venue but is now used more broadly as a community hall.
- Following the completion of the Bellfield Community Hub, the Land is now considered surplus to Council requirements and is proposed for sale.

KEY ISSUES

- Six (6) submissions were received and are summarised below in order of date received. All submissions have been appended in full to this report.
- Council officers will provide a response to consistent themes raised within the submissions at the following Ordinary Meeting of Council, where Council will resolve on the sale of land proposal.
- **Submission 1:**
 - Very dismayed to hear that the Council plans to sell the hall, noting that it is used by a number of different groups. Does not understand why the council would sell it out from under the groups that use it.
 - Understands that the sale of the site would bring in funds but notes this is a short-term approach.
 - Notes that it should be deemed more important to provide facilities for Banyule citizens, and that more is put into sporting facilities than other types of facilities required by residents.
- **Submission 2:**
 - Notes that this is disappointing as Joseph Hawdon was one of the first settlers in Heidelberg. Notes that Hawdon Street was named after him, and subsequently Hawdon Hall. Would like something to be done to keep his memory regarding the Hall.
 - Notes that Heidelberg does not need more apartment buildings.
- **Submission 3:**
 - Notes that, if the Hall is sold, Heidelberg needs an up-to-date community magnet as it is an important addition to quality of life for residents. There is no community meeting place currently in Heidelberg.
 - Requests a community centre and Library for Heidelberg, like Watsonia.
 - Notes that Heidelberg is changing and growing rapidly, and therefore finds it difficult to believe, under these circumstances, that the only community facility, however inadequate and superannuated, would be sold and potentially replaced by another residential apartment block.
- **Submission 4:**
 - Strongly objects to the sale of the land. Notes that at least 11 groups have been displaced from the central facility, and that it is against Council policies including the Community Infrastructure Plan (which notes this as the only community infrastructure in the Heidelberg Activity Centre).

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

- Notes deep concern with the wording in the prior report, stating that the author has used various premises to determine a conclusion that has resulted in the Councillors voting to commence a Notice of Intent to Sell:
 - *Hawdon Hall has been used as a community centre since its purchase by Council in 1967, accommodating several different user groups.*
 - *While overall it's in good condition and has been well maintained, it's aging and doesn't offer contemporary facilities to support a wide range of uses. Although there are several different activities in the Hall, it's essentially a single purpose venue for hire so people only visit it for one reason.*
- Notes that word 'several' is misleading as, by definition, it refers to more than two or three, but not many, and that there are many groups currently using the Hall (9no, but potentially more), and it is not for a 'single purpose'.
- Notes that the Hawdon Hall site is significantly more amenable to the various required uses / plant societies, for reasons including:
 - Wooden floors at Hawdon Hall are significantly easier to clean up than carpet at Bellfield.
 - There is a kitchen at Hawdon Hall that opens on to the stage, unlike Bellfield which has no downstairs kitchen.
 - There is ample space at Hawdon Hall for tables, where Bellfield is crowded.
 - Hawdon Hall has a larger and more easily accessed car park than Bellfield.
 - Hawdon Hall has plentiful lockable storage, which Bellfield does not.
 - Bellfield does not have an adequately sized, and slow, lift, which makes access to the floor above extremely difficult, making transporting the trolley / hot water a potential safety issue.
- Notes that, despite the statement from the Director of Community Wellbeing, the Ivanhoe Garden Club is not enjoying their new facilities at Bellfield due to the non-achievement of the factors noted above.
- Notes that on two occasions the lights in the car park were completely off, and on another flashing, creating an unsafe situation.
- Notes that there are no similar community halls in Eaglemont, East Ivanhoe, Ivanhoe, and now Heidelberg. The distance to Bellfield and Warringal Shire Office is greater, and the unpleasant drive (to the Old Shire Office) has meant some older members are not attending as they are not willing to drive at night.
- **Submission 5:**
 - The submitter requested that their submission be included verbatim. The verbatim submission is appended to this report. A summary is provided below.
 - States that there was no proper public advertising of this potential sale.

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

- Notes that Council evicted the groups from Hawdon Hall months prior to advertising for sale which has reduced opposition to the sale. Notes that this indicates that the decision was made at that point in time (May 2023).
- Notes that Hawdon Hall is the only community infrastructure in the Heidelberg MAC, that Heidelberg should not be without community infrastructure, that it is well utilised by many groups, that the fast-growing population of Heidelberg deserve better treatment, and that Council is promoting population growth but expecting the community to accept less infrastructure.
- Notes that community would support renewal of the site rather than acquisition of new property, and that the site should remain operational, with plans changed to upgrade this site. It is also noted that the Community Infrastructure Plan contains excerpts which contradict the sale of the property, and that sale of the Hawdon Hall not been included in the plan. This site is likely to have been the highest priority to provide infrastructure in the Heidelberg Activity Centre. Additionally, there is no plan for replacement in the next 10 years because Hawdon Hall was not identified for sale in this plan.
- Notes that, if there is a contradiction in the Community Infrastructure Plan by the Strategic Property Team plans, then this needs to be public knowledge and made transparent, and queries what the \$89m in funds held for the Strategic Property fund being used for.
- Notes that the alternatives are in incompatible areas which are not supportive to all user groups – e.g.:
 - Timber floor for dancing and storage for many groups.
 - The redirection to Bellfield Hub (and other areas) is unacceptable given it is 2.5kms away from Heidelberg Activity Centre.
 - The Old Shire offices are 1km out of the Heidelberg Activity Centre and should not be considered a viable alternative even if the space is renovated.
- Notes that any alternatives should be in place prior to change at this location.
- Notes there will be a negative economic impact to small businesses during a period of high economic stress.
- Evidence for the above points is then provided from:
 - Community Infrastructure Plan (CIP):
 - 25 May 2023 Ordinary Meeting of Council Minutes, and
 - 28 August 2023 Public Questions.
- These excerpts reiterate that:
 - Hawdon Street Community Hall is the only Council owned building in this 20-minute neighbourhood.
 - The population in this precinct is expected to grow rapidly, particularly in the 0-4years and 60+ years age demographics.

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

- Council is proposing over the next 10 years to maximise the use of existing underutilised buildings and create multi-purpose spaces in existing building to improve liveability.
- There are no actions to provide Heidelberg a new community centre over the next 10 years.
- **Submission 6:**
 - The submitter notes that this is the only Council building in the Heidelberg area, and therefore the sale will deprive the residents of a community facility. If it must be sold, an alternative facility should be provided prior to the sale.
 - Selling without the provision of an alternative facility contravenes the Community Infrastructure Plan's objective to improve liveability through the creation of 20-minute neighbourhoods as walkability is reduced.
 - The area is expected to see significant population growth over the next few years, and Council infrastructure will an important part of the amenity of the area.
 - The Bellfield Hub is not a viable alternative, requiring car transport to access, and is inadequate for the needs of some community groups.
 - This has not been publicly advertised, so the wider community has not had an opportunity to comment.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council is required to give public notice under Section 114 of the *Local Government Act 2020* of its intention to sell any Council land.
- Public notice is required to be given in accordance with Council Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020*.
- Council, at its meeting on 25 September 2023, resolved to commence the statutory process giving notice of intention to sell the land at Hawdon Hall.
- Community engagement commenced 2 October 2023 through the following avenues:
 - Public notice was given on Council's website:
<https://www.banyule.vic.gov.au/News-items/Notice-of-intent-to-sell-78-80-Hawdon-St-Heidelberg>
 - Signage was placed on site
 - A significant number of nearby property owners and occupiers were notified by direct mail.
- The submission period closed at 5pm on 30 October 2023.

78-80 HAWDON ST, HEIDELBERG - NOTICE OF INTENT TO SELL - HEARING OF SUBMISSIONS cont'd

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

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.

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	Hawdon Hall - Compilation of Submissions	

3.2 AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023

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

SUMMARY

1. This report is to consider the awarding of Contract No. 1316-2023 “Sportsfield Maintenance Services”.
2. The purpose of the tender is to provide Council with a panel of experienced contractors with expertise in a range of sportsfield maintenance categories.
3. The general service categories required under this arrangement are:
 - Grass Cutting
 - Turf Wicket Tables – top dressing and leveling
 - Aeration
 - Top Dressing – Sportsfields/Ovals
 - Grassing/turfing
 - Fertiliser and Amendment Application
 - Herbicides, Pesticide and Wetting Agent Spraying
 - Supply of Various Horticultural Products
 - Turf Wicket Preparation
 - Consulting
4. The Tender Evaluation Panel (TEP) has recommended awarding Contract 131-2023 – Sportsfield Maintenance Services in accordance with the tender and conditions as determined by Council.
5. Tenders were received from thirteen (13) companies.
6. The contract will commence 18 December 2023 if approved by Council. The Initial Contract Term shall be for a period of one (1) year, with the option to extend for further periods of any duration up to a maximum extension period of three (3) years. Any extension will be based on satisfactory performance and meeting Council objectives.
7. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a panel of nine (9) suppliers across ten (10) different categories in accordance with the tender.

RECOMMENDATION

That Council:

1. Award Contract No. 1316–2023 “Sportsfield Maintenance Services” to a Panel of Suppliers consisting of nine (9) suppliers across ten (10) different categories for an initial term of one (1) year with the option to extend, for further periods of any duration up to a maximum extension period of three

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

(3) years subject to satisfactory performance. The recommended suppliers by category are:

- **Grass Cutting**
 - Green Options Pty Ltd
 - Elite Turf Services Pty Ltd
 - DGM Turf Contractors Pty Ltd
- **Turf Wicket Tables – Topdressing/leveling**
 - Green Turf Pty Ltd
 - Elite turf Services Pty Ltd
- **Aeration**
 - Elite turf Services Pty Ltd
 - Evergreen Turf Group
 - Green Options Pty Ltd
- **Top Dressing – Sportsfields/Ovals**
 - Green Turf Pty Ltd
 - Elite turf Services Pty Ltd
 - Evergreen Turf Group
- **Grassing/turfing**
 - Evergreen Turf Group
 - Alfco Investments Pty Ltd t/as Independent Turf Services
 - Green Turf Pty Ltd
- **Fertiliser and Amendment Application**
 - DGM Turf Contractors Pty Ltd
 - Australian Agribusiness t/as Nuturf
 - Green Options Pty Ltd
- **Herbicides, Pesticide and Wetting Agent Spraying**
 - Australian Agribusiness t/as Nuturf
 - Alfco Investments Pty Ltd t/as Independent Turf Services
 - Elite turf Services Pty Ltd
- **Supply of Various Horticultural Products**
 - Australian Agribusiness t/as Nuturf
 - Green Options Pty Ltd
 - K & B Adams Pty Ltd
- **Turf Wicket Preparation**
 - Green Options Pty Ltd
 - Elite Turf Services Pty Ltd
- **Consulting**
 - Australian Agribusiness t/as Nuturf
 - Endeavour Turf Professionals Pty Ltd

2. Authorise the Chief Executive Officer or Delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or Delegate 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 one (1) year contract term and extension periods.

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

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	One (1) year with the option to extend for further periods of any duration up to a maximum extension period of three (3) years at Councils discretion.
Contract Type	Service Contract
Advertising Period	26 August 2023 to 20 September 2023 in The Age
Tenders Closed	20 September 2023
Works/Project	<p>The tender listed the specialist services required in the categories below:</p> <ul style="list-style-type: none"> • Grass Cutting; • Turf Wicket Tables – Top Dressing/Levelling; • Aeration; • Top Dressing – Sportsfields/Ovals; • Grassing/Turfing; • Fertiliser and Amendment Application; • Herbicide, Pesticide and Wetting Agent Spraying; • Supply of various Horticultural Products; • Turf Wicket Preparation; and • Consulting Services.
No. of tender documents downloaded	Ninety-six (96) prospective companies downloaded the tender document from Council’s e-tendering portal and thirteen (13) contractors submitted their tenders by the closing date.
Tender Evaluation Panel (TEP)	The tender evaluation panel comprised of the Sportsfields and Parks Assets Coordinator, Sportsfield Team Leader and Sports Turf Grounds person from Parks and Natural Environment, and a representative for the Procurement Unit.
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered Schedule of Rates; • Capability, capacity and qualifications of nominated staff and experience of nominated sub-contractors • Previous performance, experience, and reliability in the provision of similar services; • Local and social sustainability, including economic and environmental; • Existence of Accredited Management Systems and procedures Quality & OH& S; and • Any other information which the Council may deem to be relevant.
Other Background	Banyule’s Parks and Natural Environment Department have the responsibility for maintaining forty-nine Sportsfields. There are numerous routine and reactive maintenance processes required to meet the ever-increasing demand on Council sportsgrounds. The tenderers have been requested to supply

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

services, consultancy, and products that will enable Council staff to provide that level of service required by the community.

The tender listed the specialist services required in the categories below:

1. Grass Cutting;
2. Turf Wicket Tables – Top Dressing/Levelling;
3. Aeration;
4. Top Dressing – Sportsfields/Ovals;
5. Grassing/Turfing;
6. Fertiliser and Amendment Application;
7. Herbicide, Pesticide and Wetting Agent Spraying;
8. Supply of various Horticultural Products;
9. Turf Wicket Preparation; and
10. Consulting Services.

Tenderers were permitted to tender for all categories or one (1) or more categories depending on capability and speciality services.

The new contract term shall be for an initial period of one (1) year with the option to extend for further periods of any duration up to a maximum extension period of three (3) years at Councils discretion.

The current contract for these services expires on 30 November 2023, with the current spend totalling \$1.46M.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel (TEP) 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 Procurement representative assessed the tender response schedules for compliance and all 13 submissions were deemed compliant to progress to the evaluation stage.
- The Procurement representative applied price modelling based on historical volumes and usage of the current contract to estimate the cost per category for evaluation of the price component using the Tenderer's submitted Schedule of Rates and to determine the total value of the new contract.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

- Clarifications as well as reference checks for both potential new Contractors to Council as well as previous incumbents were also undertaken.
- The following table shows the tenders submitted and the weighted score from the evaluation:

Category & Tenderer	Total Score	Recommended
Category 1 – Grass Cutting (Schedule of Rates Panel Contract)		
Green Options Pty Ltd	83.17	Yes
Elite Turf Services Pty Ltd	78.59	Yes
DGM Turf Contractors Pty Ltd	74.63	Yes
Tenderer J	66.60	No
Tenderer I	65.27	No
Tenderer F	63.11	No
Tenderer M	58.20	No
Category 2 – Turf Wickets – Top Dressing/Leveling (Schedule of Rates Panel Contract)		
Green Turf Pty Ltd	79.33	Yes
Elite Turf Services Pty Ltd	74.46	Yes
Tenderer M	62.29	No
Tenderer I	55.00	No
Tenderer C	50.00	No
Category 3 – Aeration (Schedule of Rates Panel Contract)		
Elite Turf Services Pty Ltd	80.17	Yes
Evergreen Turf Group	78.87	Yes
Green Options Pty Ltd	71.28	Yes
Tenderer H	68.57	No
Tenderer C	64.47	No
Tenderer B	57.44	No
Tenderer M	54.94	No
Tenderer I	50.31	No
Category 4 – Top Dressing Sportsfields/Ovals (Schedule of Rates Panel Contract)		
Green Turf Pty Ltd	76.24	Yes
Elite Turf Services Pty Ltd	74.38	Yes
Evergreen Turf Group	74.09	Yes
Tenderer I	71.00	No
Tenderer G	69.34	No
Tenderer C	61.19	No
Tenderer B	60.43	No
Tenderer M	53.86	No
Category 5 – Grassing and Turfing (Schedule of Rates Panel Contract)		
Evergreen Turf Group	76.45	Yes
Alfco Investments Pty Ltd t/as Independent Turf Services	71.00	Yes

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

Category & Tenderer	Total Score	Recommended
Green Turf Pty Ltd	70.78	Yes
Tenderer C	66.45	No
Tenderer D	65.79	No
Tenderer G	64.70	No
Tenderer J	58.53	No
Tenderer M	55.69	No
Tenderer B	51.22	No
Category 6 – Fertilisers & Amendment Application (Schedule of Rates Contract)		
DGM Turf Contractors Pty Ltd	75.00	Yes
Australian Agribusiness t/as Nuturf	67.00	Yes
Green Options Pty Ltd	66.70	Yes
Tenderer D	65.98	No
Tenderer I	65.78	No
Tenderer F	62.30	No
Tenderer J	59.00	No
Tenderer H	50.76	No
Tenderer B	47.66	No
Tenderer M	43.84	No
Category 7 – Herbicides, Pesticides & Wetting Agents (Schedule of Rates Panel Contract)		
Australian Agribusiness t/as Nuturf	77.38	Yes
Alfco Investments Pty Ltd t/as Independent Turf Services	71.00	Yes
Elite Turf Services Pty Ltd	70.84	Yes
Tenderer G	69.46	No
Tenderer J	63.00	No
Tenderer M	50.16	No
Tenderer H	49.55	No
Category 8 – Horticultural Products (Schedule of Rates Panel Contract)		
Australian Agribusiness t/as Nuturf	79.71	Yes
Green Options Pty Ltd	77.25	Yes
K & B Adams Pty Ltd	72.33	Yes
Tenderer D	71.91	No
Tenderer H	71.51	No
Tenderer M	69.01	No
Tenderer K	67.18	No
Tenderer I	66.01	No
Category 9 – Turf Wicket Preparation (Schedule of Rates Panel Contract)		
Elite Turf Services Pty Ltd	81.57	Yes
Green Options Pty Ltd	80.17	Yes
Tenderer I	61.00	No
Tenderer M	51.96	No

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

Category & Tenderer	Total Score	Recommended
Category 10 – Consulting (Schedule of Rates Panel Contract)		
Australian Agribusiness t/as Nuturf	82.00	Yes
Endeavour Turf Professionals Pty Ltd	79.28	Yes
Tenderer D	70.44	No
Tenderer G	67.52	No
Tenderer B	63.80	No
Tenderer J	62.60	No
Tenderer L	60.17	No
Tenderer I	59.72	No
Tenderer M	57.06	No

- It is recommended that from the above weighted scores that nine (9) Contractors selected, based on a combination of the lowest price and the highest scoring for non-price criteria across the nominated ten (10) categories displaying a strong understanding of the specialist services required for Sportsfield Maintenance Services be appointed to the Sportsfield Maintenance Service Panel Contract.
- The TEP believe the spread of services will achieve maximum value for Council, while the size of the panel will be manageable to allocate the volume of services. Contractors will be engaged depending on successful quotations and availability to perform the particular service.

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** As part of this tender process, the sustainable weightings suggested for this industry were considered and it identified that.
 - the likelihood of job creation is limited, as the services are generally maintenance or reactive rather than generating new works;
 - local businesses within Banyule are unlikely given the nature of the activities; and

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

- the industry's appetite for social initiatives has not reached the desired level of maturity.
- However, it is important to note that five (5) of the nominated Contractors have an established apprentice scheme or trainee program. Three (3) Contractors have an existing Social Procurement Policy, while others have indicated inclusive recruitment plans for people with barriers to employment.
- All Contractors have a strong focus on environmental aspects, including organic and biological products, minimising water usage, recycling and battery-operated machinery.

Financial Implications

- A BAFO was not requested for this tender process. Services are based on a schedule of rates and quotations will be requested from the panel for the services as required.
- Council has an allocated operational budget to undertake sportsfield maintenance services over the duration of the four (4) year contract.

Additional information

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023 cont'd

- 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	Category 1 Matrix - Grass Cutting - CONFIDENTIAL	
2	Category 2 Matrix - Turf Wickets Topdressing/Leveling - CONFIDENTIAL	
3	Category 3 Matrix - Aeration - CONFIDENTIAL	
4	Category 4 Matrix - Top Dressing Sportsfields/Ovals - CONFIDENTIAL	
5	Category 5 Matrix - Grassing/Turfing - CONFIDENTIAL	
6	Category 6 Matrix - Fertiliser & Amendment Application - CONFIDENTIAL	
7	Category 7 Matrix - Herbicides, Pesticides & Wetting Agent Spraying - CONFIDENTIAL	
8	Category 8 Matrix - Supply of Various Horticultural Products - CONFIDENTIAL	
9	Category 9 Matrix - Turf Wicket Preparation - CONFIDENTIAL	
10	Category 10 Matrix - Consulting - CONFIDENTIAL	

3.3 AWARD OF CONTRACT - IVANHOE EAST STREETScape

Author: Nick McKay - Senior Project Manager, City Development

Ward: Griffin Ward

SUMMARY

1. This report is to consider the awarding of Contract No. 1321 - 2023.
2. The Tender Evaluation Panel (TEP) has recommended awarding the contract for Construction of Ivanhoe East Streetscape in accordance with the tender and conditions as determined by Council.
3. The tender process for the Construction of Ivanhoe East Streetscape was undertaken in two (2) stages. An Expression of Interest was released to market on 2 September 2023, with five (5) responses received.
4. Post evaluation of these submissions, Council sought proposals via a restricted tender request to the four (4) shortlisted Contractors for the construction and delivery of Ivanhoe East Streetscape, Lower Heidelberg Road.
5. Three (3) of the shortlisted contractors responded to the tender. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Kaizen Civil Pty Ltd in accordance with the tender and conditions as determined by Council.
6. The contract will commence February 2024 should Council award the contract. The Initial Contract Term shall be for an initial period of February 2024 to 30 June 2024. This is less than what was originally anticipated as a 12 month construction.

RECOMMENDATION

That Council:

1. Award Contract No. 1321-2023 to Kaizen Civil Pty Ltd for \$1,497,108 (exc. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or delegate to execute the contract and make appropriate budget provisions to achieve an accelerated delivery of the project within the 2023/24 budget and forecast Capital Budget for 2024/25.

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 - IVANHOE EAST STREETSCAPE cont'd

TENDER DETAILS

Contract Period	12 months
Contract Type	Contract
Advertising Period	2 September 2023 to 21 September 2023 in the Age (EOI Process) 6 October 2023 to 27 October 2023 (Restricted Tender)
Tenders Closed	27 October 2023
Works/Project	Construction of Ivanhoe East Streetscape
No. of tender documents downloaded	69 Downloads with 5 responses (EOI) Three (3) responses from four (4) shortlisted (Tender)
Tender Evaluation Panel (TEP)	Senior Project Manager – Strategic Properties and Projects Senior Project Manager – Strategic Properties and Projects Properties & Strategic Projects Officer
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered Lump Sum Price; • Capacity of Tenderer to undertake services, with proven experience in provision of similar streetscape projects including scheduling and works methodology; • Capability of Tenderer to undertake services including qualifications and experience of nominated staff including experience of nominated sub-contractors; • Local and Social Sustainability; • Existence of an accredited management system and procedures covering Quality and OH&S; and • Any other factor considered relevant by Council.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel (TEP) 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
Tenderer A	72.45
Tenderer B	50.15
Tenderer C	77.00

AWARD OF CONTRACT - IVANHOE EAST STREETSCAPE cont'd

- Following an initial evaluation, the TEP shortlisted the following tenderers for tender interviews:
 - Kaizen Civil Pty Ltd
- At the tender interviews, tender exclusions, works methodologies and other conditions stated in the tender submission were discussed.
- During tender evaluation process two contractors were subsequently requested to explain price exclusions that were listed in their tender submissions and submit their revised prices.
- 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 contractors:

Contractor	Final weighted Scores
Kaizen Civil Pty Ltd	77.00
Tenderer A	72.71
Tenderer B	50.15

- It is evident from the above weighted scores that Kaizen Civil Pty Ltd 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

- Local and Social Sustainability were weighted criteria considered by the TEP during the assessment of this tender.

Financial Implications

- A best and final offer (BAFO) was sought from Kaizen Civil Pty Ltd to which no further benefit was achieved.

AWARD OF CONTRACT - IVANHOE EAST STREETSCAPE cont'd

- Council has allocated budget in both its 2023/24 Capital Works budget and in its 2024/25 Capital Works budget for the purchase/supply of the construction of Ivanhoe East Streetscape. Given the reduced anticipated construction timeline (originally anticipated to be 12 months) some of these funds may need to be brought forward from the 24/25 budget to cover the anticipated accelerated expenditure of construction and other associated items such as service relocations. Refer to **Confidential Attachment 1** for further details on funding allocations.

Additional information

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
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1	1321-2023 - Summary of Submissions for Ivanhoe East Streetscape Works - CONFIDENTIAL	

3.4 AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024

Author: Ben De Klepper - Urban Forestry Coordinator, Assets & City Services

SUMMARY

1. This report is for consideration in awarding of Contract No. 1331 – 2023 “Cyclic Tree Pruning”.
2. The municipality is divided into eight (8) maintenance pruning precincts with four being complete each year, within a two (2) year timeframe.
3. Council sought Tenders from experienced and qualified Contractors to undertake cyclic tree pruning of four precincts within the municipality.
4. Prior to going to market, Council’s Urban Forestry Team scoped and compiled a list of pruning tasks for each of the required precincts (2, 6, 7 and 8) in accordance with Energy Safety Victoria (ESV) minimum clearance specifications, Australian Standard AS4373-2007 Pruning of Amenity Trees, and Council’s cyclic tree pruning specifications.
5. Council reserved the right to appoint one (1) Contractor to undertake all the precinct works or appoint multiple Contractors to undertake single or multiple precincts.
6. The contract will commence from 18 December 2023 should Council award the contract. The Contract Term shall be for a period of two (2) months after commencement of works. Contractors appointed for more than one precinct must ensure works are completed in the timeframe required.
7. The primary tree pruning services for the contract are:
 - a. Tree clearance for overhead electrical; infrastructure (power distribution, domestic service wires)
 - b. Tree clearance for roads
 - c. Tree clearance for footpaths
 - d. Tree clearance of property, signs, and streetlights
 - e. Pruning trees for sanitation and risk mitigation (e.g. deadwood and crossing branches)
 - f. Removal of trees that meet removal criteria.
8. Tenders were received from seven (7) companies. The total value of best/lowest price tenders (\$1,366,676) received across the four precincts exceeded the remaining budget (\$889,246) for cyclic works in 2023-24. The Tender Evaluation Panel (TEP) has recommended the remaining budget is best acquitted by prioritising precincts six, seven and eight. Precinct two (2) will be completed in 2024/25 FY under a new contract, satisfying Council’s risk and compliance obligations for tree management and electrical line clearance given the pruning of precinct two will occur within the two-year timeframe threshold.

AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024 cont'd

9. The TEP has recommended awarding the contract 1331-2023 – Cyclic Tree Pruning in accordance with the tender and conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award Contract No. 1331-2023 “Cyclic Tree Pruning to two (2) suppliers for the precincts in table below.

Tenderer	Precinct	Price
Aspect Tree Management	Six	\$294,613.93 (Exc. GST)
TreeServe Pty Ltd	Seven	\$310,000.00 (Exc. GST)
Aspect Tree Management	Eight	\$337,192.25 (Exc. GST)

2. Authorise the Chief Executive Officer or Delegate to sign the contracts and any other associated documents.
3. Authorise the Chief Executive Officer or Delegate 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 two months 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	Two months
Contract Type	Service Contract
Advertising Period	As per our Procurement Policy, tenders over \$1Million are advertised in the Local Government tender section of The Age newspaper. This tender was advertised and released on Saturday 14 October 2023 and closed on Wednesday 8 November 2023.
Tenders Closed	08/11/2023
Works/Project	The tender listed the specialist services required for Cyclic Tree Pruning
No. of tender documents downloaded	51 prospective companies downloaded the tender document from Council's e-tendering portal and seven contractors submitted their tenders by the closing date.
Tender Evaluation Panel (TEP)	The tender evaluation panel comprised of Manager Parks & Natural Environment, Coordinator Urban Forestry, Urban Forestry Team Leader, Strategic Procurement Partner and Sustainable Procurement Officer. Please note, the Sustainable Procurement Officer evaluated the Local and Social Sustainability criteria.
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;

AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024 cont'd

	<ul style="list-style-type: none"> Local and social sustainability, including economic and environmental; and Existence of Accredited Management Systems and procedures Quality & OH& S; and Any other information which Council may deem to be relevant.
Other Background	<ul style="list-style-type: none"> Banyule's Urban Forestry Unit have the responsibility for maintaining approximately 70,000 street trees with around half being situated near overhead electrical infrastructure and with many growing near the road carriageway. These works are governed by council's Electric line Clearance Management Plan and Road Management Plan sitting under the Energy Safety Act and the Road Management Act respectively. The previous contract for Cyclic Tree Pruning Services was terminated in the 2022/2023 FY due to ongoing issues with core deliverables.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the TEP 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 and considered sustainable procurement aspects of the contract, which cover 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 Procurement representative assessed the tender response schedules for compliance and six of the seven submissions were deemed compliant to progress to the evaluation stage.
- The TEP individually scored the seven(7) tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Following an initial evaluation, the TEP shortlisted the following tenderers:

	Tenderer's Name	Precinct	Schedule Compliance
A	Aspect Tree Management Pty Ltd	2,6,7 & 8	Yes
B	Tenderer B	6 & 8	No
C	Tenderer C	2,6,7 & 8	Yes
D	Tenderer D	2,6,7 & 8	Yes
E	Tenderer E	2	Yes
F	Tenderer F	2 & 8	Yes
G	TreeServe Pty Ltd	2,6,7 & 8	Yes

AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024 cont'd

NON-CONFORMING TENDER

- Tenderer B was non-compliant as the submission did not include any provision of the required traffic management obligations for these services. The TEP were advise not to evaluate this tender submission.
- 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.
- The final weighted scores for each Precinct are as follows:

PRECINCT TWO		Total Score	Recommended
UNAWARDED due to budget constraint. Rescheduled for completion in 2024/25			
A	Tenderer A	N/A	No
C	Tenderer C	N/A	No
D	Tenderer D	N/A	No
E	Tenderer E	N/A	No
F	Tenderer F	N/A	No
G	Tenderer G	N/A	No

PRECINCT SIX		Total Score	Recommended
A	Aspect Tree Management Pty Ltd	92.17	Yes
C	Tenderer C	61.43	No
G	Tenderer G	84.90	No

PRECINCT SEVEN		Total Score	Recommended
A	Tenderer A	92.17	No
C	Tenderer C	51.35	No
G	TreeServe Pty Ltd	86.23	Yes

PRECINCT EIGHT		Total Score	Recommended
A	Aspect Tree Management Pty Ltd	90.59	Yes
C	Tenderer C	52.39	No
F	Tenderer F	87.50	No
G	Tenderer G	84.71	No

AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024 cont'd

- The total value of all best/lowest price submissions across the four precincts totalled **\$1,366,676** which exceeds Council's remaining available 2023/24 budget of **\$889,246**. In consideration of this, the TEP agreed it was not possible to award contracts to all four (4) precincts.
- The TEP considered the best arrangement to achieve the cyclic pruning works in the required timeframe in accordance with Council's Electrical Line Clearance Management Plan (ELCMP) and obligations under Energy Safety Victoria (ESV).
- The TEP is recommending the remaining budget is best acquitted by prioritising precincts six (6) , seven (7) and eight (8). Precinct two (2) will be completed in 2024/25 FY under a new contract, satisfying Council's risk and compliance obligations.
- TreeServe Pty Ltd have recently completed Precinct one cyclic pruning for Council, while Aspect Tree Management Pty Ltd have performed reactive services within Banyule. Both tenderers scored highest in the non-price criteria and have extensive experience with cyclic tree pruning with neighbouring Councils.
- Considering the above, the TEP agreed the best result for Council would be to distribute the cyclic tree pruning works between separate Contractors to mitigate risk and ensure the works will be completed within the required timeframe and available budget.
- The TEP sought further information to complete their consideration, including:
 - an independent financial assessment for Aspect Tree Management Pty Ltd as the combination of recommended precincts is over the \$500K threshold;
 - 'Best and Final Offers' from shortlisted Contractors; and
 - Undertake reference checks for preferred Contractors.
- All shortlisted Contractors received positive reference feedback and the panel did not feel the need to rescore any Tenderers.

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.

AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024 cont'd

Sustainable Procurement Outcomes

- Contractors responded positively to Council's sustainable procurement requirements, noting the following:
 - Aspect Tree Management Pty Ltd and TreeServe Pty Ltd hold ISO accreditation for OH&S, Quality and Environmental management systems.
 - Both Contractors have established apprentice schemes.
 - One of the two Contractors have an existing Social Procurement Policy, and both have indicated inclusive recruitment plans for people with barriers to employment.

Financial Implications

- The information circulated in the confidential attachments are designated as Confidential Information in accordance with Section 3(1)(g) of the *Local Government Act 2020* as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.
- Three (3) Contractors responded to Council's BAFO request on 16 November with a reduction in price for each precinct. The details of the reduction are included in the confidential attachment.

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 evaluation panel completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

**AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE
PRUNING 2023/2024 cont'd**

ATTACHMENTS

N	Title	Page
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1	1331-2023 - Precinct 6 - Matrix - CONFIDENTIAL	
2	1331-2023 - Precinct 7 - Matrix - CONFIDENTIAL	
3	1331-2023 - Precinct 8 - Matrix - CONFIDENTIAL	

3.5 RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON

Author: Krysten Forte - Manager Governance & Integrity, CEO Office

Previous Items

Council on 28 August 2023 (Item 3.4 - Release of IBAC's Operation Sandon - Context Setting, Summary of Recommendations & Response to Notice of Motion)

Council on 26 June 2023 (Item 9.1 - Advocacy options for Council regarding Statutory Planning Matters under the Planning & Environment Act 1987)

SUMMARY

1. Public integrity, transparency and building community trust is integral to Council meeting its obligations and delivering the most effective services to its community.
2. In 2023, the Independent Broad-based Anti-Corruption Commission (IBAC) released Operation Sandon Special Report. A full copy of the Special Report is detailed here [Operation Sandon special report | IBAC](#).
3. In short, Operation Sandon was an investigation commissioned by IBAC which related to allegations of corrupt conduct involving Councillors and property developers in the City of Casey in Melbourne's south-east.
4. The 34 recommendations detailed in Operation Sandon relate to local government statutory and strategic planning and governance related issues.
5. The Special Report has been considered by Council at previous Council Meetings in 2023 and implementation of some of the recommendations have commenced as it related to statutory planning.
6. In line with Operation Sandon's planning recommendations, changes to Councils Planning Protocols have been made as it relates Councillor 'Call in Request' for planning permits and advocacy regarding recommendation 11(a) has also occurred as requested by Council.
7. Notwithstanding the importance of the planning recommendations, the primary focus of this report is Council's response to some of the governance recommendations.
8. Officers acknowledge the merit of all the governance recommendations and highlight and respond specifically to recommendations # 17, 18, 20, 21,23, 24 and 27 for implementation or continued implementation, and recommendations # 22(b) and 34(b) for further sector wide advocacy and engagement.
9. Most of the recommendations have not yet become ministerial directions.
10. However, this month, the Minister for Local Government announced legislative reform to the *Local Government Act 2020* which aims to address recommendations 17 and 18 in Operation Sandon relating to model Councillor codes of conduct and mandatory Councillor training.
11. The purpose of this report is for Council to consider endorsing governance improvements that can be made immediately and call for further sector engagement on recommendations 22(b) and 34(b).

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

RECOMMENDATION

That Council:

1. Receive and note this report highlighting Council's response to some of the governance recommendations as set out in IBAC's Special Report: Operation Sandon.
2. Approves that until further Ministerial direction occurs in response to the recommendations in Operation Sandon, Council will endorse the following practices and note that they will come in force for the first Council meeting in 2024:
 - a. Prohibit the use of en bloc motions in Council meetings.
 - b. Detail in Council meeting minutes the Councillors who spoke for and against an item to improve the record and transparency of an item's debate.
 - c. Detail in Council meeting minutes the Councillors who voted for or against or abstained to an item to improve transparency on Council decision making without the need to call for a Division.
3. Note that these changes will be proposed to be enshrined in Council's Governance Rules when it is next reviewed and until such time, will become a matter of endorsed practice.
4. Acknowledge that there are a range of recommendations in Operation Sandon that are long standing governance practices of Council as it relates to Councillor training, conflicts of interest declarations and Councillor induction such as detailed below & Council will continue to implement accordingly:
 - a. Provision of midterm induction program training to all Councillors.
 - b. Mandating that conflict-of-interest declarations are clear, descriptive, timely and provide details on the type of conflict of interest that exists and why.
 - c. Council meeting procedure training and administration
 - c. Councillor Code of Conduct that contains Councillor Staff Interaction Protocols.
5. Request that the Mayor write to the Minister for Local Government seeking further targeted sector engagement in response to the recommendations 22(b) 'Model Transparency Policy' and 34(b) 'CEO employment and recruitment processes'.

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".

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

BACKGROUND

- Operation Sandon is an investigation commissioned by the Independent Broad-based Anti-Corruption Commission (IBAC) into allegations of corrupt conduct involving Councillors and property developers in the City of Casey in Melbourne's south-east.
- The Investigation also examined the adequacy of Victoria's current systems and controls for safeguarding the integrity of the State's planning process.
- The Investigation was complex and included a range of public examinations in 2019 and 2020. IBAC heard evidence from over 20 witnesses and 5 expert witnesses.
- The Investigation largely focused on four (4) planning matters involving a planning developer and his associates. The decisions involved significant public interest and potentially provided large financial gains for the land holders, developers, and their consultants.
- Although the Investigation focused on the activities at Casey Council, the findings from this investigation highlighted a range of systemic vulnerabilities.
- IBAC has made 34 recommendations to promote transparency in planning decisions, to strengthen lobbying and donation regulation, to improve the accountability of ministerial advisors and electoral officers and to strengthen Council governance.
- A full summary of the governance the recommendations are located at **Attachment 1** to this Report.
- Because these reforms are significant and wide reaching, IBAC recommends the Department of Premier and Cabinet establish and chair an inter- departmental taskforce.
- With respect to the planning recommendations, Council has already commenced where possible a review of processes in light of the current legislation, and a review of Council's Planning Protocols was recently undertaken where adjustments to the Councillor Call in Process for statutory planning matters to Council for decision have been made.
- Further, Council advocated to the relevant Planning Minister and Minister for Local Government on recommendation 11(a) to retain statutory planning decision making rights.
- 17 out of the 34 recommendations relate to governance opportunities and improvements.
- It is important to note that the Minister for Local Government has recently responded to some of the recommendations in Operation Sandon and announced legislative reform to the *Local Government Act 2020*.
- These reforms aim to address recommendations 17 and 18 in Operation Sandon relating to model Councillor codes of conduct and mandatory Councillor training.
- The legislation may address further recommendations however the details have not yet been released.
- Table 1 provides a summary of the actions Council already does take or can immediately take in relation to specific recommendations in Operation Sandon.

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

Table 1 - Actions already taken and/ or to be implemented:

#	IBAC recommendation	Council position
17	<p>The Minister for Local Government:</p> <p>(a) Ensures that Local Government Victoria develops and maintains Model Councillor Code of Conduct that includes better practice provisions that will apply to all Councils, noting that Councils can adopt additional provisions to the extent that they are consistent with the minimum standards specified in the Model Code of Conduct.</p> <p>(b) Develops and introduces to Parliament amendments to the Local Government Act 2020 or amends relevant regulations to specify that Councils must adopt the Model Councillor Code of Conduct.</p>	<p>Agrees in principle and notes will be enacted with recently announced legislative reform.</p> <p>Notes that the recent announcement by the Minister for Local Government on legislative reforms to address to address Councillor misconduct.</p>
18	<p>Councillors undertake mid-term refresher training on governance, leadership, and integrity.</p>	<p>Agrees and this practice is already implemented.</p> <p>This will continue to implement for each election cycle and training is available to Councillors on needs basis.</p> <p>No further immediate action required for Council.</p>
20	<p>Considered Councillor decision-making by providing guidance and training to Councils on administrative and Council meeting best practice.</p>	<p>Agree and this practice is already implemented.</p> <p>Meeting procedure training made available to Mayor and Councillors regularly.</p> <p>Agenda papers for Council meetings provided to Councillors 10 days in advance.</p> <p>No other immediate action required for Council.</p>
21	<p>The Minister for Local Government ensures that Local Government Victoria includes in the Model Code of Conduct for Councillors a clear statement of expectations to guide Councillors and staff in their interactions with each other.</p>	<p>Agree and already implemented, with further advice sought from legislative reform regarding model codes of conduct.</p> <p>Council already have Councillor & Staff Interaction protocols enshrined in the Councillor Code of Conduct.</p> <p>Council received regarding from Local Government Inspectorate as endorsing best practice Councillor Staff Interaction Policy in Victoria and in response to <i>Local Government Act 2020</i> requirements.</p>

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

23	Recommendations to Minister for Local Government ensures that the Model Governance Rules expressly prohibit voting en bloc in Council meetings.	<p>Agree and recommend immediate implementation as per Officer Recommendation.</p> <p>Council can adopt a custom and practice to prohibit the use of en bloc motion in Council meetings.</p> <p>Council can choose now as a matter of practice to cease the use of en bloc motions without changes to the Rules to act swiftly and without a new Rule review.</p>
24	<p>Recommendation that the Minister for Local Government ensures that the Model Governance Rules require Council meeting minutes to state:</p> <p>a) the names of Councillors who spoke on each motion.</p> <p>b) the names of Councillors who voted for and against each motion (regardless of whether a division was called).</p>	<p>Agree and recommended immediate implementation.</p> <p>Officers can commence this practice, as the Governance Rules state at Division 10 Rule 54 (1) (n) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.</p>
27	<p>c) The Minister for Local Government ensures that the Model Governance Rules for disclosing conflicts of interest and provide sufficient detail including but not limited to, the people and names of entities associated with the conflict and relationship to the Councillor.</p>	<p>Agree and continue to implement.</p>

KEY ISSUES

- Whilst Operation Sandon addresses key governance issues identified by IBAC, it is acknowledged that some of the proposed recommendations to the Minister for Local Government require further considered, delicate and deliberate engagement with the local government sector.

Recommendation 22(b)

- This recommendation relates to the development of a Model Transparency Policy. Specifically, the recommendation states that:
 - a) Local Government Victoria develops and publishes a Model Transparency Policy to specify the minimum standards of Council openness (which Council currently has in force, albeit not a model policy but as required under the Local Government Act 2020);
 - b) Ensures that the Model Governance Rules and & Model Public Transparency Policy
 - i) Highlights the importance of open government and related risks in holding pre-brief Council meetings.

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

- ii) Note the limited circumstances in which it may be appropriate to hold pre - Council meetings immediately before a public Council meeting, such as to discuss procedural arrangements for the meeting and
 - iii) Make clear that Councillors must not discuss the substance of the agenda in detail, reach agreements on Council agenda items in private, and that briefings should involve the presentation of information only.
- Whilst the real risks associated with apprehended bias, pre-determined decision making, or engaging in the act of caucusing or other poor conduct practices are acknowledged and can occur in any local Council, these issues are not or should not category be inferred as a result of the holding of a pre-brief Council meeting.
 - The matters detailed in Operation Sandon describe vulnerabilities in the pre brief Council meetings which were undoubtedly confronting and alarming at the City of Casey but are not necessarily reflective of the conduct that occurs at other pre brief Council meetings across the rest of the sector.
 - A practice of Councillors arriving at a Council meeting with a fair and impartial mind should occur in the absence of, or in the holding of a pre brief Council meeting.
 - There are known procedural and practical benefits in holding pre-Council briefing meetings and sharing views and thoughts on items prior to their deliberation for an effective and sound decision-making process to occur.
 - Whilst this recommendation is supported to the extent of improvements to transparency and good governance, further collaboration and engagement with Local Government Victoria and/ or the Minister for Local Government is requested and sought.
 - This engagement hopes to ensure that any reforms relating to pre-Council meeting briefings indeed does meet best practice, good governance and transparency standards but are also considered in light of their appropriate, reasonable and practical purpose, and that the ethical and integrity-based benefits of their existence is also shared.

Recommendation 22(c)

- Deliberation and debate on agenda items is critical and recommendation 22(c) is welcomed to be considered by the Minister and the sector in its entirety, particularly as it relates to planning matters.

Recommendation 34(b)

- This recommendation seeks an amendment to the *Local Government Act 2020* as section 45 that requires each Council establish a committee to determine matters relevant to recruitment, employment and remuneration of the CEO.
- It further recommendations that the Committee must be chaired by an independent professional with executive experience in local or state government and most of its members to be external to the Council.
- One of the most critical and important roles a Councillor holds is in the tasks of recruitment, reappointment, employment, performance review and management of its CEO.
- The recommendations refers to the Committee shifting from an advisory committee to more of a determinative committee, which appears to remove Councils oversight and responsibility of the CEO's employment lifecycle.

**RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON
cont'd**

- Whilst Council have had a long-standing practice, prior to it being enshrined in legislation, to have in force an established CEO Employment Matters Committee that is chaired by an independent committee member, further engagement and collaboration with the sector on the impacts and challenges of removing or restricting Councillors role in the CEO employment life cycle is paramount.
- Undertaking advocacy and engagement on these above-mentioned items will be critical to any legislative reform and the opportunity to participate in the development of such reforms would be welcomed.

SUPPORTING REPORT DETAILS

Legal Consideration

- Officers acknowledge that many of the recommendations detailed in Operation Sandon relate to IBAC's call for legislative reform to *Local Government Act 2020* or associated regulations.
- 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.

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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1	Operation Sandon - Governance recommendations summary	



3.6 AUDIT & RISK COMMITTEE - RECRUITMENT OF NEW INDEPENDENT REPRESENTATIVE MEMBER

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

SUMMARY

1. The Audit and Risk Committee (the Committee) is established in compliance with section 53(1) of *the Local Government Act 2020* (the Act).
2. The Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
3. Current membership of the Committee consists of two (2) Councillor Representatives and three (3) Independent Representatives. Councillor Representatives are appointed annually at the Statutory Council Meeting. The Committee Charter states that independent Representatives will not be appointed for more than two (2) 3-year consecutive terms.
4. Dr Irene Irvine has been an integral part of the Committee since her appointment on 1 February 2018. Dr Irvine's tenure on the Committee will conclude 31 January 2024 to be in accordance with the charter.
5. Recruitment for the replacement of Independent Representative of the Audit & Risk Committee commenced on 19 August 2023 and closed on 8 September 2023.
6. Following shortlisting, interviews were conducted on 10 November 2023, and it is recommended that Lisa Young be appointed as the new Independent Representative member commencing from 1 February 2024 for a period of three years (3 years).

RECOMMENDATION

That Council:

1. Endorses the Selection Panel's recommendation to appoint Ms Lisa Young as the new Independent Representative on Council's Audit and Risk Committee for a term of three (3) years, with the option to extend for a further two (2) years.
2. Notes that the skills and attributes of the recommended independent committee members fulfil the requirements pursuant to section 53(3)(b) of the *Local Government Act 2020*.
3. Formally thanks and acknowledges the contribution, skills and attributes of Dr Irvine to the Committee during her tenure.

AUDIT & RISK COMMITTEE - RECRUITMENT OF NEW INDEPENDENT REPRESENTATIVE MEMBER cont'd

COUNCIL PLAN

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

BACKGROUND

- In accordance with the Audit & Risk Committee Charter, the role of the Committee is to assist Council in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements, ensuring sound ethical standards are practised and the necessary system controls are in place to manage risks and prevent fraud and corruption.
- Dr Irvine has been an integral part of Banyule's Audit & Risk Committee since her appointment on 1 February 2018.
- We acknowledge the professionalism of Dr Irvine as a Committee Representative particularly over the past five (5) years as Committee chairperson. The level of discussion on matters brought before the Committee has been of a very high standard, which has resulted in substantial benefits and reassurance to both the community and the Council.
- During her time on the Committee, Council has achieved significant milestones and overcome challenges, setting a standard of excellence. We would like to thank Dr Irvine for her ability to foster collaboration, inspire innovation, and navigate complex issues. Dr Irvines tenure on the Audit & Risk Committee concludes 31 January 2024.
- To ensure Banyule City Council continues to have a majority of Independent Representatives on the Audit & Risk Committee, a comprehensive recruitment process was conducted.
- The position of Independent Representative of the Audit & Risk Committee was advertised on the Banyule website, Seek, Council Careers, LinkedIn and the position was picked up and advertised by Women on Boards as of Saturday 19 August 2023 with Expressions of Interest (EOI) closing on 8 September 2023. In total 41 applications for the position were received.
- To assist with shortlisting, a skills matrix assessment was conducted on the current Independent Representatives. Candidates were assessed based on their level of Local Government experience or familiarity, experience with financial planning and management, internal audit & risk experience, understanding of enterprise risk management, fraud and cyber knowledge. Areas of governance, assurance, experience in the private sector and board experience were also considered.
- The Selection Panel, consisted of Committee members Cr Peter Dimarelos, Independent Representative Mr Greg Rimmer- Hollyman and two senior Council Officers – Marc Giglio, Director Corporate Services and Toni Toaldo, Manager People & Culture.
- Following in person interviews on Friday 10 November 2023, the Selection Panel recommended Lisa Young be appointed as an Independent Member of the Audit & Risk Committee.
- Lisa Young currently is a current representative as an Independent Member on the Audit and Risk Committee for Moonee Valley City Council(from 2022) and

AUDIT & RISK COMMITTEE - RECRUITMENT OF NEW INDEPENDENT REPRESENTATIVE MEMBER cont'd

Corangamite Shire Council (from 2021). Other board appointments include Chair of the Deakin University School of Criminology Board (2017-18).

- Lisa has worked as a consultant with a number of metropolitan councils to develop their Risk Management and Fraud and Corruption Frameworks.
- It is being recommended that Lisa Young be appointed as the Committee's Independent Representative for a period of 3 years effective from 1 February 2024 and concluding on 31 January 2027 with the opportunity to extend for a current two (2) years.

KEY ISSUES

- To assist with shortlisting, a skills matrix assessment was conducted on the current Independent Representatives.
- Candidates were assessed based on their level of local government experience or familiarity, experience with financial planning and management, internal audit & risk experience, understanding of enterprise risk management, fraud and cyber knowledge.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.
- It is considered that the subject matter does not raise any gender impact or associated issues and even though a Gender Impact Assessment wasn't required, Council undertook a Gender Impact Lens to assess the appointment of the new Independent Representative member of the Audit & Risk Committee, and to ensure that the selection process aligns with principles of gender equality.
- Benchmarking and research show that the absence of females on boards and governing bodies poses significant challenges.
- It limits the diversity of perspectives in decision-making, reinforcing gender stereotypes and restricting the talent pool. This exclusion overlooks the interests of a significant part of the community, exposing organisations to reputational and legal risks. Beyond this, it impacts employee morale, particularly among women, and fails to effectively address gender-specific issues.

AUDIT & RISK COMMITTEE - RECRUITMENT OF NEW INDEPENDENT REPRESENTATIVE MEMBER cont'd

- The statistics reveal a landscape where gender diversity on boards remains a work in progress. With 26% of boards lacking any female members, there is a clear gap in achieving balanced representation. The fact that only 19% of chairs are women signals a significant underrepresentation at leadership levels, while the 34% of board members being women suggests progress is being made but still falls short of parity.
- Encouragingly, 25% of boards achieving gender balance, defined as having at least 40% men and women, signifies positive strides. In the specific recruitment process for the Independent Representative role, the equal shortlisting and interviewing of males and females demonstrate a commitment to fair selection practices. Ultimately, the appointment of a female candidate aligns with broader goals of inclusivity and diversity, serving as a positive step towards breaking gender barriers in leadership positions.
- To address the existing gender disparities, our approach has been comprehensive. Recognising the importance of gender diversity, we have actively implemented strategies to remedy the imbalance.
- Our recruitment process for the Independent Representative role involved a careful shortlisting and interviewing process, ensuring equal consideration for both male and female candidates. This commitment to fairness culminated in the appointment of a highly qualified female candidate, aligning with our goal of fostering inclusivity and breaking gender barriers in leadership roles.
- Furthermore, we have been proactive in promoting these practices as best standards, contributing to broader discussions on achieving gender balance in boards and governing bodies. Continuous monitoring and community engagement remain integral components of our strategy, as we strive to build and sustain a diverse and representative leadership that reflects the richness of our community.

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

Nil

3.7 BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. At the Banyule Cemeteries Trust meeting of the 5 December 2022, Council resolved to incorporate the Cemetery Trust Reports into Council's Ordinary Council Meeting.
2. The Financial Statement provides a quarterly update on the financial results of the Council run and managed cemeteries.
3. This report provides a financial update for the three (3) months from 1 July 2023 to 30 September 2023.
4. The overall Operating Surplus for the three (3) months is \$30,967.
5. The Trust had budgeted for an Operating Loss for the three (3) months of \$37,428.
6. The variance is \$68,395 or 182.74% better than budgeted.
7. The basis for the good result is primarily due to more burials and ashes interments and interest on investment than what was budgeted.
8. The Banyule Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.

RECOMMENDATION

That Council:

1. Endorse the Banyule Cemeteries Trust Financial Statement for the three (3) months from 1 July 2023 to 30 September 2023; and
2. Notes that the Financial Statement indicates that:
 - The overall Operating Surplus for the three (3) months is \$30,967.
 - The variance is \$68,395 or 182.74% better than budgeted.
 - The basis for the good result is primarily due to more burials and ashes interments and interest on investment than budgeted.

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".

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

BACKGROUND

- The Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At its meeting of the 5 December 2022, Banyule Cemeteries Trust resolved to present the Trust Reports to a Council meeting.
- The Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.
- The Financial Statement provides a quarterly update on the financial results of the cemeteries.
- This report provides a financial update for the three (3) months from 1 July 2023 to 30 September 2023.

KEY ISSUES

- The overall Operating Surplus for the three (3) months is \$30,967. The variance is \$68,395 or 182.74% better than budgeted.
- The Trust had budgeted for an Operating Loss for the three (3) months of \$37,428.
- The Actual Income for the same period is \$111,168. The Income variance is \$88,693 or 394.63% better than budgeted.
- The Actual Expenditure for the same period is \$80,201. The Expenditure variance is \$20,298 or 33.89% over budget.
- The basis for the good result is primarily due to more burials and ashes interments and interest on investment than budgeted.

SUPPORTING REPORT DETAILS

Legal Consideration

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

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Sustainable Procurement Outcomes

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

Financial Implications

- Attached are the Budget v/s Actual financial statements for the three (3) months from 1 July 2023 to 30 September 2023.
- Explanations of the results for the financial year to the 30 September 2023 are as follows:

Income Variances

Burial Purchase and Interment	Favourable	\$38,284
Ashes Purchase and Interment	Favourable	\$25,318
Monument and Plaque Fees	Favourable	\$10,095
Vault Purchase and Interment	N/A	N/A
Interest on Investment and Other Income	Favourable	\$14,997
Government Grants	N/A	N/A
Total Income	Favourable	\$88,693

- Burial purchases and interments are better than budget by approximately \$38,300.
- This is due to more burials than budgeted in all graves; that is, old graves with one (1) or two (2) existing burials and new repurchased graves. There will be a corresponding increase in burial costs to the gravedigger as a consequence.
- Ashes purchases and interments are better than budget by approximately \$25,300. This is due to more ashes purchases and interments than budgeted.
- Monument and plaque fees are better than budget by approximately \$10,000. This is due to more monument permit applications and sales of plaques than budgeted.

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

- Vault purchases and interments have not been budgeted for the first three (3) months of the year due to only one (1) interment being budgeted for the year.
- Interest on Investment and Other Income is better than budget by approximately \$15,000. This is due to higher interest rates.
- Government Grants have not been budgeted for the first three (3) months of the year. No grant applications have been made to date.
- Overall, income is better than budgeted by \$88,693 (394.63%).

Expenditure Variances

Administration	Unfavourable	(\$1,347)
Maintenance	Unfavourable	(\$9,483)
Burial Costs	Unfavourable	(\$6,977)
Restorations, Equipment and Other	Favourable	\$24
Plaque Placements	Unfavourable	(\$2,516)
Total Expenditure	Unfavourable	\$20,298

- Administration costs are over budget by approximately \$3,200. This is primarily due to the BCC Corporate Overhead expense.
- Maintenance costs are over budget by approximately \$9,500. This is due to the Contractor Lump Sum for maintenance being processed in this financial year instead of 2022/23 and a water leak that haphazard.
- Burial costs are over budget by approximately \$7,000. This due to more burials than budgeted, see corresponding Income section above.
- Restorations, Equipment and Other are better than budget by approximately \$25. This is due to very little expenditure in this area so far this year.
- Plaque Placement expenditure is over budget by approximately \$2,500. There have been more plaque placements due to more plaques being ordered, see corresponding Income section above.
- Overall, Expenditure is over budget by \$20,298 (33.89%).

Capital

- No capital expenditure has been budgeted for this financial year.


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

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BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

- 1 Banyule Cemeteries Trust - Income & Expenditure Statement - 1 July
 2023 - 30 September 2023

3.8 BANYULE CEMETERIES TRUST - OPERATIONS REPORT

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. The Operations Report provides an update on the operations of the Council run and managed cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise and require reporting.
2. The number of burials and ashes interments for the three (3) months from 1 July 2023 to the 30 September 2023 is slightly less than the same period in the previous year.
3. During the current financial year burials account for 59% of business (52% in 2022/23) and ashes purchases and interments 41% of business (48% in 2022/23).
4. The Department of Health undertakes a performance audit of a random selection of Class B cemeteries each year.
5. The Department of Health has contracted NTT Australia Digital Pty Ltd to conduct a performance audit of Banyule Cemeteries Trust for the 2021-2022 financial year.
6. Recent vandalism of one particular grave and the plaques on that grave at Warringal Cemetery have been reported to Victoria Police who are currently investigating.
7. The Cemetery Data Base and Mapping System Project is progressing towards endorsement by Council's internal ICT Steering Committee.
8. Advertising for a Request for Quote and additional resources (already approved in the Council Budget for 2023-2024) for this project are currently scheduled to take place in January 2024.
9. The Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.

RECOMMENDATION

That Council:

1. Endorse the Banyule Cemeteries Trust Operations Report; and
2. Notes the Operational Report details including the number of burials and ashes interments for the three (3) months of this financial year is slightly less than the same period in the previous year.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT 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 Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At the Banyule Cemeteries Trust meeting of the 5 December 2022, Council resolved to have Trust reports presented to Ordinary Council meetings.
- The Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.
- The Operations Report provides an update on the operations of the cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise and require reporting.

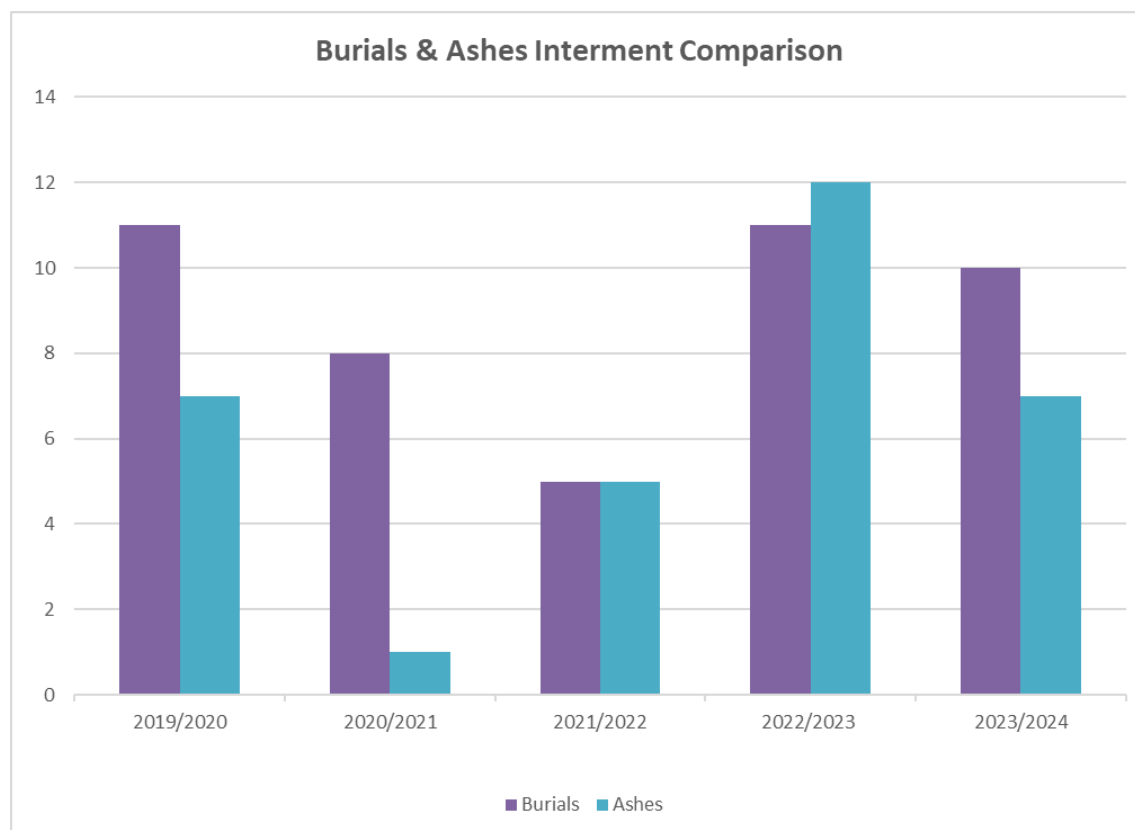
KEY ISSUES

Cemetery Operations

- The number of burials and ashes interments carried out in the three (3) months from 1 July 2023 to 30 September 2023 equates to 17 in total.
- The total number of burials and ashes interments were 17 in 2023/24, 23 in 2022/23, 10 in 2020/21 and 9 in 2019/20 over the same three (3) month period.
- A graph showing the number of burials and ashes interments comparison for the past 5 years from 2018/19 through to 2022/23 is shown below:

BANYULE CEMETERIES TRUST - OPERATIONS REPORT cont'd

Graph 1 – Burials & Ashes Interment Comparison



- During the current financial year burials account for 59% of business (52% in 2022/23) and two separate fees relating to ashes and interments: the purchasing of ashes memorial positions and the process of interring the cremated remains into graves or memorial positions and that equates to 41% of business (48% in 2022/23).
- It is important to note that whilst there has been a small increase in burials since 2021/22, this is not a trend per se it demonstrates that there is room for burials in existing graves.

Department of Health

- The Department of Health undertakes a performance audit of a random selection of Class B cemeteries each year.
- Banyule Cemeteries Trust has been notified that NTT Australia Digital Pty Ltd will be undertaking the performance audit on behalf of the Department of Health.
- The Terms of Reference have been forwarded to officers and we are awaiting further contact from NTT so that we can provide the necessary documentation required.
- The audit examines documentation and analysis of processes and procedures in accordance with the relevant legislation, manuals and guidelines.
- The audit covers the 2021-2022 financial year.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT cont'd

Vandalism

- Defacement of two plaques in the lawn grave area at Warringal Cemetery has resulted in a family reporting the incidents to the Police.
- The Police are currently carrying out investigations.
- The *Cemeteries and Crematoria Act 2003* and *Cemeteries and Crematoria Regulations 2005* have penalties for breaches of the Act for which the Police can lay charges for offences to desecrate memorials and/or offences to desecrate places of interment.
- The penalties are 240 penalty units or 2 years imprisonment or both, for each offence. This equates to \$46,154.40 for each offence if found guilty.

Cemetery Data Base & Mapping System Project

- Officers have been working on the project documentation which will be presented to the ICT Steering Committee for endorsement.
- Post endorsement, the project proposal is for a Request for Quote being advertised in January 2024.
- Advertising for additional resources for the project (already approved in the budget) will also be undertaken around the same time.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The *Cemeteries & Crematoria Act 2003* and *Cemeteries & Crematoria Regulations 2005* are the primary legislation under which the cemeteries are managed.

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.

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- It is considered that the subject matter does not raise any gender impact or associated issues.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT 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

Nil

3.9 RECORD OF COUNCILLOR MEETINGS

Author: Rachael Hudson - Council Business Officer., CEO Office

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 30 October 2023 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 November 2023 (5.40pm – 6.30pm)
	Type of Meeting:	Pre-Brief Mayoral Election
	Matters Considered:	
	<ul style="list-style-type: none"> • Election process and procedure • Appointments to Advisory, Population and External Committees 	
Councillors Present:		
Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos Cr Mark Di Pasquale – arrived 5.40pm Cr Rick Garotti Cr Tom Melican Cr Elizabeth Nealy		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance & Integrity</i> Linda Chapple – <i>Governance & Integrity Coordinator</i>		

RECORD OF COUNCILLOR MEETINGS cont'd

Others Present: n/a	
Conflict of Interest:	n/a

2	Date of Meeting:	20 November 2023 (5.34pm-6.37pm)
	Type of Meeting:	Pre-Brief Council Meeting
	Matters Considered:	
	<p>3.1 Record of Councillor Meetings</p> <p>3.2 78-80 Hawdon St, Heidelberg - Notice of Intent to Sell - Hearing of Submissions</p> <p>3.3 Insurance Renewal Analysis 2023/24</p> <p>3.4 Quarterly Financial Management Report - September 2023</p> <p>3.5 Audit & Risk Committee Minutes 22 September 2023</p> <p>3.6 CEO Employment & Remuneration Policy & CEO Employment Matters Terms of Reference Review</p> <p>4.1 Advisory and Population Committees Report - July - October 2023</p> <p>4.2 Creative Banyule: Proposed Arts and Culture Strategy 2023 - 2031</p> <p>4.3 Olympic Leisure Centre - Report on programming, visitation, and community engagement Greensborough Baseball Club Batting Cage - Additional Funding Request</p> <p>6.1 North East Link - Ring Road Completion Urban Design and Landscape Plan – Council submission</p> <p>6.2 230-232 Banksia Street and 96 Oriel Road BELLFIELD – Bellfield Redevelopment Precinct Amendment (P1616/2021 pt2)</p> <p>6.3 Ivanhoe Grammar School Development Plan</p> <p>6.4 Draft Banyule Public Realm Strategy</p> <p>7.1 7 Wellington Street Montmorency Community Hub Expression of Interest Outcome</p> <p>7.2 Response to Community Infrastructure Opportunities at Public Schools Notice of Motion</p>	
Councillors Present:		
<p>Cr Tom Melican</p> <p>Cr Peter Castaldo</p> <p>Cr Alison Champion</p> <p>Cr Mark Di Pasquale</p> <p>Cr Alida McKern</p> <p>Cr Fiona Mitsinikos</p> <p>Cr Elizabeth Nealy</p>		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance & Integrity</i> Linda Chapple – <i>Governance & Integrity Coordinator</i> Jonathan Risby – <i>Manager Transport & Environment</i>	
Others Present:	
Conflict of Interest:	n/a

3	Date of Meeting:	27 November 2023 (6.35pm- 10pm)
	Type of Meeting:	Councillor Briefing
	Matters Considered: <ul style="list-style-type: none"> • Councillor Request Management Update 2022-2023 • Corporate Emissions Reduction Plan Redevelopment - Issues and Opportunities • Ivanhoe Traders Association • Long Term Financial Planning, Budget and Integrated Planning process for 2024/25 • Monthly Financial Management Report - October 2023 • Existing Parklets - Future Options • Banyule Transport Strategies and Actions Update • State Government's Housing Statement • Paid Parking - Cash Collection Service Review - Update • Public Toilet Plan Review • Watermarc Banyule Emersion program (show video) • Launch Housing tour. Are any councillors that missed the launch interested in attending a tour? • Councillors Christmas celebration options: • Planning Day Sunday 28th January – half day planning session at a bowling club followed by lunch and bowls with families. • Urban food strategy opening • Cartmell St and Developer complaint 	
Councillors Present: <p>Cr Tom Melican Cr Peter Castaldo Cr Alison Champion Cr Mark Di Pasquale – arrived at 8.10pm Cr Alida McKern Cr Fiona Mitsinikos Cr Elizabeth Nealy Cr Rick Garotti Cr Peter Dimarelos</p>		

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> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance & Integrity</i> Linda Chapple – <i>Governance & Integrity Coordinator</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Greg Gale – <i>Manager Delivery & Assessts</i> Karen Leeder – <i>Manager City Futures</i> Fletcher Coburn – <i>Councillor Request Management Officer</i> Damien Harrison – <i>Environment Coordinator</i> Russell Whip – <i>CX Data& Systems Analyst</i> Abdul Firoze - <i>Corporate Emissions Reduction Lead</i>	
Others Present:	
Conflict of Interest:	n/a

RECOMMENDATION

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

ATTACHMENTS

Nil

4.1 YARRA PLENTY REGIONAL LIBRARY SERVICE ANNUAL REPORT

Author: Kath Brackett - Director Community Wellbeing, Community Wellbeing

SUMMARY

1. Yarra Plenty Regional Library (YPRL) is a corporation formed to provide library services for three (3) member Councils – Banyule City Council (BCC), City of Whittlesea, and Nillumbik Shire Council in 1985.
2. YPRL provides the current region-wide shared library service via a network of nine (9) Branch Libraries, one Mobile Library, one Mobile Outreach service and an extensive range of eServices available via the website and multiple mobile applications.
3. BCC signed the current 5-year Library Agreement in 2020, with the new Agreement due in 2025. This Agreement sets out the buildings that Council allocates to YPRL to deliver library services from, defines the Board member and Chairperson allocation, and sets out the cost apportionment model for Council's share of the whole of service costs.
4. Membership continued to grow over the 2022-2023 financial year – YPRL now has 156,426 members across the network of branches and hubs, and just over 48,000 Banyule residents are YPRL members. This represents 38% of the population of Banyule. Banyule residents are also avid readers with almost 545,000 items borrowed in the last financial year.
5. YPRL have been working hard to create inviting spaces where diverse members of the local community feel safe, respected and included. As part of YPRL's commitment to diversity and inclusion, the principles of codesign have been embedded within all aspects of YPRL's work.
6. A copy of the Yarra Plenty Regional Library Annual Report 2022-2023 has been included in **Attachment 1**.

RECOMMENDATION

That Council:

1. Note the provision of library services and programming by Yarra Plenty Regional Library on behalf of Banyule City Council.
2. Note the Yarra Plenty Regional Library Annual Report 2022-2023 included in **Attachment 1**

COUNCIL PLAN

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

YARRA PLENTY REGIONAL LIBRARY SERVICE ANNUAL REPORT cont'd

BACKGROUND

- Yarra Plenty Regional Library (YPRL) is a corporation formed to provide library services for three member Councils – Banyule City Council (BCC), City of Whittlesea, and Nillumbik Shire Council in 1985. Prior to this, Banyule City Council delivered a regional library service since 1965 with the formation of the Heidelberg Regional Library Service. This regional library service delivered library services to the then Eltham Shire, Diamond Valley Shire, and Banyule Shire communities.
- YPRL provides the current region-wide shared library service via a network of nine Branch Libraries, one Mobile Library, one Mobile Outreach service and an extensive range of eServices available via the website and multiple mobile applications. YPRL is a service that welcomes everyone. YPRL branches are safe spaces where communities can come together to read, learn, create, and work. BCC signed the current 5-year Library Agreement in 2020, with the new Agreement due in 2025. This Agreement sets out the buildings that Council allocates to YPRL to deliver library services from, defines the Board member and Chairperson allocation, and sets out the cost apportionment model for Council's share of the whole of service costs.
- Banyule City Council contribution to the YPRL budget in 2022-2023 was \$5,550,711.

KEY ISSUES

- Membership continued to grow over the 2022-2023 financial year – YPRL now has 156,426 members across the network of branches and hubs, and just over 48,000 Banyule residents are YPRL members. This represents 38% of the population of Banyule. Banyule residents are also avid readers with almost 545,000 items borrowed in the last financial year.
- YPRL have been working hard to create inviting spaces where diverse members of the local community feel safe, respected and included. As part of YPRL's commitment to diversity and inclusion, the principles of codesign have been embedded within all aspects of YPRL's work. Working with targeted communities, library users and staff in a collaborative process to collectively design, develop and refine library programs, spaces, collections and other services which has resulted in being better able to meet their unique needs. In 2022/23 YPRL delivered a range of programs and services with a basis in these principles.
- One of the highlights was the Talking Together outreach programming with the Somali Australian community in West Heidelberg that culminated in a CALD Jobs Expo held at Ivanhoe Library and Cultural Hub. First Nations knowledge and culture has been embedded into library School Holiday Programs, including the Family Storytime and First Nations children's play session at Ivanhoe Library.
- YPRL values their partnership with Banyule City Council and Banyule Youth Services and together delivered the Immersive Worlds, a program designed specifically to encourage young people to return to the library by creating opportunities to connect. Held at Ivanhoe Library, Immersive Worlds blended virtual reality experiences, Dungeons & Dragons sessions, and an escape room event, along with various other games. It drew an impressive attendance with nearly sixty young people ranging in ages from 12 to 22 years-old joining in. Many of those attending were first-time library visitors.

YARRA PLENTY REGIONAL LIBRARY SERVICE ANNUAL REPORT cont'd

- YPRL has committed to running outreach Storytimes in key locations to maintain community connection and an early literacy focus during the development of the new Rosanna Library. YPRL have partnered with Banyule City Council, Banyule Community Health and Kids First to deliver weekly Storytimes at Banyule Community Health, Macleod Community Hall, and Bellfield Community Hub. Storytime attendance is increasing each week and is receiving fantastic feedback from families delighted to still have Storytime sessions available near home.
- Watsonia Library played host to talented local makers and crafters at the Twilight Community Craft Markets. An array of small businesses – many proudly owned and operated by local women – descended on library spaces to showcase their creativity and skills in a vibrant community setting. The community have responded to this in droves, with over 118,000 people attending the more than 4,600 events across YPRL during 2022/2023.
- A copy of the Yarra Plenty Regional Library Annual Report 2022-2023 has been included in **Attachment 1**.
- An example of customer feedback is as follows: *'My family and I love the library; it is a place for fun and learning. My daughter loves learning to code and my son loves reading to Carita and giving her treats. Both look forward to the library every week and feel right at home at Watsonia Library thanks to the wonderful staff.'*

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 upholds the Victorian Charter of Human Rights and Responsibilities as the provision of library services specially seeks to address social justice issues of access, equity, participation and rights. Specifically, the provision of library services uplifts rights under section 14 - right to freedom of thought, conscience, religion and belief; Section 15 - right to freedom of expression; Section 19 - Cultural rights, including Aboriginal cultural rights. In particular, YPRL libraries are safe spaces where communities can come together to read, learn, create, and work.

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.

YARRA PLENTY REGIONAL LIBRARY SERVICE ANNUAL REPORT cont'd

- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.
- Regional library services are not currently required conduct Gender impact Assessments until 2025, however diversity and inclusion is an outcome for YPRL strategy and is being met in a number of ways:
 - Website and publications are accessible as per the current standards
 - Language & Cultural Diversity – staff who speak multiple languages, collections in multiple languages and some programming, such as Storytime's, in multiple languages and First Nations Storytime's
 - Cultural diversity – actively source, program and deliver multiple cultural programs including First Nations
 - Gender diversity – dedicated LGBTQIA+ collections and regular rainbow programming

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.
- Banyule City Council contribution to the YPRL budget in 2022-2023 was \$5,550,711. These funds were allocated from Council's 2022-2023 operational budget.

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	Yarra Plenty Regional Library Annual Report 2022-2023 (<i>Under Separate Cover</i>)	

4.2 HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT

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

Previous Items

Council on 30 October 2023 (Item 7.1 - Chelsworth Park Sports Pavilion Redevelopment - Proposed Heads of Agreement - Ivanhoe Grammar School)

SUMMARY

1. The purpose of this report is to present the final negotiated Heads of Agreement (HOA) for the Chelsworth Park Pavilion Project with Ivanhoe Grammar School (IGS) for Council's consideration and endorsement.
2. This HOA details the statutory and other processes required for the granting of a new lease and obtaining planning approval for the proposed development of two pavilions. It also sets out the key terms of an IGS Agreement for Lease (AFL) which can be signed by both parties before detailed drafting of the AFL and a new lease commences (**Attachment 1**).
3. At the Council meeting on 30 October 2023, Council resolved subject to the statutory process, under the *Local Government Act 2020*, that the terms and conditions of the proposed lease in general remain the same as the existing lease with the following new key terms and modifications endorsed for inclusion: These key terms including the following are included in the attached HOA :
 - Tenure - 30 years plus 2 x 5-year options (total 40 years)
 - Rental – \$12,000 per year (plus annual increase of 4%)
 - Repairs and maintenance remain the responsibility of IGS, currently \$400,000 pa.
 - Removal of current obligation on IGS to install a fourth tennis court and multi court.
 - Review of role, purpose, and membership of Chelsworth Park Reference Group – remove from the lease and establish as an advisory committee to Council.
 - Removal of current obligation on IGS to contribute \$6,000 per year to a sinking fund, having regard to the proposed increase in rental.
 - Removal of Council receiving 50% of sporting club fees and charges for ground and pavilion use.
4. Following the 30 October 2023 Council meeting an additional draft term has been included as follows:
 - a. The Tenant acknowledges and agrees that public access to Chelsworth Park (other than the new pavilions to be constructed by IGS) must be maintained at all times during the Term and Further Terms and that IGS will not erect any fences or other obstructions on or around the Premises to prevent such public access.

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

5. IGS is proposing to invest in the development of two (2) new sports pavilions to replace the existing facilities at an estimated cost of between \$12 million and \$14 million.
6. Given the significant increase from the capital projects stipulated in the current lease with IGS, if agreed, the proposed works requires a new lease and, therefore, Council must conduct a community engagement process to comply with Section 115 of the *Local Government Act 2020*.
7. Prior to commencing any pavilion works, IGS will also need to obtain planning approval for the use and development. In these cases, it is customary for parties to enter into an Agreement for Lease (AFL) that includes the requirement to obtain planning approval as a precondition for granting the lease.
8. The HOA will serve as a mutually agreed roadmap for Council and IGS, highlighting the process that will be followed. Once endorsed, detailed drafting of the AFL and lease will commence with the associated community consultation.
9. Nine (9) Banyule sporting clubs currently use the sports fields and sports facilities, for training and competition purposes and this use accounts for over 80% of total programmed use of the site. IGS use the ovals for school sports and this use accounts for less than 10% of total hours available **(Attachment 2)**.
10. This project presents a unique opportunity to deliver significant community sports infrastructure for generations to benefit from at no cost to Council. It aligns strongly with several of Council's key strategies and organisational priorities.
11. The endorsing of a HOA by both parties is the first critical step for this project that will lay the foundations for the extensive community consultation and engagement that will be undertaken for both the new lease and planning application stages.
12. This consultation is outlined in the attached consultation and engagement plan that describes the various stages of consultation and how community can have their say and share their feedback on the proposed pavilion project.

RECOMMENDATION

That Council:

1. Endorses the Heads of Agreement – Chelsworth Park **(Attachment 1)** and authorises the Chief Executive Officer to sign this agreement on behalf of Council.
2. Endorses the attached community consultation plan **(Attachment 3)** for the Chelsworth Park Pavilion Project.
3. Receives a further report in February 2024 that will give notice of Council's intention to enter into an Agreement for Lease and provide details of the public notice, engagement and submission process.

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

COUNCIL PLAN

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

BACKGROUND

- Chelsworth Park, owned by Council includes seven (7) sports ovals, three (3) tennis courts and two (2) pavilions and is currently leased to Ivanhoe Grammar School (IGS).
- Nine (9) Banyule sporting clubs currently use the sports fields and sports facilities, for training and competition purposes and this use accounts for over 80% of total programmed use of the site. IGS use the ovals for school sports and this use accounts for less than 10% of total hours available.
- The current lease with Ivanhoe Grammar School (IGS) is for 30 years (initial 20-year term Nov 2014 – Nov 2034 and 2 x 5-year term options). IGS invested \$1 million upfront towards storm water harvest over 2 years at the start of the lease (2014). A \$50,000 rental return is provided to Council in the last 2 x 5-year options, equivalent to approximately \$600,000.
- IGS are responsible for ground and facility maintenance currently valued at \$400,000 p.a, along with capital improvements as defined in their lease.
- Specifically, the current lease in regard to capital improvements stipulates:

Pavilion - Capital Improvements	Cost Est \$
Renovation of the Sports Pavilion (brick pavilion) – additional 2 change rooms, improve toilet facilities including accessible toilet, social rooms and extend veranda	\$500,000
Renovation of the Football Pavilion (timber pavilion) – internal upgrade	\$150,000

- A simple renovation of these two pavilions is no longer a viable option given:
 - The existing condition of both buildings and considerable design and access challenges that would leave very little of either building remaining.
 - The needs of Banyule's sporting clubs located at Chelsworth has greatly expanded in recent years, largely due to club growth in junior and women's participation, requiring the pavilion development works to cater for this growth and deliver accessible and inclusive facilities for all.

Existing pavilions

- The two pavilions – timber pavilion construction in 1975 and brick pavilion constructed in 1987 are ageing and no longer meet contemporary standards.
- The inadequacy of both pavilions to meet current and future need has been highlighted and confirmed over the last few years through:
 - The extensive consultation undertaken for the Ivanhoe Sports Precinct Plan. Upgrades to pavilions at (IGS cost) were identified as a high priority in the adopted Plan.
 - Investigation, and consultation into the functional requirements of clubs. Key deficiencies include:

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

- Lack of access and compliance with Disability Discrimination Act (DDA) and building code
- Lack of female friendly and umpires change facilities
- Lack of Environmentally Sustainable Design (ESD) initiatives
- Non-compliance with current State sporting code facility guidelines
- Not meeting universal design principles
- Feedback from club and school users' groups in relation to the constraints and challenges of conducting their activities in sub-standard facilities.
- Much needed focus and investment from Banyule Council and State Government in upgrading sports pavilions to support female participation and equity of access. This has lifted club and community expectations and put a spotlight on the facilities that are no longer fit for purpose, particularly where there are strong participation numbers such as those at Chelsworth park, which supports nine sports clubs.

Draft Design

- IGS presented a basic one pavilion sketch concept (for discussion purposes) to the Chelsworth Community Reference Group (CRG) in late 2020. This single storey long and linear building concept estimated would require demolition of both existing pavilions and removal of several significant trees.
- Council's work on this project commenced in earnest in January 2021, identifying functional requirements to inform scope and look at what might be possible in terms of the building footprint, as well as the possible layout.
- A condition report confirmed both facilities were inadequate in terms of access, design, and sports standards.
- A further report by *Ethos Urban* presented that the lowest risk options for building envelopes were two separate pavilions. This report also identified planning controls, site constraints and information on overlays that need to be considered as well as recommendations to investigate and progress good design outcomes.
- The report was provided to IGS to help inform the preparation of its proposed design for the two new pavilions that includes one double storey (timber pavilion site) and one single story (brick pavilion site).
- The draft design presents two (2) functional fit for purpose community sports pavilions that deliver on facility and sports infrastructure guidelines, are accessible and inclusive with female friendly change rooms and umpires' amenities. Both have also been designed to support non-sporting club/school use for community groups in off peak times.
- The draft design proposes that the existing timber pavilion be demolished and replaced with a new double storey pavilion to accommodate cricket, football and athletics clubs and the existing brick pavilion be partly demolished and footprint extended to accommodate the soccer and cricket clubs.
- The draft design of the proposed pavilion forms part of the Terms Sheet for Agreement for Lease – **(Attachment 1 to Schedule 1 Heads of Agreement)**.

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

KEY ISSUES

Project Proposal and key terms – Tenure and Rent

- This project represents an exceptional opportunity to provide substantial community sports infrastructure without imposing any financial burden on Council. Given the increasingly constrained fiscal landscape, a diminishing pool of State and Federal grants, and the existence of other major projects vying for Council resources, the community's growing expectation is for Council to exhibit resourcefulness in facility development and emphasise collaborative partnership approaches. Considering these practical challenges, this project not only addresses these pressing realities but also aligns seamlessly with the community's vision.
- The draft key terms have been developed considering costs and benefits as well as information gathered on use, need, allocations, maintenance, operations, and rental income, to understand project value and help determine fair and reasonable proposed lease terms. The 40 years that is proposed is essentially an additional 20 years from the expiration of the existing lease in 2044 (if the last 10-year option in the current lease is exercised).
- A new lease provides an opportunity to remove terms from the existing lease that are no longer relevant or align with community needs and park use. The construction of additional tennis courts and a multi-use court are two elements of infrastructure that are not a priority for the future and these have been removed from the proposed new terms.
- Conversely, in response to perceptions and concerns from some members of the community around maintaining community access to Chelsworth Park, a clause has been included to ensure that IGS will not erect any fences or other obstructions on or around the Premises to prevent public access.
- Despite the significant capital investment that IGS is proposing, a modest level of rental income of \$12,000 per year (plus an annual yearly increase of 4%) is considered important, as it provides opportunity for Council to fund minor works to the local amenity, as well as flexibility to accumulate income over a period of time and undertake more substantial improvement projects to Chelsworth Park when required.

Understanding use and access of Chelsworth Park

- The primary beneficiaries of the pavilion developments will be Banyule sports clubs who account for 80% of the total available hours used by IGS and accounts for less than 10% of total hours available (**Attachment 2**).
- Community use of the new pavilions would increase if the IGS redevelopment progresses. The pavilions can support multiple uses for community groups and organisations, particularly during the day in non-peak sports training times.
- Passive use of these ovals and any limitations to access is the same at Council's other sports fields and pavilions. Clubs have exclusive usage for game time and training, but outside of these times, full access is available to the public.
- The sports clubs would continue to need the same access regardless of the lease or pavilion redevelopment, the amount of time available for passive use would not change if this proposal proceeded.

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

Understanding that the HOA is just the beginning and does not result in the project being endorsed guaranteed or delivered

- The HOA is not legally binding but serves as a framework for negotiations for the final AFL and lease agreements and the planning approval process. It is about the process that IGS and Council will follow, not the outcome.
- The HOA outlines the important terms and conditions that may be included in the AFL and the lease before they are finalised. It also includes the proposed draft design plans.
- The AFL will require IGS to obtain planning approval as a condition precedent to the grant of the lease. Therefore, a planning permit is not granted, there will be no lease.
- Council has two separate responsibilities in this project:
 - 1.- Landowner
 - 2. – Responsible authority under the *Planning and Environment Act 1987*.
- It is proposed that Council consider the grant of the AFL and lease in its capacity as landowner prior to considering an application by IGS for planning approval in Council's capacity as responsible authority.

SUPPORTING REPORT DETAILS

Legal Consideration

- Legal advice has been provided on the attached HOA.
- There are two (2) separate statutory processes that will follow and require legal guidance and review and these are the proposed grant of the new lease and IGS's application for a planning permit.
- The AFL will require that the IGS obtain planning approval as a pre-condition to the grant of the new lease. Upon planning approval and all other conditions precedent being met, the lease will come into effect the following day.

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.

Gender Impact Assessment

- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Financial Implications

- There are significant costs savings, benefits, service standards and net gains if IGS is to fund, construct and continue to manage the considerable annual maintenance costs for Chelsworth Park the next 40 years noting that:

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

- The IGS cost estimate of \$12million to \$14 million is considered fair and reasonable based on comparative industry analysis of similar projects.
- There is no capital budget for this pavilion development in Council's current 10-year program. A cost estimate for Council to replace the Chelsworth pavilions is estimated at \$18 million and would unlikely be funded before 2034.
- When managed by IGS, the yearly maintenance costs are approximately \$400,000, and the grounds are curated and managed at higher level of specification. If Council were to take over maintenance, the estimate is \$300,000 per year plus indexation with reduced service level.
- Considering these factors, if IGS builds the pavilion and maintains the grounds, Council could save around \$13.8 million over 40 years.

Income and Expenses

- IGS currently collect grounds rental of approximately \$25,000 per year form seasonal clubs and these fee structures follow Council's fees and charges program. 50% of this rental is returned annually to Council in the current lease. It is proposed that this cease in the new lease.
- There is a \$6,000 per annum sinking fund that supports small scale maintenance and park improvements – overseen. It is proposed that this cease in the new lease and is replaced by annual rental.
- Council pays the Fire Service Levy - currently \$254 per annum.
- IGS invested \$1 million upfront towards storm water harvest over two (2) years at the start of the lease (2014) and this forms part of the current lease.
- The current lease extension option (2 x 5-year extensions) November 2034 to November 2044 stipulates a \$50,000 income rental per year plus annual 4% indexation.
- The proposed rental for the AFL will generate an income of \$1,140,306 over the 40 years (\$12,000 in year 1 increased by 4% p.a.).
- The table below summarises the two leases and their components:

	Current Lease	Proposed Lease
Term	30 years (20 + 5 + 5)	40 years (30 + 5 + 5)
Capital Investment	\$1,000,000	\$14,000,000
Ground Maintenance	\$400,000 p.a.*	\$400,000 p.a.*
Tenant Club fees	\$12,500 (50% of \$25,000)	\$0
Rental	Yr. 1 – 20: \$1 p.a. Yr. 21 – 30: \$50,000 p.a. indexed @ 4%	\$12,000 p.a. indexed @ 4%
Sinking Fund (Minor Maint.)	\$6,000 p.a.	\$0 p.a.
Total Value	\$18,481,366	\$31,140,306

*\$400,000 not indexed for the purpose of this table

Community Engagement

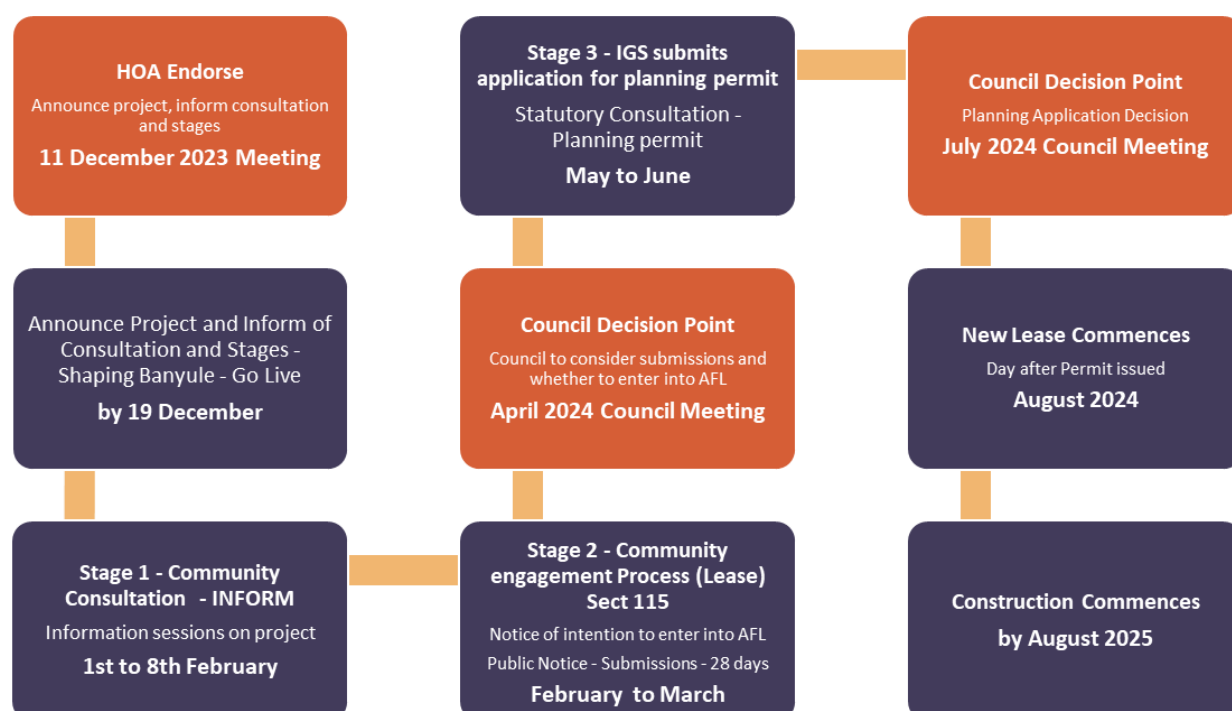
- To date consultation has largely been with the sports clubs and internal departments to understand the functional requirements and site considerations to scope the pavilion designs that can then be presented and tested with broader community and feedback and input gathered. This process is consistent with how Council approaches all of its pavilion projects. Engagement always commences

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT cont'd

with the clubs to determine the functional components, to inform the design that then launches the community engagement.

- Community consultation and engagement will be extensive and involve both formal statutory processes (Lease and Planning) as well as community information sessions, FAQ's, drop-in sessions, etc.
- The diagram below illustrates the overall process with key stages for community engagement and decision points:

KEY DRAFT TIME-LINES – Overview






- These processes are further outlined in the Chelsworth Park Pavilion Project Consultation Engagement Plan that is provided (**Attachment 3**) for Council's consideration and endorsement. Noting that the consultation process will not commence until the HOA has been resolved and the planning process will not begin until the Agreement for Lease is resolved.
- Given Christmas and the January school holidays, consultation activities will not commence until early February 2024, however the project will go live on Council's consultation platform from 19 December 2023. This is to enable the community to learn more about the project, sign up for update, submit questions and be informed about when and how the consultation will occur in 2024.
- This information stage (Stage 1) will culminate with two in person and one online information session in early February, prior to the community engagement process commencing for the Agreement for Lease (Stage 2). The planning process consultation will not begin until the Agreement for Lease is resolved.

HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT 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
0	.	
1	Attachment 1 Heads of Agreement 	
2	Attachment 2 Table of Use 	
3	Attachment 3 Consultation and Engagement Plan 	

4.3 LOCAL SPORTS INFRASTRUCTURE FUND - PROPOSED APPLICATION TO SPORT AND RECREATION VICTORIA

Author: Melinda Ramsay - Sport, Recreation and Community Infrastructure Coordinator, Community Wellbeing

SUMMARY

1. The Local Sports Infrastructure Fund (LSIF) has recently been announced for the development of high-quality, accessible community sport and active recreation infrastructure. Applications close on Wednesday 13 December 2023.
2. Banyule Council has benefited from this funding stream in the past to deliver several significant sports infrastructures projects.
3. The fund supports projects across three (3) funding streams Community Facilities Stream – up to \$300,000; Community Sports Lighting Stream – up to \$250,000 and Planning Stream - up to \$40,000.
4. An unlimited number of applications can be received for each stream but cannot exceed the maximum grant dollars available. Funding ratios apply to LSIF - \$1 for \$1
5. The project that Officers consider meets the funding criteria and are proposing for approval to proceed to application under the Community Facilities Stream is - Anthony Beale Reserve Pavilion Redevelopment
6. This project is currently listed in the 2024/25 draft capital works budget. The Anthony Beale Pavilion has a detailed design and cost estimate at \$1,800,000 meeting the necessary requirement for the application process.

RECOMMENDATION

That Council:

1. Endorse submission of the following grant application to the Local Sports Infrastructure Fund and confirm Council contribution to the project.
 - Anthony Beale Reserve Pavilion Redevelopment – Grant Request \$300,000. Council contribution \$1.5 million in 2024/25 draft budget
2. Note that the Council contribution of \$1.5 million is identified in the 2024/25 draft budget and to be ratified in the draft budget process.
3. Receives a further report on the outcome of this grant application once advised.

LOCAL SPORTS INFRASTRUCTURE FUND - PROPOSED APPLICATION TO SPORT AND RECREATION VICTORIA cont'd

COUNCIL PLAN

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

BACKGROUND

- The LSIF funds the development of high-quality, accessible community sport and active recreation infrastructure.
- This fund supports projects across 3 funding streams. An unlimited number of applications can be received for each stream but cannot exceed the maximum grant dollars available.
 - Community Facilities Stream – up to \$300,000
 - Community Sports Lighting Stream – up to \$250,000
 - Planning Stream - up to \$40,000
- The LSIF will invest in proposals that can demonstrate commitment to the following outcomes:
 - More participation opportunities made available through the development of new or upgraded existing multi-use, sport, and active recreation infrastructure.
 - More equitable and inclusive participation of women and girls in local sport by investing in well-designed and high-quality facilities.
 - Improved participation of those who participate less in community sport and recreation, particularly those from communities experiencing long-term socio-economic disadvantage, growth and regional areas and areas affected by natural disaster.
 - Improved sustainable design and planning to ensure infrastructure investment is building better and more liveable communities.
 - Increased local economic activity through the planning, building, management, and activation of redeveloped or new infrastructure.
- The project that Officers consider meet the funding criteria and are proposing for approval to proceed to application under the Community Facilities Stream is Anthony Beale Reserve Pavilion Redevelopment
- This project is currently listed in the 2024/25 draft capital works budget. The Anthony Beale Pavilion has a detailed design and cost estimates, meeting the necessary requirement for the application process.
- The LSIF grant program for 2022/23 year was not allocated by Sport and Recreation Victoria (SRV). However, Council did receive election commitments for the following projects which are in various stages of development and will be delivered over the next 3 years.
 - Montmorency North Pavilion Changerooms \$1,000,000
 - Greensborough War Memorial NETS \$ 400,000
 - Montmorency Bowling Club Redevelopment \$ 500,000

LOCAL SPORTS INFRASTRUCTURE FUND - PROPOSED APPLICATION TO SPORT AND RECREATION VICTORIA cont'd

- Shelly Reserve Pavilion Redevelopment \$3,000,000
- Ivanhoe Bowling Club Upgrade \$ 350,000

The outcomes of this grant application will be announced in April 2024

KEY ISSUES

- If this grant application is unsuccessful there will be a funding shortfall of approximately \$300,000 and this would need to be considered in the 2024/2025 budget process.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Sustainable Procurement Outcomes

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

Financial Implications

- This project is currently in year 1 draft capital works budget \$1.5mil
- Grant requires contributions from Council, this varies depending on the grant criteria, project, and scope. Summarised below:

Grant Name	Project	Grant Request	Council Contribution	Budget commentary
Local Sports Infrastructure Fund	Anthony Beale Reserve Pavilion Redevelopment	\$300,000	\$1.5 million	Total \$1.8 million

Community Engagement

- Key stakeholder (Greensborough Junior Football Club) has been consulted and provided input into the design of the pavilion.
- Council have held discussions with SRV representatives who have provided guidance on the stages of the project and confirm that it is ready for the application stage with required documents.

**LOCAL SPORTS INFRASTRUCTURE FUND - PROPOSED APPLICATION TO
SPORT AND RECREATION VICTORIA cont'd**

- The draft designs have opportunity to facilitate multi use by community groups which aligns strongly with Council's Community Infrastructure Plan.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

5.1 STATE OF THE ENVIRONMENT REPORT

Author: Damien Harrison - Environment Coordinator, City Development

Previous Items

Council on 5 December 2022 (Item 4.1 - 2021/22 State of the Environment Report)

SUMMARY

1. The Banyule State of the Environment report (SOE) details Council's performance as it relates to key environmental policy, programs and indicators for the previous financial year. These indicators relate to targets and measures that respond to the Council Plan Theme 2: Our Sustainable Environment.
2. The 2022/23 SOE has been prepared (Attachment 1) and shows that Council is performing well against most indicators and is on track to meet several of its environmental targets.
3. Key highlights for 2022/23 include:
 - A second population of the Endangered Eltham Copper Butterfly found in Montmorency and now monitored by Council.
 - A minor decrease in total annual corporate GHG emissions (Scope 1 & 2) from the year prior.
 - A slight decrease in Community Emissions since prior years (1.87% reduction since 2021/2022).
 - A significant increase in waste diverted from landfill (>10%) as a result of FOGO.

RECOMMENDATION

That Council:

1. Endorses the Banyule State of Environment 2022-2023 Report.
2. Makes the report available on Council's website and at Council's service centres.
3. Notes that Council is progressing well against the environmental key performance indicators.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Engage and work with the community and partners to protect, enhance and experience the environment".

STATE OF THE ENVIRONMENT REPORT cont'd

BACKGROUND

- The Banyule State of the Environment report (SOE) details Council's performance as it relates to key environmental policy, programs and indicators for the previous financial year.
- The 2022/23 SOE has been prepared and reports on the key areas of biodiversity, corporate and community emissions, water, waste, transport and community engagement results.
- The complete report is provided in **Attachment 1** and shows Council is performing well against most indicators and is on track to meet several of its environmental targets.

KEY HIGHLIGHTS

- Key highlights include:
 - A second population of the Endangered Eltham Copper Butterfly found in Montmorency and now monitored by Council.
 - A minor decrease in total annual corporate GHG emissions (Scope 1 & 2) from the year prior as a result of reduced gas consumption.
 - A slight decrease in Community Emissions since prior years (1.87% reduction since 2021/2022).
 - A significant increase in waste diverted from landfill (>10%) as a result of FOGO.

STATE OF THE ENVIRONMENT 2022/23 ANNUAL RESULTS

Biodiversity highlights:

- Volunteer hours by Friends of groups in Council bushland sites was up on past results. In addition, a further 2,150 hours was volunteered outside of this program through independent working bees to care for the environment in Banyule. In total approximately 3,000 volunteer hours were invested.
- For the Gardens for Wildlife program, the 2023/23 financial year saw a significant increase in garden visits and overall program delivery. The guidance provided to participants through their garden visits and reports has anecdotally led to increased biodiversity in local gardens.
- The Eltham Copper Butterfly annual monitoring programs shows that the Andrew Yandell population has remained stable and resilient over time, a testament to the dedication of the Bushland Management Team and local volunteers in caring for this species and its habitat. Monitoring has commenced in Montmorency.

Water highlights:

- Council overall water use remained well below the 300 ML target.
- The removal of 460 tonnes of silt across the wetlands that it manages. This included small sediment ponds at Redmond Court wetland in Bundoora and Remembrance Park Heidelberg, which contained enough material to well exceed the 130-tonne annual target.

STATE OF THE ENVIRONMENT REPORT cont'd

Community emissions highlights

- A 1.87% reduction in Banyule community emissions, which is primarily due to reduced electricity consumption in the residential sector.
- Council's Community Energy Service assisted over 500 households to make energy efficiency upgrades, install solar or access discounts on their energy bills. Council's Better Score Program saw 41 households access a free Home Energy Scorecard Assessment and a rebate to support them to undertake one of the recommended upgrades.
- Council is also tackling transport emissions by strengthening work in active transport and investigating opportunities to support the uptake of electric vehicles.
- Repair stations at Bellfield, Ivanhoe, and Macleod as well as public e-vehicle charging stations at the Ivanhoe Library & Cultural Hub and at Watermarc in Greensborough.
- Council's Better Energy Banyule program had 65 households install reverse cycle air conditioners (29), hot water heat pumps (29) and induction cooktops (7).
- Council's Solar Savers program had 30 solar installs with a total generating capacity of over 200 kW in the 2022/23 financial year.

Waste highlights

- The collection of food and garden waste rose by 46.7% in 2022-23. This is due to the introduction of FOGO and above average rainfall stimulating higher volume plant growth.
- The 2022/23 year resulted in the largest increase in the percentage of waste diverted from landfill since the recyclables bin was introduced. This increase was due to a combination of the FOGO introduction and the above average rainfall in 2022-23, resulting in high levels of garden organics growth.

Community engagement highlights

- The Annual Environment Grants program awarded funding to 17 projects which included upgrades to food gardens, education programs for children, art projects to connect community with nature and planting projects to boost biodiversity.
- Council also ran a community-led energy Innovation round, the first of its kind in local government in Victoria, which funded the exploration of opportunities for community-led power in Banyule.
- Banyule's Environment and Climate Action Advisory Committee (BECAAC) continued to work closely with Council to inform and advise on strategic environmental programs and policies.
- Eco Festival attracted approximately 3,000 people (plus their pets) across the day and was held on Sunday 6 November 2022 at Petrie Park, Mountain View Road, Montmorency.

STATE OF THE ENVIRONMENT REPORT cont'd

Corporate emissions highlights

- This year saw the electrification of seven Council sites and progress towards further electrification. This involves the replacement of cooking, hot water and space heating equipment with efficient, electric alternatives, followed by the decommissioning of natural gas connections.
- Energy efficiency work has also included multiple projects at Watermarc; installation of an automatic door between the pool hall and the cafe, upgrading to more efficient fans in the air handling units and steel work in preparation for the next two pool blankets.
- New solar panel installation on Council buildings increased the total renewable energy capacity by 0.2 MW.

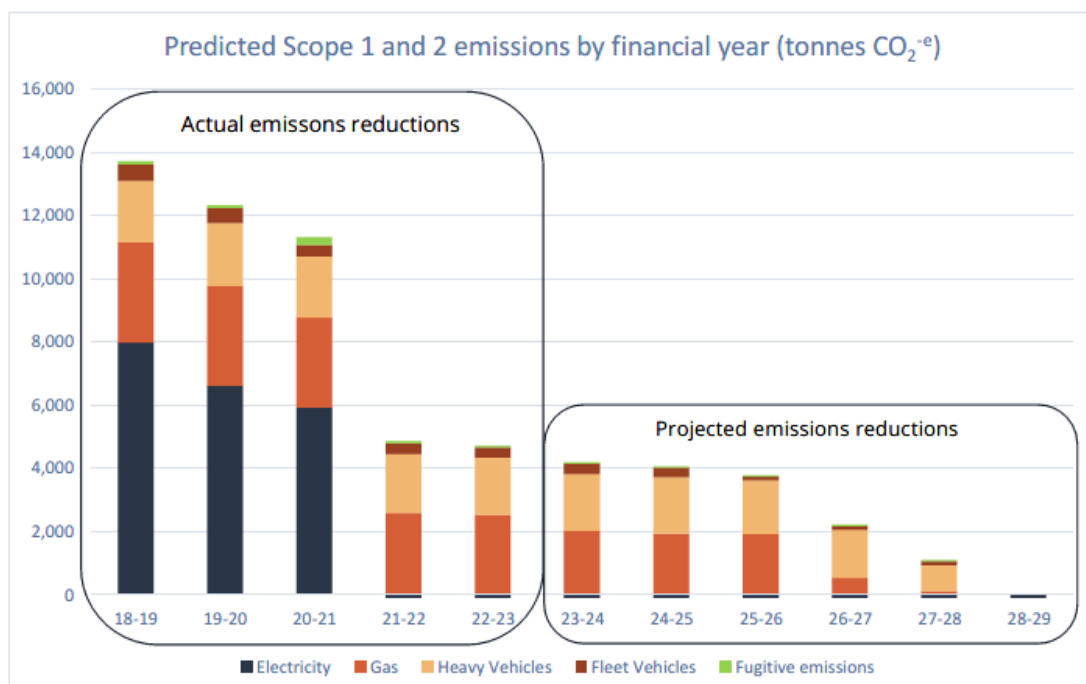


Figure 1: Banyule’s actual and projected Scope 1 and 2 emissions in Tonnes CO2 equivalent (TcO2-e). Electricity emissions have been negated since 2021/22 due to Council commencing the purchase of 100% green power.

STATE OF THE ENVIRONMENT REPORT cont'd

Indicators at a glance

Indicator	2020/21	2021/22	2022/23	Commentary
Total annual corporate GHG emissions (Scope 3)	1,714	1,682	1,989	Scope 3 emissions rose due to increased energy consumption through goods and services.
Total annual corporate GHG emissions (scope 1 & 2)	11,307	4,676	4,324	A minor reduction was achieved through energy efficiency and phasing out of gas at several small community facilities.
Total renewable energy capacity (MW)	1.3	1.5	1.7	Several new solar installations took place, which increased overall capacity.
Friends of volunteer hours in bushland reserves	746	416	890	Community volunteer hours rose above levels experienced through COVID.
Indigenous Species planted in bushland reserves	11,500	13,994	8,398	Planting numbers still down on pre-COVID numbers, largely due to a focus on hand-weeding and investing in the care of previously planted species.
Buy 1 Get 1 free indigenous plant voucher's redeemed	117	990	908	Continued high uptake of the program and some responses received from past participants on success from plants acquired.
Banyule Council Water use (ML)	197	227	242	A minor increase was experienced due to demand for irrigation to establish new warm season grasses on sports fields.
Litter collection (Tonne)	77.5	68.5	35	Slight reduction due to focus on training around new safety protocols.
Silt collection (Tonne)	280	1300	460	Exceeded the target through collection at sediment ponds at Redmond Court wetland Bundoora and Remembrance Park Heidelberg.
Landfill waste per household (kg)	456	435	329	Expected reduction achieved after introduction of FOGO.
Recyclables per household (kg)	233	223	200	A slight decrease observed, though generally remained steady.
Organic waste per household (kg)	232	215	315	The expected rise due to introduction of FOGO has been achieved in 2022/23.
Diverted from landfill – total (%)	50.5	52.03	63	Expected increase due to introduction of FOGO has been achieved in 2022/23.
Students at the Rethink Centre	902	0	0	Temporarily closed due to pending building works.
Environment Grant applications	37	18	17	Applications were consistent with the prior year, with several worthy projects awarded grant funding.
Home Energy Audits / Better Score Program participants	30	41	53	Allocation was expanded for 2022/23, with additional budget allocated from Council.
Council tree plantings in streets and parks	3,150	4,416	1,627	Above average rainfall in the year prior resulted in some tree planting being brought forward.
Net gain of trees per year (public land)	1,350	2,383	455	Lower net gain 2022-23 is due to reduced planting numbers with significant planting occurring in 2021-22.

STATE OF THE ENVIRONMENT REPORT cont'd

Future considerations for SOE:

- Two (2) new Council strategic documents have been developed over the past 12 months that respond to Council Plan Theme 2: Our Sustainable Environment; the Urban Food Strategy and Urban Forest Strategy. The SOE was identified as an important reporting tool against the KPIs in these strategies going forward. Some Urban Forest indicators have been included in this year's report and further relevant KPIs will be embedded within the 2023/2024 SOE.
- A Climate Change Adaptation Plan is also under development and will inform future environmental indicators for Council adaptation performance.

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.

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

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.

STATE OF THE ENVIRONMENT REPORT cont'd

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

ATTACHMENTS

N	Title	Page
0	.	
1	Draft Banyule State of the Environment Report 2022-2023	

6.1 145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE (P480/2023)

Author: Ben Capuana - Development Planner, City Development

Ward: Beale

SUMMARY

1. The application is for a child care centre including building construction, reduction to the required number of car spaces and vegetation removal.
2. The subject site is located within the residential area of Eltham North, on a corner site with a Council reserve to the west. A Milk Bar (convenience store) is currently located on the site together with a dwelling.
3. The proposed building is contemporary in nature and consists of two levels with basement car parking. A total of 96 children are proposed to be cared for at the centre. The proposal includes the retention of three native trees.
4. A total of 16 objections were received during public notice, raising concerns with the traffic of the area, car parking arrangements, noise impacts, building design and flooding concerns.
5. It is acknowledged that the proposed use is an intensification of the non-residential use as compared to the previous use of the site and is of a contemporary design, however it is considered appropriate given it is located on a corner site, allows for the retention of mature vegetation and additional landscaping and is a well-designed building.
6. It is recommended the proposal be supported, subject to conditions including a requirement for the on-street parking in Glen Katherine Drive to be retained, improved internal vehicle access and an acoustic fence being provided along the southern boundary.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P480/2023 for Use and development of the land for a child care (education) centre, buildings and works within the Special Building Overlay – Schedule 2 and associated reduction to the number of required car parking spaces and vegetation removal at 145 Weidlich Road ELTHAM NORTH subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

with the plans submitted 4 September 2023 with the application but modified to show:

- (a) Six (6) parallel parking spaces to be provided along the Glen Katherine Drive frontage within the road reserve, to the satisfaction of the Responsible Authority;
- (b) Before the use and development commences, an acoustic screen fence (minimum 1.8 metre) must be erected along the southern boundary of the land. The fence must be designed by a suitably qualified acoustic engineer to the satisfaction of the responsible authority including details of the acoustic performance;
- (c) Footpath connectivity to be introduced along the northern frontage within the nature strip section, to the satisfaction of the Responsible Authority;
- (d) Removal of the bollards in car space 17, and installation of wheel stops to car spaces 16 and 17;
- (e) Tree #1 to be notated as a Council tree;
- (f) Removal of tree #16 from plans;
- (g) Trees #2-5 proposed for removal;
- (h) The finished floor level of habitable areas of any proposed development at this site should be at least 300mm above the applicable flood level (or at least 71.873m AHD);
- (i) The finished floor level of access entry/exit points should be at least 300mm above the applicable flood levels (or at least 71.873m AHD);
- (j) No alteration to existing topography within the first 6 metres from the north title boundary of the site;
- (k) All proposed boundary and internal fencing along the northern title boundary must be permeable to overland stormwater flows;
- (l) Site services, including mail boxes and electricity, gas and water meters to be nominated on the plans and elevations and be designed, screened, and co-located (where possible) to integrate with the development and the streetscape. Mail boxes are to be located in accordance with Australia Post guidelines and any mailboxes or services greater than 900mm in height must be located outside the pedestrian visibility splay area;
- (m) Air conditioner units and hot water systems to be nominated on the plans and screened to minimise visibility from the public realm and neighbouring properties;
- (n) Driveway to be feature landscaping strip along the north and south boundaries and constructed of concrete material with muted colours;
- (o) Location and sizing of solar hot water units;

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

- (p) Location and sizing of photovoltaic power generation systems;
- (q) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
- (r) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (s) The location and dimensions of shading devices, to be provided to all north facing windows as external fixed horizontal overhangs and to all east and west facing windows as adjustable external shading devices e.g. louvres, screens, external blinds/shutters, (unless shaded by adjacent buildings or fences), to the satisfaction of the Responsible Authority;
- (t) Notations for the use of double-glazed windows in conjunction with the SDA on all applicable windows;
- (u) Alternative selection of the roof colour required to minimise the urban heat island effect with a maximum Solar Absorptance (SA) of 0.70;
- (v) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (w) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
- (x) All buildings and works for the demolition of the site, excavation/site cut and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 5 metres of Tree #1.
- (y) Development Drainage Plans in accordance with Condition 3 of this permit;
- (z) An Amended Landscape Plan in accordance with Condition 4 of this permit;
- (aa) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (bb) An Amended Sustainable Design Assessment (SDA) in accordance with Condition 6 of this permit;
- (cc) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (dd) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit;

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

- (ee) Tree Preservation Fencing in accordance with Condition 20 of this permit.

Layout Not to Be Altered

- 2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Development Drainage Plans

- 3. Before the use and development permitted by this permit commences, Development Drainage Plans must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated Legal Point of Discharge;
 - (c) The specified flood level for the property;
 - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Design Assessment (SDA) and STORM report and include drainage details as a result of landscaping;
 - (e) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
 - (f) The Tree Protection Zone and Structural Root Zone of Trees #1, #6-15 and #17 as identified in the submitted Arboricultural Report shown to be retained;

Landscape Plan

- 4. Before the use and development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by Zenith Concepts Pty Ltd dated 23 August 2023 but modified to include:
 - (a) Amendments required by Condition 1 of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Provision of formed garden beds with edging along the front property boundary and surrounding the basement ramp;

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
- (e) Provision of the following minimum plantings:
 - i. Three (3) medium canopy tree(s) (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre) within the north-west, south-west, and eastern corners/sides of the site;
- (f) An indigenous and/or drought tolerant planting theme;
- (g) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (h) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

Waste Management Plan

- 5. Before the use and development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Traffix Group dated September 2023 but modified to include:
 - (a) Collection is to be by way of private contractor;
 - (b) All waste to be collected from Glen Katherine Drive or Weidlich Road, or internally within the basement, to the satisfaction of the Responsible Authority;
 - (c) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area and collection point without obstructing the public footpath or laneway;
 - (d) Demonstrate that the waste collection vehicle will be able to enter and exit the waste collection point in a forwards direction at all times;
 - (e) The location of the bin store and any bin wash;

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

- (f) Anticipated frequency, hours and duration of collection(s);
- (g) The size of the waste collection vehicle;
- (h) Minimum headroom clearance;
- (i) Specify times for such collection;
- (j) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise;

Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

Sustainable Design Assessment (SDA)

6. Before the use and development permitted by this permit commences, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will form part of this permit. The SDA must be generally in accordance with the SDA prepared by Frater Consulting Services dated 31 August 2023 but modified to include (but not limited to):
- (a) A BESS Report that achieves 'best practice' with a minimum overall score of 56%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
 - (b) Prior to construction provide a Section J Energy Report (JV3) with a comparison against an NCC reference building (of proposed building fabric, and proposed building fabric and proposed services) to support claims of >10% reduction in heating and cooling energy consumption;
 - (c) Amend the plans to articulate electric vehicle charging commitment and show location of GPOs (or future charging pod) accessible for two parking spaces;
 - (d) Amend the SMP to align with the automatic drip irrigation system proposed within the Landscape Plan and specify natural colour mulch (i.e. NOT black mulch);
 - (e) Amend the plant schedule table within the Landscape Plan that details whether species are locally indigenous, native, or exotic to support drought tolerant claims;
 - (f) Amend the plans and ESD drawing to clearly show the location of ceiling fans as outlined in the SDA;
 - (g) Confirm the provision of operable windows to allow the option for natural ventilation (despite fresh air rates being exceeded), and amend plans and elevations accordingly;

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- (h) Provide a statement as to how the development has responded to and mitigates the urban heat island (UHI) effect, and amend the materials schedule to include Solar Absorptance (SA) values of external cladding and roofing material that does not exceed 0.70 – and consider increasing climbing vegetation along North and West façade to facilitate urban cooling outcomes;

Environmentally Sustainable Development (ESD) Drawing

7. Before the use and development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. When approved, the ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must include:

- (a) All features nominated within the associated SDA identified under Condition 6.

The drawing(s) must include (but not limited to) the following;

- i. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
- ii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- iii. Water Efficient Landscaping design features;
- iv. The location and system size of the Solar PV systems;
- v. The improvement in heating and cooling energy demand over NCC 2019 reference case (as claimed in the BESS report);
- vi. The Hot Water unit type and energy rating;
- vii. The Heating System type and energy rating;
- viii. The Cooling System type and energy rating;
- ix. Clotheslines and locations;
- x. External Lighting including Motion Detectors in their respective locations;
- xi. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- xii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
- xiii. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- xiv. The location and depth of external fixed overhangs or fins to all

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north, east and west facing windows;

- xv. Secure bicycle parking storage spaces location and type of storage system;
- xvi. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging at each garage/carport;
- xvii. On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;
- xviii. Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- xix. Tap and Floor Waste (drain) locations in private open spaces and balconies;
- xx. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.

Water Sensitive Urban Design (WSUD) Drawing

- 8. Before the use and development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:
 - (a) All features nominated within the associated SDA and STORM Report identified under Condition 6, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;

ESD Statement/Inspection

- 9. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the owner or developer must notify Council's Development Planning section that the development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the

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site to inspect or require suitable evidence to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

Please retain all manufacturers stickers on window glazing, WELS and Energy Ratings for fixtures and appliances, hot water services, heating and cooling units for evidencing purposes

10. Prior to occupation, a Compliance Verification Summary or Disclosure Statement from the waste contractor(s) must be provided demonstrating that minimum 80% of the demolition and construction waste was diverted from landfill (via reuse and recycling).
11. Prior to occupation, a statement from the ESD consultant and/or engineer must be provided confirming the level of achievement against all material commitments outlined in the SMP (i.e. certified timber, flooring and joinery and procurement of steel) and reduction in portland cement content and use this to inform future project targets (and remove ambiguous language).

Occupation of Development

12. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage and water sensitive urban design, street numbering, replacement of street trees and any environmentally sustainable development features).

Urban Design

13. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
14. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
15. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
16. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible

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Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

17. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

Development Contribution Levy

18. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

Construction Management Plan

19. Unless otherwise agreed, prior to the commencement of any works including demolition, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed, the plan must be implemented to the satisfaction of the Responsible Authority.

Note: Prior to the submission of the Construction Management Plan, please contact the Construction Management Assessment Officer to ensure the Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

Tree Protection Zone

20. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #1, #6-15 and #17 to the satisfaction of the Responsible Authority:

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

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Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Paul Jameson, September 2022 or as follows:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or

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- crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
- xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
- ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
- iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
- iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works;

No Damage to Vegetation

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

Vegetation Retention

22. All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped

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without the prior written consent of the Responsible Authority.

Amenity

23. The amenity of the area must not be detrimentally affected by the development and/or use, through:
- (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any building, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin;
 - (e) Any other way, to the satisfaction of the Responsible Authority.

Hours of Operation (General)

24. The use must operate only between the hours of:

Monday to Friday - 6:30am to 6:30pm .

Unless with the further written consent of the Responsible Authority.

Noise Control

25. All noise emanating from the land must comply with *State Environment Protection Regulations 2021 (as amended from time to time)*, as measured in accordance with the EPA Noise Control, to the satisfaction of the Responsible Authority.
26. At the Responsible Authority's request, the permit holder at their own expense, must engage a suitably qualified professional acoustic consultant to determine the extent of compliance with *State Environment Protection Regulations 2021*. A copy of the consultant's report must be submitted to the Responsible Authority. If measures under the *State Environment Protection Regulations 2021* are being exceeded then the permit holder must carry out such structural alterations and/or management measures to achieve compliance to the satisfaction of the responsible Authority.

Noise Must Not Be Audible

27. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.

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Security Alarms

28. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.

No External Sound System or Amplified Equipment

29. No form of public address system, loudspeakers or sound amplification equipment shall be used on the premises for the purpose of announcement, broadcast, playing of music or similar purpose.

Plant Equipment or Features on Roof

30. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

Control of Light Spill

31. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Car Park

32. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
33. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
34. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. All vehicle crossing works are to be

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(P480/2023) cont'd**

carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

35. Before the use allowed by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - (d) Drained and maintained to the satisfaction of the Responsible Authority;
 - (e) Line-marked to indicate each car space, loading bay and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority;
 - (f) In accordance with any Council adopted policy and guidelines for the construction of car parks including vehicle crossings.

Parking Spaces Clearly Indicated

36. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

Directional Sign

37. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3m² in area.

Disabled Access and Facilities

38. The building hereby permitted must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 'Design Rules for Access by the Disabled' to the satisfaction of the Responsible Authority.

Parking for Disabled People

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(P480/2023) cont'd**

39. Parking space(s) earmarked for disabled people and must be clearly set aside for such purposes and no other use of such space(s) will be permitted.

Removal of Existing Signs

40. Any existing advertising sign on the land must be removed prior to the commencement of the use and development authorised by this permit.

Separate Application for Signs

41. This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.

Expiry of Permit

42. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two (2) years from the date of permit issue;
 - (b) The development is not completed within four (4) years from the date of permit issue.
 - (c) The use is not commenced within four years of the date of this permit;
or
 - (d) The use is discontinued for a period of two years.

Planning Permit Application:	P480/2023
Development Planner:	Ben Capuana
Address:	145 Weidlich Road ELTHAM NOTH
Proposal:	Use and development of the land for a child care (education) centre, buildings and works within the Special Building Overlay – Schedule 2 and associated reduction to the number of required car parking spaces and vegetation removal
Existing Use/Development:	Milk Bar (Shop) and dwelling
Applicant:	IMEG Nominees Pty Ltd

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Zoning:	Neighbourhood Residential Zone – Schedule 3 (NRZ3)
Overlays:	Vegetation Protection Overlay – Schedule 1 (VPO1) Special Building Overlay – Schedule 2 (SBO2) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Notification (Advertising):	Two (2) Signs on site Notices to surrounding properties
Objections Received:	Sixteen (16)
Ward:	Beale

- The application is for a child care centre and the associated building construction, reduction to the required number of car spaces and vegetation removal.
- The proposed building is two storeys with a maximum height of 7.85 metres. It is proposed to be finished with a mix of vertical cladding and render in white and light grey tones, and also includes feature timber cladding. Timber look batten fencing and balustrade is proposed at ground level and white, powder coat batten balustrade to the first floor play area.
- The building is designed with an undulating two-degree pitched roof finished with metal cladding, including a lift overrun and solar panel array.
- A basement car park is provided with 17 parking spaces and accessed via a new vehicle crossover to Weidlich Road.

Type of Use	Child care (Education) Centre
Operations	Monday to Friday 6:30am to 6:30pm 96 Childcare Places
Car Parking Provisions	21 Spaces required under Clause 52.06 – 17 Provided (further detailed below)
Signage	None proposed – to future application detail

BACKGROUND

- There have been no relevant planning application previously for the site.

SUBJECT SITE AND SURROUNDING AREA

- The subject site is on the corner of Glen Katherine Drive and Weidlich Road and is part of the Neighbourhood Residential Zone. The immediate area to the west is a council reserve, whilst to the south is the only immediate residential property which is a heavily cut and lower set level single storey dwelling.

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- The subject site has a history of commercial use as a milk bar/shop for the past decade.

Locality Plan



PUBLIC NOTIFICATION

Advertising Period	3 rd October 2023 – 17 October 2023
Advertising methods	Two Signs on site and notices provided to 9 surrounding properties.
Objections received	16
Grounds of objections (summarised)	<ul style="list-style-type: none"> • Traffic impacts • Car parking arrangements • Noise impacts • Visual bulk • Design • Site coverage • Overlooking/overshadowing • Removal of vegetation

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(P480/2023) cont'd**

	<ul style="list-style-type: none"> • Flooding concerns
Consultation	A discussion was held with the immediate neighbour to the south which has led to a condition for acoustic fencing to be provided along the southern boundary.

REFERRAL COMMENTS

External	Objection?	Conditions /Comments
Head, Transport of Victoria	No	No

Department/ Officer	Conditions /Comments
Arborist	Council's Development Planning Arborist has advised that in the reserve to the west, tree 16 has been removed (council), and that the removal of tree 2 is the only protected species and supported for removal.
Developments and Drainage	Council's Drainage Department has advised that the application can be supported subject to permit conditions for drainage and amendments to floor heights in response to flooding requirements.
ESD	Council's Development Planning ESD Advisor has advised that the application is supported, with minor conditional items to demonstrate compliance.
Property	Council's Property Department has advised that they have no concerns with the proposal.
Traffic and Transport	Council's Traffic Engineering Department has advised that the proposed reduction in car parking can be supported, on the basis of public parking being provided along the northern frontage of the site, and design changes related to the basement function. These items will be addressed through permit conditions on any permit issued.
Waste Management	Council's Waste Engineering Department has advised that the initial proposal considered waste collection from Glen Katherine Drive, but with on-street parking to be provided, this is not plausible at that location. An amended Waste Management Plan will be conditioned for collection internal to the site or on the street at a suitable location.

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(P480/2023) cont'd**

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Neighbourhood Residential Zone (NRZ3)	32.09	Yes
Vegetation Protection Overlay – Schedule 1 (VPO1)	42.02	Yes
Special Building Overlay – Schedule 2 (SBO2)	44.05	Yes
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies
Signs	52.05	No
Car Parking	52.06	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Settlement	Clause 02.03-1
Natural Environment	Clause 02.03-2
Safer Design	Clause 02.03-4
Settlement	Clause 11
Environmental and Landscape Values	Clause 12
Non-Residential Uses in Residential Areas	Clause 13.07-1L
Built Environment and Heritage	Clause 15
Signs	Clause 15.01-1L-03
Environmentally Sustainable Design	Clause 15.01-2L-02
Preferred Neighbourhood Character (Garden Court 2 (East) Precinct)	Clause 15.01-5L-01

TECHNICAL CONSIDERATION

- Council must consider this application within the strategic context of the site location, the suitability of the land use, neighbourhood character and amenity of the area, traffic and car parking and vegetation impacts.

Strategic Framework

- The proposed use and development responds to the Planning Policy Frameworks, including Council policy regarding non-residential uses in residential areas. The site is considered suitable for a child care centre as it located on a corner, does not isolate adjoining dwellings and has a history of non-residential uses albeit on a lesser scale.
- The policy framework also requires an appropriate development response to siting and design strategies, including ensuring buildings are sympathetic to neighbouring dwellings in terms of siting, density, scale, form and style – these are further discussed below.

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Built Form

- The siting, density, scale, form and style of the proposed building – being on the lower side of Glen Katherine Drive and Weidlich Road – presents an acceptable balance between the commercial requirements of the use and remaining sympathetic to neighbouring dwellings.
- The proposed site coverage is 49% which exceeds the preferred 40% coverage in the Garden Court (East) precinct and is an increase of the existing 37% site coverage. However, the development demonstrates the retention of three trees on site and can provide a minimum of three new medium canopy trees as per the submitted landscape plan.
- It is acknowledged the development is an increase in scale and density compared to the existing building and compared to nearby dwellings along the western alignment of Weidlich Road which are relatively low scale and set below the street level. The design of the building is considered acceptable for the following reasons:
 - The setback to Weidlich Road is sympathetic to prevailing street setbacks which are between 7-10 metres.
 - There is only one immediate abutting residential interface (to the south), and the interface consists of a carport and driveway which reduces direct amenity impacts from the proposed building.
 - The built form allows landscaping to be integrated around play areas interacting with most of the street interfaces.
 - The maximum height of 7.85 metres is similar to heights of dwellings along the east alignment of Weidlich Road and within the nine metre maximum building height under the zone.
 - The car parking has been appropriately located in a basement setting, accessed via a single vehicle crossover to avoid dominating the street.
- The form and style of the building is sympathetic to the streetscape, in particular the roof form follows a similar shallow pitch. The materials present an appropriate balance between a commercial building and dwellings in the area, noting the white, light grey and brown timber tones are present in the neighbourhood.
- The building also achieves a 'Best Practice' environmentally sustainable development outcome with features including solar PV (5kW), fully electric building (no gas), a 10,000 litre rainwater tank, bicycle parking and water and energy efficient fittings and devices.

Amenity Impacts

- The building is predominately sited away from neighbouring properties, mostly due to being located on a street corner. The upper level terrace play area is setback over 5 metres to the carport at 143 Weidlich Road and landscaping is to be provided along the interface to screen and soften the development.
- Overlooking from the upper level terrace is screened with 1.7 metre high balustrade with obscured glazing along the south elevation. Overshadowing will have minimal impact to the neighbouring driveway and not impact habitable room windows or private open space.

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(P480/2023) cont'd**

- There is no set standard measure for noise within the Planning Scheme, rather compliance with the relevant EPA guidelines can be addressed through permit conditions. Boundary fencing and the terrace balustrades will provide a buffer to the closest dwellings and permit conditions in relation to construction management and the operation of the use are to be included with hours of operation restricted to 6:30am to 6:30pm which is consistent with the hours of other child care centres.

Car Parking

- The statutory car parking requirement for the proposal is 21 car parking spaces, with a total of 17 spaces provided in the basement car park accessed via Weidlich Road. A reduction of four spaces is sought through the application.
- To offset the reduction of the four spaces on site, six indented parallel parking spaces are to be provided within the Glen Katherine Drive road reserve in front of the site. This outcome will also enable connection of the pedestrian footpath which is currently obstructed by the existing angled parking spaces which sit partly on Council land, and partly on the subject site. This results in one less space than currently present, however improve pedestrian safety movements along Glen Katherine Drive.
- Consequently, through the provision of indented on-street parking, and having regard to the nature of the use which typically sees short-term parking demand, spread across a few hours due to the usual before and after work 'drop-off' and 'pick-up' periods, the reduction of four parking spaces is considered acceptable.
- The car park design generally meets the design requirements of Clause 52.06-9 and presents a looped configuration which reduces the reliance on reversing and possible queuing into the basement.

Traffic Impacts

- The majority of objections raised concerns with traffic impacts to Weidlich Road, due to the presence of St Helena Secondary School and Glen Katherine Primary School to the north, and Holy Trinity Primary School to the south.
- Based on the submitted Traffic Impact Assessment prepared by Traffix Group:
 - Traffic generation is unlikely to exceed 77 vehicle movements per AM and PM peak hour (between 7-9 AM and 4-6 PM).
 - The demand spread over the typical drop-off and pick-up times across the peak period is relatively low (one car almost every two minutes) and the traffic survey demonstrated there is ample parking available in the area.
- The Traffic and Transport team have not raised any concern with the use, its associated traffic demands, and the safe operation of the surrounding street network.
- Based on the provision of the proposed on-site parking, as well as the indented spaces within Glen Katherine Drive, it is not considered that parking restrictions would be required in the surrounding area.

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Vegetation Impacts

- A total of four trees are proposed for removal. Of the four trees only Tree #2 (Spotted Gum) triggers a permit for removal under the Vegetation Protection Overlay – Schedule 1. It has been recorded as having medium retention value. Whilst its position near the south-east corner of the site does not necessarily pose a constraint to development, it does impact the preferred location for the vehicle access to the basement. Retaining the tree would require a more centralised crossover and basement access which would directly impact the layout of the building and eastern play area. Subsequently, its removal is acceptable subject to the proposed replacement planting of three (3) medium canopy trees.
- The other trees to be removed (Trees #2-5) are of low retention value and not protected and supported for removal.
- The most prominent tree on site is Tree #1 (Spotted Gum), which has a five metre clearance from the basement excavation and can be suitably protected. Standard tree protection conditions are to be included on any permit issued, including conditions regarding decking construction near Trees #6 and #7.

Objector Concerns

- The majority of objector concerns have been addressed in the technical consideration, however the following require some further discussion:

Flooding concerns

- The northern part of the site is subject to flooding and standard permit conditions are to be included for floor levels and minimal obstruction of the identified overland flow path.
- Despite stated preference for vehicle access via Glen Katherine Drive into a basement car park, this is not feasible due to internal flooding risk as well potential impacts to other properties through impacting the overland flow path. The current layout responds in a satisfactory manner to Council's drainage engineers' requirements.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

**145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE
(P480/2023) cont'd**

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

CONCLUSION

- The proposed development, subject to permit conditions, is considered appropriate as the site is meets specific location criteria for a non-residential use, provide adequate on site car parking, provides improved indented on street parking and addresses off site amenity impacts.

ATTACHMENTS

N	Title	Page
0	.	
1	Advertised Plans	
		

6.2 7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023)

Author: Adrian Mariniello - Development Planner, City Development

Ward: Griffin

SUMMARY

1. A planning application to develop the Cartmell Street carpark site at 7-11 Cartmell Street, Heidelberg has been received following Council's decision to sell the air rights above the carpark to a developer.
2. The proposal seeks approval for the construction of an 8-10 storey mixed use building incorporating 114 residential apartments and a food and drink premises, along with vegetation removal. The proposal also includes a public basement carpark with 182 spaces, to be vested in Council.
3. Public notification of the proposal has been undertaken with three signs on site and letters to surrounding owners and occupiers. Thirty-nine (39) objections have been received with key concerns relating to height, bulk, parking and traffic and amenity. A public information session was held at the Bellfield Community Hub during the public notification period.
4. The assessment of this proposal concludes that there is strong strategic support for the proposal given the site's location in the Heidelberg Major Activity Centre and its designation as a key opportunity site in the Heidelberg Structure Plan. The proposal will provide a net community benefit through the provision of additional public parking, a pedestrian connection between Cartmell Street and Sheffields Lane and higher density housing.
5. It is recommended that the proposal be approved subject to conditions to reduce the height of the building, address visual bulk and design and to improve amenity outcomes to adjoining properties.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P366/2023 for:

- Construction of mixed-use building in the Residential Growth Zone (Schedule 1) and Commercial 1 Zone
- Construct a building or construct or carry out works for a Section 2 use in the Residential Growth Zone
- Use of the land for a food and drink premises
- Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 5)
- Remove vegetation in the Vegetation Protection Overlay (Schedule 5)
In accordance with the endorsed plans

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

at 7-11 Cartmell Street HEIDELBERG subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 31 August 2023 (*Malcolm Elliott Architects, Revision C, Sheets A001 – A601*) with the application but modified to show:
 - (a) Reduction in overall building height by one level through the deletion of Levels 5 or 6;
 - (b) Deletion of north eastern blade wall and increased setback to adjacent balconies of Apartments 1.17 and 2.17, with appropriate screening, to retain wall slit of adjoining apartments at 3-5 Cartmell Street;
 - (c) Deletion of the westernmost bedroom of Apartments 3.16 and 4.16 and consolidation with Apartments 4.16 and 4.17 respectively, with internal reconfiguration, to improve sight lines to internal communal area;
 - (d) Deletion, reconfiguration or reduction to the internal laundry of Apartments 1.15 and 2.15 to improve sightlines and access to internal communal corridor;
 - (e) Details of internal screening to north facing Level 5 and 6 balconies;
 - (f) Screening to 1.7m above the floor level of balconies at Apartments 1.11, 1.12 (both levels), 2.08 and 2.11;
 - (g) Screening to 1.7m above the floor level of balconies and east facing bedrooms to apartments 2.01 – 7.01 (corresponding at each level);
 - (h) Provision of vertical framing elements to Cartmell Street façade above podium;
 - (i) Provision of an alternative lightweight material to the uppermost level to crown the building;
 - (j) Details of screening to rooftop condenser units to reduce visual impact to adjoining properties;
 - (k) Detailed elevation inset of booster cupboard to demonstrate streetscape appearance;
 - (l) Detailed elevation of the Sheffields Lane interface at the ground floor, including raingardens, main switch room and substation;

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- (m) Improved activation of the Sheffields Lane ground floor interface through public art and lighting;
- (n) Details of vehicle warning systems to one-way ramps;
- (o) Notation that the common gym is for internal resident use only;
- (p) One car space to be set aside and notated for use of the food and drink premises;
- (q) Details of storage provision to all residential dwellings in accordance with Standard D21 of Clause 58 'Better Apartment Design Standards';
- (r) Sizing of photovoltaic power generation systems shown;
- (s) Notation of EV charging pre-wiring to at least one car space to each residential apartment;
- (t) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials. The schedule should be presented on a separate sheet and must include colour samples;
- (u) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
- (v) Provision of an acoustic assessment of noise impacts from vehicles using the Cartmell Street crossover on 3-5 Cartmell Street and incorporation of any recommendations arising from the assessment;
- (w) Development Drainage Plans in accordance with Condition 3 of this permit;
- (x) An Amended Landscape Plan in accordance with Condition 4 of this permit;
- (y) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (z) An Amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (aa) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (bb) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit; and
- (cc) Tree Preservation Fencing in accordance with Condition 20 of this permit.

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

Layout Not to Be Altered

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Development Drainage Plans

3. Before the development permitted by this permit commences, Development Drainage Plans must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated Legal Point of Discharge;
 - (c) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
 - (d) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas; and
 - (e) The Tree Protection Zone and Structural Root Zone of the street trees as identified in the submitted Arboricultural Report shown to be retained.

Landscape Plan

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by **CDA Design Group dated March 2023** but modified to include:
 - (a) Amendments required by Condition 1 of this permit;
 - (b) Additional planting, including climbers to internal courtyard spaces;
 - (c) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified; and
 - (d) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

Waste Management Plan

5. Before the development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by **TTM Consultants dated 30 August 2023** but modified to include:
 - (a) Commitments to waste minimisation options in Section 4;
 - (b) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
 - (c) How waste and recycling materials are to be managed within the site and collected from the site; and
 - (d) Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

Sustainability Management Plan (SMP)

6. Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by **ADP Consulting dated 30 August 2023** but modified to include (but not limited to):
 - (a) Amend appendix E to clearly state apartment numbers and types;
 - (b) Provide a draft copy of the Building Users Guide (BUG) illustrating the sustainable features of the development and strategies towards behaviour change (i.e. use of natural ventilation and blinds for shading, EV charging, waste management etc.);
 - (c) Confirm the provision of heating and cooling systems within one star of the best available or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER) not less than 85% of the CoP & EER of the most efficient equivalent capacity unit available;
 - (d) Provide detailed cross-sections of the proposed raingardens within the Landscape Plan and WSUD Drawing (in addition to the drainage plan), ensuring they are above ground, planter box-style for construction and maintenance purposed;

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- (e) Confirm that post-development stormwater flows will not exceed pre-development levels;
- (f) Amend the EV strategy to include pre-wiring to at least one car space to each residential apartment to support Level 2 (Mode 3) 7 kW 32 Amp EV charging, through dedicated switchboard, cabling, and a load management system;
- (g) Provide taps and waste drainage on each balcony to assist residents to maintain their own vegetation;
- (h) Amend the rooftop plan and material schedule to clearly specify that roofing will have a three-year SRI of (min) 64 as per the claims within the SMP;
- (i) Provide a statement from the ESD Consultant outlining the extent of recycled, or certified 'sustainable' materials and products used within the development (such as reduced Portland cement content, recycled materials, post-consumer content in products etc.);
- (j) Remove low VOC paint, 80% demolition waste and cool roofing as Innovation credits as they are legacy initiatives from Green Star Design & As Built and are no longer deemed innovative; and
- (k) Confirm the strategies proposed to reduce the embodied carbon in concrete and steel such as the reduction of Portland cement content (by 20-30%) or procurement of steel from a certified ISO 14001 supplier.

Environmentally Sustainable Development (ESD) Drawing

7. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect.

The drawing(s) must include (but not limited to) the following;

- (a) A notation committing to the delivery of a Building Users Guide;
- (b) Water Recycling Systems to Class A grade recycled water;
- (c) Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
- (d) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- (e) Water Efficient Landscaping design features;
- (f) The location and system size of the Solar PV systems;

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- (g) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
- (h) The types of Hot Water unit, heating and cooling systems and their energy ratings;
- (i) Clotheslines and locations;
- (j) Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- (k) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (l) Secure bicycle parking storage spaces location and type of storage system;
- (m) Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging;
- (n) On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;
- (o) Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- (p) Details of any proposed green walls/facades/roofs including sectional details, product information, plant species, soil profiles, maintenance and watering details. A plan notation should be included that the green walls will be provided with irrigation;
- (q) Tap and Floor Waste (drain) locations in private open spaces and balconies;
- (r) Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- (s) Utility metering provided for all individual residential dwellings and commercial tenants;
- (t) Separate submetering to all major common area services;
- (u) Internal lighting type and density of installation required to achieve the maximum illumination power density (W/m²) in at least 90% of the area of the relevant building class meet the requirements in Table J6.2a of the NCC 2019 Vol 1;
- (v) Carpark Ventilation measures either (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans;

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CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- (w) Bicycle Parking, including visitor parking, location and details;
- (x) Motorbikes / Mopeds location and details to meet a minimum of 5% of vehicle parking spaces designed and labelled for motorbikes (must be at least 5 motorbike spaces);
- (y) Communal spaces location and area (m²) to meet the requirements of 1m² for each of the first 50 occupants, additional 0.5m² for each occupant between 51 and 250 and additional 0.25m² for each occupant above 251; and
- (z) Innovation initiatives claimed in BESS, including Air Quality and Urban Heat Island Effect

Water Sensitive Urban Design (WSUD) Drawing

8. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:
 - (a) All features nominated within the associated SMP and STORM Report identified under Condition 6, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - iii. The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s; and
 - iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
 - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance.

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

ESD Certification (10+ Dwellings or Commercial >1,000 sqm)

9. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), a report from the author of the Sustainable Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must confirm that all ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

- (a) Photographic evidence of each ESD features;
- (b) Invoices/receipts and product specifications evidencing the energy ratings of appliances as claimed in the SMP;
- (c) Invoices/receipts and product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
- (d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;
- (e) Invoices/receipts and product specifications evidencing the U-Values and SHGCs of windows, glazed doors and skylights as claimed in the approved NatHERS Energy Report; and
- (f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable).

ESD Inspection

10. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the owner or developer must notify Council's Development Planning section that the development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

Please retain all manufacturers stickers on window glazing, WELS and Energy Ratings for fixtures and appliances, hot water services, heating and cooling units for evidencing purposes

Occupation of Development

11. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, private parking, landscaping, drainage and

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
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water sensitive urban design, street numbering, replacement of street trees and any environmentally sustainable development features).

Urban Design

12. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
13. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
14. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.
15. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

Development Contribution Levy

16. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy and community infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

Construction Management Plan

17. Unless otherwise agreed, prior to the commencement of any works including demolition, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed, the plan must be implemented to the satisfaction of the Responsible Authority.

Note: Prior to the submission of the Construction Management Plan, please contact the Construction Management Assessment Officer to ensure the

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

Planting of new Council Street trees

18. Prior to the commencement of development, the required fee for the planting of two (2) new street trees must be paid to the Responsible Authority.

Note: The planting of a street trees will be carried out as part of Council's works schedule and only during the May to August planting season.

Section 173 Agreement (Waste)

19. Unless otherwise agreed in writing by the Responsible Authority, before the use and development permitted by this permit starts, the owner of the land at 7-11 Cartmell Street HEIDELBERG must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:

- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P366/2023.
- (b) The owner acknowledge that occupants of the dwellings will not be granted on street or off street parking by way of a resident or visitor vehicle parking permit.
- (c) The owner acknowledge that an Owners Corporation is responsible for the maintenance and upkeep of all proprietary stormwater devices to the satisfaction of the Responsible Authority.
- (d) A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

Tree Protection Zone

20. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including street trees to the satisfaction of the Responsible Authority:

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Jack Machar (11 April 2023)**:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
- xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority:
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
 - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
 - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority; and
 - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

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

No Damage to Vegetation

21. Except with the further written consent of the Responsible Authority, no

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Car Park

22. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
23. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
24. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

Restrictions on use (Commercial)

27. The commercial use must only operate between the following hours except with the further written consent of the Responsible Authority:
 - (a) Monday - Sunday: 6am – 9pm
28. Except with the prior written consent of the Responsible Authority:
 - (a) Deliveries to the site, and
 - (b) Garbage collection from the site

shall only occur between 7am and 6:30pm Monday to Friday.

Amenity (Commercial Use)

29. The commercial use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

- steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
30. Outdoor lighting associated with the commercial use must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
 31. Except with the further consent of the Responsible Authority no form of public address or music amplification system shall be used within the retail premises so as to be audible outside the building.
 32. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.
 33. In respect of commerce, industry and trade development and/or use, noise emissions from the commercial space must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).
 34. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).

Waste Management

35. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.
36. Waste management must be carried out in accordance with the Waste Management Plan approved as part of this permit.

Maintenance of property

37. The occupiers or relevant Owners Corporation must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Responsible Authority.

Expiry of permit

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

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- (c) The use is not commenced within four (4) years from the date of permit issue; and
- (d) The use is discontinued for a period of two (2) years.

Planning Permit Application:	P366/2023
Development Planner:	Adrian Mariniello
Address:	7-11 Cartmell Street HEIDELBERG
Proposal:	<ul style="list-style-type: none">• Construction of a 10-storey mixed-use building (including 114 apartments) in the Residential Growth Zone (Schedule 1) and Commercial 1 Zone• Construct a building or construct or carry out works for a Section 2 use in the Residential Growth Zone• Use of the land for a food and drink premises• Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 5)• Remove vegetation in the Vegetation Protection Overlay (Schedule 5)
Existing Use/Development:	Carpark
Applicant:	Hallmarc
Zoning:	Residential Growth Zone (Schedule 1) Commercial 1 Zone
Overlays:	Design and Development Overlay (Schedule 5) Vegetation Protection Overlay (Schedule 5) Parking Overlay (Schedule 2) Development Contributions Plan Overlay (Schedule 1)
Notification (Advertising):	Three signs on site Letters to surrounding properties
Objections Received:	39
Ward:	Griffin

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

PROPOSAL

- The proposed development is an 8-10 storey mixed use building with a maximum height of 33.8m and incorporating residential apartments, a public carpark and a retail tenancy.
- The proposed basement carpark will include three levels of public carpark and two (2) levels of private carpark with ground level entry from a vehicle crossover to Cartmell Street. The public carpark is to be vested in Council following completion of the development.
- The public carpark is proposed to have parking controls as follows:

Car Park Level	Parking Controls	No. Of Spaces
B2	2hr parking limit	65
B3	4hr + parking limit	74
B4	4hr + parking limit	43

- A planning permit is not required to use the land for a carpark as the site currently operates as a carpark and benefits from existing use rights under Clause 63.11.
- A pedestrian walkthrough between Cartmell Street and Sheffields Lane is proposed to the west of the building.
- Further details of the proposed development are as follows:
 - 114 residential apartments (65 one bedroom, 44 two bedroom, 5 three bedroom)
 - 115 residential car parking spaces
 - 111 residential bicycle spaces and 6 motorcycle spaces
 - 182 basement public car parking spaces (including 6 EV charging spaces)
 - 20 public bicycle spaces and 2 public motorcycle spaces
 - Ground floor food and drink premises (hole-in-the-wall style café) facing Sheffields Lane
 - Pedestrian entry from Cartmell Street
 - Private rooftop terrace, business lounge and kitchen for residents
 - Private cinema and gym for residents
- The proposed development includes the removal of the following vegetation protected by the Vegetation Protection Overlay (Schedule 5):
 - Tree #1 – *Melaleuca linarifolia* (Snow in Summer)
 - Tree #2 – *Melaleuca linarifolia* (Snow in Summer)

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

- Tree #4 – *Hesperocyparis macrocarpa* (Monterey Cypress)

BACKGROUND

- The Cartmell Street carpark currently operates as an at grade parking area with 94 spaces, primarily servicing the Burgundy Street commercial precinct.
- The Cartmell Street carpark site has been identified as a strategic development location in various strategic documents including the Heidelberg and Bell Street Mall Parking Plan (2016), the Heidelberg Structure Plan (2023) and the Banyule Integrated Transport Plan.
- On 12 April 2021, Council resolved to commence the process giving notice of intention to sell the airspace above the carpark at 7-11 Cartmell Street, Heidelberg. Public notice of this process occurred in July and August of 2021 with 12 submissions received.
- On 4 October 2021, Council resolved to sell the airspace above the carpark site to a private developer who in turn would construct a public carpark that would be returned to Council ownership and offset from the land purchase price.
- On 21 March 2022, Council resolved to select a preferred developer for the site following a Request for Proposal period.
- The proposed application was submitted on 19 April 2023 following the aforementioned process.
- In May 2023, Council lodged a request to the Department of Transport and Planning for authorisation to “prepare” and exhibit Banyule C172 Amendment. This amendment seeks to rezone the land to Activity Centre Zone (Schedule 2) and delete the Design and Development Overlay (Schedule 5). Conditional approval has been received from the Department.

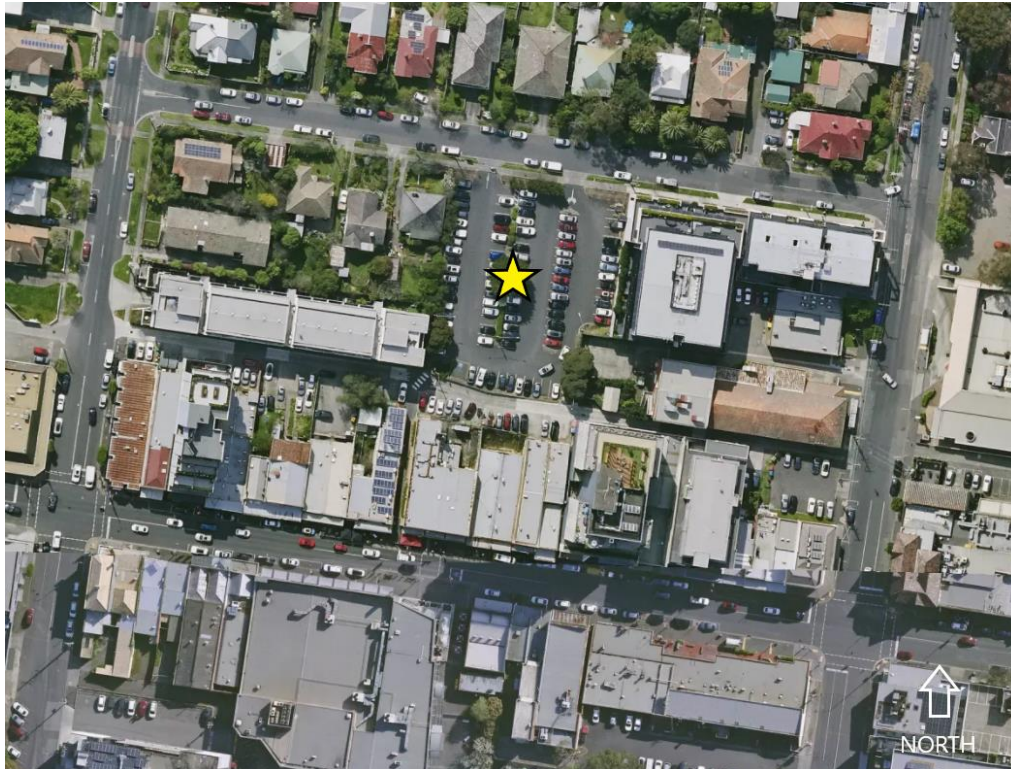
SUBJECT SITE AND SURROUNDING AREA

Site area	2883m ²
Topography	Slopes to the south east by 6.5m
Existing and Neighbouring Vegetation	<p>The subject site contains three <i>Melaleuca linarifolia</i> (Snow in Summer) trees around the peripheries of the site and a <i>Hesperocyparis macrocarpa</i> (Monterey Cypress) located centrally within the site.</p> <p>There are two <i>Lagerstroemia indica x fauriei</i> 'Natchez' in the road reserve adjacent to the site.</p> <p>Surrounding vegetation is typical of the garden suburban area with scattered large and medium canopy trees and understorey vegetation.</p>

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

Existing Development	Public carpark with 94 spaces. Two vehicle crossovers to Cartmell Street.
Easements	Drainage and sewerage easement to eastern boundary.

Locality Plan



Aerial image of subject site (Metromap, 02/09/2023). Subject site denoted by yellow star.

PUBLIC NOTIFICATION

Advertising Period	6-20 October 2023
Advertising methods	Three signs on site Letters to surrounding properties (owners and occupiers)
Objections received	39
Grounds of objections (summarised)	<ul style="list-style-type: none"> • Building height, visual bulk and lack of articulation

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

	<ul style="list-style-type: none"> • Amenity impacts including overlooking and privacy, overshadowing and noise • Disruption and financial impacts to traders • Traffic impacts • View line impacts and property values • Vegetation removal • Compliance with Standards D14 and D15 of Clause 58 • Heritage impacts • Crime and safety • Restrictions on title that prohibit the proposal • Lack of EV charging facilities • Lack of affordable or social housing, excessive one bedroom apartments • Poor disabled access to pedestrian walkway • Land should be used for medical facilities • Wind tunnel effect in pedestrian walkway
Consultation	<ul style="list-style-type: none"> • A public information drop-in session was held at Bellfield Community Hub during the public notification period. This was an opportunity for community members to view plans and ask questions about the proposal. • Objectors have been provided with a copy of the applicant's response to submissions. This details potential changes to be secured by condition such as an acoustic report for the vehicle crossover and alterations to built form at the north eastern corner of the development.

REFERRAL COMMENTS

External	Objection?	Conditions /Comments
Department of Transport	No	No objection and no required conditions.

Department/ Officer	Conditions /Comments

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

Arborist	Council's Developments Planning Arborist has reviewed the proposal and advised that all vegetation proposed for removal on the site is supported.
Developments and Drainage	<p>Council's Developments & Drainage Department have reviewed the proposal and advised that the proposal can be supported subject to conditions requiring OSD, LPOD and WSUD.</p> <p>Some concern has been raised regarding the location of the detention system given the lowest point of the site is in the south eastern corner, however, this is occupied by the building footprint. This is anticipated to be resolved through conditions requiring submission of a stormwater drainage plan.</p>
ESD	Council's ESD Advisor has reviewed the proposal and advised that the proposal can be supported subject to conditions to improve ESD outcomes. This is detailed in Attachment 1 to this report.
Traffic and Transport	Council's Traffic and Transport Department have reviewed the proposal and advised that the proposal can be supported subject to conditions ensuring appropriate vehicle warning systems for basement ramps and seeking additional disabled carparks. Further details are in Attachment 1 to this report.
Waste Management	Council's Waste Management Department have reviewed the proposal and advised that a private waste collection service is required for the development. Further details are in Attachment 1 to this report.
Landscape	Council's landscape consultant has reviewed the proposal and advised the proposal can be supported subject to a condition requiring additional street tree planting in front of the site.
Strategic Planning	<p>Council's Strategic Planning and Urban Design Department have reviewed the original proposal and provided the following comments:</p> <ul style="list-style-type: none"> • The scale (height, bulk and setbacks) of the building is excessive and does not accord with existing and proposed planning controls. • The pedestrian walkthrough is too narrow and a poor outcome.

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

	<ul style="list-style-type: none"> The proposal lacks a mix of land uses and opportunities to further activate the pedestrian walkthrough and laneway. <p>This is discussed further in Attachment 1 to this report.</p>
Urban Design	<p>Council has received independent urban design advice as follows:</p> <ul style="list-style-type: none"> Reduction in height. Vertical framing elements to northern façade. Upper-level setbacks consolidated to a maximum of two steps to avoid wedding cake formation. Apartments 3.11, 3.16, 4.11 and 4.16 redesigned and consolidated with adjacent one-bedroom apartments to ensure internal corridors have clear sightlines. North eastern internal corridor at Level 1 and 2 changed to right angle through internal modifications. Privacy screening to Apartments 1.12, 1.12, 2.08 and 2.11 to balconies. Apartments 2.01 to 7.01 (at each level) fitted with privacy screens to bedrooms and balconies.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Residential Growth Zone – Schedule 1 (RGZ1)	32.07	Yes
Commercial 1 Zone (C1Z)	34.01	Yes
Vegetation Protection Overlay – Schedule 5 (VPO5)	42.02	Yes
Design and Development Overlay – Schedule 5 (DDO5)	43.02	Yes
Parking Overlay (PO2)	45.09	No
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies
Signs	52.05	No
Car Parking	52.06	No

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	

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Natural Environment	02.03-2
Residential Areas Framework	02.03-5
Settlement	11
Activity Centres	11.03-1S
Heidelberg Major Activity Centre	11.03-1L-02
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing and Land Use	16
Transport	18
Better Apartment Design Standards	58

TECHNICAL CONSIDERATION

- Council must consider this application within the strategic context of the site location, the response to the land use, urban design implications, amenity of the area, traffic and car parking and vegetation impacts.
- The key issues raised in submissions include the height of the building, amenity impacts to 3-5 Cartmell Street, visual bulk and articulation, view line impacts, vehicle safety and vegetation removal. These are discussed below.
- A more detailed assessment is included in **Attachments 1 and 2** to this report.

Strategic Framework

- The subject site is located within the Heidelberg Major Activity Centre (MAC) in proximity to the Heidelberg Train Station, Austin Hospital, Burgundy Street commercial precinct, Warringal Shopping Centre, two supermarkets including Leo's and Coles and a number of schools including Heidelberg Primary School, St John's Catholic Parish Primary School and Our Lady of Mercy College.
- The strategic advantages of the site are highlighted in Precinct 3 of the Heidelberg Structure Plan (adopted April 2023), which designates the site as a 'key opportunity site subject to separate built form consideration'. This suggests that there is scope to vary the preferred maximum building height of 17m (front portion) and 29m (rear portion) applying to the site.
- The subject site is a relatively large allotment within the Heidelberg MAC and is largely void of significant vegetation. However, there are a number of site constraints that must be considered such as the natural slope of the land, equitable development opportunities and its transitional location between the core of the MAC and residential hinterland.
- Given the strategic advantages of the site and its designation as a key opportunity site in the MAC, there is strong support for the proposal subject to conditions to respond to the emerging and preferred built form character of the local area.

Urban Design (Building Height, View Line Impacts, Materiality and Bulk)

- Typical of Activity Centres with rapidly emerging characters, there is some conflict between the existing planning controls such as the Design and Development Overlay and the Heidelberg Structure Plan 2023 (HSP). These conflicts are evident in the table of built form guidelines below:

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

	DDO5	HSP 2023
Preferred Height	13m-25m	17m-29m
Setback to Cartmell Street	0m	5m
Street wall	10m	10m
Upper-level setback to Cartmell Street	1.5m for every 3m of building height above 10m. Buildings higher than 16m should obscure additional levels when viewed from ground level on the opposite side of the street.	4.5m setback above 10m street wall
Upper-level setback to Sheffields Lane	None specified	8.5m from frontage above 23m

- The proposed development presents a maximum building height of 26.8m-29.96m to its Cartmell Street frontage and 32.4m-33.8m to Sheffields Lane. This is considered to be a substantial increase to the preferred maximum building heights outlined in the DDO5 and HSP. It is noted that the HSP provides limited guidance of built form expectations for the key opportunity site but clearly expresses that any variation to preferred heights should be paired with public benefits including additional off-street parking, enhancement to pedestrian amenity of Sheffields Lane and provision of a pedestrian link between Cartmell Street and Sheffields Lane.
- In consideration of the urban design advice provided and assessment of the proposal, it is considered that the proposed building height is excessive in the context of the emerging and preferred scale and character of the area and would result in the building becoming the tallest in the Heidelberg MAC. While noting the site is designated as a key opportunity site that can accommodate additional development intensity, this alone and in the absence of guidance within the HSP, does not justify a significant departure to the heights sought by both the existing DDO5 and the HSP2023. Weight must also be given to the site's mid-block location on a residential street in a transitional zone of the MAC in addition to the potential dilution of gateway locations and view line impacts from the key viewpoint sites identified in the HSP (corner Darebin and Hawdon Streets).
- However, and in addition to the above, it is considered that there is urban design support for the proposal to exceed the preferred heights set by the DDO5 and HSP2023, though not to the extent proposed. This is due to the site's designation as a key opportunity site, the relatively large size of the site and the net community benefit of providing additional carparking and a pedestrian link between Cartmell Street and Sheffields Lane.
- As such, it is considered that the height should be reduced by one storey (7 storeys to Cartmell Street and 9 storeys to Sheffields Lane) through the deletion of either Level 5 or 6 to allow for retention of a recessed upper floor. This is considered to strike an improved balance between the strategic opportunities of the site, the emerging and preferred built form character and the net community benefits arising from the proposal.

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

- The HSP designates the intersection of Hawdon and Darebin Streets as a key viewpoint in the MAC. This location enjoys longer range views over the Yarra River corridor, Doncaster Hill MAC, Box Hill MAC and towards the Dandenong Ranges in addition to views towards the Hawdon Street valley floor. This is considered to be a rare vantage point within the municipality as one of only a few locations that enjoys largely unobstructed views over an expansive area and is historically significant.
- The proposed use of a darker colour to the uppermost floor does not sufficiently resolve these concerns and may appear as a floating black box when viewed from the key intersection. The scale and bulk of the building is considered to block views towards the residential hinterland and sit above the ridgeline, which may diminish the visual significance of the vantage point and thus warrants a height reduction in line with the above recommendation.
- Overall, it is considered that the proposed development presents as a high-quality design response to Cartmell Street and the materials and colour palette is responsive to the local area. Conditions will be included to provide additional vertical architectural elements to the Cartmell Street façade (above the streetwall) and to finish the uppermost level in a lightweight material. These will assist to enhance the architectural interest of the design response and better balance the horizontal and vertical elements of the building to reduce bulk and improve articulation.

Land Use

- The proposed use of the land for a food and drink premises is a Section 2 Use in the zone, requiring planning permission. The use of the land for a food and drink premises is considered acceptable given the HSP seeks for a mix of land uses to be incorporated into any development proposed on the subject site.
- Further to the above, the food and drink premises is located to the south entrance of the pedestrian walkthrough and will assist to activate the walkthrough and provide active surveillance opportunities. A permit condition will restrict the hours of the use to 6am – 9pm daily.
- A planning permit is not required to use the land for a carpark as the site currently operates as a carpark and benefits from existing use rights under Clause 63.11.

Landscaping

- The proposed landscaping outcome is generally acceptable and the submitted landscape plan prepared by CDA Design Group will be endorsed subject to minor modifications through conditions.

Amenity

- In response to objectors concerns regarding noise from the vehicle entry/exit to Cartmell Street, the permit applicant has offered to provide an acoustic assessment with any recommendations of that assessment to be incorporated into the design response to address noise impacts. This will be secured through a permit condition.
- A detailed amenity assessment of the proposal is provided in the Clause 58 Assessment in **Attachment 2**.

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

- In line with the recommendations of the urban design advice, conditions will be used to provide additional screening to a number of apartments to the east and west of the building. This will assist to improve privacy outcomes to adjoining properties and have adequate regard to potential development equity implication. This is detailed further in **Attachment 1**.
- In line with the recommendations of the urban design advice, conditions will be used to improve internal sightlines and access to apartments at Levels 1-4. This will require the consolidation of two apartments and reconfiguration of two others and is detailed further in **Attachment 1**.

Car Parking and Access

- The required number of parking spaces to achieve compliance with Clause 45.09 Parking Overlay (Schedule 2) is specified in the table below:

Type	Parking Rate (Column B)	Min. Required	Provided
One & Two Bedroom Dwellings	0.8 spaces per dwelling	87	95
Three Bedroom Dwellings	2 spaces per dwelling	10	10
Visitor	1 space to every 10 dwellings	11	11
Food and Drink Premises	3.5 to each 100sqm of leasable floor area	1	1
Total:		109	117

- The proposal is therefore compliant with the parking requirements specified in the Parking Overlay (Schedule 2) and does not seek a permit under the overlay.
- Further, the Parking Overlay (Schedule 2) sets out minimum motorcycle parking rates. These require one space to every 20 parking spaces. As there are private residential spaces within the development, five motorcycle spaces are required. Eight spaces are proposed and therefore complies with the requirements.
- Pursuant to Clause 52.34-3, 33 bicycle spaces are required for a development of this size. 138 bicycle spaces are proposed, well exceeding the requirement.
- The proposal is considered to generate 150 peak hour vehicle movements within the site (an increase from 60 as it currently stands) on the basis of all parking spaces being utilised for short term parking. However, a significant portion of the public parking spaces are likely to be allocated to longer term parking and thus is unlikely to reach anticipated peak movements. As such, the vehicle movements generated by the proposal is considered to have minimal impacts on traffic conditions.

Vegetation Removal

- The proposed removal of Trees #1, #2 and #4 are acceptable as these trees are of moderate or low retention value and are located within the proposed building footprint.

**7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE
CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR
PARK (P366/2023) cont'd**

Environmentally Sustainable Design

- The proposal achieves a strong ESD outcome with a BESS score of 70 and inclusion of the following ESD features:
 - Building users guide
 - 5-star WELS rating bathroom taps and dishwashers
 - 14 rainwater tanks at each 40,000L capacity
 - All electric
 - Average NatHERS rating 7.8 stars
 - 101 STORM score
 - 114 residential bicycle spaces
 - 23 visitor bicycle spaces
 - EV charging facilities
 - Food and garden waste (FOGO)
 - 62sqm of food production area

Better Apartment Design Standards (Clause 58)

- The proposal is generally compliant with Clause 58 standards, with variations sought to Standards D10 'Landscaping', D20 'Private Open Space' and D28 'Windows'. These are detailed further in **Attachment 2** to this report.

OBJECTORS CONCERNS

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

Disruption and financial loss to traders during construction

- It is noted that the Cartmell Street carpark is currently used by Burgundy Street traders and customers who will experience disruption during the construction period. Council Officers are of the view that there is sufficient parking within the existing network to absorb the temporary loss of the Cartmell Street carpark during construction, however, will continue to discuss with traders through channels separate to the planning process. The completed development will provide net benefit to traders and customers through the provision of additional public parking.

Council's right to sell the land

- Legal opinion has been obtained confirming Council has unrestricted rights to sell the property.

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

View line impacts to 3-5 Cartmell Street

- View line impacts of adjoining properties have limited weight in a planning merits assessment of a proposal where this is not embedded in policy.

Property values at 3-5 Cartmell Street

- This is not a planning consideration and cannot be given weight in a planning merits assessment of the proposal.

Heritage impacts

- The site is not within a heritage overlay nor does not adjoin a property in a Heritage Overlay.

Crime and safety

- The proposal is considered to demonstrate appropriate regard for the safety of users and property.

Restrictions on title that prohibit the proposal

- There are no restrictions on titles that would prohibit the approval of the proposal.

Excessive number of one-bedroom apartments

- There is no maximum number of one-bedroom apartments specified in the Planning Scheme. The proposed development is considered to provide for a good mix of apartment typologies with one, two and three bedroom apartments.

Lack of EV charging facilities

- The proposal is considered to provide an adequate number of EV charging facilities in the public carpark. A condition will require pre-wiring to at least one parking space to all residential apartments.

Lack of affordable or social housing

- There is no mandatory requirement for the proposal to provide affordable or social housing.

Poor disabled access to pedestrian walkway

- It is noted that there are challenges with disabled access to the pedestrian walkway given the natural slope of the land. However, the proposal is considered to overcome these challenges through the use of a lift to improve accessibility.

Land should be used for medical facilities

- There is no requirement for the proposal to incorporate a medical use.

7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023) cont'd

Wind tunnel effect in pedestrian walkway

- A wind impact assessment has been prepared by Vipac Engineers and concludes wind conditions in and around the building is expected to be within the walking or standing comfort criterion.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Officer Declaration of Conflict of Interest

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

CONCLUSION

- The proposed development, subject to permit conditions, is considered to appropriately respond to the respective planning controls including the Heidelberg Structure Plan and result in a net community benefit to the Heidelberg Activity Centre and should be supported.

ATTACHMENTS

N	Title	Page
0	.	
1	Technical Consideration 	
2	Clause 58 Assessment 	
3	Advertised Plans 	

6.3 **PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS**

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

SUMMARY

1. The Department of Transport and Planning (DTP) have released a discussion paper relating to *Modernising Car and Bicycle Parking Requirements* in October 2023 and have sought feedback on the proposed changes.
2. The discussion paper proposes five changes to the planning requirements relating to car and bicycle parking and the provision of end of trip facilities, as follows:
 - a) Adoption of the Public Transport Accessibility Level (PTAL) as a measure of a site's connectivity to public transport and alignment of car parking policy on this basis.
 - b) Grouping of land uses together based on car parking demand.
 - c) Updating rates, including provision of minimum and maximum rates, aligned with the PTAL.
 - d) Increasing bicycle and end of trip facilities aligned to the land use and PTAL, and new design standards for infrastructure.
 - e) Consolidating parking and end of trip provisions in the VPP.
3. The proposed changes are considered to have merit in principle, however there is lack of clarity around how the PTAL will apply in Banyule and it is therefore difficult to fully understand the implications for future developments and land uses. The mapping will not be undertaken until the changes have been adopted.
4. There have also been a number of issues identified in relation to the proposed land use groupings, application of minimum and maximum parking rates to different uses in different PTAL areas, bicycle design standards and impacts on Parking Overlays which are required to be clarified or amended.

RECOMMENDATION

That Council:

1. Notes the proposed changes outlined within the discussion paper *Modernising Car and Bicycle Parking Requirements* (October 2023).
2. Adopts the submission included in Attachment 1 to the Department of Transport and Planning, which outlines:
 - a) The PTAL approach has merit and is consistent with the *Banyule Integrated Transport Plan (2015-2035) (BITP)* and *Banyule Bicycle Strategy and Action Plan 2022-2027*.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

- b) Further information is required to fully understand the implications for Banyule.
- c) Concerns with respect to minimum car parking rates for some land uses.
- d) General support for changes to bicycle parking provisions, with improvement opportunities noted.

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 Department of Transport and Planning (DTP) is currently consulting on proposed reforms to planning requirements for car parking, bicycle parking and bicycle facilities. These changes are proposed for several reasons, including:
 - Updating relevant planning provisions in line with current government policies for an integrated transport system, 20-minute neighbourhoods and the move toward net zero carbon emissions.
 - Many planning permits are being issued to waive or reduce car parking requirements, taking an average of 121 days for a decision.
 - The current requirements result in inefficient use of land, as parking is allocated in some areas where it may not be required.
 - The provision of parking spaces can add a significant amount to the cost of development.
 - Minimum car parking requirements can encourage an oversupply of car parking, resulting in increased traffic, noise and emissions and a poorer quality urban environment.
 - The use of bicycles has increased in popularity.
 - More bicycle parking and end of trip facilities are needed to encourage cycling as a viable alternative to car use and keep up with growing demand from bicycle users.
 - Improved cycle infrastructure will have benefits in relation to health, reduction in greenhouse gas emissions, noise and pollution and the quality of the urban environment.
- The full discussion paper is included as **Attachment 2**. The proposed changes are summarised as follows:
 - 1. Public Transport Accessibility Level (PTAL)**
 - Adopt a new PTAL aligned car parking policy to remove or refine minimum car parking rates and apply maximum car parking rates.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

- PTAL is a measure of connectivity by public transport. A PTAL value will be calculated for each location, based on data including the location of public transport stations and stops, the walk time to the public transport network and the frequency of services. Based on this value, a location will have a PTAL of high, medium, low or poor.
- The PTAL approach would result in the removal or refinement of existing minimum parking rates, while introducing a maximum car parking rate for some contexts, based on the PTAL value of the area. Page 7 of the discussion paper sets out the general criteria for each PTAL area and application of parking rates for each area.

2. Update land use terms for car parking by removing outdated terms and grouping land uses together based on parking demand

- This proposal involves the creation of seven land use groups, which are based on their trip generation characteristics and how they generate visitor, student, resident and employee parking demand, as well as accessibility to public transport. The proposed categories are shown in the table on Page 11 of the discussion paper.

3. Update parking rates aligned with the PTAL

- This proposal revises parking rates based on demand from employees, students, visitors and residential, the PTAL value and the targeted proportion of trips by each transport mode.
- The changes will result in the application of minimum and maximum car parking rates for each group, based on the PTAL of the location. Of significance, there will be no minimum car parking requirements for any uses in high PTAL areas and for many uses in the medium PTAL areas.
- The full table of proposed parking rates is included on Pages 16-23 of the discussion paper.

4. Bicycle parking and end of trip facilities

- This proposal would result in an increase to the minimum rates for bicycle parking and end of trip facilities and to introduce new design standards for this infrastructure. The proposed rates are based on the land use and the PTAL for the site.
- The proposed new design standards for bicycle parking are outlined on Page 26 of the discussion paper, with the proposed rates for bicycle and end of trip facilities included on Pages 28-34.

5. A consolidated parking and end of trip facilities provision in the VPP

- This proposal would create a consolidated planning provision for cars, bicycles and end of trip facilities which would replace existing Clauses 52.06 and 52.34 of Victorian Planning Schemes.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

- All Councils were advised of the proposed changes on 9 October 2023, with submissions requested by 17 November 2023. An information session was also held on 9 November 2023, which was attended by Council officers. This is a short timeframe which does not allow much time for full consideration of these changes and their implications. On request, the DTP has agreed to provide Banyule with an extended time to provide a submission, which is now due by 5pm on Friday 15 December 2023.

KEY ISSUES

Previous Council positions and policy documents

- Council's overall strategic direction in relation to car parking provision based on the Banyule Integrated Transport Plan (2015-2035) (BITP) and Activity Centre parking plans is to strive towards a reduction in car parking requirements, always in conjunction with improving public and active transport infrastructure – giving the community travel choice and options.
- In relation to bicycle parking, the Banyule Bicycle Strategy and Action Plan 2022-2027 supports changes to the existing planning policy framework to support the increased uptake of sustainable transport including the provision of bicycle infrastructure.
- It is difficult to assess whether this is the right direction going forward, without more information on the PTAL classifications and more knowledge on which of our centres would be High, Medium, Low etc, particularly when it gives guidance that the maximum or minimum parking provisions could apply to Medium or Low centres.

Application of PTAL

- The adoption of the PTAL is a more sophisticated approach than the current application of the Principle Public Transport Network (PPTN). The PPTN is simply a measure of distance between a site and the nearest public transport mode. This does not consider the capacity, frequency and quality of the public transport.
- The PTAL value of a site will consider the location of public transport stations and stops, walking networks, public transport routes and their service frequency. It is envisaged that over time, additional data could be able to be utilised to further refine the PTAL value of a site, including proximity to bicycle infrastructure, topography, and walkability of the local area. The data will also be updated regularly. In principle, this will result in an improved method of calculating car parking for a development or use, encourage developments to occur in the right locations and provide for more efficient use of land.
- Council officers have written to DTP requesting that details of the PTAL mapping be provided. However, DTP has not yet prepared the PTAL mapping for Victoria to date, and this is not expected to occur until after the policy is adopted. For Banyule, it is likely that areas close to activity centres with train stations and frequent bus services have a higher PTAL value, although this is unclear whether these will fall into a high or medium PTAL based on current information. Areas which are serviced by convenient, but less frequent services are likely to fall into medium or low PTAL. It is unclear if Banyule will have any areas which would be considered poor PTAL.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

Grouping of Land Uses & Changes to Car Parking Rates

- The proposal will result in the grouping of land uses into seven groups, based on their common characteristics in terms of visitor, resident, or employee demand. This replaces the current approach in Clause 52.06, which provides for minimum car parking for each individual use based on characteristics such as floor area, patron or employee numbers or site area.
- Car parking rates are proposed to be aligned with the PTAL and aim to reduce the amount of land used for car parking in areas well serviced by public transport, while maintaining minimum standards in areas which are less well serviced.
- The proposed changes would result in a significant change in how parking is provided for some developments, particularly in high PTAL areas where typically there will be no minimum requirement for car parking.
- While there are seven groups proposed, car parking rates for most groups have been further split, making a total of 12 different groupings. Without knowing exactly where each level of PTAL will apply, it is only possible to make high level generalised comments.
- Some initial concerns which have been identified and require further information to evaluate include:
 - Non-residential uses which can be permitted in residential zones (such as childcare centres, medical centres, convenience restaurants, convenience shops, food and drink premises, leisure and recreation and place of assembly) often attract concerns around parking. The proposal may significantly reduce the required level of on-site parking in some areas, as demonstrated by the examples in the table in **Attachment 3**.
 - For Group 1, the combination of uses makes sense except for supermarket which would typically have a higher parking demand. Depending on how and where PTALs are applied, the convenience restaurant rates may also need further consideration as this use could be allowed in residential zones.
 - For Group 4, dwelling rates have been reduced in all areas. There is no requirement for onsite parking for a dwelling in high or medium PTAL areas. The low or poor PTAL areas will reduce the minimum parking requirement for a 2+ bedroom dwelling to one space. This may result in increased on street parking congestion in areas which are not well serviced by public transport.
 - For Group 5, swimming pool/gym, cinema based entertainment facility, place of assembly (other) and restricted recreation facility have been grouped. Swimming pools, gyms and restricted recreation facilities have different parking requirements and the rates proposed are considered to be too low.
 - For Group 6, the uses in this group have varying parking demands. Depending how and where PTALs are applied there may be concerns with the minimum rates applied for the poor, low and medium PTAL level.
 - It is unclear from the paper whether the parking rate applies to each of the uses in the group or only the ones listed in the table. If it is ones in the group, then rates have may been added to uses such as camping and caravan park, group accommodation, and residential hotel which have not previously had listed rates. If it is only ones listed in the tables, individual rates have been removed for 26 uses that currently have individual parking rates. Further

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

comments will need to be reserved until clarity is provided and PTAL levels are known.

- Car and bicycle parking rates for many uses will be calculated by employee numbers. This can be difficult for Council to accurately determine, open to change over time and could be easily manipulated by applicants to minimise parking numbers. A land use permit would not be required for all uses (e.g. a café establishing in an out of centre Commercial 1 Zone) so there would be no mechanism for conditioning maximum employee or visitor numbers within a planning permit. It is important that the parking rates are aligned to a use permit requirement in more sensitive areas.
- Residential aged care facility is included in both Group 3 and Group 4.
- The use of convenience shop has not been included in any of the groups. It is not clear whether this is intentional or not. In practice it means that the higher shop rate would apply.
- A rate for gym and restricted recreation facility has been included. This is a good addition with a rate for this use being previously requested by Council.
- A land use terms has been added for appointment based services which is not currently defined in the planning scheme, so it is unclear what type of services this would cover.

Changes to Bicycle Parking and End of Trip Facilities

- The PTAL value will also be used to determine bicycle parking and end of trip facilities in conjunction with a use.
- The proposed changes are generally supported, noting that they will align to current Council policy to support the use of sustainable transport. Initial queries and recommendations which have been identified include:
 - The inclusion of bicycle parking for dwellings and childcare centres is supported. However, clarification is sought regarding the provision of spaces for both employees and students for child care centres in medium PTAL areas only.
 - The inclusion of a minimum 5% of bicycle of parking to allow users to park electric and cargo bicycles should be increased to a minimum of 10% to reflect the increasing popularity of these cycles.
 - Minimum dimensions of bicycle spaces included with existing design guidance should be amended to include use by atypical cycles (including cargo bicycles and tricycles).
 - Design guidelines for visitor parking should also be included to again support use by atypical cycles (including cargo bicycles and e-bikes) particularly for Group 1 (Supermarket), Group 2 (Childcare, Primary and Secondary schools), Group 3 (Medical centre, residential aged care facility), Group 4 (Dwelling) and Group 5 (Swimming pool/gym).
 - Bicycle parking design guidelines should consider the provision of charging facilities for e-bikes.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

Impact on Parking Overlays

- Banyule currently has four (4) parking overlays which vary the standard Clause 52.06 requirements for particular uses and, in some cases, allow for financial contributions in lieu of providing the required number of spaces on site.
- The proposed changes will not affect the existing Parking Overlay provisions and it is intended that these be retained as an additional tool for Councils to utilise if required.
- It is expected that the application of the PTAL will result in Parking Overlays in some areas (e.g. Heidelberg) becoming redundant. It is also possible that developers of sites which have live permits but have not commenced works will look to amend their permits to further reduce the parking provision on site. Financial contributions payable to Council in lieu of parking are also likely to reduce through this change. How existing permits and requirements for financial contributions will be impacted is a further query which should be made to DTP.**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.

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states the relevant state government department, as a defined entity, and they must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment has not been separately undertaken by Council.

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.

PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS cont'd

- 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	Submission - Modernising Car and Bicycle Parking Requirements 	
2	Discussion Paper - Modernising car and bicycle parking requirements October 2023 	
3	Comparison table - current and proposed car parking requirements 	

6.4 1 STRADBROKE AVENUE - EOI EVALUATION

Author: Kristel Roxas - Property & Strategic Projects Officer, City Development

Ward: Griffin

Previous Items

Council on 27 February 2023 (Item 12.1 - Banyule Strategic Sites - Directions to Proceed)

SUMMARY

1. At the 27 February 2023 Ordinary Meeting of Council, Council confidentially agreed to commence an Expression of Interest (EOI) campaign for 1 Stradbroke Avenue as it was determined to be land surplus to Council requirement.
2. Prior to the commencement of the EOI, officers engaged with key stakeholders (Austin Hospital, Warringal Hospital, and the City of Heidelberg Bowls Club) regarding the potential future development. Of the three (3), Warringal Hospital and the bowls club accepted the offer to have a meeting to discuss their queries and concerns about the future development, which were included in the EOI documentation. Other locals in the area received a distribution postcard to inform them of the EOI.
3. The EOI was facilitated to test the market and determine whether the site was of interest to potential purchasers, whilst ensuring any future development is complimentary to surrounding land uses.
4. The EOI documentation package was issued to the public on 26 September 2023, with responses received on 10 November 2023 closing date.
5. All EOI submissions have been detailed in the confidential attachment to this report (**Attachment 1**) due to the commercial nature of the EOI process.

RECOMMENDATION

That Council:

1. Notes the outcome of the Expression of Interest (EOI) for the Council owned land at 1 Stradbroke Avenue, Heidelberg.
2. Accepts the Strategic Properties Project Control Group recommendation of the shortlisted developers and authorises the Chief Executive Officer, or their delegate, to proceed with a Request for Proposal (RFP) campaign in early-mid 2024.
3. Agrees to formal notification of the other respondents indicating they were unsuccessful in being shortlisted for the Request for Proposal.
4. Agrees to the Notice of Intent to Sell process (as per s114 of the Local Government Act 2020) commencing once the preferred developer is nominated.

1 STRADBROKE AVENUE - EOI EVALUATION cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Develop and maintain best practice integrated strategic plans that impact positively on the quality and design of our places and built environment".

BACKGROUND

- Council owns the land at 1 Stradbroke Avenue, Heidelberg described as:
 - Lot 1 on Plan of Subdivision 733049F Volume 11889 Folio 234



Figure 1: 1 Stradbroke Avenue Aerial Photo

- The endorsed Heidelberg Structure Plan identifies 1 Stradbroke Avenue as land designed to deliver a development which “*encourages the consolidation of medical services and enables a mixture of uses including residential use above a height of 10m*”.
- 1 Stradbroke Avenue, Heidelberg was determined to be surplus land to Council, and it was agreed to commence an EOI.
- Prior to the commencement of the EOI, officers engaged with key stakeholders (Austin Hospital, Warringal Hospital, and the City of Heidelberg Bowls Club) regarding the potential future development. Of the three (3), Warringal Hospital and the bowls club accepted the offer to have a meeting to discuss their queries and concerns about the future development, which were included in the EOI documentation. Other locals in the area received a distribution postcard to inform them of the EOI.
- The EOI documentation package was issued to the public on 26 September 2023, with submissions received on 10 November 2023 closing date. As advised by the appointed Agent, Miles Real Estate for the marketing of the EOI Campaign, officers strategically planned to complete the evaluation and present a report to Council in order to inform developers of the outcome of the EOI before the end of the year to sustain developer interest in the land.

1 STRADBROKE AVENUE - EOI EVALUATION cont'd

- To clarify developer queries, strategic property and planning officers presented an Industry Briefing on 24 October 2023.
- Respondents were required to lodge a submission detailing an indicative price for the land, details on their development proposal, and other key criteria including ESD and Social Sustainability. The aim of the EOI was to undertake market sounding and shortlist developers who scored well against the agreed Evaluation Criteria.
- The EOI submissions were evaluated by the Evaluation Panel, who met on 20 November 2023 to moderate scoring the submissions. This was presented to the PCG for final endorsement of the shortlisted proposals before being presented to Council.
- All members of the PCG and Evaluation Panel were governed by the following key principals, in line with the Council's procurement policy:
 - Fairness and impartiality;
 - Open and competitive process;
 - Process transparency; security and confidentiality; and
 - Identification and resolution of any conflicts of interest.

Request for Proposal

- Should Council agree to proceed to a Request for Proposal (RFP) with a shortlist of respondents, Council officers will continue with the following:
 - Formal notification of the other respondents indicating they were unsuccessful in being shortlisted.
 - Prepare and issue RFP documentation in early-mid 2024.

Notice of Intent to Sell

- Should Council resolve to progress with a preferred developer at a later Council Meeting after the conclusion of the RFP, Council officers will facilitate a Notice of Intent (NOI) to Sell.
- The intention of this timing for the NOI is to provide Council residents with greater detail to better inform them of the proposed development, therefore having a greater impact during the NOI.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- Council is not obligated to proceed with the sale of the land.
- Further legal consideration such as the Notice of Intent per S114 and S55 of the Local Government Act 2020, and the Community Engagement Policy 2020 will be required at later stages in the sales process, should Council decide to proceed.

1 STRADBROKE AVENUE - EOI EVALUATION cont'd

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- As industry leaders in responsible selling of Council land, as well as procurement and delivery of major projects within our municipality, Council officers and the PCG determined this project to require a GIA.
- Should Council resolve to progress to an RFP, a GIA will be made a requirement for respondents to complete as part of their proposed development submissions.

Sustainable Procurement Outcomes

- This has been detailed and reviewed in the confidential attachment (**Attachment 1**) to this report due to the commercial nature of the EOI process.

Financial Implications

- This has been detailed and reviewed in the confidential attachment (**Attachment 1**) to this report due to the commercial nature of the EOI process.

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	CONFIDENTIAL Expression of Interest Evaluation – 1 Stradbroke Avenue Heidelberg - CONFIDENTIAL	

7.1 PUBLIC TOILET PLAN 2023

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

SUMMARY

1. The Banyule Public Toilet Plan (the Plan) sets out a ten-year capital works program and action plan for the provision and management of Council owned and managed public toilets across the municipality.
2. The draft Public Toilet Plan was presented to Council on 25 September 2023 and endorsed for a 4-week community exhibition period from 27 September 2023 to 26 October 2023, including an option for paper based feedback and public notices displayed at service centres and libraries in Banyule.
3. The purpose of this report is to present the revised Public Toilet Plan (**Attachment 1**) for adoption following this second stage of community feedback.
4. Council received 50 responses in total, 44 through Shaping Banyule and 6 paper submissions. 56% of respondents supported the draft plan including the 10-year works program and action plan. 28% of respondents did not support it and 16% were unsure.
5. Some respondents raised concerns about the location of the proposed new toilet at Rosanna Parklands. The plan has been revised to include the investigation of recommissioning the existing public toilet block at Macleod Park (adjacent to the oval) as a first step prior to committing to a new toilet block in Rosanna Parkland. If a new toilet block in Rosanna Parkland is required, the siting will be determined through community consultation undertaken as part of preparing the Rosanna Parklands Masterplan.
6. Residents also seek to have a new toilet in Eaglemont. The plan already includes an advocacy program with State Government for the provision of public toilets at the Eaglemont Railway Station, including investigating the opportunity for community access to existing staff toilets.
7. The 10 year renewal program of existing toilets has also been revised to better align these renewal works with other projects in the same precinct. It reduces the renewal funding requirement by \$135,000 over the 10 years.
8. The proposed new toilet program has not changed, except for extending the implementation timelines, primarily to reduce the funding gap over the next few years.
9. The proposed work program will require an estimated \$1.28 million additional funding over the next 10 years, which has reduced from \$1.52 million in the previous draft.

RECOMMENDATION

That Council:

1. Adopt the proposed Public Toilet Plan 2023 (**Attachment 1**).

PUBLIC TOILET PLAN 2023 cont'd

2. Note the Public Toilet Plan - Background and Technical Document 2023 (**Attachment 2**).

COUNCIL PLAN

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

BACKGROUND

- The draft Banyule Public Toilet Plan (**Attachment 1**) sets out a ten-year capital works program and action plan for the provision and management of Council owned and managed public toilets across the municipality. This document has been summarised from the initial draft to enhance readability, monitoring and reporting.
- This report also includes a background technical document (**Attachment 2**) which is consistent with the draft that was released for community exhibition and Council's first Public Toilet Plan adopted in 2018.
- The draft Public Toilet Plan was presented to Council on 25 September 2023 and endorsed for a 4-week community exhibition period from 27 September 2023 to 26 October 2023, including an option for paper based feedback and public notices displayed at service centres and libraries in Banyule.
- The purpose of this report is to present to Council the community feedback received, and outline proposed changes to the draft Plan for adoption.
- This review was planned in five stages as follows:
 - Stage 1: Background Review & Toilet Audit
 - Stage 2: Issues and Opportunities Identified
 - Stage 3: Community and Stakeholder Consultation
 - Stage 4: Draft Plan following Stage 1 Community Consultation
 - Stage 5: Final Plan following Stage 2 Community Consultation

KEY ISSUES

- The previous Public Toilet Plan was adopted in 2018 and an action of the original Plan was for it to be reviewed midway through its 10-year timeframe.
- The works program included in the previous Plan requires review, based on more contemporary asset information.
- The previous plan also did not consider service gaps or propose any new toilets which are required to meet the expectation of a growing population throughout the municipality.
- The proposed plan recommends upgrade of the existing toilets to a 4 STAR rating, six new toilets and the replacement of ten existing toilets over the next 10 years.

PUBLIC TOILET PLAN 2023 cont'd

Revised Public Toilet Plan

- The first draft of the Plan has been revised to incorporate community feedback (outlined later in this report) received in Stage 2 consultation.
- The majority of the residents supported the draft plan. However, feedback was received mostly regarding the following two toilets:
 - **Rosanna Parklands** – Respondents suggested the location of the toilet is not appropriate. The plan has been revised to include the investigation of recommissioning the existing public toilet block at Macleod Park as a first step prior to committing to a new toilet block in Rosanna Parkland. If a new toilet block in Rosanna Parkland is required, the siting will be determined through the community consultation undertaken as part of preparing the Rosanna Parklands Masterplan.
 - **Eaglemont Station** – Residents support the provision of toilets in Eaglemont. The draft plan already includes an action to advocate with State Government for the provision of public toilets at the Eaglemont Railway Station, including investigating the opportunity for community access to existing staff toilets.
- The 10 year renewal program of existing toilets has also been revised to better align these renewal works with other projects in the same precinct or pavilion. It reduces the renewal funding requirement by \$135,000 over the 10 years.
- It also better identifies the need for further planning prior to implementing renewal works where there is a 'cluster' of toilets within a precinct.
- The proposed new toilet program has not changed, except for extending the implementation timelines. This is mainly to reduce the funding gap over the next few years.

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

- Financial implications of the proposed capital works program (including replacement, upgrade and new toilets) is summarised below.

Year	Replacement & Upgrade	New Installation		Variation
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PUBLIC TOILET PLAN 2023 cont'd

	Proposed	Current CWP Allocation	Proposed	Current CWP Allocation	Operating Cost Increase	(Current Allocation – Proposed)
2024/25	\$200,000	\$575,000	\$0	\$0	\$0	\$375,000
2025/26	\$320,000	\$650,000	\$30,000	\$0	\$5,500	\$294,500
2026/27	\$430,000	\$550,000	\$500,000	\$0	\$5,500	-\$385,500
2027/28	\$700,000	\$365,000	\$30,000	\$0	\$20,500	-\$385,500
2028/29	\$450,000	\$625,000	\$535,000	\$0	\$20,500	-\$380,500
2029/30	\$460,000	\$710,000	\$445,000	\$0	\$35,500	-\$230,500
2030/31	\$470,000	\$650,000	\$460,000	\$0	\$42,500	-\$322,500
2031/32	\$480,000	\$790,000	\$480,000	\$0	\$49,500	-\$219,500
2032/33	\$490,000	\$770,000	\$460,000	\$0	\$56,500	-\$236,500
2033/34	\$500,000	\$770,000	\$0	\$0	\$63,500	\$206,500
Total	\$4,500,000	\$6,455,000	\$2,940,000	\$0	\$299,500	-\$1,284,500

- Based on the revised Plan, the capital works program will require an estimated \$1.28 million additional funding over the next 10 years, which has reduced from \$1.52 million in the previous draft.
- Every new toilet requires an additional annual operation and maintenance budget approximately \$4,000 to \$15,000 depending on its size, which have been included in this estimate.

Community Engagement

- Community consultation was carried out in two stages for preparing this draft Plan.
- Stage 1 community consultation was undertaken in April - May 2023.
- The following methods of engagement were used for this community consultation.
 - Shaping Banyule survey
 - Intercept survey
 - Community Advisory Committees
 - Banyule social media (Instagram and Facebook)
- 545 community members provided feedback. 64% of the people that participated are women and 85% are more than 35 years old.
- The details and outcomes from the community engagement were presented in a Councillors Briefing in September 2023. The Community Consultation Report was also provided to the community through Shaping Banyule.
- The first draft of the revised plan was prepared following the Stage 1 community consultation.
- Stage 2 community consultation was undertaken in September-October 2023 following Council endorsement of the draft Plan for community exhibition.
- This consultation was undertaken through Shaping Banyule. Hardcopies of the plan were also available in Ivanhoe Library and Cultural Hub, Council Offices, Rosanna Library and Watsonia Library.

PUBLIC TOILET PLAN 2023 cont'd

- Council received 50 responses in total, 44 through Shaping Banyule and 6 paper submissions.
- Key findings of the consultation include:
 - 56% of respondents supported the draft plan including the 10-year works program and action plan. 28% of respondents did not support it and 16% of respondents were unsure.
 - 62% of respondents identified as female and 36% as male, which is similar to first round of consultation in April-May 2023.
 - 39% of the respondents were aged over 65 years and 75% over 45 years.
 - Respondents of Rosanna responded the highest (18%), followed by Watsonia (14%) and Eaglemont (10%).
 - Seven respondents (14%) did not support installing a new public toilet in Rosanna Parklands. The exact location of the proposed toilet was the main concern to these residents.
 - Six respondents (12%) supported installing a public toilet in Eaglemont.

Gender Impact Assessment



- In developing this report, the subject matter has been considered in accordance with the requirements of the *Section 9 of the Gender Equality Act 2020*.
- The gender impact and associated implications of this project were assessed in four steps to guide and prompt thinking and direction, including:
 - Define the issues and challenge assumptions
 - Understand your context
 - Options Analysis
 - Making recommendations
- As a result of the Gender Impact Assessment, the following recommendations were made to reduce gender inequality and promote gender equality:
 - Undertake consultation and engagement with the local community and conduct a Gender Impact Assessment prior to the development and installation of a new or renewed public toilet.
 - Determine a standard practice for the configuration of cubicles that best achieves a balance between inclusivity, practicality, and value for money.
 - Investigate an alternative approach for the community to send a request to Council by using QR code for cleaning and maintenance of public toilets.

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.

PUBLIC TOILET PLAN 2023 cont'd

ATTACHMENTS

N	Title	Page
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1	Proposed Public Toilet Plan 2023 	
2	Public Toilet Plan Background and Technical Document 2023 (<i>Under  Separate Cover</i>)	

7.2 BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS

Author: Hannes Berger - Arts & Culture Coordinator, Community Wellbeing

SUMMARY

1. The Banyule Art Collection is a unique and valuable asset for the City that aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion, thinking and debate about current, social and cultural issues.
2. The *Banyule Art Collection Policy* (the Policy) describes the guidelines, criteria and procedure for acquiring new works of art into the collection. Council allocates \$30,000 annually towards purchasing new acquisitions, and maintenance and storage requirements of the collection.
3. As per the Policy's acquisition guidelines, the Banyule Art Collection Working Group met in October 2023 to consider seven art works, mostly selected from the recent Banyule Award for Works on Paper Finalists Exhibition – plus one donation by the Estate of prestigious Banyule artist Murray Griffin – for accession into the collection.
4. All seven (7) artworks were considered worthy of acquisition and presented to the Banyule Arts and Culture Advisory Committee on 2 November 2023 who voted unanimously to recommend Council purchase the works for acquisition and accept the Murray Griffin donation.

RECOMMENDATION

That Council:

1. Endorse the Banyule Arts and Culture Advisory Committee's recommendation to acquire the seven (7) artworks being:
 - Untitled: By Murray Griffin
 - High Roads, Low Roads (No Exit): By Ryan Presley
 - Legacy: One Umbrella, Eight hundred and eighty thousand voices, sixty thousand years of occupancy: By Brian Robinson
 - Pinampi Country thigga (remember my Country): By Virginia Keft
 - Kaalpa (Kalypa, Canning Stock Route Well 23): By Corban Clause Williams
 - Guuma-li / gather: By Juanita McLauchlan
 - Scanning Country ONE (SC1): By Bruno Leti

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS cont'd

at a total cost of \$23,396, to further develop the significance and value of the Banyule Art Collection.

2. Note the purchasing process will be undertaken in accordance with procurement policies and best practice arts industry standards.

COUNCIL PLAN

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

BACKGROUND

- The Banyule Art Collection is a unique and valuable asset for the City. It was formed after the amalgamation of the Diamond Valley Art Collection and the Heidelberg Art Collection in 1994 following Municipal amalgamations.
- It is governed by the *Banyule Art Collection Policy, Attachment 1* which aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion and debate about current, social and cultural issues.
- The collection currently comprises over 500 works, valued in 2016 at \$1.5 million.
- Objectives of the Art Collection Policy include:
 - To collect and selectively commission works of art which foster an understanding, enjoyment and appreciation of the visual arts among the Banyule community and members of the general public.
 - To enrich the existing collection by maintaining its growth and development through an ongoing program of acquisitions.
 - To develop, manage, conserve and display the collection to the highest museum standards possible for the benefit of the present and future Banyule community.
- The Policy describes the guidelines, criteria and procedure for acquiring new works of art into the Collection, through a formal process of consideration and recommendation by the Banyule Art Curator, the Art Collection Working Group and the Banyule Arts and Culture Advisory Committee (BACAC).
- Council allocates \$30,000 annually towards purchasing new acquisitions, and maintenance and storage requirements of the Collection.

KEY ISSUES

- Seven artworks have been recommended for acquisition into the Banyule Art Collection.
- One artwork, by Murray Griffin, is a donation from the Griffin Family. Griffin was a nationally significant and important Banyule heritage artist, who Council celebrated in an extremely popular exhibition at Art Gallery 275 in August 2023.

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS cont'd

- In addition to this donation, Officers will continue to work with the Griffin Family to view and acquire more works from the Estate in 2024. It is a timely opportunity to expand Council's holding of his valued artworks.
- The other six artworks have been selected for purchase from the 2023 Banyule Award for Works on Paper Finalists' Exhibition. Acquisition from this exhibition occurs each time the exhibition is held.
- The Banyule Award for Works on Paper is Council's prestigious national art prize, with the winning artist receiving \$10,000 and the winning artwork automatically accessioned into the Banyule Art Collection.
- The theme for 2023 was Nhalinggu Bagung meaning 'come gather' in Woi Wurrung language. The theme was chosen to align with Council's commitment to the Uluru Statement from the Heart and after consultation with Council's Reconciliation Action Plan Advisory Committee and the Wurundjeri Corporation.
- The prize was awarded to Aunty Rochelle Patten and Katie Howard for their collaborative artwork *Bayadherra* that will now be accessioned into the collection.
- The finalists' exhibition was held at Ivanhoe Library and Cultural Hub from September to November and provided an opportunity to acquire new artworks, as all finalists meet the national significance criteria of the acquisition policy.
- In October 2023 the Art Collection Working Group met to consider the seven artworks proposed for acquisition by the Banyule Art Curator (including the Murray Griffin donation).
- The current Banyule Art Collection Working Group is:
 - Steph Neoh (Banyule Art Curator)
 - Leah Crossman (Art and Collections Coordinator Darebin Council)
 - Caroline Wall (Australian Museums and Galleries Association Victoria)
- The Working Group considered all seven artworks worthy of acquisition against the policy criteria and, in line with the acquisition guidelines, these were presented to the Banyule Arts and Culture Advisory Committee on 2 November 2023 for consideration. The Committee voted unanimously on the recommendation that Council purchase the six artworks and acquire all seven.
- The seven recommended artworks have been identified in accordance with selection criteria outlined in the Art Collection Policy, including artworks that:
 - Contribute to the 'most recent theories' in contemporary art practice.
 - Consolidate and enrich the existing collection as a whole or which expand the range of representation of art forms or artists within the collection.
 - Are of quality and innovation including emerging and innovative art forms.

Summary of Recommended Acquisitions in 2023

	Title of Artwork	Artist	Medium	Price
From Murry Griffin: A Life and a Journey Exhibition 2023				
1	<i>Untitled</i>	Murray Griffin	Oil on board	Donation
From Banyule Award for Works on Paper Finalists' Exhibition 2023				
2	<i>High Roads, Low Roads (No Exit)</i>	Ryan Presley	Graphite and gold pencil on paper	\$8,800

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS cont'd

3	<i>Legacy: One Umbrella, Eight hundred and eighty thousand voices, sixty thousand years of occupancy</i>	Brian Robinson	Linocut print (Edition 1/15)	\$3,300
4	<i>Pinampi Country thigga (remember my Country)</i>	Virginia Keft	Paper, found eucalyptus wood, wire	\$3,800
5	<i>Kaalpa (Kalypa, Canning Stock Route Well 23)</i>	Corban Clause Williams	Fine art markers on Arches paper	\$1,596
6	<i>Guuma-li / gather</i>	Juanita McLauchlan	Collograph and mixed media on BFK paper	\$1,500
7	<i>Scanning Country ONE (SC1)</i>	Bruno Leti	Archival inkjet print (Edition 1/8)	\$4,400
			TOTAL	\$23,396

See **Attachment 2** for full details of the artists, artworks and their alignment to the Policy's selection criteria, in the Curator's report *Recommendations for Acquisition into Art Collection 2023*.

Recommendation

- In line with the Banyule Art Collection Policy's acquisition procedural guidelines, the Banyule Arts and Cultural Advisory Committee has made a recommendation to Council to purchase and accession the seven nominated artworks into the City's Collection.
- This is an opportunity to acquire works of art that have undergone a lengthy and rigorous selection process and that will raise the profile and value of both the Banyule Art Collection and the Banyule Award for Works on Paper, adding further to Banyule's specialisation in collecting artworks on paper.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- A Gender Impact Assessment was not completed for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.
- However, a comprehensive Gender Impact Assessment will be conducted as part of the full review of the Banyule Art Collection Policy. A revised draft Policy will be presented to a council meeting in early 2024.

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS cont'd

Sustainable Procurement Outcomes

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

Financial Implications

- Council has allocated \$30,000 in the 2023-2024 Capital Expenditure budget towards the acquisition of new artworks into the Banyule Art Collection.



Community Engagement

- Consultation has been conducted through the expertise of the Banyule Art Collection Working Group and Banyule Arts and Culture Advisory Committee.
- The 2023 Works on Paper prize was judged by Kimberley Moulton (Yorta Yorta woman and Senior Curator of South-Eastern Aboriginal Collections at Museums Victoria, recently appointed as Adjunct Curator of First Nations and Indigenous Art at the Tate Museum London) and Phuong Ngo (artist, curator, and previous winner of the Banyule Award for Works on Paper).
- The recommended acquisitions were also presented to the Reconciliation Action Plan Advisory Committee 15 November 2023. Earlier this year, the Committee has endorsed the reconciliation theme of the 2023 Works on Paper exhibition.

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	Banyule Art Collection Policy 	
2	Recommendations for Art Collection Acquisitions October 2023 	

8.1 ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS

Author: Laura Cattapan - Community Connections Coordinator, Community Wellbeing

Previous Items

Council on 25 September 2023 (Item 4.1 - Draft Banyule Volunteer Policy and Memorandum of Understanding: Endorsement for Community Consultation)

Council on 15 August 2022 (Item 10.1 - Volunteer Guidelines for Friends of Groups who operate on Council owned or managed land)

SUMMARY

1. The Proposed Banyule Volunteer Policy 2023 (**Attachment 1**) has been developed to provide Council with a consistent and coordinated approach to engaging and supporting volunteers across the whole organisation and includes Council's Population and Advisory Committee members.
2. The Proposed Volunteer Policy 2023 also outlines Council's arrangements with volunteer-involving community groups (who have volunteers) operating on Council land and/or in Council facilities. These groups operate independently of Council. Their relationship to Council is supported by various binding documentation.
3. At the 15 August 2022 Council Meeting, Council resolved to receive a report regarding:
 - a) *The development of a Banyule Volunteer Framework.*
 - b) *Inclusion of guidelines for environmental volunteers working on Council land to be incorporated as a subset of the broader proposed Banyule Volunteer Framework.*
 - c) *A process for Council collaboration with the Banyule community, including existing Friends groups and other environmental volunteers to prepare guidelines.*
4. In addition to proposing the Volunteer Policy a separate proposed Memorandum of Understanding (MoU) with Banyule Environment Friends of Groups (EFoG), (**Attachment 2**), has been developed as a first step to address the above resolution. The MoU outlines an agreed approach on how EFoG conduct their volunteer activities when operating on Council land and what Council would commit to in supporting this work.
5. At the 25 September 2023 Council meeting, Council resolved to endorse the proposed Banyule Volunteer Policy and proposed MoU - Banyule EFoG to go out for targeted community engagement. Two additional face-to-face engagement consultation forums were also conducted with EFoGs with an invitation also extended to members of the Friends of Darebin Parklands and Friends of Eaglemont Village.

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

6. Targeted community engagement on the Proposed Volunteer Policy and MoU – Banyule EFoG took place from the 1 October to 31 October 2023.
7. The targeted consultation process involved an internal stakeholder session, meetings with individual stakeholders, two focus group sessions with EFoGs, Friends of Darebin Parklands and Friends of Eaglemont Village and an online survey provided to all current Council volunteers and members of Council's Population and Advisory Committees.
8. Feedback from the sessions was positive and constructive in relation to both the Proposed Volunteer Policy and development of the Banyule EFoGs Proposed MOU.
9. Minor changes have been made to the Proposed Volunteer Policy and Proposed MoU based on the feedback received as part of the consultation process.

RECOMMENDATION

That Council:

1. Adopt the Proposed Banyule Volunteer Policy 2023 (**Attachment 1**) and Proposed Memorandum of Understanding (MoU) - Banyule Environmental Friends of Groups (**Attachment 2**).
2. Acknowledge the feedback obtained and thank those that participated in the targeted community engagement and consultation process that was undertaken in the development of the Proposed Banyule Volunteer Policy 2023 and the Proposed Memorandum of Understanding (MoU) – Banyule Environmental Friends of Groups.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Encourage and support volunteerism within Banyule as an important contributor to the local economy and involvement in community life".

BACKGROUND

- In 2021 a scoping exercise and gap analysis was completed to better understand the current state of volunteering in Banyule City Council and determine an appropriate approach for Council moving forward. At the time the exercise identified that Council manages approximately 150 volunteers, working in diverse placements across the organisation.
- At the 15 August 2022 Council Meeting Council resolved to receive a report regarding:
 1. *The development of a Banyule Volunteer Framework.*
 2. *Inclusion of guidelines for environmental volunteers working on Council land to be incorporated as a subset of the broader proposed Banyule Volunteer Framework.*

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

3. *A process for Council collaboration with the Banyule community, including existing Friends groups and other environmental volunteers to prepare guidelines.*

- The Proposed Banyule Volunteer Policy 2023 (**Attachment 1**) sets out how Council will meet its obligations in managing Council appointed volunteers, and ensuring there is a coordinated and consistent approach with their engagement and support. It provides a set of principles and standards including the expectations, rights, and responsibilities of both the Council and its appointed volunteers.
- The Proposed Policy also outlines Council's arrangements with volunteer-involving community groups operating on Council land and/or in Council facilities. These groups operate independently of Council. Their relationship to Council is for the most part supported by binding documentations as outlined in the proposed Policy under section 4.3 Volunteers External to Council.
- When developing the initial Proposed Policy, it was identified that there was no document outlining Banyule's Environmental Friends of Groups' (EFoG) relationship with Council.
- To address this a Memorandum of Understanding (MoU) - Environmental Friends of Groups (EFoG) (**Attachment 2**) was developed.
- At the 25 September Council meeting, Council resolved to endorse the Proposed Banyule Volunteer Policy 2023 and Proposed MoU - Banyule EFoG to go out for targeted community consultation. Two additional face-to-face engagement consultation forums were also to be conducted with EFoGs and an invitation was also extended to members of the Friends of Darebin Parklands and Friends of Eaglemont Village.

Targeted community consultation

- Targeted community consultation on the Proposed Volunteer Policy and MoU – EFoG took place from the 1 October to 31 October 2023.
- The consultation process involved an internal stakeholder session, meetings with individual stakeholders, two focus group sessions with EFoGs, and an online survey provided to all current Council volunteers and members of the population and advisory committees.

Feedback and changes to the Proposed Volunteer Policy

- As a result of the consultation process only minimal changes have been made to the Proposed Volunteer Policy. The overall feedback was that the Policy is clear and easy to read.
- The following changes were made based on feedback:
 - Change 'Volunteer Management Framework' to 'Volunteer Management Structure' for auditing purposes.
 - In Table 5. Council Responsibilities under 'Health, Safety, and Insurance' regarding Council's insurance policy. 'limited coverage for those aged 70 and over' was change to '75 and over'. The language relating to 'additional coverage' was also changed so that responsibility was not that of the individual volunteer to cover.

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

- In Table 5. Council Responsibilities under 'Access to Resources and Relevant Information' an additional dot point was included to ensure Council will provide translations, easy English and/or a simplified visual version of the policy if required.

Feedback and changes to the Proposed MoU – EFoGs

- Two face-to-face engagement consultation forums were conducted on 24 October 2023 in Heidelberg and 26 October 2023 in Briar Hill, inviting members of Banyule EFoGs, Friends of Darebin Parklands and Friends of Eaglemont Village.
- Fourteen community members participated across the two sessions, representing six Banyule EFoGs, Friends of Darebin Parklands and Friends of Eaglemont Village.
- Feedback from the sessions was positive and constructive in relation to the development of the Proposed MOU. This included:
 - The approach Council is taking in separating out the MoU from the Volunteer policy is sensible, with general agreement there was a need for this process to be implemented.
 - The MoU didn't require a high level of regulation and wouldn't detract from their experience as an environmental friends group member.
 - The MoU will assist in building trust, understanding and appreciation of the contribution EFoG volunteers have made and continue to make into the future under this collaboration with Council.
- The following changes were made to the Proposed MoU – Banyule EFoGs based on the feedback received as part of the targeted consultation:
 - Remove the list of Banyule Environmental Friends of Groups under Section 3. Parties to the Memorandum of Understanding. The list was seen as limiting and not representative of all Banyule EFoG's.
 - Include a Definitions and Interpretations section.
 - Now reflected in Section 7.1 Mutual Obligations and Agreements. Council to inform EFoGs of any potential Council project/works that may impact sites and locations within their reserves.
 - Now reflected in section 7.2 Council's Obligations. Council will provide simple and consistent templates.

KEY ISSUES

- Volunteering Australia states that there has been a long-term gradual decline in the proportion of people volunteering. The COVID-19 pandemic was particularly impactful and since the pandemic the numbers of people volunteering has not increased.
- The targeted consultation sessions with the Banyule EFoGs expressed this sentiment and asked Council for support with volunteer recruitment.
- The Proposed Banyule Volunteer Policy and Volunteer Management Structure will provide Council with a framework to manage and engage volunteers

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

internally. The Proposed Policy also provides an undertaking for Council to support its volunteer involving organisations, including EFoGs.

- The EFoGs who participated in the consultation sessions felt that the Proposed MoU - Banyule EFoG would help raise the profile of their groups within Council and in turn support the recruitment of new volunteers to their groups.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The Proposed Volunteer Policy 2023 relates to Section 18 of the Charter of Human Rights and Responsibilities; Right to take part in public life. Through Council engaging volunteers and support volunteer-involving groups and organisations we are providing opportunities for people to engage in public life within their local community. **Gender Impact Assessment-** In developing this report, the subject matter has been considered in accordance with the requirements of the *Section 9 of the Gender Equality Act 2020*.
- The gender impact and associated implications of this project were assessed in four steps to guide and prompt thinking and direction, including:
 - Define the issues and challenge assumptions.
 - Understand your context.
 - Options Analysis.
 - Making recommendations.
- The Proposed Policy aims to support equitable outcomes for women and non-binary people engaged in Council volunteer programs. As a result of the Gender Impact Assessment, the following recommendations were made to reduce gender inequality and promote gender equality:
 - Consideration of recruitment processes and flexible working/meeting times to meet the needs of people with caring responsibilities and/or disabilities and the intersection with gender.
 - Equitable volunteering options that meet the needs of diverse people who may volunteer including providing reasonable adjustments to enable inclusion at all levels.
 - Council's zero tolerance to sexual harassment and provisions for domestic and family violence support has been included under Health, Safety and Insurance section.
 - A Gender Equity Statement.

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

- Options for the Proposed Policy to be translated, converted into easy English or provided as a simplified visual version.

Sustainable Procurement Outcomes

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

Financial Implications

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

Innovation and Continuous Improvement

- The Proposed Volunteer Policy will improve on how Council currently manages volunteers. The Proposed Policy will provide a coordinated and consistent approach to engaging, supporting and supervising Council volunteers.
- The Proposed MoU – Banyule EFoGs will provide Council with an agreed approach on how EFoGs' conduct their volunteer activities when operating on Council land and what Council would commit to in supporting this work.

Community Engagement

- From the 1 October to 31 October 2023 Council conducted targeted community engagement on both the Proposed Volunteer Policy and Proposed MoU – Banyule EFoGs.

Proposed Volunteer Policy - Targeted community engagement

- On the 11 October 2023, thirteen Council officers who support/supervise Council volunteers attended the Proposed Volunteer Policy Internal Stakeholder Feedback Workshop.
- At the Internal Stakeholder Workshop, the volunteer program supervisors advised that an online survey would be the best way to engage with existing Banyule volunteers. The survey was also sent out to members of Banyule's Population and Advisory Committees.
- The survey only received a small number of responses. Feedback received was positive and some suggested changes/additions have been reflected in the policy.
- Individual meetings/contact with both internal and external stakeholders was also undertaken to seek specific expertise on people and culture matters, risk and assurance, health and wellbeing and peak volunteer-involving organisations.

Proposed Memorandum of Understanding (MoU) Banyule Environmental Friends of Groups (EFoGs) –

Initial targeted community engagement

- The Proposed MoU – Banyule EFoGs was initially prepared in consultation with representatives from the Banyule EFoGs and Banyule Environment and Climate Action Advisory Committee (BECAC).

ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS cont'd

- On 2 August 2023 eight representatives from BECAC, Friends of St Helena Bush Reserve Friends of Wilson Reserve, Warringal Conservation Society, concerned residents of Victoria Cross Estate Macleod, Friends of Salt Creek and Friends of McCarthy Grove met to provide input on the new MoU, prior to it going to Council on 25 September 2023 as a proposed.

Proposed MoU – Banyule EFoG Targeted Community Engagement



- Post endorsement of the proposed MoU, Banyule EFoGs were invited to attend two face to face engagement consultation forums.
- Ten representatives from Friends of Wilson Reserve, Warringal Conservation Society, Concerned Residents of Victoria Cross Estate Macleod, James Reserve Friends Group, DCMC Friends of Darebin Parklands and Friends of Eaglemont Village attended the day session on 24 October 2023 in Heidelberg.
- Four representatives from Friends of St Helena Bush Reserve, DCMC Friends of Darebin Parklands and Friends of Wilson Reserve attend the evening session on 26 October 2023 in Briar Hill.
- General themes from the sessions included:
 - **Volunteer engagement and member recruitment** has become increasingly difficult for environmental volunteers across all of the groups. There has been significant long-term commitment from older members within Banyule, and whilst some still have reasonable numbers attending events, a shift to attracting the younger families and individuals will hold the key for sustaining groups into the future.
 - **Administration and promotion** of activities across the larger groups is often undertaken by a small number of motivated individuals within the group. This also includes promoting events, distributing newsletters, etc. They would like Council to assist with these tasks. They would also like Council to coordinate a biannual or annual EFoGs forum to share and celebrate successes and exchange ideas.
 - **Alignment with other local councils** to find out what other council's offer as support for EFoG volunteer management/guidelines. The Banyule EFoGs were forwarded the 'Yarra Ranges Environmental Volunteer guidelines 'as an example of what can be achieved as a framework and support guidelines for their groups.
 - **Formality of the relationship in communications** was also noted. Whilst every effort will be made by the EFoGs to collaborate on working bee plans and notifying Council's Business Management Unit there will also need to be some flexibility in deviating from the plans at times. This includes to suit seasonal conditions, volunteer availability, site preparedness and simple weeding tasks at locations within reserves that can be attended to on an ad hoc basis by individual members that visit these reserves regularly. It was discussed that a simple email to the Bush Management Team administration would suffice to cover this record.
- Feedback from the face-to-face engagement consultation have been reflected in the Proposed MoU.

**ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND
PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE
ENVIRONMENTAL FRIENDS OF GROUPS 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	Final Proposed Banyule Volunteer Policy - November 2023 	
2	Final Proposed Memorandum of Understanding - Banyule Environmental Friends of Groups November 2023 - PDF 	

9.1 RISKS TO BANYULE'S BIODIVERSITY & CAT CONFINEMENT OPTIONS

Author: Cr Alida McKern

&TAKE NOTICE that it is my intention to move:

That Council:

1. Notes the concerning impact that roaming feral and domestic cats can have on Banyule's biodiversity, wildlife, and nuisance issues without confinement strategies in place.
2. Request that an Officer report is presented back to Council before March 2024 providing Council with information regarding:
 - (a) The number, types, and trends of complaints that Council receives relating to roaming cats in the past 12 months.
 - (b) Current Local, State and Federal action and opportunities for further advocacy relating to cat controls.
 - (c) What options Council could take, if any, to implement different cat containment, confinement, and curfew strategies.
 - (d) The regulatory framework within local government to support containment, confinement, and curfew strategies.
 - (e) How the strategies could be implemented and enforced and what resource implications Council would need to consider establishing these in line with the upcoming public order review.
 - (f) Outcomes from a benchmarking exercise looking into industry standards on how other local councils manage cat containment, confinement and curfews strategies that reduce risks of roaming cats to native animals and biodiversity.
 - (g) Strategies to engage and educate the broader Banyule Community to help reduce the impacts of roaming cats on the community.

Explanation

- Research undertaken by the Threatened Species Recovery Hub supported through the Australian Government's National Environmental Science Program indicates that feral and domestic cats are a threat to biodiversity. Confinement of domestic cats to indoors or enclosed outdoor spaces reduces the opportunity for cats to roam and kill native mammals, birds and reptiles.
- There are close to 6500 registered cats in Banyule and if all of these cats are permitted to roam outside, this could result in the loss of over a million native animals each year.
- Some councils have introduced cat confinement and curfew requirements which, if adhered to by cat owners would substantially reduce the extent of risk to native animal and biodiversity.

RISKS TO BANYULE'S BIODIVERSITY & CAT CONFINEMENT OPTIONS cont'd

CR ALIDA MCKERN

ATTACHMENTS

Nil

9.2 PEDESTRIAN AND CYCLIST SAFETY, ADVOCACY & PROACTIVE TRAFFIC MANAGEMENT PLANNING IN THE NORTH EAST OF BANYULE

Author: Cr Elizabeth Nealy

Ward: Beale

TAKE NOTICE that it is my intention to move:

That Council:

1. Note current concerns in the north east of Banyule regarding increased traffic, pedestrian and cyclist safety and the additional traffic that is projected to use this area to access the North East Link.
2. Call for an officer report to be presented back to Council on or before May 2024 providing information regarding the following:
 - a. Advocacy efforts that Council could make to the State Government around the safety for pedestrians, cyclist and traffic management in the north east of Banyule specifically in relation to footpath and cycling bridge connectivity to the Plenty River Trail.
 - b. Request that the advocacy should also include what could be implemented to reduce the traffic concerns and improvements to safety in the area and at major intersections, including the Diamond Creek Road and Civic Drive intersection at the end of the North East Link.
 - c. What actions Council could take including traffic management reports that allow the assessment of the impacts of the North East Link once it opens.

Explanation

The North East Link project is the biggest road project in Melbourne's north east history and will change the way people move around Melbourne. However, it has a fixed project boundary and hasn't fully considered how it will affect other roads near the project.

A number of auxiliary projects were considered on roads leading to the North East Link, such as the upgrade of the Diamond Creek Road and Civic Drive intersection, but no commitment has been made to deliver these projects.

There is also a new developments and a proposed community hospital being undertaken in the St Helena area that has created new roads and will increase traffic

PEDESTRIAN AND CYCLIST SAFETY, ADVOCACY & PROACTIVE TRAFFIC MANAGEMENT PLANNING IN THE NORTH EAST OF BANYULE cont'd

on to Diamond Creek Road, Wallowa Road, St Helena Road, Sherbourne Road and Ryans Road.

In recent times there has also been several serious crashes along Diamond Creek Road that has no intersection signals or pedestrian lights between the Greensborough Bypass and St Helena Road.

Safety improvements and upgrade of roads in the north east of Banyule must be identified, planned and funding committed to ensure the safety of all road users but especially pedestrian and cyclists.

CR ELIZABETH NEALY

ATTACHMENTS

Nil