

Agenda of Ordinary Meeting of Council - Monday, 26 June 2023

commencing at 7pm

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



Acknowledgement of the Traditional Custodians

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

Inclusive Banyule Statement

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

Apologies and Leave of Absence

Cr Elizabeth Nealy will be an apology for the meeting and is on a Council granted Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 29 May 2023

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Closure of Meeting

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, 17 July 2023.

2.1 PETITION: BANYULE COUNCIL TO PROVIDE A COMMUNITY CENTRE FOR THE EAGLEMONT COMMUNITY

Author: Amy Woolcombe - Council Business Officer, Executive

Ward: Griffin

SUMMARY

1. A petition with the title 'Council to Provide a Community Centre for the Eaglemont Community' was received and signed by 258 signatories in support of this petition.
2. The breakdown of the 258 signatories is set out in the table in the body of this report.
3. The Petition request is summaries as per below:

"We, the undersigned, petition or request Council to: Provide a community facility in or near the Eaglemont Village Activity Centre that is suitable for a range of community development activities".

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Refers the petition to the Sport Recreation and Community Infrastructure Team.
3. Advise the primary petitioner of this resolution.

- The petition request is as follows:

"We, the undersigned, petition or request Council to: Provide a community facility in or near the Eaglemont Village Activity Centre that is suitable for a range of community development activities".

PETITION: BANYULE COUNCIL TO PROVIDE A COMMUNITY CENTRE FOR THE EAGLEMONT COMMUNITY cont'd

- The signatories of this petition were from the following suburbs:

| Suburb | Number of Signatories |
|-----------------|------------------------------|
| Eaglemont | 131 |
| Greensborough | 2 |
| Heidelberg | 3 |
| Heidelberg West | 2 |
| Ivanhoe | 102 |
| Ivanhoe East | 9 |
| Kingsbury | 1 |
| Montmorency | 2 |
| Plenty | 1 |
| Rosanna | 2 |
| Somers | 1 |
| Viewbank | 1 |

DISCUSSION

- Banyule City Council has been in the process of developing a Draft Community Infrastructure Plan 2023-2033 over the past 6 months. A draft of the Plan is included in the agenda for the Ordinary Council meeting of the 26 June 2023 Council meeting at item 7.1.
- The Plan has been informed by the Banyule Social Infrastructure Framework 2022-2032 and evidence base data that includes analysis of future population projections, benchmarks and qualitative data on community needs to identify future demand for different types of community facilities and infrastructure.
- A range of consultation opportunities were delivered over the 12-week period that used a placed based approach to engage residents from across Banyule. A total of 303 participated in the engagement activities including the Friends of Eaglemont Village.
- The Draft Community Infrastructure Plan 2023-2033 identifies the opportunity for further needs analysis of the Eaglemont area to understand current and future demand for community spaces. The specific action is as follows: Engage the Eaglemont community to assess needs and options for multi-purpose meeting spaces.
- As Council progresses with the implementation of the plan they will continue to work in partnership with residents and stakeholders to further understand community needs and explore opportunities to create accessible community spaces in the Eaglemont area.

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.

Petitions

**PETITION: BANYULE COUNCIL TO PROVIDE A COMMUNITY CENTRE FOR
THE EAGLEMONT COMMUNITY cont'd**

ATTACHMENTS

Nil

3.1 GOVERNANCE RULES STAGE 2 REVIEW

Author: Carmel Rapacciuolo - Governance Project Officer, Executive

SUMMARY

1. In September 2022 a review of the Governance Rules was undertaken as required by the *Regulatory Legislation Amendment (Reform) Bill 2021*.
2. Community consultation was undertaken, and feedback was provided on key changes, resulting in an amended set of Governance Rules (the Rules) which were adopted in November 2022.
3. At that time, Council made a commitment to undertake a Stage 2 Review of the Rules with a sole focus on community participation in Council meetings. As such, the review process has now commenced.
4. It is important to note that for the purpose of the Stage 2 Review, the way the community 'participates' in Council meetings refers to making formal submissions (or 'Requests to Speak', these two terms are used interchangeably), lodgement of a public question, and submitting a petition.
5. All other sections of the Rules are not included in this Stage 2 Review and are considered out of scope.
6. A new chapter will be inserted into the existing Rules under the creation of Chapter 3 Public Participation. This chapter will incorporate all information from our current Rules, relating to public participation and display all suggested changes, in addition there will be updated criteria and suggested new criteria for consideration and consultation.
7. Chapter 3 will be a 'one stop' source of information for our community on how to participate in Council meetings, as opposed to the current format in which information is sporadically distributed throughout the document. Therefore, making the information more accessible and easier to locate.
8. Under section 60(4) of the *Local Government Act 2020*, Council is required to engage with the community on any proposed changes to the Rules and as a result, a community consultation period will occur between Thursday 29 June and Thursday 20 July 2023.
9. A community engagement plan has been prepared setting out methodologies and timeframes and is included in the body of this report.
10. Under section 9 of the *Gender Equality Act 2020*, Council is considered a defined entity and must conduct a formal Gender Impact Assessment. An assessment has been conducted and considerations are included throughout the body of this report.

RECOMMENDATION

That Council:

1. Endorses the Banyule City Council Draft Chapter 3 of the Governance Rules attached to this report.

GOVERNANCE RULES STAGE 2 REVIEW cont'd

2. Approves community consultation on the Draft Chapter 3 of the Governance Rules to commence from Thursday 29 June 2023 to Thursday 20 July 2023 pursuant to section 60(4) of the *Local Government Act 2020* and Council's Community Engagement Policy.
3. Notes officer findings from the preliminary Gender Impact Assessment conducted pursuant to section 9 of the *Gender Equality Act 2020*; and
4. Notes a report will be presented to Council in September 2023 for Council to consider and adopt the final Banyule City Council Chapter 3 Governance Rules under section 60 of the *Local Government Act 2020*.

COUNCIL PLAN

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

BACKGROUND

- Banyule City Council's first set of Governance Rules (including the Election Period Policy) were prepared and adopted by Council on 17 August 2020 as required by the *Local Government Act 2020* (the Act).
- In September 2022 a review of the Governance Rules was undertaken to include processes for conducting Council meetings electronically as required by the *Regulatory Legislation Amendment (Reform) Bill 2021*.
- Following community feedback on key changes, an amended set of Governance Rules (the Rules) were adopted in November 2022. At that time, Council made a commitment to undertake a Stage 2 Review of the Rules with a sole focus on community participation in Council meetings.
- In recognition of the requirement to amend Council's Governance Rules (including the requirement to undertake a community engagement exercise to consult and engage on proposed changes), officers have commenced the Stage 2 review of the Rules.
- It is important to note that for the purpose of the Stage 2 review, the way the community 'participates' in Council meetings refers to making formal submissions (or 'Requests to Speak'), lodgement of a public question, and submitting a petition. The word submissions and the term Requests to Speak are used interchangeably.
- All other sections of the Rules are not included in this Stage 2 review and are considered out of scope. Minor formatting changes will be made to the remainder of the rules, to accommodate the insertion of Chapter 3 Public Participation.
- A new chapter will be inserted into the existing Rules under the creation of Chapter 3 Public Participation. This chapter will incorporate all information from the current Rules, relating to public participation and display all suggested changes, in addition there will be updated criteria and suggested new criteria for consideration and consultation. **Attachment 1** – Proposed Chapter 3 Governance Rules – Community Participation in Council Meetings - contains both

GOVERNANCE RULES STAGE 2 REVIEW cont'd

tracked changes to display all suggested changes and a clean version copy for readability and transparency.

- Chapter 3 of the Rules will be a 'one stop' source of information for our community on how to participate in Council meetings.
- Under section 60 (4) of the *Local Government Act 2020*, Council is required to engage with the community on any proposed changes to the Governance Rules.
- Accordingly, a community engagement plan has been prepared that sets out the community engagement methodologies and consultation timeframes in the body of this report.
- Only the amendments to the Rules that have been proposed in the Draft Chapter 3, will form part of the community consultation. Formatting, minor grammar and numeric changes are not considered to be material or significant changes and are cosmetic in nature, and therefore not considered as part of the community engagement and consultation process.
- Under section 9 of the *Gender Equality Act 2020*, Council is considered a defined entity and must conduct a formal Gender Impact Assessment. An assessment has been conducted and considerations are included under the 'Gender Impact Assessment' section of this report.

GOVERNANCE RULES STAGE 2 REVIEW cont'd

KEY ISSUES

- Currently there is different points of information for the community to go to do know how to participate in Council meetings (website, parts of Rules and guideline documents).
- The aim of the revised Chapter 3 is to provide clarity to Councillors, Community Members and Members of Council staff with community participation in Council meeting requirements to complete the Governance Rules documentation.
- **Table 1 provides** a summary of the current processes and key changes ‘at a glance’

| Request to Speak (Submission) | | |
|--|---|---|
| Current process | Proposed change | Rationale |
| Cut off for submission to speak – 10 am on the Council meeting day | 12pm on the Council meeting day | Consistent deadline with submission for Public Questions and Requests to Speak avoids confusion amongst community of different deadlines. Also provides community members more time to submit a submission. |
| Process to submit via: Written; Audio; and Video recording | No change | Fair and appropriate process for the community to engagement via these three mediums and allow greater access and inclusion |
| Strengthened the criteria to disallow a person speaking if it deviates off topic or is inappropriate based on criteria | 16. A submission may be disallowed by the Chairperson if: a. It does not relate to the agenda item as published for that particular meeting; b. It deals with a particular aspect of the subject matter already addressed by a previous speaker; c. It relates to a matter outside the duties, functions and powers of Council; d. It is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; e. It is aimed at embarrassing a Councillor or a member of Council staff; f. It is a submission that is directed at an individual Councillor or member of Council staff; g. It relates to a personnel matter or the personal hardship of any ratepayer or resident, Councillor or member of Council staff; | Consistent with other Council's criteria and provides a safe environment at Council Meetings free from inappropriate or offensive behaviour or discussion. |

GOVERNANCE RULES STAGE 2 REVIEW cont'd

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| | <p>h. It relates to any other matter the Mayor or Chairperson considers would prejudice Council or any person;</p> <p>i. Deals with a matter that should be, or has been, considered as a confidential matter, or relates to any matter in respect of which Council may close the meeting to the public under section 66(1) of the Act;</p> <p>j. Relates to a matter that is subject (or in opinion of the Chair, potentially a subject) to a legal proceeding(s); or</p> <p>k. The submitter has not lodged a form in accordance with these rules.</p> | |
| Submission must relate to the agenda item | No change | Allows the submitter the opportunity to present views immediately before the Council determine a specific matter listed on the agenda. |
| Maximum 2 items per meeting | No change | 2 items allow the submitter the opportunity, whilst present at the meeting, the opportunity to speak to another item of interest. Capping this at 2 allows for diversity in speakers so that others may have the chance to speak. |
| 3 speakers for and 3 speakers against the item | No change | An even spread of speakers for and against an item, encourages an open approach and encourages key messages being delivered with 3 different voices for and against that item. |
| Public Question | | |
| Current process | Proposed change | Rationale |
| 12 pm cut off for Public Question submission | No change | Consistent deadline with submission for Public Questions and Requests to Speak avoids confusion amongst community of different deadlines. |
| Public Questions read out at the end of the meeting | Criteria now included to note named person must be present at meeting for Public Question to be read out. | Encourages efficiency at meeting (Public Question time). Regardless of whether question is read out, all Public Questions and answers will be recorded in the meeting minutes and on the public record. |
| Strengthened specificity around Public Question process | Key points on requirements to submit in English, interpreter service, process for submitting questions, | Provides greater clarity on process overall for community and captures |

GOVERNANCE RULES STAGE 2 REVIEW cont'd

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| | considerations around receipt of questions after 12pm | all detail in one document for ease of understanding. |
| Strengthened criteria to disallow Public Questions | <p>13. A Public Question may be disallowed if the Chairperson or upon advice from the Chief Executive Officer and Manager Governance and Integrity determines that the question:</p> <ul style="list-style-type: none"> a. It is not submitted in accordance with section 68 of these Rules; b. Relates to a matter outside of the duties, functions and powers of Council; c. Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;. d. Deals with a subject matter already answered at the Council meeting; e. Is aimed at embarrassing a Councillor or a member of Council staff, or relates to the personal views or actions of an individual Councillor or Member of Council Staff; f. Relates to the conduct or performance of a Councillor or Member of Council Staff; g. Relates to personnel matters, personal hardship of any resident, ratepayer, industrial matters, contractual matters, proposed developments, legal advice, matters affecting security of Council or Council property, or any other matter which Council considers would prejudice Council or any person, or would require on the advice of the Chief Executive Officer or is determined to be an unreasonable diversion of Council resources to prepare a response for public question time; h. It cannot be answered without disclosing confidential information as defined by section 3 of the Act or confidentiality requirements under any other Act that Council adheres to; i. Relates to a Councillor Conduct Matter that is currently under | Consistent with other Council's criteria and provides a safe environment at Council Meetings free from inappropriate or offensive behaviour or discussion. |

GOVERNANCE RULES STAGE 2 REVIEW cont'd

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| | <p>investigation internally within Council, or that has yet to be determined by an Internal Arbitration Process, Councillor Conduct Panel or a complaint resolution body;</p> <p>j. Relates to legal privilege information or a matter that relates to law enforcement activity that is currently under investigation; or.</p> <p>k. If this question has been previously asked and answered by Council in the last 12 months through a formal Public Question.</p> | |
| Petitions | | |
| Current process | Proposed change | Rationale |
| To be submitted three weeks before Council meeting | No change | Allows community a suitable period of time to prepare for and lodge a petition. |
| 10 signatures required | No change | Consistent with the average number of signatories across other Councils. |
| No further signatures accepted after petition is submitted | Signatures accepted until commencement of Council meeting | Enables a 'cleaner' process for the submission of petitions and preparation for the administration to ensure accuracy of petition being tabled at Council meeting is correct. Signatures received <i>after</i> the petition is submitted will be forwarded onto work area handling the petition. |
| Launch of e-petition platform | Currently no platform provided | Provides community with an additional platform for submitting petitions. |
| Strengthened wording around petitions submitted on statutory matters already the subject of a separate Council process | Specific examples of 'statutory matters' now included in the Rules | Provides community with greater clarity around petitions that can/cannot be accepted at a Council meeting and what to do if petition relates to a matter that is subject to a separate statutory process. |
| Criteria on petitions that are disallowed. | <p>14. A petition will be disallowed if:</p> <p>a. It is not submitted in accordance with section 70 of these Rules;</p> <p>b. It relates to a matter outside of the duties, functions, and powers of Council;</p> <p>c. It is defamatory, indecent, abusive, offensive, irrelevant,</p> | Provides community with a clear understanding/greater transparency of petitions that will be disallowed. |

GOVERNANCE RULES STAGE 2 REVIEW cont'd

| | | |
|---|--|---|
| | <p>trivial, or objectionable in language or substance</p> <p>d. It is aimed at embarrassing a Councillor or a member of Council staff, or relates to the personal views or actions of an individual Councillor or Member of Council Staff;</p> <p>e. It relates to the conduct or performance of a Councillor or Member of Council Staff</p> <p>f. It relates to personnel matters, personal hardship of any resident, ratepayer, industrial matters, contractual matters, proposed developments, legal advice, matters affecting security of Council or Council property, or any other matter which Council considers would prejudice Council, or any person, or person or would require on the advice of the Chief Executive Officer or is determined to be an unreasonable diversion of Council resources to prepare a response for public question time;</p> <p>g. It relates to a Councillor Conduct Matter that is currently under investigation internally within Council, or that has yet to be determined by an Internal Arbitration Process, Councillor Conduct Panel, or a complaint resolution body;</p> <p>h. It relates to legal privilege information or a matter that relates to law enforcement activity that is currently under investigation.</p> | |
| <p>Clarity on petitions that are not accepted</p> | <p>Specific examples of what constitutes a 'repetitious petition' now included in the Rules.</p> | <p>Provides community with greater clarity on those petitions that may not be accepted if they are repetitious in nature.</p> <p>As it stands the petition guidelines do not provide examples to the community on the different process Council have established that are in place in lieu of a petition. It is envisaged that highlighting some examples will educate the community better on these other avenues and direct them to the</p> |

GOVERNANCE RULES STAGE 2 REVIEW cont'd

| | | |
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| | | correct process as opposed to submitting a petition. |
|--|--|--|

SUPPORTING REPORT DETAILS

Legal Consideration

- The review of the Governance Rules meets Council's obligations to comply with section 60(3) and 60(4) of the *Local Government Act 2020*.
- Council cannot delegate the power to the Chief Executive Officer to adopt Governance Rules and must adopt and keep in force Governance Rules at a formally constituted Council meeting.
- The Gender Impact Assessment conducted by officers meets Council's obligations to comply with section 9 of the *Gender Equality Act 2020*. Council is a defined entity under the Act and the Stage 2 Review of the Governance Rules is a policy that has a direct and significant impact on the public.
- It is anticipated that the final draft of the Rules will be reviewed by Council's legal representative Maddocks Lawyers prior to presentation for adoption at the September 2023 Council meeting.

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 that Council, as a defined entity under the Act must conduct a Gender Impact Assessment (GIA) on any policy, strategy, plan, program, and service that is new or up for review and that has a direct and significant impact on the public.
- As the Stage 2 Review of the Rules focusses on community participation, we understand that this is a policy review with a direct impact on the community, and therefore a preliminary GIA has been conducted.
- Information and resources on the *Gender Equality Act 2020* and GIA requirements can be found through the Commission for Gender Equality in the Public sector at <https://www.genderequalitycommission.vic.gov.au/>.
- Initial research across a suite of tools suggested by the Commissioner for Gender Equality, has included sources such as the Australian Human Rights Commission, the Department of Prime Minister and Cabinet, the Australian Bureau of Statistics, and data available to Banyule City Council.
- Initial data obtained from Banyule City Council in the last 12 months, indicates a greater proportion of public participation in male members of our community at Council meetings.
- Some of the data from Banyule City Council meetings is noted below:
 - 52 Public Questions asked at Council meetings:

GOVERNANCE RULES STAGE 2 REVIEW cont'd

- 27 of these have been by male members of the Banyule community
- 23 by female members of the Banyule community.
- 2 members of the community's gender were unable to be identified.
- 193 submitters at our Council meetings:
 - 105 of those submissions were by male members of the Banyule community
 - 74 of those made by female members of the community.
 - 1 submitter identified as they/them
 - 13 were unidentifiable in gender
- Evidence from the Australian Human Rights Commission (AHRC) highlights the majority of women in Australia account for paid and unpaid primary carer duties (carer duties include children, elderly, those with disability or long-term health conditions).
- We know when reviewing gender impacts on policy decisions, intersectionality considerations must also be factors that are reviewed. Intersectionality refers to the way that different aspects of a person's identity can expose them to some overlapping forms of discrimination and marginalisation.
- Initial analysis from officers on the formal GIA and the Stage 2 Review of the Rules, has included reflecting upon the potential link between carer duties amongst female members of the community, and the limited participation at our Council Meetings amongst female members of the community.
- Greater depth and a formal options analysis will delve into all evidence available from the sources listed above, *after* our three-week period of community consultation on the draft Rules has concluded.
- All public feedback will be assessed and incorporated into our final GIA options analysis, with all findings and officer recommendations being captured in the September 2023 Council report.

Financial Implications

- The preparation, compilation and review of the Governance Rules did not require any further budgetary considerations and is absorbed in Council's operating budget.
- There are no financial implications arising from the recommendation contained in this report.

Community Engagement

- Section 60(4) of the *Local Government Act 2020* requires Councils to undertake a process of community engagement when developing or amending its Rules.
- Community engagement and understanding on how Council undertake Council (special and ordinary) meetings, and the governance arrangement and meeting

GOVERNANCE RULES STAGE 2 REVIEW cont'd

procedure associated with the Rules is not only a legislative requirement under the 2020 Act, but crucial in understanding genuine and meaningful views from the community for consideration.

- A community engagement plan has been established and informed the consultation process in connection with Council's Community Engagement Policy.
- A consultation period of three (3) weeks via Shaping Banyule will commence on 29 June 2023 and conclude on 20 July 2023.
- A notice was prepared and included in the Banyule Banner circulated on 19 June 2023 to inform the community of the commencement of the Stage 2 review.
- Community consultation will consist of a mix of online and face to face engagement methodologies:
 - Online consultation via Shaping Banyule page <https://shaping.banyule.vic.gov.au/GovRules>
 - Two (2) in person sessions offered during the three-week consultation period of which the dates and location are to be confirmed.
 - Both in person sessions will be advertised on the Shaping Banyule page, with a view to increase workshop numbers if demand requires. Location of workshops likely to be in Ivanhoe and Greensborough.

GOVERNANCE RULES STAGE 2 REVIEW cont'd

- The Stage 2 Review of the Governance Rules anticipated timeframes are set out as follows:

| Matter | Proposed Timeframe |
|---|--|
| Draft Rules to be endorsed by Council | Council Meeting Monday 26 June 2023 |
| Community consultation period | Thursday 29 June 2023 to Thursday 20 July 2023 |
| Officers to consider feedback and refine Chapter 3 of the Governance Rules | August 2023 |
| Presentation to Councillors at a briefing on Draft Chapter 3 after community consultation concludes** | August/September 2023 |
| Final Rules to be presented to Council for adoption** | Council Meeting 25 September 2023 |

Officers will work to the above timeframes, however, with all policy review, pending data, assessment and breadth of changes obtained, the briefing and council meeting dates *may* change.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|---|-------------|
| 1 | Proposed Chapter 3 Governance Rules - Community Participation in Council Meetings | |

3.2 PROPOSED ANNUAL BUDGET 2023-2027 - DECLARATIONS OF CONFLICTS INTEREST

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. The Proposed Budget 2023-2027 has been prepared to deliver the overall strategic direction for Banyule.
2. Council's Budget comprises services, initiatives and capital works across the municipality.
3. The need for Councillors to disclose a conflict of interest where one exists in relation to any of the Budget services or capital works decision making process (proposed Budget and final Budget) requires that they be addressed separately as part of the Budget process.
4. Any item in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this specified 'Budget Declarations' process.
5. If a Councillor declares a conflict of interest, they must outline the nature of the interest, the type of interest that they have (material or general) and leave the Chamber at the request of the Mayor/Chairperson.
6. The conflict of interest regime is prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). It is also set out in the Governance Rules.
7. Managing conflicts of interest is about ensuring the integrity and transparency of decision making and ensuring that a person's private interest does not impacting their public duty.
8. Providing the opportunity to declare before the adoption of the proposed budget strengthens these principles.
9. Under the *Local Government Act 2020*, there are two (2) types of conflicts of interest that are defined, general conflict of interest (s 127) and material conflict of interest (s 128).
10. Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to vote on the proposed Budget 2023-2027.
11. This report provides an opportunity for Councillors to disclose any conflicts in relation to the proposed Budget 2023 – 2027 prior to public exhibition.

PROPOSED ANNUAL BUDGET 2023-2027 - DECLARATIONS OF CONFLICTS OF INTEREST cont'd

RECOMMENDATION

That:

1. The Mayor invite Councillors to disclose any conflicts of interest (material or general) in relation to adoption of the proposed Budget 2023-2027 to be released for public exhibition describing the nature of the interest in accordance with the *Local Government Act 2020* and the Banyule Governance Rules.
2. Following each disclosure, Council consider and determine upon the relevant project and the associated funding in the Budget 2022-2027. Prior to the proposed budget 2022 – 2027 adoption.

COUNCIL PLAN

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

BACKGROUND

- In developing the proposed Budget 2023-2027, Council services and capital works have been considered for funding. Councillors who have a conflict of interest in any items to be considered are required to disclose the type and nature of the interest.
- Due to the wide-ranging nature of the services and capital works involved in the proposed Budget, it is reasonably foreseeable that a Councillor may disclose a conflict and would otherwise be required to excuse themselves from the vote. As this would make the adoption of a proposed or an annual Budget unworkable in practice, *Local Government (Governance and Integrity) Regulations 2020* provides a mechanism for Councillors to vote on a Budget, by requiring the conflict-of-interest items to be considered and resolved separately.
- The Conflict of interest regime is prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).
- Managing conflicts of interest is about ensuring the integrity and transparency of decision-making. The conflict-of-interest provisions in the Act apply to a 'relevant person' and in the context of the Act, a Councillor is classified a relevant person and an affected person.
- A relevant person is defined as either a councillor, a member of a delegated committee who is not a councillor, a member of council staff (who is a member of a delegated or community asset committee who is providing advice to the council, a delegated or community asset committee, a staff member exercising a delegation; or exercising a delegated function or statutory power).
- Councillors are elected by their communities to make decisions on behalf of those communities. The obligation to disclose a conflict of interest is a personal

PROPOSED ANNUAL BUDGET 2023-2027 - DECLARATIONS OF CONFLICTS OF INTEREST cont'd

responsibility and each relevant person must monitor their own circumstances and identify their conflicts of interests.

- There are two types of conflicts of interest that are defined under the *Local Government Act 2020* as stipulated in Division 2, s 127 and s 128.
- For the benefit of Councillors and the community, the following categories defined the types of conflicts of interest that can exist under the Act.
 - **General conflict of interest** - A general conflict of interest is less specific and direct than a material conflict of interest.
 - The Act states a relevant person will have a general conflict of interest in a matter if “*an impartial, fair-minded person would consider that the person’s private interests could result in that person acting in a manner that is contrary to their public duty*”.
 - There are three parts of a general conflict of interest which should all be considered: the private interest, the public duty, and what an impartial, fair-minded person would consider.
 - **Material conflict of interest** – a material conflict of interest involves specific relationships or situations that could result in a direct or indirect benefit or loss, pecuniary or non-pecuniary.
 - A relevant person has a material conflict of interest when “an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.”
 - It is important to note that an “affected person” is a Councillor, and is also defined as:
 - A family member of the relevant person.
 - A body corporate where the relevant person or their spouse is a director or on the governing body.
 - The relevant persons employer unless it is a public body.
 - A business partner of the relevant person.
 - A person for whom the relevant person is a consultant, contractor, or agent.
 - A beneficiary under a trust or an object of discretionary trust of which the relevant person is a trustee.
 - Or a person from who the relevant person received a disclosable gift.
 - It is also important to note that a family member is a:
 - Spouse or domestic partner of the relevant person.
 - Parent, grandparent, sibling, child, grandchild, stepparent, stepsibling, or stepchild of the relevant person or their spouse; or
 - Any other relative that regularly residents with the relevant person.

PROPOSED ANNUAL BUDGET 2023-2027 - DECLARATIONS OF CONFLICTS OF INTEREST cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Councillors and staff are required to declare Conflicts of Interest in accordance with the *Local Government Act 2020* at Division 2 onwards, the *Local Government (Governance and Integrity) Regulations 2020* and as enshrined in the Banyule Governance Rules.
- Normally where a Councillor has a conflict of interest in an item on the agenda, they must declare the interest and must remove themselves from being involved in participating in the discussion or voting on the matter.
- with *Local Government (Governance and Integrity) Regulations 2020* a regulation 7(1)(r) states that a Councillor can be exempt from having to declare a conflict of interest in the overall budget process so long as the item(s) that a Councillor has a conflict of interest are considered and determined separately prior to the adoption.
- With regard to the adoption of the Budget, provision has been made in the *Local Government (Governance and Integrity) Regulations 2020* (regulation 7, 1r) for exempting a Councillor from having to declare a conflict of interest in the overall Budget so long as the item/s that a Councillor has a conflict of interest in are considered and determined separately prior to adoption of the proposed or final Budget as a whole.
- Therefore, to ensure all Councillors are able to participate in the adoption of the Budget for public exhibition, any items included in the proposed Budget in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Declarations' process.
- Any Councillor declaring a conflict of interest would need to then follow the normal process and remove themselves from the Chamber for the discussion and vote on the matter/s.
- Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors will be able to participate in the consideration and adoption of the proposed Budget as a whole package.
- 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.

PROPOSED ANNUAL BUDGET 2023-2027 - DECLARATIONS OF CONFLICTS OF INTEREST cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.3 COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN 2023/2024

Author: Birgit King - Integrated Planning & Performance Coordinator, Executive

Previous Items

Council on 17 April 2023 (Item 4.4 - Community Consultation - Feedback recommendations for Council consideration on Budget 2023-27 and Council Plan 2021-2025 Year 3 actions)

Council on 29 May 2023 (Item 3.7 - Public Exhibition - Integrated Planning Documents for the period 2023/24)

SUMMARY

1. This report presents the Year 3 Annual Action Plan of the Banyule's Council Plan for adoption.
2. The Council Plan 2021-2025 - Draft Year 3 Annual Action Plan 2023/24 (Attachment 1):
 - Outlines initiatives and priority services Council will deliver to achieve strategies of the Council Plan.
 - Integrates with Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response
 - Has been prepared based on organisational and service area strategic planning discussions during October 2022 – March 2023, which were closely linked to annual review of the Budget, Capital Works and Initiatives Programs.
 - Incorporates elements from key supporting plans and policies adopted by Council.
 - Responds to feedback and input received through continued and ongoing community engagement.
3. The proposed Council Plan 2021-2025 - Year 3 Annual Action Plan 2023/24 was made available on Council's website for public feedback through Council's engagement platform, Shaping Banyule from 30 May to 6 June 2023. In addition, written responses were invited during this period.
4. Having considered all feedback received only minor adjustments have been made to strengthen the Action Plan and increase areas of emphasis in response to the valuable comments and suggestions received.

RECOMMENDATION

That Council:

1. Adopt the Council Plan 2021-2025 - Draft Year 3 Annual Action Plan 2023/24 (Attachment 1).
2. Notes the community feedback, valuable comments and suggestions provided during the community engagement activities and extends thanks and appreciation to the community members who participated in the integrated planning community engagement activities.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN
2023/2024 cont'd**

3. Make the Council Plan 2021-2025 Year 3 Annual Action Plan 2023/24 available on Council's website and promote it via the Banyule Banner magazine.
4. Note this report is in accordance with Section 90 of the *Local Government Act 2020* and Council's annual review of the Council Plan.

COUNCIL PLAN

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

BACKGROUND

Council Plan 2021-2025

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

Council Plan Review

- The Council Plan is reviewed on an annual basis to ensure that it continues to meet the needs of the community. It is implemented through annual action plans, which reflect Council's decisions on the initiatives and priority services to be funded through the Budget each year.
- Council's significant Budget discussions and planning work during October 2022 - March 2023 have included consideration of key emerging issues, priorities and resource requirements to enable continued implementation of the Council Plan.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN
2023/2024 cont'd**

- This annual review has included strategic planning by service areas to ensure projects, activities and services continue to align with the Council Plan Objectives and Strategies, Banyule's Community Vision 2041, and the implementation of a range of supporting policies and plans.
- During this annual review process, Council has continued its conversation with the community, through an integrated community engagement approach.
- The Year 3 review of the Plan has been based on continuation of the Objectives, Strategies and Strategic Indicators.
- The main focus has been on preparing the annual actions for Year 3 (2023/24) and included ongoing work with Councillors, staff and community, in particular:
 - Checking in with the Community to see how people think Council is progressing with the Plan and things to consider for the third year
 - Continuing to implement the Council Plan framework and refreshing the key initiatives to reflect activity resourced through Council's annual Budget (and Financial Plan), and integration with key plans and policies
 - Making any minor changes that may be required based on feedback and the review process.

Draft Year 3 Annual Action Plan

- The Council Plan 2021-2025 - Draft Year 3 Annual Action Plan 2023/24 (attached) outlines initiatives and priority services Council will deliver to achieve strategies of the Council Plan (and Community Vision).
- The draft Year 3 Action plan has been developed based on a range of considerations, including:
 - Integration with Banyule's Health and Wellbeing Priorities for 2021-2025 and Banyule's Climate Action Response
 - Organisational and service area strategic planning discussions during October 2022 – March 2023 which were closely linked to annual review of the proposed Budget, Capital Works & Initiatives Programs, and key plans
 - Incorporating elements from key supporting plans and policies adopted by Council (and capturing key plans and policies under review or development).
 - Actions are aligned with and resourced through the budgeting process
 - Monitoring progress of the Year 2 (2022/23) action plan, especially given the impacts of COVID-19, and challenges presented by a range of unforeseen circumstances.
 - Responding to feedback and input received through continued and ongoing community engagement.

Community engagement

- Feedback has been received on the Council Plan 2021-2025 - Draft Year 3 Annual Action Plan as part of an integrated community engagement approach undertaken during 20 December 2022 to 2 March 2023 via Council's engagement platform, Shaping Banyule.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN
2023/2024 cont'd**

- This engagement process included other integrated planning process including the financial principles used to develop the budget and the draft capital works and initiatives plan.
- During this time the pages were viewed more than 2,000 times by 991 unique visitors. Sixty-two (62) people provided feedback via Shaping Banyule and five (5) by email for all integrated planning documents.
- Fifteen (15) pieces of feedback were received from on the Council Plan Year 3 Action Plan and one (1) person requested to speak.
- A Councillor feedback forum on 7 March 2023 was held as an opportunity for people that submitted feedback to have their feedback heard by Councillors, prior to Council formally considering all the feedback received at the 17 April 2023 Council meeting.
- There was general support for Council's strategic direction and the actions being proposed to deliver on the direction, and this was consistent across the workshops and the written feedback.
- Furthermore, the proposed Year 3 Action Plan was made available on Council's website for public feedback through Council's engagement platform, Shaping Banyule, from 30 May to 6 June 2023.
- A total of (5) five pieces of feedback were received during the public exhibition period, two (2) pieces of Council Plan feedback were received via Shaping Banyule, three (3) on the proposed Budget and Revenue and Rating Plan via email to the Chief Executive Officer.
- After a thorough assessment of the feedback by Council Officers, no changes have been made to the proposed Council Plan Year 3 Action Plan 2023-2024.
- Feedback has been incorporated into the final draft of Council Plan 2021-2025 - Draft Year 3 Annual Action Plan (attached) and only minor adjustments have been made to strengthen the Action Plan and increase areas of emphasis in response to the valuable comments and suggestions received.

KEY ISSUES

- Banyule's Council Plan - Year 3 Annual Action Plan 2023/24 underpins and enables the continued implementation of the four-year Council Plan
- The focus of the Year 3 review of the Council Plan has been based on a continuation of the Objectives and Strategies, which are directly aligned with Banyule's Community Vision 2041.
- Community feedback has:
 1. Provided valuable comments and suggestions and has indicated general support for Council's strategic direction and the actions proposed to deliver on the direction.
 2. Helped shape the Council Plan 2021-2025 - Draft Year 3 Annual Action Plan (attached), with minor adjustments made to strengthen the Action Plan.

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN
2023/2024 cont'd**

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

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The integrated community engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

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

Financial Implications

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

**COUNCIL PLAN 2021-2025 - ADOPTION OF YEAR 3 ANNUAL ACTION PLAN
2023/2024 cont'd**

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Council Plan 2021-2025 - Year 3 Annual Action Plan 2023-24 | |

3.4 ADOPTION OF REVENUE AND RATING PLAN 2024-2027

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

SUMMARY

1. The adoption of a Revenue and Rating Plan is a requirement under section 93 of the *Local Government Act 2020* and ensures that Council has a clear set of directions relating to revenue sources and strategies.
2. The draft Revenue and Rating Plan 2023-2027 (the Plan) has been publicly exhibited and has received comment in relation to the waste rates and the cultural and recreational lands methodology.
3. It is presented to Council for adoption with one change. All current revisions to the Cultural and Recreational Lands methodology will be removed from the Policy for 2023-2027 and considered further against property valuation and zoning data verifications in 2024.
4. There are no changes in the general structure to Council's revenue model from the Revenue and Rating Plan 2022-2026.
5. Municipal concessions funded by the Victorian Government to holders of pension cards have not increased with CPI as they have in previous years.

RECOMMENDATION

That Council:

1. Note the Cultural and Recreational Lands methodology will be reviewed in 2024.
2. Adopt the Revenue and Rating Plan 2023-2027 without the proposed revision to the Cultural and Recreational Lands methodology.
3. Thank the members of the community that have provided feedback on the Draft Revenue and Rating Plan 2023-2027.
4. Publish the Revenue and Rating Plan 2023-2027 on Council's website.
5. Write to the Hon. Lizzie Blandthorn, Minister for Disability, Ageing and Carers and Minister for Child Protection and Family Services, Vicki Ward MLC, Hon. Colin Brooks MLC and Hon. Anthony Carbines MLC expressing Council's concern with the non-indexation of the municipal concession for the 2023/24 financial year and the subsequent stress this will place on pensioners in Banyule.

ADOPTION OF REVENUE AND RATING PLAN 2024-2027 cont'd

COUNCIL PLAN

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

BACKGROUND

- Council programs and services are funded from a variety of revenue sources. These income sources have traditionally been identified and included in Council's annual budget and long-term financial plan.
- The Revenue and Rating Plan 2023-2027 (the plan) provides the framework for the setting of rates, statutory charges, service fees and charges and other income sources.
- Council's revenue streams are split across many classifications in our Budgets and Annual Reports but are predominantly made up by:
 - Rates (approx. 62-63% of total revenue),
 - Fees, charges & fines (approx. 18-20%)
 - Grants (approx. 10-11%).
- The plan provides a medium-term plan for how Council will generate income to deliver on the Council Plan and services and capital works commitments over a 4-year period, including consideration of:
 - How revenue will be generated through rates on properties (including differential rates on different property classes)
 - Service charges that are applied on services such as waste or recycling where Council is able to recover the costs associated with public and kerbside waste collection and disposal of refuse
 - Fee and charges for services and programs – (including cost recovery policies, user charges and means testing). The Fees and Charges Schedule (included in the draft Budget 2023-2027) forms part of Council's budget
 - Developer contributions and other revenue
 - Revenue generated from use or allocation of Council assets (including the application of discounts and waivers)
 - Recurrent and non-recurrent operational and capital grants from other levels of government
 - Entrepreneurial, business, or collaborative activities established to deliver programs or services and generate income or reduce costs.

ADOPTION OF REVENUE AND RATING PLAN 2024-2027 cont'd

KEY ISSUES

- There are no changes in general structure proposed to Council's revenue model from the Revenue and Rating Plan 2022-2026.
- Banyule has raised rates by the maximum amount as allowed under the fair Go Rate Cap. This is 3.50% in 2023/24. Details of the increases set by the Minister since the rate cap was introduced are:

| Financial Year | Rate Cap |
|-----------------------|-----------------|
| 2023/24 | 3.50% |
| 2022/23 | 1.75% |
| 2021/22 | 1.50% |
| 2020/21 | 2.00% |
| 2019/20 | 2.50% |
| 2018/19 | 2.25% |
| 2017/18 | 2.00% |
| 2016/17 | 2.50% |

- Council's draft Budget 2023-2027 assumes that general rate income will increase as follows:

| Financial Year | Rate Cap |
|-----------------------|-----------------|
| 2024-2025 | 3.00% |
| 2025-2033 | 2.50% |

- The plan maintains the existing differential rates, being:
 - Residential Improved
 - Commercial Improved (set at 1.25 times the Residential Improved rate)
 - Industrial Improved (set at 1.25 times the Residential Improved rate)
 - Residential Vacant (set at 1.5 times the residential improved rate)
 - Commercial Improved (set at 2.00 times the Residential Improved rate)
 - Industrial Improved (set at 2.00 times the Residential Improved rate)
- The plan also incorporates the levying of five properties under the Cultural and Recreational Lands Act, being properties occupied by:
 - Ivanhoe Golf Club
 - Heidelberg Golf Club
 - Rosanna Golf Club
 - City of Heidelberg Bowls Club
 - Yarraman Riders.

ADOPTION OF REVENUE AND RATING PLAN 2024-2027 cont'd

- The Plan includes two Service Rates, both relating to waste collection, processing and disposal. Both rates are calculated on the Capital Improved Value of properties to which the rate applies. The two Rates are:
 - Public Waste Rate
 - Kerbside Waste Rate
- Banyule levies the Public Waste Rate to all properties within Banyule and is in place to fund the provision of infrastructure and services to support:
 - Street-sweeping
 - Dumped rubbish collections
 - Laneway clearance
 - Litter and public realm refuse collection and disposal
 - Park litter collection and disposal
- Banyule levies the Kerbside Waste Rate on properties that are used wholly or partly for residential purposes that are able to receive a standard kerbside waste collection. The Kerbside Waste Rate is not levied on properties that do not receive a kerbside waste service due to conditions imposed under the *Planning and Environment Act 1987*, through locational constraints or other factors that make kerbside waste collection impractical.
- Adding to the financial pressures being experienced by the community, pensioners may also experience increased hardship due to the non-indexation of the Victorian government's Municipal Concession, which have been kept at 2022/23 levels, being 50% of council rates, capped at \$253.20 and \$50 for the Fire Services Property Levy. This concession has been indexed in past years.

SUPPORTING REPORT DETAILS

Legal Consideration

- *The Local Government Act 2020* under Section 93 requires Council to adopt a Revenue and Rating Plan (the Plan) by the next 30 June after a general election for a period of at least the next 4 financial years.
- Section 162(1)(b) of the *Local Government Act 1989* allows a council to declare a service rate or service charge for the collection and disposal of refuse.
- Due to significant changes in introducing the Waste Rates in 2022/23 the Plan was revised. The plan has continued to be reviewed and adopted each year alongside the Budget. Adoption timeframes and engagement principles will be reconsidered with all other integrated planning documents for the next term of Council.

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.

ADOPTION OF REVENUE AND RATING PLAN 2024-2027 cont'd

Sustainable Procurement Outcomes

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

Financial Implications

- In developing the Revenue and Rating Plan 2023/24, Council needs to generate sufficient income to deliver services and undertake capital works and initiatives.
- The Plan does not include details of council's expenditure.

Community Engagement

- The Revenue and Rating Plan 2027-2027 must be developed by Council in accordance with its Community Engagement Policy.
- Feedback was accepted by Council from 30 May - 6 June 2023. 2 individual items of feedback were received. One from Banyule Ratepayers Action Group Inc. (BRAG) and the other from the Heidelberg Golf Club.
- Feedback was received from BRAG on the Kerbside Waste Rate and it has been proposed that Council consider a waste charge (not a rate) as this would be more equitable than an waste rate. Banyule's view is that the current Revenue and Rating Plan provides for equality and that the plan will continue to be reviewed each year against the Revenue and Rating principles when developing the plan.
- Feedback was received on behalf of the Heidelberg Golf Club on the proposed change to the valuations used in calculating the charge under the *Cultural and Recreational Lands Act 1963*.
- The change proposed in the current revision has now been removed from the Plan until further documentation and support can be formally provided by Council's valuers on the Capital Improved Valuation (CIV), 'In-Use' valuations and the current zoning impacts that these have on the Cultural and Recreational Land valuations.

Key Considerations

- The maintenance of the municipal concession may cause additional stress to pensioners who have limited ability to increase their income and consequently may be pushed into hardship by receiving a reduced rebate in real terms.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|-----------------------------------|-------------|
| 1 | Revenue and Rating Plan 2023-2027 | |

ADOPTION OF REVENUE AND RATING PLAN 2024-2027 cont'd

3.5 ADOPTION OF RATES HARDSHIP ASSISTANCE POLICY 2023-2024

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

Previous Items

Council on 29 May 2023 (Item 3.7 - Public Exhibition - Integrated Planning Documents for the period 2023/24)

SUMMARY

1. Council's existing Rates Financial Hardship Assistance Policy has been reviewed and this report outlines the proposed changes to the Rates Financial Hardship Assistance Policy for the period 1 July 2023 to 30 June 2024 for adoption by Council.
2. The Rates Financial Hardship Assistance Policy 2023/24 (the Policy) outlines the process of applying for and assessing hardship applications as well as the assistance available to ratepayers in hardship.
3. Minor changes from the prior year have been made to the Policy to clarify eligibility, allowing for waivers for compassionate grounds and to re-enforce Council's desire for ratepayers in hardship to be seeking financial counselling.
4. The draft Policy was exhibited through Shaping Banyule from 30 May to 6 June 2023 and has now been finalised and made available, without change, for council to consider its adoption.

RECOMMENDATION

That Council:

1. Adopt the Rates Financial Hardship Assistance Policy 2023/24.
2. Note the transparent and simple financial hardship application process and criteria to be used to assess the eligibility for a partial rate waiver and/or interest waiver.
3. Continue to publicise the assistance available through rates notices, budget brochures and Council's website.
4. Continue to report on the number and extent of hardship applications received and processed within the quarterly financial management report.

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".

ADOPTION OF RATES HARDSHIP ASSISTANCE POLICY 2023-2024 cont'd

BACKGROUND

- Under s. 156 of the *Local Government Act 1989*, the owner of land is liable to pay rates on that property. This can prove difficult for some ratepayers due to hardship caused by unemployment, under-employment, unexpected expenses, caring responsibilities, chronic or acute health issues, family violence or addiction.
- Council endorsed a policy framework in June 2022 that introduced a partial rates waiver provision into its rates hardship assistance package. A partial waiver was initially introduced temporarily during the COVID-19 pandemic and has been refined to provide an ongoing opportunity for partial waivers of rates and/or penalty interest when a pre-defined hardship threshold is met.
- The existing policy has been in operation for the 2022/23 financial year and as at 31 May 2023 has processed 426 hardship applications, resulting in \$89,023.90 being waived
- Over the period of the current policy, ratepayers applying for hardship assistance are commonly referencing hardship caused by cost-of-living pressures, acute or chronic health impacts on employment, caring or family responsibilities and the financial impact of caring roles. In several cases, ratepayers are commenting on impacts of the pandemic and the associated economic crisis which have not resolved for some ratepayers. It is anticipated that hardship will increase in the community as interest rate increases continue to impact ratepayers.

KEY ISSUES

- Financial hardship is assessed using a points-based questionnaire designed to enable officers to make an objective assessment of a ratepayer's situation and determine if they are eligible to be considered under the Policy for financial hardship support.
- The Policy includes waivers of rates to assist those in serious hardship by providing waivers of 33% of rates (including the general rate, kerbside waste rate and public waste rate) to a maximum of \$500 per year.
- The Rates Financial Hardship Assistance Policy 2023/24 includes minor changes to the existing Policy, including:
 - Ratepayers are required to obtain a letter of support to access a partial waiver of rates after receiving a partial waiver in a preceding year.
 - Introducing a provision where a partial waiver can be approved by the Director Corporate Services on compassionate grounds outside the point-based framework.
 - Removing the requirement for an applicant to answer questions about how long it took them to complete the form, as this is recorded through the online application form.
 - Clarifying the definition of substantial assets by inserting a threshold for share ownership to be valued at greater than \$10,000 at the time of assessment.
 - Re-wording some sections to make them simpler to understand.

ADOPTION OF RATES HARDSHIP ASSISTANCE POLICY 2023-2024 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Under s. 171A of the *Local Government Act 1989*, Council is able to waive rates after an application by the ratepayer due to financial hardship.
- Under s. 171B the minister for Local Government may issue guidelines relating to hardship which Council will be required to follow. It is not anticipated that these guidelines will impact the application of this Policy.

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 right to privacy and reputation is impacted in that applicants are required to provide personal and financial information. This information is managed by restricting the information to only those officers who need to administer the policy and / or authorise rates assistance.
- Property rights are enhanced by aiding ratepayers in hardship which may reduce the likelihood of having to sell their property.

Sustainable Procurement Outcomes

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

Financial Implications

- The total amount to be waived during the year will be directly reliant on the number of hardship applications made to Council.
- The Policy will be administered by Council's Hardship and Collections Officer.
- A budget \$147,000 has been assigned to rates waivers in 2023/24.

Innovation and Continuous Improvement

- Ratepayers applying for assistance over the past year have been encouraged to apply for assistance online. The median time period to complete the online form has been sixteen minutes. Online applications ensure ratepayers supply all relevant information required as part of an application and speed up the assessment of applications.

Community Engagement

- The approach to engagement aligns with the integrated strategic planning and reporting requirements in the *Local Government Act 2020*, and Banyule's *Integrated Planning Framework*.
- The draft Policy was exhibited through Council's *Shaping Banyule* website from 30 May 2023 to 6 June 2023. No feedback was received.

ADOPTION OF RATES HARDSHIP ASSISTANCE POLICY 2023-2024 cont'd

Key Considerations

- The draft policy includes a new provision for a waiver to be granted outside the points-based system on compassionate grounds. It is anticipated that this would only be enacted when an event of such significance would cause hardship.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Rates Financial Hardship Assistance Policy 2023-2024 | |

3.6 ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027

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

Previous Items

Council on 17 April 2023 (Item 4.4 - Community Consultation - Feedback recommendations for Council consideration on Budget 2023-27 and Council Plan 2021-2025 Year 3 actions)

Council on 29 May 2023 (Proposed Budget 2023-2027 for public exhibition)

SUMMARY

1. This report is presented for the adoption of Banyule City Council's Proposed Budget for 2023-2027 in accordance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.
2. The Proposed Budget 2023-2027 (Proposed Budget) also declares the total amounts which the Council intends to raise by general rates, municipal charges, service rates and service charges and whether general rates will be raised by the application of a uniform rate, differential rate or limited differential rate.
3. Council has formulated its Proposed Budget with a primary focus on long-term financial sustainability, taking into consideration the extended recovery from the impacts of COVID-19 on Council's services. The Proposed Budget aims to maintain the sustainability of Council's finances while allocating appropriate resources to address the community's service and capital needs.
4. This Proposed Budget, having considered public feedback and other information, works to provide a range of high-quality services, programs and initiatives that meet community needs. Following the community engagement period (Mid-December 2022 to Mid-March 2023), the supported feedback has been incorporated into the Proposed Budget (attached).
5. The Proposed Budget was made available on Council's website for public exhibition and feedback was encouraged through our engagement platform, Shaping Banyule, from 30 May to 6 June 2023. This ensures that the budget remains aligned with the community's preferences and needs.
6. No changes have been made to the Proposed Budget since public exhibition as a result of the feedback received.
7. Council has been slow to recover from the financial impacts of COVID-19, and as a recovery proposed budget will continue to adapt its services to provide support to the community.
8. The Proposed Budget has been amended for minor reassessment of fees and charges and other insignificant formatting updates with changes outlined in this report.

RECOMMENDATION

That Council:

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

1. Having considered all feedback received and having complied with the requirements of the *Local Government Act 2020*, adopt the attached Proposed Budget 2023-2027 with the modifications on fees & charges.
2. In accordance with sections 158 and 161 of the *Local Government Act 1989*, declare the Rates, Levies and Annual Service Charges for the 2022/23 rating year commencing 1 July 2023 and ending 30 June 2024 as detailed in the Proposed Budget 2023-2027.
3. Writes to all organisations funded in the Proposed Budget 2023-2027 regarding the funding they will receive.
4. Makes the adopted Proposed Budget 2023-2027 available through Council's website and that the Minister for Local Government be advised.
5. Resign and withdraw Council's membership with the Victorian Local Governance Association (VLGA) and authorise the Chief Executive Officer or Council delegate to inform the VLGA of the membership cancellation immediately, noting that it does not take effect until 6 months after the VLGA have received the resignation.

COUNCIL PLAN

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

BACKGROUND

- The Proposed Budget 2023-2027 (Proposed Budget) has been prepared with a focus on responsible financial management and in accordance with *the Local Government Act 2020* (and where applicable *the Local Government Act 1989*) *Local Government (Planning and Reporting) Regulations 2020* and *Accounting Standards*.
- The Proposed Budget is for the Year 1 July 2023 to 30 June 2024, and the subsequent three financial years 1 July 2024 through to 30 June 2027.
- The Proposed Budget works in line with the directives of the Council Plan. Councillors and staff are committed to achieving these medium and long-term objectives that ensure we are building a better Banyule.
- During the preparation on this Proposed Budget, great care has been taken to ensure Council can demonstrate responsible financial management and governance. It looks to balance competing demands on providing community services, maintaining and renewing infrastructure with the community's capacity to pay for it.

KEY ISSUES

- This Proposed Budget reflects the Council's dedicated efforts to recover from the financial impact of COVID-19.
- Although the Council's recovery has been gradual, it is expected to reach pre-pandemic operational levels within a few years, while ensuring long-term financial

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

sustainability. Throughout this period, the Council has prioritised the community's needs, maintaining essential services, infrastructure delivery, and promoting economic growth, backed by rates, government grants, and council fees.

- Council has proposed an increase the total Waste Rates by 3.5% (equal to the Rate Cap) compared to last year and is representative of the net cost of waste budgeted for 2023/24.
- This follows the successful implementation of the Food Organics and Garden Organics (FOGO) waste service which was introduced in July 2022. While the program, supported by Banyule residents, has significantly curtailed escalating waste services costs and environmental impact by reducing waste heading to landfill, the proposed rate increase is intended to further support these ongoing efforts.
- Council will continue delivering quality and inclusive services to the community that offer value for money and respond to community and lead on environmental sustainability.
- Council will invest in infrastructure and community facilities that service Banyule community today and for future generations and plan for the growing City, addressing development, transport, open space and diversity; and maintain our public and open spaces to preserve neighbourhood character.
- To help Council to deliver on these main focus areas and important initiatives Council will work in partnership with the community; engage with the community to ensure they are well informed and represented and meaningfully involved in decision making; encourage community participation and inclusion to provide opportunities for all; and advocate for our community to improve services, infrastructure and social outcomes.
- As required under the *Local Government Act 2020*, new strategies and initiatives flowing from the Council Plan are included and considered in the development of the Proposed Budget and other integrated planning documents (including the Council Plan, Rates Hardship Assistance Policy, and Revenue and Rating Plan) to be adopted at the Council meeting on 26 June 2023.

Financial Sustainability

- Despite the ongoing recovery from the impacts of COVID-19, Council remains committed to providing continuous support to ratepayers through its Rates Hardship Assistance Policy. The Proposed Budget emphasises effective management and aims to maintain core services, invest in infrastructure, and ensure the ongoing progress of capital work programs and major initiatives. These efforts are all directed towards achieving long-term financial sustainability for Council.
 - The Income Statement reports a surplus for each year of the four-year Budgets.
 - An operating surplus of \$16.96 million (underlying deficit \$5.72 million) is projected in 2023/24.
 - An underlying deficit will be reported in 2023/24 as Banyule recovers from the negative financial impacts of COVID-19. An underlying surplus is being reported from year 3 (2025/26) and onwards.

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

Rate Cap

- Each year the Minister for Local Government will set the rate cap that will specify the maximum increase in Councils' rates for the forthcoming financial year. For 2023/24 the rate cap has been set at 3.50% with anticipated decreases over the next couple of years to 2.50%.

| Projection | 2023/24 | 2024/25 | 2025/26 | 2026/27 |
|-------------------|----------------|----------------|----------------|----------------|
| CPI | 4.20% | 3.50% | 2.80% | 2.50% |
| Rate Cap | 3.50% | 3.00% | 2.50% | 2.50% |

EFT

- The proposed equivalent full-time staffing profile (EFT) for 2023/24 Budget totals 700.90 from 694.87 EFT in 2022/23 Budget.
- The four-year budget for employee costs is planned to reduce to 691.70 in 2026/27. This accounts for several roles supported for the 2023/24 Budget being temporary (e.g. project based or have short term external funding).
- The four-year budget does not take account of any other staff reductions as a result of service reviews and process efficiencies, or increases aligned to new and unplanned grant funding.

Revenue and Rating Plan 2023-2027

- Banyule City Council's Revenue and Rating Plan is reviewed annually to ensure that Council supports the rating principles used to levy rates and charges, in collaboration with determining the Proposed Budget.
- Rates and charges contribute funds to address ageing infrastructure, improve the amenity and quality of community assets and deliver vital services across the breadth of the City.
- Council proposes to increase rates by 3.50% in line with the State Government's Fair Go Rates System.
- Additionally, Council proposes to increase the total Waste Rates by 3.50% compared to the 2022/23 financial year.

Fees and Charges

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

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

to sustain a viable service. Council will continue to annually review fees and charges considering the affordability of the services, costs to provide the services and market conditions as appropriate.

Investing in infrastructure and initiatives

- The Proposed Budget includes a new allocation of \$40.53 million for the implementation of capital works projects and \$7.83 million for Council initiatives. Additionally, \$27.47 million and \$0.44 million from the 2022/23 financial year are being carried forward to support capital works and initiative projects respectively. Out of the total capital works budget of \$68.00 million, 95% is dedicated to asset renewal and upgrades.
- There is significant investment into our parks, gardens, playgrounds and shared paths; upgrade to sporting grounds, facilities and pavilions; whilst continuing to invest in the maintaining of our roads, bridges and drainage.

Delivery of Core Services

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

Borrowing

- Council does not propose any additional loan funding in 2023/24. If there is a decision to borrow later in the year and borrowing has not been included in the adopted budget 2023-2027 a revised budget will be required (as per the *Local Government Act 2020*).

Cash Balances

- The cash generated from Council's operating activities is estimated to be \$39.33 million in 2023/24 financial year (\$152.16 million over the 4-year budget)
- The projected cash balance is to be \$66.00 million at the end of 2026/27.

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with Charter and to consider relevant Charter rights when they make decisions.
- In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. Whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any human rights issues.
- The preparation and adoption of Council's Budget facilitates the protection of many of our communities' human rights as funding for many Council projects, programs and initiatives is directly related to protecting and enhancing the human rights of the community. Council continues to work on behalf of its community to ensure the upholding of human rights for all.
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Sustainable Procurement Outcomes

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

Financial Implications

The Proposed Budget has incorporated to reflect the following:

- Community engagement feedback – financial outcomes of Council's consideration of community engagement feedback (*CO2023/60 – Council meeting 17 April 2023*)
- During the budget development process, several modifications have been made to enhance the report. These modifications include reclassifying costs,

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

making minor formatting adjustments, and incorporating relevant notes, disclosures, and commentary as deemed appropriate. It is important to note that these changes have been implemented solely for the purpose of improving the report and do not have any financial implications on the overall bottom line.

- Changes to Fees and Charges

| Fees & Charges - Description | Initial Proposed Fee | Amended Proposed Fee |
|---|-----------------------------|-----------------------------|
| Joyce Avenue & St Hellier Street | | |
| – Full time care | \$537.60 | \$556.50 |
| – Daily care | \$123.50 | \$128.00 |
| Morobe St | | |
| – Full time care | \$477.65 | \$494.50 |
| – Daily care | \$107.65 | \$111.50 |

Community Engagement

- As noted by Council on 17 April 2023, consultation was undertaken from mid-December 2022 to mid-March 2023 for the draft integrated planning documents including Budget 2023-2027 (comprising the Budget Principles, Capital works and Initiative program).
- Feedback has been sought via Council's engagement platform, Shaping Banyule, two online information sessions on 13/14 December 2022 and two community drop-in sessions in February 2023.
- Eighty-six (86) pieces of feedback were received from sixty-eight (68) individuals and organisations on the financial principles being used by Council to develop the Proposed Budget, the draft Capital Works Program, and the draft Initiatives Program. Forty-three (43) of the submitters were individuals and twenty-five (25) represented organisations or community groups.
- A summary of Budget impact recommendations has been listed, considered and endorsed by Council in the 17 April 2023 Meeting (CO2023/60).
 - A written response will be provided to each of those persons who requested specific funding changes on the Proposed Budget, to inform them of Council's consideration after the adoption of the Proposed Budget.
- Furthermore, the Proposed Budget was made available on Council's website for public feedback through our engagement platform, Shaping Banyule, from 30 May to 6 June 2023.
 - A total of 5 (five) pieces of feedback were received during the public exhibition period, two (2) pieces of Council Plan feedback were received via Shaping Banyule, three on the Proposed Budget and Revenue and Rating Plan via email to the CEO. After a thorough assessment of the feedback by Council officers, no changes have been made to the Proposed Budget.

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

Key Considerations

- Having considered the community engagement feedback received the Proposed Budget was developed to incorporate valuable feedback received and to respond to identified community needs.
- This Proposed Budget meets the requirements of Section 94 of the *Local Government Act 2020* which requires Council to prepare a Budget for each financial year and the subsequent (3) three financial years. This rolling 4-year budget is to be prepared in the form and include information required by regulations.
- The Proposed Budget outlines how resources will be allocated across initiatives, programs, services, and capital works, as well as financing and debt redemptions/servicing. It also provides a comprehensive outline of all income derived from rates, fees and charges, grants and other revenue. Ongoing services and programs are described in summary form and include prescribed indicators and measures of service performance.
- The Proposed Budget is aligned to the long-term strategies of Council and is in line with Council's commitment to sustainable budgeting and responsible financial management.
- As required under the *Local Government Act 2020*, new strategies and initiatives flowing from the Council plan are included and considered in the development of the Proposed Budget, and flow through into the related integrated planning documents to be adopted at the Council meeting on 26 June 2023.
- Following adoption, copies of the Adopted Budget 2023-2027 will be sent to the Minister for Local Government and will be made available to the public Council's website.

Officer Declaration of Conflict of Interest

- Section 130 of the *Local Government Act 2020* requires:
 - A relevant person who has a conflict of interest in respect of a matter must—
 - a. disclose the conflict of interest in the manner required by the Council's Governance Rules; and
 - b. exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.
- A Councillor with a conflict of interest in a matter contained in the Proposed Budget must disclose that interest, and the matter will need to be considered separate and prior to the consideration of adoption of the Budget.
- To allow any Councillor who may have a conflict of interest in any item contained within the Proposed Budget the opportunity to declare that interest has been made available, via a separate report 'Proposed Budget 2023/24 – Declarations'. This report will precede the 'Adoption of Banyule City Council Budget 2023-2027' at the Ordinary Council meeting on 26 June 2023.
- The report will allow a councillor to declare the matter in which they have a conflict of interest, and for the matter to be considered separately (without the councillor/s present), thereby allowing the councillor/s the opportunity to participate in the consideration of all other submissions.

ADOPTION OF BANYULE CITY COUNCIL BUDGET 2023-2027 cont'd

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Banyule City Council Proposed Budget 2023-2027 | |

3.7 AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS

Author: John Martin - Fleet Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. MAV NPN04-13 Supply of Trucks, with the engagement of contractors from another MAV contract Specialised Truck Bodies ST20092, combining the cab-chassis and compactor to deliver complete waste trucks to Council.
2. Council previously approved the use of Municipal Association of Victoria (MAV) Procurement, National Procurement (NPN) contracts. These contracts provide benefits of collective purchasing and to improve efficiency in the procurement process for Council's Fleet.
3. Tender submissions were received from four companies in total.
4. During the tender evaluation process, an opportunity arose to expedite the purchase of two (2) new waste collection trucks. Given the worldwide supply chain issues currently being experienced, this was considered an attractive proposition.
5. Therefore, although the tender was for nine (9) trucks, the Tender Evaluation Panel (TEP) has recommended awarding the partial contract of seven (7) waste trucks to Isuzu Australia Ltd in accordance with the tender and conditions as determined by Council.
6. The seven (7) waste trucks are expected to be available for delivery to Council in the third quarter (Q3) of 2024.
7. The procurement of the two (2) new waste collection trucks available in 2023 under exemption, will be considered under a separate report within this agenda titled *Direct Purchase of Two (2) Waste Trucks*.

RECOMMENDATION

That Council:

1. Award Contract No. MAV NPN04-13 Supply of Trucks to Isuzu Australia Ltd for \$3,591,730.89 (ex. G.S.T)
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

COUNCIL PLAN

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

**AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS
cont'd**

TENDER DETAILS

| | |
|------------------------------------|--|
| Contract Period | Life of the Vehicles, up to 10 years |
| Contract Type | Goods (Trucks and Truck Bodies) |
| Advertising Period | 22 February 2023 to 22 March 2023 in the Age |
| Tenders Closed | 22 March 2023 |
| No. of tender documents downloaded | Five (5) |
| Tender Evaluation Panel | Fleet Coordinator, Waste Management Coordinator, Fleet Workshop Team Leader, and Waste Management Team Leader (all TEP members are employees of Banyule City Council) |
| Tender Evaluation Criteria | <ul style="list-style-type: none"> • Purchase price, and compliance to <ul style="list-style-type: none"> ○ Operating Costs ○ Warranty ○ Life Expectancy ○ Spare Parts ○ Back-Up and Support • Technical Analysis, including compliance to <ul style="list-style-type: none"> ○ Quality and Reliability ○ Ease of Operation ○ Proven Performance • Demonstration of Environmental and Social sustainability and OH&S compliance, and • Any other factor considered relevant by Council. |
| Other Background | <ul style="list-style-type: none"> • LGAP and MAV Procurement on behalf of councils in South Australia and Victoria, issued a Request for Tender (RFT) for the Provision of Provision of Trucks & Specialised Bodies • The scope of goods and services include: <ul style="list-style-type: none"> ○ Category 1 – Truck Bodies – New ○ Category 2 – EV Rigid Trucks and EV Truck conversions and associated Spare Parts, Equipment & Accessories ○ Category 3 – Refuse Compactor Truck Vehicles ○ Category 4 – Street Sweepers And Cleaning Vehicles ○ Category 5 – Road Maintenance Units ○ Category 6 – Trailers- General And Custom/Specialised Equipment ○ Category 7 – Light Commercial (Utility) Bodies ○ Category 8 – Truck/Trailer Mounted Elevated Work Platforms ○ Category 9 – Truck/Trailer Mounted Cranes |

**AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS
cont'd**

| | |
|--|---|
| | <ul style="list-style-type: none">○ Category 10 – Commercial Van Fit-Outs○ Category 11 – Wheelchair Conversion To Vehicles○ Category 12 – Mobile Libraries○ Category 13 – Construction Site Caravans○ Category 14 – Other Vehicle Conversions and Accessories● The ability to purchase plant and fleet items and at the most cost-effective price and process is critical in ensuring that Council's operational expenses are minimised.● Council will utilise this contract to purchase commercial trucks and truck bodies to keep its fleet running to support Council functions across the municipality.● The Panel of Prequalified Suppliers is accessible by Council via the MAV Vendor Panel Portal.● Purchases of trucks will be made via the issue of requests for quote (RFQs) to the Panel of Prequalified Suppliers through the Vendor Panel Portal. |
|--|---|

- Through the MAV/Procurement Australia/State Government contracts, five (5) suppliers were invited to provide submissions for the Supply of Nine (9) Waste Collection Trucks; Two (2) Recycling trucks and Seven (7) Wet Waste/FOGO Trucks, according to Council's tender specification. Four (4) suppliers provided quotations for Nine (9) Waste Vehicle per above.

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.
- During the tender evaluation process, an opportunity arose to expedite the purchase of two (2) new waste collection trucks. Given the worldwide supply chain issues currently being experienced, this was considered an attractive proposition. The procurement of the two (2) new waste collection trucks available in 2023, will be considered in a separate report.
- 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

**AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS
cont'd**

tender was:

| Table 1 – Tenders received and weighted scores | |
|---|-----------------------|
| Contractor | Weighted Score |
| Tenderer A | 67.83 |
| Isuzu Australia Ltd | 79.29 |
| Tenderer C | Non-Compliant |
| Tenderer D | 66.05 |

NON-CONFORMING TENDER

- Tenderer C was deemed to be non-conforming due only to their proposed delivery timeframe for nine (9) tendered trucks. It should be noted that the tenderer remained non-conforming irrelevant to change of quantity.
- Tenderer A was dismissed from consideration by the TEP due to reservations over OH&S concerns, and the low cabin position being exposed to damage on off-road tip sites.
- Following an initial evaluation, the TEP shortlisted the following tenderers for vehicle demonstrations:
 - Tenderer D
 - Isuzu Australia Ltd
- At the vehicle demonstration, solo operators and fleet staff offered balanced reviews of both Isuzu's and Tenderer D's vehicle offerings.
- Council also undertook reference checks on the contractors after which the Evaluation Team carried out a further evaluation, using the weighted evaluation matrix.
- The TEP assessed the compaction body options throughout the truck evaluation process and agreed that the Bucher Municipal body option better suited Council's requirements and offered better value for money.
- It is evident from the above weighted scores that Isuzu Australia 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*.

**AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS
cont'd**

Human Rights Charter

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

Sustainable Procurement Outcomes

- The tender specified Zero Emission Trucks should be offered as an option if available, such as battery electric or fuel cell electric powered, with electric drive trains. (Vehicle must be able to perform in a similar manner to the diesel-powered version as requested in this tender.)
- None of the tenderers offered Zero Emission Trucks.

Financial Implications

- Council has allocated \$4,390,982 in its 2024/25 Operations Plant- Vehicles (Cars) and Trucks and Plant Purchases budget for the purchase/supply of the cars, trucks and plant.

Additional information

- Detailed in Attachment 1 is the analysis of RFQ -NPN04-13 2023 – Supply of (9) Waste Trucks, as circulated in the confidential section of the agenda attachments.
- 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.

**AWARD OF CONTRACT NO. MAV NPN04-13 SUPPLY OF WASTE TRUCKS
cont'd**

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Analysis of RFQ -NPN04-13 2023 – Supply of (9) Waste Trucks - CONFIDENTIAL | |

3.8 DIRECT PURCHASE OF TWO (2) WASTE TRUCKS

Author: John Martin - Fleet Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the purchase of two (2) Iveco Waste trucks under MAV NPN04-13, with the engagement of contractors from another MAV contract Specialised Truck Bodies ST20092, combining the cab-chassis and compactor to deliver complete waste trucks to Council.
2. Council previously approved the use of Municipal Association of Victoria (MAV) Procurement, National Procurement (NPN) contracts, Procurement Australia (PA) and State Government Contracts. These contracts provide benefits of collective purchasing and to improve efficiency in the procurement process of Council's Fleet.
3. The report is seeking endorsement to purchase two (2) new waste collection trucks from Iveco/Adtrans Truck Centre Pty Ltd for delivery in 2023.
4. The expedited purchase of two (2) waste trucks separate to the tender process outlined in the previous report is recommended given some of Council's current waste fleet is overdue for renewal.
5. The supply of these trucks is in accordance with the tender and conditions as determined by Council.

RECOMMENDATION

That Council:

1. Award the direct purchase under exemption for the Supply of two (2) Trucks from Iveco/Adtrans Truck Centre Pty Ltd for \$961,500.16 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

COUNCIL PLAN

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

TENDER DETAILS

- Iveco/Adtrans Truck Centre Pty Ltd provided a tender submission for *Contract No. MAV NPN04-13 Supply of Waste Trucks*, however the submission was deemed non-compliant due to the delivery timeframe of 124 weeks.

DIRECT PURCHASE OF TWO (2) WASTE TRUCKS cont'd

- During the initial tender evaluation phase, IVECO approached the Procurement Lead to offer Council two (2) trucks as the result of a cancelled order.

TENDER/QUOTATION EVALUATION

- The trucks are the same model as Council's current waste trucks and are available for immediate delivery to Council's preferred body builder for completion and delivery by December 2023.
- Other suitable tendered options are not expected to be available for delivery before Q3 2024.
- Given some of Council's current waste fleet is overdue for renewal, the Tender Evaluation Panel (TEP) and the Procurement Lead unanimously agreed and sought to recommend seeking an exemption to obtain these two (2) trucks as a matter of urgency.
- The exemption application was accepted and approved under Council's delegated authority.
- The body options were assessed by the TEP, with Bucher Municipal's offering assessed to better suit Council's requirements and offer better value for money.
- It is evident the expedited purchase of these two (2) trucks offered by Iveco/Adtrans Truck Centre Pty Ltd is in the best interests of Council, helping to mitigate some short to medium term operational risk.

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

- The initial tender specified Zero Emission Trucks should be offered as an option if available, such as battery electric or fuel cell electric powered, with electric drive trains. (Vehicle must be able to perform in a similar manner to the diesel-powered version as requested in this tender.)
- None of the tenderers offered Zero Emission Trucks.

DIRECT PURCHASE OF TWO (2) WASTE TRUCKS cont'd

Financial Implications

- Council has allocated \$4,901,727 in its 2023/24 Operations Plant- Vehicles (Cars) and Trucks and Plant Purchases budget for the purchase/supply of the cars, trucks and plant.

Additional information

- The *Procurement Policy Exemption Approval* is included in Attachment 1 as circulated in the confidential section of the agenda attachments.
- 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.
- Under Clause 2.3.3 of Council's Procurement Policy Guidelines there is provision for Exemptions from Tendering. (Another Government Entity – MAV) (Emergency – Where Council has resolved the contract may be considered is an emergency)

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Purchase of two (2) Waste Trucks - Procurement Policy Exemption - CONFIDENTIAL | |

3.9 RECORD OF COUNCILLOR MEETINGS

Author: Amy Woollcombe - Council Business Officer, Executive

SUMMARY

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

If there is a meeting of Councillors that:

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

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

Record of Meetings

| | | |
|----------|------------------------------|--|
| 1 | Date of Meeting: | 22 May 2023, 6:30pm |
| | Type of Meeting: | Councillor Development Workshop |
| | Matters Considered: | Councillor Development |
| | Councillors Present: | Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Fiona Mitsinikos Cr Elizabeth Nealy |
| | Staff Present: | Allison Beckwith - <i>Chief Executive Officer</i> |
| | Others Present: | Nil |
| | Conflict of Interest: | Nil |

RECORD OF COUNCILLOR MEETINGS cont'd

| | |
|----------|--|
| 2 | <p>Date of Meeting: 29 May 2023, 5:34pm</p> <p>Type of Meeting: Pre-Brief</p> |
| | <p>Matters Considered:</p> <p>2.1 Provide a Local Park West of the Eaglemont Village Activity Centre</p> <p>3.1 Record of Councillor Meetings</p> <p>3.2 Instrument of Delegation from Council to the Chief Executive Officer</p> <p>3.3 Instrument of Delegation from Council to Members of Council Staff</p> <p>3.4 Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017</p> <p>3.5 Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987</p> <p>3.6 Proposed Budget 2023-2027 - Declarations of Conflicts Interest</p> <p>3.7 Public Exhibition - Integrated Planning Documents for the period 2023/24</p> <p>3.8 Quarterly Financial Management Report - December 2022</p> <p>3.9 Quarterly Financial Management Report - March 2023</p> <p>3.10 Proposed Sale of 78-80 Hawdon Street, Heidelberg</p> <p>3.11 Award of Contract No. 1273-2023 - Panel for Construction of Sportsfield and Carpark Lighting Projects</p> <p>4.1 Older Adults Strategic Plan 2017 - 2021 Achievements Report</p> <p>5.1 Nomination for Climate Emergency Australia Executive</p> <p>6.1 180 Upper Heidelberg Road Ivanhoe - Amendment to an Existing Licensed Premises (P674/2018)</p> <p>6.2 103 Marshall Street, Ivanhoe - Cafe, Gym, and Store in existing building (P765/2022)</p> <p>6.3 East Ivanhoe Village Streetscape Upgrade - Final Concept Plan</p> <p>6.4 Various Parking matters</p> <p>7.1 Banyule Art Collection - Recommendation to Acquire New Art Works</p> <p>7.2 50 Banyule Road, Rosanna (Banyule Primary School) - Proposed Part Road Discontinuance and Sale of Land</p> <p>7.3 Proposed Discontinuance of Road (part RW223) and Sale of Land</p> <p>8.1 Proposed Adoption of Banyule Economic Development Strategy 2023 - 2028</p> <p>9.1 Notice of Motion - Pest animal management - Control of foxes within the City of Banyule and exploration of options to minimise impact to biodiversity within an urban context</p> |
| | <p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo</p> <p>Deputy Mayor Cr Alida McKern – arrived 5:37pm</p> <p>Cr Alison Champion</p> <p>Cr Peter Dimarelos</p> <p>Cr Mark Di Pasquale – arrived 5:45pm</p> <p>Cr Rick Garotti – arrived 5:51pm</p> <p>Cr Tom Melican</p> <p>Cr Elizabeth Nealy</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>Governance Coordinator</i> Linda Chapple - <i>Governance & Council Business Specialist</i> Joel Elbourne – <i>Manager Planning, Building & Laws</i> | |
| Others Present: Nil | |
| Conflict of Interest: | Nil |

| | | |
|--|---|---------------------|
| 3 | Date of Meeting: | 5 June 2023, 6:33pm |
| | Type of Meeting: | Councillor Briefing |
| | Matters Considered: 1.1 Housing Discussion Paper' and 'Interim Social and Affordable Housing Policy 1.2 Urban Food Strategy Presentation 1.3 Gambling and Harm Minimisation Policy Position 1.4 Banyule Cemeteries Trust – Future Management Options 2.1 Environment Grants 2022/2023 Round 2 Assessment 2.2 Parklets and Outdoor Dining Permits – Update 2.3 Ivanhoe Golf Course – Upgrade & Resurfacing Upcoming ALGA conference – seeking tips from previous participants | |
| | Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Peter Dimarelos Cr Fiona Mitsinikos Cr Elizabeth Nealy | |
| Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Michael Tanner– <i>Acting Director Assets & City Services</i> Krysten Forte – <i>Governance Coordinator</i> Linda Chapple - <i>Governance & Council Business Specialist</i> Karen Leeder - <i>Manager City Futures</i> Fae Ballingal - <i>Strategic Planning & Urban Design Coordinator</i> Emily Harriss – <i>Strategic Planner</i> Jo Wilson – <i>Manager Resilient and Connected Communities</i> Danielle Clarke – <i>Social Policy & Planner Team Leader</i> Jan Richardson - <i>Cemetery Administration and Support Officer</i> | | |

RECORD OF COUNCILLOR MEETINGS cont'd

| | | |
|--|---|-----|
| | Stephen Coulthard – <i>Financial Accounting Coordinator</i> | |
| | Others Present: Nick Rose - Sustain: The Australian Food Network Director | |
| | Conflict of Interest: | Nil |

RECOMMENDATION

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

ATTACHMENTS

Nil

4.1 PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS

Author: Benjamin Langan - Coordinator Community Resilience and Health, Community Wellbeing

Previous Items

Council on 17 April 2023 (Item 9.1 - Public health concerns – The regulations concerning the retail of e-cigarettes and vapes and Council's advocacy options)

SUMMARY

1. This report is in response to the Council resolution of 17 April 2023 Ordinary Council Meeting regarding the Notice of Motion Report relating to regulations concerning the retail of e-cigarettes and vapes and Council's advocacy options.
2. The resolution from the 17 April 2023 Council Meeting is outlined as follows:
 - A Report be presented to Council on or before 30 June 2023 regarding regulations and requirements on retailers concerning the selling and advertising of e-cigarettes and vapes, and Council's advocacy options to State & Federal Government.
3. The Report is to detail the current health crisis faced in the community from exposure and use of e-cigarettes and vapes and Council's role in promoting and protecting the health and wellbeing of the Community.
4. This report is in response to the Notice of Motion from the 17 April 2023 Council Meeting and details the current health crisis facing the community and more specifically children and adolescents, from exposure and/or use of e-cigarettes and Council's subsequent role in promoting and protecting the health and wellbeing of the Community.
5. The use of vapes and e-cigarettes among children and adolescents in Australia poses significant challenges and risks.
6. This report will further explore and provide a summary and background of the issues faced by young people, including the illegal trade of illicit vaping liquid containing nicotine and falsely labelled products.
7. The prevalence of vaping amongst young people has increased significantly in recent years. Young people aged 18-24 are the single highest users of e-cigarettes in Australia.
8. The use of e-cigarettes among young people has several short and long-term harms, including increased risks of tobacco and substance use, impeding brain development, mental health problems, pulmonary and cardiovascular disease, and unintentional injuries.

PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS cont'd

9. There has been significant community, government and media focus on the issues of e-cigarette usage and retail and potential steps to regulate in this space.

RECOMMENDATION

That Council:

1. Notes that this Report is in response to the Notice of Motion that Council resolved on the 17 April 2023 titled 'Public Health Concerns – the regulations concerning the retail of e-cigarettes and vapes and Council's advocacy options'.
2. Notes that the use of e-cigarettes across community and specifically by young people is a significant public health and wellbeing issue faced in the Banyule community that necessitates immediate action to address the associated risks and harms; and -
3. Writes to the Hon Mark Butler MP, Minister for Health and Aged Care and the Hon. Mary-Anne Thomas, Minister for Health, Health Infrastructure, Medical Research to highlight the urgent the need for comprehensive measures to protect children and adolescents from the negative consequences of vaping and to:
 - a. Advocate for the amendment of legislation to include vaping when and wherever smoke-free policies apply.
 - b. Advocate for the regulation of the selling of all types of e-cigarettes to minors regardless of nicotine content.
 - c. Support education for young people and families about the risks of:
 - exposure to first-hand and second-hand vaping aerosols
 - ingesting vaping substances
 - malfunctioning vaping devices
 - and using unregulated vaping products.

COUNCIL PLAN

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

BACKGROUND

- This report is in response to the Council resolution of 17 April 2023 Council Meeting regarding the regulations concerning the retail of e-cigarettes and vapes and Council's advocacy options.
- The resolution from the 17 April 2023 Council Meeting is outlined as follows:

PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS cont'd

- A Report be presented to Council on or before 30 June 2023 regarding regulations and requirements on retailers concerning the selling and advertising of e-cigarettes and vapes, and Councils advocacy options to State & Federal Government.
- The Report is to detail the current health crisis faced in the community from exposure and use of e-cigarettes and vapes and Council's role in promoting and protecting the health and wellbeing of the Community.
- E-cigarettes have become increasingly popular in recent years as a smoking alternative, with many people believing that they are a healthier and safer alternative to traditional tobacco products.
- There are concerns about the long-term health effects of using these products, as well as the potential for them to be a gateway to smoking for young people. As a result, there has been growing interest in regulating the sale and use of e-cigarettes in Australia.
- In Victoria, e-cigarettes (containing no nicotine) are subject to the same restrictions as traditional tobacco products but there are calls for a more consistent approach to regulating these products across Australia.
- Legislative requirements for the sale and use of e-cigarettes include restrictions on advertising and promotion, display of requisite health warning notices, age restrictions preventing sale to minors, and product safety standards. For example, it is illegal to sell these products to anyone under the age of 18.
- Additionally, advertising and promotion of e-cigarettes are subject to the same restrictions as traditional tobacco products, which includes limits on where advertisements can be placed and what they can contain.
- In Australia, it is illegal to sell e-cigarette liquids that contain nicotine unless they are approved by the Therapeutic Goods Administration (TGA) as a smoking cessation aid and administered through a pharmacy via medical subscription. The sale of e-cigarette products containing nicotine outside of this process is illegal in Victoria under the *Drugs, Poisons and Controlled Substances Act 1981*.
- Local Government currently undertakes a monitoring and enforcement role under the *Tobacco Act 1987*. Council's Public Health Protection unit is responsible for the enforcement of the requirements relating to the display of products, having appropriate signage and the sale of tobacco products to persons under 18 including the issuing of penalty infringement notices and possible prosecution, for premises selling tobacco to minors under the age of 18.
- To address these issues, various actions can be taken.
- Firstly, enforcement of age restrictions, sales limitations, and marketing regulations can help curb young people's access to vaping products. Furthermore, research and public health efforts should focus on understanding the risks and harms associated with young people vaping and developing prevention and cessation strategies tailored to this population. Education and awareness campaigns can help dispel misconceptions about vaping and its potential risks among children and adolescents. It is essential to involve community stakeholders, peak bodies and policymakers in implementing comprehensive measures to protect young people from the dangers of vaping.

PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS cont'd

- Whilst e-cigarette regulation and reform are still in its infancy in Australia and no clear position on e-cigarettes is publicly available, recently significant steps at a federal level have been taken to strengthen evidence-base, reform and regulation, and education and awareness on the sale, use, and marketing of e-cigarettes as a measure of reducing exposure to, and associated health risks of, vaping behaviours
- The Australian Government released the National Tobacco Strategy 2023-2030 on November 2, 2022. *Priority Area 9: Strengthening regulations on e-cigarettes and novel and emerging products* articulates the current Federal Government approach which sets out actions to further regulate, restrict and prohibit the marketing, selling and use of e-cigarettes. The Australian Federal Budget 2023 - 24 has allocated \$737 million to fund a number of measures for protection against the harmful impacts of tobacco and e-cigarettes, or 'vaping products', inclusive of a \$63.4 million awareness raising campaign.
- National e-cigarette reforms announced on 2 May 2023 by the Federal Government in support of minimising associated risks and damage, and exposures include commitments to; banning sale of single-use disposable e-cigarettes, introduction of minimum quality standards and reducing allowable nicotine content, prohibit advertising, marketing and sponsorship of e-cigarettes, and increased awareness and educational campaigns on the associated risks of vaping.

KEY ISSUES

- Access to and the use of e-cigarettes across community and specifically by young people is a significant public health and wellbeing issue.
- The following prevalence and risk factors are detailed below:
- Vaping devices have gained popularity among Australian young people, surpassing adult usage rates.
- Factors contributing to young people vaping include peer influence, curiosity, experimentation, perceived lack of harm, and previous tobacco use.
- Additionally, exposure to marketing campaigns and easy access to affordable vaping products further contribute to the prevalence of young people vaping.

The following health risks and harms are detailed below:

- Vaping poses several risks to the health of individuals, including children and adolescents.
- Pulmonary and cardiovascular risks associated with vaping can lead to lung injuries, pulmonary immune responses, and cardiovascular health issues.
- Unintentional injuries and ingestions, such as severe burns and accidental ingestion of e-liquids, are common among younger cohorts.
- Nicotine and THC found in vaping products can result in addiction, withdrawal symptoms, and an increased risk of future tobacco and cannabis use disorders.
- Furthermore, vaping has been associated with high-risk behaviours, depression, and suicidality, potentially exacerbating mental health issues among young individuals.

PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS cont'd

The following known regulatory discrepancies are detailed below:-

- The regulatory framework for e-cigarette marketing in Australia needs to be reviewed, considering the potential impact on smoking attitudes and behaviour among children and young people.
- The current regulatory discrepancy between tobacco and e-cigarette point-of-sale marketing should be addressed to protect children from exposure to e-cigarette marketing in retail settings.

SUPPORTING REPORT DETAILS

Legal Consideration

The following legislation relates to the current legal framework in which e cigarettes and vapes can be regulated and managed:

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

Under current legislation e-cigarettes/vapes have been categorised to be in the same class and designation as all tobacco or tobacco-based products under the *Tobacco Act 1987* and must follow the same regulations, inclusive of:

- registration of business selling tobacco/e-cigarette/vaping products and paraphernalia
- display of requisite health warning notices
- display of license and specialist tobacconist/e-cigarette premises certificate
- Retailer must not advertise, give away or display discount on aforementioned products nor
- Retailer must not display products in public view, either from within the retail premises or from outside the retail premises.

From this perspective, Council is regarded as the enforcement authority regarding compliance for the aforementioned areas sighted above.

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*.
- Whilst the issue of vaping is raising considerable issues around the health and wellbeing of the community and more specifically children and young people, 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.

PUBLIC HEALTH CONCERNS SURROUNDING THE RETAIL OF E-CIGARETTES AND VAPES AND COUNCIL'S ADVOCACY OPTIONS cont'd

Financial Implications

- There are currently no financial implications relating to the issues contained in this report.

Community Engagement

- Council will continue to take a community education and engagement approach around the public health issues raised by e-cigarettes and vaping and the updating of regulatory requirements as they arise.

Collaboration

- Council will work collaboratively with all tiers of government surrounding current and future legislative reform opportunities.
- Council will also work with local community groups and schools to understand the localised issues around vaping and use this information as part of an advocacy platform.

Key Considerations

- As there is currently significant work being undertaken at State and Federal levels of government around the regulation and monitoring of e-cigarette sales and usage, Council will take an advocacy role in supporting the increase in regulation of this area and also an educative role with community regarding the health and wellbeing implications.

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

5.1 **DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION**

Author: Danielle Clarke - Community & Social Planner, Community Wellbeing

Previous Items

Council on 27 June 2022 (Item 8.6 - Adoption of Banyule City Council Budget 2022-2026)

SUMMARY

1. The purpose of this paper is to seek Council endorsement for the Draft Urban Food Strategy Technical Report (**Attachment 1**) and action plan (**Attachment 2**) to proceed to public exhibition commencing on 3rd July 2023.
2. In the 2022/23 Budget, Council endorsed an initiative to develop an Urban Food Strategy and Framework. This budget was adopted by Council on 27 June 2022.
3. The Urban Food Strategy and Action Plan has been developed after extensive internal and external consultation through a co-design process.
4. Initial community consultation occurred between November 2022 and January 2023. This consultation invited community members, groups and organisations to comment on the current state of Banyule's urban food system, generate ideas and gather initial recommendations for consideration.
5. An Urban Food Strategy Working Group, consisting of 12 individuals and chaired by Councillor Alida McKern, was established to inform the development of the Urban Food Strategy.
6. Over 700 participants engaged in a range of consultation opportunities that included a survey, pop-up community sessions, kitchen table talks and workshops.
7. Public exhibition, pending endorsement, will commence on 3rd July 2023 for a period of four weeks, providing a further opportunity to give feedback and commentary to help finalise the Final Draft Urban Food Strategy and Action Plan for adoption. The Urban Food Strategy Working Group will also be re-convened for final feedback and suggested changes.
8. Adoption of the final draft Urban Food Strategy and Action Plan will be sought on 28 August 2023, with an official launch tentatively scheduled for October 2023.

RECOMMENDATION

That Council:

1. Endorse the Draft Urban Food Strategy Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**) for a public exhibition period of four weeks commencing 3rd July 2023 and concluded on 30th July 2023.

**DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION
cont'd**

2. Note that the Urban Food Strategy and Action Plan will be presented back to Council for adoption after the community consultation process has concluded for final adoption.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Explore and support opportunities for urban farming and community gardens".

BACKGROUND

- This is the inaugural Urban Food Strategy for Banyule City Council. The Strategy aims to celebrate, enhance, and create Banyule's local food systems that are reflective of Banyule's needs and provide accessible, healthy, sustainable, equitable and inclusive local food systems.
- Learnings through robust consultation and desktop research have guided the development of the draft Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**). The development of these documents has been supported by Council officers and the Urban Food Strategy Working Group, chaired by Cr. McKern.
- Consultation opportunities for community and stakeholders throughout the development of the draft Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**) has engaged over 700 people providing opportunities to share their experiences of, barriers to, challenges and opportunities for Banyule's local food systems.
- The Technical Report and Action Plan are guided through five themes with accompanying objectives to celebrate, create and enhance Banyule's local food systems. Themes identified highlight the priorities in which over the course of implementation of the technical report will address. Objectives provide a high-level discourse of actions over the lifespan of the technical report.
- **Theme 1: An inclusive, connected food community**
 - Objective 1: strengthen dignified access to food across the community
 - Objective 2: celebrate and connect the community through food
 - Objective 3: strengthen connections and participation across the community food sector
 - Objective 4: prioritise First Nations foodways and connections to Country
- **Theme 2: A thriving local food economy**
 - Objective 5: Support shorter supply chains that improve access to produce from Melbourne's food bowl and Victoria's agricultural hinterland
 - Objective 6: Support and diversify Banyule's local food economy
 - Objective 7: Encourage a vibrant, skilled and sustainable food sector
- **Theme 3: Planning for healthy and sustainable food systems**

**DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION
cont'd**

- Objective 8: Codesign neighbourhood food retailing environments with the local community
- Objective 9: Integrate food into planning processes to support residents' access to healthy and affordable foods locally
- Objective 10: Encourage healthy eating and healthy food environments
- Objective 11: Enhance the ecological health of the local food system
- **Theme 4: Abundant edible landscapes**
 - Objective 12: Expand access to edible food spaces
 - Objective 13: Empower the community to grow, cook, preserve and share food and food knowledge
 - Objective 14: Support local and regional food production
- **Theme 5: Good food system governance**
 - Objective 15: Demonstrate strong leadership support and engagement
 - Objective 16: Engage in collaborative governance and engagement with the community
 - Objective 17: Enable strategic integration and policy cohesion through a whole of Council approach
 - Objective 18: Ensure effective resourcing, investment and data collection
- **Attachment 2** (Action Plan) has identified delivery of actions across the lifespan of the technical report articulating expected delivery year (year 1 – 4) and quick win actions for implementation to begin after adoption of the technical report.

FURTHER CONSULTATION

- The draft Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**) have been finalised in preparation for public exhibition, following endorsement from Council, to provide community with an opportunity to give feedback and make further comment prior to adoption.
- Public exhibition of final draft documents will be available on Shaping Banyule for a period of four weeks commencing on Monday 3rd July 2023.
- The public exhibition period will include a small survey that:
 - Tests the overall Strategy; does this represent the challenges, opportunities and vision for healthy, sustainable, equitable, inclusive and just local food systems?
 - Tests the overall Action Plan; does this represent the challenges, opportunities and vision for healthy, sustainable, equitable, inclusive and just local food systems?
 - Is there anything you believe critical to be missing from the Strategy?
 - Is there anything you believe critical to be missing from the Action Plan?

**DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION
cont'd**

- To guide the prioritisation of implementation to reflect the needs and priorities of the Banyule community, public exhibition on Shaping Banyule will ask for the prioritisation of Themes and Objectives within the Action Plan (**Attachment 2**).
- Summary and easy to read materials will also be developed to support a broad community engagement.
- The Urban Food Strategy Working Group will also be re-convened for final feedback and suggested changes.

NEXT STEPS

- Following seeking endorsement for public exhibition of the draft Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**) at the Council meeting on 26 June 2023, the draft Urban Food Strategy and Action Plan will be made publicly available for feedback on comment on Shaping Banyule for a period of four weeks commencing 3 July 2023.
- Iterative updates and amendments following feedback throughout the public exhibition phase will be made to the draft Technical Report (**Attachment 1**) and Action Plan (**Attachment 2**).
- The Urban Food Strategy Working Group, chaired by Cr. Alida McKern, will be reconvened to finalise feedback and amendments in preparation of the Final Draft Urban Food Strategy and Action Plan being presented to Council for adoption.
- Final Draft Urban Food Strategy and Action Plan will seek Council formal adoption on 28 August 2023.
- Following formal adoption an official launch will be organised for October 2023. The launch will be held at Ivanhoe Library and Cultural Hub with promotion to occur following adoption.

KEY ISSUES

- Banyule is a diverse community, with varying levels of secure and affordable access to fresh, healthy food.
- The pandemic highlighted existing social inequalities, increasing reliance on emergency food relief, particularly amongst vulnerable population cohorts.
- In 2022, cost of living pressures deepened vulnerability to food insecurity, including working families struggling to make ends meet.
- Within the Banyule community, there is a strong desire to work together in creating an urban food system that supports local growers, addresses the challenges of climate change and creates a more equitable, connected community.
- Good food systems planning, and governance requires a whole-of-system, whole-of-organisation and whole-of-community approach.
- Banyule's first Urban Food Strategy is an opportunity to respond to community expectations and to provide strategic guidance for implementing targeted

**DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION
cont'd**

initiatives and programs that can create a healthy, sustainable, equitable and resilient food system for all.

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*.
- United Nations Human Rights defines the right to food as “the right to have regular, permanent and unrestricted access – either directly or by means of financial purchase – to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective. Fulfilling and dignified life free of fear.”
- The Australian Federal Government also upholds the rights and protections for Australians to the availability and sustainability of an adequate supply of nutritious food (Attorney General’s Office).

Sustainable Procurement Outcomes

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

Financial Implications

- Due to finalisation and adoption of Urban Food Strategy falling outside of the budget bid timeline, additional funding may be required to implement all identified quick win and year 1 actions. This will be assessed during the consultation period.

Community Engagement

- Robust and extensive community and stakeholder engagement has been carried out through the entirety of the development of the draft Technical Report (**Attachment 1**) and draft Action Plan (**Attachment 2**).
- To date, consultation has engaged over 700 people sharing their experiences, barriers, and challenges in, and opportunities for, Banyule’s local food systems.
- Community engagement has included 2 community workshops, 3 community pop-ups, targeted consultation with identified priority population groups, Council officers focus group conversations, focus groups and 1:1 conversation with identified key stakeholders in Banyule’s local food systems.
- A community survey was made available on Shaping Banyule for a period of six weeks beginning November 2022.

**DRAFT URBAN FOOD STRATEGY: ENDORSEMENT FOR PUBLIC EXHIBITION
cont'd**

- The proposed public exhibition period of four weeks will commence on 3 July 2023 and conclude on 30th July 2023.
- Public exhibition will include the exhibition of the draft Urban Food Strategy and Action Plan with associated survey to provide community with an opportunity to provide feedback and comment in preparation for final draft Urban Food Strategy and Action Plan.
- All participants involved in the initial consultation process will be notified via email that the draft is open for public comment and seeking any final input.
- A meeting with the Urban Food Strategy Working Group will be held during the final week of community consultation to provide any final input to the strategy and action plan.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|---------------------------------------|-------------|
| 1 | Urban Food Strategy Technical Report | |
| 2 | Draft Urban Food Strategy Action Plan | |

6.1 **INTERIM SOCIAL AND AFFORDABLE HOUSING POLICY**

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

SUMMARY

1. Banyule Council is currently reviewing and updating its Housing and Neighbourhood Character Strategies.
2. As this project progresses, the research, technical analysis and initial community feedback has highlighted the urgent and increasing challenge of housing affordability in Banyule.
3. A draft Interim Social and Affordable Housing Policy (the Interim Policy) has been prepared (**Attachment 1**) in direct response to this and acknowledges Council's role in enabling, advocating for, and improving the supply, quality and access to social and affordable housing.
4. While the Interim Policy is mostly guiding internal Council process and priorities, making it a publicly adopted document will ensure transparency and clarity on Council's general position regarding social and affordable housing.
5. The Interim Policy will be finalised over the course of 2023/2024 and ultimately help direct Council's affordable housing activities, including partnering with State Government agencies, affordable housing providers and developers.

RECOMMENDATION

That Council:

1. Adopt the Interim Social and Affordable Housing Policy 2023.
2. Note that the Interim Social and Affordable Housing Policy 2023 is to be in place while a Banyule specific and final position on social and affordable housing is developed as Council continues to review and update its Housing and Neighbourhood Character Strategies.
3. Note that this Interim Policy has been developed with the intent to guide Council's affordable housing activities and give clarity on Council's general position regarding social and affordable housing.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Plan for greater diversity of housing and commercial activity in the most accessible locations to balance sustainable growth and enable ageing in place".

INTERIM SOCIAL AND AFFORDABLE HOUSING POLICY cont'd

BACKGROUND

- Council has an important role in enabling, advocating for, and improving the supply, quality and access to social and affordable housing.
- The 2021 census data, reveals there are no dwellings affordable to purchase by very low-income earners, nor for a single adult on a low income. Options for couples without children and families on low incomes are also extremely limited, as are options for single adults and couples without children on a moderate income. Affordable rental options for very low-income households of any type are practically non-existent with some availability for couples without children on low incomes and single adults on moderate incomes.
- The Banyule Social and Affordable Housing Policy (the Interim Policy) has been prepared in response to the current affordable housing challenges and opportunities in Banyule as informed by current housing analysis and the community survey response on housing priorities.

KEY ISSUES

- The Interim Policy will be in place with Council's foundational position, while a more comprehensive, Banyule specific, final position on social and affordable housing is developed.
- The Interim Policy is required now to assist in discussions with State Government about the Big Housing Build Project, and to respond to data and community feedback that housing affordability is an urgent issue.
- The Interim Policy has been prepared collaboratively by Council Officers who have involvement in internal and external housing discussions and decisions and has undergone a Gender Impact Assessment.
- It is intended primarily to guide internal process and priorities, however making it a publicly adopted document will ensure transparency and clarity on Council's general position regarding social and affordable housing.

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.

INTERIM SOCIAL AND AFFORDABLE HOUSING POLICY cont'd

Financial Implications

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

Key Considerations

- The issues of social and affordable housing require involvement of all tiers of government. The Interim Policy focuses on three key roles within the local government realm of influence:
 - Advocacy – advocate for State or Federal Government interventions to increase the supply or suitability of social and affordable housing in Banyule.
 - Partnerships – develop strong relationships with other levels of government, community housing associations, developers, and other stakeholders in the industry.
 - Interventions and support – Investigate ways that planning and Council's systems can better support social and affordable housing providers or temporary housing providers to deliver housing in Banyule.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Draft Interim Social and Affordable Housing Policy | |

6.2 HOUSING DISCUSSION PAPER

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

Previous Items

Council on 11 April 2022 (Item 5.3 - Housing and Neighbourhood Character Review)

SUMMARY

1. Council's adopted Community Vision 2041 includes clear objectives to focus on housing diversity and affordability and how to meet the community's future housing needs.
2. Council is addressing this through a coordinated review and update of the Banyule Housing and Neighbourhood Character Strategies.
3. The project commenced in mid-2022 and included a Preliminary Discussion Paper to facilitate an initial, high-level dialogue with the community on their housing priorities, neighbourhood character values and aspirations.
4. These insights, along with specialist research, analysis and modelling have informed the next key input into the project, a Housing Discussion Paper (the Paper).
5. The Paper (**Attachment 1**) explains Banyule's current and emerging housing needs and to prompt a conversation with the community on what these might mean for Banyule's housing future.
6. The Paper is based around three strategic pillars:
 - o Driving housing for all
 - o Elevating good design
 - o Valuing preferred neighbourhood character
7. The Paper will serve as the focal point for the next stage of community engagement. This will run from 17 July to 31 August 2023 and provide an extensive program of activities and opportunities to participate.
8. The outcomes of this engagement will directly inform the next stage of the project, the drafting of new housing and neighbourhood character strategies.

RECOMMENDATION

That Council:

1. Endorse the Housing Discussion Paper for community engagement as attached to this report (**Attachment 1**).
2. Note that Council will receive a further report with a summary of engagement outcomes and directions which will in turn inform the draft Housing and Neighbourhood Character Strategies.
3. Note that the summary will be made available for the Community on Shaping Banyule, along with updates on the next stage of the project.

HOUSING DISCUSSION PAPER cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Plan for greater diversity of housing and commercial activity in the most accessible locations to balance sustainable growth and enable ageing in place".

BACKGROUND

- Council has a responsibility for its policies and planning controls to be kept up-to-date, and to demonstrate how the municipality will accommodate growth, housing choice and affordability in the right locations while balancing liveability and neighbourhood character considerations.
- Both the Housing and Neighbourhood Character strategies are multi-year projects that will include an updated Residential Framework and planning controls (e.g. overlays, application requirements and design guidelines).
- The Housing Discussion Paper (the Paper) has been informed by:
 - community feedback to the 2022 Preliminary Discussion Paper survey.
 - feedback from Banyule's Advisory Committees.
 - analysis of the 2021 Census data.
 - the Housing Capacity Report which projects the supply and demand for housing by household type over the next 15-20 years and, State Government guidance and policy for planning for housing and neighbourhood character.

KEY ISSUES

- The intention of the Paper is to present key data and prompt discussion with the community in a way that is easy to understand.
- The Paper has found that Council has been largely successful in protecting neighbourhood character, environmental values, and directing housing density close to major activity centres.
- However, there are also many opportunities for improvement including:
 - Creating better designed houses for a wider range of people.
 - Designing housing that provides a positive relationship to the surrounding neighbourhood.
 - Responding to social and affordable housing issues.
- These findings have informed three strategic pillars which set the foundational basis for Banyule's housing journey:
 - *Driving housing for all* - focused on location and scale, diversity, affordability and innovation
 - *Elevating good design* – ensuring that housing quality architecture, enhanced liveability, sustainability and accessible design outcomes.
 - *Valuing preferred neighbourhood* character – protecting what is valued and creating pride and sense of identity in our local neighbourhoods.

HOUSING DISCUSSION PAPER cont'd

- The Paper includes objectives and opportunities that are framed around these pillars and guide how Banyule can best meet its current and future housing requirements.
- Whilst neighbourhood character, and its nexus with housing and design, is a central theme of the Discussion Paper, an in-depth analysis of Banyule's Neighbourhood Character Strategy is also underway as a separate piece of work. This analysis will become a supporting background document for the draft Neighbourhood Character Strategy.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council has a responsibility for its policies and planning controls to be kept up-to-date, and to demonstrate how a municipality will accommodate growth, housing choice and affordability in the right locations while balancing liveability and neighbourhood character considerations.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- In 2022, a *Housing and Neighbourhood Character Preliminary Discussion Paper* was presented to the community to prompt the beginning of this conversation with the community.
- The Preliminary Discussion Paper received a total of 365 survey responses and five email submissions.
- Key themes which came through the survey responses for housing were concerns about affordability, lack of housing choice, concern about poor quality designs and builds, concern about high density housing and, that private gardens are valued.
- This next stage of community consultation will begin 17 July and finish 31 August 2023, totalling a six-week consultation period.
- The Paper will be promoted through the Banyule Banner, Shaping Banyule and on Council's social media and the community will be invited to participate in a range of activities including workshops, walking tours, pop-up information stalls and an online survey.
- The engagement program has been designed to reach a wide range of the community including people from a diversity of suburbs, housing tenures, backgrounds and ages.

HOUSING DISCUSSION PAPER cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--------------------------|-------------|
| 1 | Housing Discussion Paper | |

7.1 COMMUNITY INFRASTRUCTURE PLAN

Author: Niki Efstratiou - Community Infrastructure Planner, Community Wellbeing

Previous Items

Council on 5 December 2022 (Item 6.1 - Community Infrastructure Plan)

Council on 18 July 2022 (Item 6.1 - Social Infrastructure Framework 2022-2032)

SUMMARY

1. The purpose of this report is to present the outcomes of the consultation and engagement undertaken in developing the Community Infrastructure Plan (CIP) and present a final plan for adoption. **(Attachment 1)**
2. Council adopted the Social Infrastructure Framework 2022-2032 in July 2022 which has informed the development of the CIP 2023 – 2032.
3. Population and benchmarking analysis, opportunities assessment and identified community needs have driven the planning and investment priorities in the Plan.
4. Council resolved to release a Draft Community Infrastructure Plan for broad community consultation at its meeting on 5 December 2022.
5. The consultation period concluded on 12 February 2023 with a range of consultation opportunities delivered over the 12-week period. A placed based approach was used to engage residents from across Banyule and total of 303 participated in the engagement activities.
6. The Consultation and Engagement Findings Report **(Attachment 2)** presents summary data and key feedback from the consultation to help inform the plan.
7. This consultation and engagement included: formal pop-up sessions, in person meetings and telephone conversations with residents and community groups, email and letter submissions, Councillor workshop, targeted Youth online survey and Shaping Banyule surveys.
8. The consultation tested the draft actions by asking the extent to which people agreed or disagreed as well as providing the opportunity for general feedback. The community could also comment on City wide draft actions and/or provide feedback on any of the seven precincts in Banyule. Overall, there was positive supportive of the actions Council proposed in the Draft Community Infrastructure Plan.
9. Key themes that emerged from feedback from the Community Consultation include:
 - Importance of creating well located and inclusive buildings that provide opportunities for improved health and wellbeing, learning and social connection.
 - Importance of multi-purpose meeting spaces with appropriate amenities in different types of community buildings that can be accessed by community service organisations, groups and residents.
 - Need for Hire fees and charges of Council owned buildings to be affordable to community service organisations, groups and residents to enable the delivery of a diverse range of services, activities and events.

COMMUNITY INFRASTRUCTURE PLAN cont'd

10. As result of the feedback, analysis, benchmarking data and opportunities assessment the CIP presents key actions that focus on the following:
- Strengthening our Community Neighbourhood House networks
 - Improving our existing community infrastructure where existing is not meeting benchmark standards or there is a current or future lack of community infrastructure to meet community needs
 - Making better use of existing facilities to support service delivery with innovative models.
 - Creating additional spaces to support creative industries and community groups with arts and cultural opportunities
 - Strengthening the value and offer of community hubs and precincts through co-location of like services and activation of spaces and places
 - Planning for our future kindergarten infrastructure with the recently announced Victorian Government Early Childhood Reform

RECOMMENDATION

That Council:

1. Having considered the community feedback Council adopts the Community Infrastructure Plan 2023-2033 (CIP) (**Attachment 1**).
2. Note the CIP Community Consultation Report (**Attachment 2**) that includes a summary of community feedback, comments and suggestions received during the community consultation period.
3. Note the Implementation Plan Year 1 and Year 2 that outlines priority projects and funding (**Attachment 3**)

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 Social Infrastructure Framework has informed the development of the Community Infrastructure Plan to provide an approach that seeks to create multiple, lasting benefits for our community through delivering social infrastructure that unlocks potential, supports multiple uses, facilitates social and economic growth and prioritises environmental considerations.
- This approach also reflects key strategies identified in the Banyule Community Vision 2041 including:
 - Spending more on fixing existing infrastructure rather than building anything new.

COMMUNITY INFRASTRUCTURE PLAN cont'd

- Less reliance on borrowing funds to build new infrastructure.
- Finding efficiencies to reduce costs and fully utilise existing assets.
- Banyule owns 132 community buildings that are in the scope of the Community Infrastructure Plan. Many buildings have co-located services. Council also have approximately 90 non-Council owned community buildings that include but are not limited to scouts, church halls and schools.
- The Community Infrastructure Plan uses evidenced based data that includes analysis of:
 - Current and projected population growth
 - Population and profile data has been used to understand the demand and need for buildings and spaces and to calculate infrastructure benchmarks. Data has been collected from profile.id in March 2023. Population projections are useful but are subject to change. Mapping of Accessibility of infrastructure is in relation to proximity to transport and shopping areas.
 - Infrastructure Benchmarking
 - Benchmarks provide a starting point for assessing the likely need for facilities. Benchmarks were established for Banyule to identify ratios according to population data to different facilities.
 - Location, Condition and Accessibility of buildings
 - Community Infrastructure has been mapped to identify walking distance to transport and shopping areas to improve liveability.
 - Includes accessibility and condition of buildings.
 - Current and emerging community needs
 - Both qualitative and quantitative data has been used to understand the demand and need for community buildings to meet the diverse needs of the community. Council will continue to engage with residents, community service organisations and government to inform community infrastructure decisions.

KEY ISSUES

- The Plan uses a placed based approach to community infrastructure planning to understand and respond specifically to community needs locally. Banyule has seven precincts which were developed to group Banyule's suburbs into areas consistent with Statistical Areas defined by the Australian Bureau of Statistics. These groupings enable Council to gather consistent and reliable data sets to inform decision making.
- There are also a number of actions and initiatives that apply across the City and will support Council to access the qualities of our existing community buildings and understand how they measure up against the social infrastructure framework benchmarks of - fit for people, for purpose and fit for place.
- Conducting building condition reports to inform renewal requirements and reviewing community facility access audits to prioritise works are good examples

COMMUNITY INFRASTRUCTURE PLAN cont'd

of Year I actions in the Plan. These proposed actions will set some foundations for future community infrastructure projects.

- The Plan also identifies great potential for exploration of partnership, co-location and renovation opportunities in areas where there are clusters or networks of buildings to unlock the potential of buildings to support multiple uses.
- It is important to acknowledge that this plan has been developed at a point in time with the information we have and that we will continue to collect data and information on the evolving needs of our community to inform and prioritise community gaps and future opportunities. The plan will require cyclic refreshes to reflect changing conditions and factors.

Key findings, actions and priorities from the Plan are highlighted below:

- Confirmed gaps around provision of community infrastructure where existing is not meeting benchmark standards or there is a current or future lack of community infrastructure to meet community needs. Includes:
 - Exploring opportunities for improved Jets Facility to meet the needs of young people.
 - Conducting building condition reports and reviewing community facility access audits to prioritise future works
- Strengthening our Community Neighbourhood House networks. Includes:
 - Future needs and opportunities for services identified for Montmorency and Heidelberg.
 - Advocating to State Government for Neighbourhood House Co-ordination funding to support any new services.
- Creating additional spaces to support creative industries and community groups with arts and cultural opportunities. Includes:
 - Feasibility of artists' studio space in Heidelberg.
 - Advocacy and partnerships around potential reactivation and use of Banyule Theatre.
- Opportunity for better utilisation of existing facilities to support service delivery with innovative models. Includes:
 - Identifying capacity of sports pavilions facilities during weekdays to support community activities and groups.
 - Identifying the need and feasibility of developing satellite library services in multipurpose buildings in areas of need.
- Strengthening the value and offer of community hubs and precincts through co-location of like services and activation of spaces and places. Includes:
 - Investigating opportunities with Olympic Adult Education (Community Neighbourhood House) to provide programming and activation of the Bellfield Hub.
 - Exploring co-location and site opportunities and service partnerships at NJ Telfer Reserve and Greenhills Precinct.
 - Feasibility and site analysis for an integrated community services hub near the mall in West Heidelberg.

COMMUNITY INFRASTRUCTURE PLAN cont'd

- Planning for our future kindergarten infrastructure with the recently announced Victorian Government Early Childhood Reform. Includes:
 - Review of our KISP and identifying projects to advocate for funding so that we can pro-actively plan for the changes and explore new service delivery opportunities.

SUPPORTING REPORT DETAILS

- The *Disability Action 2006 (Vic)* requires Council to promote inclusion and participation in the community, with specific requirements to make community infrastructure accessible to people with different abilities.
- The *Multicultural Act 2011 (Vic)* requires Council to facilitate opportunities for all residents to equally participate in and contribute to social, cultural, economic and political life, this includes an implied obligation to ensure community infrastructure is culturally inclusive.
- The *Local Government Act 2020 (Vic)* requires Council to achieve best outcomes for the community and future generations, and this has implied implications for the development of a Community Infrastructure Plan.
- The *Gender Equality Act 2020* requires Council to develop Gender Impact Assessments for all new policies, programs and services, and those up for review, which directly impact on the local community.

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*.
- This framework promotes a balanced approach to community infrastructure investment, aimed at promoting and extending the rights of all people, promoting access to affordable and useable services and uplifting opportunities to participate in culturally safe and inclusive facilities and services. These measures create greater levels of equity across Banyule.

Sustainable Procurement Outcomes

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

Financial Implications

- The plan's implementation for the first two years will be financed from existing operational and capital works budget. This includes a \$200,000 allocation for CIP implementation in the proposed 2023/2024 and 2024/2025 budget.
- Officers have prepared a Community Infrastructure Implementation Plan for Years 1 and 2, to help identify city wide and precinct priorities and budget.

Attachment 3

- The Building Conditions reports identified as a year 1 action will provide valuable data and a base from which to address and plan for the medium-term priorities in the plan.

COMMUNITY INFRASTRUCTURE PLAN cont'd

- Long term projects and priorities will need to be assessed for feasibility and submitted for budget consideration as part of annual budget process when required.
- There are several actions in the plan that do not require additional capital expenditure and instead will be delivered as part of the service and operations of teams in partnership with community and stakeholders.

Innovation and Continuous Improvement

- To deliver on the Plan, Council needs to change business-as-usual approaches to community infrastructure delivery and make the best use of opportunities. This means Council will consider ways to:
 - Make better use of existing infrastructure to deliver broader services and community benefits.
 - Use new infrastructure investment as an opportunity to deliver more integrated outcomes for liveable, sustainable communities.
 - Leverage community buildings to support achievement of Council's environmental targets and of Council's social enterprise development and job creation targets as identified in Council's Strategic Action Plans.
 - Use technology and innovation to deliver better community infrastructure.
 - Strengthen and integrate data sets to create intelligence.
 - Adopt a placed based approach to community infrastructure across the municipality to drive better urban design, planning and development decisions.
 - Enhance cross-agency collaboration to the delivery of community infrastructure through strategies such as joint funding, co-location, shared use or coordinated delivery.

Community Engagement

- The Community Infrastructure Plan was informed by a community engagement and consultation process that was undertaken between 6 December 2022 and 12 February 2023.
- A total of 332 people participated in the consultation as outlined below.
 - 216 Shaping Banyule online surveys. Some of these surveys were collated from 12 pop ups organised in different locations around the municipality.
 - 16 targeted youth surveys with clients of Banyule Youth Services.
 - 6 Emails and letters were received.
 - 65 face to face meetings with community service organisations and volunteer groups.
- Shaping Banyule online survey consisted of eight surveys that included a general city-wide survey and seven precinct surveys. Participants were asked to rate their level of agreeance with the draft actions in the survey and to provide any feedback on local issues or opportunities.

COMMUNITY INFRASTRUCTURE PLAN cont'd

- The Youth Survey was distributed to Banyule Youth Services clients. Most young people are supportive of relocation of the Jets Studio however further consultation is required to understand this further and identify the opportunities. Most young people felt that the delivery of free programs and activities at key locations would make community buildings more friendly and inclusive.
- Face to face meetings were organised with community service organisations and volunteer groups. Groups included: U3A, Himilo, Olympic Adult Education, Greenhills Community Neighbourhood House, Rosanna Fire Station Community House, Monty Hub, Friends of Eaglemont Village, Watsonia Neighbourhood House, Diamond Valley Learning Centre, Italian, Greek and Chinese Seniors Groups, Disability & Multicultural Advisory Committees. Council had an online meeting with La Trobe University.
- Key feedback and themes from Community Consultation is highlighted below with further details in attached Consultation and Engagement Findings Report (**Attachment 2**).
- Key feedback grouped into consultation themes include:

Accessibility

- Need to create spaces that are designed to be inclusive of people who use wheelchairs, mobility scooters, walking aides and those with vision and hearing impairments.
- Importance of 'walking access' to community infrastructure.
- Support for accessible information on the availability of community spaces for use and hire.

Affordability

- Need for fees and charges for use of buildings being affordable and consider the needs of a diverse range of people, particularly social isolated cohorts as well as community service organisations and volunteer groups who deliver essential supports and services to organisations.

Multi-purpose meeting spaces and buildings

- Need for multi-purpose meeting spaces with fit for purpose amenities such as heating and cooling, storage, fold up chairs and tables, kitchen facilities, accessible toilets and outdoor spaces to accommodate different groups and uses.
- Support for existing underutilised community buildings being activated with services, programs, activities and events.
- Support for the potential of partnership opportunities that can maximise use of existing buildings and deliver improved service infrastructure outcomes.
- Understanding of the opportunities and value in co-location or networking of complementary services that can address gaps, deliver on community need and improve infrastructure outcomes.

Officer Declaration of Conflict of Interest

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

COMMUNITY INFRASTRUCTURE PLAN cont'd

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

ATTACHMENTS

| No. | Title | Page |
|------------|---|-------------|
| 1 | Community Infrastructure Plan 2023-2033 | |
| 2 | CIP Consultation and Engagement Finding Report March 2023 | |
| 3 | CIP Implementation Plan Years 1 and 2 | |

7.2 ADOPTION OF BANYULE AQUATIC STRATEGY

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

Previous Items

Council on 04 Oct 2021 7.00pm (Item 3.3 - Reimagining Olympic Leisure Centre)

Council on 6 February 2023 (Item 7.1 - Olympic Leisure Centre - Community Vision Report)

SUMMARY

1. Council's vision for its aquatic facilities is to create a network of complementary, accessible, and contemporary aquatic facilities that offer a diverse range of programs and services to maximise participation and impact positively on Banyule's health and wellbeing outcomes.
2. The purpose of the Banyule Aquatic Strategy (the Strategy) is to guide decision-making around Council's four aquatic facilities – Ivanhoe Aquatic Centre, Watermarc, Watsonia Pool and Olympic Leisure Centre and to ensure that amenities, programs and services reflect the current and emerging needs of the Banyule community. The Final Strategy is found at, **Attachment 1**.
3. The Strategy takes into consideration current performance and utilisation of the facilities, the Banyule communities' health and wellbeing needs, forecasted population growth, evolving demographic shifts, planned asset renewals and Council's challenging financial landscape.
4. These facilities require significant investment, resources and maintenance programs to ensure that they meet customer expectations, community needs and can adapt to changing consumer demands.
5. The Strategy recommends the adoption of an aquatic facility hierarchy that aligns with a service level to help guide future direction and development.
6. During 2021/22 nearly 1 million visits were made across the four facilities.
7. Covid-19 and the resulting mandates significantly impacted the operation of Council's four aquatic and leisure facilities. Since the facilities reopened and programs and services recommenced in late 2021, demand for aquatic programs and services, including learn-to-swim enrolments, school and carnival bookings and lap swimming have been strong.

RECOMMENDATION

That Council:

1. Adopts the Banyule Aquatic Strategy 2023 – 2026 at **Attachment 1** to this report.
2. Receives a further report in June 2024 to report on annual progress of the Banyule Aquatic Strategy 2023-2026.

ADOPTION OF BANYULE AQUATIC STRATEGY cont'd

COUNCIL PLAN

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

BACKGROUND

- The Banyule Aquatic Strategy in 2021 proposed an aquatic hierarchy for Banyule that did not include Olympic Leisure Centre (OLC).
- This was being considered for many reasons including the centre operating well below industry standards, driven by:
 - low usage of the pools and low membership numbers
 - poor quality and outdated facilities in need of upgrade
 - increasing operational costs
 - competition from other nearby centres and
 - a community preference for other spaces like a library, meeting rooms, co-working spaces, and youth spaces.
- OLC experienced an 18-month closure from July 21 to November 2022 for extensive emergency rectification works where approximately \$1.5 million was expended on upgrading the pool concourse and stadium. These works have resulted in considerable uplift and improvements to the aquatics area, gym, and basketball courts.
- At the Council meeting in October 2021 Council resolved to begin a co-design engagement process to re-imagine OLC with the community and key stakeholders and explore other services, and programs that could be incorporated into an OLC of the future.
- Council also adopted a set of project principles that underpinned the re-imagining project that included being sustainable and connected, flexible, transformational, predictive, proactive, and collaborative for everyone.
- In support of the co-design process Council did not limit the re-imagining process by the inclusion of any non-negotiables. The report also noted that the Aquatics Strategy would be finalised following the outcomes of the co-design consultation process.
- At the 6 February 2023 meeting, representatives of the co-design team shared a new Community Vision for OLC that responds to local needs and strongly emphasised the retention and possible expansion of aquatics at OLC.
- At the same meeting Council endorsed the inclusion of the OLC as a local level facility within the Draft Banyule Aquatic Strategy, to retain a level of aquatics.
- With this now resolved the final draft Aquatic Strategy has been updated to include OLC in the hierarchy as well as other updates to reflect post Covid-19 and industry recovery, including attendance, population, changing consumer demands and key industry trends.

ADOPTION OF BANYULE AQUATIC STRATEGY cont'd

KEY ISSUES

- The Strategy helps define our aquatic facilities with different roles and service levels to support our population and it focuses on the importance of having a network of complementary facilities. This gives the flexibility to develop and provide programs and services that reflect the current and emerging needs of the Banyule community as well as target specific populations and groups.
- The hierarchy that the Strategy recommends is as follows:

| Service Hierarchy | Banyule Facility | Service Level Objective |
|-------------------|---|---|
| Local Facilities | Olympic Leisure Centre Watsonia Pool | <ul style="list-style-type: none"> • Ability to provide limited program water combined with leisure water. • Limited dry/gym facilities. |
| Major/Municipal | Ivanhoe Aquatic | <ul style="list-style-type: none"> • More extensive program and leisure water. Indoor 25m pool and complementary warm water pool. • Increased gym and program space. Additional complementary amenities, food, and beverage. |
| Regional | WaterMarc | <ul style="list-style-type: none"> • Extensive and varied program leisure water and attractions. • Inclusion of an indoor 50m pool and separate warm water pools. • Wellness/health club and extensive program room inclusions. • Complementary services and amenities, crèche, food, and beverage. |

- In terms of major investment focus the Strategy recommends continuing with Council's commitment towards implementation of Stage 2 of Ivanhoe Aquatic's Master Plan through a funding and advocacy strategy to deliver the upgrade and expansion of the centre's aquatic areas in the future.
- With the inclusion of OLC in the hierarchy, the Strategy recommends the focus for this facility will be on monitoring usage and working in collaboration with the local community and West Heidelberg Key Partners to increase participation as well as analysing viability, opportunities, funding strategies and partnerships required to support achieving the community aspirations reflected in the OLC Vision. A further report will be presented to Council by late 2024 on these investigations and vision analysis and outline the proposed next steps (Council resolution February 2023).
- The importance of supporting opportunities for increased participation and how this can lead to improved health and wellbeing outcomes for our community is also a focus. Fees and charges policies that support equity of access and development and implementation of universal key performance metrics, to

ADOPTION OF BANYULE AQUATIC STRATEGY cont'd

achieve health and wellbeing not just financial performance are recommendations that support these outcomes.

- Importantly the Strategy also identifies the positive impact that planning for environmental sustainability initiatives in our aquatic's facilities can play in helping Council to achieve its carbon emission targets.
- Asset management planning is critical to support the renewal and upgrading of aging aquatic infrastructure to continue to meet the evolving needs and demands of the community, with the recommendation for a 10-year asset management plan that considers the importance of universal design. A copy of the recommendations can be found in **Attachment 1**.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter upholds the Victorian Charter of Human Rights and Responsibilities as it specifically seeks to address social justice issues of access, equity, participation and rights and addresses inequities experienced by identified communities within the municipality.

Sustainable Procurement Outcomes

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

Financial Implications

- The Aquatic Strategy contains recommendations that are largely contained within the existing operating or draft capital budgets in relation to Council's Aquatic and Leisure Centres.
- The Ivanhoe Aquatic Stage Two masterplan concept and schematic design have recently been completed and a funding and advocacy strategy to support the estimated \$33,000,000 construction is the next step required to progress this masterplan implementation. This also includes plans for full electrification.
- With the recent rectification works at OLC there are no immediate upgrades or redevelopments planned until some further investigation and analysis of the Community Vision is undertaken and a report submitted to Council by late 2024. An interim report in November this year will provide an update report on visitation, programming and engagement at OLC since it reopened. This will also be an opportunity to present details of any other initiatives investigated to date that may

ADOPTION OF BANYULE AQUATIC STRATEGY cont'd

support the community vision. Any considerations, and feasibility of re-instating the small program pool can be presented at this meeting.

- The asset management plans will build on the condition audits to identify a long-term list of renewals and upgrades across the four facilities that can be programmed into the annual capital budget process.

Community Engagement

- The Banyule Aquatic Strategy has been informed by a range of identified stakeholders, including customers, Council officers, community and external management contractors. Key areas of feedback include:

Programming and Participation

- Need to proactively reduce known barriers to participation, with a focus on cultural diversity and inclusive services to support vulnerable residents.
- Importance of facilities, programs, and services reflecting the needs of their specific catchment areas.
- Focus on increasing participation from priority cohorts, including youth, older adults, as well as those living with chronic health conditions and a disability.
- Support equitable access to indoor water spaces through diversity of programming and subsidy initiatives that can assist those in the community experiencing financial hardship to access facilities, programs, and services.
- Need for equity of access approach regarding fees and charges to reduce cost as a barrier to participation.
- Opportunity to activate indoor and outdoor community spaces through the delivery of targeted and appropriate programs and services.

Assets and Performance

- Consideration of a lesser focus on financial performance measures and greater emphasis on health and wellbeing outcomes for these facilities to deliver.
- Need for implementation of long-term asset management planning to support ageing aquatic infrastructure.
- Opportunities to explore re-purposing of facilities to meet the changing needs of the community.
- Concerns with ageing facilities that are no longer fit-for-purpose, reaching the end of their serviceable lifespan and struggling to meet community demand and expectations.

Key Considerations

- This Strategy outlines the strategic health and wellbeing outcomes that Council will work towards over the next three years. Monitoring, reporting and evaluation

ADOPTION OF BANYULE AQUATIC STRATEGY cont'd

are required to understand effectiveness, identify areas for improvement and learning enhancing the evidence-base for current and future work in this space.

Gender Impact Assessment

- The *Gender Equality Act 2020* requires Council consider the impacts of gender when developing policies, plans, programs, or services that directly impact the Banyule community.
- In developing this Strategy, the impacts of gender and diversity are captured broadly in the population and catchment area data and analytics that inform the Recommendations.
- Given the number, size and scope of the aquatic and leisure facilities, programs and services covered by this Strategy, specific Gender Impact Assessments will be developed for each Recommendation.
- By approaching the Gender Impact Assessment in this way Council will be able to identify and define the specific needs of residents across the municipality, ensuring the amenities, programs and services delivery reflect the current and evolving needs the community.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|--|-------------|
| 1 | Final Banyule Aquatic Strategy - June 2023 | |

8.1 UPDATE ON PARKLETS PROGRAM AND ADOPTION OF PARKLET POLICY

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

Previous Items

Council on 27 June 2022 (Item 7.1 - Temporary Outdoor Dining Parklets and Pop-Up Program)

SUMMARY

1. This report is to update Council on the status of the temporary and future parklets.
2. The parklets were delivered as part of the State Governments emergency support packages to assist businesses during and after the COVID19 restrictions.
3. Council received a report on 27 June 2022 with recommendations to support the existing parklets program.
4. Several actions have been undertaken by Council Officers in response to Council's resolutions. These relate primarily to the long-term future of the parklets.

RECOMMENDATION

That Council:

1. Receive and update on the Parklets Program
2. Adopt the Parklet Policy at **Attachment 1** to this report.
3. Note that a further report will be received in response to the Department of Transport & Planning's parklet permit provisions with options to remove or retain existing temporary parklets.

COUNCIL PLAN

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

BACKGROUND

- The parklets were delivered as part of the State Governments emergency support packages to assist businesses during and after the COVID19 restrictions.
- At its meeting on 27 June 2022 Council made several resolutions specific to the future of the parklets, including:

UPDATE ON PARKLETS PROGRAM AND ADOPTION OF PARKLET POLICY cont'd

- supporting the continuation of the Parklet Program
- retaining the six parklets on an ongoing basis
- developing a Banyule Parklet Policy and Design Guidelines
- removing part of the collective parklet at 187-209 Upper Heidelberg Road, Ivanhoe.
- Council Officers have undertaken the following actions in response to this resolution.
 - The collective parklet at 187-209 Upper Heidelberg Road, Ivanhoe has been reduced to 187- 205 and one car park reinstated.
 - Permits have been requested from the Department of Transport and Planning (DTP) to allow continued use of parklets located on DTP roads.
 - Prepared a Parklet Policy (draft in Attachment 1) that sets out the criteria in which businesses are eligible to apply for and obtain a parklet permit, consideration of fees, maintenance, amenity, and community use.

KEY ISSUES

- Department of Transport and Planning (DTP) has indicated it will not support any further temporary parklets on DTP roads beyond 30 June 2024, with the provision that the parklets are either removed or made permanent.
- Engagement with the existing parklet businesses reveal the majority of parklets are used by both patrons and the local community.
- The broader economic and social contribution of the parklets has been positive and helps deliver on the place activation and night-time economy objectives as set out in Banyule's newly adopted Economic Development Strategy.
- The parklet at 48 Burgundy Street has been removed due to lack of use and maintenance. The Owners at 57 Burgundy Street have also indicated their preference for removal as it is has not been fully utilised.
- All other parklet businesses have reiterated their support for Council's continuation of the program and their wish to keep using the parklets on an ongoing basis.

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.

**UPDATE ON PARKLETS PROGRAM AND ADOPTION OF PARKLET POLICY
cont'd**

Sustainable Procurement Outcomes

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

Financial Implications

- Further analysis of the financial implications associated with removing or retaining the parklets will be undertaken and presented to Councillors within the next 12 months.

Community Engagement

- Extensive community engagement was undertaken on the parklets in 2022. This informed the Council decision to continue with a parklet program and prepare a policy to guide future parklets.
- Traders and the community will be kept informed on the future of the existing temporary parklets subject to a future Council decision to remove or retain.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

| No. | Title | Page |
|------------|------------------------|-------------|
| 1 | Banyule Parklet Policy | |

8.2 UPDATE ON EXTENDED OUTDOOR DINING PERMITS

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

Previous Items

Council on 27 June 2022 (Item 7.1 - Temporary Outdoor Dining Parklets and Pop-Up Program)

SUMMARY

1. This report is to update Council on the status of the temporary extended outdoor dining permits.
2. The extended outdoor dining permit exemptions were part of the State Governments emergency support packages to assist businesses during and after the COVID19 restrictions.
3. These included temporary exemptions being introduced to the planning scheme to allow for outdoor dining (and associated buildings and works) on land without the need for a planning permit /or to comply with conditions of current permits.
4. Council received a report on 27 June 2022 with the recommendation to extend the outdoor dining permits for another 12 months, in line with the State Government's extended pandemic declaration.
5. Council Officers have been assisting impacted businesses understand and prepare for the planning, health, local laws, and liquor licencing requirements as the exemptions period ends.
6. Engagement has found that extended outdoor dining, including parklets, continues to have a positive impact on Banyule's activity centres, supporting the local economy and bringing more vibrancy to these areas.
7. Currently the Banyule Footpath Trading Policy (Local Law No. 1) prohibits extended footpath trading areas and will require a minor update for this to continue.

RECOMMENDATION

That Council:

1. Note that the temporary permit exemptions for extended outdoor dining are ending.
2. Support minor changes to the Banyule Footpath Trading Policy to allow for an extended trading area and to include reference to an adopted Banyule Parklet Policy.

UPDATE ON EXTENDED OUTDOOR DINING PERMITS cont'd

COUNCIL PLAN

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

BACKGROUND

- On 6 April 2022 a declaration was made under section 165AE of the *Public Health and Wellbeing Act 2008* to extend the pandemic declaration to 12 July 2022.
- To assist hospitality businesses with their recovery from economic impacts of COVID19, temporary exemptions were introduced to the planning scheme to allow for outdoor dining (and associated buildings and works) on land without the need for a planning permit / to comply with conditions of current permits, i.e. footpath trading permits issued under Local Law No. 1 (2015).
- Current fees associated with footpath trading permits have been waived until 30 June 2023, as per the Council resolution, 27 June 2022.
- The timeframe for these exemptions is the period when a pandemic declaration under *the Public Health and Wellbeing Act 2008* in relation to coronavirus (COVID-19) is in force and for 12 months after.

KEY ISSUES

- The pandemic declaration ended on 12 October 2022, meaning that the exemptions will end on 12 October 2023. This means that the exemptions at Clause 52.18 of the Banyule Planning Scheme will end on **12 October 2023**.
- From 30 June 2023 temporary liquor licence/s will cease. The means that whilst extended outdoor trading (including parklets) remains until October, no liquor can be served outside of the approved redline area. Unless a new licence is sought sites will revert to their 'pre-covid' settings.
- Extended footpath trading is currently prohibited under Council's Local Law No.1 (Footpath Trading Policy).
- Any new applications received after 12 October 2023 will need to be in accordance with Council's footpath trading policy requirements.
- Engagement has found that extended outdoor dining, including parklets, continues to have a positive impact on Banyule's activity centres, supporting the local economy and bringing more vibrancy to these areas.
- Council can consider supporting changes to the Footpath Trading Policy to allow an extension of trading areas to continue.
- An updated Footpath Trading Policy will also reference the new Banyule Parklet Policy, which has been recommended to Council in a separate report for adoption at the 26 June 2023 Meeting.
- If this change is endorsed an application/amendment to any existing planning permit would be required to allow an extended redline area as well as any necessary Liquor Control Victoria permit/s.
- Council officers are actively assisting impacted businesses to navigate the permit requirements.

UPDATE ON EXTENDED OUTDOOR DINING PERMITS cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

9.1 **ADVOCACY OPTIONS FOR COUNCIL REGARDING STATUTORY PLANNING MATTERS UNDER THE PLANNING & ENVIRONMENT ACT 1987**

Author: Cr Alida McKern

TAKE NOTICE that it is my intention to move:

That Council:

1. Note that the Independent Broad-based Anti-corruption Commission's (IBAC) Operation Sandon Final Report is likely to be released to the sector in the near future that will include a range of recommendations and outcomes that may impact the local government sector and its delegated authority under the *Planning & Environment 1989* as it relates to statutory planning applications.
2. Request a report to be presented back to the Council meeting scheduled directly after the release of the IBAC Operation Sandon Final Report detailing the relevant and appropriate advocacy and action that Council may be able to take regarding the potential outcomes and recommendations arising out of the Independent Broad-based Anti-corruption Commission's (IBAC) Operation Sandon final report.
3. Request that the report presented back to Council details other avenues that officers can investigate for Council to advocate collectively with other councils across the sector and to the Community including the Northern Councils Alliance and other Regional Planning Directors regarding the outcomes and recommendations.

Explanation

Delegation for deciding Statutory Planning applications

- Under the *Planning and Environment Act 1987* Council is the Responsible Authority for Deciding on statutory Planning Permit applications.
- In practice at Banyule City Council, decision making is delegated to the Development Planning Team however, Councillors remain engaged in applications of significance or broad community interest while council officers have delegation to determine all other applications for planning permits as a default position for planning decisions.
- This enables Councillors to focus on strategic planning policy decisions and direction for the municipality and efficient processing of applications for planning permits.
- In practice a very small number of applications are actually 'called up' by Councillors however, a Ward Councillor is able to 'call in' any planning application or formal amendment to a Council meeting.
- There have been 1181 planning applications and 190 amendments determined since 1 July 2021.

ADVOCACY OPTIONS FOR COUNCIL REGARDING STATUTORY PLANNING MATTERS UNDER THE PLANNING & ENVIRONMENT ACT 1987 cont'd

- A total of 21 planning applications have gone to Council since 1 July 2021.
- Of these 15 were put up by the planning team and six 'called-in' by Councillors. 11 of the 15 were Council projects. Two (2) of these decisions have been overturned during that time by the Victorian Civil and Administrative Tribunal (VCAT).

Operation Sandon

- IBAC's Operation Sandon has concluded hearings as part of an investigation in relation to allegations of corrupt conduct involving councillors and property developers in the City of Casey in Melbourne's south-east.
- It is expected that IBAC will shortly table a special report to Parliament and there is speculation that this will could include governance recommendations to make changes to the level of involvement a councillor can have in determining statutory planning applications.
- Recent reform work by the State "Turning Best Practice into Common Practice - Planning and Building Approvals Process Review Report to Government (November 2021)", did not recommend changes in this space. It is considered that the current practice at Banyule is not inconsistent with the recommendations set out in the review.

CR ALIDA MCKERN
Chelsworth Ward

ATTACHMENTS

Nil