

# Agenda of Ordinary Meeting of Council - Monday, 30 October 2023

commencing at 7pm

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



## Acknowledgement of the Traditional Custodians

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

## Diversity Statement

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

## Apologies and Leave of Absence

## Confirmation of Minutes

*Ordinary Meeting of Council held 9 October 2023*

## Disclosure of Interests

### 1. **Urgent Business**

### 2. **Petitions**

Nil

## Reports

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## **8. Our Thriving Local Economy**

Nil

## **9. Notices of Motion**

Nil

## **10. General Business**

Public Question Time

Closure of Meeting to the Public

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

### **11. Confidential Matters**

- 11.1 1 Flintoff Building Improvement Works
- 11.2 Potential Strategic Acquisition
- 11.3 CEO Employment Matters Report

Item 11.1 has been designated confidential pursuant to section 3(1)(b) of the *Local Government Act 2020* as it contains confidential information relating to security information, being information that if released is likely to endanger the security of Council property or the safety of any person.

Item 11.2 has been designated confidential pursuant to section 3(1)(a) and (g) of the *Local Government Act 2020* as it contains information confidential Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released. The report also contains information regarding private commercial information, being information provided by a business, commercial or financial undertaking that relates either to trade secrets; or if it was released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Item 11.3 has been designated confidential pursuant to section 3(1)(f) of the *Local Government Act 2020* as it relates to personnel matters, being information which if it was released would result in the unreasonable disclosure of information about any person or their personal affairs. The information in the report relates to the employment, remuneration and the annual performance review of the Chief Executive Officer.

Matters Discussed in Camera

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

Closure of Meeting

### ***Live Streaming of Council Meeting***

*Please note that the Council Meeting will be livestreamed.*

*The livestream will be available on Council's Facebook and website [www.banyule.vic.gov.au](http://www.banyule.vic.gov.au)*

*The next Ordinary Meeting of Council will be held on Monday 20<sup>th</sup> November 2023*

### **3.1 ANNUAL REPORT 2022/2023**

Author: Stephen Coulthard - Financial Accounting Co-ordinator, Corporate Services

#### **Previous Items**

Council on 25 September 2023 (Item 3.5 - 'In Principle' Approval of the Financial Statements and Performance Statement for the year ended 30 June 2023)

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#### **SUMMARY**

1. Banyule's Annual Report 2022/23 is a report to our community in relation to the achievement of Banyule's strategic direction as set out in its Council Plan 2021-2025 and Budget 2022-2026, and contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
2. The Performance Statement and Financial Statement 2022/23 were approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer, on 25 September 2023, for submission to the Victorian Auditor General in line with *section 99 (2) of the Local Government Act 2020*.
3. The Victorian Auditor General's Office must provide a copy of their report on the performance statement and financial statements to Council and the Minister for Local Government, as soon as reasonably practicable.
4. In line with *section 100 (2) of the Local Government Act 2020*, Council must hold a meeting to present the annual report at a Council meeting open to the public within 4 months of the end of the financial year.

#### **RECOMMENDATION**

That Council:

1. Receives and notes the Annual Report 2022/23 (incorporating the Report of Operations, Performance Statement and Financial Report) as presented by the Mayor in accordance with *section 100 (1) of the Local Government Act 2020*.
2. Make available the Annual Report 2022/23 on Council's website and copies be made available for inspection at Council's Service Centres.

#### **COUNCIL PLAN**

- This report is in line with Banyule's Council Plan key direction to "Provide responsible financial management and business planning".

**ANNUAL REPORT 2022/2023 cont'd**

- **BACKGROUND**The Annual Report 2022/23 is an important part of Banyule's ongoing reporting to its community. The Annual Report 2022/23 is in line with Banyule's Council Plan 2021-2025 and Budget 2022-2026.
- The Council Plan 2021-2025 themes and strategic objectives are:
  - **Our Inclusive and Connected Community** - A safe, healthy, vibrant and connected community where people of all ages and life stages love to live, work and stay; diversity and inclusion are valued and encouraged.
  - **Our Sustainable Environment** - A progressive and innovative leader in protecting, enhancing and increasing the health and diversity of our natural environment, where we all commit to playing an active role in achieving environmental sustainability, waste and carbon.
  - **Our Well-Built City** - A well planned, sustainable and liveable place that caters for all our current and emerging communities, where our local character and environment is protected and enhanced.
  - **Our Valued Community Assets and Facilities** - As custodians of our community, assets, facilities and services, we work to ensure that they are affordable, sustainable, evenly distributed, safe and accessible for all ages and abilities and designed to provide meaningful experiences and connections.
  - **Our Thriving Local Economy** - A thriving, resilient, socially responsible local and integrated economy that encourages, supports and advocates for a diverse range of businesses and entrepreneurship, providing local investment and employment opportunities.
  - **Our Trusted and Responsive Leadership** - A responsive, innovative and engaged Council that has the trust of our community through demonstrated best practice governance, is financially sustainable, and advocates on community priorities and aspirations.
- Council's Annual Report 2022/23 is aligned with the relevant Local Government Better Practice Guides 2022-23 (Department of Jobs, Precincts and Regions, Local Government Victoria) in meeting the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.
- The Annual Report 2022/23, in accordance with *Section 98 of the Local Government Act 2020*, contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
- The Annual Report 2022/23 includes the following key sections:
  - Part One - Report of Operations for the year ended 30 June 2023:
    - Introduction, including Council plan context
    - The Year in Review, including financial summary, advocacy, community engagement
    - Our Council, including city profile
    - Our People, including Organisational structure
    - Our Performance, including activities and services and a summary of performance in achieving the strategic direction as set out in the Council Plan 2021-2025 and Budget 2022-2026 (with progress in relation to actions and indicators).

**ANNUAL REPORT 2022/2023 cont'd**

- Governance, management and other information, including the Governance Management Checklist.
- Appendix A – Report on the Council Plan 2021-2025 Annual Action Plan 2022/23
- Part Two - Performance Statement for the year ended 30 June 2023:
  - Description of municipality
  - Sustainable Capacity Indicators
  - Service Performance Indicators
  - Financial Performance Indicators
  - Other Information
  - Certification of Performance Statement
  - Victorian Auditor General Independent Audit Report.
- Part Three - Financial Report for the year ended 30 June 2023 (Financial Statements) comprising:
  - Certification of the Financial Statements
  - Victorian Auditor General Independent Audit Report
  - Comprehensive Income Statement
  - Balance Sheet
  - Statement of Changes in Equity
  - Statement of Cash Flows
  - Statement of Capital Works
  - Notes to the Financial Statements, including a budget comparison for Income and Expenditure and for Capital Works.

**KEY ISSUES**

- Banyule's Annual Report 2022/23 is a report to our community in relation to the achievement of Banyule's strategic direction as set out in its Council Plan 2021-2025 and Budget 2022-2026.
- Prior to consideration at this Council meeting, and in accordance with *Section 99* of the *Local Government Act 2020*, the Annual Report 2022/23 has been:
  - Subject to audit of the annual Performance Statement and Financial Report by an agent of the Victorian Auditor-General and reviewed by the Audit and Risk Committee during September 2023.
  - Presented to the 25 September 2023 Council meeting at which Council accepted the Audit and Risk Committee's recommendation to approve 'in principle' the Performance Statement and Financial Report for the year ended 30 June 2023.
  - Lodged with the Victorian Auditor-General to receive the formal Independent Audit Report.
- The Performance Statement and Financial Statement 2022/23 was approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer on 25 September 2023 for submission to the Victorian Auditor General.

## **ANNUAL REPORT 2022/2023 cont'd**

- The report is required to be presented by the Mayor at a Council meeting open to the public within 4 months of the end of the financial year to report on the implementation of the Council Plan. This item is to present the Annual Report.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

- The Annual Report is being presented in accordance with Council's obligations under the *Local Government Act 2020 Section 100* which states '*the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.*' and '*the Council meeting must be held within four (4) months of the end of the financial year*'.

#### **Human Rights Charter**

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

#### **Sustainable Procurement Outcomes**

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

#### **Financial Implications**

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

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

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

### **ATTACHMENTS**

<b>N</b>	<b>Title</b>	<b>Page</b>
0	.	
1	Annual Report 2022-2023 - Part One Report of Operations (Accessible Version) FINAL <i>(Under Separate Cover)</i>	
2	Annual Report 2022-2023 - Part Two Performance Statement (Accessible Version) FINAL	
3	Financial Report for the Year ended 30 June 2023 - Part 3 of 3 (Accessible Version) FINAL <i>(Under Separate Cover)</i>	



## 3.2 GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT

Author: Carmel Rapacciuolo - Governance Project Officer, Executive

### Previous Items

Council on 26 June 2023 (Item 3.1 - Governance Rules Stage 2 Review)

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### SUMMARY

1. The Stage 2 Governance Rules review (Stage 2 Review) commenced in April 2023. The Stage 2 review focused on the ways the community participates in Council meetings.
2. It is important to note that for the purpose of the Stage 2 Review, 'participates' refers to making formal submissions (or 'Requests to Speak', these two terms are used interchangeably), lodgement of Public Questions, and submitting Petitions.
3. All other sections of the Governance Rules (the Rules) were not included in the Stage 2 Review and considered out of scope. Minor formatting changes will however be made to the remainder of the Rules to accommodate the insertion of Chapter 3 Public Participation.
4. On 26 June 2023, Council endorsed the Banyule City Council Draft Chapter 3 Public Participation of the Rules (Chapter 3) for community consultation. Chapter 3 of the Rules is a 'one stop' source of information for the community on how to participate in Council meetings, as opposed to the previous format of information being sporadically distributed throughout the Rules.
5. At the 26 June 2023 Council meeting, Council endorsed the Draft Chapter 3 for a three-week period of community consultation in line with section 60(4) of the *Local Government Act 2020*.
6. The three-week consultation period was held between 29 June 2023 and 20 July 2023. Methods of community consultation, the ways the community engaged, along with feedback and findings are detailed in the Community Engagement Report included as **Attachment 1** to this report.
7. As Council is a defined entity under section 9 of the *Gender Equality Act 2020*, a formal Gender Impact Assessment (GIA) was also undertaken during the Stage 2 Review. Officer insights are located under the 'Gender Impact Assessment' section of this report.
8. Following a formal GIA and the three-week community consultation period, officers have recommended changes to the Draft Chapter 3 Rules.
9. Community feedback and GIA research have shaped officer recommendations to form the final *Proposed Chapter 3 Governance Rules* before Council.
10. All changes are documented in the summary table included as **Attachment 2** to this report.
11. The *Proposed Chapter 3 Governance Rules* for adoption is included as **Attachment 3** to this report, with key changes highlighted in the 'Key issues' section of this report. **Attachment 4** is a clean version of the *Proposed Chapter 3 Governance Rules*.

**GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

**RECOMMENDATION**

That Council:

1. Receives and notes the feedback and submissions received throughout the community consultation process undertaken in accordance with s 60 (4) of the *Local Government Act 2020* for the development of Chapter 3 – Community Participation Governance Rules Review.
2. Adopt **Chapter 3 Community Participation** for insertion into Banyule City Council's Governance Rules in accordance with s 60 (3) of the *Local Government Act 2020*.
3. Notes that **Chapter 3 Community Participation** will come into effect from 1 November 2023 and will be in force for the community participation in Council meetings for the Ordinary Council Meeting scheduled for 20 November 2023 and onwards.
4. Thanks and acknowledges the community members that participated in the face-to-face consultation sessions, completed the Shaping Banyule survey and made formal submissions to Council on the Rules during the consultation period.
5. Notes that Council's Website will be updated to reflect the revised Rules.

**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**

Background and context

- 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).
- The Rules provide guidance on Council meeting procedures, advice relating to the election and caretaker period conventions, along with the ways the community can participate in the Council meeting process.
- 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.
- The Stage 2 Review of the Rules commenced in April 2023 and is now finalised.

## **GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

- As the Stage 2 Review focused solely on the ways the community 'participates' in Council meetings, it is important to note that 'participates' refers to making formal submissions (or 'Requests to Speak', these two terms are used interchangeably), lodgement of public questions, and submitting of petitions.
- Following the Stage 2 Review, a new chapter is proposed to be inserted into the existing Rules. This will be Chapter 3 – Community Participation in Council meetings and will act as a 'one stop' source of information on how the community participate in Council meetings.
- On 26 June 2023, Council endorsed a Draft Chapter 3 of the Rules for a three-week period of community consultation under section 60 (4) of the Act.
- Community consultation on the Stage 2 review took place between 29 June 2023 and 20 July 2023.
- Only the amendments to the Proposed Chapter 3 of the Rules formed part of the community consultation.
- Formatting, minor grammar and numeric changes were not considered to be material or significant changes and only cosmetic in nature and therefore not included as part of the community consultation process.
- **Attachment 1** to this report is a **Community Engagement Report** detailing methods of consultation and engagement, ways the community engaged, along with feedback and findings.
- As the Stage 2 Review comprised a policy review impacting the community, a formal Gender Impact Assessment was also undertaken in line with section 9 of the *Gender Equality Act 2020*.
- Considerations and findings are captured in the 'Gender Impact Assessment' section of this report and were also taken into consideration when finalising the proposed Chapter 3 of the Rules.

## **KEY ISSUES**

### **Community Feedback**

- A total of 60 pieces of feedback were received during the Stage 2 Review community consultation period from the:
  - Shaping Banyule survey (38);
  - workshops (18);
  - email submissions (3); and
  - hard copy/handwritten submission (1).
- Feedback received related specifically to the Draft Chapter 3. Where feedback received was out of scope or did not relate to the Draft Chapter 3 proposed changes, it was not included or referred to.
- Due to the volume of feedback received, a Community Engagement Report was prepared and can be referred to at **Attachment 1** to this report.
- Officers reviewed and assessed all feedback received throughout consultation and coupled this with research and findings from the formal GIA undertaken on the Stage 2 review.

## **GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

### **Proposed Changes – at a glance**

- As a result of feedback and the formal GIA, changes were made to the Draft Chapter 3 Rules. The most significant and material changes are listed below in **bold** text. All changes are documented in **Attachment 2** to this report.
  - **Requests to Speak**
    - Requests to Speak due 12pm Council meeting day (previously 10am).
    - Submitting a Request to Speak in person will now include an option to submit the request in hard copy/in writing lodgement at both Flintoff Street, Greensborough, *and* Ivanhoe Service Centres.
    - Increase in speaking time from 2 minutes to 3 minutes for individual speakers.
    - Increase in speaking time from 2 minutes to 3 minutes for head submitters.
  - **Public Questions**
    - Submitting a Public Question in person will now include hard copy/in writing lodgement at both Flintoff Street, Greensborough, *and* Ivanhoe Service Centres.
    - All Public Questions will be read out at the Council meeting, regardless of person's physical attendance.
    - If person is present at the Council meeting, they will be provided an opportunity to read out their own Public Question (must adhere to submitted Public Question).
    - Public Questions will be heard at the end of a Council meeting, however if the Council meeting is still in progress at 10.30pm, Public Question time will cease, and questions will not be read out at that meeting.
    - All Public Questions and answers will be captured in the meeting minutes for that meeting, regardless of being read out or not.
  - **Petitions**
    - Signatures included on the date the petition was *first submitted*, will be the total signatures presented at the Council meeting. Any *additional* signatures received *after* initial submission will be confirmed and referred to the relevant department/work area for consideration.
    - Launch of E-petition platform in 2024 when available.
    - Specific examples of 'statutory matters' now included in petitions section of the Rules.
    - Repetitious petition Rule removed.

## **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*.

**GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

- 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.
- Maddocks Lawyers reviewed Chapter 3 to ensure that the Rules was in line with legislative requirements and obligations under the *Charter of Human Rights and Responsibilities Act 2006*, *Equal Opportunities Act 2010* and 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*.
- The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) forms part of a broader human rights framework, including international human rights law and laws that also protect people's rights in Victoria, such as *the Equal Opportunity Act 2010* and *the Racial and Religious Tolerance Act 2001*.
- The Charter places responsibilities on the three areas of government: Parliament, courts and tribunals and public authorities.
- The considerations are the same as the considerations assessed when the first set of Governance Rules were adopted in August 2020. These remain, and are as follows:
  - 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 *Charter of Human Rights and Responsibilities Act 2006* (the Charter) forms part of a broader human rights framework, including international human rights law and laws that also protect people's rights in Victoria, such as *the Equal Opportunity Act 2010* and *the Racial and Religious Tolerance Act 2001*.
  - The Charter places responsibilities on the three areas of government: Parliament, courts and tribunals and public authorities.
- The considerations are the same as the considerations assessed when the first set of Governance Rules were adopted in August 2020. These remain, and are as follows:
  - Right to recognition & equality before the law – section 8  

Council's must not knowingly be in breach of the Charter and always consider these when creating laws, developing policies and deliver services. Council meetings and Chapter 3 must support an environment free from inequality. As part of the Stage 2 review a formal Gender Impact Assessment was undertaken, and relevant improvements to current processes have been identified, with achievable adaptations to Chapter 3 considered for adoption in this report and attachments.
  - Right to privacy and reputation – section 13

## **GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

As part of the public's formal participation in a Council meeting, information such as name, suburb and other details are collected. This information is collected when a community member makes a formal Request to Speak or lodges a Public Question. All sections of the 'Get involved in a Council meeting' page outlines the reason that details are required, and submitters are communicated with throughout this process (Request to Speak and Public Question). Submitters are also provided with the opportunity to remain anonymous (name not being included in the relevant meeting minutes).

- Right to freedom of expression – section 15

Guidance is provided through criteria in Chapter 3 and throughout the Governance Rules around respectful and courteous freedom of expression during Council meetings.

- Peaceful assembly and freedom of association – section 16

Provisions in Chapter 3 and throughout the Governance Rules provide for orderly, respectful, and courteous conduct and participation.

- Right to take part in public life – section 18

The Rules include procedural limitations, it does so in a manner that is considered proportionate to the Governance Rules and Council meeting purpose and objectives. The need to run effective meetings and responsibilities of employers for the health and safety of all participants.

- Right to a fair hearing – section 24

Provisions in Chapter 3 and throughout the Governance Rules provide for orderly, respectful, and courteous conduct and participation.

### **Gender Impact Assessment**

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment (GIA) for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.
- 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 through previous meetings, previous Council and the community consultation period undertaken as part of the Stage 2 review.
- It is understood from the data captured over the last 12 months of Council meetings (as at May 2023), a greater proportion of public participation has been seen in male members of the community:
  - Of the 52 Public Questions asked, only 23 were submitted by female members of the Banyule community.
  - Of the 193 submitters, only 84 of those were female.
- Evidence from the Australian Human Rights Commission (AHRC) highlights the majority of women in Australia account for paid and unpaid primary carer duties

## **GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

(carer duties include children, elderly, those with disability or long-term health conditions).

- Following a three-week period of community consultation, analysis from officers included identifying a link between carer duties and other potential barriers faced by female members of the community, and the limited participation at Banyule Council meetings amongst female members of the community.
- From the disaggregated data obtained throughout community consultation, it is evident that there are aspects of the Draft Chapter 3 rules that may have imposed a negative impact on female members within our community or acted as a 'barrier' to their participation at Council meetings.
- From the disaggregated data, we can see those members in our community in the "24 years old and under" age group, are not participating in the Council meeting process.
- Direct feedback received in comments throughout consultation reflect the below sentiments:
  - Allowing more time to Request to Speak for those that have a disability or require an interpreter.
  - A lack of familiarity with the process overall is intimidating and a barrier (in relation to making a Request to Speak).
  - Not all community members are able to physically attend to participate in Public Questions; questions are still important and there are numerous reasons why someone cannot physically attend.
  - Requirements to physically attend [to have a Public Question read out] excludes people with access barriers, caring responsibilities, and work commitments.
- The findings from research as part of the GIA, coupled with feedback received during consultation, confirms the gender impact and associated implications of this project being assessed as 'relevant'.
- Adaptations to the Rules have been considered together with the primary purpose of a Council meeting and good governance principles. While not all recommendations could be made during the Stage 2 Review to reduce gender inequality, achievable adjustments have been captured in the 'key issues' section of this report.
- The Stage 2 review provided officers with an opportunity to assess Banyule's current state and consider viable options moving forward to actively work towards promoting gender equality and awareness, throughout the Council meeting process. Officer insights are included at **Attachment 2** to this report.

### **Sustainable Procurement Outcomes**

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

### **Financial Implications**

- Social media campaign - **\$300**
  - Campaign one (30 June to 5 July) - \$150

**GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

- Campaign two (7 July to 10 July) - \$150
- Hard copy project information postcards - **\$192.50**
- Workshop room hire - **\$130**
  - Greensborough - \$100
  - Bellfield - \$30
- Translation of Chapter 3 Rules into top 3 languages used in Banyule municipality (available on website as soon as practicable) - **\$1600** estimated.

**Community Engagement**

- During the three-week period of community consultation, three (3) methods of consultation were delivered:
  - Shaping Banyule website
    - 19 June 2023 – end October 2023.
    - Page viewed more than 760 times ('views' measured between 28 June 2023 and 20 July 2023).
    - Participation boosted by a feature article in the Banyule Banner and targeted paid social media campaign posts throughout consultation period.
  - Two (2) workshops
    - Workshop 1 - 5 July 2023 at 6.30pm, 1 Flintoff Street, Greensborough.
    - Workshop 2 - 11 July 2023 at 12.30pm, Bellfield Community Hub, Bellfield.
    - Workshops were scheduled both during the day and after business hours, to promote participation and access. Total of 18 participants across both workshops.
  - Survey (via Shaping Banyule)
    - Survey available throughout consultation period and consisted of up to 40 questions.
    - Total of 38 participants completed the survey.
  - Other forms of feedback
    - In addition to receiving feedback via the survey, officers received three (3) pieces of feedback by email, and one (1) piece of hard copy feedback in writing.
- Additional tools were used to raise awareness and encourage engagement throughout the community consultation period:
  - Banyule Banner
    - 19 June 2023 circulation.
  - Hard copy postcards
    - Dissemination week commencing 26 June 2023.
    - 150 hard copy postcards disseminated.







## **GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT cont'd**

- Distributed to: Watsonia Neighbourhood House, Greenhills Neighbourhood House, Bellfield Community Hub, Rosanna Library, Watsonia Library, Flintoff Street, provided to Gallery on 26 June Council meeting.
- Social media campaign
  - 30 June 2023 to 19 July 2023.
  - Campaign one ran between 30 June 2023 and 5 July 2023.
  - Campaign two ran between 7 July 2023 and 10 July 2023.
  - Both campaigns reached in excess of 17,000 people and exceeded the benchmark.

### **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**

<b>N</b>	<b>Title</b>	<b>Page</b>
0	.	
1	Community Engagement Report - Stage 2 Governance Rules review 	
2	Summary table of changes Chapter 3 Community Participation - Stage 2 Governance Rules review 	
3	Chapter 3 Community Participation Governance Rules (tracked changes) 	
4	Chapter 3 Community Participation Governance Rules (clean copy) 	

### 3.3 RECORD OF COUNCILLOR MEETINGS

Author: Rachael Hudson - 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

<b>1</b>	<b>Date of Meeting:</b>	22 September 2023 (10.00am – 12.45pm)
	<b>Type of Meeting:</b>	Audit and Risk Committee
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Annual Report - Year Ending 30 June 2023 including Closing Audit Report Financial Management Letter</li> <li>• Variance Analysis - Comprehensive Income Statement - Year Ended 30 June 2023</li> <li>• Pitcher Partners - Internal Audit Status Report - September 2023</li> <li>• Pitcher Partners - Asset Management - Internal Audit Report</li> <li>• Pitcher Partners - Internal Audit Scope - Cyber Security and Leisure Centre Operations</li> <li>• Status Report - Internal Audit and Self-Assessment Recommendations as of 1 September 2023</li> <li>• Safety &amp; Wellbeing Report - 1 May 2023 to 30 August 2023</li> <li>• Follow Up Actions arising from the Committee meeting held Friday 23 June 2023</li> <li>• Compliance Reporting</li> <li>• Annual Work Plan - September 2023</li> <li>• Performance Review of the Internal Audit Service Provider - 1 February 2023 to 31 August 2023.</li> <li>• Risk Management Policy &amp; Framework Review</li> <li>• Insurance Renewal Analysis 2023-24</li> <li>• Integrity Agencies - Self Assessment Status Report as of 1 September 2023</li> <li>• Budget 2023 - 2027</li> </ul>	

**RECORD OF COUNCILLOR MEETINGS cont'd**

Computer Assisted Audit Techniques (CAAT's) - Quarterly Report	
<b>Councillors Present:</b>	
Cr Peter Castaldo Cr Rick Garotti – left at 12.30pm (not present for the Confidential Meeting) Cr Elizabeth Nealy	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Greg Gale – <i>Acting Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Karen Leeder – <i>Acting Director City Development</i> Jo Wilson – <i>Acting Director Community Wellbeing</i> Toni Toaldo – <i>Manager People &amp; Culture</i> Tania O'Reilly – <i>Manager Finance &amp; Procurement</i> Lara McNally – <i>Senior Business Partner</i> Marjorie Crompton – <i>Senior Accountant</i> Paul Wilson – <i>Risk &amp; Assurance Advisor (Minute Taker)</i>	
<b>Others Present:</b> N/A	
Dr Irene Irvine - <i>Chairperson</i> Prof Stuart Kells – <i>Independent Representative</i> Mr Gregory Rimmer-Hollyman – <i>Independent Representative</i> Graham Noriskin – <i>Pitcher Partners</i> Richard Wilson – <i>Pitcher Partners</i> Nick Walker – <i>HLB Mann Judd (Remote)</i> Hui Ping Teoh – <i>HLB Mann Judd (Remote)</i>	
<b>Conflict of Interest:</b>	NIL

<b>2</b>	<b>Date of Meeting:</b>	25 September 2023 (5.36pm – 6.02pm)
	<b>Type of Meeting:</b>	Pre-Brief Council Meeting
	<b>Matters Considered:</b>	
<p>3.1 Banyule Cemeteries Trust - Operations Report  3.2 Banyule Cemeteries Trust - Financial Statement  3.3 Banyule Cemeteries Trust - Abstract of Accounts 2022/23  3.4 Audit &amp; Risk Committee - Bi-Annual Report  3.5 'In Principle' Approval of the Financial Statements and Performance Statement for the year ended 30 June 2023  3.6 Property Transactions Report for Six Month Period Ending 30 June 2023  3.7 Record of Councillor Meetings  4.1 Draft Banyule Volunteer Policy and Memorandum of Understanding: Endorsement for Community Consultation  5.1 Proposed Urban Food Strategy  5.2 Container Deposit Scheme (CDS)  6.1 59 Swanston Street, Heidelberg Heights - Commencement of Notice of Intention to Sell Land</p>		

**RECORD OF COUNCILLOR MEETINGS cont'd**

	<p>6.2 78-80 Hawdon St, Heidelberg - Commencement of Notice of Intention to Sell Land.</p> <p>7.1 Public Toilet Plan Review</p> <p>8.1 Inclusive Local Jobs Strategy / Action Plan Year Three Update</p> <p>8.2 Social Enterprise Strategy / Action Plan Year Three Update</p> <p>9.1 Abandoned Shopping Trolleys</p> <p>9.2 Community Infrastructure Opportunities at Public Schools</p>		
	<p><b>Councillors Present:</b></p> <p>Cr Peter Castaldo</p> <p>Cr Alida McKern</p> <p>Cr Alison Champion</p> <p>Cr Peter Dimarelos – arrived 5.56pm</p> <p>Cr Rick Garotti – arrived 5.39pm</p> <p>Cr Elizabeth Nealy</p>		
	<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i></p> <p>Darren Bennett – <i>Director Assets &amp; City Services</i>- arrived 5.42pm</p> <p>Marc Giglio – <i>Director Corporate Services</i></p> <p>Natasha Swan – <i>Director City Development</i></p> <p>Jo Wilson – <i>Acting Director Community Wellbeing</i></p> <p>Krysten Forte – <i>Manager Governance and Integrity</i></p> <p>Linda Chapple – <i>Governance and Integrity Coordinator</i></p>		
	<p><b>Others Present:</b></p> <p>n/a</p>		
	<table border="1"> <tr> <td><b>Conflict of Interest:</b></td> <td>NIL</td> </tr> </table>	<b>Conflict of Interest:</b>	NIL
<b>Conflict of Interest:</b>	NIL		

<b>3</b>	<b>Date of Meeting:</b>	2 October 2023 (6.35pm – 9.16pm)
	<b>Type of Meeting:</b>	Councillor Briefing
	<p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Quarterly Strategic Waste Update</li> <li>• Neighbourhood Character Background Report Findings</li> <li>• Budget</li> <li>• Monthly Financial Management Report - August 2023</li> <li>• North East Link and Watsonia Station Concept Plan</li> <li>• Heidelberg West Business Park - Special Levy Proposal</li> <li>• Midsumma Festival 2024- update</li> <li>• Bowling Club Audits and Future Asset Management</li> <li>• Older adults Framework 2030</li> </ul>	
	<p><b>Councillors Present:</b></p>	

**RECORD OF COUNCILLOR MEETINGS cont'd**

	<p>Cr Peter Castaldo                  Cr Alison Champion                  Cr Mark Di Pasquale – arrived 7.41pm                  Cr Rick Garotti                  Cr Alida McKern                  Cr Tom Melican                  Cr Elizabeth Nealy</p>
	<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i>                  Darren Bennett – <i>Director Assets &amp; City Services</i>                  Marc Giglio – <i>Director Corporate Services</i>                  Natasha Swan – <i>Director City Development</i>                  Jo Wilson – <i>Acting Director Community Wellbeing</i>                  Megan Kemp - <i>Strategic Executive Assistant to CEO &amp; Mayor</i>                  Kathy Hynes – <i>Manager Operations</i>                  Andrew Croft – <i>Waste Management Coordinator</i>                  Alana Shepherd - <i>Senior Team Leader Waste Education &amp; Facilitation</i>                  Emma Butterworth – <i>Senior Strategic Planner</i>                  Emily Harris – <i>Strategic Planner</i>                  Karen Leeder – <i>Manager City Futures</i>                  Tania O'Reilly – <i>Manager Finance and Procurement</i></p>
	<p><b>Others Present:</b> n/a</p>
	<p><b>Conflict of Interest:</b> NIL</p>

<b>4</b>	<p><b>Date of Meeting:</b> 9 October 2023 (5.41pm – 6.40pm)</p> <p><b>Type of Meeting:</b> Pre-Briefing - Council Meeting</p>
	<p><b>Matters Considered:</b></p> <p>3.1 Award of Contract 1309-2023 East Ivanhoe Preschool Upgrade                  3.2 Instrument of Delegation from Council to the Chief Executive Officer                  3.3 Instrument of Delegation from Council to Members of Council Staff                  3.4 Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987                  3.5 Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017                  3.6 Proposed position on MAV State Council Meeting Motions - 13 October 2023 MAV State Council Meeting                  3.7 Record of Councillor Meetings                  4.1 Draft Banyule Gambling Policy for community consultation                  5.1 Urban Forest Strategy 2023-2033</p>
	<p><b>Councillors Present:</b></p>

**RECORD OF COUNCILLOR MEETINGS cont'd**

Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos - arrived 6.09pm Cr Mark Di Pasquale - arrived 6.00pm Cr Rick Garotti Cr Alida McKern Cr Tom Melican Cr Elizabeth Nealy	
<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance &amp; Integrity</i> Michael Tanner – <i>Manager Parks &amp; Natural Environment</i> Jonathan Risby – <i>Manager Transport &amp; Environment</i> Linda Chapple – <i>Governance &amp; Integrity Coordinator</i>	
<b>Others Present:</b> n/a	
<b>Conflict of Interest:</b>	NIL

<b>5</b>	<b>Date of Meeting:</b>	16 October 2023 - 8.15pm
	<b>Type of Meeting:</b>	CEO Employment Matters Committee Meeting
	<b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• CEO Employment Matters</li> <li>• Chairs Report</li> <li>• Policy &amp; Terms of Reference</li> <li>• Meeting timetable for 2023/2024</li> </ul>	
	<b>Councillors Present:</b> Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos Cr Mark Di Pasquale Cr Rick Garotti Cr Alida McKern Cr Tom Melican Cr Elizabeth Nealy Cr Fiona Mitsinikos	
	<b>Staff Present:</b> NIL	
<b>Others Present:</b> Allan Bawden- Independent Member and Chairperson of Committee		

**RECORD OF COUNCILLOR MEETINGS cont'd**

	<b>Conflict of Interest:</b>	NIL
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**RECOMMENDATION**

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

**ATTACHMENTS**

Nil

### **3.4 COUNCIL MEETING DATES 2024**

Author: Linda Chapple - Coordinator Governance and Integrity, Executive

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#### **SUMMARY**

1. In accordance with *The Local Government Act 2020* and Council's *Governance Rules* (adopted 14 November 2022), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
2. To assist in forward planning, dates for the next year are generally determined in August/September the year prior.
3. The dates and venues of Council Meetings are published in the Council Calendar, Banner, and Council's website to ensure transparency on forthcoming meetings and organisational and community planning.
4. The proposed dates for 2024 are based on a Council meeting cycle for a meeting to occur approximately every 3 weeks where possible.
5. The schedule considers Public Holidays, the requirements for the adoption and consideration of the Annual Budget, Strategic Integrated Planning Documents and Council Plan timetable (June 2022); Annual Report, caretaker period, Local Government General Election, the Election of Mayor and Deputy Mayor requirements, and the Australian Local Government Association (ALGA) National General Assembly anticipated Assembly schedule.
6. The schedule also considers the upcoming Local Government General Election to be held on 26 October 2024 and the associated caretaker and Election Period.
7. The proposed dates have allowed for 14 Ordinary Council meetings for 2024, with an additional one (1) statutory meeting for the Election of the Mayor and Deputy Mayor scheduled.
8. Planning or Unscheduled (formally known as Special Council Meetings) can be scheduled, when required in accordance with Council's Governance Rules.
9. A special meeting will be required in October due to legislative requirements for the Annual Report, as this meeting is required during caretaker period no other business will be considered in line with caretaker requirements. The date for the meeting is not yet known, however, the community will be advised in accordance with the Governance Rules Division 2 Rule 13.
10. It is recommended that all Council Meetings for 2024 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe. Through the Governance Rules Division 15 rule 64 sub rules 4 and 5 Council may conduct a Council meeting via electronic means should the need arise. Any



**COUNCIL MEETING DATES 2024 cont'd**

change to the format of a Council meeting would be communicated to the community at the earliest opportunity.

11. Under the Local Government Act 2020 s 66(1)(2) Council has the ability to close a meeting to the public should there be threats to safety of staff, Councillors, and the community, or where the disruption of a Council meeting prohibits the transaction of Council business to continue.
12. From time-to-time Council may opt to change the location of the Council Meetings and will communicate the change of location via Council's website and social media and other communication methods as necessary.
13. The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2024. Council may by resolution amend these dates as required.
14. The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commission (VEC) declaration of poll following the Local Government General Election and as such are subject to change.

**RECOMMENDATION**

That Council:

1. Approve for the Council Meetings for 2024 to be held at 275 Upper Heidelberg Road Ivanhoe; and
2. Adopt the following meeting dates for 2024 calendar year for Ordinary Council Meetings for Banyule City Council as per the table listed below:

<b>Month</b>	<b>Date (Monday)</b>
February	5 26
March	18
April	8 29
May	20
June	3 24
July	15
August	5 26
September	16
Caretaker Period	Midnight 24/9/-6.00pm 26/10/2024
November	12 (Mayoral and Deputy Mayor Election only) - Tuesday 25
December	9

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

## **COUNCIL MEETING DATES 2024 cont'd**

4. The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commission (VEC) declaration of poll and as such are subject to change.

## **COUNCIL PLAN**

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

## **BACKGROUND**

- Decision making is an important part of local government and key decisions are made at Council Meetings.
- Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Special Meeting.
- Traditionally at Banyule City Council, Council meetings are held at 7.00pm on Monday evenings, generally on a three-weekly basis.
- Pursuant to s26(4) of the *Local Government Act 2020* If the Mayor is elected for a 1-year term, which was the case in 2023, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
- As such a meeting for the Mayoral Election in 2024 has been proposed for Tuesday, 12 November 2024.

## **KEY ISSUES**

- The proposed Council Meeting dates have been scheduled taking into consideration the Victorian Public Holidays for 2024, the requirements for the Budget and Council Plan and; Annual Report timetable and the expected dates for the Australian Local Government Association (ALGA) National General Assembly, which a number of Banyule Councillors have attended in the past.
- A total of 14 Ordinary Meetings and one (1) statutory Council Meeting (Election of the Mayor and Deputy Mayor) have been scheduled on a three-weekly basis, the exceptions to this cycle as per below:
  - A two (2) week interval between meetings on 20 May and 3 June to accommodate the Kings Birthday Public Holiday which falls on Monday 10 June 2024; and
  - A two (2) week interval between the first meeting of the newly elected Council on 25<sup>th</sup> November 2024 and the final Council meeting of 2024 on 9 December
- The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commission (VEC) declaration of poll and as such are subject to change.

## **COUNCIL MEETING DATES 2024 cont'd**

- For the purpose and requirement of fixing a place of the Council Meetings, it is recommended that all Council Meetings for 2024 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe subject to any restrictions in place at the time.

### **Schedule of Meeting 2024**

<b>Month</b>	<b>Date (Monday)</b>	<b>Notes</b>
February	5 26	
March	18	Monday 11 <sup>th</sup> March Labour Day Good Friday 29 <sup>th</sup> March
April	8 29	1st April Easter Monday Anzac Day Thursday 25 <sup>th</sup> April
May	20	
June	3 24	Monday 10 <sup>th</sup> June Kings Birthday
July	15	
Aug	5 26	
September	16	
<b>Caretaker Period</b>	<b>Midnight 24/9/2024 – 6pm 26/10/2024</b>	Friday 27 <sup>th</sup> September Grand Final Eve
November	12 (Mayoral and Deputy Mayor Election only) Tuesday 25	Tuesday 5 November Melbourne Cup Day
December	9	

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- Pursuant to s 60 of the *Local Government Act 2020* (the Act), Council is required to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions.
- The Rules outline the requirements to set Ordinary and Unscheduled Meetings (previously Special Meetings), the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. They also outline the process for the appointment of the Mayor and Deputy Mayor.
- **Human Rights Charter**
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

## **COUNCIL MEETING DATES 2024 cont'd**

### **Gender Impact Assessment**

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

### **Innovation and Continuous Improvement**

- Council will continue to be agile and adapt to changing environments if they occur, and deliver Council Meetings in alternate ways. Moreover, alternate options to attend meetings such as via electronic means may allow for quorum issues to be managed should Councillors fall unwell.

### **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

### **3.5 AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION**

Author: Michael Nardo - Project Engineer, Assets & City Services

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#### **SUMMARY**

1. This report is to consider the awarding of Contract No. 1287-2023 – Macleod Park Pavilion Upgrade.
2. The works include the demolition of the existing building, and construction of a new building, associated services and landscaping.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Kendall Construction Group in accordance with the tender and conditions as determined by Council.
4. Tenders were received from eight (8) companies.
5. The contract will commence following award of the contract.

#### **RECOMMENDATION**

That Council:

1. Award Contract No. 1287-2023 to Kendall Construction Group for \$3,192,324.00 (ex. GST).
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**

Contract Period	November 2023 to December 2024
Contract Type	Lump Sum Contract
Advertising Period	15 April 2023 to 17 May 2023 in the Age
Tenders Closed	17 May 2023
Works/Project	An overview of the project works include but is not limited to: <ul style="list-style-type: none"><li>• Site mobilisation and management.</li><li>• Demolition and offsite disposal of existing building.</li><li>• Construction and commissioning of new pavilion as set out in drawings and specification.</li><li>• Liaison with authorities where required.</li><li>• Coordination of building surveyor inspections.</li><li>• Handover and maintenance manuals and documentation.</li><li>• Site clean-up and demobilisation.</li></ul>

**AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION  
cont'd**

No. of tender documents downloaded	Nineteen (19)
Tender Evaluation Panel (TEP)	<ul style="list-style-type: none"><li>• Team Leader Buildings</li><li>• Project Engineer</li><li>• Project Engineer</li><li>• Procurement Officer (non-scoring)</li></ul>
Tender Evaluation Criteria	<ul style="list-style-type: none"><li>• Tendered price.</li><li>• Previous performance, experience and reliability in the provision of similar types of services and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable).</li><li>• Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's.</li><li>• Existence of a management system and procedures; covering quality and OH&amp;S.</li><li>• Sustainable Procurement Questionnaire.</li></ul>
Other Background	<ul style="list-style-type: none"><li>• The project has been delayed due to Metro Trains Melbourne design review process as outlined in the report.</li></ul>

**TENDER/QUOTATION EVALUATION**

- Prior to receiving the tenders, the tender evaluation panel (TEP) convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.
- The TEP on receipt of the eight (8) submissions, shortlisted the five (5) lowest priced tenders for further evaluation. This was based on the available budget for project.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Following an initial evaluation, clarifications were issued to Tenderer A, Tenderer D and Kendall Construction Group to confirm some aspects of their submission which were resolved to the satisfaction of the TEP.
- After evaluating the shortlisted tenderers and clarifications, the TEP unanimously agreed that the lowest priced and third highest scored tenderer, Kendall Constructions Pty Ltd was the preferred tenderer.
- An independent financial assessment was completed by Corporate Scorecard for Kendall Constructions Pty Ltd which returned a score of “satisfactory” pass rating.
- During the evaluation it was identified that the tender process could not be finalised due to complications with the site’s proximity to the rail corridor and a “design review” had to be undertaken in conjunction with rail authorities (MTM). The design review process was expected to take up to six (6) weeks which included the construction methodology and other issues that needed to be

**AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION  
cont'd**

resolved by Council and the contractor to the satisfaction of rail authorities (MTM).

- A post tender interview with the preferred tenderer was conducted on Wednesday 21 June 2023, where the delay was discussed and explained to the tenderer that Council would not be able to award the contract until early September and to ascertain if the tendered prices could be held firm until that time, given the price validity of 120 days would have expired. The preferred tenderer agreed to hold the tendered price firm, and this was confirmed in writing.
- The design review process has taken longer than first advised, however, Council is now confident of obtaining rail party approvals. The final step of the review process involves a construction methodology review and risk assessment, which requires contractor involvement.
- Accordingly, another meeting was held with the preferred tenderer on Friday 15 September 2023 to update them on the status and to confirm again that their tendered price from May could be held firm. Apart from some minor line item clarifications, the preferred tenderer has agreed to the conditions on the proviso that a Letter of Intent is issued as soon as possible, with construction to commence in January 2024.
- With the minor clarifications slightly altering the tendered price of the preferred tenderer, the final weighted scores are as follows:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Tenderer A	85.32*
Tenderer B	64.93
Tenderer C	Not Shortlisted
Tenderer D	80.60
Kendall Construction Group	79.50
Tenderer F	71.44
Tenderer G	Not Shortlisted
Tenderer H	Not Shortlisted

\*Tenderer A went into administration during the design review process and although left in the final scoring matrix for completeness, could not be considered further.

- It is evident from the above weighted scores that although Kendall Construction Group scored 1.1 lower than Tenderer D, their significantly lower price as outlined in **confidential Attachment 1** demonstrates that they deliver best value for money to Council.

**AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION  
cont'd**

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and 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 109 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 tender required contractors to confirm adherence to Council's Sustainable Building Guidelines - Sustainability Matrix prepared for the project, which Kendall Construction Group confirmed.
- Kendall Constructions Pty Ltd scored medium for sustainable procurement in their tender submission and are not mature in the sustainable procurement field as yet. They are however local to Northern Region and have significant experience with Northern Region Councils.

**Financial Implications**

- Given the recommended tenderer has been requested and agreed to hold their tendered price since May, while the project has been delayed, a further BAFO has not been requested on this occasion.
- There is an appropriate budget allocation to deliver this project within the 2023-24 Capital Works Program with \$1,677,000.00 of this being a Victorian State Government grant.

**Additional information**

- The information circulated in the confidential attachment is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.



**AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION  
cont'd**

**Banyule Procurement Policy**

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

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>N</b>	<b>Title</b>	<b>Page</b>
0	.	
1	1287-2023 Tender Evaluation Matrix - <b>CONFIDENTIAL</b>	

## 3.6 **ABANDONED SHOPPING TROLLEYS**

Author: Justine Busuttill - Municipal Laws & Public Assets Coordinator, City Development

### **Previous Items**

Council on 25 September 2023 (Item 9.1 - Abandoned Shopping Trolleys)

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### **SUMMARY**

1. At the Ordinary Council Meeting of 25 September 2023, Council resolved to receive a report about the current issues and challenges faced across the Banyule Community regarding the impact of abandoned shopping trolleys and suggested options to reduce the impacts.
2. The current approach for managing abandoned trolleys is for Council to receive requests from the community and respond by logging and tagging dumped trolleys for collection through mobile reporting apps and via direct contact to supermarket chains. Municipal Laws Officers proactively patrol hotspot locations and log collection requests accordingly.
3. There has been initial success as a result of impound patrols of any uncollected trolleys found on Council Land with the ability to apply the impound release fee for each item impounded.
4. There are opportunities to support further promotion to the community by providing information on Council's webpage and social media platforms on where to directly report dumped trolleys through mobile apps (Trolley Tracker, Snap Send Solve, supermarket websites).
5. There are opportunities to consider supermarket accountability through the Local Law review being undertaken by June 2024, by providing provision to hold trolley owners directly accountable for dumped trolleys on Council Land, increase penalty amounts and implement a fleet of lockable wheel mechanisms and coin deposits to encourage return.

### **RECOMMENDATION**

That Council:

1. Note recent initiatives to engage with stakeholders, the impound response process and that a report will be provided back to Council on the success of these initiatives in 12 months.
2. Note ongoing promotion of reporting apps such as Trolley Tracker in the Banner.
3. Note that Banyule's website content will be updated and social media platforms utilised to promote and support the community in where and how to report abandoned shopping trolleys.
4. Note the current constraints to enforcement powers held by Council Officers to hold supermarkets directly accountable, and continue to support the Municipal Laws & Public Assets Team to continue to engage with stakeholders,

## **ABANDONED SHOPPING TROLLEYS cont'd**

supermarket chains and community members to ensure compliance with the return of shopping trolleys within the Municipality.

5. Refer consideration of the opportunities to improve enforcement powers in relation to abandoned shopping trolleys to the review of the General Local Law No.1 (2015) scheduled for completion by June 2024.
6. Encourage members of the community who report abandoned shopping trolleys to liaise directly with supermarket chains and use direct reporting channels to log collections.

## **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**

- At Council Meeting dated 25 September 2023, a Notice of Motion resolved to note the current issues and challenges faced across the Banyule Community regarding the impact of abandoned shopping trolleys as follows:
  1. *Note the current issues and challenges faced across the Banyule Community regarding the impacts abandoned shopping trolleys.*
  2. *Request that an officer report be presented back on or before December 2023 providing Council with information regarding:*
    - (a) *The current approach that Council takes in relation to dealing and managing the increase in abandoned shopping trolleys across the municipality.*
    - (b) *What options can Council take, if any, to work with shopping centres to reduce instances of abandoned shopping trolley.*
    - (c) *What existing policy position or strategy is in place that provides guidance to the community, shopping centres and Council on the management of abandoned trolleys.*
    - (d) *What alternatives to a policy position could Council consider, if Council does not have a set policy or strategy on abandoned shopping trolleys and how this may be informed in line with strategies that other local government agencies employ to manage the issue of abandoned shopping trolleys across Victoria.*
    - (e) *Understand what, if any, statutory powers Council's Authorised Officers have under Councils Local Law No. 1 (2015) in relation to compliance and enforcement activity of abandoned shopping trolleys.*

**ABANDONED SHOPPING TROLLEYS cont'd**

- (f) *What proactive advocacy and communication strategies and does Council use to advertise the impacts and issues relating to abandoned shopping trolleys across the municipality.*
- Various supermarket chains manage the issue of trolleys being taken from stores through:
    - Mechanisms which restrict trolleys being removed from an area such as lockable wheels or coin deposits.
    - Collection staff and contractors that locate and return trolleys at a set radius.
    - Hotlines, website and phone applications that allow residents to report abandoned trolleys so that they can be collected.
    - A reward program offered to reporters who log requests for collection through the Trolley Tracker app as incentive to encourage reporting.
  - Despite the above approaches, there are a number of trolleys that are abandoned within a radius of stores. This is more evident around large centres such as Greensborough and Northland.
  - Banyule's General Local Law No 1 (2015) (section 5.17), recognises that the person dumping or abandoning a shopping trolley on any road or Council Land to be the offender, not the supermarket, making it difficult to hold persons accountable for the dumping as they must be caught at the time of dumping or abandoning the trolley. It is noted that there are examples of other Council's local laws which also hold the retailer to account for the abandoned trolley. The General Local Law is due for review by June 2024.
  - Residents also report dumped trolleys to Council which are then reported on behalf of residents. The number of reports received are set out in table 1 below.

**Table 1: Abandoned shopping trolley reported to Council**

<b>Year</b>	<b>No.</b>
2020	176
2021	287
2022	219

**REPORT**

**Current approach to managing abandoned shopping trolleys**

- The collection of dumped shopping trolleys is not a Council responsibility however, we do receive reports from the community and take a proactive approach to reporting any dumped trolleys sighted. Council Officers will log the matter on behalf of any member of the community reporting dumped trolleys to Council.
- Supermarkets often experience a turnover of trolley collection contractors and when undertaking collection, they often only collect trolleys located within supermarket carparks and not beyond within neighbouring streets within the vicinity of the supermarket.
- Authorised Officers have the powers to impound any item left on Council Land or take up enforcement action against anyone observed leaving a trolley on Council Land.

## **ABANDONED SHOPPING TROLLEYS cont'd**

- The 'Trolley Tracker' app has been promoted to the wider community throughout the Banyule Banner. Additionally, Municipal Laws Officers conduct proactive patrols of hotspot locations, respond to community reports of dumped trolleys and engage with supermarkets to arrange immediate collection of dumped and abandoned trolleys daily.

### **Options to reduce instances of abandoned shopping trolley**

- The Municipal Laws & Public Assets team liaise with supermarket chains and Centre Managers to:
  - Raise awareness of dumped shopping trolleys
  - Request additional collection patrols within streets surrounding the vicinity of supermarkets
  - Encourage supermarkets to supply a shopping trolley fleet with a lockable wheel mechanism
  - Supermarkets to promote the return of shopping trolleys to collection points by patrons
- In June 2023, the Municipal Laws & Public Assets team wrote to all supermarkets within the municipality to raise awareness of the dumping challenges and to seek cooperation with their trolley collection contractors. This included a request to undertake a more frequent collection service patrols that spanned to include surrounding streets within the vicinity of the supermarket. Supermarkets have been warned that should collections fail to take place that trolleys will be impounded and that release fees will be incurred.
- Meetings have been held with Coles NSW Head Office – Trolley Contract Coordinator, Project Manager for Public Spaces and local store Managers in Ivanhoe to discuss the impact of dumped trolleys and to promote a more rapid response to collection beyond the perimeter of the supermarket. This has been an opportunity to strengthen rapport between the business and Council, understand their collection schedules, ensure open communication and set expectations around the responsibilities of supermarkets. Specific discussion was also had around the impact along Liberty Parade and Southern Road resulting from Northland Shopping Centre.

### **Existing procedures, policy position, strategy and local laws**

- There is no separate policy or strategy for the management of dumped trolleys outside of the powers under the General Local Law No.1 (2015). Currently Council accepts reports from the community of dumped trolleys and will log requests for collection on behalf of requestors.
- Municipal Laws Officers proactively patrol the municipality and hotspot locations and routinely log and tag trolleys for collection in addition to engaging with supermarkets to arrange immediate collection of dumped and abandoned trolleys daily.
- Provisions in the General Local Law No. 1 (2015) give officers the power to manage and enforce the control of abandoned shopping trolleys within the community.

**ABANDONED SHOPPING TROLLEYS cont'd**

*5.17 Shopping Trolleys*

- 1. A person must not abandon or leave a shopping trolley, other than in an area set aside for the leaving of Shopping Trolleys, on any road or Council Land.*
- 2. Any shopping trolley left on a road or other Council Land, except in an area set aside for the purpose of storage of shopping trolleys, may be impounded by an Authorised Officer.*

*Penalty (Infringement): 2 Penalty Units*

- Banyule's General Local Law No 1 (2015) (section 5.17), recognises that the person dumping or abandoning a shopping trolley on any road or Council Land to be the offender, not the supermarket making it difficult to hold persons accountable for the dumping as they must be caught at the time of dumping or abandoning the trolley. Given this constraint it is rare that enforcement action can be successfully taken against the individual.
- Council does have the power to impound items and a contractor has recently been appointed to undertake rapid response for the collection and impoundment of shopping trolleys within hotspot locations where retailers fail to address dumping.
- An impound release fee of \$51.50 per trolley is applied when retailers claim to have any impounded trolleys released.
- In September a night-time patrol was undertaken within the vicinity of Greensborough Plaza. Over a two-night period, a total of 113 trolleys were impounded. The number of trolleys collected and impounded belonging to each supermarket are set out in table 2 below. Following the impound patrol, one of the supermarkets applied for the release of their impounded trolleys and charged \$51.50 per trolley to have their items returned.

**Table 2: Number of trolleys collected and impounded**

<b>Supermarket</b>	<b>No.</b>
Coles	63
Kmart	24
Target	13
Woolworths	4
Aldi	3
Scully Rose	6

**What we can do differently**

- Officers propose to continue the recent impound patrol initiative as a 12-month trial, and continue to charge the \$51.50 per item release fee as set in Council's fees and charges schedule, as a way of deterring trolley dumping, encourage increased supermarket participation, accountability for proactive collection and contribute to less community reports to Council regarding abandoned trolleys.
- In order for this approach to be cost effective, consideration will be given to a significant increase to the impound release fee set in Council's fees and charges schedule as part of the 2024/25 budget process.

## **ABANDONED SHOPPING TROLLEYS cont'd**

- Further consideration may be given during the Local Law review scheduled this year to:
  - include '*owner*' of the trolley must not abandon or leave on any road or Council Land, in addition to the current wording referring to 'a person'
  - consider an increase in penalty amount for the offence
  - require all supermarket chains within Banyule to provide a fleet of shopping trolleys with lockable wheel mechanisms or coin deposit only systems
- We could further enhance our promotion to the community by providing content on our webpage and social media platforms with information on where and how to report abandoned trolleys.

### **Existing proactive advocacy and communication strategies**

- The Banyule Banner has been utilised to promote to the community how abandoned trolleys can be reported for collection.
- Additionally, the Municipal Laws & Public Assets Team promote the reporting of dumped trolleys internally to staff. Staff are encouraged to download reporting apps on handheld devices and log requests when they are moving throughout the Municipality.
- It's recognised that we could further enhance our promotion to the community.

## **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.

**ABANDONED SHOPPING TROLLEYS cont'd**

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

**ATTACHMENTS**

Nil



## **4.1 OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS**

Author: Karen Molinaro - Community Liaison & Support Officer, Community Wellbeing

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### **SUMMARY**

1. The purpose of this report is to advise Council of the 2023-2024 Banyule Community Grants, Arts and Culture Grants and Environment Grants programs Assessment Panel allocations for the 2023/24 financial year (**Attachment 1**).
2. The Community, Arts and Culture and Environment Grants programs continue to be sought out by local not for profit services, community groups and members of the local creative sector. These groups continue to seek financial assistance from Council, in the form of grants to enable them to deliver their programs and services to the Banyule community.
3. Allocations were made to community groups and not for profit services that support children and young people, Banyule's multicultural community, people with a disability, residents experiencing disadvantage, members of the local creative community, environmentally focused local individuals and community groups and the wider Banyule community.
4. This year the three (3) grants programs saw a large increase in the number of applications and funding requested, resulting in the amount of funding requested greatly outweighing the amount of funding to be allocated.
5. The number of applications that were received demonstrates that the programs are highly valued by services, community groups and the Banyule community.
6. All of the 2023-2024 Banyule Grants Program funding allocations have been approved as per specific grant guidelines.
7. All successful and unsuccessful applicants were informed of the outcome of their submission in October 2023, with processing of grant payments taking place in November 2023.
8. All successful grant recipients will be invited to attend a Banyule Council Grants Presentation Event to acknowledge, support and recognise the role they play in our community and congratulate them on receiving the grant to be held on 22 November 2023.

### **RECOMMENDATION**

That Council:

1. Makes public the list of successful applicants for the 2023 – 2024 Community Grants, Art & Culture Grants and Environment Grants programs (**Attachment 1**)

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

2. Notes that the grant recipients will be invited to attend the Banyule Council Grants Presentation Event to be held on 22 November 2023.
3. Notes that Council officers will work in partnership with the successful grant recipients to ensure the grant acquittal process is completed within the required timeframes.

**COUNCIL PLAN**

- This report is in line with Banyule’s Council Plan 2021 – 2025, Year 2 Annual Action Plan 2022/2023. Our Inclusive and Connected Community:
- Strategy 1.1 "Provide a range of services and programs, and work with relevant partners to enhance health and wellbeing outcomes and social cohesion".
  - Annual Actions for 2022/2023 1.2.5 Deliver Banyule Community Grants Program.
- This report is in line with Banyule’s Council Plan 2021 – 2025, Year 2 Annual Action Plan 2022/2023. Our Sustainable Environment and Our Well-Built City:
- Strategy 2.6 “Engage and work with the community and partners to protect, enhance and experience the environment”.
  - Annual Actions for 2022/2023 2.6.3 Provide environmental grants that support local environment initiatives.
- Strategy 8 “Lead on the use of sustainable modes of transport, and encourage walking, cycling and use of public transport”.
  - Annual Actions for 2022/2023 4.2 - In line with the Banyule Community Climate Action Plan explore ways to incentivise the use of zero or low emissions transport modes including bicycles and e-bikes. Investigate opportunities for Council to develop a bicycle infrastructure grant program for schools and community groups to support the development of green travel plans and the provision of bicycle parking and maintenance facilities.

**BACKGROUND**

**Grants Background**

- Council is committed to developing and fostering a thriving, sustainable, inclusive, and connected community. This is achieved through partnering with local community groups, organisations, and individuals to support the delivery of community-based services, programs, projects, and events that involve and benefit the Banyule community.
- One of the ways Council supports these initiatives is through delivering a range of grants programs. These programs strengthen and support the Banyule community through enhancing:
  - Health and wellbeing outcomes
  - Social cohesion
  - Community capacity building

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

- Professional development of the local creative sector and cultural outcomes.
- Community involvement to achieve environmental goals.
- This report highlights the following annual grants programs:
  - The **Community Grants Program** which aims to build the capacity of local community groups and not for profit organisations to deliver projects, programs and initiatives that will make Banyule a more connected, accessible, and inclusive community.
  - The **Arts and Culture Grants Program** that enables individuals and organisations to apply for funding to undertake a high-quality creative project that directly benefits the Banyule community and
  - The **Environment Grants Program** that encourages the Banyule community to care for our local environment and to lead on climate action.
- This year the Banyule Community Grants, Arts and Culture Grants, and Environment Grants programs opened on 3 July and closed on 11 August.
- In line with the Grants Program Policy (**Attachment 5**), the Grants Officer involved in the administration of the grants was not involved in the assessment process to ensure segregation of duties. All Council officers involved in the assessment of applications were required to complete a conflict-of-interest declaration.
- All of the 2023-2024 Banyule Grants Program funding allocations have been approved as per specific grant guidelines.

**Banyule Community Grants 2023-2024**

- The 2023-2024 Community Grants program offered \$160,000 for projects across five categories. The categories are outlined in Table 1.

Table 1 - Community Grants Program Categories

<b>Grant Category</b>	<b>Category Aim</b>	<b>Maximum Grant Allocation</b>
Minor Capital Works	Projects that contribute to improving service delivery, the function of facilities and outdoor spaces, accessibility, or address health and safety concerns.	\$10,000
Technology Support	Projects that strengthen organisational capacity, including technology upgrades, reconditioning and repairs, web design and redevelopment, video conferencing subscriptions, virtual experiences, hosting webinars. Funding for equipment purchases that support these initiatives can also be sought in this category.	\$5,000
Training and Development	Projects that strengthen organisational capacity and skill sets including online learning and webinars, training courses and professional development opportunities. This grant is targeted to groups that are not supported by state or federal funding and	\$5,000

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

	rely on other sources of income to fund training. This category supports the ongoing sustainability of local community groups and services.	
Community Connections Projects	<p>Projects that build on local capacity and help to create connected, accessible and inclusive communities through promoting, supporting, or enhancing:</p> <ul style="list-style-type: none"> <li>• Community health and well-being including life skills.</li> <li>• Food security and sustainability</li> <li>• Volunteerism</li> <li>• Community connections and engagements</li> <li>• Our diverse communities</li> <li>• Sport, leisure and recreation opportunities</li> </ul>	\$10,000
Equipment	For equipment purchases which help community groups to deliver services, and/or improve health and safety for staff/volunteers/group members.	\$10,000

- This year's Community Grants program received 59 applications across the five categories totalling \$399,268.24.
- All applications were assessed against the 2023-2024 Banyule Community Grants Guidelines (**Attachment 2**) and were checked to ensure eligibility. This included a debt check with Council's revenue debtors' team and an acquittal check for past Council grants.
- The assessment panel comprising of four senior Council officers allocated a total of \$160,030.80 in funding to 32 of the 49 eligible applications, with 10 applications deemed ineligible due to not meeting the criteria.
- Sixteen applicants were offered part funding and sixteen received the full grant amount requested. Ten applications were deemed ineligible, and one application was withdrawn. The list of successful applicants for the 2023-2024 Community Grants program is outlined in **Attachment 1**.
- Allocations were made to community groups and not for profit services that support children and young people, our diverse community, people with disability, residents experiencing disadvantage and the wider Banyule community.
- A Senior officer from Council's Governance Department was one of the panel member assessors. The role of the Governance officer was to provide additional rigour and oversight to support good governance, probity and accountability of grant allocation monies to community groups and not for profit organisations.

**Banyule Arts and Culture Project Grants 2023/24**

- Each year Council delivers an Arts and Culture Grants program that enables individuals and organisations to apply for funding to undertake a high-quality creative project that directly benefits the Banyule community.

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

- Applications were assessed against Council's Grant Policy and Arts and Culture Project Grants Guidelines (**Attachment 3**). This includes ensuring eligibility and assessment against four criteria:
  - 1) benefit to community (30%)
  - 2) value for money (30%)
  - 3) likelihood of success (30%)
  - 4) local investment of goods and services (10%).
- A pool of \$60,000 was made available for applications to support projects undertaken by individuals or organisations to lead high quality creative projects that activate and benefit Banyule's community spaces.
- This year, Council received 12 applications from individuals and organisations.
- A total of \$59,507 in funding across individual and group application streams was recommended and approved. The list of successful applicants for the 2023-2024 Arts and Culture Grants program is outlined in **Attachment 1**.
- The assessment panel comprised one Council Officer and two members of the Banyule Arts and Culture Advisory Committee.

**Banyule Environment Grants 2023/24**

- The Environment Grants program encourages the Banyule community to care for our local environment and to lead on climate action.
- Applications were assessed against Council's Grant Policy and Environment Grant Guidelines (**Attachment 4**). This includes ensuring eligibility and assessment against four criteria:
  - 1) Project Idea (50%)
  - 2) Application (20%)
  - 3) Community Benefit (20%)
  - 4) Local Procurement (10%).
- A total of \$85,000 grant pool was available for the Environment Grants this financial year.
- Council received 23 applications from individuals and groups for the Environment Grants. There were 14 applications that were successful.
- The assessment panel comprised a Council Officer and members of the Banyule Environment Climate Action Advisory Committee (BECAAC).
- A total of \$85,000 in funding across individual and group application streams was recommended and approved to be allocated to 14 of the 23 applications. The list of successful applicants for the 2023-2024 Environment Grants program is outlined in **Attachment 1**.

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

**KEY ISSUES**

- The Community Grants, Arts and Culture Project Grants and Environment Grants programs continue to be sought out by local not for profit services, community groups and members of the local creative sector. These groups continue to seek financial assistance from Council, in the form of grants to enable them to deliver their programs and services to the Banyule community.
- This year the three grants programs saw a large increase in the number of applications and funding requested, resulting in the amount of funding being requested greatly outweighing the amount of funding being allocated.
- The number of applications that were received through the Banyule Community Grants, Arts and Culture Project Grants and Environment Grants programs demonstrates that the programs are highly valued by services, community groups and the Banyule community.
- For the Community Grants program, the total funding requested was \$399,268.24 with \$160,000 grant funding available to be allocated to eligible applicants. Priority of grant allocations was given to applications that showed they were meeting a need for the Banyule community, their application demonstrated they were likely to be successful and their initiative provided value for money.
- To maximise the number of applicants to receive Community Grant funding, some applications were assessed to receive part funding, where it was deemed it wouldn't impact the overall outcome, and there was capacity to fund specific items of expenditure.
- In October, all applicants (both successful and unsuccessful) were informed of the outcome of their application. At this time, tailored feedback was offered to each applicant, with the aim of strengthening any future applications. Additionally, where there were potential opportunities for alternative suitable professional development, this information was provided to the applicant.
- Following notification of applicants of the outcome of their application, the allocated Community, Arts and Culture Project and Environment Grants' payments will be made in November 2023.
- All successful grant recipients will be invited to attend a Banyule Council Grants Presentation Event to acknowledge, support and recognise the role they play in our community and congratulate them on receiving the grant to be held on 22 November 2023.
- All successful grant applications are required to submit an acquittal report on completion of their project.

**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*.

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

- It is considered that the subject matter does not raise any human rights issues.
- The Community Grants, Arts and Culture Project Grants and Environment Grants programs support the following Human Rights:
  - Section 14 – The right to freedom of expression
  - Section 16 – The right to peaceful assembly and freedom of association.
  - Section 19 – Cultural rights, including Aboriginal cultural rights.
- The Banyule Community Grants Program, Arts and Culture Project Grants and the Environment Grants Programs facilitate and enhance health and wellbeing outcomes, social cohesion and build capacity, support professional development of the local creative sector and enhance cultural outcomes and encourage the Banyule community to care for our local environment and to lead on climate action.

**Gender Impact Assessment**

- *Section 9 of the Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- The gender impact and associated implications of the Council Grants programs will be considered as part of the Banyule Grants program review to be approved in April 2024. This will involve reviewing the Banyule Grants Policy and grant program guidelines.

**Sustainable Procurement Outcomes**

- The Banyule Community Grants 2023-2024, Arts and Culture Project Grants and Environment Grants programs encouraged applicants to submit projects that deliver sustainability outcomes as part of their project deliverables.
- Several applicants stated one of their key outcomes was sustainability and their projects would be delivered through reuse, re-purposing or reducing waste.
- Consideration is given to including restrictions on the type of appliances that will be funded through Council's grant programs to ensure we are adhering to sustainable practices, such as heating, and cooling, hot water and cooking appliances should be electric rather than gas powered.

**Financial Implications**

- The funding allocated in the 2023/24 budget for the Banyule Community Grants and Environment Grants has been fully expended.
- The funding allocated in the 2023/24 financial year for the Art and Culture Project Grants program totalled \$59,507 of the \$60,000 allocated budget for the financial year.

**Innovation and Continuous Improvement**

- To ensure the Banyule Community Grants, Art and Culture Project Grants and Environment Grants continues to meet best practice in grant design and implementation, the Community Grants Guidelines and application forms, Arts

**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

and Culture Project Grants Guidelines and application forms, and the Environment Grants Guidelines and applications forms are reviewed each year.

- The Community Grants Program, Art and Culture Project Grants and Environment Grants program have adopted the use of a combined grant agreement and invoice form which has improved the payment process for both the grant recipients and Council administration.
- A review of the Banyule Grants Policy and Community Grants Guidelines will be completed in early 2024.






**Community Engagement**

- The 2023-2024 Banyule Community Grants, Arts and Culture Grants and Environment Grants programs were promoted through the following mediums:
  - The Banyule Banner
  - Council's website and social media pages
  - Direct communications to local not-for-profit services and community groups through established Council officer networks
  - ArtHub website listing (Arts and Culture Project Grants program only)
  - Greenwrap
  - Arts and Culture – E news
- A list of successful applicants for the 2023 – 2024 Community Grants, Art & Culture Grants and Environment Grants programs will be made public on the Council webpage post this meeting.

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>N</b>	<b>Title</b>	<b>Page</b>
o	.	
1	Attachment 1. Banyule Grants Program allocations 2023 - 2024 	
2	Attachment 2. 2023 - 2024 Community-Grant-Guidelines 	
3	Attachment 3. Arts and Culture Project-Grants-Guidelines 	
4	Attachment 4. Environment Grants - Guidelines 	
5	Attachment 5. Banyule Grants Program Policy 2022 	



**OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS cont'd**

## 4.2 IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE

Author: Michelle Herbert - Senior Transport Engineer, City Development

### Previous Items

Council on 17 July 2023 (Item 9.2 - Improving walking and cycling access to all schools in Banyule)

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### SUMMARY

1. The purpose of this report is to respond to the Notice of Motion from the 17 July 2023 Council Meeting regarding improving walking and cycling access to all schools in Banyule.
2. At the 17 July 2023 Council Meeting, Council resolved the following:
  1. *A report be presented back to Council on or before 30 October 2023 detailing the current approach and funding options available to improve walking and cycling access to schools in the Banyule community, and*
  2. *The report to include information regarding the current timetable to complete Safe Access Audits at all schools, the funding required to undertake audits and the estimated budget that should be allocated to rectify items identified in the Safe Access Audits.*
3. Approximately 16,000 students aged 5 to 18 years attend the 34 primary schools and 10 secondary schools located in Banyule.
4. Council has been very active in the safe travel to school space over the last decade including provision of school crossing supervisors, active travel to school maps for all schools, a walking to school kit, participation in VicHealth's Walk to School program, sustainable transport grants for schools, and decals indicating the safest route to school for eight primary schools.
5. In the last 12 months, Council has funded Safe Access to School audits for five schools through the Bicycle Strategy Initiatives program and also appointed an Active Travel to School Education Officer (0.2 EFT) with grant funding to end December 2023, who actively gains traction in the school community.
6. The Safe Access to School audits cost in the region of \$5,000 per school audit. To undertake audits for all schools in the municipality in one year would cost approximately \$150,000.
7. Currently Council fund implementation of new walking and cycling infrastructure and maintenance of existing walking and cycling infrastructure at a level that is considered adequate to cover the needs identified by the school audits, but this will be monitored as more audits are undertaken.
8. To ensure the continued success of the active and safe travel to school program, Council could consider an increase in the contact hours of the dedicated resource (Active Travel to School Education officer) to undertake the work of gaining traction with schools in the municipality and allow for engagement with more schools. To achieve this, Officers consider that this resource could be employed 2 days a week (0.4 EFT) for the 2024 and 2025 school years.

**IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE  
cont'd**

9. Regarding funding opportunities, VicHealth's Walk to School program has been discontinued and Council has been unsuccessful in an application for the State Government's VicRoads Community Road Safety Grants (CRSG) program. This has resulted in Council being unable to undertake a number of road safety education and infrastructure programs related to child/student pedestrian and cyclist road safety.
10. Other avenues of funding are being explored including the National Road Safety Action Grants program to which Council has recently applied. There is also the State Government Safe Local Roads and Streets program which supports the development and delivery of road safety infrastructure projects on local roads.

**RECOMMENDATION**

That Council:

1. Receive this report in response to the Notice of Motion from 17 July 2023 Ordinary Council meeting.
2. Notes that the Bicycle Initiatives Program funds Safe Access Audits for five (5) schools per year, with funding for implementation through Council's operational and capital works programs, and Ten (10) schools will have been audited by end June 2024.
3. Continues to explore State and Federal Government funding opportunities to support walking and cycling infrastructure projects and education programs in Banyule.
4. Notes there is no current funding for the continuation of the Active Travel to School Education Officer position for future school years beyond 2023.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Actively support and facilitate infrastructure, service and programs that address community safety".

**BACKGROUND**

- Council at its meeting of 17 July 2023 resolved a motion which requested that:
  - *A report be presented back to Council on or before 30 October 2023 detailing the current approach and funding options available to improve walking and cycling access to schools in the Banyule community, and*
  - *The report to include information regarding the current timetable to complete Safe Access Audits at all schools, the funding required to undertake audits and the estimated budget that should be allocated to rectify items identified in the Safe Access Audits.*

**IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE  
cont'd**

- There are approximately 16,000 students aged 5 to 18 years attending 34 primary schools and 10 secondary schools located in Banyule.
- VicRoads publicly available data (CrashStats 2014-2019) indicate that there were three injury incidents involving cyclists aged 5 to 12 years and two injury incidents involving cyclists aged 13 to 18 years in the five-year period. No injury incidents involving pedestrians were recorded.
- More recent information available on the Transport Accident Commission (TAC) online crash database indicates that in the period January 2020 to January 2023, there was one injury incident involving a male cyclist aged 0-17 years requiring hospitalisation, and no incidents involving pedestrians.
- This relatively low incidence of serious injury occurring to child pedestrians/cyclists can be attributed to student road safety education conducted by schools and parents/guardians, and the continued Council contribution to road safety including school crossing supervisors.
- However, very recently, Council is aware of two separate serious injury incidents involving pedestrians aged 13 to 18 years on Diamond Creek Road in 2023. Advocacy is separately being undertaken with DTP to provide and improve pedestrian safety amenities on Diamond Creek Road.

**Active Travel to School Maps and Decals with VicRoads CRSG funding**

- In 2017 with funding from the VicRoads Community Road Safety Grants program (CRSG), Council produced Active Travel to School (Walking and Cycling) maps for all primary schools in Banyule. The maps were distributed electronically and in hard copy to each school and are an addition to each school's Foundation Year start of school kit.
- The Active Travel to School maps demonstrates a series of safe walking and cycling routes to school for up to a 1km radius from the school. The maps show suitable routes and crossing points to the school gate. It is noted that under Victorian road rules that children up to and including 12 years of age can cycle on footpaths and that adults can also ride on footpaths if accompanying a child up to 12 years of age.
- Further funding from the VicRoads CRSG program allowed Council to install decals along the Active Travel to School routes for a number of schools including:
  - Olympic Village primary school
  - Ivanhoe primary school
  - Greensborough primary school
  - Greenhills primary school
  - Ivanhoe East primary school
  - Sherbourne primary school
  - St Francis Xavier primary school
  - St Pius X primary school
- Decals are direction and distance markers placed on each route which serve as a visible reminder to students and guardians that they are on a safe route which will lead them to the school gate.

**Active Travel to School Education Officer with VicRoads CRSG funding**

- In September 2022, again using funding from the CRSG program, Council contracted an Active Travel to School Education Officer to provide a liaison point

**IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE  
cont'd**

and a more holistic approach to active and safe travel to school in Banyule. The Active Travel to School Education Officer is contracted for 8 hours a week and this funding and position expires in December 2023.

- The Active Travel to School Education Officer ties together all strands of the safe Active Travel to School program, including visits to schools, road safety education and liaison to assist schools to apply for funding from Council's Environmental Grant program – transport stream.
- The Active Transport to School Education Officer's liaison enabled two schools (Watsonia Heights and Montmorency South) to receive \$8,000 each in grants to provide bicycle facilities on their school sites. No schools applied for the 2023/24 Environmental Grant program funding round, despite extensive promotion.

**Bicycle Initiatives Program (Banyule Bicycle Strategy)**

- In March 2022, Council adopted its Banyule Bicycle Strategy Action Plan (2022). \$300,000 funding was made available by Council in 2022/23 to action the Bicycle Initiatives Program. The initiatives program is ongoing with \$200,000 funding available for the 2023/24 year.
- In 2022/23, two schools (Watsonia Heights and Montmorency South) received \$8,000 each in Sustainable Transport Grants, funded by the Bicycle Initiatives Program, to provide bicycle facilities on their school sites.
- The Bicycle Initiatives Program also includes \$25,000 per annum to carry out Safe Access to School audits for five schools within the municipality. These audits are a continuation of a previous program of Neighbourhood Centre Safe Access Audits (SAAs) which identified improvements needed around nine neighbourhood centres in Banyule.
- To date Safe Access to School audits have been completed for:
  - Bundoora Primary School,
  - St Pius X Primary School,
  - Olympic Village Primary School,
  - Watsonia Heights Primary School, and
  - Greensborough Primary School.
- The intention of the program is to complete SAAs for five schools each year going forward, with all schools in Banyule to have a completed audit by 2029. Implementation costs vary from smaller items such as trimming back vegetation and replacing a broken footpath panel to larger items such as pedestrian crossing facilities.
- Currently, no funding is allocated in the Bicycle Initiatives Program for SAA implementation actions. However, Council's 10-year Capital Works program anticipates the installation of new walking infrastructure (e.g. raised school crossings) to respond to SAA findings. Generally, these would average at about approximately \$80,000 per year.
- This may also aid cyclists noting that walking a bike across a pedestrian crossing assists the rider complete a safe trip to school especially for primary school students who can also ride on footpaths.

## **IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE cont'd**

- Items in the SAA's process that identify rectification needs to existing infrastructure (e.g. Broken footpath) is covered in Councils existing infrastructure operational maintenance budgets. It is however recommended that projects within these budgets be rescheduled as appropriate as rectification projects around schools are identified and placed in the budget schedule with a high priority. Additions to budgets to cover SAA related projects are considered unlikely but can be considered as they arise.
- Grant funding opportunities which continue to be pursued may also be able to cover any future budget requirements for SAA outcome projects.

### **KEY ISSUES**

- The VicRoads Community Road Safety Grants program (CRSG) provides \$1.5m in funding to empower communities to prevent and reduce the number of lives lost and serious injuries on Victoria's roads. Funding is provided through a standard grants program. However, the program is extremely competitive, and Council was granted just \$400 of its \$40,000 funding application for 2023/24.
- The reduction in funding grants has resulted in Council being unable to undertake a number of road safety education and infrastructure programs related to child/student pedestrian and cyclist road safety.
- The Active Travel to School education officer position has been funded through the CRSG funding and Walk to School grant funding (now discontinued). The failure to receive future funding for the position will result in this position being terminated in December 2023, losing a vital connection with our school community.
- Council has very recently applied for funding from the National Road Safety Grants program under the Vulnerable Users stream. The funding grant would combine the Active Travel to School education officer with the Safe Access to School program to achieve the best possible result for students and the local community. The outcome of the application will be known by the end October 2023.
- The funding if granted would allow Council to employ an Active Travel to School Education Officer for 2 days a week for the 2024 school year.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

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

#### **Human Rights Charter**

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

#### **Gender Impact Assessment**

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

**IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE  
cont'd**

- A Safe Access Audit Program is undertaken in accordance with specific engineering standards. A GIA would be relevant to any reviews in the strategies that support active transport such as the Bicycle Strategy.

**Sustainable Procurement Outcomes**

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

**Financial Implications**

- If Council's funding application to the National Road Safety Action Grants is unsuccessful, then consideration could be given to Council funding the Active Travel to School Education Officer position for a 2 days/week position would require approximately \$40,000 funding from Council and an additional 0.4 EFT.
- The Safe Access to School audits cost in the region of \$5,000 per school audit. To undertake audits for all schools in the municipality in one year would cost approximately \$150,000.
- Currently, Council funds safe access to school audits for five schools per annum. Five schools were completed in 2022/23, with the next five schools to be completed in Quarter 2 of 2024.

**Community Engagement**

- The Active Travel to School maps were designed with school and community assistance. Decals marking the distance and direction to school have also been designed by students at the school in school colours.
- Further, the Active Travel to School education officer has regular liaison with the schools, students and school community when assisting schools in improving and encouraging more active and safe travel to school.

**Collaboration**

- Council officers regularly collaborate with adjacent municipalities to determine the best way of attracting schools and students to active travel.
- Council collaborates with the DTP and VicRoads Community Road Safety Grants program to access funding.
- Council would also work with the National Road Safety Action grants program if successful in its funding application.

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

Nil

## **4.3 DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION**

Author: Laura Cattapan - Community Connections Coordinator, Community Wellbeing

### **Previous Items**

Council on 29 May 2023 (Item 4.1 - Older Adults Strategic Plan 2017 - 2021 Achievements Report)

Council on 30 Oct 2017 7.15pm (Item 3.1 - Older Adults Strategic Plan 2017 - 2021 & Annual Action Plan)

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### **SUMMARY**

1. This report is seeking Council's endorsement of the Draft Older Adults Framework 2030 for public exhibition and community consultation.
2. The Draft Older Adults Framework 2030 sets out Council's strategic framework and outlines its commitment to ensuring Council continues to improve the liveability of Banyule for older adults.
3. In June 2023 an Older Adults Framework Codesign Working Group was established to advise and guide Council in the development of the Framework. The Working Group comprises members of Council's Age Friendly Committee and Age Friendly Champions Program. They have provided input at every stage of the development of the Draft Framework.
4. An extensive community engagement process was delivered from July - September 2023. Nearly 400 members of the community participated in the engagement process.
5. The common themes that were identified through the community engagement process and the environmental scan were used to determine the commitment and goals outlined in the Draft Framework.
6. In collaboration with the Codesign Working Group, the following key commitments have been identified for the Draft Framework:
  - We will address ageism and honour the wisdom and experience of older adults.
  - We will support civic and social participation and connections.
  - We will support older adults to live and age well.
  - We will provide access to information and communication.
7. Subject to Council endorsing the Draft Older Adults Framework for public exhibition and community feedback, it is proposed that a consultation period of six weeks from 3 November 2023 to 15 December 2023 will take place.
8. In collaboration with the Codesign Working Group community feedback will be collated, analysed, and included in the final draft of the Framework to be presented to Council to consider for adoption in February 2024.



**DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION cont'd**

**RECOMMENDATION**

That Council:

1. Endorse the Draft Older Adults Framework 2030 (**Attachment 1**) for community consultation commencing 3 November 2023 and concluding on 15 December 2023.
2. Acknowledge the advice, guidance and input provided by the members of the Older Adults Codesign Working Group in developing the Draft Older Adults Framework 2030.
3. Note that the Draft Older Adults Framework will be presented back to Council for final adoption in February 2024.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Promote community awareness and support a diverse, connected, and inclusive community that respects and celebrates different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities".
- **BACKGROUND**The Draft Older Adults Framework 2030 (**Attachment 1**) has now been developed with considerations being made of the key learnings and opportunities identified in the Achievements Report that was presented to Council in May 2023. They include:
  - To codesign the new Framework with the Age Friendly Committee and members of the Age Friendly Champions.
  - Deliver a targeted but thorough community engagement process.
  - Continue to build on partnerships for the delivery of services, activities, and programs for older adults.
  - Continue to support local community groups, recreation providers and services to deliver creative and engaging age friendly activities.

**Development of the Draft Framework**

- In June 2023 the Older Adults Framework Codesign Working Group was established to advise and guide Council in the development of the Framework. The Working Group comprises members of Council's Age Friendly Committee and Age Friendly Champions Program.
- The following actions were delivered to develop the Draft Framework:
  - A demographic profile of older adults in Banyule.
  - Environmental scan of existing data including consultation and survey results.
  - Literature review and research.
  - Community engagement.

**DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION cont'd**

- An extensive community engagement process was delivered from July - September 2023. Nearly 400 community members participated in the community engagement process.
- The WHO Age Friendly Cities Eight Domains were used to code the data, they include outdoor spaces and buildings; transportation; housing; social participation; respect and social inclusion; civic participation and employment; communication and information; and community support and health services.

**KEY ISSUES**

**What Council Identified**

- Through the community engagement process and environmental scan of existing data, Council identified that:
  - Older adults are generally the most satisfied cohort living in Banyule and are faring well physically, mentally, socially, and financially.
  - Many older adults aspire to live and age well in their community and want to remain living independently at home for as long as possible.
  - As they age, older adults are more likely to require services to support them to remain living independently and age well at home.
  - Isolation and loneliness are growing issues for older adults in Banyule, and more likely to impact people living alone, those with limited English proficiency and people who provide unpaid care.
  - Regardless of age or ability, many older adults seek to remain active and purposefully participate in and contribute to community life, including volunteering.
  - Older adults are valued carers in our community. They provide significant amounts of unpaid care for people with age related conditions, people disabilities, mental health issues, substance abuse disorders, chronic illness, and care of grandchildren.

**Draft Framework Commitments and Goals**

- From the identified themes Council and the Codesign Working Group established the following key commitments for the Framework:
  - We will address ageism and honour the wisdom and experience of older adults.
  - We will support civic and social participation and connections.
  - We will support older adults to live and age well.
  - We will provide access to information and communication.

**Draft Framework Oversight and Implementation**

- Banyule's Age Friendly Committee will have responsibility for overseeing the Older Adults Framework 2030.
- The Committee will guide the development of annual actions to be implemented by Council. Council will report on the outcomes with the annual actions being

**DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION cont'd**

endorsed by Council and represented in Council's Inclusive Banyule Integrated Annual Action Plan.

**Next Steps**

- The Draft Older Adults Framework will be available for public exhibition and community feedback from 3 November 2023 to 15 December 2023, pending Council's endorsement.
- In collaboration with the Codesign Working Group additional community feedback will be collated, analysed, and included in the final draft of the Framework. The final Draft will be presented to Council to consider for adoption in February 2024.

**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*. This pertains specifically to Section 8: Right to recognition and equality before the law; Section 9: Right to life; Section 14: Right to freedom of thought, conscience, and belief; Section 15: Right to freedom of expression; Section 18: Right to take part in public life; and Section 19: Cultural rights.
- It is considered that the subject matter supports the human rights of older people and in particular the Draft Older Adults Framework 2030.

**Gender Impact Assessment**

- *Section 9 of the Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- In developing this report, the subject matter has been considered in accordance with the requirements of the *Section 9 of the Gender Equality Act 2020*.
- As a result of the Gender Impact Assessment, the following recommendations or adaptations will be considered to reduce gender inequality and promote gender equality" in the implementation of the Older Adults Framework 2030:
  - Steps will be taken to foster social connections, promote civic participation and build positive connections within the community.
  - Opportunities created to recognise the skills and contributions of older adults and support older adults to enhance skills, particularly digital literacy.

**DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION cont'd**

- Work towards addressing financial literacy and advocate for appropriate housing options, especially for older women, First Nations older people and older people with disability.
- Actively address ageism and elder abuse and help older adults understand their rights and where to get help.
- Consider ways to improve communications and access to ensure older adults particularly men with higher incidence of health issues can connect with the services they need.
- Find ways to promote the value of older adults in the workforce, especially to help women secure sustainable sources of personal income.
- Find ways to better support older adults who provide unpaid care, with a focus on building social connections.
- Find ways to support LGBTIQ+ older adults to identify confidently and address service level stigma and discrimination.
- Find better ways to communicate with older adults to foster social connections and engagement, with a specific focus on multicultural communities with poorer levels of English proficiency.

**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**

- It was important to ensure the Draft Framework reflected the current needs and aspirations of older people. To achieve this Council conducted the following:
  - An Older Adults Framework Codesign Working Group was established to advise, guide, and provide input at every stage of the development of the Draft Framework.
  - An extensive community engagement process from July - September 2023 was delivered, this included:
    - An online survey in Shaping Banyule, with hard copy versions available in a range of community locations.
    - In person consultations with ten local diverse older adult community groups
    - A community focus group session with over 50 older adult residents in attendance.
  - Nearly 400 people participated in the community engagement process, with 254 people attending the face-to-face consultations and 134 people completing the online/hardcopy surveys with 63 people completing the

**DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION cont'd**

hardcopy survey. This reinforces research and feedback that shows older adults need multiple ways to engage with Council.

**Key Considerations**

- The Draft Older Adults Framework will be available for public exhibition and community feedback pending Council's endorsement, from 3 November 2023 to 15 December 2023. Feedback will be sought the following ways:
  - On the Shaping Banyule webpage.
  - Through community consultations with the community groups that were previously consulted. This may include further attendance at the groups or providing them with hard copies (to be advised by group leaders).
  - Engagement with internal and external stakeholders/networks, Age Friendly Champions and those who provided contact details via Shaping Banyule.
  - Flyers left in libraries, neighbourhood houses and Council's Customer Service centres, outlining a range of ways people can provide feedback.

**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**

<b>N</b>	<b>Title</b>	<b>Page</b>
0	.	
1	Attachment 1 - Draft Older Adults Framework 2030.docx	



## 5.1 ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL

Author: Damien Harrison - Environment Coordinator, City Development

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### SUMMARY

1. This report responds to a request from Council to consider the implications of interstate business travel on corporate greenhouse gas emissions.
2. The Corporate Emissions Reduction Plan (CERP) recognises business travel as a Scope 3 emissions source for Council to account for. Scope 3 emissions are those embedded within the goods and services Council procures, including utilising modes of transport not owned and operated by Council.
3. In 2022-23 a total of four (4) Council staff and three (3) Councillors travelled interstate on return flights for business purposes. This travel amounted to 11,148 people kilometres, which generated an estimated 1.77 tonnes CO<sub>2</sub><sup>e</sup> emissions. This represented 0.09% of Council's Scope 3 emissions and 0.03% of overall emissions.
4. Other emissions sources related to staff travel, including rail, accommodation and taxi, account for 1.45 tonnes CO<sub>2</sub><sup>e</sup> emissions. This represents 0.07% of Council's Scope 3 emissions and 0.02% of overall emissions. Combined travel-related emissions account for 0.05% of Council's overall emissions, which is considered negligible or immaterial for carbon accounting.
5. The principles of Avoid, Minimise and Offset offer a suitable approach to considering business travel needs going forward. This can be implemented through staff communications and engagement programs aimed at developing a climate action culture at Banyule in accordance with the CERP.
6. Minimising business travel emissions and considering the purchase of travel offsets supports Council's intent to become a certified carbon neutral organisation by 2028.

### RECOMMENDATION

That Council:

1. Notes the low impact of business travel on corporate emissions.
2. Supports in principle the recommended approach to business travel of Avoid, Minimise and Offset, which will be explored further through the redevelopment of Council's Corporate Emissions Reduction Plan.

### COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Demonstrate leadership in addressing climate change and take action to become a carbon neutral Council by 2028 and City by 2040".

## ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL cont'd

### BACKGROUND

- At its 7 August 2023 Council Meeting Council received a report on the outcomes of the ALGA National General Assembly in Canberra on 13-16 June 2023 that was attended by three (3) Councillors.
- The report generated discussion around the environmental impact of staff and Councillor interstate travel, which resulted in an amended motion (CO2023/131) being carried that included the following:
  - Request a report be presented back to a future Council Meeting regarding the considerations that need to be given to future interstate travel for Councillors and staff, considering Council's Corporate Emissions Reduction Plan and targets.

### KEY ISSUES

- Business travel interstate or overseas is sometimes required to support Council in fulfilling its strategic objectives. This may include attending important conferences, meetings, awards or other forums. Council supports this by allocating budget to fund travel expenses and taking out a travel insurance policy annually.
- Whilst business travel is sometimes necessary, most forms of transport (i.e. aviation, rail, motor vehicle) result in the burning of fossil fuels and subsequent greenhouse gas emissions.
- The Corporate Emissions Reduction Plan (CERP) recognises 'business travel' as a Scope 3 emissions source that Council should account for in line with the National Carbon Offset Standard (NCOS). Scope 3 emissions are those embedded within the goods and services Council procures, including utilising modes of transport not owned and operated by Council.

### Quantifying Council's business travel emissions:

- Council's business travel emissions in 2022/23 are summarized in Table 1. Interstate travel (plane) accounts for 0.03% of Council's total emissions, while other staff travel-related emissions (train, accommodation, taxi) account for 0.02% of emissions.

**Table 1:** Staff travel-related emissions sources, and what proportion of Council's Scope 3 and total emissions that each account for.

Travel Emissions Source	Emissions (t CO <sub>2</sub> -e)	% of Scope 3 emissions	% of total emissions
Plane (interstate)	1.77	0.09%	0.03%
Train	0.23	0.01%	0.004%
Taxi	0.46	0.02%	0.006%
Accommodation	0.76	0.04%	0.01%
<b>TOTAL</b>	<b>3.22</b>	<b>0.16%</b>	<b>0.05%</b>

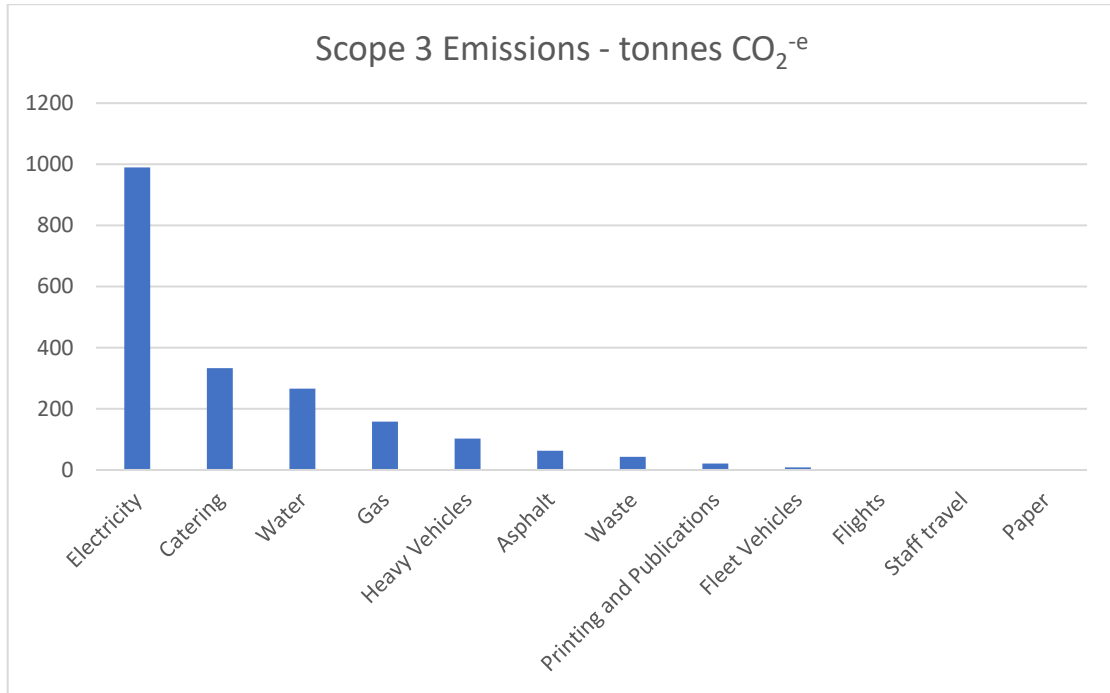
- t CO<sub>2</sub>-e = tonnes of carbon dioxide equivalent

- As shown in Table 1 Council's overall travel-related emissions make up only 0.16% of Scope 3 emissions and 0.05% of total emissions, which is insignificant. According to the Climate Council such low emissions are considered immaterial when assessing an organisation's emissions footprint for carbon neutral certification.

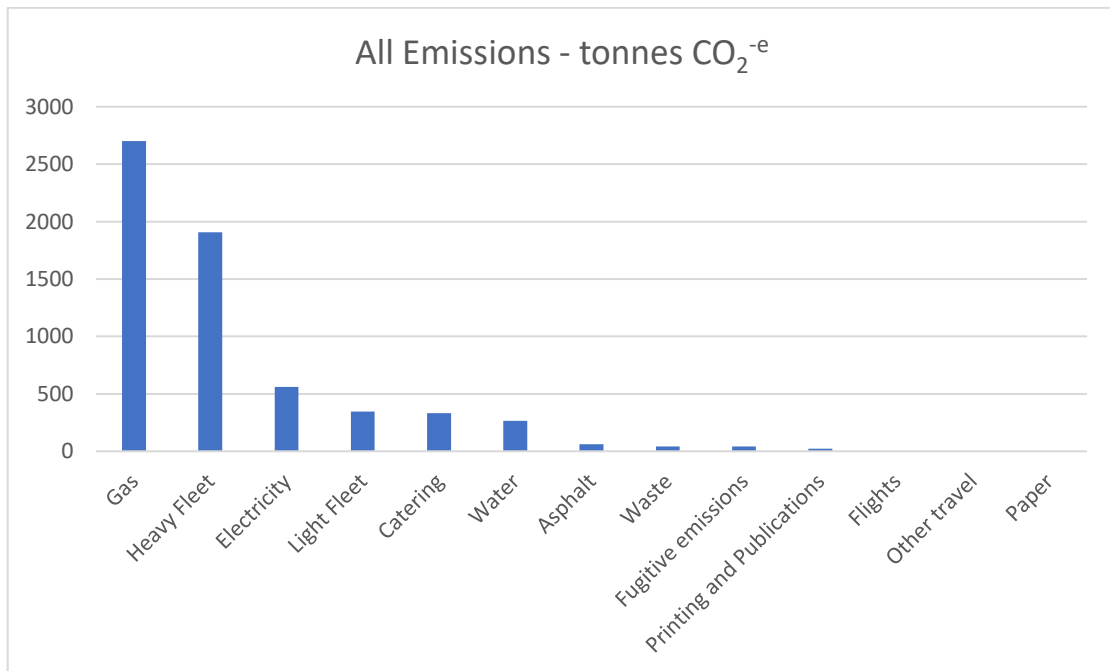


**ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL cont'd**

- The proportion of Council's business travel emissions relative to other Scope 3 emissions sources and all emissions sources are presented in Figure 1 and Figure 2 respectively. These graphs highlight how low Council's business travel emissions are relative to more intensive Scope 3 emissions sources such as electricity, catering and water.



**Figure 1:** Council's Scope 3 emissions sources for 2022-23 in tonnes of CO<sub>2</sub> equivalent.



**Figure 2:** All of Council's emissions sources for 2022-23 in tonnes of CO<sub>2</sub> equivalent. Fugitive, heavy fleet and light fleet are primarily Scope 1 (direct) with minor Scope 3 (supply chain) emissions, and gas is primarily Scope 2 with minor Scope 3 emissions. All other emissions sources are Scope 3, including electricity.

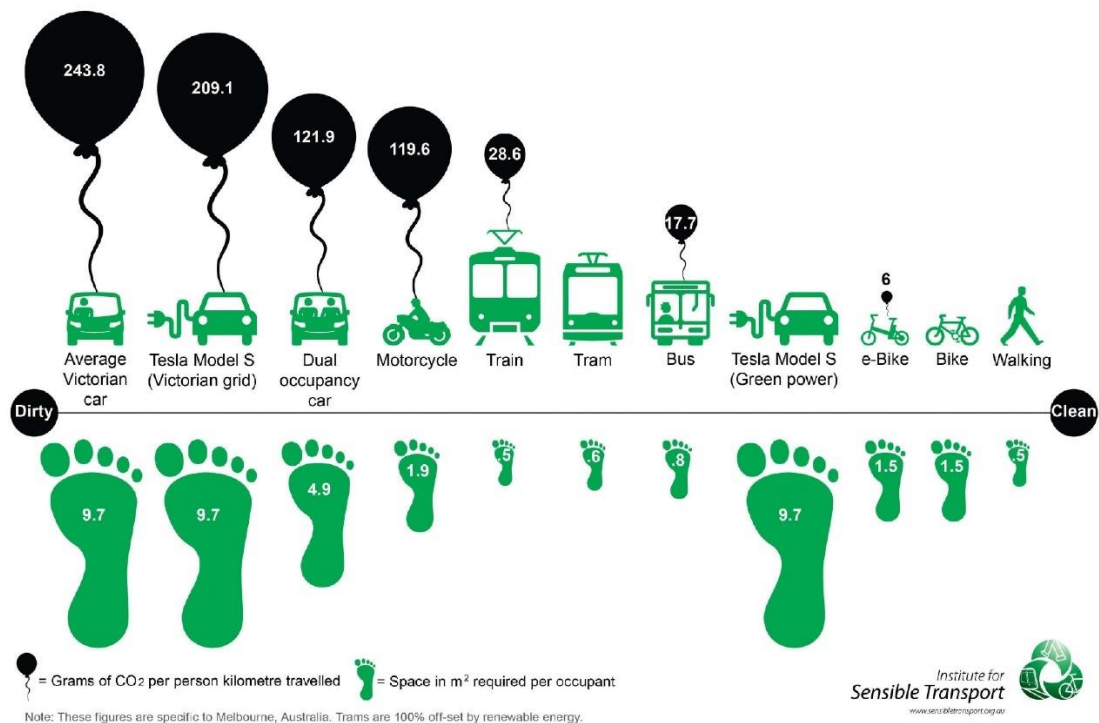
ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL cont'd

Addressing Council's business travel emissions:

- Although Council's overall business travel emissions are negligible, seeking to minimise the environmental impact of business travel would assist Council in meeting its commitments through the CERP. Key principles to consider in minimizing the environmental impact of any business operation include:
  - **Avoid** – question if the travel is absolutely necessary, and only commit to business travel if the answer is yes.
  - **Minimise** – if travel is necessary, prioritise the most sustainable form(s) of available transport.
  - **Offset** – if the business travel results in greenhouse gas emissions beyond Council's control, these can be offset to meet Council's target to be a certified carbon neutral organisation in accordance with the CERP.

Minimising emissions:

- Minimising business travel emissions requires an understanding of the emissions impact of varying modes of transport. As shown in **Figure 3**, public transport options produce far fewer emissions relative to motor vehicles. Air travel is not represented in the graphic, though flight emissions are equivalent to a dual occupancy car (approximately 130 grams of CO<sub>2</sub> per person kilometre travelled). Battery Electric Vehicles (BEVs) powered by renewable energy emit zero greenhouse gases, though have an environmental impact in terms of the space they occupy per person.



**Figure 3:** Emissions from different modes of transport per passenger km. Note that air travel is not listed here. The approximate emissions for air travel per passenger are equivalent to a conventional dual occupancy car. Source: Institute for Sensible Transport.

## **ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL cont'd**

- Examples of business travel options that would *minimise* emissions include:
  - Walking, cycling and e-bikes for very local travel
  - Using rail wherever possible
  - Using Battery Electric Vehicles (BEVs) for car travel, particularly when charged with green power (i.e. at any Council charging station)
  - Only booking flights where other low emissions forms of transport are not practical

### Offsetting emissions:

- Several aviation schemes exist to support the industry to transition to zero net emissions by 2050, including programs led by the International Civil Aviation Organisation and the International Air Transport Association. Initiatives include transitioning to more sustainable technologies and fuels and purchasing of offsets. Until local airlines achieve carbon neutrality Council would need to commence purchasing offsets for its air travel to fulfil its target to be certified carbon neutral by 2028.
- Many airlines currently offer passengers the option of paying to offset their travel emissions in the form of a small fee on top of the ticket purchase price. Qantas, Jetstar and Virgin offer this option to customers in Australia. Council could approach aviation offsets in this way if purchasing through these operators. However, it may be more cost effective and efficient for Council to make an annual bulk purchase of offsets for all its business travel emissions, including flights. This could commence from 1 July 2028 to align with Target 28.

### Implementing the Avoid, Minimise, Offset approach:

- Implementing the Avoid, Minimise and Offset approach would involve staff education and promoting sustainable transport options as part of ongoing work to foster a climate action culture within the organisation. Council already offers support and incentives to staff to travel sustainably to and from work.
- Further options to address business travel and other Scope 3 emissions will be explored through the review and redevelopment of the CERP.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

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

### **Human Rights Charter**

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

### **Gender Impact Assessment-**

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

## **ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL cont'd**

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

### **Sustainable Procurement Outcomes**

- Considering and acting on more sustainable transport options contributes to Council's pursuit of sustainable procurement and aligns with the Sustainable Procurement Guidelines.

### **Financial Implications**

- Reducing business travel emissions will have a positive financial impact on the organisation in the medium to long term. By 2028 Council will need to consider offsetting its business travel emissions (along with all other Scope 3 emissions sources) in accordance with the National Carbon Offset Standard (NCOS) to achieve carbon neutral certification.
- The cost of business travel offsets will be calculated and presented to Council through the CERP redevelopment.

### **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

## **5.2 PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT**

Author: Chris Callahan - Bushland Management Coordinator, Assets & City Services

### **Previous Items**

Council on 25 September 2023 (Pest Animal Management - Fox Control within Banyule City Council Urban Environment)

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### **SUMMARY**

1. A Notice of Motion (NOM) was carried by Council on the 29 May 2023 Council Meeting in line with Council's Governance Rules. The Notice of Motion read:

*Council has obligations under legislation and the regulations for the management of Red Fox, *Vulpes vulpes* within Banyule, and Council's current practice in meeting those obligations.*

*Council's current role advocating to relevant state and federal governments, agencies, and peak organisations regarding the issue of fox management in the community and beyond; and*

*What further action Council could take to better protect wildlife now and for future generations through the management and eradication of red fox in Banyule.*

2. The Report provides information about the spread of foxes in Banyule, and the current practices Council undertakes to manage fox populations across the urban landscape. It details the control options available and the limits of these controls in the context of an urban environment.
3. The report also provides background on current collaboration Council undertakes, potential future advocacy with local landowners and other proactive measures the community may do to reduce the wider impact of fox predation within private properties.
4. Foxes are highly adaptable omnivores, and they prey upon our native wildlife including reptiles, mammals, birds and insects, as well as native vegetation. Foxes also prey on domesticated animals including unprotected poultry, rabbits, guinea pigs and aviary birds. Foxes can spread parasites and diseases such as mange and distemper to domestic animals and pets, livestock and guinea pigs.
5. Council has obligations under the *Catchment and Land Protection Act 1994* (CaLPA) and the regulations for the management of Red Fox, *Vulpes vulpes* within Banyule on council-owned and managed land.
6. Council currently employs a range of practices to meet its obligations, including monitoring and controlling foxes and rabbits within 12 priority park, reserve and bushland sites. This involves the use of controlled trapping methods by contractors to control foxes in key locations to reduce the impact on wildlife and the indirect spread of noxious weed species within biodiversity sites.

**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd**

7. Under the *Local Government Act 2020* and the CaLP Act, Council is not required to control foxes within private land. There are risks for Council employing control practices outside of Council-owned or managed land due to the high risk of off-target impacts to domestic pets and animals.
8. It is expected that the 2023/24 control program (\$45,000) will be fully acquitted, making a meaningful impact on red foxes at the existing high priority bushland sites. Current bushland resources and budget are not sufficient to make substantial impacts on the residual red fox population outside of these sites.
9. Due to the wide population spread of red foxes in Banyule and across Melbourne, consideration should be given to the long-term outcomes and value for money any increased red fox control may provide. Red foxes are highly adaptable and opportunistic and demonstrate an ability to quickly repopulate areas they have been removed from. Continuing the current program of fox control, which targets sites identified as having high biodiversity value, is likely to be the most effective and sustainable form of management on public land. The current program is considered to be a sustainable control method using existing resources.
10. Should Council wish to consider further fox control programs, it may elect to increase budget resources to expand red fox control programs to new areas of public land, expand community education and increase advocacy with government partners and other authorities. Several options are included in the Financial Implication section of this report.

**RECOMMENDATION**

That Council:

1. Continue to support existing fox control measures for public open space to retain and enhance biodiversity at high biodiversity value sites within Banyule bushland reserves and wildlife corridors.
2. Provide the Banyule Community with online information on how to deter fox activity within private properties.
3. Advocate for co-funding opportunities and participation for fox control programs from adjacent land authorities within Banyule such as Melbourne Water and Parks Victoria.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Protect and enhance our natural environment, providing connected habitat for diverse flora and fauna".

## PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd

### BACKGROUND

- Banyule City Council (as do all landholders) have an obligation under the *Catchment and Land Protection Act 1994* (CaLPA) to take all reasonable steps to prevent the spread of, and as far as possible, eradicate established pest animals from their land. Foxes and rabbits are declared as established pest animals (Noxious Vermin) under the *Catchment and Land Protection Act 1994*.
- Red foxes forage around rubbish bins, picnic sites, compost heaps and feed on fruit and pet food left outside. Foxes are highly adaptable urban predators and scavengers. They often prey on native wildlife including reptiles, mammals, birds and insects, as well as native vegetation. Foxes also prey on domesticated animals including unprotected poultry, rabbits, guinea pigs and aviary birds. Foxes can spread parasites and diseases such as mange and distemper to domestic animals and pets, livestock, and guinea pigs.

### Red Fox Distribution

- Recent studies show there are as many as 16 foxes per km<sup>2</sup> in Melbourne, while in temperate agricultural areas, fox densities are estimated to be around 4–8 per km<sup>2</sup>. (*DEECA Stats for Red Fox 2023*).
- Foxes can have several dens or hiding places at different times during the day and may not regularly return to any one den. Vixens (female fox) may have several dens for any one season.
- Dens can be found along many of our corridor reserves within creek and riverbanks and heavily vegetated areas, such as blackberry patches. Foxes are adept at using the extensive network of underground stormwater pipes to move through the city undetected. They are also found under houses, sheds, outbuildings or in hollow logs.
- While foxes are often seen during daylight hours, they are mostly nocturnal with peak activity during the evening and early morning. Foxes are generally timid and will flee when disturbed. **Figure 1** and **2** explain recent fox sightings across Banyule from community reports during 2022/2023.
- While this doesn't necessarily reflect the broader fox distribution across Banyule, it does demonstrate where residents are sighting foxes or witnessing disturbance within private properties or nearby Banyule reserves.
- It appears some Montmorency and Greensborough residents have a greater instance of reporting foxes and maybe more aware of the impacts of foxes and the locations of these within their suburbs. This data and reporting has helped guide some of the decisions for Council control works in the past.

**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd**

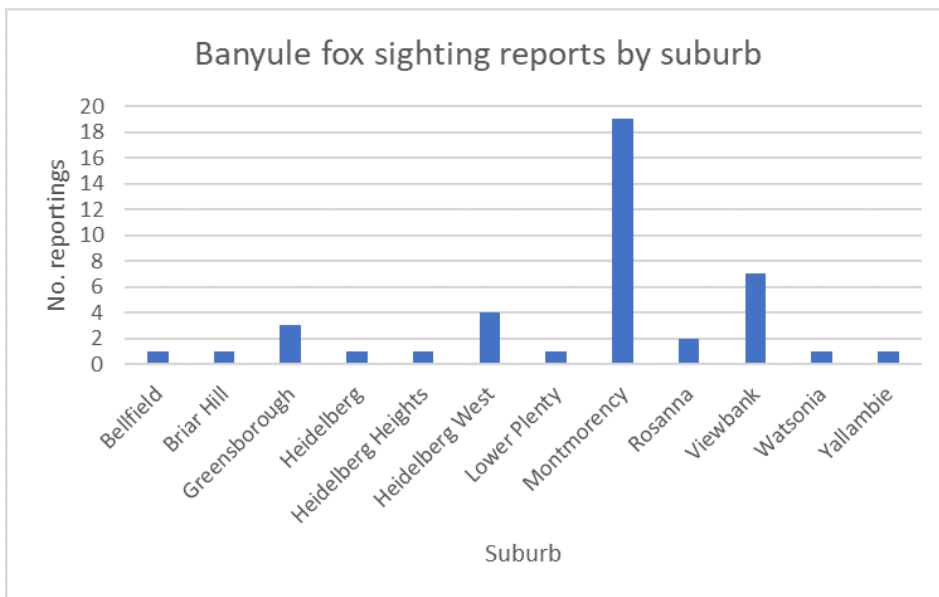


Figure 1: Reports of fox sightings March 2022/ August 2023

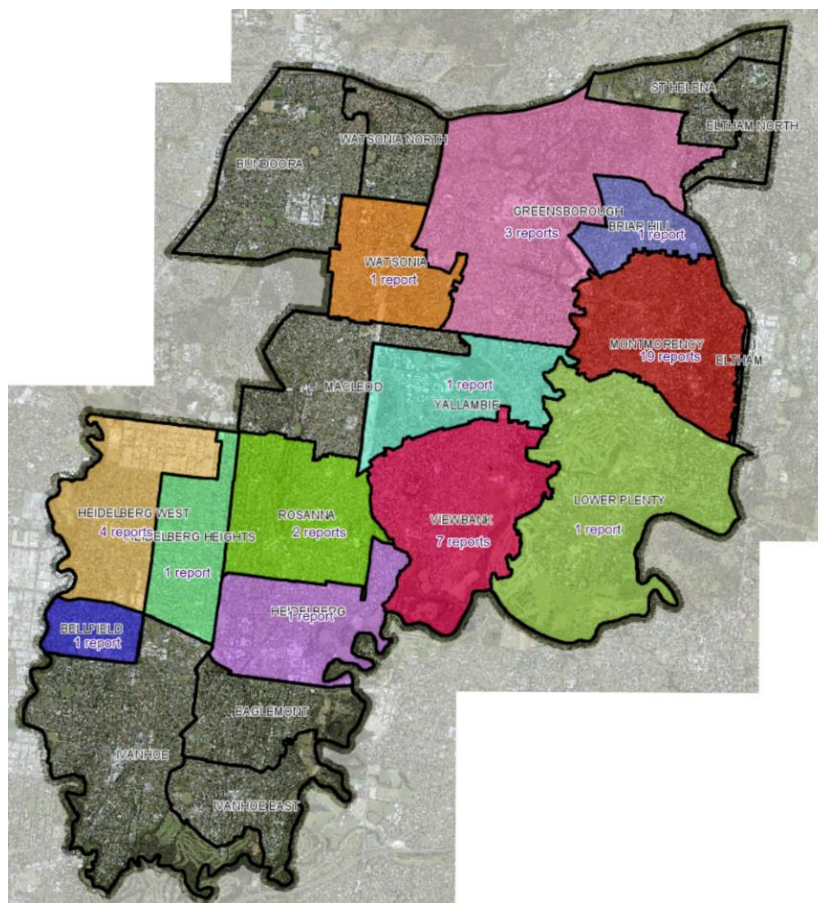


Figure 2: Fox sightings by precinct map March 2022/ August 2023

Current Practices

- Council's Bushland Management Unit have actively managed the fox and rabbit populations on public reserves for over 25 years. Bushland rangers currently monitor and control foxes and rabbits within up to 12 priority sites, these include:



**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd**

- Banyule Flats Reserve, Viewbank (foxes and rabbits)
- Andrew Yandell Habitat Reserve, Greensborough (foxes)
- St Helena and Liddesdale Bushland Reserves, St Helena (foxes)
- Darebin Creek Northern Grasslands Reserve, Heidelberg West (rabbits)
- Browns Reserve, Greensborough (foxes)
- Plenty River linear Reserves, Greensborough to Lower Plenty (foxes and rabbits)
- Other sites are included in the program based on annual observations and review of fox activity.
- Current fox control is focussed on areas that Bushland Management rangers, community and Biodiversity management plans have deemed to have high conservation value with established biodiversity for protection outcomes, such as wetlands, conservation and waterway reserves.
- Rabbit control is based in areas that are also deemed to have high conservation value such as remnant indigenous flora reserve areas. Officers also include areas that have high numbers of established rabbits, where rabbit numbers are negatively impacting on remnant native vegetation.
- The ongoing annual control program is employed to control numbers of foxes (and rabbits) on Banyule land to conserve and improve the biodiversity of native fauna and flora.
- Current Fox control works are carefully restricted to minimise impacts to any off-target species within the control areas. Council does not employ poison baiting programs within its reserves and open spaces.

Trapping process within bush reserves and priority biodiversity sites

- Fox trapping occurs within fenced conservation areas and reserves (no dogs allowed). Where needed, temporary fencing is erected within Biodiversity sites and conservation areas to exclude the entry of domestic pets and animals.
- Any trapping of foxes must be carried out in accordance with the requirements of the Prevention of Cruelty to Animals Act 1986 and associated regulations.

Fox control outcomes for the previous 3 years

- 2022/2023 - Due to higher-than-average rainfall and persistent flooding, it was difficult to undertake control works in key locations.
- 2021/2022 - Weather conditions favoured more extensive control programs; however, these were disturbed due to COVID restrictions.
- 2020/2021 - Weather conditions favoured more extensive control programs and contractors were successful controlling annual fox and rabbit numbers.

**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY  
COUNCIL URBAN ENVIRONMENT cont'd**

Recent Program costs

Budget year	Red Fox control	Rabbit control	Total
2022/23	\$15,832	\$1,440	<b>\$17,272</b>
2021/22	\$12,430	\$13,582	<b>\$26,012</b>
2020/21	\$19,558	\$19,272	<b>\$38,830</b>

Current program 2023/24

- With forecasted improved conditions in the 2023/24 period officers expect the 2023/24 control program (\$45,000) will be fully acquitted, making a meaningful impact on red foxes at the existing high priority bushland sites.
- Current Bushland management resources are not sufficient to make more substantial impacts on the residual red fox population outside of the existing high biodiversity value sites. Given the opportunistic ability of foxes to move freely across the urban space, from public to private land and back, the likelihood of making long term impacts on red fox numbers across all of Banyule is very low.

Optional expanded program 2024/25 – 2026/27

- Officers consider the current program to be a sustainable control method using existing resources. However, Council may wish to consider expanding direct control programs across a broader number of Banyule sites, increasing community education and advocacy with government authorities and agency partners. An increase in program extent would require a considerable step up in budget.
- An increase in the current budget over three years will:
  - broaden the ability to control fox numbers in other locations not under management, including at-risk and sensitive locations that are outside of the current nominated sites and areas.
  - increase advocacy for future grant and funding opportunities and allied control programs with adjacent landowners and governing bodies, such as Melbourne Water, Parks Victoria, Vic Track and adjacent councils.
  - further develop and expand working relationships and program delivery with members of the Eastern Region Pest Animal network.
  - provide local landowners with education resources for the control of foxes and rabbits on private land.
  - reduce the underlying fox population base and allow for a long-term reduction and control of foxes and their impacts on public land.

Advocacy

- Council does not currently advocate broadly to state or federal governments. Moreover, the Department of Energy, Environment and Climate Action (DECA) refer the responsibility of fox control to local councils and private landowners.
- Council's Bushland Management team actively communicates with and, on occasions, aligns integrated pest control programs with adjacent landowners such as La Trobe University, Parks Victoria and Melbourne Water. Officers have

**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd**

worked with these partners to align the control of fox and rabbit populations at a broader landscape level.

- However, there are difficulties in maintaining pest animal partnerships due to lack of ongoing funding and competing priority budgets regarding projects from these organisations.

**KEY ISSUES**

- The community has varying awareness and understanding of the extent of red fox impacts on the Banyule urban environment. Red fox prey on domesticated animals including unprotected poultry, rabbits, guinea pigs and aviary birds. Foxes can spread parasites and diseases such as mange and distemper to domestic animals and pets, livestock and guinea pigs and aviary birds. Foxes can spread parasites and diseases such as mange and distemper to domestic animals and pets, livestock and guinea pig.
- Council has limits to the control programs it can apply on its own land, and this impacts the overall effectiveness of red fox control across the municipality.
- Council does not control foxes on private land due to the high risk of off target damage to domestic pets and poultry. However, Council can help provide the community with relevant information and can continue to encourage residents to identify red fox movement across Banyule through apps such as *Feral Scan* and to **Banyule Customer Service**.
- Council continues to monitor the effectiveness of fox rabbit control programs annually to understand where the greatest impacts are for wildlife protection, the spread of weeds and to re-evaluate the resources required for annual control works.
- There are opportunities for future funding partnerships, such as with Melbourne Water, to extend control areas and works using the Melbourne Water *Living Waterways Program*, complimenting Council's current control in our waterway reserves.
- Increased control program funding over the next three years would allow an expansion of Banyule priority bushland and biodiversity sites and trapping methods.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Banyule City Council (as do all landholders) have an obligation under the Catchment and Land Protection Act 1994 (CaLPA) to take all reasonable steps to prevent the spread of, and as far as possible, eradicate established pest animals from their land.

**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*.

## PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT cont'd

- 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

- Councils current Pest Animal budget (including fox control works) is \$45,000.
- Should Council wish to extend controls into new locations an increase in funding will be required. The table below outlines a options that Council may wish to consider.

Budget Year	Current Budget	Proposed increase over existing	Total
2024/25	\$45,000	\$15,000	<b>\$60,000</b>
2025/26	\$45,000	\$25,000	<b>\$70,000</b>
2026/27	\$45,000	\$35,000	<b>\$80,000</b>

### Community Engagement

- Annual fox control programs within City of Banyule are not widely advertised and not required due the selective trapping in controlled conditions, on public lands. All other control programs for pest animal control under the current legislation are required to advertise locally and sign posted onsite to inform community of these locations annually.

### Collaboration

- The Eastern Pest Animal Network (formed in 2017) is a group led by Knox City Council with the aim to establish a combined pest animal management strategy with land holders in the region. The Network includes nine councils, including Banyule City Council, three Victorian government organisations (Parks Victoria, Melbourne Water and Royal Botanic Gardens Cranbourne) and the Western Port Biosphere Foundation. The focus to date has been on larger pest species, such as deer.
- The Eastern Region Pest Animal Management Strategy 2020/2030 takes a regional approach and operate at a landscape scale. The regional network approach must be coordinated across sites irrespective of land tenure because pest animals can feed, shelter and move on both public and private land. The network aim to seek funding from relevant government sources to establish and implement the plan.

### Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.

**PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY  
COUNCIL URBAN ENVIRONMENT cont'd**

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

**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

## **5.3 DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS**

Author: Darren Bennett - Director Assets & City Services, Assets & City Services

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### **SUMMARY**

1. The Darebin Creek Management Committee Inc. (DCMC) was formed in 2001 through the amalgamation of the Darebin Creek Co-ordinating Committee and the Darebin Parklands Committee of Management and has significantly contributed to the health of the Darebin Creek and Parklands.
2. Council has an expired Memorandum of Understanding (MoU) with DCMC which is responsible for delivering on-ground environmental works, education and advocacy along the Darebin Creek corridor and within the Darebin Parklands.
3. At the Banyule Audit and Risk Committee (“ARC”) meeting held on 17 June 2022, the Victorian Auditor General’s Office (“VAGO”) report on ‘Fraud Control over Local Government Grants – May 2022’ was discussed. One of the recommendations from VAGO is that councils undertake a review and assessment of grants and funding agreements.
4. The Banyule ARC subsequently recommended that Council conduct an annual review of all grant programs, partnerships and service level agreements. One of the organisations identified for further assessment was the DCMC.
5. Banyule (as the audit lead) engaged RSM Consulting to undertake an independent audit of DCMCs activities, as they relate to Council’s grants and funding agreements. The purpose of the audit was to *“evaluate the benefits of the recurrent grant funding provided to DCMC to ensure proper governance, transparency, and fairness, and that public money was being spent as intended”*.
6. The independent audit (RSM Audit) was co-funded and supported by the three other councils with representation on the DCMC; City of Darebin, City of Whittlesea and City of Yarra (“funding partners”).
7. The RSM Audit Report, Review of the Darebin Creek Management Committee was completed in March 2023. The report was shared with the DCMC and Councillors via a briefing in July 2023.
8. The audit identified a number of risks pertaining to both DCMC and Council and provided a series of recommendations to improve governance and mitigate potential risk.
9. The DCMC provided a written response to the Audit Report, addressing each of the 9 key recommendations made by RSM, accepting some recommendations in full, some conditionally, some in part and not accepting one.
10. Senior officers have engaged extensively with the funding partners. Legal advice was sought to understand the individual and shared risks, commitments and needs each partner council holds with DCMC. As well as

## DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd

the specific land ownership and management risks and obligations and the opportunities for further creek corridor management collaboration and waterway health improvement.

11. Senior officers from both Darebin and Banyule have held several joint meetings with the Executive Officer and Chair of the DCMC to better understand DCMC's response to the RSM Audit.
12. A summary of the RSM Audit findings, DCMC's response and officer comments is included in **Attachment 1 (Confidential)**.
13. A report was presented to the Banyule ARC on 22 September 2023 and the report was noted.
14. In consideration of the RSM Audit report, DCMC's response, legal advice and the position and opportunities with the funding partners, this report makes recommendations over a two-year transition period (to align with the expiry of other LGA MoU's with DCMC) to mitigate the known risks associated with DCMC's management of Banyule land and the future funding and coordination of the Darebin Creek corridor.

### RECOMMENDATION

That Council:

1. Formally notes the finalised audit process and thanks Darebin Creek Management Committee (DCMC) for their contribution and participation in the audit.
2. Acknowledges the DCMC's response in relation to the audit findings.
3. Advise Darebin Creek Management Committee (DCMC) of Council's intention to cease contributions to the Darebin Parklands coordination division (land management) from 30 June 2024.
4. Note a review of the structure and delivery of catchment management services, that considers Integrated Water Management obligations, in partnership with other LGA funding bodies during the 2024/25 financial year.
5. Receive a report in December 2024 to present the outcomes of the structure and delivery of catchment management service options.
6. Cease Councillor nomination and representation to the Darebin Creek Management Committee Board effective 31 October 2023.
7. Note Council's two representative positions on the Darebin Creek Management Committee Board would be occupied by nominated officers with specific skills suited to the Board's needs.

### COUNCIL PLAN

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

## DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd

### BACKGROUND

- The Darebin Creek Management Committee Inc. was formed in 2001 through the amalgamation of the Darebin Creek Co-ordinating Committee and the Darebin Parklands Committee of Management.
- Legally, DCMC is an independent entity, however its membership is small and made up of organisations. It is not a 'community group' that has many individual members. DCMC comprises of seven-member organisations; Darebin, Banyule, Whittlesea and Yarra councils La Trobe University and 2 community organisations: Friends of Darebin Creek and the Darebin Parklands Association.
- It is fair to say that LGA's focus and resourcing on environmental and waterway management has increased since 2001 and there is now significant overlap in relation to the services which DCMC deliver and those services of LGA funding partners. In addition, it is unlikely that the current instrument to deliver the outcomes for community (Board with Council representatives) would be utilised should a contemporary LGA wish to procure service from a third party.
- Council has an expired Memorandum of Understanding (MoU) with DCMC which is responsible for delivering on-ground environmental works, education and advocacy along the Darebin Creek corridor and within the Darebin Parklands.
- In June 2022, the Banyule Audit and Risk Committee recommended that Council conduct an annual review of all grant programs, partnerships and service level agreements. One of the organisations identified for further assessment was the DCMC. The Audit Report was co-funded and supported by the three other councils with representation on the DCMC: City of Darebin, City of Whittlesea and City of Yarra ("funding partners").
- **Attachment 1** summarises the nine audit recommendations. DCMC's and Council's respective response to those. Maddock's legal advice against the recommendations is also summarised with further comments by officers. The Attachment provides an oversight of:
  - Risks that reside with DCMC
  - Risks that reside with Council
  - Actions to mitigate those risks
- A key part of the legal advice clarified the rules of DCMC and the fiduciary duty Council representatives on the committee have to DCMC first and foremost.
- In consideration of the legal advice, the RSM Audit and officer investigation, there are four (4) primary risks to Council:
  - Land Management and environmental responsibility relating to land in DCMC management control but owned by Banyule City Council.
  - Duty of care to Councillors, Council officers and public who may act on the DCMC board.
  - Value for money in regard to the funding Council provides.
  - Procurement Governance and probity matters relating to funding provided by Council.



**DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd**

**Management of Council land**

- The DCMC manages a section of the eastern bank of Darebin Creek in Ivanhoe, known as Rockbeare Park (**Attachment 2**).
- This parcel of land is collectively included in the Darebin Parklands and while DCMC manages the land for Council, there is no current formal agreement. Council, as landowner, is exposed to high level environmental responsibilities and risks.
- While DCMC also has responsibilities in relation to this, Council as landowner retains several responsibilities relating to environmental management and duty of care relating to safety of public and staff.
- As with any supplier, tenant or contractor, it is appropriate for Council to seek information to assure itself that the management systems and practices the site manager has in place are sufficient.
- A previous MoU is expired and the RSM Audit recommends the MOU is replaced with a Service Level Agreement (SLA). The following actions have occurred to mitigate the immediate risks while the new SLA is being finalised:
  - Council's management has written to DCMC seeking assurance (supported by evidence) from DCMC that appropriate safety, environment and public liability management provisions are in place. DCMC were asked to confirm this by 30 September 2023.
  - DCMC provided a response on 6 October and officers are seeking further assurance that the appropriate safety, environment, and public liability management provisions are in place.
  - Council has separated the officer representative role and the administrative contact for DCMC. A direct contact person has been established and officers have clearly outlined DCMC's reporting obligations and Council's expectations until the end of 2023/24.

**Duty of care**

- Legal advice obtained by Council clearly articulates that DCMC is an independent entity and that members of the committee must act independently, even though they have been appointed by member organisations.
- Council has a duty of care to ensure Councillors and officers are aware of the requirements of the role and the responsibilities and legal risk that come with that.
- The RSM audit report and the legal advice offer a direction for options to ensure Council manages its risks associated with duty of care, including seeking assurance from DCMC that they provide information, induction and training to committee members.
- Although there is a long-standing practice, there is no current obligation for Councillors to be nominated to sit on the DCMC board.
- Any actual or perceived conflict of interest of Councillors would be resolved if Councillors no longer sat on the board.
- This approach may also enable the DCMC board to reimagine its purpose more freely in response to a possible change in on-going funding arrangements.

**DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd**

**Value for money**

- As stewards of community funds, ensuring value for the funding provided is an important role Council plays. While value for money was not part of the audit report scope, Council currently lacks the information and metrics to properly assess its DCMC contributions for value for money or return on investment.
- It should be noted that the officers within the LGA funding partners generally agree that, while acknowledging the procurement challenges discussed in this report, the Creek Coordination (regional catchment management) presents a good partnership approach when considering obligations each Council carries in response to its Integrated Water Management responsibilities.

**Governance**

- At the Banyule Audit and Risk Committee (“ARC”) meeting held on 17 June 2022, the Victorian Auditor General’s Office (“VAGO”) report on ‘*Fraud Control over Local Government Grants – May 2022*’ was discussed. One of the recommendations from VAGO is that councils undertake a review and assessment of grants and funding agreements.
- The Banyule ARC subsequently recommended that Council conduct an annual review of all grant programs, partnerships and service level agreements. One of the organisations identified for further assessment was the DCMC.
- The ARC received a confidential report on 22 September 2023 to consider the RSM Audit and the report was noted.
- Noting the VAGO findings and the RSM Audit, Council’s annual ongoing funding to DCMC presents high level risk.
- Given the type of agreement and the level of funding provided to DCMC annually, legal advice on the current partnership confirms there is no procurement policy exemption that would allow the current funding to continue without a full and transparent tender process. This means Council, and the partner councils, are obliged under procurement governance and probity to undertake a tender process for the delivery of the services associated with the management of the Darebin Parklands and the wider catchment related works.

**KEY ISSUES**

- The Darebin Creek Management Committee Inc. was formed in 2001 through the amalgamation of the Darebin Creek Co-ordinating Committee and the Darebin Parklands Committee of Management and has significantly contributed to the health of the Darebin Creek and Parklands.
- LGA’s focus and resourcing on environmental and waterway management has increased since this time and there is now significant overlap in relation to the services which DCMC deliver and those services of LGA funding partners.
- When considering the RSM Audit report, DCMC’s response, legal advice and the positions and opportunities with the funding partners, the current arrangement represent a high risk for Council.

**DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd**

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Maddocks Lawyers has provided legal advice with respect to Council's duty of care, procurement governance and environmental risks. The advice clarifies:
  - Council's duty of care to its Councillors and staff who are nominated to the Committee.
  - the responsibility of Council representatives (Councillors, officers or public) who sit on the DCMC as board members – whereby they have a fiduciary duty to DCMC first.
  - Council's procurement governance obligations in relation to full and transparent tendering for services currently supplied without contract by DCMC.

**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.

**Gender Impact Assessment**

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

**Financial Implications**

- Council's 2023/24 contribution to DCMC will be \$244,100 (incl GST), indexed at rate capping. This is made up of:
  - Creek Coordination (catchment management) \$80,574
  - Parklands Coordination (land management) \$163,525

**Collaboration**

- Senior officers have engaged extensively with the funding partners to understand the individual and shared risks, commitments and needs each partner council holds with DCMC. As well as the specific land ownership and management risks and obligations and the opportunities for further creek corridor management collaboration and waterway health improvement.

## DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS cont'd

- Senior Officers from both Darebin and Banyule have held several joint meetings with the Executive Officer and Chair of the DCMC to better understand DCMC's response to the RSM Audit.

### Key Considerations

- This report makes recommendations over a two-year transition period to mitigate the known risks associated with DCMC's management of Banyule land and the future funding and coordination of the Darebin Creek corridor.
- Council will continue to support the DCMC board and will invite it to reimagine its purpose in response to the change to its on-going funding arrangements.
- Each LGA along the Darebin Creek catchment has obligations related to Integrated Water Management.
- A review of the structure and delivery of catchment management services, that considers Integrated Water Management obligations, will be undertaken in partnership with other LGA funding bodies during the 2024/25 financial year.

### Officer Declaration of Conflict of Interest

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

### ATTACHMENTS

N	Title	Page
0	.	
1	Summary of the RSM Audit findings, DCMC's Response, Officer and Maddock's Comments - <b>CONFIDENTIAL</b>	
2	Rockbeare Park Map - Darebin Creek	

## 6.1 **PLANNING SCHEME REVIEW REPORT**

Author: Nicola Rooks - Strategic Planner, City Development

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### **SUMMARY**

1. Local councils have a statutory obligation under the *Planning and Environment Act 1987 (Act)* to regularly review their planning scheme and report the findings to the Minister for Planning.
2. The purpose of the planning scheme review is to evaluate the effectiveness and performance of the planning scheme since the last review (usually a four (4) year period). It also provides an opportunity to identify changes and further strategic work required in the future.
3. The review was originally due to be completed in 2022. This was extended by 12 months until 25 October 2023 to accommodate the 2022 restructure of the planning scheme that occurred under the State Government's Smart Planning reforms.
4. A review of the five (5) year period from 2018-2023 has been completed. Overall, the review has found the planning scheme is functioning well.
5. The review includes a list of recommended changes and further work to ensure the scheme operates effectively and supports Council's Community Vision, Council Plan and other adopted strategies.
6. The 2023 Planning Scheme Review Report is provided at **Attachment 1**.
7. A copy of Council's 2023 planning scheme review was sent to the Minister for Planning on 9 October 2023 to comply with the required timeframe.

### **RECOMMENDATION**

That Council:

1. Receive the 2023 Banyule Planning Scheme Review Report.
2. Note that a copy of the 2023 Banyule Planning Scheme Review Report was sent to the Minister for Planning on 9 October 2023.

### **COUNCIL PLAN**

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

### **BACKGROUND**

- Under Section 12(B) of the *Planning and Environment Act 1987*, Council is required to review its planning scheme *no later than one year after each date by which it is required to approve a Council Plan or within such longer period as is determined by the Minister for Planning*.

## **PLANNING SCHEME REVIEW REPORT cont'd**

- Council last undertook a review of the planning scheme in November 2018 following the 2017 Council Plan.
- The current 4-year Council Plan 2021-2025 was adopted by Council on 25 October 2021. In accordance with section 12B of the Act the planning scheme review would have been due by 25 October 2022.
- In 2022 the Banyule planning scheme was restructured to insert a new Municipal Planning Strategy and local Planning Policies to replace the former Local Policy Planning Framework. This was done as part of the State Government's Smart Planning Reforms.
- As it would have been complicated to undertake the review while the restructure of the planning scheme was occurring in 2022, a 12-month extension for the review was granted until 25 October 2023 by the Department of Environment, Land, Water and Planning (DELWP).
- The purpose of the planning scheme review is to:
  - Enhance the effectiveness and efficiency of the scheme.
  - Ensure it meets the objectives of planning in Victoria as set out in the Act and in the planning scheme.
  - Ensure that the scheme is up to date and relevant, that it provides clear and concise direction for planning decisions, that it is robust and user friendly.
  - Reflects the various objectives of the State and Council and takes account of changing land use and demographic considerations.
- The 2023 Planning Scheme Review has been prepared in accordance with Department of Transport and Planning's *Planning Practice Note 32: Review of Planning Schemes*.
- The review assesses the planning scheme by:
  - Reviewing the 2018-2022 actions identified in the 2018 review of the planning scheme.
  - Identifying major planning issues facing the municipality by considering Council Plan priorities and State government policy priorities.
  - Examining the number, type and timeframe of planning applications, and outcomes of planning panel reports and VCAT decisions.

## **KEY ISSUES**

- Overall, the five-year review has found the planning scheme is functioning well and provides a sound basis to guide land use and development in Banyule. A number of efficiencies and better outcomes can be achieved via recommended changes identified.
- The review highlights the scope of strategic planning work that has been done since the 2018 review to achieve Council's strategic direction and includes a summary of projects and their status. Significant projects completed include:
  - Heidelberg Structure Plan
  - Municipal wide 2020 Heritage Study
  - Translation of the Planning Scheme into the new required format

## **PLANNING SCHEME REVIEW REPORT cont'd**

- 17 Council initiated planning scheme amendments including:
  - C119 Significant Trees
  - C165 Heritage Overlay
  - C124 Correct zoning for parks and reserves and other zoning fix ups
  - C115 Development Contributions Plan
  - C120 Postcode 3081 Urban Design Framework
- The review of planning applications over the last five years reveals:
  - Council received an average of 1,606 planning applications per year.
  - The majority of applications relate to vegetation removal (43%). This reflects Banyule's extensive vegetation protection controls. The next most common applications were multi-dwelling (15%), subdivisions (12%) and other buildings and works (9%).
  - Banyule has consistently processed a higher number of applications within the statutory timeframe than the average for the Metropolitan Region.
  - There have been 158 appeals at VCAT that have received a written order, of these VCAT:
    - affirmed Council's decision in 33% of cases
    - set aside Council's decision in 56% of cases, of these 67% had amended plans prior to the hearing meaning in a majority of cases, the proposal determined at VCAT is an improved outcome to what Council had originally refused
    - varied Council's decision in 11% of cases.
- A review of community satisfaction revealed Banyule has consistently rated higher in 'general town planning policy performance' and has rated strongly in 'planning and building permits performance' when compared to the State and Metropolitan average.
- A key issue identified for Banyule is residential development. This highlights the importance of the current strategic work being undertaken with the Housing & Neighbourhood Character Review.

### **Implications for future work**

- The review identified further strategic work which will help guide the strategic planning team's work program for the next four years. Much of this work is already planned for, or currently underway, including reviews for Housing and Neighbourhood Character, Heritage Strategy and Development Contributions Plan, progressing the Heidelberg Activity Centre Planning Scheme Amendment and working to strengthen ESD provisions in the planning scheme.
- In addition, the review identifies the need for two general planning scheme amendments to address issues identified in the audit of the scheme. A policy neutral amendment appropriate for a fast-track process and a non-policy neutral amendment requiring public exhibition. These are planned to be progressed in 2024 and Council will receive a further report to consider these amendments.

## PLANNING SCHEME REVIEW REPORT cont'd

### SUPPORTING REPORT DETAILS

#### Legal Consideration

- Councils have a statutory obligation to review their planning schemes and report the findings to the Minister for Planning under section 12B of the *Planning and Environment Act 1987*.

#### Human Rights Charter

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

#### Sustainable Procurement Outcomes

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

#### Financial Implications

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

#### Officer Declaration of Conflict of Interest

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

### ATTACHMENTS

N	Title	Page
o	.	
1	Planning Scheme Review Report September 2023	





## **6.2 PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS**

Author: David Moon - Development Planning Coordinator, City Development

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### **SUMMARY**

1. The Department of Transport and Planning (DTP) released the *Improving residential standards for dwellings on small lots* Discussion Paper in October 2023 and the *Modernising sign requirements* discussion paper in August 2023 and have sought feedback on the proposed changes.
2. The *Improving residential standards for dwellings on small lots* Discussion Paper outlines proposed changes to the Clause 54 and 55 standards for:
  - street setback
  - site coverage
  - walls on boundaries for lots less than 300 square metres
  - permeability objectives.
3. The officer submission acknowledges that lots less than 300 square metres are constrained by their size and as a result some variations to the Clause 54 and 55 standards could be introduced to streamline the assessment process.
4. Whilst this approach is generally supported, the proposed changes to the Street setback and Walls on boundaries standards are not supported.
5. The proposed changes to the Site cover standard and Permeability decision guidelines are supported in principle with a further review suggested to avoid standards contradicting each other.
6. In addition to the feedback on the specific changes, concerns have also been raised in relation to the proposed changes adding further complexity to planning assessments through the introduction of separate standards for small lots. It is also noted that recent Planning Scheme Amendments made by the State Government which have greater implications for Banyule were introduced without a consultation and feedback opportunity.
7. *The Modernising sign requirements* discussion paper proposes changes to planning requirements for signs at Clause 52.05 (Signs) in the Victorian Planning Provisions (VPP). A total of eight proposals are discussed.
8. The officer submission outlines that the proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8) are not supported in the proposed format.
9. The proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6) and the removal of mandatory permit expiry conditions (Proposal 7) can be supported.

## PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd

### RECOMMENDATION

That Council:

1. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Improving residential standards for dwellings on small lots* Discussion Paper which includes:
  - a) General support for the proposed changes to the residential standards for dwellings on small lots.
  - b) Support for the proposed changes to Site coverage (standards A5 and B8) and Permeability (standard A6).
  - c) Concerns in relation to the proposed changes to the Street setback (standards A3 and B6) and Walls on boundaries (standards A11 and B18).
  - d) Concerns in relation to the added complexity the proposed changes would introduce to the planning scheme and the lack of consultation with respect to planning scheme amendments VC242 and 243.
2. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Modernising sign requirements* discussion paper which includes:
  - a) Concerns in relation to proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8)
  - b) Support for the proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6) and the removal of mandatory permit expiry conditions (Proposal 7)

### COUNCIL PLAN

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

### BACKGROUND

#### Housing Statement and Improving residential standards for dwellings on small lots

- The Victorian Government released its Housing Statement [Victoria's Housing Statement - The decade ahead 2023-2024](#) on 20 September 2023 which proposed reforms to Victoria's planning system amongst other initiatives with the

**PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd**

goal to address housing needs in Victoria. The Housing Statement proposes to achieve this under the below themes:

- Good decisions, made faster
- Cheaper housing, closer to where you work
- Protecting renters' rights
- More social housing
- A long-term housing plan
- 425,600 new homes for regional Victoria
- Planning scheme amendments were introduced upon the release of the Housing Statement including:
  - Expansion of the Development Facilitation Program (Amendment VC242).
  - The expansion of Future Homes (Amendment VC243).
  - The introduction of a range of "deemed to comply" residential standards (ResCode) (Amendment VC243).
  - Planning permit exemptions for single dwellings on lots between 300 square metres and 500 square metres (Amendment VC243).
  - Expansion of VicSmart assessment criteria for single dwellings on lots less than 300 square metres (Amendment VC243).
- The amendments were introduced with no prior consultation with Council's.
- Further planning scheme amendments are being incrementally released with some consultation occurring with Council's provided an opportunity for comment.
- DTP released the *Improving residential standards for dwellings on small lots* discussion paper (**Attachment 1**) in October 2023.

**Modernising sign requirements**

- DTP released a discussion paper titled *Modernising sign requirements* (**Attachment 2**) in August 2023 which proposed changes to planning requirements for signs at Clause 52.05 (Signs) in the Victorian Planning Provisions (VPP).
- The paper discusses opportunities to improve planning requirements for signs citing new technologies and shifting business needs which have changed the nature of signs. Identified opportunities include:
  - Removing the need for a planning permit for certain types of signs in some areas.
  - Allowing a planning permit to be granted for some signs that are currently prohibited.
  - Updating and clarify the sign provisions in the VPP.
- Council has been invited to provide feedback on the proposed changes, with a submission extension granted until 1 November 2023.

**PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd**

**KEY ISSUES**

**Improving residential standards for dwellings on small lots**

- DTP is seeking feedback on proposed changes to siting and amenity standards for dwellings on small lots less than 300 square metres.
- In Banyule, lots less than 300 square metres are typically a result of subdivision and therefore have planning history which allows for consideration tree protection and planting and in a limited capacity, neighbourhood character.
- The proposed changes relate to the Clause 54 and 55 standards for street setback, site coverage and walls on boundaries for lots less than 300 square metres with changes also proposed to the decision guidelines of the Clause 54.03-4 – Permeability Objectives.
- The submission (**Attachment 3**) acknowledges that lots less than 300 square metres are constrained by their size and as a result some variations to the Clause 54 and 55 standards could be introduced to streamline the assessment process. Whilst this approach is generally supported, the proposed changes to the Street setback and Walls on boundaries standards are not supported as they may result in setbacks incongruent with the predominant setbacks in the street and a wall on boundary height that impacts neighbours.
- The proposed changes to the Site cover standard and Permeability decision guidelines are supported in principle with a further review suggested to avoid the standards contradicting each other in that the 20 per cent permeability requirement is at odds with the 80 per cent site cover standard for lots under 100 square metres.
- In addition to the feedback on the specific changes, concerns have also been raised in relation to the proposed changes adding further complexity to planning assessments through the introduction of separate standards for small lots and the lack of consultation with respect to the prior planning scheme amendments (VC242 and VC243) which have greater implications for Banyule.

**Modernising sign requirements**

- DTP is seeking feedback on proposed changes to sign requirements relate to Real estate signs, Construction signs and Promotion signs in industrial zones and the Port Zone.
- The changes also seek to alter mandatory planning permit expiry conditions and sign requirements in the Design and Development Overlay (DDO). In total, there are eight proposals. A DDO can allow a Responsible Authority to apply specific requirements relating to the design and built form of new development.
- The proposed changes seek to create easier and more flexible provisions regarding these sign types and requirements, however as identified in the considerations section below, there are some visual impact and operational implications which warrant further consultation.
- The officer submission (**Attachment 4**) outlines that the proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8) are not supported in the proposed format. The proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6)

## **PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd**

and the removal of mandatory permit expiry conditions (Proposal 7) can be supported.

### **SUPPORTING REPORT DETAILS**

#### **Key Considerations**

##### **Improving residential standards for dwellings on small lots**

- The approach to development approvals in Banyule is that multi-dwelling developments are considered on larger lots. The changes proposed would not impact on the current approach to seeking appropriate development outcome which consider preferred and existing neighbourhood character as well as tree retention, tree planting and landscaping opportunities.
- Small vacant lots are not created, and it is rare that applications are sought for new dwellings and alterations for lots under 300 sq. metres. Requests for variations on lots under 300 sq. metres would likely be to replace older dwellings stock that is part of a multi dwelling outcome or to make additions to a dwelling.
- As Banyule has 40 percent site cover set in the schedule in the GRZ2, the changes are only relevant for GRZ1 accessible areas where more intensive development is appropriate. Although problematic for NRZ3 which should be addressed through the Housing and Neighbourhood Character reviews.
- As such, the significance of this change is limited for Banyule and when the new provisions could be accessed due to a smaller lot size, the proposal for more generous development standards in relation to site cover, for example, would generally align with the approach taken to assessing redevelopment opportunities in the GRZ1 area for lots that are already a part of a housing consolidation outcome.
- Front lots would generally be larger so this means site cover closer to status quo would be considered acceptable however the proposed setback changes proposed is an issue which is discussed below.

##### Street setback (standards A3 and B6)

- The key change to the street setback standard relates to reduction of the current 9 metre requirement to 3 metres even if dwellings on abutting lots are set back further than 3 metres. This change is considered excessive and could result in an incongruent pattern of development particular in streets where small lots are dispersed as part of multi unit developments.
- A 3 metre setback also drastically reduces the opportunity for canopy tree planting within front setbacks, particularly medium to large canopy trees which offer better cooling and greening opportunities. The current street setback requirements provide a performance based assessment which allows variations where lot size is a site constraint without significantly changing the streetscape and provides for outcomes consistent with Council's Neighborhood Character Strategy.

##### Site coverage (standards A5 and B8)

- The proposed changes to site coverage allows for a higher site coverage for smaller sites with 80 percent site cover allowed for sites less than 100 square metres, 70 percent cover for sites between 100 square metres and 200 square metres and 60 per cent site cover for sites above 200 square metres. The

**PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd**

proposed changes are supported acknowledging the constraints of small sites and that any maximum specified in a schedule to the zone still applies. It is noted that the 80 per cent site cover for lots less than 100 square metres may be full accessed given the 20 per cent permeability requirement under Standard A6 where driveways and other hard surfacing is provided.

Permeability (standard A6)

- It is proposed to remove the decision guideline which allows for consideration of reducing the 20 per cent standard based on a lot size less than 300 square metres. This is a positive change noting the importance of site permeability to onsite stormwater treatment and minimising impacts on Council's drainage network.

Walls on boundaries (standards A11 and B18)

- It is proposed to increase the wall on boundary height standard from an average of 3.2 metres to 3.4 metres for lots less than 300 square metres. The justification proposed for the increase in average building wall height for small lots relates to the internal amenity of the new dwelling as opposed to protecting the amenity of neighbours as is the intent of the standard. It is considered that this change is unnecessary and is to the detriment of adjoining landowners and occupiers given the 3.2 metre average wall height is already generous and can still be varied.

**Modernising sign requirements**

Real estate signs (Proposals 1-3)

- It is proposed to allow multiple real estate signs to be displayed on certain lots without requiring a planning permit, allow electronic real estate signs to be displayed without a planning permit and allow real estate signs to be displayed for 21 days after the sale or letting of a property without a planning permit. There are conditions in place for these exemptions to be met.
- The officer submission raises concern with the cumulative visual impact of these changes, noting the proposed change to align with Council's Outdoor Advertising Policy regarding temporary signs. It is considered lot size restrictions should be included to avoid scenarios where small corner lots could have two frontages dominated by signs. The use of electronic signs is of concern as this is at odds with current provisions in Category 3 – High amenity areas which include most standard residential areas where these signs are located. Currently, signs must be removed seven days after the sale or letting of a property and whilst an extension to this period is supported in principle, a 14 day period is considered appropriate and sufficient to facilitate sign removal.

Construction signs (Proposal 4)

- It is proposed to allow multiple construction signs to be displayed on some sites without a planning permit. A construction sign describes construction work on the land. The current provision allows one sign which must describe the construction work on the land, not exceed 2 square metres, not be animated or internally illuminated and must be removed when the work is completed. The provision would only be changed to allow one sign for each street frontage of a corner lot and a sign for every 150 metres of street frontage for a large lot (no more than 4 signs in total). The officer submission supports this change due to the small size and temporary nature of the signs.

**PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd**

Construction hoarding/building shrouding signs (Proposal 5)

- It is proposed to allow 25 per cent of the area of a construction hoarding and/or building shrouding on each street frontage to be used to display signs, without a planning permit. These signs can promote uses or buildings under construction.
- The officer submission notes that potential adverse impacts with this proposal could be reduced by including a maximum sign size provision within the exemption. This would be done by pairing a maximum sign size provision with the size of the hoarding in order to avoid the potential for huge signs which are permit exempt.

Promotion signs in industrial areas (Proposal 6)

- It is proposed to allow certain promotion signs to be displayed without a planning permit in industrial zones and the Port Zone. Currently, these signs require planning permits. A promotion sign must promote goods, services, events or matters, provided, undertaken or sold or for hire on the land or in the building on which the sign is sited. If the sign exceeds 8 square metres in size, it will require a planning permit. The officer submission supports this change to the urbanised nature of the industrial areas.

Mandatory planning permit expiration conditions (Proposal 7)

- It is proposed to remove mandatory planning permit expiry conditions for all signs other than some promotion signs, including Major Promotion signs. This change gives the Responsible Authority the option to include a permit expiry condition if appropriate. The officer submission supports this change as it removed unnecessary regulation and provides greater flexibility, particularly when considering reasonable signs.

Remove the ability to specify sign requirements in the Design and Development Overlay (DDO) (Proposal 8)

- It is proposed to remove sign provisions from Schedules to the Design and Development Overlay – these currently allow the Responsible Authority to include custom sign permit requirements for areas within a DDO such as an activity centre or an identified re-development area.
- The officer submission notes this proposal would not affect any current DDO requirements within the Banyule Planning Scheme, however removing this possibility could affect the future desire to change sign requirements within zones such as Commercial 1 and 2 Zones which are typically applied in Neighbourhood Activity Centres. As such, there is concern with this proposed change.

**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.

## PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS cont'd

### Sustainable Procurement Outcomes

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





### Financial Implications

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

### Officer Declaration of Conflict of Interest

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

## ATTACHMENTS

N	Title	Page
o	.	
1	Improving residential standards on small lots Discussion Paper 	
2	Modernising sign requirements Discussion Paper 	
3	Submission - Improving residential standards for dwellings on small lots 	
4	Submission - Modernising sign requirements 	



## **7.1 CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL**

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

Ward: Chelsworth

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### **SUMMARY**

1. Chelsworth Park, owned by Council includes seven (7) sports ovals, three (3) tennis courts and two (2) pavilions and is leased to Ivanhoe Grammar School (IGS).
2. Nine (9) Banyule sporting clubs currently use the sports fields and sports facilities, for training and competition purposes and this use accounts for over 80% of total programmed use of the site. IGS use the ovals for school sports and this use accounts for less than 10% of total hours available.
3. Passive use of the site includes walking, jogging, dog walking, casual sport practice (individuals or small groups), socialising, picnics and is available like other sportsground outside programmed times – usually between 6am and 4pm weekdays and various times on weekends depending on competition.
4. The current lease with IGS is for 30 years (initial 20year term Nov 2014 – Nov 2034 with a further 2 x 5year options). The terms of the lease included IGS investing \$1 million upfront for capital improvements towards a storm water harvesting project over the first 2 years at the start of the lease (2014). IGS pays a peppercorn rental of \$1 p.a. rent for the first 20 years, in recognition of its \$1 million investment in the storm water harvesting infrastructure, with a rental increase to \$50,000 p.a. in year 1 of the first further term (if exercised) and then is subject to annual increases of 4% for the duration of the further terms.
5. IGS is responsible for ground and facility servicing and maintenance at a current cost of \$400,000 per annum, along with some capital improvements as defined in their lease.
6. The current lease requires the school to add two changerooms to the existing brick pavilion (support female change facilities) and modest internal improvements to the existing timber pavilion.
7. A basic renovation is considered no longer a viable option as both pavilions are no longer fit for purpose, meet contemporary facility standards or the growing needs and expectations from our clubs and community for accessible, inclusive facilities that support participation for everyone.
8. IGS is proposing to invest in the development of two (2) new sports pavilions to replace the existing facilities at an estimated cost of between \$12M and \$14M. Draft concept plans have been developed and sporting clubs have been working with IGS and Council to inform the functional requirements of the two (2) pavilions and standards required to provide future proof accessible and inclusive facilities for future generations.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

9. Other preliminary work has included site investigations, exploring feasibility options for one or two pavilions and building envelopes, assessing the condition of existing structures, conducting access assessments, reviewing planning controls, seeking heritage and arborist advice, and reviewing concept designs for optimal functionality.

Given the significant change from the current lease with IGS, if agreed the proposed works requires a new lease and, therefore, Council must conduct a community engagement process to comply with Section 115 of the *Local Government Act 2020*.

10. Prior to commencing any works, IGS will also need to obtain planning approval for the use and development. In these cases, it is customary for parties to enter into an Agreement for Lease (AFL) that includes the requirement to obtain planning approval as a precondition for granting the lease.
11. To outline the essential terms of the AFL and lease, a Heads of Agreement (HOA) will be developed and serve as a mutually agreed roadmap for Council and IGS, highlighting the process that will be followed. Once both parties have endorsed the HOA, detailed drafting of the AFL and lease will commence with the associated community consultation.
12. IGS has advised Council that it is seeking a new capital improvement 40-year lease without rental in lieu of its significant investment in the design and construction of the two new sports pavilions.
13. Council understands that IGS requires a longer tenure commitment to the site given the significant value of the proposed investment and is willing to consider granting IGS an additional 20 years beyond the current term.
14. Regarding rental, Council is keen to establish a basic level of rental and proposes that this can be achieved by removing the obligation in the existing lease for IGS to pay an annual contribution into a "sinking fund" (currently \$6,000 p.a.) and replacing it with \$12,000 rental (plus 4% annual increases) for the duration of the lease.
15. This project presents a unique opportunity to deliver significant community sports infrastructure for generations to benefit from at no cost to Council. It aligns strongly with several of Council's key strategies and organizational priorities.
16. The endorsing of a HOA by both parties is the first critical step for this project that will lay the foundations for the extensive community consultation and engagement that will be undertaken for both the new lease and planning application stages.

**RECOMMENDATION**

That Council:

1. Notes that Ivanhoe Grammar School (IGS) is proposing to construct two (2) new sports pavilions at Chelsworth Park at an estimated cost to IGS of \$12M to \$14M, subject to obtaining a new lease and planning approval.
2. Authorises the Chief Executive Officer to proceed with negotiations with IGS to enter into a Heads of Agreement (HOA) with IGS that details the statutory and other processes required for the grant of a new lease and obtaining planning

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

approval, and sets out the key terms of an IGS Agreement for Lease (AFL) and lease that can be signed by both parties, before detailed drafting of the AFL and a new lease commences.

3. Resolves that, subject to the statutory process under the Local Government Act 2020, the terms and conditions of the proposed lease generally be the same as the existing lease with the following new key terms and modifications endorsed for inclusion:
  - a) **Tenure** - 30 years plus 2 x 5-year options (total 40 years) commencing the day following the planning permit being issued.
  - b) **Rental** – \$12,000 per year (plus annual increases of 4%)
  - c) Repairs and maintenance specific reference to existing improvements will need to be amended to refer to the new pavilions, currently \$400,000 pa.
  - d) Removal of current obligation on IGS to install a fourth tennis court and multi court.
  - e) Review of role, purpose, and membership of Chelsworth Park Reference Group – look to remove from lease and establish as an advisory committee to Council.
  - f) Removal of current obligation on IGS to contribute \$6,000 per year to sinking fund, having regard to proposed increase in rental.
  - g) Removal of Council receiving 50% of sporting club fees and charges for ground and pavilion use.
4. Requests a further report be presented to Council with the final negotiated HOA for Council's consideration and endorsement.
5. Requests a detailed community consultation plan be presented to Council that clearly identifies the opportunities for community input and feedback on the proposed AFL and planning permit as well as broader project outcomes.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Actively seek partnerships and collaborate with other organisations to build and utilise community infrastructure".

**BACKGROUND**

- The current lease with Ivanhoe Grammar School (IGS) is for 30 years (initial 20-year term Nov 2014 – Nov 2034 and 2 x 5-year term options). IGS invested \$1 million upfront towards storm water harvest over 2 years at the start of the lease (2014). A \$50,000 rental return is provided to Council in the last 2 x 5-year option, equivalent to approximately \$600,000.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

- IGS are responsible for ground and facility maintenance currently values at \$400,000 p.a, along with capital improvements as defined in their lease.
- Specifically, the current lease in regard to capital improvements stipulates:

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

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

**Existing pavilions**

- The two (2) pavilions – Timber pavilion construction in 1975 and brick constructed in 1987 are ageing and no longer meet contemporary standards.
- The inadequacy of both pavilions to meet current and future need has been highlighted and confirmed over the last few years through:
  - The extensive consultation undertaken for Ivanhoe Sports Precinct Plan. Upgrades to pavilions at (IGS cost) identified as high priority in adopted plan.
  - Investigation, and consultation into functional requirements of clubs. Key deficiencies include:
    - Lack of access and compliance with DDA and building code
    - Lack of female friendly and umpires change facilities.
    - Lack of ESD initiatives
    - Non-compliance with current State sporting code facility guidelines
    - Not meeting universal design principles
  - Feedback from club and school users’ groups in relation to the constraints and challenges of conducting their activities in sub-standard facilities.
  - Much needed focus and investment from Banyule Council and State Government in upgrading sports pavilions to support female friendly and equity of access. This has lifted club and community expectations and put a spotlight on the facilities that are no longer fit for purpose, particularly where there are strong participation numbers such as those at Chelsworth park that supports nine sports clubs.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

**Draft Design**

- IGS presented a basic one pavilion sketch concept (for discussion purposes) to the Chelsworth Community Reference Group (CRG) in late 2020. This single storey long and linear building concept estimated would require demolition of both existing pavilions and removal of several significant trees.
- Council's work on this project commenced in earnest in January 2021 with the engagement of *Otium Consulting* to assist with identifying functional requirements to inform the scope and look at what might be possible in terms of the building footprint, as well as some possible layout.
- This study included a condition report that confirmed both facilities were inadequate in terms of access, design, and sports standards. This report and that the biggest site challenges were going to be tree significance and the potential of architectural heritage associated with the timber pavilion.
- A further report by *Ethos Urban* presented that the lowest risk options for building envelopes were two separate pavilions. This report also identified planning controls and information on overlays that need to be considered as well as recommendations to investigate and progress good design outcomes. The report has been provided to IGS to help inform the preparation of its proposed design for the two new pavilions that includes 1 double storey (timber pavilion site) and 1 single story (brick pavilion site)
- A draft design of the proposed pavilions will form part of the HOA that will be presented to Council.

**Sports Use and management**

- The allocation of sports club use is managed by Ivanhoe Grammar School and follows Councils Sports Allocation and User guide principles, fees and requirements: The two pavilions are utilised by the following clubs across winter and summer seasons.
  - Old Ivanhoe Grammarians Football Club
  - Old Ivanhoe Soccer Club
  - Old Ivanhoe Grammarians Cricket Club
  - Ivanhoe Cricket Club
  - Ivanhoe Saints cricket club
  - Ivanhoe Harriers Athletics Club
  - East Ivanhoe Auskick
- In addition, each season Chelsworth Park caters for a minimum of an additional three sports clubs from across Banyule. This is beneficial for Council to support managing overflow as there are not enough grounds, particularly when clubs are displaced due to renovations and ground maintenance.
- Banyule sporting clubs account for nearly 80% of available hours of use. IGS use the grounds during school terms only and this is less than 10% exclusively for their sports activities.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

- The sports fields and grounds are fully maintained and curated by Ivanhoe Grammar for club school and community use.

**Refer Attachment 1 for Chelsworth Park Sports field user map**

**Passive Use**

- Chelsworth Park is a much loved and valued park of environmental significance that supports a range of passive use. Passive use includes walking, jogging, dog walking, casual sport practice (individuals or small groups), socialising, picnics etc.
- The grounds have a high use and availability for passive recreation on weekdays between 6am and 4pm and various times on weekends depending on competition. School holidays is also another time that there is low active allocated use.

**KEY ISSUES**

**Project Proposal and key terms – Tenure and Rent**

- This project represents an exceptional opportunity to provide substantial community sports infrastructure without imposing any financial burden on the Council. Given the increasingly constrained fiscal landscape, a diminishing pool of State and Federal grants, and the existence of other major projects vying for Council resources, the community's growing expectation is for Council to exhibit resourcefulness in facility development and emphasize collaborative partnership approaches. Considering these practical challenges, this project not only addresses these pressing realities but also aligns seamlessly with the community's vision.
- Accepting that the project has merit and aligns with Council's strategic directions identifying the specific benefits is important to help community understand the actual social, health and economic value of the project and what council /community will be gaining in return.
- Considerations and options of costs and benefits has been considered as well as information gathered around use, need, allocations, maintenance, operations, and rental income to understand project value and help determine what might be fair and reasonable future lease terms. The 40 years that IGS is seeking is essentially an additional 20 years from the expiration of the existing lease in 2044 (if the last 10-year option in current lease is exercised)
- Despite the significant capital investment that IGS is proposing, retention of a modest level of rental income yearly as proposed is considered important as it provides opportunity for Council to fund minor works to the local amenity as well as flexibility to accumulate income over a period of time and undertake larger improvement projects to Chelsworth Park when required.

**Understanding use and access of Chelsworth Park**

- There are some community misunderstandings about the current use and access of Chelsworth Park and it is important the community engagement further expands on the facts about use and benefits which are:

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

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

**Understanding the cost benefits, community, and social value of IGS delivering this project**

- Some may propose that Council just take back the lease, redevelop the pavilions themselves and maintain the sports fields. The simple answer is that there are overwhelming costs savings, benefits, service standards and net gains if IGS is to fund, construct and continue to manage the considerable annual maintenance costs for the next 40 years noting that:
  - There is no capital budget for this pavilion development in Council's current 10-year program. A cost estimate for Council to replace the Chelsworth pavilions is estimated at \$18 million in 2034.
  - There is no budget for additional maintenance or EFT required to take on responsibility of maintenance for grounds.
  - When managed by IGS, the yearly maintenance costs are approximately \$400,000, and the grounds are curated and managed at a higher level of specification. If Council were to take over maintenance, the estimate is \$300,000 per year plus indexation with reduced service level.
  - Considering these factors, if IGS builds the pavilion and maintains the grounds, Council could save approximately \$13.8 million over 40 years.
- Sports infrastructure projects deliver the following social, health and wellbeing outcomes:
  - Increased access to accessible and inclusive sports facilities
  - Enhanced physical activity participation and fitness levels among community members.
  - Increased opportunities for women and girls' participation
  - Improved social cohesion and community engagement through sports and recreational activities.
  - Promoting physical activity and healthy lifestyles
  - Contributing to decrease in sedentary behaviour and related health issues
  - Encouraging community interactions and learning

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

- Serving as a hub for community members to gather, socialize, and build community connections
- Incorporating sustainable design in the pavilion's construction
  
- In summary benefits of this project include:
  - Strong alignment to Council Vision and key strategies
  - Responds to all nine sporting club's needs as well as consultation in the Ivanhoe Sport Precinct Plan
  - Identified specifically as an IGS funded project in the Ivanhoe Sports Precinct Plan
  - Timely – Investment by IGS to date in concepts, schematics and planning, can be delivered within the next 2 years.
  - Cost Savings – It is capital expenditure that Council doesn't have to spend – save for other major community projects
  - New pavilions can support broader community use – key objective and focus of Council, to increase multi use.
  - Grounds maintained at current standard at school's cost.
  - Positive financial return to council over the life of the lease.

**Understanding that the HOA (if resolved) is just the beginning and does not result in the project being endorsed guaranteed or delivered.**

- The HOA is not legally binding but serves as a framework for negotiations for the final AFL and lease agreements and the planning approval process. It is about the process that IGS and Council will follow, not the outcome.
- The HOA will outline the important terms and conditions that may be included in the AFL and the lease before they are finalized. It will also include the proposed draft design plans. Some lease terms will remain the same as in the existing lease, while others will be modified to reflect the new premises.
- The AFL will require IGS to obtain planning approval as a condition precedent to the grant of the lease. Therefore no planning permit - no lease.
- Council has two separate responsibilities in this project, 1- Landowner 2. – Responsible authority under the Planning and Environment Act. The diagram below illustrates the overall process with key stages for Community engagement and decision points. It is proposed that Council consider the grant of the AFL and lease in its capacity as landowner prior to considering an application by IGS for planning approval in Council's capacity as responsible authority.





**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Maddocks Lawyers will provide advice on and assist with drafting of the HOA, the Agreement for Lease and Lease, and ensure that Council complies with *s115 of Local Government Act 2020* and the community engagement process in respect of the new lease.
- The AFL will require that the School obtains planning approval as a pre-condition to the grant of the new lease. Upon planning approval and all other conditions precedent being met, the lease will come into effect the following day. I.
- The HOA is the first step in the process. There are two separate statutory processes that will follow and require legal guidance and review and these are the proposed grant of the new lease and IGS's application for a planning permit

**Human Rights Charter**

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

**Gender Impact Assessment**

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

**Financial Implications**

**Pavilion Construction costs**

- The IGS cost estimate of \$12 to 14 million is considered fair and reasonable based on comparative industry analysis of similar projects.
- The estimated cost for Council to redevelop the pavilions is \$8.5 million if constructed within the timeframe proposed being within the next 18-24 months at a considerable lessor specification than IGS.
- Council has assumed that it would be more likely to be funded in 2033/34 based on the priority replacement and available capital works funding which would push likely cost to 18M in 2033/2044

**Income and Expenses**

- IGS currently collect ground rental of approximately \$25,000 per year from the seasonal clubs and these fees structures follows Councils Fes and charges. 50% of this rental is returned annually to Council in current lease. It is proposed that this cease in the new lease.
- There is a \$6,000 per annum sinking fund that supports small scale maintenance and park improvements – overseen. It is proposed that this cease in the new lease and replaced by annual rental.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**

- Council pays the Fire Service Levy - currently \$254 per annum.
- IGS invested \$1 million upfront towards storm water harvest over 2 years at the start of the lease (2014) and this forms part of the current lease.
- The current lease extension option (2 x 5-year extension) November 2034 to November 2044 stipulates a \$50,000 income rental per year plus annual 4% indexation.
- The proposed rental for the AFL will generate an income of \$1,140,306 over the 40 years (\$12,000 in year 1 increased by 4% p.a.).
- The table below summarises the two leases and components:

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

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

**Community Engagement**

- To date consultation has largely been with the sports clubs and internal departments to understand the functional requirements and site considerations to scope the pavilion designs that can then be presented and tested with broader community and feedback and input gathered. This process is consistent with how council approaches all its pavilion projects. Always commence with the clubs to determine the functional components to inform the design that then launches the community engagement.
- Community consultation and engagement will be extensive and involve both formal statutory processes (Lease and Planning) as well as community information sessions, FAQ's, drop-in sessions, etc. The consultation process will not commence until the HOA has been resolved and the planning process will not begin until the Agreement for Lease is resolved.
- If, after completing the statutory process for intention to grant a lease, the Council decides to proceed with the AFL and lease, IGS will submit its planning application, and the statutory planning approval process and consultation will then commence.
- A Consultation Engagement plan with full details of the consultation opportunities will be provided at Council meeting for endorsement when Council considers the final HOA. It will include workshops, drop in, Q and A's and surveys and as well as formal statutory processes required as part of the local government act.

**CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL cont'd**



**Key Considerations**

- The Sports clubs are very passionate and keen to see this project progress given the constraints and conditions of the existing pavilions and the limitations that they are placing on club growth and attraction of new members.
- There is a strong level of community interest and ownership in Chelsworth Park by local residents who are keen to ensure that the natural appeal and aesthetic is not compromised, and any developments are understanding and supportive of the natural environment.
- This is a significant investment that can deliver a sports community project with no financial burden to the rate payer, it has high community value, it relies on a partnership approach to community infrastructure delivery, it has strong strategic alignment and there is opportunity to leverage some rental income and provide some small profit return to Council in addition to the surfactant capital investment.
- That this project is complex and it important that the community are assured that there input and feedback on both the lease and the pavilion development will be welcome and actively sought and facilitated. The outcome is not determined until these engagement processes are conducted. However, the HOA is the first step that needs to be resolved to progress to these other stages.

**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**

<b>N</b>	<b>Title</b>	<b>Page</b>
o	.	
1	Attachment 1 - Chelsworth Park Sports Fields Map- Use 	
2	Chelsworth Park - Table of Use 	



## **7.2 2/50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TPG TELECOM LIMITED**

Author: Gary Mills - Senior Property Officer, City Development

Ward: Ibbott

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### **SUMMARY**

1. TPG Telecom Limited (TPG), (formerly Vodafone Hutchison Australia Ltd) currently leases part of Macleod Park known as 2/50 Chapman Street, Macleod in the south-west corner of the park for the purposes of a telecommunications facility. The Lease expired on 5 October 2023 and is in overholding.
2. TPG has agreed to enter a new lease for a term of 20 years at a commencing rent of \$19,000 (excl GST) per annum.
3. Council published the proposed lease in the 2023/24 Council budget pursuant to section 115(3) of the *Local Government Act 2020* (the Act). Therefore, no further community engagement is required prior to entering this lease.

### **RECOMMENDATION**

That Council:

1. having complied with section 115(3) of the *Local Government Act 2020*, approves entering a new Lease with TPG Telecom Limited (TPG) for a term of 20 years commencing 1 November 2023 at a commencing rent of \$19,000 per annum (GST excl).
2. authorises the Chief Executive Officer or their delegate to finalise negotiations with TPG and execute the lease.

### **COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Manage Council's commercial assets, leases and contracts to deliver sustainable, accessible and inclusive outcomes for the community".

### **BACKGROUND**

- In 2003, Council entered a lease with Hutchison 3G Australia Pty Ltd (Hutchison) to occupy the Council owned land at 50 Chapman Street, Macleod for its telecommunications facility. The facility is located at the south-western corner of Macleod Park. Refer locality photo at Figure 1.
- TPG's lease premises comprises a telecommunications equipment shelter only.

**2/50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TPG TELECOM LIMITED cont'd**

- Council recently approved a new lease with Amplitel Pty Ltd (Amplitel/Telstra) who owns the monopole. Amplitel also has an equipment shelter as part of its lease. The Lease was renewed for a term of 20 years commencing 5 June 2023.
- The original lease with Hutchison was for a term of 20 years with break dates at 10 and 15 years, expiring on 5 October 2023. The Lease is currently in overholding.



**Figure 1: 50 Chapman Street, Macleod (Macleod Park)**

**KEY ISSUES**

- TPG wrote to Council seeking to secure its tenure at the subject site by entering a new lease. TPG seeks a lease on similar terms and conditions to its current lease.
- It is considered desirable that Council endorse a new lease with TPG, given the recent lease renewal with Amplitel/Telstra.
- As part of the Macleod Park redevelopment, the new pavilion will not be adversely impacted by any of the telecommunication facilities at Macleod Park. Soft landscaping around the southern perimeter of the pavilion incorporating the existing Amplitel/Telstra lease area will enhance the amenity of the carpark.
- No fencing is permitted around the monopole, or two equipment shelters, and Council will continue to have unrestricted access around the lease premises for garden maintenance purposes.

**2/50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TPG TELECOM LIMITED 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**

- The passing rent under the lease is \$29,500 per annum (GST excl). The rent is magnified by the compounding effect from annual fixed percentage increments over the 20-year term of the lease. It should be noted that the passing rent does not represent the current market rent for the lease premises.
- Council's Valuer assessed a current market rent for the lease premises at \$19,000 per annum (GST excl). TPG initially offered to pay rent of \$14,500 per annum (GST excl).
- Subsequently, TPG has accepted Council's valuation for a commencing rent of \$19,000 per annum (GST excl), with annual fixed increments of up to four (4.0) per cent.

**Community Engagement**

- Council acting under section 115(3) of the *Local Government Act 2020*, gave notice of the proposed lease in the 2023/24 Council Budget.
- Subsequently, Council has complied with its statutory obligations and no further community engagement is required prior to entering this lease.

**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