

Agenda



Monday, 1 March 2021 7.00pm

Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

Acknowledgement of the Traditional Custodians

“Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today.”

Diversity Statement

“Banyule is a diverse community, made up of people from different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities. Council is committed to inclusion, access and equity for everyone. These principles foster cohesiveness, empower people and improve the wellbeing of the Banyule Community.”

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 8 February 2021

Disclosure of Interests

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	Nil	
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	Nil	
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Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

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

The livestream will be available on Council's Facebook and website

www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 22 March 2021.

2.1 COMMUNITY CONSULTATION PROPOSED STREET WORKS - BUENA VISTA DRIVE AND SURROUNDS OF MONTMORENCY SOUTH PRIMARY SCHOOL

Author: Jonathan Risby - Manager Transport, City Development

Ward: Sherbourne

SUMMARY

1. A petition with 15 signatures has been received from residents of Buena Vista Drive, Montmorency.
2. All 15 signatories of the petition were from households of Buena Vista Drive, Montmorency.
3. The Petition request is as follows:

“Residents and advocates of Montmorency request that the council genuinely consult with the community on the proposed street works around Buena Vista Drive, and the surrounds of Montmorency South Primary School.

Council has not provided to the community how the suggested works (as described in council’s letter of 10 December 2020) will improve the area.

Issues include traffic flows, pedestrian access and concerns of residents in relation to parking, school traffic and safety. The residents also request council to do its due diligence and complete both traffic and parking investigations / surveys prior to supporting any plan for change.

One of council’s 5 key Objectives is “Participation” which has not yet been fulfilled with these projects.

We await a genuine and transparent process.”

RECOMMENDATION

That Council

1. Receives and notes the petition.
2. Refer the petition to the Traffic and Transport Team
3. Advise the primary petitioner of this resolution.

**COMMUNITY CONSULTATION PROPOSED STREET WORKS - BUENA VISTA DRIVE AND SURROUNDS OF MONTMORENCY SOUTH PRIMARY SCHOOL
cont'd**

REPORT

BACKGROUND

Council has been progressively improving access and safety around Montmorency South Primary School and Panorama Heights Preschool to address traffic and parking concerns for about the last twelve years.

In 2008/2009:

- The car park area in front of Panorama Heights Preschool (adjacent to Montmorency South Primary School) was extended, on Buena Vista Drive;
- Additional footpaths between Panorama Heights Preschool and Montmorency South Primary School were constructed; and
- The on-street car park in front of Montmorency South Primary School was extended.

In 2014/2015:

- The children's crossing on Grand Boulevard was raised;
- A traffic island was installed on Reichelt Avenue;
- A parking bay was constructed on the south side of Grand Boulevard; and
- A footpath was installed between Reichelt Avenue and MSPS's gates on Grand Boulevard.

In 2015/2016 consultation occurred with residents on Buena Vista Drive about the possibility of installing a footpath. The project didn't proceed at that time.

Early in 2018 five projects were identified as further opportunities to improve car parking and access in the area. These being:

1. Construction of footpath and indented parking along Reichelt Avenue and Buena Vista Drive.
2. Formalisation of gravel carpark adjacent to Grand Boulevard.
3. Installation of crossing on Buena Vista Drive.
4. Construction of footpath along Buena Vista Drive.
5. Construction of footpath along ROW between Buena Vista Drive and Kirwana Grove.

Council conducted a consultation to determine the community's order of preference on the delivery of pedestrian and traffic improvement projects around Montmorency South Primary School in 2019.

**COMMUNITY CONSULTATION PROPOSED STREET WORKS - BUENA VISTA DRIVE AND SURROUNDS OF MONTMORENCY SOUTH PRIMARY SCHOOL
cont'd**

The feedback received from the residents indicated the proposed projects to be delivered in the following priority order.

1. Footpath and indented parking on Reichelt Avenue and Buena Vista Drive
2. Gravel car park formalisation
3. Crossing point on Buena Vista Drive
4. Footpath on north side of Buena Vista Drive
5. Upgrade of right of way between Mitchell Avenue and Kirwana Bush Reserve

Council had planned on delivering these projects in gradual stages and had allocated funding over several financial years through the Capital Works Program, recently acquired Federal Government funding has meant that all of the proposed projects can be constructed simultaneously over this calendar year.

Some specifically targeted discussions may occur with the directly abutting residents depending on the impact works may have on them.

All the proposed projects are in line with the Banyule Integrated Transport Plan and Banyule Walking Strategy.

ATTACHMENTS

Nil

3.1 SOCIAL ENTERPRISE PARTNERSHIPS PROGRAM UPDATE

Author: Michael Uniacke - Community & Social Planner, Community Programs

SUMMARY

1. Council's Social Enterprise Partnerships Program (SEPP) continues to work in partnership with community to create local job outcomes for local people experiencing barriers to employment.
2. The SEPP supports social enterprises to access tangible growth opportunities through planned capital works and other Council-identified projects of shared value.
3. Through this program, partnering social enterprises have access to coordinated financial and specialist capacity building support that is tailored to appropriately respond to their unique needs, challenges and opportunities for business and impact growth; and to enable them to successfully respond to an identified community issue and Council opportunity.
4. Recent achievements of the program include:
 - a. LG Professionals Australia's National Federation Awards finalist for the Partnerships and Collaboration Award.
 - b. Establishment and launch of 'The Little Social' social enterprise café at Rosanna train station.
5. Additionally, Council continues to advocate for a new social enterprise café partnership as part of the new Greensborough train station development.

RECOMMENDATION

That Council:

1. Note the recent achievements and highlights of Banyule's Social Enterprise Partnerships Program including:
 - o LG Professionals Australia's National Federation Awards finalist for the Partnerships and Collaboration Award
 - o Establishment and launch of 'The Little Social' social enterprise café at Rosanna train station.
2. Continues to advocate for a new social enterprise café partnership as part of the new Greensborough Train Station development.
3. Writes to the CEO of Metro Trains Pty Ltd seeking their support to explore a social enterprise partnership café, as part of the new Greensborough Train Station redevelopment.
4. Writes to State Members Vicki Ward MP, Colin Brooks MP and Danielle Green MP, seeking their advocacy support for a social enterprise partnership café as part of the new Greensborough Train Station redevelopment.

SOCIAL ENTERPRISE PARTNERSHIPS PROGRAM UPDATE cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Stimulate business, employment and investment opportunities".

BACKGROUND

- The Banyule Council Plan (2017 – 2021) sets out Council's priorities and direction over four years. The Plan includes a key direction to "Stimulate business, employment and investment opportunities" and focus areas to:
 - Encourage and assist the development of small business and social enterprise.
 - Partner with agencies that support training and employment opportunities.
 - Proactively lead employment opportunities for disadvantaged communities and people with disabilities.
 - Work in partnership with agencies that strengthen investment opportunities.
- These objectives are supported by Council's Social Enterprise Strategy & Action Plan 2020-2025; the Social Enterprise Partnership Program (SEPP) is a key initiative of the Strategy that is innovatively partnering with social enterprise to drive employment participation and inclusive economic growth in Banyule.
- The SEPP supports social enterprises to access tangible growth opportunities through planned capital works and other Council-identified projects of shared value. Through this program, partnering social enterprises have access to coordinated financial and specialist capacity building support that is tailored to appropriately respond to their unique needs, challenges and opportunities for business and impact growth; and to enable them to successfully respond to an identified community issue and Council opportunity.
- This report has been prepared to be considered by Council to highlight recent achievements of this work and Council's investment in these programs.

KEY ISSUES

- Council's Social Enterprise Partnerships Program continues to create strong local job outcomes for local people experiencing barriers to employment and is receiving national recognition for this work.

LG Professionals Australia's National Federal Awards

- The LG Professionals Australia's National Federation Awards is an annual celebration of outstanding achievement in local government.
- Council's Social Enterprise Partnerships Program was selected as a finalist for the 2020 Partnerships and Collaboration Award.
- The Award honours Council for their effective community collaboration efforts that is making a positive difference in Banyule. It also highlights the program as an innovative solution demonstrating leading practices that improve upon existing services, enhance physical and social infrastructure, strengthen links to other levels of government and delivers better outcomes for communities, with the potential to be replicated across the country.

SOCIAL ENTERPRISE PARTNERSHIPS PROGRAM UPDATE cont'd

Rosanna Train Station Social Enterprise Café

- In partnership with not-for-profit organisation Youth Projects' Council has established a new social enterprise café 'The Little Social' (the café) at Rosanna train station.
- Council completed the fit-out of the café in November 2020. On 11 January 2021, the cafe received a Food Act Registration Certificate for class 2 food premises.
- The café commenced trading on 12 January 2021.
- Under the terms of the lease agreement between Council and Youth Projects, the café is now working towards:
 - Real-life and real-time hospitality training in the form of at least 20 traineeships per calendar year; and providing support each year to at least 9 program graduates to transition to paid employment and 5 program graduates to transition to further education.
 - All trainees to be supported will be local young people (aged 16-25) experiencing disadvantage and may have overlapping identities i.e. Aboriginal and Torres Strait Islander people; LGBTIQ+, culturally and linguistically diverse people, including refugees and asylum seekers, and people with disabilities.
 - Additional employment of 2 or 3 positions per year to support the running of the café.
- The café has commenced recruitment of the first intake of disadvantaged young people in Banyule and the northern region as trainees in the hospitality industry.
- Covid-19 restrictions have affected pedestrian traffic at the Rosanna train station. In response, the SEPP is providing the café with access to increased marketing support that aims to help promote the new café and attract increased commercial customers. This includes an onsite event, that was attended by the Mayor and Deputy Mayor to formally launch the café on 05 February 2021.
- Photos of the development are at Attachment 1.

Greensborough Train Station

- The second stage of the Hurstbridge Line Upgrade is expected to commence during the 2021/2022FY. This \$530m Victorian Government project will duplicate the track between Greensborough and Wattle Glen; and create a new station at Greensborough and an upgrade to Montmorency station.
- Council has expressed its interest in collaboratively exploring a social enterprise partnership similar to the Rosanna train station development with Metro Trains Melbourne Pty Ltd.
- Metro Trains Melbourne Pty Ltd. have not yet engaged with Council's expression of interest. Accordingly, Council continues to advocate for a new social enterprise café partnership as part of the new Greensborough train station development in 2021/22FY. This project provides an opportunity for State and Local Government together with community to create a legacy that futureproofs positive place-based social and economic outcomes in the longer-term.

SOCIAL ENTERPRISE PARTNERSHIPS PROGRAM UPDATE 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 Victorian Charter of Human Rights and Responsibilities.
- The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes Aboriginal & Torres Strait Islander people, young people, people with a disability, those from culturally and linguistically diverse backgrounds and LGBTIQ+.

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Photos - The Little Social Cafe Rosanna Station - December 2020	

4.1 DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS

Author: Russell Darling - Manager Strategic Waste, Assets & City Services

SUMMARY

1. This report is to provide an update on the progress of the implementation of the Dumped Rubbish & Litter Plan 2017-2021 (the Plan).
2. The Plan contains actions under three strategic directions that relate to programs and services, internal systems, building a culture of shared responsibility that rejects dumped rubbish and litter, and advocacy for external measures to reduce
3. Actions that generally relate to internal management improvements of dumped rubbish and the trial of a Litter Enforcement Officer are considered to be progressing well and helping to achieve their strategic directions.
4. Actions relating to delivery of education programs have had mixed progress. Passive education such as signs etc. has been easily progressed but active education programs requiring face to face contact over the last year have been restricted by COVID-19.
5. The impact of COVID-19 on dumped rubbish has been varied. While the number of requests received has increased by over 20% this year, the quantity of dumped rubbish collected has remained essentially unchanged.
6. The trial of a dedicated Litter Enforcement Officer has shown benefits through faster investigation of reported issues, allowing for enforced clean-up of rubbish by offenders thereby avoiding reactive clean-up by Council. Where necessary, infringements have been issued and income from these infringements has offset a significant proportion of the cost of the position. The position is currently funded through the four-year strategic initiatives budget.
7. The benefits of having a dedicated Litter Enforcement Officer have been proven over the last two years and it is important that this role remains permanently to show continued commitment by Council in addressing the issue of litter and dumped rubbish and maintaining the amenity of Banyule's open spaces. Funding of \$98,185 will need to be transferred from the initiatives budget to the operating budget for this position to be ongoing.
8. The Dumped Rubbish and Litter Plan 2017-2021 is due to be updated. Officers will undertake a review of the Plan in 2022/23 to ensure its relevance for the coming years. A budget of \$20,000 will be required to undertake this review.

RECOMMENDATION

That Council:

1. Notes the progress report.

DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS cont'd

2. Considers the transfer of the staff cost of \$98,185 p.a. for a permanent Litter Enforcement Officer position from the strategic initiatives budget to the ongoing operating budget as part of the 2021/22 budget process.
3. Refer \$20,000 to be considered as part of the 2022/23 capital and initiatives budget for a review of the Dumped Rubbish and Litter Plan.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Protect and enhance our natural environment".

BACKGROUND

- Maintaining a clean city involves preventing litter in the first place, providing a range of services such as street bins for people to dispose of their waste when they are on the go, street sweeping to keep the streets clean and cleaning up dumped rubbish and litter when it occurs. Providing these services requires significant amounts of Council staff time and budget.
- As part of the development of a plan to tackle the issue in 2016/17, it was conservatively estimated that providing street bins, maintaining a clean city through street sweeping and cleaning up illegally dumped rubbish cost just over \$2 million in 2014-15 (now over \$2.1M). While overall our residential streets, shopping centres, parks and open spaces and roads are generally clean, dumped rubbish and litter are a problem in Banyule and a Dumped Rubbish and Litter Plan 2017-2021 (the Plan) was adopted by Council. It provided a four-year plan to prevent litter and dumped rubbish in the first place, as well as identifying areas to improve management and clean up services.
- The Plan contains actions under three strategic directions to address behaviours and work towards achieving the vision of Banyule being a cleaner, more liveable city with a culture rejecting rubbish dumping and littering:
 - SD1. Implement best practice programs and services to reduce dumped rubbish and litter
 - SD2. Build a culture of shared responsibility that rejects dumped rubbish and litter
 - SD3. Advocacy for external measures to reduce dumped rubbish and litter
- This report provides an update on the progress of its action plan.

KEY ISSUES

- Development of the Plan identified that 80% of surveyed residents are quite concerned or somewhat concerned about litter and dumped rubbish.
- 87% of survey respondents stated that the appearance of Banyule's public areas is very or extremely important to them.
- Over 75% of respondents stated the Council should prosecute offenders.

DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS 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.

Key Considerations

- Actions that generally relate to internal management improvements of dumped rubbish and the trial of a Litter Enforcement Officer in the Local Laws unit whose role is dedicated to the investigation and enforcement of litter laws are considered to be progressing well and helping to achieve their strategic directions.
- Actions relating to delivery of education programs have had mixed progress. Passive education such as signs etc. have been easily progressed but active education programs delivered to schools, school visits to The Rethink Education Centre and Festivals have been restricted by COVID-19.
- Two actions relating to working with managers of land not owned by Council have not progressed and are being reviewed although issues relating to dumping on their land continue to be conveyed to these agencies through local referral channels.
- A full report on the progress of the Dumped Rubbish and Litter Plan 2017-2021 is contained in Attachment 1.
- The impact of COVID-19 on dumped rubbish has been varied. While the number of requests received has increased by over 20% this year, likely due to many more people exercising locally due to restrictions and reporting rubbish they see, the quantity of dumped rubbish collected has remained essentially unchanged.

DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS cont'd

Requests Received

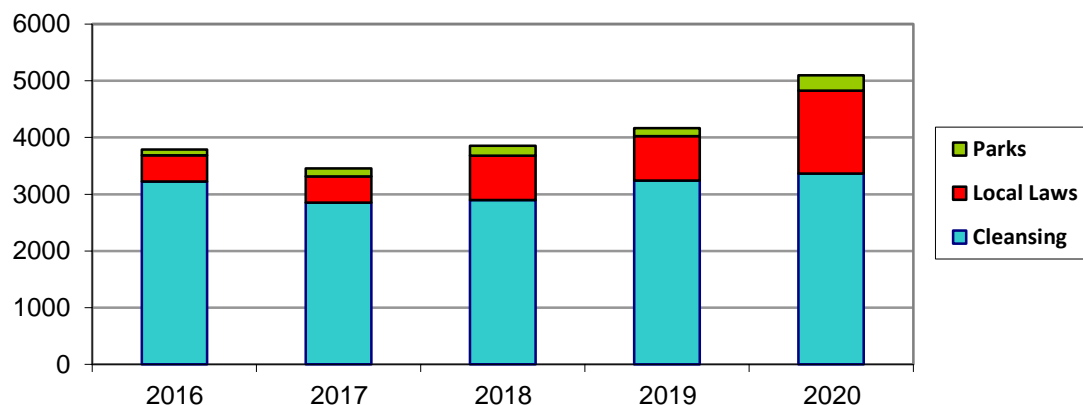


Figure 1 – Customer Requests Received

Tonnes Collected

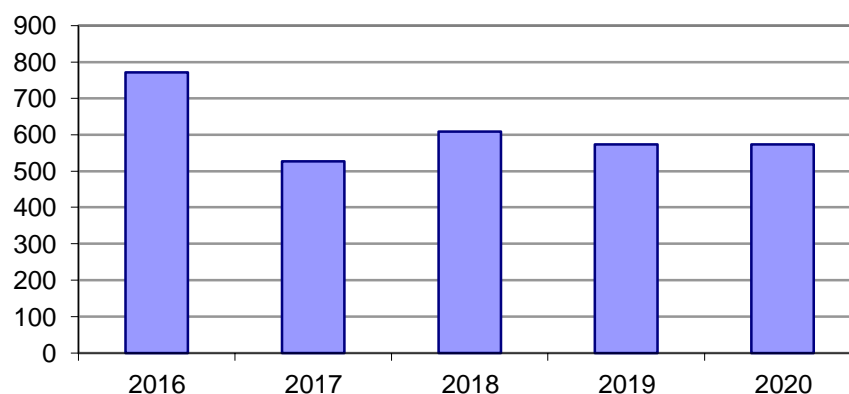


Figure 2 – Tonnes of Dumped Rubbish Collected

- In the past, the Cleansing and Parks units dealt with at least 85% of requests by simply collecting the rubbish. While this response can address the issue of amenity of our open spaces, it is reactive and does not change behaviour. It had likely reinforced some anti-social attitudes because the offenders knew that there were few consequences and that Council would just clean up the rubbish.
- With the addition of a dedicated Litter Enforcement Officer, over 25% of requests (an average of about 130 per month) are first being investigated to determine the source of the rubbish and if enforcement action can be taken. However, of these only about 20-25% need to be reallocated to other units for additional clean-up action, therefore allowing these resources to be utilised elsewhere. This is because of a reasonably good response to Notices to Comply where residents remove the rubbish they have dumped. Those that did not comply received an EPA littering offence or a Local Law offence.

DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS cont'd

Year	Infringements	Fines
2018	130	\$44,230
2019	93	\$34,650
2020	213	\$85,730

Table 1 – Infringement Notices Issued

- In addition to improved enforcement, there have been other activities undertaken to change behaviour by enabling improved reporting of dumped rubbish and educating residents about their entitlements to hard waste collections. These have included:
 - A litter hotline including supporting material such as fridge magnets, litter hotline postcards and litter hotline signs
 - Hard waste booking magnets and how to book a hard waste collection postcards and signs.
 - Two short videos on “How to book a hard waste collection” and “That doesn’t go there” litter reporting
 - Articles in the Banner regarding dumped trolleys, hard waste collection booking and cleaning up after your dog
- The response to litter reporting can clearly be seen in Figure 1 above, however it is unclear as to whether increases in hard waste collections in 2020 are due to residents actually changing behaviour or due to using the hard waste service because they have been restricted at home.

Discussion

- While the creation of the trial Litter Enforcement Officer position has come at a cost, the fine income received has covered a considerable part of the expense of the position. Additionally:
 - A dedicated position allows for a faster response to rubbish dumping issues allowing for quicker removal of the rubbish
 - It also shows a commitment by Council that rubbish dumping is not acceptable in Banyule
 - In having residents take responsibility for removing the rubbish they have dumped through enforcement; other Council resources have not been required to carry out this clean-up allowing them to undertake other important maintenance activities.
- The Litter Enforcement Officer position has been a trial since 2019 being funded through the initiatives budget. The position has been filled by an existing Local Laws staff member requiring that position to be backfilled during the trial. The use of temporary Local Laws staff to backfill comes at a higher cost than a permanent staff member.
- The Banyule community embrace the municipality's open spaces, however many of these spaces do not provide much natural surveillance which can then attract rubbish dumping. With the Litter Enforcement Officer using tools to assist investigation and deterrents such as camera surveillance into the future, it is hoped that dumping will reduce over time however it is a long journey.

DUMPED RUBBISH AND LITTER PLAN IMPLEMENTATION PROGRESS cont'd

- The benefits of having a dedicated Litter Enforcement Officer have been proven since its commencement and it is important that this role remains permanently to show continued commitment by Council in addressing the issue of litter and dumped rubbish and maintaining the amenity of Banyule's open spaces.

Financial Implications

- The addition of a permanent Litter Enforcement Officer position would require an operating budget increase. The role would require a vehicle to undertake their tasks within the municipality.
- The operating budget increase required for a permanent role would be \$98,185 p.a. plus the annual operating cost of the vehicle of \$8,800. The salary cost is already budgeted for in the four-year strategic initiatives budget. The purchase of an additional vehicle and its annual operating costs would be offset by the permanent disposal of an existing car from elsewhere in Council's fleet.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Dumped Rubbish & Litter Plan Implementation Progress	

4.2 INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE

Author: Russell Darling - Manager Strategic Waste, Assets & City Services

SUMMARY

1. Council's Towards Zero Waste Plan 2019-2023 and the Community Climate Action Plan have both identified the need to divert more waste from landfill. This aligns with the key focus area of *Avoiding waste generation* in the Council Plan.
2. In addition to the environmental benefits of removing organics waste from the garbage stream, it also reduces the amount of waste sent to landfill which provides significant financial savings.
3. In Victoria, about 50% of Councils have changed their services to divert food waste from landfill. In metropolitan Melbourne about 61% have introduced a service to divert food and a further 25% will implement a change based on timing of contracts.
4. In Banyule, organic waste makes up about 57% of the contents of the garbage bin (43% food and 14% garden waste) and waste diversion from landfill has continued to stay between 50-53% for the past 8 years.
5. Council has the option of making no changes to the waste service which will provide no environmental improvements and significantly increases the cost of the service over time, or to provide a Food Organics Garden Organics (FOGO) service to remove organic waste from the garbage bin.
6. Two options for a FOGO service were considered however the High-Performance service, where the FOGO bin is collected weekly and the residual landfill waste bin collected fortnightly, provides financial savings and better environmental outcomes and is the preferred option.
7. To enhance the service, kitchen caddies can be provided to assist with separation of food from other waste in the kitchen and a weekly user-pays landfill waste collection service can be implemented for those residents who have special needs and cannot manage with a fortnightly landfill collection.
8. To prepare for the change, a comprehensive communication and education program should be delivered over a 12 to 18-month period before a new service commences. Council officers therefore recommend commencing a FOGO service at the start of the 2022/23 financial year.
9. There is an up-front capital expense of \$3.83M required to procure and distribute bins and caddies needed for the service and to deliver the required communication and education program and manage the project.

INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE cont'd

RECOMMENDATION

That Council:

1. Approve the implementation of a high-performance Food Organics Garden Organics waste service (including upgrading landfill bins to 140 litre and providing kitchen caddies to all households) to be implemented at the start of the 2022/23 financial year.
2. Allocate a budget of \$3.83M in year 1 (2021/22) to prepare for the implementation of the FOGO service (including a temporary 2.5 staff positions for education and project management) and a further budget of \$110K in year 2 (2022/23) to embed the changes.
3. Commence the delivery of a comprehensive education and communications program to inform and prepare the Banyule community for the change.
4. Receive updates on the progress of the preparation and implementation of the new service at key milestones along the project.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Avoid waste generation".

BACKGROUND

- Many Banyule residents are concerned about the impact that waste is having on the environment, and in developing Council's Towards Zero Waste Plan 2019-2023 (TZW) it was identified that about 70% of residents support putting their food scraps into the garden organics bin if it was made available so that it can be composted.
- The TZW Plan that has a vision of achieving zero waste to landfill by 2030, recognizes this and has an action of preparing a business case for a Food Organics Garden Organics (FOGO) service which would see food waste collected with the garden waste and sent for composting.
- Further to this, the Community Climate Action Plan which has been developed in consultation with residents following Council's climate commitment of zero net emissions by 2028 without using offsets, has a specific action to implement a FOGO system for the municipality.
- The State Waste Policy also acknowledges the issue of food going to landfill and has set a commitment for all Victorian Local Governments to provide an organics recycling service by 2030.
- At a higher level, diverting waste from landfill is a key focus area of Avoiding Waste Generation in the Council Plan which states that we will discourage waste to landfill, including leading by example in reducing Council's own waste generation.

INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE cont'd

- In addition to the environmental benefits of removing organics waste from the garbage stream, it also reduces the amount of waste sent to landfill. Every tonne of waste sent to landfill attracts the landfill operator's operational gate fee plus the State Government Landfill levy. Under the State Government's Recycling Victoria waste policy, the landfill levy will increase by approximately 91% by 2022/23 from the current landfill levy.
- In Victoria, about 50% of Councils have changed their services to divert food waste from landfill. In metropolitan Melbourne about 61% have introduced a service to divert food and a further 25% will implement a change to align with the expiration of their waste contracts.

KEY ISSUES

- Household kerbside garbage sent to landfill in Banyule has not shown a decrease in the last eight years. Waste diversion has continued to stay between 50-53%.
- In Banyule, an audit of kerbside bins identified organic waste, which can be recycled, makes up about 57% of the contents of the garbage bin (43% food and 14% garden waste). Organic waste breaks down in an oxygen free (anaerobic) environment when buried in landfills, creating methane. Methane is 26 times more potent as a greenhouse gas than carbon dioxide.
- By 2023 landfill costs will be about 73% more expensive than composting. There is consequently a significant financial benefit to the Banyule community if as much organic and other recyclable material is diverted from landfill and used as a resource instead being buried as waste creating greenhouse gas.

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.

Key Considerations

- In assessing how to manage food waste there are currently two options:
 - ❖ No change – there is no change required by the community, however food waste will still go to landfill and diversion will remain static at about around 53%. All food will attract landfill disposal costs which will be over 70% more expensive than composting.
 - ❖ Introducing a Food Organics Garden Organics (FOGO) service – where residents can place their food waste in the garden waste bin which is then composted and turned into soil conditioning products.
- No change is not considered acceptable as it will provide no environmental improvements and it increases the cost of the service considerably over time.

INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE cont'd

- Introducing a FOGO service will divert food from landfill which will provide both environmental and financial benefits. There are two options for a FOGO service that have been considered:
 - ❖ Low-Performance – The bin collection service remains the same with the landfill bin collected weekly and the organics bin collected fortnightly. Residents can choose to dispose of food waste in the organics bin and any food disposed in organics will be cheaper than sending it to landfill. Waste diversion will increase. However, having the option to use the weekly landfill bin for food will discourage the use fortnightly organics bin for food limiting the landfill diversion that will be achieved.
 - ❖ High-Performance – The bin collection frequencies change. The organics bin being collected weekly and the landfill bin collected fortnightly. A weekly organics bin actively encourages residents to put food in the organics bin and not the fortnightly landfill bin. Waste diversion will therefore be much better than low-performance. Also having a weekly FOGO collection will increase the standard green waste collection volume from 120 litre per fortnight to 120 litre per week thus doubling the green waste service provision.
- The differences in performance can be summarised as follows:

	No Change	Low Performance	High Performance
Landfill Diversion	51-53%	58-60%	67+%

- The high-performance option provides much better environmental outcomes by diverting more food waste from landfill which will more effectively deliver on the strategic directions set by Council. While this option costs more than low-performance, it still provides ongoing savings over making no change to the service and is the recommended option.
- With food removed from the garbage stream, the remaining waste still has some volume and it is considered that the existing 80 litre garbage bin will not be large enough for a fortnightly collection. Upgrading all existing 80 litre bins to 140 litre (nearly doubling capacity) is therefore recommended. This can also accommodate the bin lid colour change to red which is a state requirement to occur.
- Service add-ons can be considered that will enhance the service for residents. These are:
 - Caddies can be provided to each household which are used to separate food scraps from non-recyclable landfill waste in the kitchen.
 - Some households may have special needs where they need a higher frequency e.g. wastes such as nappies they want collected weekly. A weekly landfill waste bin collection service can be implemented but as this service is in addition to the to the standard service provided to all households, it would need to be at the cost of the residents using the service.

Community Engagement

- Undertaking a change of service that requires an alteration to how the service is delivered and how residents use the service, requires extensive engagement, communication and education with our community to prepare for the change. Incorrect use of recycling and organics bins results in contamination which is the

INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE cont'd

biggest contributor to unplanned costs in our waste services, so it is important we empower our residents to use the waste collection service properly.

- In implementing a FOGO service, Council will need to develop and deliver a comprehensive communication and education program to engage with all households about the change, the reasons for it, what the service will look like and how best to use it.
- To ensure that the campaign is as effective as possible, it should be delivered over a 12 to 18-month period before a new service commences. Council officers therefore recommend commencing a FOGO service at the start of the 2022/23 financial year.

Sustainable Procurement Outcomes

- The change to a FOGO service will be undertaken using existing landfill and organic waste contracts, therefore there are no further sustainable procurement benefits to be gained by the change.
- However, in undertaking procurement of bins and caddies, Council will ensure that sustainable procurement benefits will be written into tenders such as environmental (use of recycled materials in bins/caddies) and social (local employment if staff need to be engaged to undertake delivery and collection of bins).

Financial Implications

- Implementation Costs
 - Bin procurement and distribution is an up-front capital expense needed to make the required changes to the bins used in the service. To deliver the project communications and education program effectively will require additional education resources and a significant change management project and as such dedicated staff resources of 2.5 Equivalent Full-Time staff are required during the 2021/22 financial year.

A budget of \$3.83M is therefore required in 2021/22 for the procurement and resources needed to implement a high-performance FOGO service. To embed the changes after implementation, some subsequent education will continue in 2022/23 which will require a budget of \$110K to deliver.
- Annual Operating Costs
 - The budget for the kerbside collection service is adjusted annually to reflect increases in gate fees for landfill and organic waste processing. The budget for 2022/23 onwards will reflect a reduction in landfill waste that is expected and any changes in income for larger bins. Both FOGO options will provide savings over no change once the service is implemented in 2022/23.

INTRODUCTION OF A FOOD ORGANICS GARDEN ORGANICS SERVICE cont'd

2022/23	No Change	Low Performance	High Performance
Expenditure	\$ 11,475,400	\$ 11,156,300	\$ 10,892,200
Income	\$ 2,208,700	\$ 2,208,700	\$ 1,702,900
Net	\$ 9,266,700	\$ 8,947,600	\$9,189,300

- There would be no additional net budget required for the implementation of a weekly landfill bin collection service for special need customers as this would be paid for by its users.
- The reduction in income in the high-performance FOGO option is because it is anticipated that residents who pay an extra fee for a 240-litre green waste bin may hand them back as they will receive the equivalent capacity with the weekly collection of the 120 litre FOGO bin as part of the standard service.
- Both low performance and high performance FOGO services provide an accumulated savings of approximately \$3.51M and \$1.38M respectively over the 10 year period compared to the business as usual service. A 10-year projection of the operating budget is contained in attachment 1.

Innovation and Continuous Improvement

- Since the kerbside waste service commenced in Banyule in 1996, there has been only one change to service. In 2004, full commingled recycling bins were introduced that added paper and cardboard to the recyclable containers and each household received a new green waste bin.
- The introduction of the FOGO service reflects the changes required to meet sector changes and Council, State and Federal Government objectives and demonstrates continuous improvement in Council's services.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Food Diversion Options Expenditure	

5.1 **DRAFT BANYULE BICYCLE STRATEGY**

Author: Alison Wood - Safe & Sustainable Transport Officer, City Development

SUMMARY

1. The draft Banyule Bicycle Strategy has been prepared in response to a key initiative in the Banyule Integrated Transport Plan 2015-2035 that recognises cycling has an important role to play in addressing today's transport, health and environmental challenges.
2. The Banyule Bicycle Strategy will give long-term direction to the development of an action seeking to improve cycling infrastructure and embed a cycling culture within our municipality.
3. The development of this draft comes at a time when awareness of the benefits of cycling for recreation and/or transport is increasing across Greater Melbourne.
4. Council has engaged with the local community and other key stakeholders to prepare the draft Banyule Bicycle Strategy. Public exhibition of this draft Strategy is proposed to inform the final document.
5. Key barriers to safe cycling identified by this draft include significant gaps in the cycling network; minimal road space allocation for cycle lanes and incomplete and inconsistent wayfinding and information. Banyule relies heavily on its off-road infrastructure – in the form of shared paths and trails – for both commuter and recreational riding. Further the municipality experiences low levels of cycling participation, particularly for transport, by women and school-age children.
6. Stimulus packages associated with COVID-19-recovery and major projects impacting the municipality present opportunities for Council to advocate for, and potentially realise, significant gains in bicycle infrastructure including 'trunk routes' along Strategic Cycling Corridors.
7. Further recommendations of the draft strategy include upgrades to open space shared use paths and trails; completion of wayfinding markings and signage for the Banyule Local Bicycle Network; provision of bicycle parking across the municipality; support for community and school education to increase the uptake of cycling and promotion and distribution of up-to-date information and events.

RECOMMENDATION

That Council:

1. Approve the draft Banyule Bicycle Strategy for public exhibition for a four (4) week period.
2. Receive a further report to consider feedback and submissions received during the public exhibition period and to adopt the final Banyule Bicycle Strategy.

DRAFT BANYULE BICYCLE STRATEGY cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Support sustainable transport".

BACKGROUND

- Cycling for either recreation or transport offers significant health, environmental, economic and social benefits.
- The impact of COVID-19 restrictions across Melbourne in 2020 saw a significant increase in cycling within Banyule, particularly on shared use paths and open space trails.
- In response to the impacts of COVID-19 the State and Federal governments have released stimulus funding for bicycle infrastructure. This includes \$13 million investment in trialling 100km of separated ('pop-up') bike lanes on major inner-urban arterials including Heidelberg Road.
- The State Government's ambitious roster of major projects impacting Banyule also presents opportunities to advocate for support of safe and accessible cycling facilities, particularly in the provision of trunk routes associated with North East Link Project (NELP), the Hurstbridge railway duplication stage 2 between Greensborough and Eltham and the Fitzsimons Lane upgrade project.
- Promoting and enabling sustainable transport is a key direction of Banyule's Council Plan 'Place' objective. Support for cycling is further embedded in Council's major strategic transport and recreation policy including the Banyule Integrated Transport Plan 2015-2035, Banyule Safe Travel Plan 2016-2026, Community Climate Action Plan, Public Open Space Plan 2016-2031 and the Northern Regional Trails Strategy 2016.
- Specifically, the Banyule Integrated Transport Plan recognises that cycling has an important role to play in addressing today's transport challenges. It aims to enhance the provision of both on-road and off-road bicycle facilities and to encourage and promote all aspects of cycling from the committed commuter cyclist to the more casual recreational rider.

KEY ISSUES

- The key issues and barriers to cycling within Banyule are identified as:
 - Missing links – a high proportion of mapped routes are either non-existent or incomplete.
 - Minimal road space allocation for cycle lanes – and where present are impacted by on-street car parking and traffic speeds.
 - Incomplete and inconsistent wayfinding.
 - Off-road shared use paths and trails heavily used and in need of renewal.
 - Insufficient bike parking facilities in activity centres and at transport links.
 - Low female cycling participation – 15% in Banyule compared with 22% Victoria-wide.
 - Concern at potential impacts of major projects, such as NELP, on access to existing cycle routes.

DRAFT BANYULE BICYCLE STRATEGY cont'd

- The draft Banyule Bicycle Strategy (Attachment 1) seeks to address these issues and support the municipality becoming a space that:
 - Encourages and promotes a cycling culture for all ages and abilities.
 - Supports the provision of a safe, convenient and accessible network with linkages to other transport modes and key destinations.
 - Embraces the health, social, economic and environmental benefits of active transport.
 - Enhances the natural environment and liveability of our places by supporting cycling as a key form of zero emissions transport.

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 provision and maintenance of bicycle infrastructure is currently funded by Council through its annual budget.
- Funding from the Victorian Government has been committed for the following projects:
 - \$5m committed in 2019-20 State budget for bicycle path upgrades connecting Heidelberg to Rosanna.
 - \$100,000 Bicycle Path Design Grant funded through North East Link Project (NELP) Supreme Court mediated settlement for scoping and design development for a sealed bicycle path from Heidelberg to Ivanhoe East via The Boulevard.
 - \$3m Shared Use Paths Grant funded through NELP Supreme Court mediated settlement for completion of the shared use path between Watsonia and Yallambie.
 - \$1.5m development funding in 2020/21 State budget for walking and cycling infrastructure in Hurstbridge Line rail corridor, including between Greensborough and Eltham.
- Council has also been successful in attracting State government funding to deliver significant upgrades to the Darebin Creek Trail with Stages 2B currently underway.

DRAFT BANYULE BICYCLE STRATEGY cont'd

- The Banyule community will benefit from the following projects either included as complementary works associated with NELP or being delivered by other municipalities as a result of their NELP Supreme Court mediated settlements:
 - Banyule Shared Trail – completing the shared path along Greensborough Highway to just south of Grimshaw Street (included in the NELP package).
 - Main Yarra Trail Bridge linking Main Yarra Trail with Banksia Park in Manningham (Manningham to deliver).
- Projects included in any action plan associated with the final Banyule Bicycle Strategy, will need to have funding allocated through Council's capital expenditure and maintenance budgets or through State and/or Federal funding streams.

Community Engagement

- In late 2018 preparatory work for the new bicycle strategy was undertaken and included an audit of the existing local bicycle network and public engagement via Shaping Banyule seeking community perspectives on cycling. Key themes emerging from this work included:
 - Importance of safe cycling paths/connections to encourage riding;
 - Current lack of safe on-road routes; and
 - Incomplete nature of the existing bicycle network.
- In February 2020, pre-COVID-19, a stakeholder workshop was held in Council offices that included members of the Banyule Bicycle User Group (BUG), Department of Transport, Bicycle Victoria, members of the community and neighbouring Councils. This was complemented by Council's participation the BikeSpot 2020 project. Insights gained through both consultations reinforced earlier feedback and further highlighted:
 - Incomplete and inadequate cycling connections including unsafe bike lanes and dangerous intersections.
 - Greater connectivity required between major activity centres and neighbouring municipalities.
 - Strong demand for additional bicycle parking and end-of-trip infrastructure.
 - Inconsistent wayfinding and signage throughout the municipality.
 - Need for improved cycling awareness, education and promotion within the community.
- Residents and the community will be invited to provide feedback on this draft during a four-week public exhibition period. It is anticipated that this will occur in the period April to May 2020 with the start date and exact nature of activities subject to COVID-19 restrictions. Consultation activities are planned to include:
 - Information, copies of the draft document and a survey on Shaping Banyule.
 - Drop-in public information sessions in Council offices or online.
 - Pop-up engagement activities in cycling locations within the municipality.

DRAFT BANYULE BICYCLE STRATEGY cont'd

Key Considerations

- The higher-level issues that have influenced and shaped the development of this draft strategy, including background and key issues, have been already outlined in this report.
- Key recommendations of the draft Strategy are grouped into general themes; activity centres; connecting links; off-road shared use paths and trails; and school cycling. They include:
 - Support to implement and complete key trunk routes including:
 - Completion of the Strategic Cycling Corridor in the vicinity of the Hurstbridge railway corridor from Watsonia via Ivanhoe with connections to the CBD.
 - Improvement to the M80 to Eastern freeway corridor via the NELP alignment to Burke Road North.
 - Provision of an east-west cycling connection from Bulleen (Manningham) via Heidelberg Station to Thornbury (Darebin).
 - Completion of the east-west power easement trail from Bundoora to Watsonia to the Plenty River Trail at Yallambie.
 - Completion of the cycling connection from Eltham (Nillumbik) to Bundoora via Greensborough including a shared use path along the rail corridor.
 - Improvement and upgrades to open space shared use paths and trails including:
 - Plenty River trail upgrades between Elder Street and Montmorency Park and at Willinda Park.
 - Main Yarra Trail improvements at Banyule Flats.
 - Development and implementation of an on-road wayfinding strategy that complements the work undertaken by Open Space Planning and provides consistent and reliable information to cyclists.
 - Completion of wayfinding markings and signage for the Banyule Local Bicycle Network including route modification where appropriate for safety and continuity.
 - Provision of bicycle parking at key destinations including activity centres; railway stations; schools; sport and recreational precincts and public buildings.
 - Support for school communities to increase cycling participation through the provision of infrastructure, education and involvement in targeted activities including bike ed; safe travel programs and events.
 - Provision of opportunities for cycling and bike maintenance training and mentorship programs for all ages but particularly women/girls; CALD communities; older adults.
 - Promotion and distribution of up-to-date cycling information, mapping and resources via the Banyule Council website and other channels.
- Feedback in relation to these recommendations will assist in the preparation of the final Banyule Bicycle Strategy and Action Plan for future Council adoption.

DRAFT BANYULE BICYCLE STRATEGY cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Bicycle Strategy - 2021/02/03 - Draft Strategy	

5.2 PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)

Author: David Moon - Development Planning Coordinator, City Development

SUMMARY

1. This report presents and provides commentary on the January to June 2020 activities of Development Planning and Building. Key highlights from the review period include:
2. Development Planning
 - 'Live' (current backlog) planning applications and requests reached a low of 358 in September and remained under the target of 400 set for the review period.
 - The percentage of applications determined within the 60-day statutory timeframes continued to increase with 75% of applications determined within 60 days up from 69% in the previous six months.
 - The number of tree related applications continued to be high with 361 applications received in the review period, which together with the 386 received in the previous review period makes 2020 the busiest year on record with regard to tree related applications.
 - There has been a decrease in the number of Council decisions which have been upheld by the Victorian Civil and Administrative Tribunal throughout the review period with 50% of applications for review set aside by the Tribunal compared to 40% in the previous six months.
 - No 'out of time' (i.e. over the 60 statutory day timeframe) appeals have been received in the review period.
 - Applications for multi dwelling development increased in the second half of the year by approximately 32.96% from 91 to 121. This is the highest number of multi-dwelling applications received in a six-month period since July to December 2018 and is a positive indication of confidence in an uncertain period.
3. Banyule BPI and Building Control
 - The financial performance for Banyule BPI to date is a net return of \$345,289 (excluding corporate overheads), a 27% increase on the last full financial year result.
 - There were 639 permits issued, compared to 611 in the same period in 2019 (increase of 4%).
 - The number of investigations was consistent over the 6-month period with a slight increase to 160 total in the period.
 - A total of 3,991 residents with properties containing swimming pools or spas have registered with Council.

PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)
cont'd

- Council secured \$150,000 in funding from the state Government to promote the Women in Building Surveying program. The funding will facilitate the mid-year recruitment of a candidate to join the building team for 2 years and will create an important pathway to encourage women within the Building surveying profession.
- Council continues to work closely with Cladding Safety Victoria to reduce the number of buildings identified as containing combustible cladding. Council closed out 11 of the 29 outstanding orders administered by Banyule with Cladding Safety Victoria taking over a further 13 high risk sites.

RECOMMENDATION

That Council:

1. Note the Development Planning and Building Activities Report for the period July to December 2020;
2. Note the funding received from the State Government under the Women in Building Surveying program and support the recruitment of a suitable candidate for the position.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

- On 13 September 2010, Council received the first of a number of ongoing reports regarding town planning activity at VCAT affecting Banyule City Council. That report outlined the types of appeals, the number of appeals lodged, the number of decisions received, as well as the types of decisions. Subsequent reports have presented six monthly or yearly data from 2010 to date but with an expanded range of key performance indicators and data sets across Development Planning and Building Approvals and Enforcement.

KEY HIGHLIGHTS

Development Planning

- Detailed metrics, previous year trends and commentary is set out for Development Planning in Attachment 1.

Planning applications and related requests

- In 2020, 2519 planning applications (planning permits, section 72 Amendments, VicSmart and subdivision applications) and related requests (Secondary Consent, Extension of Time, Development Plan Approval, variations to a section 173 legal agreement, requests to endorsed 'condition 1' plans) were received compared to a total of 2239 in 2019, resulting in an increase of 280 (12.51%) requests.

PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)
cont'd

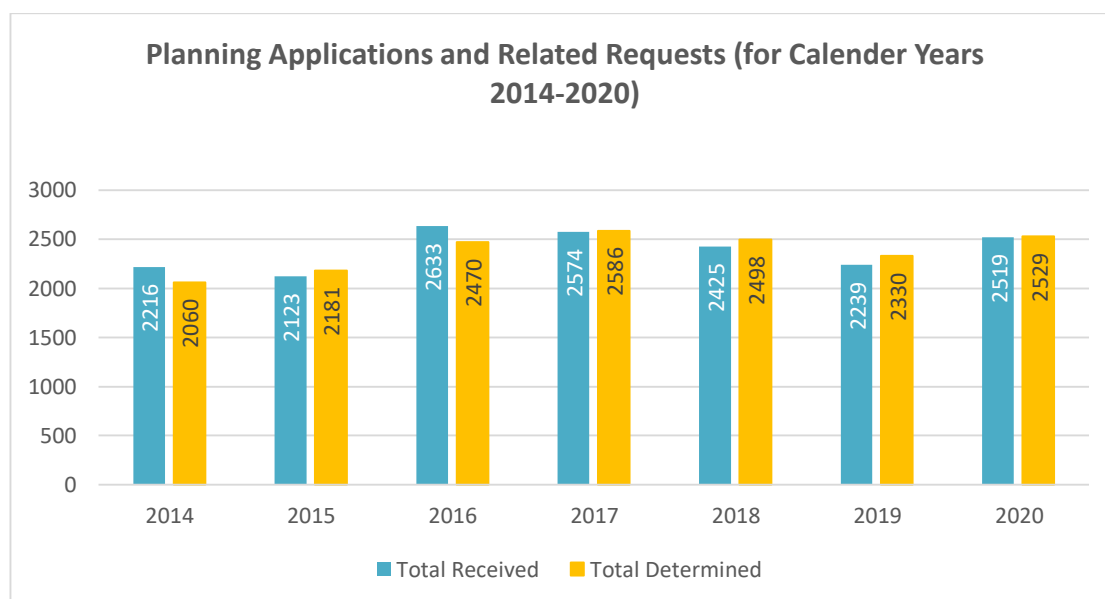


Figure 1 – Comparison with previous years

- The total number of requests determined over the year exceeded the number received with a total of 2529 determinations, resulting in 10 more requests being determined than received. The number of determinations was also an increase on the previous year by 199 determinations (8.54%).
- During the six-month review period the number of live applications has fluctuated between a low of 358 in September to a high of 393 in November. The total number of live applications remained below the live target of 400 throughout the review period.

Processing Timeframes

- On average for the six-month review period, 75% of planning applications were determined within the 60 statutory days and 79% of VicSmart applications were determined within the 10 business day statutory timeframe. The percentage of applications determined in 60 days was an improvement on the review period where 69% of applications were determined in 60 days.
- The average number of days for a determination dropped to a historic low of 48 days in October. Overall, for the review period, the average gross days for a determination was less than the previous review period indicating improved processing times.

Applications by Proposal

- The number of applications for tree removal and pruning continued to be high with 361 applications received, which together with the 386 received in the first half of the year is the highest total number of tree related applications received in a 12-month period for a number of years.

PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)
cont'd

- Applications for multi dwelling development increased in the second half of the year by approximately 32.96% from 91 to 121. This is the highest number of multi-dwelling applications received in a six-month period since July to December 2018 and is a positive indication of confidence in an uncertain period. It also reflects a demand on the Development Planning team with such requests being greater in complexity compared with other application types.

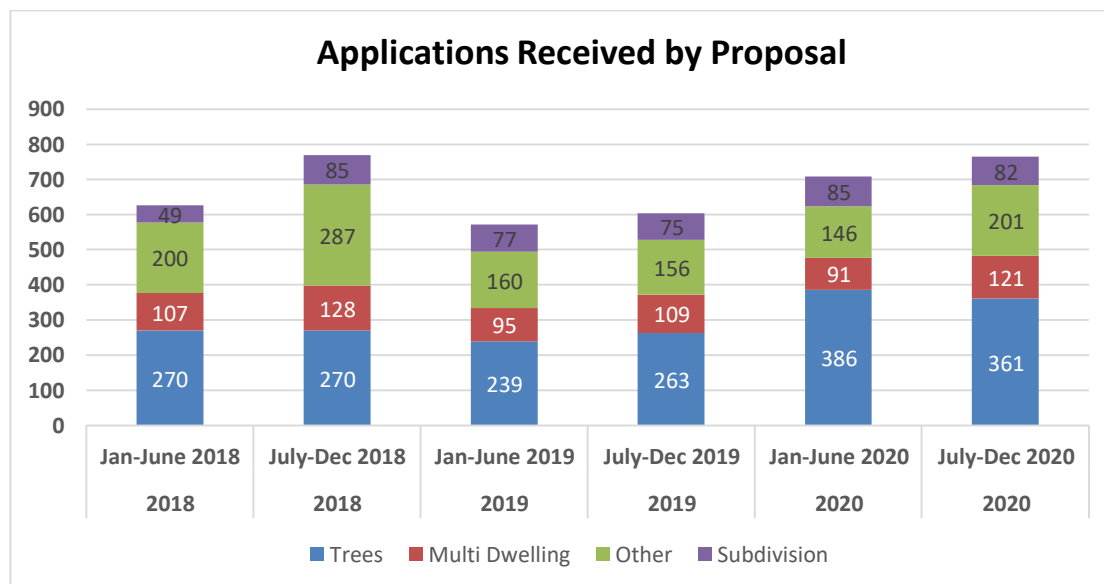


Figure 2 - Planning permit applications received by proposal

- The number of subdivision applications remained high with 82 applications received. This is likely flow on from the high number of development permits issued between 2017 and 2018 which are now being completed.
- The number of Other Applications (single dwellings, dwelling additions, change of use) increased by 37.67% from 146 to 201.

Investigations

- An average of 16 breaches per month of Planning Permits and the Planning Scheme were brought to the attention of the Development Planning Unit in 2020. These breaches relate to built form (such as development, overlooking and signage), land use and vegetation removal.
- The total number of investigation requests instigated in the year declined by 11.31% from 221 in 2019 to 196. The number of investigations finalised exceeded those received by 3 with 199 investigations closed.

VCAT Appeals

- There were 28 reviews lodged with the Victorian Civil and Administrative Tribunal (VCAT) in the six-month review period, 5 more than the previous six months. Overall 51 reviews were lodged at VCAT in 2020, which is the lowest number lodged over recent years and 22 less than 2019.

**PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)
cont'd**

- The majority of reviews lodged continue to be by permit applicants with 16 reviews lodged against refusals to issue a permit during the review period. This is three less than the previous review period, however remains higher than January to July 2018. The number of reviews lodged by objectors increased to six in the review period which is the highest number lodged since 2017.
- In the second half of 2020, no reviews were lodged against Council not making a decision within the statutory timeframe (i.e. 'out of time').
- There has been an increase in the number of decisions which have been overturned by the Tribunal in the review period:
 - 50% of applications for review set aside by the Tribunal.
 - This is a less favourable outcome for Council compared to only 40% of decisions being overturned in the previous six months.
 - It is noted that in each six-month period between July 2018 and December 2019 the Tribunal was overturning an even greater number of Council decisions than the most recent period.
- A further 31% of Council's decisions were upheld and 19% of reviews varied.

Banyule BPI and Building Control

- Detailed metrics, previous year trends and commentary is set out for Building in Attachment 2.

Financial Performance

- The financial performance for the six-month period between July 1 and December 31, 2020 is a net return of \$345,289 (excluding corporate overheads) compared with \$270,268 in the previous financial year full result (27% increase). This is a strong result considering less predictability in the construction sector in the period.
- Council secured \$150,000 in funding from the state Government to promote the *Women in Building Surveying* program. The funding will facilitate the recruitment of a cadet to join the building team and undertake study to establish a pathway to encourage women within the Building Surveying profession.

Swimming Pool Registrations

- A total of 3991 residents with properties containing swimming pools have registered their pools with Council in accordance with new swimming pool regulations. Approximately 1700 individually addressed letters were sent to affected residents in July and December to convey registration information and affirm obligations to register their pools. Further communication with property owners yet to register will take place in coming months.

Combustible Cladding enforcement

- Council continue to work closely with Cladding safety Victoria to reduce the number of buildings identified as containing combustible cladding. Council closed 11 of the 29 outstanding orders administered by Banyule with 18 remaining active

**PLANNING AND BUILDING ACTIVITIES REPORT (JULY - DECEMBER 2020)
cont'd**

sites. Cladding safety Victoria have taken over a further 13 high risk sites with the authority enforcing remediation.

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

ATTACHMENTS

No.	Title	Page
1	Attachment 1 - Development Planning Activities July - December 2020	
2	Attachment 2 - Building (BPi) Activities Report July - Dec 2020	

5.3 WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE

Author: Kylie Angove - Urban Designer/ Landscape Architect, City Development

Ward: Sherbourne

SUMMARY

1. Council is developing a plan for improving Were Street in Montmorency (the Were Street Project). Council has a commitment to invest in activity centres and create great public and open spaces in the 2017-21 Council Plan. It had identified and budgeted for two place-based improvement projects for the Were Street's Activity Centre – being a streetscape improvement project and new public toilets.
2. The purpose of this report is to present the key findings of the two-stage community engagement process; present a Were Street Project Concept Plan and Were Street Reserve Concept Plan for adoption to allow the plans to progress to detailed design and outline Council's success in obtaining \$1.5m in grant funding to support delivery of improved outcomes for the Were Street Project.
3. Council is committed to public engagement as a transparent and valuable part of any community project. It has relied on the two rounds of feedback to shape the development of the Were Street Project Concept Plan. The ideas that the community supported most have been included into the Concept Plan, while those with least support have not been pursued.
4. Critically, Victorian Government funding for the Were Street Reserve means that the park (and public toilets) is the first stage that needs to progress to design and construction as part of the funding agreement. A concept plan for the Reserve has been developed based on a plan shared with the community in September 2020.
5. The challenges for the community over the last twelve months during COVID restrictions are acknowledged and as such people taking time to show their interest and provide clear input and feedback into the project during Stage 2 has been appreciated.
6. The next step is for Council to consider and adopt the Concept Plans to enable a final detailed design to be prepared. The detailed designs are expected to be finalised by June 2021.
7. The Hurstbridge Duplication Project (Stage 2) and new station will affect Montmorency. Council continues to advocate with the Level Crossing Removal Project around the design, delivery and timing of the new train station and parking as it will have direct impact on how Council might deliver the streetscape components.

RECOMMENDATION

That Council adopt the Were Street Project Concept Plan (Attachment 1) and the Were Street Reserve Concept Plan (Attachment 2) for the purpose of developing a detailed and costed final design and construction.

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key directions to "Provide great public and open spaces" and "Invest in and support activity centres and employment precincts".

BACKGROUND

- The Montmorency Streetscape Renewal project is part of Council's budgeted program to improve economic development and activity centres as well as creating great public and open spaces.
- When the project commenced in early 2020, the general project scope included an upgrade to the Were Street streetscape and new public toilet facilities within the Reserve. This has since expanded to include a more comprehensive revitalisation of the reserve following a successful grant application. A number of smaller traffic and road improvements have also been incorporated into the project so they can be delivered efficiently.
- Council has successfully applied for and received Victorian Government grant funding to the value of \$1.5m for the Were Street Project that will support enhanced outcomes for the project, most notably a fully revitalised reserve that can become a multi-generational and multi-purpose space for the community.
- The Were Street Reserve upgrade is to be funded by the \$1.3m provided via the Victorian Government Grant for Local Park Program. This will include upgrading the existing Reserve to include a dedicated performance stage, improved grades, nature play, seating and toilet facilities – including accessible toilets and baby change facilities.
- The \$100,000 received from The Neighbourhood Activity Centre Renewal Fund will allow improvements to grade and removal of stairs outside 10-14 Were Street to improve accessibility, soften the existing public realm through landscaping and provide opportunities for improved outdoor dining for traders.
- The TAC – Local Government Grant Program will provide \$100,000 to upgrade the existing pedestrian crossings to raised crossings and install a new raised pedestrian crossing at the Were Street laneway. This funding requires a co-contribution from Council.
- The successful State Government funding significantly expanded the design opportunities for the project, however the funding comes with clear expectations in relation to construction delivery (typically 12 months).
- The Were Street Project Concept Plan (Attachment 1) has taken on board the two stages of community engagement and most notably the clear directions provided in Stage 2 to the seven key ideas presented in the draft Vision. It is based on retaining a two-way street, with a focus on greening and planting, safer crossings, accessible parking, new toilets and a revitalised multi-purpose park in the Were Street Reserve.
- The Were Street Reserve was identified by the community as an important space for community gatherings and social connection. It is a small space that must perform many functions, including pedestrian access, seating and shade and is dominated by the ageing public toilets. The Were Street Reserve Concept Plan is included in Attachment 2.

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

KEY ISSUES

- The value of our centres and open space has only been heightened in the wake of COVID-19 as people have rediscovered their local places. The Were Street project aims to deliver place-based improvements that will provide an even better long-term economic platform for the activity centre. It will also increase the quality and useability of the limited open space and public toilets to enhance overall amenity.
- The development of the Were Street Project Concept Plan has been deliberate in seeking the input of the community through two key stages of community engagement. The development of the plan has listened to the feedback and responds to it by focusing on the ideas that the community is most supportive of seeing realised. Likewise - the one-way idea for Were Street was not supported and is not being pursued further.
- The importance of the village feel and ensuring that any change is sensitive to this is considered an important focus for the project.
- State Government funding agreements require the Council to continue to progress the project in order to meet construction timelines. The development of detailed concept plans for the reserve (and new public toilets) is the most logical and self-contained first stage of the Were Street Project.
- The timing and delivery of the balance of the streetscape component needs to be sensitive to business needs and will also be informed in the context of the Hurstbridge Rail Duplication Project (Stage 2).
- More detail regarding dates and the impact of the rail project have not yet been fully detailed by the Victorian Government. Works are due to begin in 2021 with an estimated completion date of late 2022. Council can continue to progress the detailed design for the Were Street Project and will advise further of timing in June 2021. It is noted that the first stage (reserve and toilets) is not impacted by the rail project.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

- Council will incorporate sustainable design considerations into the detailed design for the Were Street Project (and its stages). Future tender processes will require prospective contractors to embrace Council's sustainable procurement objectives and this will be considered at a future appropriate stage(s) of the project.

Financial Implications

- Overall, the project comprises \$2.48m Council funding and is further supported by \$1.5m in Victorian Government grants.

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

- Council's contribution includes \$300,000 within the 2020/21 capital works budget to support technical investigation and concept design across the project.
- The Were Street Streetscape upgrade (\$1.8m) and Were Street Reserve toilets (\$300,000) are included in the draft 2021/22 capital works budget. In addition, \$80,000 to match the TAC funding is also included in the draft 2021/22 capital works budget.

Community Engagement

- Council developed a two-stage public engagement program to inform the project by seeking the valued input of the well-engaged Montmorency community.
- Stage 1 occurred prior to COVID-19 restrictions in February 2020 and allowed for a variety of inputs and face-to-face engagement activities in Were Street. The findings of this were released publicly in April 2020 and made available on Shaping Banyule as well as by mail.
- Stage 2 occurred in September 2020 – and took place through digital online platforms only including Shaping Banyule and webinars. Supporting information was circulated by post, signage, social media, FAQs, letters and information to traders and supported by phone calls and e-mails. Council officers also sought the views of a cross-section of traders via in-person interviews in late December 2020.
- Four key themes emerged from Stage 1 Engagement around which further planning would focus: Village Character; Safer Access for Walking and Cycling; More Greenery and Better Public Spaces; Better Traffic Flow.
- The community was asked in Stage 1 Engagement to identify what it liked or disliked about Were Street and what it would change or what it would keep. This elicited a range of ideas, big and small. Some wanted limited or no change, while others sought more radical transformation of the streetscape.
- Using these ideas, a highly visual plan-based draft Vision was developed and tested with the community during Stage 2 engagement in September 2020. The purpose was to identify the ideas most supported by the community to allow a more informed concept plan to be prepared.
- Given the lack of ability to undertake any face-to-face engagement, the visualisation of these ideas provoked and encouraged clear feedback via online engagement.
- The findings of the Stage 2 engagement (Attachment 3) are also now available online on Shaping Banyule.
- The communications and engagement activities successfully engaged with just over 2,800 people through Council's 'Shaping Banyule' online platform and online webinars. This comprised of:
 - 2,839 visitors to Council's 'Shaping Banyule' Were Street Project page;
 - 280 online feedback surveys completed;
 - 20 online information webinar participants;
 - 20 email submissions;
 - 18 online Q&A questions on the 'Shaping Banyule project page.

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

- Overall, there was general support for retaining the village character, improving the public spaces and pedestrian safety and accessibility and retaining a two-way traffic flow.
- The concept of one-way for Were Street created more polarised responses and indicated, overall, less support at the current time for such a change. 55.5% of respondents opposed this idea. Respondents raised issues with congestion, the potential for an increase in traffic on side-streets, a preference to retain angle parking and a desire for more greenery and public space – but not at the expense of traffic flow or parking.

Key Considerations

- The higher-level issues that have influenced and shaped the Were Street project, including engagement, grant funding and key issues have been outlined already in this report.
- This section is limited to some of the key design considerations that have influenced the plans Council is being asked to adopt by the Recommendations of this report.

Design considerations - streetscape

- The Were Street Project Concept Plan (Attachment 1) responds to the two stages of community engagement and seeks to address issues raised for consideration in the *'Banyule Safe Access Audit – Montmorency'* in January 2020.
- The delivery of any changes to Were Street is a challenging mix of cross-grades, accessibility requirements, underground services and a space dominated by the car (56% of the public space).
- Where achievable, the design has sought to improve the general accessibility and safety for users of all abilities.
- Retaining the village character and charm of Were Street will be achieved through the use of consistent materials and finishes across the streetscape and Reserve that are in keeping with the current village character. This includes existing mature native trees, natural features such as rocks, timber and corten steel elements and the elegant simplicity of mid-century architectural style of the street.
- Pedestrian safety and accessibility will be achieved through the addition of new crossings and upgrading the existing pedestrian crossings to raised platforms and funded through the TAC grant. A pedestrian refuge at the southern and narrowed entrance to Were Street from Rattray Road will improve pedestrian safety at this busy intersection close to the Montmorency Primary School. The installation of a new raised platform at the Were Street laneway is also proposed.
- The addition of 4 new accessible parking bays to the western side of the street is included - a need that was highlighted by members of the community but also based upon accessibility requirements.
- Stairs located outside of 10-14 Were Street were identified as a tripping and safety hazard for less able-bodied members of the community as well as a wide but generally under-used and tired looking space. Through the NACRF \$100,000 grant, the stairs will be removed and an improved public realm, including seating, garden beds around the existing trees to soften the expanse of hard surfaces and improved grades will be established to make this a more useable space for

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

businesses. Refer to Attachment 4 for design details.

Design considerations – Were Street Reserve & toilets

- The Were Street Reserve was identified by the community as an important space for community gatherings and social connection. It is a small space that must perform many functions, including pedestrian access, seating and shade and is dominated by the ageing public toilets.
- Construction of the new toilet provided Council with the opportunity to revitalise the Reserve by relocating the building within the Reserve to establish a village square opening into the streetscape and more useable space for the community. The village square will include a dedicated covered performance stage, nature play, artwork, seating and accessible pathways. Stage 2 Engagement included a plan that outlined these proposals for the reserve and forms the basis for the Were Street Reserve Concept Plan included at Attachment 2.
- The new toilet will be in line with Council's Toilet Policy and includes 4 cubicles (2x standard cubicles, 1x ambulant and 1x accessible cubicle). The facility will be unisex and has been designed in accordance with DDA requirements and will meet building code requirements with 2 new accessible parking bays located nearby.
- The architectural design of the toilet takes its reference from mid-century design aesthetics shown in several of the buildings in Were Street.
- The proposed location of the toilets in the reserve is a balance of creating more useable open space, meeting tree protection requirements to limit the impact of construction on critical trees and maintaining community safety through passive surveillance.

Timing and staging

- Proposed timeframes for delivery of the project are influenced by Victorian Government funding and major projects. In order to meet these timeframes the project will be delivered in 2 stages:

Stage 1: Toilets and Reserve works – Proposed Start date - mid-2021

- DEWLP Funding requires construction to be underway by August 2021 and completion by June 2022. Assuming the Were Street Reserve Concept Plan is adopted, a detailed plan and anticipated delivery timetable will be reported to Council in May/June 2021.

Stage 2: Streetscape works – Proposed Start date - 2022

- The Hurstbridge Duplication Project will affect the timing of the streetscape delivery. High level timeframes for Hurstbridge Duplication works indicate a start date of 2021 with completion in 2022. Council require a more detailed timeframe and understanding of changes to traffic movement to plan the streetscape works and minimise community impact. Further information in relation to timing will be reported to Council in June 2021.

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.

WERE STREET PROJECT - STREETScape AND RESERVE UPGRADE cont'd

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

ATTACHMENTS

No.	Title	Page
1	Were Street Project Concept Plan	
2	Were Street Reserve Concept Plan	
3	Community Engagement Summary Report	
4	Streetscape Improvement Concept	

5.4 PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME

Author: Anthony Calthorpe - City Futures Coordinator, City Development

Ward: Griffin

Previous Items

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

SUMMARY

1. Proposed Banyule Planning Scheme Amendment C107bany (**C107**) seeks to allow the use and development of State Government land in Yarra Flats Park, 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (treetop adventure park).
2. Parks Victoria proposed the tree-based adventure facility for the site and sought expressions of interest from commercial operators to develop and operate the facility in 2009.
3. With the support of Parks Victoria, C107 was requested by the intended operator, Ecoline as a 'proponent-led' amendment.
4. Council resolved to support the amendment and request authorisation from the Minister for Planning to prepare and exhibit C107 on 7 October 2019. Following delayed authorisation by the Minister, exhibition of Amendment C107 occurred from 29 October 2020 to 10 December 2020. Council received a total of 213 submissions, 13 in support, 8 that may support if changes are made and 192 opposing the amendment.
5. In line with the *Planning and Environment Act 1987* Council is required to review submissions and decide to:
 - a. make changes to the amendment to resolve submissions,
 - b. refer submissions to a planning panel, or
 - c. abandon the amendment.
6. Council cannot practicably resolve this number of submissions through mutual agreement or by making changes to the amendment. Referral to an independent Planning Panel (Panel) is considered a fair and transparent outcome to all parties.
7. A Panel would allow for an independent examination of the issues and evidence. This would result in Council, the Minister for Planning and all submitters receiving a clear set of recommendations about the merits of the proposed amendment and how it should be progressed.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

8. Council would then have a further opportunity to consider the amendment and decide to adopt or abandon it based on the recommendations of the Panel.

RECOMMENDATION

That Council:

1. Note the submissions to Amendment C107bany to the Banyule Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987* (Attachment 2).
2. Request that the Minister for Planning appoint a Planning Panel to consider unresolved submissions to Amendment C107bany in accordance with Section 23 of the *Planning and Environment Act 1987*.
3. Notes the receipt of two late submissions and that:
 - a. Council acknowledge the issues raised as similar to those of other submissions during exhibition of C107.
 - b. Late submissions will not be referred to any Planning Panel, subject to the outcome of Recommendation 2.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

- The concept for the treetop adventure park dates to 2009 when Parks Victoria issued an Expression of Interest for the proposal. Ecoline Pty Ltd were the successful applicant in this process.
- The Treetop Adventure Park was part of the Yarra Flats Concept Plan 2013 developed by Parks Victoria, in conjunction with Banyule Council and Melbourne Water. Community consultation on the plan occurred in 2012, however, it was not formally adopted by Council.
- With the support of Parks Victoria, C107 was requested by the intended operator, Ecoline as a 'proponent-led' amendment.
- At its meeting on 7 October 2019 Council resolved to support the exhibition of a combined planning permit and planning scheme amendment which seeks to allow the use and development of the State Government land at 340-680 The Boulevard, Ivanhoe East for an outdoor recreation facility (a treetop adventure park).

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- The land is part of Yarra Flats Park and is shown in Figure 1 below



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

- The request to the Minister for Planning to authorise Council to prepare and exhibit the combined amendment and permit was made in November 2019.
- Authorisation from the Minister for Planning was received after eight months on 20 July 2020. It was subject to conditions to remove the planning permit from the amendment and include all the relevant draft permit conditions into the *Incorporated Document* - which formed part of the exhibited planning scheme amendment. This did not alter the purpose or intent of the amendment. Instead, it uses an alternative planning mechanism to achieve the same outcome.
- Due to the Council caretaker period and the changes needed to the amendment documentation, the amendment was placed on exhibition after Council elections in October 2020.

KEY ISSUES

- This is a relatively unique amendment because there are, effectively, three parties behind C107: Parks Victoria (representing State as landowner and public land manager), Ecoline (proponent) and Council (facilitating the amendment process). Council is considering changes to the planning scheme on State Government land because State planning provisions, at best, are unclear. In practice they do not appear to allow a third-party operator to achieve State objectives, such as those set out in 'Healthy Parks Healthy People'. On several issues, Council retains the right to defer to the State (Parks Victoria) in relation to questions of land management and policy intent for using its own land. The role of the proponent is to provide the technical supporting information and justification for C107. Council is facilitating this amendment process.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- Parks Victoria could have reasonably pursued a State-led planning process to address the limitations of the planning scheme. The land ownership and policy issues raised by the amendment could, for example, have seen the amendment progressed by the Government Land Planning Service (GLPS) as an alternative. Parks Victoria has advised Council it wanted to pursue a local process that allowed for greater public participation.
- Every individual submission has been reviewed with the key issues from each submission included into one or more 'themes' for the purposes of reporting and providing a legible initial response. Attachment 1 sets out the key submission themes and initial officer response. Council would have to develop these responses more formally for any planning panel – which would then be subject to any further peer review and expert evidence (as required).
- While the number of submissions is large, the issues raised by those opposing C107 in its current form:
 - Raise a broad number of valid land use planning considerations.
 - Make it improbable that Council could ever expect to resolve this number of submissions.
 - Do not present overwhelming evidence to indicate C107 (and supporting technical reports) is unsound or should simply be abandoned at this time.
 - Indicate that a Planning Panel would provide the best opportunity for all parties (proponent and submitters) to present submissions and additional expert evidence (and have it cross examined) in a fair and transparent manner.
- The majority of issues raised relating to wildlife, vegetation, traffic, parking, tree safety, amenity and retaining parkland are principally addressed by the technical planning reports submitted with the planning scheme amendment application. Attachment 1 indicates an initial officer response to each theme.
- Commercial use of public land was a frequent issue raised in submissions. As above, this is a policy matter for the State and Parks Victoria, as the public land manager. Parks Victoria proposed the treetop adventure park for Yarra Flats Park and sought a partnership with a competent, experienced and suitably resourced operator. This is consistent with other operations where private operators are more experienced in the development and management of visitor experience offers in parks and appears to be consistent with Parks Victoria's operating framework 'Healthy Parks Healthy People'. Further discussion is provided on this in Attachment 1 (see opposing submissions review – Theme #1).
- Overall, the extent and nature of submissions indicate that they cannot be resolved by Council. It is considered that the fairest approach to all parties is to have them considered by an independent planning panel. The Panel would, at the end of its hearing process, prepare a report for the Minister for Planning (publicly released) outlining its recommendations about the merits or otherwise of the amendment and how to proceed. Council would need to then respond to the Panel report as its next step.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Council must make a decision about submissions in accordance with section 23 of the *Planning and Environment Act 1987* (Act).
- *After considering a submission which requests a change to the amendment, the planning authority must:*
 - (a) *change the amendment in the manner requested; or*
 - (b) *refer the submission to a panel appointed under Part 8; or*
 - (c) *abandon the amendment or part of the amendment.*

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- **Formal exhibition** of Amendment C107 occurred over six weeks from 29 October 2020 to 10 December 2020 and included:
 - Letters to 125 adjoining property owners (generally between Banksia Street and Bourke Road fronting The Boulevard)
 - Letters to public authorities and prescribed Ministers
 - Notice in the Herald Sun and Government Gazette on 29 October 2020
 - Shaping Banyule website page with an online submission form & links to Department of Environment, Land, Water and Planning amendments website.
 - Two signs placed on site, one at the entrance and one next to Main Yarra Trail
 - Emails to local environment groups associated with Yarra Flats Park

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- Council received a total of 213 submissions to the amendment, 13 in support, 8 may support if changes are made and 192 opposed. The key matters raised in submissions included:
 - In support:
 - It is a healthy outdoor activity with low impact on the environment
 - It will activate the area, offering a different form of exercise
 - It will benefit local businesses and provide employment opportunities
 - Opposed and seeking changes:
 - Opposed to commercial use on public land, concern it sets a precedent
 - Concerned with impact on habitat and wildlife in the area
 - Concerned with impact on trees, vegetation, billabongs and biodiversity
 - Desire for the park to remain unchanged
 - Concerned with increase in traffic and parking
 - Concern with amenity impacts of the proposal
 - Concern Parks Victoria are failing to protect and preserve the park
- A full summary of the issues raised, grouped into themes with a response provided is at Attachment 1. A summary of each individual submission is provided at Attachment 2.
- Under section 22 of the *Planning and Environment Act 1987*, Council may consider accepting a late submission.
- It is noted a letter of support was received by Blue Light Victoria on 7 January 2021 and an objection from a local resident was received on 8 February 2021. These were received considerably after the closing date for submissions on the 10 December 2020. The contents of the submissions are noted and are generally consistent with the range of issues already highlighted by submissions. Subject to any Council resolution, they would not be referred to Planning Panel.

Key Considerations

- Council resolved in October 2019 to support the preparation and exhibition of C107. This was based on initial consideration of the amendment package, including background technical reports, prepared by the proponent. Reports and the proposal were considered internally by Council on a peer review basis.
- It is important to highlight that all reports provided by the proponent are provided by specialist consultants who are obliged, ethically and professionally, to present true and accurate advice on the subject matter so that they can be relied upon by any person.
- Council has not been provided any reason to believe the supporting reports that address matters such as traffic, flora and fauna or tree safety for example are unsound and should not be relied upon for the purposes of progressing C107. Submitters have raised concerns about matters addressed in technical reports and that is a fair and acceptable outcome of the exhibition process.

PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXHIBITION OUTCOME cont'd

- In line with the *Planning and Environment Act 1987*, Council is required to review submissions and consider its response to those which request a change to the amendment.
- Initial consideration of issues raised in submissions has revealed some opportunities to refine the proposed Incorporated Document. This includes changes as requested by Melbourne Water, mapping changes and consideration of additional conditions as indicated in the Themes Summary response at Attachment 1. These can be addressed if the matter progresses to a Planning Panel.
- The majority of submissions however cannot be resolved by Council through mutual agreement or changes to the amendment. Therefore, referral to an independent Planning Panel is considered appropriate in this instance. The Panel would receive all submissions and facilitate a hearing, where submitters will have an opportunity to present their submission and have evidence considered in an open and transparent manner. The Panel would then prepare a report and make a series of recommendation on a way forward for the amendment.
- Council would receive the report and is then required to consider the Panel report and recommendations at a future meeting before deciding on the amendment. If, after considering the Panel's recommendations, Council decides to adopt the amendment it is then submitted to the Minister for Planning who has the final decision on the amendment. Council could also decide at that point to abandon the amendment.
- Council has, to date, agreed to support and administer a proponent-led planning scheme amendment that is also backed by Parks Victoria (the public land manager). This means there are effectively three parties to the amendment. Given some of the issues relating to State land and its future use – Council will be within its right to defer to Parks Victoria on a range of policy matters that it is seeking to implement through its partnership with Ecoline. The proponent would also be expected to support its technical assessments at any planning panel. Council's role in this instance might be considered more administrative than technical to ensure the amendment is robust and sound.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Attachment 1 - Submissions Theme Summary and initial officer response.	
2	Attachment 2 - Summary of individual submissions made to proposed Amendment C107	

5.5 197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020)

Author: Jonathan Atkinson - Development Planner Team Leader, City Development

Ward: Sherbourne

SUMMARY

1. Lovitt Technologies have acquired the land at 197 Para Road, Greensborough as an expansion of their business, and have begun operating from the premises to assemble light weight aircraft components. A planning permit is sought to construct a paved accessway between 197 and 201-209 Para Road (the main site) to enable the transportation of goods. Retrospective approval is also sought for the construction of a black cyclone fence next to the proposed accessway.
2. Four objections were received as a result of public notification, including a joint objection with 70 signatures, regarding the existing operations at the main site. A community consultation meeting was held in January 2021 to discuss the proposal and issues relating to the existing operations beyond the application site which included noise disturbances, vegetation removal along the Plenty River and artificial light spill.
3. Lovitt Technologies rely on existing land use rights to operate from both sites and noise related issues are regulated by the Environment Protection Authority (EPA). Whilst Council has, and will continue, to advocate to the EPA, consideration of noise-based grounds of objection are limited in the assessment of the planning application.
4. The proposed works will have minimal impact on the nearby Plenty River and existing vegetation and will also facilitate employment and economic activity on land zoned for Industrial purposes. As such, it is considered that the application should be approved subject to conditions.

RECOMMENDATION A

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P805/2020 to Construct and carry out works associated with an existing use (industry) within the dripline of native vegetation in a Design and Development Overlay and an Environmental Significance Overlay at 197, 199 and 201-209 Para Road GREENSBOROUGH subject to the following conditions:

FURTHER PLANS AND/OR DOCUMENTS TO BE SUBMITTED TO THE RESPONSIBLE AUTHORITY PRIOR TO COMMENCEMENT OF DEVELOPMENT

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

General Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted on 6 July 2020 with the application but modified to show:
 - (a) The dimensions of the new car space;
 - (b) The height of the sleeper retaining wall.
 - (c) A management plan for the operations of Lovitt Technologies Pty Ltd on the land at 197 Para Road, Greensborough. The plan must be to the satisfaction of the Responsible Authority and must include but not be limited to the following information:
 - (i) Unless otherwise agreed in writing by the Responsible Authority, the use must operate only between the hours of 6:00am to 4:00pm Monday to Friday and 6:00am to 12:00pm on Saturdays. No operation must occur on Sundays and Public Holidays.

OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT

Notification of Responsible Authority of other matters

2. Before the development permitted by this permit commences, the owner of the land must ensure the Responsible Authority is notified when any plans/documents required by external agencies and shown as conditions on this permit are approved by those agencies and provide copies of any such approval.

Tree Protection

3. Prior to the commencement of any building and/or demolition works, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
 - (a) Tree protection zone distances:
 - (ii) Tree #1 – 9.5 metre radius from the centre of the tree base.
 - (b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - (i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

- (iii) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
- (iv) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
- (v) All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
- (vi) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
- (vii) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- (viii) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

4. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:
- (a) A Project Arborist from Tree Logic Pty Ltd must supervise all approved works within the TPZ of Tree #1. Any root severance must be undertaken by the Project Arborist using clean sharp and sterilised pruning tools. The Project Arborist must ensure that any root severance or buildings and works within the TPZ does not adversely impact the health and/or stability of the tree now or into the future.

Approved Drainage Outlet

5. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

NOTE: Any connection to Council's drainage system:

- (a) within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT

Notification and rectification

6. Unless otherwise agreed in writing by the Responsible Authority, within 30 days of completion of the development, the owner of the land must advise the responsible Authority in writing that the construction works have been completed and all works have been carried out as per the endorsed documents.
7. Unless otherwise agreed in writing by the Responsible Authority, within 30 days of completion of the development, the owner of the land must remove all temporary hoardings, signage and construction fencing (excluding any required ongoing tree protection barriers) and temporary construction facilities.

Drainage General

8. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority so as to prevent the discharge of stormwater from the subject land across any road or footpath or onto adjoining land.

Car Park

9. Areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
 - (a) Constructed to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.
 - (e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
10. The car space provided at 199 Para Road in accordance with the endorsed plans must be re-located to 201-209 Para Road upon expiry of the sublease agreement between the landlord, tenant and subtenant of 199 Para Road, to the satisfaction of the Responsible Authority.

ONGOING REQUIREMENTS OF THIS PERMIT

Layout Not to Be Altered

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

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

No Polluted Drainage

12. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

No Discharge to Stormwater Drainage

13. No polluted waters, including sullage waters arising from further developments on this land, must be discharged into the stormwater drainage system.

Storage

14. No goods or packaging materials must be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

Garbage Receptacles

15. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare, and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the land.

Landscaping Maintenance

16. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

Expiry of permit

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

Permit Notes:

N1 Permit Expiry

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

- (a) Before the permit expires, or
- (b) Within six months afterwards, or

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

- (c) Within 12 months afterwards if the development started lawfully before the permit expired.

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

N2 Building Permit Required

Prior to the commencement of the development you are required to obtain the necessary Building Permit.

N3 Noise Levels

Permissible noise levels emanating from the site must comply with the requirements of the State Environment Protection Authority.

N4 Building over Easement

No structure (including but not limited to sheds, retaining walls, eaves, water tanks, paving and landings) shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

N5 Copy of approved plans to Building Surveyor

The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

N6 No Additional Signage

Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

N7 Memorandum of Consent for Works

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

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

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

RECOMMENDATION B

That Council notes that the Environment Protection Authority have been contacted to seek clarity on:

- a. Their ongoing role in monitoring Lovitt Technologies operations;
- b. The current status of any investigations;
- c. The effect of zoning in determining compliance with the SEPPN-1, and
- d. Whether existing land use rights affect determining compliance with the SEPPN-1.

Planning Permit Application:	P805/2020
Development Planner:	Jonathan Atkinson
Address:	197, 199 & 201-209 Para Road GREENSBOROUGH
Proposal:	Construct and carry out works associated with an existing use (industry) within the dripline of native vegetation in a Design and Development Overlay and an Environmental Significance Overlay
Previous Use/Development:	Stainless steel fabrication (industry)
Applicant:	George E Apted & Associates Pty Ltd
Zoning:	Industrial 3 Zone
Overlays:	Environmental Significance Overlay (ESO1) Design and Development Overlay (DDO8) Land Subject to Inundation Overlay (LSIO) Public Acquisition Overlay (PAO3) Development Contribution Plan Overlay (DCPO)
Notification (Advertising):	Sign on site Notices to surrounding properties
Objections Received:	Four objections, including three separate objections and one joint objection with 70 signatures
Ward:	Sherbourne

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* (the Act) 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.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

PROPOSAL

- The plans assessed in this report are the advertised plans (D20/214924) (received by Council on 6 July 2020). Details of the proposal are as follows:
 - Lovitt Technologies, which operates at 201-209 Para Road (main site), has acquired the land at 197 Para Road (new site).
 - Lovitt Technologies use the new site for the assembly of light weight aircraft components, undertaken by hand and light machinery such as pistol drills. Products are transported via fork lift, electric carts and/or hand trolleys to the main site.
 - To enable efficient transportation, it is proposed to construct 248m² of concrete paving to the rear of the existing buildings at 197, 199 and 201-209 Para Road.
 - A lease agreement has been signed by Lovitt Technologies and the owner and tenant of 199 Para Road to facilitate the construction of the accessway and a black cyclone fence. One car parking space is also to be relocated from the main site to the rear of 199 Para Road within the leased land.
 - A total of 10-15 staff are to operate from the new site and an indication of operation hours provided by the applicant is between 6:00am to 4:00pm on weekdays and 6:00am to 12:00pm on Saturdays. No operation is to occur on Sundays.
 - No protected vegetation is proposed for removal.

BACKGROUND

Site operations

- Lovitt Technologies has operated at 201-209 Para Road, Greensborough for well over 40 years, manufacturing parts, presently for the aeronautical industry. The land use is lawful based on existing use rights established through a previous manufacturing use carried out on the site for more than 15 years.
- The land at 197 Para Road was previously used for steel fabrication and the existing building previously had heavy machinery installed, including gantry cranes, to facilitate this use.
- Since Lovitt Technologies' acquisition, the cranes have been decommissioned and upgrades made to the existing building, including external re-cladding, infilling skylights and the installation of thermal insulation and a new internal compressor. Re-surfacing of the front car park and the provision of landscaping has also occurred. These works did not require a planning permit.

Previous permits

- Council has granted several planning permits at 201-209 Para Road. These most recently include P89/2016 issued in February 2016 for the removal of four trees and P397/2019 issued in October 2019 for building additions and the removal of two trees. The latter application was placed on public notice and attracted three objections, including a joint objection with 39 signatures.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

Complaints

- Noise complaints have been received regarding the operations of Lovitt Technologies. Whilst Council has advocated for affected residents in referring matters to the Environment Protection Authority (EPA), Council does not have influence on EPA investigation methods, enforcement options and timelines for compliance.
- Noise issues were investigated resulting in the EPA issuing a Noise Pollution Abatement Notice in November 2015. Lovitt Technologies commissioned a range of improvements to its operations including the installation of 24/7 noise monitoring equipment to review compliance with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade No. N-1 (SEPPN-1). Other improvement measures such as CCTV monitoring and automated door controls were implemented. In March 2016, the EPA advised the operations to be compliant from a noise perspective and the abatement notice was withdrawn.
- Since the grant of planning permit P397/2019, Council has received further noise complaints. These matters were also referred by Council's Environmental Health team to the EPA to discuss with Lovitt Technologies. Through this process, the EPA confirmed noise issues were being investigated and not referred back to Council. It is noted no further noise abatement notices have been issued.
- Council has also recently received complaints of illegal tree removal on Lovitt Technologies land and the nearby Plenty River. Complainants have been advised of the previous permits as detailed above and that replanting has also been undertaken as required. There does not appear to be evidence that tree debris along the Plenty River banks is the result of Lovitt Technologies rather than naturally fallen vegetation.

Former 'Recycal' business at 195 Para Road

- Written correspondence has also been received in relation to the closure of a business identified as Recycal Pty Ltd. The business, which relocated approximately six years ago, operated at 195 Para Road, Greensborough, as a transfer station and materials recycling facility specialising in scrap metal and other similar materials. It has been suggested that the facility, which attracted numerous community complaints, created a similar level of disturbance to that of Lovitt Technologies' operations and that, as a result, Council were able to force its relocation.
- The use required a planning permit, however the site operations did not accord with Council's conditions nor what was considered acceptable in the context of the Planning Scheme. As such, the operation could not continue on the site.

SUBJECT SITE AND SURROUNDING AREA

- Figure 1 below shows the location of the subject land. The sites are located in an industrial strip between Para Road and the Plenty River corridor. Residential land is located across the Hurstbridge railway line to the east of Para Road and also to the west of the Plenty River.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

- The main site (201-209 Para Road) is approximately 13,523m² and is developed with single and double storey buildings with associated parking and loading surface areas. The new site (197 Para Road) is approximately 1,648m² and is developed with a double storey building with a front parking area. No. 199 Para Road is currently occupied by Rapid Tune Automotive Services operating in a smaller building with asphalt surfaces to the front, side and rear. Vegetated strips are located between the rear of all the buildings and the Plenty River corridor.



Figure 1: Locality Plan

PUBLIC NOTIFICATION

- Letters were sent to nearby properties and a sign was displayed in front of No. 197 Para Road. Four objections were received, including one joint objection with 70 signatures, on the following grounds:
 - Noise impacts associated with the use of the proposed accessway between 197, 199 and 201-209 Para Road;
 - Noise associated with the existing Lovitt Technologies site

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

- A community consultation meeting was held in January 2021 to discuss the application. Various concerns were discussed regarding operations occurring near and around the main Lovitt Technologies site, some of which were documented in a slide presentation on behalf of the Friends of the Plenty River Trail. These included:
 - Concern with vegetation removal occurring along the Plenty River near and on Lovitt Technologies' land, including allegations of illegal tree removal and loss of habitat.
 - Concern with noise disturbances from the site operations, including excessive scrap metal processing and collection. Loud banging noises have been reported at various times, including early morning, and these are audible from multiple directions. There is concern that the expansion to the new site will increase disturbance.
 - Artificial light spill from the rear of the main factory was also documented.
- In response to the presentation, Lovitt Technologies prepared correspondence which was circulated to objectors on 10 February 2021. In summary they state that:
 - Issues in relation to reported noise disturbance, scrap metal collection, artificial light disturbance and illegal vegetation removal were investigated and documented.
 - It was maintained noise complaints noted in the presentation and received via the EPA did not originate from Lovitt Technologies.
 - There is an ongoing commitment to maintaining 24/7 noise monitoring on site.
 - Scrap metal collection improvements have been implemented over the last five years and a two movement process designed to reduce truck movements was trialled in 2020.
 - An influx in traffic movements to the rear of the main site was attributed to Yarra Valley Water between December 2019 and March 2020 due to sewerage works. This was demonstrated through the supply of electronic vehicle logs for non-employees. Otherwise there has been no substantial increase over the last four years.
 - It is acknowledged artificial light spill which better protects residential amenity whilst maintaining on site security will be investigated.
 - No vegetation has been removed without a permit where required and past removal was supervised by a qualified arborist. It is suggested that some past removal along the Plenty River was conducted by Melbourne Water as part of a Willow removal program.
 - Lovitt Technologies maintain they are committed to investigating and resolving complaints and welcome their direct receipt.
- At the consultation meeting, Lovitt Technologies agreed to adhering to the hours of operation indicated in the application documentation and a condition could be included in any approval reflecting this agreement.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

REFERRAL COMMENTS

- The application was referred to various external and internal authorities and departments.

External	Comments
Melbourne Water	No comments provided in response to the referral.
Internal	Comments
Development & Drainage	Advised the application be referred to Melbourne Water and any proposed conditions be included as part of any permit issued.
Traffic & Transport	The net reduction of 5 staff across the multiple titles and the relocation of one car space is acceptable. It is recommended a condition be included as part of any permit issued requiring the restoration of one car space in the event of the lease with No. 199 Para Road expiring.
Development Arborist	Standard tree protection conditions should be included as part of any permit issued.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Planning controls:	<u>Control</u>	<u>Permit triggered?</u>
	Industrial 3 Zone (INZ3)	Yes (works only)
	Environmental Significance Overlay (ESO1)	Yes
	Design and Development Overlay (DDO8)	Yes
	Land Subject to Inundation Overlay (LSIO)	No
	Public Acquisition Overlay (PAO3)	No
	Development Contributions Plan Overlay (DCPO)	No
	Clause 52.05: Signs	No
	Clause 52.06: Car parking	No

TECHNICAL CONSIDERATION

Response to Policy Framework

- The proposal represents an appropriate outcome with respect to the relevant planning policies. The proposed works are minor in the context of the already developed land and are for the purposes of enabling industrial land use in accordance with the purpose of the zone.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

Land use

- A permit is not sought for the land use at 197 Para Road. The activities previously conducted at the site and continued by Lovitt Technologies fall within the definition of “industry” as defined in Clause 73.03 of the Banyule Planning Scheme. The permit applicant has provided documentation, including a letter from the previous proprietor and photo images, detailing the history of land use. In summary:
 - Hipex Pty Ltd began operating from the premises in 1995 for the manufacture of heat exchangers which included the cutting and fabricating of stainless steel, welding and machining of castings and other components.
 - The premises was leased to Bryston Stainless Steel Fabricators in 2002 who operated until 2019 prior to the sale of the land.
 - Lovitt Technologies purchased the property in late 2019 and following renovations commenced operations in late 2020.
- Clause 63 of the Banyule Planning Scheme explains how existing use rights are determined. In this instance, existing use rights are considered to apply due to:
 - Use of the land for the purpose of “industry” as defined in the Planning Scheme has carried out lawfully for a period of at least 15 years; and
 - The use has not stopped for a continuous period of two years.
- As no land use permit is sought, limited consideration can be given to restricting or controlling the operations which occur on site. Nevertheless, it is noted the permit application explains the site activities including details such as anticipated hours of operation and various measures to be implemented to reduce noise disturbance. These measures include:
 - Waste collection and truck deliveries, other than light-rigid vehicle deliveries, concentrated to occur between 7:00am and 6:00pm;
 - Use of broadband reversing sirens in place of typical reversing sirens for all applicable vehicles;
 - Perform routine maintenance on doors and gates to maintain functionality and low noise operation;
 - Display of signage instructing staff of the expected behaviour and to respect the amenity of neighbours; and
 - Warehouses to remain closed whenever practical to contain noise. Operation of loading equipment is to be avoided outdoors between 10pm and 7am. Only broadband reversing signals are to be used and vehicles shall not be left to idle when stationary.
- It is understood most of these measures are in practice, however it is considered they could be formally recognised through a management plan through a condition of any permit issued.

197, 199 & 201-209 PARA ROAD GREENSBOROUGH - WORKS ASSOCIATED WITH NEW LOVITT TECHNOLOGIES SITE (P805/2020) cont'd

Proposed works

- The proposed works will have minimal impact on the nearby Plenty River with a minimum 13-metre-wide vegetation buffer to be retained between the accessway and the river bank. Site access to the premises at 197, 199 and 201-209 Para Road will remain unchanged. No new loading facilities are to be provided at the new site and the proposed accessway will be partly located over previous gravel and hardstand surfaces. Furthermore, the paving will enable the retention and protection of a valued River Red Gum to the rear of 197 Para Road. No flooding concerns have been identified by either Melbourne Water or Council's drainage engineers. Whilst no vegetation is to be removed, there remains a future opportunity to provide additional tree planting at the rear of 197 and 199 Para Road if required. Overall, the works are consistent with the relevant provisions of the Industrial 3 Zone, the Environmental Significance Overlay (ESO1) and the Design and Development Overlay (DDO8). Furthermore, the works will not prevent further tree planting opportunities

CONCLUSION

- Lovitt Technologies have sought a planning permit for works to assist operations associated with the acquisition of 197 Para Road, Greensborough. The proposed works are consistent with the applicable planning controls and policies and will not adversely impact the Plenty River corridor and protected vegetation, whilst enabling industrial land use in accordance with the purpose of the zone. As such, the proposal should be supported subject to conditions.

ATTACHMENTS

No.	Title	Page
1	Lovitt Technologies - Advertised Plans	

5.6 220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020)

Author: Marcus Brooker - Development Planner, City Development

Ward: Chelsworth

SUMMARY

1. The application seeks approval for a liquor licence associated with a bar. The bar is proposed to operate in conjunction with the existing bottle shop. Planning permission for a liquor licence is required in accordance with Clause 52.27 Licensed Premises. A reduction in the standard rate of car parking is also proposed.
2. The following operating hours are proposed:
 - o Thursday: 5pm – 11pm
 - o Friday: 3:30pm – 11pm
 - o Saturday: 3pm – 11pm
 - o Sunday: 1pm – 10pm
3. The application has received a significant level of public interest with forty-nine (49) objections received during the public notification period. A community consultation meeting occurred on 2 February 2021 attended by objectors, permit applicant, Councillors and Development Planning staff.
4. It is considered that subject to permit conditions requiring a reduction in patron numbers, a reduction in operating hours and the submission of a Noise and Amenity Action Plan the proposal provides an appropriate balance between supporting local business and addressing impacts on residential amenity and should be supported.

RECOMMENDATION

That Council having complied with Section 50 to 62 and 72 to 76 of the Planning and Environment Act 1987, resolves to issue a Notice of Decision to Grant a Planning Permit for a Liquor Licence and associated reduction in car parking at 220-224 Waterdale Road IVANHOE subject to the following conditions:

General plans

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

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

with the advertised plans submitted with the application but modified to show:

- (a) The red line plan and all floor plans to show a total capacity of 43 patrons;
- (b) Plans must show the location of proposed smoking areas to the satisfaction of the Responsible Authority;
- (c) Entry and Exit to be from Waterdale Road only;
- (d) A Noise and Amenity Action Plan in accordance with Condition 3 of this permit

Layout Not To Be Altered

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

Noise and Amenity Action Plan

- 3. A Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority prior to the commencement of the use. The Noise and Amenity Action Plan must address the following:
 - (a) Identifying all noise sources associated with the premise likely to impact on adjoining residents (including, but not limited to, music noise, entries and exits to the premise and courtyards)
 - (b) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures
 - (c) Location of signs in prominent locations within the premises exhorting patrons to respect the amenity of neighbours and the need to avoid causing noise and disturbance to neighbours and discomfort to passing pedestrians;
 - (d) the nomination of a person responsible for the behaviour of patrons and a telephone number for the said responsible person ('the Hotline') which must be available during operation hours and must be provided to residents and business proprietors;
 - (e) the method for linking the telephone number for complaints to the complaints register
 - (f) the nominated person responsible for the behaviour of patrons to monitor the congregation of patrons to avoid causing noise and disturbance to neighbouring property and discomfort to passing pedestrians;
 - (g) the method used to demonstrate that maximum patron numbers permitted on site at any one time are not exceeded.
 - (h) Details of training provided for bar staff in the responsible serving of alcohol
 - (i) Hours of operation for all parts of the premises
 - (j) Lighting within the boundaries of the site
 - (k) Security lighting outside the premises
 - (l) Details of a waste storage and hours of collection for general rubbish and bottles associated with the liquor licence

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

- (m) Details of smoking areas including location, noise controls, restriction of liquor and any acoustic fence details

Restrictions on Use

4. The General Licence must only operate between the following hours unless with the further written consent of the Responsible Authority:

Thursday: 5:00pm – 10:00pm

Friday: 3:30pm – 10:00pm

Saturday: 3:00pm – 10:00pm

Sunday: 2:00pm – 9:00pm

5. The total number of patrons must not exceed 43 except with the prior written consent of the Responsible Authority.

No External Sound System or Amplified Equipment

6. Without the prior written consent of the Responsible Authority no form of public address system or sound amplification equipment shall be used on the premises so as to be audible outside the premises.

No Entertainment

7. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.

Background Music

8. Entertainment only in the form of pre-taped background music may be provided for the benefit of patrons of the premises. Highly amplified music must not be played.

Amenity

9. The use permitted by this permit must not adversely affect the amenity of the locality to the satisfaction of the Responsible Authority.

Comply with State Noise Policy No N-2

10. The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. Noise emission from any indoor venue such as must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and/or Environment Protection (Residential Noise) Regulations 2008, whichever is deemed to be appropriate by the Responsible Authority.

Garbage Receptables

11. No receptables for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare, and odour must not be emitted from any such receptables(s) so as to cause offence to any person(s) outside the land.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

Permit Expiry

12. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- The use is not commenced within two years of the date of this permit; or
 - The use is discontinued for a period of two years.

PERMIT NOTES

N1 Expiry of Permit

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

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

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

N2 Health Approval Required

Prior to the commencement of the development or use you may be required to obtain the necessary Council Health Department approvals.

N3 Building Regulations

This planning permit does not vary any provisions of Part 5 of the Building Regulations 2018.

N4 Noise Levels

Permissible noise levels emanating from the site must comply with the requirements of the State Environment Protection Authority.

N5 No Additional Signage

Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

N6 Banyule Liquor Industry Accord

The owner/applicant of the subject site should join and comply with the Banyule Liquor Industry Accord, which requires the member to serve liquor

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

in a responsible manner. For further information contact the Banyule District Inspector on 9450 8150.

Planning Permit Application:	P316/2020
Development Planner:	Marcus Brooker
Address:	220-224 Waterdale Road IVANHOE
Proposal:	Liquor Licence (General Licence for the purpose of a Bar) and reduction in the standard rate of car parking.
Existing Use/Development:	Bottle Shop
Applicant:	Ahir's Pty Ltd
Zoning:	Commercial 1 Zone (C1Z)
Overlays:	Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Notification (Advertising):	The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 through the placement of one (1) sign on-site and distribution of letters to adjoining and nearby land owners and occupiers.
Objections Received:	Forty-nine (49)
Ward:	Chelsworth

PROPOSAL

- This planning permit application seeks approval to vary the existing packaged liquor licence to a general licence for the purpose of a bar and a reduction to the standard car parking rate at 220-224 Waterdale Road, Ivanhoe.
- The application seeks to have a total patronage of fifty (50) people and operate during the ordinary trading hours for a general licence as per the Victorian Commission for Gambling and Liquor Regulation in conjunction with the existing Bottle Shop.

Existing Bottle Shop Hours	Proposed General Licence Hours (Bar)
Monday – Sunday: 9am – 11pm	Thursday: 5pm – 11pm Friday: 3:30pm – 11pm Saturday: 3pm – 11pm Sunday: 1pm – 10pm

- The applicant is seeking to diversify the business by expanding the existing packaged liquor business (Bottle Shop) to include a General Licence to provide for the consumption of alcohol on premises. Under the proposal the Bottle Shop and General Licence are to operate under different trading hours.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* (the Act) 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.

BACKGROUND

- Planning Permit application P316/2020 was received by Council on 18 March 2020. The application seeks approval for a change of use from a liquor store (Bottle shop) to a liquor store with associated use of the site for the consumption of alcohol on site (General Licence) and a reduction to the standard rate of car parking.
- The use of the land as a Bar is “as of right” in accordance with the Commercial 1 Zone and does not require a planning permit.
- The application was formally amended in response to the initial objections received. The following table summarises the proposal in its original form compared with the amended proposal:

	Original Application	Amended Application
Proposed Patronage:	Ninety (90)	Fifty (50)
Hours of Operation	Thursday – Saturday: 3pm – 11pm Sunday: 1pm – 10pm	Thursday: 5pm – 11pm Friday: 3:30pm – 11pm Saturday: 3pm -11pm Sunday: 1pm – 10pm
Objections	Forty-nine (49)	Thirteen (13) from previous objectors

SUBJECT SITE AND SURROUNDING AREA

- The subject site is rectangular shaped with a frontage to Waterdale Road and the rear of the site provides access to Cassinia Lane. The site is located within the commercial shopping strip (North Ivanhoe Shopping Centre) on the western side of Waterdale Road and is directly abutted by commercial premises to its north and south, while the immediate area surrounding the shopping strip is residential.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

Locality Plan



Figure 1: Locality Plan

PUBLIC NOTIFICATION

- Grounds of objection for both periods of public notification are summarised as follows:
 - Damage to the residential amenity and the amenity of the neighbourhood, including noise pollution;
 - On-street car parking availability concerns;
 - Anti-social behaviour;
 - Safety concerns for passers-by and surrounding residential properties;
 - Over-intensive use of the site;
 - Increase in foot and vehicular traffic
 - Detrimental impacts to surrounding business
 - Devaluation of property
- The grounds of objection during the first period of public notification were reiterated during the second period of public notification.

REFERRAL COMMENTS

Traffic and Transport:

- Council's Traffic and Transport Unit advised that a total capacity of forty-three (43) people could be supported based on the availability of car parking spaces in the car park forward of the shopping strip during the proposed hours of operation.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

Economic Development:

- Council's Economic Development Unit support the application as the business will help stimulate a night time economy as there are currently no "sit-in" late night traders in the immediate area of shops, the business has the potential to attract new clientele to the area which can subsequently have a positive impact on surrounding businesses, and the proposed plan and design of the façade will enhance the visual appearance of the shopping strip.

PLANNING CONTROLS

- The proposed planning application is to be considered in context of the current planning controls applying to the land which are outlined in the table below.

Zone	Commercial 1 Zone (C1Z)
Overlays	Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Particular Provisions	52.06 Car Parking 52.27 Licensed Premises
SPPF, LPPF & MSS	<ul style="list-style-type: none">• Clause 11 Settlement;• Clause 15 Built Environment and Heritage• Clause 17 Economic Development• Municipal Strategic Statement

TECHNICAL CONSIDERATION

RESPONSE TO POLICY FRAMEWORK

- The proposed use is generally consistent State and Local Planning Policies seeking to encourage and support economic development. The use of the land as a bar is an as of right use within the zone. The proposal responds appropriately to the planning policy framework by providing a new business within the Commercially Zoned land.

LAND USE

- Within the Commercial 1 Zone, a planning permit is not required to use the land for a Bar. It is important to recognise that the site is part of a shopping strip and whilst the residential amenity is considered, it cannot be expected that the amenity for the immediately abutting residential areas will be the same as a site that is centrally located within a residential zone.
- Planning Scheme amendment VC159, gazetted on 8 August 2019, introduced new land use terms, revised the definition of land use terms and changed where land use terms are nested. The change saw the land use term 'Bar' change from an undefined use to a defined use. As such, since 8 August 2019 use of land as a 'Bar' in a Commercial 1 Zone has not required a planning permit. It is the liquor licence, and any associated restrictions, which requires approval for this activity.

AMENITY IMPACTS

- As part of the assessment, consideration must be given to the impacts of consuming alcohol on the premises has on the surrounding residential properties.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

- The proposed red line area for the General Licence is approximately 220sqm in area and is located entirely inside the premises, with no outdoor areas proposed to be used for the consumption of alcohol. In addition, the application does not propose any live bands, live music, amplified music or other entertainment. Despite this, there is potential for noise impacts to affect nearby residential areas from the site through the movement of patrons to and from the premises. In addition, smoking areas may also cause detriment to the nearby residential properties. Smoking areas have not been shown on the plans and it is considered appropriate that a condition of permit requires that any smoking area proposed be shown on the plans and be located where potential impacts to surrounding residential areas are minimal.
- A Noise and Amenity Action Plan for the licensed premises is proposed to be included as a condition of permit to assist in mitigating amenity impacts on nearby residential properties. The plan will address the following:
 - Noise sources and appropriate attenuation measures
 - A complaints management process including a direct contact for complaints
 - Patron management
 - Details of training provided for bar staff in the responsible serving of alcohol
 - Hours of operation for all parts of the premises
 - Lighting within the boundaries of the site
 - Security lighting outside the premises
 - Details of a waste storage and collection
 - Details of smoking areas within the premises to avoid detrimental impacts to residential properties
- It is important Council strikes a balance between supporting the establishment of business within the appropriate zones following the impacts of Covid-19 to support a diversity of business and consumer choice and considering the impact of the proposed hours of operation on nearby residential premises. The reduction in the number of patrons (guided by parking rates), will further reduce any perceived noise impacts to residential properties, however, it is appropriate to limit the hours of operation during the late evening hours to ensure noise impacts are minimised.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

- Significant concern was raised by local residents to the proposed closing times of the bar. Given the proximity to residences, a reduction in the proposed hours of use to:

	Original Application	Amended Application	Recommended
Proposed Patronage:	Ninety (90)	Fifty (50)	Forty-three (43)
Hours of Operation:	<i>Thursday – Saturday: 3pm – 11pm</i> <i>Sunday: 1pm – 10pm</i>	<i>Thursday: 5pm – 11pm</i> <i>Friday: 3:30pm – 11pm</i> <i>Saturday: 3pm -11pm</i> <i>Sunday: 1pm – 10pm</i>	<i>Thursday: 5:00pm – 10:00pm</i> <i>Friday: 3:30pm – 10:00pm</i> <i>Saturday: 3:00pm – 10:00pm</i> <i>Sunday: 2:00pm – 9:00pm</i>

- This reduces the closing time for the bar to enable a balance between the business needs and the surrounding residential properties.

CAR PARKING

- In assessing the availability of car parking in the vicinity, any available car parking on surrounding residential streets was excluded with the 20 available spaces forward of the shopping strip considered to be available for patrons.
- On review of operating hours of nearby businesses one takeaway shop and a café operate at times during the proposed operating hours. It is estimated that six of the car parking spaces will be occupied by these businesses, with up to 14 of the 20 spaces available for the proposed business. A further three spaces are available at the rear of the subject site.
- The Banyule Planning Scheme specifies a standard car parking rate of 0.4 spaces per patron for a Bar use. With a total of 17 car spaces available, the proposed Bar is able to accommodate a total of forty-three (43) patrons. A condition of permit should be included to reduce the capacity of the bar from 50 to 43.

OBJECTORS CONCERNS

- On balance, it is considered that objectors concerns raised during public notification have been appropriately addressed as outlined below:

Residential Amenity and Safety

- Damage to the residential amenity and the amenity of the neighbourhood, including noise pollution;
- Anti-social behaviour;

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

- Safety concerns for passers-by and surrounding residential properties;
 - It is considered that the grounds of objection relating to safety and residential amenity concerns will be suitably managed through the requirement of a Noise and Amenity Action Plan. This plan will hold the business accountable for ensuring that the behaviour of patrons and that the operation of the bar maintains an acceptable level of amenity at all times.

Car Parking

- On-street car parking availability concerns;
- Increase in foot and vehicular traffic;
- Detrimental impacts to surrounding business;
 - The recommendation to reduce the maximum capacity of the proposed bar to forty-three (43) patrons is based on the availability of car parking spaces within the Commercial 1 Zone (North Ivanhoe Shopping Centre). As such, approval of the proposed liquor licence and car parking reduction would not see a reduction in the availability of car parking spaces in residential streets while increased vehicular and foot traffic would not cause concerns. This assessment also took into consideration the availability of car parking spaces available to other businesses in the centre operating at the same time, therefore, the proposed capacity is unlikely to impact upon surrounding business from a car parking perspective.

Other

- Over-intensive use of the site;
 - As outlined within this report, the use of the land as bar is as of right in the Commercial 1 Zone and does not require a planning permit. The reduced patronage to forty-three (43) is not considered an over-intensive use of the site as there will not be reduction in availability of car parking in residential streets while the appropriate conditions of the planning permit will negate any potential amenity impacts.
- Devaluation of property
 - It is a long standing planning principle that the perceived loss of property value by objectors is not a matter which can be sustained when assessing an application for a planning permit.

CONCLUSION

- The application has been assessed to be in general accordance with the State and Local Planning Policy Frameworks and the planning controls relevant to the land and the application. It is considered that with the appropriate planning permit conditions in place the application will not cause unacceptable detriment to surrounding landowners or the character of the neighbourhood and it will support the economic viability of the North Ivanhoe Shopping Centre. For these reasons the application should be supported.

220-224 WATERDALE ROAD, IVANHOE - LIQUOR LICENCE FOR A BAR AND ASSOCIATED REDUCTION IN CAR PARKING (P316/2020) cont'd

ATTACHMENTS

No.	Title	Page
1	Stamped Re-advertised Documents	
2	Stamped Re-advertised Plans	

6.1 STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE

Author: Nicole Maslin - Manager Leisure, Recreation and Culture Services, Community Programs

SUMMARY

1. Council's investment in sports infrastructure supports development of accessible and inclusive facilities for community participation and builds the capacity of clubs to deliver their sport, while providing a range of active sports and recreation opportunities in Banyule.
2. Council has worked in partnership with the State Government over many years to deliver a range of innovative, best practice designed facilities, that are providing clubs and community with numerous opportunities to address needs, plan for growth and provide access for everyone.
3. This report presents the current State Government funding available including the Local Sports Infrastructure Program, Community Sports Infrastructure Stimulus Program and the World Games Program and makes recommendations for the projects recently submitted and those planned for consideration.
4. The projects applicable for State Government funding support are as follows:

Grant Name	Project	Grant Request	Council Contribution
Community Sports Infrastructure Stimulus Program	Stage 3 & 4 Olympic Park Masterplan	\$5M	\$2.5M
Community Sports Infrastructure Stimulus Program	Darebin Creek Trail – Stage 3 & 5	\$1.3M	\$1.3M
Local Sports Infrastructure Program	Beverley Road Oval Surface Full Renovation	\$250K	\$1.1M
Local Sports Infrastructure Program	Macleod Park Pavilion Female Friendly	\$250K	\$400k
World Games Fund	Chelsworth Park Lighting	\$150K	\$150K
World Games Fund	Partingtons Flat Female Friendly	\$250K	\$400K

5. Projects identified are in Council's current four-year capital works program and once any external funding is confirmed then a further report will be presented to Council.

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

RECOMMENDATION

That Council:

1. Endorse submission of the following grant applications and confirm Council's contribution to each project as follows:
 - a. Stage 3 and 4 Olympic Park Masterplan
Grant request: \$5M; Council contribution: \$2.5M
 - b. Darebin Creek Trail – Stage 3 & 5.
Grant request: \$1.3M; Council contribution: \$1.3M
 - c. Beverley Road Oval Surface Full Renovation
Grant request: \$250k; Council contribution: \$1.1M
 - d. Macleod Park Pavilion Female Friendly
Grant request: \$250k, Council contribution: \$400k
 - e. Chelsworth Park Lighting
Grant request: \$150k, Council contribution: \$150k
 - f. Partingtons Flat Female Friendly
Grant request: \$250k, Council contribution: \$400k
2. Receives a further report on the outcome of these funding applications once external funding is confirmed.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Support and promote health and wellbeing".

BACKGROUND

- Council's investment in sports infrastructure supports development of accessible and inclusive facilities for community participation and builds the capacity of clubs to deliver their sport, while providing a range of active sports and recreation opportunities in Banyule.
- The Victorian State Government Active Victoria Strategy is focused on collaboration with councils and clubs for well-planned and connected investment that maximises participation, health, economic, community and liveability benefits.

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

- Council has worked in partnership with the State Government over many years to deliver a range of innovative, best practice designed facilities, that are providing clubs and community with numerous opportunities to address needs, plan for growth and provide access for everyone.
- These applications will build on this work. The background to these funding programs is as follows:

Community Sports Infrastructure Stimulus Program

- Council submitted three projects to these COVID-19 response grant packages in June 2020 being Olympic Park Stage 3 & 4; Darebin Creek Trail Stage 3 & 5 and Stage 2 Nets Stadium Outdoor Courts and unfortunately was unsuccessful on that occasion.
- The State Government recently reached out to Council's on an invite only basis to submit for a further funding round. Banyule invited to re-submit for Olympic Park Stage 3 & 4 and Darebin Creek Trail Stage 3 & 5.
- These projects were selected as they meet the strict criteria of being shovel ready with all plans, costs and community engagement completed allowing design to construction to commence within 6 months.
- Following the invitation Council Officers met with Government staff to seek feedback on the previous applications and discuss how these could be improved to strengthen the project proposals for the second round. This feedback included, providing further evidence of economic stimulus (local economic activity and job creation) and highlighting the participation outcomes for disadvantaged communities.

Olympic Park Stages 3 and 4

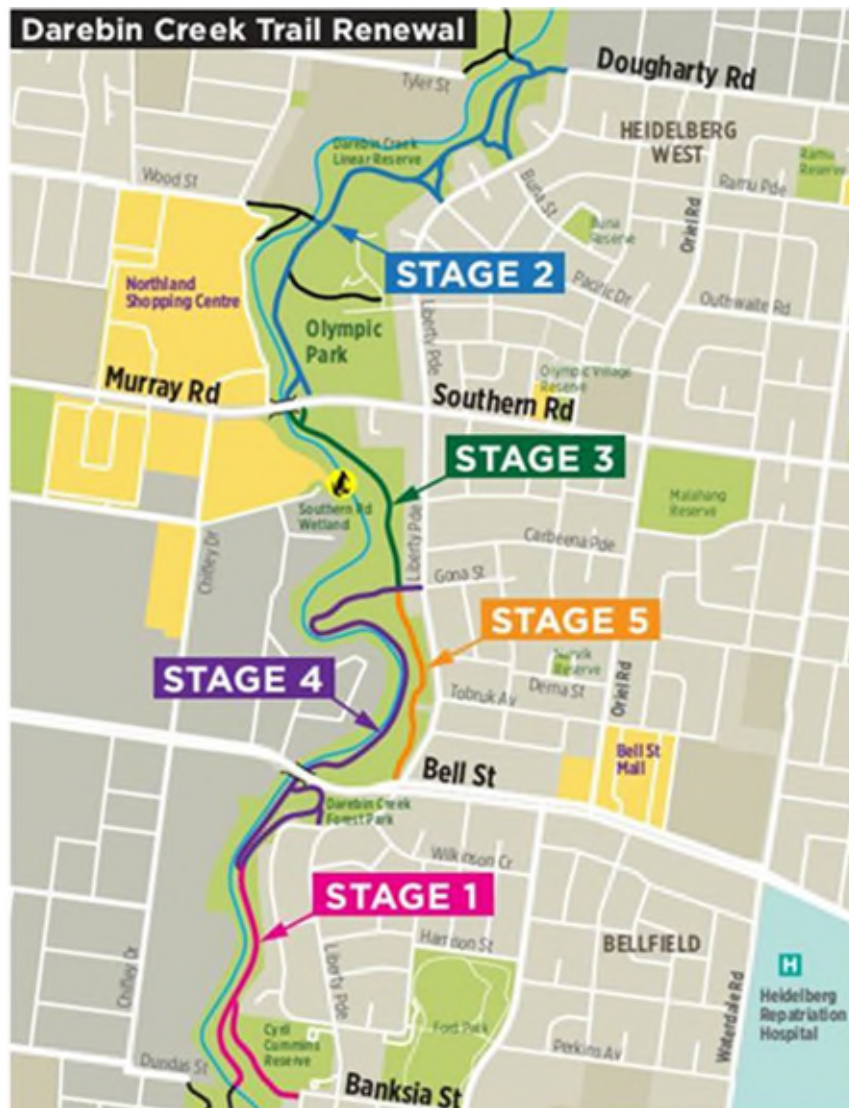
- The implementation of Stage 3 and 4 would complete the Olympic Park Masterplan well ahead of schedule. Olympic Park is a big and ambitious masterplan that is transforming this precinct for club and community. The previous stages totalling \$6.3M attracted a total of \$3.5M state funding. The details of stage 3 and 4 are as follows:
- **Stage 3**
 - Reconstruction and realignment of two additional soccer pitches/ cricket pitch with wicket between the soccer pitches (including drainage, irrigation, fencing, lighting)
 - Car parking with water sensitive urban design elements including bio swales and bio retention basins (94 spaces)
 - Cricket pavilion (change rooms, toilets)
 - Cricket practice nets
 - Acrylic futsal/ basketball area (including fencing, lighting)
 - Landscaping and paths as required
- **Stage 4**
 - Reconstruction and realignment of the northern cricket pitch (including drainage, lighting, fencing)
 - Cricket pavilion (social space)

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

- Overflow parking area
- Landscaping and paths
- Interior refurbishment of Barbuninbeek
- See Attachment 1 for Schematic Plans

Darebin Creek Trail – Stages 3 & 5

- Stage 1 of this trail has been completed (\$1M) and Stage 2 is currently underway (\$750K). This final stage involves constructing a new concrete trail along a section of Darebin Creek between Southern Road and Bell Street in Heidelberg West, to make walking and riding a safer and more pleasurable experience. More specifically, Stages 3 & 5 as per the plan below



Local Sports Infrastructure Fund

- The 2021 Local Sports Infrastructure Fund (LSIF) is a state-wide competitive Victorian Government investment program that funds the development of high-quality, accessible community sport and active recreation infrastructure.

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

- Council has had a very successful track record with this fund over the last 5 years securing at least 2 projects per round, which has greatly assisted in the implementation of Council's capital works program for sporting clubs. The focus over the last few years has been the conversion of antiquated and inaccessible change rooms to female friendly facilities. Sports lighting has also been a focus to support the growth and increasing demands for training particularly in football and soccer. Funding submissions for this program are required to be at a minimum, matched by Council.
- Staff have had regular and ongoing dialogue with State Government to discuss suitable projects in Council's 4-year budget that can best fulfil the criteria and present the greatest chance of funding success.
- Following these discussions and analysis, it is proposed to apply for two projects under the Female Friendly Stream, which aims to support the development of new and/ or redevelopment of existing infrastructure, to enable more women and girls to participate in sport and active recreation. This includes building new or redeveloping/ refurbishing existing changerooms and building new or redeveloping existing sports fields.
- A maximum of \$500K can be applied for in this category. The two projects identified are:
 - **Macleod Park Change Room Upgrade**
 - Construction of female friendly change rooms and umpires' facilities at Macleod Park:
 - Macleod Juniors are a club that is growing significantly in female participation and their clubs' rooms are not inclusive or accessible. Concept for this work has been completed and detailed designs are underway.
 - **Beverley Road Sports Field Reconstruction**
 - Re-construction of Beverley Road Sports Field:
 - As part of a sport field audit completed in 2018, Beverley Rd oval was identified as number 3 on the priority list for reconstruction. Both Banyule Junior Football Club and Banyule Cricket Club have one of the biggest junior participation rates in Banyule. The football club has 6 female teams, including 1 senior female team. The Beverley Road Oval has been problematic for many years due to its clay base and cannot sustain the growing needs of the clubs. The reconstruction of this oval will facilitate additional training and competition time to support the participation growth which is particularly strong in females and juniors.

World Games Fund

- The World Games assists local football (soccer) clubs and organisations to upgrade existing or develop new facilities across metropolitan Melbourne and regional Victoria. Projects include lighting, change rooms, fields and pavilions.
- The following two projects were submitted for consideration:

STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE cont'd

- **Chelsworth Park Lighting – Pitch 1 Old Ivanhoe Soccer Club,**
 - This project was submitted in March 2020 however Council narrowly missed out on selection. Banyule have been encouraged to re-submit for consideration in 2021 as this project meets the funding criteria.
 - Old Ivanhoe Soccer Club is a mostly junior club who are experiencing significant growth and challenges related to inadequate lighting limiting their ability to support the demands for training at this facility. Soccer is a winter sport and lighting can extend the available training time for all ages and abilities and enable the club to grow their participation. The lack of lighting is a major barrier to their growth and ability to provide a safe and supportive club environment.
- **Partington's Flat – Female Friendly**
 - This project was identified through Council's audit of sporting pavilions. Diamond Valley City Soccer Club have 18 junior teams and 4 senior teams, including 5 female teams. These works will enable the club to have 2 larger change rooms for senior competition which can be split into 4 smaller change rooms for junior competition. Both options would accommodate female friendly amenities. This project will also provide some much-needed storage space for the club.

KEY ISSUES

Community Sports Infrastructure Stimulus Program

- No other projects can be considered this round for this program. This is invitation only and these two projects were selected from the three that were submitted last year.

World Games Fund

- These applications were submitted on the 19 February and an outcome should be known by May 2021.

Local Sports Infrastructure Funds – Female Friendly

- The designs for the Beverley Road Oval construction and Macleod Park are currently being finalised and will meet application timelines.

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.

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

Sustainable Procurement Outcomes

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

Financial Implications

- All projects are currently in the draft 4-year budget, appearing in 2021/22 or 2022/23.
- The Olympic Park contribution will need to increase by \$1.3M and be bought forward to provide a total contribution of \$2.5M to support the Government funding request of \$5M in the Community Sports Infrastructure Stimulus Program if the application is successful
- All of the grants require a contribution from Council, and this varies depending on the grant criteria, projects and scope.
- The table below summarises the financial considerations:

Grant Name	Project	Grant Request	Council Contribution	Budget commentary
Community Sports Infrastructure Stimulus Program	Stage 3 and 4 Olympic Park Masterplan	\$5M	\$2.5M	Total \$7.5M Stage 3a only funded. \$1.3M 22/23
Community Sports Infrastructure Stimulus Program	Darebin Creek Trail – Stage 3 and 5	\$1.3M	\$1.3M	Total \$2.6M \$1.2M funded in 21/22 and \$1.5M funded in 22/23
Local Sports Infrastructure Program	Beverley Road Oval Surface Full Renovation	\$250K	\$1.1M	Total – \$1.35M 21/22
Local Sports Infrastructure Program	Macleod Park Pavilion Female Friendly	\$250K	\$400k	Total -\$650K 21/22
World Games Fund	Chelsworth Park Lighting-Construction	\$150K	\$150K	Total - \$300 21/22
World Games Fund	Partingtons Flat Female Friendly	\$250K	\$400K	Total - \$650K 21/22

Innovation and Continuous Improvement

- These projects all contribute to improved outcomes for Banyule's community and clubs in terms of access and inclusion to facilities and sports participation.

**STATE GOVERNMENT FUNDING APPLICATIONS - SPORT AND LEISURE
cont'd**

- Banyule City Council is leading the way in its best practice approach to female friendly design and LED sports field lighting.

Community Engagement

- Community and club engagement has occurred with all of these projects at varying levels depending on the complexity. Engagement and consultation will continue throughout implementation.
- Each project has a project management plan where key stakeholders and engagement is identified.
- Club tenants are engaged extensively around need, design and functionality components and work with Council's Asset Delivery and Sports and Leisure teams to achieve the best outcomes for the future.
- Lighting projects typically require broader community engagement and official works notification, given there is additional communication required to support residents to understand the benefits of LED, containment of spill, hours of use etc.

Collaboration

- All sports infrastructure and assets are developed using the relevant sporting association's design guidelines to achieve best practice and inclusive outcomes. Banyule has a future focused approach that looks at longer-term growth and needs.
- Sport and Recreation Victoria staff have provided advice and feedback on proposed projects and set the expectations around criteria and assessment to provide Council with the best possible chance of being successful.
- There is a great deal of positive collaboration with the clubs who work with Council and their members to ensure the best outcome is achieved for club and community.
- These projects are discussed with relevant internal departments to check requirements, add value or identify any potential issues or challenges.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Olympic Park Stage 3&4 Schematic Plan	

7.1 COMPLAINTS HANDLING POLICY

Author: Marie Rowland - Customer Experience Strategy Coordinator, Corporate Services

SUMMARY

1. In 2016, the Victorian Ombudsman published a Good Practice Guide for Public Sector Agencies. In late 2019 an additional review made recommendations – some of which have been incorporated into the new *Local Government Act 2020*.
2. Good complaint handling is about consistency and transparency in capturing, handling and reporting complaints.
3. The Banyule Complaints Policy (attached) is based on a template provided to councils by the Victorian Ombudsman as part of the Complaints: Good Practice Guide for Public Sector Agencies (September 2016) and has been updated to incorporate further recommendations made by the Victorian Ombudsman in 2019.
4. Section 107 of the *Local Government Act 2020* comes into operation on 1st July 2021, with the final deadline being 31st December 2021. This section requires a Council to develop a complaints policy. Whilst there was previously no requirement for a Council to have a Complaints Policy, it was considered good practice.
5. To enable and make it easy to lodge a complaint, a number of changes have been made to the revised previous policy and include:
 - A broader complaints definition drawn from the new *Local Government Act 2020*
 - Clarifying timeline for acknowledgment of complaints in line with the Banyule Service Promise (24 hours phone and 10 business days for written)
 - Clarifying timeline for complaints resolution (within 28 days)
 - Formalising Directors as responsible for the Internal Complaints Review process
 - Confirming Council's commitment to recording complaints in the customer request system (CRM).
6. Council is working towards implementation of the new requirements including:
 - updating its current CRM, this important system upgrade will necessitate some changes to how complaints are recorded in the CRM.
 - implement a single source of complaints data to remove the potential for duplication across different systems.
 - develop a new online form to be available on the Banyule website
 - reporting of complaints in Council's annual report to provide transparency

COMPLAINTS HANDLING POLICY cont'd

7. Further training on complaints handling will be provided during 2021. Training will cover key areas of council.
8. The scope for the Complaints Policy and procedures is only for complaints. A broader review of handling for all requests from customers is required but is out of the scope of this policy.

RECOMMENDATION

That Council adopt the Banyule Complaints Policy.

COUNCIL PLAN

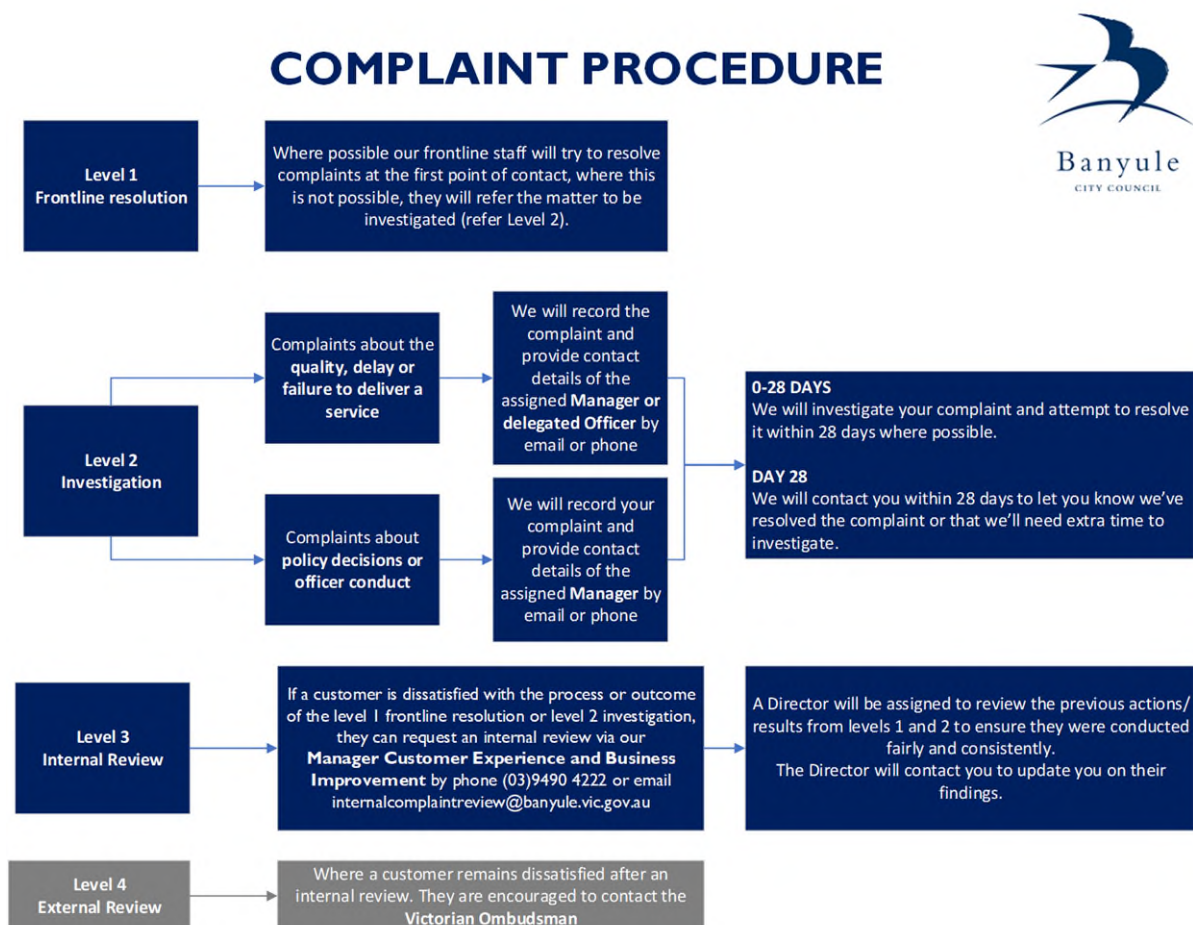
- This development of a revised Complaints Policy is in line with Banyule's Council Plan key direction to "Provide exceptional customer service".

BACKGROUND

- The 2016 report from the Victorian Ombudsman highlighted the need for consistency on complaints:
"In principle, all complainants to the council about council administration should be handled and responded to consistently, regardless of who received the complaint, whether a councillor or a council staff member."
- The revised Policy provides a clear process for complaints and compliments the process whereby Councillors pass on complaints and requests to the administration via a centrally managed process.
- In future Customers will be able to complain via a new online form (as well as by phone, in-person or via written correspondence as is currently the case).

COMPLAINTS HANDLING POLICY cont'd

- The Manager Customer Experience (CX) and Business Improvement will formally hold the position of Internal Review Manager and will allocate complaints where they have been through level 1 frontline resolution or level 2 investigation to the relevant Director for a level 3 independent review (refer diagram below).



KEY ISSUES

- The revised Complaints Policy clarifies roles in the complaints handling process and the time to acknowledge and respond to complaints.
- Training on complaints handling and the policy will be rolled out to all those with key roles in the complaints handling process and online training modules will be available for all staff.
- A report on complaints will be developed to ensure Council learns from complaints and where trends are seen, the relevant service/ staff/ policies and processes are reviewed and opportunities for improvement are acted upon.

SUPPORTING REPORT DETAILS

Legal Consideration

- Sections 106 and 107 of the *Local Government Act 2020* cover Council's legal responsibilities with respect to complaints management. These sections of the Act come into operation on 1 July 2021, with the final deadline being 31 December 2021.

COMPLAINTS HANDLING POLICY cont'd

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The Policy provides the framework for how people can raise complaints with Council and have them responded to and resolved. It is considered that the Policy supports the principles contained within the Charter.

Sustainable Procurement Outcomes

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

Financial Implications

- There are financial implications for training and IT changes which have been included in the Budget.

Innovation and Continuous Improvement

- The new Complaints Policy and Procedures will enable us to gather complaints data more effectively and within one system. This data can be used to inform continuous improvement opportunities.

Collaboration

- Collaboration was undertaken with the Northern region Councils on consistent processes and policies. Advice was also sought from the Victorian Ombudsman. Information gathered has informed the Complaints Policy and Procedures.

Key Considerations

- The Council will migrate to Authority CRM Module version 7.1 in April 2021. Training on and implementation of the procedures are timed to migrate in accordance with the system updates.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Revised Banyule City Council Complaints Policy	

7.2 QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020

Author: Lorena Valencia - Senior Accountant, Corporate Services

SUMMARY

1. This Quarterly Financial Management Report is for the period ended 31 December 2020 and provides assessment of the following:
 - o key income and expenditure actual operating results against budget
 - o capital Works financial performance
 - o COVID-19 financial impact
 - o other key financial indicators
2. The economic uncertainty being caused by COVID-19 is anticipated to have had an additional \$0.901m net financial cost impact on Council's businesses than reported in the adopted budget. With recent closures in Victoria the financial impact will continue to be assessed, monitored and forecast against the most recent information available.
3. The Chief Executive Officer, as required by Section 97(3) of the *Local Government Act 2020* is of the opinion a revised budget is not required.

Operating Performance:

4. The December forecast is projected to be a \$3.837m surplus, a \$5.188m favourable movement to the adopted budget deficit of \$1.351m. The 2020/21 underlying operating deficit is forecast to be \$8.236m compared to a budgeted underlying deficit result of \$8.444m.
5. The forecast variance to budget is primarily related to higher Public Open Space contributions, additional Government Grants, lower than anticipated rate waiver applications, and unbudgeted insurance reimbursements. The variance is partially off-set by exceeding the budgeted COVID-19 anticipated business impact (mainly as a result of extended restrictions), carried forward expenditure and reduced interest income.
6. The current spend on the budgeted Economic Support Package is \$1.916m. The \$10.5m package has been forecasted down to \$7.61m in this report to reflect the lower take up of rates waiver applications to date.

Capital Works Performance:

7. As of 31 December 2020, a total of \$26.297m has been spent on capital works.
8. The capital works expenditure is forecast to be \$75.337m (the adopted capital budget is \$63.550m). The forecast includes capital works projects (\$9.352m) that were budgeted in 2019/20 and are now expected to be completed in 2020/21 (carried over projects).

QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd

RECOMMENDATION

That Council note:

1. The Quarterly Financial Management Report for the period 31 December 2020, with consideration of:
 - a. The forecast to deliver an operating surplus of \$3.837m against the adopted budget deficit of \$1.351m for the year ended 30 June 2021.
 - b. The \$10.5m package has been forecasted down to \$7.61m in this report to reflect the lower take up of rates waiver applications to date.
 - c. The underlying operating deficit of \$8.236m is after adjusting for non-recurrent capital grants and capital contributions of \$12.073m.
 - d. The net cost impact on the forecast directly from COVID-19 restrictions is \$0.901m.

COUNCIL PLAN

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

BACKGROUND• The 31 December 2020 Financial Management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, and other key financial information.

- Note: material variances are explained – refer notes (variances greater than \$0.300m are considered material).

KEY ISSUES

Financial Sustainability

- The current assessment of the Financial Sustainability of the Organisation is measured against the VAGO indicators.

December 2020	Net Results	Adjusted Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	2.10%	-6.07%	2.16	58.71%	18.89%	3.26	2.51

Note: The 2020/21 Economic Support Package and COVID business impact has significantly impacted on the adjusted underlying results.

- The Adjusted Underlying Results measures an entity's ability to generate surplus in the ordinary course of business.
- The Internal Financing for 2020/21 measures Banyule’s ability to finance capital works using cash generated by operating cash flows. The capital works expenditure that is forecast to be funded from operating cash flow is 58.71% for 2020/21 which is considered to may not generate enough cash from operation for capital works.
- The ‘red’ Adjusted Underlying Results and ‘amber’ Internal Financing ratios are isolated to the current year and will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the

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next few years. In a normal year, Council aims for 5% or greater and 75% or greater respectively against the ratio.

- The adjusted underlying result measures an entities ability to generate surpluses in the ordinary course of business. It is calculated as **(Adjusted underlying surplus or deficit) / (Adjusted underlying revenue)**. It specifically excludes non-recurrent capital grants, other contributions to capital expenditure (including Open Space Contributions) and non-monetary asset contributions (Banyule receives none).
- With the COVID-19 financial impacts and forecast adjustment of Economic Support Package on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing will continue to be impacted throughout the year.

TABLE 1 - Income Statement

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Notes	Forecast \$000	Annual Budget \$000	Annual Variance \$000	Notes
Income								
Rates and charges	105,599	105,373	226		103,635	99,005	4,630	9
Grants - Operating	7,737	5,956	1,781	1	14,684	13,185	1,499	10
Grants - Capital	1,099	939	160		8,466	5,339	3,127	11
Statutory fees and charges	3,195	3,419	(224)		6,991	7,634	(643)	12
User fees and charges	6,825	9,878	(3,053)	2	13,342	18,670	(5,328)	13
Contributions income	3,032	1,741	1,291	3	5,436	3,625	1,811	14
Interest income	477	533	(56)		777	1,000	(223)	
Rental income	1,066	1,219	(153)		2,327	2,461	(134)	
Net gain on disposal of fixed assets	50	81	(31)		278	162	116	
Other income	912	290	622	4	1,322	587	735	15
Total income	129,992	129,429	563		157,258	151,668	5,590	
Expenses								
Employee costs	32,282	33,297	1,015	5	68,011	68,705	694	16
Materials and services	19,633	22,085	2,452	6	45,253	44,476	(777)	17
Utility charges	1,680	1,902	222		4,168	4,314	146	
Depreciation	11,100	11,100	0		22,201	22,201	0	
Amortisation – intangible asset	144	144	0		288	288	0	
Amortisation – right of use assets	276	272	(4)		548	540	(8)	
Borrowing costs	1,184	1,184	0		2,339	2,339	0	
Finance cost - leases	19	36	17		54	72	18	
Donations expenditure	724	906	182		1,364	1,371	7	
Contribution expense	3,522	3,627	105		6,979	6,818	(161)	
Other expenses	915	1,020	105		2,216	1,895	(321)	18
Total expenses	71,479	75,573	4,094		153,421	153,019	(402)	
Surplus/ (Deficit) for the year	58,513	53,856	4,657		3,837	(1,351)	5,188	
Grants – Non-recurrent Capital	861	394	467	7	6,877	3,758	3,119	19
Capital Contributions – Other Sources	2,812	1,607	1,205	8	5,196	3,335	1,861	20
Adj. Underlying Surplus / (Deficit)	54,840	51,855	2,985		(8,236)	(8,444)	208	

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NOTES: Year to Date (YTD) - Major Variances

- As at 31 December 2020 the net result year to date is \$4.657m favourable. Year to date income and expenditure are tracking favourable by \$0.563m and \$4.094m respectively.
- The significant contribution to the year to date (YTD) variance comprises of:
 1. Grants – Operating is \$1.781m higher than budget.
 - The January Commonwealth Home Support Programme (CHSP) funding (\$0.939m) was paid in December.
 - Various COVID Support grants have been received across Home Care \$0.280m and Early Childhood Service \$0.330m (refer Note 10).
 - Unbudgeted Outdoor Eating & Entertainment Package (COVID-19) from the State Government has been partially received (\$0.147m). \$0.070m of unearned grant for Cultural Precinct Project is recognised as the project progresses throughout the year.
 - The additional grants received are partially offset by the temporary revenue shortfall for the School-Crossing service, delayed by the late adoption of the State Government budget.
 2. User fees and charges income is \$3.053m unfavourable mainly due to the budget assumption that 50% operating business income (for COVID-19 impacted operations) would be received in the 1st Quarter of 2020/21 and 70% for the 2nd Quarter. However, with extended stage 4 restrictions, the reality was that:
 - The closure of Council's leisure centres including WaterMarc have resulted in minimal direct income generation for the financial year to date, resulting in \$1.829m unfavourable YTD variance to the budget. The budget assumption was to achieve 70% of operational capacity and although the centres were reopened early December, minimal income has been received to date.
 - Early Childhood Services income is lower than budget by \$0.237m mainly related to less parent fee income being received across the five centres. This is as a result of the Federal government's COVID-19 childcare reforms to help generate economic stimulus by providing 'free child care' until mid-July. In addition, the Stage 4 restrictions only allowed kids from essential worker families to attend centres.
 - The Transfer Station continues experiencing a reduction in demand on commercial activities resulting in a \$0.793m unfavourable variance to the YTD budget.
 - Parking fees income is \$0.125m lower than budget. Due to the COVID-19 restrictions, the demand of using parking facilities continue to be low since the commencement of the financial year.
 3. Contributions income is \$1.291m favourable to budget. This variance is mainly driven by Public Open Space contributions in Heidelberg, Ivanhoe and Montmorency. Real estate business activities continue to be more active and have had less of a COVID impact than anticipated when preparing the budget.

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4. Other income is \$0.622m favourable to budget, mainly driven by unbudgeted insurance and WorkCover reimbursements respectively:
 - o for the replacement for the Chlorine generator at WaterMarc (broken down and replaced in the 2019/20 financial year).
 - o for the Parks and Operation Depot current year incidences.
5. Employee Cost is \$1.015m favourable to budget as a result of vacant positions (amplified by the changing COVID-19 restrictions) which are being constantly reviewed to achieve the best practicable operational outcomes, while other vacant positions are backfilled using agency staff as appropriate.

The additional agency cost (refer Note 6) generally trends above budget and is offset through a corresponding reduction in employee costs during the year. Management has worked closely with impacted staff on providing redeployment opportunities, helping people stay connected and working, in different types of roles across Banyule.

- The table below is the combined cost for Employee Benefit and Agency cost:

	YTD Actual	YTD Budget	YTD Variance	Forecast	Annual Budget	Annual Variance
	\$m	\$m	\$m	\$m	\$m	\$m
Employee Costs	32.282	33.297	1.015	68.011	68.705	0.694
Agency - Operation	1.094	0.568	(0.526)	1.755	1.298	(0.457)
Agency - Initiatives	0.420	0.355	(0.065)	0.719	0.749	0.030
TOTAL	33.796	34.220	0.424	70.485	70.752	0.267

6. Materials and Services \$2.452m favourable to budget, mainly driven by timing on Leisure centres (\$0.406m), Operations Infrastructure (\$0.395m) and Health and Aged Service (\$0.263m) delayed by the current COVID-19 restrictions.
 - o Planning (\$0.123m) is due to less planning and buildings disputes.
 - o Transfer Station disposal cost (\$0.478m) directly impacted by a reduction of demand.
 - o Initiatives and Consultancy favourable position is linked directly to the projects not yet commenced (now projected to commence later than originally anticipated).
 - o Contractor costs and Agency costs have exceeded budget year to date

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VARIANCE TABLE - Agency, Consultancy and Contractor Costs – 31 Dec 2020:

Banyule City Council	Actual YTD \$m	Budgeted YTD \$m	Variance YTD \$m	Forecast FY \$m	Budget FY \$m	Variance FY \$m
Agency (Operations)	1.094	0.568	(0.526)	1.755	1.298	(0.457)
Consultancy (Operations)	0.385	0.606	0.221	1.331	1.467	0.136
Contractor (Operations)	7.027	6.516	(0.511)	13.344	12.863	(0.481)
Initiatives Expenditure	1.096	1.930	0.834	4.766	4.207	(0.559)

- **Agency** - the agency cost YTD variance is \$0.526m unfavourable, fully offset by savings in employee benefits year to date. Agency is used to cover short term vacancies in staff which are not separately budgeted for.
 - **Consultant** - the consultant YTD favourable variance \$0.221m is mainly driven by the timing of the consultancy cost across many operating projects.
 - **Contractor** - the contractor costs YTD unfavourable variance \$0.511m is mainly due to the unbudgeted running costs of the leisure centres while they remained closed in 2020 for a number of months (\$0.291m), unbudgeted urgent tile repairs at WaterMarc (\$0.080m) and additional tree removal cost (\$0.223m) due to storm damage.
 - **Initiative** - the initiative cost YTD variance is \$0.834m favourable to budget due to various projects' commencement time being postponed by COVID. Majority of the backlogs along with the carried forward expenditure from 2019/2020 are projected to be completed within this year. This discrepancy in delivery expectations will continue to be assessed each month during the project status review by management.
7. Grants: Non-recurrent Capital is \$0.467m favourable to the budget. Over \$0.620m of SRV grant income has been realised as the Olympic Master Plan Project's progression. This unbudgeted grant income is partially offset by some budgeted capital grants yet to be received.
8. Capital Contributions (from other sources) is \$1.205m above budget and mainly represents the Public Open Space contributions received. Refer Note 3.

NOTES: Full Year (FY) Forecast - Major Variances

- The operating forecast as at 31 December 2020 is for a surplus of \$3.837m which is \$5.188m favourable to the deficit budget (\$1.351m). The significant contributions to the full-year forecast variance are:

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9. Rates and charges \$4.630m favourable to budget mainly due to the re-forecast of Rate Waiver applications (\$4.1m less than budget), additional supplementary rate revenue (\$0.350m) and interest income on rates (\$0.200m).
- The full provision of the rate waivers of \$7.343m was assessed in December 2020. As applications are tracking considerably lower than anticipated, the December 2020 forecast has been adjusted to \$3.24m against the rate waiver provision.
10. Grants: Operating \$1.499m favourable to budget, mainly driven by additional grants received.
- Commonwealth Home Support Program Emergency Support for the COVID-19: \$0.110m granted in August 2020, and \$0.170m of various additional grants.
 - Realised unearned grant from 2019/20 (\$0.135m) to comply with the new accounting standard (AASB1058).
 - The early childhood services have received additional grants.
 - \$0.221m as part of the long day care COVID-19 transitional support during COVID restrictions;
 - plus, a lump sum unbudgeted funding of \$0.158m to support local governments to operate long day care services with funded kindergarten enrolments.
 - State Government Grant \$0.500m to be received for the Outdoor Eating & Entertainment Package (COVID-19) recently granted and \$0.070m received for Cultural Precinct Project, which was commenced in 2019/20.
11. Grants: Capital \$3.127m favourable to budget. The variance is mainly due to:
- Various Capital grants carried forward/unearned from 2019/20, \$1.005m in total, including Olympic Park Masterplan (\$0.806m) grant from SRV.
 - Unexpended grants 'Waterdale Road Pocket Parks' & 'Shared Zone project' (\$0.650m), securing a total funding of \$1.300m from the State government over three years.
 - Unbudgeted \$0.650m of Leisure Recreation & Culture capital projects related to:
 - Whatmough park lighting
 - Montmorency South pavilion and
 - Greensborough War Memorial pavilion change rooms upgrade
 - The unearned State and NELP Capital grants (\$0.680m) are anticipated to be realised with the progress of capital projects, including Watsonia Village Town Square development, Trist Street Reserve upgrade and Bike Path design (Banksia to Burke Rd North).
12. Statutory fees are \$0.796m unfavourable to budget directly related to parking infringement fees. Enforcement activities reduced more than anticipated during the COVID-19 restrictions, partially offset by the unexpected additional revenue (\$0.999m) generated from building and planning permits (estimated based on the current demand).

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31 DECEMBER 2020 cont'd**

13. User fees and charges is \$5.328m unfavourable to budget. This is directly related to the COVID-19 Stage 4 restrictions resulting in a significant financial impact (exceeding the initial budget principles) to the below Banyule's centres:

- Leisure Centres including WaterMarc and function centres: The December forecast reflects the re-opening of the indoor sports facilities from 8 December 2020. The forecast has been calculated based on casual fees and limited capacity due to the restrictions and social distancing (expecting to slowly increase the customers from January when memberships will be reactivated). Although the centres might be opened, they will not operate at full capacity, resulting in a revised revenue variance of \$3.758m.
- Transfer Station fees and charges lower than budget by \$0.832m due to reduction in demand from commercial activities.
- Parking fees income is forecasted to be \$0.304m lower than budget as the demand on parking facilities are expected to continue to be low for the rest of the year as per current trend.
- On 21 September 2020 the Council resolved to continue to support our community groups for a further 6-month period, commencing 1 October 2020 through to 31 March 2021. As a result, \$0.226m of fees income will be waived under Function centres, Community Hall Hire and Sports pavilions (funded from the existing \$10.5m Economic Support Package).

14. Contributions income \$1.810m favourable to budget, which is mainly derived from the Public Open Space contributions. It was anticipated during the budget development that COVID-19 would significantly impact real estate development activities with a \$1.8m income reduction when comparing to pre-COVID conditions. Based on current YTD actual observations, the market outlook is positive, with a revised forecast now expected to be \$1.6m better than the adjusted budget. The housing industry was not impacted as expected, the forecast almost restored to the Pre-COVID outlook.

15. Other income \$0.735m favourable mainly driven by unbudgeted insurance reimbursement of the Chlorine generator at WaterMarc and unbudgeted WorkCover reimbursement income (refer Note 4).

16. Employee costs is \$0.694m favourable to budget mainly due to:

- The closure of the Leisure Centres since the beginning of the financial year until the 8 December 2020. (\$1.472m).
- Some vacant positions are being backfilled using agency staff as appropriate. The savings from these positions is offset through a corresponding additional agency cost (\$0.457m) during the year.
- The COVID impact on employment cost has been offset by:
 - Carry forwards of the Inclusive Employment Program Initiative and unexpended grants for Community Programs (\$0.489m)
 - Additional unbudgeted positions to support the People & Culture team (\$0.378m) to enhance safety management, and Customer Service (\$0.135m) to support the needs of the municipality during the uncertainty of COVID-19.

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- Provide \$0.116m to expand two positions in the Economic Support Package.
 - The inconsistent disclosures reported on YTD variance compared to forecast variance are spread across multiple business units. In 2020/2021 a credit was included in the budget of \$0.750m to factor in the expected saving from vacancies, with the savings gradually realised each month. Alignment to actuals against the budget credit will be further considered against post-COVID norms. The December 2020 forecast has seen a reduction in the variance gap. It is expected that the variance gap will lessen and continue to be bridged each month as the uncertainty of COVID-19 lessens and project delivery is deliberated against available resources and priority.
 - The review of salaries and the impact of vacancies on the forecast will continue each month.
17. Materials, contracts, and services is \$0.777m unfavourable to budget after reviewed projects' timing and capacity, including the carry-forwards from 2019/20 and additional Council approved projects (refer Council Resolutions section below).

It is forecasted that \$0.588m of initiative and \$0.381m of unexpended grants from 2019/20 will be spent in 2020/21. Areas are constantly reviewing the project deliverables and COVID impacts. Whilst the expenditure is reviewed each month the management of project deliver against capacity and priority is also required to be managed. Future forecasts will provide further alignment once management gain confidence in what can reasonable be achieved and delivered over the next 6 months

- An additional \$0.234m has been allocated to cover the base maintenance costs (from July to first week of December) to maintain the Leisure Centres whilst these facilities were closed due to the COVID-19 restrictions.
 - The Transfer Station disposal cost has been reduced (\$0.600m) to reflect the decrease of demand for commercial activities.
 - This category is to be continuously assessed based on timing and capacity, and closely monitored each month for further savings with the aim to reduce the underlying deficit for 2020/21.
18. Other expenses \$0.321m unfavourable mainly due to the additional contribution Council committed to Special Rates and Charges Scheme. Refer to COVID-19 Economic Support Package.

Underlying Surplus adjustment

19. Grants – Non-recurrent Capital is \$3.119m above budget due to the additional State Government funding to support capital projects. Refer Note 11.
20. Capital Contributions (from other sources) is \$1.861m above budget as a result of significant Public Open Space contributions. Refer Note 14.

Council Resolutions: impact on financial performance

- The table below lists 2020/21 resolutions carried by Council as at 31 December 2020 which will have an impact on the financial statements.

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Resolution	Description	EFT	Impact on Forecast	\$'000
CO2020/143	Banyule Scouts Grants Program		Materials & services	0.050
CO2020/145	Transport Advocacy – NEL		Materials & services	0.200
CO2020/93	Tree Audit & Revision of Urban Forest Strategy		Materials & services	0.150
CO2020/211	Libraries After Dark program		Materials & services	0.041
Amount included in income statement - Table 1		-	Total Operating	0.441
CO2020/162	The Eaglemont Tennis Club: Construction of a timber viewing deck, access ramps and landscaping works.		Buildings	0.153
Amount included in Capital works statement - Table 3		-	Total Capital Works	0.153

COVID-19 impact on forecast

- The COVID-19 pandemic has significantly impacted the economy, businesses, ratepayers and communities within Banyule.
- The December 2020 forecast is projected based on assumptions about how the Coronavirus pandemic will affect various business operations across Council, through to 30 June 2021, in accord with the current COVID-19 roadmap for reopening toward normal activities. These assumptions are reviewed as new government policies are introduced, and as restrictions continue to be eased.
- The budget 2020/21 has included a net COVID-19 impact of \$3.359m (\$8.683m unfavourable impact on income and \$5.323m favourable impact on expenditure) The expectation was for a severe financial downturn from the first quarter and gradually recovering throughout the remainder of the year.
- Due to the COVID-19 second wave in Victoria (extension of the Stage 4 restrictions) a further financial impact has been estimated for the period to 30 June 2021. Banyule businesses are likely to incur a further \$0.901m net unfavourable result (Income \$3.313m unfavourable and expenses \$2.411m favourable against the adjusted budget). The COVID-19 impact on forecast is \$3.527m better than September's predication (\$4.541m), mainly due to the better outcome from Public Open Space contribution and Statutory Planning and Building fee income, and additional savings from operational expenditure.
- In summary, the Banyule business impact from COVID-19 this year is estimated to be \$11.996m loss of revenue (budgeted \$8.683m and unbudgeted \$3.313m), and \$7.734m operating expenditure saving (budgeted \$5.323m and unbudgeted \$2.411m) when comparing to pre-COVID conditions.

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- As of 31 December 2020, the specific areas forecasted to be impacted include:

Business units	Gross impact income favourable/ (unfavourable)	Gross impact expenditure favourable/ (unfavourable)	Net financial impact net saving / (net cost)
Recreation Centres	(1,919,389)	(229,982)	(2,149,371)
Transport Engineering	(1,884,389)	292,282	(1,592,107)
Leisure Centres-BLFM	(1,837,808)	1,633,504	(204,304)
Municipal Laws	(165,934)	40,875	(125,059)
Cultural & Heritage Development	(38,648)	0	(38,648)
People and Culture	0	(38,485)	(38,485)
Property Services	(34,361)	0	(34,361)
Finance & Procurement	1,585	(10,000)	(8,415)
Home & Community Care Programs	47,775	(53,712)	(5,937)
Transfer Station	(600,000)	600,000	0
Maternal & Child Health	0	716	716
Environment	0	8,043	8,043
Social Enterprise	0	12,892	12,892
Sports Pavilions	0	18,676	18,676
Councillors	0	24,000	24,000
Leisure Recreation & Culture	0	30,000	30,000
Continuous Improvement	0	37,275	37,275
Customer Experience Operations	0	42,986	42,986
Functions Centre	(59,901)	104,286	44,385
Youth Services	(8,000)	56,441	48,441
Records & Information Management	0	50,000	50,000
Economic Development	479,000	(419,000)	60,000
Major Facilities	(14,731)	95,149	80,418
Early Childhood Services	97,782	(2,486)	95,296
Operation Infrastructure	0	120,000	120,000
Building Services (BPI)	793,875	0	793,875
Development Planning	1,830,000	(2,000)	1,828,000
Total	(3,313,144)	2,411,460	(901,684)

- The main Banyule activities affected are:
 - Recreation Centres** including WaterMarc, Macleod YMCA Leisure Centre and Watsonia Pool have been significantly impacted by the COVID-19 Stage 4 restriction and have been closed from the beginning on the financial year until the 8 December 2020 when they were partially opened with expectations to be fully opened from January 2021.
 - Impacted revenue (\$1.919m or 32% of the total budgeted aquatic and leisure centre fees and charges) is calculated based on no revenue raised in the first 4 months, and only 9% of the budgeted revenue in the remaining 8 months. In accord with the arrangement (until WaterMarc is entirely operational) Council will only raise the revenue based on Belgravia's actual income and not monthly fixed income as per the original contract.

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- Impacted expenses (\$0.229m), the forecast is reflecting the additional expenditure to cover the base maintenance costs to maintain WaterMarc Recreation Centre and Macleod Leisure Centre while the facilities were closed due to COVID-19 restrictions.
- **Transport Engineering** has been heavily impacted by the COVID-19 Stage 4 restrictions by reducing the volume of parking fees and infringements.
 - Loss of Parking infringement revenue \$1.548m (35.8% of the total budgeted Local Laws infringements and fines income). The forecast is based on the reduction of enforcement activities until end of December 2020, and gradually recovering in 2021. The Parking fees are projected to reduce by \$0.313m (18.6% of the Local Laws council fee income) driven by a lower demand on parking facilities during Stage 4 restrictions.
 - Savings on expenses is \$0.292m; the loss of income does not directly drive associated pro-rata expenditure savings as most of the contract expenditure is fixed, while a small proportion of the expenditure is variable to the number of infringements issued.
- **Leisure and Aquatic Centres** (Nets Stadium, Olympic and Ivanhoe aquatic centres) have also been significantly impacted by the restrictions and closed from the beginning of the financial year until the 8 December 2020 when were again partially opened, expecting to be fully opened from January 2021.
 - Impacted income (\$1.837m or 30% of the total budgeted aquatic and leisure centre fees and charges) has been forecasted for December and December 2020 based on casual fees and limited capacity due to the restrictions and social distancing and for the second half of the year based on reducing 50% of budgeted revenue in Q3 and 30% in Q4 to allow a transition phase to the centre and running the centre based on COVID requirements to social distance.
 - Expenditure savings is forecasted to be \$1.633m, which is mainly derived from labour savings in the first six months of the year and some vacancies to be filled in January 2021. Although the centre will not be run to full capacity in second half of the year, a fixed cost is inevitable, and the minimum staff is legislatively required.
- **Transfer Station** is experiencing a reduction in demand on commercial activities due to Stage 4 restrictions to business. The savings offsetting entirely the loss of income of \$0.600m (8% of total budgeted transfer station tipping fees). The forecast has taken the consideration of further business impact in the 2nd quarter 2020/21.
- **Economic Development** has recently been granted a Government Grant for \$0.500m for the Outdoor Eating & Entertainment Package (COVID-19) to support businesses to adapt to outdoor dining and entertainment, helping move the indoor dining and cafe experiences outdoors. The additional grant income is entirely offset by additional employment costs (\$0.140m) and contractor costs (\$0.360m). Some operational programs are also impacted by COVID, which resulted in having \$0.081m of savings.

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- **Development Planning** is experiencing higher business activities in Open Space Contributions and Planning Permit applications than anticipated during COVID restrictions period and have revised favourably the net income impact since the October forecast.
 - The real estate business activities are more active than assumed, and additional POS contribution income is anticipated. Refer Note 13.
 - Additional income from Planning Permit fees and Property Enquiry fees income, \$0.230m more than adjusted budget which is set to be \$0.708m less than pre-COVID condition.
- **Building Services (BPI)** – is facing a higher market demand than anticipated, and \$0.793m of additional income is forecasted when comparing to the adjusted budget. The net result is \$0.030m lower than Pre-COVID expectations.

COVID-19 – Economic Support Package

- The adopted Council Plan 2017-2021 (Year 4) and Budget 2020/21 have addressed budgetary considerations to accommodate COVID-19 financial impacts, including a \$10.5m Economic Support Package. In the Package, ratepayers encountering financial hardship can defer rates payments until to 30 June 2021. Rates can also be waived up to \$500 in accordance with the Council adopted Hardship Policy. (Refer to the section of Rates Outstanding).
- On the 21 September 2020, the Council approved to continue supporting our community groups for a further 6-month period, commencing 1 October 2020 through to 31 March 2021. The relief includes fees for ground use, pavilion hire and utilities during this time.
- On the 14 December 2020, the Council approved to:
 - Pay the Special Rates and Charges business contribution for Q3 and Q4 of 2020/21.
 - Extend the Business Support Officer for an additional six months
 - Postpone the administration of penalty interest charged on all arrears and outstanding balances to 28 Feb 2021
 - Refer the Business Support Grants and the Rates Hardship Officer resource to the 2021/22 budget process
 - Continues to freeze the non-statutory fees and charges at 2019/20 prices until 30 June 2021
 - Defer Women in Business Lunch and the Best Biz Awards to 2021/22.
 - Allocate \$0.070m to seven neighbourhood houses for digital enablement projects.

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- Banyule through this package aims to achieve the best possible direct support to those in financial hardship within the municipality (Banyule's ratepayers, communities, and business owners). After assessing the number of rate waivers applications, it is projected the rate waiver will be adjusted by \$4.1m including the \$1.199m of funding reallocation. Therefore, the consumption of this year's package being modified to \$7.61m as the reflection of current status and best leverage of Council's financial resource.
- Based on the 14 December 2021 Council resolution, a total of \$1.199m additional funding is re-allocated within the 2020/21 Economic Support Package and reflected in the forecast as below:

Business units	Expenditure	Income	TOTAL
Culture & Heritage Development	(10,000)		(10,000)
Sports Pavilions	(51,057)		(51,057)
Maternal & Child Health	(347)	(833)	(1,180)
Community Groups/ Partnership	10,000	(120,398)	(110,398)
Finance and Procurement	(40,487)	(200,000)	(240,487)
Economic Development	(503,148)		(503,148)
Waste Management	(21,436)		(21,436)
Functions Centre		(111,506)	(111,506)
Leisure & Recreation Programs		(15,375)	(15,375)
Recreation Centres		(43,200)	(43,200)
Sports Pavilions		(87,690)	(87,690)
Early Childhood Services		(2,771)	(2,771)
Property Services		(950)	(950)
TOTAL	(616,475)	(582,723)	(1,199,198)

- As of 31 December, \$1.916m of the Economic Support Package has been funded, including both forgone income and expenses. The details are listed below.

Summary	YTD actual
Defer rates for ratepayers experiencing financial hardship up to 15 months	61,200
Refund street trader permits fees paid in advance for the April – June 2020 and waive the permits for 20/21 (whole year).	45,515
Provide rent relief 1st quarter 20/21	83,720
Provide additional funding for the special rates and charges scheme, 1st and 2nd quarter in 20/21	325,373
Waive fees, charges and rent 6 months from 1 July 20	193,980
A Business Concierge Officer for 12 months to assist new start-up businesses navigate the permit application and various approvals processes within Council	77,290
Business Support Grant package over four stages - \$460,000	268,721
Rediscover Local Initiative six-month campaign	32,974
Rates Hardship	764,308
Waiver of commercial bins on non-rateable fees	25,403
Banyule Support and Information Centre Inc (BANSIC)	10,000

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED
31 DECEMBER 2020 cont'd**

Summary	YTD actual
Diamond Valley Community Support (DVCS)	10,000
Additional resourcing in the Development (Statutory) Planning area to fast track major development permit applications	6,960
Building Connection and Celebrating Initiative	1,490
The establishment of a Business Investment Fund to allow Council to financially assist individual enterprises through the application process such as 50% contribution to planning fees for not-for-profits wishing to redevelop or relocate to Banyule	9,407
Total	1,916,342

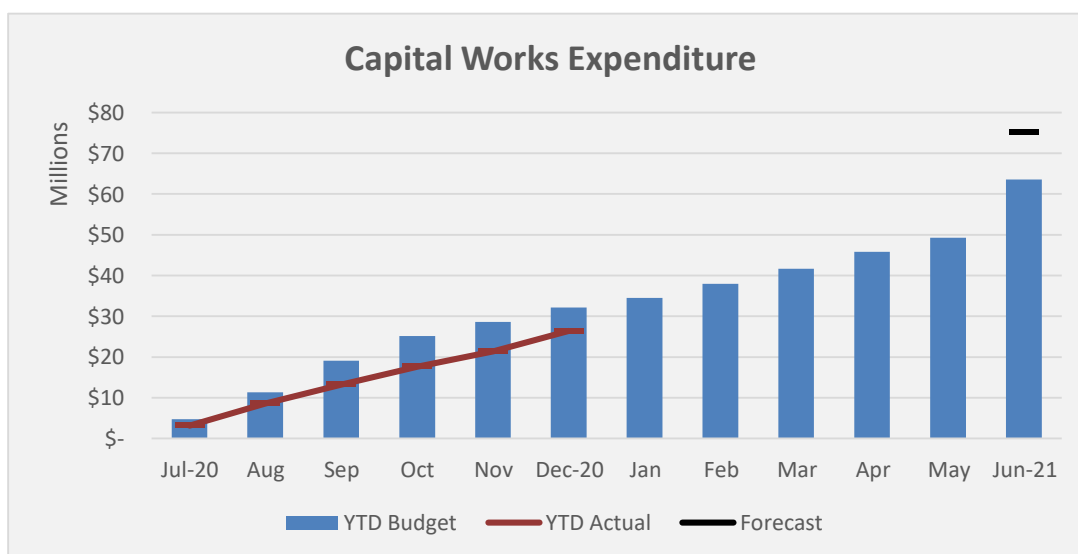
Capital Works expenditure

- As at 31 December 2020 a total of \$26.297m has been spent on capital works. The forecast for capital works expenditure is **\$75.337m** including \$9.352m of carry forwards projects from the previous financial year. The adopted 2020/21 capital budget is \$63.550m

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
Infrastructure						
Roads, streets and bridges	3,700	4,422	721	10,490	8,088	(2,402)
Drainage	142	490	348	1,279	1,649	370
Parks and gardens	5,352	3,287	(2,065)	9,448	7,177	(2,271)
Playgrounds	885	480	(405)	896	650	(246)
Total infrastructure	10,079	8,679	(1,401)	22,113	17,564	(4,549)
Property						
Freehold land	596	0	(596)	596	0	(596)
Freehold buildings	13,086	21,006	7,920	40,678	40,140	(538)
Total property	13,682	21,006	7,324	41,274	40,140	(1,134)
Plant and equipment						
Motor vehicles	2,080	1,528	(552)	7,398	2,971	(4,427)
Plant and equipment	279	350	71	1,067	740	(327)
Furniture and fittings	83	50	(33)	385	235	(150)
Total plant and equipment	2,442	1,928	(514)	8,850	3,946	(4,904)
Other assets						
Intangible assets	140	443	303	2,970	1,770	(1,200)
Art collection	11	50	39	130	130	0
Total capital works expenditure	26,354	32,106	5,751	75,337	63,550	(11,787)

QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd

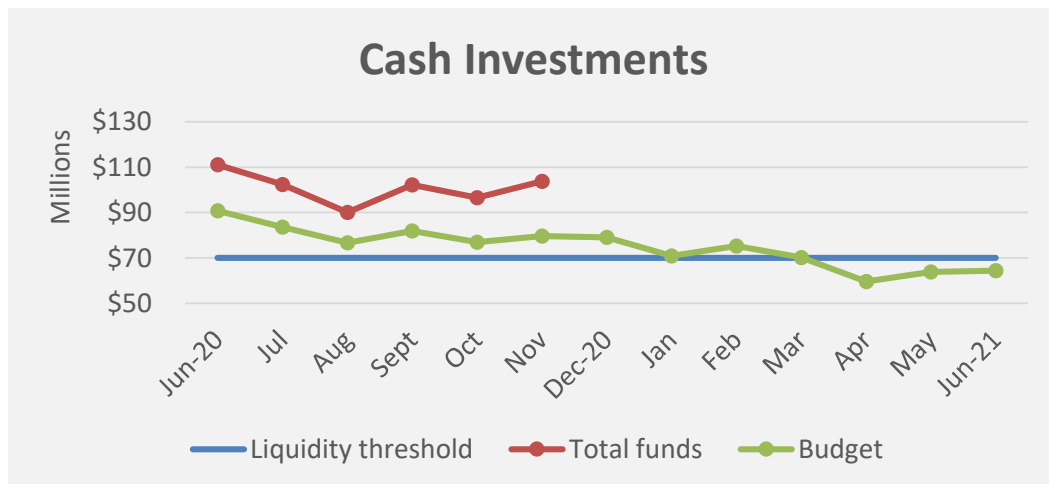
Significant project forecast variances to budget	\$ million
Vehicle & Plant Purchase	(4.363)
Information Technology Applications Digital Transformation	(1.200)
Renewal Streetscape Rosanna Village Precinct	(1.151)
Waterdale Road Pocket Parks & Shared Zone	(650)
Glenauburn Female Friendly Change Rooms	(597)
Purchase of 16 Palara Crescent, Montmorency	(590)
Total	(8.552)



Investment Activity

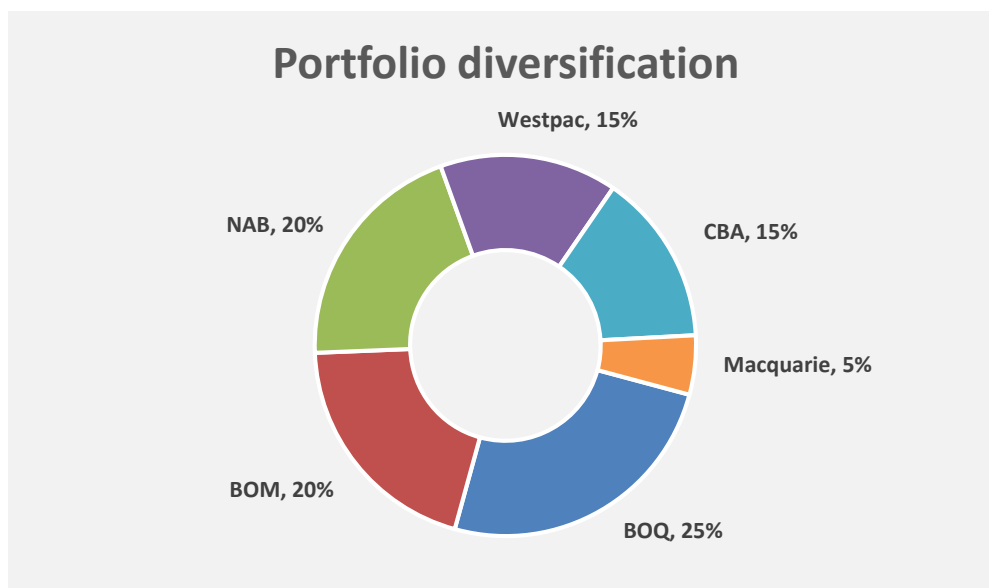
- The current short-term term deposit interest rates held by Council are in the range of 0.45% to 1.30%. The current weighted average return, 0.80%, is expected to decrease in the future as a reflection of the November 2020 RBA cash rate cuts by 0.15% to 0.10%.
- The linear gap between budget and actual cash balance depicted in the graph below is the result of a higher cash opening balance than budget projections as at 30 June 2020. Most of this variance comprises:
 - Allocated funds from 2019/20 carried over capital expenditure, initiative and unspent grants to 2020/21, and
 - A better rate collection result than predicated within the adopted budget under COVID-19 uncertainty.

QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd



Note: Liquidity threshold represents the liquidity position 2:1 to cover budgeted short-term liabilities for the year end 30 June 2021.

- The duration of the term deposits range between 6 to 12 months. Banyule City Council aim to spread maturities throughout the year to match cash outflows. Income from rates will supplement other inflows from which to pay staff salaries and supplier invoices during the year.
- Rate instalment payment dates are in September, December, February & May. The usual trend of higher cash receipts in these months has been varied as DHHS paid their rates in full on September and ratepayers, via a hardship application, have the option to defer payment without penalty until 30 June 2020.
- All cash investments are directly invested by Council in Australian financial institutions in accordance with our investment policy, using the Standard & Poors (S&P) short term credit rating.
- The portfolio diversification of investments is outlined in the chart below:



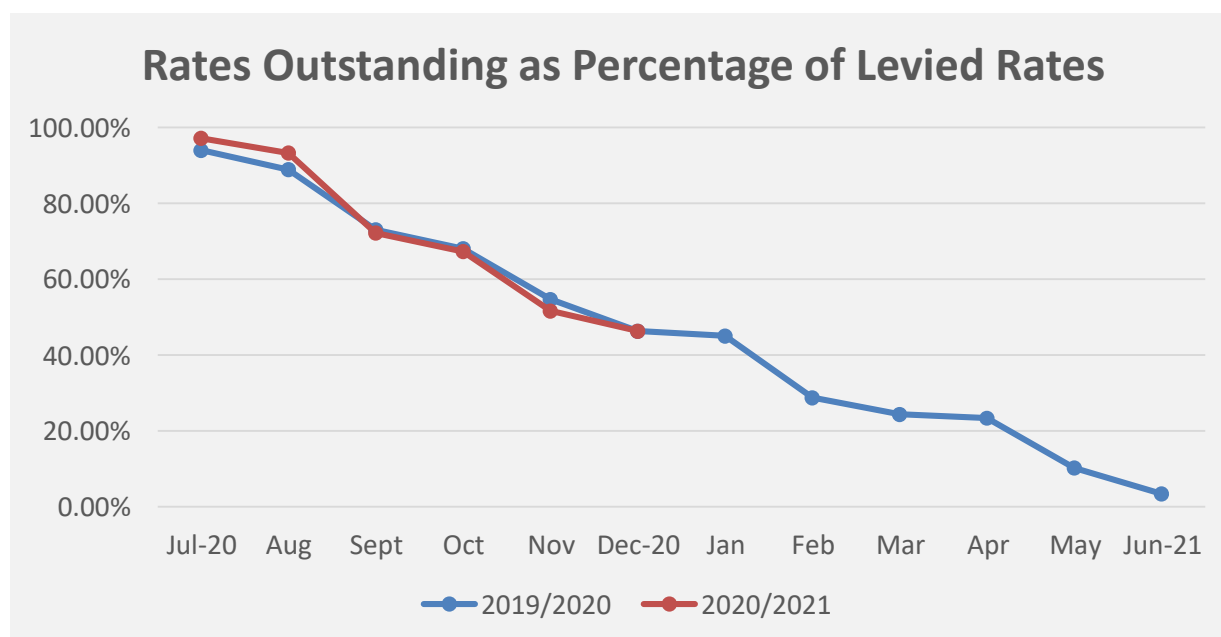
QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd

S&P rating	Banks	Investment portfolio	Maximum % holding in a single Financial Institution	Maximum % holding in a single credit rating level
A 1 +	CBA	15%	50%	
	NAB	20%	50%	
	BOM	20%	50%	
	Westpac	15%	50%	
Total A1+		70%		100%
A 1	Macquarie	5%	50%	
Total A1		5%		100%
A 2	BOQ	25%	30%	
Total A 2		25%		50%

- The table above supports Council investments and follows Council’s current investment policy.
- A new investment strategy is currently being developed to aid Council to achieve better investment outcomes under this low-rate financial environment.

Rates Outstanding

- For the 2020/21 financial year, Banyule City Council has levied in total \$108.14m in rates revenue (includes waste charges from the schedule of fees and charges and excludes the fire services property levy and the provision for rate waivers of \$7.343m).
- The total outstanding balance as at 31 December 2020 is \$54.114m, 51.64% (54.65% December 2019) of the current year levied rate income is outstanding. The impact from COVID is not as significant as initially anticipated.

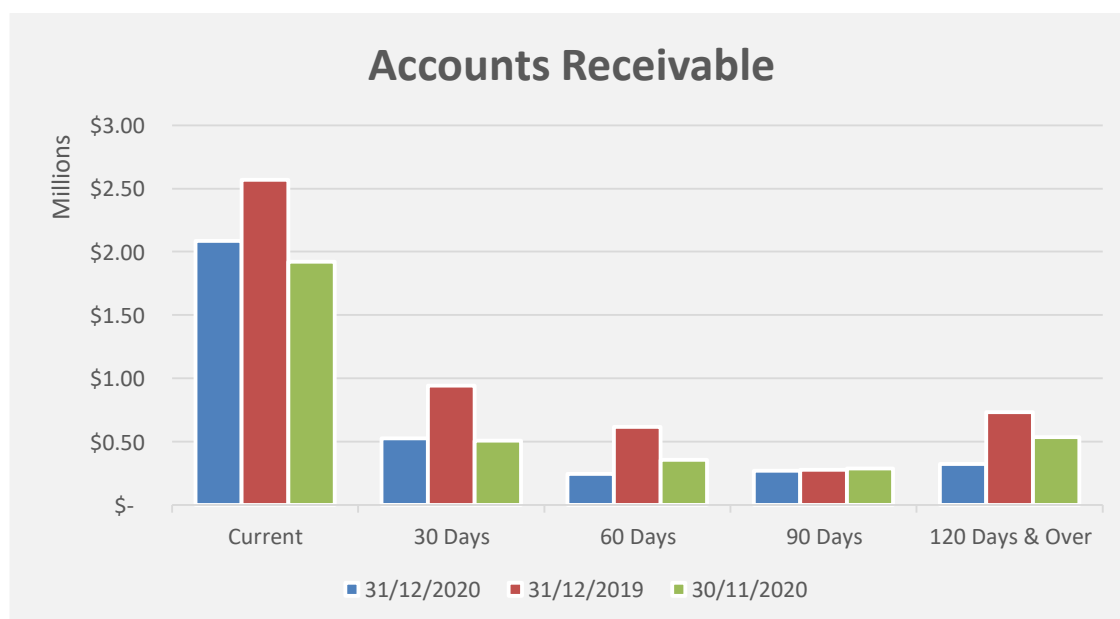


QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd

- The rates outstanding percentage after the December instalment is slightly lower to last year. DHHS paid their rates in full at the start of the year, rather than in instalments, thereby offsetting the immediate financial impact of the hardship rate deferrals.
- Council endorsed the waiver of a proportion of 2020/21 general rates due to COVID-19 financial hardship. Ratepayers and Businesses are eligible to a partial-waiver between \$250 and \$500 for the 2020/21 rate year and/or a payment deferral up to 15 months, ending on 30 June 2021.
- As of 31 December 2020, \$2.894m rates have been deferred and \$0.764m rates had been waived as part of Council's COVID-19 support packaged. Although a set of principles have been adopted to streamline the rate wavier approval process, additional time has been required to assess applications (e.g. incomplete data being provided by the applicant).
- In July 2020/21, many supplementary rates were processed increasing the year to date amount levied. Later in the year, it is anticipated that North East Link Authority will compulsorily acquire several properties. These properties will become non-rateable and will partially offset the initial levied rates revenue.
- Penalty interest has not been charged on arrears and overdue rates since 10 March 2020. Council has resolved to charge interest after 28 February 2021 (and from the last date interest was charged) which will allow those in financial hardship more time to apply for a deferral.

Accounts Receivable

- The accounts receivable function of Council raises revenue and collects payments for Children's centres, Aged & Disability services, Health Department, Leisure bookings, Banyule BPI and sundry accounts. (This function does not include revenue for the Planning Department, Animal Registrations and Parking Infringements as these are currently decentralised).



QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED 31 DECEMBER 2020 cont'd

- As at 31 December 2020, the total outstanding debtors balance was \$3.447m (November 2020: \$3.609m).
- Several debtor invoices for 2020/21 have been waived and/or refunded as part of the Economic Support Package limiting the ability to compare prior year trends in the current and 30 days outstanding category. In addition, Council officers will not be actively chasing outstanding debt, whilst there are high levels of COVID-19 financial support required throughout the community.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 97 of the Local Government Act 2020 requires a quarterly budget report to Council as soon as practical after the end of each quarter. A quarterly budget report must include a comparison of the actual and budgeted results to date, an explanation of any material variations, any other matters prescribed by the regulations.

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

- This Quarterly Financial Management Report is for the period ended 31 December 2020 and provides assessment of the following:
 - key income and expenditure actual operating results against budget
 - capital Works financial performance
 - COVID-19 financial impact
 - other key financial indicators
- The economic disruption caused by COVID-19 is anticipated to have had an additional \$0.901m net financial cost impact on Council's businesses than anticipated in the adopted budget and continued uncertainty with COVID-19 restrictions and the flow on financial impacts will continue to impact on the forecast.
- The Economic Support Package has had a significant impact on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing.

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.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED
31 DECEMBER 2020 cont'd**

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

FINANCIAL STATEMENTS

Table 4 - Balance Sheet

	2020/21 31-Dec-20 \$'000	2020/21 30-Nov-20 \$'000
Assets		
Current assets		
Cash and cash equivalents	11,518*	15,769
Trade and other receivables	60,577	66,522
Other financial assets	88,000*	88,000
Inventories	37	37
Assets held for sale	2,650	2,650
Other assets	1,633	1,633
Total current assets	164,415	174,611
Non-current assets		
Trade and other receivables	215	215
Investments in associates and joint ventures	3,187	3,187
Property, infrastructure, plant and equipment	1,675,429	1,672,337
Right-of-use assets	1,542	1,542
Intangible assets	785	809
Investment Property	33,034	33,034
Total non-current assets	1,714,192	1,711,124
Total assets	1,878,607	1,885,735
Liabilities		
Current liabilities		
Trade and other payables	8,662	9,221
Provisions	16,097	16,008
Interest-bearing loans and borrowings	1,624	1,626
Trust funds and deposits	3,510	3,510
Lease Liabilities	478	478
Unearned Income	2,574	2,574
Total current liabilities	32,945	33,417
Non-current liabilities		
Provisions	1,379	1,379
Interest-bearing loans and borrowings	30,301	30,437
Trust funds and deposits	1,007	1,007
Lease Liabilities	1,105	1,105
Total non-current liabilities	33,792	33,928
Total liabilities	66,737	67,345
Net assets	1,811,870	1,818,390
Equity		
Accumulated surplus	568,340	574,860
Reserves	1,243,530	1,243,530
Total equity	1,811,870	1,818,390

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED
31 DECEMBER 2020 cont'd**

* The balance of 'cash and cash equivalents' and 'other financial assets' is \$99.52m (December 2019: \$124.66m).

FINANCIAL STATEMENTS

Table 5 - Statement of Cash Flows

	2020/21 31-Dec-20 \$'000	2020/21 30-Nov-20 \$'000
	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities		
Receipts:		
Rates and charges	56,876	50,708
Grants - operating	7,849	5,839
Grants - capital	1,099	779
Statutory fees and fines	2,480	1,929
User fees and charges	7,933	7,267
Contributions - monetary	3,032	2,425
Interest received	871	823
Rental income	1,020	819
Other receipts	912	820
Payments:		
Employee costs	(31,745)	(26,332)
Materials and services	(26,814)	(23,251)
Utility charges	(1,680)	(1,318)
Other payments	(4,795)	(4,583)
Net cash provided by operating activities	17,038	15,925
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(26,352)	(21,345)
Proceeds from sale of property, plant and equipment	202	181
Net (purchases)/redemption of financial assets	9,000	9,000
Net cash (used in) investing activities	(17,150)	(12,164)
Cash flows from financing activities		
Borrowing costs - interest	(1,194)	(1,004)
Repayment of borrowings	(814)	(676)
Interest paid - lease liabilities	(48)	(38)
Repayment of lease liabilities	(240)	(200)
Net cash (used in) financing activities	(2,296)	(1,918)
Net increase/(decrease) in cash and cash equivalents	(2,408)	1,843
Cash and cash equivalents at the beginning of the financial year	13,926	13,926
Cash and cash equivalents at the end of the month	11,518	15,769

**QUARTERLY FINANCIAL MANAGEMENT REPORT - FOR THE PERIOD ENDED
31 DECEMBER 2020 cont'd**

CONCLUSION

- Banyule City Council has forecast to deliver an operating surplus of \$3.837m against the adopted budget of \$1.351m in deficit for the year ended 30 June 2021.
- The underlying operating deficit is forecast to be \$8.236m compared to a budgeted underlying deficit result of \$8.444m. This underlying result is after adjusting for non-recurrent capital grants and capital contributions of \$12.073m.
- This year Council has forecast for a net cost impact of \$0.901m directly from COVID-19 restrictions and has forecasted down the Banyule Economic Support Package to \$7.61 of which \$1.199m has been expended as at 30 June 2020.

ATTACHMENTS

Nil

7.3 AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES

Author: David Walczak - Fleet Co-ordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. MAV ST20092 – Provision of Trucks and Specialised Truck Bodies.
2. Council previously approved the use of Municipal Association of Victoria (MAV) Procurement, National Procurement (NPN) contracts, Procurement Australia (PA) and State Government Contracts. These contracts provide benefits of collective purchasing and to improve efficiency in the procurement process of Council's Fleet.
3. In accordance with Section 186 of the *Local Government Act 1989*, Council opted into Contract NPN1.15 for the Provision of Trucks & Specialised Bodies via MAV, which expired in September 2020.
4. These services have now been renewed through a new public tender process undertaken by LGA Procurement (South Australia) (LGAP) and MAV to establish a Panel of Prequalified Suppliers under a Standing Offer Deed.
5. This Panel of Prequalified Suppliers will provide Council with the ability to purchase plant and fleet items, at the most cost-effective price ensuring that Council's operational expenses are minimised.
6. This Standing Offer Deed has been established for a period of 5 years commencing 01 October 2020 and ending 30 September 2025, with 2 optional extension periods of 12 months each.

RECOMMENDATION

That Council:

1. Award Contract No. MAV ST20092 for the use of the Trucks and Specialised Bodies Panel of Prequalified Suppliers to purchase Council's Truck and Truck Bodies for an initial contract term of 55 months ending 30 September 2025 with 2 optional extension periods of 12 months each.
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 55-month contract term and extension periods.

AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES cont'd

COUNCIL PLAN

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

TENDER DETAILS

Contract Period	Initial Contract Term of 5 Years, with 2 optional extension periods of 12 months each
Contract Type	Goods (Truck and Truck Bodies)
Advertising Period	8 July 2020 in the Age
Tenders Closed	04 August 2020
No. of tender documents downloaded	27 Tenders received
MAV/NPN Tender Evaluation Panel	Procurement Specialist – LGA Procurement South Australia (SA) Senior Contracts Manager – MAV Victoria Operations Manager – LGA Procurement SA Fleet Coordinator – Greater Shepparton City Council
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Company Details • Organisation Capabilities • Corporate Responsibility • Register of Regional Representation • Completed Price Schedule • Completed Category/Subcategory Schedule
Other Background	<ul style="list-style-type: none"> • LGAP and MAV Procurement on behalf of councils in South Australia and Victoria, issued a Request for Tender (RFT) for the Provision of Provision of Trucks & Specialised Bodies • The scope of goods and services include: <ul style="list-style-type: none"> ○ Category 1 – Truck Bodies – New ○ Category 2 – EV Rigid Trucks and EV Truck conversions and associated Spare Parts, Equipment & Accessories ○ Category 3 – Refuse Compactor Truck Vehicles ○ Category 4 – Street Sweepers And Cleaning Vehicles ○ Category 5 – Road Maintenance Units ○ Category 6 – Trailers- General And Custom/Specialised Equipment ○ Category 7 – Light Commercial (Utility) Bodies

AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES cont'd

	<ul style="list-style-type: none">○ Category 8 – Truck/Trailer Mounted Elevated Work Platforms○ Category 9 – Truck/Trailer Mounted Cranes○ Category 10 – Commercial Van Fit-Outs○ Category 11 – Wheelchair Conversion To Vehicles○ Category 12 – Mobile Libraries○ Category 13 – Construction Site Caravans○ Category 14 – Other Vehicle Conversions and Accessories● The ability to purchase plant and fleet items and at the most cost-effective price and process is critical in ensuring that Council's operational expenses are minimised.● Council will utilise this contract to purchase commercial trucks and truck bodies to keep its fleet running to support Council functions across the municipality.● The Panel of Prequalified Suppliers is accessible by Council via the MAV Vendor Panel Portal.● Purchases of trucks will be made via the issue of requests for quote (RFQs) to the Panel of Prequalified Suppliers through the Vendor Panel Portal.
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TENDER/QUOTATION EVALUATION

- The MAV/NPN undertook the following tender evaluation process:
 - Conducted a thorough tender evaluation process, including initial compliance check, qualitative assessment, criteria assessment and pricing assessment to determine an overall value proposition.
 - Post the evaluation of the tenders, the MAV/NPN Tender Evaluation Panel recommended that the following twenty-six (26) tenders be accepted and be issued with a Standing Offer Deed for execution:
 - Altec Australia Holdings Pty Ltd
 - Ausroad Systems Pty Ltd
 - Brak Pty Ltd trading as Sweepers N Scrubbers
 - Bucher Municipal Pty Ltd
 - CAPEM Pty Ltd trading as North East Isuzu
 - Conquest Equipment Technologies Pty Ltd
 - DCS Manufacturing Pty Ltd

AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES cont'd

- Garwood International Pty Ltd
- GMJ Equipment Pty Ltd
- HiDrive Group Pty Ltd
- HSR Southern Cross Pty Ltd
- KOR Equipment Solutions Pty Ltd
- Metalcraft (SA) Pty Ltd trading as Bott Storage Systems (Bott)
- Mike Trace Engineering Sales and Services Pty Ltd trading as Mike Trace Engineering
- Quik Corp Pty Ltd trading as Quik Corp Pty Ltd (Victorian Branch)
- Rapid Spray Pty Ltd
- Riviera Discretionary Trust trading as Australian General Engineering
- Rosmech Sales & Services Pty Ltd
- RXI Group Pty Ltd
- Service Body Manufacturing Australia Pty Ltd trading as CSM Service Bodies
- Superior Pak Pty Ltd
- The Trustee for Bellivan Unit Trust trading as Bell Environmental
- The Trustee for D G W Family Trust trading as Allquip Water Trucks
- The Trustee for The James Copping Family trust trading as AJ Stock
- The Trustee for Work Structures Unit trading as Work Caravans
- Wastech Engineering Pty Ltd.

Non-Conforming Tender

- One tender was deemed non-conforming as the product range tendered did not conform with any of the requirements of the specification provided and was not considered further in the evaluation process.

Council Fleet Requirements

- Council will utilise this contract to purchase commercial trucks and truck bodies to keep its fleet running to support Council functions across the municipality.
- The ability to purchase plant and fleet items and at the most cost-effective price and process is critical in ensuring that Council's operational expenses are minimised.
- The Panel of Prequalified Suppliers is accessible by Council via the MAV Vendor Panel Portal.
- Purchases of trucks will be made via the issue of requests for quote (RFQs) to the full Panel of Prequalified Suppliers, through the Vendor Panel Portal.

AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* 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 \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The purchase of trucks and trucks bodies will be funded through Councils Fleet Capital and Operating Budgets.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council 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.

AWARD OF CONTRACT NO. MAV ST20092 - PROVISION OF TRUCKS AND SPECIALISED BODIES cont'd

Officer Declaration of Conflict of Interest

- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	MAV ST20092 - Provision of Specialised Truck Bodies - Tender Evaluation Matrix Summary - CONFIDENTIAL	

7.4 AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE CONSULTANCY SERVICES

Author: Sonali Cordeiro - Procurement Coordinator, Corporate Services

SUMMARY

- This report is to consider the awarding of Contract No. 1062-2020 – People and Culture Consultancy Services Panel.
- The Tender Evaluation Panel (TEP) has recommended awarding the contract to 14 tenderers across 8 categories in accordance with the tender and conditions as determined by Council.
- Tenders were received from 33 companies for the following Consultancy Services categories:
 - Organisational Capabilities
 - Organisation Performance
 - Cultural Wellbeing
 - Employment Lifecycle
 - Cultural Change Initiatives
 - Change Management
 - Workplace Investigation and Mediation
 - Outplacement Services
- The contract will commence 15 February 2021. The Initial Contract Term shall be for a maximum initial period of 2 years with the option to extend for further periods of any duration up to a maximum extension period of 2 years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1062-2020 – Panel of People and Culture Consultancy Services, for a period of 2 years with the option to extend for further periods of any duration up to a maximum extension period of 2 years, to:
 - a. Category A- Organisational Capabilities
 - Ernst & Young
 - Deloitte
 - Career Steer
 - Institute of Management
 - KPMG

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

- b. Category B - Organisational Capabilities
 - Ernst & Young
 - Deloitte
 - Career Steer
 - KPMG
 - PwC Consulting (Australia)

- c. Category C - Cultural Wellbeing
 - Ernst & Young
 - Deloitte
 - Career Steer
 - KPMG
 - PwC Consulting (Australia)

- d. Category D - Employment Lifecycle
 - Ernst & Young
 - Deloitte
 - Career Steer
 - KPMG
 - PwC Consulting (Australia)

- e. Category E - Cultural Change Initiatives
 - Ernst & Young
 - Deloitte
 - PeoplePulse
 - Insync
 - Career Steer

- f. Category F - Change Management
 - Ernst & Young
 - Deloitte
 - Career Steer
 - Institute of Management
 - KPMG

- g. Category G - Workplace Investigation & Mediation
 - Career Steer
 - SUREFACT
 - WISE Workplace
 - KPMG
 - Reddin Group

- h. Category H – Outplacement Services
 - Career Steer
 - Reddin Group
 - D'Accord OAS
 - Chandler Macleod
 - Davidson HR Consulting

AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE CONSULTANCY SERVICES cont'd

2. Authorise the Director of Corporate Services to sign the contract and any other associated documents.
3. Authorise the Director of Corporate Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 2-year contract term and extension periods.

COUNCIL PLAN

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

TENDER DETAILS

Contract Period	Initial period of 2 years with the option to extend for further periods of any duration up to a maximum extension period of 2 years.
Contract Type	Service
Advertising Period	25/07/2020 to 19/08/2020 in the Age
Tenders Closed	19/08/2020
Works/Project	N/A
No. of tender documents downloaded	81
Tender Evaluation Panel	<ul style="list-style-type: none"> • Organisational Development Coordinator • Senior People and Culture Business Partner • People and Culture Consultant • Senior People and Culture Business Partner
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered price; • Qualifications and experience of Tenderer to provide the Goods and/or Services and/or Works; • Previous experience in the provision of similar Goods and/or Services and/or Works, including referee feedback; • Capacity and capability of the Tenderer to provide the Goods and/or Services and/or Works; • Previous performance, experience and reliability in the provision of similar types of projects, and previous performance in delivery of contracts or purchase orders directly with Banyule City Council; • Existence of an accredited management system and procedures covering Quality & OH&S performance;

AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE CONSULTANCY SERVICES cont'd

	<ul style="list-style-type: none"> • Demonstration of Social, Economic and Environmental Sustainability; and • Any other information which the Council may deem to be relevant
Other Background	<p>Tenders were sought for consultancy services in the following categories and activity areas:</p> <p>Category A: Organisational Capabilities</p> <ul style="list-style-type: none"> • Leadership capability • Leadership coaching, team building, collaboration • Capability frameworks • Workforce planning • Building capability frameworks to support business directions • Diversity and Inclusion framework • Policy development <p>Category B: Organisation Performance Conduct:</p> <ul style="list-style-type: none"> • Performance Evaluation • Strategic planning and policy development • Psychometric tools • Audit of Compliance / Legislation • Personality profiling • Data analysis and profiling <p>Category C: Cultural Wellbeing</p> <ul style="list-style-type: none"> • Development of Wellbeing strategies and direction, tools, education, team building, coaching, mentoring <p>Category D: Employment Lifecycle</p> <ul style="list-style-type: none"> • Process Improvement - Recruitment / Onboarding / Induction / Exit • Psychometric tools for recruitment, professional development and broader organisational assessments. <p>Category E: Cultural Change Initiatives</p> <ul style="list-style-type: none"> • Culture and engagement diagnostic tools

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

	<ul style="list-style-type: none">• Culture development programs in line with the corporate values and strategic directions of the business.• Review alignment of the organisation to the strategic directions of the organisation• Organisational climate, health and pulse checks <p>Category F: Change Management</p> <ul style="list-style-type: none">• Organisational design principles• Based on best practice methodology, planning and implementation of change management <p>Category G: Workplace Investigations and Mediation</p> <ul style="list-style-type: none">• Dealing with employment matters / conflict / performance management / Fraud and Corruption / Conflict of Interest• Mediation• Redundancy and termination of employment• Coaching / Mentoring <p>Category H: Outplacement Services</p> <ul style="list-style-type: none">• For all redundancy matters - training / coaching / mentoring / interview skills / resumes etc
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TENDER/QUOTATION EVALUATION

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

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

The weighted score for the tender was:

Table 1 – Tenders received and weighted scores		
Category A - Organisational Capabilities	Weighted Score	Recommended
Ernst & Young	88.83	Yes
Deloitte	86.83	Yes
Career Steer	83.33	Yes
Institute of Management	82.67	Yes
KPMG	81.58	Yes
Tenderer AA	78.75	No
Tenderer I	77.74	No
Tenderer E	75.52	No
Tenderer J	73.50	No
Tenderer W	73.36	No
Tenderer X	72.43	No
Tenderer S	69.33	No
Tenderer M	69.17	No
Tenderer Z	68.19	No
Tenderer AB	67.95	No
Tenderer P	67.83	No
Tenderer A	67.21	No
Tenderer G	65.33	No
Tenderer D	64.00	No
Tenderer Y	63.95	No
Tenderer R	57.67	No
Tenderer AE	57.26	No
Tenderer AG	50.50	No
Tenderer AC	40.83	No
Category B - Organisational Capabilities	Weighted Score	Recommended
Ernst & Young	88.83	Yes
Deloitte	86.83	Yes
Career Steer	83.33	Yes
KPMG	81.58	Yes
PwC Consulting (Australia)	78.75	Yes
Tenderer I	77.74	No
Tenderer E	75.52	No

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

Tenderer H	75.00	No
Tenderer J	73.50	No
Tenderer S	69.33	No
Tenderer Z	68.19	No
Tenderer AB	67.95	No
Tenderer P	67.83	No
Tenderer G	65.33	No
Tenderer Y	63.95	No
Tenderer AE	57.26	No
Tenderer AG	50.50	No
Category C - Cultural Wellbeing	Weighted Score	Recommended
Ernst & Young	87.17	Yes
Deloitte	85.25	Yes
Career Steer	81.83	Yes
KPMG	80.41	Yes
PwC Consulting (Australia)	77.50	Yes
Tenderer I	76.67	No
Tenderer E	74.48	No
Tenderer J	72.50	No
Tenderer W	72.27	No
Tenderer M	68.17	No
Tenderer S	68.13	No
Tenderer AB	67.00	No
Tenderer P	66.63	No
Tenderer A	66.50	No
Tenderer H	66.33	No
Tenderer AF	64.17	No
Tenderer D	63.00	No
Tenderer Y	60.64	No
Tenderer AE	56.73	No
Tenderer AG	49.30	No
Tenderer AC	39.83	No
Category D - Employment Lifecycle	Weighted Score	Recommended
Ernst & Young	88.83	Yes
Deloitte	86.83	Yes

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

Career Steer	83.33	Yes
KPMG	81.58	Yes
PwC Consulting (Australia)	78.75	Yes
Tenderer I	77.74	No
Tenderer E	75.52	No
Tenderer J	73.50	No
Tenderer W	73.36	No
Tenderer Q	69.86	No
Tenderer S	69.33	No
Tenderer Z	68.19	No
Tenderer AB	67.95	No
Tenderer P	67.83	No
Tenderer G	65.33	No
Tenderer Y	63.95	No
Tenderer AE	57.26	No
Category E - Cultural Change Initiatives	Weighted Score	Recommended
Ernst & Young	87.17	Yes
Deloitte	85.25	Yes
PeoplePulse	82.27	Yes
Insync	81.94	Yes
Career Steer	81.83	Yes
Tenderer U	80.41	No
Tenderer V	80.09	No
Tenderer AA	77.50	No
Tenderer I	76.67	No
Tenderer E	74.48	No
Tenderer J	72.50	No
Tenderer W	72.27	No
Tenderer S	68.13	No
Tenderer Z	67.33	No
Tenderer AB	67.00	No
Tenderer P	66.63	No
Tenderer AF	64.17	No
Tenderer G	63.33	No
Tenderer Y	58.77	No
Tenderer AE	56.73	No

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

Tenderer AG	49.30	No
Tenderer AC	39.83	No
Category F - Change Management	Weighted Score	Recommended
Ernst & Young	88.83	Yes
Deloitte	86.83	Yes
Career Steer	83.33	Yes
Institute of Management	82.67	Yes
KPMG	81.58	Yes
Tenderer AA	78.75	No
Tenderer I	77.74	No
Tenderer E	75.52	No
Tenderer W	73.36	No
Tenderer S	69.33	No
Tenderer G	65.33	No
Tenderer Y	59.86	No
Tenderer AE	57.26	No
Tenderer AG	50.50	No
Category G - Workplace Investigation & Mediation	Weighted Score	Recommended
Career Steer	87.08	Yes
SUREFACT	86.83	Yes
WISE Workplace	84.86	Yes
KPMG	84.51	Yes
Reddin Group	80.42	Yes
Tenderer H	76.44	No
Tenderer M	71.67	No
Tenderer Z	70.33	No
Tenderer K	68.50	No
Tenderer Y	62.25	No
Tenderer P	60.33	No
Tenderer AE	58.58	No
Tenderer AG	53.50	No
Category H - Outplacement Services	Weighted Score	Recommended
Career Steer	83.33	Yes
Reddin Group	77.74	Yes
Chandler Macleod	75.52	Yes

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

D'Accord OAS	75.00	Yes
Davidson HR Consulting	73.50	Yes
Tenderer Q	69.86	No
Tenderer AB	67.95	No
Tenderer G	65.33	No
Tenderer Y	64.93	No
Tenderer D	64.00	No
Tenderer P	58.83	No

- Based on future projects and necessity for services, the tender evaluation panel agreed that the top 5 tenderers in all Categories be recommended to be appointed to the Panel of Consultants.
- The top 5 tenderers who obtained the highest score and will deliver best value for money to Council.
- Clarifications were sought from some tenderers regarding departures from contract conditions, legal advice was also sought prior to acceptance or modification of any conditions.
- Reference checks were not undertaken as recommended tenderers were either incumbent from the previous Management Consultancy Panel Contract or were engaged previously as Consultants on past Council projects.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* 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 \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new *Local Government Act 2020* provisions taking effect on 1 July 2020).

Human Rights Charter

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

Sustainable Procurement Outcomes

- The tendered responses were evaluated based on the demonstration of commitment to sustainable procurement outcomes.

AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE CONSULTANCY SERVICES cont'd

- The sustainable procurement commitment demonstrated included:
 - **Environmental Sustainability** - Public reporting on GHG emissions and commitment climate action. One tenderer
 - **Social Sustainability** - Supporting industry apprenticeship schemes and employment of disadvantaged people. Indigenous commitment with 1 tenderer certified with Kinaway (Vic) & Supply Nation (Nationally) and 1 tenderer with Supply Nation membership underway.

Financial Implications

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

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council 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 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.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

**AWARD OF CONTRACT NO. 1062-2020 - PANEL OF PEOPLE AND CULTURE
CONSULTANCY SERVICES cont'd**

ATTACHMENTS

No.	Title	Page
1	1062-2020 - Provision of People and Culture Consultancy Services - Tender Evaluation Matrix - CONFIDENTIAL	

7.5 AWARD OF CONTRACT NO. 1086-2020 - TREE PLANTING & ESTABLISHMENT SERVICES

Author: Ben De Klepper - Arborist - Urban Tree Establishment & Planning

SUMMARY

1. This report is to consider the awarding of Contract No. 1086-2020 – Tree Planting & Establishment Services.
2. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Ace Landscape Services Pty Ltd and Steven's Specialist Tree Service Pty Ltd in accordance with the tender and conditions as determined by Council.
3. The contract will commence when the contract is executed by both parties. The Initial Contract Term shall be for a maximum initial period of two (2) years with the option to extend for further periods of any duration up to a maximum period of six (6) years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1086-2020- Tree Planting and Establishment Services to an Established Panel consisting of Ace Landscape Services Pty Ltd and Steven's Specialist Tree Service be for an initial period of two (2) years with options to extend for a maximum period of six (6) years.
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets & City Service to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and subsequent extension periods.

COUNCIL PLAN

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

AWARD OF CONTRACT NO. 1086-2020 - TREE PLANTING & ESTABLISHMENT SERVICES cont'd

TENDER DETAILS

Contract Period	Initially a two (2) year period with potential for two (2) extension periods of two (2) years each.
Contract Type	Service
Advertising Period	Saturday 17 October 2020 to 11 November 2020 in the Age
Tenders Closed	11 November 2020
Works/Project	This contract is to support Council's annual tree planting program. On average Council plants 2,500 advanced trees per year, this contract is for the planting of these trees and the maintenance of these trees to ensure successful establishment.
No. of tender documents downloaded	Twenty-four (24)
Tender Evaluation Panel	Procurement Contract Officer, Acting Tree Care Coordinator, Landscape Architect and Asset Team Leader.
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications;• Local and social sustainability, including economic and environmental; and• Existence of Accredited Management Systems and procedures Quality & OH& S; and

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.

AWARD OF CONTRACT NO. 1086-2020 - TREE PLANTING & ESTABLISHMENT SERVICES cont'd

- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. Following is the final score of the contractors:

Contractor	Weighted Scores
Ace Landscape Services Pty Ltd	87%
Tenderer B	60.38%
Tenderer C	66.42%
Steven's Specialist Tree Service Pty Ltd	71.97%
Tenderer E	56.04%

- It is evident from the above weighted scores that Ace Landscape Services Pty Ltd and Steven's Specialist Tree Service Pty Ltd have obtained the highest scores and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* 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 \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- Council has an ongoing allocating in its operational and capital budget for the provision of Tree Planting and Establishment services. The estimated spend over the period of the six years is approximately \$1.5M.

Additional information

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

AWARD OF CONTRACT NO. 1086-2020 - TREE PLANTING & ESTABLISHMENT SERVICES cont'd

Section 77(2)(c) of the *Local Government Act 1989* and Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council 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 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.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	Confidential 1086 - 2020 Tree Planting & Establishment Matrix for council report - CONFIDENTIAL	

7.6 AWARD OF CONTRACT NO. 1091-2020 - CONSTRUCTION OF NEW CHANGEROOMS AT YULONG RESERVE AND PAVILION UPGRADE WORKS

Author: Matthew Theuma - Project Engineer, Assets & City Services

Ward: Bakewell

SUMMARY

1. This report is to consider the awarding of Contract No. 1091-2020 - Construction of New Changerooms at Yulong Reserve and Pavilion Upgrade Works.
2. As part of the 2020/21 financial year Capital Works program, Council is proposing to renovate the existing Yulong Pavilion, demolish the scoreboard building and construction a new changerroom building to meet current Female Friendly guidelines. The works generally comprise of amenity improvements to deliver a more gender equitable and inclusive environment to accommodate the growing demand for female participation in sport. Historically, sporting facilities have been designed primarily to meet the needs of male participants
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Ausbuild Constructions in accordance with the tender and conditions as determined by Council.
4. Tenders were received from Eleven (11) companies.

RECOMMENDATION

That Council:

1. Award Contract No. 1091-2020 - Construction of New Changerooms at Yulong Reserve and Pavilion Upgrade Works to Ausbuild Constructions for \$539,659.00 (ex. G.S.T).
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.

COUNCIL PLAN

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

AWARD OF CONTRACT NO. 1091-2020 - CONSTRUCTION OF NEW CHANGEROOMS AT YULONG RESERVE AND PAVILION UPGRADE WORKS cont'd

TENDER DETAILS

Contract Period	March 2021 to December 2021
Contract Type	Lump Sum
Advertising Period	Saturday 14 November 2020 to Wednesday 9 December 2020 in the Age
Tenders Closed	Wednesday 9 December 2020
Works/Project	As part of the 2020/21 financial year Capital Works program, Council is proposing to renovate the existing Yulong Pavilion, demolish the scoreboard building and construct a new changeroom building to meet current Female Friendly guidelines. The works generally comprise of amenity improvements to deliver a more gender equitable and inclusive environment to accommodate the growing demand for female participation in sport. Historically, sporting facilities have been designed primarily to meet the needs of male participants.
No. of tender documents downloaded	Twenty-eight (28)
Tender Evaluation Panel	<ul style="list-style-type: none"> • Capital Works Officer • Capital Works Officer • Capital Works Officer • Procurement Officer
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tender Price • Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable); • Qualifications and experience of nominated staff including experience of nominated sub-contractors; • Existence of an accredited management system and procedures; covering quality and OH&S; • Sustainable Procurement Questionnaire; • Any other information which the Council may deem to be relevant.

AWARD OF CONTRACT NO. 1091-2020 - CONSTRUCTION OF NEW CHANGEROOMS AT YULONG RESERVE AND PAVILION UPGRADE WORKS cont'd

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- During the initial opening of tenders, and with regards to budget and the agreed weightings the TEP agreed that only the four (4) lowest priced submissions would be put forward for further consideration. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.
- Two other tenders were non-conforming tenders and were not assessed.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- Following the evaluation, the final scores of the preferred contractors are shown below:

Contractor	Weighted Scores
Ausbuild Constructions	83.67
Tenderer B	81.46
Tenderer C	79.87
Tenderer D	76.48

- Based on the above scores, lowest price, positive reference checks and that they have satisfactorily completed works for council, the TEP agreed to recommend award of the contract to Ausbuild Constructions.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* 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 \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

Human Rights Charter • In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

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

AWARD OF CONTRACT NO. 1091-2020 - CONSTRUCTION OF NEW CHANGEROOMS AT YULONG RESERVE AND PAVILION UPGRADE WORKS cont'd

Sustainable Procurement Outcomes

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

Financial Implications

- Council has allocated funding in its 2020/21 Capital Works budget for the project which includes a carry forward from the 2019/2020 budget.
- During the design process it was discovered that a high-pressure gas main was running under the proposed works site which resulted in design changes and delays which incurred additional costs to the project budget. These additional costs included:
 - the relocation and installation of the scoreboard and the,
 - hiring of temporary facilities for the umpires.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with and Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. The *Local Government Act 1989* and the Procurement Policy of Council 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 to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

**AWARD OF CONTRACT NO. 1091-2020 - CONSTRUCTION OF NEW
CHANGEROOMS AT YULONG RESERVE AND PAVILION UPGRADE WORKS
cont'd**

- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	1091-2020 - Evaluation Sheet - CONFIDENTIAL	

7.7 AWARD OF CONTRACT NO. 1098-2020 - SUPPLY OF ADVANCED TREE STOCK

Author: Ben De Klepper - Arborist - Urban Tree Establishment & Planning

SUMMARY

1. This report is to consider the awarding of Contract No. 1098 – 2020 – Supply of Advanced Tree Stock.
2. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Botanix Plant Supply Pty Ltd, Dreamtime Wholesale Nursery, Humphris Nursery Pty Ltd, Plantmark, Plants Direct Australia, and Speciality Trees Pty Ltd in accordance with the tender and conditions as determined by Council.
3. The contract will commence when the contract is executed by the parties. The Initial Contract Term shall be for a maximum initial period of two (2) year(s) with the option to extend for further periods of any duration up to a maximum extension period of five (5) years based on satisfactory performance and meeting Council objectives

RECOMMENDATION

That Council:

1. Award Contract No1098 – 2020 – Supply of Advanced Tree Stock to Botanix Plant Supply Pty Ltd, Dreamtime Wholesale Nursery, Humphris Nursery Pty Ltd, Plantmark, Plants Direct Australia, and Speciality Trees Pty Ltd for an initial two (2) years with an option to extend for a further three (3) years to a maximum of five (5) years.
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets & City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

COUNCIL PLAN

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

**AWARD OF CONTRACT NO. 1098-2020 - SUPPLY OF ADVANCED TREE STOCK
cont'd**

TENDER DETAILS

Contract Period	Initial two (2) years with an option to extend for a further three (3) years to a maximum of five (5) years.
Contract Type	Service
Advertising Period	Saturday 12 December to Wednesday 20 January in the Age
Tenders Closed	20 January 2021
Works/Project	This contract is to support Council's annual tree planting program. On average Council plants 2,500 advanced trees per year, this contract is for the supply of those trees planting and other planting across the Parks and Open Space Department.
No. of tender documents downloaded	Twenty (20)
Tender Evaluation Panel	Procurement Contract Officer, Acting Tree Care Coordinator, Landscape Architect and Asset Team Leader.
Tender Evaluation Criteria	<ul style="list-style-type: none">• Tendered price;• Capacity and capability of Tenderer to undertake the services including demonstrated previous experience, expertise, specialist knowledge, resources and qualifications;• Local and social sustainability, including economic and environmental; and• Existence of Accredited Management Systems and procedures Quality & OH& S.

TENDER/QUOTATION EVALUATION

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

**AWARD OF CONTRACT NO. 1098-2020 - SUPPLY OF ADVANCED TREE STOCK
cont'd**

Following is the final score of the preferred contractors:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Botanix Plant Supply Pty Ltd	69.94%
Dreamtime Wholesale Nursery	60.01%
Humphris Nursery Pty Ltd	84.41%
Plantmark	73.42%
Plants Direct Australia	79.37%
Speciality Trees Pty Ltd	93.83%
Tenderer G	Non-compliant

- Tenderer G was deemed to be non-conforming because they did not submit the mandatory tender response schedules (Part 4) including only a quotation. Hence Tenderer G were eliminated from the evaluation process.
- Although the scoring range is wide spread it is recommended to appoint all six (6) suppliers to the panel. Trees are a unique asset in that they are living and are subject to high degrees of variability in terms of health and structure. Health and structure are influenced by factors such as growing conditions (i.e. geographical location), genetics, and propagating skills, therefore, each supplier produces their own unique stock. The intent of appointing all six suppliers to the panel is to ensure that Council can select the best quality tree stock for both native and exotic tree species.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 186 of the *Local Government Act 1989* 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 \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

Human Rights Charter • In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

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

Sustainable Procurement Outcomes

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

**AWARD OF CONTRACT NO. 1098-2020 - SUPPLY OF ADVANCED TREE STOCK
cont'd**

Financial Implications

- Council has an ongoing operational and capital budgets allocated for the purchase/supply of the Supply of Advanced Tree Stock and would estimate the spend over the 5 years at approximately \$900,000.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

Banyule Procurement Policy

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council 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 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.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	Confidential 1098 - 2020 Supply of Advanced Tree Stock - scoring matrix - CONFIDENTIAL	

7.8 RECORD OF COUNCILLOR MEETINGS

Author: Samuel Moore - Council Business Officer, Corporate Services

SUMMARY

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

Record of Meetings

1	Date of Meeting:	1 February 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing
Matters Considered:		
Advocacy Framework Food Organics Garden Organics - Service Implementation Waste Service Charge: 'User-Pays' versus 'Service Rate' Budget and Capital Works & Initiatives Program Development		
Councillors Present:		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett– <i>Director Community Programs</i> Kerry Woods – <i>Executive & Councillors Team Leader</i> Lisa Raywood – <i>Manager Public Health Protection, Aged & Community Planning</i> Russell Darling – <i>Strategic Waste Manager</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> James Kelly – <i>Manager Delivery & Assets</i>		
Others Present: Nil		
	Conflict of Interest:	Nil

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	8 February 2021 – 6pm
	Type of Meeting:	Council Meeting Briefing
	Matters Considered:	
<p>Items on the Council Agenda for the Ordinary Meeting of 8 February 2020 as listed below:</p> <ul style="list-style-type: none"> 3.1 Safer Banyule Plan 2017-2021 - Year 3 Report (2019/2020) 3.2 Shop 48 The Harmony Centre: 2019-2020 Annual Report 3.3 Ford Park, 244 - 268 Banksia Street, Bellfield - Proposed Lease and Licence with Yarra Junior Football League 4.1 Climate Action - Annual Update 5.1 Local Roads and Community Infrastructure Program 5.2 State Government Roadmap for Environmentally Sustainable Development in Victoria's Planning System 7.1 Councillor Code of Conduct 7.2 Review and Determination of Mayor and Councillor Allowances 7.3 Audit & Risk Committee - Chairperson's Report 2020 7.4 Audit & Risk Committee Minutes - Meeting 11 December 2020 7.5 Amendment to Resolved Date to Charge Penalty Interest on Unpaid Rates and Charges 7.6 Report on Property Transactions for the six months ending 31 December 2020 7.7 Award of MAV-NPN Contract No. NPN2.17-3 - Microsoft Arrangement for Licensing 7.8 Execution of Agreements for Contract No. 2020/23 - Waste Facilities for Use by Participating Councils 9.1 Council-Run Community Bus Service 9.2 Development of a Community Services and Facilities Infrastructure Plan 9.3 Additional off-lead dog areas in Binnak Park, Bundoora 		
Councillors Present:		
<p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Samuel Moore – <i>Council Business Officer</i>	
Others Present: Nil	
Conflict of Interest:	Nil

3	Date of Meeting:	15 February 2021 – 5pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Banyule Bicycle Strategy Hurstbridge Line Duplication -Stage 2 Update - LXP Review of Council Advisory Committees Capital Works and Initiatives Program	
	Councillors Present:	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kath Brackett– <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Megan Kemp – <i>Councillor Support & Civic Events Officer</i> Jan Richardson – <i>Cemetery Admin</i> Jonathan Risby – <i>Manager Transport</i> Paul Bellis – <i>Transport Planning & Advocacy Coordinator</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> James Kelly – <i>Manager Delivery & Assets</i> Theonie Tacitos – <i>Community and Social Planning Coordinator</i> Kathleen Petras – <i>Transport Planning Team Leader</i>		
Others Present:		
For the Item: Hurstbridge Line Duplication -Stage 2 Update - LXP Joanna De Lotto – <i>LXP</i> Andrew Brenchley - <i>LXP</i> Scott Nicholls - <i>LXP</i>		

RECORD OF COUNCILLOR MEETINGS cont'd

	Trinity O'Rourke – <i>LXRP</i>
	Jamie McCutcheon - <i>Gentons</i>
Conflict of Interest:	Nil

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil