

Agenda



Monday, 25 October 2021 7.00pm

Ordinary Meeting of Council

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 4 October 2021

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

Nil

3. People – Community Strengthening and Support

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4. Planet – Environmental Sustainability

Nil

5. Place – Sustainable Amenity and Built Environment

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8. Sealing of Documents

Nil

9. Notices of Motion

9.1 Planning Scheme Amendments - State and Local Projects 73

10. General Business

Closure of Meeting to the Public

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

11. Confidential Matters

11.1 Confidential Report - 7 Flintoff - Development Opportunity

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 Meeting of Council will be the Mayoral Election held on Monday 8 November 2021 followed by the next Ordinary Meeting on Monday, 15 November 2021.

3.1 ESTABLISHMENT OF THE BANYULE COMMUNITY FUND

Author: Frances Gianinotti - Community Partnerships Coordinator, Community Programs

SUMMARY

1. The proposed Banyule Community Fund (the Banyule Fund) establishes a philanthropic named fund under the auspice of the Australian Communities Foundation (ACF). It will enable Council, businesses, organisations and individuals to make taxable and non-taxable donations towards the Fund, becoming the local vehicle for structured charitable giving.
2. The Fund offers a modern and innovative approach to grant giving and reflects best practice in social transformation and philanthropy. Council's strategic priorities and current granting will be key inputs.
3. The Banyule Fund will not incur any establishment costs. Ongoing costs include the following:
 - \$20,000 initial donation due within 12 months and held as a fund minimum (and granted out upon closing);
 - Annual fees of 2.2% for administration and 0.37% for investment based on the balance of the ACF pooled corpus;
 - Any other donations Council may approve from time to time.
4. The Banyule Fund is a relationship between Council and the Australian Communities Foundation (ACF). The ACF will be the trustees and have legal responsibilities for donated funds.
5. The appointment of a specialist staff resource that has marketing and philanthropy expertise would safeguard the success and growth of the Banyule Fund. It is anticipated that this resource would be in place for the next 4 years at a Band 6 Award level for 0.6 EFT (\$75,000 including oncosts).

RECOMMENDATION

That Council:

1. Establish the Banyule Community Fund, a philanthropic fund in perpetuity in partnership with the Australian Communities Foundation (ACF) as the trustees.
2. Approve an additional allocation of \$37,500 (6 months pro rata) from the 2021/22 budget for the employment of a temporary specialist 0.6 EFT at a Band 6 Award level to market and grow the Banyule Fund.
3. Refer funding for employment of a temporary specialist 0.6 EFT for years 2, 3 and 4 to the 2022/23 budget process.
4. Receive a progress report in July 2022.

ESTABLISHMENT OF THE BANYULE COMMUNITY FUND cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

BACKGROUND

- The Banyule Fund will be a partnership between Council and the Australian Communities Foundation (ACF). ACF will establish and operate the Banyule Fund, enabling transparent and independent management.
- The ACF is governed by a not-for-profit company limited by guarantee, Australian Communities Foundation Limited, which is the Trustee. It has strong oversight and governance practices through a Board of Directors made up of voluntary leaders representing a broad cross-section of the community.
- ACF has 20+ years of operational proficiency in philanthropic funds management with sector leading design skills and granting expertise. Monies from this fund can be granted out to any DGR1 organisation.
- The Banyule Fund will invite business, community, families and individuals to make donations (tax deductible) for the betterment of Banyule. It will aim to be both an endowment and social change fund, enabling perpetuity and facilitating greater cohesion towards social change for the Banyule Community.
- The Banyule Fund will have a strong focus on community capacity building and marketing across the Banyule corporate and community sectors to maximise growth opportunities.
- The Banyule Fund will not incur any establishment costs. Ongoing costs include the following:
 - \$20,000 initial donation due within 12 months and held as a fund minimum (and granted out upon closing);
 - Annual fees of 2.2% for administration and 0.3 to 0.47% for investment based on the balance of the ACF pooled corpus;
 - Any other donations Council may approve from time to time.
- The appointment of a specialist staff resource that has marketing and philanthropy expertise would safeguard the success and growth of the Banyule Fund. It is anticipated that this resource would be in place for the next 4 years at a Band 6 Award level for 0.6 EFT (\$75,000 including oncosts).

ESTABLISHMENT PROCESS

- The establishment of the Banyule Fund is a long-term investment for Council and builds ongoing benefits for the wider Banyule community.
- It includes the opportunity to commence a grant giving process from the Banyule Fund at any time Council deems appropriate and based on the corpus balance.
- Council will continue to retain control over its Grants Program whilst monitoring the growth and success of the Banyule Fund.
- A Review of Council's Grants Program will be undertaken in 2021/2022 to inform if and when all or part of that program will be donated to the Banyule Fund.

ESTABLISHMENT OF THE BANYULE COMMUNITY FUND cont'd

- A 4 year Evaluation Framework of the Banyule Fund will be developed in 2021/2022 that will underpin the progression of the Banyule Fund.
- A specialist role will be created within Council to ensure the successful marketing and growth of the Banyule Fund over the next 4 years.
- Over the next four years Council officers will review and align Banyule granting efforts to improve community outcomes and operational efficiencies.

BENEFITS OF THE BANYULE FUND

- The Banyule Fund has a range of community and Council benefits as follows:
 - Offers a modern and innovative approach to grant giving and reflects best practice in social transformation and philanthropy. Council's strategic objectives and current granting will be key inputs. Granting will have a charitable focus.
 - Builds a lasting revenue stream, and engages businesses, organisations and individuals, in philanthropic activity that directly supports the local community that is applied to grant giving in the Banyule community.
 - Provides a complementary source of capital in addition to Council's current commitment to a community focused grants program with both tax and non-tax-deductible donations.
 - Is underpinned by strong oversight and governance structures under the auspice of the ACF which provides efficient administration and industry best practice systems.
 - Provides the opportunity for Council investment to move from grants administration to community capacity building and development activities.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are legal implications arising from the establishment of the Banyule Community Fund that complies with the following:
 - The establishment and ongoing costs incurred by Council to the ACF;
 - The requirement to maintain a minimum of \$20,000 in the corpus at all times.

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 positive and sustainable procurement activities arising from the recommendation contained in this report. The Banyule Fund is aligned to Council's commitment to Social Procurement and the delivery of greater benefits from their procurement spend and buying power to increase the value of goods, services and construction.

ESTABLISHMENT OF THE BANYULE COMMUNITY FUND cont'd

Financial Implications

- There are financial implications arising from the recommendation contained in this report as follows:
 - An initial donation of \$20,000 in the first year of the Banyule Fund; this can come from community donations not only Council.
 - Annual fees of 2.2% for the administration fee and 0.3 – 0.4% for the investment fee based on the balance of the ACF pooled corpus.
 - Any other donations Council may approve from time to time.
 - \$37,500 (6 months pro rata) from the 2021/22 budget and continued over the subsequent three years for the employment of the specialist staff resource.

Innovation and Continuous Improvement

- The Banyule Community Fund:
 - Offers a modern and innovative approach to grant giving and reflects best practice in social transformation and philanthropy.
 - Will invite business, community, families and individuals to make donations (tax deductible) for the betterment of Banyule and enable perpetuity and facilitating greater cohesion towards social change for the Banyule Community.
 - Provides the opportunity for Council investment to move from grants administration to community capacity building and development activities

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.2 INCLUSIVE EMPLOYMENT PROGRAM 2020/21 UPDATE

Author: Jane Nixon - Strategic Development Officer, Community Programs

Previous Items

Council on 04 Jun 2018 7.00pm (Item 3.2 - Social Enterprise and Local Jobs Creation)

Council on 10 Dec 2018 7.00pm (Item 4.1 - Reconfirming Council's Commitment to Acting on Climate Change)

SUMMARY

1. Council's 2020/21 financial year Inclusive Employment Program concluded on Friday 24 September 2021. 10 participants successfully completed the program and strong outcomes for the program and participants were achieved.
2. Preparations are currently underway for the 2021/22 financial year Inclusive Employment Program to be delivered in a COVID-Safe format. 15 new placements and 5 transitional pathway placements aim to be created.
3. It is timely that Council consider the program viability long term as a portion of the programs budget will cease at the end of the 2020/21 financial year. Council has an opportunity to commit to an ongoing operational budget that enables the long term delivery of Council's Inclusive Employment Program.
4. It is proposed that Council commits long term to existing operating budgets and that any existing initiatives budgets due to cease at the end of the 2020/21 financial year are moved to Council's operating budget.
5. The cost of the initiative to be transferred to permanent operating expenditure totals \$317,120.

RECOMMENDATION

That Council:

1. Notes the continued achievements of the Inclusive Employment Program.
2. Note the progress of the preparations are currently underway for the 2021/22 financial year Inclusive Employment Program.
3. Further commits to the continuation of program by approving the incorporation of the existing initiatives budgets, due to cease at the end of the 2020/21 financial year, as a permanent resource made up of:
 - a. One full-time permanent 6 EFT Inclusive Employment Program Officer role that is responsible for the end-to-end delivery of the program.
 - b. Inclusive Employment Program Salaries and oncosts of \$200,000. This budget is used to create Inclusive Employment Program placements which includes green-collar roles that support Council's Climate Action Plan.

INCLUSIVE EMPLOYMENT PROGRAM 2020/21 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

- In February 2019 Banyule's first Inclusive Employment Program (the Program) was implemented. The Program creates tailored six-month job opportunities at Council for local residents facing barriers to employment, who are members of the following targeted community groups:
 - Aboriginal & Torres Strait Islander peoples,
 - Culturally & linguistically diverse people,
 - People living with disability,
 - Young people (aged 16-25).

Council recognises that within these targeted community groups, people may have overlapping identities or experiences. An intersectionality approach is applied; LGBTIQ+ people, women, older adults and people impacted by the justice system are encouraged to apply.
- This is an evidence-based program that has been designed to respond to inequality in employment and the specific needs of the targeted community groups in Banyule.
- In the 2017/18 financial year, Council resolution (CO2018/125) endorsed the creation of Banyule's Inclusive Employment Program (previously referred to as Internship Program) which included a budget to support up to 8 placements per annum, as well as program costs.
- In the 2018/19 financial year the program expanded to support an additional 8 placements per annum with approved budget to support this.
- In 2019/20 financial year, Council resolution (CO2018/267) committed to the creation of green-collar opportunities to support the \$5M Climate Action Package through the Inclusive Employment Program. An initiatives budget of \$200,000 was endorsed to fund an additional 4 placements per annum. In addition, a fulltime Band 6 EFT Inclusive Employment Program Officer was funded through an initiatives budget to deliver the expanded program.
- Initiatives budgets are due to cease at the end of the current financial year.
- While the unemployment rate for the Banyule local government area as a whole remains lower than the unemployment rate for Greater Melbourne, there has been a notable increase in unemployment with the ongoing impacts of COVID-19. Widely there has been a significant increase in unemployment and under-employment, as well as a record number of people leaving the workforce and a drop in job vacancies.
- The most recent Small Area Labour Markets (SALM) unemployment figures released by the National Skills Commission show a continued increase in unemployment rates. The upwards trend of these unemployment rates demonstrates the continuing need for Council support of labour market programs designed to boost employment opportunities for local residents.

INCLUSIVE EMPLOYMENT PROGRAM 2020/21 UPDATE cont'd

Area	Mar 2020 Quarter	Mar 2021 Quarter
Greater Melbourne	5.2%	7.1 %
Banyule	3.2%	5.4%
Heidelberg West	7.7%	11.3%
Watsonia	4.2%	6.3%

KEY ISSUES

2020/21 Financial Year Inclusive Employment Program Update

- The 2020/21 financial year Inclusive Employment Program concluded on Friday 24 September 2021. 10 participants successfully completed the program.
- The program was delivered in an adjusted COVID-safe format, which resulted in a blended delivery of both in-person and virtual events. The first 3 milestone workshops were held in person at Greensborough, and the final 3 milestone workshops were held virtually. The end of program celebration event was also held virtually on Wednesday 22 September 2021, with participants and their guests joining Council staff to celebrate their achievements via an online event.
- Post-program evaluation activities are continuing, with participants and their supervisors invited to provide feedback via anonymous surveys and a retrospective workshop with participants.
- There have been strong employment outcomes for participants of the 2020/21 financial year Inclusive Employment Program:
 - 1 participant secured an ongoing role at Council
 - 4 participants secured a temporary contract role at Council
 - 1 participant secured a temporary contract role at Council seconded to local not-for-profit organisation, Footscape
 - 1 participant secured a 2-year contract role in the higher education sector, in a position that incorporates full time work and part time study towards a Diploma of Business
 - 3 participants secured a casual role at Council.

2021/22 Financial Year Inclusive Employment Program Update

- Preparations are currently underway for the 2021/22 financial year Inclusive Employment Program. Due to continued pandemic restrictions, some components of the program model has been adapted to support a Covid-Safe approach.
- A virtual community information event was held on the 24 August 2021. This event provides an open forum for potential applicants to learn about the program and the types of opportunities available.
- Applications for the program were open from the 23 August 2021 to the 5 September 2021. 81 applications were received.
- Interviews for the program are currently underway, with selection to be confirmed by early October 2021 and participant onboarding throughout November 2021.

INCLUSIVE EMPLOYMENT PROGRAM 2020/21 UPDATE cont'd

- Council aims to create 15 new placements, with successful applicants commencing the program on the 3 December 2021 for a six-month period. Additionally, 5 transitional pathway placements will be offered to participants at the completion of the program and will provide selected participants the opportunity to continue working at Council for up to 12 months. These opportunities will be accessible to all 2021/22 participants, with an equitable recruitment process to be applied in alignment with the *Equal Opportunity Act (2010)* 'designated roles' special measure. Recruitment for these roles will take place in May 2022, with the roles beginning in early July 2022.

Program Viability Considerations

- The delivery of Council's Inclusive Employment Program is partially funded as part of Council's existing Social Enterprise & Local Jobs operating budget. However, a portion of current program funding is unsecured within Council's initiatives budget and will cease at the end of the 2020/21 financial year.
- The items funded within the 2021/22 initiatives budget are:
 - A Band 6 Inclusive Employment Program Officer. This role is responsible for the end-to-end delivery of the program, and therefore the ability to operate the program long term is at risk.
 - Inclusive Employment Program Salaries and on costs of \$200,000. This budget is used to create Inclusive Employment Program placements which includes green-collar roles that support Council's Climate Action Plan.
- It is timely that Council consider the program viability long term. Council has an opportunity to commit to an ongoing operational budget that enables the long-term delivery of Council's Inclusive Employment Program.

SUPPORTING REPORT DETAILS.

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

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

The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes Aboriginal & Torres Strait Islander peoples, culturally and linguistically diverse people, people with a disability and young people.

Furthermore, the delivery of Council's Inclusive Employment Program enables equity of employment opportunity, leveraging the *Equal Opportunities Act 2010* 'designated roles' special measure.

Sustainable Procurement Outcomes

Any items to be procured by Council in the delivery of the Inclusive Employment Program will be sought from social benefit and/or local suppliers, where possible.

Financial Implications

- No new budget allocations are required for the 2021/22 financial year.

INCLUSIVE EMPLOYMENT PROGRAM 2020/21 UPDATE cont'd

- The total cost of the ongoing funding for the additional program resources is \$317,120 per annum which includes the following:
 - One full-time permanent Band 6 EFT Inclusive Employment Program Officer role plus oncosts (\$117,120 p.a.) that is responsible for the end-to-end delivery of the program.
 - Inclusive Employment Program Salaries and oncosts of \$200,000 p.a. This budget is used to create Inclusive Employment Program placements which includes green-collar roles that support Council's Climate Action Plan.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

5.1 419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE

Author: Amanda Allen - Acting Manager Strategic Properties, City Development

Ward: Olympia

Previous Items

Council on 19 March 2018 (Item 5.3 - 419 & 421 Upper Heidelberg Road, Ivanhoe - Development Victoria's Proposal for Yarra Valley Water Tank Site and Council Park)

Council on 19 Nov 2018 7.00pm (Item 5.3 - 419 & 421 Upper Heidelberg Road, Ivanhoe - Approval of Amendment C116 for Rezoning and Subdivision)

Council on 07 Aug 2017 7.15pm (Item 5.1 - Developments Victoria Proposal for 421 Upper Heidelberg Road, Ivanhoe - Yarra Valley Water Tank Site)

SUMMARY

1. The proposal involves exchanging part of the Council Land at Parcel A (966m²) with part of the Yarra Valley Water (YVW) Land at Parcel B (2081m²).
2. The increased area of land and improved park is consistent with a Heads of Agreement established between Council and YVW and the outcome of Planning Scheme Amendment C116, gazetted in October 2018.
3. Section 116 of the Local Government Act 2020 ('the Act') stipulates that Council has the power to transfer, exchange or lease any land to any public body without consideration and Section 114 does not apply to any transfer, exchange or lease under this section. YVW is considered a public body. Consultation on the land exchange was undertaken throughout the Planning Scheme Amendment process and further community consultation will be required as part of the Development Plan.
4. As no statutory procedures are required to be undertaken, Council can decide whether or not to approve the land exchange proposal.

RECOMMENDATION

That Council:

1. Approves the land exchange involving:
 - a. Council Land (Parcel A) contained on Certificate of Title volume 10293 folio 472 and described as Lot 2 on PS349641N and has an area of 966m².
 - b. Yarra Valley Water (YVW) Land (Parcel B) known as part 421 Upper Heidelberg Road, Heidelberg contained on Certificate of Title volume 10293 folio 471 and described as Lot 1 on PS349641N has an area of 2081m².
 - c. Council entering into a Section 173 Agreement to use and maintain the Licensed Area (E-2) in 'Parcel A' for the purpose of a shared pathway providing access to and egress from Upper Heidelberg Road to the new park.

419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE cont'd

- d. Council entering into a Section 173 Agreement to licence 'Parcel A' to use and maintain the existing park and playground until the new parks works are complete.
 - e. Council entering into a laydown licence with Development Victoria (DV) following YVW's sale of the property to DV.
 - f. A boundary realignment subdivision be undertaken pursuant to the relevant provisions of the Subdivision Act 1988; and
 - g. Reimbursement by the Developer of all of Council's out of pocket expenses associated with the negotiation, preparation, execution and completion of the land exchange.
2. Council authorises the Director City Development to execute all associated documents pertaining to the land exchange, plan of subdivision, section 173 Agreement, licences and land transfers.

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 land at 419 and 421 Upper Heidelberg Road, Ivanhoe (see Figure 1) contains
 - A water tank at 421 Upper Heidelberg Road, Ivanhoe, owned by Yarra Valley Water (YVW), decommissioned in 2004 and declared surplus land by the Victorian Government.
 - A Council owned park at 419 Upper Heidelberg Road, Ivanhoe.
- At the Council Meeting on 7 August 2017, Council agreed 'in principle' to a land swap with Yarra Valley Water (YVW).
- In October 2017, Council and YVW entered into a Heads of Agreement with the developer; Development Victoria (DV) to facilitate a redevelopment of the site.
- In 2018 the Minister approved DV's proposal for rezoning, application of design guidelines, and re-subdivision of 419 and 421 Upper Heidelberg Road, Ivanhoe,
- This land exchange will see Council exchanging part of 419 Upper Heidelberg Road, Ivanhoe, in exchange for part of 421 Upper Heidelberg Road, Ivanhoe, see **Figure 2**. It will provide Council with a larger and improved park in the south west corner of 421 and enable DV to pursue a higher density residential development proposal for the remaining land.

419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE cont'd



Figure 1: Subject site

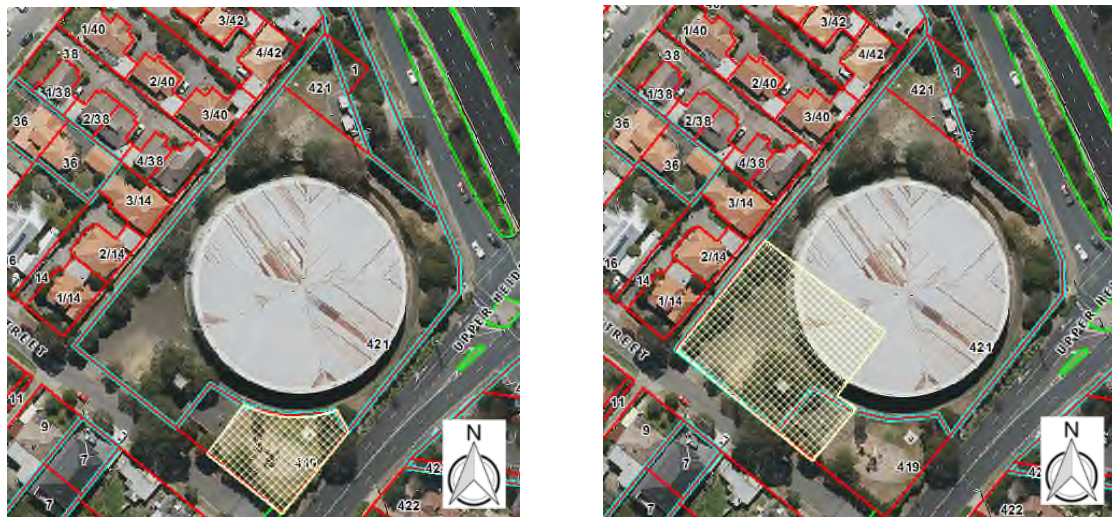


Figure 2:

Parcel A - land to be transferred to YVW
(approx. 781m²)

Parcel B - land to be transferred to Council
(approx. 2081m²)

KEY ISSUES

- There are six documents pertaining to this land transaction.

Contract of Sale - Banyule City Council to YVW for (part) 419 Upper Heidelberg Road, Ivanhoe (Council land)

Contract of Sale - YVW to Banyule City Council for (part) 421 Upper Heidelberg Road, Ivanhoe (YVW land)

Section 173 Agreement between Council and YVW for design and construction of a New Council Park on 421 Upper Heidelberg Road, Ivanhoe

419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE cont'd

This Agreement will deliver a New Council Park on Forster Street, refer to Lot 2 on Plan of Subdivision PS822300E at Attachment 1. The Park will be delivered in two stages and sets out the process for the park design and completion.

The Agreement proposes that, as consideration for YVWs contribution toward the New Council Park, YVW is entitled to a 50% reduction in any requirement to make a contribution under a development contributions plan or an infrastructure contributions plan, in connection with the Subject Land or the Proposed Development.

Section 173 Agreement Licence between Council and YVW for design, construction and use of the Shared Path connecting Upper Heidelberg Road to the New Council Park

YVW will be responsible for the design and construction of the pathway from Upper Heidelberg Road to the New Council Park, this land will then be licenced to Council for carriageway, refer to E-2 on Plan of Subdivision PS822300E at Attachment 1.

Licence – DV to Council for (part) 419 Upper Heidelberg Road, Ivanhoe for use of the Existing Park as a park.

This licence will ensure that the community has access to the existing playground after the transfer of land.

Licence – Council to DV for part 421 Upper Heidelberg Road, Ivanhoe for use as laydown area between Council and Development Victoria.

This licence provides DV an area for receipt, storage and use of equipment and materials and gaining access to and egress from Lot 1 on the Plan of Subdivision PS822300E at Attachment 1.

- It is proposed that at the completion of the Land Exchange and registration of the Plan of Subdivision, the Section 173 Agreements for the Path and Delivery of the New Council Park will commence. The Agreement for the Path will run until Council provides notice it no longer requires access and the Agreement for the New Council Park will termination completion of the New Council Park.
- Following settlement under the Contract of Sale, the Licence for the Existing Park and Licence for the laydown area will commence. The Licence for the Existing Park will terminate with DV giving notice to Council to carry out basement works, and the Licence for the laydown area will terminate at completion of Stage 3 of the development.
- If the land swap proceeds, then Council will expect to receive a planning permit application for the redevelopment of the site in the near future. This should enable a further public consultation process.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 116 of the Act stipulates that Council has the power to transfer, exchange or lease any land to any public body without consideration and Section 114 does not apply to any transfer, exchange or lease under this section.

419 AND 421 UPPER HEIDELBERG ROAD, IVANHOE - PROPOSED LAND EXCHANGE cont'd

- Yarra Valley Water is a state government statutory authority, established under an Act of Parliament, is considered a 'public body' and therefore Council is not required to give public notice, invite or give consideration to any submissions received.
- Throughout the Planning Scheme Amendment, community consultation was undertaken specifying the land exchange. Further consultation will be undertaken as part of the Development Plan.

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.

Key Considerations

- DV completed consultation with local residents on a masterplan or concept layout for the redevelopment of the site in April 2017. The draft masterplan proposes a number of residential buildings ranging from 3 – 12 storeys in height, containing approximately 220 apartments.
- Under the planning framework, if the land swap proceeds, then Council will expect to receive a development plan. Consultation will be required as part of this master plan process.

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	Proposed Plan of Subdivision	

5.2 10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND

Author: Gary Mills - Senior Property Officer, City Development

Ward: Chelsworth

SUMMARY

1. Council owns land (approximately 190m²) described as Lot A on PS747610F and contained on Certificate of Title Volume 12147 Folio 367 and bounded by 1/10, 2/10, 12 Tate Street, Ivanhoe and 27 Ailsa Grove, Ivanhoe (Subject Land).
2. It is proposed to sell parcels of the Subject Land to four abutting landowners by private treaty.
3. Council has undertaken statutory procedures pursuant to sections 55 and 114 of the *Local Government Act 2020* ('the Act') giving notice of its intention to sell the Land by private treaty.
4. Public notice was given in on Council's website and signage erected on the land from 13 September 2021 advising of Council's intention to sell the Subject Land to abutting property owners generally in accordance with the Land Allocation Plan given as Attachment 1. Public submissions were invited in accordance with Council's Community Engagement Policy and Procedures. The Submission period closed on 12 October 2021. No submissions were received.
5. Council has completed statutory procedures under section 114 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of land to by private treaty and can now decide whether or not to sell the Subject Land.

RECOMMENDATION

That Council:

1. Having not received any submissions to the proposal resolves to sell the Subject Land known as 10A Tate Street Ivanhoe and described as Lot A on PS747610F and contained on Certificate of Title Volume 12147 Folio 367 and bounded by 1/10, 2/10, 12 Tate Street, Ivanhoe and 27 Ailsa Grove, Ivanhoe by private treaty in accordance with section 114 of the *Local Government Act 2020* and the Proposed Land Allocation Plan at Attachment 1.
2. Authorises a plan of subdivision application pursuant to the relevant provisions of the *Subdivision Act 1988* required to sell the Subject Land.
3. Authorises the Chief Executive Officer to negotiate and settle the land sale agreements and execute all associated documents to affect the sale and transfers of the Subject Land.

10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND cont'd

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

- 10A Tate Street, Ivanhoe was discontinued as a road in 1978 and retained by Council for municipal purposes. Ostensibly, the Land was used and maintained by the former Ivanhoe Uniting Church Tennis Club, providing access to the club until 10 Tate Street was sold in December 2013 for multi-unit residential development.
- For some time, the Land has disallowed both pedestrian and vehicular access. The Land terminates at a pedestrian path to the west and cannot allow vehicular activity to the east. The Subject Land no longer serves any function to Council, nor provides any wider community benefit.
- In 2018, Council considered a land sale proposal for the disposal of 360m² of Land contained in 10A Tate Street, Ivanhoe to abutting property owners. At its meeting on 25 October 2018 Council resolved to sell the Land by private treaty.
- Subsequently, two prospective purchasers declined to purchase their allocated land parcels for financial reasons. To continue the sale of the eastern section of land would have resulted in some land being landlocked. Therefore, Council could only dispose part of the Land (approximately 170m²) at that time. These land transfers were completed in 2019.
- In 2020, several landowners sought to revisit the purchase of the remaining section of land (approximately 190m²). The current proposal involves this portion of land.

10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND cont'd



Figure 1: 10A Tate Street, Ivanhoe (Subject Land)

KEY ISSUES

- It is proposed to sell land parcels to four abutting property owners who have agreed to purchase the land based on the Proposed Land Allocation Plan at Attachment 1.
- The Subject Land is surplus to Council requirements and will better serve the needs of prospective purchasers with additional land for their personal use.
- The sale price of the 20m² parcel at the eastern end of 10A Tate Street, Ivanhoe is currently under negotiation. This land is encumbered with a Council drain and currently occupied by the northern abutting owner.
- Given the nature and use of the land, a discount of 25 per cent of the land value is considered justifiable because of its current and predominant use as garden bed. Therefore, it is proposed to offer the land parcel at \$405psm plus GST. Should the owner not agree to the land purchase, then Council could offer a licence to occupy and use the Council land.
- However, it is considered in Council's and the community best interest to dispose of this small parcel of land to the abutting owner rather than licencing the land.

10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Prior to selling any land, Council must give public notice of its intention to sell the land and invite public submissions. Council must also obtain a valuation not more than six months prior to the sale of the Land.

Human Rights Charter

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

- Sale proceeds from the four land transfers will be approximately \$102,600 plus GST. Purchasers will also share associated costs for land surveying, preparation and lodging plan of subdivision, legal, conveyancing and disbursements.
- The Subject Land was valued at \$540psm as at 20 February 2021. A subsequent valuation of \$615psm was obtained on 18 June 2021. Prospective purchasers had previously been offered to purchase the land for \$540psm plus GST, to which agreement had previously been obtained.
- COVID-19 restrictions and lockdowns have delayed progressing this proposal during 2021 at no fault of the prospective purchasers. Therefore, it is considered justifiable for Council to offer to sell the respective parcels of land at the previously agreed valuation of \$540psm plus GST (being less than the current market valuation of \$615psm plus GST).

Community Engagement

- Community engagement has been undertaken in accordance with Council's policy and procedures. Public notice was given on Council's website and a sign placed on site from 13 September 2021.
- Submissions were invited to the proposal and closed on 12 October 2021. At the close of the submission period, no submissions were received.

Key Considerations

- This proposal has been conducted in accordance with legislative requirements, Council's Land Transaction Framework 2019 and Local Government Best Practice Guideline for the Sale and Exchange of Council Land.

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.

10A TATE STREET, IVANHOE - PROPOSED SALE OF LAND cont'd

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

ATTACHMENTS

No.	Title	Page
1	Proposed Land Allocation Plan	

5.3 87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019)

Author: Mark Sheehan - Major Developments Planner, City Development

Ward: Olympia

SUMMARY

1. Planning Permit P363/2019 was issued in January 2019 and allowed the development of the site with a mixed use multi-storey development (including two 18 storey buildings, a 15 storey and a 14 storey building).
2. This is an application to amend the permit. The amendments include:
 - alterations to building designs and associated internal layout change to make provision for an additional 60 apartments, increased from 491 to 551 apartment with associate variation in carparking, motorcycle parking and bicycle parking;
 - modifications to the rear setbacks of Buildings B, C and D;
 - the height of Buildings B and C reduced by 1.1 metres;
 - the height of Building D increased by two additional levels; and
 - Amendments to the permit preamble and permit conditions.
3. The changes will add some height to Building D and will increase the total number of apartments, however the increase in the amount of apartments will not have a detrimental impact the traffic and parking arrangements and the local traffic network will still function adequately
4. The changes to the building forms will still maintain a stepped and articulated building profile to the rear with landscaped balconies still present to provide green space to the south elevation. The change in building profiles will not result additional overshadowing of the residential properties to the south and will continue receive adequate daylight.
5. The proposed changes are broadly contained within the context of the original approval having minimal impacts on both the immediate neighbouring and nearby properties.
6. The changes will also allow for an inclusion of 27 apartments for Vasey RSL Care RSL who provide residential dwellings for seniors, veterans and war widows and partners/spouses. The Vasey RSL Care office will also be able to be co-located within the building providing easy access to residents.
7. For these reasons the amendment should be supported.

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant an Amended Planning Permit** in respect of Application No. P363/2019 allowing the following amendments:

- Amend the permit preamble to “Building and works for a staged mixed use multi-storey development (including two 18 storey buildings, a 15 storey and a 16 storey building); Use of land for offices and shops; and Alteration of access to a road in a Road Zone, Category 1
- Increase in building height of Building D of two storeys;
- A reduction of 1.1 metres to the maximum building height of Buildings B and C;
- Modifications to the rear setbacks of Buildings B, C and D;
- Increase in apartment numbers to 551;
- Increase in car parking spaces to 709;
- Increase in motorcycle parking to 35 spaces;
- Internal layout changes as a result of the above;
- Amendments to building heights referenced in the permit preamble; and
- Amendment to Condition 1(k) to correctly refer to the relevant sections of Condition 1.
- Conditions will be included requiring the plans be amended to show retention of 313 bicycle parking spaces as per the existing approved plans.
- Conditions will be included requiring updating of the Sustainability Management Plan to require that “Car parking areas are to be EV ready with a dedicated distribution board to accommodate future cabling for EV charging.
- Conditions will be included the Sustainability Management Plan must be updated to align with the arrangements of the Waste Management Plan with regard to food organic waste
- Conditions will be included requiring all timber certified as FSC sustainable timber and low-VOC floor and wall coverings

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

Planning Permit Application:	P363/2019
Development Planner:	Mark Sheehan
Address:	87-131 Bell Street, IVANHOE
Proposal:	Amend the permit preamble, conditions 1.(k), to allow for an increase of 60 apartments (from 491 to 551) through alterations to building designs, including alterations to rear setbacks of Buildings B, C and D, the addition of 2 levels to Building D, increase in car parking from 653 spaces to 709, increase in motorbike parking from 33 to 35 spaces, decrease in bicycle parking from 313 spaces to 261 spaces and commensurate internal alterations
Existing Use/Development:	Car sales, Caravan Sales, Retail premises
Applicant:	Spec Property Pty Ltd
Zoning:	Mixed Use
Overlays:	Design and Development Overlay - Schedule 5 (DDO5) Parking Overlay - Schedule 2 (PO2)
Notification (Advertising):	Eleven signs on site, letters to owners and occupiers in surrounding and broader area, notices in Herald Sun
Objections Received:	Ten
Ward:	Olympia

PROPOSAL

- Details of the proposed amendments as shown in plans submitted on the 2 August 2021 are as follows:
 - Increase in building height of Building D of two storeys or 6.7 metres;
 - A reduction of 1.1 metres to the maximum building height of Buildings B and C;
 - Modifications to the rear setbacks of Buildings B, C and D;
 - Increase in apartment numbers to 551;
 - Increase in car parking spaces to 709;
 - Increase in motorcycle parking to 35 spaces;
 - Reduction in bicycle parking to 261 spaces;

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

- Internal layout changes as a result of the above;
- Amendments to building heights referenced in the permit preamble; and
- Amendment to Condition 1(k) to correctly refer to the relevant sections of Condition 1.

The advertised plans are included as Attachment 1.

BACKGROUND

- Planning Permit P363/2019 was issued following the issue of a Notice of Decision to Grant a Planning Permit at the Council meeting of 16 September 2019. The original application had 34 objections. The application did not proceed to a merits hearing before VCAT and the permit was subsequently issued;
- The permit preamble was amended in November 2020, to specify that the development will be staged; deletion and amendment of permit conditions; Amending the plans to 're-instate' part of the building that was originally directed to be removed due to condition on the permit protecting neighbours trees; minor amendments to a number of internal layouts; minor changes to external balcony areas; changes to waste storage and collection areas.
- The applicant has entered into negotiations with Vasey RSL Care who own the dwellings to the south in Edwin Street and Huntingfield Place. The applicant has agreed that 27 apartments within the development will be provided to Vasey RSL Care.
- As part of the current request the applicant originally applied for height increases to Buildings B and C. Concerns were raised in relation additional height to Buildings B and C (and urban design consideration of rear of buildings) and the applicant subsequently chose to resubmit and readvertise amended plans which showed no increase in height to Buildings A, B and C. It is now only Building D that is seeking a height increase.

SUBJECT SITE AND SURROUNDING AREA

Site area	9,419m ²
Topography	Slope down from west to east.
Existing and Neighbouring Vegetation	No vegetation of note
Existing Buildings	Car and caravan showrooms and retail shopfronts
Other	The subject site consists of nine (9) properties and is located on the southern side of Bell Street. At the eastern end of the site, the title boundaries sit approximately 7.8 metres south of the other titles to the west, which provides for a widening of the Bell Street Road reservation in front of these titles, although the road reservation is used for car parking purposes and a bus stop, rather than to allow through traffic. The site has a frontage to Bell Street

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

	<p>of approximately 160 metres and a depth of up to 58m. The site is currently occupied by a series of car and caravan dealerships which comprise single and double storey buildings with expansive paved surfaces. The eastern end of the site is occupied by 4 'shop' type buildings rather than car yards.</p> <p>The site has six crossovers to Bell Street and access points to the Right Of Way (ROW) to the rear (south) of the site and to the ROW accessed from Edwin Street further to the west of the site. The subject site has a fall of approximately 7.5m from the eastern to the western portion of the site.</p>
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Locality Plan



PUBLIC NOTIFICATION

Advertising Period	<ul style="list-style-type: none"> • Original: 6th April 2021 to 20th April 2021 • Readvertised: 3rd September 2021 to 17th September 2021
Advertising methods	<ul style="list-style-type: none"> • Signs on site • Notices sent by mail to the broader area including owners, occupiers and previous objectors • Public notice in the Herald Sun newspaper.
Objections received	<ul style="list-style-type: none"> • Ten in total

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

<p>Grounds of objections (summarised)</p>	<ul style="list-style-type: none"> • Traffic and car parking • Amenity impacts including overshadowing and overlooking • Visual bulk • Light pollution • Use of apartments for short stay accommodation
<p>Consultation</p>	<ul style="list-style-type: none"> • An online information session was hosted by Banyule on 9 September 2021 to provide the community with information regarding the proposal and allow for questions to be asked to the applicant. • This session included details of the revised plans and was attended by the applicants town planners, architects and owners representative who were available to answer any questions. • The session was attended by two objectors (both from the same household) and one interested resident who was not an objector. There were no questions asked by the residents.

REFERRAL COMMENTS

<p>Department/ Officer</p>	<p>Conditions /Comments</p>
<p>Developments & Drainage</p>	<p>Council's Developments & Drainage Section has advised of no objection to the amendment.</p>
<p>Urban Design</p>	<p>Council's Urban Design Consultant was satisfied that the most recent set of plans could be supported in relation to additional height and setback changes.</p>
<p>Traffic & Transport</p>	<p>Council's Traffic & Transport Section has advised that the car, motorcycle and bicycle parking provision exceeds the statutory requirement and is satisfactory.</p>
<p>Waste Management</p>	<p>Council's Waste Management Section has advised that it would be preferred if the development was treated as a single building and include the installation of a vacuum chute system to consolidate waste management in a shared location with a compactor. It is also suggested that collection frequency for each tower is reduced in each building to a maximum of two collections. This would require an increase in the size of the waste storage areas. These items have been raised with the</p>

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

	applicant who have not offered to make changes, on balance the proposed waste collection three times a week from each building is considered appropriate.
Environmentally Sustainable Design (ESD)	Council's ESD consultant has made a series of recommendation which are discussed in the Environmentally Sustainable Design section below.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Mixed Use Zone (MUZ)	32.04	Yes
Design and Development Overlay (DDO5)	43.02	Yes
Parking Overlay (PO2)	45.09	Yes
Development Contribution Plan Overlay (DCPO)	45.06	Applies
Car Parking	52.06	No
Land Adjacent to a Road Zone, Category 1	52.29	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
PPF	
Settlement	11
Built Environment and Heritage (including sub clauses)	15
Housing (including sub clauses)	16
Economic Development	17
Transport	18
Vision and Strategic Framework	21.02
Land Use	21.04
Built Environment (Diversity area)	21.06
Transport and Infrastructure	21.07
Local Places	21.08
Reference Documents	21.09
Safer Design Policy	22.03
Environmentally Sustainable Development	22.05

TECHNICAL CONSIDERATION

- Council must consider the proposed changes within the strategic context of the site location, the response to the land use, suitability of building height and mass, amenity of the area, traffic and car parking.

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

Land Use

- The proposed amendments do not alter the approved land use but do introduce a social housing component through the addition of 27 apartments for the Vasey RSL Care organisation.
- This is considered a positive improvement to the development. The apartment typologies are well suited for residents with limited mobility and/or elderly residents and will lessen the burden of maintenance to both residents and agencies when compared to traditional on ground dwellings surrounded by yard space.
- Additionally, there is opportunity for ancillary office space to be used by support staff which will provide improved efficiency for Vasey RSL Care and their residents.

Building Height

- The proposed increase to the building height of Building D will raise the maximum height by two storeys from 125.8 AHD to 132.5 AHD, a total increase of 6.7 metres. The building will be roughly the same height as Buildings B and C, which have heights of 132.6 AHD.
- The overall building heights continue to sit below the height of the nearby higher approved buildings at 443 Upper Heidelberg Road and the buildings to the west at 37-63 Bell Street. The buildings at 37-63 Bell Street have a maximum height of 133.7 AHD to top of roof and 135.9AHD to top of roof plant screen.
- The zoning and overlay controls do not set a mandatory maximum height and the assessment of height is discretionary. The assessment then is largely based on the way in which the additional height is perceived from the public realm and whether the additional height will have any detrimental impact to the public realm or other properties.
- In this case, the additional height to Building D is considered acceptable. The building is already of a substantial height and at the upper levels, the difference made by the additional 6.7 metres will not be readily discernible from the public realm.
- Building D will not be higher than B and C as already approved and height at D is consistent with transition up on end of site closest to activity centre toward higher land elevating and existing build form.
- The dwellings to the south of the development will not be detrimentally affected by additional overshadowing from the additional height to Building D.
- The buildings will continue to have a good degree of visual interest with different treatments to different sections across the height of the buildings and the height of the building form is not dominant or oppressive when viewed from the public realm.
- The modified design is generally in accordance with the recommendations of the urban design advice received.

Building Setbacks

- Whilst the changes to the rear of Buildings B, C and D result in a more robust stepping of levels, the buildings still present as articulated and modulated to the rear façade.

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

- The design maintains a series of steps, however with a more efficient building design. The height of the steps have been designed in proportions that read as logical and aesthetically comfortable in relation to the overall height of the buildings as they raise toward the north.
- Each 'step' provides a landscaped presentation through the retention of balcony landscape areas at different locations that allow for further visual interest to the southern elevation. As part of the consideration of the application, urban design advice was sought to inform decision making. The recommendations of the urban design advice were relayed to the applicant. The applicant has chosen to heed the advice and modify the rear setbacks of buildings to provide for a more articulated and modulated presentation.
- The revised design is in line with the urban design advice received by Banyule and provides an acceptable outcome to the rear.

Amenity Impacts

- The proposed changes to the building form and location of apartments will not have an unreasonable impact on the amenity of the area. The setback to the rear is being reduced however the setbacks are still in accordance with the Setback Standard 7 of the Design and Development Overlay up until Level 6 of Buildings B and C. At the levels above Level 6, there are some protrusions into the setback standard, however the setback from the rear boundary is still a substantial distance at Level 7, with a 14.47 metre minimum distance from the south boundary. Given the articulated and modulated form, it is considered that the rear setbacks are acceptable to provide a design that adequately prevents undue visual bulk to the south.
- The shadow diagrams submitted with the application demonstrate that the amended development continues to meet the planning scheme standard for overshadowing and would not detrimentally impact the properties to the south.
- The development complies with the planning scheme requirements for overlooking. The amendments to the rear will not result in any apartments that will be within 9 metres of the rear boundary and that will have a direct view that is unscreened into the private open space or habitable room windows of any dwellings to the south.

Car Parking & Traffic

- The permit currently provides for 491 apartments with 653 car parking spaces, 33 motorbike and 313 bicycle parking spaces.
- The proposed amendment will result in 551 apartments provided with 709 car parking spaces, 35 motorbike and 261 bicycle parking spaces. This is in excess of the standard car parking requirements of Clause 52.06 and sufficient to service the development.
- The amended development generates a statutory demand for 157 bicycle spaces. Whilst the total number of bicycle spaces are being reduced from 313 to 261 spaces this would still provide an excess of 84 spaces over the statutory requirement. Nonetheless, it is considered reasonable to not allow for a reduction in bicycle parking as it is hoped that going forward there will be more take up of opportunities for cycling and it would be better to have provision made now for that eventuality.

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

- The application was supported with traffic engineering advice which highlights that the amendment will generate an increase of 19 additional vehicle movements within the peak hours. It is considered that this increase in vehicle movements can be accommodated in the surrounding road network. Council's traffic engineers have no objection to the minor increase in traffic.

Environmentally Sustainable Design

- The proposed amendments largely remain consistent with the existing approval and endorsed Sustainability Management Plan.
- In response to the comments from Council's ESD Consultant, the applicant has agreed to the following being included as permit conditions:
 - The provision of 313 bicycles as per the current endorsed plans;
 - The provision of a dedicated distribution board to accommodate future cabling for electric vehicle charging;
 - all timber certified as FSC sustainable timber and low-VOC floor and wall coverings; and
 - the Sustainability Management Plan updated to provide for food organic waste as outlined within the Waste Management Plan.
- Other measures as recommended have not been required by way of permit condition as the current endorsed plans show sufficient initiatives to demonstrate that the development will achieve the required energy efficiency targets.

OBJECTORS CONCERNS

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

Short stay accommodation

- The future use of the apartments is expected to be generally 'long term' rental or owner occupied. The Victorian Planning System does not restrict dwellings from being used for short stay accommodation.

Light pollution

- Whilst the number of apartments is increasing, and there is some increase in built form, in general terms, it is not considered that there will be any major change in the amount of light emanating from the development.

Overlooking

- The proposed changes will not detrimentally increase overlooking to neighbouring properties.

SUPPORTING REPORT DETAILS

Legal Consideration

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

87-131 BELL STREET, IVANHOE - AMENDMENT TO AN APPROVED MIXED USE DEVELOPMENT (P363/2019) cont'd

Human Rights Charter

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

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	Readvertised Plans	

5.4 **NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION**

Author: Klover Apostola - Principal Strategic Planner, City Development

SUMMARY

1. The Victorian State Government has prepared the draft *Northern Metro Land Use Framework Plan* (LUF_P). The LUF_P was released for public consultation on 24 August 2021. Consultation has been conducted by the State Government, and Council along with members of the community have been able to make a submission.
2. The purpose of this report is to outline the key issues in the LUF_P and for Council to consider and endorse its submission to the State Government. Consultation closes on 24 October 2021, however; the State Government has agreed that Council's submission can be received on the 26 October 2021 so that an endorsed Council position can be submitted.
3. The Northern Metro LUF_P was prepared as an action of the Metropolitan Strategy, *Plan Melbourne* (2017). It applies to the local government areas of Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik and Whittlesea.
4. The LUF_P is a 30-year strategic vision that provides guidance on how the region will shape population and industry growth, inform plans for service and infrastructure development, guide public and private investment, protect the distinctive and historic characteristics of the Northern Metro region and improve environmental resilience.
5. Overall, it is a positive step to have a focused regional plan. Like many State Government plans of this nature – the LUF_P is high level but reasonably short on implementation details and commitments. Of most note to Banyule is:
 - The action to establish a local and state government partnership to coordinate planning for the La Trobe National Employment and Innovation Cluster (La Trobe NEIC).
 - The recognition of the opportunities in the Heidelberg Activity Centre and support for the emerging structure planning work, and the acknowledgement of the Heidelberg West Business Park as 'regionally significant'.
 - The new 'housing investigation areas' in highly accessible locations of Rosanna, Macleod and Watsonia in addition to major activity centres and urban renewal areas as a focus for housing growth.
 - The indicative future Suburban Rail Loop (SRL) alignment and future planning for SRL stations, including Heidelberg (in the longer term).
 - The need for changes to local planning schemes to implement the LUF_P.
6. Council's submission to the LUF_P is in Attachment 1. It gives 'in principle' support for the draft LUF_P and identifies some areas where changes could be made to align with work already done, or to give greater clarity including:

NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION cont'd

- Strong support for the appointment of a lead agency to coordinate planning for the La Trobe NEIC.
- Require significantly more information on 'housing growth areas' and the policy and resourcing implications. They are currently little more than an outline of an idea in the LUFF.
- More accurate description of the public and active transport challenges facing the region and actions to address them in both the short and long term.
- Clarity on how more generalised strategies can be acted upon or tailored specifically for the Northern Metro Region.
- Commitment to better whole-of-place integrated planning and transport outcomes around new train stations/ transport nodes – including Greensborough and Watsonia.
- Clearer resourcing and timing commitments in the Implementation Plan.

RECOMMENDATION

That Council:

1. Give 'in principle' support to the vision, directions, strategies and actions of the draft Northern Metro Land Use Framework Plan (LUFF).
2. Endorse the submission at Attachment 1 to the draft LUFF to be submitted under covering letter by Council's Chief Executive Officer (CEO), which generally supports the plan, and identifies areas where changes can be made, including to:
 - a) Better align the LUFF with the work of Banyule and other State Government Departments and Agencies.
 - b) Give more clarity on how the LUFF will be enacted through the proposed Implementation Plan.
3. Note that the final submission will be the subject of minor drafting, presentation and administrative edits by the CEO.

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".

NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION cont'd

BACKGROUND

- The Metropolitan Planning Strategy [Plan Melbourne 2017- 2050](#), was developed by the State Government to guide growth and change across Melbourne. It identified the need for six metropolitan regional plans to be developed, to provide further guidance on how the plan can be delivered at a regional level, and sets a 30-year vision for each region.
- The draft *Northern Metro Land Use Framework Plan* (LUFP) has since been prepared. The Northern Metro Region includes the Banyule local government area, along with Darebin, Hume, Mitchell, Moreland, Nillumbik and Whittlesea.
- The draft LUFP was prepared by the Department of Environment, Land, Water and Planning (DELWP), with input from Council's within the region. A copy of the draft LUFP is available from this page <https://engage.vic.gov.au/mfpf/northern-metro-lufp>.
- The draft LUFP was on public consultation from 24 August 2021 to 24 October 2021. Council has been given a minor extension to make its submission so that it may be considered by Council and endorsed at this meeting.
- The draft LUFP is a 30-year strategic vision which provides guidance on how the region will, amongst other matters, shape population and industry growth, inform plans for service and infrastructure development, guide public and private investment, protect the distinctive and historic characteristics of the Northern Metro region and improve environmental resilience.
- The LUFP covers six 'themes' being productivity, housing choice, integrated transport, liveability, strong communities, and sustainability & resilience. It includes a vision statement for the region, identifies the key strengths and challenges the region is facing across each theme, and includes a list of directions, strategies and actions that could help to achieve the vision.
- Future implications of the LUFP will likely include changes to planning schemes to reference the LUFP, to enable the delivery of key outcomes in policy. Council will then be required to have regard to its guidance in future decisions. The most notable implications for Banyule include:
- The promotion of the La Trobe National Employment and Innovation Cluster (NEIC), which includes parts of Banyule such as the Heidelberg Major Activity Centre. This area is significant to Banyule from an employment and economic perspective.
- The support for the emerging structure planning work for the Heidelberg Activity Centre, including recognition of the importance of the health precinct and transport opportunities.
- Protection, growth and evolution of the Heidelberg West Business Park, which is also within the NEIC.
- The identification of 'housing investigation areas' within walking distance of the Rosanna, Macleod and Watsonia train stations, as places where more housing could be provided, in addition to the housing that will be provided in our major

NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION cont'd

activity centres (Ivanhoe, Greensborough and Heidelberg) and urban renewal areas.

- The indicative future Suburban Rail Loop alignment and future planning for Suburban Rail Loop stations, including Heidelberg in the longer term.
- The indication that changes may be required to planning schemes to ensure the outcomes of the LUFPP are implemented through policy and local decision making.
- Council recently considered a report on the Greensborough North East Gateway Integrated Strategic Plan. The consultation on this framework provides Council with an opportunity to further advocate for;
- the appointment of an agency to oversee whole-of-centre integrated land use and transport planning; and
- further State Government investment in Greensborough activity centre, including an appropriate transport interchange and delivery of shared Plenty trail connections to the centre.

KEY ISSUES

- The submission in Attachment 1 outlines Council's 'in principle' support for the draft LUFPP. It also identifies some areas where changes could be made to better reflect Council's own key strategies and plans, or where more information could be provided to give greater clarity including:
 - The recognition of the national significance of the La Trobe NEIC is welcomed, however more information is needed on how the state will:
 - *'Establish a state and local government partnership to coordinate and manage land use planning for the NEIC'*. Council considers that a lead agency needs to be appointed by the State Government to assume responsibility for coordinated planning for the NEIC to secure the best possible outcomes for health, housing, research, jobs, investment, education and transport planning as a leading regional priority.
 - Support the evolution of the 'regionally significant' Heidelberg West Business Park to provide sustainable, higher technology services that can integrate with the rest of the cluster.
 - More information on the identification and implications of the 'housing investigation areas' and the 'projected housing requirements' should be provided. Any locations for growth should be identified in consultation with Council. The roles, responsibilities and expectation of both State Government and Council in delivering housing change should also be clarified. Council must be involved in any identified areas, policy formulation and implementation. It should be acknowledged in the LUFPP that a large urban renewal area in Postcode 3081 (including parts of Heidelberg heights, Bellfield and Heidelberg West) has already been identified in the Banyule Planning Scheme to provide for housing growth and diversity.
 - A stronger commitment to the delivery of affordable housing is needed, in line with the recommendations the Planning Mechanisms for Affordable Housing Ministerial Advisory Committee have made to the State Government.
 - The plan should more accurately reflect the bus, rail and cycling network gaps that need to be addressed in Banyule and throughout the Northern Metro

NORTHERN METRO LAND USE FRAMEWORK PLAN SUBMISSION cont'd

Region, particularly for connections to the Suburban Rail Loop (SRL) and the Strategic Cycling Corridor. More emphasis should also be made on the need to reduce car use and parking to give priority to other modes of transport. More immediate transport solutions should be prioritised to reduce car dependency while the SRL is being planned.

- There is an urgent need to improve integrated transport planning and community consultation around major transport projects. A whole of government approach to transit-oriented development is needed to strengthen links to public transport and activity centres, such as Greensborough and its planned new train station.
- Clearer strategies and resourcing are needed to:
 - support the provision of equitable social infrastructure in the region.
 - overcome barriers to convenient and safe access to open space throughout the region.
- The intent of the strategies within the LUPF have merit, however it is not clear how some of the more generalised strategies will be acted upon or tailored specifically for the Northern Metro Region.
- The Implementation Plan is welcomed as it gives a guide to the lead agencies and partners who will deliver the actions of the draft LUPF, however the number of actions is limited, and further clarity is needed on the resourcing, timing and delivery models.
- Overall, the LUPF should be reviewed to ensure consistency with recent work completed by other State Government departments and agencies that address each of the themes.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

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	Submission to the Northern Metro Land Use Framework Plan	

6.1 QUARTER 1 ADVISORY COMMITTEES REPORT

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

SUMMARY

1. Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective focus.
2. Advisory Committees provide important linkages between Council, Community, State agencies and interest groups. Following an Advisory Committee meeting, a report will be submitted to Council to note the minutes and consider any issues raised by the committees.
3. The following Minutes are presented for noting:
 - o Reconciliation Action Plan Advisory Committee
 - o Arts and Culture Advisory Committee
 - o Banyule Environment & Climate Action Advisory Committee
 - o Multicultural Committee
 - o Disability and Inclusion Committee
 - o LGBTIQ+ Committee
 - o Age-Friendly City Committee
4. The RAP Advisory Committee Recommended the Co-Chair role receives additional remuneration to acknowledge the additional work and responsibilities of the Co-Chair
5. The Banyule Environment and Climate Action Advisory Committee recommended that Council allocates further funding to the Better Score Program to ensure another round of funding can be implemented as soon as feasible.

RECOMMENDATION

That Council:

1. Notes the following minutes/reports:
 - a) Reconciliation Action Plan (RAP) Advisory Committee
 - b) Arts and Culture Advisory Committee
 - c) Banyule Environment & Climate Action Advisory Committee
 - d) Multicultural Committee
 - e) Disability and Inclusion Committee
 - f) LGBTIQ+ Committee
 - g) Age-Friendly City Committee

QUARTER 1 ADVISORY COMMITTEES REPORT cont'd

2. Notes the recommendation from Reconciliation Action Plan Advisory Committee that the Co-Chair role receives additional remuneration to acknowledge the additional work and responsibilities of the Co-Chair.
3. Refers consideration of additional remuneration for the Reconciliation Action Plan Co-Chair to a future Council meeting.
4. Notes the recommendation from the Banyule Environment and Climate Action Advisory Committee to allocate further funding to the Better Score Program to ensure another round of funding can be implemented as soon as feasible.
5. Refers the consideration of additional funds to enable the expansion of the Better Score Program to the 2022/23 budget process.

COUNCIL PLAN

- This report is in line with Banyule’s Council Plan key direction to “Support a connected, inclusive and involved community”.

BACKGROUND

- Advisory Committees are made up of councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council’s strategic plan for their respective focus.
- Advisory committees provide important linkages between Council, community and state agencies and interest groups. Following an advisory committee meeting, a report will be submitted to Council to note the minutes and consider any issue raised.

KEY ISSUES

1.	<p>Report/Committee Name: Reconciliation Action Plan Advisory Committee</p> <p>Brief explanation: The aim of Reconciliation Action Plan (RAP) Advisory Committee is to provide Council with advice and information on inclusion, access and equity issues facing Aboriginal and Torres Strait Islander communities and to oversee the development of Council’s <i>Innovate</i> RAP between September 2020 and September 2022.</p> <p>The Reconciliation Action Plan Advisory Committee met on 8 September 2021 online. A report of this meeting is in Attachment 1.</p> <p>The meeting was chaired by Cr Peter Dimarelos and nine committee members attended.</p> <p>The Committee discussed the Terms of Reference, Banyule’s Indigenous Community, the RAP action review process, and the Inclusive Banyule Advisory Committee.</p> <p>The Committee made the following formal recommendation:</p> <p>The RAP Advisory Committee recommends the Co-Chair role receives additional remuneration to acknowledge the additional work and responsibilities of the Co-Chair.</p>
2.	<p>Report/Committee Name: Arts and Culture Advisory Committee</p> <p>Brief explanation: The aim of the Arts and Culture Advisory Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the strategic</p>

QUARTER 1 ADVISORY COMMITTEES REPORT cont'd

	<p>development of arts, culture and heritage planning, policy and development.</p> <p>The Arts and Culture Advisory Committee met on 2 September 2021 online. A report of this meeting is in Attachment 2.</p> <p>Cr Elizabeth Nealy chaired the meeting and Cr Dimarelos and Cr McKern were in attendance. Twelve committee members attended. There were no formal recommendations arising from this meeting.</p> <p>The Committee discussed the Banyule Arts & Culture Program overview, cultural vitality, Arts and Culture working groups and future events.</p>
3.	<p>Report/Committee Name: Banyule Environment & Climate Action Advisory Committee</p> <p>Brief explanation: The aim of the Banyule Environment & Climate Action Advisory Committee is to provide feedback and advice to Council to support its work in developing and implementing long term environmental policy, goals strategies, and in commenting on the achievement of these.</p> <p>The Banyule Environment & Climate Action Advisory Committee met online 9 September 2021. A report of this meeting is in Attachment 3.</p> <p>Cr Peter Castaldo chaired the meeting and Cr McKern and Cr Melican were in attendance. Eleven committee members attended.</p> <p>The Committee discussed the Urban Forest Strategy, Better Score Project, Banyule Clean Energy Group, Community Energy Innovation Grants, Community Climate Action Plan working group.</p> <p>The Committee made the following formal recommendation:</p> <p>The Banyule Environment and Climate Action Advisory Committee recommends that Banyule City Council allocates further funding to the Better Score Program to ensure another round of funding can be implemented as soon as feasible.</p>
4.	<p>Report/Committee Name: Multicultural Committee</p> <p>Brief explanation: The aim of the Multicultural Committee is to provide Council with advice and information on the evolving context of multiculturalism, and on inclusion, access, equity and human rights issues, barriers and challenges facing, the opportunities available to, and the aspirations of, multicultural communities in Banyule.</p> <p>The Multicultural Committee met on 25 August 2021 online. A report of this meeting is in Attachment 4.</p> <p>Cr Fiona Mitsinikos chaired the meeting and Cr McKern was in attendance. Eight committee members attended. There were no formal recommendations arising from this meeting.</p> <p>The Committee discussed the Terms of Reference, Multicultural Plan, Engagement Banyule's Multicultural Plan and the Inclusive Banyule Advisory Committee.</p>
5.	<p>Report/Committee Name: Disability and Inclusion Committee</p> <p>Brief explanation: The aim of the Disability and Inclusion Committee is to provide Council with disability, inclusion, access, equity and human rights advice and information on the evolving context of disability, and on the</p>

QUARTER 1 ADVISORY COMMITTEES REPORT cont'd

	<p>issues, barriers and challenges facing, the opportunities available to, and the aspirations of, people with disabilities in Banyule.</p> <p>The Disability and Inclusion Committee met on 15 September 2021 online. A report of this meeting is in Attachment 5.</p> <p>Cr Rick Garotti chaired the meeting and Cr Champion attended. There were no Councillors in attendance at this meeting. Lisa Raywood, Manager Health Aged and Community Planning, chaired the meeting. Thirteen committee members attended. There were no formal recommendations arising from this meeting.</p> <p>The Committee discussed the Terms of Reference, Disability Action Plan, Community Engagement Plan, Inclusive Banyule Advisory Committee and the intergovernmental panel on climate change.</p>
<p>6.</p>	<p>Report/Committee Name: LGBTIQ+ Committee</p> <p>Brief explanation: The aim of the LGBTIQ+ Committee is to provide Council with advice and information on inclusion, access and equity issues facing the LGBTIQ+ community, and on the implementation and review of Council's LGBTIQ+ Plan.</p> <p>The LGBTIQ+ Committee met on 19 August 2021 online. A report of this meeting is in Attachment 6.</p> <p>Cr Peter Castaldo chaired the meeting and Cr Champion attended. Fourteen committee members attended. There were no formal recommendations arising from this meeting.</p> <p>The Committee discussed committee protocols and all members provided an update. Guest speaker Maddi Cooper, Council's Rainbow Youth Worker, presented on her role and Wear it Purple Day. The Committee also completed an engagement activity for the LGBTIQ+ Action Plan 2022-2026.</p>
<p>7.</p>	<p>Report/Committee Name: Age-Friendly City Committee</p> <p>Brief explanation: The aim of the Age-Friendly City Committee is to provide Council with advice on older adult issues and ageing well in Banyule. The Age-friendly Committee will oversee the relevant strategic plan and Council's involvement in the World Health Organisation's Global Network of Age-friendly Cities.</p> <p>The Age-Friendly City Committee met on 26 August 2021 online. A report of this meeting is in Attachment 7.</p> <p>Cr Tom Melican chaired the meeting. Eight committee members attended. There were no formal recommendations arising from this meeting.</p> <p>The Committee discussed the Banyule Community Vision – 2041, committee processes, the Inclusive Banyule Committee, committee updates, and the Older Adults Strategic Plan.</p>

SUPPORTING REPORT DETAILS

Legal Consideration

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

QUARTER 1 ADVISORY COMMITTEES REPORT cont'd

Human Rights Charter

- The Advisory Committees Report and the Committees themselves directly address the *Victorian Charter of Human Rights and Responsibilities 2008*. The Committees provide important linkages between Council, Community, State agencies and interest groups and their existence ensures equalities and inclusion are at the heart of everything that Council does, from daily operations through to collaborative relationships.

In particular this report relates to the following human rights and responsibilities:

- Section 8 - The right to recognition and equality before the law.
- Section 10 - The right to protection from torture and cruel, inhuman or degrading treatment.
- Section 14 - The right to freedom of thought, conscience, religion and belief.
- Section 19 - Cultural rights, including Aboriginal cultural rights.
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Sustainable Procurement Outcomes

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

Financial Implications

- *Reconciliation Action Plan Advisory Committee*: a \$120 sitting fee will be required per meeting to provide remuneration to acknowledge the additional work and responsibilities of the Co-Chair, which can be accommodated within the existing budget.
- *Banyule Environment & Climate Action Advisory Committee*: any additional funds required to extend the Better Score Program will be referred to the 2022/23 budget.

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	Reconciliation Action Plan (RAP) Advisory Committee Minutes - 8 September 2021	
2	Banyule Arts and Cultural Advisory Committee - BACAC - Meeting Minutes - 2 Sept 2021	
3	BECAAC Minutes - Meeting One 9 September 2021	
4	Multicultural Committee - Minutes - 25 August 2021.docx	
5	Disability and Inclusion Committee (BDIAC) - Minutes - Online meeting - 15 September 2021	

QUARTER 1 ADVISORY COMMITTEES REPORT cont'd

- 6 LGBTIQ+ Committee Meeting - Minutes - August 2021
- 7 Age Friendly City Advisory Committee - Minutes 26 August 2021

6.2 BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031

Author: Kamal Singh - Integrated Planning Project Manager, Corporate Services

Previous Items

Council on 09 Aug 2021 7.00pm (Item 6.2 - Banyule 2041 Stage 3 - Public Exhibition of Council Plan 2021-2025 and Financial Plan 2021- 2031)

SUMMARY

1. Since November 2020, Council has been on a journey to undertake an extensive deliberative engagement program to inform the development of the Banyule Community Vision, Council Plan and Financial Plan. This is in accordance with the *Local Government Act 2020* (the Act) that requires these documents to be developed and adopted by 31 October 2021.
2. Banyule 2041 Shaping Our Future Project (the Project) has been delivered in several stages.
 - o **Stage 1** - key findings report was endorsed at the Ordinary Council Meeting on 22 March 2021.
 - o **Stage 2** - representative sample of the Banyule community joined the Banyule 2041 Community Working Group (CWG) which in accordance with deliberative engagement practices gave the community a voice and platform to shape the future of Banyule. The Community Working Group Journey Report and the Banyule Community Vision 2041 were endorsed at the Ordinary Council Meeting on 19 July 2021.
 - o Findings from both stages, combined with Councillor priorities and the existing organisational plans, were utilised to develop the draft Council Plan 2021- 2025 and Financial Plan 2021 - 2031
 - o **Stage 3** – from 10 August to 7 September 2021, the draft Council Plan 2021-2025 and draft Financial Plan 2021–2031 were placed on public exhibition to seek further feedback from the wider community.
3. The Council Plan 2021-2025 and Financial Plan 2021-2031 have incorporated community aspirations, values, focus and feedback from all stages of the project and are now ready for Council to consider for adoption.
4. The new Council Plan 2021-2025 and Financial Plan 2021-2031 will play a critical role by supporting the implementation of the Banyule Community Vision 2041.

RECOMMENDATION

That Council:

1. In accordance with Section 90 (3) of the *Local Government Act 2020* (the Act) adopt the Banyule Council Plan 2021- 2025 (the Council Plan).
2. Note that in accordance with Section 90 (4) of the Act, the Council Plan takes effect from 1 July 2021.
3. In accordance with Section 91 (4) of the *Local Government Act 2020* (the Act) adopt the Banyule Financial Plan 2021- 2031 (the Financial Plan).

BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031 cont'd

4. Note that in accordance with Section 90 (5) of the Act, the Financial Plan takes effect from 1 July 2021
5. Note In accordance with Sec 18 (1) (d), Council will be reporting on the progress of the Council Plan 2021-2025 to the community on regular basis.

COUNCIL PLAN

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

BACKGROUND

Banyule 2041 – Shaping Our Future Project

Banyule 2041- Shaping Our Future Project (the Project) is being undertaken to strengthen Banyule’s approach to integrated planning and to fulfil strategic and financial planning requirements specified within the Act. The Project has been delivered in a number of stages.

Banyule 2041 - Stage 1 Engagement

- Stage 1 engagement of the Project started on 30 November 2020 with a range of engagement opportunities such as workshops, online survey, written survey, and telephone surveys being offered throughout the period.
- Over 1,300 responses were received from members of the community on the things they value in Banyule, and their long-term aspirations for the municipality that they hope to live, work and play in.
- The Stage 1 key findings report was endorsed at the Ordinary Council Meeting on 22 March 2021.

Banyule 2041 - Stage 2 Community Working Group

- As part of Council’s deliberative engagement process, and to ensure that the community had a voice and platform to shape the future of Banyule, a Community Working Group (CWG) was formed. The CWG was made up of approximately 55 representatives of the Banyule community from a range of diversities, genders, ages, abilities and backgrounds. This group represented a ‘Mini Banyule’ and was a true reflection of the community.
- CWG members attended four (4) workshops between April and May 2021. During these workshops the CWG members co-authored the Community Vision statement and identified community priority themes to focus on for the next 20 years. This has provided the strategic direction for Council to develop its Council Plan and Financial Plan to support the achievement and delivery of the Community Vision.
- The Stage 2 Community Working Group Journey Report and the Banyule Community Vision 2041 was endorsed at the Ordinary Council Meeting on 19 July 2021.

Development of the draft Council Plan 2021-2025

- Since the conclusion of the CWG, a series of internal workshops with the Banyule Leadership Team and Councillors have been conducted. During these

BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031 cont'd

workshops, feedback from Stages 1 and 2, along with Councillor strategic priorities, existing organisational plans etc. have been considered to develop Banyule's new draft Council Plan 2021-2025.

- Banyule Community Vision themes have become the strategic objectives of the next 4-year Council Plan ensuring that there is a direct link between the community's future vision for Banyule and the strategic direction of Council over the life of the Council Plan.

The six Vision themes/strategic Objectives are:

- Our inclusive and connected community.
 - Our sustainable environment.
 - Our well-built City.
 - Our valued community assets and facilities.
 - Our thriving local economy.
 - Our trusted and responsive leadership.
- The draft Council Plan 2021-2025 was endorsed by Council for public exhibition at the Ordinary Council meeting on 10 August 2021.

Development of the draft Financial Plan 2021–2031

- The draft Financial Plan 2021-2031 has been developed to guide how Council will remain financially sustainable while supporting the Community Vision and the Council Plan. It will be used by Council to ensure long-term viability.
- The draft Financial Plan 2021-2031:
 - incorporates reviews of the current conditions such as the economic climate, government policy, corporate priorities and has considered the the financial impacts due to COVID-19 in the medium to long term.
 - Assesses Council's current and projected financial capacity to continue delivering high quality services, facilities and infrastructure while identifying critical new capital investment to respond to future conditions and challenges.
 - Explains major revenue and expense categories and includes annual percentage escalations for the next ten years comprising the major line items included in the ten-year Comprehensive Income Statement and the estimated annual CPI increases.
 - Demonstrates the financial sustainability against a range of financial indicators to gain a better understanding of key measures such as indebtedness and liquidity.
- Banyule City Council is in a strong financial position under this draft Financial Plan 2021- 2031 which demonstrates that the established financial management principles can be maintained in the long term.
- The draft Financial Plan 2021 - 2031 was endorsed by Council for public exhibition at the Ordinary Council meeting on 10 August 2021.

BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031 cont'd

Stage 3 - Public Exhibition of draft Council Plan and draft Financial Plan

- Public exhibition of the draft Council Plan 2021-2025 and draft Financial Plan 2021-2031 took place between 10 August and 7 September 2021. During this period a number of community online drop-in sessions and a webinar were attended by several community members.
- During these drop-in sessions, Council officers, along with elected members, provided the community with relevant information that enabled participants to provide informed feedback on both plans through an online survey, which was also made available on Shaping Banyule.
- Overall positive feedback was received for both plans and participants are supportive of Council's strategic direction for the future. All feedback from stage 3 was considered by Council and the plans were amended accordingly.

Stage 4 - Council to consider Council Plan and Financial Plan for adoption

- The Council Plan 2021-2025 and Financial Plan 2021-2031 have utilised findings from extensive community engagement and will be key to delivery of Banyule Community Vision 2041. Both plans have been included as attachments to this report.
- The Council Plan 2021-2025 and Financial Plan 2021-2031 are now ready for Council to consider for adoption with an effective date of 1 July 2021.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 90 of the *Local Government Act 2020* outlines the requirements for councils to develop and adopt a Council Plan.

S 90 – Council Plan must include:

1. the strategic direction of the Council;
2. strategic objectives for achieving the strategic direction;
3. strategies for achieving the objectives for a period of at least the next 4 financial years;
4. strategic indicators for monitoring the achievement of the objectives;
5. a description of the Council's initiatives and priorities for services, infrastructure and amenity;
6. any other matters prescribed by the regulations.

- Section 91 of the *Local Government Act 2020* outlines the requirements for councils to develop and adopt a Financial Plan.

S 91 – Financial Plan must include:

1. The scope of a Financial Plan is a period of at least the next 10 financial years.
2. A Financial Plan must include the following in the manner and form prescribed by the regulations—
 - (a) statements describing the financial resources required to give effect to the Council Plan and other strategic plans of the Council;

BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031 cont'd

- (b) information about the decisions and assumptions that underpin the forecasts in the statements specified in paragraph (a);
- (c) statements describing any other resource requirements that the Council considers appropriate to include in the Financial Plan;
- (d) any other matters prescribed by the regulations.

Human Rights Charter

- In developing this briefing report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities 2006.
- The proposed engagement approach seeks to provide meaningful and accessible engagement opportunities and enable the rights of people to participate in public life and decision making that affects them.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the next steps 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.

Community Engagement

- Banyule 2041 Stage 1, 2 and 3 have now been completed.
- During stage 1 of the project over 1,300 people actively participated and provided their views on community values, aspirations and focus for the future. Stage 1 engagement findings report was shared with participants and with wider community through Council's website and Shaping Banyule.
- In stage 2 of this project, Council formed the Community Working Group made up of 55 everyday citizens representing Banyule demographics. During this stage the CWG deliberated over 4 workshops to develop a co – authored Vision statement and provided recommendations to better deliver on Council Plan and Financial Plan.
- Stage 3 of the project has also been completed by publicly exhibiting draft Council Plan 2021-2025 and draft Financial Plan 2021-2031 to seek community feedback on strategic direction of both plans.
- The community engagement component of the project has now concluded and the next step is for Council to consider adoption of the plans which must occur prior to 31 October 2021.

BANYULE COUNCIL PLAN 2021-2025 AND FINANCIAL PLAN 2021-2031 cont'd

Future Engagement and Reporting

- In accordance with Sec 18 (1) (d), the Mayor is required to report to the community, at least once each year, on the implementation of the Council Plan.
- Council will undertake regular reporting on the progress of the Council Plan 2021-2025 to inform the community and achievement of the Community Vision and priorities.

ATTACHMENTS

No.	Title	Page
1	Banyule Council Plan 2021-2025	
2	Banyule Financial Plan 2021-2031	

6.3 RECORD OF COUNCILLOR MEETINGS

Author: Fletcher Coburn - Executive Customer Support 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:	27 September 2021 – 6.30pm										
	Type of Meeting:	Councillor Briefing										
	Matters Considered:											
	<ul style="list-style-type: none"> • Councillor Training: Prevention of Sexual Harassment and Gender Equity • Council Plan & Financial Plan update • General Business 											
	Councillors Present:											
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Peter Castaldo</td> <td style="width: 50%;">Alida McKern</td> </tr> <tr> <td>Alison Champion</td> <td>Tom Melican</td> </tr> <tr> <td>Peter Dimarelos</td> <td>Fiona Mitsinikos</td> </tr> <tr> <td>Mark Di Pasquale</td> <td>Elizabeth Nealy</td> </tr> <tr> <td>Rick Garotti</td> <td></td> </tr> </table>		Peter Castaldo	Alida McKern	Alison Champion	Tom Melican	Peter Dimarelos	Fiona Mitsinikos	Mark Di Pasquale	Elizabeth Nealy	Rick Garotti	
	Peter Castaldo	Alida McKern										
Alison Champion	Tom Melican											
Peter Dimarelos	Fiona Mitsinikos											
Mark Di Pasquale	Elizabeth Nealy											
Rick Garotti												
Staff Present:												
<p>Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Corporate Governance and Communications</i> Kerryn Woods – <i>Acting Governance Coordinator</i> Emily Outlaw - <i>Acting Governance Coordinator</i> Roberta Colosimo – <i>Manager of Youth and Family Services</i> Kamal Singh – <i>Integrated Planning Project Manager</i></p>												
Others Present:												
Karen Maher – Smart Culture												
Conflict of Interest:	Nil											

RECORD OF COUNCILLOR MEETINGS cont'd

2	Date of Meeting:	4 October 2021 – 5.30pm
	Type of Meeting:	Council Meeting Pre-Briefing
	Matters Considered:	
	Items listed on the agenda for Council Meeting 4 October 2021 as below:	
	3.1 Christmas Day Gathering for Isolated or Underprivileged People 3.2 Bellfield Social Enterprise Cafe 3.3 Reimagining Olympic Leisure Centre 5.1 Greensborough North East Gateway Integrated Strategic Plan 5.2 Banyule Planning Scheme Amendment C107 (Treetop climbing facility) at 340 -680 The Boulevard, Ivanhoe East 5.3 7-11 Cartmell Street, Heidelberg - proposed sale of land	
	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> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Joel Elbourne – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Corporate Governance and Communications</i> Kerryn Woods – <i>Acting Governance Coordinator</i> Emily Outlaw - <i>Acting Governance Coordinator</i> David Pascolo – <i>IT Infrastructure Analyst</i> Duncan Stephen – <i>JETS Sound Engineer / Program Assistant</i> Jay Mifsud – <i>Youth Program Officer (FReeza)</i> Megan Kemp – <i>Councillor Support & Civic Events Officer</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

3	Date of Meeting:	5 October 2021 – 7.30pm
	Type of Meeting:	Watsonia Town Square Community Group Reference Group Meeting
	Matters Considered:	
<ul style="list-style-type: none"> • Watsonia Town Square – Concept Design Options • Watsonia Town Square – Public Toilet Design 		
Councillors Present:		
Alison Champion Mark Di Pasquale Rick Garotti		

RECORD OF COUNCILLOR MEETINGS cont'd

Staff Present:	
Jonathan Risby – <i>Manager of Transport</i> Erica Hardie – <i>Senior Project Manager</i>	
Others Present:	
Jeremy Richards, Watsonia Traders Association Sarah Maguire, Watsonia Traders Association Shaun Paine, Rex Paine Timber and Hardware John Kiriakidis Susannah Madden Kate van der Drift Barbara Armstrong, Yarra Plenty Regional Library Watsonia Branch Luke Nelson Rev Denise Nicholls, Anglican Parish of Banyule Paul Johnson, Watsonia Primary School Alexander Madden Acacia Karabatsos Nathan Mundy, Group GSA Rita Fernandes, Group GSA Richard Weinman, Group GSA	
Conflict of Interest:	Nil

4	Date of Meeting:	11 October 2021 – 6.30pm								
	Type of Meeting:	Councillor Briefing								
	Matters Considered:									
	<ul style="list-style-type: none"> • Waste Update (FOGO) • Unconstructed Roads • Banyule Community Fund • General Business 									
	Councillors Present:									
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Peter Castaldo</td> <td style="width: 50%;">Alida McKern</td> </tr> <tr> <td>Tom Melican</td> <td>Rick Garotti</td> </tr> <tr> <td>Peter Dimarelos</td> <td>Fiona Mitsinikos</td> </tr> <tr> <td>Mark Di Pasquale</td> <td>Elizabeth Nealy</td> </tr> </table>		Peter Castaldo	Alida McKern	Tom Melican	Rick Garotti	Peter Dimarelos	Fiona Mitsinikos	Mark Di Pasquale	Elizabeth Nealy
	Peter Castaldo	Alida McKern								
Tom Melican	Rick Garotti									
Peter Dimarelos	Fiona Mitsinikos									
Mark Di Pasquale	Elizabeth Nealy									
Staff Present:										
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Joel Elbourne – <i>Acting Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Kerryn Woods – <i>Acting Governance Coordinator</i> Frances Gianinotti – <i>Community Partnerships Coordinator</i> Kathy Hynes – <i>Manager Operations</i> Lucy Rasdell – <i>Acting Manager Delivery & Assets</i> Mohammad Rashid – <i>City Assets Coordinator</i>										
Others Present:										
Nil										
Conflict of Interest:	Nil									

RECORD OF COUNCILLOR MEETINGS cont'd

RECOMMENDATION

That the record of councillor meetings report be received.

ATTACHMENTS

Nil

7.1 AUDIT & RISK COMMITTEE MINUTES - 17 SEPTEMBER 2021

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. The Audit & Risk Committee is an Advisory Committee and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to a Council Meeting.
3. Consequently, the Minutes of the meeting held on the 17 September 2021 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, being held on 10 December 2021.

RECOMMENDATION

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 17 September 2021

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

- As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee to facilitate:
 - The enhancement of the credibility and objectivity of internal and external financial reporting;
 - Effective management of Council's strategic risks and protection and control of Council assets;
 - Monitoring of Council's Business Continuity Plans and processes;
 - The efficiency and effectiveness of significant Council programmes;
 - Compliance with laws and regulations as well as use of Best Practice Guidelines;
 - The effectiveness of the audit functions.
- The Committee will meet at least four times annually, with authority to convene additional meetings, as circumstances require.
- Minutes will be prepared for all meetings and will be provided to the Chair prior to being presented to Council as unconfirmed minutes and then submitted to the subsequent Committee meeting for confirmation.

AUDIT & RISK COMMITTEE MINUTES - 17 SEPTEMBER 2021 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

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	Unconfirmed Minutes - Audit & Risk Committee - 17 September 2021	

7.2 AUDIT & RISK COMMITTEE - RE-APPOINTMENT OF INDEPENDENT REPRESENTATIVE

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. Each Council must establish an Audit & Risk Committee (the Committee) in accordance with the *Local Government Act 2020*. Each Committee must adopt a Charter. The Charter sets out how the Committee will operate including the membership and terms of appointment. At Banyule, the Committee is made up of five members appointed by Council, three of whom must be independent members.
2. Professor Stuart Kells has been an Independent Representative on the Committee since 1 October 2018 with the first term concluding on 30 September 2021.
3. As outlined in the Committee Charter Independent Representatives may be re-appointed for a further term but will not be appointed for more than two consecutive terms.
4. Since his appointment, Professor Kells has showed a detailed understanding of the entity's business, displayed the ability to act objectively and independently and made a constructive contribution to the work of the committee. He has displayed a willingness to devote the time required to prepare and participate in committee meetings and engage with management outside committee meetings.
5. This report seeks to review the appointment term for Professor Stuart Kells, Independent Representative, on the Committee.

RECOMMENDATION

That Council re-appoint Professor Stuart Kells as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 October 2021 and concluding 30 September 2024

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

- In accordance with the Audit & Risk Committee Charter, the role of the Committee is to assist Council in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements, ensuring sound ethical standards are practised and the necessary system controls are in place to manage risks and prevent fraud and corruption.
- The Charter outlines how Independent Representatives are appointed and re-appointed for a further term but will not be appointed for more than two consecutive terms.

AUDIT & RISK COMMITTEE - RE-APPOINTMENT OF INDEPENDENT REPRESENTATIVE cont'd

- Professor Stuart Kells has been an Independent Representative on the Audit and Risk Committee since 1 October 2018. He has considerable experience advising leaders in government and business on economic and financial analysis, strategy and business improvement. His areas of expertise include performance audit, probity advice, economic and financial modelling, governance and institutional design, and evaluation. For more than a decade, Stuart was a senior executive in the Victorian Government, where his roles included Assistant Auditor-General, Executive Director of the Office of Manufacturing, and Executive Director of the State Services Authority.
- Professor Stuart Kells successful track record includes working collaboratively with the current Committee in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements and ensuring sound ethical standards.
- Following the most recent Committee meeting three regular attendees to the Audit & Risk Committee; Dr Irene Irvine (Chairperson), Mayor Rick Garotti and Director Corporate Services Marc Giglio were invited to do an evaluation on Professor Kells first term on the Committee. All three have recommended the re-appointment of Professor Kells.
- It is therefore recommended that Professor Stuart Kells be re-appointed for a second term as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 October 2021 and concluding 30 September 2024

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

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

Nil

7.3 ANNUAL REPORT 2020/2021

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

Previous Items

Council on 20 Sep 2021 7.00pm (Item 7.3 - Certification of the Financial Statements and Performance Statement for the Year Ended 30 June 2021)

SUMMARY

1. Banyule's Annual Report 2020/21 is a report to our community in relation to the achievement of Banyule's strategic direction as set out in its Council Plan 2017-2021 and Budget 2020/21, and contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
2. The Annual Report 2020/21 was approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer on 20 September 2021 for submission to the Victorian Auditor General and the Minister for Local Government (the Minister).
3. The Annual Report 2020/21 was submitted to the Minister on 1 October 2021, as required by Section 133 of the Act (with subsequent industry-wide extension).
4. A Public Notice was placed on Council's website and in The Age newspaper on 1 October 2021 which gave the legislatively required minimum fourteen (14) days' public notice, in accordance with Section 134(2) of the Act. The document was available during this period for inspection via Council's website.
5. The report is required to be considered by Council within 1 month of submission to the Minister.

RECOMMENDATION

That Council:

1. Receives and notes the Annual Report 2020/21 incorporating the Report of Operations, Performance Statement and Financial Report.
2. Make available the Annual Report on Council's website and when restrictions are eased, copies be made available for inspection at Council's Service Centres.

COUNCIL PLAN

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

ANNUAL REPORT 2020/2021 cont'd

BACKGROUND

- The Annual Report 2020/21 is an important part of Banyule's ongoing reporting to its Community. The Annual Report 2020/21 is in line with Council's Council Plan 2017-2021 and Budget 2020/21.
- The Council Plan 2017-2021 objectives are:
 - People – Strong, Healthy and Inclusive Communities
 - Planet – Environmental Sustainability
 - Place – Great Places and Spaces
 - Participation – Engagement and Advocacy
 - Performance – Efficiency and Good Governance.
- Council's Annual Report 2020/21 is aligned with the relevant Local Government Better Practice Guides 2020-21 (Department of Jobs, Precincts and Regions, Local Government Victoria) in meeting the requirements of the *Local Government Act 1989* (the Act), (as per the transitional provisions of the *Local Government Act 2020*).
- The Annual Report 2020/21 contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
- The Annual Report 2020/21 includes the following key sections:
 - Part One - Report of Operations for the year ended 30 June 2021:
 - Introduction, including Council plan context
 - The Year in Review, including financial summary
 - Our Council, including city profile
 - Our People, including Organisational structure
 - Our Best Value Performance, including activities and services, a summary of our best value performance and Banyule's strategic indicators
 - Governance, management and other information.
 - Part Two - Performance Statement for the year ended 30 June 2021:
 - Description of municipality
 - Sustainable Capacity Indicators
 - Service Performance Indicators
 - Financial Performance Indicators
 - Other Information
 - Certification of Performance Statement
 - Victorian Auditor General Independent Audit Report.
 - Part Three - Financial Report for the year ended 30 June 2021 (Financial Statements) comprising:
 - Certification of the Financial Statements
 - Victorian Auditor General Independent Audit Report

ANNUAL REPORT 2020/2021 cont'd

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements, including a budget comparison for Income and Expenditure and for Capital Works.

KEY ISSUES

- Prior to consideration at this Council meeting, and in accordance with Section 132 of the Act, the Annual Report 2020/21 has been:
 - Subject to audit of the annual Performance Statement and Financial Report by an agent of the Victorian Auditor-General and reviewed by the Audit Committee during September 2021
 - Presented to the 20 September 2021 Council meeting at which Council accepted the Audit Committee's recommendation to approve 'in principle' the Performance Statement and Financial Report for the year ended 30 June 2021
 - Lodged with the Victorian Auditor-General to receive the formal Independent Audit Report.
- The Annual Report 2020/21 was approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer on 20 September 2021 for submission to the Victorian Auditor General and the Minister.
- The Annual Report was submitted to the Minister as per Section 133 of the Act. The due date for submission was extended industry wide to 30 November 2021 due to COVID-19 and advised as part of Bulletin 89/2021 from Local Government Victoria. These deadlines were met with the Annual Report 2020/21 submitted to the Minister on 1 October 2021.
- A Public Notice was placed on Council's website and in *The Age* newspaper on 1 October 2021 which gave the required minimum fourteen (14) days' public notice, in accordance with Section 134(2) of the Act. The document was available during this period for inspection via Council's website.
- The report is required to be considered by Council within 1 month of submission to the Minister. This item is to consider the Annual Report.

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*.

ANNUAL REPORT 2020/2021 cont'd

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

Sustainable Procurement Outcomes

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

-

Financial Implications

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

Community Engagement

- Public Notice was placed in The Age newspaper on 1 October 2021 and on Council's website advising that the annual report had been submitted to the Minister and to give the mandatory minimum fourteen (14) days' notice in accordance with Section 134(2) of the *Local Government Act 1989*.

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	Annual Report for the Year Ended 30 June 2021 (<i>Under Separate Cover</i>)	

7.4 DIGITAL TRANSFORMATION STRATEGY AND ACTION PLAN 2022 - 2025

Author: Deb Weiss - Manager IT & Digital Transformation, Corporate Services

SUMMARY

1. The Digital Transformation Strategy and Action Plan 2021 – 2025 (2021 Strategy) is a new strategy based upon some of the constructs of the 2018 Digital Transformation Plan 2018 – 2020 (2018 Plan). These repeated items include the principles, vision, strategic pillars and some undelivered initiatives.
2. The Digital Transformation Strategy and Action Plan will drive investment in new information, communications and technology (ICT) services over the next three years.
3. To deliver the program over three financial years it is estimated to cost \$13.3 million. The projects identified in the Action Plan will be funded from both the Capital Works program and operational budgets.
4. The Strategy was developed in consultation with Council's service units taking into account current and future needs.
5. A key component of the Strategy is how digital transformation will use data and technology to redesign how Council works, how to provide efficient services and automate operational processes to deliver better value to customers

RECOMMENDATION

That Council:

1. Note the benefits of Digital Transformation for both Council and its community
2. Note the significant investment to modernise Council's information and communications technology capability.
3. Approve the Digital Transformation Strategy and Action Plan 2021 – 2025.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

BACKGROUND

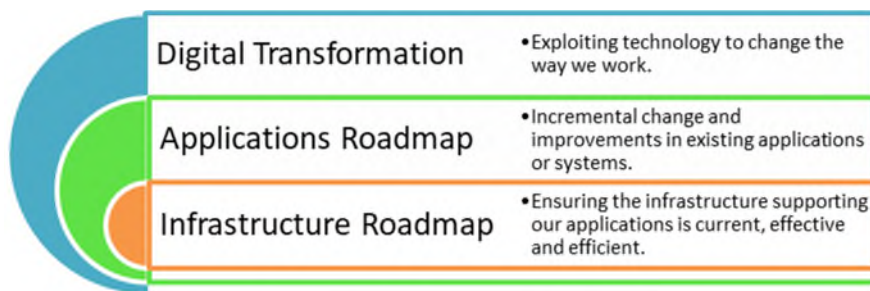
- In 2018, Banyule City Council (Banyule) developed the Digital Transformation Plan 2018-2020 (2018 Plan). The 2018 Plan has guided the investment and project delivery in digital technologies for a three year period and ended on 30 June 2021.
- The 2021 Strategy builds on the work delivered in the 2018 Plan and provide the way forward for investment in digital transformation at Banyule over financial years 2021 to 2025.

DIGITAL TRANSFORMATION STRATEGY AND ACTION PLAN 2022 - 2025
cont'd

- Digital transformation delivers a rethinking of how an organisation uses technology, people and processes to fundamentally change business performance. It is the process of using digital technologies to create new — or modify existing — business processes, organisational culture and customer experiences to meet changing business and community requirements. It will reimagine the services Banyule offers to its customers while transforming Banyule's culture, improving business performance and strengthening the digital maturity and capability. The benefits include:
 - An improved customer experience with outcomes delivered faster and better – designing new ways of working focussed on the customer's experience.
 - Accelerating business activities to improve customer experience – end to end processes are more effective.
 - Improving business performance and lowering cost through process automation.
 - Bringing positive change in business processes, employees (including productivity) and business models.
 - Improving the understanding of how Banyule works, both customer facing and back-office processes to drive improved decision making.
 - Bringing real-time data and information to decision makers.
 - Innovating and using automation (for example AI, Robotics and IoT) to truly transform into a Smart City.
- The 2021 Strategy builds on and modernises the supporting information based from the 2018 Plan – Design Principles, Vision and Strategic Pillars.
- The Strategic Pillars guide investment decisions to ensure they deliver on the Vision for Banyule. They are:
 1. Improved online access and experience for customers and employees
 2. A modern, flexible and integrated digital applications environment
 3. Provision of a robust, secure and intelligent digital infrastructure
 4. Reliable, accessible and accurate data for the digital enterprise
 5. Strong digital governance, culture and skills.
- The 2021 Strategy Action Plan includes 19 initiatives that are detailed in the attached strategy. The initiatives are aligned to the Strategic Pillars and will individually prove their value and budget in business cases.
- Changes in the Information, Communications and Technology (ICT) environments are constant and within Banyule, ideas, initiatives and projects arise and are funded from many sources. Investment and implementation of ICT initiatives will become easier – the new cloud computing solution allow quick purchase and easy implementation, but the software still needs to be managed and funded for a longer timeframe. It is important that impact of investments in ICT are understood and the solutions selected are aligned to the strategy of Banyule.
- To govern the changes and investment in ICT, an ICT governance framework has been created and managed by ICT Steering Committee, this will provide oversight

DIGITAL TRANSFORMATION STRATEGY AND ACTION PLAN 2022 - 2025 cont'd

of the Digital Transformation Action Plan and other ICT investment across Banyule and is shown below:



- The 2021 Strategy introduces a new governance concept that supports decision making and prioritisation in ICT investment particularly for enterprise software. To replace a large application like Council's Enterprise Resource Planning (ERP) software, care needs to be taken to ensure we understand the impact of investing in the replacement software and have the right blend governance to reduce risk of project overspend.
- The 2021 Strategy Action Plan will be reviewed and adjusted annually to ensure relevance and take into account rapidly changing technology.
- The 2021 Strategy also shares the high level roadmap of the IT capital investment programs for maintaining existing infrastructure and applications.

KEY ISSUES

- The core of the 2021 Strategy is to develop the roadmap to replace Council's current ERP and potentially provide software services to parts of Council that have had none.
- Each initiative detailed in the 2021 Strategy Action Plan will only commence once it has a business case approved by Council's ICT Steering Committee and the Executive Management Team.
- 2021 Strategy Action Plan will be reviewed annually to align with budget planning and to ensure the set of initiatives are aligned to Council's strategy direction.

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.

DIGITAL TRANSFORMATION STRATEGY AND ACTION PLAN 2022 - 2025 cont'd

Financial Implications

- To deliver the program over three financial years it is estimated to cost \$13.3 million. The projects identified in the Action Plan will be funded from both the Capital Works program and operational budgets.
- A more detailed financial plan is included in the attachment.
- Each initiative must show expected benefits return upon initiation that is approved by either the ICT Steering Committee or the Executive Management Team.

Innovation and Continuous Improvement

- The 2021 Strategy and Action Plan will focus on improving and changing how we work, it will improve services for customers and services to employees by automating and optimising internal processes.
- Digital transformation will use data and technology to redesign how Council works, how to provide efficient services and automate operational processes to deliver better value to customers and employees.

Community Engagement

- Many of the initiatives are delivering new services to our customers and may require community engagement to test the user experience and ensure the services are well designed and meet community needs.

Collaboration

- Collaboration with other Councils and Governments will occur across the initiatives and procurement activities for the software integration platform required in Initiative 5 has already leveraged a multi-council agreement for software purchase.

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.
- Conflict of Interest will be tested at the initiation of every project within the 2021 Strategy and Action Plan.

ATTACHMENTS

No.	Title	Page
1	Digital Transformation Strategy 2021- 2025	

7.5 VARIATION - CONTRACT NO PA 2110-0503 SUPPLY OF MOBILE BINS

Author: Kathy Hynes - Manager Operations, Assets & City Services

SUMMARY

1. This report is seeking approval for a variation against Contract No. PA 2110-0503 - Supply of Mobile Bins, that was awarded to Trident Plastics (SA) Pty Ltd by Council at the 3 February 2020 Ordinary Council Meeting.
2. In 2019 Council participated in the Procurement Australia public tender process for the Supply of Mobile Bins. The services include the supply and delivery of a range of mobile bin products and related services under the two following categories:
 - a. Category 1 – Two and four wheeled bins in a range of sizes - provision of the basic unit (body, lid, wheels, axles, hinge pins etc.), accessories, markings and product assembly and/ or distribution.
 - b. Category 2 – RFID technology and bin spare parts - provision of RFID technology, two and four wheeled bin spare parts and field maintenance and repair services.
3. At the time the Tender Evaluation Panel (TEP) recommended awarding the contract to Trident Plastics (SA) Pty Ltd in accordance with the tender and conditions as determined by Council, as Council's preferred supplier for the supply of mobile bins and spare parts up to the value of \$720,000 over the five (5) years contract.
4. The report is seeking approval to spend in excess of the \$720,000 over a 5-year period to enable the purchasing of the 50,000 bins required for the Food and Garden Organics service roll out.
5. The associated expenditure for the purchasing of 50,000 bins is \$2,030,000 and is included in the 2021/22 Council Budget.

RECOMMENDATION

That Council:

1. Note the extension, under delegation, of existing Contract No. PA 2110-0503 - Supply of Mobile Bins with Trident Plastics (SA) Pty Ltd to 31 October 2022.
2. Approves the formal variation of existing Contract No. PA 2110-0503 – Supply of Mobile Bins, to include the purchase of an additional 50,000 bins to the value of \$2,030,000 required for the roll out of the Food and Garden Organics service.
3. Note the allocation of \$3,830,000 in its 2021/22 budget for the roll out of the Food & Garden Organics service, which includes the purchasing of the bins required for the Food and Garden Organics service.

VARIATION - CONTRACT NO PA 2110-0503 SUPPLY OF MOBILE BINS 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

- In 2019, through the MAV/Procurement Australia/State Government contracts, five (5) suppliers provided submissions to supply and deliver a range of mobile bin products and related services according to Council's tender specification. Suppliers provided quotations across the following two categories:
 - Category 1 – Two and four wheeled bins in a range of sizes - provision of the basic unit (body, lid, wheels, axles, hinge pins etc.), accessories, markings and product assembly and/or distribution.
 - Category 2 – RFID technology and bin spare parts - provision of RFID technology, two and four wheeled bin spare parts and field maintenance and repair services.

TENDER/QUOTATION EVALUATION

- In 2019, the tenders were assessed on the criteria and weightings listed below:
 - Technical Criteria (80%)
 - Compliance (compliance with insurance, terms and conditions of tender and contract)
 - Professional Competence (experience, satisfaction of range, local manufacturing capability, quality practices and customer focus)
 - Corporate Governance & Social Responsibility (Corporate governance, social impact, environment impact and workplace practices)
 - Price (20%)
- Of the 5 companies that submitted bids one tender was deemed non-compliant and was excluded from further evaluation.
- The following table shows the tenders submitted, their tender prices and the weighted score from the evaluation:

Table 1 Tenders received and weighted scores: Category 1 – Two & Four Wheeled Bins	
Contractor	Weighted Score
Trident Plastics (SA) P/L	240
Tenderer B	229.4
Tenderer C	220
Tenderer D	209

VARIATION - CONTRACT NO PA 2110-0503 SUPPLY OF MOBILE BINS cont'd

Table 2 Tenders received and weighted scores: Category 2 – RFID & Spare Parts	
Contractor	Weighted Score
Tenderer B	231.25
Tenderer C	215
Trident Plastics (SA) P/L	207.5
Tenderer D	186.25

- **Category 2 is subservient to Category 1** as RFID (Radio Frequency Identification) is a technology that is added to a bin. RFID is a technology that will allow Council to improve the management of bin contamination and provide more information and a quicker customer service response to residents through real time data on when a bin was collected. This will be available to Council's customer service team.
- Council is seeking to implement RFID technology across all new or replaced bins for contamination management and to improve customer service. RFID technology will provide the following benefits to Council and result in an overall cost reduction in service provision:
 - Reduction in contamination to organics and recycled waste
 - Identification of reported stolen bins
 - Confirmation of bin collection to assist customer service when missed bin complaints are received
 - Proactive waste management enabled by identification of households requiring targeted waste education.

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.

VARIATION - CONTRACT NO PA 2110-0503 SUPPLY OF MOBILE BINS cont'd

Sustainable Procurement Outcomes

- In order to meet the requirements of Council's Climate Action Program and Waste Minimisation strategy, the bins sourced are manufactured from 100% recycled materials.

Financial Implications

- Council has allocated \$3,830,000 in its 2021/22 budget for the roll out of the Food & Garden Organics service.
- Based on a schedule of rates which the contract was awarded under the associated spend for the purchasing of 50,000 bins (includes RFID tag and information hot stamps) is \$2,030,000.

Additional information

- The initial contract term (Contract No. PA 2110-0503 - Supply of Mobile Bins) was for two (2) years commencing on the 1 November 2019 and ending 31 October 2020. There was also the option to extend for further periods of any duration up to a maximum extension period of four years based on satisfactory performance and meeting Council objectives. The first extension of this contract is due to be exercised this month.
- Since this Contract was awarded on the 3 February 2020, Council has resolved to implement a Food and Garden organic service across the municipality. Part of the service roll out requires the replacement of 50,000 landfill bins, mostly 80L bins to 140L bins.
- Based on the analysis of the previously submitted pricing and recommendation it is believed Trident Plastics (SA) Pty Ltd still offer value for money to supply the bins.

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

- 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 in 2019 completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

Nil

9.1 PLANNING SCHEME AMENDMENTS - STATE AND LOCAL PROJECTS

Author: Cr Alida McKern

TAKE NOTICE that it is my intention to move:

That Council:

1. Notes with significant concern that a number of amendments have been made by the State Government to Victorian Planning Schemes without consultation with councils.
Of most serious concern to Banyule Council are VC170, VC194, and VC198. The changes remove:
 - a. Council permit requirements,
 - b. Public Consultation
 - c. Consultation with local government, and
 - d. Third party rights of residents.
2. Write to the Minister for Planning and the shadow Minister for Planning to advocate that:
 - a. Meaningful consultation with the community and with local government on any reform proposals must occur before reforms are considered or introduced;
 - b. Community consultation must remain an integral consideration for planning decisions;
 - c. Community consultation must be a core part of major planning decisions and is critical for ensuring a transparent planning system.
3. Request the Mayor write to all Mayors of other local government agencies in the Melbourne Metropolitan area regarding Banyule's position.
4. Advise Northern Region Metro Council Mayors of Banyule City Council's position on this matter. and seeking collaborative and coordinated advocacy.
5. Request the CEO or delegate coordinate with other local governments regarding advocacy and provide updates to Council.
6. Request the CEO or delegate and Council MAV representative write to the MAV to take advocacy action.
7. Council's position be published in the next edition of the PIA journal "Planning News".

Explanation

Council notes the Victorian Government has made changes to the planning system in the last 18 months which have reduced the community's public notice and appeal rights and Council's role as responsible planning authority.

PLANNING SCHEME AMENDMENTS - STATE AND LOCAL PROJECTS cont'd

CR ALIDA MCKERN

ATTACHMENTS

Nil