Agenda of Ordinary Meeting of Council - Monday, 7 August 2023

commencing at 7pm

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

Banyule
City Council

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 17 July 2023

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Nil

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Public Question Time

Closure of Meeting to the Public

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

11 Confidential Matters

11.1 Banyule Cemeteries Trust – Future Management Options

This report is designated as Confidential Information in accordance with section 3(1)(a) of the Local Government Act 2020; as it contains confidential information relating to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

11.2 12 Salisbury Avenue, IVANHOE – Alternative Outcome for three storey apartment development (P1125/2022)

This report is designated as Confidential Information in accordance with section 3(1)(h) of the Local Government Act 2020; as it contains confidential information relating to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); - VCAT Confidential Matter

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed.

The livestream will be available on Council's Facebook and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 28 August 2023

3.1 AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023

Author: Krysten Forte - Governance Coordinator, Executive

Previous Items
Council on 27 February 2023 (Item 3.2 - Banyule City Council - Submission of Motions for Australian Local Government Association (ALGA))

SUMMARY

1. Local government leaders from around Australia gathered in Canberra from 13 – 16 June 2023 for the 29th Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA).
2. Representing Banyule City Council included the Councillor delegates Cr Alida McKern, Cr Peter Dimarelos, and Cr Tom Melican.
3. At the Council Meeting on the 27 February 2023 Council endorsed two (2) motions to be submitted to the ALGA NGA regarding support for advocacy on Urban Food Strategy and Electrification of Council facilities. These motions were presented to the Assembly and 'carried' accordingly.
4. ALGA is the national voice of local government, representing over 530 councils across the nation, and is a is a federation of state and territory local government associations.
5. ALGA is guided by their key policies and strategic priorities which are determined by the AGLA Board, consisting of two (2) representatives from each of the member associations and an independent chair.
6. The 2023 NGA was the biggest conference held to date in terms of presentations, size and attendee numbers and featured a wide range of high profile and engaging speakers, leaders, and presenters.
7. The theme for the 2023 NGA was "*Our Communities, Our Future*". The full conference program can be downloaded and read here: 8f752eb437ad401895f34ac9004715a8 (msecnd.net)
8. A copy of the resolutions that were passed at the NGA 2023 can be found here: 2023-Resolutions-from-the-National-General-Assembly-of-Local-Government.pdf (alga.com.au)
9. Attendance at the ALGA NGA is important for Councillors to continue to understand sector and national issues that impact local government and learn of opportunities and challenges ahead. Learnings contextualised to Banyule is important in Council continuing to achieve its Vision and Council Plan Objectives.
10. This Report provides a summary of the expenses that were incurred by Councillors travel and attendance at the NGA which is a requirement as set out in the Council Expenses Policy.
11. It is important to note that Councillor attendance is budgeted for in Council's adopted operating budget.

AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023 cont'd

RECOMMENDATION

That Council:

1. Receive and note the Report prepared on behalf of Councillor delegates who attended the Australian Local Government Association (ALGA) - National General Assembly 13- 16 June 2023.

2. Note that **Attachment 1** to this Report details the summary of presentations and discussions and highlights as detailed from Councillors in attendance.

3. Note that over 145 motions were presented to the ALGA National General Assembly with the resolutions from each motion hyperlinked in the body of this Report.

4. Acknowledge and note the importance of the annual Australian Local Government Association – National General Assembly, and the importance of collaboration between local government agencies at local, state, and national level.

COUNCIL PLAN

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

BACKGROUND

- From the 13-16 June 2023 for the 29th Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA) was held.
- Representing Banyule City Council included the Councillor delegates Cr Alida McKern, Cr Peter Dimarelos, Cr and Cr Tom Melican.
- At the Council Meeting on the 27 February 2023 Council endorsed two (2) motions to be submitted to the ALGA NGA regarding support for advocacy on Urban Food Strategy and Electrification of Council facilities. These motions were presented to the Assembly and 'carried' accordingly.
- ALGA is the national voice of local government, representing over 530 councils across the nation, and is a is a federation of state and territory local government associations.
- ALGA is guided by their key policies and strategic priorities which are determined by the AGLA Board, consisting of two (2) representatives from each of the member associations and an independent chair.
- The 2023 NGA was the biggest conference yet and featured a wide range of high profile and engaging speakers, leaders, and presenters.
- The theme for the 2023 NGA was "*Our Communities, Our Future*". The full conference program can be downloaded and read here: 8f752eb437ad401895f34ac9004715a8 (msecnd.net)

AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023 cont'd

- A copy of the resolutions that were passed at the NGA 2023 can be found here: 2023-Resolutions-from-the-National-General-Assembly-of-Local-Government.pdf (alga.com.au)
- Whilst this report is not an exhaustive summary of the highlights experienced and learnings obtained by Councillors delegates, **Attachment 1** to this report provides an overview of the ALGA NGA. Some of the key highlights and presentations are detailed below:
    - The Australian Council of Local Government Meeting Welcome session – addressed by The Hon Anthony Albanese MP, was a highlight for Councillors. The key outcomes from this discussion related to the financial Assistance Grants and $100M over 2 years, 50%/50% funding for Councils to upgrade swimming pools, sport fields lights to help achieve zero emissions.
    - One of many of the Ministerial Panel's was well regarded. The Hon Catherine King MP discussed the focus on better access to services for banking, and The Hon Stephen Jones MP spoke about access and cost of insurance issues and risk and the need for better data and management of risk.
    - The Mayor Matt Burnett Gladstone Regional Council and Vice President of the Australian Local Government Association spoke about the principles of Sustainability, partnership, and liveability in the context of local government.
    - Other presentations were facilitated by His Excellency General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, ALGA President's Address Cr Linda Scott, ALGA President, The Hon Peter Dutton MP.
    - Councillor delegates reflected on the powerful discussion on Thursday 15 June 2023 - *A Conversation About the Voice,* which was presented by Mayor Ross Andrews, Yarrabah Aboriginal Shire Council, QLD. This was a particular highlight for Councillors as the discussion focused on the importance of giving information, not just advocating for a yes vote and the power of people working together and the need for First Nations People to have input into what happens in their region.
- Councillor delegates also had the opportunity to visit Parliament House.
- The announcement of the $200M for climate change initiatives in sporting facilities was a welcomed surprise to Councillors.

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*.

AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023 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 implications arising from the recommendation contained in this report, and it is important to note that all expenses have already been incorporated into Councils operational budget.
- **Table 1** provides a summary of the Expenses incurred.

Councillor	Expense	Cost
Cr Peter Dimarelos	Accommodation (2 nights)	$529.66
	Airfares to Canberra to attend ALGA NGA	$687.28
	ALGA NGA registration	$1,070.00
	Total $2,286.94	
Cr Tom Melican	Airfares to Canberra to attend ALGA NGA	$687.28
	ALGA NGA registration	$1,070.00
	ALGA NGA accommodation (3 nights)	$788.66
	Travel (cab charge)	$54.70
	Total $2600.64	
Cr Alida McKern	Airfares to Canberra to attend ALGA NGA	$768.03
	ALGA NGA registration	$1,070.00
	ALGA NGA accommodation (4 nights)	$1051.54
	Total $2,889.57	
ALL COUNCILLORS Total $7,777.15		

- Council has in force a Council Expenses Policy that provides for the ability for Councillors to undertaken relevant professional development matters and attendance at conferences and seminars that are relevant to their role.
- As part of Councils Commitment to transparency and accountability all expenses are to be reported on as per the Policy.
- Total costs associated with accommodation, registration and flights for the Councillors who attended ALGA totalled **$7,777.15**

AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023 cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Cr Melican Councillor Delegate Report for Council - ALGA NGA	

3.2 REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING

Author: Hans Hansson - Strategic Procurement Coordinator, Corporate Services

SUMMARY

1. The purpose of this report is to satisfy the Council resolution *CO2021/105* and to outline the recommended changes to the current Procurement Policy.
2. The Procurement Policy was adopted by Council on 24 May 2021 and came into effect on 1 July 2021. Councils are required to review their Procurement Policy every four (4) years under the *Local Government Act 2020*.
3. Upon establishment of the Sustainable Procurement Framework, it was proposed that the Procurement Policy be revised in 2023, to assess if the policy delivers desired outcomes relating to agreed sustainable procurement KPIs and targets.
4. This assessment has been undertaken and it is proposed that the below changes to the Procurement Policy 2021-2025 include:
    - Adjustments to Sustainable Procurement Framework Key Performance Indicators SPF1, SPF2, SPF7, SPF8 and SPF9.
    - Adjustments to the procurement methodology to include at least one quote from a Social or Local Business where the category of expenditure has a “High” Social or Local Business opportunity, depending on availability of Local or Social Businesses.
    - Amend the Policy to require that a Best and Final Offer (BAFO) is undertaken for all tenders. (Council Resolution *CO2023/108*).
    - Other minor updates (e.g., descriptors).
5. The Council resolution on 24 May 2021 (*CO2021/105*) requested that Council officers prepare a report on procurement contracts approved between $0.5 million and $1.0 million under the Chief Executive Officer’s delegation.
6. An Annual Procurement Plan is presented to Council. The Procurement Plan is a point in time document that may change throughout the year to include unforeseen procurement activities.

RECOMMENDATION

That Council:

1. Consider for adoption the Revised Procurement Policy 2021-2025.
2. Continue to show leadership in sustainable procurement practices and report each year via the Council Plan report on achievements against the agreed measures.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

3. Commits through the Procurement Policy to get the best value for money in all its procurement activities using a Best and Final Offer (BAFO) process.

4. Deliver educational sessions to the community and local businesses on Banyule City Council's Sustainable Procurement Framework throughout the year.

5. Note that the Chief Executive Officer awarded seven (7) contracts, each valued between $0.5 million and $1.0 million, under delegation in the 2022/23 financial year.

6. Receives the 2023/24 Annual Procurement Plan detailing the anticipated procurement activity that includes the expenditure for anything over $100,000 as attached to this report.

7. Note that the sustainable and collaborative procurement opportunities for the known strategic sourcing events have been considered and classified.

8. Note that the Procurement Plan is continually reviewed and updated throughout the year.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of procurement activity in a way that enhances social, economic and environmental outcomes".

BACKGROUND

- The Procurement Policy was adopted by Council on 24 May 2021 and came into effect on 1 July 2021 with a legislative requirement for Council to review the Policy every 4 years.
- In 2022, the Northern Region Councils were awarded the Collaboration and Innovation in Procurement Award for the Regional Procurement Policy Project for successfully collaborating to develop the first-ever Regional Procurement Policy that fully enables collaboration.
- In light of the significant amendments to the Procurement Policy from the newly introduced *Local Government Act 2020*, and the inclusion of the sustainable procurement KPIs, it was proposed that the Procurement Policy be reviewed in 2023 to assess the efficacy of the policy and the proposed sustainable procurement KPIs and targets.
- The Procurement policy includes thirteen (13) sustainable procurement KPIs, dependent on the implementation of the Sustainable Procurement Framework (the Framework) across Council. These are listed in Table 1 below.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Table 1 – Sustainable Procurement Framework - Key Performance Indicators (KPI)

KPI	KPI - Description
SPF1	Embed a whole-of-council procurement framework that leverages Council purchasing to support environmental, social, and economic outcomes.
SPF2	Educate suppliers about sustainable procurement.
SPF3	Embed best practice environmentally sustainable design specifications into capital works and maintenance programs.
SPF4	Integrate sustainability criteria, weightings, and carbon emission questions into procurement processes for categories identified with medium/high environmentally sustainable outcomes.
SPF5	Implement Carbon Emission Reduction Opportunities in line with Sourcing Plan. ("Quick wins and medium-benefit opportunities").
SPF6	Implement Waste Avoidance & Reduction Opportunities in line with Sourcing Plan ("Quick wins and medium-benefit opportunities").
SPF7	Communicate & celebrate Sustainable Procurement Successes.
SPF8	Create new local jobs for local people experiencing barriers to employment.
SPF9	Allocate labour hours for capital works projects over $2m to local people experiencing barriers to employment.
SPF10	Increase Proportion (%) of direct Social Benefit Supplier expenditure.
SPF11	Increase number of active Social Benefit Suppliers.
SPF12	Increase expenditure with Local Business as a % of total spend.
SPF13	Prevent modern slavery and trafficking from existing in Council's Supply Chain.

KEY ISSUES

Revised Procurement Policy - Revision of the Sustainable Procurement Framework (SPF) targets

- Council Staff have reviewed the sustainable procurement KPIs, and targets as set out in the current Procurement Policy. Officers now propose amendments to the KPI's as listed in Table 2 below mainly as a result of the framework implementation delays and in defining the definition and data collection methods.
- Delays have been experienced due to staffing changes and resource constraints, impacting the collection, reporting and achievement of some of the sustainable procurement KPI targets.
- The below are the proposed revised targets for the Sustainable Procurement Framework KPIs:

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Table 2 – Proposed Revised Key Performance Indicators (KPI) targets.

KPI	KPI Description	Original Target	Actual 2022/23	Revised Target
SPF1	Embed a whole-of-council procurement framework that leverages Council purchasing to support environmental, social, and economic outcomes	100% by 30 June 2022	2022/23: 50%	2023/24: 75% 2024/25: 100%
SPF2	Educate suppliers about sustainable procurement	2021/22: 1 event 2022/23: 3 events	2022/23: 1 event	2023/24: 2 events 2024/25: 3 events 2024/25: 3 events
SPF7	Communicate & celebrate Sustainable Procurement Successes	2022/23: 2 p.a. 2022/23: 4 p.a 2023/24: 4 p.a.	2022/23: 2p.a.	2023/24: 4 p.a 2024/25: 4 p.a 2025/26: 4 p.a.
SPF9	Allocate labour hours for capital works projects over $2m to local people experiencing barriers to employment.	10%	2022/23: 0%	2023/24: 2% 2024/25: 3% 2025/26: 4%

Justification for revised Sustainable Procurement Framework (SPF) targets.

- SPF1, SPF2 and SPF7 - due to staff changes and resource constraints, the implementation of the Framework has experienced delays. A dedicated Sustainable Procurement Officer has been allocated which will assist to accelerate the project to get the project back on track and fully embedded into operations.
- After consultation amongst staff the initial target for SPF9 is not considered feasible on project sites of this size (i.e., a 1:10 labour ratio for SPF9) This target is proposed to be adjusted to gradually increase to better reflect market readiness. Consideration to expand the categories beyond Capital Works Projects will be discussed with the relevant business units. For example, categories such as "Cleaning" and "Catering" are highly rated for job creation.
- As a benchmark for SPF9 Banyule, in 2021/22, had fifteen (15) participants within the Inclusive Employment Program (IEP) which is equivalent to 2.2% of the total EFT.

Revised Procurement Policy - Sustainable Procurement: Opportunity Matrix

- Councils existing sustainability criteria weightings are not considered sufficient to drive change in the market, and a stronger signal is therefore required. Strong criteria weightings are important to assist Banyule's progress towards achieving Council's key priorities.
- A Sustainable Procurement Opportunity Matrix has been developed to provide Council staff with a guide on the minimum quotation requirements and the types of businesses to invite quotes, the evaluation criteria, and weightings to be used, sample score guides, contract and KPI clauses.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

- The new criteria weightings applicable to sustainability will be between 10% - 30% depending on the category of expenditure being sourced and identified matrix. This will be reflected in updated Procurement Guidelines.
- Council Staff propose that the procurement methodology is adjusted to include at least one quote from a Social Business or Local Business where the category of expenditure has a "High" Social Business or Local Business opportunity, depending on availability of Local or Social Businesses. Refer to Table 3 for proposed amendments.

Table 3 – Proposed amendments to Procurement Methodology (Changes in Italics)

Procurement Threshold (incl. GST)	Current Procurement Methodology	Revised Procurement Methodology
<$1,000	One verbal quotation	Minimum One verbal quotation. *Where the category of expenditure has a "Medium" or "High" Social Business or Local Business opportunity rating then 1 quote must be sought from a Social Business or Local Business, depending on availability of Local or Social Businesses.*
$1,001 to $10,000	Obtain at least one written quotation or catalogue item.	Minimum one written quotation. *Where the category of expenditure has a "Medium" or "High" Social Business or Local Business opportunity rating then 1 quote must be sought from a Social Business or Local Business, depending on availability of Local or Social Businesses.*
$10,001 to $30,000	Obtain at least two written quotations.	*Minimum two written quotes.* *Where the category of expenditure has a "Medium" or "High" Social Business or Local Business opportunity rating then 1 quote must be sought from a Social Business or Local Business, depending on availability of Local or Social Businesses.*
$30,001 to $100,000	At least three written quotes are to be invited from suppliers who are considered able to meet the requirements. Where only one quote is received from those invited, Value for Money must be demonstrated. When seeking and/or evaluating quotes, preference will be applied to Local Business and a minimum of one Local Business must be invited,	At least three written quotes are to be invited from suppliers who are considered able to meet the requirements. Where only one quote is received from those invited, Value for Money must be demonstrated. When seeking and/or evaluating quotes, preference

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Procurement Threshold (incl. GST)	Current Procurement Methodology	Revised Procurement Methodology
	depending on availability of Local Businesses.	will be applied to Local Business. *Where the category of expenditure has a "Medium" or "High" Social Business or Local Business opportunity rating then 1 quote must be sought from a Social Business or Local Business, depending on availability of Local or Social Businesses.*
$100,001 to $300,000	Obtain a Contract Number. Undertake a formal select Request for Quote process by following the process within Council's e-Tendering Portal. At least three written quotes are to be invited from suppliers who are considered able to meet the requirements. Where only one quote is received from those invited, Value for Money must be demonstrated. When seeking and or evaluating quotes, preference will be applied to Local Businesses and a minimum of one Local Business must be invited, depending on availability of Local Businesses.	Obtain a Contract Number. Undertake a formal select Request for Quote process by following the process within Council's e-Tendering Portal. At least three written quotes are to be invited from suppliers who are considered able to meet the requirements. *Where only one quote is received from those invited, Value for Money must be demonstrated.* *When seeking and or evaluating quotes, preference will be applied to Local Business.* *Where the category of expenditure has a "Medium" or "High" Social Business or Local Business opportunity rating then 1 quote must be sought from a Social Business or Local Business, depending on availability of Local or Social Businesses.*
>$300,000	A public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000.	A public tender process is required for the procurement of goods, services or works where once-off or ongoing cumulative spend over the life of the contract is expected to exceed $300,000.

Revised Procurement Policy - Best and Final Offer

- The Council (at its meeting on 26 June 2023) resolved to 'amend its Procurement Policy' to require that a Best and Final Offer (BAFO) process is undertaken for all tenders - 'Amend the draft Policy to require that a Best and Final Offer (BAFO) is undertaken for all tenders'. (*CO2023/108*)

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

- As the Policy is a collaborative policy any changes need to be considered by the Northern Regional Group of Councils as per section 5.2 of the Policy and agreed (unless the change is to the appendixes). The Northern Regional Council's comprise seven (7) Councils (Banyule, Darebin, Nillumbik, Merri-Bek, Hume, Whittlesea and Mitchell).

- Consultation with The Northern Regional Council's confirmed that the policy is only intended to be adopted by other Councils every four (4) years. To effect this change immediately Banyule will make the change to the appendix section, as any changes to the appendix sections can be made and adopted by the individual Council.

- The recommended change to the revised Procurement Policy will be made to section 2.3.4.4 Shortlisting and Negotiations as follows:

  Shortlisting and Negotiations

  - *In addition to section 2.3.4.4 Banyule City Council will invite shortlisted tenderers to submit a Best and Final Offer (BAFO) in relation to all or certain aspects of their respective tenders.*

  - *A Best and Final Offer (BAFO) is a process that seeks to obtain the best result from shortlisted suppliers in relation to the procurement requirements. The BAFO process includes more than just a price quote. It may also comprise negotiations on delivery terms, sustainable propositions, risk management and other important details about the product or service being offered.*

  - *Whatever negotiation strategy is undertaken it must be consistent with the tender process and evaluation plan. The methodology and decisions made must be documented and be defendable, if challenged. The process must ensure fairness, consistency and impartiality to meet high standards of probity.*

  - *Once preferred tenderer/s is/are selected, negotiations will be conducted in order to obtain optimal solutions and commercial arrangements within the original scope and intent of the tender.*
  - *Probity requirements apply to all negotiations.*

Revised Procurement Policy - Other Policy revisions

- Minor adjustments of KPI and Measure descriptions are also proposed to the Revised Procurement Policy (refer Attachment) that will better define the KPI.
- To align the definition of diversity groups to State Government definition of priority jobseekers it is proposed that KPI SPF8 – Increased local employment is changed as outlined in Table 4.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Table 4 – Revised definition of SPF8 (proposed changes in italics)

KPI	Current Definition of KPI	Revised Definition of KPI
SPF8	Aboriginal & Torres Strait Islanders, CALD people (migrants, refugees), people living with disability and at-risk young people (aged 16-25), LGBTIQA+ people, women, older adults, people exiting the justice system and long term unemployed.	Aboriginal & Torres Strait Islanders, CALD people (migrants, refugees), people living with disability and young people (aged 16-25), LGBTIQA+ people, women, older adults, people exiting the justice system and long term unemployed *(Unemployed for 6 months or more), sole parents.*

- The recently updated Social Media Policy and Guidelines has clear linkages with the Procurement Policy and supplier management. It is therefore proposed that a link to this policy is included in the Revised Procurement Policy.

Annual Reporting - Chief Executive Officer award of Contract

- The Council resolution on 24 May 2021 (*CO2021/105*) requested that Council Officers prepare a report on:
    - Ongoing reporting to Council on procurement contracts approved between $0.5 million and $1.0 million under the Chief Executive Officer's delegation is recommended to be presented to Council annually.
    - Exemptions from public tender or expressions of interest is also recommended to be presented to Council annually.
    - In addition, an Annual Procurement Plan was recommended to be presented to Council in the first quarter of each financial year. The Procurement Plan is a point in time document that may change throughout the year to include unforeseen sourcing events.
- In the 2022/23 the following seven (7) contracts, each valued between $0.5 million and $1.0 million, established via public tenders, were awarded under CEO delegation. See table 5 below.

Table 5 – CEO approved Contracts valued between $500,000 and $1 Million.

Contract No:	Contract Name
1195-2022	Roads to Recovery – Old Eltham Rd, Lower Plenty Stage 3
1212-2022	Provision of Gravedigging & Caretaking Services
1217-2022	Community Engagement Consultancy Panel
1223-2022	Redevelopment of Bundoora Community Hall
1233-2022	Supply and Installation of HVAC Air Handling Unit at WaterMarc Aquatic Centre
1280-2023	Ivanhoe Golf Club Carpark Upgrade and Resurfacing
1294-2023	Provision of Cyclic Tree Pruning - Precinct 1

- Refer to the attachment 'CEO Approvals' for a more detailed list of contracts.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Annual Reporting - Exemptions from Tender:

- In 2022/23 there was one (1) contract established under an exemption from public tendering - The purchase of two (2) waste trucks (NPN04-13 2023). (*CO2023/108*)

Annual Reporting - Annual Procurement Plan

- The 2023/24 Annual Procurement Plan (attached) is a document used by the Procurement team to plan and allocate resources to its tendering activities throughout the year.
- The Procurement Plan is prepared in collaboration with business units and is informed by other factors such as the Capital Works program, the Digital Transformation Strategy, and the budget.
- The benefits and impacts of having an annual procurement plan are:
    - Promotes better collaboration between procurement and business units and encourages early planning and engagement with the procurement team to drive the right market approach and best value for money outcomes.
    - Provides visibility into upcoming Sustainable Procurement opportunities (refer below section on Sustainable Procurement Outcomes)
    - The Procurement plan provides transparency to Council and the community on planned quotation and tendering activities.
    - The Procurement Plan provides ongoing continuous improvement through the application of strategic and proactive procurement as opposed to a transactional and reactive approach.

SUPPORTING REPORT DETAILS

Legal Consideration

- Under the *Local Government Act 2020*, Council is required to prepare and adopt a Procurement Policy:
    - which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including for the carrying out of works (section 108); and
    - that Council must review every four years.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.
- Council's current Procurement Policy includes a commitment to preventing modern slavery in the supply chain through the prevention, detection, and removal of modern slavery from Council's supply chain.
- In recognition of Council's critical role in maintaining integrity and preventing modern slavery in the supply chain, a commitment has been made to Prepare

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

and submit an annual (voluntary) Commonwealth Modern Slavery statement by 30 June 2024. This commitment is aligned to SPF13: Prevent modern slavery and trafficking from existing in Council's Supply Chain (Refer Table 1 above).

- Having a Modern Slavery statement will assist Council identify risks relating to modern slavery and act as a vehicle for raising awareness among Council Staff, Suppliers and Contractors.

Sustainable Procurement Outcomes

- The Procurement Policy sets out Council's commitment to Sustainable Procurement through:
    - Standardised sustainable procurement, principles and objectives.
    - the setting of KPIs and targets.

Financial Implications

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

Innovation and Continuous Improvement

- In recognition of the standardisation of the procurement policy across the Region (a collaborative procurement achievement in the Victorian Local Government sector) the NCA was awarded the Procurement Australasia 2022 Award for *Collaboration and Innovation in Procurement.*

Collaboration

- Collaborative procurement is a key tenet of the new *LGA 2020.*
- The Procurement Leads of the Northern Councils Alliance (NCA) collaborated to draft a standard policy for adoption by the Northern Region Councils under *LGA 2020*.
- The Procurement Policy now sets out the process to be followed when Council collaborates with other councils and allows Council to opt-into other collaborative contracts during the contract term.
- In cases when the offering and specification provide value for money and meet Council specifications and requirements, Council engage in collaborative procurement activities with Municipal Association Victoria (MAV) and Procurement Australia (PA).
- The following collaborative procurement activities were undertaken in 2022/23.
    - Road Maintenance and Associated Services NCA - 2602-0336
    - Supply of Trucks MAV- NPN04-13
    - Provision of Information Technology Products and Services and Multi-Functional Devices - PA - 2406-0713
    - Office Products and Workplace Consumables - PA 2606-0845
    - Bill Payment Services MAV – BP8411-2023
    - Recruitment Services (not yet completed) MAV – RS8017-2023.

REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Revised Procurement Policy 2021 - 2025	
2	CEO Approvals.	
3	Annual Procurement Plan 2023-24	

3.3 RECORD OF COUNCILLOR MEETINGS

Author: Rachael Hudson - Council Business Officer., Executive

SUMMARY

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

If there is a meeting of Councillors that:

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

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

Record of Meetings

1	**Date of Meeting:**	10 July 2023
	Type of Meeting:	Councillor-Training 5.04pm
	Matters Considered: Unreasonable Customer Behaviour Training	
	Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern (arrived 5.55pm) Cr Alison Champion Cr Tom Melican Cr Elizabeth Nealy	
	Staff Present: Allison Beckwith - *Chief Executive Officer* Darren Bennett – *Director Assets & City Services* Marc Giglio – *Director Corporate Services* Natasha Swan – *Director City Development* Kath Brackett – *Director Community Wellbeing* Krysten Forte – *Governance Coordinator* Suzanne Sealy - *Customer Experience Strategy Coordinator*	
	Others Present: Lesley Whiteside– Consultant - Facilitator	
	Conflict of Interest:	Nil

RECORD OF COUNCILLOR MEETINGS cont'd

2	**Date of Meeting:**	10 July 2023
	Type of Meeting:	Councillor Briefing 6.30pm
	Matters Considered: Councillor Briefing Presentation Papers: 1.1 Procurement update 1.2 Upcoming Council reports relating to Advisory and Population Committees 1.3 Chelsworth Park Pavilion update Councillor Briefing Papers: 2.1 La Trobe National Employment and Innovation Cluster (NEIC) 2.2 Proposed Montmorency Station to Eltham Station Shared User Path (SUP) - Binns Street options 2.3 Heritage Strategy for Community Consultation 2.4 Banyule's Climate Action Project - 6-month update General business: DCMC (Darebin Creek Management Committee) Matters Cat Curfew and Local Law Review matters Community Ball update North East Link	
	Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Fiona Mitsinikos – arrived 7.10pm Cr Elizabeth Nealy	
	Staff Present: Allison Beckwith - *Chief Executive Officer* Darren Bennett – *Director Assets & City Services* Marc Giglio – *Director Corporate Services* Natasha Swan – *Director City Development* Kath Brackett – *Director Community Wellbeing* Krysten Forte – *Governance Coordinator* Sherryn Prinzi – *Community Impact Coordinator* Jo Wilson – *Manager Resilience and Connected Communities* Nicole Maslin – *Manager Health and Active Communities* Tania O'Reilly – *Manager Procurement and Finance* Tomas Hansson – *Strategic Procurement Coordinator* Joel Elbourne – *Manager Planning, Building and Laws*	
	Others Present: Nil	
	Conflict of Interest:	Nil

3	**Date of Meeting:**	17 July 2023

RECORD OF COUNCILLOR MEETINGS cont'd

	Type of Meeting:	Pre-Brief Council Meeting 5.33pm
	Matters Considered: 3.1 Watsonia Town Square – Award of Construction Contract 1291-2023 4.1 Adoption of Banyule Community Fund Granting Framework and Assessment Panel Terms of Reference 5.1 Kerbside Contamination Management Policy 6.1 9 The Panorama Eaglemont – New Dwelling in Significant Landscape Overlay (P1/2023) 6.2 2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod – Proposed Aged Care Development 8.1 Consideration of Submissions and Objection received – East Ivanhoe Village Special Charge Renewal 8.2 Consideration of Submissions received – Ivanhoe Shopping Centre Special Rate and Charge Renewal 8.3 Jobs Victoria Advocate Program Close Out 9.1 Options paper for establishment of a Planning Delegated Committee of Council 9.2 Improving Walking and Cycling access to all schools in Banyule	
	Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern 5.34pm Cr Alison Champion Cr Mark Di Pasquale 5.38pm Cr Rick Garotti – 6.15pm left for discussion on item 6.2 returned 6.20pm Cr Tom Melican Cr Fiona Mitsinikos 5.35pm Cr Elizabeth Nealy Cr Peter Dimarelos 6.18pm	
	Staff Present: Allison Beckwith - *Chief Executive Officer* Darren Bennett – *Director Assets & City Services* Marc Giglio – *Director Corporate Services* Joel Elbourne – *Acting Director City Development* Kath Brackett – *Director Community Wellbeing* Krysten Forte – *Governance Coordinator* Jonathan Risby – *Manager Transport & Environment* Daniel Fantin – *Acting Manager Strategic Properties & Projects* Linda Chapple – *Governance & Council Business Specialist*	
	Others Present:	
	Conflict of Interest:	Cr Rick Garotti Item 6.2

4	**Date of Meeting:**	24 July 2023
	Type of Meeting:	Councillor Briefing 6.34pm
	Matters Considered: Councillor Briefing Presentation: Economic Support Package – Business Support Outcomes IT, IM and Digital Transformation Quarterly Update June 2023	

RECORD OF COUNCILLOR MEETINGS cont'd

	Draft Resilient Banyule Framework – Present for Comment 2023/2024 Advocacy Priorities Councillor Briefing Paper: Greensborough Baseball Club Batting Cage update and funding shortfall General Business: Rate Notices Confidential – Strategic Property items	
	Councillors Present: Mayor Cr Peter Castaldo Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican (departed 9.47pm) Cr Fiona Mitsinikos (arrived 6.36pm) Cr Elizabeth Nealy Cr Peter Dimarelos	
	Staff Present: Allison Beckwith - *Chief Executive Officer* Darren Bennett – *Director Assets & City Services* Marc Giglio – *Director Corporate Services* Natasha Swan – *Director City Development* Kath Brackett – *Director Community Wellbeing* Linda Chapple – *Governance and Council Business Specialist* Jo Wilson – *Manager Resilient and Connected Communities* Joty Singh – *Head of IT and Digital Transformation* Karen Leeder – *Manager City Futures* Shawn Neilsen – *Acting Manager Corporate Governance and Communications* Erica Hardie – *Coordinator Economic Development* Sandra Nervegna - *Coordinator Open Space Planning and Design* Michele Purtle – *Advocacy Lead* Sherryn Prinzi – *Coordinator Community Impact* Dani Ahimastos – *Senior Economic Development Officer* Kiku Allen – *Business Concierge Officer* Daniela Parisella – *Economic Development Officer*	
	Others Present:	
	Conflict of Interest:	

5	**Date of Meeting:**	23 June 2023
	Type of Meeting:	Audit and Risk Committee 10.30am
	Matters Considered: Pitcher Partners – Summary of Progress Report Pitcher Partners – Child Safe Standards Report Pitcher Partners – Payroll MAP	

RECORD OF COUNCILLOR MEETINGS cont'd

	Pitcher Partners – Endorse 12 Month Internal Audit Plan 1 Oct 23 – 30 Sep 24 Status Report - Internal Audit and Self-Assessment Recommendations – March 2023 VAGO - Regulating Private Pool and Spa Safety LGI - Checking compliance: A review of council policies Property, Infrastructure, Plant & Equipment - Approach 2022/2023 Insurance Strategy 2023-26 Insurance Programme Review Essential Services Committee - Banyule City Council Fact Sheets - Local Government Outcomes Report Follow Up Actions arising from the Committee meeting held Friday 23 June 2023 Safety Management Framework Implementation Progress WorkCover Scheme Report Annual Work Plan - June 2023 Performance of the Internal Audit service provider Review the Audit & Risk Committee Charter Audit & Risk Committee Bi-Annual Report - Period 1 December 2022 to 31 May 2023 Risk Management Framework - Annual Review Enterprise Risk Update Integrity Agencies - Self Assessment Status Report as of 1 June 2023 Quarterly Financial Management Report - March 2023 Computer Assisted Audit Technique (CAATs) - Accounts Payable – Suppliers Computer Assisted Audit Techniques (CAATs) – Payroll Computer Assisted Audit Techniques (CAATs) - Infringements
	Councillors Present: Mayor Cr Peter Castaldo Cr Peter Dimarelos
	Staff Present: Allison Beckwith - *Chief Executive Officer* Darren Bennett – *Director Assets & City Services* Kath Brackett – *Director Community Wellbeing* Tania O'Reilly – Manager Finance & Procurement Jonathan Risby – Manager Transport & Environment Lara McNally – Senior Business Partner

RECORD OF COUNCILLOR MEETINGS cont'd

	Katherine Rainham – Risk & Assurance Coordinator Paul Wilson – Risk & Assurance Advisor (Minute Taker)	
	Others Present: Dr Irene Irvine - Chairperson Prof Stuart Kells – Independent Representative Mr Gregory Rimmer-Hollyman – Independent Representative Graham Noriskin – Pitcher Partners Richard Wilson – Pitcher Partners	
	Conflict of Interest:	Nil

RECOMMENDATION

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

ATTACHMENTS

Nil

3.4 AUDIT & RISK COMMITTEE (UNCONFIRMED) MINUTES - MEETING HELD 23 JUNE 2023

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

SUMMARY

1. The Audit & Risk Committee acts as an advisory committee of Council, 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. In line with the Audit & Risk Committee Charter, the minutes of each Audit & Risk Committee meeting are required to be reported to an Ordinary Council Meeting.
3. Accordingly, the minutes of the meeting held on the 23 June 2023 are presented in this report for noting by Council.
4. The unconfirmed minutes have been reviewed by the Chairperson and are subject to confirmation by the Audit & Risk Committee at its next meeting scheduled for 22 September 2023.

RECOMMENDATION

That Council:

1. Note the unconfirmed meeting minutes of the Audit & Risk Committee meeting that was held on the 23 June 2023 before presentation to the Audit and Risk Committee for confirmation at its scheduled meeting for 22 September 2023.

COUNCIL PLAN

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

BACKGROUND

Audit & Risk Committee Meeting 23 June 2022

- As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee in accordance with the *Local Government Act 2020* 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.

AUDIT & RISK COMMITTEE (UNCONFIRMED) MINUTES - MEETING HELD 23 JUNE 2023 cont'd

- 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 (4) 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.

23 June 2023 Committee Members Attendance

Name		23 June 2023
Prof Stuart Kells	(Chairperson)	Present
Dr Irene Irvine	(Independent Representative)	Remote
Mr Greg Rimmer-Hollyman	(Independent Representative)	Remote
Cr Peter Dimarelos	(Committee Delegate)	Present
Cr Elizabeth Nealy	(Committee Delegate)	Absent
Cr Rick Garotti	(Substitute Committee Delegate)	Absent

*Note: The Committee resolved during the 'In-Camera' session for Professor Stuart Kells to Chair the meeting being held on 23 June 2023 as the current Chairperson was joining the meeting remotely.

Other Attendees

Name		23 June 2023
Cr Peter Castaldo	Mayor	Present
Allison Beckwith	Chief Executive Officer	Present
Darren Bennett	Director Assets & City Services	Present
Kath Brackett	Director Community Wellbeing	Present
Tania O'Reilly	Manager Finance & Procurement	Present
Jonathan Risby	Manager Transport & Environment	Present
Lara McNally	Senior Business Partner	Present
Katherine Rainham	Risk & Assurance Coordinator	Present
Paul Wilson	Risk & Assurance Advisor	Present
Graham Noriskin	Pitcher Partners	Remote
Richard Wilson	Pitcher Partners	Present

- The minutes of the meeting held on the 23 June 2023 are being presented to Council for noting.

SUPPORTING REPORT DETAILS

Legal Consideration

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

AUDIT & RISK COMMITTEE (UNCONFIRMED) MINUTES - MEETING HELD 23 JUNE 2023 cont'd

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 is no financial implication arising from the recommendation contained in this report.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Unconfirmed Minutes - Audit & Risk Committee 23 June 2023	

3.5 AUDIT & RISK COMMITTEE - RE-APPOINTMENT OF INDEPENDENT REPRESENTATIVE MEMBER

Author: Paul Wilson - Risk & Assurance Advisor, 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 representative members.
2. Mr Greg Rimmer-Hollyman has been an Independent Representative on the Committee since 1 September 2020 with the first term concluding on 31 August 2023.
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, Mr Rimmer-Hollyman 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 a good understanding of the internal audit function and Risk part of the role.
5. This report seeks to review the appointment term for Mr Greg Rimmer-Hollyman, Independent Representative, on the Committee.

RECOMMENDATION

That Council re-appoint Mr Greg Rimmer-Hollyman as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 September 2023 and concluding 31 August 2026.

COUNCIL PLAN

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

BACKGROUND

- In accordance with the Audit & Risk Committee Charter, the role of the Committee is to assist Council in fulfilling its governance responsibilities by overseeing compliance with laws and regulations, accountability requirements, ensuring sound ethical standards are practised and the necessary system controls are in place to manage risks and prevent fraud and corruption.

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

- 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.
- Mr Greg Rimmer-Hollyman has been an Independent Representative on the Audit and Risk Committee since 1 September 2020. He is an experienced non-executive board member and independent member of various audit and risk committees in the government and not for profit sectors.
- Mr Hollyman's roles have included Chief Internal Auditor for the National Disability Insurance Agency (NDIA) and the Australian Taxation Office (ATO) and Head of Audit for Public Transport Victoria (PTV) and an Independent Member of other Local Government Audit Committees.
- Following the most recent Committee meeting, three regular attendees to the Audit & Risk Committee; Dr Irene Irvine (Chairperson), Cr Peter Dimarelos and Director Corporate Services Marc Giglio were invited to do an evaluation on Greg's first term on the Committee. All three have recommended the re-appointment of Mr Rimmer-Hollyman.
- It is therefore recommended that Mr Greg Rimmer-Hollyman 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 September 2023 and concluding 31 August 2026.

KEY ISSUES

- Mr Greg Rimmer-Hollyman is a highly skilled professional in the internal audit and risk management field with extensive experience, both in public and private sectors.
- Greg has shown experience in developing, implementing, transforming and leading internal audit and risk functions for large organisations in Australia.

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.

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.6 AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE.

Author: Andrew Last - Building Maintenance Coordinator, Assets & City Services

SUMMARY

1. This report is to consider the awarding of Contract No. 1293-2023 for the Provision of Air Conditioning & Mechanical Services Maintenance.
2. Council delivers a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The Air Conditioning contract forms one of the key services undertaking these works.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to JPC Air Conditioning Pty Ltd – trading as ASM Chilltech, in accordance with the tender and conditions as determined by Council.
4. Tenders were received from eight companies.
5. The contract will commence 1 September 2023. The Initial Contract Term shall be for a maximum initial period of two (2) years with the option to extend for further periods of any duration up to a maximum extension period of three (3) years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. No.1293-2023 - for Provision of Air Conditioning & Mechanical Services Maintenance on Council Facilities and Assets, for the initial two (2) year term commencing 1 September 2023, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to JPC Air Conditioning Pty Ltd.
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or delegate to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

COUNCIL PLAN

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

AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE. cont'd

TENDER DETAILS

Contract Period	Two (2) years commencing 1 September 2023, with the option to extend on a yearly basis for a maximum period of three (3) additional years
Contract Type	Lump and schedule of rates contract.
Advertising Period	03 June to 28 June 2023
Tenders Closed	28 June 2023
Works/Project	Provision of Air Conditioning & Mechanical Services Maintenance
No. of tender documents downloaded	Nineteen (19)
Tender Evaluation Panel	• Building Maintenance Coordinator • Facilities Officer • Unscheduled Maintenance Officer • Procurement Specialist (non-scoring)
Tender Evaluation Criteria	• Tendered price; • Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's; • Previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable) performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable). Including referee feedback (Note that advice may be sought from any other person beyond that given by the nominated referees). • Previous performance, experience, and reliability in the provision of: HVAC Asset Management, Auditing, lifecycle analysis. Live Asset management system, with live reporting to council. • Existence of an accredited management system and procedures covering Quality and OH&S; • Sustainable Procurement Questionnaire; and • Any other factor considered relevant by Council.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.
- Based on the five (5) year budget of over $2,500,000 (exc GST), the TEP initially shortlisted the three (3) lowest priced tenders for further evaluation with the intention of revisiting the shortlist if capability of the shortlist was a concern, once evaluated and scored.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.

AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE. cont'd

The weighted score for the tender was:
Table 1 – Tenders received and weighted scores

Contractor	Weighted Score
JPC Air Conditioning Pty Ltd	80.29
Tenderer D	61.67
Tenderer B	58.51

- Tenderer D had the lowest price however could not demonstrate the ability to deliver the service.
- It is evident from the above weighted scores that JPC Air Conditioning Pty Ltdhas obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than $300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 of the *Local Government Act 2020.*

Human Rights Charter

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

Sustainable Procurement Outcomes

- JPC Air Conditioning Pty Ltd T/A ASM Chilltech was highest score for sustainable procurement, are ISO 14000 accredited for Environment, are located in the Greater Melbourne Region and will utilise 15%-20% local content via sub-contractors.
- During the post tender interview, it was established that with their La Trobe University contract, they have possible access to apprentices or casual workers that may be utilised on this contract. JPC Air Conditioning Pty Ltd T/A ASM Chilltech have confirmed that they actively employ Technicians and Apprentices from within the local region of their customers.

Financial Implications

- Council has estimated a sum of between $500,000 to $600,000 per annum in its annual Delivery and Assets budget over the next five (5) years for the Provision of Air Conditioning & Mechanical Services Maintenance.

AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE. cont'd

- The total budgeted contract value including extension options is $2,699,145 exc. GST and CPI. Note 70% of this budget is based on the schedule of rates reactive component and is estimated based on historical and predictive data.

- JPC Air Conditioning Pty Ltd T/A ASM Chilltech were not the lowest priced tenderer, however they scored significantly highly in the non-price criteria of the evaluation compared to other tenderers.

- JPC Air Conditioning were requested to submit a best and final offer, this offer has resulted in an overall saving of $26,000 over the five (5) year contract period.

Additional information

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	1293-2023 Tender Evaluation Scoring Matrix - **CONFIDENTIAL**	

AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE. cont'd

3.7 AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL

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

SUMMARY

1. This report is to consider the awarding of Contract No. 1295A-2023 Reconstruction of Warringal Park Oval and Contract No. 1295B-2023 Reconstruction of Ford Park North Oval.
2. The Tender Evaluation Panel (TEP) has recommended awarding Contract No 1295A-2023 to Evergreen Turf Group Pty Ltd and Contract No 1295B-2023 to Green Turf Pty Ltd in accordance with the tender and conditions as determined by Council.
3. Tenders were received from nine (9) companies however one was non-conforming.
4. The contracts will commence upon award of the contract.

RECOMMENDATION

That Council:

1. Award Contract No. 1295A-2023 Reconstruction of Warringal Park Oval to Evergreen Turf Group Pty Ltd for $1,926,839.00 (ex. G.S.T).
2. Award Contract No. 1295B-2023 Reconstruction of Ford Park North Oval to Green Turf Pty Ltd for $1,635,841.50 (ex. G.S.T).
3. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key strategy to *"provide and maintain public parks and open spaces for a range of uses for all ages and abilities"*.

TENDER DETAILS

Contract Period	August 2023 – May 2024
Contract Type	Lump Sum Contract
Advertising Period	20 May 2023 to 21 June 2023 in The Age
Tenders Closed	21 June 2023
Works/Project	The works include, but not limited to the following: • Demolition and removal of existing oval infrastructure;

AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL cont'd

	• Earthworks; • Drainage works; • Irrigation works; • Root zone mix installation; • Turfgrass establishment and maintenance; and • Fencing.
No. of tender documents downloaded	23
Tender Evaluation Panel	• Team Leader Civil • Sportsfields & Parks Assets Coordinator • Project Engineer • Procurement Officer (non-scoring)
Tender Evaluation Criteria	• Tendered price; • Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's; • Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable), including referee feedback (Note that advice may be sought from any other person beyond that given by the nominated referees); • Existence of an accredited management system and procedures covering Quality and OH&S; • Sustainable Procurement Questionnaire; and • Any other factor considered relevant by Council.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel (TEP) convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.
- The TEP on receipt of the nine (9) submissions, shortlisted the five (5) lowest priced tenders across the two (2) projects for further evaluation. This was based on the available budget for each oval, including contingency.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores.
- The weighted score for the tender was:

AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL cont'd

Table 1 – Tenders received and weighted scores	
Contractor	**Warringal Park Oval Weighted Score**
Tenderer A	74.95
Tenderer B	Not Shortlisted
Tenderer C	81.10
Evergreen Turf Group Pty Ltd	**87.63**
Tenderer E	75.70
Tenderer F	Not Shortlisted
Tenderer G	84.00
Tenderer H	Not Shortlisted
Tenderer I	Non-Conforming

Table 2 – Tenders received and weighted scores	
Contractor	**Ford Park North Oval Weighted Score**
Tenderer A	77.31
Tenderer B	Not Shortlisted
Tenderer C	Not Shortlisted
Tenderer D	86.78
Tenderer E	79.12
Tenderer F	Not Shortlisted
Green Turf Pty Ltd	**84.00**
Tenderer H	Not Shortlisted
Tenderer I	Non-Conforming

- Tenderer I was deemed to be non-conforming because they had endeavoured to submit a quote for plant hire equipment only.
- A discounted price was also sought if both ovals were awarded to one tenderer, but the discounts offered were not substantial and once scoring was completed the TEP decided this wasn't the best value for money scenario. In addition, the two (2) highest scored tenders for both ovals, could not deliver both projects simultaneously.
- Following an initial evaluation, clarifications were issued to Tenderer C, Tenderer D, Tenderer E, Tenderer G, Evergreen Turf Group Pty Ltd and Green Turf Pty Ltd as the highest scored tenderers, to confirm some technical aspects regarding scope and some minor compliance errors that were tendered.
- The TEP then shortlisted Evergreen Turf Group Pty Ltd and Green Turf Pty Ltd and arranged an interview with Green Turf Pty Ltd. An interview was not required

AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL cont'd

with Evergreen Turf Group Pty Ltd as they have recently successfully delivered a similar project for Council.

- It is evident from the above weighted scores that Evergreen Turf Group Pty Ltd has obtained the highest score and will deliver best value for money to Council for the Warringal Park Oval.
- The highest scored tender for Ford Oval is unable to complete the project in the allocated timeframe, which will have a greater impact on playing seasons. Based on this and the fact Green Turf Pty Ltd were the second highest scorer for Ford Park Oval, they are recommended for the reconstruction Ford Park North Oval.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than $300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 of the *Local Government Act 2020.*

Human Rights Charter

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

Sustainable Procurement Outcomes

- Both recommended tenderers scored well for sustainable procurement, are ISO 14000 accredited for Environment, support apprentices and will use local content.
- Green Turf Pty Ltd is also located in the Northern region of Melbourne.

Financial Implications

- Council has allocated $2,385,00.00 in its 2023/2024 Capital Works budget for the reconstruction of the Warringal Park Oval.
- Council has also secured $2,060,000.00 in NELP funding for its 2023/2024 Capital Works budget for the reconstruction of the Ford Park North Oval.
- It is evident from the above weighted scores that Evergreen Turf Group Pty Ltd has obtained the highest score and will deliver best value for money to Council for the Warringal Park Oval reconstruction.
- The highest scored tender for Ford Oval is unable to complete both projects simultaneously, which will have a greater impact on playing seasons. Based on this and the fact Green Turf Pty Ltd were the second highest scorer for Ford Park Oval, they are recommended for the reconstruction Ford Park North Oval.

AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL cont'd

- A Best and Final Offer was requested from Evergreen Turf Group Pty Ltd for the Warringal Park Oval which resulted in a cost reduction of $10,000 from the Preliminaries item.
- A Best and Final Offer was requested from Green Turf Pty Ltd for the Ford Park North Oval, however they did not offer any reduction to their tendered price.

Additional information

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Analysis of RFT 1295A-2023 Oval Reconstruction for Warringal Parklands Oval - **CONFIDENTIAL**	
2	Analysis of RFT 1295B-2023 Oval Reconstruction for Ford Park North Oval - **CONFIDENTIAL**	

AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL cont'd

4.1 BANYULE YOUTH SUMMIT REPORT 2023

Author: Leonie Farrell - Youth Services Coordinator, Community Wellbeing

SUMMARY

1. The Banyule Youth Summit provides young people the opportunity to communicate their issues of concern directly to Council and to propose recommendations for change. It is a biennial event hosted by Banyule City Council to engage with young people in discussions that identify issues important in their lives. The Youth Summit model comprises a two-year cycle as follows:

   Year 1 - the preparation and delivery of the Youth Summit and key recommendations.

   Year 2 - implementation of the key recommendations with the delivery of a Report Card to the community and a report to Council on the work undertaken and achieved.

2. On May 25th, 2023, the fifth Banyule Youth Summit was held at the Heidelberg Golf Club. 100 young people from secondary schools in and around Banyule participated to discuss issues identified by themselves and their peers during pre-Summit workshops facilitated by Council's Youth Services team. A diverse representation of young people attended including those with disabilities, young LGTBQIA+ people and young people from various cultural backgrounds including Somali-Australian and First Nations young people.

3. The topics discussed included mental health, climate change, gender equality, masculinity, alcohol and other drugs, neurodiversity, body image, LGBTQIA+, cultural inclusion, disability inclusion and issues specific to Somali-Australian young people. Young people worked collectively to devise a desired outcome for each issue. Following on from this, several possible strategies were proposed and presented.

4. The Banyule Youth team will continue to work with young people and stakeholders to deliver the recommendations in time for the 2024 Youth Summit Report Card.

RECOMMENDATION

That Council:

1. Adopts the 2023 Banyule Youth Summit report.

2. Acknowledges the young people who attended the 2023 Banyule Youth Summit and thanks them for their contribution.

BANYULE YOUTH SUMMIT REPORT 2023 cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide a range of services and programs that support the development of children, young people and families".

BACKGROUND

- The Banyule Youth Summit is a biennial event hosted by Banyule City Council. The purpose is to engage with young people in discussions that identify issues important in their lives. The model comprises of a two-year cycle as follows:

  Year 1 – the preparation and delivery of the Youth Summit and key recommendations.

  Year 2 – implementation of the key recommendations with the delivery of a Report Card to the community which communicates the work undertaken and outcomes achieved.

- On 25 May 2023 the fifth Banyule Youth Summit was held at the Heidelberg Golf Club. 100 young people form secondary schools in and around Banyule participated to discuss issues identified by themselves and their peers during pre-Summit workshops facilitated by Council's Youth Services team. A diverse representation of young people attended including those with disabilities, young LGTBQIA+ people and young people from various cultural backgrounds including Somali-Australian and First Nations young people.
- The Minister for Youth, Hon Natalie Suleyman MP addressed the Summit with words of encouragement for the young people. A Q&A(Question and Answer) panel featured people that are advocates for young people and issues that matter to young people; Ahmed Muridi (Community Member), Zali Misfud (First Nations Lead) and Vicki Ward MP(Member for Eltham).
- The topics discussed included mental health, climate change, gender equality, masculinity, alcohol and other drugs, neurodiversity, body image, LGBTQIA+, racism, inclusion, and issues specific to Somali-Australian young people.
- Young people worked collectively to devise a desired outcome for each issue. Following on from this, several possible strategies were proposed to address each issue. These outcomes and strategies will be incorporated as part of the Youth Services annual planning process for 2023/24 and will inform content of the Banyule Youth Action Plan 2023-2025.

KEY ISSUES

- The following recommendations were presented by young people at the 2023 Banyule Youth Summit:

  Body Image:

  - Deliver a parent workshop on the topic of body image.
  - Offer body image workshops for young people alongside a social media campaign that challenges unrealistic expectations.

  Youth Voice:

  - Host a networking and professional development day for student representative councils.

BANYULE YOUTH SUMMIT REPORT 2023
cont'd

- Provide young people with the opportunity to have their say via a youth survey.
- Bring together Summit ambassadors to collaborate and continue to advocate to changemakers on the issues that matter to them.

LGBTIQA+:

- Create online resources and workshops for teachers, community groups and sporting clubs.
- Offer sporting opportunities for gender and sexually diverse young people.
- Deliver LGBTQIA+ youth events.

Gender Equity:

- Social media campaign challenging gender stereotypes and telling stories of gender equality.
- Deliver school workshops addressing gender stereotypes.

Masculinity:

- Deliver workshops in schools and sporting clubs that promote positive masculinity.
- Deliver social activities for younger men (12-14 years) combining physical activity and conversation.

Neurodiversity:

- Deliver a professional development opportunity on neurodiversity to local youth practitioners and teachers.
- Develop a youth media team of neurodiverse individuals to guide how services can use social media to advocate for awareness and visibility.

Disability Inclusion:

- Offer inclusive activities for all young people.
- Create a newsletter and social media for parents promoting opportunities for young people with disabilities.

Alcohol and other drugs:

Support health promotion messaging in relation to alcohol and other drugs at YouthFest.

- Street Artists to paint a street art mural with a positive health message.
- Deliver a workshop for youth workers, teachers, and parents on vaping.

Equal Opportunities:

- Deliver activities that focus on mental health and recreation for Somali-Australian young people.
- Support opportunities for 1:1 career advice for Somali-Australian young people.

BANYULE YOUTH SUMMIT REPORT 2023
cont'd

- Provide service information for Somali-Australian young people through social media.
- Host sporting tournaments for Somali-Australian young people.
- Host intergenerational events for the Somali-Australian community.

Mental Health:

- Deliver a community movie screening to provide opportunity for connection.
- Ensure a range of sensory supports and accommodations at YouthFest.
- Provide regular recreational and social activities supporting young people's opportunities and ability to socialise.

Climate Change:

- Workshops that educate and bring together young people committed to climate action.
- Deliver an upcycle clothes workshop.
- Create a social media campaign on greenwashing & climate anxiety.

Cultural Inclusion:

- Cultural representation, including traditional performances at community events.
- A social media campaign that shares young people's cultural stories.

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 Banyule Youth Summit and its outcomes and recommendations enhances and protects the following human rights:
  - Right to recognition and equality before the law (section 8)
  - Freedom of thought, conscience, religion and belief (section 14)
  - Freedom of expression (section 15)
  - Protection of families and children (section 17)
  - Taking part in public life (section 18)
  - Cultural rights (section 19)

BANYULE YOUTH SUMMIT REPORT 2023 cont'd

Sustainable Procurement Outcomes

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

Financial Implications

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

Innovation and Continuous Improvement

- The Banyule Youth Summit is part of a continuous improvement approach to planning to service Banyule's young people in the best way possible. This is achieved though ongoing incorporation of young people's feedback, consultation results and ideas.

Community Engagement

- The Banyule Youth Summit is one of the key components of Council's ongoing consultation strategy with young people. As part of the formation of the recommendations, 100 young people from across Banyule were consulted as representatives of their peers. The consultation and community engagement inform the Banyule City Council Youth Services action plan.

Collaboration

- The Banyule Youth Summit is partially supported by the Victorian Government via *"Engage!"* funding.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

4.2 ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023

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

SUMMARY

1. Banyule City Council currently has eight (8) Advisory and Population Committees that are made up of Councillors and Community members.
2. There are four (4) advisory committees (Reconciliation Action Plan, Arts & Culture, Environment and Climate Action and Inclusive Banyule) and four (4) population committees (Age Friendly, LGBTIQA+, Multicultural, Disability and Inclusion). The four population committees and RAP Advisory Committee provide advice to the Inclusive Banyule Advisory Committee.
3. They have set terms of references (TOR) and meet to discuss relevant issues, provide recommendations to Council on specific matters based on the committee's purpose and objectives, and oversee the implementation of Council's strategic plan for their respective focus.
4. Advisory and Population Committees provide important linkages between Council, Community, State agencies and interest groups. Following each advisory committee meeting, a report is submitted to Council to note the minutes from the committee meetings held during that previous period (for this period it is 1 April – 30 June 2023) and to draw attention to specific recommendations that each advisory committee wishes to bring to the attention of Council.
5. Where there have been actions requested or recommendations made by the committee, officer comments have been provided in the report.
6. Where there may be resource, workforce or project implications recommendations call for a further report to be presented back to Council or to the Committee on the impacts of such.
7. The following minutes are presented to Council for noting and are attached to the body of this report.
   - Inclusive Banyule Advisory Committee – Meeting held on 10 May 2023
   - Reconciliation Action Plan Advisory Committee – Meeting held on 12 April 2023 and 14 June 2023
   - Banyule Arts and Culture Advisory Committee – Meeting held on 4 May 2023
   - Banyule Environment and Climate Action Committee – Meeting held on 9 June 2023
   - Multicultural Committee – Meeting held on 3 May 2023 and 21 June 2023
   - Banyule Disability and Inclusion Committee – Meeting held on 26 April 2023 and 28 June 2023
   - LGBTIQA+ Committee – Meeting held on 13 April 2023 and 15 June 2023
   - Age Friendly Committee – Meeting held on 25 May 2023

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

RECOMMENDATION

That Council:

1. Notes the following meeting minutes and reports:

   - Inclusive Banyule Advisory Committee – Meeting held on 10 May 2023
   - Reconciliation Action Plan (RAP) Advisory Committee – Meeting held on 12 April 2023 and 14 June 2023
   - Banyule Arts and Culture Advisory Committee – Meeting held on 4 May 2023
   - Banyule Environment and Climate Action Committee – Meeting held on 9 June 2023
   - Multicultural Committee – Meeting held on 3 May 2023 and 21 June 2023
   - Banyule Disability and Inclusion Committee – Meeting held on 26 April 2023 and 28 June 2023
   - LGBTIQA+ Committee – Meeting held on 13 April 2023 and 15 June 2023
   - Age Friendly Committee – Meeting held on 25 May 2023

2. Note that Banyule's Reconciliation Advisory Committee (RAP) recommend that Council consider no longer hosting citizenship ceremonies on January 26.

3. In line with recommendation 2, request officers prepare a further report on considering options for Citizenship Ceremonies hosted on alternative dates to January 26.

4. Note that Banyule's Arts and Culture Advisory Committee recommended to endorse the proposed acquisitions for addition to the Banyule City Council art collection. Noting that a report regarding the *Banyule Art Collection – Recommendation to Acquire New Art Works* was submitted and endorsed by Council at the 29 May 2023 Council Meeting.

5. Note the Disability and Inclusion Committee recommends that Council makes a submission to the Australian Bureau of Statistics by 28 April 2023 in support of the adoption of the ABS 2020 Standard for Sex, Gender, Variations of sex characteristics, gender identity and intersex.

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

6. In line with recommendation 5, note that this Committee recommendation is retrospective and was completed on 27 April 2023 utilising Officer delegation.

7. Note the Disability and Inclusion Committee recommends that Council raise the Disability Pride Flag at the Greensborough and Ivanhoe Customer Service Centre sites throughout the month of July 2023 and communicates to the community about the significance of this flag.

8. In line with recommendation 7, notes that this Committee recommendation is retrospective and was completed in July 2023 utilising Council's existing Flag Protocol and Policy.

9. Note the LGBTIQA+ Committee recommends that Council require all sporting clubs to display the Banyule Diversity Statement on their websites and is highly visible within club premises and this should be a requirement contained within lease and seasonal allocation agreements. In addition, Council needs to ensure education is provided to clubs to build culture of inclusion.

10. In line with recommendation 9, request officers prepare a report to outline the process for embedding inclusion in sporting clubs across Banyule for consideration that will include the potential costings and administrative requirements to facilitate the display of the diversity statement on websites and in clubrooms.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Promote community awareness and support a diverse, connected, and inclusive community that respects and celebrates different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities".

- **BACKGROUND**Advisory and Population Committees are made up of Councillors and community members. They have terms of references and meet to discuss relevant issues, provide recommendations to Council on specific matters based on the committee's purpose and objectives, and oversee the implementation of Council's strategic plan for their respective focus.

- Advisory and Population Committees provide important linkages between Council, community, state agencies and interest groups. Following a committee meeting, a quarterly report is submitted to Council to note the minutes and consider any issue raised.

KEY ISSUES

1.	Report/Committee Name: Inclusive Banyule Advisory Committee
	The aim of the Inclusive Banyule Advisory Committee is to deliver on Council's ongoing and embedded commitment to social justice and inclusion. The Committee brings together policy, practice and lived experience to work cooperatively on social inclusion issues. The Committee identifies issues for

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	advocacy and works with Council to identify future policy issues and addresses the ongoing impacts of COVID-19 on social inclusion and considers social justice and equity in the community.
	
	10 May 2023 Meeting:
	The Inclusive Banyule Advisory Committee met on 10 May 2023 at Barrbunin Beek Aboriginal Gathering Place. The minutes from this meeting are in **Attachment 1**.
	
	The meeting was chaired by Cr Peter Castaldo and a total of 15 committee members were in attendance.
	
	Discussion Points:
	
	• Local approach to the Uluru Statement of the Heart referendum
	
	• Potential mental health implications for local First Nations people and mental health supports for First Nations students.
	
	• Updates on the progress of:
	
	  o The review of the Banyule Gambling Policy
	
	  o Council's 2023-24 mental health actions associated with the Municipal Public Health & Wellbeing Plan
	
	  o Council's 3081 strategic sites study and link to social and affordable housing
	
	  o Inclusive Banyule actions update
	
	Actions/ Recommendations:
	There were no recommendations to Council arising from this meeting.

2.	**Report/Committee Name: Reconciliation Action Plan Advisory Committee**
	The aim of the 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. **12 April 2023 Meeting:** The Reconciliation Action Plan Advisory Committee met on 12 April 2023 via a hybrid approach of online and in person (at Barrbunin Beek Aboriginal Gathering Place). A report of this meeting is in **Attachment 2.** The Meeting was chaired by Cr Peter Dimarelos and attended by Cr Elizabeth Nealy. A total of 13 committee members were in attendance. **Discussion Points:** • Presentation by Rian Branthwaite, Director Aboriginal Housing Victoria (AHV) about AHV's MOU with Darebin City Council. • Presentation the Rosanna Library project • Discussion re National Reconciliation Week Events, Citizenship Ceremony Change, First Nations grants, the Lantern Festival • Update regarding the (Austin Health) Heidelberg Repatriation Hospital plaque. **Actions/ Recommendations:**

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	The RAP Advisory Committee recommends that Banyule City Council remove the Citizenship Ceremony hosted on January 26 moving forward and that Council investigate an alternative date during that week. **Officer Comment:** A report regarding Citizenship Ceremonies Held on 26 January, will be submitted for consideration at a future Council Meeting. **14 June 2023 Meeting:** The Reconciliation Action Plan Advisory Committee met on 14 June 2023 via a hybrid approach of online and in person (at Barrbunin Beek Aboriginal Gathering Place). A report of this meeting is in **Attachment 3**. The Meeting was chaired by Shelly Ware and attended by Cr Peter Castaldo. A total of 13 committee members were in attendance. **Discussion Points:** • Discussion re NAIDOC Week, new strategy development for a Self Determination Plan, and a proposed Aboriginal Housing Victoria Memorandum of Understanding. • Update regarding the Spirit Trail, and plaque for the forgotten soldiers and warriors at the Repatriation Hospital. • Discussion re training of Mob and Non-Mob to do Acknowledgements of Country, and the recent Thomas Mayo interview. **Actions/ Recommendations:** There were no recommendations to Council arising from this meeting.

3.	**Report/Committee Name: Banyule Arts and Culture Advisory Committee**
	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 development of arts, culture and heritage planning, policy and development. **4 May 2023 Meeting:** The Banyule Arts and Culture Advisory Committee met in person on 4 May 2023 at the Ivanhoe Library and Cultural Hub. A report of this meeting is in **Attachment 4**. Cr Elizabeth Nealy chaired the meeting and was attended by Cr Peter Dimarelos. A total of 16 committee members were in attendance. **Discussion Points:** • Discussion re the extension of advisory committee terms • Considered new acquisitions for the Banyule Art Collection • Discussion re the proposed Creative Banyule 2030 Strategy, workshops with community and next steps. • Advised of the EOI process for the Arts and Culture Grants 2023 Working Group, Council events and Arts and Culture programming. **Actions/ Recommendations:**

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	That Council note the unanimous Banyule Arts and Culture Advisory Committee recommendation to endorse the proposed acquisitions for addition to the Banyule City Council art collection. **Officer Comment:** A report regarding the *Banyule Art Collection – Recommendation to Acquire New Art Works* was submitted for Council consideration at the 29 May 2023 Council Meeting.
4.	**Report/Committee Name: Banyule Environment and Climate Action Committee**
	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. **9 June 2023 Meeting:** The Banyule Environment and Climate Action Committee met in person at the Banyule Greensborough Community Rooms on 9 June 2023. A report of this meeting is in **Attachment 5.** The meeting was chaired by Cr Alida McKern and attended by Cr Peter Castaldo. There were 9 committee members in attendance. **Discussion Points:** • Briefed on the summary of achievements and tracking against State of Environment Indicators. • Discussion re community batteries, adaptation and corporate emissions plan, urban food, biodiversity working group and North East Link Project (NELP). **Actions/ Recommendations:** There were no recommendations to Council arising from this meeting.
5.	**Report/Committee Name: Multicultural Committee**
	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. **3 May 2023 Meeting:** The Multicultural Committee met on 3 May 2023 in person at Ivanhoe Library and Cultural Hub. A report of this meeting is in **Attachment 6**. Cr Fiona Mitsinikos chaired the meeting. There were 9 Committee members in attendance. A quorum was not reached at this meeting due to attendance. The Committee has received 3 resignations recently and will start the process to recruit for new members. **Discussion Points:** • Four religious and cultural days of significance were acknowledged, and the Committee received information about the Soccer Marathon event, Women's World Cup event and discussed the need for an older adults social group for Tamil residents. • Received a population committee update and also discussed the proposed extension of committees, Harmony Day, racism, Welcoming Cities, Refugee

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	Welcome Kit, Refugee Week and a community event and engagement opportunity. **Actions/ Recommendations:** The were no recommendations arising from this meeting. **21 June 2023 Meeting:** The Multicultural Committee met on 21 June 2023 in person at Ivanhoe Library and Cultural Hub. A report of this meeting is in **Attachment 7**. Cr Fiona Mitsinikos chaired the meeting. There were 9 Committee members in attendance. A quorum was not reached at this meeting due to attendance. Recruitment to the committee is currently in process. **Discussion Points:** • Acknowledged that the meeting was being held during Refugee Week (2023 Theme – Finding Freedom) • Presentation regarding the Inclusive Employment Program review • Update re Malahang Festival and potential opportunities for community groups. • Special guest speaker - Fatima Mursal Sadat and four (4) other members of the Afghanistan Women's National Soccer team attended the meeting to share their experiences coming to Australia as refugees. **Actions/ Recommendations:** The were no recommendations arising from this meeting.
6.	**Report/Committee Name: Banyule Disability and Inclusion Committee**
	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 issues, barriers and challenges facing, the opportunities available to, and the aspirations of, people with disabilities in Banyule. **26 April 2023 Meeting:** The Disability and Inclusion Committee met on 26 April 2023 in person. A report of this meeting is in **Attachment 8**. Cr Peter Castaldo chaired the meeting. A total of ten (10) committee members were in attendance. **Discussion Points:** • Discussion re Inclusive Banyule Planning • Update regarding the proposed website to improve the online experience of people with a disability, families and carers. • Advised that an Auslan version of the Inclusive Banyule Plan, Council Plan and Community Vision 2041 is being prepared and that an Accessible Communications Guide project is scheduled for completion by the end of the financial year. **Actions/ Recommendations:** Recommendation 1 - The Committee recommends that Council:

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	Makes a submission to the Australian Bureau of Statistics by 28 April 2023 in support of the adoption of the ABS 2020 Standard for Sex, Gender, Variations of sex characteristics, gender identity and intersex. **Officer Comment:** Council note that this Committee recommendation is retrospective and was completed on 27 April 2023 utilising Officer delegation. Recommendation 2 - Raise the Disability Pride flag at the Greensborough and Ivanhoe Customer Service Centre sites throughout the month of July 2023 and communicates to the community about the significance of this flag. **Officer Comment:** The disability pride flag has a black background and diagonally across the flag are five zigzag lines coloured blue, yellow, white, red, and green. The diagonal lines are to represent lightning bolts and each colour represents lived experience of someone with a disability. Council note that this Committee recommendation is retrospective and was completed in July 2023 utilising Council's existing Flag Protocol and Policy. **28 June 2023 Meeting:** The Disability and Inclusion Committee met on 28 June 2023 via a hybrid approach of online and in person. A report of this meeting is in **Attachment 9.** Cr Peter Castaldo chaired the meeting and attended by Cr Alison Champion. A total of 9 committee members were in attendance. **Discussion Points:** • Presentation on the Banyule Inclusive Employment Program • Presentation from Brotherhood of St Laurence (BSL) re the NDIS and future proposed changes • Presentation regarding the proposed website to improve the online experience of people with a disability, families and carers. • Update on the Changes Places facility at WaterMarc. • Update on the accessible communications guide. **Actions/ Recommendations:** The were no recommendations arising from this meeting.
8.	**Report/Committee Name: LGBTIQA+ Advisory Committee**
	The aim of the LGBTIQA+ 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. **13 April 2023 Meeting:** The LGBTIQA+ Committee met on 13 April 2023 in person at Ivanhoe Library and Cultural Hub. A report of this meeting is in **Attachment 10**. Cr Peter Castaldo chaired the meeting and was attended by Cr Allison Champion. There was a total of 15 committee members in attendance. **Discussion Points:**

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	• Presentation on understanding the referendum on an Indigenous Voice to Parliament. • Discussion about the Census 2026 questions, Reflections on Trans Day of Visibility and Alphabet Soup Trans Day of Visibility event, update on Committee feedback about honorariums. • Planning for the next joint-committee event • Invitation to join the 2023 Banyule Volunteer Celebration and Qwere St event. • Update on the progress for the IDAHOBIT internal and external events. **Actions/ Recommendations**: There were no recommendations to Council arising from this meeting. **15 June 2023 Meeting:** The LGBTIQA+ Committee met on 15 June 2023 via a hybrid approach of online and in person at Ivanhoe Library and Cultural Hub. A report of this meeting is in **Attachment 11.** Cr Peter Castaldo chaired the meeting and was attended by Cr Allison Champion. There was a total of 13 committee members in attendance. **Discussion Points:** • Presentation regarding the Inclusive Employment Program review • LGBTIQA+ Inclusion in Local Sport (Pride in Sport program) and Inclusive Sport in Banyule. • Reflections from members of the Viewbank Tennis Club who spoke about their experience hosting the Pride Day event which was supported by the Australian Open. • Feedback on the recently held Qwere St and IDAHOBIT events. **Actions/ Recommendations:** Council requires all sporting clubs to display Banyule Diversity Statement on their websites and is highly visible within club premises and this should be a requirement contained within lease and seasonal allocation agreements. In addition, Council needs to ensure education is provided to clubs to build culture of inclusion. **Officer Comment:** Officers acknowledge that people from diverse communities, including members of the LGBTIQA+ community, experience barriers to feeling welcome and able to participation in local sporting opportunities. We understand that sporting clubs have a strong desire to increase their awareness of our diverse communities and their needs and make adaptations to uplift inclusion. A report outlining the process for embedding inclusion in sporting clubs across Banyule will be prepared for Council for consideration that will include the potential costings and administrative requirements to facilitate the display of the diversity statement on websites and in clubrooms.
9.	**Report/Committee Name: Age Friendly Committee**
	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

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

	oversee the relevant strategic plan and Council's involvement in the World Health Organisation's Global Network of Age-friendly Cities. **25 May 2023 Meeting:** The Age-Friendly Committee met on 25 May 2023 in person. A report of this meeting is in **Attachment 12**. Cr Tom Melican chaired the meeting. 13 Committee members were in attendance. **Discussion Points:** • Updates regarding population committee honorarium, extension of tenure for population committees, Budget 2023/24, Urban Forest Strategy, Urban Food Strategy and new aged care facility in Macleod. • Updates about the Active April Walkathon, Coffee Connect program and Seniors Exercise Park. • Consultation about Banyule's Public Toilet Plan review • Presentation about the Inclusive Employment Program Review. • Discussion re the Age-Friendly Champion Relaunch, development of the Older Adults Framework 2030 and the Banyule Trial community Bus • Information about the Yarning Circle for Banyule Population and Advisory committees. **Actions/ Recommendations**: There were no recommendations to Council arising from this meeting.

SUPPORTING REPORT DETAILS

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

- **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.
- 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*.

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

Sustainable Procurement Outcomes

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

Financial Implications

- There are no direct financial implications arising from the recommendations 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	Minutes - Inclusive Banyule Advisory Committee - 10 May 2023	
2	Minutes - RAP Advisory Committee Meeting 12 April 2023	
3	Minutes - RAP Advisory Committee Meeting 14 June 23.	
4	Minutes - Banyule Arts and Cultural Advisory Committee - BACAC - 4 May 2023	
5	Minutes - Banyule Environment and Climate Action Advisory Committee BECAAC - 9 June 2023	
6	Minutes - Multicultural Committee - 3 May 2023	
7	Minutes - Multicultural Committee - 21 June 2023	
8	Minutes - Disability & Inclusion Committee - 26 April 2023	
9	Minutes - Disability & Inclusion Committee - 28 June 2023	
10	Minutes - LGBTIQA+ Committee - 13 April 2023	
11	Minutes - LGBTIQA+ Committee - 15 June 2023	

ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023 cont'd

1 Minutes - Age Friendly Committee Meeting - 25 May 2023
2

4.3 POPULATION AND ADVISORY COMMITTEE ANNUAL ACHIEVEMENT REPORT 2023

Author: Sherryn Prinzi - Community Impact Coordinator, Community Wellbeing

Previous Items

Council on 5 September 2022 (Item 3.5 - Review of Council's Advisory and Population Committees)

Council on 24 May 2021 7.00pm (Item 3.3 - Review of the Banyule Advisory Committees)

SUMMARY

1. Over the past three (3) decades, Council has received community advice from residents through committees. Whilst the focus and structure of the committees have changed considerably over time, Council continues to derive benefit from these interactions.
2. In May 2021, Council adopted a new committee structure to include four (4) advisory committees (Reconciliation Action Plan, Arts & Culture, Environment and Climate Action and Inclusive Banyule) and four (4) population committees (Age Friendly, LGBTIQA+, Multicultural, Disability and Inclusion). The four (4) population committees and RAP Advisory Committee provide advice to the Inclusive Banyule Advisory Committee.
3. The purpose and objectives of each committee are outlined by a Terms of Reference.
4. Across the eight (8) committees, there are a maximum of 123 members and in June 2023, there were 97 sitting members. Over a total of 40 committee meetings between the July 2022 and June 2023, there was an average attendance rate of 66%.
5. The Advisory and Population Committees Annual Achievement Report (**Attachment 1**) describes 42 key achievements and 19 recommendations to Council for consideration.
6. The Report also provides an overview of continuous improvement initiatives and results from the 2023 committee member survey.
7. The Inclusive Banyule Advisory Committee first met in November 2021 for the purpose of overseeing the implementation of the Inclusive Banyule Plan and providing a coordination function for Banyule's population committees. Over the last 12 months this committee has progressed critical conversations on key community issues including social and affordable housing and mental health supports.

RECOMMENDATION

That Council:

1. Receives the Advisory and Population Committee Annual Achievement Report 2023.

POPULATION AND ADVISORY COMMITTEE ANNUAL ACHIEVEMENT REPORT 2023 cont'd

2. Acknowledges and thanks the Advisory and Population Committees for their time and contributions.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Engage meaningfully with our diverse community, encourage participation, and be proactive and responsive to current and emerging needs".

BACKGROUND

- On 5 September 2022, Council resolved to receive an Advisory and Population Committee Achievements Report in June 2023 (CO2022/152).
- This report provides an overview of the membership and participation rates in the Advisory and Population Committees, the key achievements of each committee and recommendations made to Council. It also describes progress related to the continuous improvement opportunities implemented since September 2022 and provides results from the 2023 Committee member survey.

KEY ISSUES

- Council's eight (8) committees continue to meet as per their Terms of Reference. The committees each have a defined purpose and the key achievements and recommendations noted in the June 2023 Committee Achievement Report (**Attachment 1**) demonstrate alignment with objectives of each committee.
- In the period between July 2022 and June 2023, the committees reported 42 key achievements and made 19 recommendations to Council for consideration. Details are contained within **Attachment 1**.
- In the period between July 2022 and June 2023, the eight (8) committees met a total of 40 times with an average attendance rate of 66%. Membership rates experienced a 4% decline in this period and currently 79% of positions are filled. The Multicultural Committee and Banyule Environment & Climate Action Advisory Committee experienced higher levels of membership losses in this period.
- Between September 2022 and June 2023, a range of committee development opportunities were progressed. Of note, committee briefing papers, aimed at improving access to information discussed in meetings, were trialled with the Multicultural, Disability and Inclusion, LGBTIQA+ and Inclusive Banyule Advisory Committees. Member feedback suggests this improvement opportunity supported members to better understand the agenda items and prepare for discussions in meetings. For the Disability and Inclusion Committee, the use of Easy English agenda was trialled to support members with lower levels of English proficiency to participate, and this initiative was seen as a positive step to reducing barriers to inclusion.
- Committee members were surveyed between November 2022 and January 2023 to better understand their experiences participating in committee meetings. 36 responses were received, and participants rated the overall experience 4.6 out of 5. Of note, members noted that they felt all opinions and perspectives were valued, information provided supported participating in meetings, subjects discussed were relevant and meetings were accessible and inclusive. Members

POPULATION AND ADVISORY COMMITTEE ANNUAL ACHIEVEMENT REPORT 2023 cont'd

propose opportunities for improvement including improved induction process, greater variety and quality of speakers, and strengthened influence on Council policy and practice. A summary of all results are in Appendix 1 of **Attachment 1**.

- The Inclusive Banyule Advisory Committee first met in November 2021 for the purpose of overseeing the implementation of the Inclusive Banyule Plan and providing a coordination function for Banyule's population committees. The Inclusive Banyule Advisory Committee is made up of 22 members including ten (10) organisational representatives, ten (10) population and advisory committee members and two (2) Councillors.
- Throughout the year, the committee received updates on the progress of each population committee and the RAP Advisory Committee and progressed critical conversations on key community issues, including social and affordable housing and mental health supports.
- Key discussion points include:
    - Population level mental health interventions to support people to maintain positive mental health on a daily basis, community level support for future social prescribing initiatives delivered by the Department of Health, targeted supports for population groups that report stigma around mental health discussions, need for mental health first aid training supports for community members, and coordinated information on mental health supports and referral pathways to assist with service access.
    - Social and affordable housing opportunities have been discussed, with advice provided on the need to locate new developments across the Banyule community and the need for wrap around service supports close to developments.
    - Progress towards Council's municipal public health and wellbeing and inclusion initiatives have been discussed and as a result Council have implemented actions to deliver active bystander training, have completed a Health Status Report for Banyule and have focused gambling policy review on a stronger prevention approach. In addition, Council has further investigated the state of young people's mental health support activities.
    - First Nations supports and consideration of mental health supports for First Nations people during the referendum period. Supports available through various community partners were discussed, including the Ngarra Jarra Aboriginal Health Services based at the Austin Hospital and Koori Education Support Officers supporting students in Banyule schools. As a result of these discussions, a new partnership between the Koori Education Support Officers and Yarra Plenty Regional Library Service has been planned.

SUPPORTING REPORT DETAILS

Legal Consideration

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

POPULATION AND ADVISORY COMMITTEE ANNUAL ACHIEVEMENT REPORT 2023 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 promotes human rights through the assembly of the Inclusive Banyule Advisory Committee which seeks to amplify community outcomes of access, equity, participation and rights for Banyule communities, and specifically upholds Section 18 of the Charter, the right to take part in public life and Article 19 cultural rights, including Aboriginal cultural rights.

- **Sustainable Procurement Outcomes**

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	2023 June- Advisory and Population Committee Achievements Report	

4.4 EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS

Author: Sherryn Prinzi - Community Impact Coordinator, Community Wellbeing

Previous Items

Council on 27 February 2023 (Item 4.2 - Advisory and Population Committees Report - November 2022 - February 2023)

Council on 19 Jul 2021 7.00pm (Item 6.2 - Council Advisory Committees 2021-23 - Proposed Nominations)

Council on 24 May 2021 7.00pm (Item 3.3 - Review of the Banyule Advisory Committees)

SUMMARY

1. Advisory and Population Committees are established by a Council resolution to focus on matters that relate to their Terms of Reference and roles and responsibilities and make recommendations to Council for consideration accordingly.
2. Advisory and Population Committees do not have decision making authority and are made up of members who represent people of particular cohorts within the Community.
3. At the 24 May 2021 Council Meeting, Council's advisory committees were reviewed and a new committee structure, consisting of eight (8) established advisory and population committees, was endorsed, CO2021/98.
4. Four (4) committees were designated advisory committee status: Reconciliation Action Plan (RAP); Environment and Climate Action; Arts and Culture; and Inclusive Banyule.
5. Four (4) committees were designated population committee status, being Disability and Inclusion; Age-friendly; Multicultural; LGBTIQA+.
6. In July 2021, eight (8) committees were inducted in line with updated Terms of Reference.
7. The Committees meet as per their terms of reference and a Councillor delegate is appointed to support the Committee at each Mayoral Election Statutory Council Meeting for a one-year period, or as otherwise resolved.
8. The current membership term of all the Committees expired at the end of June 2023.
9. On 8 December 2022, the Inclusive Banyule Advisory Committee recommended Council "align the terms of the advisory and population committees to align with Councillor mayoral term".
10. At the 27 February 2023 Council Meeting, Council noted the recommendation from the Inclusive Banyule Advisory Committee to align the current committee terms to Mayoral election cycle (CO2023/20).
11. Extension of the current committee term will re-establish the committees to be aligned with the general Council election cycle in November 2024.
12. Committees are reviewed by Councillors at the start of each Council term. At this point, Councillors can determine the structure and purpose of committees.

EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS cont'd

Once a committee structure is determined, the Terms of References for each committee will be presented to Council for endorsement.

13. Next steps include notifying all committee members of Council's decision on extension of committee terms and invite members to continue membership to 20 September 2024.

RECOMMENDATION

That Council:

1. Extend the eight (8) established population and advisory committee's membership terms from 30 June 2023 to 20 September 2024, a period of fifteen months.

2. Notify committee members of the extension of committee terms to 20 September 2024 and invite members to continue membership to 20 September 2024.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Engage meaningfully with our diverse community, encourage participation, and be proactive and responsive to current and emerging needs".

BACKGROUND

- Prior to the COVID-19 pandemic, Council's advisory and population committees' two-year term was scheduled to end in October to align with the mayoral and general election cycle.
- The administration of the advisory and population committees was disrupted by COVID lockdowns and committee members reported insufficient time to make meaningful contributions. To compensate, the committee terms were extended by seven months, ending in June 2021.
- A new committee term commenced on 1 July 2021 and is due to end on 30 June 2023.

KEY ISSUES

- Advisory and Population Committees are established by a Council resolution to focus on matters that relate to their Terms of Reference and roles and responsibilities and make recommendations to Council accordingly.
- Advisory and Population Committees do not have decision making authority and are made up of members who represent people of identified cohorts within the Community. They are able to make recommendations for consideration by Council.
- At the 24 May 2021 Council Meeting, Council's advisory committees were reviewed and a new committee structure, consisting of eight (8) established advisory and population committees, was endorsed, CO2021/98.

EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS cont'd

- Four (4) committees were designated advisory committee status: Reconciliation Action Plan (RAP); Environment and Climate Action; Arts and Culture; and Inclusive Banyule.
- Four (4) committees were designated population committee status, being Disability and Inclusion; Age-friendly; Multicultural; LGBTIQA+.
- In July 2021, eight (8) committees were inducted in line with updated Terms of Reference.
- The Committees meet as per their terms of reference and a Councillor delegate is appointed to support the Committee at each Mayoral Election Statutory Council Meeting for a one (1) year period, or as otherwise resolved.
- The current membership term of all the Committees is due to expire at the end of June 2023.
- On 8 December 2022, the Inclusive Banyule Advisory Committee recommended Council "align the terms of the advisory and population committees to align with Councillor mayoral term".
- At the 27 February 2023 Council Meeting, Council noted the recommendation from the Inclusive Banyule Advisory Committee to align committee terms to mayoral election cycle (CO2023/20).
- The proposal to extend the current committee term by fifteen (15) months will re-align the committee terms with Council's general elections and mayoral election cycle.
- Officers have gauged the level of interest from a sample of population committees and there is consensus that an extension would be welcomed by most members.
- Next steps include notifying all committee members of Council's decision on extension of committee terms and invite members to continue membership to 20 September 2024.
- Should Council agree to extend the committee term to 20 September 2024, it is recommended that current members are invited to continue their membership. Any members not wanting to extend their membership will be discharged with thanks. In the event of low committee memberships numbers, Council Officers will seek to recruit in align with the Terms of Reference to ensure quorums can be met.
- Committees are reviewed by Councillors at the start of each Council term. At this point, Councillors can determine the structure and purpose of committees. Once a committee structure is determined, the Terms of References for each committee will be presented to Council for endorsement and an expression of Interest process (defined in the Terms of Reference) to call for membership for the next committee term will commence. Following general Council elections in November 2024, Councillors will be asked to endorse the new committee representatives in January 2025 for a term of a two-year period ending in October 2027.

EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- With reference to Section 18 of the Charter of Human Rights and Responsibilities; Right to take part in public life, supporting community members to participate in advisory and population committees enables public participation and empowers individuals to influence decision-making on local issues.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- The Disability and Inclusion, Age-Friendly, LGBTIQA+ and Multicultural Committees were engaged to test the level of committee member support for an extension to the current committee term.
- Feedback from the Committee Contact Officers indicates general support.
- On 8 December 2022, the Inclusive Banyule Advisory Committee recommended Council "align the terms of the advisory and population committees to align with Councillor mayoral term". This recommendation was tabled at the Council meeting on 27 February 2023.

Key Considerations

- An extension of the current committee term creates an opportunity for members to continue their committee membership to 20th September 2024.

Officer Declaration of Conflict of Interest

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

EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS cont'd

ATTACHMENTS

Nil

4.5 HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES

Author: Sherryn Prinzi - Community Impact Coordinator, Community Wellbeing

Previous Items
Council on 5 September 2022 (Item 3.3 - Inclusive Banyule)

SUMMARY

1. On 5th September 2022, Council resolved to receive a report to consider the remuneration options of Advisory and Population Committee members. This report responds to that recommendation.
2. Research has revealed that there is no consistent national, state, or local approach on remuneration or honorariums for people with lived experiences on committees.
3. Between February and April 2023, Officers consulted with members with lived experience representing the Multicultural, LGBTIQA+, Disability and Inclusion and Age-Friendly Committees, to ascertain their views on receiving a sitting fee for participation in committee meetings.
4. Feedback indicates these committee members prefer a range of options to recognise their contributions, as noted in the detail of this report.
5. Whilst the Arts and Culture Advisory Committee and the Environment and Climate Action Advisory Committee members are not necessarily engaged based on identity, these committee members also share with Council their lived experience, hence are included in the recommendations contained within this report.
6. Based on current membership caps, additional honorariums could be offered to 79 members and the indicative annual cost is $8,000 per annum. Council is asked to allocate funding to cover the additional costs.
7. The Reconciliation Action Plan Advisory Committee currently has a remuneration process in practice. The agreed remuneration amount currently in place would remain unchanged but would move to an annual payment.
8. This recommendation does not extend to committee members who hold membership as part of their professional roles and are paid to attend by their employees.

RECOMMENDATION

That Council:

1. Resolves to offer Banyule's Advisory and Population committee members an honorarium, and the honorarium options are to include:
    a. A sitting fee of $100 per year
    b. A Shop Local voucher to the value of $100 per year
    c. Multi-pass entry at a Council leisure facility

HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES cont'd

d. A donation of $200 per committee term period (two (2) years) to a local service support organisation or the Banyule Community Fund

e. No honorarium

2. Resolves that, in line with clause 4.2 of the committee's Terms of Reference, attendance of members at 60% of scheduled annual meetings is required before honorariums are issued, except in exceptional circumstances. Honorariums will be administered on an annual basis within an agreed period.

3. Notes that the Reconciliation Action Plan Advisory Committee sitting fee of $60 per meeting will stand as per the Terms of Reference and an alternative to receiving a sitting fee, members of the RAP Advisory Committee can choose an alternative honorarium (1b-d), with value of the donation or gift voucher commensurate with current sitting fee.

4. Notes Reconciliation Action Plan Advisory Committee sitting fee costs are already accommodated within the existing operational budget.

5. Approves an additional allocation of $8,000 in the annual operating budget to fund honorarium recommendations contained in this report.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Engage meaningfully with our diverse community, encourage participation, and be proactive and responsive to current and emerging needs".

BACKGROUND

- On 5th September 2022, Council resolved to receive a report to consider the remuneration options of Advisory and Population Committee members, CO2022/150.
- Research has revealed that there is no consistent national, state, or local approach on remuneration or honorariums for people with lived experiences on committees.
- A committee member with lived experience is a person who has personal experience such as being a member of the identified community the committee represents e.g. identifies as Aboriginal and Torres Strait Islander or LGBTIQA+, and/or has direct experience supporting someone of that identity, such as a family member or carer. In the context of this report, the definition extends to volunteer community members with a specialist local knowledge relevant to that committee. In the context of this report, it does not refer to a member of a committee attending meetings in a paid capacity within an organisation identifying or representing people from that identity group.
- Banyule's Advisory and Population Committees' Terms of Reference currently make provision for participants to access reasonable support to enable meaningful and informed engagement. As stated in Clause 3.7 within the Terms of Reference, community members who hold positions on committees do so on a volunteer basis. To allow for diverse participation, and considering the various

HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES cont'd

circumstances of members, Council supports the participation of members through provision of assistance, including but not limited to:

- Hearing loops
- Translators
- Provision of refreshments at face-to-face meetings
- Transport vouchers
- Childcare reimbursement.

- Between February and April 2023, Council Officers consulted with members with identity based lived experience representing the Multicultural, LGBTIQA+, Disability and Inclusion and Age-Friendly Committees to ascertain their views on receiving a sitting fee for participation in committee meetings.
- Feedback indicates that volunteer committee members hold a range of views on receiving a sitting fee for their participation in committee meetings. However, committee members agree that because people's circumstances vary, a range of options should be offered to recognise their contributions. The options suggested by committee members are:
    - Sitting fee
    - A gift voucher, such as Shop Local
    - Free or discounted annual membership or multi-pass entry at a Council leisure facility
    - Donation to a local service support organisation
    - No honorarium
- The Reconciliation Action Plan Advisory Committee currently have a remuneration agreement in practice as per its terms of reference. Several RAP committee members have chosen to donate their sitting fee to a local service. Whilst the agreed remuneration will remain unchanged, it is proposed that RAP Advisory Committee members receive an annual payment of sitting fees, instead of per meeting.
- The Arts and Culture Advisory Committee and the Environment and Climate Action Advisory Committee members are industry professionals and/or connected community members who are looking for a way to use their skills to improve their local area. Members generally receive professional, or community benefits out of involvement, including building networks, using the committee on resumes and building their knowledge around specific topics of interest. However, because the Arts and Culture Advisory Committee and the Environment and Climate Action Advisory Committee include volunteer members with specific local experience, they are included in the recommendations contained within this report.
- Population committee members holding an additional position on the Inclusive Banyule Advisory Committee will be offered an additional honorarium for these meetings, with the same conditions. The RAP Advisory Committee members on Inclusive Banyule Advisory Committee will continue to receive a sitting fee. Members of the LGBTIQA+, Multicultural, Disability and Age-Friendly Committee will be offered their choice of honorarium. Under the current committee structure, members of the Arts and Culture Advisory Committee and the Environment and Climate Action Advisory Committee do not hold membership on the Inclusive Banyule Advisory Committee.

HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES cont'd

- The Reconciliation Action Plan Advisory Committee sitting fee of $60 per meeting will stand as an option offered to all Aboriginal and Torres Strait Islander member representatives. Because some members currently choose to donate this sitting fee payment, it is proposed that the range of honorarium options identified in this report are also offered to the Reconciliation Action Plan Advisory Committee.
- Based on a maximum of 15 Reconciliation Action Plan Advisory Committee members, sitting fees incur a cost of no more than $5,840 per year and the costs are accommodated in existing operational costs.
- Should Council support this recommendation to provide additional honorariums, 79 volunteer committee members (excluding the RAP Advisory Committee) would be able to claim a benefit. The following options and indicative costings have been prepared.

Option	Indicative cost per annum
$60 Sitting fee per meeting	$25,200
$100 annual gift voucher	$7,900 plus card issuing fee
Multi-pass aquatics or gym access entry at a Council leisure facility (excluding scheduled classes including swimming lessons)	$ in-kind costs
$100 annual donation to a local support organisation or Banyule Community Fund	$7,900

- It is recommended that Council resolves to offer volunteer Advisory and Population committee members an option to receive an honorarium, and the honorarium options are to include:
    - A sitting fee of $100 per year
    - A Shop Local voucher to the value of $100 per year
    - Multi-pass entry at a Council leisure facility
    - A donation of $200 per committee term period (two (2) years) to a local service support organisation or Banyule Community Fund.
    - No honorarium
- The indicative additional cost of this proposal is $8,000 annually.
- In line with clause 4.2 of the committee's Terms of Reference, it is proposed that the committee member will attend at least 60% of scheduled meetings in a calendar year to receive this benefit.
- To effectively manage the administration of honorariums, it is proposed that the benefits are distributed to eligible members on an annual basis.

KEY ISSUES

- There is an opportunity to amplify the ways in which Council acknowledges the contributions of voluntary community members on Banyule's Advisory and Population Committees, above the current provision of assistance Council offers to members.

HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES cont'd

- An honorarium is a token of appreciation to community members for sharing their lived experience with Council and is not offered to fully compensate members for their time and expertise.
- Engagement with population committees indicate members support the option to select an honorarium option that is of value to them, as opposed to a one size fits all approach.
- If supported, the additional indicative annual cost to Council is up to $8,000.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- This proposal seeks to uplift the ways in which Council observes the human rights of committee members. It is proposed that providing honorariums to committee members with direct lived experience, supports individuals to exercise their right to freedom of expression (Section 14), right to take part in community life (Section 18) and cultural rights (Section 19). We recognise that the honorarium options do not fully compensate people with lived experience, however it seeks to demonstrate the value Council places on the act of sharing.

Sustainable Procurement Outcomes

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

Financial Implications

- After applying the standard volunteer hourly rate, a monetary value of volunteer committee member participation is over $35,000 per annum.
- The financial implications of this proposal are $8,000 per annum.

Community Engagement

- Banyule's LGBTIQA+, Multicultural, Disability and Inclusion and Age-Friendly Committees were consulted on two occasions regarding this proposal. The first engagement activity involved direct phone calls to individual members with lived experience who hold current membership. The results of the consultation were shared with population committees as part of their scheduled meetings in April and May 2023. At this point committees were asked to propose honorarium options for inclusion in this report.

HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

4.6 7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS

Author: Jo Wilson - Manager Resilient and Connected Communities, Community Wellbeing

Ward: Sherbourne

Previous Items
Council on 26 June 2023 (Item 7.1 - Community Infrastructure Plan)

SUMMARY

1. The Community Infrastructure Plan 2023-2033 (CIP) that was adopted by Council at the 26 June 2023 Council meeting identified the need for a Neighbourhood House or community hub facility in the Montmorency local area.
2. The Montmorency Community Hub was being operated by a community group at 1-3 Mountain View Road, Montmorency. However due to funding issues the Hub building has now been sold and they vacated this site in June 2023, leaving Montmorency with no local community hub.
3. At the 20 March 2023 Confidential Council meeting, Council resolved to acquire the land parcel known as 7 Wellington Street Montmorency.
4. This site was purchased by Council in April 2023 as a strategic land acquisition.
5. Based on the identified infrastructure and service need, it is proposed that the newly acquired site at 7 Wellington Street Montmorency is utilised as a Community Hub facility to support the local Montmorency community.
6. To achieve this, an expression of interest (EoI) is to be advertised to operate a neighbourhood house/Community Hub at the 7 Wellington Street site in a fair and transparent process. The lease to be offered to use the 7 Wellington Street site will be in line with the other Neighbourhood Houses across Banyule.
7. Neighbourhood House Funding is offered through the Department of Families, Fairness and Housing (DFFH) and there are currently no plans for any funding round opportunities in the near future. Therefore there is no recurrent funding available to operate any future Community Hub facility, and the successful provider from the EoI process will need to be able to operate the site outside of the Neighbourhood House funding model.
8. The successful provider may be required to be a signatory to the Neighbourhood House Partnership Framework.
9. The site at 7 Wellington Street Montmorency requires modifications to make it fit for purpose for a Community Hub (Confidential attachment 1). An architect will be appointed to oversee the required design works and project management.
10. It is proposed that the EoI process is advertised mid-August 2023 for a six (6) week period with finalisation of the successful provider to be endorsed by December 2023.

7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS cont'd

11. Initial planning for the modification requirements will commence in August 2023 with the successful provider providing input post endorsement of their EoI.

RECOMMENDATION

That Council:

1. Endorse the use of the site at 7 Wellington Street Montmorency as a Community Hub.

2. Endorse an Expression of Interest process for not-for-profit provider to operate a Community Hub at 7 Wellington Street Montmorency.

3. Endorses the allocation of $30,000 to appoint an architect to complete modification designs, quantity surveyor report and cost estimate in collaboration with the preferred service provider.

4. Endorses the allocation of $10,000 to maintain the property lawns and garden until future use is resolved.

5. Notes the confidential 7 Wellington Street Montmorency Modifications Document at Attachment 1 to this report.

6. Notes that a report will be presented to Council upon the finalisation of the Expression of Interest process, seeking Council endorsement of the successful provider, the signing of the Lease Agreement and Funding Agreement, future capital improvements needed to activate the space for community use and any other associated documents in line with all current Neighbourhood House Lease Agreements until 30 June 2026.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide a range of services and programs, and work with relevant partners to enhance health and wellbeing outcomes and social cohesion".

BACKGROUND

- The Community Infrastructure Plan 2023-2033 (CIP) that was adopted by Council at the 26 June 2023 Council meeting identified the need for a Neighbourhood House or community hub facility in the Montmorency local area.
- The Montmorency Community Hub was being operated by a community group at 1-3 Mountain View Road, Montmorency. However due to funding issues regarding the purchasing and ongoing costs of their site, the Hub building has now been sold and they vacated this site in June 2023, leaving Montmorency with no local community hub.
- The CIP notes that, should the existing Montmorency Community Hub cease operation, Council should develop a feasibility analysis and site identification for a Community Neighbourhood Centre in the Montmorency area.

7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS cont'd

- At the 20 March 2023 Confidential Council meeting, Council resolved to acquire the land parcel known as 7 Wellington Street Montmorency.
- This site was purchased by Council in April 2023 as a strategic land acquisition.
- Based on the identified infrastructure and service need, it is proposed that the newly acquired site at 7 Wellington Street Montmorency is utilised as a Community Hub facility to support the local Montmorency community.
- To achieve this, an expression of interest (EoI) is to be advertised to operate a Neighbourhoods house/ Community Hub at the Wellington Street site in a fair and transparent process. The lease to be offered to use the 7 Wellington Street site will be in line with the other Neighbourhood Houses across Banyule.
- The principles of the EoI would require the successful provider to meet the following requirements:
    - Not for profit
    - Has a robust governance model
    - Able to demonstrate a connection to and understanding of the Montmorency community
    - Experience in community programming and supports
- Neighbourhood House Funding is offered through the Department of Families, Fairness and Housing (DFFH) and there are currently no plans for any funding round opportunities in the near future. This means that there is no recurrent funding available to operate any future Community Hub facility and the successful EoI provider would need to be able to operate the site outside of the Neighbourhood House funding model.
- Ongoing advocacy will be undertaken with DFFH to seek future Neighbourhood House funding for the site.
- The successful provider may also be required to be a signatory to the Banyule Neighbourhood House Partnership Framework.
- The site at 7 Wellington Street Montmorency requires modifications to make it fit for purpose for a Community Hub in the short term to ensure accessibility requirements are met. This is outlined in **Confidential Attachment 1**.
- It is proposed that the EoI process is advertised mid-August 2023 for a six (6) week period with finalisation of the successful provider to be endorsed by December 2023.
- Initial planning for the modification requirements will commence in August 2023 with the successful provider providing input post endorsement of their EoI.

KEY ISSUES

- The Montmorency area currently does not have a neighbourhood community centre since the closure of the Montmorency Hub at 1-3 Mountain View Road, Montmorency.
- The strategic land acquisition at 7 Wellington Street Montmorency is proposed to be used as a community hub to support the local Montmorency community.

7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS cont'd

- To ensure a transparent process, it is proposed that an EoI process is undertaken to appoint a provider to operate the community hub at 7 Wellington Street Montmorency.

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*.
- Neighbourhood Houses and Community Hubs operate within the framework of the Australian Human Rights Commission by providing local communities with a safe space to engage, combat social isolation and to strengthen community spirit, pride and connection. These Hubs are accessible and inclusive spaces that welcome a diverse range of people regardless of age, gender, ability, or economic status.

Sustainable Procurement Outcomes

- The use of this site as a community hub will provide a significant social investment to the Montmorency community.

Financial Implications

- $30,000 to appoint an architect to complete modification designs, quantity surveyor report and cost estimate in collaboration with the preferred service provider.
- $10,000 to maintain the property lawns and garden until future use is resolved.
- Any further costs based on the outcomes of the architect designs and reports will be presented back to Council in a separate report.

Community Engagement

- Communications with the surrounding neighbours will be undertaken post Council resolution regarding the proposed future purpose of the site.
- Once a provider is appointed through the EoI process, significant community consultation will be undertaken with the wider community regarding the purpose of the hub.

Collaboration

- Neighbourhood House Funding is offered through the Department of Families, Fairness and Housing (DFFH) and there are currently no plans for any funding round opportunities in the near future. Therefore, there is no recurrent State government funding available to operate any future Neighbourhood

7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS cont'd

house/Community Hub facility, and the successful EoI provider would need to be able to operate the site outside of the Neighbourhood House funding model.

- Ongoing advocacy will be undertaken with DFFH to seek future Neighbourhood House funding for the site.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	7 Wellington Street Montmorency Modification Document - **CONFIDENTIAL**	

6.1 DRAFT HERITAGE STRATEGY 2023-2033

Author: Nicola Rooks - Strategic Planner, City Development

SUMMARY

1. The purpose of this report is to seek Council's endorsement of the draft Banyule Heritage Strategy 2023-2033 for community consultation.
2. Council has an important role and responsibility to identify, protect, maintain and celebrate Banyule's rich and diverse local heritage. This includes natural, Aboriginal, cultural and built heritage.
3. The draft Strategy has been prepared to guide Council's heritage work program over the next 10 years (**Attachment 1**).
4. The draft Strategy sets out clear strategic directions and actions against the four key themes of 'Knowing', 'Protecting', 'Supporting' and 'Promoting & Celebrating' our heritage.
5. Community consultation on the draft Strategy is planned to run from 21 August to 22 September 2023 and will include community information sessions and an online survey on Shaping Banyule.
6. Following consultation, the Strategy will be updated to incorporate community feedback and a final Strategy prepared for Council to consider and adopt later in the year.

RECOMMENDATION

That Council:

1. Endorse the draft Banyule Heritage Strategy 2023-2033 for community consultation.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Preserve and enhance Banyule's valued heritage, local character, and its significant trees".

BACKGROUND

- A Heritage Strategy assists a Council to meet its heritage obligations as set out in the *Planning and Environment Act 1987*, the State Planning Policy Framework and the *Aboriginal Heritage Act* 2006.
- It allows a Council to:
  - Identify and prioritise work to be done in the future
  - Appropriately manage and guide the heritage assets of their community
  - Report on and celebrate achievements

DRAFT HERITAGE STRATEGY 2023-2033 cont'd

- The previous Banyule Heritage Strategy was prepared in 2013. It included short, medium and long-term actions over a 10-year time period. As the timeframe for the strategy is almost complete it is time for a comprehensive review and update.
- Council has progressively supported heritage work over the last 10 years. Key achievements for 2013-2023 are highlighted in the new Strategy.

Development of the new Strategy

- The new Heritage Strategy will deliver on the Council Plan 2021-2025, in particular:
  - Strategy 3.6 - *Preserve and enhance Banyule's valued heritage, local character, and its significant trees*
  - 2022/2023 Annual Action 3.6.2 - *Commence preparation of a revised Banyule Heritage Strategy*
- Reflecting a whole of Council approach to heritage, the Strategy has been prepared internally by a cross organisational working group.
- The development of the Strategy has included:
  - Review of the previous Heritage Strategy
  - Engagement with Wurundjeri Woi-wurrung Elders
  - Input from various internal stakeholders across Banyule Council

KEY ISSUES

- The Heritage Strategy applies to all natural, Aboriginal, cultural, and built history heritage throughout the City of Banyule.
- The draft Strategy builds on the previous Heritage Strategy 2013 and has been developed in line with Heritage Victoria's *Municipal Heritage Strategies: A guide for Councils 2012*, and includes the following objectives:
  - **Knowing** - improve our understanding of Banyule's heritage by identifying places that are important to us and ensuring that information is well documented
  - **Protecting** - ensure heritage places are protected, appropriately managed and valued
  - **Supporting** - support heritage through Council's various roles and responsibilities
  - **Promoting & celebrating** - celebrate our heritage as a community, raising awareness and appreciation and enhancing its value for all
- The Strategy:
  - Recognises key achievements of the previous strategy
  - Identifies key challenges and opportunities
  - Includes an action plan of short, medium and long term/ongoing actions over the next 10 years
- A complete copy of the draft Banyule Heritage Strategy is provided at **Attachment 1**.

DRAFT HERITAGE STRATEGY 2023-2033 cont'd

- Council is also embarking on a significant piece of work with our Traditional Owner groups to develop a comprehensive Self-Determination Strategy in 2023-2025. Detailed actions relating to Aboriginal cultural heritage will be fully explored and addressed as part of that project.
- Following consultation on the draft Strategy (as outlined in the community engagement section of this report) the final strategy incorporating community feedback will be prepared for Council to consider and adopt.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- Implementation of the final adopted Strategy will be subject to available funding each year and considered through budget processes.
- While some actions involve the engagement of expert heritage consultants, many actions do not have an individual cost outlay. All actions, however, rely on available staff resources to coordinate and implement.

Community Engagement

- Community consultation is planned for 21 August to 22 September 2023 to explore with the community if we have the right priorities and actions identified. Consultation will include:
  - Information and an online survey on Shaping Banyule
  - Information in the September Banyule Banner
  - An online information session on Tuesday 12 September and an in-person information session on Thursday 14 September 2023
  - Engagement with Arts & Culture and Reconciliation Action Plan advisory committees
  - Engagement with key stakeholders including local historical societies

DRAFT HERITAGE STRATEGY 2023-2033 cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Draft Heritage Strategy 2023-2033	

6.2 2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)

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

Ward: Ibbott

SUMMARY

1. The proposal detailed in this report is for a residential aged care development, including various accommodation and community-based facilities resulting in a total of 230 beds. Permission is also sought to remove two (2) easements and sixteen (16) protected trees.
2. The development will replace an existing retirement village comprising forty-four (44) units and support services, and a recently demolished three (3) storey aged care building containing 50 rooms and 26 nursing ward beds, constructed in the late 1970s. The proposal seeks to provide modern services and accommodation suitable for residents with varying care needs which are not currently available on site.
3. The design is assessed against the purpose and requirements of the Residential Aged Care Facility planning provision at Clause 53.17 of the Banyule Planning Scheme.
4. The application has been placed on public notification twice, including most recently in May 2023 during which a public information session was hosted. A total of 207 objections have been received to date on various grounds, however the most common issues raised include overdevelopment, buildings not in character with the area, parking and traffic concerns and vegetation removal.
5. The application was included on the 17 July 2023 Council meeting agenda, however the item was resolved to be deferred to the 7 August 2023 Council meeting to enable facilitation of consultation by representatives of the Development Planning team between the applicant and representation of objector parties.
6. It is considered that the proposed development strikes an acceptable balance between competing policy objectives which support aged care development in appropriate settings, but having regard to neighbourhood character, landscape, vegetation, traffic, and parking considerations. The proposal should be supported subject to permit conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P58/2021 for Development of a residential aged care facility, removal of easements and vegetation removal at 2-8

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

Glenmore Street, 44-50 Highview Crescent and 35 Thornton Street MACLEOD subject to the following conditions:

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the amended plans submitted 1 December 2022 but modified to show:

   (a) The IRCF2 roof plant re-located to be central to the building and appropriately screened and treated to reduce noise emission;

   (b) The IRCF1 roof plant screen detail, including material and finishes;

   (c) The black/charcoal cement cladding proposed to all buildings replaced with a lighter muted tone, such as grey or brown, and the building facades designed to include natural timber elements;

   (d) The north-east upper-level windows of accommodation Type '3D' facing No. 33 Thornton Street to be obscured up to 1.7 metres above finished floor level;

   (e) The height, materials and finishes of all proposed retaining walls;

   (f) The substation area setback three metres from Highview Crescent to allow for landscaping and screening to the satisfaction of the Responsible Authority;

   (g) The fire booster cabinet and water meter assembly adjacent to Glenmore Street to be dimensioned and finished in a muted tone;

   (h) Further details of the hydrant booster adjacent to Highview Crescent, including height and appearance;

   (i) All hydrant cupboards and electrical boards to be finished in a muted tone;

   (j) IRCF1 and IRCF2 bin room detail to include:

      a. Hard waste storage areas;
      b. Bumper rails fitted to walls;
      c. Sink for mops;
      d. Pathway from bin room to truck collection point to be flat;

   (k) The proposed pedestrian connection from Broadford Crescent to the Cherry Street reserve to be no less than 3 metres wide;

   (l) New bus stop detail in accordance with Condition 12 of this permit;

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

(m) Development Drainage Plans in accordance with Condition 3 of this permit;

(n) An amended Landscape Plan in accordance with Condition 4 of this permit;

(o) An amended Waste Management Plan in accordance with Condition 5 of this permit;

(p) An amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;

(q) An amended Green Travel Plan in accordance with Condition 7 of this permit;

(r) An Environmentally Sustainable Development (ESD) drawing in accordance with Condition 8 of this permit;

(s) A Water Sensitive Urban Design (WSUD) drawing in accordance with Condition 9 of this permit;

(t) A Tree Protection and Management Plan (TPMP) in accordance with Condition 10 of this permit;

(u) Tree Preservation Fencing in accordance with Condition 20 of this permit;

Layout Not to Be Altered

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

Development Drainage Plans

3. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:

(a) The use of an On-site Stormwater Detention (OSD) system;

(b) The connection to the Council nominated legal point of discharge;

(c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;

(d) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC report and include drainage details as a result of landscaping;

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

(e) The Tree Protection Zone and Structural Root Zone of Tree #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68 as identified in the submitted Arboricultural Report shown to be retained.

Please note the plans must show all protected and/or retained trees on the development site, on adjoining properties where tree canopies encroach the development site and along proposed outfall drainage and roadway alignments (where applicable) and every effort must be made to locate services away from the canopy drip line of trees and where unavoidable, details of hand work or trenchless installation must be provided.

Landscape Plan

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Fitzgerald Frisby Landscape Architecture dated 16 September 2022 but modified to include:

   (a) Amendments required by Condition 1 of this permit;

   (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;

   (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;

   (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;

   (e) An indigenous and/or drought tolerant planting theme;

   (f) A schedule of all proposed trees, shrubs, and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;

   (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements, and existing trees;

   (h) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;

   (i) Location, details, and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC report, with reference to connection details on the engineering plans.

   When approved the plan will be endorsed and form part of this permit. Landscaping in accordance with this approved plan and schedule must be completed prior to the occupation of the development.

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

Waste Management Plan

5. Before the development permitted by this permit commences, an amended Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 21 September 2022 but modified to include:

   (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;

   (b) Use of 1100L MGB to reduce collection frequency requirements;

   (c) Anticipated frequency, hours and duration of collection;

   Once approved, the Waste Management Plan must always be adhered to by the owners of the development unless otherwise approved in writing by the Responsible Authority.

Sustainability Management Plan

6. Before the development permitted by this permit commences, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Mott MacDonald dated 19.09.2022 but modified to include (but not limited to):

   (a) A BESS Report that:

      i. Achieves 'best practice' with a minimum overall score of 55%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
      ii. Proposes all-electric measures with no natural gas included;
      iii. Reflects the total average NatHERS across the residential units (e.g. weighted average from modelling provided), or include both average scores (for 'Type 2' and 'Type 3' accommodation respectively);

   (b) NatHERS certificates of a representative sample of dwelling typologies for both 'Type 2' and 'Type 3' accommodation to support the 6.5 and 7.12-star targets outlined in the SMP;

   (c) More details around metering strategy, including extent (e.g. individual dwellings and common areas) and scope (electricity, water, gas, solar etc.);

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

(d) EV charging infrastructure to include *cabling* back to the main switchboard (for IRCF1/2 basement) that has a minimum capacity to support Level 2 (Mode 3) (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase) to allow the aged care facility to install / provide EV charging at a later date (when demand increases);

(e) More details within the SMP and Landscape Plan regarding species selection (native, indigenous and drought tolerant) and specific irrigation strategy (e.g., sub-surface drip or hand watered until established);

(f) Amended wording within the SMP to reflect 16.4% reduction in energy demand for the non-residential component (not 17% as highlighted in the SMP);

(g) Clarification on whether the basement car park is to be mechanically ventilated with CO monitors or naturally ventilated;

(h) Clarification of the type of electric cooling system proposed;

(i) Confirmation of the type of electric hot water system proposed;

(j) Amended rooftop plan and ESD Drawing to specify the total (minimum) solar PV system size (not indicative);

(k) Amended 'Type 3 accommodation' design to incorporate an external shading treatment (e.g. eave, awning, blinds, or louvres etc.) for North and West (preferably operable) facing glazing elements to habitable rooms that are not shaded by a retaining wall. Provide amended elevations or cross-section details to illustrate;

(l) Amended IRCF2 building design to include an external shading treatment for exposed bedrooms on the north-west and north-east facades. Provide amended elevations or cross-section details to illustrate;

(m) Amended discrepancies in the stormwater strategy, including clearly demonstrating which buildings are connected to rainwater tanks;

(n) Consideration to revise stormwater strategy to include rainwater tanks for the 'Type 3' accommodation – individually or in a similar cluster – to reduce the reliance on raingardens for stormwater quality;

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

(o) Consideration to increase the size of the rainwater tank to service toilet flushing throughout IRCF1 or IRCF2 (or both) and to reduce the reliance on raingardens for stormwater quality;

(p) A revised plan (as on page 31) detailing collective raingarden areas, and a detailed plan of the 55 sqm raingarden (either as part of the stormwater strategy or within the Landscape Plan) to support its design;

(q) The full daylight assessment summarised in appendix C (SMP, p. 38);

(r) Clarification of the extent of double glazing throughout the development (given the credit was not claimed in BESS), through a statement within the SMP of revised elevations;

(s) Clarification of misalignment in bicycle parking between BESS/SMP and plans and amend documentation accordingly;

(t) Clarification of provision and location of end-of-trip facilities as per the BESS Report and amend plans accordingly;

(u) Amended construction waste commitment to include a target to re-use or recycle (min) 80% of demolition and construction waste and include within procurement requirements for waste contractor;

(v) Amended language within materials section (removing phrases such as 'where possible) to outline firm commitments (e.g. % by cost / weight);

(w) Amended Landscape Plan (with annotation or symbols) to clearly identify food producing areas to align with BESS commitments (46 sqm for apartments, 24 sqm for office and 127 sqm for public building);

(x) A statement as to how the design has/will contribute to urban heat mitigation – replace roofing with 'cool' alternatives (Maximum SA of 0.70 / minimum SRI of 0.45), and consider increasing climbing vegetation to shield dark external elements from direct sunlight;

(y) Clarification of strategy to reduce embodied carbon of concrete (through portland cement reduction) and steel (through responsible steel maker and reductions where possible);

(z) Clarification of best-practice approach to use of PVC materials or alternatives;

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

Green Travel Plan

7. Before the development permitted by this permit commences, an amended Green Travel Plan (GTP) must be submitted to and approved by the Responsible Authority. The GTP must be prepared by a suitably qualified environmental and traffic engineer or consultant. When approved, the amended GTP will be endorsed and will form part of this permit. The GTP must be generally in accordance with the GTP prepared by Patrick Phelan, ESD Consultant dated 19/09/2022 but modified to include (but not limited to):

   (a) A definition of 'sustainable travel' within the introduction that includes a transition towards electric and low emissions vehicles, active commuting and public transportation;

   (b) Updated timelines for objectives and targets to align with delivery and operation of the development;

   (c) An additional column within the actions table to include a 'target date' (and not just 'ongoing') for the proposed actions;

   (d) Actions relating to electric vehicle charging and support for low emissions vehicles within the development;

   (e) Identification of key physical actions which are to be included on the ESD Drawing and plans (i.e., bicycle parking pedestrian pathways);

   (f) Identification of confirmed or proposed car-share parking locations and actions for applying for and installing these;

   (g) Amended review period to be annual (and not just 'in a consistent way') and indication of who is responsible for conducting annual review of the GTP.

Environmentally Sustainable Development (ESD) Drawing

8. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect. When approved, the ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must include:

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

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

   i. A notation committing to the delivery of a Building Users Guide;
   ii. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
   iii. The Water Efficiency (WELS) Rating for water fixture/fitting and

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appliances as nominated in their respective locations;

iv. Water Efficient Landscaping design features;

v. The location and system size of the Solar PV systems;

vi. The NatHERS Energy Rating for each dwelling, annotated and emboldened;

vii. The Hot Water unit type and energy rating;

viii. The Heating System type and energy rating;

ix. The Cooling System type and energy rating;

x. Clotheslines and locations;

xi. External Lighting including Motion Detectors in their respective locations;

xii. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;

xiii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;

xiv. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;

xv. The location and depth of external fixed horizontal overhangs to all north facing windows;

xvi. Section details of external fixed horizontal overhangs to all north facing demonstrating an appropriate shading angle for blocking unwanted summer sun for Melbourne to the satisfaction of the Responsible Authority;

xvii. The location and shading type of adjustable external shading to all east and west facing windows;

xviii. Secure bicycle parking storage spaces location and type of storage system;

xix. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity to support Level 2 (Mode 3) EV charging (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase);

xx. On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;

xxi. Tap and Floor Waste (drain) locations in private open spaces and balconies;

xxii. Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;

xxiii. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70 / minimum Solar Reflective Index (SRI) value of 0.45;

xxiv. Utility metering provided for all individual residential dwellings;

xxv. Utility metering provided for all individual commercial tenants;

xxvi. Separate submetering to all major common area services

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xxvii. Building Systems Water Use Reduction measures to reduce potable water consumption by >80% in the buildings air-conditioning chillers and when testing fire safety systems;
xxviii. Carpark Ventilation measures either (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans;
xxix. Ceiling fans provided to regular use areas;
xxx. Notation for all paints, sealants and adhesives to meet the maximum total indoor pollutant emission limits;
xxxi. Notation for all carpet meet the maximum total indoor pollutant emission limits;
xxxii. Notation for all engineered wood meet the maximum total indoor pollutant emission limits;
xxxiii. Bicycle Parking location and details;
xxxiv. Bicycle Visitor Parking location and details;
xxxv. End of Trip Facilities (showers and lockers) location and details;

WSUD Drawing

9. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant or architect. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:

(a) All features nominated within the associated SMP, and MUSIC Report identified under Condition 6, as follows:

i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
iii. The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s;
iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
v. A clear notation of the locations and respective areas (m²) of rooftop catchment areas, trafficable catchment areas, driveways / pathways, permeable pavements, and garden areas that align

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with MUSIC Model Treatment Train;

(b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components, and frequency of maintenance;

(c) STORM Report Rating Identifying a 100% pass mark without the use of SQID's, Buffer Strips and Raingardens where possible;

(d) An amended STORM Report Rating Identifying a 100% pass mark without the use raingardens where possible; projects are encouraged to prioritise low maintenance initiatives such as rainwater tanks, connected to toilets and laundry;

Tree Protection and Management Plan

10. Before the development permitted by this permit, commences, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:

(a) The management and maintenance of Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68;

(b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures condition as part of planning permit P58/2021;

(c) A tree protection plan drawn to scale;

(d) All tree protection zones and structural root zones to be indicated on the plan;

(e) The design modifications and specific construction techniques to be implemented to reduce impact on retained trees;

(f) The types of footings used within tree protection zones which must also be indicated on the plans;

(g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;

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(h) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used;

(i) Tree removal methods for approved vegetation;

(j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;

(k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;

(l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;

(m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;

Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

ESD Certification

11. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must confirm that all ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

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(a) Photographic evidence of each ESD features;

(b) Invoices/receipts and product specifications evidencing the energy ratings of appliances as claimed in the SMP;

(c) Invoices/receipts and product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;

(d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;

(e) Invoices/receipts and product specifications evidencing the U-Values and SHGCs of windows, glazed doors and skylights as claimed in the approved NatHERS Energy Report and Section J Energy Efficiency Report to address the NCC;

(f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable);

ESD Inspection

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

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

Department of Transport

13. Unless otherwise agreed in writing with the Head, Transport for Victoria before the development starts, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the submitted plans but modified to show:

    a. New/updated bus stop and all associated infrastructure in an agreed location on Highview Crescent outside the development site;

    b. A new shelter and barrier kerb as required;

    c. The bus stop clear of any street furniture and obstacles, and

    d. A design compliant with the Disability Discrimination Act 1992 (Cth);

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All to the satisfaction of the Head, Transport for Victoria

14. If the existing bus stop on Highview Crescent cannot be used during the demolition and construction of the development, a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.

15. Any request for written consent to disrupt bus operations or the bus stop relocation on Highview Crescent during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption/works and must detail measures that will occur to mitigate the impact of the planned disruption.

16. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop must be competed at no cost and to the satisfaction of the Head, Transport for Victoria. Any temporary bus stop (if required) must be removed and the site reinstated to the satisfaction of the Head, Transport for Victoria.

Notification of Responsible Authority of other matters

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

Development Infrastructure Levy

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

Removal and Replacement of Council Trees – Payment

19. Prior to the commencement of development and removal of Trees #20, #29, #40, #44, #46, #48 and #70, the required fee for the planting of seven (7) new street trees must be paid to the Responsible Authority. The cost of the tree removal is to be paid by the permit holder.

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

Tree Protection

19. Prior to the commencement of any building and/or demolition works, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on the endorsed plans, including Trees #1, #18, #25,

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#30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Open Space Management dated April 2021.

(a) Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 and including the following:

(i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.

(ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.

(iii) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.

(iv) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.

(v) All supports, and bracing should be outside the TPZ and any excavation for supports, or bracing should avoid damaging roots where possible.

(vi) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.

(vii) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.

(viii) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

(ix) For street trees, protection must be to the extent of the entire nature strip where the calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);

(x) For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;

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(xi) Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;

Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the Responsible Authority.

(b) Any underground service installations within the calculated Tree Protection Zone (TPZ) of any retained tree must be bored to a depth of at least 800mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:

(i) Undertaken after written approval is received from the Responsible Authority;
(ii) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

Construction Management Plan

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

(a) Details of measures to be implemented to minimise adverse impacts during the development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
(b) Details of measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
(c) The designation of tree protection zones for canopy trees to be retained on the land.
(d) The location of site offices, security fencing, cranes, off-street vehicle parking for construction and trades employees and construction vehicle routes.
(e) Details of the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
(f) Details of the hours of construction on the site.

The Plan must also include (but not be limited to) details of the following:

- Appropriate location of parking for all tradespersons, to ensure as far as practicable a design and measures for trades vehicles to park on-site where possible. This may include utilisation of basement carparking.

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- A sign to be displayed on site at all times advising tradesman to park on the site where practicable and if parking on-street, not to illegally park across any driveway.
- A likely timeframe for construction (including demolition, commencement and any staging).
- Access and egress points for all vehicles to the site.
- Location of construction workers' amenities away from abutting dwellings.

Note:

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

Road Discontinuance/Sale of Land

21. The development permitted by this permit must not commence until the land acquisition within Broadford Crescent and Highview Crescent, including the land swap to provide a pedestrian connection to the Cherry Street reserve, is finalised and the new title lodged with the Land Titles Office.

Occupation of Development

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

Car Parking/Access

23. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

24. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose to the satisfaction of the Responsible Authority.

25. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a

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Memorandum of Consent for Works which must be obtained prior to commencement of works.

Urban Design and Landscaping

26. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.

27. Any air-conditioning or cooling units, condensers and the like must not be located on external walls and, if located on balconies, must be screened, to the satisfaction of the Responsible Authority.

28. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.

29. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

30. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

31. Unless otherwise agreed in writing by the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Waste Management

32. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.

Maintenance of property

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

Permit Expiry

34. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development is not commenced within three years of the date of this permit; or

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- The development is not completed within six years of the date of this permit.

PERMIT NOTES

A. Expiry of Permit

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

(a) Before the permit expires, or

(b) Within six months afterwards, or

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

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

B. Building Permit Required

Building Permit must be obtained prior to the commencement of any works associated with the proposed development.

C. Building over Easements

No structure, including sheds and water tanks shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

D. Drainage Plan Requirements

Please contact Council's Developments and Drainage Department via enquiries@banyule.vic.gov.au for the Tc/Tso Values prior to the submission of stormwater drainage plans as required by the conditions of the permit.

E. Access to Council Reserve

No permission can be granted either temporary or otherwise by Council and/or its employees with respect to access to the adjacent Council owned land (including the road reserve) for any purposes relating to the proposal (e.g. parking of surplus vehicles, delivery of materials etc.), without application being made for the requisite permit (i.e. Local Law Permit).

F. Completion of Development

Immediately upon completion of the development permitted by this permit, the owner or developer of the subject land must notify Council's Development Planning Section that the development is complete and complies with all requirements of the permit. The development will then be inspected to ensure compliance. An early inspection process will ensure that

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the subdivision approvals including the Statement of Compliance can be issued without delay.

G. Development Infrastructure Levy
Please refer to Schedule 1 to the Development Contributions Plan Overlay of the Banyule Planning Scheme for charge areas and levies payable. To request an invoice for payment, please email dcpofficer@banyule.vic.gov.au including the address of the land that is being developed.

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

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

I. Building Site Code of Practice
All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

J. Street Numbering
Please note that property addresses are allocated by Council. This is usually formalised at the time of the issue of a certified plan.

PROPOSAL

Planning Permit Application:	P58/2021
Development Planner:	Mr Jonathan Atkinson
Address:	2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod
Proposal:	Development of a residential aged care facility, removal of easements and vegetation removal
Existing Use/Development:	Retirement village
Applicant:	Mayflower Reservoir
Zoning:	General Residential Zone – Schedule 2 (GRZ2)

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Overlays:	Vegetation Protection Overlay – Schedule 5 (VPO5) Special Building Overlay – Schedule 1 (SBO1) Development Contributions Plan Overlay (DCPO1)
Notification (Advertising):	Five signs on site Notices to surrounding properties
Objections Received:	207
Ward:	Ibbott

- The proposal broadly includes:
  - Development of a three storey 'high care' integrated residential care facility (IRCF1) including 72 beds;
  - Development of a three to three and a half storey 'low care' integrated residential care facility (IRCF2) including 25 apartments;
  - Community centre facilities including a café, bar/games lounge, cinema, gym and arts rooms;
  - Development of 46 'low care' (Type 3 accommodation) cottages, each with one parking space;
  - Removal of 33 trees, including 16 trees protected by the Vegetation Protection Overlay – Schedule 5;
  - Basement parking underneath the IRCF1/IRCF2 buildings providing 54 parking spaces, including 25 spaces reserved for the IRCF2 apartments;

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Proposed building layout and accommodation types

Building Site coverage	44%
Impervious Site Coverage	65%
Residential beds	230
Parking spaces	100
Tree removal	33 (16 require a permit for removal)
Proposed tree planting	263

BACKGROUND

- The subject land has been used and developed in conjunction with residential aged care and retirement living since the late 1970s. Previously operated by various institutions, including most recently Southern Cross Care Victoria, the land has long held a mix of independent living units and more intensive care services. This included the former Terry Barker Nursing Home and Macleod Village Hostel which provided approximately 50 private rooms, 26 nursing ward beds and various communal facilities including kitchen, dining and lounge areas, offices and private nursing rooms. This building was demolished in approximately 2017 and the land has since been transferred to Mayflower as the current service provider.
- A number of planning permits have been issued during this period to enable incremental development of the site, however no permits have been issued in the last 15 years.

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- A recommendation on this current application was initially presented at the Council meeting dated 17 July 2023, however the item was resolved to be deferred to enable facilitation of consultation by representatives of the Development Planning team between the applicant and representation of objector parties (see Consultation section below).

SUBJECT SITE AND SURROUNDING AREA

Site area	18,540m^2
Topography	Substantial slope of 20 metres from north-west to south-east across Parcel A. Slope of 9 metres from north-west to south-east across Parcel B)
Existing and Neighbouring Vegetation	Both parcels contain a number of large trees, including natives, scattered amongst the existing dwellings, driveways, paths and garden beds. The adjacent Cherry Street Reserve to the west is heavily vegetated with native canopy trees.
Existing buildings	There are 13 separate split level units across Parcel A and 7 split level units across Parcel B. The units are built with dark brown brick and include dark green or dark red fascias and garage doors. They have low pitched gabled roof forms finished with tiles.
Fencing	The interfaces with Broadford Crescent, Glenmore Street, Highview Crescent and Thornton Street are unfenced.
Easements	Parcel A has a 2.44 metre wide drainage and sewerage easement running through the centre of the site in an east-west direction. Parcel B has a 1.83 metre wide drainage and sewerage easement running along the northern (side) boundary in an east-west direction. Another 1.83 metre wide drainage and sewerage easement runs through the centre of the site in a north-south direction.

Locality Plan

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

PUBLIC NOTIFICATION

Advertising Period	Original application: 5 April to 19 April 2022 Amended application: 28 April to 12 May 2023
Advertising methods	Five signs on sites Letters to surrounding properties
Objections received	207
Grounds of objections (summarised)	• Traffic impacts, including noise and safety • Inadequate parking • Overdevelopment • Visual bulk/impact of buildings • Building materials not characteristic of the area • Loss of vegetation

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

	• Overlooking/privacy • Light pollution • Overshadowing • Access to Cherry Street Reserve • Loss of housing for existing residents • Property value • Lack of community consultation
Consultation	• An information session was held on Tuesday, 2 May 2023 at the Macleod NETS Stadium. Approximately 35 community members attended to review the amended plans and discuss the proposal. • Further consultation between the permit applicant, Council officers and representation of objector parties was undertaken on 20 July 2023 to discuss key issues as per the Council resolution of Item 6.2 of the Council meeting on 17 July 2023. Discussions are ongoing at the time of writing.

REFERRAL COMMENTS

- The application was referred to the Department of Transport, Melbourne Water and Yarra Valley Water – see a summary of comments in Attachment 1. No objection was received from these authorities subject to permit conditions.

- The application was internally referred to Council's Drainage Engineering Unit, Development Planning Arborist, Traffic Engineering Unit, Parks and Urban Forestry Unit, Waste Management Coordinator, Environmentally Sustainable Development Advisor and Property Services Unit. A summary of the comments is provided in Attachment 1. No objection was received from these authorities subject to permit conditions.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
General Residential Zone – Schedule 2 (GRZ2)	32.08	Yes
Vegetation Protection Overlay – Schedule 5 (VPO5)	42.02	Yes
Special Building Overlay – Schedule 1 (SBO1)	44.05	No
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

Easements	52.02	Yes
Signs	52.05	No
Car Parking	52.06	No
Native Vegetation	52.17	No

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Planning Policy Framework (PPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Safer Design Policy	15.01-1L-02
Environmentally Sustainable Design	15.01-2L-02
Preferred Neighbourhood Character (Garden Suburban Precinct 2)	15.01-5L-01
Housing	16
Economic Development	17
Transport	18
Infrastructure	19
Residential Aged Care Facility	53.17

TECHNICAL CONSIDERATION

- Council must consider this application within the strategic context of the site location, the response to the land use, neighbourhood character and amenity of the area, traffic and car parking and vegetation impacts.
- A more detailed response is included in Attachment 1, however an assessment summary is provided below.

Strategic Framework

- The relevant provisions of the Planning Policy Framework include Clause 11 – Settlement, Clause 15 – Built Environment, Clause 16 – Housing, Clause 17 – Economic Development, Clause 18 – Transport and Clause 19 – Infrastructure. There are a variety of objectives and strategies across the PPF which are relevant for the proposal, some of these include:
    - Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
    - Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people.
    - To facilitate the development of well-designed and appropriately located residential aged care facilities.
    - Recognise that residential aged care facilities are different to dwellings in their purpose and function and will have a different built form (including height, scale and mass).

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

- Provide for a mix of housing for older people with appropriate access to care and support services.

- The policy directs that a balanced approach must be taken when considering a proposal for a residential aged care facility. It sets out that there is a need for these facilities and that there should not be an expectation that facilities in residential settings will completely blend into an existing neighbourhood. However, understanding amenity impacts and ensuring good quality outcomes with respect to design, architecture and landscaping within a prescribed setting must also be given consideration.

Land Use

- A permit is not required to use land for a residential aged care facility in the General Residential Zone. Furthermore, the subject land has a history of aged care and retirement village uses for almost 50 years. Continuing to provide aged care health services is consistent with the purpose of the zone and the planning policy framework.
- The proposal is a strategic opportunity to provide more aged care accommodation and services on an existing site which is largely buffered from nearby dwellings by the street network and the Cherry Street reserve.

Neighbourhood Character

- Key considerations include building site coverage, building height and design, proposed materials and finishes, and the integration with existing vegetation as well as the opportunity for new vegetation. Further discussion on building height, design and materials is provided below.
- The proposed building site coverage is 44% which exceeds the prescribed 40% in Schedule 2 to the General Residential Zone, but well less than the allowable 80% within Clause 53.17 – Residential Aged Care Facility. This is considered an appropriate balance as it enables the retention of various mature trees and enables new trees and landscaping to maintain and enhance the garden suburban character.
- The submitted landscape plan proposes the planting of over 260 trees, including species such as *Eucalyptus melliodora, Eucalyptus leucoxylon ssp. megalocarpa*, *Allocasuarina littoralis* and *Acacia implexa*. Whilst a mix of native and exotic species are proposed to support local biodiversity and the amenity of the neighbourhood, a predominant indigenous and native species landscape theme is suitable for the area given the nearby Cherry Street Reserve and Gresswell Forest Wildlife Reserve. This can be required as a condition on any permit issued.

Built Form and Amenity Impacts

- The proposed development layout has been designed to minimise impacts on external properties and maintain important characteristics of the current layout. This is achieved through the following:
  - A modest overall site coverage with an effective increase from approximately 34% to 44% whilst providing an increase of 70 beds across the site.

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

- The provision of the larger apartment style buildings to the rear of the site adjacent to the parklands and generously setback from adjoining residential properties.
- The 'low care accommodation' units are provided with landscaped and treed spacing between groups of units. Design elements of these units include aspects consistent with the existing units on site and nearby residential development through the use of hipped roofs and double storey built form.

- A number of design improvements have also been achieved through the application process include:
  - Reduced proposed site coverage from 48% to 44%.
  - Consolidated basement for the IRCF1 and IRCF2 buildings to streamline traffic movements.
  - Reduced IRCF1 and IRCF2 building heights.
  - Increased IRCF1 and IRCF2 street setbacks and more landscaping/tree planting opportunities.

<u>Height</u>

- The proposed building heights are as follows:
  - The IRCF1 building has a maximum height of 12.2 metres
  - The IRCF2 building has a maximum height of 14.4 metres
  - The 'low care' Type 3 units have heights ranging from 4.5 – 7.25 metres.
- The heights are within the height limit of 16 metres within Clause 53.17 – Residential Aged Care Facility. The taller IRCF1 and IRCF2 buildings are designed to have their tallest parts central to the site to manage visual impacts external to the site.

<u>Setbacks</u>

- The IRCF1 building is setback 13.9 metres from Broadford Crescent and 17 metres from Highview Crescent. The IRCF2 building is setback 11.5 metres from Broadford Crescent and 9.4 metres from Highview Crescent. The Type 3 'low care' accommodation setbacks vary between 3 and 8 metres. The setbacks enable the characteristics of the Garden Suburban area to be retained.
- Side and rear setbacks exceed the minimum requirements and will enable landscaping along interfaces with neighbouring property.

<u>Design Detail</u>

- Proposed materials and finishes for the IRCF1 and IRCF2 buildings include light grey cement render, black/charcoal, white and natural grey fibre cement cladding, cream/grey brick cladding, concrete render, and green feature tiles. An alternative solution would be to replace the black/charcoal cement cladding finishes with lighter muted tones, including brown and natural timber elements as these materials are prevalent in the neighbourhood and better respond to the Cherry Street reserve backdrop. This can be addressed through a condition on any permit issued.

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

- The Type 3 'low care' cottages propose a mix of cream and brown brick cladding, black/charcoal fibre cement cladding and aluminium screen battens. As stated above, the black/charcoal cement cladding should be replaced. Subject to this change, the materials are considered acceptable.

Site services and roof plant

- Various services are proposed around the site – these include electrical boards, hydrant cupboards and boosters and water meters. These required services are mostly co-located – including with red/brown brick bin enclosures where suitable – and can be finished in muted tones subject to a permit condition. Appropriate landscaping can be provided to soften the appearance of services.
- A substation area is also proposed near the north-east corner of Parcel A – a condition can be included on any permit issued requiring this to be setback three metres from Highview Crescent to enable landscaping.
- The IRCF2 roof plant decks are proposed at the south and north ends of the building which interface the Broadford Crescent and Highview Crescent streetscapes respectively. A more appropriate outcome is for roof plant to be centrally located and appropriately screened to reduce noise and visual impact – this can be required as a condition on any permit issued.

Environmentally Sustainable Development (ESD)

- The submitted Sustainability Management Plan proposes various strategies to ensure the development meets best practice and aligns with Council's ESD policy. The proposal achieves a Built Environment Sustainability Score (BESS) of 55%, exceeding the mandatory best practice target of 50%. This will be further improved through permit conditions requiring an updated Sustainability Management Plan.
- Measures proposed or agreed to include gas-free (electricity only) development, 15,000L rainwater tank, 40kW rooftop solar PV, and bicycle parking. Permit conditions should be included to ensure consistency between the supporting documents and development plans.
- An amended Green Travel is required through permit conditions including improved definitions, clearer timelines and target dates and actions relating to EV charging.

Car Parking/Traffic

- The parking rate for a residential aged care facility is 0.3 spaces to each lodging room. In total, there are 230 rooms provided which results in a statutory requirement for 69 spaces. A total of 100 parking spaces are provided across the development including the following:
    - 29 spaces unallocated for staff and visitors
    - 25 spaces for the Type 2 accommodation (one per apartment)
    - 46 spaces for the Type 3 'low care' accommodation (one per unit) which includes seven (7) x three (3) bedroom units, thirty-eight (38) x two (2) bedroom units and one (1) x one (1) bedroom unit.

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

- The parking exceeds the required rate and provides an acceptable allocation based on the different accommodation types.
- Although not within the Principal Public Transport Network, the site is accessible by bus (Route #561) and is approximately 800 metres from Macleod Train Station, providing alternative transport options to private vehicles.
- The traffic impact assessment submitted with the application states that a maximum of ninety-four (94) vehicle movements per hour are expected and that peak demand associated with staff changeover would occur outside standard peak commuter hours. This compares to an estimated sixty-six (66) vehicle movements per hour from the previous facility when in operation. Council's Traffic and Transport team have advised that the surrounding streets are not operating at peak capacity, therefore it is considered the surrounding road network has the capacity for the additional vehicle movements likely to be generated by the development.

Vegetation Impacts

- A total of thirty-three (33) trees are proposed for removal. Proposed tree removal is demonstrated in the table below:

Tree #	Retention Value	Protected?
#2, #47	Medium	Yes – VPO5
#3, #4, #20, #20A, #21, #24, #26, #28, #35, #36, #43A, #46, #49, #60	Low	Yes – VPO5
#28	Medium	No
#5, #6, #7, #8, #19, #22, #23, #27, #40, #44, #48, #55, #62, #63, #69, #70	Low	No

- The objectives of Schedule 5 to the Vegetation Protection Overlay include:
    - To retain and protect existing trees, and to promote further planting of new trees as a significant component of local identity and neighbourhood character.
    - To ensure that, where tree removal is permitted, appropriate replacement planting is provided and located appropriately on site.
- The proposed vegetation removal is acceptable for the following reasons:
    - Most vegetation to be removed is not protected by the overlay and can be replaced.
    - 14 of the protected trees to be removed have a low retention value.
    - The two protected trees (Tree #2 and #47) recorded as having medium retention value are not suitable for retention as their locations pose a significant development constraint which would impact the porte-cochere and two cottages.

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

- The proposed development can achieve substantial tree re-planting (>7 trees for each tree removed) in response to the overlay and neighbourhood character objectives.

Other matters

- A permit is required to remove two easements from the subject land – consent has been provided from the relevant authorities (Banyule City Council and Yarra Valley Water).
- No signs are sought through this application and would be subject to a future planning permit application.
- The development is subject to a road discontinuance application and sale of land to purchase part of the existing court bowls abutting the subject land along Broadford Crescent and Highview Crescent. Such application will also account for the provision of a pedestrian pathway from Broadford Crescent to the Cherry Street reserve as has already been discussed and agreed to by the permit applicant. A condition will be included on any permit issued requiring the road discontinuance application and sale of land to be finalised prior to the commencement of development.

OBJECTORS CONCERNS

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

Light pollution

- A permit condition can be included requiring outdoor lighting to be designed to minimise light spill.

Existing resident evictions

- The aged care provider has contacted existing residents committing to providing services and financial assistance to support relocation prior to redevelopment.

Property value

- Perceived loss of property value is not a matter for consideration and when assessing and determining a planning application under the Banyule Planning Scheme

No resident consultation undertaken by provider prior to public notification

- This was acknowledged by the aged care provider in a letter to existing residents of the retirement village dated 5 May 2022. Consultation has been undertaken through the assessment of this application.

SUPPORTING REPORT DETAILS

Legal Consideration

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

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) 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

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

CONCLUSION

- The proposed development, subject to permit conditions, is acceptable as it provides a balanced response to competing planning policy objectives.

ATTACHMENTS

No.	Title	Page
1	Planning assessment	
2	Public Notificaiton Plans	

6.3 31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023)

Author: Jake McCarthy - Development Planner, City Development

Ward: Ibbott

SUMMARY

1. The proposal is for the demolition of a public toilet building located at Macleod Park near the southwest corner of the Aberdeen Road and Erskine Road intersection. The associated pedestrian paths and concrete apron will also be removed.
2. A replacement facility will be constructed approximately 80 metres to the north, more conveniently located adjacent to the playground. However, only the demolition requires planning permission as Macleod Park where the toilet is located is covered by Heritage Overlay (HO158).
3. The toilet building is not identified as contributory to the heritage value of the place. Rather, it has been identified by the community and Council as poorly designed for safety, hygiene and amenity.
4. It is noted that the old toilet will not be demolished until the new toilet is constructed and operational.
5. The proposal is exempt from the public notice requirements of the Planning Scheme however, previous consultation has occurred through signs on site, notice to the nearby trader's association and an article in the May and June additions of the Banyule Banner.
6. The proposal is consistent with the objectives and decision guidelines of the Heritage Overlay and the demolition will not adversely affect the heritage significance of Macleod Park. Replacement of the building is responsive to community safety and amenity objectives.
7. It is considered the proposed demolition should be supported with appropriate conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P531/2023 for Demolition of a building (toilet block) in a Heritage Overlay at 31 Aberdeen Road MACLEOD subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 1/6/2023 with the application but modified to show:

(a) Deletion of the proposed toilet block and reference to tree removal;

(b) Tree Preservation Fencing in accordance with Condition 3 of this permit;

(c) The accurate location of the canopies of mature trees to be retained and those trees to be removed;

(d) The location of tree protection zones (TPZs) and structural root zones (SRZs) for all trees shown on the plans south of Erskine Road. The TPZs and SRZs must be calculated in accordance with Australian Standard 4970/2009.

Layout Not to Be Altered

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

Tree Protection Zone

3. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all demolition works. The TPZ must be provided around all trees shown on plans south of Erskine Road, including street trees, to the satisfaction of the Responsible Authority.

   Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and include the following:

   (a) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;

   (b) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;

   (c) For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);

   (d) Ground protection must be laid down where access is required through

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

a TPZ outside the fenced area. It must consist of a permeable membrane beneath a layer of mulch with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all work has been completed;

(e) Any tree pruning required to gain access to the site must be approved by Banyule City Council's Parks and Natural Environment department.

Expiry of Permit

4. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

   (a) The development is not commenced within two years from the date of permit issue;

   (b) The development is not completed within four years from the date of permit issue.

PERMIT NOTES

(A) Permit Extension
In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, within six months afterwards, or within twelve months afterwards if the development started lawfully before the permit expired.

(B) Building Permit Required
Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

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

Planning Permit Application:	P531/2023
Development Planner:	Jake McCarthy
Address:	31 Aberdeen Road MACLEOD

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

Proposal:	Demolition of a building (toilet block) in a Heritage Overlay
Existing Use/Development:	Public Park
Applicant:	Banyule City Council
Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Heritage Overlay – (HO158) Special Building Overlay – Schedule 1 (SBO1) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Notification (Advertising):	The proposal is exempt from public notification pursuant to the Clause 52.31-2 of the Banyule Planning Scheme
Objections Received:	Nil
Ward:	Ibbott

- It is proposed to demolish the existing brick, public toilet building in Macleod Park, located near the Aberdeen Road/Erskine Road intersection. No requirement for the removal of vegetation.
- A new toilet block is to be constructed however, does not require a planning permit and is not assessed as part of this permit application.
- It is noted that the old toilet will not be demolished until the new toilet is constructed and operational.

BACKGROUND

- Council's *Draft Public Toilet Plan 2023*, which seeks to prioritise safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles, has identified the public toilet building in Macleod Park as requiring replacement.
- The building is in poor condition with a low safety and design rating. Through the consultation process associated with the development of the *Draft Public Toilet Plan 2023*, replacement of the toilet block was frequently recommended by residents.
- Notification of the project has previously occurred, including:
    - Erection of information signs on the existing toilet and at the site of the replacement facility;
    - The provision of information to the relevant trader's association; and
    - Inclusion of pieces in the May and June additions of the Banyule Banner regarding the changes.

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

SUBJECT SITE AND SURROUNDING AREA

Site area	48,785 m^2
Topography	Generally Flat
Existing and Neighbouring Vegetation	There are several trees surrounding the building on the grounds of the park and in the road reserve.
Existing Building	Single storey brick construction with a low-pitched gable roof of steel. The upper portion of the walls is generally open but enclosed with steel bars.
Fencing	N/A
Easements	None in the vicinity of the building to be demolished.

Locality Plan

REFERRAL COMMENTS

Department/ Officer	Conditions /Comments

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

Arborist	Council's Developments Planning Arborist has reviewed the proposal and advised that development impacts can be adequately managed through permit conditions.
Heritage	Council's Heritage Advisor has reviewed the proposal and advised that the toilet block is not a contributory feature of the park and the demolition can be supported from a heritage perspective.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Public Park and Recreation Zone (PPRZ)	36.02	No
Heritage Overlay – (HO158)	43.01	**Yes**
Land Subject to Inundation Overlay (LSIO)	44.04	No
Special Building Overlay – Schedule 1 (SBO1)	44.05	No
Specific Controls Overlay – Schedule 12 (SCO12)	45.12	No
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	No
Local Government Projects	52.31	No
Native Vegetation	52.17	No
Building and Works	62.02	No

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Planning Policy Framework (PPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Safer Design Policy	15.01-1L-02
Heritage Conservation	15.03-1L

TECHNICAL CONSIDERATION

- Council must consider the heritage impacts of the proposed demolition.

Heritage Impacts

- The subject site forms part of Macleod Park which is identified in Heritage Overlay 158 (HO158).
- The site was included in the Banyule Heritage Review 2012 as an area of local historic, social, aesthetic, and scientific (environmental) value as follows:

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

Macleod Park is of historic significance as an early example of provision by developers of recreational facilities in residential subdivisions. The Macleod Park example, based on the British City Garden movement, predates bureaucratic moves (in the form of the Melbourne Town Planning Commission c. 1924) to urge this consideration. (Criterion A)

Macleod Park is of social value to the local community. Together with the adjacent shopping village it forms an important hub around which community life, both spontaneous and planned, centres. (Criterion G)

Macleod Park is of aesthetic value for the contrast afforded by sporting fields, riparian plantings and designed gardens, and for its collection of exotic and native mature trees. (Criterion E)

Macleod Park is also of scientific (environmental) significance for its small length of natural creek supporting indigenous river red gums, functioning as a wildlife corridor and flight path between Gresswell Forest, LaTrobe University Wildlife Reserve and Mont Park.

- The toilet block is not considered to be of heritage value. The removal of the building will not reduce the heritage value of the Macleod Park.
- No vegetation removal is proposed as part of the demolition; however, the work will be conducted close to existing trees. The aesthetic and environmental values of the park can be protected with the inclusion of appropriate permit conditions regarding tree protection.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Officer Declaration of Conflict of Interest

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

CONCLUSION

- The proposed demolition will assist in addressing community safety and amenity concerns whilst maintaining the heritage significance of Macleod Park and should be supported subject to permit conditions.

31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023) cont'd

ATTACHMENTS

No.	Title	Page
1	Site Plan	

7.1 ASSET MANAGEMENT POLICY REVIEW

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

SUMMARY

1. The Asset Management Policy defines a broad framework and principles for sustainable and effective lifecycle management of Council's infrastructure assets for current and future service delivery. The Policy was last adopted in 2018 and is now due for review.
2. The Policy focuses on Council's major asset classes including roads, footpaths, bridges, drainage, buildings, parks and open space, fleet, and plant and equipment.
3. As part of the review of the Asset Management Policy, the key Asset Management principles have been updated, to achieve appropriate levels of service to the community and comply with legislative and other requirements.
4. It also defines Asset Management roles and responsibilities of Council, Executive Management Team, Asset Management Steering Committee and Asset Management unit.
5. This Policy will be reviewed every four years or following any significant changes to Council's approach to Asset Management.

RECOMMENDATION

That Council:

1. Adopt the Asset Management Policy 2023 **(Attachment 1).**

COUNCIL PLAN

- This report is in line with Banyule's Council Plan 2021-2025 strategy to "Strategically plan, build and renew community assets and facilities that meet current and future service needs and instil a sense of civic pride".

BACKGROUND

- Council's Asset Management Policy was last adopted in 2018 and is due for a review.
- The previous policy has been reviewed significantly, condensed to a more precise policy document, whilst maintaining alignment with asset management best practice guidance.
- The Asset Management Policy **(Attachment 1)** defines a broad framework and principles for sustainable and effective lifecycle management of Council's infrastructure assets for current and future service delivery.
- This policy focuses on Council's major asset classes including roads, footpaths, bridges, drainage, buildings, parks and open space, fleet, and plant and equipment.

ASSET MANAGEMENT POLICY REVIEW cont'd

- The Asset Management Policy helps Council to manage its infrastructure assets to support the Community Vision, guided by the Council Plan.
- Figure 1 below outlines the context of the Asset Management Policy within the overall framework of Council's Asset Management planning structure.

Figure 1: Asset Management Planning Hierarchy

- The Asset Management Policy is the overarching document within the document hierarchy. It includes vision and objectives, asset portfolio, key principles to be utilised, legislative and other requirements, and stakeholders' roles and responsibilities.
- The Policy is supported by the Asset Management Strategy, Asset Management Plans and Operation Plans (e.g., Road Management Plan).

KEY ISSUES

- The previous Asset Management Policy was last adopted in 2018 and is reviewed and updated on a 4-yearly cycle.
- It is good practice to review and update the Asset Management Policy to ensure Asset Management process, system and practice remain current.

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.

Financial Implications

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

ASSET MANAGEMENT POLICY REVIEW cont'd

Gender Impact Assessment

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

- In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the Gender Equality Act 2020.
- During this policy review, a gender lens was considered, and it was noted that there is a potential gender impact associated more specifically with Council's asset management plans.
- Council will apply GIAs to its future vision, plans and operations in a more specific way. It is hoped GIAs on more specific elements of Council's asset management plans will result in meaningful recommendations. This requirement is in line with Council's commitment to reduce gender inequality and promote gender equality in our community.
- A further recommendation to reduce gender inequality with respect to Council's asset management practices is to ensure and maintain diverse representation across the Executive Management Team, Asset Management Steering Committee and Asset Management team.

Key Considerations

- As part of the review of the Asset Management Policy, the key Asset Management principles have been updated as follows, to achieve appropriate levels of service to the community and comply with legislative and other requirements.
  - A consistent Asset Management Strategy must exist for implementing the most appropriate Asset Management practice throughout the whole organisation as guided by the International Infrastructure Management Manual (IIMM) or ISO 55000 (Asset Management — Overview, principles, and terminology).
  - All relevant legislative requirements together with political, social, environmental, and economic circumstances must be considered in Asset Management practices.
  - Asset Management principles to be incorporated in existing planning and operational processes.
  - Priority should be given to asset renewals first and then to upgrade, expansion and new facilities based on the level of service to be provided.
  - The Sustainable Building Guidelines and other environmentally sustainable principles should be considered when renewing, upgrading, or creating new assets.
  - Consider public amenity when constructing or renewing assets that are well designed, equitable, inclusive, accessible, and safe for everyone.
  - Whole of life cycle costs required to be considered in decisions relating to new assets or upgrading of existing assets.
  - Consideration of asset expenditure needs during budget development to ensure relevant prescribed financial indicators remain low risk.

ASSET MANAGEMENT POLICY REVIEW cont'd

- Asset and financial management training should be provided for Councillors and relevant staff.
- Social Infrastructure Framework benchmark standards of 'fit for purpose, people and place' are considered in asset management planning.

- This Policy also defines Asset Management roles and responsibilities of Council, Executive Management Team, Asset Management Steering Committee and Asset Management unit.
- Once adopted by Council, the Policy will be available on Council's website.
- This policy will be reviewed every four (4) years or following any significant changes to Council's approach to Asset Management.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Draft Asset Management Policy 2023	

8.1 PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME

Author: Daniela Parisella - Economic Development Officer, City Development

Ward: Griffin

Previous Items

Council on 17 April 2023 (Item 8.2 - Notice of Intention to Declare a Special Charge - East Ivanhoe Village)

Council on 17 July 2023 (Item 8.1 - Consideration of Submissions and Objection received - East Ivanhoe Village Special Charge Renewal)

Council on 5 September 2022 (Item 7.2 - Support for Banyule Retail Centres - Review)

SUMMARY

1. Following the Ordinary Council Meeting held on 17 April 2023, an in accordance with the statutory process under the *'Local Government Act 1989* **("Act")** for the declaration of a Special Charge ("Special Charge" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Charge for East Ivanhoe Village was advertised in *"The Age"* newspaper on 20 April 2023 and placed on Council's website.
2. Separate letters advising of Council's intention to declare the Special Charge were mailed by ordinary post on 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (where an owner or an occupier of a property included in the Scheme) has the right to object to the Proposed Declaration and could make a written objection to Council under section 163B of the Act.
4. The closing date for submissions and objections was Friday 19 May 2023. Council received by this date a total of three (3) written submissions in support of the scheme and one objection opposing the scheme.
5. Council formally considered the written submissions and objection at its Ordinary Meeting held on 17 July 2023 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on Monday 7 August 2023.

RECOMMENDATION

That Council:

1. Having considered all the submissions received under section 223 of the "Local Government Act 1989 ("act") and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

purpose of defraying expenses incurred by Council in providing funds to East Ivanhoe Business Association ("Traders Association"), for the purpose of:

a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,

b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and

c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within East Ivanhoe Village.

2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.

3. Based on the 77 rateable assessments included in the Scheme, an amount of $48,125 per annum will be raised for a period of five years. This amount will be supplemented by Council's contribution of a further $37,000 per annum to provide a total annual budget of $85,125.

4. The area for which the Special Charge is declared is the land referred to as East Ivanhoe Village, as identified in **Attachment 1.**

5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2.**

6. The Special Charge is levied by Council sending a notice of levy ("notice") in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –

   a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or

   b. by four quarterly instalments.

7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.

8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**")

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.

10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Charge Scheme.

    The New Condition 6 must-

    a. give the Council the legal right, in its absolute discretion (and without first requiring any recourse to the Traders Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders Association 7 days written notice of the Council decision to terminate the Funding Agreement: and

    b. following such termination, allow the Council to, by utilising Council's own staff or contracted third party, to assume ongoing responsibility for the administration of the Special Charge.

11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission or objection of the decision of Council to declare and levy the Special Charge commencing on 1 July 2023, and the reason for the decision.

12. The Traders association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

COUNCIL PLAN

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

BACKGROUND

- The Process to declare the Special Charge for East Ivanhoe Village began with a pre-statutory phase of consultation and review early in 2023. Both the Traders Association and Council were committed to a review of the performance of the current Scheme in order to accommodate future improvements to assist with setting new directions should the Scheme be renewed. The consultation outcomes indicated a good level of positivity and optimism for the Scheme to continue. Hence, and as previously notified to Council, the Traders Association made a formal request to commence the statutory process to declare, by way of renewal, a new Special Charge Scheme.

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

- The East Ivanhoe Business Association requested Council increase the levy by $8,750 to raise $48,125 annually. This moderate increase in budget reflects:
    - the increasing cost of services and inflation;
    - the addition of one property that now falls within and satisfies the scheme criteria;
    - Comparative special charge to others in Banyule; and
    - The concerted effort that will be required by the Association to see through anticipated disruptions caused by the planned East Ivanhoe streetscape upgrade.

KEY ISSUES

- The Reserve Bank of Australia's (RBA's) decision to increase interest rates in February, March, May and June 2023, followed the highest Australian inflation figures for 32 years for the March quarter 2023 at an annual rate of 7%. Official interest rates are now at their highest for over a decade since early June 2012 (3.75%).
- As households are becoming more selective in their discretionary spending, it is important that Banyule's shopping precincts, including East Ivanhoe Village, remain a priority.
- The East Ivanhoe Business Association and Council consider that the Special Charge Scheme will proactively encourage commerce and business activity within East Ivanhoe Village, enhancing visitation during these economically challenging times. The Scheme will aim to support businesses through joint promotion, marketing and business development activities.
- Council received a copy of each submission and the one objection though a Councillor briefing which were later considered at the Council Meeting on 17 July 2023. The fact that there was only one objection to the proposed Scheme is considered to be a positive reflection on the past performance and success, as well as an indicator of the need for marketing support.
- Council recently undertook an extensive review into how it manages its 11 shopping precincts with a Special Rate and/or Charge program including East Ivanhoe. The review looked into ways to strengthen the program to ensure transparency and accountability to satisfy Council's auditing requirements and the new *Local Government Act 2020* obligations.
- Council is currently in the implementation phase of a 2.5 year pilot following an extensive review into the current funding model. Council has implemented a suite of recommendations to support an increased level of governance and professional development of Trader Associations across Banyule.
- The new funding agreement between Council and East Ivanhoe Business Association will reflect these recommendations that were endorsed by Councillors at the Council meeting on 5 September 2022.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council requires East Ivanhoe Business Association to have a high level of financial and management accountability of funds.

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

- This includes certain requirements identified in Council's standard funding agreement **("Funding Agreement")** and other documentation that must be regularly submitted to Council for approval, including quarterly reports (inclusive of KPI outcome reporting, itemised bank statements and income and expenditure reports), a budget and an audited financial statement at the conclusion of each financial year. Council will ensure that, under the Funding Agreement, the proceeds of the Special Charge as expended by the Traders Association on behalf of Council, administratively only.
- As part of the process for preparing this report, Council sought legal advice on new funding agreement inclusions including the termination clause. This clause was agreed to by Council in the renewal of the Heidelberg Central Special Charge renewal in 2021 and its inclusion in the new funding agreement ensures consistency to give Council adequate flexibility should the agreement need to be terminated.
- Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the *Local Government Act 2020* and the *Local Government Act 1989.*
- In accordance with section 185 of the Act, a person who is aggrieved by Council's decision to impose a Special Charge may apply to the Victorian Civil and Administrative Tribunal ("VCAT") for a review of the decision. Any application must be made within 30 days of the Notice levying the Special Charge. Further, in accordance with section 185AA of the Act, any person may apply to VCAT for a declaration concerning the validity of Council's decision.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The Business Association has requested to Council that that proposed Scheme raise an amount of $48,125 per annum. This request is supported by Council officers responsible for assessing and administering the Special Charge Schemes.
- This amount will be supported by Council's contribution of $37,000 in order to provide a total budget of $85,125.

Community Engagement

- Consultation and engagement for this Scheme proposal has been extensive through the various stages of both the pre-statutory and statutory process. Council's commitment to supporting a thorough review and consultation process,

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

and in adopting best practice approaches for its Special Rate and/or Charge renewals, supports a clear, open and transparent process.

- This fairly and openly allows for all owners and occupiers and other stakeholders to be informed of Councils intentions for the Scheme, their respective rights and obligations, and also the opportunity for them to provide comment and formal feedback though each stage of the proposal.
- Following this report, and if Council proceeds with the Declaration, all owners and occupiers will be advised of Council's decision to declare the Special Charge for East Ivanhoe Village and the reasons for doing so.
- With respect to the statutory consultation, the closing date for submissions was on 19 May 2023. Council received by this date a total of three (3) submissions in support of the proposed Scheme and one objection.
- Council formally considered the submissions and the objection at its Ordinary Meeting on 17 July 2023 and resolved that, following consideration of submissions and the objection to make a final decision in relation to the Scheme at its ordinary meeting to be held on 7 August. 2023.

Key Considerations

- The submissions in support of the Scheme have highlighted the ongoing value and benefit of the Special Charge program to East Ivanhoe Village over a number of years, particularly as challenging economic conditions are forecast.
- The fact that there was only one objection to the proposed scheme is a positive reflection on the past performance and success, as well an indicator of the need for marketing support during a period of economic downturn.

Timelines

- The key developments in the statutory process for the declaration of a Special Charge to date have been as follows:
    - 17 April 2023 – Council Report – Notice of Intention to Declare a Special Charge;
    - 20 April 2023 – Public Notice of proposed declaration advertised in "The Age" newspaper and Council's website;
    - 21 April 2023 – A copy of the public notice with a separate letter sent to all owners and occupiers advising of a proposed Special Charge amount payable;
    - 19 May 2023 – Submissions and Objections due;
    - 17July 2023 – Council report- Consideration of Submissions and Objection; and
    - 7 August 2023 – Council report – Recommendation that decision be resolved.

Officer Declaration of Conflict of Interest

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

PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME cont'd

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

ATTACHMENTS

No.	Title	Page
1	Attachment 1 Participant Map	
2	Attachment 2 Participating Properties and Annual Charge	

8.2 PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME

Author: Daniela Ahimastos - Senior Economic Development Officer, City Development

Ward: Chelsworth

Previous Items

Council on 17 April 2023 (Item 8.1 - Notice of Intention to Declare a Special Rate and Charge - Ivanhoe Shopping Centre)

Council on 17 July 2023 (Item 8.2 - Consideration of Submissions received - Ivanhoe Shopping Centre Special Rate and Charge Renewal)

Council on 5 September 2022 (Item 7.2 - Support for Banyule Retail Centres - Review)

SUMMARY

1. Following the Ordinary Council Meeting held on 17 April 2023, an in accordance with the statutory process under the *'Local Government Act 1989* **("Act")** for the declaration of a Special Rate and Charge ("Special Rate and Charge" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Rate and Charge for Ivanhoe was advertised in *"The Age"* newspaper on 20 April 2023 and placed on Council's website.
2. Separate letters advising of Council's intention to declare the Special Rate and Charge were mailed by ordinary post on 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Rate and Charge (where an owner or an occupier of a property included in the Scheme) has the right to object to the Proposed Declaration and could make a written objection to Council under section 163B of the Act.
4. The closing date for submissions and objections was Friday 19 May 2023. Council received by this date a total of 11 written submission in support of the scheme and no objections opposing the scheme.
5. Council formally considered the written submissions at its Ordinary Meeting held on 17 July 2023 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on Monday 7 August 2023.

RECOMMENDATION

That Council:

1. Having considered all the submissions received under section 223 of the "Local Government Act 1989 ("act") and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law,

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

hereby declares a Special Rate and Charge under section 163(1) of the Act for the purpose of defraying expenses incurred by Council in providing funds to the Ivanhoe Traders Association ("Traders Association"), for the purpose of:

a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,

b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and

c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the shopping precinct.

2. The period for which the Special Rate and Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.

3. Based on the 247 rateable assessments included in the Scheme, an amount of $140,000 per annum will be levied for a period of five years. This amount will be supplemented by Council's contribution of a further $100,000 per annum to provide a total annual budget of $240,000.

4. The area for which the Special Rate and Charge is declared is the land referred to as Ivanhoe Shopping Precinct, as identified in **Attachment 1.**

5. The land in relation to which the Special Rate and Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2.**

6. The Special Rate and Charge is levied by Council sending a notice of levy ("notice") in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge be paid in the following manner –

   a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or

   b. by four quarterly instalments.

7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Rate and Charge. No incentives will be given for payment of the Special Rate and Charge before the due date for payment in the Notice.

8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Rate and Charge on the express condition that the

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

Traders Association first enter into a funding agreement with the Council for the period of the Special Rate and Charge ("**Funding Agreement**")

9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.

10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Rate and Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Rate and Charge Scheme.

    The New Condition 6 must-

    a. give the Council the legal right, in its absolute discretion (and without first requiring any recourse to the Traders Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders Association 7 days written notice of the Council decision to terminate the Funding Agreement: and

    b. following such termination, allow the Council to, by utilising Council's own staff or contracted third party, to assume ongoing responsibility for the administration of the Special Rate and Charge.

11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2023, and the reason for the decision.

12. The Traders association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

COUNCIL PLAN

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

BACKGROUND

- The Process to declare the Special Rate and Charge for Ivanhoe Shopping Precinct began with a pre-statutory phase of consultation and review early in 2023. Both the Traders Association and Council were committed to a review of the performance of the current Scheme in order to accommodate future improvements to assist with setting new directions should the Scheme be renewed. The consultation outcomes indicated a good level of positivity and optimism for the Scheme to continue. Hence, and as previously notified to

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

Council, the Traders Association made a formal request to commence the statutory process to declare, by way of renewal, a new Special Rate and Charge Scheme.

- The Ivanhoe Traders Association requested Council increase the levy by $20,000 to raise $140,000 annually with the minimum charge increasing from $200 to $300 per rateable property. The Association has justified the increase as follows:
    - To mitigate rising costs due to inflation.
    - The last increase was ten (10) years ago.
    - New properties entering the scheme and contributing towards the scheme.
    - Allows for more resources towards marketing and events (such as an Ivanhoe Fiesta).
    - Comparing what other centres in Banyule are contributing towards their respective special levies.
    - Results from the Ivanhoe Special Rate Survey.
    - Feedback from a workshop with traders facilitated by the Centre Manager in March 2023.
    - Traders Association Committee consideration on the topic.

KEY ISSUES

- The Reserve Bank of Australia's (RBA's) decision to increase interest rates in February, March, May and June 2023, followed the highest Australian inflation figures for 32 years for the March quarter 2023 at an annual rate of 7%. Official interest rates are now at their highest for over a decade since early June 2012 (3.75%).
- As households are becoming more selective in their discretionary spending, it is important that Banyule's shopping precincts, including Ivanhoe Shopping Precinct, remain a priority.
- The Ivanhoe Traders Association and Council consider that the Special Rate and Charge Scheme will proactively encourage commerce and business activity within Ivanhoe Shopping Precinct, enhancing visitation during these economically challenging times. The Scheme will aim to support businesses through joint promotion, marketing and business development activities.
- Council received a copy of each submission per verbatim through a Councillor briefing and later considered the submissions at the Council Meeting on 17 July 2023. The fact that there were no objections to the proposed Scheme is considered to be a positive reflection on the past performance and success, as well as an indicator of the need for marketing support.
- Council recently undertook and extensive review into how it manages its 11 shopping precincts with a Special Rate and/or Charge program including Ivanhoe. The review looked into ways to strengthen the program to ensure transparency and accountability to satisfy Council's auditing requirements and the new *Local Government Act 2020* obligations.
- Council is currently in the implementation phase of a 2.5 year pilot following an extensive review into the current funding model. Council has implemented a suite

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

of recommendations to support an increased level of governance and professional development of Trader Associations across Banyule.

- The new funding agreement between Council and the Ivanhoe Traders Association will reflect these recommendations that were endorsed by Councillors at the Council meeting on 5 September 2022.

SUPPORTING REPORT DETAILS

- **Legal Consideration** Council requires Ivanhoe Traders Association to have a high level of financial and management accountability of funds.
- This includes certain requirements identified in Council's standard funding agreement **("Funding Agreement")** and other documentation that must be regularly submitted to Council for approval, including quarterly reports (inclusive of KPI outcome reporting, itemised bank statements and income and expenditure reports), a budget and an audited financial statement at the conclusion of each financial year. Council will ensure that, under the Funding Agreement, the proceeds of the Special Rate and Charge as expended by the Traders Association on behalf of Council, administratively only.
- As part of the process for preparing this report, Council sought legal advice on new funding agreement inclusions including the termination clause. This clause was agreed to by Council in the renewal of the Heidelberg Central Special Charge renewal in 2021 and its inclusion in the new funding agreement ensures consistency to give Council adequate flexibility should the agreement need to be terminated.
- Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the *Local Government Act 2020* and the *Local Government Act 1989.*
- In accordance with section 185 of the Act, a person who is aggrieved by Council's decision to impose a Special Rate and Charge may apply to the Victorian Civil and Administrative Tribunal ("VCAT") for a review of the decision. Any application must be made within 30 days of the Notice levying the Special Rate and Charge. Further, in accordance with section 185AA of the Act, any person may apply to VCAT for a declaration concerning the validity of Council's decision.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- The Traders Association has requested to Council that that proposed Scheme raise an amount of $140,000 per annum. This request is supported by Council

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

officers responsible for assessing and administering the Special Rate and Charge Schemes.

- This amount will be supported by Council's contribution of $100,000 in order to provide a total budget of $240.000.

Community Engagement

- Consultation and engagement for this Scheme proposal has been extensive through the various stages of both the pre-statutory and statutory process. Council's commitment to supporting a thorough review and consultation process, and in adopting best practice approaches for its Special Rate and/or Charge renewals, supports a clear, open and transparent process.
- This fairly and openly allows for all owners and occupiers and other stakeholders to be informed of Councils intentions for the Scheme, their respective rights and obligations, and also the opportunity for them to provide comment and formal feedback though each stage of the proposal.
- Following this report, and if Council proceeds with the Declaration, all owners and occupiers will be advised of Council's decision to declare the Special Rate and Charge for Ivanhoe Shopping Precinct and the reasons for doing so.
- With respect to the statutory consultation, the closing date for submissions was on 19 May 2023. Council received by this date a total of 11 submissions in support of the proposed Scheme and no objections.
- Council formally considered the submissions and the objections at its Ordinary Meeting on 17 July 2023 and resolved that, following consideration of submissions and the objections to make a final decision in relation to the Scheme at its ordinary meeting to be held on 7 August 2023.

Key Considerations

- The submissions in support of the Scheme have highlighted the ongoing value and benefit of the Special Rate and Charge program to Ivanhoe Shopping Precinct over a number of years, particularly as challenging economic conditions are forecast.
- The fact that there were no objections to the proposed scheme is a positive reflection on the past performance and success, as well an indicator of the need for marketing support during a period of economic downturn.

Timelines

- The key developments in the statutory process for the declaration of a Special Rate and Charge to date have been as follows:
    - 17 April 2023 – Council Report – Notice of Intention to Declare a Special Rate and Charge;
    - 20 April 2023 – Public Notice of proposed declaration advertised in "The Age" newspaper and Council's website;
    - 21 April 2023 – A copy of the public notice with a separate letter sent to all owners and occupiers advising of a proposed Special Rate and Charge amount payable;

PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME cont'd

- 19 May 2023 – Submissions and Objections due;
- 17July 2023 – Council Report- Consideration of Submissions; and
- 7 August 2023 – Council Report – Recommendation that decision be resolved.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Attachment 1. Ivanhoe Special Charge Scheme Participants	
2	Attachment 2. List of Participating Properties and Annual Rate or Charge Amount	