

Agenda



Monday, 28 February 2022

Ordinary Meeting of Council

Held online

Live Streamed via Council's website and
Facebook page

Acknowledgement of the Traditional Custodians

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

Diversity Statement

“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 7 February 2022

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	Nil	
10.	<i>Notices of Motion</i>	
	Nil	
11.	<i>General Business</i>	

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:

12. Confidential Matters

- 12.1 Ivanhoe Grammar School - Public Access Update

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

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

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

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

2.1 ROSANNA PARKLANDS - OFF LEAD DOG CONCERN AND NEED FOR CHILD SAFE SPACE

Author: Nicholas Van - Council Business Officer, Corporate Services

SUMMARY

1. An online petition with 387 signatures (at the time of preparing this report) has been received.
2. Of the signatories there are 35 from Rosanna, 27 from Macleod, 164 from the rest of Banyule and 161 from outside Banyule.
3. The petition request as it appears on change.org is summarised as follows:

This petition is asking Banyule City Council to urgently create spaces in Rosanna Parklands so that people without dogs, people with dogs on-leads, people with dogs off-lead and local wildlife can all feel safe and enjoy the parklands...

In order to create a more inclusive parklands, we are proposing that Banyule City Council create 2 zones. A dog on-lead area (including the central playground picnic area and the wildlife conservation areas) and an off-lead area. One idea would be to have the zones separated by the creek with minimal signage at park and zone entrance points.

4. Council has previously resolved to not accept online petitions where it is not known who the signatories are. Due to the restrictions created by the Covid pandemic, Council has accepted online petitions and it is recommended that Council accepts this petition.

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Refers the petition to the Municipal Laws Team for investigation and a further report to Council.
3. Advise the primary petitioner of this resolution

ROSANNA PARKLANDS - OFF LEAD DOG CONCERN AND NEED FOR CHILD SAFE SPACE cont'd

DISCUSSION

An online petition with 387 signatures has been received. The petition preamble states:

This petition is asking Banyule City Council to urgently create spaces in Rosanna Parklands so that people without dogs, people with dogs on-leads, people with dogs off-lead and local wildlife can all feel safe and enjoy the parklands.

...I am writing this on behalf of myself and other individuals and families with young children. Some are dog owners, some are not. Rosanna Parklands is a neighbourhood park that we love to visit whenever we can. There we enjoy having picnics with friends; walking the circuit; flying kites; exploring all the amazing nooks and wildlife and using the play equipment.

It has become such a haven for so many during the COVID-19 pandemic, a magical bushlands in the suburbs. That said, there is one thing that has made it increasingly less enjoyable over the last while, and that has been the unsolicited boundary crossing of wayward off-lead dogs.

Dogs estranged from their owners sniffing around food; jumping on the picnic tables eating food; coming up to our 4 year old before he knows they are safe; sniffing around our baby before I know they are safe. I have a neighbour who can no longer visit Rosanna Parklands, even though it is their closest park, because their child has become so afraid of the unwanted attention of off-lead dogs.

Humans are not the only ones upset by casually supervised off-lead dogs. Many anxious on-lead dogs use the parklands for exercise and it can be nerve-wracking for them and their owners when off-lead dogs come up to them without invitation. It can also be stressful for birds and other wildlife to be chased by off-lead dogs...

In order to create a more inclusive parklands, we are proposing that Banyule City Council create 2 zones. A dog on-lead area (including the central playground picnic area and the wildlife conservation areas) and an off-lead area. One idea would be to have the zones separated by the creek with minimal signage at park and zone entrance points.

ATTACHMENTS

Nil

2.2 VACCINE MANDATES

Author: Allison Beckwith - Chief Executive Officer, Executive

SUMMARY

1. A petition with 23 signatures has been received.
2. The petition request is as follows:

“Currently Banyule Council is actively discriminating against persons that have not been injected with drugs that are currently under trial known as COVID vaccines.

*We the undersigned, petition or request Council to **perform due diligence, risk assessment and human rights assessment pertaining to all vaccine mandates.***

Banyule Council has not performed the above mentioned in relation to the residents that have a different bodily characteristics, specifically those who do not have the characteristics of the COVID vaccines in their system and as such they are being excluded from Council properties, events and meetings with prejudice.”

3. Council’s Governance Rules outline criteria for every petition that is submitted to Council.

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Advise the primary petitioner of this resolution.

DISCUSSION

- Council received a petition dated 7 February 2022 with 23 signatures.
- The petition request is as follows:

“Currently Banyule Council is actively discriminating against persons that have not been injected with drugs that are currently under trial known as COVID vaccines.

*We the undersigned, petition or request Council to **perform due diligence, risk assessment and human rights assessment pertaining to all vaccine mandates.***

Banyule Council has not performed the above mentioned in relation to the residents that have a different bodily characteristics, specifically those who do not have the characteristics of the COVID vaccines in their system

PETITION - VACCINE MANDATES cont'd

and as such they are being excluded from Council properties, events and meetings with prejudice.”

- Council’s Governance Rules outline that every petition submitted to Council must include names, addresses and original signatures.
- The restrictions currently in place in connection with Council’s venues, services and facilities are the restrictions specified in, and required by, the *Pandemic (Open Premises) Order 2022 (No. 4)* (Open Premises Order). The Open Premises Order:
 - is made by the Minister for Health pursuant to his powers under s 165A1 of the *Public Health and Wellbeing Act 2008* (PHW Act); and
 - must be observed by Council, as a failure to do so constitutes an offence which carries a maximum penalty of 300 penalty units (\$54,522).
- Council therefore has no power to vary the Open Premises Order, because it is made by the Minister for Health, and commits an offence if it fails to comply with the Open Premises Order by removing all restrictions.

ATTACHMENTS

Nil

2.3 DISCRIMINATION OF COUNCIL VENUES/ SERVICES/ FACILITIES

Author: Allison Beckwith - Chief Executive Officer, Executive

SUMMARY

1. A petition with 68 signatures has been received.
2. The petition request is as follows:

“We the undersigned, petition and request Banyule City Council to:

- 1. Remove all restrictions to access Banyule Council venues/services/facilities;*
 - 2. Cease and desist from any and all forms of discrimination within the council venues/services/facilities;*
 - 3. Promote, uphold and respect the human rights and dignity of all Australians, and;*
 - 4. Disallow the use of council managed property for use by vaccine service providers to use as part of the Victorian Governments’ COVID-19 vaccination campaign directed at our children, and;*
 - 5. Actively oppose the COOVID-19 mandates and promote pro-choice.*
3. Council’s Governance Rules outline criteria for every petition that is submitted to Council. Three signatories did not meet the criteria and are not included in this report.

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Advise the primary petitioner of this resolution

DISCUSSION

- Council received a petition dated 7 February 2022 with 68 signatures.
- The petition request is as follows:

“We the undersigned, petition and request Banyule City Council to:

- 1. Remove all restrictions to access Banyule Council venues/services/facilities;*
- 2. Cease and desist from any and all forms of discrimination within the council venues/services/facilities;*

**PETITION - DISCRIMINATION OF COUNCIL VENUES/ SERVICES/ FACILITIES
cont'd**

3. Promote, uphold and respect the human rights and dignity of all Australians, and;

4. Disallow the use of council managed property for use by vaccine service providers to use as part of the Victorian Governments' COVID-19 vaccination campaign directed at our children, and;

5. Actively oppose the COOVID-19 mandates and promote pro-choice.

- Council's Governance Rules outline that every petition submitted to Council must include names, addresses and original signatures. Three signatories did not meet the criteria and are not included in this report.
- The restrictions currently in place in connection with Council's venues, services and facilities are the restrictions specified in, and required by, the *Pandemic (Open Premises) Order 2022 (No. 4)* (Open Premises Order). The Open Premises Order:
 - is made by the Minister for Health pursuant to his powers under s 165A1 of the *Public Health and Wellbeing Act 2008* (PHW Act); and
 - must be observed by Council, as a failure to do so constitutes an offence which carries a maximum penalty of 300 penalty units (\$54,522).
- Council therefore has no power to vary the Open Premises Order, because it is made by the Minister for Health, and commits an offence if it fails to comply with the Open Premises Order by removing all restrictions.

ATTACHMENTS

Nil

3.1 BANYULE GRANTS PROGRAM POLICY

Author: Bianca Ellis - Community Safety & Crime Prevention Officer, Community Programs

SUMMARY

1. Council distributes over \$450k annually through the Banyule Grants Program.
2. Council's approach to managing and implementing its grants program has been developed over years of reflective learning on its grant making experience. The Banyule Grants Program assists Council to address community needs through the provision of funding to local groups, agencies and individuals. Grants are an investment in the community, strengthening community organisations and building partnerships.
3. In 2021 an Internal Audit recommended the review of the Banyule Grants Program Policy, further strengthening the existing robust governance and administration of the Banyule Grants Program.
4. The Banyule Grants Program Policy is based on contemporary approaches and provides the framework for Council to allocate grant funds in a transparent, equitable, ethical, effective and consistent manner.

RECOMMENDATION

That Council:

1. Endorse the Banyule Grants Program Policy
2. Notes that the Policy will be reviewed in 4 years (to be completed by June 2026) and a review report will be submitted to Council at this time.

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

- Council distributes \$450k annually through the Banyule Grants Program. The 'Banyule Grants Program' covers the Banyule Community Grants, Monthly Equipment Grants, Facility Subsidy Grants, Business Grants, Sports Grants, Environment Grants and Arts and Cultural Project Grants. In addition to these ongoing grants, the Banyule Grants Program includes any small grant rounds which might be offered in response to emerging needs, trends or other identified opportunities (such as COVID-19 Support Grants offered in 2020/2021).
- Council's approach to managing and implementing its grants program has been refined over the last 4 years since the Banyule Grants Program Policy was developed. The Policy aims to consolidate processes in order to build

BANYULE GRANTS PROGRAM POLICY cont'd

consistency across the different funding rounds, without impacting the unique aims and design of the different streams.

- Grants are a means by which Council can address community need through the provision of funding to grassroots groups and agencies. Grant funding is an investment in the community, strengthening community organisations and building partnerships between these groups and Council. The Policy aims to build a consistent and transparent process in which we can support community.
- In March 2021 an Internal Audit identified areas where the Policy could be strengthened to provide greater benefit and consistency to Council as a grant maker and to Community as grant applicants.
- The improvements include an articulation of basic eligibility for grant applicants, outline of assessment processes, tax and financial requirements of applications and Council's reporting requirements.
- The Banyule Grants Program Policy will be reviewed every 4 years, to ensure that the Policy continues to reflect contemporary grant making practice, meeting Council's strategic objectives and to provide the community with the best opportunities for a successful grant process.

KEY ISSUES

- The Banyule Grants Program Policy reflects on contemporary practice and provides a robust framework for the continued development and implementation of the Banyule Grants Program.
- Review and update to the Banyule Grants Program Policy is designed to strengthen consistency across funding rounds for Council as a grant maker and to community as applicants

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The Banyule Grants Program has been designed to give community opportunity to determine their own needs and encourage participation in public and community life. Provisions have been made within grant process to support community groups of all backgrounds to access grant programs where their funding requirements meet grant guidelines and eligibility requirements
- 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.

BANYULE GRANTS PROGRAM POLICY cont'd

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Grants Program Policy December 2021	

3.2 CRICKET CLUB COVID RELIEF FOR SEASON 21/22

Author: Melinda Ramsay - Leisure & Cultural Services Coordinator, Community Programs

SUMMARY

1. As part of the Covid Relief Support package to support Banyule's sporting clubs Council has provided a range of support measures to clubs including waiving of all seasonal and leased sporting club fees and utilities for 2020/21; and waiving of the 2021 Winter season ground and pavilion hire fees (excluding utilities) given that the Winter clubs season was effectively cancelled.
2. Summer seasonal clubs (cricket) were not included in the second-round of Covid relief, given that their season commenced one month later (November 21) and will run through to end of season in March 2022. Summer clubs have been invoiced for their season.
3. Council received correspondence from the Ivanhoe Cricket Club (ICC) in December 2021, indicating dissatisfaction with cricket clubs not being included in the 2021/22 relief and requesting Council waive all seasonal cricket clubs' fees for the 2021/22 season, as per the Covid relief provided to football (winter season clubs). The ICC also advised the Minister of Sport and Recreation, the Minister for Local Government, and the State Member for Ivanhoe of their request of Council for fee relief.
4. Council has received no formal requests from other Cricket clubs for further relief than what has been provided to date.
5. Should a full waiver of fees be implemented across all cricket clubs, the cost to Council will be \$94,229.00.
6. It is proposed that a 20% discount be applied which would equate to a total of \$18,846.00 for the 2021/22 season for all cricket clubs. This is considered fair additional support that takes into account the different level of impact Covid has had on the seasonal clubs.

RECOMMENDATION

That Council:

1. Provide Covid fee relief of a 20% reduction to cricket clubs seasonal fees for the 2021/22 season.
2. Writes to the Minister of Sport and Recreation and Minister for Local Government and the State Member for Ivanhoe, advising of Council's decision to provide additional Covid-19 relief, by the provision of a 20% reduction to seasonal fees for the 2021/22 season for all cricket clubs.

CRICKET CLUB COVID RELIEF FOR SEASON 21/22 cont'd

3. Writes to Banyule cricket clubs advising of Council's decision to provide a 20% seasonal fee reduction for the 2021/22 season.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Promote active and connected living through a range of accessible and inclusive opportunities for all people of all ages through sport and recreation".

BACKGROUND

- Covid and the associated restrictions have had a significant financial impact on all sports clubs. Winter seasonal clubs in Banyule have only managed to play 13 competition games over the last two years.
- The Summer season was impacted less losing the first 4 weeks of 2020/21 and 3 weeks of the 2021/22 season. Summer clubs have still been able to use their facilities throughout both these seasons, including hosting and playing finals.
- Summer and Winter clubs' fees differ as per below:
 - Winter season fee per team
 - \$1215.00 Senior
 - \$120.00 Junior
 - Summer Season fee per team
 - \$618.00 Senior
 - \$61.00 Junior
- It should be noted the ICC have a turf wicket which has a full-time Council curator over the Summer season, of which ICC pay Council \$3345 per annum. They also utilise Chelsworth as a secondary ground and pay \$8240 per annum to Ivanhoe Grammar School as per their ground use requirements.
- Cricket season was delayed by only 3 weeks after the commencement date in November 2021 and continues uninterrupted to date.
- Benchmarking with other councils to determine what has been provided to sports clubs in terms of fee relief, confirmed that Banyule's approach is consistent and fair.
- Council has received very positive feedback formally through surveys and anecdotally indicating appreciation for Council's financial relief support in this very challenging environment.
- Council will continue to liaise with clubs, monitor their situation and respond accordingly to support all clubs successful return to play and long-term viability.

KEY ISSUES

- Covid and the associated restrictions have had a significant impact on all sports club's ability to play train and operate which has had flow on effects to membership, sponsorship, volunteers and overall financial sustainability.

CRICKET CLUB COVID RELIEF FOR SEASON 21/22 cont'd

- Council has acknowledged these impacts and waived all seasonal and leased sporting club fees and utilities for 2020/21. Winter season ground and pavilion hire fees for 2021/22 were also waived given the greater negative impact to their season and ability to play or train.
- Cricket season for 2021/22 commenced in November 21 approximately 3 weeks later than normal and will run through to end of March 2022 after finals.
- Summer season clubs have been invoiced and there has been no other queries or requests for relief.
- Providing a 20% re-imbusement relief to summer clubs for 2021/22 provides some compensation for impacts from the slightly reduced season.

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

- Should a full waiver of fees be implemented across all cricket clubs, the cost to Council will be \$94,229.00.
- A 20% discount would equate to a total of \$18,846.00 for the 2021/22 season for all cricket clubs
- Clubs have been invoiced for the summer season therefore providing refunds or applying discounts to next season would need to occur.
- If Council resolve to provide additional financial support, the costs will be referred to the appropriate budget processes.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

4.1 **BANYULE WEED MANAGEMENT STRATEGY**

Author: Paul Davis - Biodiversity Adviser, City Development

Previous Items

Council on 06 Dec 2021 7.00pm (Item 4.1 - Draft Banyule Weed Management Strategy - For Public Exhibition)

SUMMARY

1. Council plays a critical role in managing weeds and minimising their impact. Having a strategic approach to weed management ensures that Council can continue to protect and enhance our highly valued green spaces for their important environmental and amenity values.
2. At its meeting of 6 December 2021, Council endorsed the draft Banyule Weed Management Strategy for a six-week public exhibition period for general comment on the strategy and also to obtain specific comments over the use of chemical herbicides.
3. Based on the consultation, an updated Banyule Weed Management Strategy (Attachment 1) has been prepared. It:
 - Identifies Banyule's 10 highest priority weeds across all green space management areas, with supporting management plans.
 - Identifies all weed species.
 - Highlights the importance of using an Integrated Weed Management approach to safely and sustainably control weeds.
 - Identifies reporting and monitoring procedures to support weed management in Banyule.
4. The community consultation on the strategy was undertaken over two stages with feedback (Attachment 2) and changes being incorporated into final strategy.

RECOMMENDATION

That Council:

1. Endorses the updated Banyule Weed Management Strategy; and
2. Notes that reporting on key actions of the Banyule Weed Management Strategy is to occur as part of the Council Annual Reporting process.

COUNCIL PLAN

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

BANYULE WEED MANAGEMENT STRATEGY cont'd

BACKGROUND

- Banyule's well cared for green spaces are highly valued by our community and reflected strongly in the recently adopted vision for the future:

"We in Banyule are a thriving, sustainable, inclusive and connected community. We are engaged, we belong, and we value and protect our environment."

- Having a strategic approach to weed management ensures that Council can continue to protect and enhance our highly valued green spaces for their important environmental and amenity values.

KEY ISSUES

- Council plays a critical role in managing weeds and minimising their impact on Banyule's environment and public open spaces.
- The Banyule Weed Management Strategy addresses this by:
 - Clearly defining a weed and outlining why they are important to control;
 - Acknowledging weeds are prioritised differently depending on which green space they are managed. Therefore, adopting an overarching decision-making methodology to clearly priorities the highest threat weeds in the different green spaces through Banyule;
 - Further identifying the 10 overall highest priority weeds which occur across all spaces.
- The strategy outlines the importance of an Integrated Weed Management approach to effectively and safely manage weeds in Banyule's green managed spaces. This approach also allows for a more environmentally friendly and cost-effective approach to weed management as some techniques (herbicides) can be expensive.
- This strategy is supported by an Action Plan that highlights the critical actions that will deliver on the five goals of this strategy:
 - We understand the current weed status across Banyule and the effectiveness of our weed management programs
 - We actively manage and sustainably control weeds in Banyule
 - We minimise the impact of all priority weeds in Banyule
 - We protect our conservation reserves and wildlife corridors through better plant selection
 - We continually improve weed management across Banyule in partnership with the community and other stakeholders
- The critical actions that this strategy will deliver to better manage weeds and protect our natural environment include:
 - Continue to work collaboratively with the Narrap Team at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to protect and enhance our natural environment
 - Developing a Weed Reporting project to ensure Council is capturing valuable data about the status of weeds and the impact of specific weed management plans, on the ground experience and more accurately

BANYULE WEED MANAGEMENT STRATEGY cont'd

- recording, tracking and planning for weed identification, prioritisation and management.
- Working with land managers to deliver an integrated weed management approach, ensuring that weeds don't build up a tolerance for any one strategy and to reduce the reliance on chemicals.
- Establishing the Banyule Bushland Neighbours program to support private property owners who border local conservation reserves to better identify and manage weeds.
- Working with the community to strengthen weed control on private land (including the creation of a local law to complement education efforts).
- Several tree species have been removed from the previous comprehensive weed list. This is due to their low weed potential and impact on our natural spaces when found on private land.

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- The development of this strategy required ongoing engagement with internal Council departments, external stakeholders and the community. Community consultation to inform development of the strategy was conducted over a 4-week period in April 2021 through Shaping Banyule. A second Public Exhibition period was undertaken from December 2021 for a 6-week period. Community comments included in this report (Attachment 2)
- All community feedback indicated support for the direction of the Strategy. Several suggestions were provided through the initial community consultation phase (April 2021), which were incorporated to strengthen the strategy.
- All community feedback supported the Integrated Weed Management approach and understood the need for chemical use in select areas. The

BANYULE WEED MANAGEMENT STRATEGY cont'd

Integrated Weed Management Strategy aims to reduce to overall reliance on herbicide use and the community feedback supported this.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Weed Management Strategy.	
2	Community Comments Summary Table	

4.2 DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY

Author: Michelle Herbert - Senior Transport Engineer, City Development

SUMMARY

1. In 2021, Council engaged the services of a consultant (Stantec/Outlines) to develop a high-level understanding of active transport connections and landscape/open space embellishment options along the Hurstbridge rail corridor from Darebin station to Montmorency station.
2. The purpose of the Hurstbridge Rail Feasibility Study is to:
 - Look to achieve safe, direct and legible active transport facilities that connect a wide range of users to the network of places along the Hurstbridge rail corridor and adjacent activity centres;
 - Look at options to provide attractive and welcoming places through improved urban design and landscaping aspects along the rail corridor; and
 - Support Council's advocacy activities.
3. The draft study found a disjointed and incomplete active travel network along the Hurstbridge rail line, with few formal crossing points, and much of the land abutting the rail line in a neglected and overgrown condition.
4. The study also captured a strong community desire and potential for many residents to utilize the land abutting the Hurstbridge rail line to make vital transport and recreational connections, if the land was redeveloped to provide appropriate active transport pathways.
5. For each section of rail line, between adjacent rail stations, the study identified:
 - Baseline conditions – issues and opportunities for improvement,
 - Corridor arrangements – maps detailing the type of active transport treatment which could be utilised, and which would be best suited to the road and land conditions. The treatments include shared user path, quietways (lightly trafficked local roads) and protected cycle lanes.
 - Urban design and open space typologies which could be used for different road and nature strip conditions,
 - Opportunities for indigenous infill planting and creation of biodiversity corridors, and
 - A set of maps detailing potential cycling route options for each section of the rail corridor with an accompanying comparison of their safety and usability.
6. It is intended to conduct a multi-faceted six-week community and stakeholder consultation during the period 14 March 2022 to 22 April 2022, including Shaping Banyule, The Banner, social media, online surveys, pop up engagement and direct key stakeholder engagement.

DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY cont'd

RECOMMENDATION

That Council:

1. Approve the draft Hurstbridge Rail Feasibility Study for and public exhibition and community engagement for a six (6) week period.
2. Receive a further report to consider feedback and submissions and to adopt the final Hurstbridge Rail Feasibility Study.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Lead on the use of sustainable modes of transport, and encourage walking, cycling and use of public transport".

BACKGROUND

- In June 2021, Council engaged the services of a consultant (Stantec/Outlines) to undertake a feasibility study to develop a high-level understanding of active transport connections and landscape/open space embellishment options along the 17km Hurstbridge rail corridor from Darebin station to Montmorency station.
- The purpose of the study known as the Hurstbridge Rail Feasibility Study is to:
 - Explore how to achieve safe, direct and legible active transport facilities that connect a wide range of users to the network of places along the Hurstbridge rail corridor and adjacent activity centres;
 - Look at options to provide attractive and welcoming places through improved urban design and landscaping aspects along the rail corridor; and
 - Support Council's advocacy activities, including in association with major transport infrastructure projects.
- The project area is broadly defined as the Hurstbridge rail corridor, with consideration given to the wider context, especially in relation to walking and cycling connections.

DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY cont'd

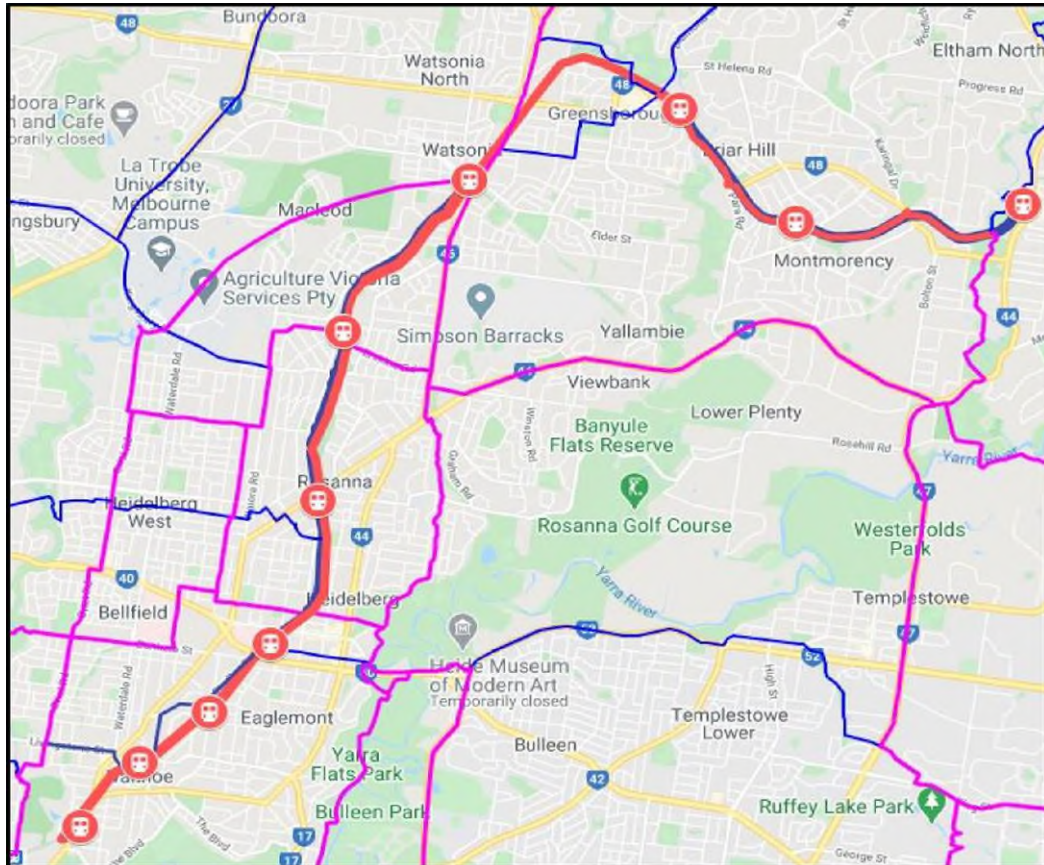


Figure 1: Banyule – Hurstbridge rail alignment over Strategic Corridors Map (DoT 2019)

KEY ISSUES

- The study found that whilst there is a broad proposed cycling network in Banyule, much of the Strategic Cycling Corridors (SCC) and Principal Bicycle Network (PBN) is yet to be realised, resulting in a disjointed and incomplete active travel network along the Hurstbridge rail line.
- Similarly, there are very few formal crossing points of the rail line, resulting in reduced accessibility to many attractions/destinations for residents.
- Much of the land abutting the Hurstbridge rail line is neglected and overgrown with little formal landscaping or urban design, making for an unattractive environment.
- The recent level crossing removal at Rosanna has resulted in the addition of a shared user path and enhanced landscaping along the western fringe of the rail line between Lower Plenty Road and Davies Street. This enhancement provides a good case study in understanding what can be achieved in terms of good active transport accessibility and connectivity; and landscaping along the rail corridor.
- There is a desire and potential for many residents to utilize the land abutting the Hurstbridge rail line to make vital transport and recreational connections, if the land was redeveloped to provide appropriate active transport pathways.

DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

- The draft Hurstbridge Rail Feasibility Study explores options to achieve safe active travel facilities along the Hurstbridge rail line. The active travel options will be accompanied by good urban design and appropriate landscaping. This will have a positive social and environmental benefit outcome for the community.

Financial Implications

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

Innovation and Continuous Improvement

- The proposed active travel options will improve sustainable transport options for the local community.

Community and Stakeholder Engagement

- It is intended to conduct a six week community and stakeholder consultation during the period 14 March 2022 to 22 April 2022, with the engagement objectives of:
 - Informing the community and stakeholders about the draft feasibility study and its findings.
 - Providing the community and stakeholder with an opportunity to provide feedback on concept plans of what could be achieved along the Hurstbridge rail line, and
 - Providing the community and stakeholders with an opportunity to give their ideas for active travel/urban design development along the Hurstbridge rail line in areas that they regularly interact with.

DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY cont'd

- Community and stakeholder consultation engagement will include:
 - Posters (with QR code) installed along the length of the rail line giving information on the study and how to obtain more information.
 - Information and online survey on Shaping Banyule.
 - Promotion posts and campaign through Banyule Council social media.
 - Photographic competition on Banyule Council social media.
 - Informative articles in 'The Banner', Age in Focus and GreenWrap.
 - Pop-up consultation engagement at the Malahang Festival.
 - Meetings with Activity Centre trader associations.
 - Meetings with MTM and Victrack who are the owners of land abutting Heidelberg rail line.

Key Considerations

- The key activities of the draft Hurstbridge rail feasibility study include:
 - Understanding Council's strategic direction and priorities for walking, cycling and the provision of open space along the Hurstbridge rail corridor.
 - Understanding who, where and why people currently walk and/or ride in Banyule with a focus on those who move to, from and through the Hurstbridge rail corridor.
 - Identify potential issues and opportunities for active transport and open space along the Hurstbridge rail corridor.
 - Identify feasible active transport and open space improvements along the Hurstbridge rail corridor to improve its accessibility and sense of place for the local community, and
 - Assessment of cycling options using an assessment framework, based on Council's strategic direction and priorities for active transport and open space facilities.
- For each section of rail line, between adjacent rail stations, the study identified:
 - Baseline conditions – issues and opportunities for improvement,
 - Corridor arrangements – maps detailing the type of active transport treatment which could be utilised, and which would be best suited to the road and land conditions. The treatments include shared user path, quietways (lightly trafficked local roads) and protected cycle lanes.
 - Urban design and open space typologies which could be used for different road and nature strip conditions,
 - Opportunities for indigenous infill planting and creation of biodiversity corridors, and

DRAFT HURSTBRIDGE RAIL FEASIBILITY STUDY cont'd

- A set of maps detailing potential cycling route options for each section of the rail corridor with an accompanying comparison of their safety and usability.
- Following public exhibition, and considering all feedback received, the outcomes of a finalised Hurstbridge rail feasibility study are expected to assist Council to continue to advocate to the State Government for the implementation of strategic cycling corridors in Banyule. The study will all enable Council to consider the suitability of options for different rail sections as opportunities arise, such as through grants and major projects within and along the Hurstbridge rail line.

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	Draft Hurstbridge Rail Corridor Feasibility Study	

4.3 ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP)

Author: Christopher Chua - Developments & Drainage Team Leader, Assets & City Services

SUMMARY

1. Melbourne Water (MW) has been engaging and working with 50 organisations in the refresh of its Flood Management Strategy for Port Philip and Westernport regions (FMS) 2015. Banyule City Council (BCC) is party to FMS 2015 with Council having endorsed the FMS 2015 in a Council meeting on 8 February 2016.
2. Similar to the 2015 FMS, MW is requesting all Councils in the Port Philip and Westernport region (including Banyule) to join other partner organisations in endorsing the refreshed FMS, which signifies Council's:
 - Agreement with the vision, objectives and directions of the FMS;
 - Commitment to actions (subject to funding); and
 - Commitment to participate in a co-delivery process to facilitate collaboration and alignment between the partners.
3. The endorsement:
 - Doesn't carry specific funding obligations for Council, but relies on existing flood management plans, capital works flood mitigation programmes and initiatives; and
 - Provides Council's agreement to use its logo for the final strategy and action plan.
4. In the 5-year action plan, Council could contribute to or benefit from 46 of the 53 actions in total identified in the plan.
5. Concurrently, BCC and MW have been engaging internal BCC staff and Victoria State Emergency Service (VICSES) in the Flood Management Plan (FMP) 2022 – 2027. This is a refresh and update of the earlier FMP 2012, which was adopted at Council meeting on 27 August 2012.
6. The FMP describes the key flood management activities that BCC & MW will undertake collaboratively to plan and manage flooding within the municipality for the next five (5) years.
7. This report seeks council's consent for:
 - Endorsement of the Flood Management Strategy for Port Philip and Westernport (FMS) 2021 - 2031; and

ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP) cont'd

- Endorsement of the Banyule City Flood Management Plan (FMP) 2022-2027.

RECOMMENDATION

That Council:

1. Endorse the Flood Management Strategy for Port Philip & Westernport (FMS) 2021 – 2031; and
2. Endorse the Banyule City Flood Management Plan (FMP) 2022 - 2027.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Minimise stormwater pollution and the impacts of flooding, and maximise Council's water conservation to transition to a water sensitive City".

BACKGROUND

- Melbourne Water (MW) has been engaging and working with stakeholders as part of the refresh of the Flood Management Strategy for Port Philip and Westernport regions (FMS) 2015. Banyule is party to FMS 2015, with Council having endorsed the FMS 2015 in a Council meeting on 8 February 2016.
- The partner organisations include State Government (DWELP, MOT, etc), Councils, Water Authorities (SEW, YVW etc) and Emergency Services Department (e.g. VICSES).
- The refresh process began in early 2019. Banyule staff have been involved in various workshops and working groups relating to the refreshed FMS since 2019. The flood leadership committee and the Melbourne Water Board of Directors endorsed the strategy and action plan in 2021.
- The strategy and action plan have been noted by the Minister for Water as setting the direction for flood management in the region, taking a collaborative approach to how agencies will work together to plan for, avoid and reduce food risk. More information is available on Melbourne Water's website via the following link - <https://www.melbournewater.com.au/about/strategies-and-reports/flood-management-strategy-port-phillip-and-westernport>
- Similarly, in support of the FMS, MW and Banyule City Council (BCC) have been working together to update and refresh the Banyule City Flood Management Plan (FMP).
- MW & BCC have earlier developed and signed the previous version of the FMP in 2012. The document, endorsed at the Council meeting on 27 August 2012 served as a joint management plan for MW and BCC to understand, collaborate and improve plans to mitigate flood risk within the municipality. Most of the 25 improvement actions identified in the FMP 2012 - 2017 are complete.
- The FMS (**Attachment 1**) is a 10-year strategy that aims to enhance the flood resilience of the region. The current refresh builds on the previous 2015 strategy

ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP) cont'd

and the regions' strong history of flood management, as well as the increasing flood risks due to climate change and urbanisation.

- The FMS is supported by 2 action plans. The first action plan (**Attachment 2**) is for 2021-2026 (the second plan will be for the following 5 years to support the 10 year strategy). In this 5 year action plan, Council could contribute to or benefit from 46 of the 53 actions in total identified in the plan.
- An overview of the strategic approach of the FMS is shown in **Figure 1** below. There are 3 objectives, 9 outcomes and 9 focus areas.

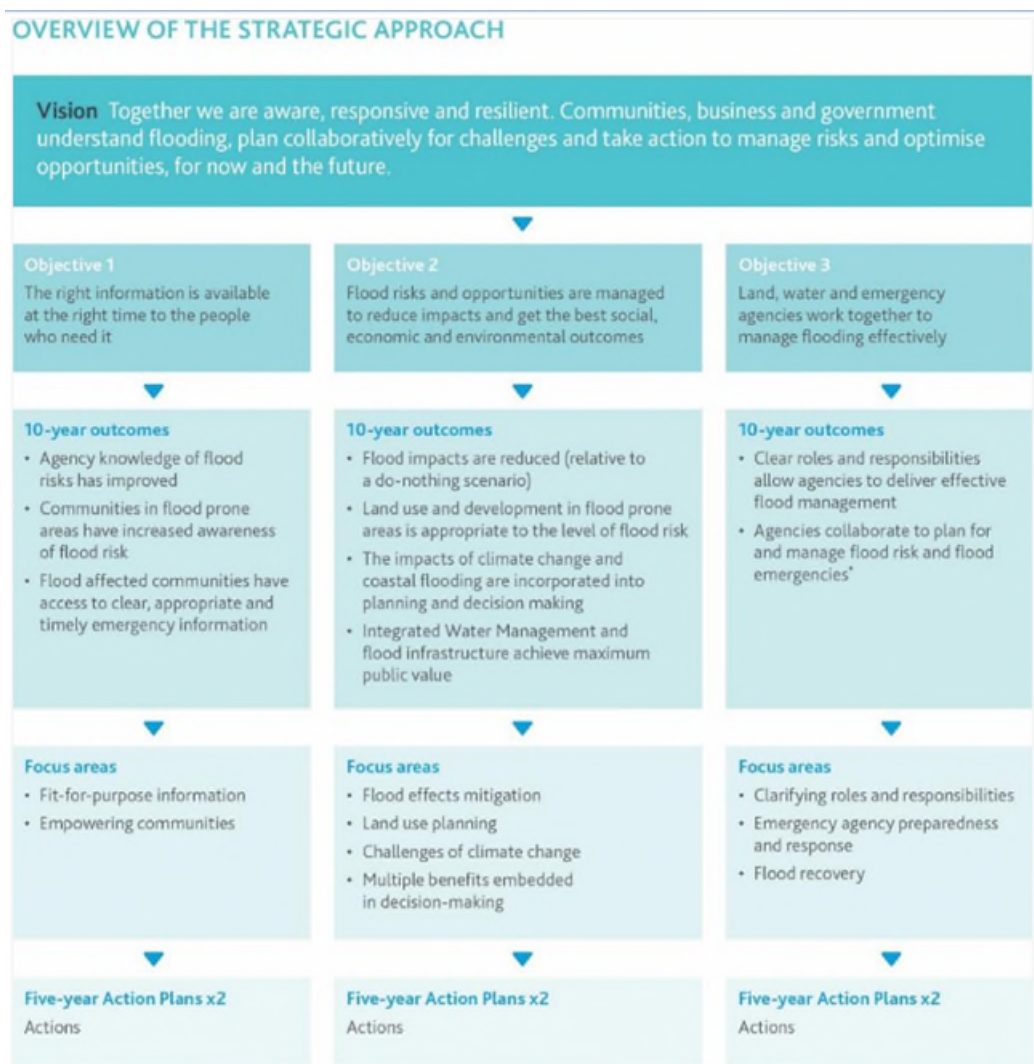


Figure 1 Overview of strategic approach of FMS

- Since July 2020, MW and BCC have been engaging with internal staff across departments (Developments & Drainage, Emergency Management, Environmental Operations, Assets & Delivery, Communications, Planning, Operations) and Victoria State Emergency Service (VICSES) in the development of the new Flood Management Plan (FMP) 2022 – 2027 (**Attachment 3**).

ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP) cont'd

- The FMP describes the key flood management activities that BCC & MW will undertake collaboratively to plan for and manage flooding within the municipality for the next five (5) years.
- The objectives of developing and maintaining this plan are to:
 - Enhance collaboration and provide opportunities for information sharing.
 - Identify hotspots and flood risks within the municipality
 - Identify achievable improvement actions to address these flood risks and to better prepare for and manage floods
 - Investigate technological and innovative solutions to assist with flood preparedness
 - Improve community resilience through education and awareness
 - Align with the Flood Management Strategy Port Phillip and Westernport (2021- 2031)
- The objectives above will be achieved via an Improvement Plan which has a series of 9 actions in the four identified focus areas:
 - Flood Risks & hotspots
 - Flood Mapping & Mitigation
 - Technology & Innovation
 - Empowered Communities

KEY ISSUES

Flood Management Strategy 2021 - 2031 (FMS)

- Similar to the 2015 FMS, MW is requesting all Councils in the Port Philip and Westernport region to join other partner organisations in endorsing the refreshed FMS
- The refreshed strategy aims to collaboratively work on managing risk and optimise opportunities in flood management.

Flood Management Plan 2022 – 2027 (FMP)

- The actions are in line with council's existing programmes and initiatives. Additional resources, if required, will be considered when setting up operational or capital budgets by the respective departments annually.
- The improvement action reporting will be managed within MW's Flood Management Portal, and a report on the delivery of these actions will be provided biannually by MW.

ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP) cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- There are no financial implication arising from the recommendation contained in this report. The FMS & FMP do not carry any specific funding obligation, but relies on existing Council plans, capital works flood mitigation programmes and initiatives.

Collaboration

- The FMS 2021 is a refresh of the Flood Management Strategy 2015, which Council is already a party to. There are benefits of greater collaboration and improvements to our flood management for Banyule by endorsing the FMS 2021 even though many of the commitments are already in place in our Council plans, strategies and initiatives.

Similarly, the refresh and update of the FMP will allow for an integrated and cooperative approach to the management of the risks associated with flooding within Banyule. The plan sets up an improvement plan that clarifies responsibilities and action timeframes for their completion.

Key Considerations

- The endorsement of the FMS was earlier requested to be completed by end November 2021. MW has confirmed that the endorsement in February 2022 is acceptable.

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.

ENDORSEMENT OF THE FLOOD MANAGEMENT STRATEGY FOR PORT PHILIP AND WESTERNPORT (FMS) AND THE BANYULE CITY FLOOD MANAGEMENT PLAN (FMP) cont'd

ATTACHMENTS

No.	Title	Page
1	Flood Management Strategy for Port Philip and Westernport (FMS) 2021 - 2031 <i>(Under Separate Cover)</i>	
2	Flood Management Strategy - Action Plan 2021 - 2026	
3	Banyule City Flood Management Plan 2022 - 2027	

5.1 2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021)

Author: Emily Harriss - Development Planner, City Development

Ward: Griffin

EXECUTIVE SUMMARY

1. This report considers a proposal for the reconstruction of the Beverley Road Oval.
2. The proposal seeks to replace the existing ground cover with a new free draining sand profile and turf surface in addition to the relocation and reconstruction of other assets on the sports ground. Six trees are also proposed to be removed.
3. Public notification was undertaken in accordance with Section 52 of the *Planning & Environment Act 1987* prior to the introduction of notice exemptions for Local Government Projects. The proposed tree removal was not included in the advertised material, however further notice was not required due to the introduction of the notice exemptions. To date, no objections have been received.
4. The proposed works will enhance recreational opportunities for the community and improve the efficiency of the site's irrigation and drainage systems without impacting on potential overland flow paths or significant area of natural habitat.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolve to issue a Planning Permit in respect of Application P442/2021 for building and works associated with the reconstruction of an existing open sports ground on land affected by a Land Subject to Inundation Overlay and an Environmental Significance Overlay and vegetation removal at 2 Beverley Road HEIDELBERG subject to the following conditions:

General

1. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

Tree Protection & Planting

2. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plans or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd

3. Prior to the completion of the development permitted by this permit, a minimum of forty (40) trees must be planted in the immediate area surrounding the oval to the satisfaction of the Responsible Authority.

Drainage

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

NOTE:

Any connection to Council's drainage system

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

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

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

Melbourne Water

6. The cut and fill balance as shown on the plan Drawing 120421 5A and 5B Revision 030921-1 dated 2 April 2021 must not be altered without further review and written consent from Melbourne Water.

7. Prior to the start of construction, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for further approval specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:

- (a) Silt fencing
- (b) Access tracks
- (c) Spoil stockpiling
- (d) Trenching locations
- (e) Machinery/Plan Locations

Time Limits

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd

8. 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 of the date of this permit;
 - (b) The development is not completed within four years of the date of this 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:
- Before the permit expires, or
 - Within six months afterwards, or
 - Within 12 months afterwards if the development started lawfully before the permit expired.

Planning Permit Application:	P442/2021
Development Planner:	Miss Emily Harriss
Address:	2 Beverley Road HEIDELBERG
Proposal:	Building and works associated with the reconstruction of an existing open sports ground on land affected by a Land Subject to Inundation Overlay and Environmental Significance Overlay and vegetation removal
Existing Use/Development:	Beverley Road Oval (open sports ground)
Applicant:	Banyule City Council
Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Land Subject to Inundation Overlay (LSIO) Environmental Significance Overlay (ESO1) Significant Landscape Overlay (SLO1) Specific Controls Overlay (SCO12)
Notification (Advertising):	Notices to adjoining properties
Objections Received:	Not applicable
Ward:	Griffin

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd

PROPOSAL

- The application seeks approval for the reconstruction of the Beverley Road Oval.
- The existing soil surface will be replaced with a new free draining sand profile and turf surface.
- The project also includes upgrades to other assets including the irrigation system, drainage system, cricket wicket and storage cage for wicket cover, goal posts, footpath and fencing around the perimeter and coaches' box as well as the relocation of two light towers.
- The application requires the removal of six trees which has come about due to Melbourne Water's requirements for a minor realignment of the oval.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

BACKGROUND

- The Beverley Road Oval has been identified as requiring upgrades in response to increasing use of Council's open sports grounds as a result of recent growth in community sport.
- The upgrades to the Beverley Road Oval will maximise its usage for the community as well as improve the efficiency of its irrigation and drainage systems.

SUBJECT SITE AND SURROUNDING AREA

- The subject site, known as the Beverley Road Oval, forms part of the Warringal Parklands which contain a number of sporting ovals and pavilions, tennis courts, bike and walking tracks, wetlands and a large amount of open parkland.
- The entire site is approximately 35.149 hectares and is bordered by the residential area of Heidelberg to the north and west as well as the Yarra River and Main Yarra Trail to the south and east.

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd



Figure 1. Locality plan

PUBLIC NOTIFICATION

- Public notification was undertaken in accordance with Section 52 of the Act. Notices were posted to the owners and occupiers of the adjoining properties. To date, no objections have been received.
- Council’s Parks and Open Space Department also made provision for billboards which were erected on site to notify the community of the proposed works.

REFERRAL COMMENTS

- The application was referred to Melbourne Water under Section 55 of the Act.
- No objections were raised subject to permit conditions.

PLANNING CONTROLS

- The planning controls which apply to the land and are to be considered in the context of this application are outlined in the table below.

Planning controls:	<u>Controls</u>	<u>Permit triggered?</u>
	Public Park and Recreation Zone (PPRZ)	No
	Land Subject to Inundation Overlay (LSIO)	Yes
	Environmental Significance Overlay (ESO1)	Yes
	Significant Landscape Overlay (SLO1)	Yes
	Specific Controls Overlay (SCO12)	No
	Clause 52.17: Native Vegetation	No

- The relevant planning policies which are to be considered in the context of this application are outlined in the table below.

Policy	<u>Clause</u>
PFF	
Native vegetation management	12.01-2S

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd

River corridors, waterways, lakes and wetlands	12.03-1S
Environmentally sensitive areas	12.05-1S
Floodplain management	13.03-1S
Land use compatibility	13.07-1S
Urban design	15.01-1S
Healthy neighbourhoods	15.01-4S
Aboriginal cultural heritage	15.03-2S
Open space	19.02-6S
Cultural facilities – Metropolitan Melbourne	19.02-3R
Open space – Metropolitan Melbourne	19.02-6R
Integrated water management	19.03-3S
LPPF	
Cultural heritage	21.03
Land use	21.04
Natural environment	21.05

TECHNICAL CONSIDERATION

Response to Policy Framework

- The proposed works will enhance an existing community facility which provides recreational opportunities for community members, groups and clubs.
- The proposal is considered to respect the environmental context in which the site is located. Whilst six trees are to be removed, this will not be significant in the broader landscape and additional tree planting can be undertaken as part of the project to compensate for this loss.

Land Subject to Inundation Overlay (LSIO)

- The LSIO affects the subject land due to its proximity to the Yarra River.
- The reconstruction of the sports ground is consistent with the existing use of the land and will have negligible impact on potential overland flows within the area.
- Melbourne Water as the relevant floodplain management authority have not objected to the proposal subject to permit conditions.
- For these reasons, the proposal is considered to accord with the objectives and decision guidelines of the LSIO.

Environmental Significance Overlay (ESO1)

- The ESO1 affects the subject land due to its proximity to the Yarra River corridor which is an area of significant natural habitat and environmental qualities.
- A permit is required under the overlay for the works to reconstruct the oval.
- As the sports ground is more than 60 metres from the banks of the Yarra River, the proposed works will not result in any pollution or erosion which may damage the watercourse, noting Melbourne Water support the development.
- The proposal is not considered to detract from the visual amenity of the area given the works required for the reconstruction of the sports ground are relatively minor and similar to existing conditions on site.

2 BEVERLEY ROAD HEIDELBERG - PROPOSED RECONSTRUCTION OF THE BEVERLEY ROAD OVAL (P442/2021) cont'd

- A permit is also required under the overlay to remove the following trees as detailed below.

Tree #	Common name	Height (metres)	Health	Structure	Retention value
#4	Yellow Box	7	Poor	Poor	Nil
#5	Blackwood Wattle	7	Good	Poor	Nil
#6	Blackwood Wattle	12	Dead	Poor	Nil
#7	Prickly-leaved Paperbark	8	Good	Fair	Medium
#10	Red Ironbark	14	Fair	Fair	High
#11	Red Ironbark	17	Fair	Fair	High

- Removal is sought due to Melbourne Water requirements for a slightly realigned oval which reduces the loss of floodplain storage and protects flood levels. Other options to retain the trees have not satisfied Melbourne Water's requirements.
- The formation and location of the trees would indicate that they originated as part of previous planting on site and are not considered naturally occurring remnant vegetation.
- As other options to avoid the removal of the trees have been exhausted, the removal of the trees is supported. There is opportunity for replacement planting throughout the parklands and surrounding the new oval once constructed.
- For these reasons, the proposal is considered to accord with the objectives and decision guidelines of the ESO1.

Significant Landscape Overlay (SLO1)

- The SLO1 also affects the subject land due to its proximity to the Yarra River corridor.
- A permit is required under the overlay to remove the above listed six trees. As noted in the reasons above, the removal is also appropriate in accordance with the objectives and decision guidelines of the SLO1.
- As noted above, there is opportunity for replacement planting throughout the parklands. Re-planting has been discussed with Council's Urban Forestry team and it is recommended a condition be included on any permit issued for 40 new trees to be planted to enhance the environment and to compensate for the tree loss.

CONCLUSION

- The proposal, subject to conditions, is considered to enhance recreational opportunities for the community without causing detriment to the environmental significance of the area. For these reasons, the application should be supported.

ATTACHMENTS

No.	Title
1	Existing and Proposed Plans

Page

5.2 BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027

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

Previous Items

Council on 01 Mar 2021 7.00pm (Item 5.1 - Draft Banyule Bicycle Strategy)

SUMMARY

1. Demonstrating leadership in encouraging the uptake of cycling within the municipality is a key element of Banyule's Community Vision 2041 for a Well-Built City.
2. The Banyule Bicycle Strategy has been developed to support the use and maintenance of existing facilities, while ensuring future cyclists have access to a safe, convenient and accessible network that connects them to other transport modes and key destinations.
3. Consultation on the draft Banyule Bicycle Strategy was completed, including an eight-week public exhibition period. The findings of these activities and the Consultation Summary Report are included in **Appendix C** of the Final Banyule Bicycle Strategy.
4. A five-year action plan has been developed in line with the draft Banyule Bicycle Strategy's recommendations and community expectations. Forty actions are included that are categorised according to the key themes of Major Projects and Advocacy; Network Connectivity; Safe and Inclusive Design and Cycling for All.
5. The final Banyule Bicycle Strategy and incorporated Action Plan 2022-2027 is provided as Attachment 1 to this report.

RECOMMENDATION

That Council:

1. Adopt the final Banyule Bicycle Strategy and commence implementation of the incorporated Action Plan 2022-2027, allocating funding as part of its annual budget process.
2. Provide a copy of the Banyule Bicycle Strategy on Council's website and update Shaping Banyule to include the final Banyule Bicycle Strategy and the Bicycle Strategy Consultation Summary Report.
3. Advise all stakeholders and submitters to the Banyule Bicycle Strategy of the adoption of the strategy, thank them for their input and provide a copy of the strategy for future reference.
4. Seek funding from the State and Federal Governments to assist in the implementation of the Banyule Bicycle Strategy.

BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027 cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Lead on the use of sustainable modes of transport, and encourage walking, cycling and use of public transport".

BACKGROUND

- Cycling is a sustainable mode of transport that offers a broad range of economic, health and social benefits.
- Demonstrating leadership in encouraging the uptake of cycling within the municipality is a key strategy of Banyule's Community Vision 2041 for a Well-Built City. Cycling is further embedded in Council's major strategic transport and recreation policies including the Banyule Integrated Transport Plan 2015-2035 (BITP), Banyule Safe Travel Plan 2016-2026, Community Climate Action Plan, Public Open Space Plan 2016-2031 and the Northern Regional Trails Strategy 2016.
- The draft Banyule Bicycle Strategy was presented to Council at the ordinary meeting held on 1 March 2021. Council resolved to approve the public exhibition of the draft strategy for a period of six weeks. Council also resolved, on receipt and consideration of community feedback, to provide a further report adopting the final Banyule Bicycle Strategy.

KEY ISSUES

- The Banyule Bicycle Strategy has been prepared in response to a key initiative of the Banyule Integrated Transport Plan 2015-2035 that recognises cycling has an important role to play in addressing today's transport, health and environmental challenges.
- The Banyule Bicycle Strategy has been developed to support the use and maintenance of existing facilities while ensuring future cyclists have access to a safe, convenient and accessible network that connects them to other transport modes and key destinations.
- A comprehensive five-year action plan has been developed to address the key recommendations of the draft strategy and feedback received.
- The plan includes 40 actions categorised according to the four key objectives of the strategy:
 - Major projects and advocacy (Actions 1.1-1.4);
 - Network connectivity (Actions 2.1-2.6);
 - Safe and inclusive design (Actions 3.1-3.13);
 - Cycling for all (Actions 4.1-4.13).
- Actions include specific measures to support Council's advocacy to State and Federal governments for improved connections to be funded in line with major State Government transport infrastructure projects. These priority cycling-infrastructure projects include delivery of the State Government's C1 and C2 Strategic Cycling Corridor (SCC) network and improvement of safe cycling infrastructure on State-controlled arterial roads – Actions 1.1-1.4.
- Further actions include:

BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027 cont'd

- Complete wayfinding signage and line marking for the Banyule Local Bicycle Network (LBN) including route modification where appropriate for route safety and continuity – Actions 2.2-2.6.
- Increase opportunities for safe cycling to school by conducting formal safe access audits in the vicinity of primary and secondary schools and developing a prioritised list of route improvements for implementation – Action 3.2.
- Support community bicycle parking requests that meet priority criteria by up to 50 hoops annually – Action 3.10.
- Investigate the provision of bicycle repair and e-bike charging stations at key locations including activity centres, along cycling routes and as part of open space upgrades. Ensure the locations of these and bicycle parking are made publicly available – Action 3.12.
- Explore ways, in line with the Banyule's Community Climate Action Plan, to incentivise the use of zero or low emissions transport modes including bicycles, e-bikes and opportunities to partner with organisations providing e-bike trials – Action 4.2.
- Support the uptake of cycling with beginner riders, women and older adults by trialling a program of regular local rides on Banyule's trails and safe streets – Action 4.3.
- Support the Banyule community and visitors to access information on cycling routes, facilities, opportunities. Celebrate cycling and riders in the community – Actions 4.6-4.9.

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 but provides support for:

Your right to take part in public life (section 18)

Ensuring the community is able to attend public and council meetings contributes to well-informed decision making involving the community.

Sustainable Procurement Outcomes

- It is anticipated that there will be sustainable procurement opportunities arising from implementation of the Banyule Bicycle Strategy meeting Council's economic, environmental and social objectives.

BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027 cont'd

Financial Implications

- The provision and maintenance of bicycle infrastructure is currently funded by Council through its annual budget.
- Funding from the Victorian Government has been committed for the following projects:
 - \$5m committed in 2019-20 State budget for bicycle path upgrades connecting Heidelberg to Rosanna. The Department of Transport is the responsible agency for this project.
 - \$100,000 Bicycle Path Design Grant funded through North East Link Project (NELP) Supreme Court mediated settlement for scoping and design development for a sealed bicycle path from Heidelberg to Ivanhoe East via The Boulevard. Council is the responsible agency for this project.
 - \$3m Shared Use Paths Grant funded through NELP Supreme Court mediated settlement for completion of the shared use path between Watsonia and Yallambie generally along the electrical transmission easement. Council will be the responsible agency for this project.
 - \$1.5m development funding in 2020/21 State budget for walking and cycling infrastructure in Hurstbridge Line rail corridor, including between Greensborough and Eltham. The Level Crossing Removal Project is the responsible agency for this project.
- The Banyule community will benefit from the following projects either included as complementary works associated with NELP or being delivered by other municipalities as a result of their NELP Supreme Court mediated settlements:
 - Banyule Shared Trail – completing the shared path along Greensborough Highway to just south of Grimshaw Street (included in the NELP package).
 - Main Yarra Trail Bridge linking Main Yarra Trail with Banksia Park in Manningham (Manningham to deliver).
- The first five-year action plan includes a summary table that outlines actions, timeframes and estimated resource requirements. These actions will need to have funding allocated through Council's capital expenditure and maintenance budgets or through State and/or Federal funding streams.
- Council will also continue to advocate for bicycle infrastructure to be included as complementary projects to all major road and rail projects delivered within the municipality.
- Grant funding for bicycle infrastructure and education programs and projects will also be sought from Federal and State Government agencies as it become available.

Community Engagement

- The initial engagement period was scheduled from 24 May to 5 July 2021. This was extended to 30 July 2021 to allow for the rescheduling of activities cancelled due to restrictions associated with Victoria's fourth COVID-19 lockdown.
- Consultation activities included:
 - Shaping Banyule information page and survey;

BANYULE BICYCLE STRATEGY & ACTION PLAN 2022-2027 cont'd

- Two drop-in public information sessions at Council offices in Greensborough and the Ivanhoe Library and Cultural Hub;
- Three pop-up engagement sessions on the Darebin Creek and Main Yarra Trails and within the Rosanna Parklands.
- Unfortunately, two further in-person pop-up sessions on the Plenty River Trail were rescheduled and then had to be abandoned due to the sixth COVID-19 lockdown introduced by the Victorian State Government in late July 2021.
- Overall 470 community members and key stakeholders have been engaged during the development of the Bicycle Strategy. This included over 130 people during the public exhibition process. These responses have been analysed and it has been found that there is a consistency in the overall feedback.
- There has been positive support for the draft Banyule Bicycle Strategy with overall support for its direction and key themes. Positive feedback was received in relation to the upgrades recently completed on the Darebin Creek trail and extent of the recreational shared use path network within the municipality.
- However, the community agrees that there is significant work to be done to achieve a safe and comfortable cycling environment for all, including beginners, women and those generally that consider themselves 'interested but concerned' cyclists. Most contentious issues revolve around the maintenance of the trail network and the provision of safe and continuous on-road bicycle infrastructure and safe crossing points.
- Other issues raised by community members include the need for improved wayfinding and information provision, increased bicycle parking and amenities and support for cycling education and events.
- The Consultation Summary Report summarising the feedback received during the development of the Bicycle Strategy and is included in the final Banyule Bicycle Strategy at Appendix C.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Bicycle Strategy & Action Plan 2022-2027	

5.3 PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021

Author: David Moon - Development Planning Coordinator, City Development

Previous Items

Council on 09 Aug 2021 7.00pm (Item 5.3 - Planning and Building Activities Report January - June 2021)

Council on 01 Mar 2021 7.00pm (Item 5.2 - Planning and Building Activities Report (July - December 2020))

SUMMARY

1. This report presents and provides commentary on the July to December 2021 activities of Development Planning and Building with key highlights from the review period.

Development Planning

2. The number of planning applications and requests received increased by 4.9% in the 2021 year as compared to the previous year.
3. The average number of planning applications and requests received and determined each month increased by 14 and 17 respectively as compared to the previous review period.
4. An average of 77% of planning applications were determined within the 60 statutory days, an improvement on the previous review period where 74% of applications were determined in 60 days.
5. Applications for multi dwelling development decreased in the second half of the year by approximately 25.6% from 156 to 116. Despite the reduction, the number of multi dwelling applications received continues to exceed pre-COVID levels.
6. There has been a decrease in the number of Council decisions overturned by the Victorian Civil and Administrative Tribunal (VCAT) throughout the review period with 28% of applications for review set aside by the Tribunal. Previously, 35% were overturned in the last six-month review period.
7. No 'out of time' appeals were received in the review period.

Building Services and Banyule BPI

8. The financial position for Banyule BPI for the period July - December 2021 is a \$57,779 cost (excluding corporate overheads). This represents a 116% decline compared with the corresponding period last financial year
9. In collaboration with the Victorian Building Authority (VBA) and Cladding Safe Victoria (CSV), the number of buildings with combustible cladding requiring resolution has been reduced by seven within this review period.

RECOMMENDATION

That Council note the Development Planning and Building Activities Report for the period July to December 2021.

PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021 cont'd

COUNCIL PLAN

- Banyule's Council Plan strategy to "Deliver well designed places and spaces that enable stronger connections and liveability to meet the diverse needs of our current and future community" is relevant to Planning and Building activities.

BACKGROUND

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

KEY HIGHLIGHTS

Development Planning

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

Planning applications and related requests

- In 2021, 2643 requests were received compared to a total of 2519 in 2020, resulting in an increase of 124 (4.9%) requests. The total number of requests received over the year exceeded the number determined with a total of 2524 determinations, resulting in 119 less requests being determined than received. The number of determinations was also less than the previous year by 5 determinations.

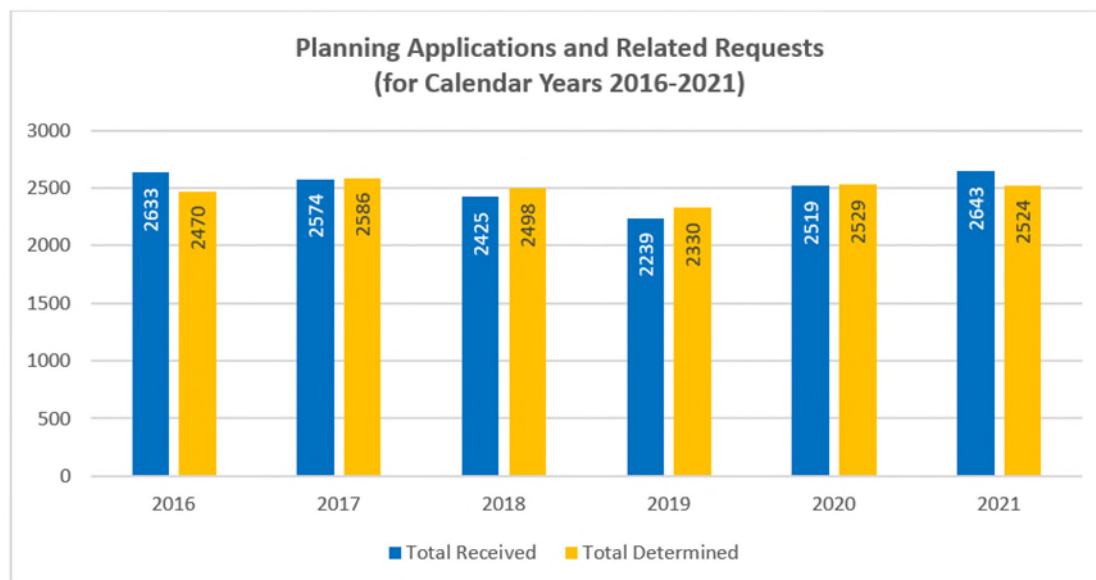


Figure 1 – Comparison with previous years

- During the review period the number of 'live' (current) applications and requests has remained above the live target of 400, with a low of 449 applications in July and a high of 484 in December.

**PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd**

- The average number of planning applications and requests received and determined each month increased by 14 and 17 respectively as compared to the previous review period.

Processing Timeframes

- On average for the six-month review period, 77% of planning applications were determined within the 60 statutory days and 80% of VicSmart applications were determined within the 10 business day statutory timeframe.
- The percentage of applications determined in 60 days was an improvement on the previous review period where 74% of applications were determined in 60 days.
- The average number of days for a determination dropped to a historic low of 52 days in August. Overall, for the review period the average gross days for a determination (60) was less than the previous review period (62) indicating improved processing times.

Applications by Proposal

- The number of applications for tree removal and pruning continue to be high with 392 applications received, which is the highest number received for a 6 month review period for the previous five years.
- Applications for multi dwelling development decreased in the second half of the year by approximately 25.6% from 156 to 116. This breaks the previous trend where in previous years the number of multi dwelling applications received in the second half of the year is greater than the first half of the year.
- Despite the reduction in the second half of the year, when comparing 2021 to the previous years, there has been a 28.3% increase in the number of multi dwelling applications from 2020 and a 33% increase from 2019. These applications represent the greatest demand on all administration and technical resources within the Development Planning team and the many teams across the organisation who provide referral advice.
- The number of Other Applications (single dwellings, dwelling additions, change of use) increased by 96.2% from 106 to 208 when compared to the previous review period.

PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd

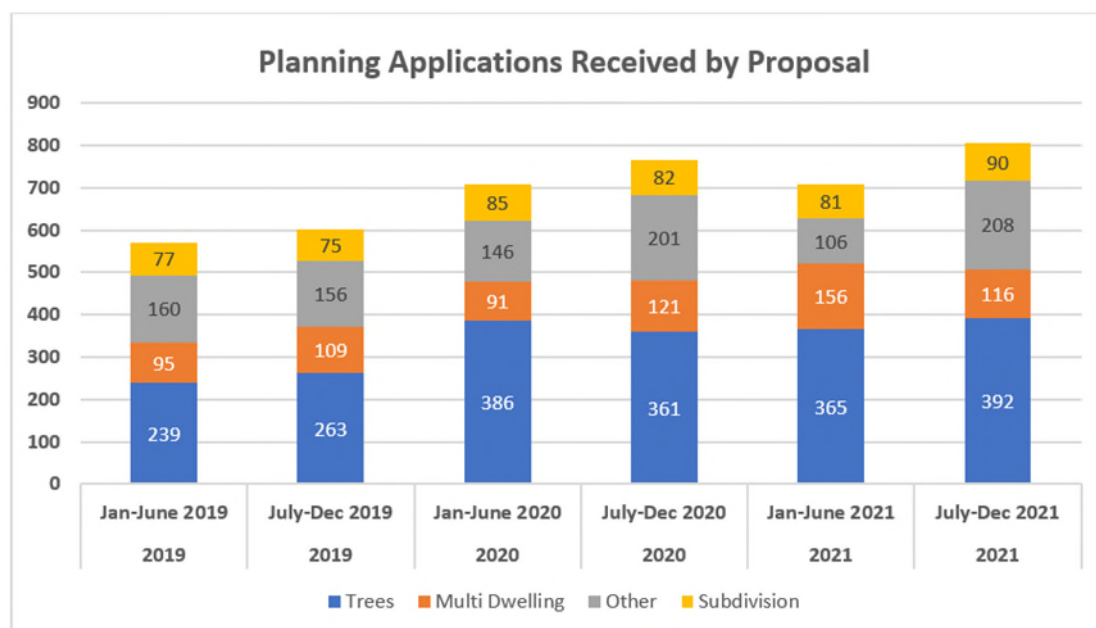


Figure 2 - Planning permit applications received by proposal

Investigations

- An average of 14 alleged breaches of Planning Permits and the Planning Scheme were investigated the Development Planning team each month in the six-month review period. These investigations relate to a range of issues including built form (such as development, overlooking and signage), land use and vegetation removal.
- The total number of investigations instigated declined by 35.2% from 105 in January to June to 68 between July and December. The number of investigations finalised exceeded those received by three with 71 investigations closed.

VCAT Appeals

- There were 22 reviews lodged with the VCAT in the six-month review period.
- The majority of reviews lodged continue to be by permit applicants with 11 reviews lodged against refusals to issue a permit during the review period. This is two less than the previous review period and continues a decline in reviews lodged against refusals since 2019. The number of reviews lodged by objectors reduced to two in the review period.
- In the six-month review period, no reviews were lodged against Council not making a decision within the statutory timeframe (i.e. 'out of time').
- There has been a decrease in the number of decisions which have been overturned by the Tribunal in the review period:
 - 28% of applications for review were set aside by the Tribunal.
 - This is an improved outcome for Council compared to 35% of decisions being overturned in the previous six months.

**PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd**

- Otherwise, 32% of Council's decisions were upheld and 40% of reviews varied. This is a large shift in decisions being varied by the Tribunal where changes are made to the decision made by Council i.e. permit conditions included or deleted.

Banyule BPI and Statutory Building Services

Financial Position

- The financial position for Banyule BPI for the period July - December 2021 is a \$57,779 cost (excluding corporate overheads). This represents a 116% decline compared with the corresponding period last financial year. Staff capacity issues in the 20/21 financial year resulted in the loss of several clients which has impacted on the current year result. It is noted that this result includes the cost of providing statutory building services which is also increasing with obligations to now manage swimming pool and spa registration and certification.

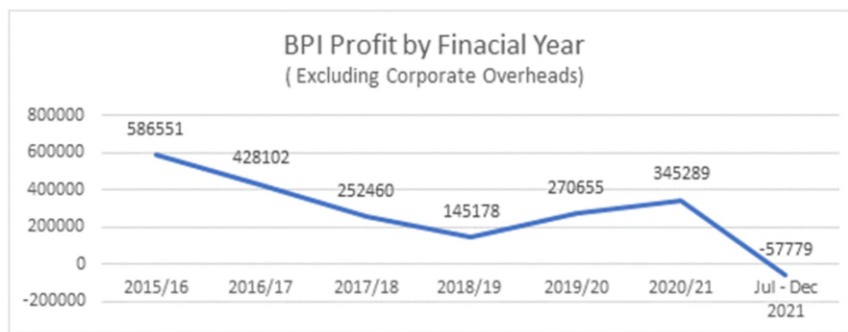


Figure 1. Banyule BPI profit by financial year (note: overhead costs not included)

- The financial performance of Banyule Bpi in the previous financial year can be partially attributed to Government grants being available for residential building work used stimulate the construction sector during COVID and linked to building permits. This impact should be considered as projects may have been brought forward to take advantage of the economic stimulus on offer.

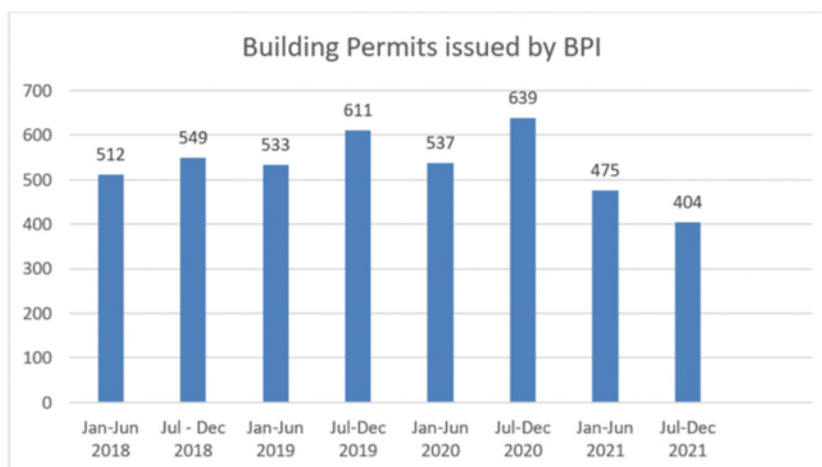


Figure 2: Building permits issued over 6 month periods

**PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd**

Between July - December 2021 there were 404 permits issued, compared to same time in 2020 where there were 639 issued.

Investigations

- There was an average of 15 new investigations received per month between July and December 2021, with the number of total active investigations increasing compared to the previous 6 month period.

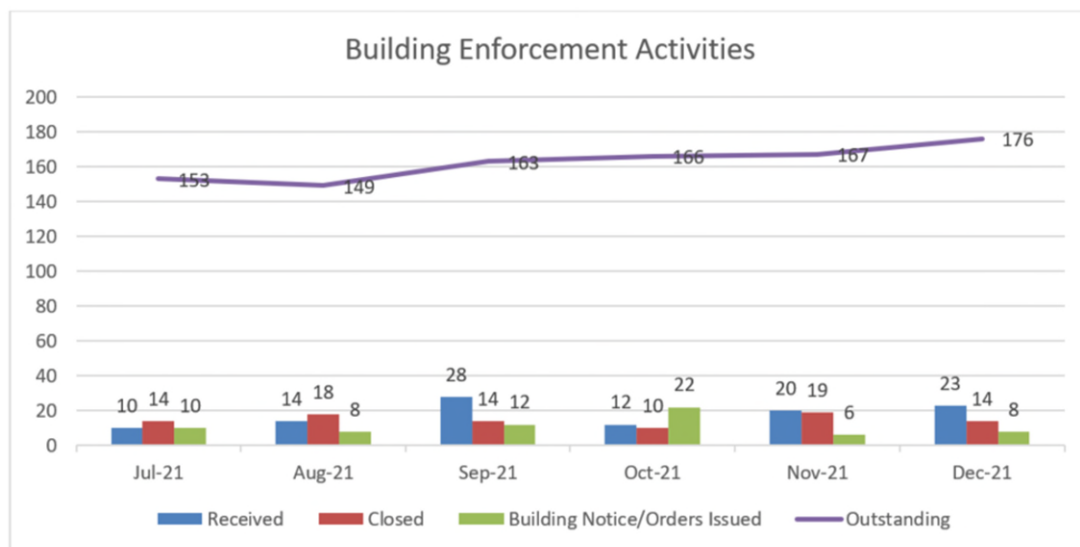


Figure 4: Shows the overall activity of the enforcement area within the building dept

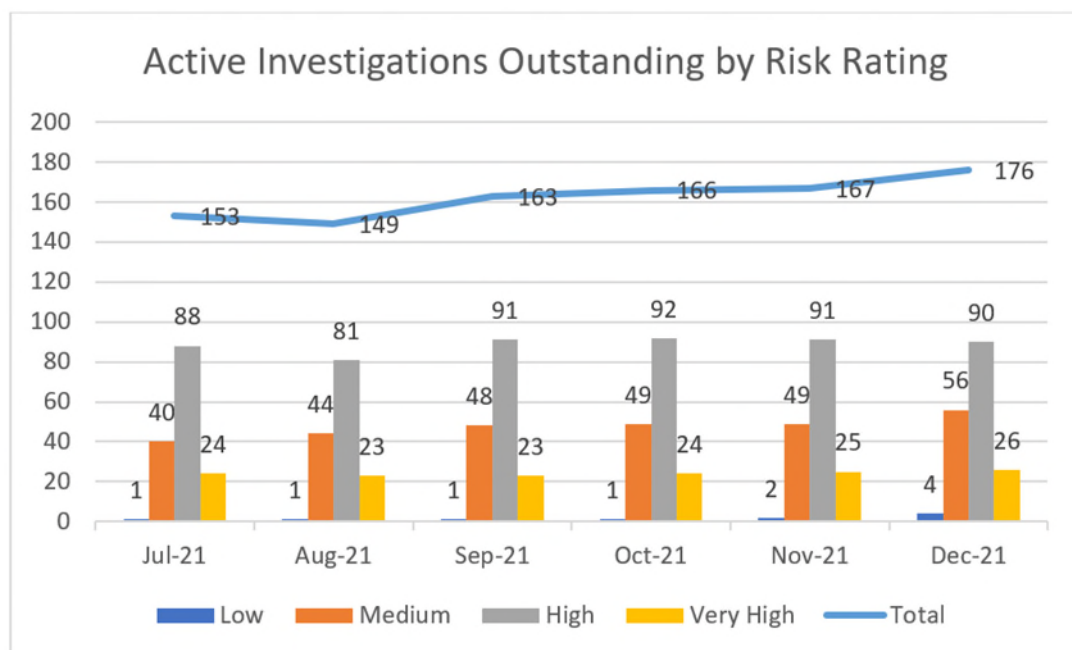


Figure 5: This graph indicates the total active number of investigations and the level of risk associated with the type of investigation as well as the total numbers of investigations per month.

**PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd**

The number of overall investigations being undertaken remain constant with a slight increase in the outstanding investigations. There is little variance to the distribution of the risk rating of matters being investigated.

Swimming Pool Registrations

- A total of 4,289 residents with properties containing swimming pools or spas have now registered with Council in accordance with new legislation. A further 188 registrations were received over the 6 month review period. A further 149 remain outstanding. Communication and escalation with property owners who are yet to register will take place in the coming months.
- All owners of properties with swimming pools have been granted an extension of time by the State Government and are now required to submit a swimming pool safety barrier certificate of compliance by the 1st June 2022 for all pools constructed prior to 1991. There approximately 1200 swimming pools registered as being constructed prior to 1991.

Combustible Cladding enforcement

- Council continue to work with CSV and the VBA to address buildings identified as containing combustible cladding. Council has closed 21 of the 37 outstanding orders administered by Banyule or VBA with 16 remaining active sites. There is an ongoing challenge for Council with an additional 11 buildings being identified as having combustible cladding over the second half of 2021.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

**PLANNING AND BUILDING ACTIVITIES REPORT - JULY TO DECEMBER 2021
cont'd**

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Development Planning Activities - July to December 2021	

5.4 321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021)

Author: Hayley Plank - Development Planning Team Leader, City Development

Ward: Griffin

SUMMARY

1. The purpose of this report is to outline a State Government led proposed Planning Scheme Amendment and Planning Permit proposal in respect land at 321 Lower Heidelberg Road and 1 Maltravers Road, Ivanhoe East and to consider the Council position for a submission to the Minister as part of the process.
2. A request has been made by TLC Group to the State Government's Development Facilitation Program (DFP) for accelerated assessment and determination of the project. The DFP have recommended to the Minister for Planning (the Minister) to consider facilitating the project.
3. The applicant is seeking to amend the Schedule to Clause 52.02 'Easements, Restrictions and Reserves' of the Banyule Planning Scheme and authorise the variation of restrictive covenants, so that the project can proceed with respect to a restrictive covenant on the title.
4. The accompanying Planning Permit application seeks approval to develop the site with a 4-5 storey building, which will accommodate a residential aged care facility, child care centre, medical centre, café and gym. Associated works will include the removal of protected vegetation, provision of car, bicycle and minibus parking, the display of internally illuminated signage and the creation of access to both King Street and Lower Heidelberg Road. This application is very similar to one previously considered and refused under delegation in 2019 (P1332/2018).
5. The State Government is currently undertaking consultation over a four week period. Banyule City Council is a respondent to the process and not the decision maker.
6. It is considered that the proposal is not consistent with the outcomes sought by the planning policy framework for the site and will have an unacceptable level of impact on the preferred neighbourhood character and amenity of residents. These critical concerns would form the basis of any Council submission made to the Minister.
7. Should the Minister choose to refer the matter to a Standing Advisory Committee, Council may be able to appear in order to advocate for the outcomes proposed by the Recommendations set out in this report.

RECOMMENDATION

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

That Council:

1. Notes that it has written to the Minister for Planning and the Local Member advising of Council's position that it is not appropriate for the proposed development to be facilitated through a fast track process. The development proposal should be subject to the normal public information, consultation and decision-making processes where Council is the Responsible Authority and there are third party appeal rights for any objectors.
2. Make a submission to the Minister of Planning which:
 - a. Outlines its opposition to Planning Scheme Amendment C166 to the Banyule Planning Scheme and the draft Planning Permit P1503/2021.
 - b. Includes the following reasons why Council opposes the proposal:

Strategic context

1. The accumulation of the proposed uses combined with the scale of the proposal is at odds with the objectives of Clause 32.08 - General Residential Zone of the Banyule Planning Scheme.
2. The proposed use and hours of the gymnasium is not appropriate in the context of the Primary and Specific Location Criteria of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy and is contrary to Clause 22.04 - Non-Residential Use and Development in Residential Zone Policy of the Banyule Planning Scheme.
3. The hours of operation of the proposed food and drinks premises (café) is not appropriate in the existing residential context and fails to comply with the Primary and Specific Location Criteria of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy of the Banyule Planning Scheme.

Residential Amenity

4. The extent and nature of the multiple proposed uses on the site will result in an excessive number of individual site specific destinations and in turn will lead to an excessive number of vehicular movements across all hours of the day to the detriment of the amenity of the existing residents and future occupants of the aged care facility contrary to Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.
5. The intensity and scale of the uses proposed would have a detrimental impact on the residential amenity of the surrounding and nearby residential properties through additional non-residential activity, noise and disturbance contrary to Clauses 21.04 – Land Use, 22.04 - Non-Residential Use and Development in Residential Zone Policy and Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

Built Form/Landscaping

6. The scale and design of the proposal will not make a positive contribution in the context of the streetscapes and broader character of the area specifically the height, massing and composition of the proposed built form is at odds with the streetscape and neighbourhood contrary to Clause 22.02 – Residential Neighbourhood Character Policy and Clause 32.08 – General Residential Zone of the Banyule Planning Scheme.
7. The height of the proposed building does not transition appropriately to the existing residential neighbourhood and fails to make a positive contribution to the preferred future neighbourhood character of Garden Suburban 3 Precinct contrary to Clause 22.02 – Residential Neighbourhood Character Policy of the Banyule Planning Scheme.
8. Inadequate space has been provided throughout the development in order to provide canopy tree planting and landscaping to adequately soften views and reasonably buffer the development from the street and neighbouring land failing to strengthen the landscape opportunities contrary to Clause 22.02 – Residential Neighbourhood Character Policy and Clause 42.02 - Vegetation Protection Overlay – Schedule 3 of the Banyule Planning Scheme.

Signage

9. The proposed signage is excessive in size and, in combination with the proposed illumination, will have a detrimental impact on the residential amenity of the area, contrary to Clause 22.01 – Outdoor Advertising Policy and Clause 52.05 – Signs of the Banyule Planning Scheme.
- c. Includes a list of conditions (see **Attachment 1**) which Council would seek to have included on a permit should the Minister decide to approve the proposal, including changes to address critical concerns and other deficiencies, such as:
- Reduction in height of the building and greater setbacks to the western boundary to provide a better transition to the dwellings adjoining to the west and provide better opportunities for larger trees and screen landscaping within this area.
 - Improvements to King Street frontage including relocation of pedestrian access and substation, deletion of signage and façade articulation.
 - Improvements to built form and use of materials to reduce overwhelming impacts on the heritage church.

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

- Retaining original features on front façade of the heritage church.
- Opportunities to further improve ESD within the building.
- Vehicle exit to King Street to be left turn only to reduce disruption to residential streets.

Planning Permit Application:

P1503/2021

Planning Scheme Amendment:

C166bany

Development Planner:

Hayley Plank

Address:

321 Lower Heidelberg Road and 1 Maltravers Road IVANHOE EAST

Proposal:

Draft Amendment C166bany

The draft amendment proposes to amend the Schedule to Clause 52.02 'Easements, Restrictions and Reserves' of the Banyule Planning Scheme and authorise the variation of registered restrictive covenants, which are a current restriction on the relevant land titles, in a manner that would allow additional use and development of the land to proceed.

Draft Planning Permit P1503/2021

The draft planning permit proposes to allow the development of the land for a residential aged care facility; use and development of the land for a medical centre, childcare centre, restricted recreation facility (gym), and food and drink premises (café); removal of vegetation under the Vegetation Protection Overlay; removal and creation of easements; display of internally illuminated business identification signage; creation and alteration of access to a road in a Road Zone Category 1; reduction of the requirements for bicycle facilities; and associated works.

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

Existing Use/Development:	Buildings associated with the East Ivanhoe Uniting Church, including two church buildings (1941 and 1961), church hall and parsonage.
Applicant:	TLC Group
Zoning:	GRZ2
Overlays:	VPO5, DCPO1, TRZ2 (adjoins)
Notification (Advertising):	Consultation is being undertaken by the State Government in accordance with Section 20(5) of the Act
Objections Received:	TBC
Ward:	Griffin

BACKGROUNDPrevious application

- An application was made to Council in 2018 (P1332/2018) for a five storey development and uses including a residential aged car facility, café, medical centre, child care centre, gym, signage and removal of vegetation. This application attracted a total of 235 objections and it was determined under delegation to refuse the application.
- There were nine grounds of refusal, which included:
 - Breach of restrictive covenants.
 - Accumulation of proposed uses and scale of proposal is at odds with objectives of GRZ.
 - Use and hours of the gymnasium and food and drink premises are inconsistent with the criteria in Clause 22.04.
 - Excessive number of vehicle movements would have a detrimental impact of residential amenity of the area.
 - Scale and design, specifically height, massing and composition of built form is at odds with streetscape and neighbourhood.
 - Height does not transition appropriately to the existing neighbourhood and fails to make a contribution to the preferred neighbourhood character.
 - Inadequate space provided in order to provide canopy tree planting and landscaping to soften views and provide a buffer.
 - Height of building fails to meet mandatory requirements of Clause 53.17.
- The plans considered by Council are included as **Attachment 2**.
- The applicant did apply to VCAT to review this decision; however this application was withdrawn prior to a hearing. Of particular relevance, a question of law was raised in relation to the possible breach of covenants and a preliminary hearing

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

was scheduled to consider this. The application was withdrawn prior to this proceeding so it has not been resolved.

Development Facilitation Program

- DELWP has recently established a Development Facilitation Program (DFP). The main role of this program is to consider and make recommendations about projects that could proceed through an accelerated assessment and determination, with the Minister for Planning as the decision maker. Council officers were advised in November 2021 that this project had been recommended for accelerated assessment and determination by the DFP. Following the current consultation and a full merits assessment by DELWP, the application will be referred to the Minister for Planning for a decision.
- Consultation is currently being undertaken in accordance with Section 20(5) of the *Planning & Environment Act 1987* to understand the views of affected parties and to inform the drafting of both the amendment and permit. Following the four week consultation period, the Minister may decide to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations before making his decision.
- Council has the opportunity to make a submission to this process and make recommendations on appropriate conditions to be included on a Planning Permit, should one be granted.
- Council considered an item of Urgent Business relating to this application at its meeting on 7 February 2022. Council resolved to write to the Minister of Planning to advise that it is not considered appropriate for this development to be facilitated through this fast track process; to host an information session during the notification period so residents have an opportunity to understand the proposal; and to consider its submission at the Council meeting on 28 February 2022.

PROPOSAL

- The application made to the Minister is a combined application for a planning scheme amendment (C166bany) and planning permit (P1503/2021). The details of the applications are as follows:

Draft Amendment

- Amend the schedule to Clause 52.02 'Easements, Restrictions and Reserves' and authorise the variation of registered restrictive covenants (which currently restrict development to no more than one dwelling per lot) in a manner that would allow additional use and development of the land to proceed.

Draft Planning Permit

- Demolition and removal of all existing buildings and structures, except for the 1941 church located on King Street frontage.
- Development of a part four, part five storey building (with two basement levels and a lower ground floor level below).

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

- Two basement levels to be used primarily for car parking, bicycle parking and services (including waste storage and collection).
- Lower ground floor level to be used primarily for a restricted recreation facility (gym) with a floor area of 1027m², primarily serving residents of the aged care facility but with a limited number of memberships available for external patrons.
- Ground floor level to be used for a 118 place child care centre, medical centre (292m²) and café (250m²). The medical centre and cafe will be accessible to members of the public.
- All upper floors to be used for 160 bed residential aged care facility.
- Removal of 74 trees, of which 51 are protected under the VPO5. This includes the removal of 13 street trees.
- Provision of 131 car parking spaces, 40 bicycle parking spaces, one loading space and one minibus space.
- Vehicle access from King Street and Lower Heidelberg Road.
- Removal of an unused easement through the centre of the site and creation of a new easement along the west boundary.
- Display of internally illuminated business identification signs on Lower Heidelberg Road, Maltravers Road and King Street (six signs with total area of 40.65m²)
- The proposed hours of operation for the various uses is outlined in the table below:

Use:	Proposed hours of operation:
Aged care	Operates 24/7 and open to public 8am – 6pm Monday to Sunday Hairdresser (ancillary use) 8am – 4pm Monday to Friday
Medical Centre	9am – 5pm Monday to Friday
Café	7am – 4pm Monday to Saturday
Gym	5.30am – 9pm Monday to Thursday 5.30am – 8pm Friday 7am – 5pm Saturday and Sunday
Childcare	7am – 6pm

- The development plans for the current proposal are included as **Attachment 3**.

SUBJECT SITE AND SURROUNDING AREA

- The subject land comprises multiple parcels (currently contained within two titles), with a total area of approximately 6,293m². The subject site is located on one corner of a roundabout which connects Lower Heidelberg Road, Maltravers Road, and Burke Road North.
- There are several existing buildings, structures, paving, and other amenities located across the site, including two brick churches. Two double storey dwellings,

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constructed of brick are located within the north-east and south-west corner of the subject site.

- The subject land includes scattered vegetation throughout, particularly canopy trees to the periphery of wider site and individual lots. A car parking area associated with the church is located to the rear of the church buildings, with access from Lower Heidelberg Road.
- The surrounding context contains some variances in built form, however the prevailing neighbourhood character is a mixture of single and double storey dwellings with hipped and tiled roofs.
- The East Ivanhoe Activity Centre is located approximately 225 metres to the southwest of the subject land. This area contains a number of small strip-shop commercial buildings generally 1-2 storeys in height. Uses commonly include food and drink Premises, and retail.

Locality Plan



PUBLIC NOTIFICATION

- A consultation period for the proposal began on 1 February 2022 and will run for five weeks. This is being undertaken by the State Government. Council has been formally notified of the process being undertaken on 7 February 2022 and invited to make a submission. Council's submission to the Minister is due on 7 March 2022.

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- Council officers requested that a public information session be held which was not supported by DEWLP. Ultimately, an information session was hosted by Council on 24 February 2022.

REFERRAL COMMENTS

External Referrals

No referrals to external authorities have been undertaken by Council. Consultation will be undertaken with these authorities through the Section 20(5) process.

Internal Referrals

Department/ Officer	Objection?	Conditions /Comments
Strategic Planning and Urban Design	No	Strategic Planning and Urban Design note that there is no Heritage Overlay currently affecting the property, however a Heritage Assessment has been provided with the proposal which recommends the retention of the 1941 church as proposed.
Developments & Drainage	No	Council's Developments & Drainage Section has advised that the property is subject to risk of flooding and is affected by overland stormwater flows during a storm event with a 1% chance of occurrence in any given year.
Development Planning Arborist	No	Council's Development Planning Arborist has advised that the arborist findings are accurate and reliable.
Traffic & Transport	No	Council's Traffic & Transport Section has provided recommendations to improve the safety and functionality of the access, parking areas and adjoining road network.
Waste Management	No	Council's Waste Management Section has advised that Council is unable to provide a waste collection service and a private waste collection service is required. Some alterations will be required to be made to the WMP and waste storage area to address outstanding issues.
Landscape Consultant	No	Council's Landscape Consultant has made a number of recommendations in relation to the location and species of trees and other

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		vegetation for this highly exposed site on a significant intersection.
ESD Advisor	No	Council's ESD has advised that the proposal requires further information/clarification to meet Council's ESD standards and support claims made within the SMP.
Property	No	Council's Property Section has advised that they would not likely dispute the variation to the covenant.

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 (GRZ2)	32.08	Yes
Vegetation Protection Overlay (VPO3)	42.02	Yes
Development Contribution Plan Overlay (DCPO1)	45.06	No
Easements, Restrictions and Reserves	52.02	Yes
Signs	52.05	Yes
Car Parking	52.06	No
Native Vegetation	52.17	No
Land Adjacent to the Principal Road Network	52.29	Yes
Bicycle Facilities	52.34	Yes
Residential Aged Care Facility	53.17	No

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Natural Environment	21.05
Built Environment (<u>Incremental area</u>)	21.06
Residential Neighbourhood Character Policy (<u>Garden Suburban Precinct 3</u>)	22.02
Safer Design Policy	22.03
Non-Residential Use and Development in Residential Zones	22.04

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Environmentally Sustainable Design

22.05

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. The assessment below outlines concerns as well as opportunities for improvements in the event that it is deemed that a permit should be issued and these are captured as suggested conditions in **Attachment 1**.
- The current proposal includes little change from that previously considered and refused by Council in 2019. The delegates decision provides a detailed discussion of the relevant issues and the reasons behind the ultimate refusal of this application. **Attachment 4** provides a comparison table highlighting the key differences between the two proposals.

Strategic Context & Land Use

- Council's previous refusal was on the basis that the mix of uses proposed for the site was not supported by the relevant planning policy as follows:
 - The site is located outside the Activity Centre identified by Clause 21.04. It is an unsuitable intrusion that will have a detrimental impact on residential amenity, exacerbated by the spread of uses and long hours of operation.
 - The site is within an Incremental Residential Area identified by Clause 21.06 and the built development is not considered in keeping with an area which is generally characterised by single dwellings on large, vegetated lots.
 - The proposal fails to meet the primary location criteria required to satisfy Clause 22.04 in terms of demonstrating a local need for the out of centre location.
- There has been no change to these objectives or strategies in the intervening period.
- There is no change proposed to the mix of uses proposed for the site. There are some changes proposed in terms of the scale of particular uses such as more or less floor area devoted to a particular use or changes to the internal layout, however these are considered to be minor variations to the overall scale and mix of uses. Impacts on the amenity of the local area resulting from the extended hours of operation and overall levels of noise and activity will remain as previously assessed.

Neighbourhood Character

- The application site is located within the Garden Suburban 3 Precinct as identified by Clause 22.02.
- Concerns with the previous proposal in relation to the objectives of this precinct included the architectural style and appearance of the building (including its design features, materials, scale, form and massing); the institutional "office like" appearance and scale; limited setbacks between the upper and lower floors; the

321 LOWER HEIDELBERG ROAD & 1 MALTRAVERS ROAD, IVANHOE EAST - PROPOSED DEVELOPMENT THROUGH STATE GOVERNMENT DEVELOPMENT FACILITATION PROGRAM (P1503/2021) cont'd

flat roof form; visual domination of the church building; and lack of opportunities for screening by large trees to the west.

- It is acknowledged that there have been some changes made to the design of the building, such as changes to materials, greater articulation in the upper levels (particularly to the west), greater setbacks of upper levels to the west and reduction in built form to the Maltravers Road frontage. The critical issues however are not considered to have been met and the proposal fails to meet the objectives of the policy as follows:
 - The building is not sympathetic to the current building form or style in the area. While there have been some improvements in relation to reducing the level of glazing and introduction of brick to the facades, the building remains of a scale and design which is significantly at odds with other development in the area. The 4-5 storey presentation with flat roof form does not sit comfortably within an area dominated by pitched roof forms on 1-2 storey dwellings.
 - This scale of development will appear dominating with the street scape, as viewed from neighbouring properties and overwhelms the retained church building on the site. Should a permit be issued, a number of significant changes should be made to the design to address these concerns. These include a reduction in the height to no more than 3 storeys and further refinement of the western wing of the building to ensure that the built form is well separated from adjoining dwellings and setback on site as not to appear to sit “above” the retained church. The King Street frontage is also predominantly residential and changes are recommended to ensure that the frontage is well landscaped and built development is able to blend into these surroundings.
 - While a comprehensive landscape plan has been prepared, it is unlikely that sufficient room will be available within the western setbacks (in particular) for the planting of large trees as would be necessary to screen the large building from adjoining dwellings to the west. There has been minimal change in terms of the location of the basement and ground floor development to enable additional deep soil planting. The landscaping plan shows predominantly medium sized trees within this area. In addition, the area is encumbered by the proposed basement, retaining walls, hard surface, ramps and children’s play areas to further limit opportunities for larger trees to establish.

Amenity

- As the mix of uses on the site, including hours of operation, is unchanged from the previous proposal, it is considered that the site will still generate an unacceptable impact on the amenity of the area. The hours range from 5.30am to 10.00pm and will also include weekends. These are well outside the traditional 9-5 ‘commercial hours’ and when combined with each other, and the as of right 24/7 aged care facility, there will be an almost constant presence of activity on the site. This will include persons and vehicles coming and going from the site throughout the day and night, noise from the children’s playground areas, conversations in courtyards and the presence of additional people and vehicles on the perimeter.
- The built development has been assessed to meet the relevant standards specified in Clause 53.17 (the relevant clause for assessment of Residential

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Aged Care Facilities) in relation to both internal and external amenity. In relation to external impacts, it acknowledged that the development will accord to the appropriate setback, access to daylight, overshadowing the overlooking requirements. The building will however have a significant impact on the visual outlook of adjoining dwellings, which is not considered to be an acceptable outcome as discussed above.

Landscaping

- A landscape plan has been provided to support the application, which details the proposed plantings of trees and other landscaping, generally around the boundaries of the site. The schedule included with the landscape plan indicates that 25 trees are proposed, of which 11 will be 'large' species (greater than 12m mature height) and 11 will be 'medium' species (greater than 8m mature height).
- A key concern with the previous proposal was the ability of the western setback (interfacing with residential properties) to accommodate the large trees required to soften and screen such a large building. This concern remains as detailed above.

Heritage

- The site is not affected by a Heritage Overlay but contains buildings and elements of potential heritage significance, including two churches (1941 and 1961), the church hall and row of trees.
- The application is supported by a Heritage Impact Statement (prepared by Trethowan Architecture) which concludes that the 1941 church is considered to be of historical and aesthetic significance and the only building on site worthy of heritage protection. This building is proposed to be retained and will be used as part of the child care. This is supported, along with the retention of the row of remaining Italian Cyprus (*Cupress sempre virnes*) and the large Deodar Cedar (*Cedrus deodara*) close to the King Street boundary. It is suggested that works to the front of the church could also be reduced in order to retain original features.

Car and Bicycle Parking and Access

- The proposal is considered to provide an appropriate number of car and bicycle parking spaces to cater for the proposed uses. Some minor design modifications will be necessary to ensure safety and functionality requirements are met and these have been incorporated into the suggested conditions.
- Access from Lower Heidelberg Road will comprise a porte-cochere arrangement, with an entrance at the southern end of the site and an exit to the north. These are both new crossovers and two existing crossovers on this frontage will be decommissioned. Lower Heidelberg Road is identified as a Transport Zone 2 (previously RDZ1) by the Planning Scheme and consultation will be required with Department of Transport in relation to the suitability of these access points.
- The two-way entry to the basement is via King Street and a new crossover will be constructed near the western end of the frontage. Council's Traffic Engineering Unit has not raised any concerns with the location or design of this access but has recommended that the exit be limited to "left out only" so that vehicles are not directed onto King Street and the local roading network. This would be beneficial

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in terms of limiting disruption on the local roading network and reducing impacts on residential amenity in this area.

Vegetation Impacts

- There are 81 existing trees within the application site and 74 of these are proposed to be removed to accommodate the development. Of these, 51 require a permit for removal under the VPO3. A number of street trees are also proposed to be removed and it is understood that no approval has been given for these works.
- While the majority of the trees to be removed have low or nil retention value and there is no objection from Council arborist to their removal at an individual level, the previous decision highlighted that this extent of vegetation removal will not achieve the outcomes sought by the VPO3. While a group of medium - high retention value trees are proposed to be retained on the King Street frontage, the removal of almost all other vegetation from the site, combined with the large scale development proposed will mean that the streetscape is dominated by built development, rather than vegetation, particularly from Lower Heidelberg Road.

Environmentally Sustainable Development

- The application is supported by a Sustainable Management Plan, which indicates that a BESS score of 66% will be achieved. This is a commendable score, however further information and clarification will be required to support the claims made within this assessment. There are also opportunities to further improve the ESD performance of the building (such as no use of natural gas and additional solar capacity). These requirements should form Council's recommendations for conditions, should a permit be issued.

Signage

- The application seeks approval for six internally illuminated signs, of which three are large standalone "brand" signs facing each road frontage. In addition, a smaller sign to identify the child care use and general wayfinding signage on the King Street frontage.
- The proposed signage is not in keeping with the outcomes sought for high amenity areas. The large brand signs in particular are considered to be excessive in size and prominence and attention will be further drawn to these by the proposed illumination. The site is in a residential area, with very little signage apparent to local streets or the main road environments. The signage previously existent for the church was simple in form and limited in size.

Easements

- The proposed removal and creation of easements is supported by Council's Drainage Unit. The easement to be removed is also for sewerage purposes and consultation will be required to be undertaken with the sewerage authority as part of this process.

Covenants

- The subject titles are affected by covenants which require that there shall not be "*more than one dwellinghouse*" on the lots and "*such house to have a roof of*

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slate or tiles". Council's previous refusal included grounds that the proposal is contrary to these covenants and no further information or advice has been submitted to change this position.

- The proposed amendment will allow for a variation of these covenant, to allow the site to be developed and used in the manner sought. Council is the owner of three properties in the vicinity of the application site and may be a beneficiary to this covenant. Property services have advised that they would be unlikely to object to the application, on the basis that Council as landowner is unlikely to be materially impacted. Council's objection to the planning outcome can be pursued through the planning application process.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Recommended permit conditions	
2	Previous plans (P1332/2018)	
3	Current plans (P1503/2021)	
4	Summary of previous and current applications	

6.1 BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ART WORKS

Author: Hannes Berger - Arts & Culture Team Leader, Community Programs

SUMMARY

1. The Banyule Art Collection is a unique and valuable asset for the City, which is governed by a policy that aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion, thinking and debate about current, social and cultural issues.
2. The *Banyule Art Collection Policy 2017-2021* (policy currently under review) which will be presented to Council describes the guidelines, criteria and procedure for acquiring new works of art into the Collection. Council allocates \$30,000 annually in the capital expenditure budget towards purchasing new acquisitions, and maintenance and storage requirements of the Collection.
3. As per the Policy's acquisition guidelines, the Banyule Art Collection Working Group met in January 2022 to consider eleven art works, mainly selected from the current Banyule Award for Works on Paper Finalists Exhibition for accession into the City's Art Collection.
4. All eleven art works were considered worthy of acquisition and presented to the Banyule Arts & Culture Advisory Committee on 3 February who voted unanimously to recommend Council purchase the works for acquisition.

RECOMMENDATION

That Council:

1. Endorse the Arts & Culture Advisory Committee's recommendation to acquire the eleven (11) art works listed in this report, at a total cost of \$30,150, to further develop the significance of the Banyule Art Collection.
2. Note the purchasing process will be undertaken in accordance with procurement policies and best practice arts industry standards.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Manage Council's commercial assets, leases and contracts to deliver sustainable, accessible and inclusive outcomes for the community".
- This recommendation forms part of the Annual Action Plan 2021/2022 – Action 4.5.6: "In conjunction with the Banyule Art Collection Working Group, research, document, and acquire new works for the Banyule Art Collection".

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ART WORKS cont'd

BACKGROUND

- The **Banyule Art Collection** is a unique and valuable asset for the City. It was formed after the amalgamation of the Diamond Valley Art Collection and the Heidelberg Art Collection in 1994 following Municipal amalgamations.
- It is governed by the *Banyule Art Collection Policy 2017 – 2021*, **Attachment 1** which aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion and debate about current, social and cultural issues. The *Banyule Art Collection Policy 2017 – 2021* policy is currently under review and a revised draft will be presented to a future council meeting.
- The Collection currently comprises over 500 works, valued in 2016 at \$1.5 million.
- Objectives of the Art Collection Policy include:
 - To collect and selectively commission works of art which foster an understanding, enjoyment and appreciation of the visual arts among the Banyule community and members of the general public.
 - To enrich the existing collection by maintaining its growth and development through an ongoing program of acquisitions.
 - To develop, manage, conserve and display the collection to the highest museum standards possible for the benefit of the present and future Banyule community.
- The Policy describes the guidelines, criteria and procedure for acquiring new works of art into the Collection, through a formal process of consideration and recommendation by the Banyule Art Curator, the Art Collection Working Group and the Banyule Arts & Culture Advisory Committee (BACAC).
- Council allocates \$30,000 annually in the capital expenditure budget towards purchasing new acquisitions, and maintenance and storage requirements of the Collection.

KEY ISSUES

- The Banyule Award for Works on Paper is Council's prestigious national art prize, with the winning artist receiving \$10,000 and the winning artwork automatically accessioned into the Banyule Art Collection.
- The accompanying finalists' exhibition on display at Art Gallery 275 at Ivanhoe Library & Cultural Hub until 13 March 2022 provides an excellent opportunity to acquire additional new art works into the Banyule Art Collection, as all finalists meet the national significance and collectability criteria of the acquisition policy.
- In January 2022 the Art Collection Working Group met to consider eleven art works proposed for acquisition by the Banyule Art Curator, six works are from the Works on Paper Finalists Exhibition, and five were previously exhibited at Art Gallery 275 in 2021.
- The current Banyule Art Collection Working Group is:
 - Steph Neoh (Banyule Art Curator)
 - Leah Crossman (Art & Collections Coordinator Darebin Council)
 - Caroline Wall (Australian Museums and Galleries Association Victoria)

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ART WORKS cont'd

- Mayor Cr. Elizabeth Nealy (BACAC Chair)
- The Working Group considered the artworks worthy of acquisition against the relevant policy criteria and, in line with the acquisition guidelines, were presented to the Banyule Arts and Culture Advisory Committee (BACAC) on 3 February 2022 for consideration. The Committee voted unanimously on the recommendation that Council purchase the eleven artworks and accession them into the Banyule Art Collection.
- The 11 recommended art works have been identified in accordance with selection criteria outlined in the Art Collection Policy, including art works that:
 - Contribute to the ‘most recent ideas and theories’ in contemporary art practice.
 - Consolidate and enrich the existing collection as a whole or which expand the range of representation of art forms or artists within the collection.
 - Are of quality and innovation including emerging and innovative art forms will be considered.

Summary of Recommended Acquisitions in 2022

	Title of Artwork	Artist	Medium	Price
1	<i>Acknowledging of Country</i>	Sha Sarwari	Charcoal, ink and canvas on plywood	\$7,000
2	<i>Antarcticards</i>	Wendy Black	Set of screenprinted postcards (1984) edition 500	\$450
3	<i>Screenkicker</i>	Wendy Black	Screenprint – 80’s political poster	\$450
4	<i>Rock Against Racism</i>	Wendy Black	Screenprint – 80’s political poster	\$450
5	<i>Relax Homosexuals are Everywhere</i>	Wendy Black	Screenprint – 80’s political poster	\$450
6	<i>Miffy + friends: the Usual Suspects</i>	Brian Robinson	Linocut	\$7,700
7	<i>Kuruyultu</i>	Eunice Napanangka Jack	Etching	\$1,360
8	<i>Tali Tali – Sandhills</i>	Alice Nampitjinpa Dixon	Screenprint	\$690
9	<i>Uwulkari - Watiya Tjuta</i>	Mitjili Naparrula	Screenprint	\$1,000
10	<i>Pine Court</i>	Catherine O’Donnell	Charcoal and pencil drawing	\$7,900
11	<i>Deeper Time</i>	Winsome Jobling	Drypoints and earth pigments on handmade papers	\$2,700
			TOTAL	\$30,150

See **Attachment 2** for full details of the artists, artworks and their alignment to the Policy’s selection criteria, in the Curator’s report *Recommendations for Acquisition into Art Collection 2022*.

BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ART WORKS cont'd

Recommendation

- In line with the Banyule Art Collection Policy's acquisition procedural guidelines, the Banyule Arts and Cultural Advisory Committee has made a recommendation to Council to purchase and accession the eleven nominated art works into the City's Collection.
- This is an opportunity to acquire works of art that have undergone a lengthy and rigorous selection process and that will raise the profile of both the Banyule Art Collection and the Banyule Award for Works on Paper, adding further to Banyule's specialisation in collecting contemporary works on paper.

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

- Council has allocated \$30,000 in the 2021-2022 Capital Expenditure budget towards the acquisition of new Art Works into the Banyule Art Collection.

Community Engagement

- Consultation has been conducted through the expertise of the Banyule Art Collection Working Group and Banyule Arts & Culture Advisory Committee.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Art Collection Policy 2017-2021	
2	Recommendations for Acquisition into Art Collection	

6.2 URBAN FOREST STRATEGY - PRINCIPLES

Author: Ben De Klepper - Urban Forestry Coordinator, Assets & City Services

SUMMARY

1. The review of the Urban Forest Strategic Plan refresh is a key deliverable within the 2021/22 Council Plan.
2. In December 2021, consultation with the wider community on the vision, principles and goals was undertaken as the first significant milestone of the Urban Forest Strategic Plan Refresh project.
3. The draft Urban Forest Strategy Vision and Principles have been informed by engagement with the appointed community reference group, community advisory group, internal council staff and Councillors, and are as follows:

Vision:

Banyule's urban forest is resilient. It is thriving and people are aware and value the role of the urban forest for health and wellbeing and in making Banyule a great place to live. The urban forest is managed as an essential asset for Banyule and decisions about the urban forest are fit for place and purpose and space is provided to support greening and larger tree canopy. People work with Council and are active in the protection, management and maintenance of the urban forest.

Principles:

1. *We believe the urban forest is an essential asset for Banyule, shared by all and crucial for the health and wellbeing of the community and natural environment.*
 2. *We believe a healthy urban forest is the result of strong partnerships between Council and community.*
 3. *We act today to respond to the changing climate and to leave a positive legacy for the future community, and we act responsibly, using evidence-based practice in our leadership and management of the urban forest.*
 4. *We plan, design and deliver for the people, places and natural environments of Banyule.*
 5. *We protect and enhance the Banyule's natural environment to care for flora and fauna.*
4. This report recommends that Council endorse the draft Vision and Principles for inclusion in the Urban Forest Strategic Plan.

URBAN FOREST STRATEGY - PRINCIPLES cont'd

RECOMMENDATION

That Council:

1. Endorse the draft Urban Forest Strategic Plan Vision and Principles.
2. Acknowledge Stage Two of the project will now commence with work and consultation on the actions and targets.
3. Receive a further report in June 2022 to consider the draft Urban Forest Strategic Plan prior to broader community consultation.

COUNCIL PLAN

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

BACKGROUND

- The Community Reference Group, Banyule Environment and Climate Action Advisory Committee and Banyule Councillor group participated in workshops to assist officers draft the framework and the principles for the Urban Forest Strategy refresh.
- The framework and draft principles for the Urban Forest Strategy refresh were released for wider public consultation in January 2022 via Shaping Banyule. There were more than 100 respondents, with 72% strongly supportive of the principles.
- Analysis of feedback from the consultation (**Attachment 1**) underscored the community's desire to see council deliver better canopy and green space equity, plan for more tree species diversity, conserve and connect habitat, and develop more resilient and adaptable urban forests in the face of climate change.
- Following the feedback, officers and Mosaic Insights amended the 4 original draft principles to more specifically reference the natural environment, including the development of a fifth principle for habitat protection and connection.
- Stage Two of the project will begin following the adoption of the *Vision and Principles*. Stage 2 includes the development of the Strategies, Actions and Indicators, including consultation with the Community Reference Group, Banyule Environment and Climate Action Advisory Committee, an agency reference group (including Department of Transport and utility distributors) and internal council stakeholders.

KEY ISSUES

- Consultation highlighted the importance of indigenous vegetation species, the conservation of habitat, and the specific protection of the natural environment. The original 4 draft principles have been amended to incorporate the feedback and include a new fifth draft principle.
- The 5 draft principles better emphasise the importance of habitat, character and the natural environment. The following Definition, Vision and Principles statements reflect the consultation and workshop process.
- Urban forest Definition:

URBAN FOREST STRATEGY - PRINCIPLES cont'd

Banyule's urban forest is the trees, and greening assets, that exist in an urban area, that are strategically planned, designed, and managed and the ecosystems, soils and water that support them.

- **The Vision for the urban forest is:**

Banyule's urban forest is resilient. It is thriving and people are aware and value the role of the urban forest for health and wellbeing and in making Banyule a great place to live.

The urban forest is managed as an essential asset for Banyule and decisions about the urban forest are fit for place and purpose and space is provided to support greening and larger tree canopy.

People work with Council and are active in the protection, management and maintenance of the urban forest.

- **The Principles to frame the strategy will be:**

1. *We believe the urban forest is an essential asset for Banyule, shared by all and crucial for the health and wellbeing of the community and natural environment.*
2. *We believe a healthy urban forest is the result of strong partnerships between Council and community.*
3. *We act today to respond to the changing climate and to leave a positive legacy for the future community, and we act responsibly, using evidence-based practice in our leadership and management of the urban forest.*
4. *We plan, design and deliver for the people, places and natural environments of Banyule.*
5. *We protect and enhance the Banyule's natural environment to care for flora and fauna.*

SUPPORTING REPORT DETAILS

Legal Consideration

- The *Local Government Act 2020* directs Council to adopt an integrated approach to strategic planning and reporting whilst aligning with the overarching governance principles including the pillars of sustainability, long-term benefit and community engagement. 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.

URBAN FOREST STRATEGY - PRINCIPLES cont'd

Financial Implications

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

Community Engagement

- The draft principles have been informed by stakeholder and community engagement through; Shaping Banyule, Community Reference Group, BECAAC, internal stakeholders, agency reference group, and councillors.
- Feedback through Shaping Banyule indicates the principles are consistent with community expectations, and that there is strong community support for a meaningful balance between environmental, social and character outcomes. The views expressed through the engagement and consultation process have informed the development of the draft principles.

Key Considerations

- Stage Two of the project will commence following the adoption of the Vision and Principles. This will include preparation of the Strategies, Actions and Targets, and will involve further consultation with the Community Reference Group, Banyule Environment and Climate Action Advisory Committee, agencies reference group and internal council stakeholders.
- The final draft of the revised Urban Forest Strategy is currently planned to be presented to Council for consideration in September 2022.

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	UFS Refresh 2021-2022 - Shaping Banyule Survey on Principles - Results	

8.1 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Corporate Services

SUMMARY

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

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

Record of Meetings

1	Date of Meeting:	7/2/2022
	Type of Meeting:	Council Pre-Meeting Briefing
	<p>Matters Considered: Wallace Street, Ivanhoe - Traffic and Parking Concerns Inclusive Local Jobs Strategy 2020-2025 Annual Update Social Enterprise Strategy 2020-2025 Annual Update Advisory Committees Report - Quarter Two, 2021/22 Domestic Animal Management Plan (2022 - 2026) Council Title Project Stage 2 - Vesting of Reserves Proposed State Government Changes to ResCode 30 Fernside Avenue, BRIAR HILL - Duplex Development (P972/2021) Draft Social Infrastructure Framework Award of Contract No.1144-2021 Montmorency Village Streetscape Renewal Property Transactions Report for the six month period ending 31 December 2021 Audit & Risk Committee - Minutes from 10 December 2021 Meeting Audit & Risk Committee - Annual Report 2021 Review of Hybrid Council Meetings Adoption of Council's Investment Policy Draft Governance Local Law No.2 (2022) - Public Submissions Record of Councillor Meetings</p>	
<p>Councillors Present: Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos</p>		

RECORD OF COUNCILLOR MEETINGS cont'd

	Elizabeth Nealy
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Kerry Woods – <i>Executive & Councillors Team Leader</i> Megan Kemp – <i>Councillor Support & Civic Events</i> Nick Van – <i>Council Business Officer</i> Fletcher Coburn – <i>Governance Customer Support Officer</i> Sukhpreet Sidhu - <i>Digital Transformation and Information Officer</i> Duncan Stephen - <i>Jets Facility & Technical Administrator</i> Jay Mifsud – <i>Youth Program Officer</i> Frances Biggar - <i>Jets Creative Technical Assistant</i></p>
	<p>Others Present:</p>
	<p>Conflict of Interest:</p>

3	Date of Meeting:	14/2/2022
	Type of Meeting:	Councillor Briefing
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Latrobe University City of the Future • Ivanhoe Grammar • Strategic Budget & Capital Works Program 	
	<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>	
	<p>Staff Present:</p>	

RECORD OF COUNCILLOR MEETINGS cont'd

	<ul style="list-style-type: none"> • Megan Kemp – Councillor Support & Civic Events • Joel Elbourne, Manager Planning , Building and Laws • Karen Leeder, Manager City Futures • Gary Mills, Senior Property Projects officer • Tania O'Reilly, Manager Finance & Procurement • Greg Gale, Manager Delivery and Assets
	<p>Others Present: Latrobe University staff Professor Susan Dodds, Deputy Vice Chancellor Dr Megan Fisher, Pro Vice Chancellor Gerard Blood, Executive Director University City of the Future Kellie Watson, Community Relations Manager</p>
	<p>Conflict of Interest: Yes – Cr Peter Dimarelos – Ivanhoe Grammar Cr. Dimarelos left the meeting for the discussion on this item.</p>

4	<p>Date of Meeting: 16/2/2022</p> <p>Type of Meeting: Multicultural Committee Meeting</p>
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Multicultural Plan • Calendar of religious and cultural days • Harmony Week • Advocacy • Grants
	<p>Councillors Present: Fiona Mitsinikos</p>
	<p>Staff Present:</p> <ul style="list-style-type: none"> • Leanne Horvath - Acting Manager, Health, Aged and Community Planning • Lisa King – Community and Social Planner
	<p>Others Present:</p> <ul style="list-style-type: none"> • Linda Liwewe • Jeyarajah (Raj) Ramanathan • Naaz Fahmida • Susan Zhou • Ginger (Lan) Jiang • Suzanne Crenlin
	<p>Conflict of Interest: Nil</p>

RECORD OF COUNCILLOR MEETINGS cont'd

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil

8.2 QUARTERLY FINANCIAL MANAGEMENT REPORT - DECEMBER 2021

Author: Lorena Valencia - Senior Accountant, Corporate Services

SUMMARY

1. This Quarterly Financial Management Report is for the period ended 31 December 2021 and provides assessment of the following:
 - a. Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
 - b. Capital Works Expenditure – summary of actual spend, budget and forecast.
 - c. Investment activity – compliance against the current Investment Policy
 - d. Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements

Financial Performance:

2. As of 31 December 2021, the year to date operating deficit is \$1.46m unfavourable to budget, due mainly to the financial impact from the unexpected COVID-19 lockdowns (number 5 and 6) resulting in some council services prevented from operating and/or postponed.
3. The December forecast is projected to be a \$8.49m operating surplus compared to the adopted budget surplus of \$14.58m (\$6.09m unfavourable movement).
4. The key forecast variances are from:
 - a. the net business impact from COVID-19 lockdowns which is estimated to be \$3.68m.
 - b. Council endorsed, in August 2021, a further \$1.72m of funding of the 2021/22 Economic Support Package (initiative and operating budget) with the available provision now \$3.54m.
 - c. Expensed Capital Works project: FOGO \$1.05m and various IT projects \$0.62m (budgeted in capital works); partially offset by the savings from the temporary closure of Olympic Leisure due to the significant emergency works: \$0.35m and adjustments of departmental discretionary cost \$0.20m.
5. The 2021/22 underlying operating deficit is forecasted to be \$8.07m compared to a budgeted underlying deficit result of \$1.19m (\$6.88m unfavourable). The underlying result is determined after adjusting for non-recurrent capital grants and capital contributions which represent \$16.55m of Council's income.

QUARTERLY FINANCIAL MANAGEMENT REPORT - DECEMBER 2021 cont'd

Capital Works Performance:

6. As of 31 December 2021, a total of \$14.445m has been spent on capital works.
7. The capital works expenditure is forecast to be \$57.19m including \$10.31m of estimated carry forwards projects to the 2022/22 financial year (the adopted capital budget is \$66.75m).

RECOMMENDATION

That Council note:

1. the Quarterly Financial Management Report for the period 31 December 2021.
2. The December 2021 forecast is for Council to deliver an operating surplus of \$8.49m against the adopted budget deficit of \$14.58m for the year ended 30 June 2021.
3. The underlying operating deficit of \$8.07m is after adjusting for non-recurrent capital grants and capital contributions of \$16.55m.
4. The net cost impact on the forecast directly from COVID-19 restrictions is \$3.68m unfavourable to budget.
5. Council officers are restricting discretionary expenditure to minimise the impact from COVID-19 on the organisation's financial sustainability.

COUNCIL PLAN

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

BACKGROUND• The 31 December 2021 Financial Management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, and other key financial information.

- Material variances are explained in the attachment – refer notes (variances greater than \$0.500m are considered material).

KEY ISSUES

Financial Sustainability

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

December 2021	Net Results	Adjusted Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	4.91%	(5.30%)	2.20	73.04%	16.35%	2.54	2.38

Note: The 2021/22 Economic Support Package and COVID business impact has significantly impacted on the adjusted underlying results.

QUARTERLY FINANCIAL MANAGEMENT REPORT - DECEMBER 2021 cont'd

- The Adjusted Underlying Results measures an entity's ability to generate surplus in the ordinary course of business.
- The 'red' Adjusted Underlying Results will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the next few years. In a normal year, Council aims for 5% or greater against the ratio.
- The 'red' Internal Financing for 2021/22 measures Banyule's ability to finance capital works using cash generated by operating cash flows. The Capital works expenditure that is forecast to be funded from operating cash flow is 73.04% for 2021/22 (75% or greater is financially sustainable).
- With the COVID-19 financial impacts and forecast adjustment of Economic Support Package on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing will continue to be impacted throughout the year.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- This Quarterly Financial Management Report is for the period ended 31 December 2021 and provides assessment of the following:
 - Key income and expenditure actual operating results against budget
 - Capital Works financial performance
 - COVID-19 financial impact
 - Other key financial indicators
- The December forecast is projected to be a \$8.49m surplus compared to the adopted budget deficit of \$14.58m (a \$6.09m unfavourable movement).
- The 2021/22 underlying operating deficit is forecast to be \$8.07m compared to a budgeted underlying deficit result of \$1.19m (a \$6.88m unfavourable movement).
- As of 31 December 2021, a total of \$14.45m has been spent on capital works.

QUARTERLY FINANCIAL MANAGEMENT REPORT - DECEMBER 2021 cont'd

- The capital works expenditure is forecast to be \$57.19m (the adopted capital budget is \$66.75m).
- The economic disruption caused by COVID-19 is anticipated to have had an additional \$3.68m net financial cost impact on Council's businesses than anticipated in the adopted budget. With continued uncertainty and COVID-19 restrictions the flow on financial outcomes will continue to impact on the forecast.
- The Council's \$1.50m Economic Support Package has been reforecast to \$3.54m to include further \$1.73m of funding to support the Banyule community and local business.

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	Monthly Financial Management Report - December 2021	
2	Capital Works Monthly Update - December 2021	