

Agenda



Monday, 7 February 2022

Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

Acknowledgement of the Traditional Custodians

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

Diversity Statement

“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 6 December 2021

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9. Sealing of Documents

Nil

10. Notices of Motion

Nil

11. General Business

Public Question Time

Closure of Meeting to the Public

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

12. Confidential Matters

- 12.1 345 - 347 Bell Street, Bellfield - Setting of Reserve Price for Sale of Land

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, February 28.

2.1 WALLACE STREET, IVANHOE - TRAFFIC AND PARKING CONCERNS

Author: Janice Ng - Traffic & Transport Engineer, City Development

Ward: Chelsworth

SUMMARY

1. A petition with 27 signatures from residents of Wallace Street, Ivanhoe, was received in December 2021.
2. The petitioners outlined several traffic and parking issues and requested Council to consider:
 - a. Reducing the speed limit for the street
 - b. Closing the road
 - c. The installation of a chicane
 - d. The installation of "Residents only" parking, and
 - e. The installation of line marking to prevent vehicles encroaching into driveways.
3. A traffic speed and volume survey undertaken in 2018 along Wallace Street revealed that the road was operating like other similar roads.
4. A preliminary assessment of the petitioners' suggestions has been completed and it's been concluded that:
 - a. The road does not meet the Department of Transport (DoT) guidelines for the reduction in speed limits.
 - b. A permanent road closure along Wallace Street cannot be achieved due to existing infrastructure constraints, power poles and street trees. Any road closure would restrict safe access for waste collection vehicles.
 - c. Available data does not support the installation of speed management devices such as chicanes or speed humps.

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Notes that:
 - a. Wallace Street, Ivanhoe, does not meet the Department of Transport guidelines for the speed limit along the road to be reduced to 40km/h.
 - b. A preliminary assessment of the request for a road closure on Wallace Street, Ivanhoe, indicates that there is no suitable location where a road closure can be considered.
 - c. The most recent traffic data for Wallace Street is from 2018.

WALLACE STREET, IVANHOE - TRAFFIC AND PARKING CONCERNS cont'd

3. Refers the Petition to the Transport Team for further investigation about issues and solutions for traffic speed and volume on Wallace Street, Ivanhoe. The investigation is to occur once current and relevant traffic data is collected.
4. Refers the Petition to the Transport Team to respond to parking matters for Wallace Street, Ivanhoe, in accordance with Council's 'On-Street Parking Management Framework'.
5. Advise the primary petitioner of this resolution.

DISCUSSION

- A petition with 27 signatures from residents of Wallace Street, Ivanhoe, was received in December 2021.
- All signatories are residents of Wallace Street, Ivanhoe. While some signatories belong to the same household, it is noted that the majority of properties in the street have been noted in the petition.
- The document with the petition is included as **Attachment 1**. The petition reads as follows:

"What are our concerns? Wallace Street is very narrow and carries a large volume of traffic, owing to many people wishing to avoid busy intersections and choked traffic in the shopping area. It is known to residents, tradesmen and friends as a "rat-run". As many cars, mostly belonging to non-residents, are parked on both sides of the street during the day and at night, there is very limited width available to the through traffic (see diagram). The problem is that vehicles entering from Kenilworth Parade or Livingstone Street use excessive speed and acceleration to reach the end before another vehicle enters, which they frequently do. This creates noise and pollution, especially from large trucks, some with trailers, and creates hazards for local children and other residents crossing the road or exiting their property by car, with limited visibility of the fast approaching traffic.

We make the following suggestions to alleviate this situation:

1. *Signed speed reductions to 40kmh as in Kenilworth Parade and Livingstone Street.*
2. *Consideration of road closure either at one end or midway at the intersection of Wallace Lane and Wallace Street.*
3. *Placement of a chicane midway along the street as in similar narrow streets in Bundoora. These can slow traffic without noise and acceleration effects of speed humps.*
4. *As many residents have no car spaces on their properties, provision of "Residents only" parking spaces (Permit system) would be beneficial, with road markings indicating minimum distances from driveways, as in other areas of Banyule and other municipalities.*

We request that Council officers investigate the situation and recommend implementation of appropriate measures to improve the amenity of residents of Wallace Street, proposals to be put to residents."

WALLACE STREET, IVANHOE - TRAFFIC AND PARKING CONCERNS cont'd

Wallace Street

- Wallace Street is a local road in Ivanhoe about 250 metres from the main activity centre. It connects Livingstone Street, an arterial road with a 40km/h speed limit, and Kenilworth Parade, a local road. Figure 1 indicates its location.

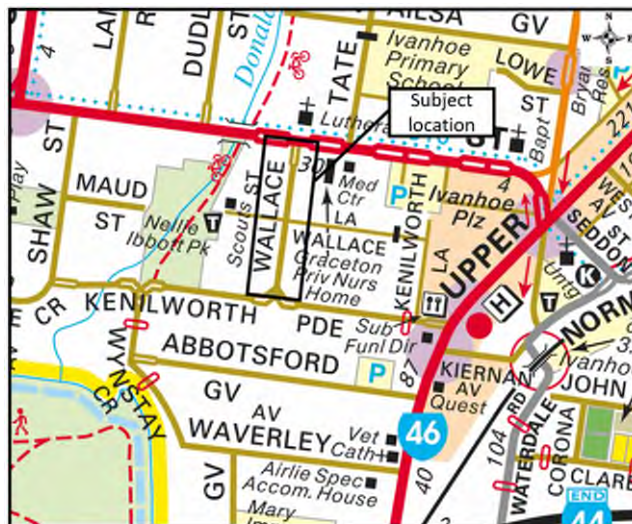


Figure 1. Wallace St, Ivanhoe - Location

- A traffic speed and volume survey undertaken in 2018 along Wallace Street indicated that the amount of traffic on the road was below its capacity and in line with what it is expected of a road of this nature (1,730 vehicles per day), and that 85% of vehicles were travelling at or below 46km/h.

Request for a reduction in speed limit

- Changing speed limits in all roads require approval from the Department of Transport (DoT). For DoT to consider reducing the speed limit to 40km/h along a road, strict DoT guidelines are required to be met. Locations which are given consideration are those adjacent to schools, areas of high pedestrian movements (such as activity centres) and/or locations that have a history of high traffic incidents.
- Wallace Street is a residential road and does not meet the DoT criteria for speed limit reductions. DoT officers have also advised that the request for a speed limit reduction along the road is unlikely to be supported.

Request for a road closure

- Permanent road closures have significant impacts on the surrounding local road network. Whilst road closures limit traffic flow along one road, they distribute the flow and put pressure on other nearby local streets and right of ways.
- Such treatments also limit access options for the residents of the street, waste collection trucks, emergency service vehicles, postal and good delivery services.
- A preliminary investigation of Wallace Street has revealed that due to existing infrastructure, including power poles and street trees along the road, there is no suitable location where a road closure can be considered whilst allowing safe turning movement areas for waste collection trucks.

WALLACE STREET, IVANHOE - TRAFFIC AND PARKING CONCERNS cont'd

Request for chicane

- The latest data available for Wallace Street indicates that motorists' speed and traffic volumes (including heavy vehicles' percentage) are reasonable and do not warrant the need for additional traffic treatments at the time.
- Given that the results are over three years old and it is acknowledged that traffic behaviour may have changed since, it is recommended that a current traffic speed and volume survey be undertaken to determine the need for any additional infrastructure or intervention.

Request for parking restrictions and line marking

- For vehicles to be permitted to park on both sides of the road, whilst maintaining 3 metres of space for emergency service vehicles to pass, a road is required to be at least 7.2 metres wide.
- As part of the documents provided in support of the Petition includes a diagram titled Figure 2, which shows the road to be 6.7 metres wide. It is not clear whether this width has been measured to include the width of the channel on both sides. The road's width is required to be measured from the face of kerb to the face of kerb.
- Measurements taken by Officers along Wallace Street indicate the road width to be to 7.4 metres from the face of kerb to the face of kerb (including the road channels). Accordingly, the road is wide enough for parking to occur on both sides whilst maintaining a 3-metre gap for vehicles to safely pass.
- The installation of driveway delineation line marking may result in the overall reduction of car parking spaces in the street as any marks would need to meet standards. Some locations where currently two small vehicles may be able to be parked, may result in being marked to allow only for one vehicle. The reduction in parking would not assist with the concerns in the Petition which indicate the request for more parking availability as it is suggested that many residents do not have adequate off-street parking available.
- To ensure that a consistent, equitable and balanced approach to the management of on-street public car parking is maintained, Council's On-Street Parking Management Framework provides a clear process for introducing on-street parking restrictions.
- It is recommended that this request be referred to the Transport Team for investigation and response in accordance with the On-Street Parking Management Framework.

ATTACHMENTS

No.	Title	Page
1	Wallace Street, Ivanhoe - Petition	

3.1 INCLUSIVE LOCAL JOBS STRATEGY 2020-2025 ANNUAL UPDATE

Author: Jane Nixon - Strategic Development Officer, Community Programs

Previous Items

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

Council on 18 Nov 2019 7.00pm (Item 3.3 - Banyule's Inclusive Employment Program and Local Jobs Strategy)

Council on 21 September 2020 (Item 3.2 - Adoption of Inclusive Local Jobs Strategy & Action Plan 2020-2025)

SUMMARY

1. A review of year 1 of Council's Inclusive Local Jobs Strategy & Action Plan 2020-2025 has been completed.
2. Despite Covid-19 impacts, key initiatives implemented have facilitated the creation of 62 local job outcomes for local people experiencing barriers to employment.
3. Collectively, alongside the Social Enterprise Strategy in 2020/2021 FY a total of 184 local job outcomes were created. This is the first year of the strategy implementation and is tracking well against the 1000 job target by 2025.
4. At the Council meeting on 18th November Council resolved to fund the employment of an Inclusive Employment Facilitation Officer role until June 2022 to support the delivery of the Inclusive Local Jobs Strategy.
5. Council's target of creating 1000 jobs will not be met without the continued support of the Inclusive Employment Facilitation Officer role. Council is requested to consider temporary funding for this role to the end of June 2025 in line with the adopted Inclusive Local Jobs Strategy & Action Plan 2020-2025.

RECOMMENDATION

That Council:

1. Notes the continued achievements of the Inclusive Local Jobs Strategy & Action Plan 2020-2025 and the year one key achievements.
2. Receive an annual report with an update regarding year 2 achievements of the Inclusive Local Jobs Strategy & Action Plan 2020-2025.
3. Reconfirms Council's support for the Inclusive Local Jobs Strategy & Action Plan 2020-2025 and approves the continuation of the temporary Inclusive Employment Facilitation Officer role until June 2025 and refers funding of \$103,594-\$112,626 at Band 6 EFT to the 2022/23 budget process.

INCLUSIVE LOCAL JOBS STRATEGY 2020-2025 ANNUAL UPDATE cont'd

COUNCIL PLAN

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

BACKGROUND

- At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed to creating 100 local jobs for local people within a three-year period. This led to the formation of a Social Enterprise & Local Jobs business unit and the creation of 102 local job outcomes by 2020 – realising target one year ahead of schedule. These opportunities helped many people to change their lives, build confidence and skills, expand their connections, contribute to a stronger economy, and achieve greater economic independence and security for themselves, their families and their community.
- This led to the establishment of an Inclusive Local Jobs Strategy & Action Plan 2020-2025 which was adopted in September 2020. The Strategy & Action Plan embeds and builds on the momentum and strategic leadership of Council's existing efforts to innovatively address inequalities of access to employment and stimulate local job outcomes for local people experiencing barriers to employment.
- Collectively, the Inclusive Local Jobs Strategy and Social Enterprise Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025.
- This report highlights the key achievements of the Inclusive Local Jobs Strategy & Action Plan in the 2020/2021 FY, **Attachment 1**. Note that the strategy was formally adopted by Council in September 2020, however work was being done to achieve outcomes ahead of this adoption date and this report will include data from July 2020 onwards. This report also includes the key achievements listed in the Inclusive Local Jobs Strategy & Action Plan 2020-2021, **Attachment 2**.

KEY ISSUES

Inclusive Local Jobs Strategy & Action Plan – Year 1 (2020/21FY)

- In year 1, the Inclusive Local Jobs Strategy & Action Plan facilitated the creation of 62 local job outcomes for people facing barriers to employment. Collectively, alongside the Social Enterprise Strategy & Action Plan 184 local job outcomes were created in 2020/2021 FY. This is tracking well against the aspirational target of creating 1000 job outcomes by 2025.
- The Covid-19 pandemic had significant impact on the delivery of the strategy. The impact of Covid lockdowns on local industries and high unemployment saw a reduced opportunity and appetite to create inclusive employment opportunities and restrictions meant key events could not go ahead or were delivered in a modified capacity. Despite these challenging circumstances, good outcomes were still achieved.

INCLUSIVE LOCAL JOBS STRATEGY 2020-2025 ANNUAL UPDATE cont'd

The key outcomes from the Inclusive Local Jobs Strategy & Action plan in 2020/2021 FY are:

- A partnership with Working for Victoria provided 22 employment outcomes for vulnerable people at Banyule City Council who has lost their jobs as a result of Covid impacts.
- 25 employment opportunities were created through the Inclusive Employment Program. 11 people completed the program, 8 secured transitional pathways and 6 casual employment opportunities were created.
- Additionally, 3 external employment opportunities and 2 internal employment opportunities were supported and brokered for Inclusive Employment Program Alumni.
- The establishment of the cafe lease at Ivanhoe Library & Cultural Hub with the Peter Rowland Group. This facilitated the creation of 6 employment opportunities and 2 training opportunities.

Inclusive Employment Facilitation Officer Role

- At the Council meeting on 18th November Council resolved to fund the employment of an Inclusive Employment Facilitation Officer role until June 2022 to support the delivery of the Inclusive Local Jobs Strategy.
- The Inclusive Employment Facilitation Officer continues to play a key role in activating Council's Inclusive Local Jobs Strategy & Action Plan. Achievements of this role to date that are:
 - Supporting employers to create inclusive employment programs and opportunities. This has included the Peter Rowland Group's café at the Ivanhoe Library & Cultural Hub, Brotherhood of St Laurence traineeship.
 - Development of the Inclusive Employment Program Toolkit for the local government sector based on Council's award-winning program.
 - Established an MoU with a major infrastructure project which has committed to employing at least 50 people and utilising the Inclusive Employment Program as a primary conduit to achieving this target.
 - Built relationships with multiple local employers including Healthlink, YMCA, Cleaning Melbourne, WaterMarc & Austin Health.
 - Supported the delivery of the Inclusive Employment 2020/2021 FY Program. Due to Covid impacts the timing of program delivery was delayed and significant work was required to adjust the program to ensure it was delivered in a Covid-Safe format, while still creating impactful outcomes for program participants. The Inclusive Employment Facilitation Officer supported the design and delivery of this modified program, and the program would not have been delivered without this role.
- Council's target of creating 1000 jobs will not be met without this role. The role is currently activating Council's existing commitment to develop an Inclusive Jobs Service. This new service will provide tailored support for local businesses to create inclusive employment opportunities for local people facing barriers to employment; with a target of creating 110 employment outcomes over the life of the strategy. Therefore, Council consideration of funding this role to continue to the deliver on the Inclusive Local Jobs Strategy & Action Plan 2020-2025 is

INCLUSIVE LOCAL JOBS STRATEGY 2020-2025 ANNUAL UPDATE cont'd

sought. The cost of one full-time temporary Band 6 EFT Inclusive Employment Facilitation Officer role inclusive of on costs (\$103,594 - \$112,626 p.a.) is sought until June 2025.

Next steps:

- A monitoring and evaluation framework has been developed, with success gauged against key outcomes. This is an ongoing monitoring and evaluation process and required an annual review of all key initiatives. The completed annual report is attached. Only minor changes to key initiatives of the Action Plan have been made to support the operational delivery; these changes will help mitigate any further Covid-19 impacts.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities Act 2006.
- The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people, those from culturally and linguistically diverse backgrounds and LGBTIQ+.

Sustainable Procurement Outcomes

- Any items to be procured by Council in the delivery of the Inclusive Local Jobs Strategy & Action Plan will be sought from social benefit and/or local suppliers, where possible.

Financial Implications

- Funding of the Inclusive Employment Facilitation Officer role is due to cease on June 30, 2022. To continue the delivery of Councils' Inclusive Employment Strategy & Action Plan 2020-2025, Council is to consider endorsing this existing temporary band 6 EFT for a further three years. Total salaries and on costs are \$103,594-\$112,626 p.a. This role plays a crucial role in supporting the creation of inclusive employment opportunities locally.

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.

INCLUSIVE LOCAL JOBS STRATEGY 2020-2025 ANNUAL UPDATE cont'd

ATTACHMENTS

No.	Title	Page
1	Inclusive Local Jobs Strategy & Action Report 2020-21 FY	
2	Inclusive Local Jobs Strategy & Action Plan Key Achievements 2020/21	

3.2 SOCIAL ENTERPRISE STRATEGY 2020-2025 ANNUAL UPDATE

Author: Jane Nixon - Strategic Development Officer, Community Programs

Previous Items

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

Council on 21 September 2020 (Item 3.1 - Adoption of Social Enterprise Strategy & Action Plan 2020-2025)

SUMMARY

1. A review of year 1 of Council's Social Enterprise Strategy & Action Plan has been completed.
2. Despite Covid-19 impacts, key initiatives implemented have facilitated the creation of 122 local job outcomes for local people experiencing barriers to employment.
3. Collectively, alongside the Inclusive Local Jobs Strategy in 2020/2021 FY a total of 184 local job outcomes were created. This is the first year of the strategy implementation and it is tracking well against the 1000 job target by 2025.

RECOMMENDATION

That Council:

1. Notes the continued achievements of the Inclusive Local Jobs Strategy & Action Plan 2020-2025 and the year one key achievements.
2. Receive an annual report with an update regarding year 2 achievements of the Social Enterprise Strategy & Action Plan 2020-2025.

COUNCIL PLAN

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

BACKGROUND

- At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed to creating 100 local jobs for local people within a three-year period. This led to the formation of a Social Enterprise & Local Jobs business unit and the creation of 102 local job outcomes by 2020 – realising target one year ahead of schedule. These opportunities helped many people to change their lives, build confidence and skills, expand their connections, contribute to a stronger economy, and achieve greater economic independence and security for themselves, their families and their community.

SOCIAL ENTERPRISE STRATEGY 2020-2025 ANNUAL UPDATE cont'd

- This led to the establishment of a Social Enterprise Strategy & Action Plan 2020-2025 which was adopted in September 2020. The Strategy & Action Plan embeds and builds on the momentum and strategic leadership of Council's existing efforts to innovatively address inequalities of access to employment and stimulate local job outcomes for local people experiencing barriers to employment.
- Collectively, the Inclusive Local Jobs Strategy and Social Enterprise Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025.
- This report highlights the key achievements of the Social Enterprise Strategy and Action Plan in the 2020/2021 FY, **Attachment 1**. Note that the strategy was formally adopted by Council in September 2020, however work was being done to achieve outcomes ahead of this adoption date and this report will include data from July 2020 onwards. This report also includes the key achievements listed in the Social Enterprise Strategy & Action Plan, 2020- 2021, **Attachment 2**.

KEY ISSUES

- The Social Enterprise Strategy facilitated the creation of 122 job outcomes for people facing barriers to employment. Collectively, alongside the Inclusive Local Jobs Strategy 184 job outcomes were created in 2020/2021 FY. This is tracking well against the aspirational target of creating 1000 job outcomes by 2025.
- Covid-19 significantly impacted local social enterprises. Extended lockdowns and public health direction saw a significant decrease in customer numbers and periods of closure. Capacity limits also saw a reduction in staff and trainees and created an environment of uncertainty and constant change. Despite these challenges, great outcomes were still achieved.

The key outcomes from the Social Enterprise Strategy & Action plan in 2020/2021 FY are:

- The Social Enterprise Partnership Program continued to provide outcomes in 2020/2021. The partnership program has 3 active partnerships including:
 - Chancez Café
 - Community Grocer
 - The Little Social at Rosanna Train Station
- The establishment of the Little Social partnership at Rosanna Train Station facilitated the creation of:
 - 42 local job opportunities for vulnerable community members.
 - 80 local pathways to employment for vulnerable community members.
- By working across Council to facilitate opportunities for social enterprises to deliver value for Council and address identified local social issues, a café opportunity at Bellfield Community Hub was identified as a new shared value project.

SOCIAL ENTERPRISE STRATEGY 2020-2025 ANNUAL UPDATE cont'd

- During this report period the Social Enterprise Officer had 25 appointments for social enterprise support with existing and emerging social enterprises in Banyule.

Next steps:

- A monitoring and evaluation framework has been developed, with success gauged against key outcomes. This is an ongoing monitoring and evaluation process and required an annual review of all key initiatives. The completed annual report is attached. Only minor changes to key initiatives have been made to support the operational delivery of the Action Plan; these changes will help mitigate any further Covid-19 impacts.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities Act 2006.
- The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people, those from culturally and linguistically diverse backgrounds and LGBTIQ+.

Sustainable Procurement Outcomes

- Any items to be procured by Council in the delivery of the Social Enterprise Strategy & Action Plan will be sought from social benefit and/or local suppliers, where possible.

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Social Enterprise Strategy & Action Plan Report 2020-21 FY	
2	Social Enterprise Strategy & Action Plan Key Achievements 2020-21	

3.3 *ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22*

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

SUMMARY

1. Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective focus.
2. Advisory Committees provide important linkages between Council, Community, State agencies and interest groups. Following an Advisory Committee meeting, a report will be submitted to Council to note the minutes and consider any issues raised by the committees.
3. The following Minutes are presented for noting:
 - Inclusive Banyule Advisory Committee
 - Reconciliation Action Plan Advisory Committee
 - Arts and Culture Advisory Committee
 - Multicultural Committee
 - Disability and Inclusion Committee
 - LGBTIQ+ Committee
4. The LGBTIQ+ Committee at its meeting held in October 2021 recommended that Council consider adding an 'A' to the acronym which becomes known as 'LGBTIQA+'. The new acronym will not come into effect until the new Plan is adopted in 2022. Endorsement of the inclusion of the 'A' will ensure that the ACE community is included and reflected in the development of the new Plan. However, it is being requested that Council endorses the inclusion of the 'A' so that the Asexual and Aromatic (ACE) community is included and reflected in the development of the new Plan.

RECOMMENDATION

That Council:

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

ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22 cont'd

2. Endorses the recommendation from the Banyule LGBTIQ+ Committee that the 'A' (representing Asexual and Aromatic) be added to the acronym which becomes known as 'LGBTIQA+.

COUNCIL PLAN

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

BACKGROUND

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

KEY ISSUES

1.	<p>Report/Committee Name: Inclusive Banyule Advisory Committee</p> <p>Brief explanation: The aim of the Inclusive Banyule Advisory Committee is to deliver on Council’s ongoing and embedded commitment to social justice and inclusion. The committee brings together policy, practice and lived experience to work cooperatively on social inclusion issues. The Committee identifies issues for advocacy and works with Council to identify future policy issues and addresses the ongoing impacts of COVID-19 on social inclusion and considers social justice and equity in the community.</p> <p>The Inclusive Banyule Advisory Committee met on 5 November 2021 online. The minutes from this meeting are in Attachment 1.</p> <p>The meeting was chaired by Cr Mark Di Pasquale and 16 committee members attended.</p> <p>The Committee discussed the purpose of the Committee, the Inclusive Banyule Framework, Inclusive Banyule Mapping, and the rationale for social inclusion. Population Advisory Committee updates were provided for the Reconciliation Action Plan, Age-Friendly, Disability and Inclusion, LGBTIQ+ and Multicultural committees.</p> <p>There were no formal recommendations arising from this meeting.</p>
2.	<p>Report/Committee Name: Inclusive Banyule Advisory Committee</p> <p>Brief explanation: As per Report 1.</p> <p>The Inclusive Banyule Advisory Committee met on 26 November 2021 online. The minutes from this meeting are in Attachment 2.</p> <p>The meeting was chaired by Cr Elizabeth Nealy and 16 committee members attended.</p> <p>The Committee discussed the Twelve-month focus and completed a mapping exercise regarding social connection and mental wellbeing.</p>

ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22 cont'd

	<p>Hannah Duncan- Jones from Housing Victoria presented to the Committee about statistics and projects to address social housing in Banyule and surrounding areas. Helen Riseborough from Women's Health in the North presented the strategic direction of Women's Health in the North, including key drivers, actions in the prevention of violence against women and family violence and synergies with the Committee.</p> <p>There were no formal recommendations arising from this meeting.</p>
3.	<p>Report/Committee Name: Reconciliation Action Plan Advisory Committee</p> <p>Brief explanation: The aim of the Reconciliation Action Plan (RAP) Advisory Committee is to provide Council with advice and information on inclusion, access and equity issues facing Aboriginal and Torres Strait Islander communities and to oversee the development of Council's <i>Innovate</i> RAP between September 2020 and September 2022.</p> <p>The Reconciliation Action Plan Advisory Committee met on 10 November 2021 online. A report of this meeting is in Attachment 3.</p> <p>The meeting was chaired by Cr Peter Dimarelos and nine committee members attended.</p> <p>The Committee discussed the RAP Advisory Group Co-Chair, RAP priority actions, and received a Barrbunin Beek update.</p> <p>There were no formal recommendations arising from this meeting.</p>
4.	<p>Report/Committee Name: Arts and Culture Advisory Committee</p> <p>Brief explanation: The aim of the Arts and Culture Advisory Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the strategic development of arts, culture and heritage planning, policy and development.</p> <p>The Arts and Culture Advisory Committee met on 4 November 2021 online. A report of this meeting is in Attachment 4.</p> <p>Cr Elizabeth Nealy chaired the meeting and Cr Dimarelos also attended. Ten committee members were in attendance.</p> <p>The Committee discussed the Art Collection Working Group, Covid Roadmap, Council Plan 2021-2025 and upcoming events.</p> <p>There were no formal recommendations arising from this meeting.</p>
5.	<p>Report/Committee Name: Multicultural Committee</p> <p>Brief explanation: The aim of the Multicultural Committee is to provide Council with advice and information on the evolving context of multiculturalism, and on inclusion, access, equity and human rights issues, barriers and challenges facing, the opportunities available to, and the aspirations of, multicultural communities in Banyule.</p> <p>The Multicultural Committee met on 20 October 2021 online. A report of this meeting is in Attachment 5.</p>

ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22 cont'd

	<p>Cr Fiona Mitsinikos chaired the meeting and eleven committee members attended.</p> <p>The Committee discussed the Multicultural Plan update, Covid-19 support for multicultural communities, cultural events, and consultation.</p> <p>There were no formal recommendations arising from this meeting.</p>
6.	<p>Report/Committee Name: Banyule Disability and Inclusion Committee</p> <p>Brief explanation: The aim of the Disability and Inclusion Committee is to provide Council with disability, inclusion, access, equity and human rights advice and information on the evolving context of disability, and on the issues, barriers and challenges facing, the opportunities available to, and the aspirations of, people with disabilities in Banyule.</p> <p>The Banyule Disability and Inclusion Committee met on 24 November 2021 online. A report of this meeting is in Attachment 6.</p> <p>Cr Rick Garotti chaired the meeting. Thirteen committee members attended.</p> <p>The Committee discussed the Council updates, Summary of 1:1 member meetings, and the Disability Action Plan.</p> <p>There were no formal recommendations arising from this meeting.</p>
7.	<p>Report/Committee Name: LGBTIQ+ Committee</p> <p>Brief explanation: The aim of the LGBTIQ+ Committee is to provide Council with advice and information on inclusion, access and equity issues facing the LGBTIQ+ community, and on the implementation and review of Council's LGBTIQ+ Plan.</p> <p>The LGBTIQ+ Committee met on 21 October 2021 online. A report of this meeting is in Attachment 7.</p> <p>Cr Peter Castaldo chaired the meeting. Ten committee members attended.</p> <p>The Committee discussed adding the A to the acronym, public/ gender neutral toilets, members update, advocacy items and LGBTIQ+ Action Plan engagement. Guest speaker Paul Byrne-Moroney, Director of Intersex Human Rights Australia, spoke about his work as a former committee member, Intersex Awareness Day and advocacy about human rights for Intersex people.</p> <p>The Committee made the following formal recommendation:</p> <p>That Council endorse the 'A' being added to the acronym which becomes known as 'LGBTIQA+'. The new acronym will not come into effect until the new Plan is adopted in 2022. However, Council endorses the inclusion of the 'A' so that so that the ACE community is included and reflected in the development of the new Plan</p> <p>Recommendation background: 'LGBTIQ+' is an evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning. The '+' refers to the inclusion of other terms (such as non-binary and pansexual) that people use to describe their experiences of their gender, sexuality and physiological sex characteristics. There is considerable</p>

ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22 cont'd

	<p>diversity in the community, and terminology is complex, dynamic and contested.</p> <p>The LGBTIQ+ Committee in October 2021 recommended that Council consider adding an 'A' to the acronym, which stands for 'Asexual' and 'Aromantic' or shortened to ACE. Asexual is not feeling a sexual attraction, but people can still feel romantic attraction. Aromantic is not feeling romantic desire. There is a spectrum and overlap between these.</p> <p>Many organisations are adding the 'A' to their acronym in recognition of this group, as ACE can be an isolating experience. However, it is also important that steps to ensure that the ACE community are included, so that the addition of the 'A' to the acronym is meaningful.</p>
8.	Report/Committee Name: LGBTIQ+ Committee
	<p>Brief explanation: As per report 7.</p> <p>The LGBTIQ+ Committee met on 2 December 2021 online. A report of this meeting is in Attachment 8.</p> <p>Cr Alison Champion chaired the meeting. Ten committee members attended.</p> <p>The Committee discussed Updates from Council, Updates from members, Update from the Inclusive Banyule Advisory Committee representative, Advocacy and completed an Engagement Session.</p> <p>There were no formal recommendations arising from this meeting.</p>

SUPPORTING REPORT DETAILS

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

Human Rights Charter

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

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

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

ADVISORY COMMITTEES REPORT - QUARTER TWO, 2021/22 cont'd

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Inclusive Banyule Advisory Committee - Minutes - November 5 2021 Meeting	
2	Inclusive Banyule Advisory Committee - Minutes - November 26	
3	Reconciliation Action Plan (RAP) Advisory Committee Minutes - 10 November 2021	
4	Banyule Arts and Cultural Advisory Committee - BACAC - Meeting Minutes - 4 Nov 2021	
5	Multicultural Committee - Minutes - 20 October 2021.docx	
6	BDIAC - Meeting 24 November 2021 - Minutes	
7	FINAL Minutes Banyule LGBTIQ+ Committee - 21 October 2021	
8	FINAL Minutes LGBTIQ+ Committee 2.12.2021.docx	

3.4 DOMESTIC ANIMAL MANAGEMENT PLAN (2022 - 2026)

Author: Justine Busuttill - Acting Coordinator Municipal Laws, City Development

SUMMARY

1. As a requirement under Section 68A *Domestic Animals Act*, all Councils are required to develop a four-year Domestic Animal Management (DAM) Plan. The adopted plan is to be provided to the Department of Economic Development, Jobs Transport and Resource (DEDJTR).
2. The draft DAM Plan was placed on public consultation on Shaping Banyule on two occasions (September and November 2021) and six submissions were received.
3. The DAM Plan is to be reviewed annually and amended accordingly.
4. The DAM Plan sets out methods for evaluating Banyule's service, a program for training Authorised Officers and existing Local Laws and orders relevant to the management of domestic animals in Banyule.
5. The DAM Plan also outlines Banyule's programs and strategies to;
 - Promote and encourage responsible pet ownership
 - Ensure compliance under relevant Acts, regulations and legislation
 - Minimise dog attacks on people and animals
 - Address overpopulation and euthanasia rates
 - Encourage registration and identification
 - Minimise the potential for pets to create a nuisance
 - Effectively identify all dangerous, menacing and restricted breed dogs and ensure they are kept in compliance
 - Manage Domestic Animal Business registration
6. The report also sets out a number of highlights from the period of the previous DAM plan including the implementation of an online pet registration service.

RECOMMENDATION

That Council:

1. Approve and adopt the Domestic Animal Management Plan 2022 – 2026.
2. Forward a copy of the adopted 2022-2026 Domestic Animal Management Plan to the Department of Economic Development, Jobs, Transport and Resources by the due date 28 February 2022.

DOMESTIC ANIMAL MANAGEMENT PLAN (2022 - 2026) cont'd

COUNCIL PLAN

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

BACKGROUND

- The 2022-2026 DAM Plan will be the fourth plan for Banyule City Council with the last Plan having expired Dec 2021. Due to Covid-19 restrictions and lockdowns, the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) provided an extension until 28 February 2022.
- The period of operation for the next four-year Plan will be from 2022-2026.

KEY ISSUES

- Responsible Pet Ownership – the proposed DAM Plan 2022-2026 continues to focus on and promote the importance of pet registration within the community and de-sexing of both cats and dogs.
- Implementing procedures for dealing with nuisance complaints – such as; barking dogs, dog poo litter, cats/dogs at large within the community and the use of technology to better manage complaints.
- Dog attacks and managing restricted breeds and dangerous dogs – the proposed DAM Plan 2022-2026 continues to promote and support prompt action to ensure critical compliance and to reduce incidents that can lead to attacks within the community.
- Overpopulation of dogs and cats and euthanasia rates – the proposed DAM Plan 2022-2026 continues to support Council by working with pound contractors to support rehoming and adoption options to assist with a reduction of euthanasia rates.

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.

DOMESTIC ANIMAL MANAGEMENT PLAN (2022 - 2026) cont'd

Highlights and Continuous Improvement

- The following highlights from the previous DAM Plan period include:
 - The development and implementation of an online eServices Animal Registration Application and Animal Renewal lodgement platform. This is a significant and welcomed process improvement that has provided an efficient, streamlined and online service for the community to register and renew pet registration without having to visit Council Offices during Covid-19 lockdowns. The online service has provided a platform for the community to provide payment online with additional internal enhancements to automate operational processes to deliver better value to customers and employees.
 - Installation of additional 'Responsible Dog Ownership' signage in open spaces and parks.
 - Proactive promotion of responsible pet ownership within the community and reduction in animal impounds.

Community Engagement

- A significant component of preparing the proposed DAM Plan 2022-2026 was to engage with the community and industry professionals to encourage feedback throughout the process. The draft DAM Plan 2022-2026 was advertised via 'Shaping Banyule' and included mailouts to key stakeholders such as; Vet Clinics within Banyule, Dog Obedience Clubs, Dogs Victoria, Australian Pound Reform Alliance and registered pet owners within Banyule City Council.
- All submissions, comments and feedback have been considered and incorporated in finalising the current proposed Plan.
- Key Themes of submissions received included support for introduction of a 'Cat Curfew' and removal of off-leash parks.
- It is noted that a 'Cat Curfew' is not recommended having regard to enforcement practicality, effectiveness and resourcing implications and that the DAM Plan instead focuses on de-sexing and education.

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	Draft Domestic Animal Management Plan 2022-2026	

4.1 COUNCIL TITLE PROJECT STAGE 2 - VESTING OF RESERVES

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

Previous Items

Councillor Briefing on 16 August 2018 (Item 2018/218 - Council Title Project - Stage 2)

Councillor Briefing on 11 June 2020 (Item 2020/138 - Council Title Project - Stage 2 Update)

SUMMARY

1. Land Use Victoria (LUV) invited Council to participate in Stage 2 of the Council Title Project in May 2018.
2. The aim of the project is to tidy and formalise the ownership arrangements of road and reserve titles created prior to the *Subdivision Act 1988* (the Act).
3. LUV provided a data extract of 1736 roads and 126 reserve titles within Banyule where Council is not the registered proprietor. An assessment was undertaken of each title to determine which reserves are maintained by Council and which were roads under the meaning of the *Road Management Act 2004*. The assessment determined which titles should be vested in Council or another authority via consultation with internal stakeholders.
4. The purpose of this report is to consider the vesting into Council's name the titles to reserves currently in the name of the original subdivider.

RECOMMENDATION

That Council:

1. Being of the opinion that land shown in column 1 of the table below is required for the corresponding purpose shown in column 2 now directs that the statutory procedures be commenced under Part 4 of the *Planning and Environment Act 1987* and section 24A of the *Subdivision Act 1988* to authorise, by permit, the vesting of the land shown in column 1 of the table below in Council's name and retaining the land for the purposes shown in column 2.

Column 1 (address)	Column 2 (purpose)
2B Doidge St, Bundoora	Reserve No 1 for Tree Plantation
Intersection of Morwell Ave & Greenwood Dr, Watsonia - North bound	Reserve No 1 for Park Reserve
56-62 Wungan St, Macleod	Reserve No 1 for Plantation
16A Stuart Terrace. St Helena Settlers Park	Reserve No 2 for Drainage and Sewage
12 St Clems St, St Helena	Reserve No 1 for Drainage and Sewage
31A Rockbeare Grove, Ivanhoe	Reserve No 1 for Drainage
6 Short Street, Macleod	Reserve No 1 for Drainage and Sewage

COUNCIL TITLE PROJECT STAGE 2 - VESTING OF RESERVES cont'd

5A Woodlands Rise, Macleod	Reserve No 2 for Drainage and Sewage
28A Jones Crescent, Rosanna	Reserve No 1 for Drainage and Sewage
175 Ford Street, Ivanhoe	Reserve No 1 for Drainage and Sewage
11 Fairbank Way, Viewbank (part)	Reserve No 2 for Public Resort and Recreation
12 Anderson Parade, Bundoora	Reserve No 1 for Recreational Purposes
16A Simms Road, Greensborough	Reserve No 1 for Drainage and Sewage
4 Burns Court, Eltham North	Reserve No 2 for Municipal Purposes
9 Vanessa Court, St Helena	Reserve No 2 for Municipal Purposes
266 St Helena Rd, St Helena	Reserve No 3 for Plantation
270 St Helena Rd, St Helena	Reserve No 4 for Plantation
6A Atkins Avenue, Watsonia North	Reserve No 1 for Public Resort and Recreation
288 Upper Heidelberg Road, Ivanhoe	Reserve No 1 for Drainage
74A Reichelt Avenue, Montmorency	Reserve No 8 for Drainage

COUNCIL PLAN

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

BACKGROUND

- Certificate of Title to roads and reserves created prior to the Act were issued to the developer despite the intention to vest in Council's name or another authority.
- Until the introduction of the *Subdivision Act* in 1988, there was no automatic recording on title by Land Registry of Council's entitlement to be registered as proprietor of such reserves.
- LUV provided a data extract of all road and reserve titles within Banyule where Council is not the registered proprietor. Roads under the meaning of the *Road Management Act 2004* have been vested in Council already under S59 of the *Transfer of Land Act 1958* (TLA).
- The reserves are parcels of land for which Council acts as the owner and in most instances, Council maintains the reserves as part of its cyclical maintenance program.
- LUV, despite having previously advised that Reserves would also be vested in Council under S59 of the *TLA* have decided that S24A of the *Subdivision Act* is more appropriate. Council must now create a text only plan of subdivision for batches of 20 Reserves and submit for planning permit. Public advertising will need to be undertaken.

KEY ISSUES

- It is in Council's best interest to obtain title to reserves created in subdivisions prior to 1988 through procedures under s 24A of the *Subdivision Act 1988*.
- The process involves:
 1. Investigating the title.

COUNCIL TITLE PROJECT STAGE 2 - VESTING OF RESERVES cont'd

2. Engaging a surveyor to prepare a text only plan of subdivision under Section 24A of the *Subdivision Act*.
 3. Applying for a planning permit.
 4. Obtaining a planning permit with appropriate conditions.
 5. Obtaining a certified plan.
 6. Applying to the Land Registry for registration of the Plan.
- The vesting process is proposed to be undertaken in phases. The first phase involves obtaining title to the 20 reserves listed below.

Address (Column 1)

Purpose (Column 2)

2B Doidge St, Bundoora	Reserve No 1 for Tree Plantation
Intersection of Morwell Ave & Greenwood Dr, Watsonia - North bound	Reserve No 1 for Park Reserve
56-62 Wungan St, Macleod	Reserve No 1 for Plantation
16A Stuart Terrace. St Helena Settlers Park	Reserve No 2 for Drainage and Sewage
12 St Clems St, St Helena	Reserve No 1 for Drainage and Sewage
31A Rockbeare Grove, Ivanhoe	Reserve No 1 for Drainage
6 Short Street, Macleod	Reserve No 1 for Drainage and Sewage
5A Woodlands Rise, Macleod	Reserve No 2 for Drainage and Sewage
28A Jones Crescent, Rosanna	Reserve No 1 for Drainage and Sewage
175 Ford Street, Ivanhoe	Reserve No 1 for Drainage and Sewage
11 Fairbank Way, Viewbank (part)	Reserve No 2 for Public Resort and Recreation
12 Anderson Parade, Bundoora	Reserve No 1 for Recreational Purposes
16A Simms Road, Greensborough	Reserve No 1 for Drainage and Sewage
4 Burns Court, Eltham North	Reserve No 2 for Municipal Purposes
9 Vanessa Court, St Helena	Reserve No 2 for Municipal Purposes
266 St Helena Rd, St Helena	Reserve No 3 for Plantation
270 St Helena Rd, St Helena	Reserve No 4 for Plantation
6A Atkins Avenue, Watsonia North	Reserve No 1 for Public Resort and Recreation
288 Upper Heidelberg Road, Ivanhoe	Reserve No 1 for Drainage
74A Reichelt Avenue, Montmorency	Reserve No 8 for Drainage

SUPPORTING REPORT DETAILS

Legal Consideration

- There are various pieces of legislation that provide Council with mechanisms to achieve a transfer of legal ownership. These include Section 24A of the *Subdivision Act* 1988 and Sections 45, 54, 59 and 60 of the *Transfer of Land Act* 1958. The choice is generally dictated by the status of the land (on title) and what (if any) statute or statutory procedures have vested the land in Council's name or common law rights which may have accrued in favour of Council.

COUNCIL TITLE PROJECT STAGE 2 - VESTING OF RESERVES cont'd

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

- Financial expenses will be incurred for investigation of title, preparation of the plan of subdivision, application for a planning permit and potentially applying to Land Registry for registration of the Plan.

Community Engagement

- The process will be driven by the requirements of the planning scheme which require a planning permit and may require public advertising.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

5.1 **PROPOSED STATE GOVERNMENT CHANGES TO RESCODE**

Author: David Moon - Development Planning Coordinator, City Development

SUMMARY

1. The Department of Environment, Land Water and Planning (DELWP) released the *Improving the operation of ResCode* discussion paper in November 2021 and have sought feedback on the proposed changes. The paper outlines a new assessment model and how it may be applied to ResCode across all local planning schemes in Victoria.
2. ResCode is the Planning Scheme key tool for assessing multi dwelling applications planning proposals as well as dwellings and some extensions on lots less than 500 sq. metres. ResCode currently includes a number of links to Banyule's Residential Neighbourhood Character Strategy.
3. The consultation period did not provide an opportunity for a report to be provided to Council and a submission was provided to DEWLP on 21 December 2021.
4. The officer submission raises a number of concerns in relation to the proposed changes where it is considered that the changes are underpinned by a narrow view of neighborhood character resulting in a policy gap where less weight will be given to Banyule's Neighbourhood Character Strategy in the Planning Scheme with a lack of detail as to whether there will be any transition or grace to bridge this gap.
5. Fundamentally, it is considered that the proposed changes will be problematic for councils who place high levels of importance on neighbourhood character outcomes and have invested in Neighbourhood Character Strategies set out in Planning Scheme Local Policy to support appropriate outcomes.
6. If councils are given adequate transitional timeframes and support from DEWLP, there is an opportunity to achieve a strong neighbourhood character position in the Planning Scheme through schedule variations to zones and overlay controls.
7. If the proposed changes are pursued by DEWLP, this may prompt reactionary changes to Banyule's Planning Scheme to establish zone schedule requirements.

RECOMMENDATION

That Council:

1. Note and agrees with the concerns and recommendations raised in the officer's submission to DELWP in response to the discussion paper, which includes:
 - Consultation timeframes
 - Significance to the community
 - Implementation

PROPOSED STATE GOVERNMENT CHANGES TO RESCODE cont'd

- Relationships to other reforms
 - Local Policy Implications
 - Assessing neighbourhood character and applying local standard variations
 - Neighbourhood Residential Zone Schedules.
 - Policy Translation.
 - Ability to consider adopted Planning Scheme amendments not yet approved by the Minister for Planning.
 - Removal of reference to the any relevant neighbourhood character objective, policy or statement set out in the Planning Scheme.
2. Consider the impact of any changes adopted by DEWLP and the Minister for Planning on Banyule's Planning Scheme as part of a review of Neighbourhood Character position in the planning scheme.

COUNCIL PLAN

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

BACKGROUND

- The Department of Environment, Land Water and Planning (DELWP) released the *Improving the operation of ResCode* discussion paper in November 2021 and have sought feedback on the proposed changes.
- ResCode is the Planning Scheme key tool for assessing multi dwelling applications planning proposals as well as dwellings and some extensions on lots less than 500 sq. metres. ResCode currently includes a number of links to Banyule's Residential Neighbourhood Character Strategy
- The paper introduces a new assessment model and how it may be applied to ResCode, Victoria's residential design and development provisions found in the *Victoria Planning Provisions (VPP)* and all local planning schemes in Victoria.
- An officer submission raising concerns was submitted to DELWP in December 2021.

KEY ISSUES

- Policy gaps - The proposed reforms remove part of the current policy framework from consideration, meaning local policies have little relevance in the assessment process, unless Councils themselves do further work to fill the policy gaps to be created by the proposed reforms. There is limited information provided on how this work can be progressed and no certainty that there will be a clear translation process to ensure the intent of our existing policy can be retained into the future.
- Limited view of Neighbourhood Character – The proposed reforms suggest that the neighbourhood character of most areas across the entire state can be defined by a generic list of features with standard measurements. This fails to recognise

PROPOSED STATE GOVERNMENT CHANGES TO RESCODE cont'd

the interrelationship between various features of streetscapes, landscapes, and design and siting of built form and the contribution this makes to local character.

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.

Community Engagement

- Consultation via the State Government's engagement platform was open until 21 December 2021.
- However, the impact of the proposed reforms on the application of this policy may not be fully understood by many members of the local community who have been involved in the development of Banyule's neighbourhood character polices.

Collaboration

- The proposed changes have been discussed with some councils who rely a local neighbourhood character policy in their Planning Schemes with respect to a position on the changes and the potential for joint advocacy.

Key Considerations

A summary of the key concerns raised in the officer's submission is outlined below:

Consultation timeframes

- The proposed amendments are a major change to the operation of the planning scheme, with wide implications for Banyule, the limited timeframe in the lead up to Christmas provided for review and feedback was not considered to be appropriate.

Significance to the community

- The community have provided direct input to local policy, including the Residential Neighbourhood Character Policy at Clause 22.02 of the Banyule Planning Scheme, and its Background Document, the *Banyule Neighbourhood*

PROPOSED STATE GOVERNMENT CHANGES TO RESCODE cont'd

Character Strategy and place great significance on the objectives and design responses that lead to development outcomes which respect and enhance the unique qualities of each precinct.

- The impact of the proposed reforms on the application of this policy may not be fully understood by many members of the local community, as it has been presented as a shift in process. Clearly the reforms are more significant as they create a policy gap and require Council's to do further work if they want to continue to acknowledge and have regard to what the community value.

Implementation

- There is uncertainty regarding the timing of the policy changes and how this may impact councils. Considerable lead time is required to ensure current neighbourhood character policies and controls are not lost or weakened. Banyule relies heavily on its neighbourhood character local planning policy at Clause 22.02. This policy is well regarded by the Tribunal and has worked with ResCode to achieve good neighbourhood character outcomes for our community.

Relationships to other reforms

- There are a number of interrelated reforms being concurrently pursued by DELWP which have not been prepared as one package and that have not had the relationships between each of the reforms fully considered. This creates challenges for councils to respond to each reform in a considered way, particularly in the preparation of new policies. Council has not been informed of the complete set of reforms that will be progressed, or the timing of their introduction.

Local Policy Implications

- The proposed reforms appear to focus on providing a clearer approval process and give less clarity on how applications can be refused where poor local neighbourhood character outcomes are proposed. This is a result of gaps being created by the policy changes, lack of clarity regarding policy neutral translations and timeframes for this to occur including transitional provisions.
- If councils are given adequate transitional timeframes and support from DEWLP, there is an opportunity to achieve a strong neighbourhood character position in the Planning Scheme through schedule variations to zones and overlay controls.

Assessing neighbourhood character and applying local standard variations

- The discussion paper lacks detail on how the Neighbourhood Character and Design Detail ResCode standards can be varied in the zone schedules. The proposed changes to this policy do not meet the current practice for local variations in zone schedules which only allow for numerical values to be varied. This has implications for important aspects of the neighbourhood character policy, including canopy tree planting, spacing between dwellings, heights and materials of front fences and building materials and colours of buildings.

Neighbourhood Residential Zone Schedules.

- The idea that the proposed reforms are simply introducing a new model fail to acknowledge the policy gap that will be created for areas such as the Neighbourhood Residential Zone. Standard ResCode Performance Measures will not be sufficient to protect these sensitive locations which are characterised by low scale developments that are sensitively designed to sit below the tree canopy, respect the character of existing built form, protect trees, and create opportunities for new vegetation.

PROPOSED STATE GOVERNMENT CHANGES TO RESCODE cont'd

Policy Translations

- Further information is required regarding what can be considered within the scope of 'policy neutral' planning scheme translations and the resourcing implications of this must be considered. Translating qualitative guidelines from a local policy into a requirement within an overlay or standard in a zone schedule will require careful consideration to ensure their significance is not diminished. Neighbourhood character provisions must retain a level of flexibility to enable thoughtful, contextual site-specific assessments.

Ability to consider adopted Planning Scheme amendments not yet approved by the Minister for Planning.

- Adopted amendments are important tools to be considered in planning assessments and are the result of considerable strategic work. The exempting of these undermines this important work and strategic direction adopted amendments offer before they become part of the scheme. Excluding certain sections of the Act from consideration complicates the assessment process making this more complex for all involved.

Removal of reference to the any relevant neighbourhood character objective, policy or statement set out in the Planning Scheme.

- Of most concern in relation to the proposed translation is the loss of the reference to 'Any relevant neighbourhood character objective, policy or statement set out in this scheme' removed from Decision Guidelines for Neighbourhood Character, Street Setback, Building Height, Landscaping, Side and rear setbacks, Walls on boundaries and Design Detail. This is seen as a considerable weakening of local planning policy in the consideration of development applications.

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	DELWP Discussion Paper - Improving the operation of ResCode	
2	Officer Submission - Improving the Operation of ResCode	

5.2 30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)

Author: Scott Seide - Development Planner, City Development

Ward: Beale

SUMMARY

1. The proposal is for the development of two double storey, semi-detached duplex style dwellings within the Neighbourhood Residential Zone – Schedule 3 (NRZ3), Design and Development Overlay – Schedule 8 (DDO8) and Special Building Overlay – Schedule 2 (SBO2).
2. The application has been publicly notified with no objections received to date.
3. The proposal includes a range of Environmentally Sustainable Design initiatives and achieves a 70% on the Built Environment Sustainability Scorecard (BESS).
4. The proposal does not achieve key neighbourhood character requirements in relation to dwelling separation and site cover and also seeks to introduce a side-by-side 'duplex' typology in area designated for 'limited incremental' change.
5. On balance it is considered that the proposal cannot not be supported on the basis it does not achieve an appropriate neighbourhood character outcome within the Bush Garden Precinct and on this basis should not be supported.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit** in respect of Application No. P972/2021 for 'Development of two (2) dwellings in a Neighbourhood Residential Zone – Schedule 3 including building with a height greater than 8 metres and works under the dripline of protected vegetation in the Design and Development Overlay – Schedule 8 and building and works in the Special Building Overlay – Schedule 2' at 30 Fernside Avenue BRIAR HILL on the following grounds:

Siting, design and neighbouring residential amenity

1. The siting and design of the proposed development would have an overbearing physical impact upon the streetscape and neighbouring properties and will have an adverse impact upon local residential amenity contrary to Clauses 15.01-1 – Urban Design and 21.04-1 – Housing of the Banyule Planning Scheme.

Mass, bulk, scale and neighbourhood character

2. The mass, bulk and scale of the built form of the proposal is contrary to both the existing and preferred character of the neighbourhood and would erode the spacious and well landscaped character and have an adverse visual impact on

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

the streetscape contrary to Clauses 15.01-1 – Urban Design, 21.04-1 – Housing, 22.02 - Residential Neighbourhood Character Policy and Standards B1 – Neighbourhood Character and B31 – Design detail of Clause 55 (ResCode) of the Banyule Planning Scheme.

Open space/landscaping

3. Inadequate space has been provided throughout the development to provide canopy tree planting and landscaping to adequately soften views of the development from neighbouring land and enhance the landscape character of the area contrary to Clauses 21.04-1 – Housing, 21.06 – Built Environment, 22.02 – Residential Neighbourhood Character Policy and Standard B13 – Landscaping of Clause 55 (ResCode) of the Banyule Planning Scheme.

Vehicular access and landscaping

4. The proposed vehicular access arrangement results in excessive hard surfacing when viewed from the street and reduces the ability to provide meaningful landscaping within the front setback of the development, to the detriment of the existing and preferred character of the neighbourhood, contrary to Clauses 15.01-1 – Urban Design, 21.04-1 – Housing, 22.02 - Residential Neighbourhood Character Policy and Standards B1 – Neighbourhood Character Standard B13 – Landscaping and B31 – Design detail of Clause 55 (ResCode) of the Banyule Planning Scheme.

Overland Flows

5. The siting of the proposed development would alter the overland flow of stormwater contrary to Clause 44.05 - Special Building Overlay – Schedule 2 of the Banyule Planning Scheme.

Internal Residential Amenity

6. The proposed development would provide an inadequate level of internal residential amenity by reason of extensive reliance upon screening of windows to minimise overlooking contrary to the objective of Standard B27 – Daylight to new windows objective of Clause 55 (ResCode) of the Banyule Planning Scheme.

Integration with the Street

7. The poor integration of dwelling entrances and general layout of the development with the street is contrary to Standard B5 – Integration with the street and Standard B26 – Dwelling entry objective of Clause 55 (ResCode) of the Banyule Planning Scheme.

Inadequate Solar Access

8. Inadequate solar access is provided to the rear (southern) decking areas for Dwellings 1 and 2 contrary to the objective of Standard B29 – Solar access to open space of Clause 55 (ResCode) of the Banyule Planning Scheme.

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

Planning Permit Application:	P972/2021
Development Planner:	Scott Seide
Address:	30 Fernside Avenue BRIAR HILL
Proposal:	Development of two (2) dwellings in a Neighbourhood Residential Zone – Schedule 3 including building with a height greater than 8 metres and works under the dripline of protected vegetation in the Design and Development Overlay – Schedule 8 and building and works in the Special Building Overlay – Schedule 2
Existing Use/Development:	Single dwelling
Applicant:	Mr Ron Brown
Zoning:	Neighbourhood Residential Zone (NRZ3)
Overlays:	Vegetation Protection Overlay (VPO1) Design and Development Overlay (DDO8) Special Building Overlay (SBO2) Development Contributions Plan Overlay (DCPO1)
Notification (Advertising):	Sign on site Notices to nearby owners and occupiers
Objections Received:	None
Ward:	Beale

PROPOSAL

- The main features of the proposal are as follows:
 - Demolition of the existing dwelling on the site.
 - Construction of two semi-detached double storey 'duplex' dwellings.
 - Removal of the existing vehicle access and provision of a new 3m to 5m wide tapered central driveway providing access to 2 (tandem) parking spaces for each dwelling.
 - Removal of vegetation not protected under the Planning Scheme. No protected trees are proposed to be removed.
 - Additional landscaping treatment within the front, side and rear setbacks.
 - Maximum building heights of 8.34m above natural ground level.
 - Site coverage of 43.62%.

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

- o Garden Area of 50.3%.

The application plans are included as **Appendix 3**.

BACKGROUND

- There have been no previous applications for this site.
- There are no live investigation matters or outstanding enforcement history on this site.

KEY ISSUESKey considerations include:

- The introduction of a side-by-side 'duplex' typology with variations to Neighbourhood Character Policy requirements for dwelling separation and site coverage in an area designated for 'limited incremental' change.
- The potential for a good Environmentally Sustainable Design (ESD) outcome with a Built Environment Sustainability Scorecard (BESS) result of 70%.
- The impact of the proposed development on overland flow paths and other flooding considerations within the designated flow path (SBO2).

SUBJECT SITE AND SURROUNDING AREA

Locality Plan



30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd

Site area	891m ²
Frontage x depth	19.48m wide x 45.72m deep
Easements	There is an existing 2.44m wide sewer / drainage easement running along the southern (rear) boundary
Topography	North (front) to south (rear) fall of approx. 3m - 4m through the length of the site.
Subject to flooding	The southern portion of the site is located within the SBO2, as highlighted in the DELWP map below:
Existing and Neighbouring Vegetation	<p><u>Site trees</u></p> <p>The submitted arborist report identifies two trees on the site.</p> <p>Tree 1 (a Long-leaved Box) is protected under the VPO1 by virtue of its size status as a Victorian native species.</p> <p>Tree 3 (a Broad-leaved Paper-bark) is not a native Victorian species and is therefore not protected.</p> <p><u>Surrounding</u></p> <p>A total of seven adjoining trees were also identified within close proximity of the site boundaries. These include Trees 2 & Trees 4 – 9.</p> <p>Of these, Tree 2 (a Council street tree) is assigned a 'high' retention value; Trees 5 & 7 are assigned 'medium – high' retention value; and Trees 6, 8, 7 & 9 are assigned a 'low' retention value.</p> <p>Of the trees assessed as part of this proposal, only Tree 3 is not protected under the VPO1.</p>
Existing Dwelling	Single storey tiled hipped roof weatherboard dwelling with associated detached carport and outbuildings at the rear.
Fencing	Existing 1.8m – 1.9m paling fencing to side and rear boundaries. No existing front fencing.
Existing Character	<p>Fernside Avenue and the surrounding area is strongly characterised by vegetation cover. For a suburban area it has retained a significant number of indigenous trees, many on private properties within spacious established front and rear gardens.</p> <p>This is enhanced by street tree planting, and a range of other native and exotic vegetation that gives the area its bush suburban character, as captured within the area's 'Bush Garden – East' neighbourhood character designation.</p>

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

	<p>The majority of properties along Fernside Ave are developed with one or two dwellings. There are some examples of unit development in the street, notably at No. 26 (adjoining the site to the west) and at numbers 38, 53 and 57. Individual units within these developments are however typically designed to incorporate separation between dwellings.</p> <p>Whilst the adjoining development to the west at No. 26 Fernside does incorporate a semi-detached typology with no separation provided between some dwellings, it is noted that this represents an anomaly within the Fernside Ave streetscape and there are no other examples of duplex typologies in the street or surrounding area.</p> <p>Further, the adjoining development to the west is significantly setback from the street (8.7m – 21m) and dwelling facades are largely obscured from streetscape vantages by existing car-port structures at the front of the buildings, significantly reducing any built-form impacts to the street.</p>
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PUBLIC NOTIFICATION

Advertising Period	3 December 2021 to 17 December 2021
Advertising methods	Public notification was undertaken as follows: <ul style="list-style-type: none"> • Sign on site • Letters to all adjoining properties
Objections received	Nil

REFERRAL COMMENTS

External Referrals

No referral required to Melbourne Water for works within the SBO2, subject to flood level consent being obtained from Council's Drainage Department.

Internal Referrals

Department/ Officer	Objection?	Conditions /Comments
Developments & Drainage	No - subject to conditions	Councils Drainage Department require amendments to the proposal to ensure overland flows at the rear of the site are not unduly impacted. These are discussed in the Technical Considerations section below.

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

Development Planning Arborist	No – subject to conditions	Council's Development Planning Arborist supports the proposal, subject to standard tree protection conditions.
ESD Advisor	No – subject to conditions	Council's ESD officer supports the proposal and their comments are discussed in the Technical Consideration Section below.
Waste Management	No	Council's Waste Management team supports the proposal.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Neighbourhood Residential Zone (NRZ3)	32.09	Yes
Vegetation Protection Overlay (VPO1)	42.02	No
Design and Development Overlay (DDO8)	43.02	Yes
Special Building Overlay (SBO2)	44.05	Yes
Development Contribution Plan Overlay (DCPO1)	45.06	Yes
Car Parking	52.06	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>Limited Incremental Area</u>)	21.06
Residential Neighbourhood Character Policy (<u>Bush Garden East Precinct</u>)	22.02
Safer Design Policy	22.03
Non-Residential Use and Development in Residential Zones	22.04
Environmentally Sustainable Design	22.05
ResCode	55

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

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, drainage, car parking and environmentally sustainable design.

Strategic Context and Neighbourhood Character

- The proposed development is considered within the context of both State and Local Planning Policies that encourage urban consolidation and housing diversity in appropriate locations. The Residential Areas Framework plan within the Municipal Strategic Statement (Clause 21.06-2) identifies the site as 'Limited Incremental'.

The policy seeks 'sensitively designed single dwellings and some dispersed medium density dwellings that respect the valued attributes of the existing neighbourhood character, with an emphasis on protecting trees and creating new opportunities for vegetation'.

- The key policies within the Banyule Planning Scheme make it difficult for a 'duplex' style typology to meet the objectives and design requirements without significant variation. In, general, issues raised when considering Banyule's Residential Neighbourhood Character and Residential Vehicle Crossing policies as well as ResCode can relate to:
 - Property frontage, vehicle crossing ratios and loss of on-street parking
 - Boundary to boundary construction
 - Lack of interface at ground level
 - Multiple vehicle crossings
 - Dominance of garages
 - Reliance on tandem car parking arrangements
 - Excessive hard paving in front setbacks
 - Lack of opportunity for landscaping and substantial trees in the front and side setbacks
 - Altering the rhythm of dwelling spacing in a street
 - Large upper level envelopes
 - Weight given to existing neighbourhood character
- There are also positive aspects to this typology such as optimising solar access, efficient use of land, integration between internal living areas and private open space and reduced driveway coverage. Duplex typologies do not need common property and are also an attractive market proposition for this reason.
- In this instance the proposed development has adequately responded to a number of these issues, as it does not extend boundary to boundary across the site, provides some passive surveillance of the street from ground floor habitable windows and utilises a one vehicle entry (rather than two).

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

- However, on balance, the proposed development is not considered to provide a positive built-form and landscaping contribution to the valued 'bush garden' character of the area. This results from the duplex (side by side) configuration of the dwellings that does not allow separation between dwellings to provide landscaping opportunities through the middle of the site and visual relief when viewed from surrounding properties and the street. The development is not considered to demonstrate appropriate integration with the street with dwelling entries included at the sides of the dwellings where they are not easily visible and provide a poor sense of address. The development would present as a continuous two storey built-form through the length of the site with reduced opportunities for screen planting along boundaries adjacent to the proposed rear living areas. It is also considered that the level of change that this new typology would introduce is greater than what is anticipated in an area designated for 'limited incremental' change and the cumulative impact if all redevelopment in the street was to adopt this typology should be a consideration.
- The proposed site coverage at 43.62% exceeds the preferred maximum site coverage of 40% within the Bush Garden East Precinct. The increased width of the centralised driveway crossover varies Banyule's Vehicle Crossing Policy and results in increased hard-surfacing and reduced landscaping opportunities at the site frontage.
- A full assessment against the provisions of Clause 22.02 (for the Bush Garden (East) Precinct) is contained in **Attachment 1**. This assessment concludes that the development does not satisfactorily achieve some key objectives of the Precinct.

Internal and External Amenity

- The proposed duplex layout increases the proximity of the development to side boundaries. This requires additional screening, highlight windows and obscure glazing of windows to limit overlooking potential into adjoining properties, and subsequently reduces the level of internal amenity able to be enjoyed by future occupants.
- The proposed duplex layout of the development on this 'north / south' oriented site would limit northern solar access into the ground floor main rear decking areas at the south of each dwelling, compromising the useability and enjoyment of these important secluded private areas by future occupants.
- The submitted shadow diagrams are incorrect and do not sufficiently demonstrate that adjoining sites would not be adversely impacted by shadows.
- Permit conditions could sufficiently address any technical variances with regard to 'overlooking' to accord with ResCode standards, should a permit proceed.
- A detailed assessment of the internal and external amenity of the development is outlined in the attached Clause 55 Assessment (Attachment 2). This assessment concludes that the Standards and Objectives relating to amenity have not been entirely satisfied.

Environmentally Sustainable Development

- A Sustainable Design Assessment (SDA) has been submitted with the application. This includes a Built Environment Sustainability Scorecard (BESS) assessment achieving a score of 70% and an 8 Star NatHERS rating for each

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

dwelling, which is 2 stars above the minimum standard and 20 percentage points above the minimum BESS score requirement.

- The proposal is considered to include the following exemplary initiatives:
 - 8 Star NatHERS rated dwellings (2 stars above minimum standard).
 - All electric development (no natural gas).
 - Electric heat pump hot water systems.
 - Greywater system for irrigation to landscaping, with rainwater tanks to toilets and laundry.
 - 5 kW solar PV per dwelling.
 - Light coloured roofing and paving to minimise Urban Heat Island effect.
 - Onsite real time energy monitoring using Watts Clever system for occupant engagement and behaviour change.
- There is not a direct link between the duplex typology and the high BESS score achieved.

Overland Flow Drainage Considerations

- The rear portion of the site is located within the Special Building Overlay – Schedule 2 (SBO2). Accordingly, a permit is required to construct the rear section of the building (approx. 5m from the southern edge of the rear deck) within this overlay.
- The purpose of this overlay is *'to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity'*.
- The applicant has submitted discussion plans to illustrate that compliance with flooding requirements under the SBO2 could be achieved without increasing the overall height of the dwellings. These plans could be referenced in permit conditions in the event a planning permit was to be issued.

Design and Development Overlay – Schedule 8 (DDO8)

- The site is located within the DDO8. It is noted that a permit is triggered for the part of the building that exceeds 8m in height and for works within the driplines of protected trees.
- The built-form considerations of the DDO8 are therefore restricted to a 34cm high section at the apex of the proposed hipped roof that extends above 8m from the Natural Ground Level (NGL) directly below. Given this part of the roof would represent only a very small area, central to the building, any resulting off-site visual impacts are likely to be minimal and acceptable. It is noted that discussion plans submitted by the applicant on 22/12/201 demonstrate that the roof could be lowered to a point below 8m from NGL if required.
- The submitted plans do not show any part of the main building located within the dripline of a protected tree, however minor groundworks such as paving, surfacing and installation of site services are likely to be undertaken beneath the dripline of protected trees. These are minor works that, subject to conditions,

**30 FERNSIDE AVENUE, BRIAR HILL - DUPLEX DEVELOPMENT (P972/2021)
cont'd**

would not jeopardise the health of the trees or substantially impact upon the character of the area. The proposal is therefore considered to satisfy the objectives of the DDO8.

Vegetation Impacts

- Tree 2, a Council street tree growing in the Council verge to the north-west of the site (at the front of No. 26 Fernside Avenue) may require additional pruning and other specific protections to manage paving/letterboxes/services through its Tree Protection Zone (TPZ). It is recommended that appropriate conditions be added to any permit that may issue, in order to protect the tree.

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	Assessment against Neighbourhood Character (BGE)	
2	Assessment against Clause 55	
3	Advertised Plans	
4	Sustainable Design Assessment (SDA)	

6.1 DRAFT SOCIAL INFRASTRUCTURE FRAMEWORK

Author: Sherryn Prinzi - Community Programs Strategic Development Lead, Community Programs

Previous Items

Council on 08 Feb 2021 7.00pm (Item 9.2 - Development of a Community Services and Facilities Infrastructure Plan)

SUMMARY

1. Council resolved at the Council meeting on 8 February 2021, "That a report be presented to Council regarding the development of a community services and facilities infrastructure plan", the Community Services and Infrastructure Framework (Social Infrastructure) has been prepared for Council's consideration.
2. The draft Banyule Social Infrastructure Framework (Framework) was informed by a Theory of Change, engagement with multiple business units, preliminary consultation with community and a professional review process.
3. The draft Framework seeks to create multiple, lasting benefits for our community through delivering social infrastructure that unlocks potential, supports multiple uses, facilitates social and economic growth and prioritises the environmental considerations.
4. The draft Framework employs the principles of balance, opportunity creation and an outcome focus to inform a contemporary view of why Council delivers services and community buildings. It establishes a set of benchmark standards that will support Council to deliver on the Banyule Community Vision 2041 strategic objectives including "Our Valued Community Assets and Facilities".
5. The Community Infrastructure Plan will be developed to operationalise the Framework and will establish a set of social infrastructure investment opportunities that can position Council to demonstrate sustainable infrastructure stewardship and deliver public value.

RECOMMENDATION

That Council:

1. Approve a six-week public consultation on the draft Banyule Social Infrastructure Framework in preparation for Council adoption.
2. Notes that the Banyule Social Infrastructure Framework will inform the development of the Community Infrastructure Plan, scheduled for draft completion by June 2022.

DRAFT SOCIAL INFRASTRUCTURE FRAMEWORK cont'd

COUNCIL PLAN

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

BACKGROUND

- Council resolved at the Council meeting on 8th February 2021, "That a report be presented to Council regarding the development of a community services and facilities infrastructure plan", the Community Services and Infrastructure Framework (Social Infrastructure) has been prepared for Council's consideration. **Attachment 1.**
- The development of the Community Services and Infrastructure initiative has produced a draft Banyule Social Infrastructure Framework that contextualises a modern justification as to why Council provides community services and community buildings. **Attachment 1.**

KEY ISSUES

- The draft Framework identifies the multiple benefits of implementing this new approach, including meeting our obligations under the *Local Government Act 2020* and contributing to the attainment of the Banyule Community Vision 2041, thus improving the overall liveability of neighbourhoods and uplifting public health and wellbeing outcomes.
- The draft Framework draws on the drivers of social infrastructure provision, including Council strategy, service delivery requirements and the needs of local organisations including community groups and clubs. It acknowledges our communities have diverse needs, and to create equity, the draft Framework positions Council to take a detailed and localised investigation using multiple inputs and perspectives.
- The draft Framework defines social infrastructure and establishes a set of benchmark standards for Council's community infrastructure and services that will support Council to deliver on the Banyule Community Vision 2041 strategic objectives including "Our Valued Community Assets and Facilities".
- Physical infrastructure is defined as community buildings used to deliver services, activities and programs. To meet current, emerging and future needs and aspirations, the Framework establishes benchmark standards of:
 - Fit for People
 - Fit for Purpose
 - Fit for Place
- Service infrastructure is defined as the services, programs and activities that support individuals and communities to achieve better health, wellbeing, social and economic outcomes. The draft Framework establishes the benchmark standards for community services:
 - High quality
 - Complementary

DRAFT SOCIAL INFRASTRUCTURE FRAMEWORK cont'd

- Affordable
- The draft Framework articulates principles that inform this approach. These principles are categorised under these hallmarks:
 - We create balance
 - We create opportunity
 - We are outcomes-focused
- The draft Framework establishes an iterative process for community infrastructure planning. A six-step process will support the development of Community Infrastructure Plans and in turn, influence Asset Management, Capital Works and Long-Term Financial planning. The steps include:
 - Defining functions
 - Assessing qualities
 - Opportunities
 - Spatial implications
 - Benefit analysis
 - Planning

Once adopted, the Community Infrastructure Plan development process can amplify, with a project draft scheduled for a June 2022 completion.

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.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- This Framework promotes a balanced approach to infrastructure investment, aimed at promoting and extending the rights of all people, promoting access to affordable and useable services and uplifting opportunities to participate in culturally safe and inclusive facilities and services. These measures create greater levels of equity across Banyule.

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.

DRAFT SOCIAL INFRASTRUCTURE FRAMEWORK cont'd

Innovation and Continuous Improvement

To deliver on this draft Framework commitments, Council needs to change business-as-usual approaches to social infrastructure delivery and make best use of opportunities. This means Council will consider ways to:

- Make better use of existing infrastructure to deliver broader services and community benefits.
- Use new infrastructure investment as an opportunity to deliver more integrated outcomes for liveable, sustainable communities.
- Leverage community buildings to support achievement of Council's environmental targets and of Council's social enterprise development and job creation targets as identified in the Council's strategic action plans.
- Use technology and innovation to deliver better services.
- Strengthen and integrate data sets to create intelligence.
- Adopt a place-based approach to social infrastructure across the municipality to drive better urban design, planning and development decisions.
- Enhance cross-agency collaboration to delivery social infrastructure through strategies such as joint funding, co-location, shared use or coordinated delivery.

Community Engagement

- This draft Framework has been informed by engagement through the Shaping Banyule platform and engagement with two Banyule committees. Feedback indicates the principles of the draft Framework are consistent with community expectations and there is strong support to consider a balance of environmental, social, economic and performance outcomes. These views informed the development of the draft Framework.

Collaboration

- The draft Framework was informed by consultations with three local government areas who have provided advice and learnings based on their Community Infrastructure planning experience.

Key Considerations

The following represents the next steps of the process:

- **Community Infrastructure Framework finalisation.**
After a six-week consultation and Council adoption, the Social Infrastructure Framework will be used to inform the development of the Community Infrastructure Plan and guide further conversations to mature Council's approach to uplift strategic alignment of services and infrastructure development with long term community outcomes, as reflected in the Community Vision 2041.
- **Community Infrastructure Plan.**
Three phases will be undertaken to deliver a Community Infrastructure Plan, that represents the key strategic infrastructure investments for community services and buildings defined time horizons. This process will involve community

DRAFT SOCIAL INFRASTRUCTURE FRAMEWORK cont'd

engagement, professional analysis of data and demographics and internal alignment discussion.

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 Banyule Social Infrastructure Framework - January 2022	

8.1 AWARD OF CONTRACT NO.1144-2021 MONTMORENCY VILLAGE STREETScape RENEWAL

Author: Ceri Hurley - Project Engineer, Assets & City Services

Ward: Sherbourne

SUMMARY

1. This report is to consider the awarding of Contract No. 1144-2021 – Montmorency Village Precinct Streetscape.
2. Council sought submissions from suitably qualified and capable contractors for the construction of the streetscape renewal of Montmorency Village Precinct comprising of Were St and a portion of Rattray Road in Montmorency. The extent of this Contract includes works necessary for the reconstruction of the streetscape including road asphaltting, footpath paving and other landscaping, and the construction of a performance shelter and toilet block.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to 2Construct Pty Ltd in accordance with the tender and conditions as determined by Council.
4. Tenders were received from four (4) contractors following an EOI process which shortlisted five (5) contractors.
5. The contract will commence March 2022.

RECOMMENDATION

That Council:

1. Award Contract No. 1144-2021 - Montmorency Village Precinct Streetscape to 2Construct Pty Ltd for the lump sum price \$2,986,476 (ex. G.S.T).
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.

COUNCIL PLAN

This report is in line with and delivers toward Banyule's Council Plan 2021-2025 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"*.

EOI DETAILS

- An Expression of Interest (EOI) was advertised in the local government tender section of The Age newspaper and posted on Council's tender portal on Saturday 31 July 2021. It closed at 3pm on Wednesday 25 August 2021. Forty-one (41)

**AWARD OF CONTRACT NO.1144-2021 MONTMORENCY VILLAGE
STREETSCAPE RENEWAL cont'd**

prospective companies downloaded the EOI document from Council's tender portal and ten (10) contractors submitted their expressions of interest by the closing date.

- The submissions were received and assessed by the Tender Evaluation Panel (against evaluation criteria determined prior to the release of the EOI and as listed in the EOI documents).
- The EOI evaluation is documented within the attached EOI Evaluation Matrix (Attachment A), with the shortlisted contractors outlined in the following table:

Table 1 – Shortlisted Contractors
2Construct Pty Ltd
Ace Landscape Services Pty Ltd
Citywide Service Solutions Pty Ltd
Evergreen Civil Pty Ltd
CDN Constructors Pty Ltd

- The Tender Evaluation Panel (TEP) and the Project Control Group (PCG) endorsed the above shortlist of five to proceed to a Request for Tender to ensure an adequate number of tenders are received, should not all determine to submit a tender.
- The Request for Tenders was issued directly to the shortlisted contractors outlined above via Council's tender portal on 17 November 2021.

TENDER DETAILS

Contract Period	March 2022 to September 2022
Contract Type	Lump Sum
Advertising Period	17 November 2021 to 15 December 2021 directly to the approved shortlist.
Tenders Closed	15 December 2021
Works/Project	As part of the proposed 2021/2022 financial year Capital Works program, Council is proposing to renew the Montmorency Village Precinct.
No. of tender documents downloaded	Four (4)
Tender Evaluation Panel	<ul style="list-style-type: none"> • Senior Urban Designer • Team Leader - Capital Works Buildings • Team Leader – Capital Works Civil • Project Engineer
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered price; • Capability - Demonstration of a strong construction methodology and construction programme, including a detailed Gantt chart/project schedule, specific to this project. Length of proposed construction.

**AWARD OF CONTRACT NO.1144-2021 MONTMORENCY VILLAGE
STREETSCAPE RENEWAL cont'd**

	<ul style="list-style-type: none">• Skills, Qualifications, experience and availability of nominated staff - Demonstration of a strong project team, their skills, experience & expertise. Detailed breakdown of the availability of the team members and their specific allocation of time to the project.• Sustainable Procurement - Response to Sustainable Procurement questionnaire including a strong dedication to environmentally Sustainable workplace and building practices, Social Procurement and Local jobs.
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TENDER/QUOTATION EVALUATION

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

Table 2 – Tenders received and weighted scores	
Contractor	Weighted Score
2Construct Pty Ltd	91.65
Tenderer B	66.14
Tenderer C	88.83
Tenderer D	88.55

- The highest scoring tenderer, 2Construct Pty Ltd is recommended for their capability, project team and experience on similar projects.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 109(1) of the *Local Government Act 2020* requires councils to comply with their Procurement Policy, which stipulates a public tender process is required for the procurement of goods, services or works where once-off or ongoing

**AWARD OF CONTRACT NO.1144-2021 MONTMORENCY VILLAGE
STREETSCAPE RENEWAL cont'd**

cumulative spend over the life of the contract is expected to exceed \$300,000 (including GST).

- The awarding of this contract complies with the tendering provisions of Section 109(1) of the *Local Government Act 2020*.

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

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

Sustainable Procurement Outcomes

- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability.
- There are no sustainable procurement activities arising from the recommendation contained in this report however Council officers will continue to work with the successful contractor throughout the project to identify and use alternative products that have increased recycled content suitable for the project.

Financial Implications

- Council has an overall allocation of \$3,980,000 for this program which includes investigation, planning and design, construction, landscaping and artwork, and contingencies. The allocation is a combination of Council funding and external grants.
 - Council has allocated \$1,800,000 in its 2021/2022 Capital Works budget for the design and construction of the Montmorency Village Precinct Streetscape Renewal. In addition, the Department of Jobs, Precincts and Regions (DJPR) have awarded a grant of \$100,000 for the development of outdoor dining on Were St.
 - Council has allocated \$80,000 in its 2021/2022 Capital Works budget for the design and construction of the raised crossings on Were St. In addition, the Transport Accident Commission (TAC) have awarded a grant of \$100,000 for the construction of pedestrian crossings on Were St.
 - The Department of Environment, Land, Water and Planning has awarded a grant for \$1,300,000 for the Were St Reserve Pocket Park.
 - Council has allocated \$600,000 in its 2021/2022 Capital Works budget for the design and construction for the Were St Reserve Public Toilets.

Additional Information

- Attachments A and B to this report are circulated within the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**AWARD OF CONTRACT NO.1144-2021 MONTMORENCY VILLAGE
STREETSCAPE RENEWAL cont'd**

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	EOI Assessment - CONFIDENTIAL	
2	Tender Assessment Rev 1 - CONFIDENTIAL	

8.2 **PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 31 DECEMBER 2021**

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

SUMMARY

1. This report provides an update to Council and the community on the settlement of land and property transactions for the six-month period from 1 June 2021 to 31 December 2021. It details land acquired, disposed, transferred or exchanged by Council.
2. Six land and property transactions were settled during the period providing a net financial return to Council of \$62,793 (incl. GST).
3. The next report will be presented to Council in August 2022.

RECOMMENDATION

That Council notes that:

1. This report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending on 31 December 2021.

Land and property sold

Address	Zone	Description	Area m ²	Price Inc. GST
Adjacent to 2 Clauscen Street, Heidelberg Heights	GRZ2	Road	52	\$46,800
Adjacent to 41 Lower Plenty Road, Rosanna	GRZ3	Road	67	\$15,993
10 The Boulevard, Ivanhoe	PCRZ	Reserve (Easement)	196	\$1

Land and property acquired

Address	Zone	Description	Area m ²	Price Incl. GST
1017 Heidelberg Road, Ivanhoe	MUZ	Lot on plan (Walkway)	285	Expenses only
275 Upper Heidelberg Road, Ivanhoe	GRZ1	Road	261	Expenses only
Part 4 Poulter Avenue, Greensborough	ACZ1	Car parks (33)		\$1

PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 31 DECEMBER 2021 cont'd

2. A further report will be presented to Council in August 2022 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 30 June 2022.
3. A separate report will be presented to Council identifying the Council land impacted by North East Link permanent and temporary land acquisitions.

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

- Under section 114 of the *Local Government Act 2020*, Council is required to give public notice of its intention to sell or exchange land and undertake a community engagement process in accordance with its community engagement policy.
- Despite a track record of complete legislative compliance and transparent decision making, the public does not always keep up to date with Council land and property transactions. In response to this, Council at its meeting on 11 July 2016, resolved to receive a report identifying all land acquired, disposed, transferred or exchanged by Council every six months. The six-monthly reports highlighting such transactions, is aimed at offering improved openness of such property matters for interested persons. Eleven reports have been tabled previously.

KEY ISSUES

- Six land and property transactions were settled in the period ending 31 December 2021, providing a net financial return to Council of \$62,793 (incl. GST).
- The following table details the address, zoning, status and area of the property transactions as well as the date the matter was considered by Council.

Address	Zone	Description	Area m ²	Considered by Council
Adjacent to 2 Clauscen Street, Heidelberg Heights	GRZ2	Road	52	9 August 2021 (CO2021/154)
Part road adjacent to 41 Lower Plenty Road, Rosanna	GRZ3	Road	67	7 October 2019 (CO2019/201)
10 The Boulevard, Ivanhoe	PCRZ	Reserve (Easement only)	196	19 July 2021 (CO2021/138)
1017 Heidelberg Road, Ivanhoe	MUZ	Lot on plan (Walkway)	285	7 June 2021 (CO2021/113)
275 Upper Heidelberg Road, Ivanhoe	GRZ1	Road	261	7 June 2021 (CO2021/116)
Part 4 Poulter Avenue, Greensborough	ACZ1	Carparks (33)		8 April 2019 (CO2019/43)

PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 31 DECEMBER 2021 cont'd

- The land sale adjacent to 2 Clausen Street, Heidelberg Heights was initiated via a request from that land owner to discontinue the right of way (road) and sell the resultant land to that owner for the purpose of increasing their landholding.
- The part road reserve adjacent to 41 Lower Plenty Road, Rosanna was initially identified as a land encroachment where the owner had erected a new fence along the Mount Ida Avenue side boundary. Council discussed with the owner the options of reinstating the fence line to the title boundary or land acquisition following a road discontinuance process. The property owner expressed interest in purchasing the land at valuation.
- In mid-2020 an urgent issue presented, concerning a possible sewer collapse in the Darebin Creek at 10 The Boulevard, Ivanhoe. Yarra Valley Water proposed to relocate the sewer line away from the creek, and outside of its existing easement. A new easement required creation and part of the existing easement expunged.
- The land at 1017 Heidelberg Road, Ivanhoe provides long term existing use rights as a pedestrian access to Darebin Station underpass and platforms. The land, which had already vested in Council, was declared a public highway for pedestrian access under the *Local Government Act 1989* resolving the status and imposing on Council a statutory duty to inspect, repair and maintain the road.
- The right of way (road) adjacent to 275 Upper Heidelberg Road, Ivanhoe was not considered reasonably required for public use and following the completion of the Ivanhoe Library and Cultural Hub was considered for discontinuance, retention for municipal purposes and consolidation with Council's adjacent land.
- The owner of the land at 4 Poulter Avenue, Greensborough had intentions to construct a multi-storey residential development over car park land that Council was the lessor for. An agreement was struck for compensation for the surrender of the lease and an offer was accepted to acquire 33 car parking bays for public use.
- A locality plan for the properties transacted can be found in **Attachment 1**.
- Further transactions remain in progress, which will be reported in the next six-monthly report.

SUPPORTING REPORT DETAILS

Legal Consideration

- In undertaking land related transactions, Council has been required to comply with provisions in Section 114 of the *Local Government Act 2020* relating to the giving of public notice and undertaking a community engagement process in accordance with its community engagement policy.
- 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.

**PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING
31 DECEMBER 2021 cont'd**

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract 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	Locality plan	

8.3 AUDIT & RISK COMMITTEE - MINUTES FROM 10 DECEMBER 2021 MEETING

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. The Audit & Risk Committee is an Advisory Committee and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to a Council Meeting.
3. Consequently, the Minutes of the meeting held on the 10 December 2021 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, being held on 25 March 2022.

RECOMMENDATION

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on the 10 December 2021.

COUNCIL PLAN

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

BACKGROUND

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

**AUDIT & RISK COMMITTEE - MINUTES FROM 10 DECEMBER 2021 MEETING
cont'd**

- Minutes will be prepared for all meetings and will be provided to the Chair prior to being presented to Council as unconfirmed minutes and then submitted to the subsequent Committee meeting for confirmation.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	(Unconfirmed) Audit & Risk Committee Minutes - 10 December 2021	

8.4 AUDIT & RISK COMMITTEE - ANNUAL REPORT 2021

Author: Paul Wilson - Audit Support Officer, Corporate Services

SUMMARY

1. The *Local Government Act 2020* (LGA) section 53 requires all Councils to establish an Audit Committee.
2. The Committee operates under a Charter determined by Council and based on the best practice guide from Local Government Victoria. It is an advisory committee of Council.
3. The Audit & Risk Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
4. This report has been prepared by the Chair of the Committee and Council officers and follows the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, indicating how the Committee has discharged its responsibilities, as set out in the Audit & Risk Charter, for the previous year.

RECOMMENDATION

That Council adopt the Chairperson's Report indicating how the Audit & Risk Committee has discharged its responsibilities for the 2021 year, as required by the Audit & Risk Charter.

COUNCIL PLAN

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

BACKGROUND

- *Local Government Act 2020*, section 54(5) and 54(6) states an Audit and Risk Committee must —
 - a) prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
 - b) provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.
- The Chief Executive Officer must—
 - a) ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee; and

AUDIT & RISK COMMITTEE - ANNUAL REPORT 2021 cont'd

- b) table reports and annual assessments of the Audit and Risk Committee at Council meetings when required by this Act and when requested by the Chairperson of the Audit and Risk Committee.
- The Charter states the Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities, as set out in this Charter, for the previous year.
- The Audit and Risk Committee Annual Report (1 December 2020 – 30 November 2021) was adopted by the Committee at its meeting on 10 December 2021 and is now tabled for adoption by Council.

Legal Consideration

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

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Audit & Risk Committee - Annual Report 2021	

8.5 REVIEW OF HYBRID COUNCIL MEETINGS

Author: Kerryn Woods - Acting Governance Coordinator, Corporate Services

Previous Items

Council on 15 Nov 2021 7.00pm (Item 3.1 - Hybrid Council Meetings)

SUMMARY

1. In response to the COVID-19 pandemic, temporary provisions were inserted in the *Local Government Act 2020* (the Act) to allow for virtual council meetings so that councils could continue to make decisions during the coronavirus pandemic.
2. These provisions have been extended twice by State Parliament and are due to expire on 26 April 2022. A recent announcement from Local Government Victoria advised that provisions within the proposed Act (if passed by Parliament) will extend the COVID-19 temporary measures provisions through to 1 September 2022. It is expected that the Bill will be debated in the first sitting week in Parliament in February.
3. Council at its meeting held on 15 November 2021 resolved to allow for the conduct of Hybrid Council meetings until 26 April 2022, which would allow for councillors and other persons to be able to attend in person or online.
4. It was further resolved that a report be presented to the first meeting of Council in 2022 reviewing the effectiveness of the Hybrid Council Meeting model and establishing appropriate governance protocols for the operation of hybrid meetings.
5. The Council Meeting held on 6 December 2021 was conducted within the hybrid model. It allowed for two councillors to attend via electronic means. The meeting was well run and complied with the Ministerial Good Practice Guideline provided for virtual meetings. A copy of the guidelines is attached.
6. COVID-19 still poses interruptions to the 'in person' model of council meetings as the current Victorian Government directions require a person who tests positive to Covid-19 to isolate for 7 days. This is also a requirement of a household or household-like contact. (Some exemptions apply)
7. Throughout the COVID-19 pandemic public participation has continued at Council Meetings, this has been enabled via video or voice recording and written submissions. This process will continue with the hybrid model however, there will also be the ability for 'in person' participation.
8. A hybrid meeting model provides the opportunity for inclusion of all to attend in person or via electronic means of communication.

REVIEW OF HYBRID COUNCIL MEETINGS cont'd

RECOMMENDATION

That Council:

1. Continue to allow for Council Meetings to be conducted with the hybrid model until expiration of the temporary provisions inserted in the *Local Government Act 2020* (the Act) and Section 394 of the Act, noting the current expiration date is 26 April 2022, but is under review by State Parliament.
2. Review this decision as necessary in the face of changing legislation and regulation, and in particular, the Chief Health Officer's orders, or other COVID restriction legislation that may be enacted.

COUNCIL PLAN

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

BACKGROUND

- Council at its meeting held on 15 November 2021 resolved to:
 1. Allow for the attendance of Councillors, Council staff and any other person required or wanting to attend a council meeting through a hybrid model that comprises appearance in person or via electronic means of communication.
 2. Review this decision as necessary in line with any legislative or regulatory requirements regarding the ability for councils to hold online or hybrid meetings.
 3. Is presented a further report to the first Council Meeting in 2022 reviewing the effectiveness of the hybrid model of Council Meetings and establishing appropriate governance protocols for the operation of hybrid meetings.
- In response to the COVID-19 pandemic, temporary provisions were inserted in the *Local Government Act 2020* (the Act) to allow for virtual council meetings so that councils could continue to make decisions during the coronavirus pandemic.
- These provisions have been extended twice by Parliament and were due to expire on 26 April 2022, but are again being considered for extension until 1 September 2022, with Parliament.
- Some councils have called for virtual meetings to be made permanent. Consequently, Local Government Victoria (LGV) has developed a policy reform proposal to consider whether councils and regional libraries be permanently allowed to conduct meetings virtually.
- *Section 394* of the Act provides that Council meeting attendance can be met by Councillors and any other person required or wanting to attend, via electronic means of communication.
- Throughout the COVID-19 pandemic public participation has continued at Council Meetings, this has been enabled via video or voice recording and written

REVIEW OF HYBRID COUNCIL MEETINGS cont'd

submissions. This process will continue with the hybrid model however there will be the ability for 'in person' participation.

KEY ISSUES

- The Council Meeting held on 6 December 2021 was conducted within the hybrid model. It allowed for two councillors to attend via electronic means the meeting was well run and complied with the Ministerial Good Practice Guideline provided for virtual meetings. A copy of the guidelines is attached.
- COVID-19 still poses interruptions to the 'in person' model of council meetings. The current Victorian Government directions require a person who tests positive to Covid-19 to isolate for 7 days. This is also a requirement of a household or household-like contacts. (Some exemptions apply).
- Hybrid meetings are permitted under Part 12 of the Act, however it is the decision of individual councils how council meetings are to operate under Part 12.
- Should Council seek to allow for a hybrid model of meetings a Council resolution is required.

SUPPORTING REPORT DETAILS

- Local Government Victoria have provided guidelines for virtual meetings, the implementation of a hybrid model would follow the guidelines to ensure best practice is being maintained. A copy of the *Ministerial Good Practice Guideline 1 (MGPG-1): Virtual Meetings* has been attached to this report for information.

Legal Consideration

- The provisions for holding council meetings are set out in Division 2 of the *Local Government Act 2020*. Temporary procedures to allow for virtual meetings during the COVID-19 pandemic were inserted in Part 12 of the Act and expire on 27 April 2022. After this time, unless there are further legislative changes made, there will be no provisions for virtual meetings and all meetings must return to 'in person' only.
- To ensure transparency of proceedings and effective participation, participation by Councillors by electronic means is only allowed where the Councillor can:
 - Hear proceedings and be heard.
 - See other Councillors and be seen.

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 may raise issues in relation to two of rights in the Charter, the *Right to Freedom of Expression* and the *Right to Participate in Public Life*.

The *Right to Participate in Public Life*, applies to a wide range of activities such as state and local politics and public administration. It might include being involved in politics or sharing your opinion in an election or referendum, attending a public forum

REVIEW OF HYBRID COUNCIL MEETINGS cont'd

to help make decisions on local issues, or attending a meeting of a local council. It could also be participating in a public debate or dialogue with a representative such as a member of a local council.

It is considered that allowing the ability for Councillors, Council staff and any other persons required or wanting to attend a council meeting to participate through a hybrid model supports the Human Rights Charter objectives during the ongoing restrictions of the COVID-19 pandemic.

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	Ministerial-Good-Practice-Guidelines-No-1-Virtual-Meetings	

8.6 **ADOPTION OF COUNCIL'S INVESTMENT POLICY**

Author: Michael Fan - Financial Performance & Planning Coordinator, Corporate Services

Previous Items

Council on 09 Aug 2021 7.00pm (Item 7.2 - Banyule Investment Strategy)

SUMMARY

1. Council is governed to meet requirements of the *Local Government Act 2020* (the Act) which contains, under *Section 103*, specific provisions on investments.
2. Council's Investment Policy was last amended in 2015 and has now been updated to incorporate the Council's Investment Strategy adopted by Council at its meeting on 9 August 2021.
3. The purpose of Council's Investment Policy is to ensure that:
 - a. Investment capital funds are invested in accordance with legislative and Council requirements.
 - b. Effective internal controls and appropriate delegation levels are in place to minimise investment risk of Council's investment capital.
 - c. The financial yield is managed through prudent investment of investment capital whilst ensuring sufficient liquidity for Council's day to day operational commitments.
 - d. Investment decisions are based on the security of investment capital by limiting unnecessary exposure to risk.
 - e. The investment direction is consistent with the environmental and social objectives of Council.
4. The Investment Policy will be regularly reviewed and updated for any significant changes in Council's Investment Strategy.
5. Sector consultation and review of other councils' investment policies have been conducted to ensure Banyule's Investment Policy achieves best practice.
6. The Audit & Risk Committee provided feedback on the Draft Investment Policy and all feedback has been incorporated for Council to consider its adoption.

RECOMMENDATION

That Council:

1. Note the relationship of the Investment Policy to Council's Investment Strategy (adopted 9 August 2021 by Council).
2. Note the Draft Investment Policy 2022 has been amended to incorporate feedback from the Audit and Risk Committee.
3. Note that the Audit and Risk Committee endorsed the Investment Policy, for Council to consider adoption, at its meeting on 10 December 2021.

ADOPTION OF COUNCIL'S INVESTMENT POLICY cont'd

4. Adopt Council's Draft Investment Policy 2022.

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

- All cash investments are directly invested by Council in Australian financial institutions in accordance with our current investment policy, using the Standard & Poors (S&P) short term credit rating with maturities of less than twelve months.
- The investment landscape is becoming increasingly challenging, competitive and complex, and there are a variety of investment opportunities that could lead to better returns to Council than the current conventional portfolio of banking institutions, noting that the Reserve Bank of Australia's cash rate has remained unchanged at 0.10% since November 2020.
- Council, at its meeting on 9 August 2021, adopted Council's Investment Strategy tailored specific to Council's needs and current economic environment. The Investment Strategy's objective is to optimise investment returns by investing funds at the most advantageous rate of interest available, at the time for that investment type, while achieving a balance between the preservation of capital and the maintenance of liquidity.
- The Investment Strategy identified Risk Bands 1 to 4 as providing returns in the range of CPI, over a rolling 1-year period, to CPI plus 2.5%, over rolling 5-year periods. Refer table 1 below:

Table 1: Investment Risk appetite table

Risk Band	Risk Label	Estimated no. of negative annual returns over any 20 year period	Indicative asset allocation	Investment performance benchmark	Minimum suggested holding period
1	Very low	Less than 0.5	Cash	CPI over rolling 1 year periods	1 year
2	Low	0.5 to less than 1	Secure – growth assets 20%, defensive assets 80%	CPI plus 1% over rolling 3 year periods	2 years
3	Low to medium	1 to less than 2	Capital Stable – growth assets 30%, defensive assets 70%	CPI plus 1.5% over rolling 3 year periods	3 years
4	Medium	2 to less than 3	Conservative Balanced – growth assets 50%, defensive assets 50%	CPI plus 2.5% over rolling 5 year periods	5 years
5	Medium to high	3 to less than 4	Balanced – growth assets 65%, defensive assets 35%	CPI plus 3% over rolling 7 year periods	7 years
6	High	4 to less than 6	Growth – growth assets 85%, defensive assets 15%	CPI plus 4% over rolling 8 year periods	8 years
7	Very high	6 or greater	High Growth – growth assets 95%, defensive assets 5%	CPI plus 4.5% over rolling 10 year periods	10 years

Table developed by the Financial Services Council and Association of Superannuation Funds of Australia

- The Draft Investment Policy establishes the basis for achieving the objective of the Investment Strategy. To implement Council's Investment Strategy, the current Investment Policy (last amended in 2015) has required extensive review, update and amendment (refer attached).
- The Investment Portfolio, under the Draft Investment Policy, will be invested in a range of investments based on the risk profile sought by Council and within the legislative requirements.

ADOPTION OF COUNCIL'S INVESTMENT POLICY cont'd

KEY ISSUES

- Council is governed to meet requirements of the *Local Government Act 2020 (the Act)* which contains specific provisions (under *Section 103*) on investments.
 - A Council may invest any money:
 - (a) in Government securities of the Commonwealth; and
 - (b) in securities guaranteed by the Government of Victoria; and
 - (c) with an ADI; and
 - (d) with any financial institution guaranteed by the Government of Victoria; and
 - (e) on deposit with an eligible money market dealer within the meaning of the Corporations Act; and
 - (f) in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.
- The overall objectives of the Draft Investment Policy align with the Investment Strategy and ensure that:
 - Investment capital funds are invested in accordance with legislative and Council requirements.
 - Effective internal controls and appropriate delegation levels are in place to minimise investment risk of Council's investment capital.
 - The financial yield is managed through prudent investment of investment capital whilst ensuring sufficient liquidity for Council's day to day operational commitments.
 - Investment decisions are based on the security of investment capital by limiting unnecessary exposure to risk.
 - The investment direction is consistent with the environmental and social objectives of Council.
- The key changes to the Draft Investment Policy include:
 - Update legislations, standards, definitions.
 - Add governance principles in line with the Local Government Act.
 - Include Council's latest investment risk appetite outlined in the Investment Strategy.
 - Allow direct investments with any approved institution over a period of five years.
 - Allow investments to Cash Enhanced financial products, such as bonds and floating notes, for greater returns, rather than term deposits.
 - Establish the investment direction and process requirements to be consistent with the environmental and social objectives of Council.
 - Outline the authority and delegation to Council officers and external investment managers.

ADOPTION OF COUNCIL'S INVESTMENT POLICY cont'd

- Extend the investment spectrum to property investment products, including categories and relevant guidelines.
- Outline investment reporting requirements.

Stakeholder Consultation

- The external analysis considered best practice Investment Strategies and Policies, including Council's risk appetite, returns and portfolio options against which to guide strategic investment decisions and to appropriately manage, measure and report against these.
- To achieve best practices, officers reviewed and consulted with other councils regarding their investment policies.

Key Considerations

- The Draft Investment Policy, to align with the Investment Strategy, will be reviewed every 4 years or more frequently where legislation changes, or other circumstances warrant.
- The Draft Investment Policy was reviewed by the Audit and Risk Committee in December 2021. The Committee supports the policy with minor recommendations, which have been considered and included in the amended policy.
- Regular reporting on the compliance against the Investment Policy will be provided to Council once adopted and the Investment Portfolio (a combination of cash enhanced and property allocations) have been embedded into operations.

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

- When taking into consideration Councils risk appetite and the suggested portfolio, the allocation of funds across defensive and growth assets will be required to be reallocated to achieve a high growth objective.

ADOPTION OF COUNCIL'S INVESTMENT POLICY cont'd

- The adopted Investment Strategy outlined that Council has a 'medium' risk appetite and should therefore maintain an asset allocation of 50% Growth assets and 50% defensive assets within its investment capital as follows:
 - *Term Deposits (Operating Cash)*
 - *Cash Enhanced (Defensive)*
 - Floating rate notes could be acquired and generate a higher return when current 12-month term deposit rates.
 - Other options may include managed investment funds.
 - *Property (Growth)*
 - Property investments not critical for the ongoing operation of the Council's business.
- The total recommended investment portfolio is:

Defensive	Growth	
Cash enhanced	Property	Total Investment Portfolio
\$39,000,000	\$40,000,000	\$79,000,000

- The investment portfolio will be considered over a four-year period to align with Council's adopted Budget 2022/2023.
- Resourcing (internal and external) to administer and report on the Investment Portfolio will need to be determined and factored into the net return reported to Council.

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 Investment Policy	

8.7 DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS

Author: Gina Burden - Manager Corporate Governance & Communication,
Corporate Services

Previous Items

Council on 06 Dec 2021 7.00pm (Item 8.3 - Review of Governance Local Law No. 2)

SUMMARY

1. At its meeting on 6 December 2021 Council considered and endorsed the draft Governance Local Law No.2 (2022) which will replace Council's existing Governance Local Law No. 2 (2015).
2. The existing Governance Local Law No. 2 (2015) requires updating in line with new legislation, specifically the *Local Government Act 2020* (the Act), and to remove references to the Meeting Procedures Code (2015), which was replaced by Council's Governance Rules adopted in August 2020.
3. In accordance with the requirements of the Act, and Council's Community Engagement Policy, Council resolved to place the draft Governance Local Law No.2 (2022) on public exhibition and to seek submissions from the public.
4. Public notice of Council's intention to make the Governance Local Law No.2 (2022) was given on 7 December 2021 and it was exhibited in accordance with the Act. Feedback was invited via Council's Shaping Banyule website page from 7 December 2021 to 14 January 2022.
5. Nine (9) persons provided feedback, with 6 of the 9 indicating that they support the making of the Governance Local Law No.2 (2022). Only 4 submitters provided comments in support of their response. All submitters were invited to speak at this Council meeting in support of their submissions.
6. The purpose of this report is to consider any submissions received.
7. Subject to there being no material alteration to the draft General Local Law No.2 (2022), a further report will be presented to Council on 28 February 2022 to formally adopt and make the Governance Local Law No.2 (2022).

RECOMMENDATION

That Council:

1. In accordance with the requirements of Section 73 of the *Local Government Act 2020*, and Council's Community Engagement Policy, notes its consideration of all submissions received in respect of Banyule's proposed Governance Local Law No. 2 (2022); and
2. Determines that no changes be made to Banyule's proposed Governance Local Law No.2 (2022) in response to the submissions; and
3. Receives a further report on 28 February 2022 to consider making Banyule's Governance Local Law No.2 (2022)

**DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd**

COUNCIL PLAN

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

BACKGROUND

- In 2015 Council developed its Governance Local Law (No.2) and Meeting Procedures Code (2015). These were made under the *Local Government Act 1989*.
- With the introduction of the *Local Government Act 2020* Council was required to adopt Governance Rules which describe the way it will conduct Council meetings and make decisions, replacing the Meeting Procedures Code (2015).
- The Governance Local Law No. 2 provides for the use of the common seal and issuing of infringement notices in relation to offences incurred against the local law. It continues to operate until it is revoked or sunsets in 2025.
- The Governance Local Law No. 2 requires updating in line with the new legislation and to remove references to the Meeting Procedures Code (2015).
- Officers engaged Maddocks Lawyers to review the Governance Local Law No. 2 in line with the 2020 Act.
- At its meeting held on 6 December 2021 Council considered a report on the review of Governance Local Law No 2 (2015) and resolved that:
 1. *Council endorse the draft Governance Local Law No.2 for public exhibition via Shaping Banyule, Council's website and inspection at the service centres from 7 December 2021 to 14 January 2022.*
 2. *A report be presented back to Council to consider the consultation feedback.*
- Subsequently, and in accordance with the requirements of the 2020 Act and Council's Community engagement Policy, public notice was given on 7 December 2021 and the draft Governance Local Law No. 2 (2022) (**attached**) was placed on exhibition. Feedback was invited via Council's Shaping Banyule website page from 7 December 2021 to 14 January 2022.

KEY ISSUES

- In response to Council's call for submissions, nine (9) persons provided feedback. Submitters were invited to speak in support of their submission.
- Of the responses received:
 - a. 6 of the 9 submitters indicated that they support the making of the Governance local Law No.2 (2022); and
 - b. Only 4 submitters provided comments in support of the feedback.
- This report sets out and considers the feedback received from submitters.

**DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd**

SUPPORTING REPORT DETAILS

Legal Considerations

- From 1 July 2021, any new local laws must be made in accordance with the 2020 Act. In the meantime, local laws made under the 1989 Act continue to apply. Local laws made under the 1989 Act can be amended or revoked by a local law made under the 2020 Act.
- The process Council must follow to make a local law is outlined in the 2020 Act, specifically sections 73 and 74. The requirements include public exhibition in accordance with Council's Community Engagement Policy.
- If public consultation results in amendments to be made to the draft Governance Local Law No.2 (2022) which affect the rights or responsibilities of any person, the exhibition process must recommence.
- An additional new requirement of the 2020 Act is that, before a local law is made Council must obtain a certificate from a qualified person (lawyer) stating that the proposed local law is consistent with the requirements of the 2020 Act (Compliance Certificate).
- Maddock Lawyers were consulted in the preparation of this report and they have provided feedback and advice regarding the submissions received.

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*.
- When reviewing the draft Governance Local Law No.2 (2022), a Human Rights impact assessment was completed. A Human Rights Charter – Assessment of Compatibility was considered as part of the report to Council on 6 December 2021.
- In all instances it was considered that to the extent that the draft Governance Local Law No.2 (2022) may limit human rights, the limitation was reasonable because the interests of the community, in the good and efficient conduct of Council meetings, was greater than the interest or impact on an individual.

Sustainable Procurement Outcomes

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

Financial Implications

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

**DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd**

Community Engagement

- At the close of the feedback period on 14 January 2022, a total of nine (9) persons had engaged with the Shaping Banyule page set up to seek feedback on the draft Governance Local Law No.2 (2022). Of the nine (9) submitters, only four (4) provided comments for Council’s consideration.
- The following table outlines the feedback received. Submitters were asked if they supported the draft Governance Local Law No.2 (2022) and to provide any comments or feedback.
- Six (6) submitters expressed support for the Governance Local Law No.2 (2022), two (2) submitters do not support it, and one (1) submitter did not indicate their support one way or the other.
- Where feedback has been received, the Officer Comment column below includes Officers’ consideration of, and response to, the feedback. Where the submitter did not leave feedback, the Feedback and Officer Comment columns have been left blank.

Submitter	Support	Feedback	Officer Comment
1	No	Council have no comment for a public forum to allow the community it serves to speak about matters concerning Council.	<p>The circumstances in which members of the public may participate in Council meetings is governed under Council’s Governance Rules.</p> <p>It is beyond the scope and purpose of the Governance Local Law No.2 (2022) to make provisions for a public forum to allow members of the public to address Council.</p> <p>To the extent that this submitter is concerned about public participation in Council meetings and decisions generally, it is noted that Council intends to review its Public Participation Policy in the near future as a separate exercise. The issue may be revisited then.</p>
2	Yes	Maybe offering a warning before any offence.	The offences in clause 3.1 (1) (a), (b) and (c) of the Governance Local Law No.2 (2022) are only triggered when the person fails to obey the direction or request of the Chairperson. In this way, inherent in these offences is the failure to correct

DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd

			<p>behaviour when warned to do so.</p> <p>Further, the <i>Infringements Act 2006</i> allows Council to issue an official warning for an offence rather than an infringement where it considers it appropriate to do so. For offences where the giving of a warning is not implied, council may choose to issue a warning if appropriate.</p>
3	Yes		
4	-	<p>I would have thought that the Chairperson would be obliged to provide an explanation or reason as to why a Councillor or a Person is being asked to leave a meeting.</p>	<p>The circumstances in which the Chairperson may order a person to leave, or be removed, from the Council meeting are set out in Council's Governance Rules. The Governance Local Law No.2 (2022) only enables enforcement of those provisions by way of infringements.</p> <p>Therefore, it is not appropriate for the Governance Local law No.2 (2022) to impose conditions on the discretion of the Chairperson under the Governance Rules.</p> <p>The submitter's concerns are largely addressed in the Governance Rules</p>
5	Yes		
6	Yes		
7	Yes		
8	Yes	<p>Suggestion ...Giving the chairman of the meeting the authority to call for an independent investigation into any inappropriate conduct or breach of behaviour by any member of any council committee or special committee. Such completed report</p>	<p>Conduct requiring the Chairperson to intervene to direct a person at a Council meeting or delegated committee meeting (e.g. being disruptive) is generally not so serious that it would warrant extensive investigation.</p> <p>If the conduct did warrant further investigation, Council considers that other</p>

**DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd**

		to be available within 90 days from the time the independent person(s) be appointed.	<p>provisions of the 2020 Act would be enlivened and that it would be inappropriate and beyond the authority of the Chairperson to initiate such an investigation.</p> <p>Matters pertaining to Councillor conduct, including the investigation of Councillor conduct allegations, are dealt with in Part 6 of the 2020 Act and the Councillor Code of Conduct.</p> <p>Further, the operation of special committees (now known as delegated committees) and the conduct of delegated committees are also regulated by other provisions of the 2020 Act.</p> <p>A local law is subordinate legislation and must not duplicate or be inconsistent with any State or Commonwealth legislation. Accordingly, in addition to it being beyond the role of the Chairperson, such a local law would likely be impermissible since it is likely to be inconsistent with the 2020 Act.</p>
9	No		

- All submitters were invited to speak in support of their submission at the Council Meeting to consider the feedback received. At the time of finalising this report, it is unknown if any submitters will take up the invitation.

Key Considerations

- The majority of submissions received are in support of Council's Draft Governance Law No. 2 (2022) and the comments received do not warrant any alteration of the draft Governance Local Law No.2 (2022).
- Subject to receipt of the required Compliance Certificate from Council's lawyers, and the consideration of any submissions made by submitters who wish to be heard, a further report will be presented to Council at its meeting to be held on 28 February 2022 to formally adopt and make the Governance Local Law No. 2 (2022).

**DRAFT GOVERNANCE LOCAL LAW NO.2 (2022) - PUBLIC SUBMISSIONS
cont'd**

Officer Declaration of Conflict of Interest

- The 2020 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.

ATTACHMENTS

No.	Title	Page
1	DRAFT Governance Local Law No.2	

8.8 RECORD OF COUNCILLOR MEETINGS

Author: Fletcher Coburn - Executive Customer Support Officer, Corporate Services

SUMMARY

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

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

Record of Meetings

1	Date of Meeting:	8 November 2021									
	Type of Meeting:	Council Meeting Pre-briefing									
	Matters Considered:										
	<ul style="list-style-type: none"> 1 Mayoral Term 2 Election of Mayor 3 Election of Deputy Mayor 4 Appointment of Councillors on Committees 										
	Councillors Present:										
<table style="width: 100%; border: none;"> <tr> <td>Peter Castaldo</td> <td>Alida McKern</td> </tr> <tr> <td>Alison Champion</td> <td>Tom Melican</td> </tr> <tr> <td>Peter Dimarelos</td> <td>Fiona Mitsinikos</td> </tr> <tr> <td>Mark Di Pasquale</td> <td>Elizabeth Nealy</td> </tr> <tr> <td>Rick Garotti</td> <td></td> </tr> </table>		Peter Castaldo	Alida McKern	Alison Champion	Tom Melican	Peter Dimarelos	Fiona Mitsinikos	Mark Di Pasquale	Elizabeth Nealy	Rick Garotti	
Peter Castaldo	Alida McKern										
Alison Champion	Tom Melican										
Peter Dimarelos	Fiona Mitsinikos										
Mark Di Pasquale	Elizabeth Nealy										
Rick Garotti											
Staff Present:											
<p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicholas Van – <i>Council Business Officer</i> Dave Pascolo - <i>IT Infrastructure Technical Analyst</i> Duncan Stephen - <i>Jets Facility & Technical Administrator</i> Jay Mifsud – <i>Youth Program Officer</i></p>											
Others Present:											

RECORD OF COUNCILLOR MEETINGS cont'd

	Conflict of Interest:	Nil
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2	Date of Meeting:	15/11/2021
	Type of Meeting:	Council Meeting Pre-briefing
	Matters Considered:	
	2.1 Hybrid Council Meetings 2.2 Final Draft Child and Youth Framework 2021-2031 4.1 173-177 Upper Heidelberg Road, IVANHOE - Mixed Use Development (P1428/2020) 4.2 89-97 Bond Street, IVANHOE - Community Care Accommodation (P1596/2020) 4.3 345-347 Bell Street Bellfield - Proposed Sale of Land 7.1 Record of Councillor Meetings 7.2 Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products 7.3 Quarterly Financial Management Report - September 2021	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicholas Van – <i>Council Business Officer</i> Dave Pascolo - <i>IT Infrastructure Technical Analyst</i> Duncan Stephen - <i>Jets Facility & Technical Administrator</i> Jay Mifsud – <i>Youth Program Officer</i>		
Others Present:		
	Conflict of Interest:	Nil

3	Date of Meeting:	22 November 2021
	Type of Meeting:	Councillor Briefing
	Matters Considered:	

RECORD OF COUNCILLOR MEETINGS cont'd

8 Urban Forestry Strategic Plan 9 Planning Scheme Tree Controls 10 Financial Management Report 11 General Business	
Councillors Present:	
Peter Castaldo Alison Champion Peter Dimarelos Rick Garotti	Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy
Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Joel Elbourne - <i>Manager Planning, Building & Laws</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Ben De Klepper – <i>Urban Forestry Coordinator</i> Cameron Schmelitschek - <i>Urban Forestry Strategic Officer</i>	
Others Present:	
Conflict of Interest:	Nil

4	Date of Meeting:	24 November 2021
	Type of Meeting:	Disability & Inclusion Meeting
	Matters Considered:	
	12 Introductions 13 Council Updates 14 Summary of 1:1 Member Meetings 15 Disability Action Plan 16 Communication 17 Other Business	
	Councillors Present:	
Rick Garotti		
Staff Present:		
Cheree Hunter – <i>Acting Manager Health & Aged Community Planning</i> Theonie Tacticos – <i>Community & Social Planning Coordinator</i> Vicki Martinez – <i>Community & Social Planner</i>		
Others Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

	Kerryn Burgoyne Sarah Hockey Elizabeth Parry Donna Prichard Sam Cartledge Ros Melling	Parvin Ahadi Allan Leenaerts Sharon Solomidid Laila Fernandez Dani Stramandinoli Emma Lowe
	Conflict of Interest:	Nil

5	Date of Meeting:	29 November 2021
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Cemetery Trust Meeting • Chelsworth Park Pavilion • Financial Plan, Budget Timetable, monthly report • General business 	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Rick Garotti	Alida McKern Tom Melican Elizabeth Nealy
	Staff Present:	
	Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett - <i>Director Assets & City Services</i> Marc Giglio - <i>Director Corporate Services</i> Kath Brackett - <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden - <i>Manager Governance & Communication</i> Kerryn Woods - <i>Executive & Councillors Team Leader</i> Jan Richardson - <i>Cemetery Coordinator</i> Nicole Maslin - <i>Manager Leisure Recreation & Culture</i> Lucia Brennan - <i>Major Facilities Coordinator</i> Tania O'Reilly - <i>Manager Finance & Procurement</i>	
	Others Present:	
	Conflict of Interest:	Nil

6	Date of Meeting:	2 December 2021
	Type of Meeting:	LGBTIQ Committee Meeting
	Matters Considered:	
	18 Community engagement 19 Committee processes 20 Council updates 21 Community updates	
	Councillors Present:	

RECORD OF COUNCILLOR MEETINGS cont'd

Peter Castaldo Alison Champion	
Staff Present: Cheree Hunter – <i>Acting Manager Health & Aged Community Planning</i> Myfan Jordan – <i>Community & Social Planner</i>	
Others Present: Michelle McNamara Shev Armstrong Will Delaney Jason Turner Nicole El-Hage Lara Hunter David Landis-Morse Richard Peterson Nathan S	
Conflict of Interest:	Nil

7	Date of Meeting:	6 December 2021
	Type of Meeting:	Council Meeting Pre-briefing
	Matters Considered:	
	3.1 Working for Victoria Program Review 4.1 Draft Banyule Weed Management Strategy - For Public Exhibition 4.2 State of the Environment Report 2020-2021 5.1 Exhibition Outcome - Planning Scheme Amendment C1197 5.2 Major Transport Projects Update 5.3 Final Heidelberg Structure Plan6. 6.1 Supervised Children's Crossings - Update 6.2 Viewbank Tennis Club - LED Lighting Upgrade 6.3 North East Link Project - Sporting Infrastructure Outcomes and Club Transition 7.1 2021/22 Economic Support Package - Status Update 8.1 Provision of Concrete and Asphalt Maintenance Works 20 8.2 Award of contract for 1166-2022 Assembly & Logistics for FOGO Bin Distribution 8.3 Review of Governance Local Law No. 2 8.4 50 Chapman Street, Macleod - Renewal of Telecommunications Lease with Telstra 8.5 Chief Executive Officer Remuneration Policy	
	Councillors Present:	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicholas Van – <i>Council Business Officer</i> Dave Pascolo - <i>IT Infrastructure Technical Analyst</i> Duncan Stephen - <i>Jets Facility & Technical Administrator</i> Jay Mifsud – <i>Youth Program Officer</i> Frances Biggar - <i>Jets Creative Technical Assistant</i>	
Others Present:	
Conflict of Interest:	Nil

8	Date of Meeting:	8 December 2021
	Type of Meeting:	Multicultural Committee Meeting
	Matters Considered:	
	22 Multicultural Plan 23 Advocacy 24 Inclusive Banyule 25 Communication 26 Meeting structure 27 Consultation update – website accessibility	
	Councillors Present:	
	Fiona Mitsinikos	
Staff Present:		
Cheree Hunter – <i>Acting Manager Health & Aged Community Planning</i> Theonie Tacticos – <i>Community & Social Planning Coordinator</i> Lisa King – <i>Community & Social Planner</i>		
Others Present:		
28 Ansum Sadik 29 Baljit Singh 30 Ginger (Lan) Jiang 31 Jeyarajah (Raj) Ramanathan 32 Linda Liwewe 33 Louisa Ong 34 Samira Liban 35 Susan Zhou 36 Suzanne Crenlin		
Conflict of Interest:	Nil	

9	Date of Meeting:	13 December 2021
	Type of Meeting:	Councillor Briefing

RECORD OF COUNCILLOR MEETINGS cont'd

Matters Considered: <ul style="list-style-type: none">• Inclusive Employment program 2021/22 FY update• FOGO Update• State of Sport Report• Capital Works Program	
Councillors Present: Peter Castaldo Alison Champion Peter Dimarelos Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Jonathan Risby – <i>Acting Director City Development</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Jane Nixon – <i>Strategic Development Office</i> Kathy Hynes – <i>Manager Operations</i> Nicole Maslin – <i>Manager Leisure Recreation & Culture</i> Melinda Ramsay - <i>Sport Leisure Arts & Cultural Serv Coordinator</i> Greg Gale - <i>Manager Delivery & Assets</i>	
Others Present:	
Conflict of Interest:	Nil

RECOMMENDATION

That the Record of Councillor meetings report be received.

ATTACHMENTS

Nil