

Agenda of Ordinary Meeting of Council - Monday, 9 October 2023

commencing at 7pm

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



Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 25 September 2023

Disclosure of Interests

1. Urgent Business

Nil

2. Petitions

Nil

Reports

3. Our Trusted and Responsive Leadership

3.1 Award of Contract 1309-2023 East Ivanhoe Preschool Upgrade..... 5

3.2 Instrument of Delegation from Council to the Chief Executive Officer..... 10

3.3 Instrument of Delegation from Council to Members of Council Staff..... 14

3.4 Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987 19

3.5 Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017 23

3.6 Proposed position on MAV State Council Meeting Motions - 13 October 2023
MAV State Council Meeting 28

3.7 Record of Councillor Meetings 32

4. Our Inclusive and Connected Community

4.1 Draft Banyule Gambling Policy for community consultation..... 35

5. Our Sustainable Environment

5.1 Urban Forest Strategy 2022-2032 41

6. Our Well-Built City

6.1 Transport Advocacy Update..... 51

7. Our Valued Community Assets and Facilities

Nil

8. Our Thriving Local Economy

Nil

9. Notices of Motion

Nil

10. 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 will propose to 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 matter:

11. Confidential Matters

11.1 Strategic Commercial Opportunity

Item 11.1 – Strategic Commercial Opportunity Report is listed to be discussed in the Confidential Council Meeting as it has been designated as confidential pursuant to section 3(1)(a) and (g) of the *Local Government Act 2020*. The reasons that it has been designated confidential is that the report contains confidential Council business information, being information that could prejudice Council's position in commercial negotiations if prematurely released to the public. The report also contains commercial information, and if released prematurely could unreasonably expose Council's business, commercial or financial undertaking to disadvantage and therefore needs to remain confidential.

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed.

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

The next Ordinary Meeting of Council will be held on Monday, 9 October 2023

3.1 AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE

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

SUMMARY

1. This report is to consider the awarding of Contract No. 1309-2023 East Ivanhoe Preschool Upgrade.
2. The works include the demolition of the existing building and playground, and construction of a new building, outdoor area, landscaping (excluding playspace area) and carpark.
3. Tenders were received from nine (9) companies.
4. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Notion Partners in accordance with the tender and conditions as determined by Council.
5. The contract will commence following award of the contract.

RECOMMENDATION

That Council:

1. Award Contract No. 1309-2023 East Ivanhoe Preschool Upgrade to Notion Partners for the lump sum amount of \$2,164,000.00 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

COUNCIL PLAN

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

TENDER DETAILS

Contract Period	October 2023 to September 2024
Contract Type	Lump Sum Contract
Advertising Period	29 July 2023 to 23 August 2023 in The Age
Tenders Closed	23 August 2023
Works/Project	The works includes but is not limited to: <ul style="list-style-type: none">• Demolition works of the existing building and playground;• Construction of a new building;• Upgrade outdoor area and landscaping (excluding playspace area);• Construction of a carpark; and

**AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE
cont'd**

	<ul style="list-style-type: none"> • Site clean-up
No. of tender documents downloaded	93
Tender Evaluation Panel (TEP)	<ul style="list-style-type: none"> • Coordinator Capital Works • Project Engineer • Project Engineer • Procurement Officer (non-scoring)
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered price; • Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's; • Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable); • Existence of a management system and procedures; covering Quality and OH&S; and • Sustainable Procurement Questionnaire.
Other Background	<ul style="list-style-type: none"> • The project was originally tendered in October 2022 under Contract No. 1229-2022 and only received 2 submissions which were significantly over the construction budget at the time. The project was postponed until additional funding was secured.

- It should be noted that detailed design for the playspace is currently underway and will be delivered outside of this contract. The cost of delivery can be accommodated within the overall funding agreement with the Victorian School Building Authority (VSBA).

TENDER/QUOTATION EVALUATION

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

**AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE
cont'd**

- The TEP agreed that no tender interview was required as Notion Partners are currently completing the contract for 1220-2022 Montmorency Bowling Club Pavilion Upgrade for Council.
- As Notion Partners scored a “sound” rating for the independent financial check for Contract 1220-2022 within the last 12 months, no independent financial check was required for this contract.
- Following are the final scores including best and final offer (BAFO):

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Tenderer A	Not Shortlisted
Tenderer B	Not Shortlisted
Tenderer C	69.98
Tenderer D	Not Shortlisted
Tenderer E	79.17
Tenderer F	75.23
Tenderer G	72.74
Tenderer H	Not Shortlisted
Notion Partners	90.67

- It is evident from the above weighted scores that Notion Partners has obtained the highest score and will deliver best value for money to Council.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

**AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE
cont'd**

Sustainable Procurement Outcomes

- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability.
- Notion Partners scored highly for sustainable procurement; are local to Northern Region, ISO accredited for Environment, have committed to utilising 90% local businesses and source PPE via Panku Safety Solutions Pty Ltd which is an indigenous owned business.

Financial Implications

- Council has received confirmation from the Victorian School Building Authority (VSBA) that funding is included in its 2022/23 and 2023/24 budget for the construction of the East Ivanhoe Preschool Upgrade, however the funding agreement requires Council to complete the project by January 2025.
- Notion Partners are the highest scored and lowest priced tenderer, which provides best value for money.
- A best and final offer (BAFO) was sought from Notion Partners as detailed in **Confidential Attachment 1**.

Additional information

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

Banyule Procurement Policy

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

Officer Declaration of Conflict of Interest

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

**AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE
cont'd**

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

ATTACHMENTS

N	Title	Page
•		
.		
1	Analysis of RFT 1309-2023 East Ivanhoe Preschool Upgrade - CONFIDENTIAL	

3.2 INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER

Author: Linda Chapple - Coordinator Governance and Integrity, Executive

SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. The current Instrument of Delegation from Council to the Chief Executive Officer, also known as s5 or Schedule 5, was adopted by Council on 29 May 2023 and executed on 30 May 2023.
3. There are no material changes proposed to the Instrument of Delegation from Council to the Chief Executive Officer since last executed on 30 May 2023.
4. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles within the *Local Government Act 2020*.
5. Council subscribes to the Maddocks (Lawyers) Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and the provision of template instruments, which are then tailored to organisational requirements.
6. The proposed Instrument of Delegation from Council to the Chief Executive Officer (s5) is presented to Council for consideration as attached to this Report at **Attachment 1**. Changes have been tracked to demonstrate any changes made since it was last executed.

RECOMMENDATION

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Banyule City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer (Attachment 1 to this report)* subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

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

- Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.
- Delegations are assigned to positions within Council, rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.
- The revised Instrument of Delegation to Chief Executive Officer is based upon the previous Instrument considered by Council at its Ordinary Council Meeting on 29 May 2023.
- As per advice received from the Maddocks Delegation and Authorisation In Depth Service, the regular review of delegations, irrespective of changes, is important for the good governance of Council and ensures that Council regularly reviews their delegated powers, and that legislative reform and organisation restructures are captured.
- Regular review also promotes transparency and accountability to the community on the powers, duties, and functions of Council to all staff, including the Chief Executive Officer.
- The revised Instrument details the powers and matters bestowed upon the Chief Executive Officer, including conditions and limitations on what the Chief Executive Officer must not determine, action, or do.
- Examples of the conditions and limitations that are set out in the Instrument include, but are not limited to: the ability to enter into a contract exceeding the value of \$1,000,000 excl GST; appointing an Acting Chief Executive officer for a period exceeding 28 days; electing a Mayor or Deputy Mayor; granting a reasonable request for leave under s 35 of the Act; making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; or approving and amendment of the Council Plan.
- Another condition or limitation set out in the s5 Instrument as attached, is the requirement for Council to resolve on determining the internal audit contract and this power not be delegated to the CEO of the day.

KEY ISSUES

- An important part of Council's effective decision-making framework is the ability to delegate its powers to members of Council Staff directly, and to the Chief

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

Executive Officer, to ensure the continued transaction of Council business in a timely and efficient manner.

- Council subscribes to the Maddocks (Lawyers) Delegation and Authorisation In Depth Service which provides regular updates on legislation and assurance to local government. This Delegation update service mitigates the risks involved in oversight of the many reforms to legislation that govern the operations of Council.
- The Instrument of Delegation from the Council to the Chief Executive Officer (s5) is not the only the instrument of delegation Council can execute, or that the Chief Executive Officer or other officers can execute.
- A summary of other instruments is detailed below:
 - s6 - Instrument of Delegation from Council to Members of Council Staff
 - s7 - Instrument of Sub - Delegation from the Chief Executive Officer to Members of Council Staff
 - s12 - Instrument of Delegation and Authorisation from the Municipal Building Surveyor (MBS) under the Building Act 1993 and the Building Regulations 2018.
 - s13 – Instrument of Delegation from the Chief Executive Officer to Staff of CEO Powers.
 - s14 – Instrument of Delegation from the Chief Executive Officer to Staff (VicSmart Applications).
 - s16 – Instrument of Delegation from Council to staff -Bushfire Reconstruction Applications
 - s18 – Instrument of Sub-Delegation under the Environment Protection Act 2017.
 - s19A - Instrument of Delegation from Municipal Fire Prevention Officer under the Country Fire Authority Act 1958.
 - s19B - Instrument of Delegation from Municipal Fire Prevention Officer under the Fire Rescue Victoria Act 1958.
 - s 20A - Instrument of Delegation by Chief Executive Officer for Child Wellbeing and Safety Act 2005 – Child Link Users
- Attached to this Report are the following documents:
 - The proposed Instrument of Delegation from Council to the Chief Executive Officer (s5)
- Officers have also been provided training from the Governance and Integrity Department on understanding authorisations and delegations.

SUPPORTING REPORT DETAILS

Legal Consideration

- Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.
- Updating and managing instruments of delegation ensures compliance with Section 11 of the *Local Government Act 2020*.

INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER cont'd

- Councils are required to maintain a register of all the instruments of delegation that are in force in accordance with S11 of the *Local Government Act 2020*.

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact Assessment Hub.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.


Financial Implications

- There are no financial implications associated with this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's operating budget.

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

N	Title	Page
0	.	
1	S5 - Instrument of Delegation from Council to the Chief Executive Officer  - Proposed	

3.3 INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

Author: Linda Chapple - Coordinator Governance and Integrity, Executive

SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. Council subscribes to Maddocks (Lawyers) Delegations and Authorisations In-Depth Service which provides a range of schedules for Council to utilise and modify according to their organisational needs in line with relevant legislation.
3. One of the instruments that Maddocks structure and prepare in their service is the Instrument of Delegation from Council to Members of Council staff, also known as Schedule 6 or s6.
4. Council last adopted the s6 on the 29 May 2023 and it was executed on 30 May 2023. In July 2023 Maddocks released, via their In-Depth Service, amendments to the s6 and other instruments in accordance with legislative change and reform.
5. All changes made from the current s6 (adopted 29 May 2023) can be found via track changes in **Attachment 1** – proposed s6).
6. The s6 has been prepared for Council's consideration and provides a schedule of the legislation that only Council can delegate directly to Members of Council staff, and that the Chief Executive Officer is unable to sub delegate under the *Local Government Act 2020*.
7. Members of Council staff from across the organisation have been involved in the consultation process to inform the relevant positions within Council to be 'delegated' the right duties, powers, and functions under each respective piece of legislation to support the implementation of Council's decisions and transact the business of Council effectively and efficiently in line with the laws of the day.
8. Training has been provided to staff on delegations and authorisations to empower staff to understand the review process and allocating staff to specific duties, powers, and functions in line with their subject matter expertise and position description.
9. Details of key updates made to the s6 are detailed in the body of this Report.
10. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
11. The revised Instrument of Delegation from Council to Members of Council Staff (s6) is presented to Council for consideration as attached to this Report.

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

RECOMMENDATION

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument (**Attachment 1**) of delegation, resolves that -

1. There be delegated to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

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

- Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.
- Delegations are assigned to positions within Council, rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.
- The s6 Instrument of Delegation from Council to Members of Council Staff is used by a Council to delegate to members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation).
- Where the Chief Executive Officer is listed means that position is also able to exercise these powers.
- The legislation that is captured in the s6 Instrument of Delegation from Council to Members of Council Staff includes the following legislation: *Cemeteries and Crematoria Act 2003, Domestic Animals Act 1994, Food Act 1984, Heritage Act 2017, Local Government Act 1989, Planning and Environment Act 1987, Residential Tenancies Act 1997, Road Management Act 2004, Cemeteries and Crematoria Regulations 2015, Planning and Environment Regulations 2015,*

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

Planning and Environment (fees) Regulations 2016, Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, Road Management (General) Regulations 2016, and the Road Management (Works and Infrastructure) Regulations 2015.

- Where the powers under legislation are not required to be delegated, the column 'delegate' is populated with 'not delegated'.
- As per advice received from the Maddocks Delegation and Authorisation In Depth Service, the regular review of delegations, irrespective of changes, is important for the good governance of Council and ensures that Council regularly reviews their delegated powers, and that legislative reform and organisation restructures are captured.
- Regular review also promotes transparency and accountability to the community on the powers, duties and functions of Council to all staff, including the Chief Executive officer.
- The Instrument of Delegation from Council to Members of Council Staff (s6) is attached to this report at **Attachment 1**.

KEY ISSUES

- An important part of Council's effective decision-making framework is the ability to delegate its powers to members of Council Staff directly, and to the Chief Executive Officer, to ensure the continued transaction of Council business in a timely and efficient manner.
- Council subscribes to the Maddocks (Lawyers) Delegation and Authorisation In Depth Service which provides regular updates on legislation and assurance to local government. This Delegations update service mitigates the risks involved in oversight of the many reforms to legislation that govern the operations of Council.
- The Instrument of Delegation from the Council Members of Council Staff (s6) is not the only the instrument of delegation Council can execute, or that the Chief Executive Officer or other officers can execute.
- A summary of other instruments is detailed below:
 - S5 - Instrument of Delegation from Council to the Chief Executive Officer
 - s7- Instrument of Sub - Delegation from the Chief Executive Officer to Members of Council Staff
 - s12- Instrument of Delegation and Authorisation from the Municipal Building Surveyor (MBS) under the Building Act 1993 and the Building Regulations 2018.
 - s13 – Instrument of Delegation from the Chief Executive Officer to Staff of CEO Powers.
 - s14 – Instrument of Delegation from the Chief Executive Officer to Staff (VicSmart Applications).
 - s16 – Instrument of Delegation from Council to staff -Bushfire Reconstruction Applications
 - s18 – Instrument of Sub-Delegation under the Environment Protection Act 2017.

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

- s19A – Instrument of Delegation from Municipal Fire Prevention Officer under the Country Fire Authority Act 1958.
- s19B – Instrument of Delegation from Municipal Fire Prevention Officer under the Fire Rescue Victoria Act 1958.
- s 20A Instrument of Delegation by Chief Executive Officer for Child Wellbeing and Safety Act 2005 – Child Link Users
- Attached to this Report (**Attachment 1**) is the proposed Instrument of Delegation from Council to Members of Council Staff (s6) as prepared by Council Officers.
- There has been one (1) change to the Planning and Environment Act 1987 since the last review being:
 - Section 181 of the Act has been altered to remove reference to ‘delivery of memorial’.
- Organisational Team realignments, new positions or changes to position titles have been captured through the review process.

SUPPORTING REPORT DETAILS

Legal Consideration

- Reviewing Council’s delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.
- Updating and managing instruments of delegation ensures compliance with Section 11 of the *Local Government Act 2020*.
- Councils are required to maintain a register of all the instruments of delegation that are in force in accordance with S11 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.

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact Assessment Hub.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF cont'd

Financial Implications

- There are no financial implications arising from the recommendation contained in this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's Operating Budget.

Collaboration

- Council's Senior Management Teams were engaged through training and development, and integral in the preparation of the s6 Instrument of Delegation. Each respective department was involved in providing input and advice on which positions within Council were required to be delegated certain powers, duties, and functions to enable the business of Council to be transacted.
- Collaboration and engagement are key elements of the review of Instruments of Delegation.

Key Considerations

- Delegating certain powers, duties and functions under the legislation as captured in Instruments creates the ability for Council to manage its business effectively and for technical experts employed to support the community to undertake their obligations within their position descriptions and achieve elements of the Council Plan and other key documents.
- Effective decision making in a local government context is the power to delegate and delegate effectively to support the outcomes for the Community.

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

N	Title	Page
0	.	
1	S6 Instrument of Delegation from Council to Members of Council Staff - Proposed <i>(Under Separate Cover)</i>	

3.4 INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Author: Linda Chapple - Coordinator Governance and Integrity, Executive

SUMMARY

1. The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.
2. Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks (Lawyers) Authorisations and Delegations In Depth Service, which Council subscribes to.
3. Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation (s11), Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution (s11A).
4. Maddocks recommends that Council execute the appointment and authorisation of authorised officers under the *Planning and Environment Act 1987* because these Acts place limitations on what powers can be sub-delegated, so by issuing the authorisation direct from Council, the risk of decisions being challenged on the basis that the authorisation was not appropriate is mitigated.
5. Authorisations are different to delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.
6. The Instrument is presented regularly to Council for the purposes of authorising new staff members who have commenced, and their role requires them to do the things necessary as set out in the authorisation.
7. Officers that have also departed the organisation have been removed from the Instrument. No additional powers or duties or authorisations have been added to the Instrument template.

RECOMMENDATION

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the instrument as attached at **Attachment 1** be appointed and authorised as set out in the instrument;

INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 cont'd

2. The instrument comes into force immediately as it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

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

- Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.
- The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations In Depth Service.
- Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.
- The Instrument of Appointment to Authorised Officers under the *Planning and Environment Act 1987* have been prepared by the Governance Team after consultation with the internal departments of Council.
- The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

- There are no legislative changes to the authorisation under the *Planning and Environment Act 1989*.
- The instrument has been updated in line with the revised organisation structure.
- They are delegated to natural people and not positions.
- The instrument has been updated to reflect staff changes due to departures and new appointments.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.
- The report complies with Council's obligations under the *Planning and Environment Act 1987* and the *Local Government Act 2020*.

INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 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.

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact Assessment Hub.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Sustainable Procurement Outcomes

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

Financial Implications

- The preparation of this report and Council's subscription to Maddocks Delegations and Authorisations In-Depth Services is within Council's operating budget. There are no other financial considerations that are required in relation to the preparation of this report.

Collaboration

- This Instrument of Appointment and Authorisation has been prepared following feedback from relevant departments within 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

N	Title	Page
o	.	

**INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987 cont'd**

1 S11A - Instrument of Appointment and Authorisation PE Act - Proposed



3.5 INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017

Author: Linda Chapple - Coordinator Governance and Integrity, Executive

SUMMARY

1. The *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.
2. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed however, there have been changes to the laws and powers of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to councils.
3. Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council.
4. Following this, Maddocks (Lawyers) advised that Council should now sub-delegate these powers, as conferred by section 437(2) of the Act to Council officers.
5. The attached s18 - Instrument of Sub-Delegation from Council to Members of Council Staff reflects this advice and is presented to Council for adoption.
6. Team realignments, new positions or changes to position titles have been captured through the review process and updated accordingly.
7. It is important to note that the powers contained in the Instrument of Sub-delegation can only be delegated to council staff who are authorised under section 242(2) of the Act.
8. For this reason, both the s18 - Instrument of Sub-Delegation and the s11B - Instrument of Appointment and Authorisation are presented to Council for adoption (**Attachment 1 and Attachment 2**) to this report.

RECOMMENDATION

That Council In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Banyule City Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached s18 Instrument of Delegation (**Attachment 1**) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately after the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
 - a) The members of Council staff referred to in the instruments be appointed and authorised as set out in the s11B Instrument of Appointment and Authorisation (**Attachment 2**).
 - b) The instrument comes into force immediately the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument and remains in force until Council determines to vary or revoke it.

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

- The *Environment Protection Act 2017* (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.
- Council received formal notification from the EPA in June to advise that they had delegated new powers to councils under the Act. The delegation applies to the regulation of:
 - on-site wastewater management systems not exceeding 5000 litres on any day; and
 - noise from construction, demolition and removal of residential premises.
- The EPA's Governing Board approved the Instrument of Delegation and the Instrument of Direction on 4 June 2021. These Instruments enable Council to take necessary steps to assume the new powers under the Act and the Regulations.
- There are no material changes to the current Instrument. Team realignments, new positions and changes to position titles have been captured through the review process and updated accordingly.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

KEY ISSUES

- By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.
- The powers, duties and functions described and summarised in the Schedule as attached to this report, are only delegated for the purpose of regulating:
 - onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - noise from the construction, demolition, or removal of residential premise.
- Where Council has sub-delegated EPA powers and functions under s437(2) of the Act, the members of Council staff must be authorised officers under s242(2) of the Act.
- As such, new Instruments of Appointment and Authorisation are included and attached to this report.
- Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.
- In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers.
- A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework.
- Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.
- Further, authorised officers must exercise the powers in accordance with the EPA's approved Instrument of Direction.
- The attached s18 Instrument of Sub-Delegation (and s11B Instrument of Appointment and Authorisation) are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

SUPPORTING REPORT DETAILS

Legal Consideration

- This report has been prepared in line with the *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.

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*.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact Assessment Hub.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Financial Implications

- There are no financial implications associated with this report.
- Council's subscription to the Maddocks (Lawyers) Delegations and Authorisation In Depth Service is allocated in Council's operating budget.

Collaboration

- Council subscribes to the Maddocks Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and template instruments.
- Consultation with the relevant departments within the organisation has taken place in the preparation of the proposed Instruments.
- There have been no material changes made. Team realignments, new positions or changes to position titles have been captured through the review process.

Key Considerations



- By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.
- The powers, duties and functions described and summarised in the Schedule as attached to this Report are only delegated for the purpose of regulating:
 - onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - noise from the construction, demolition, or removal of residential premises.

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.

**INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017 cont'd**

ATTACHMENTS

N	Title	Page
o	.	
1	S18 - Instrument of Sub-Delegation EPA Act 2017 - Proposed 	
2	S11B - Instrument of Appointment and Authorisation EPA 2017 -  Proposed	

3.6 PROPOSED POSITION ON MAV STATE COUNCIL MEETING MOTIONS - 13 OCTOBER 2023 MAV STATE COUNCIL MEETING

Author: Krysten Forte - Manager Governance & Integrity, Executive

SUMMARY

1. The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
2. The State Council is MAV's governing body and is made up of representation from each member council.
3. Cr Tom Melican was appointed Council's Councillor representative/delegate at the 7 November 2022 Statutory Council Meeting and attends the MAV State Council Meetings with support from Officers.
4. Members can submit business to be considered at the relevant State Council Meeting in accordance with MAV's Strategy 2021-2025.
5. All motions were required to be submitted to the MAV 60 days prior to the meeting.
6. Council did not resolve to admit any motions to the MAV State Council Meeting for 13 October 2023.
7. The MAV released the Business Papers for the 13 October 2023 State Council Meeting on Wednesday 13 September 2023 for all councils to consider.
8. The MAV State Council Business Papers <https://www.mav.asn.au/who-we-are/governance/state-council> encompasses 45 motions, 8 consolidated motions and 8 late motions (total 61 motions) from across the sector.
9. Council's approach to the MAV State Council Meeting is that the Councillor MAV representative/ delegate attends the MAV State Council Meeting and votes on each of the motions presented in the Business Papers in accordance with Council's endorsed position, on behalf of their Council.
10. **Attachment 1** provides Officer's recommended position on each of the 61 motions for Council to consider.
11. Out of the 61 motions, officers recommend that Council support 60 of those motions. One (1) motion – Motion 37 that was submitted by Maribyrnong City Council - *Support for the Small Business Community* is recommended to not be supported.
12. The purpose of this report is for Council to consider the motions and provide Council's position on each, in preparation for the MAV State Council Meeting scheduled for Friday 13 October 2023.

**PROPOSED POSITION ON MAV STATE COUNCIL MEETING MOTIONS - 13
OCTOBER 2023 MAV STATE COUNCIL MEETING cont'd**

RECOMMENDATION

That Council:

1. Endorse the proposed Council position on each of the 45 motions, 8 late motions and the 8 consolidated motions (61 motions in total) as presented in the MAV State Council Meeting Business Papers for the MAV State Council Meeting scheduled for Friday 13 October 2023 as found at **Attachment 1**.

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

- The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
- The State Council is MAV's governing body and is made up of representation from each member council.
- State Council's powers include determining the Rules of Association, electing the president and other members of the Board, determining the MAV's strategic direction, and appointing the auditor.
- State Council meet twice a year, or more if required.
- Members can submit business to be considered to State Council in accordance with the MAV Rules.
- On the 13 September 2023 the MAV released the MAV State Council Business Papers that incorporate 61 motions. These motions will be presented to the MAV State Council for vote.
- **Attachment 1** details the 61 motions and Officers proposed position to each.

KEY ISSUES

- There are 61 motions in total that are before State Council.
- Out of the 61 motions, officers recommend that Council support 60 of those motions.
- Out of the 61 motions, the officer recommendation and suggested Council position is that Council do not support one (1) motion.
- This motion is motion 37 submitted by Maribyrnong City Council - Support for the Small Business Community.
- Full details of the motions presented to the MAV in the Business Papers for State Council and the officer recommendation and suggested Council position is found at **Attachment 1**.

**PROPOSED POSITION ON MAV STATE COUNCIL MEETING MOTIONS - 13
OCTOBER 2023 MAV STATE COUNCIL MEETING cont'd**

- Motions are required to be aligned to the MAV Strategic Plan and to be of local government significance.
- As part of Council's role in advocating for matters important to Banyule municipal district and the broader sector, it is important that Council considers the level of support for each motion and exercise each vote accordingly.

SUPPORTING REPORT DETAILS

- **Legal Consideration** There are no direct legal implications arising from the recommendation contained in this report.
- Council's proposed position on each motion is in line with either Council's Plan, or adopted Council policies, strategies and plans.

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.

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment (GIA) for policies, strategies, plans, programs, and services that have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact Assessment Hub.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

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

**PROPOSED POSITION ON MAV STATE COUNCIL MEETING MOTIONS - 13
OCTOBER 2023 MAV STATE COUNCIL MEETING cont'd**

ATTACHMENTS

N	Title	Page
o	.	
1	Proposed Council position on MAV State Council Busniess Paper	
	Motions - 13 October 2023 MAV State Council Meeting (<i>Under Separate Cover</i>)	

3.7 RECORD OF COUNCILLOR MEETINGS

Author: Rachael Hudson - Council Business Officer., Executive

SUMMARY

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

If there is a meeting of Councillors that:

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

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

Record of Meetings

1	Date of Meeting:	Monday 11 September 2023
	Type of Meeting:	Councillor Briefing 6.33pm – 8.54pm
	Matters Considered:	
	WaterMarc Operation Sandon – Advocacy Position & Presentation on Special Report Public Toilet Plan Review North East Link Trail options at the Lower Plenty Road Interchange Container Deposit Scheme (CDS) Location Update Fair Work Legislation Secure Jobs, Better Pay General Business Update on Operations Depot works.	
Councillors Present:		
Cr Peter Castaldo Cr Alison Champion Cr Mark Di Pasquale Cr Rick Garotti Cr Alida McKern Cr Elizabeth Nealy (left 8.43pm)		
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> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance and Integrity</i> Greg Gale - <i>Manager Assets and Delivery</i> Linda Chapple - <i>Governance and Integrity Coordinator</i> Joel Elbourne – <i>Manager Planning, Building and Laws</i> Michele Purtle – <i>Acting Communications, Advocacy & Engagement Coordinator</i> Karen Leeder – <i>Manager City Futures</i>	
Others Present:	
Conflict of Interest:	Nil

2	Date of Meeting:	18 September 2023 6.35pm – 10.15pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	NELP North Package UDLP update Statutory Planning Referrals/Delegations and Protocols Corporate Services Efficiencies and Opportunities Giant Pine Scale, Rosanna Parklands Potential Strategic Acquisition Opportunity (update) Ivanhoe Grammar School – Chelsworth Park update	
Councillors Present:		
Cr Peter Castaldo Cr Mark Di Pasquale Cr Rick Garotti Cr Alida McKern (left 9.15pm) Cr Elizabeth Nealy		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Michael Tanner – <i>Acting Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Karen Leeder - <i>Manager City Futures</i> Michele Purtle – <i>Acting Communications, Advocacy & Engagement Coordinator</i> Megan Kemp – <i>Strategic Executive Assistant to the CEO & Mayor</i> Joel Elbourne – <i>Manager Planning, Building & Laws</i> Jonathan Risby – <i>Manager Transport and Environment</i> Kathleen Petras – <i>Transport Planning & Projects Coordinator</i>		
Others Present:		
Jim Waller – <i>Executive Program Director</i> Sebastian Motta – <i>Director Delivery</i>		

RECORD OF COUNCILLOR MEETINGS cont'd

	Christopher Woodroffe – <i>Deputy Director Communications & Stakeholder Relations – Freeways</i>
	Marco DiPietro – <i>Package Director - North</i>
	Zac Cvitkovic - <i>AECOM</i>
	Deiter Lim - <i>Tract</i>
	Stephen Litterick - <i>NEL Norther Alliance</i>
Kim Norton - <i>NEL North Alliance</i>	
Conflict of Interest:	N/A

RECOMMENDATION

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

ATTACHMENTS

Nil

4.1 **DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION**

Author: Stephanie Ashby - Social Policy Lead, Community Wellbeing

Previous Items

Council on 08 Apr 2019 7.00pm (Item 3.1 - Gambling Policy - Gambling Reduction and Harm Minimisation)

Council on 28 Oct 2019 7.00pm (Item 3.1 - Approval of Alliance for Gambling Reform Partnership)

Council on 7 September 2020 (Item 3.1 - Update on Advocacy re Gambling Harm and COVID-19)

Council on 14 Dec 2020 7.00pm (Item 3.2 - Strengthening Opportunities for Community Connection and Reducing Gambling Harm)

SUMMARY

1. The purpose of this report is to seek Council's endorsement of the Draft Banyule Gambling Policy 2024 – 2028 (the Draft Policy) **Attachment 1** for community consultation.
2. The Banyule Gambling Policy 2024 - 2028 aims to replace the now-expired Banyule Gambling Policy 2019 – 2022.
3. The Draft Policy that has been prepared acknowledges Council's public health approach to gambling, and details operational, advocacy, planning and health promotion priorities.
4. The Banyule Gambling Policy 2019-2022 included a commitment to membership with the Alliance for Gambling Reform and this will be presented to Council for consideration when the Draft Policy is presented for adoption in early 2024.
5. Subject to Council endorsing the Draft Banyule Gambling Policy 2024-2028 Policy for consultation it is proposed that a consultation period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 be undertaken.
6. Community and stakeholder feedback will be collated, analysed, and incorporated in December by Officers and a Proposed Banyule Gambling Policy 2024-2028 Policy will be presented to Council in early 2024 for adoption.

RECOMMENDATION

That Council:

1. Endorses the Draft Banyule Gambling Policy 2024 – 2028 for a public consultation period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 (Attachment 1).
2. Notes that the community consultation will include a dedicated Shaping Banyule page, engagement with Councils Advisory & Population Committees,

**DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION
cont'd**

one (1) professional forum and one (1) community forum which will be face-to-face consultation sessions.

3. Notes that the Proposed Banyule Gambling Policy will be presented to Council in early 2024 for adoption after the community consultation process has concluded and been considered.

COUNCIL PLAN

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

BACKGROUND

- The Banyule Gambling Policy 2019-2022 has expired and building on the commitments within the previous policy, a Draft Banyule Gambling Policy 2024 – 2028 has been developed for consideration by Council (**Attachment 1**).
- The Draft Policy is a four (4) year approach and reaffirms Banyule's commitment to a preventative public health approach that addresses gambling related harm in the Banyule community.
- The Draft Policy was informed by:
 - An extensive literature and data review, including a targeted review for the policy's Gender Impact Assessment (ongoing, pending feedback from community consultations).
 - Benchmarking of neighbouring council's gambling policies.
 - Preliminary consultations with internal and external sector stakeholders, including participation in the Victorian Local Governance Association's (VLGA) working group on gambling.
- In line with contemporary research and best practice, the focus is not on individual behaviour change but on the broader ecosystem in which gambling harm is produced.
- The Draft Policy has five (5) guiding principles:
 - A public interest approach
 - Evidence-based policy and initiatives
 - Uplifting protective factors in our community
 - Social justice
 - A collaborative approach
- The Draft Policy has four (4) priority areas and under these, 15 key commitments:
 - Operational responsibility
 - Advocacy
 - Planning

**DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION
cont'd**

- Health promotion & community support
- The Draft Banyule Gambling Policy 2024 – 2028 recognises that there has been a steady decline of EGM losses in Banyule from 2002 – 2022 and acknowledges the newly announced State Government reforms for Electronic Gaming Machines (EGMs).
- As such the policy includes a commitment to regularly monitor EGM losses and the impact of the new reform implementation, before considering further interventions including any Planning Scheme amendments.
- The Banyule Gambling Policy 2019-2022 included a commitment to membership with the Alliance for Gambling Reform. A request for a further commitment to this membership will be presented to Council as part of the Draft Policy adoption process in early 2024.
- Membership to the Alliance for Gambling Reform attracts an annual cost of \$25,000. Membership benefits include:
 - Enhanced recognition as a leading organisation in addressing gambling-related harm.
 - Priority access to Alliance staff and board expertise, and involvement in campaign planning.
 - Customised co-branded communications collateral and local media support.
 - Assistance with developing gambling harm prevention policies and access to research-informed policies.
 - Guidance on handling gambling machine applications, and support, research, and media engagement.
 - Training opportunities for officers and Councillors.
- Banyule would seek to use this membership to ensure greater strengthening of partnerships and advocacy in gambling reform across local government in Victoria and nationally.
- It is recognised that the issue of online gambling and its impacts on the Banyule community are not fully understood and monitoring this is a new commitment within the Draft Banyule Gambling Policy 2024 – 2028.
- It is proposed that the Draft Banyule Gambling Policy 2024 - 2028 commence public consultation for a period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023.
- It is anticipated the final Banyule Gambling Policy 2024 - 2028 will be presented to Council in early 2024 for adoption.

KEY ISSUES

- The Draft Banyule Gambling Policy 2024 - 2028 reiterates Council's commitment to a public health approach to addressing gambling in our community. It emphasises the importance of taking significant measures to safeguard those individuals who are most vulnerable to the harms associated with gambling.

**DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION
cont'd**

- The approach aligns with current research and best practices, with a key emphasis on addressing the root causes of gambling harm, rather than solely focusing on changing individual behaviour.
- The Draft Policy recognises the increasing concern surrounding online gambling. While losses from EGMs are on the decline in Banyule, losses from online gambling are generally on the rise. Council has limited authority over online gambling, so our role is to monitor impacts and contribute to shared advocacy priorities to address issues related to online gambling.
- Council supports the State Government reforms announced in July 2023. The implementation of these reforms is a key element of the Draft Policy, including advocacy to ensure their timely implementation.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendations 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.

Gender Impact Assessment

- In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.
- The gender impact and associated implications of this project were assessed in four steps to guide and prompt thinking and direction, including:
 - Define the issues and challenge assumptions
 - Understand your context
 - Options analysis
 - Making recommendations
- The Draft Banyule Gambling Policy 2024-2028 aims to support equitable outcomes for women and non-binary people who engage in or are impacted by gambling.
- A full Gender Impact Assessment will be finalised post community consultation and prior to the finalisation of the Proposed Banyule Gambling Policy 2024-2028 for adoption but preliminary findings have shown that there is a gendered impact from gambling. The preliminary research has identified a number of key intersectional issues that include:
 - For many women, gambling increases as their caring responsibilities decrease as this can lead to loneliness and social isolation, both of which lead to being more vulnerable to gambling harm.

**DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION
cont'd**

- As women are more likely to work part time or in roles that have lower income than men, they may experience greater financial harm from gambling.
- Research has shown that those with significant gambling issues will have an impact on approximately six others that are closely surrounding them with these most likely to be spouses and children.
- Gambling impacts will often intersect with family violence of which the majority of victims are female.

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

- Should Council adopt the Draft Policy, community consultation will commence for a period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 seeking community feedback on the Draft Policy prior to final adoption.
- The community consultation strategies include:
 - A dedicated page on Shaping Banyule
 - Engagement with Population and Advisory Committees of Council
 - One Professional Forum
 - One Community Forum
- Further details regarding the specifics of the consultation will be outlined on Shaping Banyule for this project.
- These sessions will be face-to-face engagement

Collaboration

- Consultations with community organisations, neighbouring councils and Council staff were undertaken between January and August in 2023. These consultations were used to inform the Draft Policy.

Key Considerations

- Gambling is a legal activity and most people who gamble are not problem gamblers.
- Gambling harm disproportionately impacts people who are from lower socio-economic groups.

**DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION
cont'd**

- Instead of placing the onus on individuals, venues should be encouraged to exercise their Corporate Social Responsibility to take meaningful steps to address gambling related harm.
- Council needs to work in partnership with other local government areas and advocacy bodies to ensure a strengthened approach to gambling reform.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
0	.	
1	Draft Banyule Gambling Policy 2024-2028	



5.1 URBAN FOREST STRATEGY 2022-2032

Author: Michael Tanner - Manager Parks & Natural Environment, Assets & City Services

Previous Items

Council on 5 December 2022 (Item 4.2 - Draft Urban Forest Strategy 2022 - 2032)

Council on 28 February 2022 (Item 6.2 - Urban Forest Strategy - Principles)

SUMMARY

1. The 2015 Urban Forest Strategic Plan (UFSP) review is a key deliverable within the 2021/22 Council Plan. In December 2021 the Community was consulted on the draft vision, principles and goals of the proposed Urban Forest Strategy (UFS).
2. On 28 February 2022 Council endorsed the draft UFS framework, including the definition, vision, and principles.
3. Informed by Shaping Banyule feedback (Dec 2021), officers and the Community Reference Group (CRG) developed six (6) strategic focus areas. The strategic focus areas and the prioritisation of draft actions went to community consultation via Shaping Banyule in May 2022.
4. The draft UFS was presented to Council on 5 December 2022 and endorsed for a 12-week community consultation period from 12 December 2022 - 23 March 2023.
5. A total of 94 submissions via Shaping Banyule and 21 written submissions were received, with 81% supporting the draft Urban Forest Strategy, the actions and the measures. The submissions were categorised into 379 distinct topics. The topics and themes have informed changes to the UFS, across three (3) areas:
 - Content, language and layout
 - KPIs and Targets
 - Strategic Areas, Actions and Timelines
6. In response to 94 distinct comments regarding the structure, inclusions, and readability of the Strategy, it has been broken into three key documents:
 - Urban Forest Strategy – Overview (**Attachment 1**)
 - Urban Forest Strategy - Implementation Plan (**Attachment 2**)
 - Urban Forest Strategy - Background Technical Report (**Attachment 3**)
7. The three (3) draft KPIs have been revised to reflect community, councillor, and officer feedback (changes in bold):
 - 30% Canopy cover across all suburbs – (was 27%) by 2050
 - 45 % Canopy cover across the local footpath network now includes 'local road network' by 2050
 - 50% Canopy cover across the open space shared path network *and* 'surrounding playgrounds' by 2050

URBAN FOREST STRATEGY 2022-2032 cont'd

8. The Strategic Area actions have been refined to reduce the total count to 58 distinct actions.
 - 18 Actions use existing council resources.
 - 25 actions are proposed for years 1-3 of the Strategy, establishing the foundation for long-term delivery and success of the targets.
9. Should Council wish to adopt the strategy in its entirety, estimates of total initiative costs (excluding existing operational budgets) over the ten-year strategy are \$7.147 million.
10. The Estimated cost and resources to deliver the Strategy are calculated based on planting approx. 13,650 trees from 2023-2028 seasons to address current vacant street tree sites, open space paths and carry forward funding shortfall of operational tree removals against operational tree replacement.
11. Senior officers have held regular meetings with the North East Link Authority (NELA). Officers have consistently sought documentation and commitments from NELA regarding:
 - The planned and actual NELA project vegetation impacts.
 - NELA's commitments and plans to replace tree canopy under its Environment Effects Statement (EES) obligations.
 - NELA committing to resourcing and working with Banyule to plant the right trees, in the right places, at the right time for the benefit of the broader Banyule community.
12. To date, the North East Link Authority (NELA) has not been able to provide the full details off its Tree Canopy Replacement Plan (TCRP), nor been able to commit to supporting, funding and resourcing tree planting actions in Banyule's Urban Forest Strategy. The canopy targets and actions in the UFS strongly align with and support NELA meeting its EES and TCRP obligations. Senior officers continue to meet with NELA and advocate for the above.

RECOMMENDATION

That Council:

1. Adopts the Proposed *Urban Forest Strategy 2023-2033, Overview (Attachment 1)* and Implementation Plan (**Attachment 2**).
2. Continues negotiation with North East Link Authority (NELA) to explore opportunities for funding and resourcing tree planting actions identified in the Proposed *Urban Forest Strategy 2023-2033*.
3. Receives a further report in relation to the outcome of the negotiations with North East Link Authority (NELA).
4. Refers the resource requirements of the Proposed *Urban Forest Strategy 2023-2033* to the 2023/24 budget process.

URBAN FOREST STRATEGY 2022-2032 cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Protect, increase and maintain Banyule's urban forest population to provide a greener City for enhanced liveability".

BACKGROUND

- The project commenced in July 2021, and through extensive community consultation and officer review, an initial draft Urban Forest Strategy was prepared.
- Consultation with Councillors, the Community Reference Group (CRG), officers, external stakeholders and the community (Shaping Banyule), resulted in an informed UFS framework, including a definition, vision, and principles.
- The framework and principles were endorsed by Council in February 2022.
- Three (3) rounds of community engagement have been conducted and the feedback assessed for subject and themes.

Submission themes

- 53 of the 94 people who participated in Stage 3 Engagement via shaping Banyule responded to the question:
"Is there anything missing or that you want Council to consider?"
- These text responses, as well as longer submissions sent to council officers, were reviewed, categorised, and grouped into themes.
- The stage 3 report made public [on Shaping Banyule](#).
- There were 379 unique topics of feedback (comments or questions) from the 115 individual submissions.
- These have been themed and are presented in **Figure 1**.
- In many cases the themes repeat the feedback received from Stage 1 and 2 engagements, indicating that some parts of the UFS didn't effectively explain the intent, resonate with community sentiment, or reflect community expectation, especially regarding the key measures.

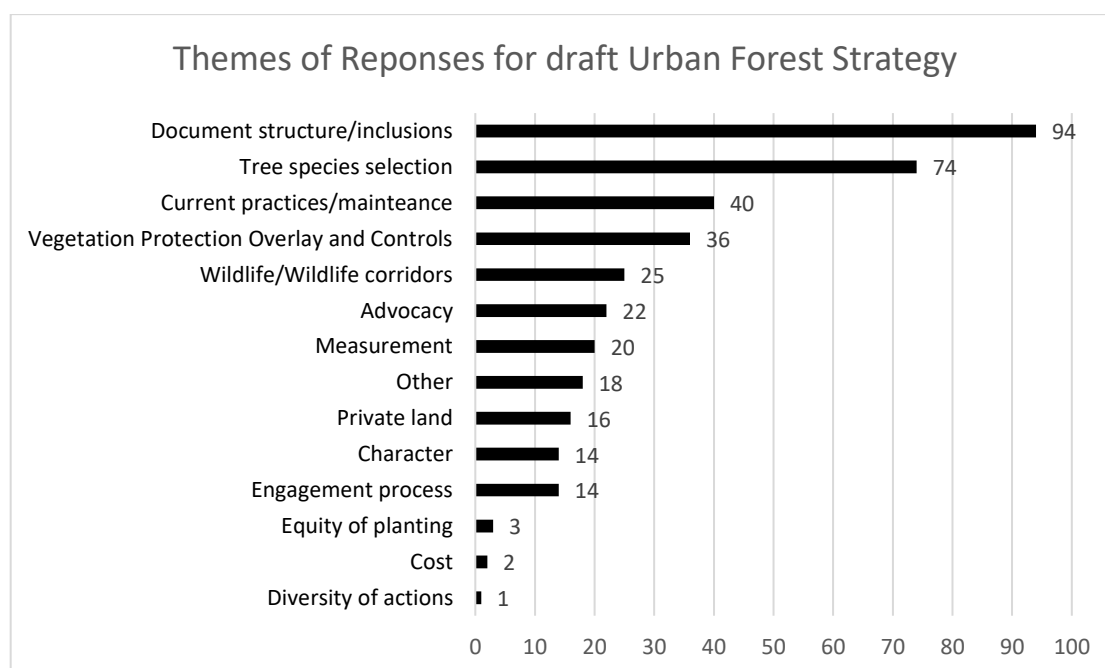


Figure 1 Themes of responses to the draft Urban Forest Strategy

URBAN FOREST STRATEGY 2022-2032 cont'd

Key changes to the strategy in response to themes

Layout, content, corrections, inclusions within the documents, or overall questions about the structure n=94

- Following stage 3 consultation the strategy has been separated into three (3) key documents (Attachments 1, 2 and 3). These have been redesigned and the content reviewed to shorten and simplify language for readability and ease of use, including:
 - Placing the vision upfront and KPIs before actions.
 - Improving the design and combining tables for strategic areas, action implementation and measures.

Tree species selection theme has a spectrum of views consistent with engagement stages 1 and 2, relating to native, indigenous, exotic, large, small, shade and cooling n=74

- The 'Considerations in Species Selection' has been revised to explicitly include the selection factors from community feedback, such as *climate change, shade, and cooling*. Further changes are being considered in "features of the Neighbourhood Character place in Banyule."

Current practice theme had comments and criticism to council n=40

- 40 individual topic comments (themed) made general criticism or comments on operational history or current practice of Council, including street tree planting, tree selection, tree removals or other maintenance. In most cases these criticisms are answered by actions implemented since the 2015 UFSP (such as Australian standards for nursery stock, new planting contracts, revised operational processes) or in draft actions, such as species selection prioritisation.

Vegetation protection and overlay controls along with comments that council should restrict tree removal on private property n=36

- Although controlling all tree removal is beyond the scope of the project, council's planning team has revised these actions to respond to the community feedback.

Other key changes from feedback

- The revised KPIs (targets and measures) have been positioned at the front of the strategy (in all three documents) along with a brief description and visual of canopy cover (Background Technical Report).

Revised KPIs

30% average canopy cover across all suburbs 30% by 2050 (was 27%)

- The proposed 27% average canopy cover across all suburbs and the entire municipality was developed based on the Northern Metropolitan Framework Plan and The Greening the North target. Officers modelled 27% using the limited available data and imagery to determine viability.

URBAN FOREST STRATEGY 2022-2032 cont'd

- Feedback from community and councillors has resulted in a new 30% target. Officers consider this to be a reasonable revision, noting 30% is the benchmark target for Living Melbourne and already enjoyed by many of Melbourne's established and 'leafy' councils. There is significant literature setting 30% as the ideal or minimum canopy target, relating measurable health and wellbeing outcomes to this. The 30% target is considered a 'stretch goal' noting that most of the canopy increase needs to be met in the private realm.

45% Canopy cover across the footpath and 'local road network' by 2050

- Feedback indicated community didn't understand that the target will have the supplementary effect of shading local roads as well. This addresses a concern about not recognising and mitigating the Urban Heat Island effect. The target now explicitly includes local roads.

50% Canopy cover across the open space shared path network and 'surrounding playgrounds' by 2050

- Like the footpath canopy target, play spaces were an intended inclusion in the canopy outcome but this wasn't clear. The wording reflects the intent of the original target and satisfies the feedback.

Internal stakeholder feedback

- Forty (40) feedback comments have been canvassed from the internal stakeholders. Most feedback and changes focussed on correcting wording or refining action ownership (directorates, departments, teams). Alignment with other strategies, plans and programs such as the public realm strategy and the place-based framework has been added where needed.

Updated Urban Forest Strategy 2023-2033 Key targets and indicators

- A minimum average canopy cover of 30%. This matches *Living Melbourne – Our Metropolitan Urban Forest* target. In line with the principles that seek equity of access to the urban forest, the 30% target by 2050 is for all suburbs, with 'no net loss of canopy' where the target is already met.
- A minimum 45% canopy for the footpath network and local road network in each suburb by 2050. Modelling of the existing mature canopy, projected canopy for recently planted trees, and projected canopy (2040) for remaining vacancies has guided a target for canopy over the footpath and local road network.
- A minimum 50% canopy for open space shared path network by 2050. Modelling of the existing mature park tree canopy, projected canopy for recently planted trees, and projected canopy (2040) for remaining planting opportunities (approx. 1000 trees) vacancies has guided a target for canopy over the open space path network and around playgrounds.
- Plant the remaining vacant street tree sites. This action will plant the remaining viable street tree vacancies over a 1-5 year period, subject to a review of capacity and funding.
- Develop an endorsed tree management framework. This has commenced and will include clear and transparent processes, procedures, and applications, including, but not limited to, managing tree risk, processes for tree removal, processes for reporting and responding to customer engagement, planning tree

URBAN FOREST STRATEGY 2022-2032 cont'd

planting and species selection, and managing complaints and disputes. This action will integrate existing policies and processes and develop new outcomes where gaps exist.

- Tree giveaways. Giving trees to residents who request them, supporting the planting of trees on private land and influencing the diversity and climate suitability of trees that are planted.

North East Link Authority

- During the revision of the Urban Forest Strategy senior officers have held regular meetings with the North East Link Authority. Officers consistently sought documentation and commitments from NELA regarding:
 - The planned and actual NELA project vegetation removal numbers, locations and types across the Banyule NEL project.
 - NELA's plans, commitments and actions for replacing canopy under its Environment Effects Statement 2:1 tree replacement and Net Canopy Gain targets, as detailed in their Tree Canopy Replacement Plan (TCRP).
 - NELA committing to resourcing, funding and working with Banyule to plant the right trees, in the right places, at the right time for the benefit of the broader Banyule community, in public open spaces that align with the strategy and NELA's EES obligations.
- At the time of this report, the North East Link Authority has been unable to provide the full details off its TCRP or commit to funding and resourcing Banyule's Urban Forest Strategy where the strategy would align with and support NELA meeting its EES and TCRP obligations.
- Senior officers continue to meet with NELA and explore opportunities for funding and resourcing tree planting actions identified in the strategy.

KEY ISSUES

- Banyule's existing urban forest is disparate and lacks equity in canopy cover, canopy quality and resilience to short- and long-term environmental shocks. Future species diversity and ecosystem health is at risk as Banyule's climate changes.
- Parts of Banyule enjoy much higher levels of urban forest canopy and health and well-being benefits than other parts. This inequity contributes to environmental injustice, where the benefits of a resilient, diverse and comprehensive urban forest aren't available to large areas of the municipality. This inequity contributes to and compounds socio-economic disadvantage and lower liveability for some Banyule residents.
- While Banyule's urban forest is generally diverse, with a healthy mix of indigenous, native and exotics trees and plants, much of Banyule's public trees are considered mature or over mature. This exposes the public tree population to risks from normal senescence (tree aging) and from the impacts of climate change, such as storm damage, drought, and the shock of land use changes. Banyule's public trees are a crucial buffer to vegetation changes in the private realm.
- The Draft Urban Forest Strategy addresses the existing and likely future threats to our urban forest through strategic focus areas and the prioritisation of actions, including significant and sustained increases to tree numbers and long-term canopy across the municipality.

URBAN FOREST STRATEGY 2022-2032 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Section 9 of the Gender Equality Act 2020*.
- The gender impact and associated implications of this project were assessed, with consideration of the impact of the Strategy. The Urban Forest Strategy has key KPIs that focus on increasing canopy cover in more vulnerable community areas. The future state of Urban Forest will provide more equitable access to environmental benefits for community wellbeing and make greater contribution to environment health and diversity. The risks are:
 - community, is that wellbeing health and comfort are compromised especially in the future climate.
 - environment, is that the vegetation and fauna that relies on it may lose ecosystem function.
- The following recommendations or adaptations have been made to reduce gender inequality and promote gender equality:
 1. Initiate a formal proactive program for all open space that includes:
 - a) clearance of vegetation around lighting uplifting in certain locations
 - b) tree risk assessments near people attractors
 2. Allow for consideration for a priority system for Urban Forestry programs that includes:
 - a) Providing shade and cooling with trees in more used locations
 - b) Design Urban Forestry locations with safety of users a consideration such as Crime Prevention Through Environmental Design (CPTED).
 3. Evaluate programs for gaining gender balance in the Urban Forestry Team.
- After an options analysis, this recommendation was made based on:
 - Providing a safe open space network focusing on the users is important for delivering health and wellbeing outcomes to the community. Considering all community for program access is fair and equitable.

URBAN FOREST STRATEGY 2022-2032 cont'd

Providing Gender balance in teams has immense flow on and unquantifiable benefits to factors such as culture and decision making.

- Some of the research, comments and feedback received throughout the Gender Impact Assessment included:
 1. The Urban Forest Strategy has a major action for increasing diversity of layers in vegetation. This increase in vegetation needs to assess the safety and perception of safety so that everyone:
 - o Can feel safe visiting open space alone and or at night.
 - o Has access to shade for playground, school routes and shared path/trail use.
 - o Has access to council programs such as free tree giveaway and significant tree care.
 2. The 'Your Ground' mentions that Banyule has slightly more responders highlighting Public Parks and trails as 'unsafe'. This may be partially explained due to the extensive open space we have in Banyule compared to other municipalities.
 - o This is a positive circumstance because Banyule has room for achieving multiple benefits in different areas for both biodiversity and inclusion.
 - o There may be some conflict of desired outputs in some locations, for example along a path near a river course that is a habitat corridor. An OECD document mentions "While over time environmental standards have been raised in most countries, there is still insufficient attention being paid to the differential impact of environmental hazards by gender" (OECD's Statistics and Data Directorate).

The above items have been identified as affecting all, however affecting women and gender diverse at a greater or different rate.
 3. That benefits for intersectional gender equity can be gained by prioritising urban Forestry efforts including priority planting location, safety, thermal comfort and access to programs. A range of areas can be focused on including:
 - o Proactive open space maintenance.
 - o Different vegetation design and treatments (including use of deciduous trees) to serve both diversity and perception of safety.

Sustainable Procurement Outcomes

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

Financial Implications

- Should Council wish to adopt the strategy in its entirety, estimates of total initiative costs (excluding existing operational budgets) over the ten-year strategy are \$7.147 million. Financial requirements are weighted towards years 1-5, for

URBAN FOREST STRATEGY 2022-2032 cont'd

the establishment of additional program resources, capital upgrades and bulk tree planting.

- The Estimated cost and resources to deliver the Strategy are calculated based on planting approx. 13,650 trees from 2023-2028 seasons to address current vacant street tree sites, open space paths and carry forward funding shortfall of operational tree removals against operational tree replacement.

Community Engagement

- In late 2021, Council formed a Community Reference Group (CRG) to help guide the review of the Urban Forest Strategy. Councillors, the CRG, Banyule Environment and Climate Action Advisory Committee (BECAC) and an internal working group participated in a series of workshops.
- Three (3) rounds of community engagement have been conducted and the feedback assessed for subject and themes.

Stage 1 Engagement - December 2021 and February 2022

- The framework and draft principles for the update of the Urban Forest Strategy were made available on Shaping Banyule for public feedback.
- The responses resulted in a revised set of principles that were presented and endorsed by Council at their meeting in February 2022.
- The stage 1 report with full results for the draft principles can be found [on Shaping Banyule](#).

Stage 2 Engagement - May 2022

- Actions were developed resulting from the consultation with community and key stakeholders. Draft Strategic Areas and actions were tested with community through Shaping Banyule survey from 9 to 20 May 2022.
- 92% of participants agreed or strongly agreed with the Strategic Areas.
- The full stage 2 report for the draft Strategic Areas and actions can be viewed [on Shaping Banyule](#).

Stage 3 Engagement - December 2022 – 31 March 2023

- Following the Council resolution in December 2022, further face to face community engagement on the draft UFS was undertaken.
- The resolution was for a 12-week consultation period and 2 community forums. In total 13 weeks of public exhibition was completed between 16 December 2022 and 31 March 2023, and three (3) community forums were delivered.
- A summary of the community forums is included in the table below.

Table 1 Community Forum participation and no. questions/comments received.

Workshop Date	No. participants	No. questions/comments
16 March 2023	17	22
21 March 2023	17	38
23 March 2023 (on-line)	20	51
Total	54 (46 unique)	111

- Stage 3 community engagement also used targeted social media to direct people to Shaping Banyule. The campaign reached 50,514 people and there were 2,474 views of the UFS Shaping Banyule page.
- 94 responses were received on Shaping Banyule and 21 written submissions (115 in total).




URBAN FOREST STRATEGY 2022-2032 cont'd

- Eighty one percent (81%) of the community showed support for the draft UFS and the revised draft actions and measures.
- This was a strong confirmation that the draft Strategy is well-supported, and the revised actions and measures broadly reflect community expectations.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
0	.	
1	Draft Urban Forest Strategy 2023 - 2033 	
2	Urban Forest Strategy - Implementation Plan - 2022 - 2033 	
3	Draft Urban Forest Strategy - Background Technical Report - 2023 - 2033 <i>(Under Separate Cover)</i> 	

6.1 **TRANSPORT ADVOCACY UPDATE**

Author: Tristan Jessup - Transport Planner, City Development

Previous Items

Council on 11 April 2022 (Item 5.1 - Banyule Integrated Transport Plan and Transport Advocacy Update)

SUMMARY

1. Council has an important role to play in advocating for improved transport infrastructure and services, and the Banyule Transport Advocacy Project List (BTAP List – Attachment 1) supports Council's transport advocacy to State and Federal Governments and the Banyule community.
2. Development of the BTAP List is guided by the Banyule Integrated Transport Plan (BITP) and the North East Link (NEL) Project Advocacy List, with the previous BTAP List adopted in April 2022.
3. The BTAP List is made up of priority transport infrastructure projects identified through community engagement undertaken as part of the implementation of Council's transport strategy in accordance with the principles and strategic directions of the BITP.
4. The BTAP list is now due to be updated due to the completion, modification, and addition of several advocacy items. This update will ensure the accuracy and completeness of the BTAP List, as it continues to be used as a basis for transport advocacy.
5. Both the BTAP List and NEL Project Advocacy List (updated by Council - 6 December 2021) will continue to be used as a basis for transport advocacy.

RECOMMENDATION

That Council:

1. Adopt the Banyule Transport Advocacy Project List – September 2023 (Attachment 1) to guide transport advocacy discussions with both internal and external stakeholders.
2. Provide the Banyule Transport Advocacy Project List – September 2023 to key State Government agencies including the Department of Transport and Planning.
3. Publicise the Banyule Transport Advocacy Project List – September 2023 on the Banyule Council website to provide transparency on transport priorities to the Banyule community.

COUNCIL PLAN

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

TRANSPORT ADVOCACY UPDATE cont'd

BACKGROUND

- The Banyule Transport Advocacy Project List (BTAP List) is made up of priority transport infrastructure projects, generally identified through community engagement undertaken as part of the development and/or implementation of Council's transport strategy. The most recently updated BTAP List was adopted in April 2022.
- Development of the BTAP list is guided by the Banyule Integrated Transport Plan 2015-2035 (BITP) and can include consultation undertaken as part of Council Plan visioning, Activity Centre transport (movement and place) investigations and parking management plans, as well as municipal wide walking, cycling and safe travel strategies and plans.
- The North East Link (NEL) Project Advocacy List, established to target advocacy project opportunities complementary to the delivery of the North East Link, was also used to guide updates to the BTAP List adopted in April 2022.
- The projects listed are those that Council must advocate to the State or Federal Government for either funding assistance and/or because the project would be part of a State Government managed asset (arterial road or rail reserve) or require State Government approval.
- The BTAP List is used to support regular interactions with the State Government's Department of Transport and Planning (DTP), as well as for advocacy efforts with communications with local members of parliament and with the community.
- The BTAP list is now due to be updated due to the completion, modification, and addition of several advocacy items. This update will ensure the accuracy and completeness of the BTAP List, as it continues to be used as a basis for transport advocacy.

KEY ISSUES

Banyule Transport Advocacy Project List (BTAP List)

- The Banyule Transport Advocacy Project List (BTAP List) encompasses projects associated with the Major Transport Projects including the North East Link project and the Hurstbridge Line Duplication Stage 2 (Greensborough to Montmorency) project as well as smaller infrastructure needs like pedestrian crossings of arterial roads and the delivery of State Government cycling infrastructure.
- The complete BTAP list is provided at **Attachment 1**. It is considered appropriate to use this list to support regular interactions with the State Government's Department of Transport as well as for advocacy efforts with communications with local members of parliament and with the community.
- Projects included are those identified in the day-to-day work of Council and/or in the advocacy aims of the suite of transport strategy documents that support the Banyule Integrated Transport Plan.
- The BTAP List is divided into three sections: Walking and Cycling, Public Transport, and Roads. It has now been updated to remove any completed projects, to modify some existing projects, and to include new projects as considered appropriate.
- The BTAP List has also been analysed to assign priority. This was done by determining for each project:

TRANSPORT ADVOCACY UPDATE cont'd

- What is the level of community need?
- How much interest or certainty have the State Government provided in delivering the project?
- The highest priority has then been assigned to those projects that are of high need but of low likelihood of being delivered. Projects that are of high need but are planned to be delivered are assigned a more moderate (keep monitoring) advocacy priority.
- Projects that have been removed since the 2022 version following their successful implementation include those in Table 1 below.

Table 1: BTAP List - Completed Projects

Projects removed due to completion or works underway.		Completed
Walking and Cycling	Upgrade the pedestrian crossing at the intersection of Burgundy Street and Studley Road to improve alignment with the rail trail and add a bicycle lantern (Northern Trail route).	April 2023

- New or updated projects are described below.

Walking

- Construct a new Odenwald Road bridge across the Hurstbridge railway line, including provision of safe pedestrian access.
- Upgrade the pedestrian operated crossing outside No. 254 Lower Heidelberg Road, Ivanhoe East to a raised crossing with kerb outstands to comply with DDA requirements, to improve accessibility and safety for school children, and to control traffic speed.
- Provide signalised pedestrian crossings of Waiora Road at Outhwaite Road, Heidelberg Heights (POS).
- Provide signalised pedestrian crossings of Diamond Creek Road at Greenhill Road (POS), Greensborough.
- Move Diamond Creek Road bus stop south of Avandina Crescent, Greensborough approximately 40m north, out of the road bend. Install refuge island near relocated bus stop.
- Provide a signalised pedestrian crossing of Lower Heidelberg Road, Ivanhoe, west of The Boulevard.
- Provide illuminated 'Give Way to Pedestrian' signs at the intersection of Lower Plenty Road and Martins Lane, and Lower Plenty Road and Arthur Streeton Drive Yallambie.

Walking and Cycling

- Construct a pedestrian and cycling bridge over the Plenty River, connecting the Plenty River trail directly to Railway Road and the shared user path between Greensborough and Montmorency Stations.
- Provide a pedestrian operated signal (including bicycle lantern) at the intersection of Yarra Street and Rosanna Road, Heidelberg.
- Advocate for improved integration of the North East Link, Greensborough Hwy and Watsonia Station upgrade works at Watsonia to improve pedestrian and cycling connectivity and accessibility to and within the area.

TRANSPORT ADVOCACY UPDATE cont'd

Cycling

- Complete the Primary Strategic Cycling Corridor (C1) route along the Hurstbridge rail corridor from Montmorency Station to connect to the Diamond Creek Trail and Eltham Station in Nillumbik.
- Complete the Main Strategic Cycling Corridor (C2) route from the M80 Ring Road via a grade separated crossing of Lower Plenty Road to connect to Heidelberg (Jika Street).
- Complete the Primary Strategic Cycling Corridor (C1) route on Banksia Street from Heidelberg Station to the Darebin Creek Trail.
- Complete the Primary Strategic Cycling Corridor (C1) route along the Hurstbridge rail corridor from Greensborough Station to Montmorency Station.

Public Transport

- Duplicate Hurstbridge Railway Line from Montmorency to Eltham, subject to protection of the Eltham Copper Butterfly.
- Continue advocacy to future proofing the bus interchange development opposite Greensborough Station, allowing for the future construction of more storeys and mixed-use development.

Road Network

- Add raised wombat crossing on left turn slip lane from Greensborough Road into Grimshaw Street Greensborough.
- Intersection improvements on Bell/Banksia Link at Dora Street and Lower Heidelberg Road, including removal of one right turn lane into Dora Street, and facilitating two right turn lanes catering to trucks at Lower Heidelberg Road.

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.

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- For further information, including the Gender Impact Assessment Toolkit please refer to the Commission for Gender Equality in the Public Sector, Gender Impact

TRANSPORT ADVOCACY UPDATE cont'd

Assessment Hub.

- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

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

- Community engagement has taken place as part of the individual Banyule transport strategies.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

N	Title	Page
o	.	
1	Banyule Transport Advocacy Project List 2023	

