

Minutes of the Ordinary Meeting of Council



Held on the 15 June 2020

Olympia, Hawdon & Ibbott Rooms
Level 4, 1 Flintoff Street, Greensborough

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MINUTES

The Meeting opened at 7.00pm.

Acknowledgement of the Traditional Custodians

The Mayor read an acknowledgement of the traditional custodians, the Wurundjeri Woio-wurrung people.

Present

Mayor Cr Alison Champion, Cr Peter Castaldo, Cr Mark Di Pasquale, Cr Rick Garotti, Cr Craig Langdon, Cr Tom Melican, Cr Wayne Phillips

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 18 May 2020

Moved: Cr Tom Melican

Seconded: Cr Craig Langdon

CARRIED

Disclosure of Interests

Nil

Presentation

Nil

PROCEDURAL MOTION

That Council agree to a reduced speaking time of up to 2 minutes to ensure all items of the agenda are discussed in a timely manner and adhere to a 2 hour meeting duration.

Moved: Cr Tom Melican

Seconded: Cr Craig Langdon

CARRIED

1. URGENT BUSINESS

Nil

2. PETITIONS

Nil

3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT**3.1 LOCAL JOBS UPDATE**

A statement was read on behalf of Kevin Biaggini.

EXECUTIVE SUMMARY

Banyule's local economic prospects on a whole are generally good, and the overall published unemployment rate is not significant compared with other municipalities, there are pockets of high disadvantage which sit well below the State average that are almost entirely disguised by the areas of affluence.

In response to this problem of localised unemployment for vulnerable diversity groups, Council established a jobs taskforce that led to the formation of a Social Enterprise & Local Jobs Team in October 2018.

The aspiration was to develop and deliver innovative approaches that create 100 local jobs opportunities for vulnerable diversity groups in Banyule over a three-year period, through both inclusive employment programs and supporting the establishment of social enterprises with the Banyule municipality.

The purpose of this report is to provide an update on Council's performance against the target set in June 2018 of 100 jobs to be created within a three-year period.

Key highlights and achievements to date include the development and introduction of Banyule's Inclusive Employment Program in 2019 targeting those vulnerable communities that may be experiencing barriers to employment. This program is in its second year and has successfully created 39 job outcomes to date.

The partnership work between Council and various Social Enterprises such as Chancez Café (Araluen), Asylum Seeker Resource Centre, Nomads Pizza and Community Grocer to establishment operations within the City of Banyule has led to the creation of 50 employment and training outcomes.

Banyule's continued work in sustainable procurement to create local inclusive jobs and collaborative procurement across the Northern Region Council's has contributed to inclusive employment of 13.75 EFT.

By working with the labour market system to develop and deliver innovative approaches to local job creation, a total 102.75 outcomes have been successfully realised to date.

Resolution (CO2020/85)

That Council:

1. Advises the community that we have delivered on our June 2018 target of creating 100 local jobs for those in need and facing to barriers to employment by June 2021, a full one year earlier than expected;
2. Thank all Council staff for their tremendous support of the inclusive employment initiatives and efforts to make this a success;
3. Thank Council's Inclusive Jobs team for their passion and inspiration in driving truly transformative outcomes in our community; and
4. Notes the report and continues to support the Social Enterprise and Local Jobs Initiatives in Banyule.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

3.2 DRAFT RECONCILIATION ACTION PLAN - FOR PUBLIC EXHIBITION

A statement was read on behalf of Rosamund Krivanek.

EXECUTIVE SUMMARY

Reconciliation Action Plans (RAPs) are nationally recognised plans which enable organisations to make their contribution to a reconciled Australia, by emphasising the public commitments an organisation will make to improve understanding and attitudes towards Aboriginal people and improve opportunities to reduce disadvantage for Aboriginal people.

Banyule's Draft RAP replaces Banyule's Aboriginal & Torres Strait Islander Plan (2017-2021) and has been designed to meet both the Reconciliation Australia requirements, as well as Banyule's requirements under Banyule's Inclusion Access & Equity Framework (IAEF).

Banyule's Draft RAP will be implemented over a two-year period (2020 – 2022) and outlines how Council will work in partnership with our First Peoples to promote respect for culture, increase reconciliation awareness, improve Aboriginal service delivery, socio-economic opportunities and support positive cultural change in Banyule.

Resolution (CO2020/86)

That:

1. Council endorse the Draft Reconciliation Action Plan (RAP) for public exhibition for four weeks via Shaping Banyule from 17 June – 14 July 2020.
2. A report be presented back to Council to consider the consultation feedback and adopt the Draft Reconciliation Action Plan.
3. Council expresses its commitment to work in partnership with our First Peoples towards a reconciled Australia, tackling inequities, and improving the social, economic and cultural well-being of our First Peoples which is a timely piece of work considering the recent global events and the Black Lives Matters movement.

Moved: Cr Craig Langdon

Seconded: Cr Peter Castaldo

CARRIED

3.3 COUNCIL SUPPORT FOR RATEPAYERS SUFFERING HARDSHIP AS A RESULT OF THE CORONAVIRUS PANDEMIC

Statements were read on behalf of Brian Grace, David Mulholland and Katie George.

EXECUTIVE SUMMARY

At the meeting of Council on 6 April 2020, Council resolved to receive a report on options for Council to provide waivers for ratepayers suffering hardship as a result of the Coronavirus pandemic.

Council is limited in what relief it can provide through section 171A and section 169 of *the Local Government Act 1989* and this has been considered in assessing the options suitable for Banyule City Council.

After considering several general rate waiver options the below 2 options are presented to Council:

General Rate Waiver (waiver) - Option A:

- 1) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be 25% of the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 2) a waiver for commercial and industrial improved properties assessed under Councils' Hardship criteria – Job Keeper eligibility. The amount to be waived will be 25% of the applicants 2020/21 general rates levied up to a maximum of \$500; and
- 3) a waiver for all other ratepayers if assessed as eligible under Councils' hardship criteria – financial hardship demonstrated through a significant loss in income directly due to the coronavirus pandemic. The amount to be waived will be 5% from the applicants 2020/21 general rates levied up to a maximum of \$100.

General Rate Waiver (waiver) - Option B:

- 1) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 2) a waiver for commercial and industrial improved properties if assessed as eligible under Councils' Hardship criteria – Job Keeper eligibility. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum; and
- 3) a waiver for all other ratepayers if assessed as eligible under Councils' hardship criteria – financial hardship demonstrated through a significant loss of income directly due to the coronavirus pandemic. The amount to be waived will be \$100 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum.

Option A is recommended as the preferred general rate waiver option.

Once a general rate waiver option has been endorsed officers will amend the 2020/21 Rating Strategy and temporary Hardship Assistance Policy (including criteria) to be considered for adoption by Council at its meeting on 6 July 2020.

Resolution (CO2020/87)

That Council

1. Resolve to grant general rates waivers (waiver) under section 171A of the *Local Government Act 1989* to owners or authorised representatives based on the following three strategies:
 - a) a waiver for all principal owned residential properties of ratepayers holding a current Commonwealth Health Care Card - JobSeeker category. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied; and
 - b) a waiver for commercial and industrial improved properties if assessed as eligible under Councils' Hardship criteria – Job Keeper eligibility. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied ; and
 - c) a waiver for all other ratepayers if assessed as eligible under Councils' hardship criteria – financial hardship demonstrated through a significant loss of income directly due to the coronavirus pandemic. The amount to be waived will be \$100 to a maximum of the applicants 2020/21 general rates levied .
2. Receive a revised 2020/21 Rating Strategy and Hardship Assistance Policy, containing the specific hardship criteria and requirements for assessing hardship applications at the next meeting of Council for consideration for adoption.
3. The Proposed Budget 2020/21 be adjusted to reclassify the provision of Banyule's Economic Support Package from 'Other expenditure' to a reduction in 'Rates and charges' arising from this resolution.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

4. PLANET – ENVIRONMENTAL SUSTAINABILITY

Nil

5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT**5.1 CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME****EXECUTIVE SUMMARY**

This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Rosanna Village Shopping Centre (“Shopping Centre”).

Following the ordinary meeting of Council on 6 April 2020 and in accordance with the statutory process under the Local Government Act 1989 (“Act”) for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Centre was advertised in the “Herald Sun” on 14 April 2020 and was placed on Council’s internet website. A separate notice, advising of Council’s intention to declare the Scheme, was mailed by ordinary post on 14 April 2020 to all of the owners and occupiers of the properties included in the proposed Scheme with a copy of the public notice.

The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the proposed declaration and may also make a written objection to Council under section 163B of the Act.

The closing date for submissions and objections was on 15 May 2020. Council received by this date a total of eleven written submissions under section 223 of the Act. Five are in support of the proposed Scheme for a variety of reasons. There are two people, representing a total of six properties (five of which are in the same ownership), who oppose the Scheme and these, while submissions under section 223 of the Act, are also (and have been treated as) objections for the purposes of section 163B of the Act.

One person in their written submission has requested that they appear in person before Council. In accordance with this request, the person has been advised of the date, time and place for this meeting. Due to COVID-19 restrictions, special arrangements are being made to adhere to the requirements to allow the submitter to be heard in relation to their submission.

Resolution (CO2020/88)

That:

1. In respect of Council’s published intention to declare a Special Charge for the Rosanna Village Shopping Centre (“Proposed Special Charge”); and
2. Having -
 - (a) received and considered submissions received under section 223 of the Local Government Act 1989 (“Act”); and
 - (b) taken account of the objections received under section 163B of the Act -

Council hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at the ordinary meeting of Council to be held on 27 July 2020.

Moved: Cr Tom Melican
Seconded: Cr Craig Langdon

CARRIED

5.2 CONSIDERATION OF SUBMISSIONS AND OBJECTIONS - BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME

EXECUTIVE SUMMARY

This report is to enable Council to formally consider the written submissions received regarding the proposed Special Rate Scheme for The Bell Street Mall. ("Shopping Centre")

Following the ordinary meeting of Council on Monday, 6 April 2020 and in accordance with the statutory process under the *Local Government Act 1989* ("Act") for the declaration of the Special Rate, the public notice of Council's intention to declare a Special Rate for Shopping Centre was advertised in the "*Herald Sun*" on Tuesday, 14 April 2020 and placed on Council's Internet website. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Tuesday, 14 April 2020 to all of the owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.

The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who was required to pay the Special Rate (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the Act.

The closing date for submissions and objections was 4pm Friday, 15 May 2020. Council received by this date a total of four written submissions under section 223 of the Act. All four submissions are in support of the proposed Scheme

No persons in their written submission requested that they appear in person before Council or be represented by a person specified in their submission.

Resolution (CO2020/89)

That:

1. In respect of Council's published intention to declare a Special Rate for The Bell Street Mall ("Proposed Special Rate"); and
2. Having –
 - (a) received and considered submissions received under section 223 of the *Local Government Act 1989* ("Act"); and
 - (b) taken account the fact that no objections were received under section 163B of the Act –

Council hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Rate, and to give its reasons for its decision, at the ordinary meeting of Council to be held on Monday, 27 July 2020.

Moved: Cr Craig Langdon
Seconded: Cr Rick Garotti

CARRIED

5.3 NORTH EAST LINK PROJECT UPDATE

Statements were read on behalf of David Mulholland and Katie George.

EXECUTIVE SUMMARY

Council authorised the CEO to commence discussions with representatives of the State Government to ascertain whether it is possible to resolve the dispute in a manner that is acceptable to Council. There are 6 key outcomes or changes Council would like to see and also items on the North East Link complementary project advocacy list that are sought to be delivered.

The resolution also allowed for the CEO to instruct Council's legal advisors to file an Originating Motion for Judicial Review in the Supreme Court against the Minister for Planning. The Cities of Boroondara, Manningham and Whitehorse all made a similar resolution.

An additional \$150,000 of funding and resources was approved to undertake a legal challenge in the Supreme Court of Victoria.

The Originating Motion for judicial review was filed with the Supreme Court of Victoria on 17 February 2020.

A directions hearing was held in the Supreme Court of Victoria on 24 April 2020 to consider the pleadings filed for the case. Parties attended via video link.

The Honourable Justice Garde presided over the Directions Hearing which included an Order for Judicial Mediation agreed by all parties, to be conducted by a private mediator within the period 22 May and 10 June 2020.

Mediation has commenced and there are potential opportunities for a mediated outcome.

The trial is listed to commence on 14 September 2020 if a mediated outcome has not been reached.

Council representatives continue discussions with the North East Link Project team and the State Government on all aspects of the project.

The North East Link Project early works contractor commenced works on site in May. They will establish a site compound at Borlase Reserve and then commence the relocations of numerous services to facilitate the North East Link alignment.

Project funding and expenditure, to date, for the North East Link response and advocacy has been detailed. The expended funds are within the estimated expenditure and below the allocated budget. Legal challenge expenditure will continue into 20/21.

Resolution (CO2020/90)

That Council:

1. Receives and notes the report and;
2. Hold a meeting of affected residents in Borlase Reserve, and invite any resident wishing to be part of such a meeting.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

5.4 WATERDALE ROAD, IVANHOE - PLACEMENT OF PERMANENT BARRIERS

Statements were read on behalf of Emma Samuel and Kevan Hill.

EXECUTIVE SUMMARY

The Ivanhoe Structure Plan was adopted by Council on 17 December 2012 and a revised version adopted 1 December 2014. One of the actions was to explore opportunities for up to seven new public squares. Waterdale Road, south of Upper Heidelberg Road was one area identified and shown as a pedestrianised area on the precinct plan. This area was to be created by the installation of barriers.

To facilitate the construction of the development at 154 Upper Heidelberg Road, Ivanhoe, Waterdale Road, adjacent to the site, has been temporarily closed. The closure commenced in July 2019. Waterdale Road north of Norman Street was changed to two way traffic to accommodate this closure. There have been no complaints regarding the closure and changed traffic conditions.

Given the section of Waterdale Road, south of Upper Heidelberg Road has already been temporarily closed for the last 11 months with no identified issues, it is appropriate to consider the permanent closure of this section of road and the creation of a pedestrianised area in accordance with the Ivanhoe Structure Plan. The area will be used to create a 'pocket park' with \$1.3m funding recently announced by the State Government under the Local Parks Program.

Accordingly, it is proposed to initiate the process under the Local Government Act 1989 to place permanent barriers on Waterdale Road, Ivanhoe.

Resolution (CO2020/91)

That Council:

1. Initiates the process under the Local Government Act 1989 to permanently place barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road.
2. Advertise the proposed placement of permanent barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road, seeking any submissions under Section 223 of the Local Government Act 1989.
3. Write to the Head, Transport for Victoria seeking a report on the permanent placement of barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road under Schedule 11, Clause 9 of the Local Government Act 1989.
4. Write to Victoria Police, Metropolitan Ambulance Services and Metropolitan Fire Brigade to request comments on the proposed permanent placement of barriers.
5. Notifies directly affected owners and occupiers of properties on Waterdale Road and Upper Heidelberg Road, Ivanhoe, of the proposal and submission process.
6. Receive a further report summarising any submissions on the proposed permanent placement of barriers on Waterdale Road, Ivanhoe - south of Upper Heidelberg Road.

Moved: Cr Peter Castaldo
Seconded: Cr Craig Langdon

CARRIED

5.5 HEIDELBERG ROAD BIKE LANES - COVID RESPONSE TO TRANSPORT NEEDS

A statement was read on behalf of Emma Samuel.

EXECUTIVE SUMMARY

The COVID-19 pandemic has caused a reduction in the capacity of public transport including along the Hurstbridge Railway Line due to the associated social distancing requirements. This is expected to be the case for some time into the future.

Traffic congestion has eased somewhat due to large numbers of people being required to work from home but this is expected to change as people begin to return to work. Car traffic could potentially worsen as people return to work while avoiding public transport use due to social distancing requirements.

Cycling is a mode of transport that allows for social distancing and could take up some of this capacity if there were direct safe routes in place especially to access the Melbourne CBD and other destinations in the radial corridor from Banyule to the City. The City of Melbourne and the City of Port Phillip are in the process of accelerating delivery of on road bike facilities in cooperation with the Department of Transport.

Banyule Council has long advocated for the provision of a cycling corridor from Banyule along Heidelberg Road to the CBD as detailed in the Banyule Integrated Transport Plan and the Banyule Bicycle Strategy.

Preliminary work has been undertaken with Yarra and Darebin City Councils to support the provision of safe bicycle facilities along Heidelberg Road to provide this direct access for cyclists. It is agreed that to facilitate a shift from public transport and encourage car drivers (to consider cycling) provision of safe protected cycling facilities must be made to cater to cyclists of all ages and abilities.

It is considered that the provision of this cycling route is now urgently needed to provide a vital transport alternative to aid safe and healthy travel and assist the economic recovery of Banyule and the metropolitan area.

Resolution (CO2020/92)

That Council:

1. Advocate to the State Government for protected on road cycling facilities on Heidelberg Road from the City of Banyule through the City of Darebin and City of Yarra to facilitate access throughout the municipalities and to the Melbourne CBD to support safe and healthy travel alternatives and the economic recovery from the COVID-19 crisis.
2. Continues to work with the City of Yarra and the City of Darebin in this advocacy.
3. Supports part time bike lanes along Upper Heidelberg Road to connect to the full time Heidelberg Road cycling facilities.
4. Advocate to the State Government for part time bike lanes along Upper Heidelberg Road.

Moved: Cr Tom Melican

Seconded: Cr Peter Castaldo

CARRIED

5.6 GREENING BANYULE UPDATE & TREE CANOPY COVERAGE IN BANYULE

Statements were read on behalf of Rosamund Kirvanek, Daphne Hards and Kevin Biaggini.

EXECUTIVE SUMMARY

This report is in response to a Notice of Motion calling for a report that updates on the success of the Greening Banyule initiative and ways in which to increase canopy coverage across the municipality by 2040.

Banyule adopted its Urban Forest Strategic Plan in 2015, the intent of this strategy was to provide a foundation for building policy and programs to ensure Council would effectively plan, manage and maintain one of Banyule's highest valued assets - its urban forest. Since the adoption of the Urban Forest Strategic Plan in 2015, progress has been made in regard to delivering a number of actions outlined in the plan most notable in: promotion and raising the profile of green initiative through the Greening Banyule campaign, increasing the number of trees planted in streets, parks and reserves and increasing the funding for the tree planting program over the 4 years.

In regard to increasing the canopy coverage to a minimum of 40% by 2040 in the public realm, a number of challenges are highlighted such as difficulty in establishing trees in the urban environment and the aging population of Banyule's street trees.

In terms of a way forward for the public realm it is recommended that an audit of Banyule's tree population be undertaken to inform a refresh of the Urban Forest Strategic Plan, advocate to the North East Link Project for funding to plant trees to offset those lost as part of the project and the consideration of the introduction of a fee for the removal of public trees through developments or works associated with other entities.

With regard to the private realm, Council's Neighbourhood Character Strategy sets out tree planting ratios for the different character precincts. Basic modelling of this projects mature tree canopy outcomes as a percentage of the site area at 15% for Garden Suburban Areas, 27% for Bush Garden Areas and 42% for Semi Bush areas. Canopy increases are pursued through permits issued for tree removal (not associated with development) require replacement planting at a ratio of 1 to 2 subject to site capacity.

Resolution (CO2020/93)

That Council:

1. Refer budget funding of \$150k to the 2020/21 capital works and initiatives program to undertake an audit of all street trees and to review Banyule's Urban Forest Strategic Plan.
2. Advocate to the North East Link Project for a funding contribution to replacement of street trees in the municipality.
3. Report back to Council on the viability of introducing a charge for the removal of trees in nature strips to fund further nature strip planting.

Moved: Cr Peter Castaldo
Seconded: Cr Tom Melican

CARRIED

5.7 CONTRACT NO 1029-2020 CONTRACTORS FOR BUILDING WORKS PANEL

A statement was read on behalf of Kevan Hill.

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1029-2020 Contractors for Building Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for building works up to the value of \$200,000.

The works include, but are not limited to, the following:

- Building maintenance works
- Structural works including steelwork and concrete works
- Earthworks including excavation
- Asbestos removal
- Mechanical works
- Painting works and finishing trades

Tenders were received from twenty-two (22) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

Resolution (CO2020/94)

That:

1. The Contract 1029-2020 Contractors for Building Works Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - Bay Building Services Pty Ltd
 - Building Impressions Pty Ltd
 - Sherwood Construction Solutions Pty Ltd
 - United Commercial Projects Pty Ltd
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

5.8 CONTRACT NO 1030-2020 CONTRACTORS FOR CONCRETE PAVING AND KERB AND CHANNEL PANEL

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for Concrete Paving and Kerb and Channel.

The works include new construction and reinstatement of concrete footpaths/trails, kerb and channel, vehicular crossing, and miscellaneous items throughout the Municipality

Tenders were received from nineteen (19) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

Resolution (CO2020/95)

That:

1. The Contract 1030-2020 Contractors for Concrete Paving and Kerb and Channel Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - A&F Basile Paving Pty Ltd
 - N&G Nerone Paving Pty Ltd
 - S&A Piccirillo Paving Pty Ltd
 - JR Willett Pty Ltd
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

5.9 CONTRACT NO 1039-2020 CONTRACTORS FOR MINOR ASPHALT WORKS PANEL

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract 1039-2020 Contractors for Minor Asphalt Works Panel for the period ending 30 June 2021, including the option to extend the contract to 30 June 2024 based on satisfactory performance and meeting Council objectives.

Council sought Tenders from experienced contractors to appoint a panel for small bitumen projects such as roundabouts, car parks and right of ways, asphalt patching, and supply of hot asphalt ex bin.

The works include: -

- Supply of hot asphalt ex bin (Schedule of Rates).
- Asphalt patching (Schedule of Rates).
- Traffic Management (Schedule of Rates).
- Hire Rates for equipment (Schedule of Rates).

Tenders were received from eight (8) companies and four (4) companies have been chosen to deliver the services to Council under this contract.

Resolution (CO2020/96)

That:

1. The Contract 1039-2020 Contractors for Minor Asphalt Works Panel, for the initial period of 1 year commencing on 1 July 2020 with the option to extend for further periods of any duration up to a maximum extension period of 3 years based on satisfactory performance and meeting Council objectives be awarded to: -
 - Silman Bros Asphalting Pty Ltd
 - Supersealing
 - Prestige Paving Pty Ltd
 - Statewide Asphalt Services
2. The Director Assets and City Services be authorised to extend the contract for further periods of any duration up to a maximum extension period of 3 years subject to satisfactory performance and the meeting of Council objectives.
3. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican
Seconded: Cr Rick Garotti

CARRIED

**5.10 2 CAVANAGH ROAD, LOWER PLENTY - PROPOSED TREE REMOVAL
ASSOCIATED WITH NEW BASEBALL PAVILION - P219/2020**

Statements were read on behalf of Rick Irvine, Adrian Baillargeon, Don McKay and Paul Crundwell.

EXECUTIVE SUMMARY

The proposal is for the removal of native vegetation (eight trees) at Glenauburn Park to facilitate the construction of a new baseball pavilion which will replace an existing pavilion. Six trees in this area are proposed to be retained which will maintain a vegetation buffer between the pavilion and Cavanagh Road.

A total of five objections have been received during public notification. Concerns regarding the noise impacts associated with the use of the pavilion, the size of pavilion, location of services and a lack of car parking were raised in the objections. Three objections have raised concern in relation to the proposed tree removal.

The location of the new pavilion is constrained by the setback requirements from the baseball field, and the removal of native vegetation, which surrounds and overhangs the existing pavilion, is necessary to facilitate the construction of the pavilion. It is considered that an opportunity to retain two trees that are of higher retention value can be further investigated. A revegetation plan to offset the removal of trees within Glenauburn Parkland the local area will also be required.

The removal of the vegetation will provide for an improved community recreation facility and is considered to be appropriate subject to the above requirements.

Resolution (CO2020/97)

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit in respect of Application No. P219/2020 for Removal of native vegetation in the Environmental Significance Overlay (Schedule 1) and pursuant to Clause 52.17 'Native Vegetation' at 2 Cavanagh Road LOWER PLENTY subject to the following conditions:

General

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

Tree Retention

2. Tree #1 and #11 must not be removed until it has been demonstrated to the Planning and Parks departments that there are no viable options to retain the trees during and after the construction of the pavilion. This must include either:
 - A root scan of the critical root zone of these two trees prior to the demolition of the building:
 - An exploratory dig of the critical root zone using non evasive methods post demolition but prior to the commencement of works associated with the new pavilion.

If necessary, minor offsetting of the pavilion location and footings may occur to the satisfaction of the Development Planning Department.

Revegetation plan

3. Within 6 months of the vegetation removal, a revegetation plan must be submitted to and approved by Council's Planning and Parks Departments. The plan must show offset planting at a rate of 2 trees for every 1 tree removed and the offset required by Condition 8 of this permit within Glenauburn Park and/or a suitable alternative location including species, location, a planting schedule and associated works and management. The planting approved in the revegetation plan must occur within 18 months of the vegetation removal.

Tree Protection

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

Tree Preservation Zones

5. Prior to the commencement of works Tree Preservation Zones and fencing must be established around Trees #2, #6 #8, #10, #13 and #14 (along with Trees #1 and #11 should they be retained) to the extent of the calculated TPZ where it occurs within the subject land to the satisfaction of Council's Parks department.

Arborist Supervision

6. A suitably qualified arborist (AQF **Level 5**) must supervise any activity within the calculated TPZ of a retained tree on or adjoining the subject site. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability now or into the future of Trees #2, #6 #8, #10, #13 and #14 (along with Trees #1 and #11 should they be retained).

Native Vegetation Removal and Offsets

7. Before the tree removal permitted by this permit starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
8. To offset the permitted clearing in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*, the permit holder must secure general offset of a minimum 0.02 general habitat units or to the satisfaction of the Responsible Authority:
 - (a) Located within Banyule municipal area or the Port Phillip and Westernport Catchment Management boundary;
 - (b) With a minimum strategic biodiversity score of 0.260 or to the Satisfaction of the Responsible Authority.

Time Limits

9. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The vegetation is not removed within two years of the date of this permit.

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

- (a) Before the permit expires, or
- (b) Within six months afterwards, or
- (c) Within 12 months afterwards if the development started lawfully before the permit expired.

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

Moved: Cr Craig Langdon

Seconded: Cr Alison Champion

CARRIED

5.11 161 GRIMSHAW STREET, GREENSBOROUGH - TOWNHOUSE DEVELOPMENT (SIX DWELLINGS) - P857/2019

A statement was read on behalf of Jenny Mulholland.

EXECUTIVE SUMMARY

The proposal is for the development of six dwellings, including five 3 storey dwellings and one 2 storey dwelling and vegetation removal.

The proposal includes the retention of one high retention value tree at the site located in the north-west corner of the site with the removal of nine low retention value trees including one protected tree and one street tree.

A total of sixteen (16) objections were received during public notification. Concerns regarding impact on neighbourhood character, amenity impacts, traffic and car parking, vegetation removal, construction impacts, and the removal of the existing dwelling have been raised.

The subject site is located in an accessible area, adjacent to the Greensborough Activity Centre and with good access to services, transport, employment opportunities and shopping facilities. The subject site's location on a main road within the Principal Public Transport Network and opposite to a police station, allows for a development of this type and scale.

Subject to changes including a reduction in site coverage, alterations to the balconies of Townhouses 1 and 2 fronting Grimshaw Street and increased eastern boundary setback it is considered that the application can be supported noting that the dwelling yield has been reduced from seven to six throughout the course of the application process.

Resolution (CO2020/98)

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P857/2019 for Development of six dwellings and vegetation removal at 161 Grimshaw Street GREENSBOROUGH subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but modified to show:
 - (a) The front two metres of the Grimshaw Street setback shown as R1.
 - (b) All changes shown on discussion plans submitted to Council on 11 May 2020, including but not limited to:
 - (i) Removal of roof form over the balconies of Townhouses 1 and 2;
 - (ii) Reduction in size of balconies of Townhouses 1 and 2;
 - (iii) Removal of cantilevered elements;
 - (iv) Inclusion of permeable paving on driveway;
 - (v) Inclusion of an 'arbour' along driveway entry;
 - (vi) Increase in side setback of Townhouse 3 to the eastern boundary to a minimum of 1.8 metres at the garage and 1.95 metres for the ground floor bedroom; and
 - (vii) Reduced site coverage to 43.9%.
 - (c) Townhouse 1 and 2 shifted towards Grimshaw Street by 150mm and the landscaping area at the end of the driveway on the eastern boundary reconfigured to allow vehicles to manoeuvre out of the garages and exit the site in a forward direction;
 - (d) The Townhouse 6 upper level southern balcony deleted, with any habitable room windows screened in accordance with Standard B22 of Clause 55 of the Banyule Planning Scheme;
 - (e) Townhouse 6 modified to reduce the overshadowing to the secluded private open space of 1/44 McDowell Street in accordance with Standard B21 of Clause 55 of the Banyule Planning Scheme;
 - (f) The arbour across the driveway of a sufficient height to allow private waste collection vehicles to be able to enter and exit safely;
 - (g) The TPZ and SRZ of Trees #1, #3, #4, #5, #6, #7, #16 and #17: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius on all floor plans and the location of all tree preservation fencing;
 - (h) No part of the development encroaching more than 10% of the TPZs of the tree/s proposed to be retained;
 - (i) The design of the vehicle crossing and driveway gradients (including transition zones as required) designed in accordance with *AS2890.1-2004 Parking Facilities*;

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- (j) Corner splays on each side of the driveway in accordance with Design Standard 1 of Clause 52.06;
 - (k) Meter box enclosures to be sited behind the front building line of the development and be a maximum height of 1.5 metres;
 - (l) Gas and water meters to be sited or screened to minimise visibility from the public realm and neighbouring properties;
 - (m) The mail boxes for all dwellings shown on the plans and located in accordance with Australia Post guidelines;
 - (n) Landscape and tree zones to be clearly marked with hatching, colour coding or similar and distinguished from useable open space areas;
 - (o) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (p) A schedule of external building materials and colours, including details of cladding, roofing and driveway materials. Driveways must be finished in muted tones;
 - (q) The provision of a 2000L rainwater storage tank for each of the dwellings including its location at ground level, sizing and a notation of the connections and end use;
 - (r) The submitted Waste Management Plan to be updated to include onsite private waste collection in accordance with Condition 16 of this permit;
 - (r) The submitted Sustainable Design Assessment (SDA) updated to achieve a Best Practice BESS Score of at least 50% and a pass mark in the mandatory Water, Stormwater, Energy and IEQ for all the 6 dwellings;
 - (t) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.);
 - (u) The indicative location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties;
 - (v) The installation of eaves or shading devices to all north-facing windows, designed to provide appropriate shading during summer and allow solar access during winter;
 - (w) The side fencing on the Grimshaw Street and McDowell Street frontages to be horizontal boards or another similar high-quality design feature fence;
 - (x) Landscaping as required by Condition 2 of this permit;
 - (y) The Tree Preservation Fencing in accordance with Condition 12 of this permit;
 - (z) Engineering plans showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:
 - (i) The use of an On-site Stormwater Detention (OSD) system;
 - (ii) The connection to the Council nominated legal point of discharge;
 - (iii) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
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- (iv) All engineering drainage plans must show Trees #1, #3, #4, #5, #6, #7, #16 and #17: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Peter Yau dated 09/04/2019.

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

- 2. The development permitted by this permit must not be commenced until a satisfactory detailed landscaping plan is submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and shall include:
 - (a) Details of planting throughout the site, including that proposed on the driveway arbour structure;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - (d) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (e) Provision of replacement planting for vegetation that is to be removed including a minimum of two (2) large canopy trees (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre) and/or two (2) medium canopy trees (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre) and/or 2 small canopy trees (mature height of at least 5m) planted throughout the site;
 - (f) An indigenous and/or drought tolerant planting theme;
 - (g) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - (h) Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
 - (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details, arbour details and other landscape works including cut and fill;
 - (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.
 - (k) All landscaping works for the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the TPZ of all retained/neighbouring trees outside of the approved building envelop.

- (l) All and any excavations within the TPZ of retained trees outside of the approved building envelop must be undertaken by hand or by approved non-destructive.
- (m) No roots greater than 40mm in diameter are cut or damaged during any part of the landscaping process.
- (n) All trees specified to be planted in the endorsed landscape plan must be:
 - Selected and established in accordance with AS 2303-2015 Tree Stock for Landscape Use;
 - Planted as an advanced specimen with a minimum pot-size of 20 centimetres;
 - Sourced from a qualified tree grower or tree nursery.

General

3. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
4. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until the tree protection measures required by Condition 12 are installed to the satisfaction of the Responsible Authority.
5. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering, replacement of street trees).
6. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the land shown as R1 on the plans endorsed under the planning permit has been shown as R1 on the certified plan of subdivision.

Urban Design / External Appearance

7. The walls of the development on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Car Parking / Access

8. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
9. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.

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

Tree Protection / Landscaping

No additional tree removal

11. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.
12. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within:
- 1m of the western boundary within the TPZ of Tree #1
 - 7.2m from the centre of Tree #5 trunk outside of the approved building envelop
 - 1.2m of the southern boundary within the TPZ of Tree #6
 - 1.8m of the southern boundary within the TPZ of Tree #7
 - 0.5m of the eastern boundary within the TPZ of Trees #16 and #17.

Tree Preservation Zones

13. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones and associated fencing must be established around Trees #1, #3, #4, #5, #6, #7, #16 and #17 *At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' which must include photographic evidence of the below requirements. This correspondence must be sent to enquiries@banyule.vic.gov.au.* Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

Tree Preservation Zones are to be provided to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject property of all trees indicated as being retained on the endorsed plan. The fencing can be realigned and suitable ground protection provided to allow the approved construction therein only to the satisfaction of the project arborist and only when approved by the Responsible Authority.

Tree Preservation Zones must be provided in the following trees:

- (i) Street Trees #1, #3, #4 and #5: to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over)
- (ii) Neighbouring Trees #6, #7, #16 and #17: to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;

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- (iii) Site Tree #5: to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land
- (b) Management of works
- (i) A suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of a retained tree. Any root severance within the TPZ must be undertaken to their satisfaction using a clean sharp and sterilised pruning saw. There must be no root pruning within the SRZ unless consent is received in writing by the Responsible Authority, and there must be no root pruning within the TPZ for works other than those endorsed by the Responsible Authority.
- (ii) All and any excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must only be undertaken by, or directed and supervised by, a suitably qualified arborist for endorsed works or for works subsequently approved by the Responsible Authority.
- (c) Weed control
- Any weeds located within the Tree Preservation Zone are to be removed and the area mulched with 100mm of composted coarse grade woodchips.
- (d) Fencing
- (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*.
- (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- (iii) Canopy and Limb protection must be provided in accordance with the guidelines detailed in AS4970-2009 *Protection of Trees on Development Sites*.
- (e) Signage
- Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from the City of Banyule".
- (f) Irrigation
- The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof equivalent to the percentage of TPZ area occurring within the subject site).
- (g) Access to Tree Preservation Zone
- (i) No persons, vehicles or machinery are to enter the Tree Protection Zone except with the consent of the Responsible Authority;
- (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the Tree Preservation Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
- (iii) No storage of material, equipment or temporary building is to take place within the Tree Preservation Zone;
- (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- (h) Underground Services
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Any underground service installations transecting a Tree Protection Zone of any retained tree must be bored beneath the entire TPZ to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:

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

Where decking is proposed within the TPZ of any retained tree, any and all excavations for posts must be undertaken by hand under the supervision of the project arborist, and final post locations must be set away from structural roots. Furthermore, the decking must be constructed using the minimum number of piers necessary, and so that gaps between boards are no more or less than 6mm in width.

NOTE:

Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within a Tree Protection Zone, where granted, may be subject to conditions. Such conditions may include a requirement that:

- Any further works that are approved are to be supervised by the project arborist, and a written component may be required also;
- All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;
- Canopy and Limb protection is provided in accordance with the guidelines detailed in AS4970-2009 Protection of Trees on Development Sites.

Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.

Tree Pruning

14. Prior to the commencement of works, the project arborist must determine the canopy impact to Tree #5 in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise Council's Development Planning Arborists via email to enquiries@banyule.vic.gov.au marked "Attention - Development Planner" and including the planning application number.

The low branch on Trees #5s eastern side that is 43cm in diameter where it joins the trunk must not be removed and must remain viable.

Following written approval from the Responsible Authority, all tree pruning must then be carried out by the suitably qualified project arborist (AQF Level 3) in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees, and must be restricted to the removal of no greater than 15% of the total live canopy unless otherwise agreed in writing by the Responsible Authority. to the commencement of works, the project arborist must determine the canopy Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

15. All and any tree pruning must be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of individual trees.

Maintenance of landscaping

16. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Waste Management Plan

17. Before the development permitted by this permit commences, the Waste Management Plan dated 24/02/2020 and prepared by Low Impact Development Consulting must be amended to the satisfaction of the Responsible Authority for approval of the Responsible Authority to be for onsite private waste collection. The plan must also incorporate/show the following:
- a) The location of the waste collection point within the site along the McDowell Street frontage.
 - b) The waste collection vehicle to access the site and collect waste (and enter and exit the site in a forward direction).
 - c) The WMP to include organics (garden and food) for the calculation of the total volume of waste to be generated and the number of bins to store generated waste.
 - d) The WMP to contain an area for hard waste storage.
 - e) The management of green waste from the private garden areas in the bin store (as private garden areas will not be accessible to the private contractor).
 - f) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land.

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

Note: If Dwelling 6 is subdivided into its own lot, which is not part of the Body Corporate responsibilities required of Dwellings 1 – 5, Dwelling 6 may be entitled to Council Waste Collection, subject to approval in writing from the Responsible Authority.

Section 173 Agreement – Private Waste Collection

18. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at 161 Grimshaw Street must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:
- (a) The owner acknowledges that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan.

- (b) Hard Waste Collection from the site is to be limited to no more than six communal collections in a calendar year, with each dwelling having access to no more than two such collections. Responsibility for the booking and allocation of collections is to be borne by the Body Corporate.

A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

Note: If Dwelling 6 is subdivided into its own lot, which is not part of the Body Corporate responsibilities required of Dwellings 1 – 5, Dwelling 6 may be entitled to Council Waste Collection, subject to approval in writing from the Responsible Authority.

Waste Management

19. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.
20. Waste must be collected from the site in accordance with the methods specified in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

Construction Management Plan

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

Development Infrastructure Levy

22. Prior to the issue of a building permit for any building or any works approved by this permit, a Development Infrastructure Levy and a Community Infrastructure Levy must be paid to Banyule City Council. The amount of the levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

Removal and Replacement of Council Street Trees

23. Prior to the commencement of development and removal of Street Tree ID 16094 (Tree #2 in the submitted arborist report), the required fee for the planting of three (3) new street trees must be paid to the Responsible Authority.

Note: The planting of a street trees will be carried out as part of Council's works schedule and only during the May to August planting season removal and replacement planting of the tree must be undertaken by Council's Parks department.

Time Limits

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

- (a) The development is not commenced within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit.

Moved: Cr Mark Di Pasquale
Seconded: Cr Wayne Phillips

CARRIED

5.12 59 SWANSTON STREET, HEIDELBERG HEIGHTS - PROPOSED LEASES

EXECUTIVE SUMMARY

Council is the owner of the land and improvements (unit 1, unit 2 and unit 3) at 59 Swanston Street, Heidelberg Heights (the Land). All three units are presently vacant and capital works are underway to enable occupancy.

At the Council Meeting of 18 November 2019 Council resolved to renovate the units and receive a further report to confirm rental arrangements.

Renovation works are nearing completion, the properties have been appraised for an affordable residential option and are intended to be listed late June 2020.

Resolution (CO2020/99)

That Council:

1. Engage a real estate agent to oversee the rental of the properties.
2. Receive a further report in relation to the future of the site at a time when there are improved market conditions.

Moved: Cr Craig Langdon
Seconded: Cr Rick Garotti

CARRIED

**5.13 12-16 MOUNTAIN VIEW ROAD, MONTMORENCY AND 1 ALLENS ROAD,
MONTMORENCY - PROPOSED PART LAND EXCHANGE****EXECUTIVE SUMMARY**

At its meeting on 18 May 2020, Council received and considered three written submissions pursuant to section 223 of the *Local Government Act* 1989 ('the Act') regarding the Land Exchange proposal with the owners of 1 Allens Road, Montmorency (Landowner).

Submissions were received from two adjoining landowners and the Montmorency Bowling Club (MBC). Two submitters expressed concerns about the Land Exchange enabling a future overdevelopment of 1 Allens Road and resultant adverse amenity impacts. The MBC fully supports the proposal which they believe will better facilitate their facility upgrade objectives.

The proposal involves exchanging Parcel A (168m²) ('Council Land') and Parcel B (146m²) (Owners' Land'). Refer Plan of Survey 8342 at Attachment 1. The increased area of land compensates the Landowner for requiring them to enter a section 173 Agreement restricting Parcel A for: garden; landscaping; patio; decking; and swimming pool use only.

Council has completed statutory procedures under sections 189 and 223 of the *Local Government Act* 1989 ('the Act') regarding the Land Exchange proposal and can now decide whether or not to approve the Land Exchange proposal.

Resolution (CO2020/100)

That

1. Having complied with sections 189 and 223 of the *Local Government Act* 1989:
 - a. by giving public notice in the "Diamond Valley Leader" on 1 April 2020;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 18 May 2020; and
 - c. by recording that three written submissions were received;

Council is of the opinion that the Council Land (Parcel A) contained on Certificate of Title volume 9821 folio 349 and described as Lot 1 on PS212175W is no longer reasonably required for public use and the Land Exchange is considered desirable for the following reasons:

- Parcel A is considered redundant land for current and future use and activities of the Montmorency Bowling Club.
 - The Land Exchange will enable better development outcomes for the bowling club site.
 - The Land Exchange provides appropriate controls over the future use of Parcel A, thereby protecting the privacy and amenity of adjoining property owners.
2. Council approves the Land Exchange involving:
 - a. Council Land (Parcel A) contained on Certificate of Title volume 9821 folio 349 and described as Lot 1 on PS212175W. This parcel comprising an area of 168m² and has been valued at \$134,400 plus GST which represents a 20% discount on the land that will be restricted by a Section 173 Agreement;
 - b. Owners' Land (Parcel B) situated at the rear of 1 Allens Road, Montmorency contained on Certificate of Title volume 9034 folio 032 and described as Lot 2 on PS095098. This parcel comprising an area of 146m² and is valued at \$146,000 plus GST;

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- c. Both parties entering a Section 173 Agreement for 'Parcel A' limiting the use of the land to garden; landscaping; patio; decking; and swimming pool and the agreement being registered on title;
 - d. A boundary realignment subdivision be undertaken pursuant to the relevant provisions of the *Subdivision Act* 1988; and
 - e. All costs associated with land surveying, plan of subdivision, section 173 Agreement be borne by Council. The Landowner shall be responsible for the removal of all structures from Parcel B, (other than the large live eucalyptus tree situated on the proposed new title boundary, which Council will remove at its expense), together with their conveyancing and fencing costs and stamp duty.
3. Council authorises the Director City Development to execute all associated documents pertaining to the land exchange, plan of subdivision, section 173 Agreement and land transfers.
 4. Council advises the submitters of Council's resolution and reasons pursuant to section 223 of the Act.

Moved: Cr Rick Garotti

Seconded: Cr Craig Langdon

CARRIED

L.1 COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM**EXECUTIVE SUMMARY**

Community Sports Infrastructure Stimulus Program funding has been made available by the State Government following the economic downturn brought on by COVID-19.

The deadline for the Community Sports Infrastructure Stimulus Program is 19 June 2020.

There are strict criteria for any application towards this grant with the essential ones being:

- o Provide evidence of community engagement and support for the project.
- o Minimum 10% of the project cost must be supported through Council funding.
- o A project plan demonstrating timeframe, and the ability to move from design to construct within 6 months.
- o Maximum of three projects between \$1M and \$10M

Council officers have assessed the grant criteria and identified three projects that meet all the relevant criteria to maximise the success of these applications.

Resolution (CO2020/101)

That Council

1. Endorse the following projects to be submitted under the Community Sport Infrastructure Stimulus Program:
 - a. Olympic Park Stage 3 & 4.
 - b. Banyule NETs Stadium Outdoor Courts.
 - c. Darebin Creek Trail Stage 3 and 5.
 - i. New concrete path between Southern Road and Gona Street, Heidelberg West
 - ii. New concrete feeder path between Gona Street to Bell street, Heidelberg West
2. Fund 10% of the cost of the project for any successful project.

Moved: Cr Craig Langdon

Seconded: Cr Rick Garotti

CARRIED

6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE

Nil

7 PERFORMANCE - USE OUR RESOURCES WISELY**7.1 TENANCY 1 AND 2 460 LOWER HEIDELBERG ROAD, HEIDELBERG - PROPOSED NEW LEASE****EXECUTIVE SUMMARY**

Council has a lease with Specialist Diagnostic Services Pty Ltd (SDS), a subsidiary of Healius Limited for occupancy of Tenancy 1 and 2, 460 Lower Heidelberg Road, Heidelberg.

The current lease commenced on 24 March 2015 and ended on 23 March 2020. The Lease is currently in overholding.

Council has completed statutory procedures under sections 190 and 223 of the *Local Government Act 1989* ('the Act') regarding the Lease proposal.

Public notice was given in The Herald Sun on 15 April 2020 giving Council's intention to enter a new lease with SDS on the following terms:

- a) Initial five-year term commencing 1 April 2020 with two five-year options.
- b) Commencing rent of \$230,000 plus GST per annum (\$19,166 plus GST per month).
- c) Initial rent-free period of three months.
- d) Fixed annual rent increases of 3%.

At the close of the submissions period on 14 May 2020, no written submissions were received.

Council can now decide whether or not to grant a new lease to SDS.

Resolution (CO2020/102)

That

1. Having complied with sections 190 and 223 of the *Local Government Act 1989*:
 - a. by giving public notice in The Herald Sun on 15 April 2020;
 - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 15 June 2020; and
 - c. by recording that no written submissions were received;

Council grants a new lease to Specialist Diagnostic Services Pty Ltd (a subsidiary of Healius Limited) for occupancy of Tenancy 1 & 2, 460 Lower Heidelberg Road, Heidelberg on the following lease terms:

- a. initial five-year term commencing 1 April 2020 with two five-year options;
 - b. commencing rent of \$230,000 plus GST per annum (\$19,166 plus GST per month);
 - c. initial rent-free period of three months; and
 - d. fixed annual rent increases of 3%.
2. Council authorises the Director City Development to execute the Lease deed.

Moved: Cr Craig Langdon
Seconded: Cr Tom Melican

CARRIED

7.2 ASSEMBLY OF COUNCILLORS

EXECUTIVE SUMMARY

Assembly of Councillors were previously required by the Local Government Act 1989, this section has now been repealed. Some assemblies included in this report still applied under the former Act. The former requirements are outlined below:

Under the Local Government Act 1989 an Assembly of Councillors is defined as:

A meeting of an advisory committee of the Council, if at least one Councillor is present or;

A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council or;*
- b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.*

In accordance with Section 80A of the Local Government Act 1989 Council is required to report as soon as possible to an Ordinary Meeting of Council a record of any assemblies of Councillors held. Below is the latest listing of notified assemblies of Councillors held at Banyule City Council.

The new Local Government Act 2020 no longer requires Councils to record assemblies and it will be up to each Council how it will record these types of meetings. Council is participating in the co-design of the new Governance Rules with Local Government Victoria and it is being recommended that some of these former requirements be included in the new Governance Rules which are required to be adopted by each Council by 1 September 2020. The Governance Rules will replace the Meeting Procedures Code and include other matters required of the new Act.

It is recommended that Council continue to record Councillor attendance of Briefings and Advisory Committees as it does now including requirements to declare any conflicts of interest and report them to Council until the Governance Rules are adopted. This will provide transparency of details of meetings held outside of Council Meetings.

RECORD OF ASSEMBLIES

1	Date of Assembly:	6 May 2020
	Type of Meeting:	Advisory Committee Meeting – non-formal Working Group during COVID-19
Matters Considered:		
<ul style="list-style-type: none"> • Welcome, Introduction (relaxed terms of reference for committee meetings during COVID-19) • COVID-19 Arts & Culture Grants <ul style="list-style-type: none"> - Creative Community Quick Response Grants - Creative Recovery Grants • Festivals & Events Alternatives • Other Business 		

Councillors Present: Peter Castaldo Craig Langdon	
Staff Present: Hannes Berger - <i>Arts & Culture Team Leader</i> Nikki Ralston - <i>Arts & Cultural Development Officer</i> Clarissa Crupi - <i>Festivals Officer</i> Anthea Fahey - <i>Festivals & Cultural Projects Officer</i>	
Others Present: Rosemary Crosthwaite Fran Lee Anne Bennett Les Walkling Kevin Ritchie Genelle Ryan Joanne O'Hara Rebecca Armstrong Craig Eloranta Irianna Kanellopoulou.	
Conflict of Interest:	NA

2	Date of Assembly:	8 August 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Arts and Culture Program 2020 • LGBTIQ+ Action Plan Quarterly Update • Inclusive Business Pack • Malahang Festival Planning 2019 • Project/Event Short Updates • Private Lives 3 National Survey • Ivanhoe Community Hub Gender Neutral Toilets Update 	
	Councillors Present: Craig Langdon	
	Staff Present: Allison Beckwith – <i>Director Community Programs</i> Hannes Berger – <i>Arts & Culture Team Leader</i>	
Others Present: Mason Jefferies Megan Burke Sky Lacey Lara Hunter Stephanie Scane and Ilias Katis (Austin) Lena Risteski (Mind Australia) Brianna Stevenson (Berry Street)		
Conflict of Interest:	NA	

3	Date of Assembly:	20 August 2019, 6pm
	Type of Meeting:	Multicultural Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Role of Department of Human Services • Internship Program (Inclusive Employment Program) • Malahang Festival 2019 Update • Multicultural Action Plan Quarterly Update • Universal Diversity Statement • New and Emerging Issues • Mayoral Taskforce Against SRSS Cuts • Climate Action Engagement 	
	Councillors Present:	
	Craig Langdon	
Staff Present:		
Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i> Samatar Yusuf – <i>Social Enterprise & Local Jobs Administration Officer</i>		
Others Present:		
Maria Axarlis-Coulter Uzma Rubab Samira Liban Daniela Zataroska (Department of Human Services)		
Conflict of Interest:	NA	

4	Date of Assembly:	3 October 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Early Childhood Rainbow Tick • Arts and Culture Update and Theming • Inclusive Business Pack 101 Sheet • Intersex Awareness Day • 'North Is Coming Out' Council Network Update • Inclusive Jobs Program 	
	Councillors Present:	
	Craig Langdon	
Staff Present:		
Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i> Steph Neoh – <i>Art Curator</i>		
Others Present:		
Megan Burke Lara Hunter Jasmine Harris		

Ilias Katis (Austin) Katie Larsen (Mind Australia) Michelle McNamara (TGV)	
Conflict of Interest:	NA

5	Date of Assembly:	15 October 2019, 6pm
	Type of Meeting:	Multicultural Advisory Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • Supporting Small Businesses • Sustainable Transport Projects • New Resident Welcome Kit Update • Malahang Festival 2019 Update • Regional Advisory Committee Membership • Welcoming Cities Update • New and Emerging Issues 	
	Councillors Present:	
	Craig Langdon	
	Staff Present:	
Allison Beckwith - <i>Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i>		
Others Present:		
Maria Axarlis-Coulter Uzma Rubab Samira Liban Hedi Azadi Andrea Gallow Ansam Sadik (VicPolice) Alaa Elzokm (Heidelberg Mosque) Suzanne Crellin (Olympic Adult Education) Colin Barlow (Olympic Adult Education)		
Conflict of Interest:	NA	

6	Date of Assembly:	12 December 2019, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Intersex Community • Arts and Culture Update • Malahang Review 2019 • 2020 Meeting Dates • ABS Census Update • Project/Event Short Updates 	
Councillors Present:		
Craig Langdon		

Staff Present: Gemma Boucher – <i>Community & Social Planner</i> Theonie Tacticos - <i>Community & Social Planning Coordinator</i>	
Others Present: Megan Burke Lara Hunter Brianna Stevenson (Berry Street) Ilias Katis (Austin) James Heaney Skye Lacy Lachlan Harris Callum Cunningham and Nicoletta Anaston (Vic Police) Claire Flynn	
Conflict of Interest:	NA

7	Date of Assembly:	6 February 2020, 6pm
	Type of Meeting:	LGBTIQ+ Advisory Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • Inclusive Employment Program • Kids Arty Farty and Grand Parade • Midsumma Review 2020 • Better Together Conference • ABS Census Update • Religious Discrimination Bill • Project/Event Short Updates 	
	Councillors Present: Craig Langdon	
	Staff Present: Lisa Raywood – <i>Acting Director Community Programs</i> Gemma Boucher – <i>Community & Social Planner</i>	
	Others Present: Lara Hunter Ilias Katis (Austin) Skye Lacy Lachlan Harris Claire Flynn Mason Jefferies Paul Byrne-Moroney Ashleigh Keenan Billie Weir	
Conflict of Interest:	NA	

8	Date of Assembly:	18 February 2020, 6pm
	Type of Meeting:	Multicultural Advisory Committee
Matters Considered:		

<ul style="list-style-type: none"> • ASHA Global Foundation • Religious Discrimination Bill • Cultural Diversity Week 2020 • Cultural Diversity Grants Review • Banyule Volunteer Awards • New and Emerging Issues
<p>Councillors Present:</p> <p>Craig Langdon</p>
<p>Staff Present:</p> <p>Gemma Boucher – <i>Community & Social Planner</i> Theonie Tacticos - <i>Community & Social Planning Coordinator</i></p>
<p>Others Present:</p> <p>Uzma Rubab Samira Liban Hedi Azadi Shabnam Astaraki Leonidas Nitereka Susan Zhou Veronica Heng Teng Lee Suzanne Crellin (Olympic Adult Education) Vic Narula (ASHA Global Foundation)</p>
<p>Conflict of Interest:</p> <p>NA</p>

9	<p>Date of Assembly:</p> <p>11 May 2020, 6.30pm</p>
	<p>Type of Meeting:</p> <p>Councillor Briefing – online meeting</p>
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Greening Banyule & Urban Heat • RSL Grants
	<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican</p>
	<p>Staff Present:</p> <p>Allison Beckwith – <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Kathy Hynes – <i>Manager Parks & Open Space</i></p>

Others Present:	
NA	
Conflict of Interest:	NA

10	Date of Assembly:	11 May 2020
	Type of Meeting:	Confidential Councillor Briefing – online meeting
	Matters Considered:	
	<ul style="list-style-type: none"> Confidential item relating to Business Information – Commercial Negotiations 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
Staff Present:		
Allison Beckwith – <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicole Maslin – <i>Manager Leisure, Recreation & Culture Services</i> Lucia Brennan – <i>Major Facilities Coordinator</i>		
Others Present:		
NA		
Conflict of Interest:	NA	

11	Date of Assembly:	18 May 2020, 6.35pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
Items on the Council Agenda for the Ordinary Meeting of 18 May 2020 (excluding confidential items) as listed below:		
2.1 Deloraine Aged Care, Adeline Street Greensborough - Request for Investigation to Create an Indented Paved and Curbed Ambulance Parking Space		
4.1 Draft Community Climate Action Plan - For Public Exhibition		
5.1 12-16 Mountain View Road and 1 Allens Road, Montmorency - Proposed Part Land Exchange - Public Submissions		
5.2 Bellfield Project Update: Delivery of Social Housing		
5.3 Changes to Planning Requirements for Non Government Schools		

	<p>7.1 Meeting Procedures Code (2015) - Amendment</p> <p>7.2 Council's Powers of Delegation - Local Government Act 2020</p> <p>7.3 Audit & Risk Advisory Committee Minutes - 13 March 2020</p> <p>7.4 Contract No 1038-2020 Kalparrin Early Childhood Intervention Centre Redevelopment</p> <p>7.5 Contract No 1031-2020 Asphalt Re-Surfacing Programme</p> <p>7.6 Assembly of Councillors</p> <p>8.1 Sealing of Documents</p>
	<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Craig Langdon Tom Melican</p>
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlino – <i>Governance Coordinator</i> Emily Outlaw – <i>Council Business Team Leader</i></p>
	<p>Others Present:</p> <p>NA</p>
	<p>Conflict of Interest: NA</p>

12	<p>Date of Assembly: 25 May 2020</p> <p>Type of Meeting: Councillor Briefing – online meeting</p>
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Draft Inclusive Local Jobs Strategy & Draft Social Enterprise Strategy • IT & Digital Transformation • Council's Response to COVID-19
	<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican</p>
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Cheree Hunter – <i>Social Enterprise & Local Jobs Coordinator</i></p>

Alexandra Denning – <i>Inclusive Employment Facilitation Officer</i> Kate Baker - <i>Inclusive Employment & Volunteering Team Leader</i> Samatar Yusuf - <i>Social Enterprise & Local Jobs Administration Officer</i> Leah van Hemert – <i>Manager IT & Digital Transformation</i>	
Others Present: NA	
Conflict of Interest:	NA

13	Date of Assembly:	1 June 2020, 6.00pm
	Type of Meeting:	Councillor Briefing
Matters Considered:		
<ul style="list-style-type: none"> • Draft Reconciliation Acton Plan (RAP) • Hardship Policy • CEO Employment Matters Committee- Confidential 		
Councillors Present:		
Peter Castaldo Alison Champion Craig Langdon Tom Melican Rick Garotti		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn, <i>Director Assets & City Services</i> Kath Brackett, <i>Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Vivien Ferlino – <i>Governance Coordinator</i> Lisa Raywood – <i>Manager Aged, Public Health Protection, Aged & Community Planning</i> Theonie Tacticos - <i>Community & Social Planning Co-ordinator</i> Tania O'Reilly – <i>Manager Finance & Procurement</i>		
Others Present:		
Lydia Wilson, Independent Chairperson , CEO Employment Matters Committee		
Conflict of Interest:	NA	

Resolution (CO2020/103)

That:

1. The Assembly of Councillors report be received and;
2. Council continue to consider reports of Councillor attendance at Briefings and Advisory Committee meetings until such time as the new requirements are provided for in the adoption of the new Governance Rules.

Moved: Cr Tom Melican

Seconded: Cr Craig Langdon

CARRIED

8. SEALING OF DOCUMENTS

Nil

9. NOTICES OF MOTION

Nil

10. GENERAL BUSINESS

Nil

Closure of Meeting to the Public

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for ten minutes to allow the public to leave the Chamber prior to considering confidential items 11.1 and 11.2.

Moved: Cr Craig Langdon
Seconded: Cr Tom Melican

CARRIED

The Meeting was adjourned at 8.55pm.

Cr Rick Garotti left the Chamber at the conclusion of the open Meeting at 8.55pm and did not return for the confidential items.

The Meeting was closed to the public at 9.10pm.

Closure of Meeting

The Meeting was closed at 9.17pm.

DATED: DAY OF 2020

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MAYOR

A Special Meeting of Council will be held on Wednesday 17 June 2020 and the next Ordinary Meeting of Council will be held on Monday, 6 July 2020.

PUBLIC QUESTION TIME

1	<p>Name & Suburb</p> <p>Jenny Mulholland - Ivanhoe</p>
	<p>Question:</p> <p>Will Council advise what proposals are included in the draft budget 2020/21 to (a) Improve the safety of pedestrians in the East Ivanhoe shopping centre particularly in the area near Carmichael Street and the supermarket and (b) Any proposals to further beautify the centre to encourage more shoppers to this village shopping centre post COVID including undergrounding powerlines and what are the proposed timelines for each of these proposals?</p>
	<p>Response:</p> <p><i>Scott Walker – Director of City Development</i></p> <p>The draft 20/21 budget includes \$10,000 for audits for access for mobility scooters, cyclists and pedestrians in East Ivanhoe Shopping Centre. The 4 year budget also includes \$300,000 for East Ivanhoe Village precinct streetscape renewal design in 2021/22 and \$1.29 million for construction in 2022/23.</p> <p>The undergrounding of powerlines could be considered as part of the streetscape works, however the cost to do this is significant, in the order of \$1 - 1.5 million, and the current allocated budget does not accommodate this occurring.</p> <p>Council and the representatives of the Traders at the centre have also been in discussion with the Department of Transport about changes that they can make to the arterial road to improve the centre. The Department of Transport have recently installed 'NO U-TURN' signage to discourage any illegal U-turn movement and relocated a 40km/hr speed advisory sign further towards the roundabout at McArthur Road and Lower Heidelberg Road.</p> <p>Requests have also made for the Department of Transport to install a raised pavement at the existing pedestrian signals, install a new set of pedestrian signals at the west end of the centre and an extension to the traffic island at the roundabout from Warncliffe Road to the existing crossing. DOT have advised that they will consider these items in future state budgets. Advocacy for these works will continue.</p>

2	<p>Name & Suburb</p> <p>Harris Williams - Heidelberg Heights</p> <hr/> <p>Question:</p> <p>Does Council continue to be bound by a Memorandum of Understanding or any other instrument that would restrict the information it provides to the public on the proposed North East Link Project?</p> <hr/> <p>Response:</p> <p><i>Scott Walker – Director of City Development</i></p> <p>Council has a Memorandum of Understanding with the North East Link Project that sets out the co-operation, co-ordination and support that has been committed to be provided in relation to the project. The MOU is a pre-requisite for NELP providing funding towards Council resourcing to respond to project demands placed on Council. It is set to expire at the end of the month, but is currently being reviewed so that a new MOU can be entered into.</p> <p>There is a confidentiality clause that limits the sharing of each other's confidential information unless the prior written consent of the other party is obtained. This clause survives the expiration or termination of the MOU and remains in place until the confidential information becomes part of the public domain.</p> <p>The public has been regularly updated on the project from a Council perspective and the confidentiality requirements have not limited the ability to represent or support the community or seek improved project outcomes.</p>
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3	<p>Name & Suburb</p> <p>Kevin Biaggini - Ivanhoe</p>
	<p>Question:</p> <p>BRAG understands that the cleaning & disinfecting program was for only a four week period during May/early June 2020 and was State Government funded. Will Council now continue this program indefinitely as more residents move out from the lockdown and return to shop locally?</p>
	<p>Response:</p> <p><i>Geoff Glynn - Director of Assets & City Services</i></p> <p>The Working For Victoria's Cleaning Blitz Project was introduced as a short term measure to help slow the spread of coronavirus and support local jobs. Banyule City Council was one of 35 municipalities across Victoria to participate in the four week blitz. Now that the number of COVID19 cases have dropped and remain under control throughout the state, the project is drawing to a close. The cleaning has greatly supported the work already being undertaken by Councils and provided short-term employment for members of our community who were stood down or lost their jobs. However with restrictions easing and business starting to reopen their doors many displaced workers will return to their previous employment. Although the risk of COVID-19 remains, the diligence shown by Victorians to stay safe and continue hygienic practices will ensure that we continue to beat the virus. By following advice of the Department of Health on how to minimise the risk to you and your family we can eventually eradicate the virus.</p>

4	<p>Name & Suburb</p> <p>Sheldon Williams - Rosanna</p>
	<p>Question:</p> <p>Council has recently erected notices in Banyule Parklands advising of the intended development of a Disc Golf Course around the Parklands, starting close to the Old Shire Office building.</p> <p>Can Council advise what community consultation or planning permit process was undertaken to allow this Disc Golf Course to be constructed on public open space at the Parklands?</p>
	<p>Response:</p> <p><i>Kath Brackett – Director of Community Programs</i></p> <p>Disc Golf supports one of Council's Recreation Plan key objectives of providing increased opportunities for diverse informal recreation opportunities and installation of a course at Warringal Parklands was funded in the 2019/20 budget following lengthy advocacy from local enthusiasts and Melbourne Disc Golf Club.</p> <p>Extensive consultation has occurred involving different Council teams/areas as well as Melbourne Disc Golf, Warringal Conservation Society and experienced course designers.</p> <p>Clubs and regular user groups of Warringal Parklands and Old Shire Offices were carefully considered in course design and have been advised of the proposed course. Also officers met with Dog Club representatives on site to go through proposed course and understand their issues and concerns.</p> <p>Council is currently engaged in information sharing with the community at present via parkland signage, letter drop to local residents and via Council website.</p> <p>The Melbourne Disc Golf Club ran a 3-basket course plus a putting practice basket during the Malahang Festival in 2018 in preparation for the Warringal course development and a Come & Try information session for the community (which was delayed due to Covid-19) is now planned for 27 June.</p> <p>A Planning permit was not required as the course is proposed within the Public Park and Recreation Zone and the Public Conservation and Resource Zone (Holes 7 and 8 and possibly hole 6). The use and construction of the course is exempt from requiring a planning permit as the use and building and works will be carried out by Council as public land manager under the Local Government Act 1989.</p>

5	<p>Name & Suburb</p> <p>Emilia Williams - Rosanna</p>
	<p>Question:</p> <p>What is the future for Rosanna Library? Will it remain open or will it close and the land sold off?</p>
	<p>Response:</p> <p><i>Kath Brackett – Director of Community Programs</i></p> <p>There are no plans to close the Rosanna library which is a very important and valued component of Banyule’s Library services.</p> <p>The Council and the Yarra Plenty Regional Library recognise that the existing building and facilities are aging and will be working together over the next 6 months to identify priorities so that a plan for future upgrade can be developed that supports an inclusive and accessible library service to meets future needs and demands.</p>

6	<p>Name & Suburb</p> <p>Emma Samuel - Ivanhoe</p>
	<p>Question:</p> <p>It is understood that there are a number of properties within the Ivanhoe Activity Centre that are exempt from the Mandatory heights legislation due to being covered by heritage overlays. What steps have Council taken to prevent developers using this loophole in the future?</p>
	<p>Response:</p> <p><i>Scott Walker – Director of City Development</i></p> <p>A review of heights on heritage overlay sites in Ivanhoe is being undertaken concurrently with a Heritage Review, to ensure the intent of the planning scheme is clear with regard to heritage sites in the Ivanhoe Activity Centre. There are only three heritage overlay (HO) sites in private ownership where the maximum building height is not controlled by either the design and development overlay (DDO) or the planning zone. These sites are identified in the DDO as ‘limited change anticipated’.</p> <p>Planning applications for these sites are assessed, as intended by the planning scheme, by giving due regard to the heritage significance of the place as guided by the HO and DDO. The height of any proposal will continue to be limited by these planning controls. The assessment of development proposals will consider whether the bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place. Heritage advice is important to ensure the best possible outcome.</p>

7	<p>Name & Suburb</p> <p>Nola McDowell - Ivanhoe</p> <hr/> <p>Question:</p> <p>In relation to the poor state of footpaths, and the non-existence of paths in some areas including parts of Rattray Road Montmorency, what plans has Council incorporated in the proposed draft budget 2021FY and forward plans to replace these footpaths and remove overhanging tree branches and shrubs from private properties to prevent personal injury to its citizens?</p> <hr/> <p>Response:</p> <p><i>Geoff Glynn - Director of Assets & City Services</i></p> <p>Council has an ongoing footpath renewal program. This program is based upon a condition audit conducted every four years, last conducted in 2018. The outcome of these audits enables Council to prioritise this footpath renewal program every four years. From this Council has allocated approximately \$9M over the next four years and with reference to the 2020/21, Council is proposing to invest \$2M in its footpath replacement program throughout the municipality.</p> <p>With regard to temporary/quick fixes Council through its Road Management Plan has implemented scheduling of maintenance repairs through our Operation Infrastructure Department and if its identified that larger footpath replacement is required, this completed through Council's footpath renewal program as outlined above.</p> <p>Where it has been identified that shrubs and overhanging tree are encroaching into the road reserve, the owner will be notified to remove these obstructions. If no response is received within a specified time frame, Council will take appropriate action to remove these obstacles.</p>
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8	<p>Name & Suburb</p> <p>Kevan Hill - Ivanhoe</p>
	<p>Question:</p> <p>In relation to Banyule City Council (BCC) involvement with Community Chef and any associated entities of this business, what is the sum total of BCC investment in Land and Buildings leased to Community Chef and what is the related total loss incurred by BCC to date directly attributable to Community Chef operations?</p>
	<p>Response:</p> <p><i>Kath Brackett – Director of Community Programs</i></p> <p>Council is a share holder in Regional Kitchen. Regional Kitchen Pty (trading as Community Chef), owns the land and buildings and Council holds 24 shares out of a total of 324 shares in Regional Kitchen.</p>

9	<p>Name & Suburb</p> <p>David Mulholland – Heidelberg Heights</p>
	<p>Question:</p> <p>In relation to Community Chef, can Council explain the reason it's fair value investment in this business has increased from \$230K to \$301K as at 30-June-2019?</p>
	<p>Response:</p> <p><i>Kath Brackett – Director of Community Programs</i></p> <p>The change in valuation was related to the change in valuation method. Shares in prior years were held at Cost Price (\$230,000) as there was no active market for trading the shares.</p> <p>For Year-end 2019, we were required to change valuation to using the equity method. This was calculated based on the unaudited financial statements of Regional Kitchen as at 30 June 2019 (Audited statements were not available at the time we produced our annual report).</p>