

Minutes of the Ordinary Meeting of Council



Held on the 27 April 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 6 April 2020

Moved: Cr Tom Melican

Seconded: Cr Craig Langdon

CARRIED

Disclosure of Interests

Nil

Presentation

Nil

1. URGENT BUSINESS

Nil

2. PETITIONS

Nil

3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

3.1 MATERNAL AND CHILD HEALTH - SLEEP SETTLING INITIATIVE

Statements were read on behalf of Rosamund Krivanek and David Mulholland.

EXECUTIVE SUMMARY

Both local government and state government have a shared responsibility for the delivery of the Maternal and Child Health (MCH) program. As the Sleep and Settling initiative is fully funded by DHHS, Council is obligated to comply with the service/funding agreement and meet stipulated targets. This requires additional Equivalent Full Time (EFT) hours in order to fully implement the program and meet targets in all MCH Service programs.

The funding component of **\$62,152k** for February- June 2020 and the expected funding of **\$149,164k** for 2020/2021 is inclusive of EFT requirements associated with delivering the program, including information sessions, training and outreach consultations.

This report seeks Council's endorsement of the fully funded Government Sleep Settling Initiative and seeks Council's approval to increase EFT hours in the MCH program, noting the cost is borne by DHHS.

Resolution (CO2020/60)

That Council

1. Acknowledges the importance of sleep for a child's long-term development and for the wellbeing of families.
2. Approve the additional EFT at no cost to Council to deliver the Sleep and Settling as part of Council's Maternal and Child Health Program in line with funding and set targets.
3. Continue to deliver the Sleep and Settling initiative subject to the provision of full program funding by the Department of Health and Human Services.

Moved: Cr Peter Castaldo

Seconded: Cr Rick Garotti

CARRIED

4. PLANET – ENVIRONMENTAL SUSTAINABILITY

Nil

5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT

5.1 59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019)

Statements were read on behalf of Rosamund Krivanek and Kevin Biaggini.

EXECUTIVE SUMMARY

The proposal is for the development of three double storey dwellings in a tandem arrangement at 59 Kelvin Avenue, Montmorency. Each dwelling contains three bedrooms and a double garage. The proposal seeks the provision of two vehicle crossovers with the existing northern crossover retained to service the front dwelling and a new crossover to the south to service the two rear dwellings. The existing dwelling is to be removed along with the removal of trees, including four requiring a permit for removal under the Vegetation Protection Overlay - Schedule 1. Two large trees are proposed to be retained.

Six objections were received as a result of public notification, with two objections later withdrawn after written correspondence between the applicant and those parties. Concerns raised include overdevelopment, building height, overlooking, vegetation removal, car parking and vehicle crossovers.

The proposal generally complies with ResCode siting, design and amenity standards, subject to conditions. The proposal is considered to achieve the relevant neighbourhood character objectives of the Bush Garden precinct. However, there are variations to the preferred design responses of the precinct including the variation to the *Residential Vehicle Crossing Policy 2012*.

While the proposal is located within a 'Limited Incremental' area, the subject site is approximately 120m north of the Montmorency Train Station and the adjoining local activity centre. As such, there is an emerging character of multi-unit developments interspersed between older housing stock. It is considered this development proposal should be supported subject to modifications to improve the response to neighbourhood character.

Resolution (CO2020/61)

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. P1002/2019 for Multi-Unit development: The construction of three dwellings on a lot, removal of protected vegetation within the Vegetation Protection Overlay - Schedule 1 and buildings and works greater than eight metres in height and within the dripline of protected vegetation within the Design and Development Overlay - Schedule 8 at 59 Kelvin Avenue MONTMORENCY 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 following changes shown on plans received by Council 9 April 2020:
 - (i) The north western wall to Bedroom 2 of Dwelling 2 recessed by 0.2m;

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- (b) The following changes shown on plans received by Council 9 April 2020 but further modified to show:
 - (i) The patio to Unit 3 replaced by a deck that extends the width of the living room and no more than 2.5m away from the dwelling footprint. The materials of the deck must be permeable in accordance with condition 12 (j) (ii) of this permit;
 - (c) The following changes shown on plans received by Council 24 April 2020:
 - (i) The front porch reduced in depth by 350mm.
 - (d) Removal of tree number 3.
 - (e) The retaining wall along the street boundary and driveway (within the front yard) to be constructed of stone (basalt), including the recycling of existing materials for the existing retaining wall where possible;
 - (f) Southern boundary fence increased to a height of 1.8m;
 - (g) The first-floor windows to the retreat of Dwelling 1 and Bedroom 2 and the retreat of Dwelling 2 obscured to 1.7m above the finished floor level;
 - (h) Provision of storage facilities to Dwelling 3 in accordance with Standard B30 of ResCode;
 - (i) The Dwelling 2 garage roof amended on relevant plans to reflect that shown on the elevation plans;
 - (j) Meter box enclosures to be sited behind the front building line of the development and be a maximum height of 1.5 metres;
 - (k) Gas and water meters to be sited or screened to minimise visibility from the public realm and neighbouring properties;
 - (l) The mail boxes located in accordance with Australia Post guidelines;
 - (m) Landscape and tree zones to be clearly marked with hatching, colour coding or similar and distinguished from useable open space areas;
 - (n) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (o) Notation of all tree sensitive construction methods including surface treatments and footings for the deck of Dwelling 3.
 - (p) A plan notation that there will be no change in grade within 9m of the north-eastern boundary outside of the approved building envelope for the dwelling/garages only (deck not included) within the TPZ of Tree #17.
 - (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 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;
 - (s) The installation of eaves or shading devices to all north-facing windows and balconies, designed to provide appropriate shading during summer and allow solar access during winter;
 - (t) Landscaping as required by Condition 2 of this permit;

- (u) The Tree Preservation Fencing in accordance with Condition 12 of this permit;
- (v) 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 outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (iv) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the submitted Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
 - (v) All drainage plans must show for Tree #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 Mark Reynolds of Arbor Survey dated 12/11/2019.
 - (vi) Internal drainage within the front yard located adjacent to dwelling 1 so that planting space is maximised.

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 the landscaping plan prepared by Habitat Consultants is submitted to and approved by the Responsible Authority with the following amendments:
 - (a) Provision of either one large native canopy tree (to grow greater than 12m) or two medium native canopy trees (to grow 8-12m) within the front yard to replace the removal tree 3, Claret Ash.
 - (b) The Lemon Scented Gum (*Corymbia Citriodora*) replaced with a medium sized canopy tree (8-12m)
 - (c) Deletion of the Kanooka (*Tristaniopsis*) within the front setback and Dwarf Gum (*Eucalyptus Mannifera*) to the north east corner of the site
 - (d) The two Ornamental Pears (*Pyrus c. 'Chanticleer'*) replaced with one native species of a medium size positioned in the north east of the SPOS to Dwelling 1 and
 - (e) The trees along the southern driveway replaced with small sized trees (3-6m);
 - (f) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (g) Plan notations in accordance with conditions 1(l) to 1(m) of this permit;
 - (h) Retaining wall shown in accordance with condition 1 (c) of this permit;

- (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (j) Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with retaining walls, clotheslines, overhead wires, easements and existing trees;
- (k) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the submitted Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

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).

Urban Design / External Appearance

- 6. 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

- 7. 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.
- 8. 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.
- 9. 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

Works

10. 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 outside of the approved building envelop within 9m of the north-eastern boundary where within the TPZ of Tree #17.

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.

Tree Preservation Zones

12. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones must be established around Tree #17. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' from a suitably qualified project arborist (**AQF Level 5**) 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 shall be provided in the following locations:

- (i) **Site Tree #17:** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land
- (ii) Where there are approved works within a TPZ, it may only be reduced to the required amount by an authorised person, only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

(b) Management of works

- (i) A suitably qualified arborist (**AQF Level 5**) must supervise any activity within the calculated TPZ of Tree #17. 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.
- (ii) Any root severance within the TPZ must be undertaken by the project arborist to their satisfaction using a clean sharp and sterilised tree root pruning equipment. There must be no root pruning within the SRZ.

(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) Where fencing is proposed within the TPZ of any neighbouring/retained tree, any and all excavations for posts must be undertaken by hand under the supervision of the suitably qualified project arborist (**AQF Level 5**). Final post locations must be flexible so they can be set away from any roots greater than 25mm in diameter. No roots greater than 25cm in diameter can be severed as part of the fence construction.

(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) Ground Protection

A permeable membrane beneath a layer of mulch or crushed rock below rumble boards must be laid down where the tree protection zone occurs outside the fenced area detailed in Condition 12a. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.

(i) Underground Services

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.
- (j) Decking
- (i) Where decking is proposed within the TPZ of Tree #17, any and all excavations for posts must be undertaken by hand under the supervision of the suitably qualified project arborist (**AQF Level 5**), and final post locations must be set away from the Structural Root Zone (SRZ) and any roots greater than 25mm in diameter
 - (ii) Materials used for deck surfaces within the TPZ of Tree #17 must allow water to penetrate through the surface into the soil profile and be approved by the Responsible Authority.

(k) Modified Foundation Design

Where Garage 2 and Dwelling 3 is within the TPZ of Tree #17, it is to be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within the TPZ. The postholes are to be hand dug and no roots greater than 40mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footing and foundations can be designed so that they are not affected by soil movement.

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

13. Prior to the commencement of works, the project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans including but not limited to Tree #17, 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. Following written approval from the Responsible Authority, all tree pruning must then be carried out by a suitably qualified 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 of individual trees unless otherwise agreed in writing by the Responsible Authority. 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.

Maintenance of landscaping

14. 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.

Development Infrastructure Levy

15. 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.

Time Limits

16. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - (a) The development is not commenced within two years of the date of this permit;
 - (b) The development is not completed within four years of the date of this permit.

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

- Before the permit expires, or
- Within six months afterwards, or
- Within 12 months afterwards if the development started lawfully before the permit expired.

PERMIT NOTES

(A) Expiry of Permit

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

(B) Additional approvals required

Building Permit Required

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

Building over Easements

No structure (including but not limited to sheds, retaining walls, eaves, water tanks, paving and landings) shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

Drainage Plan Requirements

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

Access to Council Reserve

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

Supervision of works undertaken on Council Assets

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

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

Asset Inspection Fee

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

Removal of Street Tree

For the required process and any information concerning the removal of a street tree, enquiries should be directed to Banyule Tree Care Department.

(C) Action on/for completion

Completion of Development

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

An early inspection process will ensure that the subdivision approvals including the Statement of Compliance can be issued without delay.

Street Numbering

Please note that property addresses are allocated by Council. This is usually formalised at the time of the issue of a certified plan, however it is Council's intention to number the proposed allotments as follows:

Dwelling 1 1/59 Kelvin Avenue MONTMORENCY
Dwelling 2 2/59 Kelvin Avenue MONTMORENCY
Dwelling 3 3/59 Kelvin Avenue MONTMORENCY

Residential Noise (spa pump/pool pumps/air-conditioning unit/vacuum unit etc.)

The operation of spa pump/pool pumps/air-conditioning unit/vacuum unit etc. shall comply with the Environment Protection (Residential Noise) Regulations 1997. Prohibited times of use as specified by the Regulations are Monday to Friday before 7am and after 10pm & Weekends and public holidays before 9am and after 10pm (if audible from a habitable room of a neighbouring property).

The operation of the spa pump/pool pumps/air-conditioning unit/ vacuum unit etc. must not cause a Nuisance (as defined under the Health Act 1958). A Nuisance may include issues such as noise, odour or any other thing deemed to be a Nuisance under the Act. It is recommended that the spa pump/pool pumps/air-conditioning unit/ vacuum unit etc. is not located within close proximity to neighbouring properties and where practicable, enclosed.

(D) Previous Planning Approvals

This Planning Permit must be read in conjunction with previous permits that may affect the site.

(E) Development Infrastructure Levy

Please refer to Schedule 1 to the [Development Contributions Plan Overlay](#) for charge areas and levies payable. To request an invoice for payment, please email DCPofficer@banyule.vic.gov.au including the address of the land that is being developed.

Moved: Cr Wayne Phillips
Seconded: Cr Alison Champion

CARRIED

5.2 NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS

Statements were read on behalf on Brian Grace, Kevin Biaggini and Anthony Hocking.

EXECUTIVE SUMMARY

This proposal was initially considered by Council on 9 December 2019 and again on 15 March 2020 but was deferred each time to enable further discussions with the applicant on the potential community benefits of the proposal as well as the outcome of a Federal Court case. This report now reconsiders the matter following those discussions.

Permits are sought for the display of electronic promotion signs (each 1.47m² in area), to be established in conjunction with permitted Telstra payphones in eight locations within the municipality. The proposals have been publicly notified and two objections have been received to each application, with additional objections received in relation to 65 Watsonia Road, Watsonia (three in total) and 78 Nepean Street, Watsonia (four in total).

The proposals are considered to appropriately respond to Council policy relating to signs and are considered acceptable having regard to the commercial contexts of the proposed locations, visual and residential amenity and traffic safety. Minor changes are considered necessary for some proposals to further reduce impacts on residential amenity and public safety.

Following the deferral of the item on 9 December 2019 and a meeting held with Telstra representatives, further information is now included in this report. An "Agreement of community benefit" will set out details of restrictions on political and gambling advertising within all of the municipality, restriction of Alcohol advertising within 150m of schools as well as Council access to show event and other communication content on the rear and front screens.

It is considered that the proposal should be approved in all cases subject to the additional restrictions and opportunities set out in an "Agreement of community benefit". Separate recommendations are included for 69 Martins Lane, Viewbank and 111 Mountain View Road, Briar Hill on the basis that amended plans will need to be submitted to reflect changes.

Resolution (CO2020/62)

Recommendation A

That Council, having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a Refusal to Grant a Planning Permit in respect of Application Nos. P105/2019, P110/2019, P112/2019, P113/2019, P115/2019, P116/2019, P117/2019, P119/2019 for Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones) at 40 Norman Street IVANHOE, 48 Aberdeen Road MACLEOD, 35 Watsonia Road WATSONIA, 57 Greville Road ROSANNA, 65 Watsonia Road WATSONIA, 69 Martins Lane VIEWBANK, 78 Nepean Street WATSONIA and 111 Mountain View Road BRIAR HILL on the following grounds:

1. The promotional content of the electronic sign would be detrimental to the character of the area and adversely impact the amenity of the area contrary to Clause 22.01 – Outdoor Advertising Policy and Clause 52.02 – Signs of the Banyule Planning Scheme.

Recommendation B

That Council, having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a Refusal to Grant a Planning Permit in respect of Application No. P116/2019 for Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones) at 69 Martins Lane VIEWBANK, on the following grounds:

1. The promotional content of the electronic sign would be detrimental to the character of the area and adversely impact the amenity of the area contrary to Clause 22.01 – Outdoor Advertising Policy and Clause 52.02 – Signs of the Banyule Planning Scheme.

Recommendation C

That Council, having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a Refusal to Grant a Planning Permit in respect of Application No. P119/2019 for Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones) at 111 Mountain View Road BRIAR HILL, on the following grounds:

1. The promotional content of the electronic sign would be detrimental to the character of the area and adversely impact the amenity of the area contrary to Clause 22.01 – Outdoor Advertising Policy and Clause 52.02 – Signs of the Banyule Planning Scheme.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

5.3 AMENDMENT C124 PART 1 - PUBLIC OPEN SPACE ZONING CORRECTIONS

EXECUTIVE SUMMARY

Banyule Planning Scheme Amendment C124 Part 1 – *Public Open Space Zoning Corrections* (the Amendment) has been approved without changes under delegation from the Minister for Planning.

The Amendment rezones 154 parcels of land within Banyule to correct anomalies, or where the existing zone does not reflect existing or intended use of land.

The main purpose of the Amendment is to ensure Council's parks and reserves are correctly zoned as open space. In addition, it also corrects various errors and rezones two Council owned properties from the Public Parks and Recreation Zone (PPRZ) and Public Conservation and Recreation Zone (PCRZ) to Neighbourhood Residential Zone 3 that are proposed for potential future sale and required rezoning to be consistent with current and/or possible future land use (9 Pederson Way, Montmorency & 162 Main Road, Lower Plenty respectively).

Exhibition of the Amendment in February 2019 resulted in two submissions that initially raised concerns with Part 1. These were subsequently resolved with the submitters, meaning Council was able to submit the Amendment to the Minister for final approval in June 2019. The Amendment was gazetted on 27 March 2020 with the changes now reflected in the Banyule Planning Scheme.

Resolution (CO2020/63)

That Council note that the Minister for Planning has approved Banyule Planning Scheme Amendment C124 Part 1 under delegation and that notice of the approval was published in the Victorian Government Gazette on Friday 27 March 2020.

Moved: Cr Tom Melican
Seconded: Cr Craig Langdon

CARRIED

5.4 BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT

Statements were read on behalf of Teresa Dominik, Maria Nechwatal and Anthony Lunken.

EXECUTIVE SUMMARY

Planning Scheme Amendment C153 (PSA) has been prepared to facilitate the redevelopment of land occupied by the former Banksia La Trobe Secondary College, Hi City, the existing Bellfield Community centre and the existing Bellfield Community Garden.

The PSA included rezoning some of the land and included a new Development Plan Overlay to enable redevelopment as envisaged in the Bellfield Urban Design Guidelines which were endorsed by Council at the Council meeting on 25 February 2019.

On 17 September 2019 Council received authorisation from the Department of Environment, Land, Water and Planning (under delegation from the Minister for planning) to exhibit the Amendment subject to conditions.

The Amendment was exhibited for a period of 6 weeks from 10 October 2019 until 18 November 2020 and Council received 6 submissions. Consultation included direct notices to neighbours and public authorities, notifications in the *Heidelberg Leader* and the Banyule Banner and three community drop-in sessions.

Council resolved at the Council Meeting on 9 December 2019 to continue to negotiate with submitters and refer unresolved submissions to an independent Planning Panel for consideration.

The Amendment was presented at a Directions Hearing on 20 January 2020 which then recommended progression to a Panel Hearing held on 5 March 2020. The independent Panel considered the Exhibited Amendment, the post exhibition changes to the Amendment, and all of the submissions received.

The Panel Report was received by Council on 8 April 2020. The Panel Report concluded that the Banyule Planning Scheme Amendment C153 should be adopted, subject to a number of minor changes.

In line with the Panel's recommendation, it is considered Council should resolve to adopt the Amendment and the minor recommended changes.

Resolution (CO2020/64)

That Council;

1. Adopts Banyule Planning Scheme Amendment C153 in accordance with the recommendation of the independent Planning Panel making minor changes to correctly refer to the Bellfield Urban Design Guidelines (2020) rather than the Bellfield Master Plan Design Guidelines.
2. Make changes to the Municipal Strategic Statement Clause 21.06 in response to the Panel's specific recommendation as follows:
 - a) delete the final strategy under Objective 4 Housing Change relating to the Bellfield Precinct Redevelopment Site
 - b) delete the reference to the Bellfield Master Plan Design Guidelines (2019)

3. Adopts the updated Bellfield Urban Design Guidelines (2020) which includes all changes required by Council on 25 February 2019 but as a stand alone document excluding the Bellfield Masterplan.
4. Submit Amendment C153 with minor changes described above to the Minister for Planning for approval.
5. Provides an update on the Bellfield project which will be made available to the Banyule community via the Shaping Banyule website (<https://shaping.banyule.vic.gov.au/bellfield>) as well as an e-mail to all parties who made submissions to the Bellfield Urban Design Guidelines and Bellfield Masterplan.

Moved: Cr Craig Langdon
Seconded: Cr Peter Castaldo

CARRIED

6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE

Nil

7. PERFORMANCE - USE OUR RESOURCES WISELY**7.1 BELLFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING****EXECUTIVE SUMMARY**

Banyule Council is undertaking a redevelopment project to deliver an integrated housing redevelopment which includes both market and social housing. These two redevelopment components, along with the delivery of a new Community Hub and relocated Community Garden make up the Bellfield Project.

Work has commenced on preparations for the sale of the market housing land which includes advertising a Notice of Intention to sell the land which will be followed by an Expression of Interest and targeted Request for Proposal phases.

An Expression of Interest to find a social housing provider has already commenced and will be followed by an evaluation of proponents, shortlisting against section criteria and a Request for Proposal from shortlisted respondents. A long term ground lease will be offered to the social housing provider, hence a Notice of Intention to lease Council owned land has also been completed.

Public Notice of Council's intention to sell the land for market housing (96, 98, 98A, 100 Oriel Rd and 232 Banksia St, Bellfield) and lease part of Council-owned land (230 Banksia St, Bellfield) for social housing was given in the "*Heidelberg Leader*" on 17 March 2020, with written submissions on the proposal invited in accordance with section 223 of the *Local Government Act 1989*.

The statutory submission period of 28 days was increased to 34 days due to the Easter holiday period and closed on 20 April 2020.

At the time of writing this report no submissions have been received. Council must now determine whether or not to proceed further with the proposed sale and lease of the land parcels. Council will not be ultimately bound to sell or lease the respective land parcels.

Resolution (CO2020/65)

That Council:

1. Having complied with sections 189 and 223 of the *Local Government Act 1989* giving public notice in the Heidelberg Leader on 17 March 2020 to sell the land for market housing (96, 98, 98A, 100 Oriel Rd and 232 Banksia St, Bellfield) agrees to sell the land.
2. Conducts the sale of land through a public Expression of Interest and Request for Proposal process, carried out in the best interest of the community and providing the best result, both financial and non-financial for the Council and the community.
3. Notes that Council is not ultimately obliged to sell the land following the completion of the EOI and RFP process referred to in 2 above.
4. Having complied with sections 190 and 223 of the *Local Government Act 1989* giving public notice in the Heidelberg Leader on 17 March 2020 to lease part of Council-owned land at 230 Banksia Street, Bellfield for social housing now agrees to lease the land to a social housing provider.

5. Conducts the selection of a social housing provider through a competitive Expression of Interest and Request for Proposal process which is already underway as agreed at OM 16 March 2020.
6. Notes that Council is not ultimately obliged to lease the land following the completion of the EOI and RFP process referred to in 2 above.

Moved: Cr Craig Langdon
Seconded: Cr Rick Garotti

CARRIED

7.2 162 MAIN ROAD LOWER PLENTY - PROPOSED LEASE**EXECUTIVE SUMMARY**

Council owns the land and improvements at 162 Main Road, Lower Plenty (the Land) which currently houses the Veterans and Community Men's shed at the rear of the property and the Greensborough RSL Sub-Branch Inc. operating as a Veteran's Support Centre at the front of the property.

In August 2019 a request was received from the RSL Victorian Branch Inc. requesting a lease to the Greensborough RSL for the front residence of the property for a period of at least ten years.

This was considered by Council at the Ordinary Meeting of 28 October 2019 and in response to the subsequent Council Resolution CO2019/227, Public Notice of Council's intention to lease the Land was given in the "Diamond Valley Leader" on 4 March 2020 with written submissions on the proposal invited in accordance with section 223 of the Local Government Act 1989 (the Act).

The statutory submission period of 28 days closed on Thursday 2 April 2020 with no submissions having been received.

Resolution (CO2020/66)

That Council:

1. Having complied with sections 190 and 223 of the Local Government Act 1989 by:
 - (a) giving public notice in the "Diamond Valley Leader" on 4 March 2020; and
 - (b) inviting written submissions on the proposal in accordance with section 223 of the Act and providing an opportunity for any submitters to be heard at Council's Ordinary Meeting of Monday 27 April 2020; and
2. Recording that no submissions or requests were received;
3. Grants a lease to Greensborough RSL Sub-Branch Inc. for the front residence of the property at 162 Main Road, Lower Plenty for a term of 10 years commencing 1 July 2020 for \$1,092.22 plus GST per annum.
4. The necessary documentation to effect the lease be signed and sealed at the appropriate time.

Moved: Cr Mark Di Pasquale

Seconded: Cr Tom Melican

CARRIED

7.3 ASSEMBLY OF COUNCILLORS**EXECUTIVE SUMMARY**

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.

RECORD OF ASSEMBLIES

1	Date of Assembly:	6 April 2020, 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Items on the Council Agenda for the Ordinary Meeting of 16 March 2020 (excluding confidential items) as listed below:	
	3.1 Banyule City Council's Response to COVID-19	
	4.1 Solar and Batteries in Banyule Council's Climate Action Program	
	5.1 Notice of Intention to Declare a Special Rate – The Bell Street Mall Shopping Centre	
	5.2 Notice of Intention to Declare a Special Rate – Rosanna Village Shopping Centre	
Councillors Present:		
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Philips <i>arrived at 6.45pm</i>		
Staff Present:		
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 Ferlaino – <i>Governance Coordinator</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

2	Date of Assembly:	30 March 2020, 6.30pm
	Type of Meeting:	Councillor Briefing – Online Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> Budget and Council Plan Response to COVID-19 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
	Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Lisa Raywood – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Geoff Glynn – <i>Director Assets & City Services</i> Vivien Ferlaino – <i>Governance Coordinator</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

3	Date of Assembly:	31 March 2020, 7.00pm
	Type of Meeting:	Councillor Briefing – Online Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> North East Link 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
	Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Scott Walker – <i>Director City Development</i> Jonathan Risby – <i>Manager Transport</i>		
Others Present:		

	Nil	
	Conflict of Interest:	Nil

Resolution (CO2020/67)

That the Assembly of Councillors report be received.

Moved: Cr Mark Di Pasquale

Seconded: Cr Tom Melican

CARRIED

7.4 QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020

Statements were read on behalf of David Mulholland and Kevan Hill.

Councillor Phillips left the Chamber at 8.32 pm.

Councillor Phillips returned to the Chamber at 8.35 pm.

EXECUTIVE SUMMARY

The Quarterly Financial Management Report for March 2020 is presented in accordance with section 138 of the *Local Government Act 1989* which requires reporting to Council on the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date.

Operating Surplus – As at 31 March 2020

- Banyule City Council in its Quarterly Report to Council acknowledges the unprecedented changes to all aspects of our lives to deal with coronavirus (COVID-19). The non-essential services closures were in place for approximately one week prior to month end and the financial impacts have been reflected in the year to date March 2020 results.
 - Where known the potential financial impact due to COVID-19 has been factored into the March 2020 forecasts results (excluding Banyule's Economic Relief Package announced at the 6 April 2020 Council meeting).
 - There has been a significant reduction in both income and expenditure to accommodate for the changing circumstances of the services delivered by council.
 - Non-essential expenditure has been minimised with the aim to maintain a surplus position at 30 June 2020; to deliver the \$65m capital works program and the Banyule Economic Relief Package announced on 6 April 2020 by Council.
- The economic disruption caused by the COVID-19 has had little impact on the year to date results as Council has as at 31 March 2020 reported a year to date surplus of **\$5.899m** favourable to budget. It is however estimated that the net cost impact on Banyule, for the period to 30 June 2020, is approximately \$0.985m. Income is forecast to be \$4.720m unfavourable and expenses \$3.736m favourable to budget.
- Banyule City Council has forecasted to deliver an operating surplus of **\$7.880m** for the year ended 2019/2020. This is \$1.892m favourable to the adopted budget of \$5.988m.

- The key movements and significant components of this favourable variance are:
 - Employee cost-savings from vacant positions and reduced staff working hours to accommodate for the reduced income from the non-essential business closures - \$2.721m favourable to budget.
 - Materials, contracts and services cost, including a review by all business units to remove non-essential costs and minimise all discretionary costs - \$0.732m favourable to budget.
 - Continuation of operating grants funding for the Commonwealth Home Support Programme (CHSP) – \$0.728m.
 - Unbudgeted insurance and work-cover reimbursement income - \$0.617m.

partly offset by:

- Income reductions on some Council fees and Statutory fees and charges after Victoria moved to Stage Three coronavirus restrictions - \$1.090m and \$1.976m unfavourable to budget.
 - A reduction in interest income, \$0.464m, as a result of the continued low interest rate market.
- The 2019/20 underlying operating result is forecast to be a surplus of **\$0.366m** against a budgeted underlying operating deficit of **\$1.194m**. This underlying result is determined after adjusting for non-recurrent capital grants and capital contributions of \$7.514m.
 - The financial effects of the COVID-19 pandemic are challenging to model and assess. The March 2020 forecast is predicted on several assumptions about how it will affect Council various business operations. These assumptions may need to be refined throughout the quarter and as new government policies are introduced.

Capital Works Performance

- As at 31 March 2020 a total of **\$34.478m** has been spent on capital works.
- While the operating businesses are impacted by the COVID-19, Council is maintaining the commitment to the Capital Works program. The adopted 2019/20 capital budget is **\$64.345m**. The forecast for capital works expenditure is forecast to be **\$65.069m**.

Economic Support Package

- Banyule's Economic Support Package adopted by Council on 6 April 2020 is expected to have a financial impact on the 2019/2020 financial year of approximately \$0.594m. The financial impact is discussed in this report and will be included in the April 2020 forecast update to Councillors and Executive Management Team.

Resolution (CO2020/68)

That Council note:

1. The Quarterly Financial Management Report for the period 31 March 2020.
2. The forecast to deliver an operating surplus of \$7.880m against the adopted budget of \$5.988m for the year ended 30 June 2020.

Moved: Cr Rick Garotti
Seconded: Cr Craig Langdon

CARRIED

8. SEALING OF DOCUMENTS

Nil

9. NOTICES OF MOTION

Nil

10. GENERAL BUSINESS**10.1 VICTORIAN POLICE ACCIDENT**

Cr Craig Langdon expressed heartfelt sympathy on behalf of Council for the tragic loss of four Victorian Police Officers last week.

He extended Council's deepest condolences to the families, friends and fellow colleagues of Leading Senior Constable Lynette Taylor, Constable Glen Humphris, Senior Constable Kevin King, and Constable Josh Prestney.

Cr Langdon further noted that the community is in support of the entire Police force during this time.

10.2 COVID-19 SUPPORT

Cr Alison Champion acknowledged that she has been contacted by a number of community members to express their appreciation for the measures taken by Council, and the support provided, in response to the Covid-19 pandemic.

Closure of Meeting to the Public

That in accordance with Section 89(2) of the *Local Government Act 1989*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering confidential items 11.1.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

Closure of Meeting

The Meeting was closed at 8.41pm.

PUBLIC QUESTION TIME

In accordance with Council's resolution CO2020/53, Public Questions were not read out in the interests of reducing the meeting duration. However, the questions submitted, and answers provided, are being made publicly available in the minutes.

1	Name & Suburb
	Brian Grace – Greensborough
	<p>Question:</p> <p>In this time where as individual residents feel isolated would it not be a good idea for Council to have a regular podcast to residents to inform them of Council issues that affect their local neighbourhood? To make them feel connected.</p>
	<p>Response:</p> <p><i>Marc Giglio – Corporate Services</i></p> <p>Council is continually working to increase its use of the Council website and social media channels to get important messages out to the community especially during the COVID-19 pandemic.</p> <p>In addition, the next edition of the Banyule Banner being delivered in early May will invite people to sign up to receive Banyule news and information in a variety of formats directly to their email. People will be invited to share their suburb also to allow more personalised and relevant information to be delivered.</p> <p>Further communications about service changes and impacts will be explored over the coming weeks.</p>

2	Name & Suburb
	Kevin Biaggini – Ivanhoe
	<p>Question:</p> <p>Can Council categorically confirm to the Banyule community that it is either going to suspend the school crossing supervisor service as soon as the next week or thereabout, or that it will not suspend the service under any circumstances and regardless of the number of children who attend schools?</p>
	<p>Response:</p> <p><i>Scott Walker – Director of City Services</i></p> <p>Over the last 6 weeks, work has been undertaken to adapt our school crossing supervisor programs to meet the current needs of the community in these constantly changing times. Data has been obtained from the school crossings to measure the number of students crossing and contact has been made with every school to</p>

	determine their needs. It is intended to continue to provide a school crossing supervisor service for the remainder of term 2 based on the current government advice and need for the service.
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3	<p>Name & Suburb</p> <p>David Mulholland – Heidelberg Heights</p>
	<p>Question:</p> <p>How does Banyule Council's Financial Hardship policy (2016) and/or the COVID-19 Financial Hardship Policy (2019) accord with 171A of the Local Government Act 1989 in regard to waiving rates?</p>
	<p>Response:</p> <p><i>Marc Giglio – Corporate Services</i></p> <p>Council has two current policies for Financial Hardship:</p> <ul style="list-style-type: none"> • Coronavirus Pandemic Rates financial Hardship Assistance Policy (April 2020) • Rates Financial Hardship Assistance Policy (November 2019) <p>Under both these policies Council will waive penalty interest, not rates under section 171A. Section 170 Deferred payment is also applicable.</p> <p>The temporary policy provide rates relief, where ratepayers are eligible to defer payment of their rates for a period of up to 15 months (3 months to 30 June 2020; 12 months to 30 June 2021).</p> <p>Ratepayers will be assessed as being in hardship if they indicate that any of the below criteria apply:</p> <ul style="list-style-type: none"> • Unemployment or signification reduction in earnings • Business closure or significant restrictions on trade • Loss of rental income • Financially supporting a friend or family member who may be experiencing hardship <p>The Rates Financial Hardship Assistance Policy – (November 2019) stipulates that Council will not waive in whole or part any rate, levy, special rate or special charge to ensure that payment assistance offered to one ratepayer does not have a 'distributional' effect on the Council rates base. Under this policy the waiving of interest, administration charges and legal costs are granted for financial hardship. Payment arrangements are strongly encouraged. Documentation to support financial hardship is required prior to accepting the application.</p> <p>Council is currently reviewing other opportunities to provide financial relief to the Banyule community as part of a comprehensive economic support package unanimously approved by Council on 6 April 2020.</p>

4	<p>Name & Suburb</p> <p>Emma Samuel – Ivanhoe</p>
	<p>Question:</p> <p>In a landmark VCAT decision (Three Pillars Heidelberg Pty Ltd vs. Banyule City Council April 14th 2020) the VCAT member ruled against the Banyule planning permit conditions relating to provision of a waste management plan and the provision of the collection by a private provider on the basis that Council could collect the waste and should do so.</p> <p>Given the decision and order at VCAT Three Pillars Heidelberg Pty Ltd vs Banyule City Council April 14th 2020 will Council now provide to all owners corporations within Banyule a Council waste and recycling collection?</p>
	<p>Response:</p> <p><i>Geoff Glynn – Director of Assets & City Services</i></p> <p>The Tribunal decision in relation to 141 – 143 Brown Street, Heidelberg and Planning Permit P341/2019 deletes two conditions from the planning permit which required a waste management plan and a legal agreement. The legal agreement was sought to be placed on the land titles for the approved dwellings to alert potential purchasers and future owner and occupiers that Council cannot, at present, provide a waste collection service.</p> <p>While the decision removes these two conditions from a planning permit, it is considered that it Council is not bound to provide a waste service by the decision at this site. Nor does it have any implication on existing sites where Council is unable to provide a private waste service.</p>

5	<p>Name & Suburb</p> <p>Kevan Hill – Ivanhoe</p>
	<p>Question:</p> <p>Over the past ten years the Local Authorities Superannuation Fund (LASF) Defined Benefits fund has experienced significant deficiencies on three occasions when the Vested Benefit index fell below the trigger index requiring Banyule Council to top up the fund. Why has Council not acted earlier to establish and build up a Special Investment Reserve to provide for topping up the scheme when deficiencies occur rather than find itself currently financially squeezed looking to divert circa \$17m for this purpose from its current operating budget and/or its future FY2021 operating budget?</p>
	<p>Response:</p> <p><i>Marc Giglio – Corporate Services</i></p> <p>Council continually assesses its financial sustainability. This includes the review of the Defined Benefits Superannuation Scheme and how it is tracking against the Vested Benefit Index (VBI). Recent notification from Vision Super (Superannuation Fund) is that the VBI is 100% as at 30 March 2020 and that no action is required by Councils.</p> <p>The VBI satisfies APRA’s Superannuation Prudential Standard 160 (SPS 160). Under the superannuation prudential standards, no specific action is required when the VBI is above the fund’s nominated shortfall threshold of 97% (or 100% during an actuarial investigation). Where the VBI falls below the relevant threshold, a restoration plan is required to restore VBI to 100% within 3 years.</p> <p>Council will continue to monitor and implement suitable options in which to manage fund deficiencies into the future.</p>

DATED: DAY OF 2020

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MAYOR

A Special Meeting of Council will be held on Monday 4 May 2020 and the next Ordinary Meeting of Council will be held on Monday, 18 May 2020.