

Agenda



Monday, 16 March 2020, 7.00pm

Ordinary Meeting of Council

Olympia, Hawdon & Ibbott Rooms

Level 4, 1 Flintoff Street, Greensborough

Acknowledgement of the Traditional Custodians

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 24 February 2020

Disclosure of Interests

1. Urgent Business

REPORTS:

2. Petitions

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6. Participation – Community Involvement in Community Life

Nil

7. Performance - Use Our Resources Wisely

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8. Sealing of Documents

Nil

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10. General Business

Public Question Time

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 the following confidential matters:

11. Confidential Matters

11.1	14 Ivanhoe Parade, Ivanhoe - Setting Reserve Price for Sale of the Land
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Matters Discussed in Camera

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

Closure of Meeting

Audio Recording of Council Meetings

Please note that all Council Meetings are audio recorded, with the exception of matters identified as confidential items on the Agenda. This includes public participation during the meeting. These recordings will be made available on Council's website www.banyule.vic.gov.au.

The next Ordinary Meeting of Council will be held on Monday, 6 April 2020.

2.1 PETITION - REQUEST FOR A TRAFFIC MANAGEMENT PLAN FOR WATERDALE ROAD BETWEEN LOWER HEIDELBERG ROAD AND NORMAN ROAD

Author: Ellen Kavanagh - Governance Officer, Corporate Services

Ward: Griffin

EXECUTIVE SUMMARY

A petition with 13 signatures has been received regarding the volume and speed of traffic using Waterdale Road between Lower Heidelberg Road and Norman Road.

The petition request is as follows:

“We, the undersigned, consider that the volume and speed of traffic using Waterdale Road between Lower Heidelberg Road and Norman Road is excessive for a residential street. It is detrimental to the residents in terms of safety and noise. Accordingly we hereby petition Banyule City Council to measure the traffic volume and develop a traffic management plan to reduce the volume and/or speed limit.”

RECOMMENDATION

That Council

1. Receives and notes the petition.
2. Refer the petition to the Traffic and Transport Team for investigation.
3. Advise the primary petitioner of this resolution.

ATTACHMENTS

Nil

2.2 PETITION FOR ZERO CHARGE FOR WASTE MANAGEMENT SERVICES OF APARTMENTS & TOWNHOUSES

Author: Mary-Jane Borg - Governance Administrative Support Officer, Corporate Services

EXECUTIVE SUMMARY

A petition with 21 signatures has been received requesting a zero charge for waste management services of apartments and town houses.

The petition request is as follows:

“We, the undersigned ratepayers and / or residents of Banyule City Council petition Council that there should be zero charge for waste management services for owners of apartments/townhouses already required by Council under town planning conditions to provide their own waste management services through its owners corporation.”

RECOMMENDATION

That Council

1. Receives and notes the petition.
2. Refer the petition to the Waste Management Team for investigation
3. Advise the primary petitioner of this resolution.

ATTACHMENTS

Nil

2.3 PETITION FOR SAFETY IMPROVEMENT ALONG KENILWORTH LANE IVANHOE

Author: Mary-Jane Borg - Governance Administrative Support Officer, Corporate Services

Ward: Griffin

EXECUTIVE SUMMARY

A petition with 21 signatures has been received requesting for safety improvements along Kenilworth Lane Ivanhoe.

“We the undersigned residents of 105 Upper Heidelberg Road Ivanhoe respectfully request that Banyule City Council urgently improve safety for pedestrians and vehicles using Kenilworth Lane, Ivanhoe by introducing the following safety measures deemed “technically” needed following an onsite investigation conducted by the Traffic Management Department:

- 1) *That the **speed limit be restricted from 40km/h to 20km/h** with appropriate signage displayed at the entrance at both ends of Kenilworth Lane.*
- 2) *That a number of “**speed humps**” be installed to ensure compliance of the restricted speed limit of **20km/h**.*
- 3) *That a separation between pedestrians and vehicular traffic be implemented by way of **road surface marking**.”*

RECOMMENDATION

That Council

1. Receives and notes the petition.
2. Refers the petition to the Transport & Traffic Team for investigation.
3. Advise the primary petitioner of this resolution.

ATTACHMENTS

Nil

3.1 AGE-FRIENDLY AUSTRALIA NATIONAL FORUM

Author: Lauren Brooker - Age Friendly City Program Social Planner, Community Programs

EXECUTIVE SUMMARY

In 2019, Council supported one staff member and one community representative from the Age Friendly Advisory Committee to attend the 2019 Age Friendly Australia National Forum in Perth.

Key messaging at the forum focused on ageism and the positive impact of intergenerational programming/activities

Council's attendance at this forum has had a positive impact and has already led to initiatives and activities that will continue to support Banyule in being an Age Friendly City.

RECOMMENDATION

That Council:

1. Note the report on the 2019 Age-Friendly Australia Forum.
2. Continue its commitment to being an Age-Friendly City by supporting work that enhances the lives of older people.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide a range of services for people at important life stages".

BACKGROUND

Since 2014, Banyule officially became an Age-Friendly City and it became a member of the World Health Organisation (WHO) Age-Friendly Cities and Communities Network. To retain this membership, Council is required to commit to a cycle of continuous improvement of its age-friendly indicators. Learning opportunities including attendance at forums is vital for progressing this work.

In 2018, Banyule City Council hosted the Age-Friendly Australia National Forum; a national event attended by delegates from Australia and New Zealand, who share various best practice examples of age-friendly work in their respective areas. This event was only open to members of the (WHO) Age-Friendly Cities and Communities Network.

In 2019, the Age-Friendly Australia National Forum was hosted by the City of Fremantle in Western Australia.

AGE FRIENDLY AUSTRALIA NATIONAL FORUM cont'd

At the 28 October 2019 Council Meeting, Council endorsed the recommendation to support one Council officer and one Age Friendly City Advisory Committee member to attend the Forum, as a learning opportunity to be further disseminated to community members and Council. The resolution from the meeting included that a further report be presented to Council that provides a summary of the key learnings along with any possible opportunities for supporting the Banyule community in being an Age-Friendly City.

LEGAL CONSIDERATION

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

HUMAN RIGHTS CHARTER

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

DISCUSSION

Consistent messaging across all three days of the Age-Friendly Australia National Forum largely related to:

- Ageism
- Positive impact of intergenerational programming/activities

Presentations surrounding a number of macro level issues relating to older adults were given, with discussions surrounding:

- The possibility of a future United Nations Convention on the Rights of Older Persons
- Media coverage and representations of older adults in mainstream media
- Funding of the aged care sector
- Employment of older adults
- Aged care reforms

On the final day of the forum, members of the WHO Age-Friendly Cities and Communities Network were invited to provide an update from their Council over the last year. An Age Friendly City Advisory Committee member and Council officer presented a recent Banyule initiative, 'Coffee Connect'. As a volunteer driven project, having a volunteer community member attend was particularly topical, and demonstrated Banyule's commitment to valuing dedicated volunteer residents. We discussed the concept, partnerships required, methods we used to measure loneliness and final evaluation of the project. The presentation was well received, with a number of interesting questions from other agencies interested in delivering a similar program in their respective communities.

Following attendance, a number of activities were identified as opportunities for Banyule:

- Municipal Association of Victoria working group on Ageism (Banyule as a working group member)
- VicHealth grant application for Everyday Creativity: intergenerational ageism project
- Realignment of 2020 Action Plan
- Continuing sharing age-friendly practices with WHO

AGE FRIENDLY AUSTRALIA NATIONAL FORUM cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

The forum provided valuable opportunity to be exposed to a variety of new ideas and concepts. As a result, several opportunities for Banyule's work in the age-friendly space have been identified, particularly relating to themes identified at the forum: ageism, intergenerational programming and forming partnerships.

ATTACHMENTS

Nil

4.1 YARRA RIVER STRATEGIC PLAN

Author: Fae Ballingall - Principal Strategic Planner, City Development

EXECUTIVE SUMMARY

The draft Yarra Strategic Plan (the Plan) was released by Melbourne Water for public consultation on 29 January 2020. It delivers the first Victorian integrated river corridor strategy.

The Plan has been prepared by Melbourne Water with the input from the Yarra Collaboration Committee (YCC), which is made up of 15 public entities that have a role in the health and management of the Yarra. In this capacity, Banyule Council representatives have provided input into the Plan's preparation.

The implications of the Plan for Council are:

- It identifies a vision, strategy and objectives for land within a 1km corridor alongside the Yarra. Banyule has approximately 20km of Yarra River frontage.
- Identifies immediate actions for the river corridor, enables long-term collaborative management between agencies and Traditional Owners.
- Council will need to consider the Plan as part of future decision-making processes that might affect the Yarra River Corridor, such as strategic planning or planning scheme amendments to ensure consistency.
- An early project supported by the Plan is to deliver the Yarra Flats Concept Plan (on Parks Victoria land), with funding of \$1 million.
- May provide opportunities to identify a range of projects associated to the Yarra River that might complement the vision and purpose of the Plan.
- Requires ongoing involvement in the YCC and establishes annual reporting requirements for Banyule.

In October 2019, support was provided for the Plan to be placed on public consultation. Melbourne Water is undertaking public consultation both online and through a series of engagement events (alongside the entire Yarra River corridor) until 29 March 2020. One of the river pop ups was held at the Heidi Makers Market, in Bulleen, on 8 February 2020. Our community has an opportunity to provide its feedback directly to Melbourne Water.

This report updates Council on the consultation process, seeks Council's endorsement of a draft submission to Melbourne Water and outlines the next steps, including a Ministerial Panel and the finalisation of the Plan.

RECOMMENDATION

That Council:

1. Note the draft Yarra Strategic Plan.
2. Approve the draft submission to the Minister for Water giving conditional support of the draft Yarra Strategic Plan and seeking further clarity on the process and implications for the organisation, including:

YARRA RIVER STRATEGIC PLAN cont'd

- a) The extent of administrative burden and cost to Council to fulfil its annual reporting obligations to the Birrarung Council against the Plan's measurements/ actions.
 - b) The draft Plan still requiring reasonable editing and refinement (for legibility and removal of unnecessary repetition).
 - c) That the implementation of the Land Use Framework is unclear, including how maps and directions for future land use and development will work with other statutory controls, including interim Yarra River Protection planning controls introduced in 2017; and
 - d) To ensure that Council and the community are consulted with and can make a submission on any future planning scheme amendment to implement the land use framework.
3. Write to Melbourne Water to:
- a) Commit to continue working with Yarra Collaborative Committee (YCC) towards a final Yarra Strategic Plan
 - b) Seek further detail on the Ministerial Panel process, including Terms of Reference
 - c) Ensure that any future implementation strategy does not adversely impact Council unfairly or unreasonably.
 - d) Seek further detail on Council's statutory obligations under the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* and the ongoing organisational funding and governance implications and requirements.
 - e) Request a briefing from the Yarra Strategic Plan project team on submissions made by the Banyule community, and the YCC submission to the Ministerial Panel.
4. Note that Council endorsement does not extend to the Implementation Plan, Decision Making Framework or any future Planning Scheme Amendment.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Protect and enhance our natural environment".

BACKGROUND

The Yarra River Protection (*Wilip-gin Birrarung murrong*) Act 2017 (the Act) has required the State Government to prepare a plan for the Yarra River and the land it passes through.

Under the Act, Banyule City Council is a Responsible Public Entity (RPE) and is represented by Council Officers on the Yarra Collaborative Committee (YCC).

The Yarra River corridor is divided across four reaches:

- Upper rural: Upper Yarra Reservoir to Healesville
- Lower rural: Healesville to Warrandyte
- Suburban: Warrandyte to Dights Falls
- Inner city: Dights Falls to Westgate Bridge.

The Act considers the Yarra River (242km in length) and its corridor as one single entity and is the first integrated river corridor plan (for the Yarra). The primary focus

YARRA RIVER STRATEGIC PLAN cont'd

of the Plan is Crown land and state-owned land within 500 metres either side of the river.

The Plan sets out current investment (projects by all partners) already committed to within the river corridor and establishes actions and commitments to achieve better collaboration and integrated planning across all public entities.

Melbourne Water sought Council's endorsement to consult on the draft Plan on 4 October 2019. Council's CEO provided a letter in late October 2019 endorsing the Plan for the purposes of public consultation only. This letter noted the very collaborative approach that Melbourne Water has adopted to engaging with all public stakeholders through the YCC.

LEGAL CONSIDERATION

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

HUMAN RIGHTS CHARTER

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

FUNDING IMPLICATIONS

Beyond staff resources and time required to manage Council's ongoing involvement and reporting – there are no immediate financial implications or obligations set out in the Strategic Plan. Council officers will write to Melbourne Water to ensure that any future implementation strategy does not adversely impact Council unfairly or unreasonably.

CONSULTATION

Melbourne Water commenced public consultation in December 2019 and will close on the 29 March 2020. The consultation included face-to-face activities, such as river pop ups, interactive engagement and deliberative focus groups. The EngageVic platform provided the full plan and asked for written submissions directly to Melbourne Water. Submissions will be considered by the YSP project team, and where unresolved, referred to the Ministerial Panel.

DISCUSSION

The extent of the Yarra Strategic Plan is generally within one kilometre from each bank of the Yarra River. Banyule is in the suburban reach and includes over 1423 hectares of the YSP area including 281 hectares of Yarra River land. The Act applies to Yarra River land, not privately owned land.

Part 1 of the Plan identifies additional priority actions that will require collaborative effort and investment over the next 10 years, building on the efforts of individual organisations to work towards the 50-Year Community Vision.

Part 2 is the Land Use Framework which includes an analysis of current land use, pressures and threats along the Yarra River corridor. It then outlines directions for future land use and development and identifies new areas for protection and significant places to improve parklands, biodiversity outcomes, cultural heritage and

YARRA RIVER STRATEGIC PLAN cont'd

community access. The Land Use Framework will be integrated into the Victoria Planning Provisions.

Council's endorsement of the Plan for public consultation did not include endorsement of the content. A submission has been drafted which identifies several issues with the Plan and seeks further clarity on the process and implications for the organisation, including:

- The extent of administrative burden and cost to Council to fulfil its annual reporting obligations to the Birrarung Council against the Plan's measurements/actions.
- The draft Plan still requires reasonable editing and refinement (for legibility and removal of unnecessary repetition).
- That the implementation of the Land Use Framework is unclear, including how maps and directions for future land use and development will work with other statutory controls, including interim Yarra River Protection planning controls introduced in 2017.
- To ensure that Council and the community are consulted with and can make a submission on any future planning scheme amendment to implement the land use framework.

Ministerial Panel Process & Implementation Plan

The Act requires a panel process be undertaken so that submissions relating to Part 2 – Land Use Framework can be independently considered. Usually a planning panel is appointed under the *Planning and Environment Act 1987* by the Minister for Planning to hear submissions made about amendments to a planning scheme. The difference for this Panel is that it will be appointed by the Minister for Water under the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* and be asked to consider submissions referred to it.

Prior to referral to the panel, submissions made on Part 2 – Land Use Framework will be reviewed by the YSP project team and YCC, and where agreed, incorporated into the updated version of the Plan.

After the submissions have been incorporated, a report will be prepared for consideration by the panel illustrating the feedback received and the changes that have been made to the framework. The panel will be appointed by the Minister for Water and be administered by Planning Panels Victoria.

The Panel's Terms of Reference are still being drafted and will be available to the YCC for input.

A three year Implementation Plan will be prepared after the final Yarra Strategic Plan is approved. The YSP team will meet with Council to discuss what projects should be prioritized, and how planned projects will be aligned.

YARRA RIVER STRATEGIC PLAN cont'd

It is recommended at this stage in the project, that Council write to Melbourne Water with the following comments that are not directly related to the submission. This includes to:

- Seek further detail on the Ministerial Panel process, including Terms of Reference
- Seek further detail on Council's statutory obligations under the Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 and the ongoing organisational funding and governance implications and requirements.
- Request a briefing from the Yarra Strategic Plan project team on submissions made by the Banyule community, and commit to continue working with Yarra Collaborative Committee (YCC) towards a final Yarra Strategic Plan the YCC submission to the Ministerial Panel.

It is highlighted that the Minister for Water is likely to request endorsement of the final strategic plan prior to the election caretaker period which begins 23 September 2020.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

This Plan is the culmination of almost three years of work between the YSP Project Team and the YCC. The length of time speaks to the complexity of aligning and delivering the project across numerous State departments, agencies and local government and, in partnership with the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation.

This stage of public consultation is a significant milestone for the project and is largely due to the collaborative approach Melbourne Water has adopted to engaging with the YCC. Council's endorsement of a final Yarra Strategic Plan will be requested by the Minister for Water prior to caretaker period. Council Officers will continue to represent Banyule on the YCC to ensure an integrated, robust and deliverable final Yarra Strategic Plan.

ATTACHMENTS

No.	Title	Page
1	Draft Yarra Strategic Plan - full strategy for public consultation	
2	Draft Banyule Submission to Yarra Strategic Plan	

5.1 ***BUILDING COMMUNITIES, CONNECTING PEOPLE: NORTHERN HORIZONS 2020***

Author: Michelle Isherwood - Economic Development Officer, City Development

EXECUTIVE SUMMARY

The Building Communities, Connecting People: Northern Horizons 2020 was prepared by the National Institute of Economic and Industry Research (NIEIR) and funded by the Department of Jobs, Precincts and Regions via the Northern Metropolitan Partnership. The report builds on the 2014 and 2016 versions of the Northern Horizons Strategy to provide an updated set of strategic directions for the region.

Northern Horizons has provided a comprehensive analysis of all aspects of needed infrastructure in Melbourne's North over a fifty-year period including transport, social, utilities, environment and economic facilities and services.

The report identifies that the Northern Region of Melbourne has the need for additional infrastructure in varying degrees, geography and scale identifying short, medium- and long-term projects and initiatives required to service the regions community. The report highlights infrastructure shortfalls when considering population growth projects. The report also identifies a "deficit" of regional capital spending on a population growth basis compared to the remainder of Melbourne.

The report also identifies significant opportunity to improve the infrastructure in Melbourne's North with SmartBus/Bus Rapid Transit routes required to establish a faster and better-connected public transport network that deliver 20-minute neighbourhoods.

Specific projects relating to Banyule City Council include:

- Bus interchange design at Greensborough,
- the La Trobe National Employment Cluster as a significant economic area within Melbourne's North,
- recognising the increase of women's participation in sport and notes the refurbishment of Olympic Park and Ford Park as priority projects.

The intent of the Strategy is to present a forward-looking infrastructure development strategy for Melbourne's North with a region wide focus on jobs, skills and connectivity.

RECOMMENDATION

That Council:

1. Note the final *Building Communities, Connecting People: Northern Horizons 2020* report and its infrastructure priorities as presented over the short, medium and long term.
2. Endorse the final *Building Communities, Connecting People: Northern Horizons 2020* report and advise NORTH Link of Council's decision.

**BUILDING COMMUNITIES, CONNECTING PEOPLE: NORTHERN HORIZONS
2020 cont'd**

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

Banyule along with seven other Northern councils and various local tertiary education institutions and industry make up NORTH Link. NORTH Link provide key partnership and advocacy activities to further economic and infrastructure initiatives in Melbourne's North.

Northern Horizons is the collective document that outlines key infrastructure needs and priorities in Melbourne's North.

Northern Horizons was developed in 2014, updated in 2016 and has most recently been updated in 2019 to reflect changes in major infrastructure priorities and associated demographic and economic changes.

LEGAL CONSIDERATION

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

HUMAN RIGHTS CHARTER

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

ADVOCACY

Northern Horizons presents a powerful overview of needed infrastructure for Melbourne's North and can be used to further Council's individual and collective advocacy agenda.

CURRENT SITUATION

The report presents as a list of priority infrastructure themes in relation to transport, utilities and economic development for the northern region encompassing municipalities of Banyule City Council, City of Darebin, Hume City Council, Mitchell Shire Council, Moreland City Council, Nillumbik Shire Council and the City of Whittlesea.

The Northern Horizons update strategy is based around seven key themes;

1. developing the La Trobe NEIC and other leading regional clusters;
2. an innovative north;
3. a greener north;
4. a well-educated, skilled north;
5. a healthy and engaged north;
6. a well-connected north; and
7. a fairer north.

These themes are the key to future urban economic growth and to national economic performance.

**BUILDING COMMUNITIES, CONNECTING PEOPLE: NORTHERN HORIZONS
2020 cont'd**

Infrastructure priorities are identified in the strategy and include:

- improved bus services;
- renewable energy;
- maximising LaTrobe National Employment and Innovation Cluster;
- improved tram/train operations and sustainability;
- Implementation of the northern Regional Trails Strategy;
- new community centres;
- increased car parking at railway stations;
- priorities for the Suburban rail loop;
- new aged care facilities;
- new child care facilities;
- additional hospital beds.

The report recognises that the Northern Region of Melbourne has the need for additional infrastructure in varying degrees, geography and scale identifying short, medium- and long-term projects and initiatives required to service the regions community. The report highlights infrastructure shortfalls when considering population growth projects. The strategy also identifies a “deficit” of regional capital spending on a population growth basis compared to the remainder of Melbourne.

The report identifies significant opportunity to improve the infrastructure in Melbourne’s North with SmartBus/Bus Rapid Transit routes required to establish a faster and better-connected public transport network that deliver 20-minute neighbourhoods.

The report has considered the priorities of Council particularly around the interchange design at Greensborough. Several bus routes converge on Greensborough, conveying commuters to and from the station and local travellers to and from the commercial and retail centre with buses currently terminating at various points around the commercial centre.

The report recognises the La Trobe National Employment Cluster as a significant economic area within Melbourne’s North, which provides opportunity to enhance employment opportunities within the cluster, improve communal and open space areas and support employment and industrial growth in key industries. While the central areas of our cities will remain paramount for high-tech knowledge-based economic activities, the inner and middle suburbs stand out as the best opportunity for accelerated development of a small number of high-tech clusters, based around leading universities, medical research institutes and/or advanced manufacturing.

The report also recognises the priorities of Council in relation to the growing number of participants and popularity of women’s football in sporting associations, noting that Banyule City Council does not have sufficient sporting facilities to meet the current needs, with the refurbishment of Olympic Park and Ford Park as a priority. Banyule City Council will also benefit from substantial investment in the La Trobe University sports complex. These projects have attracted some funding, however more is required.

Innovation systems are critically important for regional growth, with regional networking an important way to foster innovation. Melbourne’s North has strength in working as a region, which provides an opportunity across business, education and

BUILDING COMMUNITIES, CONNECTING PEOPLE: NORTHERN HORIZONS 2020 cont'd

government. In Melbourne's North, industry clusters that are strong and have potential for significant growth should be target areas for innovation, these include the food, manufacturing and health sectors.

More broadly, to support regional innovation, the report suggests priorities should include the following;

- completion of NBN access and mobile phone coverage;
- investing in the creative sectors and in tourism opportunities;
- developing the region's cultural trails, which could connect important cultural assets and have tourism potential;
- opportunity for more innovative processes, including better use of existing infrastructure and more efficient use of all water sources;
- upgrade to the Melbourne Innovation Centre

FUNDING IMPLICATIONS

Council is a member of NORTH Link and contributes \$15,000 to the organisation annually.

The intent of the Strategy is to present a forward-looking infrastructure development strategy for Melbourne' North with a region wide focus on jobs, skills and connectivity and therefore there is no obligation for Council to commit funding to projects at this stage.

Council may wish to use the document in its advocacy effort and may consider allocating funding to individual projects in the future.

CONSULTATION

The primary strategic directions or development themes set out in this report have been informed by an extensive consultation process, review of recent reports by relevant government agencies and others, including priorities identified by the Northern Metropolitan Partnership's Northern Assembly and Youth Forum, and by drawing on NIEIR's extensive data and knowledge bases. The Northern Assembly's top three priorities, for example, are access to local jobs, equitable access to public transport, and health and wellbeing.

Discussions were also held with senior executives of seven councils (plus representative bodies), four tertiary institutions, relevant Victorian Government agencies (e.g. water, health and human services, education, transport, Infrastructure Victoria), developers and major employers (e.g. Melbourne Airport, Melbourne Market Authority, Dysons).

BUILDING COMMUNITIES, CONNECTING PEOPLE: NORTHERN HORIZONS 2020 cont'd

TIMELINES

Northern Horizons has provided a comprehensive analysis of all aspects of needed infrastructure in Melbourne's North over a fifty-year period including transport, social, utilities, environment and economic facilities and services. These projects are closely alignment with the State Government's planning and infrastructure priorities.

The report identifies a suite of projects and initiatives that will assist in transforming Melbourne's North in line with its population growth, in the following timeframes:

- Short-term – 2020-2024
- Medium term – 2025-2032
- Long-term – 2033 and beyond

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

Northern Horizons provides a strong case for shared infrastructure priorities in the region based on a robust evidence base and mutual support from key organisations.

The strategy will assist councils (individually and collectively) to pursue funding opportunities and plan and initiate projects across the region.

It is considered that the Strategy and priorities identified are aligned with Council's strategic direction and the priorities are reflective of the needs of the region as a whole.

ATTACHMENTS

No.	Title	Page
1	Draft Building Communities, Connecting People: Northern Horizons 2020	
2	Draft Northern Horizons Evidence Report (<i>Under Separate Cover</i>)	

5.2 169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018

Author: Jonathan Atkinson - Development Planner, City Development

Ward: Griffin

EXECUTIVE SUMMARY

The proposal is for a mixed use development (six storey building) including a retail area at ground level and five apartments across five levels. Five parking spaces are provided in the form of mechanical stackers accessible via a rear laneway. Associated services and storage facilities are provided across the ground and first floor levels. A financial contribution is required in association with one car parking space in accordance with the Parking Overlay which applies to the Heidelberg Precinct.

The development is located within the core shopping strip of the Heidelberg Major Activity Centre and achieves compliance with the height and setback requirements of the Design and Development Overlay without unreasonably constraining future development on adjoining sites. Consideration has been given to the narrow width of the site and whether lot consolidation would be expected to achieve the strategic objectives of the overlay.

Four objections were received as a result of public notification. Abutting objector parties were contacted to discuss a variety of concerns raised including external amenity impacts and equitable development opportunities.

Amended plans have been submitted. It is considered that they now enable future ability to develop abutting properties as well as respond to the site's strategic context, including the objectives and guidelines of the Design and Development Overlay – Schedule 5. The proposal should be supported subject to conditions.

RECOMMENDATION

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. P1330/2018 for Development of a six storey mixed use building in the Design and Development Overlay and reduction of parking requirements in the Parking Overlay at 169 Burgundy Street HEIDELBERG 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

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

amended plans (Revision B) submitted on 11 February 2020 but modified to show:

- (a) The retention of the existing parapet to form part of the proposed balustrade of the development;
- (b) Sectional details of the proposed operable timber batten screening;
- (c) The rear balconies of Apartments 2, 4 and 5 to be integrated into the south elevation;
- (d) At least one bathroom in Apartment 5 to meet Standard D17 – Accessibility;
- (e) Amended vehicle swept path diagrams demonstrating Standard B85 vehicle clearance to the entry columns of the mechanical parking;
- (f) Mechanical operable details that illustrates how the parking space will be allocated with four parking spaces provided to the apartments and one parking space to the retail premises;
- (g) The indicative location of air conditioning units in accordance with Condition 7;
- (h) Engineering plans showing a properly prepared design with computations for the internal drainage and method 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 submitted Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;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.
- (i) A Construction Management Plan in accordance with Condition 5;
- (j) An amended waste management plan in accordance with Condition 11;

General

- (2) 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.
- (3) Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the parking contribution required by Condition 12 has been paid.
- (4) 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 and drainage).

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

Construction Management Plan

- (5) 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.

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.
- (7) Any air conditioning or cooling units, condensers and the like must not be located on external walls or on balconies without the prior written consent 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.

Waste Management Plan

- (11) Before the development permitted by this permit starts, an amended waste management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plan prepared by Frater Consulting Services dated 18 December 2018 but modified to show:
- (a) Waste generation rates in accordance with *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019);
- (b) A single weekly collection for the apartments;

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

- (c) The management of bulky hard waste, e-waste and organics (food) waste;

Parking Contribution

- (12) Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of the development a financial contribution for each car parking space of \$17,500 (ex GST) adjusted quarterly from 1 February 2016 must be paid to the Responsible Authority in lieu of the provision for (1) on-site car parking spaces in accordance with Schedule 2 of the Parking Overlay of the Banyule Planning Scheme.

NOTE:

The contribution amount of \$17,500 (ex GST) is current as at 1 February 2016. The financial contribution will be adjusted quarterly from 1 February 2016 by applying the Building Price Index, Melbourne in Rawlinson's Australian Construction Handbook. If that index is unavailable, the equivalent index will be applied by the Responsible Authority.

Development Infrastructure Levy

- (13) 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 of the Development Contribution Plan Overlay.

Time Limits

- (14) 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 subject land is proposed to be used or developed for purposes different from those 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.

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

(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.

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.

Construction Management Plan

Prior to the submission of the Construction Management Plan, please contact the Construction Management Assessment Officer to ensure the Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

(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.

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

The operation of the (spa pump/pool pumps/air-conditioning unit/vacuum unit etc) shall comply with the Environment Protection (Residential Noise) Regulations 2008. Prohibited times of use (if audible from a habitable room

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

of a neighbouring property) as specified by the Regulations are Monday to Friday before 7am and after 10pm & Weekends and public holidays before 9am and after 10pm.

The operation of the (spa pump/pool pumps/air-conditioning unit/vacuum unit etc) must not cause a nuisance pursuant to the Public Health and Wellbeing Act 2008. 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) 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.

Planning Permit Application:	P1330/2018
Development Planner:	Mr Jonathan Atkinson
Address:	169 Burgundy Street HEIDELBERG
Proposal:	Development of a six storey mixed use building in the Design and Development Overlay and reduction of parking requirements in the Parking Overlay
Existing Use/Development:	Laundromat
Applicant:	Cornetta Partner Architects
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay – Schedule 5 Development Contributions Plan Overlay – Schedule 1 Parking Overlay – Schedule 2
Notification (Advertising):	Two signs on site (one facing Burgundy Street and one facing the rear laneway) Letters to nearby properties
Objections Received:	Four (4)
Ward:	Griffin

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

PROPOSAL

The plans assessed in this report are the Revision B amended plans (received by Council on 11 February 2020). The proposal seeks approval for the development of a six storey, mixed use building in the Heidelberg Major Activity Centre and includes the following:

- 63.41m² of retail space at ground level;
- The provision of five car parking spaces in a mechanical stacker accessible from a carriage way easement recorded on title of the adjoining property to the south. This results in a reduction to the standard car parking requirements by one car space;
- The provision of four bicycle parking spaces;
- Four x two bedroom apartments and one x one bedroom apartment across five levels;
- Sustainability measures including eight 2kw solar photovoltaic panels and a 5000L rainwater tank;
- A private waste collection will service the retail area and the apartments

A summary of the proposal is provided below:

	Floor area (m²)	Balcony (m²)	Bedrooms
Retail Space	63.41	N/A	N/A
Apartment 1	135.73	11.22	2
Apartment 2	127.58	18.36	2
Apartment 3	64.75	10.20	1
Apartment 4	128.87	19.89	2
Apartment 5	113.57	23.53	2

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

BACKGROUND

Plans assessed with this report were formally amended on 11 February 2020 under Section 57A of the *Planning and Environment Act 1987*. These plans introduced a light court to the west elevation of the building, resulting in modified apartment floor plans.

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

SUBJECT SITE AND SURROUNDING AREA

Locality Plan



Site area	205.93m ²
Frontage x Depth	5.63m wide x 36.58m deep
Easements	Approximate 4.5 inch (0.114 metres) wide party wall easement along the western boundary.
Subject to flooding?	No
Topography	There is a gentle slope to the north-east.
Existing building	Single storey brick commercial building constructed to the frontage and side boundaries. The building has an integrated awning over the footpath and a parapet to the street wall above. The existing building has a commercial floor space of 108m ² .
Surrounding land	The Heidelberg Major Activity Centre is characterised by a mix of predominantly commercial and retail uses along Burgundy Street, however apartment and mixed use developments are also emerging within Precinct 3 of the current Heidelberg Structure Plan. Buildings along Burgundy Street are typically built to the street at a height of up to three storeys and have active frontages and awnings over the footpath. Materials commonly consist of brick and render, with textured concrete also emerging.

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

PUBLIC NOTIFICATION

The proposal required public notification due to the reduction of one car space from the standard parking requirements of the Parking Overlay – Schedule 2. Public notification in accordance with the Commercial 1 Zone and Design and Development Overlay – Schedule 5 was not required due to design compliance and, therefore, third party appeal rights under these provisions are not available.

Two signs were displayed on site and letters were sent to adjoining land owners/occupiers. Four objections were received on the following grounds:

- Contribution to traffic congestion
- Devaluing property value
- Structural impacts on adjoining party walls
- Overshadowing of proposed solar panels
- Streetscape rhythm
- Decreased useability and safety of the rear laneway
- No proposed parking or delivery for the retail premises
- Impact of sheer blank side walls
- Failure to meet all the standards and objectives of Clause 58 – Apartment developments
- No application sought under Clause 52.02 – Easements, Restrictions and Reserves
- Impact on equitable development opportunities
- Use of mechanical car parking
- Potential third bedroom in Apartment 1
- Inactive building interface with Burgundy Street

Discussions were held between the permit applicant, Council representatives and immediate abutting objector parties regarding opportunities to address issues raised. Plans were formally amended pursuant to Section 57A of the *Planning and Environment Act 1987* on 11 February 2020.

REFERRAL COMMENTS

The application was referred to Council's Development Engineering Services section and Council's Waste Services section.

Developments and Drainage

Standard permit conditions should be included requiring the submission of stormwater drainage plans.

Traffic and Transport

Council's Traffic and Transport team acknowledge the requirement of a financial contribution in accordance with the Parking Overlay for the reduction of one car space associated with the retail premises. The proposal is acceptable from a design perspective, however vehicle swept path diagrams should be updated to

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

demonstrate satisfactory clearance from the entry columns of the mechanical parking area.

Furthermore, the rear laneway is considered to have a minimum capacity of 30 vehicles per peak hour, however can function with a greater capacity as there are informal passing areas. Therefore, the resultant traffic impact generated by the proposed development will not exceed the capacity of the laneway, however this issue requires monitoring in the event of future developments seeking use of the laneway.

Waste

No significant concerns were raised, however it was noted the submitted Waste Management Plan prepared by Frater Consulting dated 18 December 2018 contained some deficiencies in relation to different waste streams. These can be addressed by permit conditions.

PLANNING CONTROLS AND POLICIES

Planning controls:	<u>Control</u>	<u>Permit triggered?</u>
	Commercial 1 Zone (C1Z)	Yes
	Design and Development Overlay – Schedule 5 (DDO5)	Yes
	Development Contributions Plan Overlay – Schedule 1	Yes
	Parking Overlay – Schedule 2 (PO2)	Yes
	Clause 52.06: Car parking	Yes
Policies Considered:	Clause 11: Settlement	
	Clause 12: Environmental and Landscape Values	
	Clause 15: Built Environment and Heritage	
	Clause 16: Housing	
	Clause 17: Economic Development	
	Clause 21.04: Land Use	
	Clause 21.06: Built Environment (Diversity area)	
	Clause 21.08: Local Places	
	Clause 22.03: Safer Design Policy	
	Clause 22.05: Environmentally Sustainable Development	
	Clause 58: Apartment Developments	
Current amendments	None relevant	

TECHNICAL CONSIDERATION

Strategic Context

The proposal is consistent with State and Local planning policies seeking combined retail and residential uses in highly accessible locations. The site is well located to benefit from aggregated commercial premises and established infrastructure and will provide diverse future use opportunities.

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

The development of the narrow site does present some constraints. To facilitate the residential dwellings proposed above, there will be a 44m² net reduction of commercial floor space. Furthermore, a consolidation of sites would provide for floorplate efficiencies allowing for a greater yield ratio given the sharing of light courts and access.

The applicant was encouraged to explore an approach that takes benefit from consolidation of sites however, has ultimately elected to pursue this proposal. It is noted that the proposal:

- Does not seek to vary height and setback requirements set for Precinct 3 of the Heidelberg Structure Plan which underpins the requirements of the Design and Development Overlay – Schedule 5.
- Sets out an acceptable design response with regard to best-practice sustainability measures, materials and finishes to attract visual interest and suitable internal amenity to serve future occupants.
- Provides equitable development opportunities for abutting properties should they too wish to develop in the future.

On balance, the proposal is considered to be acceptable based on the above points despite the benefits of consolidation and issues resulting from not pursuing a consolidation of sites.

Built Form

The proposal has been assessed against the design objectives and decision guidelines of the Design and Development Overlay – Schedule 5. Further discussion is provided in Attachment 1 of this report.

Overall, the proposal demonstrates compliance with the overlay, having particular regard to:

- The proposed building (19.6 metres) is within the preferred maximum height prescribed in Precinct 3 – Heidelberg Central Shopping Centre (25 metres). This represents a balanced outcome when considering the constraints of the site, existing development along Burgundy Street and equitable development opportunity on adjoining sites.
- The proposed setbacks to Burgundy Street meet Setback Standard 1. The fifth level will be recessed beyond the line of sight from the footpath north of Burgundy Street.
- The building enables an equitable development outcome and has regard to adjoining windows on boundary through the provision of a 4.4 metre long by 1 metre wide light court along the west elevation abutting No. 171 Burgundy Street.

Response to Clause 58 (Apartment Developments)

The proposal has been assessed against the objectives and standards of Clause 58 – Apartment Development of the Banyule Planning Scheme. Further discussion is provided in Attachment 1 of this report.

Overall, the proposal demonstrates compliance with the provisions, having particular regard to site layout, external amenity impacts and internal amenity considerations.

169 BURGUNDY STREET, HEIDELBERG - DEVELOPMENT OF A MIXED USE SIX STOREY BUILDING - P1330/2018 cont'd

Some further details regarding the location of air conditioning units and revisions to waste management are required and can be addressed through permit conditions.

Traffic and Parking

The proposal provides five car spaces in mechanical car stackers accessible via a carriage way easement along the adjoining property to the south. Four spaces will be made available for the apartments and one space available for the retail premises. A reduction of one parking space is sought for the retail premises – this is considered acceptable as the site is highly accessible by public transport. A parking contribution fee will be required in accordance with the Parking Overlay – Schedule 2 and can be required through a permit condition. There are no statutory requirements for on-site loading areas.

Objector Concerns

Notwithstanding that only grounds in relation to the variation sought to the standard car parking requirements can be formally considered, other concerns raised during the public notification are discussed below:

- The perceived loss of property value is not a matter which can be sustained when assessing an application for planning permit.
- Structural impacts on boundary walls are issues that require consideration at the building permit stage.
- The Planning Scheme cannot preclude development where there is an intention to undertake future development. Nevertheless, the proposal will not unreasonably overshadow the adjoining property and it will not completely negate the ability to install solar panels.
- The proposal does not seek to construct over any easement recorded on title.
- If a permit is issued, future use of the retreat area of Apartment 1 as a third bedroom would be a breach of the permit, including endorsed plans, and Council would have recourse to undertake enforcement action.

CONCLUSION

The narrow allotment presents some constraints for a development outcome that could be addressed through the consolidation of multiple lots. On the other hand, the proposed development is consistent with the building heights and setbacks of the Heidelberg Structure Plan and has appropriate regard to external amenity impacts, traffic and parking and internal amenity considerations. As such, the application should be supported subject to conditions.

ATTACHMENTS

No.	Title	Page
1	169 Burgundy Street, Heidelberg - Technical Consideration	
2	169 Burgundy Street, Heidelberg - Section 57A Amended Plans	

5.3 175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019

Author: Jacob Hart - Development Planner, City Development

Ward: Ibbott

EXECUTIVE SUMMARY

The proposal is for the construction of a multi dwelling development (eight dwellings in a two storey apartment typology with associated basement car parking) on land at 175 Cape Street, Heidelberg. A reduction of one visitor parking space is proposed to vary the car parking provision of the Banyule Planning Scheme.

A total of 48 objections were received during the public notification stage. Concerns regarding overdevelopment, neighbourhood character, traffic increases and parking issues, insufficient space for landscaping, overlooking, overshadowing, insufficient private open space, poor accessibility for people with limited mobility, construction impacts and demolition of the existing dwelling have been raised.

A previous application for the development of six townhouses was not supported by the Victorian Civil and Administrative Tribunal (VCAT) on the grounds of neighbourhood character; external amenity impacts; lack of landscaping and functional planting space and issues regarding internal residential amenity.

The proposed development that forms part of this application is considered to provide an appropriate response to the neighbourhood character of the precinct and is supported by its location within an accessible area, within 150m to the northern boundary of the Heidelberg Activity Centre precinct and with good access to services, transport and shopping facilities.

The proposed development is considered to have addressed the issues raised in the previous VCAT decision with efficiencies through the apartment typology and reduction in the upper level resulting in improved landscaping opportunity, reduced visual bulk and improved internal residential amenity. The proposal should be supported, subject to conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P865/2019 for the development of eight (8) dwellings and reduction of the standard carparking requirements at 175 Cape Street HEIDELBERG on the following grounds.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

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 submitted with the application but modified to show:
 - (a) Demonstration that the proposed balcony screening for all balconies facing north and south on the upper level meet the requirements of Standard B22 – Overlooking Objective of Clause 55;
 - (b) Minimum side boundary setbacks for units 3 and 4 kitchen areas to be 2.880m from the north and south boundaries;
 - (c) Minimum side boundary setbacks for units 7 and 8 balconies to be 2.880m from the north and south boundaries with balconies to have a minimum dimension of 2.0m;
 - (d) Corner splays on each side of the driveway in accordance with Design Standard 1 of Clause 52.06;
 - (e) Meter box enclosures to be sited behind the front building line of the development and be a maximum height of 1.5 metres (elevations required);
 - (f) Gas and water meters to be sited or screened to minimise visibility from the public realm and neighbouring properties (elevations required);
 - (g) The mail boxes located in accordance with Australia Post guidelines;
 - (h) Any changes required by the revised Waste Management Plan to be provided in accordance with Condition 14 – *Waste Collection* of this permit;
 - (i) Compliance with the required Design Standard 1 – Accessways and Design Standard 2 – Car Parking Spaces provisions under Clause 52.06 – Car Parking for the basement parking areas;
 - (j) A schedule of external building materials and colours, including details of cladding, roofing and driveway materials. Driveways must be finished in muted tones;
 - (k) The provision of a 5000L rainwater storage tank for the development including its location, sizing and a notation of the connections and end use;
 - (l) 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.);

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

- (m) 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;
- (n) Screening devices to any proposed split system air conditioner units and/or hot water systems to the upper level (first floor) to minimise visibility from the public realm and neighbouring properties;
- (o) 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;
- (p) Landscaping as required by Condition 2 of this permit;
- (q) The Tree Preservation Fencing in accordance with Condition 11- *Tree Preservation Zones* of this permit;
- (r) Engineering plans showing a properly prepared design with computations for the internal drainage and method for 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 endorsed, finalised Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
 - (v) All drainage plans must show for Trees #1, #4 - #13, #15 and TG1: 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 **Cameron Remyn August 2019**. Arboricultural Report (*Prepared by – Arbortecture (authored by Cameron Remyn) , Ref: 19_017_175 Cape Street, Heidelberg, dated 15 August 2019;*
 - (vi) The existing drain within Easement 1 (northern boundary) must be reconstructed within the easement at a depth that provides minimum cover of 600mm to the finished ground level. Root barriers must be included within the design and installed correctly in accordance with manufacturers standards.

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.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

Please note: Prior to the submission of drainage plans the applicant is to request the Tc and Tso values by sending an email to enquiries@banyule.vic.gov.au

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 climbing plants proposed along the eastern façade of the building;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Tree #2 removed and replaced with a medium canopy tree;
 - (d) *Acacia melanoxylon* removed from the planting list and replaced with both *Eucalyptus leucoxylon* ssp. *megalocarpa* 'Rosea' - Yellow Gum and *Brachychiton populneus* – Kurrajong;
 - (e) Additional planting of suitable screen planting species for the northern property boundary adjoining all private open space;
 - (f) Additional planting of suitable screen planting species for the western property boundary adjoining all private open space in addition to the existing established mature hedge plantings;
 - (g) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - (h) Provision of replacement planting for vegetation that is to be removed including a minimum of (2) large canopy trees (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre) and/or (4) medium canopy trees (mature height of at least 8-12m) planted at a semi-advanced state (minimum pot size 16 litre) and (6) small canopy trees (mature height of at least 5+m) planted throughout the site;
 - (i) An indigenous and/or drought tolerant planting theme;
 - (j) 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;
 - (k) Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
 - (l) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

- (m) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment/Sustainable Management Plan 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 11 – *Tree Preservation Zones* 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).

Car Parking / Access

6. 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.
7. 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.
8. 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

9. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from

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planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Tree Pruning

10. 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 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 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 of individual trees unless otherwise agreed in writing by the Responsible Authority.

Note:

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.

Tree Preservation Zones

11. 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, #4 - #13, #15 and TG1. *At least 14 days prior to the commencement of works, you must provide a 'Statement of Compliance' by 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 must be provided for the following locations:

- (i) **Street Tree # 1:** 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 #4 - #13 and #15:** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
- (iii) **Tree Group 1 (TG1):** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land
- (iv) The fencing can be realigned and suitable ground protection provided to allow any construction approved within a TPZ only to

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the satisfaction of the project arborist and only when approved by the Responsible Authority.

(b) Management of works

- (i) Any root severance within the TPZ of a retained tree must be undertaken by a project arborist to their satisfaction using a clean sharp and sterilised tree root pruning equipment. There must be no root pruning within the SRZ.
- (ii) The project Arborist must ensure that any root severance resulting from endorsed buildings and works does not adversely impact the health and or stability of any retained tree now or into the future.
- (iii) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.
- (iv) 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.
- (v) Any excavation greater than 1000mm for lower levels or retaining walls must not be battered. Excavation must be sequenced or staged with excavation 'cuts' made vertical, ensuring that no soil volume of the remaining TPZ is lost.

(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

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*.

(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;

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- (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

Ground protection in the form of rumble boards strapped over mulch or aggregate must be utilised where the tree protection zone occurs outside the fenced area detailed in Condition 12(a) – *Extent* (above).

(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.

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; and
- Any excessive impacts on the canopies and/or roots of trees located on or adjoining property may trigger the need for a Section 72 Amendment application in regard to the design of built-form and/or landscaping.

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Maintenance of landscaping

12. 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 Contributions Plan

13. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy and community infrastructure levy in accordance with the amount specified in Table 6 (Residential Dwellings) of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

Note: The Development Contribution Fees table can be accessed from Council's website at <https://www.banyule.vic.gov.au/Planning-building/More-in-planning-building/Development-contribution-fees>

Waste Collection

14. Prior to the commencement of the development, a Waste Management Plan prepared by a suitably qualified person and generally in accordance with the amended waste management plan '175 Cape Street Heidelberg' prepared by One Mile Grid (Ref. 190500WMP001C-F) and dated 14 February 2020 must be submitted to and approved to the satisfaction of the Responsible Authority. Such plan must specify that collection is to be by way of private contractor and detail the following:
 - (a) Demonstrate that a waste collection vehicle can enter and exit the site in a forward direction and suitably perform the required turning manoeuvre within the basement;
 - (b) Confirmation of a collection vehicle that can collect directly from the bin storage areas;
 - (c) Anticipated frequency, hours and duration of collection(s) having regard to the areas provided;
 - (d) Dimensions of the proposed hard waste collection area and access door width within the basement;
 - (e) Confirm that bin wash down facilities are provided in the proposed storage area;
 - (f) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise; and
 - (g) Details of any parking spaces to be deleted to facilitate refuse vehicle movements.

Once approved, this management plan must be adhered to by the owner(s), permit holder(s) and operator(s) of the dwellings at all times unless otherwise approved by the responsible authority.

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15. An area on the subject land must be set aside for the purpose of a waste disposal/collection bins. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.
16. 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 and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject land.

Section 173 Agreement – Private Waste Collection – Check with Team Leader if required.

17. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at (175 Cape Street HEIDELBERG) 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 acknowledge that all refuse/ waste streams and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan required by Condition 15 – *Waste Collection* (above).
 - (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/ Building Manager/s.

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.

Construction Management Plan

18. 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.

Time Limits

19. 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:

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- 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

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- 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.

Construction Management Plan

Prior to the submission of the Construction Management Plan, please contact the Construction Management Assessment Officer to ensure the Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

(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	G.01/175 Cape Street HEIDELBERG
Dwelling 2	G.02/175 Cape Street HEIDELBERG
Dwelling 3	G.03/175 Cape Street HEIDELBERG
Dwelling 4	G.04/175 Cape Street HEIDELBERG
Dwelling 5	1.01/175 Cape Street HEIDELBERG
Dwelling 6	1.02/175 Cape Street HEIDELBERG
Dwelling 7	1.03/175 Cape Street HEIDELBERG
Dwelling 8	1.04/175 Cape Street HEIDELBERG

Should you wish to number the proposed allotments utilising an alternative numbering method, you are advised to contact Council's Subdivisions Officer through Council's general enquiries number to discuss further.

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.

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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 proximity to neighbouring properties and where practicable, enclosed.

(E) Development Contribution Plan

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.

Planning Permit Application:	P865/2019
Development Planner:	Jacob Hart
Address:	175 Cape Street HEIDELBERG
Proposal:	Construction of 8 Dwellings and reduction in standard car parking requirements
Existing Use/Development:	Single Residential Dwelling
Applicant:	Leather Living (VIC) Pty Ltd c/- Bellfield Planning Consultants
Zoning:	General Residential Zone (GRZ1)
Overlays:	Vegetation Protection Overlay (VPO5) Development Contributions Plan Overlay
Notification (Advertising):	Sign on site Notices to surrounding properties
Objections Received:	48
Ward:	Ibbott

PROPOSAL

The proposal involves the construction of a two-storey building with a singular roof form containing eight individual dwellings: four on each level. The ground level contains 1 X 3-bedroom and 3 X 2-bedroom dwellings (one with separate study) and the upper level contains 4 X 2 bedroom dwellings. The building will have a street setback of 8.3 metres and side setbacks between 2.57m and 4.02m with a minimum rear setback of 3m. Car parking is proposed within a basement level with secondary spaces in a tandem arrangement. Secluded spaces are provided within courtyard

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areas for ground level dwellings with minimum areas of 40.15sqm. Balconies are provided to upper level dwellings with minimum areas of 10sqm.

The building design references the appearance of a single dwelling with a low-pitched, hipped roof form and extended eaves, materials of facebrick for lower level walls and a mix of James Hardie 'Matrix' and 'Stria' cladding for upper level walls. Vertical and horizontal elements of patterned concrete are proposed to the front and side walls. Translucent glazing will be used for the balustrades of upper level balconies. A metal corrugated roof is proposed.

Vehicle access will be via the existing single crossing off Cape Street on the south side of the frontage. The existing second crossover to the northern portion of the site will be removed and reinstated with concrete kerb and channel to match the existing profile.

The site is devoid of canopy trees except Tree #2 - *Melaleuca styphelioides* in the site frontage which is proposed to be retained. The mature Pittosporum hedge is also proposed to be retained on the rear boundary.

The advertised proposal plans are attached to this report (Attachment 1).

Comparison to VCAT Plans

The below table provides a comparison of the current proposal to that considered by the Tribunal on key assessment criteria:

	Previous Scheme	Proposed Scheme
Floor Space	Upper 393m ² Lower (excluding central access) 371m ² Lower (including central access) 422m ²	Upper (excluding balconies) 300m ² Upper (including balconies) 344.5 m ² Lower 396m ²
Site Cover	Excluding central access 46% Including central access 50.7%	48.65%
Permeable Area	37%	42.39%
Garden Area	Excluding central access 48% Including central access 41.8%	42.4%
Central Separation Space	51m ²	N/A
Front Garden Space	44.45m ² Previous scheme included POS within the front setback for front two dwellings plus the basement area significantly intruded into the front setback.	147.5m ²

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The below diagrams provide a comparison of the current and previous ground floor plans:

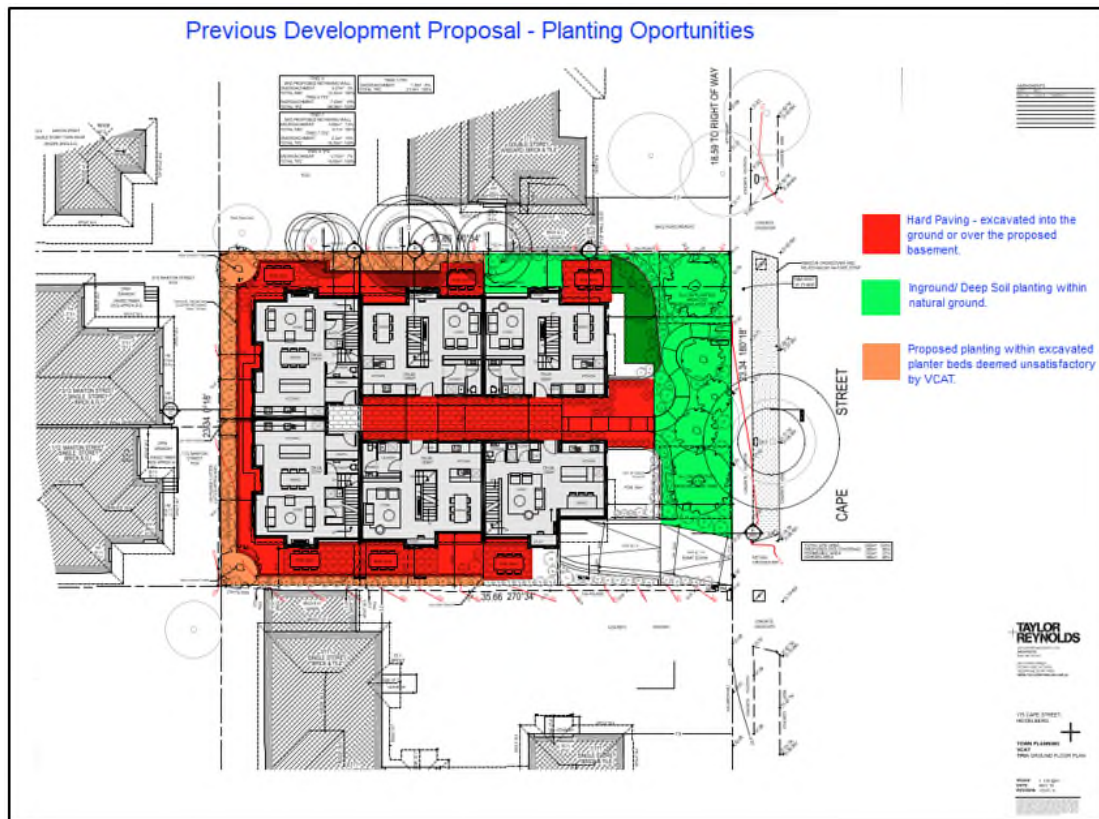


Figure 1 – Previous Development Proposal – Planting Opportunity

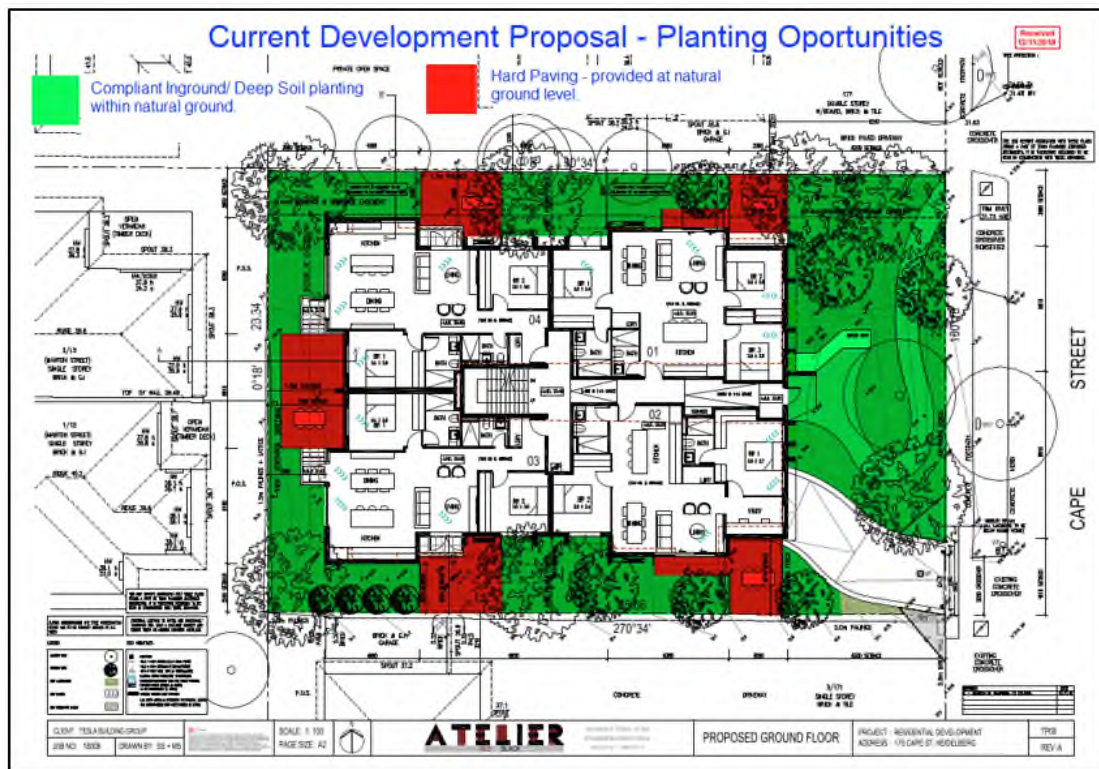


Figure 2 – Current Development Proposal – Planting Opportunity

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OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

BACKGROUND

A previous planning application was lodged over this site (Ref: P1548/2016) for Construction of eight (8) dwellings, and waiver of visitor car space. The application was subject to a review at the Victorian Civil and Administrative Tribunal (VCAT).

The applicant circulated amended plans prior to the VCAT hearing reducing the number of dwellings from 8 to 6 and revising the overall layout and parking arrangements. Council advised the Tribunal it would have refused a permit despite the amended plans on neighbourhood character grounds; external amenity impacts; lack of landscaping and functional planting space and issues regarding internal residential amenity. The Tribunal affirmed the view of the Responsible Authority and no permit was granted.

SUBJECT SITE AND SURROUNDING AREA

Figure 3 below show the location of the subject site and the surrounding neighbourhood. Figure 4 below shows the subject site and the immediate surrounding properties and dwellings. The subject site contains an existing weatherboard dwelling and associated outbuildings including a carport forward of the dwelling, dwelling extensions and shed within the rear of the site.

The site has an overall area of 836m² and is rectangular in shape. The land falls approximately 3 metres generally from the west towards the east with the lowest point within the north-eastern corner. A 2.44 metre wide sewer and drainage easement extends along and within the northern site boundary which contains an existing 150mm diameter drainage pipe servicing the dwellings at 12 Manton Street to the west. The site has scattered vegetation including two semi-mature trees and a large (3.5m high) pittosporum hedge across the rear boundary for approximately 14.0m.

The site has a 23.3m frontage to Cape Street with side boundary lengths of 35.66m. The immediate abutting properties contain:

- A two-storey weatherboard, brick and tile dwelling with associated outbuildings (north)
- Two single storey, attached dwellings in a duplex arrangement (west)
- Three single storey attached dwellings with common driveway, minor landscaping and a single garage constructed adjoining the subject site to the south.

The immediate area has already undergone a significant degree of change which includes seven (7) multi-unit sites on the east side of Cape Street comprising 4 - 7 dwellings. These developments are single and double storey in height and generally situated below the pavement level due to the slope of the land down to the east.

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The west side of Cape Street also contains a number of multi-unit developments of varying age and ranging from 2 – 10 dwellings. The Tribunal recently approved a 7 X 2 storey townhouse development at 163 Cape Street. Multi-unit development is interspersed with single, detached homes varying in age and style, with some period homes.

Locality Plan



Figure 3 – Aerial view of site and surrounds



Figure 4 – Aerial view of site and surrounding dwellings

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PUBLIC NOTIFICATION

One public notice was displayed on site. Letters were sent to adjoining and nearby owners/occupiers. 48 objections were received. This includes a repeat letter, with some modification, from 34 of the 48 objectors'. The objections raised the following concerns:

Built form

- Proposal is an over development
- Out of character within the GS3 area
- Inadequate front setback
- Lack of recession to upper levels and resultant visual bulk and dominance ('box-like, commercial appearance')
- Poor design response to the topography of the land
- Overlooking
- Overshadowing
- Inadequate open space
- Inadequate solar energy to dwellings with south facing living rooms
- Poor accessibility for people with limited mobility

Noise

- Increased traffic noise
- Increased residential noise

Traffic

- Parking and traffic issues including lack of visitor parking and manoeuvring issues within basement (increasing pressure for on-street parking)
- Insufficient parking for both residents and visitors
- Exacerbate parking issues during school hours and sporting events
- Increased cars parking on street is a hazard

Landscaping

- No guarantee that landscaping will grow to mitigate any overlooking

Construction impacts

- Excavation may cause erosion and landslide, with resultant damage to neighbouring properties
- Noise during construction
- Excessive strain on infrastructure
- Demolition of a valuable heritage building

Previous Tribunal Decision

- The proposal does not adequately address the matters raised in the previous Tribunal decision

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REFERRAL COMMENTS

The application was referred to Council's Development Engineering, Development Arborist and Waste teams. Key advice is summarised as follows:

Transport and Traffic and Development Drainage

Council's Transport and Traffic and Development Drainage Teams raise no traffic engineering or drainage concerns subject to conditions addressing driveway materials at the site entry and private waste collection. The Transport and Traffic Team advised that the waiver of the visitor parking space can be supported as the deletion of the existing northern driveway crossover and reinstatement of the kerb and channel will create an additional on-street parking space.

The Developments Drainage team advised that conditions be included requiring the applicant to redesign and construct the existing Council drain within the easement along the northern boundary to provide deeper cover. The applicant proposed this to facilitate the planting of canopy trees within the easement to assist with screening the proposal along the northern boundary.

Development Arborist

Council's Development Planning Arborist has advised that the proposal can be supported from an arboricultural perspective subject to the following:

- Tree #2 be removed and replaced with a medium (8-12m) canopy tree species;
- The 4 x Acacia melanoxylon shown on landscape plans be swapped with a combination of *Eucalyptus leucoxylon* ssp. *megalocarpa* 'Rosea' - Yellow Gum and *Brachychiton populneus* – Kurrajong
- Tree protection conditions for trees on adjoining properties and the existing street tree.

Waste Management

Council's Waste Management team advised that the proposal can be supported from a waste perspective. The applicant has proposed a private waste collection service and waste collection will occur within the basement with vehicles entering and exiting in a forward gear. It is recommended that conditions be included requiring the submission of an amended waste management plan demonstrating this and a Section 173 Agreement be entered into requiring private waste collection be provided.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Planning controls:	<u>Control</u>	<u>Permit triggered?</u>
	General Residential Zone (GRZ1)	Yes
	Vegetation Protection Overlay (VPO5)	Yes
	Clause 52.06: Car parking	Yes

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POLICIES CONSIDERED

Relevant policies considered in the assessment of this proposal are outlined in Table 2 below:

Table 2: Relevant Planning Scheme Policy

Policy	Clause
PPF	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
LPP	
Vision and Strategic Framework	21.02
Land Use	21.04
Natural Environment	21.05
Built Environment (<u>Accessible area</u>)	21.06
Residential Neighbourhood Character Policy (Garden Suburban Precinct 3)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05

TECHNICAL CONSIDERATION

This application for a multi dwelling (apartment) development is on a site that has previously had an application refused by the Responsible Authority and upheld by the Tribunal. The onus is therefore on the applicant to take note of the concerns raised previously by the Tribunal and the Responsible Authority and revise the design to adequately address those concerns.

Council must consider this application within the strategic context of the site location, impact on the neighbourhood character and amenity of the area, landscaping, internal and external amenity, increased traffic and parking provision and liveability and also have regard to the previous VCAT decision. These are discussed below.

Strategic Location of the site

The Residential areas framework plan within the Municipal Strategic Statement (Clause 21.06-2) identifies the site as 'Accessible' and is located within walking distance to the business core of an Activity Centre and within convenient walking distance to the highest priority sections of the Principal Public Transport Network. These areas provide for medium density living with some opportunities for higher density housing. The location close to the Heidelberg Activity Centre, Heidelberg station and other services provides an opportunity to contribute further to the variety of housing stock available and it is consistent with Council's policies to promote greater density living around activity centres and transport nodes.

These strategic drivers could support the ability for an apartment style development to be constructed within this context subject to an appropriate design response to the site constraints as well as the existing and preferred neighbourhood character.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

Neighbourhood Character

The proposed development is considered appropriate with respect to the key requirements of Council's Residential Neighbourhood Character Policy (Attachment 5) as follows:

- The scale of development is commensurate with other multi-dwelling developments in the surrounding area.
- The proposed development offers the opportunity for space around the built form for landscaping and opportunities including tree planting and retention within the external setbacks and throughout the site. The proposed building site coverage at 48.65% allows for suitable tree retention and planting opportunities throughout the site. The inclusion of basement car parking provides greater landscaping opportunity when compared to a townhouse development which typically includes an shared accessway that reduces space for planting. The proposal meets the planting ratio of 1:400sqm for sites within a Garden Suburb Precinct 3, which requires the provision of 2 large to medium trees.
- Access is provided from a single vehicle entry point along Cape Street in the southern corner. All car parking and waste storage/collection is within the basement. The existing northern driveway access will be removed and replaced with kerb and channel thereby providing an additional on-street parking space.
- The two-storey height design now adequately tempers building mass through the incorporation of a recessed upper level footplate; materiality variation, shallow pitched, hipped roof profile and eaves, rendered brick and 'stria cladding' (weatherboard appearance) and vertical window proportions. This reflects some of the 1960s era architecture and provides a design outcome that is suitable within this neighbourhood context.
- The proposal increases side and rear setbacks enabling the planting of medium canopy trees in the 4 metre indents at the mid-section of the side walls and in the rear north-west and south-west corners of the site. The proposal also separates the secluded private open space from the planting areas.
- The front setback of 8.3 metres provides substantial in-ground planting for large/medium canopy trees to reach maturity and contribute to the overall streetscape.
- The 'horse-shoe' layout with the central accessway has been removed. The central accessway did not provide any landscaping opportunity and was not included in the previous site coverage calculations. The proposed layout with no central accessway provides efficiencies resulting in greater landscaping opportunities to the side boundaries. The percentage of permeable site area available for landscaping in the current proposal is 42.39% which exceeds the 37% proposed in the previous scheme.

Landscaping

The landscaping outcome maintains and strengthens the landscape setting and provides suitable screening opportunity to the adjoining sites. Landscaping opportunities have been significantly improved compared with the previous design (Attachments 3 and 4 for comparison). The General Residential Zone requirement of 35% Garden Area is exceeded with a total of 42.4% achieved for the site.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

The current proposal includes:

- Sufficient area for the planting of large/medium trees within the front setback.
- Increased permeable area available for landscaping.
- Increased side and rear boundary setbacks for landscaping and provision of 5 small and medium sized canopy trees along each boundary.
- Retention of an existing 3.5m high hedge along the rear boundary.
- All planting and landscaping opportunities within deep soil areas/natural ground.
- Landscaping not impacted by excavation or proposed within retained/elevated planting beds which restricts growth of trees to maturity.
- All private open space at the ground level provided clear of dedicated landscaping and canopy tree planting areas.

Internal and External Amenity

Offsite amenity impacts such as overlooking, overshadowing and noise have been considered within the design. An assessment of the external impacts of the development is outlined in the attached Clause 55 Assessment (Attachment 2). The proposal, subject to conditions, provides for appropriate internal amenity for future residents.

Traffic and parking

The proposed development provides the recommended number of car parking spaces for the dwellings as required by Clause 52.06 – Car parking of the Banyule Planning Scheme. The reduction of one visitor parking space is supported as the deletion of the existing northern crossover will provide an additional on-street parking space.

The basement car park and vehicle entries have been designed generally in accordance with the Design Standard of Clause 52.06 of the Banyule Planning Scheme. A condition is included requiring that any proposed changes to the basement layout must ensure compliance with the Design Standards of Clause 52.06 of the Banyule Planning Scheme.

Sustainability

The applicant has provided a Sustainable Design Assessment (including STORM calculations) which is considered acceptable, subject to conditions, and highlights the key initiatives for the reduction in greenhouse emissions. The included BESS score is 57% which achieves best practice standards.

Liveability

The four ground floor apartments have been specifically designed to meet Council's Liveable Housing Guidelines and provide housing choice for those with limited mobility. The proposal achieves the legislative requirement for access to the ground floor level for people with limited mobility and is not required to provide any 'accessible' parking spaces either on-street or within the basement.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

Other objector concerns

The majority of the objector concerns have been addressed in this report, however further discussion is required regarding the following issues:

No guarantee that landscaping will grow to mitigate any overlooking

Landscaping alone is not an acceptable measure to prevent overlooking. Upper level windows demonstrate suitable screening measures to a height of 1.7 metres above floor level where overlooking to adjoining secluded open space may occur.

Furthermore, the inclusion of screening to the upper level balconies achieves the same intent as 1.7m high screens albeit that the screens have a total height of 1.5m with an additional inclined extension to prevent overlooking within the privacy arc as required by the standard.

The provision of landscaping assists to provide softening of the building to the street and neighbouring land and not for the purpose of preventing overlooking. Permit conditions are recommended to be included that require the proposed screening for upper level balconies ensure compliance with Standard B22 as part of Condition 1 plans approval should a permit be issued.

Poor accessibility for people with limited mobility

The applicant provided an Accessibility Plan – TP18 which demonstrated compliance with Council's Liveable Housing Design Guidelines. Additionally, the building design must ensure compliance with all requirements for disabled access as stipulated by the building legislation and disabled access standards. This development complies with these provisions. Lastly, it is not a requirement for apartment buildings of this size to provide an 'accessible parking space' within the basement and access from the street to all ground floor apartments is provided and the relevant standard is satisfied.

Excavation may cause erosion and landslide, with resultant damage to neighbouring properties

The land is not recognised in the planning scheme as an area susceptible to erosion or landslide. Excavation of the site is managed by the building regulations and not through planning legislation.

Demolition of valuable heritage building

Despite the existing building being a well maintained, period home, the site is not covered by a Heritage Overlay and a planning permit is not required for the demolition of the building.

CONCLUSION

It is considered that the site provides a good opportunity for a development of this type. The subject site is located within 150m to the Heidelberg Activity Centre precinct and is close to all services within this centre and is within 900m to the Rosanna train station and Rosanna shopping area.

175 CAPE STREET, HEIDELBERG - PROPOSED TWO STOREY APARTMENT BUILDING (8 DWELLINGS) - P865/2019 cont'd

The proposed development provides an appropriate neighbourhood character response and also responds to the Tribunal issues through the efficiencies gained by the apartment typology with basement car parking, generous front yard, recessed upper level and dedicated landscaping area to the side and rear of the building.

With appropriate conditions, the proposed development should be supported.

ATTACHMENTS

No.	Title	Page
1	175 Cape Street HEIDELBERG - Stamped Advertised Plans	
2	175 Cape Street HEIDELBERG - Report - Assessment against Clause 55	
3	175 Cape Street HEIDELBERG - Previous Proposal - Planting Opportunities	
4	175 Cape Street HEIDELBERG - Current Proposal - Planting Opportunities	
5	175 Cape Street HEIDELBERG - Report - Assessment against Neighbourhood Character (GS3)	

5.4 NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS

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

Previous Items

Council on 09 Dec 2019 7.00pm (Item 5.4 - New Telstra Payphones and Electronic Signage - Various Locations)

EXECUTIVE SUMMARY

This proposal was initially considered by Council on 9 December 2019 but was deferred to enable further discussions with the applicant on the potential community benefits of the proposal. 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 items 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.

RECOMMENDATION

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 Notice of Decision to Grant a Planning Permit in respect of Application Nos. P105/2019, P110/2019, P112/2019, P113/2019, P115/2019, P117/2019 for Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones) at 40 Norman Street IVANHOE,

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

48 Aberdeen Road MACLEOD, 35 Watsonia Road WATSONIA, 57 Greville Road ROSANNA, 65 Watsonia Road WATSONIA and 78 Nepean Street WATSONIA subject to the following conditions:

1. Before the sign permitted by this permit is displayed, an “Agreement of community benefit” must be submitted to and approved by the Responsible Authority. When approved, the agreement will be endorsed and will then form part of the permit. The agreement must include of the measures outlined in the document submitted to Council on 24 February 2020 including:
 - a) Restriction of political and gambling advertising within the Banyule Local Government Area.
 - b) Restriction of Alcohol advertising within 150m of schools.
 - c) Council access to show their content on the rear and front screens to promote Council events and messaging.
 - d) Council access to Near Field Communication tags.
2. The location and details of the sign and sign structure shown on the endorsed plans must not be altered except with the written consent of the Responsible Authority.
3. The sign permitted by this permit may only be displayed in conjunction with a Telstra payphone facility installed in accordance with Clauses 62.01, 62.02-1 and 52.19 of the Banyule Planning Scheme, unless otherwise authorised by a separate planning permit.
4. The sign permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.
5. No image may be displayed on an electronic sign for fewer than 10 continuous seconds.
6. The sign must always operate at or below the following luminance values (measured in candela per square metre (cd/m²):
 - Day-time – 2500 cd/m²
 - Dusk/dawn – 400 cd/m²
 - Night-time – 150 cd/m²
7. The advertising content of the signs must not:
 - a) Consist of more than one static image at a time.
 - b) Consist of a sequence of images giving the illusion of movement from one image to the next on any sign.
 - c) Contain or consist of images which are capable of being interpreted as projections beyond the face of the advertising screen, such as through the use of 3D technology.
 - d) Contain or consist of images which are capable of being interpreted as a continuous advertisement across multiple screens.
 - e) Contain or consist of sounds, video, movie or television broadcasts or the like.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

- f) Contain any flashing, blinking, brightening or fading background, text, images or other elements that create the illusion of movement or change.
 - g) Be capable of being mistaken for a traffic signal or a traffic control device.
 - h) Be a traffic instruction, or be capable of being mistaken as, an instruction to a road user. This includes the use of the wording stop, give way, slow, turn left or turn right.
8. The advertising sign must be shut down and cease any form of visual display in the event of:
- a) An attack by a computer hacker, virus or similar resulting in the unauthorised display of visual images or messages,
 - b) Any malfunction of the advertising sign,
- and the sign must remain in shut down mode until the attack is fully resolved or the malfunction is repaired.

Permit Expiry

9. In accordance with section 68 of the *Planning and Environment Act 1987* and Clause 52.05 of the Banyule Planning Scheme, this permit will expire fifteen (15) years from 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.

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 Notice of Decision 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, subject to the following conditions:

- 1. Before the sign permitted by this permit is displayed, 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 and three copies must be provided. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:
 - a) Reorientation of the sign so that it faces towards the east, to the satisfaction of the Responsible Authority.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

2. Before the sign permitted by this permit is displayed, an “Agreement of community benefit” must be submitted to and approved by the Responsible Authority. When approved, the agreement will be endorsed and will then form part of the permit. The agreement must include of the measures outlined in the document submitted to Council on 24 February 2020 including:
 - a) Restriction of political and gambling advertising within the Banyule Local Government Area.
 - b) Restriction of Alcohol advertising within 150m of schools.
 - c) Council access to show their content on the rear and front screens to promote Council events and messaging.
 - d) Council access to Near Field Communication tags.
2. The location and details of the sign and sign structure shown on the endorsed plans must not be altered except with the written consent of the Responsible Authority.
3. The sign permitted by this permit may only be displayed in conjunction with a Telstra payphone facility installed in accordance with Clauses 62.01, 62.02-1 and 52.19 of the Banyule Planning Scheme, unless otherwise authorised by a separate planning permit.
4. The sign permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.
5. No image may be displayed on an electronic sign for fewer than 10 continuous seconds.
6. The sign must always operate at or below the following luminance values (measured in candela per square metre (cd/m²):
 - Day-time – 2500 cd/m²
 - Dusk/dawn – 400 cd/m²
 - Night-time – 150 cd/m²
7. The advertising content of the signs must not:
 - (a) Consist of more than one static image at a time.
 - (b) Consist of a sequence of images giving the illusion of movement from one image to the next on any sign.
 - (c) Contain or consist of images which are capable of being interpreted as projections beyond the face of the advertising screen, such as through the use of 3D technology.
 - (d) Contain or consist of images which are capable of being interpreted as a continuous advertisement across multiple screens.
 - (e) Contain or consist of sounds, video, movie or television broadcasts or the like.
 - (f) Contain any flashing, blinking, brightening or fading background, text, images or other elements that create the illusion of movement or change.
 - (g) Be capable of being mistaken for a traffic signal or a traffic control device.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

- (h) Be a traffic instruction, or be capable of being mistaken as, an instruction to a road user. This includes the use of the wording stop, give way, slow, turn left or turn right.
- 8. The advertising sign must be shut down and cease any form of visual display in the event of:
 - (a) An attack by a computer hacker, virus or similar resulting in the unauthorised display of visual images or messages,
 - (b) Any malfunction of the advertising sign,and the sign must remain in shut down mode until the attack is fully resolved or the malfunction is repaired.

Permit Expiry

- 9. In accordance with section 68 of the *Planning and Environment Act 1987* and Clause 52.05 of the Banyule Planning Scheme, this permit will expire fifteen (15) years from 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.

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 Notice of Decision 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, subject to the following conditions:

- 1. Before the sign permitted by this permit is displayed, 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 and three copies must be provided. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:
 - (a) Dimensions added to plan to confirm at least a 1.2m separation between the existing buildings and the new location of the bin.
- 2. Before the sign permitted by this permit is displayed, an "Agreement of community benefit" must be submitted to and approved by the Responsible Authority. When approved, the agreement will be endorsed and will then form

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

- part of the permit. The agreement must include of the measures outlined in the document submitted to Council on 24 February 2020 including:
- (a) Restriction of political and gambling advertising within the Banyule Local Government Area.
 - (b) Restriction of Alcohol advertising within 150m of schools.
 - (c) Council access to show their content on the rear and front screens to promote Council events and messaging.
 - (d) Council access to Near Field Communication tags.
3. The location and details of the sign and sign structure shown on the endorsed plans must not be altered except with the written consent of the Responsible Authority.
 4. The sign permitted by this permit may only be displayed in conjunction with a Telstra payphone facility installed in accordance with Clauses 62.01, 62.02-1 and 52.19 of the Banyule Planning Scheme, unless otherwise authorised by a separate planning permit.
 5. The sign permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.
 6. No image may be displayed on an electronic sign for fewer than 10 continuous seconds.
 7. The sign must always operate at or below the following luminance values (measured in candela per square metre (cd/m²):
 - Day-time – 2500 cd/m²
 - Dusk/dawn – 400 cd/m²
 - Night-time – 150 cd/m²
 8. The advertising content of the signs must not:
 - (a) Consist of more than one static image at a time.
 - (b) Consist of a sequence of images giving the illusion of movement from one image to the next on any sign.
 - (c) Contain or consist of images which are capable of being interpreted as projections beyond the face of the advertising screen, such as through the use of 3D technology.
 - (d) Contain or consist of images which are capable of being interpreted as a continuous advertisement across multiple screens.
 - (e) Contain or consist of sounds, video, movie or television broadcasts or the like.
 - (f) Contain any flashing, blinking, brightening or fading background, text, images or other elements that create the illusion of movement or change.
 - (g) Be capable of being mistaken for a traffic signal or a traffic control device.
 - (h) Be a traffic instruction, or be capable of being mistaken as, an instruction to a road user. This includes the use of the wording stop, give way, slow, turn left or turn right.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

9. The advertising sign must be shut down and cease any form of visual display in the event of:
- (a) An attack by a computer hacker, virus or similar resulting in the unauthorised display of visual images or messages,
 - (b) Any malfunction of the advertising sign,
- and the sign must remain in shut down mode until the attack is fully resolved or the malfunction is repaired.

Permit Expiry

10. In accordance with section 68 of the *Planning and Environment Act 1987* and Clause 52.05 of the Banyule Planning Scheme, this permit will expire fifteen (15) years from 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.

Recommendation D

That Council require that the "Agreement of community benefit" detailed in Recommendations A to C be applied to the nine remaining Telstra applications that are pending discussions with VicRoads should they be recommended for approval.

Planning Permit Application:	Various (see below)
Development Planner:	Hayley Plank
Address:	P105/2019: 40 Norman Street IVANHOE P110/2019: 48 Aberdeen Road MACLEOD P112/2019: 35 Watsonia Road WATSONIA P113/2019: 57 Greville Road ROSANNA P115/2019: 65 Watsonia Road WATSONIA P116/2019: 69 Martins Lane VIEWBANK P117/2019: 78 Nepean Street WATSONIA P119/2019: 111 Mountain View Road BRIAR HILL
Proposal:	Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones)

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

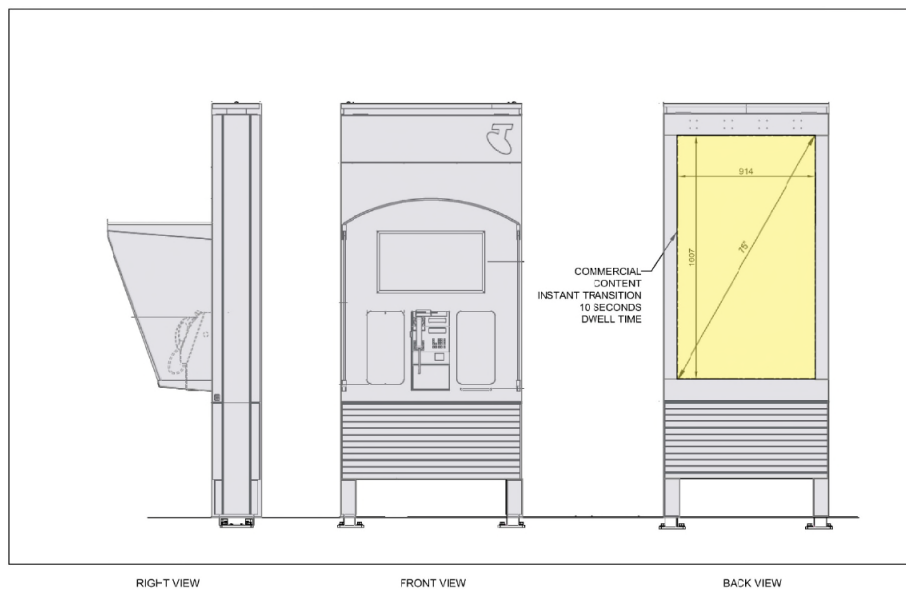
Existing Use/Development:	Road reserve
Applicant:	JCDecaux Australia
Zoning:	Commercial 1 Zone (all sites except 40 Norman Street, Ivanhoe) Road Zone 2 (40 Norman Street, Ivanhoe)
Overlays:	Design and Development Overlay (Schedule 11) (40 Norman Street, Ivanhoe only) Design and Development Overlay (Schedule 8 (111 Mountain View Road, Briar Hill only) Development Contributions Plan Overlay (Schedule 1) (all sites) Vegetation Protection Overlay (Schedule 1) (111 Mountain View Road, Briar Hill only) Vegetation Protection Overlay (Schedule 3) (40 Norman Street, Ivanhoe) Vegetation Protection Overlay (Schedule 5) (35 Watsonia Road and 65 Watsonia Road, Watsonia)
Notification (Advertising):	Notices to adjoining owners and occupiers Notices in newspapers
Objections Received:	65 Watsonia Road, Watsonia – 3 78 Nepean Street, Watsonia - 4 All other sites - 2
Wards:	Griffin, Ibbott, Grimshaw, Hawdon, Bakewell, Beale

The applicant is seeking approval for the display of illuminated electronic promotion signs, to be provided on the rear side of upgraded “Smart City Payphones” being installed in eight locations across the municipality. The upgraded infrastructure is part of Telstra’s “Smart Media Network” initiative, providing upgraded formats of Telstra’s public communication products. The Smart City Payphone will include modern features such as publicly accessible wi-fi; a mobile interaction hub enabling mobile users to tap for instant digital content; USB charging ports; public transport information; a public emergency messaging system; and electronic screens.

In most situations, the new facilities will be replacing existing telephone booths in generally the same locations, although there are some examples where they will be relocated across roads or onto adjoining side streets. Most of the existing payphones contain non-electronic Telstra related advertising on their rear or side panels.

The signs will each have an area of 1.47m² (0.914m wide x 1.607m high) (see Figures 1 and 2 below). They will be illuminated, with brightness levels designed to adjust in accordance with the levels of light. It proposed that six advertisements will be displayed per minute, with an instantaneous transition time.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd



Figures 1 & 2: Elevations of proposed payphone and electronic signage

The applications are accompanied by legal advice confirming that no planning permission is required in relation to the telecommunications facility itself or the display of Telstra related advertising on the rear screen. Permits are sought for the display of third party promotional signage only. It is noted that this approach is currently under review at both the Victorian Civil and Administrative Tribunal (VCAT) (declaration sought by the City of Melbourne) and the Federal Court (declaration sought by Telstra).

To date, no determinations have been made on either of these applications. Nonetheless, based on the legal advice it is considered that the applications appear to be valid and should therefore be assessed and determined to ensure that a decision is made in accordance with the provisions of the Planning and Environment Act and to avoid an “out of time” review at the Victorian Civil and Administrative Tribunal. Should VCAT or the Courts make a declaration that questions the validity of the permits (if they are issued) then Council could seek cancellation of the permits or require additional permits at the time before the payphones are installed.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

A further nine similar applications for signs around the municipality have also been received. These are all adjoining roads identified as Road Zone – Category 1 in the Planning Scheme and are all on hold pending further discussions with VicRoads.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

ADDITIONAL BACKGROUND

These applications were previously reported to Council at its meeting on 9 December 2019. Council resolved to defer the item to understand opportunities and community benefits that the applicant has indicated will be available as part of the roll out of the new pay phones

Representatives of the applicant met with Council representatives on 10 February 2020. At this meeting, the proposed features of the payphone installations and electronic signs were explained in more detail, including a number of ways in which they could benefit the Council, other community organisations and the wider community. The applicant has followed this up with a formal offer in relation to potential use of the electronic screens by Council and benefits to the wider community, as follows:

Emergency Messaging System

Telstra's new payphone can act as notice board providing information and instructions to keep the public safe during emergencies. The emergency messaging system can provide remote access for the police to display warnings of a live event threatening community safety including terrorism incidents and natural disasters.

Wi-Fi

In selected locations the new payphone will have the ability to provide fast Wi-Fi through Telstra Air. Three of the payphone locations considered in this report will include Wi-Fi capability.

Telstra Air is Australia's largest Wi-Fi network allowing free use for eligible Telstra customers. Non-Telstra customers can purchase a Telstra Air Guest Pass.

Near Field Communication (NFC) tags

Council will have two NFC tags made available on new payphones to provide Banyule specific information. This could include 'What's On' or 'local information' tags set by Council which will direct the payphone user to destination URLs when they hold their phone near the icon.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

Advertising Content

JCDecaux will not advertise political advertising nor gambling within the Banyule Local Government Area. Alcohol advertising will not be shown within 150m of schools.

Council Content

Council will have access to show their content on the rear and front screens to promote Council events and messaging.

Status of applications at other councils

It is understood that Kingston and Whittlesea Councils have issued planning permits for the new phone booths and associated signage. Applications at Stonnington, Yarra and Port Phillip Councils are on hold pending the Federal Court outcome which is expected in March 2020. Melbourne City Council has refused the phone booth applications that had been lodged.

SUBJECT SITE AND SURROUNDING AREA

The proposed location of each sign is shown in Attachment 1.

40 Norman Street, IVANHOE

The upgraded payphone will replace an existing payphone in the same location, on the south side of Norman Street adjacent to the Ivanhoe Train Station. The site is adjoined by the train station building (HO190) and the railway lines to the south, with residential dwellings located to the north, on the opposite side of the road.



NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

48 Aberdeen Road MACLEOD

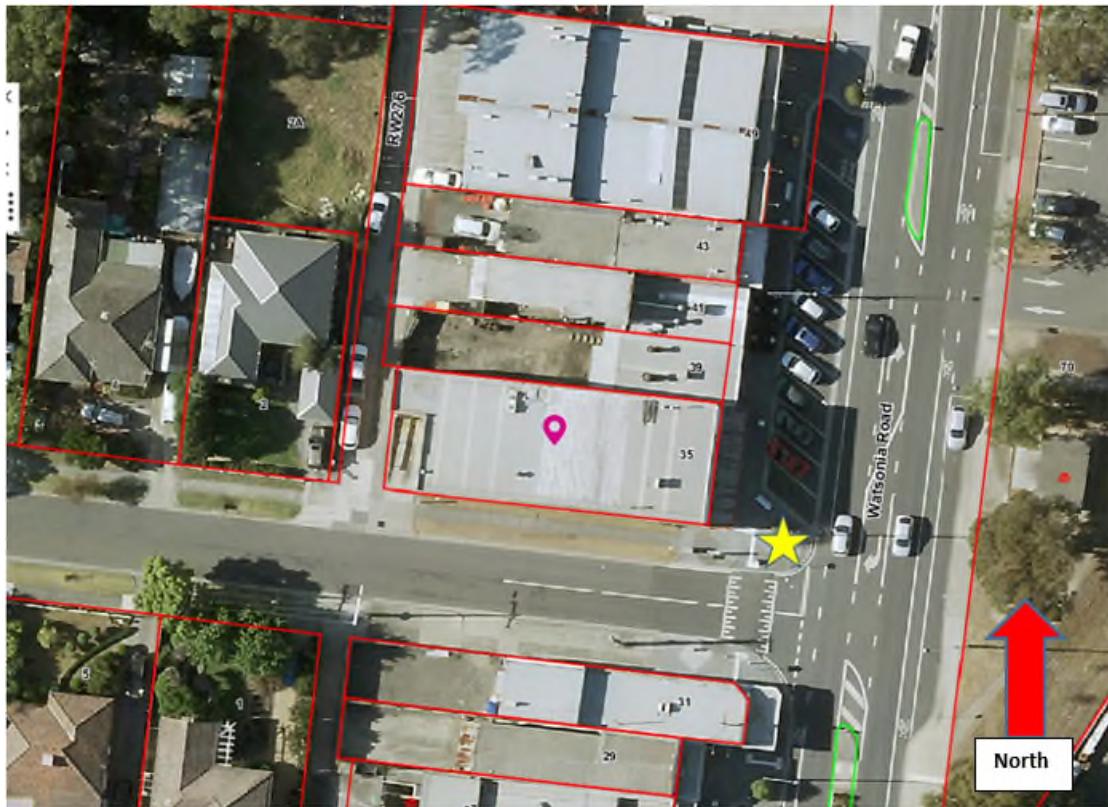
The upgraded payphone will replace an existing payphone in the same location, on the east side of Aberdeen Road. The site is adjoined by small scale commercial buildings and uses to the west and public open space to the west, on the opposite side of the road.



NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

35 Watsonia Road WATSONIA

The upgraded payphone will be located on road reserve on the north side of the intersection of Watsonia Road and Black Street. This location is approximately 163m to the north of the existing payphone (currently outside 75 Devonshire Road, Watsonia). The site is adjoined by small scale commercial buildings and uses to the north, south and west and public open space and car parking associated with the Watsonia Library and Train Station to the east. The proposed location will require the relocation of an existing seat.



NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

57 Greville Road ROSANNA

The upgraded payphone will replace an existing payphone in the same location, on the north side of Greville Road, near its intersection with Miriam Street. The site is adjoined by a small neighbourhood shopping centre to the north and residential dwellings to the south and east.



65 Watsonia Road WATSONIA

The upgraded payphone will replace an existing payphone in the same location, on the north-west side of the intersection of Watsonia Road and Morwell Avenue. The site is adjoined by small scale commercial buildings and uses to the north and west and residential dwellings to the east, on the opposite side of the road.



NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

69 Martins Lane VIEWBANK

The upgraded payphone will be located on the north-western side of the intersection of Martins Lane and Grantham Street. This is a relocation of approximately 9m to the south-east from its current location. The site is adjoined by a small neighbourhood shopping centre to the north and residential dwellings to the east and west. Viewbank Primary School grounds are located to the south, on the opposite side of the road.



78 Nepean Street WATSONIA

The upgraded payphone will replace an existing payphone in the same location, on the south side of Nepean Street. The site is adjoined by small scale commercial buildings and uses and associated parking to the south, with residential dwellings to the north, east and west.



NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

111 Mountain View Road BRIAR HILL

The upgraded payphone will replace an existing payphone in the same location, in the middle of the small commercial centre located on the north-west side of the intersection of Mountain View Road and Sherbourne Road. The site is adjoined by small scale commercial buildings and uses to the east and associated car parking to the west. The proposed location will require the relocation of an existing rubbish bin.



PUBLIC NOTIFICATION

Public notices were sent to the owners and occupiers adjoining each application site. A public notice detailing all applications was also published in the Heidelberg Leader on 5 November 2019 and the Diamond Valley Leader on 6 November 2019.

To date, a total of two objections have been received for each application, except for 65 Watsonia Road and 78 Nepean Street, Watsonia where three and four have been received.

Grounds of objection are:

- Inappropriate use of public infrastructure.
- Inconsistent with Council's Outdoor Advertising Policy.
- Impact on the character and amenity of the area.
- Impact on amenity of residential dwellings.
- Distraction for drivers.
- Pedestrian hazard.
- Should defer decisions until outcomes of Federal Court proceedings are known.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

REFERRAL COMMENTS

Internal referrals

	Response
Traffic	No objection. Request a minor change to the location of the relocated bin at 111 Mountain View Road.
Property	No objection. Advised that Telstra will likely exercise its powers under Schedule 3 of the <i>Telecommunications Act 1997</i> (Cwlth) regarding access, occupation and use of designated sites. Telstra is required to submit Land Access Notifications to Council prior to installation of any smart payphone facilities on existing and new sites. Consequently, there will be no specific property agreements in place.
Assets and Infrastructure	Application details provided for information and comments sought. No concerns raised.
Operations	Application details provided for information and comments sought. No concerns raised.

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Commercial 1 Zone (C1Z)	32.08	No
Road Zone (Schedule 2) (RDZ2)	36.04	Yes
Vegetation Protection Overlay (Schedules 1, 3 & 5) (VPO1, VPO3 & VPO5)	42.02	No
Design and Development Overlay (Schedules 8 & 11) (DDO8 & DDO11)	43.02	No
Development Contributions Plan Overlay (Schedule 1) (DCPO1)	45.06	No
Signs	52.05	Yes

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
PPF	
Planning for Places	11.01
Built Environment and Heritage	15
Economic Development	17
LPPF	
Vision and Strategic Framework	21.02
Land Use	21.04
Built Environment	21.06
Outdoor Advertising Policy	22.01

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

TECHNICAL CONSIDERATION

Response to Outdoor Advertising Policy

Clause 22.01 is a local planning policy relating specifically to outdoor advertising. It acknowledges that advertising signs are an important component of the built environment but must be appropriately designed and located. The policy contains a number of objectives which are set out in Attachment 2.

Council's Outdoor Advertising Policy (revised December 2015) also sets out guidance. The policy does not encourage promotion signs but it is noted that the signs:

- Are proposed in commercial centres which are characterised by signage and including promotional signage in some instances
- Will replace existing Telstra signage.
- Are to be located on the payphones so that clutter is minimised.
- Will be orientated to face away from more sensitive interfaces such as residential zones and dwellings.
- While illuminated, are appropriate having regard to road safety and amenity considerations.

As discussed above, the payphones themselves and the electronic signs will offer some free-of-charge services to the community and provide opportunities for Council and other community organisations to promote events and other important messages. On balance, the associated promotional signage, which will be used to fund the community signage, is considered to be appropriate. Further considerations are set out below in relation to the visual amenity and locations where there is a degree of residential interface.

Visual Amenity

All of the application sites are within the Commercial 1 Zone, except for 40 Norman Road, Ivanhoe. The Commercial 1 Zone is the least restrictive zone in relation to signage and anticipates a greater level of signage and a mix of types of signage, including promotion and electronic signs.

The decision guidelines require Council to have consideration to the character of the area, including any sensitivities; and the cumulative impact of signage and need to avoid clutter. In most cases, the sign will be located within areas which are already characterised by advertising signs, associated with small scale shops and services. The electronic signs will be located within these centres but appropriately separated so they will not compete with existing signs or create the appearance of clutter.

The site at 40 Norman Street, Ivanhoe is zoned Road Zone – Category 2 and is adjoined by the Public Use Zone (Schedule 4) with General Residential Zone opposite. This area is considered more sensitive by the signage provisions within the planning scheme, although an electronic promotion sign up to 3m² is still contemplated. In addition, the proposed location of the sign adjoins buildings associated with the Ivanhoe Train Station, covered by HO190.

It is considered that the proposed sign in this location is acceptable, given the train station context and the existence of other promotional signage (e.g. on bus shelters) within the locality. The upgraded payphone will also be located in the same location as the existing and will not be adding a further visual element to the area. The

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

payphone structure and sign will appear as a subservient element within the streetscape adjoining the much larger station building, as viewed from the west.

Residential Amenity

While none of the signs will be located within Residential Zones, four of the applications (40 Norman Street, Ivanhoe, 57 Greville Road, Rosanna, 69 Martins Lane, Viewbank and 78 Nepean Street, Watsonia) would result in electronic signs operating within 30 metres of a residential dwelling.

All of these applications, with the exception of 69 Martins Lane, will be a straight replacement of an existing payphone with an upgraded facility in the same location. The existing payphones generally contain static advertising on the rear side and therefore, the visual impact of a sign already exists in these areas. The key difference is that the proposed signs will be electronic, with regularly changing content, and will be illuminated.

The signs at 40 Norman Street, Ivanhoe, 57 Greville Road, Rosanna and 78 Nepean Street, Watsonia will all be oriented so that they face towards commercial interfaces or railway tracks, rather than directly towards any residential dwellings. The closest dwelling in all instances with distant views is at least 60m away from the proposed sign. The application is supported by a Lighting Impact Assessment, which details that the illumination levels will be appropriately controlled to meet the maximum permissible luminance standards. This will be restricted through permit conditions.

In relation to 69 Martins Lane, Viewbank the sign will be established as part of a relocated payphone facility. The extent of relocation (approximately 9m) is not far and does not bring it into a contextually different environment. However, it is noted that the proposed orientation of the sign will result in it facing directly towards an existing dwelling at 65 Martins Lane. This dwelling will be separated from the sign by approximately 25 metres and appears to contain habitable windows on the Grantham Street façade facing the sign. This orientation will therefore have an unacceptable impact on residential amenity. An acceptable alternative would however be to flip the orientation of the sign, so that it faces east. The closest residential dwelling in this direction will be separated from the sign by over 30 metres and is set at a lower level, with high fencing to entirely screen any views.

Traffic Safety

All signs are located on road reserves close to Council controlled roads. The impact on road safety is a key matter for assessment and consideration must be given to the extent to which the sign could become a safety hazard, particularly in terms of obstructing driver's views; creating confusion with traffic control devices; or creating a distraction to drivers.

The location of all signs has been reviewed by Council's Traffic Engineering Unit and there are no objections. The plans have been subject to a number of changes since their original submission to ensure the signs have been appropriately located and monitored to avoid obstruction and distraction for road users and take into account higher risk areas such as pedestrian crossings. A minor change is recommended to the plans for 111 Mountain View Road, Briar Hill, to clarify that a bin which is proposed to be relocated will be a minimum of 1.2 metres from the building line, which will ensure that it meets minimum clearance distances and does not impact public safety.

NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS cont'd

Use and Development of Payphone Facilities

All applications have been made on the basis that the payphones themselves are exempt from a planning permit, in accordance with Clauses 62.01, 62.02-1 and 52.19 of the planning scheme. Of particular relevance, Clause 52.19 requires that the facility be “a low impact facility as described in the *Telecommunications (Low-impact) Facilities Determination 1997 (Cth)*” to meet the exemption. The application is supported by a legal opinion prepared by Stuart Morris QC, which outlines how the payphone facilities will meet the definition of a “low impact facility”. It is acknowledged that the interpretation of this definition is one of the main points which will be considered by the Federal Court and VCAT.

If the courts determine that permits are required for the use and development of the payphones themselves, the applicant would be required to obtain these before the electronic signage could be established.

CONCLUSION

It is considered that the signs will be acceptable within the locations proposed. They will be consistent with the applicable planning controls and their siting and orientation has had appropriate regard to the relevant constraints and sensitivities of the area.

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”.

ATTACHMENTS

Nil

7.1 **BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB**

Author: Lucy Rasdell - Strategic Property Manager, City Development

Ward: Olympia

Previous Items

Council on 25 Feb 2019 7.00pm (Item 5.4 - Bellfield Urban Design Guidelines and Community Consultation Report)

Council on 28 Oct 2019 7.00pm (Item 7.2 - Bellfield Redevelopment (Planning Scheme Amendment, Community Centre and Housing Project) Update)

Council on 09 Dec 2019 7.00pm (Item 5.6 - Council Report Bellfield Planning Scheme Amendment C153 and Community Consultation Report)

EXECUTIVE SUMMARY

Banyule Council is undertaking a redevelopment project to deliver a new Community Hub, relocated Community Garden and an integrated housing redevelopment, which includes both market and social housing. The location encompasses part of the former Banksia La Trobe Secondary College site, the existing Bellfield Community centre and community garden, and other properties fronting Oriel Road. The redevelopment of the site is known as the **Bellfield Project**.

This report provides an update on all three components of the Bellfield project:

- **Market Housing:** Preparation for sale and development of land for market housing following approval of Planning Scheme Amendment C153;
- **Social Housing:** Delivery of social housing on Council-owned land; and
- **Community Hub:** Design and delivery of the new Bellfield Community Hub and relocated Community Garden.

Work has commenced on preparations for the sale of the **market housing** land. An Expression of Interest Process (EoI) is expected to commence in May 2020 followed by shortlisting of respondents and a targeted Request for Proposal (RfP), with a decision on sale of the land to occur in early 2021. These preparations are on the basis that a favourable outcome on the Planning Scheme Amendment is anticipated. Planning Scheme Amendment C153 (PSA) has been prepared to facilitate the redevelopment of the site with a Panel Report expected shortly following a Planning Panel on 5 March 2020.

An additional component of work is the delivery of **social housing**. An Expression of Interest (EoI) to find a social housing provider was issued on 28 February 2020 with submissions due 27 March 2020. This will be followed by an evaluation of proponents, shortlisting against selection criteria and a Request for Proposal (RfP) from the shortlisted applicants.

Council has also committed to delivery of the Bellfield **Community Hub** and relocated Community Garden. From September to December 2019 consultation on a concept plan was carried out with internal user groups, the Project Reference Group and local community. Consultation is now complete and the concept plan components were supported by Council at OM 24 February 2020. Preparation of

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

the delivery plan is underway, with refinement of the design into a detailed design. It is expected that construction of the Hub will commence in September 2020.

RECOMMENDATION

That Council:

1. Note that Planning Scheme Amendment (C152) Panel Hearing for Bellfield has occurred and a further report to Council will be provided following the receipt of the Independent Panel Report.
2. Note that a Probity Advisor has been engaged to oversee the integrity of the process for sale of the market housing land and the engagement of a registered housing provider to deliver the social housing.

Market Housing:

3. Support the progression of preparing the land for sale for **market housing** as follows:
 - a) Note that, while Ministerial approval for PSA C153 is pending, work has commenced to prepare the land for sale for market housing on the basis that a favourable outcome is anticipated.
 - b) Commence the Notice of Intention (NoI) to sell the land earmarked for market housing.
 - c) Completion of the marketing of the land with support of a property agent and commencing the process for the sale of the residential land through an Expression of Interest (EoI) followed by a Request for Proposal (RfP) phase.
 - d) Accept the proposed evaluation criteria for assessment of EoI/RfP responses which includes:
 - i. Commercial terms
 - ii. Development Proposal
 - iii. Approach and capacity
 - iv. Experience, expertise and market leadership
 - v. Timeliness
 - e) Note that an evaluation panel has been assembled for assessment of the market housing EoI/RfP responses.
 - f) Note that shortlisting of residential property developers will occur by August 2020 and approval to sell the land will be sought in early 2021.

Social Housing:

4. Support the progression of the **social housing** project as follows:
 - a) Commence the Notice of Intention (NoI) to lease the land earmarked for social housing.
 - b) Note that collation and assessment of EoIs is to be completed by the evaluation panel by mid-April 2020.
 - c) Note that shortlisting of a social housing provider, using agreed assessment criteria, will be completed by June 2020.

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

- d) Note that appointment of a social housing provider will occur in August 2020 following Council approval.

Community Hub:

5. Support the progression of the construction of the **Community Hub** and noting the following:
- a) The progression of the concept plan which will now lead to detailed design.
 - b) Completion of the EoI and RfP processes to appoint a builder by September 2020.
 - c) Completion of construction of the Community Hub and relocated Community Garden during 2020/21.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

BACKGROUND

Council acquired three decommissioned school sites from the Victorian State Government in 2012. At the time of purchase it was made clear that the decision to acquire these properties was for the purposes of promoting best-practice residential infill development at these locations. It was also communicated that these projects seek to generate revenue to allow Council to continue to invest in local communities, maintain its capital works program, deliver community facilities and advance ongoing asset improvements. The former Banksia La Trobe Secondary College site is the third and final remaining redevelopment parcel of these school sites and is primary land forming part of what is now known as the Bellfield Redevelopment Project.

The redevelopment project at Bellfield is located on land bordered by Oriel Rd, Banksia Street, Perkins Avenue and the Waratah School. This land includes part of the former Banksia La Trobe Secondary College as well as Council owned land located at 96, 98, 98A and 100 Oriel Rd.

The established project objectives for this development (in no order of preference) are to:

- a) Ensure that the new development is designed and constructed so as to integrate with the local environment and existing neighbourhood.
- b) Deliver a development of high quality built form and open spaces that are pedestrian friendly, boast environmentally sustainable design principles, meet the project design guidelines and ensures leadership through liveability principles.
- c) Delivery of a social housing component on the Public Use Zone land located at 230 Banksia Street, Bellfield.
- d) Deliver a new multi-purpose, future-proof Bellfield Community Hub that can house many community groups and uses.

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

- e) Ensure a rigorous commercial structure and governance arrangement to protect Council from risk through the tender and commercial transaction process.
- f) Enable selection of appropriate development partners that enables innovative ways of delivering different types of housing product on the site.
- g) Ensure that the development is delivered in a timely manner so that the site does not sit vacant or under construction for long periods of time.
- h) Ensure the development strategy delivers a strong financial return to Council to help fund existing services and future capital projects.

These project principles have driven the preparation of the Bellfield Urban Design Guidelines (UDG) in 2018 following an extensive consultation process. The guidelines were adopted by Council on 25 February 2019 and set out the general design requirements and future aspirations for the site. The UDG identifies three general precincts: the 'Park and Village Precinct', the 'Neighbourhood Precinct' and the Community Precinct, which includes a new Community Hub, relocated Community Garden and social housing. While the UDG provides design criteria for the 'Park and Village' and 'Neighbourhood' precincts, it does not do so for the 'Community Precinct'. Instead, this development will be managed as its own discrete project, with community input into the design of the new multi-purpose **Community Hub**, a relocated community garden and associated outdoor play area which sits alongside the new **market housing** development. The **social housing** component of the project is also not part of the UDG and will be a separate project managed by Council in partnership with a registered social housing provider.

In order to ready the site for redevelopment, three distinct parcels of work are now underway:

- Readying the land to enable residential redevelopment for **market housing** and sale of this land to a developer;
- Delivery of **social housing** adjacent to the new Community Hub in partnership with a registered social housing provider.
- Design and development of the new multi-purpose **Community Hub** and relocated Community Garden; and

Market housing is housing that is taken to the market and sold at a value negotiated between the developer/vendor and buyer -i.e. not at a discounted price. This housing is usually sold to an owner-occupier or owner who then rents the property out at market value.

Social housing refers to housing owned or managed by community agencies for low to moderate income earners. Its provision involves some degree of subsidy and the agencies are regulated by the State Government.

Further details on the progress and timing of each of these three parcels of work are contained herein. The proposed scope and timelines are presented to Council for notification and adoption.

LEGAL CONSIDERATION

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

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

HUMAN RIGHTS CHARTER

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

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

Locality Plan

A locality plan is shown below. The **market housing** is to be delivered on the land designated as the 'Park and Village Precinct' and the 'Neighbourhood Precinct'.

The **social housing** development, which will include a minimum of thirty dwellings, will be delivered adjacent to the Community Hub and Community Garden on part of the 'Community Precinct' land.

The new multi-purpose **Community Hub** and relocated Community Garden is to be delivered on part of the 'Community Precinct' land.



BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

CURRENT SITUATION

Project Steering Committee

A Project Steering Committee (PSC) has been established to monitor progress, discuss and resolve issues and provide direction and advice for two of the Bellfield projects (the **market housing** and **social housing** developments). The development of the **Community Hub** and Community Garden has its own Project Control Group to oversee its design and delivery.

Probity Advisor

A Probity Advisor has been appointed to oversee the relevant EoI/RfP processes for the market housing and social housing components of the Bellfield project. They will review and examine procurement documentation to ensure compliance with Banyule Council's policies and other legislated requirements, as well as ensure that information security and conflicts of interest are managed appropriately. They will ensure that both transparency and integrity are maintained and probity principles are adhered to throughout all stages of the relevant project components.

The following provides an overview of each of the three parcels of work currently underway for redevelopment of the Bellfield land with progress of the project shown in Attachment 1.

Market Housing Development

PSA C153

Planning Scheme Amendment (PSA) C153 was prepared to ready the Bellfield site for new residential development on the 'Park and Village' and 'Neighbourhood' Precincts of the site. One submission to the PSA has progressed from the Directions Hearing, on 20 January 2020, to a Panel Hearing, held on 5 March 2020. The Panel report is due to be issued shortly. Once the Panel report is received, the PSA will be considered by Council in its role as the Responsible Planning Authority and then require Ministerial approval once adopted by Council. The final approval of the Amendment may not be received until late 2020. Work is to commence on preparations for the sale of the residential development land on the basis that a favourable outcome is anticipated. Any changes to the Amendment as part of the Minister's approval process will need to be accommodated in the sale preparations.

Evaluation Plan and Panel

An Evaluation Plan has been prepared which details the procedure and methodology to be used by the Evaluation Panel to assess responses to Council's EoI and RfPs. The plan sets out the framework and governance to be applied during evaluation as well as documenting the proposed evaluation criteria and weightings to be applied. Further details on the proposed Evaluation Criteria have been provided below.

Evaluation Criteria

The intended evaluation criteria are as follows:

- **Commercial terms:** encompasses purchase price offer, terms and conditions, including timing of settlement periods, deviations from the Contract of Sale and financial capacity to effect settlement.
- **Development Proposal:** vision, innovation and quality of design presented as a concept plan, provision of a genuine range of mix of housing outcomes, adherence to the adopted Urban Design guidelines, incorporation of

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

Environmentally Sustainable Design measures, social economic sustainability incorporated into development delivery including use of local suppliers, staff and opportunities for social inclusion

- **Approach and capacity:** past projects delivered by respondent and operational capacity to complete the project
- **Experience, expertise and market leadership:** depth and experience of respondent and how they will work with Council, clear and relevant examples of previous projects demonstrating innovation and leadership
- **Timeliness:** ability to meet Council imposed timelines regarding lodgement of the planning permit and commencement of construction

The Project Steering Committee will consider the selection criteria and apply weightings to be factored into the evaluation matrix and enable a shortlist of respondents to be identified for interviewing. Following an interview process, the shortlisted respondents will be further refined and invited to participate in the RfP process. A report to Council will be prepared providing details of the shortlisted respondents prior to commencement of the RfP process.

Marketing process

To ensure the residential development land is appropriately marketed and in an effort to generate significant interest and widespread knowledge of the site, a Property Agent is being used to develop and lead a marketing campaign.

Lodgement of the EoI submission will be via a portal established by Council's Procurement team. Potential respondents will need to register to use the portal and can use it to ask questions during the EoI and RfP phases of the project. Responses will be posted on the portal so that all prospective respondents have access to the same information prior to lodging their submission.

Demolition of on-site buildings

The EoI will make it clear that demolition of current on-site buildings (i.e. former HiCity/Bedford workshop, the Bellfield Community Centre and the community garden sheds and infrastructure) will need to happen in a timely way to accommodate future development stages.

The Hi City/Bedford Group has now relinquished their Lease at the site located at 98 and 98A Oriel Road and vacated the building. This building may be demolished prior to execution of the Contract of Sale.

It is proposed that all tenants of the current Bellfield Community Centre and community garden will be relocated to the newly constructed **Community Hub** following completion of the building in late 2021. The current Bellfield community centre building on the corner of Oriel Road and Banksia Street may remain for use as a site or sales office if the successful developer wishes to use it for this purpose, otherwise the building will be demolished prior to construction commencing or as agreed with Council.

Social Housing Development

Land adjacent to the new Community Hub has been set aside for the delivery of **social housing** (not public housing). It is expected that a minimum of 30 residences will be built. A long-term ground lease will be offered (at a peppercorn rent) to a

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

social housing provider who will fund, manage the construction, secure tenants and collect the rental income.

The primary objective of this housing project is to use Council-owned land for the provision of safe, environmentally sustainable, high quality social housing to improve the well-being of local residents on low to moderate incomes and foster a sense of community and inclusiveness both within the development and the broader municipality.

The EoI will be sent to all housing associations and providers registered under Victoria's regulatory system which is overseen by the State appointee, the Housing Registrar. There are currently 37 registered associations and providers who must adhere to strict performance standards in order to maintain registration by the State Government.

The RfP phase of the project will require the shortlisted respondents to confirm which segments of the community they will target for the social housing. There will be a specific requirement that they focus on the immediate needs of the Heidelberg West and wider postcode 3081 community to ensure that critical social housing outcomes are achieved.

Evaluation Plan and Panel

As per the sale of land for market housing, a draft Evaluation Plan has been prepared which details the procedure and methodology to be used by the Evaluation Panel to assess responses to Council's EoI and RfPs. The plan sets out the framework and governance to be applied during evaluation as well as documenting the proposed evaluation criteria and weightings to be applied. Further details on the proposed Evaluation Criteria have been detailed below.

Evaluation Criteria

A set of evaluation criteria to be used to assess proposals from the social housing providers was approved by Council at OM 28 October 2019. These are listed below:

- ***Previous experience and expertise in the delivery of social housing:*** with consideration of project development capability and capacity, taking into account both size and complexity of previous developments
- ***Timeliness:*** of delivery of the project.
- ***Commercial structure of the proposal:*** including financial feasibility and viability of the provider.
- ***Delivery of a high quality outcome:*** which integrates well with the surrounding development and responds to Council's planning controls as well as including environmental sustainable design (ESD) principles
- ***Consideration of key risks and mitigation measures:*** the provider must generate a list of factors they see as key risks with the development and how they will manage these both during the construction and operation of the building.

In addition to these criteria, it is imperative that the social housing meets the needs of the local community and that the provider is able to demonstrate:

- how the local community will be informed and engaged;
- what support will be provided to tenants to ensure they are a good fit for the building and location; and
- how a sense of cohesion or community will be fostered.

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

Community Hub Development

Between September 2019 and December 2019 Council undertook community engagement for the Bellfield Community Hub. The engagement focused on presenting an early draft concept design of the proposed building and seeking feedback to be able to inform the detailed design on the project.

Consultation for the concept plan for the proposed Bellfield **Community Hub** is now complete. A report presenting the plan was provided and the concept plan components were supported by Council at OM 24 February 2020. Preparation of the delivery plan is underway, with refinement of the design into a detailed design. As the design progresses and the best design outcomes are sought, changes will be made to the concept layout. On-going input from Council, the community and the project working group will result in tender drawings being finalised and a Request for Proposal (RfP) for the builder is planned to be issued in May 2020.

Award of the construction contract is expected to be in August/September 2020 and construction can then commence in September 2020, with an anticipated 12-16 month build time. The new Bellfield Community Hub and relocated Community Garden is expected to open in late 2021.

CONSULTATION

Notices of Intention (NoI) to sell the land for development of **market housing** and for the lease of Council owned land for development of **social housing** have been prepared.

The Nols will be advertised for the requisite four week period from 23 March until 20 April 2020. Submitters to the Nols will be invited to speak to their submission at OM 27 April 2020 and Council will resolve on both at the Council meeting on 18 May 2020.

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

TIMELINES

Market Housing

An indicative timeline outlining the process for sale of the residential land for **market housing** is shown in the table below.

Date	Item	Comments
February to April 2020	Preparation of the Eol	
23 March to 20 April	Notice of Intention to sell the land	Submissions to be heard at 27 April 2020 and a decision made by Council at 18 May 2020.
4 May to 1 June 2020	Advertising of Eol	Eol will be advertised for a four week period
12 May 2020	Industry Briefing Night	To be hosted by Council for prospective bidders
June-July 2020	Eol assessment and shortlisting	A Council report will go to the 17 August 2020 regarding the shortlist and details of a Request for Proposal (RfP) process will be provided for approval.
September-November 2020	Advertising of RfP	The RfP will be out for the duration of the 'caretaker period' and Council elections
December 2020-February 2021	RfP assessment and award	It is intended that the new Council will award the Contract at the February 2021 Council meeting.
March-April 2021	Contract finalisation*	It is anticipated that the Contract will be signed subject to planning approval and the developer may wish to deliver the land as a staged development.
May-October 2021	Planning Approval for developer*	Although six months has been allowed, it is likely approval will be achieved in less time
Oct 2021 for a period of 3 years	Development Commences*	Stage 1 settlement will be received at this time.

* Finalisation of the contract will need to take in to account final outcome of the Planning Scheme Amendment C152.

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

Social Housing

An indicative timeline outlining the process for procuring a **social housing** provider is shown in the table below.

Date	Item	Comments
28 February to 27 March 2020	Advertising of EoI	EoI will be and sent to all registered housing associations and providers advertised for a four week period
3 March to 20 April	Notice of Intention to lease the land	Submissions to be heard at 27 April 2020 and a decision made by Council at 18 May 2020.
April 2020	EoI assessment and shortlisting	A Council report will go to the 27 April 2020 regarding the shortlist and detailing the Request for Proposal (RfP) process.
May 2020	Advertising of RfP	The RfP will be out for approximately two weeks.
June – July 2020	RfP assessment and award	Council resolution to execute legal documentation 27 July 2020
August 2020	Contract finalisation	It is proposed that engagement of the social housing provider will occur prior to commencement of the 'caretaker period'.

Commencement of the construction of social housing will not be known until assessment of the RfPs have been completed and a preferred provider appointed by Council.

Community Hub

An indicative timeline outlining the process for delivering the new **Community Hub** is shown in the table below.

Date	Item	Comments
March 2020 – May 2020	Detailed design developed and documented	
May 2020	Expression of Interest for procurement of a builder	
August 2020	Request for Proposal for a builder (following shortlisting):	
September 2020	Builder appointed	
September 2020 – September 2021	Construction of Community Hub and relocated Community Garden	
Late 2021	Community Hub and Garden to open	

BELLFIELD PROJECT UPDATE: DELIVERY OF MARKET HOUSING, SOCIAL HOUSING AND COMMUNITY HUB cont'd

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

The PSA for Bellfield went to a Panel Hearing on 5 March 2020 with submissions made by one submitter. A Panel report is due shortly and will be considered by Council for adoption before being sent to the Minister for Planning for approval. Ministerial approval may not be received until late 2020, however work has commenced on the preparation for sale of the residential development land assuming a favourable outcome.

Processes and activities required to sell the land for **market housing** have commenced in preparation of going to the market. The EoI is to be issued in May 2020.

A **social housing** development is to be delivered adjacent to the new Community Hub and relocated Community Garden. An EoI process to appoint a community housing provider has commenced.

Consultation for the concept plan for the proposed Bellfield **Community Hub** and relocated Community Garden is now complete. An RfP will be issued to builders for construction of the Community Hub in May 2020. Construction of the Hub is expected to commence in September 2020, with the building completed in late 2021.

ATTACHMENTS

No.	Title	Page
1	Bellfield process tracking map	

7.2 PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 247 WATERDALE ROAD IVANHOE

Author: Andrea Turville - Property Officer, City Development

Ward: Olympia

Previous Items

Councillor Briefing on 14 November 2019 (Item 2019/258 - RW072 - Proposed road discontinuance and sale of land adjoining 247 Waterdale Road Ivanhoe)

EXECUTIVE SUMMARY

RW072 is a constructed 'road' part of which is currently enclosed within the property fence line of an independent service station at 247 Waterdale Road, Ivanhoe. The land is currently being used by customers and staff for car parking.

A request was received in late 2018 from the owners of 247 Waterdale Road, Ivanhoe, for Council to consider a road discontinuance and sale of the resultant land.

In accordance with section 206 and 223 of the *Local Government Act 1989* (Act), public notice was given in the *Heidelberg Leader* on 14 January 2020. No submissions were received.

The purpose of this report is for Council to consider whether or not to proceed with the discontinuance and sale of the section of road or retain the section of road for municipal purposes.

RECOMMENDATION

That Council

1. Having complied with sections 206 and 223 of the *Local Government Act 1989*:
 - a. by giving public notice in the "*Heidelberg Leader*" on 14 January 2020; and
 - b. by recording that no submissions or requests were received.

Forms the view that the section of road adjoining 247 Waterdale Road, Ivanhoe is no longer reasonably required for general public use for the following reasons:

- the proposal will not impact traffic or pedestrian movement in the vicinity of the area;
- service authority assets will be protected;
- the proposal will not adversely affect adjoining neighbours and is not currently used by neighbouring properties.

2. Authorises the publication of its resolution in the Victorian Government Gazette.

PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 247 WATERDALE ROAD IVANHOE cont'd

3. Acknowledges that upon publication of the resolution in the Victorian Government Gazette, the section of road be discontinued, and the land sold to the owner of 247 Waterdale Road, Ivanhoe by private treaty.
4. Authorises the amendment of Council's Road Register to reflect the discontinuance of the section of road, following publication of the resolution in the Victorian Government Gazette.
5. Authorises the signing of the necessary documentation at the appropriate time.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

The section of road known as RW072 adjoins the rear of 247 Waterdale Road, Ivanhoe and a part of the west side of 66 Lantana Street, Ivanhoe. That part of the road has an area of approximately 70m² and is currently being used by the independent service station for customer and staff car parking.

The owner of the neighbouring property at 66 Lantana Street has provided written support for the road to be discontinued and sold to the adjoining owners.

LEGAL CONSIDERATION

The power to discontinue or remove 'road' status and sell the resultant land is conferred on Council pursuant to Section 206 and Schedule 10 Clause 3 of the Act.

Public notice of the proposal was given in the *Heidelberg Leader* on 14 January 2020, with submissions on the proposal invited in accordance with section 223 and 206 of the Act. The public notice locality plan was also available for viewing on Council's webpage.

The submission period closed at 5pm on 11 February 2020, with no submissions being received.

HUMAN RIGHTS CHARTER

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

Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people in Victoria. The Charter requires that governments, local councils and other public authorities comply with the Charter and to consider relevant Charter rights when they make decisions.

Section 20 provides that "A person must not be deprived of his or her property other than in accordance with the law".

PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 247 WATERDALE ROAD IVANHOE cont'd

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

Locality Plan



Figure 1: Proposed area of discontinuance shown delineated in yellow

Section 223 process

A public notice appeared in the *Heidelberg Leader* on 14 January 2020 with the submission period ending at 5pm on 11 February 2020. No submissions were received.

ADVOCACY

The only adjoining neighbour of the subject land is located at 66 Lantana Street, Ivanhoe. This owner did provide signed approval of the land being discontinued and sold dated 4/2/2005, when the previous petrol station owners were looking to potentially purchase the land. This did not proceed at that time. Ownership of 66 Lantana Street has not changed since that time however an updated approval has been received reconfirming their approval. That owner was also advised of the further opportunity to comment on the discontinuance and sale during the public notice period. No further response or submission has been received.

CURRENT SITUATION

Having concluded the public notice advertising of Council's proposal to discontinue and sell the section of road adjoining 247 Waterdale Road, Ivanhoe, it is now appropriate that Council make a decision on whether or not to discontinue the road and sell to the adjoining owner by private treaty.

TECHNICAL CONSIDERATION

Engineering Considerations

Although no record of a Council asset could be found in Council's records, the Development and Drainage Team have requested a 1.83m drainage and sewerage easement be saved along the east boundary, aligned to the existing 1.83m easement in 247 Waterdale Road.

PROPOSED DISCONTINUANCE AND SALE OF LAND ADJOINING 247 WATERDALE ROAD IVANHOE cont'd

Service Authority Considerations

External referrals have been undertaken with relevant service authorities. No objections were received other than Yarra Valley Water requesting the creation of an easement over the section of road to be discontinued, for sewerage purposes.

FUNDING IMPLICATIONS

In principle terms and conditions of sale have been accepted by the applicant, and a consideration agreed at \$32,550 (plus GST), being market value less applicable discounts. Council's out of pocket expenses will also be recouped.

The proposal is subject to the completion of the necessary statutory procedures and Council resolving to discontinue the section of 'road' and sell the resultant land to the adjoining owner.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

Council must now make a decision on whether or not to proceed with the discontinuance and the sale of that part of the right of way/road.

The relevant matters including Council's Land Transactions Framework have been considered and addressed in this report. It is now appropriate to proceed to a decision to consider whether or not to discontinue and sell the resultant Land.

As the Land is surplus to Council's and the community's needs, there is no strategic purpose to retain the road, therefore, it is considered that the road is discontinued and sold to the adjoining owner by private treaty.

ATTACHMENTS

Nil

7.3 **PROCUREMENT POLICY**

Author: Sonali Cordeiro - Procurement Coordinator, Corporate Services

EXECUTIVE SUMMARY

In accordance with S186A of the *Local Government Act 1989 (LGA)*, Council must prepare and approve a Procurement Policy and review at least once in each financial year.

The Procurement Policy includes the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

The Policy is attached and has been reviewed in consultation with stakeholders to ensure alignment with best practice principles.

Some of the key changes include amendments to:

- Reflect Council's self-assessment response to the IBAC reports on Integrity Frameworks and Corruption with Local Government Procurement; and
- Reflect Council's adopted actions from the Corporate Emissions Reduction Plan.

The adopted Procurement Policy must be available for inspection by the public at the Council office and on the Council website.

Council staff within the Procurement Team and Social Enterprise & Local Jobs program are collaborating to develop a Sustainable Procurement strategy (including environmental outcomes) to present to Council for consideration in 2020.

Post the adoption of the Sustainable Procurement strategy by Council, it is anticipated that further amendments will be required to be made to the Procurement Policy to reflect the strategies and targets adopted by Council

RECOMMENDATION

That Council adopt the Procurement Policy as reviewed and amended.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

BACKGROUND

In accordance with S186A of the *Local Government Act 1989 (LGA)*, Council must prepare and approve a Procurement Policy and review at least once in each financial year.

PROCUREMENT POLICY cont'd

The purpose of the Procurement Policy is to:

- Provide policy and guidance to the Council to allow consistency and control over procurement activities
- Demonstrate accountability to ratepayers
- Provide guidance on ethical behaviour in public sector purchasing
- Demonstrate the application of elements of Best Practice in purchasing
- Increase the probability of obtaining the right outcome when purchasing goods and services.

The Procurement Policy includes the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council. This policy is supported by Council's Procurement & Contract Management Guidelines which will be revised to reflect and support the changes made to this policy.

Council's Finance and Procurement unit has reviewed the policy in consultation with stakeholders and considered several best practice principles and other recommendations as identified in:

- Municipal Association of Victoria (MAV) Model Procurement Policy and
- Victorian Local Government (VLG) Best Practice Procurement Guidelines.

In 2018/19 the Procurement Policy was amended to strengthen Council's commitment to sustainable procurement, collaborative procurement and responsible financial management and governance.

In 2019/20 the Procurement Policy has been further amended to reflect the approved Corporate Emissions Reduction Plan and recommendations from the following self-assessment and audit recommendations:

- IBAC Integrity Framework self-assessment
- IBAC report on Corruption Risks with Local Government Procurement self-assessment; and
- Internal Audit recommendations.

Council staff within the Procurement Team and Social Enterprise & Local Jobs program are collaborating to develop a sustainable procurement strategy to present to Council for adoption in 2020.

Post the adoption by Council of a sustainable procurement strategy it is anticipated that further amendments will be required to be made to the Procurement Policy to reflect the strategies and targets adopted by Council.

PROCUREMENT POLICY cont'd

The key changes to the policy are detailed below.

- **2.1 Ethics and Probity**

The self-assessments undertaken by Council Officers in response to the IBAC reports on Integrity Frameworks and Corruption Risks with Local Government Procurement identified several areas required addressing within the procurement policy, guidelines and templates.

- **2.1.4 Conflict of Interest**

The Procurement Policy has been updated to provide further direction for Council Staff in relation to declaring, reporting and managing conflicts of interest, and consequences of failing to report conflicts of interest. These include:

- All Council Staff participating in tender evaluation panels must complete a Conflict of Interest Declaration & Confidentiality form prior to receiving tender submissions;
- All declared conflicts must be added to the Conflicts of Interest Register maintained by Council's Governance Unit.
- An employee's failure to avoid wherever possible or identify, declare and manage a conflict of interest in accordance with this policy could lead to disciplinary action including dismissal (consistent with the relevant industrial instrument and legislation) and/or criminal charges. Contractors may be subject to contract re-negotiation, including termination.
- Additionally, actions inconsistent with this policy may constitute misconduct under the *Local Protected Disclosures Act 2014*.
- Reference is made to the Conflict of Interest Policy which sets out the Council's standards, position and reporting process on conflicts of interest. The policy applies to all staff, officers, contractors, consultants and volunteers and any individuals or groups undertaking activity for or on behalf of the of Banyule City Council.

- **2.1.5 Fair and Honest Dealing**

The Procurement Policy has been updated to provide further direction on Council's requirements for reporting on matters of improper conduct. The amendments are as follows:

Councillors, council staff or suppliers and members of the public must raise matters of improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action in line with Council's [Protected Disclosure Procedures](#).

The above requirements have also been included in the Conditions of Tendering and Conditions within Council's standard Request for Tender (RFT) and Request for Quote (RFQ) templates.

PROCUREMENT POLICY cont'd

- **2.1.7 Gifts, Benefits and Hospitality**

The Procurement Policy has been updated to provide clear direction to Councillors and staff in relation to receiving hospitality from current suppliers as follows:

Councillors and staff, particularly Contract Supervisors, must not knowingly visit a current supplier's premises without invitation and when not on official business.

- **4.2 Sustainable Procurement**

In consultation with key stakeholders the Procurement Policy has been further reviewed and amended to reflect Council's approved Corporate Emission Reduction Plan. These include:

Council will develop a list of performance indicators to measure sustainable and social procurement benefits delivered through procurement arrangements, as well as implement reporting mechanisms to monitor, measure and report on progress against targets.

4.2.3 Environmental Sustainability

Amendments include:

Implementing the corporate Emissions Reduction Plan priorities through:

- Zero net emissions buildings – reduce energy use by establishing a sustainable buildings policy to embed best practice environmentally sustainable design into Banyule's capital works and deliver a building energy efficiency update program
- Green Fleet - Replacing all light and heavy fleet with electric vehicles or other zero emission vehicles by 2028
- Low carbon lighting - replace open space, sports field and street lighting with energy efficient LEDs
- Electric leisure centres - upgrade pool pumps and filtration systems with more efficient systems
- Maximising renewable energy – pursue opportunities for renewable energy generation through a roll out program on Council sites and power purchasing agreements; and
- Green Suppliers – embedding sustainable procurement in Council processes and support our suppliers to reduce emissions from procured goods and services.

The current tendering templates include a Sustainability Statement requiring tenderers to demonstrate how they will meet Council's Social, Environmental and Economic Development objectives. This statement is assessed as part of the evaluation criteria and require the successful tenderer to demonstrate compliance with their agreed commitment.

PROCUREMENT POLICY cont'd

The Procurement Team is currently collaborating with the Social Enterprise and Local Jobs Team to develop a sustainable procurement strategy which will include the development of minimum criteria weightings by spend category, KPIs for sustainable initiatives to reflect Council's commitment to Social, Economic and Environmental sustainability. These weightings will be defined with the Procurement and Contract Management Guidelines.

The Banyule procurement model is decentralised. Training of business units and project managers is required to enhance understanding and accountability in sustainable procurement practise. There will be an enhanced expectation for staff to lead, participate and/or support in the implementation of agreed processes across Council.

LEGAL CONSIDERATION

In accordance with S186A of the *Local Government Act 1989 (LGA)*, Council must prepare and approve a Procurement Policy and review at least once in each financial year. The approved Procurement Policy must be available for inspection by the public at the Council office on the Council website.

HUMAN RIGHTS CHARTER

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

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

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989 (Act)* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

The Procurement Policy provides the basis for Council's procurement activities throughout the year and is supported by Council's Procurement & Contract Management Guidelines.

There has been no legislative change impacting on Procurement since the Policy was last amended.

The next review and update of the Policy is required to be undertaken during 2020/21.

ATTACHMENTS

No.	Title	Page
1	Procurement Policy (March 2020)	

7.4 ADOPTION OF BANYULE CITY COUNCIL'S RATING STRATEGY 2020/2021

Author: Philip Ryan - Revenue Services Coordinator, Corporate Services

Previous Items

Council on 09 Dec 2019 7.00pm (Item 7.2 - Public Consultation - Banyule City Council's Rating Strategy 2020-2021)

EXECUTIVE SUMMARY

Banyule City Council's Rating Strategy is reviewed annually to ensure that Council supports the rating principles used to levy rates and charges, in collaboration with determining the Council's Budget for the coming financial year.

In developing the draft Rating Strategy 2020/21 Council considered the various options available in levying differential rates and charges across all ratepayers in the municipality; and considered the appropriate general rate increase to continue to provide the quality services, capital works and major initiatives being proposed for 2020/21.

To assist in the determination of levying rates and charges Council undertook public consultation on the draft Rating Strategy 2020/21 for 8 weeks between December 2019 and February 2020. The consultation period has since concluded and all feedback relating to the draft Rating Strategy 2020/21 has been considered.

It is recommended that Council adopt the proposed Rating Strategy 2020/21 (without change) and that the proposed Rating Strategy 2020/21 informs the proposed Budget 2020/21.

RECOMMENDATION

That Council:

1. Note the feedback from the community relating to the draft Banyule City Council's Rating Strategy 2020/21 and thank them for their contribution.
2. Adopt the proposed Banyule City Council Rating Strategy 2020/21.

COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide responsible financial management and business planning".

BACKGROUND

It is the recommendation of the Victorian Auditor General's Office and internal audits that Council develop, adopt and continually review the rating strategy.

**ADOPTION OF BANYULE CITY COUNCIL'S RATING STRATEGY 2020/2021
cont'd**

LEGAL CONSIDERATION

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

HUMAN RIGHTS CHARTER

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

FUNDING IMPLICATIONS

The proposed Rating Strategy 2020/21 is used to direct the way the 2020/21 Budget is prepared.

Council will apply the general rate cap of 2.0% as set by the Minister for Local Government. The increase proposed has been determined after consideration of the impact on future revenue generation, other sources of income and the planned expenditure on services and works to be undertaken for the Banyule community.

To assist Council in the determination of an appropriate general rate increase long-term financial planning and analysis is undertaken each year and assessed against key financial sustainability ratios, service plans and the capital and initiatives program.

The funding implications for Council of proposing a 2.0% general rate increase will be outlined in the proposed budget 2020/21 and proposed Council plan 2017-2021 (Year 4). Both reports will be on public exhibition after Council, on 6 April 2020, give public notice that it intends to adopt the budget and Council Plan.

POLICY IMPLICATIONS

The adoption of the proposed Rating Strategy 2020/21 will direct the way that rates are apportioned as part of the 2020/21 Budget. At the Council meeting on 6 April 2020, Council will give notice of preparation of the Budget 2020/21 where it will be then be made available for public exhibition, between 9 April 2020 and 7 May 2020.

CONSULTATION

To inform and gain the support of the community on the draft Rating Strategy and the principles contained within, Council resolved to seek community feedback for a period of eight weeks. The consultation was undertaken primarily through the Shaping Banyule section on Council's website and closed on 7 February 2020.

The site page 'Shaping Banyule - draft Rating Strategy 2020/21 was visited 283 times during the consultation period (Prior year: 64 visits). During the consultation period fifteen responses from thirteen individuals were received through the Shaping Banyule website and one written email response was received.

**ADOPTION OF BANYULE CITY COUNCIL'S RATING STRATEGY 2020/2021
cont'd**

The feedback received during the consultation period is summarised below:

- Requests for a 0% rate increase (Council proposed: 2%)
- Support of Council's decision to not apply for a rate cap variation
- Requests for Council to provide relief for those properties that are not able to receive a household waste service due to planning permit conditions
- Perceived inequity raised between rates charged across suburbs
- Council to consider a new model such as a user pays system; an owner levy and a property levy
- Request for a discount for early payment of rates
- Request for a rate concession for all heritage listed properties
- Various comments (some in support of and some not in support) of Council expenditure and current service levels

The feedback provided in relation to the draft Rating Strategy has been considered. All feedback not directly related to the draft Rating Strategy has been referred to the draft Budget 2020/21 which is due to be released for public exhibition immediately after the Council meeting to be held on Monday 6 April 2020.

DISCUSSION

At the Meeting on 9 December 2019 Council endorsed the draft Rating Strategy 2020/21 for community consultation for a period of eight weeks.

The draft Rating Strategy 2020/21 has since been reviewed in conjunction with the feedback from public consultation, concluding that the underpinning principles do not require amendment from the prior year adopted Rating Strategy 2019/20.

The rate increase proposed is 2.00% for 2020/21 and will raise rate revenue to fund Council's proposed Initiatives and Capital Works program, repayment of debt and provision of all Council services for the financial year.

The 2.0% rate increase is the maximum increase as set by the Minister for Local Government and is based on the Melbourne CPI for the next financial year, as forecast by the Victorian Treasury. The rate increase is deemed reasonable to fund Council services and maintain sound financial management principles.

When determining the appropriate general rate increase officers undertake detailed long-term financial planning and scenario analysis. This assists Councillors to better understand the financial sustainability of Council and to better plan for a strong financial future.

Feedback received also raised an issue of certain properties (due to planning permit conditions) being unable to access household waste services from Council. The advantages and disadvantages of a service charge are outlined in the proposed Rating Strategy 2020/21.

ADOPTION OF BANYULE CITY COUNCIL'S RATING STRATEGY 2020/2021 cont'd

The proposed Rating Strategy 2020/21 supports the continued use of:

- Capital Improved Value as the valuation methodology to levy Council rates
- Differential rates for the calculation of rates for residential improved, commercial and industrial improved, residential vacant and commercial and industrial vacant lands.
- A reduced charge in lieu of rates for Cultural and Recreational Lands
- Special Rates and Charges to raise funds for a dedicated purpose
- Non-levying of a separate waste service charge
- Provision of the State Government Pensioner Rebate
- Collection of rates and charges due to non-payment
- Levying and collection of the Fire Services Property Levy.

The proposed Rating Strategy 2020/21 includes the maintenance of differential rates for different types of properties:

Type of Rate	Ratio
Residential Improved	1.00
Residential Vacant	1.50
Commercial/Industrial Improved	1.25
Commercial/Industrial Vacant	2.00

The draft Rating Strategy 2020/21 incorporates a revised community benefit schedule for the five properties charged in lieu of rates under the *Cultural and Recreational Lands Act 1963*. This revised schedule will allow a greater discount to reflect the community benefit provided by the entities levied under this Act.

FUTURE DEVELOPMENTS

Recent state government announcements about future changes to waste services in Victoria will result in greater costs to Council in providing a household waste service. These changes will be considered in future rating strategies.

The Victorian Local Government Rating System Review is currently underway and any resulting changes to legislation, including any amendments to the Local Government Act, will be considered and, as required, incorporated into future rating strategies.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

Banyule City Council's proposed Rating Strategy 2020/21 has been open for community feedback. All feedback received has been considered in the development of the proposed Rating Strategy 2020/21.

**ADOPTION OF BANYULE CITY COUNCIL'S RATING STRATEGY 2020/2021
cont'd**

It is recommended that Council adopt the proposed Rating Strategy 2020/21 (without change) and that the Strategy informs the preparation of the Budget 2020/21.

ATTACHMENTS

No.	Title	Page
1	2020/2021 Rating Strategy	

7.5 CONTRACT 1008-2020 - SUPPLY AND DELIVERY OF UP TO SEVEN 22M3 SIDE LOADING REFUSE TRUCKS

Author: David Walczak - Fleet Co-ordinator, Assets & City Services

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 1008-2020 for “Supply and Delivery of Up To Seven 22m³ Side Loading Refuse Trucks”.

Council advertised the tender for Contract No 1008-2020 for “Supply and Delivery of Up to Seven 22m³ Side Loading Refuse Trucks on 31 August 2019. The tender closed on 1 October 2019 with 5 submissions and 11 separate options being received for consideration. After a detailed analysis of all submissions, 2 truck and body combinations were shortlisted and demonstrations of these 2 were held at the Operations Centre. The final scoring showing one truck and body combination as being the most suitable for Council operations.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to **Adtrans Trucks** for the supply and delivery of seven (7) Iveco Acco 6x4 Refuse Trucks with Bucher Sport SL6 22m³ bodies in accordance with the tender and conditions as determined by Council.

RECOMMENDATION

That:

1. Contract No. ‘1008-2020’ for ‘Supply and Delivery of Up to Seven 22m³ Side Loading Refuse Trucks’ be awarded to Adtrans Trucks for \$2,824,800 (ex. G.S.T, registration costs and stamp duty).
2. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.

COUNCIL PLAN

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

BACKGROUND

Council picks up rubbish and green waste material from its residents using a fleet of side loader and rear loader garbage trucks. Seven refuse side loaders have now come to the end of their useful life and need to be replaced.

Tenders were advertised in *The Age* on 21/8/2019 and on Council’s website. During the period that the tenders were open, 11 companies downloaded the tender

CONTRACT 1008-2020 - SUPPLY AND DELIVERY OF UP TO SEVEN 22M3 SIDE LOADING REFUSE TRUCKS cont'd

documents. Tenders closed at 3 pm on 1/10/2019 and 5 companies submitted 11 separate options by the closing time.

The purpose of this Tender was to seek submissions from cab-chassis manufacturers and body builders as sub-contractors for the supply and delivery of up to seven (7) 22m³ side loading refuse trucks for Council's waste collection fleet. The scope of the tender also included the supply of spare parts and servicing for the life of the vehicles purchased under this contract.

LEGAL CONSIDERATION

Section 186 of the *Local Government Act 1989* (Act) requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services;
- or
- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989*.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. This is in accordance with Section 89(2) of the *Local Government Act 1989*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

BANYULE PROCUREMENT POLICY

Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

CONTRACT 1008-2020 - SUPPLY AND DELIVERY OF UP TO SEVEN 22M3 SIDE LOADING REFUSE TRUCKS cont'd

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

HUMAN RIGHTS CHARTER

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

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

TENDER EVALUATION

A Tender Evaluation Panel (TEP) evaluated each quotation using a weighted matrix based on financial, technical, commercial and other criteria discussed further in this report. An evaluation matrix was prepared detailing the weightings and scores for each criterion from the 11 separate submissions.

Council conducted an extensive evaluation process which included on paper assessment as well as discussions with current owners and users.

A spreadsheet was prepared to compare the 11 submissions with detailed notes and financial costs as well as:

- the non-conformances in the submissions
- the overall operating cost to Council over the life of the trucks
- any modifications which would need to be carried out to the trucks to ensure operational requirements were met
- OHS and physical considerations for drivers

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration.

The following table shows the tenders submitted, and the weighted score from the evaluation:

Table 1 — Tenders received and weighted scores	
Supplier	Weighted Score
Tenderer A	61.36%
Tender B - Adtrans Trucks	90.17%
Tenderer C	84.50%
Tenderer D	58.92%
Tenderer E	73.59%
Tenderer F	42.17%
Tenderer G	44.83%

CONTRACT 1008-2020 - SUPPLY AND DELIVERY OF UP TO SEVEN 22M3 SIDE LOADING REFUSE TRUCKS cont'd

Tenderer H	49.17%
Tenderer I	54.50%
Tenderer J	44.17%
Tenderer K	42.67%

Following an initial evaluation, the Evaluation Team shortlisted Tenderer B and C and requested demonstrations of the equipment which had been tendered. At the demonstration operators drove and operated the 2 trucks and notes were taken to document the difference between both units.

From the operators demonstrations, it was evident that Tenderer B had a more operator friendly and OHS compliant truck. This would be to Council's benefit in terms of operating costs, manual handling injuries and accident damage over the life of the vehicles. It is important to note that Council currently owns and operates 21 similar trucks to that which was tendered by Tenderer B.

Tenderer B was subsequently requested to provide a Best and Final Offer (BAFO) to include specific adjustments and modifications as requested by Council.

Tenderer F to K were deemed to be non-conforming because they were not able to supply a Euro 6 low emission engine.

Council also undertook independent financial and reference checks on the preferred contractor.

FUNDING IMPLICATIONS

Council Officers have confirmed that sufficient funds have been allocated in the capital works budget to cover the cost of this contract.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

CONCLUSION

As a result of the tender evaluation, the Tender Evaluation Panel recommends that Council award Contract No. 1008-2020, to Adtrans Trucks for the supply and delivery of seven 22m³ side loading refuse trucks for the lump sum price of \$2,824,800 (excluding GST, registration (estimated at \$8000) & stamp duty (estimated at \$77,000)).

ATTACHMENTS

No.	Title
1	Contract 1008-2020 - Council Report Attachment - Confidential - CONFIDENTIAL

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7.6 ASSEMBLY OF COUNCILLORS

Author: Ellen Kavanagh - Governance Officer, Corporate Services

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:	4 February 2020, 6.00pm
	Type of Meeting:	Banyule Arts & Cultural Advisory Committee
	Matters Considered:	
	<ul style="list-style-type: none"> • Future Histories (gallery visit) • Ivanhoe Library & Cultural Hub – update • Napier Waller House – Tour follow up • BACAC Evaluation (year 1) • Banyule Heritage Study • Advisory Committee remittance • 2020 schedule of meetings 	
	Councillors Present:	
	Craig Langdon	
	Staff Present:	
Hannes Berger - <i>Arts & Culture Team Leader</i> Steph Neoh - <i>Art Curator</i>		
Others Present:		
Rosemary Crosthwaite, Fran Lee, Anne Bennett, Les Walkling, Kevin Ritchie, Genelle Ryan, Joanne O'Hara, Sandra Diaz, June Gassin, Rebecca Armstrong, Lisa Byrne, Craig Eloranta, Irianna Kanellopoulou, Sha Sawari.		
Conflict of Interest:	NIL	

ASSEMBLY OF COUNCILLORS cont'd

2	Date of Assembly:	17 February 2020, 5.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Arts & Culture Activation Plan – Ivanhoe Library & Cultural Hub • Bell Street Mall • Parking & Local Laws • Budget – Capital Works 	
	Councillors Present:	
<p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Philips</p>		
Staff Present:		
<p>Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Scott Walker – <i>Director City Development</i> Marc Giglio – <i>Director Corporate Services</i> Lisa Raywood – <i>Acting Director Community Programs</i> Kerryn Woods – <i>Executive & Councillors Team Leader</i> Nicole Maslin – <i>Acting Manager Leisure</i> Adrian Cully – <i>Community Programs Project Officer</i> Steph Neoh – <i>Art Curator</i> Nikki Ralston – <i>Arts & Cultural Development Officer</i> Hannes Berger – <i>Arts & Culture Team Leader</i> Lucy Rasdell – <i>Strategic Property Manager</i> Jonathan Risby – <i>Manager Transport</i> Darren Bennett – <i>Manager Environment & Place</i> Mark Bernhardt – <i>Municipal Laws Coordinator</i> James Kelly – <i>Manager Delivery & Assets</i> Tania O'Reilly – <i>Manager Finance & Procurement</i></p>		
Others Present:		
<p>Tammy Shepherd & Peter Crick – Consultant Tract</p>		
Conflict of Interest:	NIL	

ASSEMBLY OF COUNCILLORS cont'd

3	Date of Assembly:	24 February 2020, 5.00pm
	Type of Meeting:	Planning Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Planning permit application at 175 Cape Street Heidelberg 	
	Councillors Present:	
	Peter Castaldo Alison Champion Craig Langdon Tom Melican Wayne Philips	
	Staff Present:	
	Scott Walker – <i>Director City Development</i> Joel Elbourne – <i>Manager Planning & Building</i> David Moon – <i>Development Planning Coordinator</i>	
Others Present: NIL		
Conflict of Interest:	NIL	

4	Date of Assembly:	24 February 2020, 5.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Items on the Council agenda for the Ordinary Meeting of 24 February 2020 (excluding confidential items) as listed below: 3.1 Himilo Community Connect – Request for Financial Support 5.1 Bellfield Community Hub Concept Plan 5.2 Hurstbridge Line Duplication – Stage 2 – Update 5.3 21 – 25 Bellevue Avenue, Rosanna – Proposed Child Care Centre P954/2019 7.1 Contract Award 1022-2020 Construction of Olympic Park Stage 2 7.2 Quarterly Financial Management Report – For the period ended 31 December 2019 7.3 Assembly of Councillors 7.4 Audit & Risk Advisory Committee Minutes – 6 December 2019 Other Matters: <ul style="list-style-type: none"> • NEL update • Fees & Charges 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Philips	

ASSEMBLY OF COUNCILLORS cont'd

Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Geoff Glynn – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Lisa Raywood – <i>Acting Director Community Programs</i> Gina Burden – <i>Manager Governance & Communication</i> Vivien Ferlaino – <i>Governance Coordinator</i> Jonathan Risby – <i>Manager Transport</i> Joel Elbourne – <i>Manager Planning & Building</i> Helena Celejowski – <i>Media & Marketing Communications Officer</i> Mary-Jane Borg – <i>Governance Officer</i>	
Others Present: NIL	
Conflict of Interest:	NIL

5	Date of Assembly:	26 February 2020, 10.00am
	Type of Meeting:	Age Friendly City Advisory Committee
Matters Considered:		
<ul style="list-style-type: none"> • Healthy and Active Ageing Expo • Reviewing the Age in Focus • 'Dementia Friends' program • Undertake activities which build the capacity of residents to best understand and utilise available transport options 		
Councillors Present:		
Craig Langdon		
Staff Present:		
Lauren Brooker – <i>Age Friendly City Program Social Planner</i> Leanne Horvath – <i>Service Planning, Assessment & Community Support Coordinator</i> Kaylene Hodgkin – <i>Acting Manager Health, Aged & Community Planning</i>		
Others Present:		
Glenn Swafford, Susanne Walker, Jennifer Helmich, Marita Carmody, Allison Ryan, Karlene Lang, Stewart Morritt, Bev Moss, Gerard Vander, Mary Ann Williams, Margaret Breare, Jenny Dale		
	Conflict of Interest:	NIL

ASSEMBLY OF COUNCILLORS cont'd

6	Date of Assembly:	2 March 2020, 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • IT & Digital Transformation • Preschool Leases • Waste Management Update • Transport • NORTH Link 	
	Councillors Present:	
	Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Wayne Philips	
	Staff Present:	
	Allison Beckwith – <i>Chief Executive Officer</i> Lisa Raywood – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Geoff Glynn – <i>Director Assets & City Services</i> Scott Walker – <i>Director City Development</i> Kerry Woods – <i>Executive & Councillors Team Leader</i> Russell Darling – <i>Manager Operations</i> Andrew Croft – <i>Waste Management Coordinator</i> Leah Van Hemert – <i>Manager IT & Digital Transformation</i> Lucy Rasdell – <i>Strategic Property Manager</i> Jonathan Risby – <i>Manager Transport</i>	
	Others Present: NIL	
	Conflict of Interest:	NIL

RECOMMENDATION

That the Assembly of Councillors report be received.

ATTACHMENTS

Nil

9.1 KOALA HABITAT IN BANYULE

Author: Cr Wayne Phillips

TAKE NOTICE that it is my intention to move:

That a report comes to Council that:

1. Investigates the feasibility of providing habitat for bushfire effected koalas and other native animals within the municipality of Banyule; and
2. Considers opportunities to provide habitat in Banyule and nearby locations that are not Council managed, such as Parks Victoria land.

Explanation

The recent bushfires in Australia have seen millions of animals die and hundreds of thousands more injured and displaced.

There are many animals such as koalas in need of rehabilitation with the aim of releasing these animals back into the wild.

The municipality of Banyule is known for its leafy green image and it is home to many native faunas, particularly in indigenous bushland areas such as Banyule Flats where there could be potential to assist with the rehabilitation and repopulations of bushfire effected animals in Banyule.

CR WAYNE PHILLIPS
Beale Ward

ATTACHMENTS

Nil