

# Agenda



**Monday, 27 April 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 6 April 2020*

### **Disclosure of Interests**

#### **1. Urgent Business**

#### **REPORTS:**

#### **2. Petitions**

Nil

#### **3. People – Community Strengthening and Support**

3.1 Maternal and Child Health - Sleep Settling Initiative..... 5

#### **4. Planet – Environmental Sustainability**

Nil

#### **5. Place – Sustainable Amenity and Built Environment**

5.1 59 Kelvin Avenue, Montmorency - Development of Three Dwellings (P1002/2019)..... 9

5.2 New Telstra Payphones and Electronic Signage - Various Locations ..... 28

5.3 Amendment C124 Part 1 - Public Open Space Zoning Corrections ..... 47

5.4 Bellfield Planning Scheme Amendment C153 - Panel Report and Adoption of Amendment ..... 51

#### **6. Participation – Community Involvement in Community Life**

Nil

#### **7. Performance - Use Our Resources Wisely**

7.1 Bellfield - Decision following Notice of Intention to Sell Land for a Residential Development and Notice of Intention to Lease Land for Social Housing..... 59

7.2 162 Main Road Lower Plenty - Proposed Lease ..... 64

7.3 Assembly of Councillors..... 68

7.4 Quarterly Financial Management Report - March 2020..... 71

#### **8. Sealing of Documents**

Nil

#### **9. Notices of Motion**

Nil

#### **10. General Business**

## **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 Transfer of Regional Kitchen and Community Chef Ownership

## **Matters Discussed in Camera**

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

## **Closure of Meeting**

### ***Live Streaming of Council Meeting***

*Please note that the Council Meeting will be livestreamed to allow members of the community to view the meeting without requiring them to be physically present. To ensure compliance with the Government's new COVID -19 Stage 3 rules for gatherings, members of the public must not attend the meeting. The livestream will be available on Council's Facebook and website [www.banyule.vic.gov.au](http://www.banyule.vic.gov.au)*

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



### **3.1 MATERNAL AND CHILD HEALTH - SLEEP SETTLING INITIATIVE**

Author: Roberta Colosimo - Manager Youth & Family Services, Community Programs

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#### **EXECUTIVE SUMMARY**

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

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

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

#### **RECOMMENDATION**

That Council

1. Acknowledges the importance of sleep for a child's long-term development and for the wellbeing of families.
2. Engage the necessary resources to deliver the Sleep and Settling as part of Council's Maternal and Child Health Program in line with funding and set targets.
3. Continue to deliver the Sleep and Settling initiative subject to the provision of full program funding by the Department of Health and Human Services.

#### **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".

## MATERNAL AND CHILD HEALTH - SLEEP SETTLING INITIATIVE cont'd

### BACKGROUND

Bringing a newborn home for the first time is one of the most precious moments for any parent – but for many families, it can also be a stressful and challenging time.

Sleep and settling is one of the biggest challenges facing new parents, with around one in two parents reporting problems with their child's sleep. This can lead to post-natal depression, isolation and stress for parents, and impact a child's behavioural, mental and physical development. The Sleep and Settling Initiative will ensure families get the support they need in moments that they need it most.

The Department of Health and Human Services funding for the Sleep and Settling initiative became available from 1 February 2020, with Maternal and Child Health Services (MCH). The purpose of the funding is to provide additional information sessions and outreach consultations in the Universal Maternal and Child Health Service with:

- **Information sessions-** 170 sessions per year
- **Outreach consultations-** up to six hours per family

The funding provides for engagement an additional MCH nurse (0.7EFT) and a project officer (0.5 EFT) to enable these services to be delivered.

In addition to the funding, DHHS will provide backfill contribution for the training of the workforce in the new sleep and settling model of care.

The Sleep and Settling initiative funding is separate from other MCH funding and as such, has separate required targets. The Sleep and Settling initiative must be delivered within the Universal MCH service. All technology, data collection systems and reporting lines are consistent with those of the Universal MCH service. It is anticipated (and preferred) the MCH Nurse and Non-MCH Nurse delivering the program come from the pool of existing staff from within Council's Universal MCH service, increasing Council's EFT as required by the new program.

### 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

- **\$62,152k** has been provided by DHHS for delivery of the Sleep and Settling initiative for five (5) months between February-June 2020.
- Further funding for 2020/21 is estimated to be **\$149,164k**

## **MATERNAL AND CHILD HEALTH - SLEEP SETTling INITIATIVE cont'd**

Funding will be adjusted each year according to:

- Recent service delivery data for each LGA
- Recent socio-economic disadvantage data for each LGA
- The current unit price for one hour of service delivery by an MCH nurse
- The calculated hourly price for services delivered by staff other than MCH nurses.

Any unspent funding in 2019-20 must be carried over into 2020-21 to support the delivery of sleep and settling information sessions and outreach consultations.

DHHS have committed to fully fund the Sleep and Settling initiative on an on-going basis. The funding has been calculated and distributed to Council for the employment of an MCH Nurse and Project Officer to deliver the program.

Provided the request for EFT is approved, there are no additional costs to Council. If this EFT is not approved, Council's Universal MCH Nurses will be required to work in the Sleep and Settling program, and their substantive positions will be required to be backfilled with casual or agency staff, and this will have an incurring cost to Council.

## **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**

Sleep and settling concerns are common issues affecting families with children aged from birth to school age. Caring for child/ren can be hard work and when they are not sleeping or settling well, and families/carers are not getting enough sleep.

For new parents, the first few months can be difficult and scary, and sleeping and settling children is often one of the biggest challenges that they face.

As both local and state government have a responsibility for the delivery of the Maternal and Child Health Program, this new initiative and program will be a complimentary addition to the service model recognising the importance of sleep for a child's long-term development and for the wellbeing of families.

## **ATTACHMENTS**

Nil





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

Author: Adrian Mariniello - Development Planner, City Development

Ward: Beale

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### **EXECUTIVE SUMMARY**

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

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

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

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

### **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. P1002/2019 for Multi-Unit development: The construction of three dwellings on a lot, removal of protected vegetation within the Vegetation Protection Overlay - Schedule 1 and buildings and works greater than eight metres in height and within the dripline of protected vegetation within the Design and Development Overlay - Schedule 8 at 59 Kelvin Avenue MONTMORENCY subject to the following conditions:

#### **Plans**

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans, but modified to show:
  - (a) The following changes shown on plans received by Council 9 April 2020:
    - (i) The north western wall to Bedroom 2 of Dwelling 2 recessed by 0.2m;
  - (b) The following changes shown on plans received by Council 9 April 2020 but further modified to show:
    - (i) The patio to Unit 3 replaced by a deck that extends the width of the living room and no more than 2.5m away from the dwelling footprint. The materials of the deck must be permeable in accordance with condition 12 (j) (ii) of this permit;
  - (c) The retaining wall along the street boundary and driveway (within the front yard) to be constructed of stone (basalt), including the recycling of existing materials for the existing retaining wall where possible;
  - (d) Southern boundary fence increased to a height of 1.8m;
  - (e) The first-floor windows to the retreat of Dwelling 1 and Bedroom 2 and the retreat of Dwelling 2 obscured to 1.7m above the finished floor level;
  - (f) Provision of storage facilities to Dwelling 3 in accordance with Standard B30 of ResCode;
  - (g) The Dwelling 2 garage roof amended on relevant plans to reflect that shown on the elevation plans;
  - (h) Meter box enclosures to be sited behind the front building line of the development and be a maximum height of 1.5 metres;
  - (i) Gas and water meters to be sited or screened to minimise visibility from the public realm and neighbouring properties;
  - (j) The mail boxes located in accordance with Australia Post guidelines;
  - (k) Landscape and tree zones to be clearly marked with hatching, colour coding or similar and distinguished from useable open space areas;
  - (l) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
  - (m) Notation of all tree sensitive construction methods including surface treatments and footings for the deck of Dwelling 3.
  - (n) A plan notation that there will be no change in grade within 9m of the north-eastern boundary outside of the approved building envelope for the dwelling/garages only (deck not included) within the TPZ of Tree #17.

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

- (o) The provision of a 2000L rainwater storage tank for each of the dwellings including its location at ground level, sizing and a notation of the connections and end use;
- (p) The location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties;
- (q) 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;
- (r) Landscaping as required by Condition 2 of this permit;
- (s) The Tree Preservation Fencing in accordance with Condition 12 of this permit;
- (t) Engineering plans showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:
  - (i) The use of an On-site Stormwater Detention (OSD) system;
  - (ii) The connection to the Council nominated legal point of discharge;
  - (iii) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
  - (iv) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the submitted Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
  - (v) All drainage plans must show for Tree #17: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Mark Reynolds of Arbor Survey dated 12/11/2019.

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

2. The development permitted by this permit must not be commenced until the landscaping plan prepared by Habitat Consultants is submitted to and approved by the Responsible Authority with the following amendments:
  - (a) The Lemon Scented Gum (*Corymbia Citriodora*) replaced with a medium sized canopy tree (8-12m)

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

- (b) Deletion of the Kanooka (*Tristaniopsis*) within the front setback and Dwarf Gum (*Eucalyptus Mannifera*) to the north east corner of the site
- (c) The two Ornamental Pears (*Pyrus c. 'Chanticleer'*) replaced with one native species of a medium size positioned in the north east of the SPOS to Dwelling 1 and
- (d) The trees along the southern driveway replaced with small sized trees (3-6m);
- (e) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
- (f) Plan notations in accordance with conditions 1(l) to 1(m) of this permit;
- (g) Retaining wall shown in accordance with condition 1 (c) of this permit;
- (h) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (i) Tree species and planting locations should be carefully selected to avoid canopy or root conflicts with retaining walls, clotheslines, overhead wires, easements and existing trees;
- (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the submitted Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

**General**

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

**Urban Design / External Appearance**

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

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

**Car Parking / Access**

7. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
8. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
9. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

**Tree Protection / Landscaping**

Works

10. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land outside of the approved building envelop within 9m of the north-eastern boundary where within the TPZ of Tree #17.

No additional tree removal

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

Tree Preservation Zones

12. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones must be established around Tree #17. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' from a suitably qualified project arborist (**AQF Level 5**) which must include photographic evidence of the below requirements. This correspondence must be sent to

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

[enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au). Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

Tree Preservation Zones shall be provided in the following locations:

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

(b) Management of works

- (i) A suitably qualified arborist (**AQF Level 5**) must supervise any activity within the calculated TPZ of Tree #17. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability now or into the future.
- (ii) Any root severance within the TPZ must be undertaken by the project arborist to their satisfaction using a clean sharp and sterilised tree root pruning equipment. There must be no root pruning within the SRZ.

(c) Weed control

Any weeds located within the Tree Preservation Zone are to be removed and the area mulched with 100mm of composted coarse grade woodchips.

(d) Fencing

- (i) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard *AS 4687-2007 Temporary fencing and hoardings*.
- (ii) The fences must not be removed or relocated without the prior consent of the Responsible Authority.
- (iii) Where fencing is proposed within the TPZ of any neighbouring/retained tree, any and all excavations for posts must be undertaken by hand under the supervision of the suitably qualified project arborist (**AQF Level 5**). Final post locations must be flexible so they can be set away from any roots greater than 25mm in diameter. No roots greater than 25cm in diameter can be severed as part of the fence construction.

(e) Signage

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from the City of Banyule".

(f) Irrigation

The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof equivalent to the percentage of TPZ area occurring within the subject site).

(g) Access to Tree Preservation Zone

- (i) No persons, vehicles or machinery are to enter the Tree Protection Zone except with the consent of the Responsible Authority;
- (ii) No fuel, oil dumps or chemicals are allowed to be used or stored within the Tree Preservation Zone and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zones;
- (iii) No storage of material, equipment or temporary building is to take place within the Tree Preservation Zone;
- (iv) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

(h) Ground Protection

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

(i) Underground Services

Any underground service installations transecting a Tree Protection Zone of any retained tree must be bored beneath the entire TPZ to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:

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

(j) Decking

- (i) Where decking is proposed within the TPZ of Tree #17, any and all excavations for posts must be undertaken by hand under the supervision of the suitably qualified project arborist (**AQF Level 5**),

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

and final post locations must be set away from the Structural Root Zone (SRZ) and any roots greater than 25mm in diameter

- (ii) Materials used for deck surfaces with the TPZ of Tree #17 must allow water to penetrate through the surface into the soil profile and be approved by the Responsible Authority.
- (k) Modified Foundation Design

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

**NOTE:**

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

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

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

Tree Pruning

13. Prior to the commencement of works, the project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans including but not limited to Tree #17, in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise council's Development Planning Arborists via email to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) marked "Attention - Development Planner" and including the planning application number. Following written approval from the Responsible Authority, all tree pruning must then be carried out by a suitably qualified arborist (**AQF Level 3**) in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority. Any



**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

Maintenance of landscaping

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

**Development Infrastructure Levy**

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

**Time Limits**

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

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

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

**PERMIT NOTES**

**(A) Expiry of Permit**

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

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

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](mailto:enquiries@banyule.vic.gov.au) for the Tc/Tso Values prior to the submission of stormwater drainage plans as required by the conditions of the permit.

Access to Council Reserve

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

Supervision of works undertaken on Council Assets

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

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

Asset Inspection Fee

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

Removal of Street Tree

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

**(C) Action on/for completion**

Completion of Development

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

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

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

Street Numbering

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

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

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

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

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

**(D) Previous Planning Approvals**

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

**(E) Development Infrastructure Levy**

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

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

<b>Planning Permit Application:</b>	P1002/2019
<b>Development Planner:</b>	Mr Adrian Mariniello
<b>Address:</b>	59 Kelvin Avenue MONTMORENCY
<b>Proposal:</b>	Multi-Unit development: The construction of three dwellings on a lot, removal of protected vegetation within the Vegetation Protection Overlay - Schedule 1 and buildings and works greater than eight metres in height and within the dripline of protected vegetation within the Design and Development Overlay - Schedule 8
<b>Existing Use/Development:</b>	Single dwelling
<b>Applicant:</b>	Petridis Architects
<b>Zoning:</b>	Neighbourhood Residential Zone (NRZ3)
<b>Overlays:</b>	Vegetation Protection Overlay (VPO1) Design and Development Overlay (DDO8) Development Contributions Plan Overlay (DCPO1)
<b>Notification (Advertising):</b>	Sign on site and notices to surrounding owners/occupiers
<b>Objections Received:</b>	Four (4)
<b>Ward:</b>	Beale

## PROPOSAL

The proposal is for three dwellings, removal of protected vegetation and buildings and works under the dripline of protected vegetation and construction of retaining walls within the Design and Development Overlay. The assessed plans are the plans received by Council on 4 February 2020. These plans are generally in accordance with the advertised plans, though have not been circulated and proposed changes will be confirmed via permit conditions.

A further set of amended plans was submitted on 9 April 2020, consisting of the following changes:

- Reduction in footprint of Dwelling 3 to reduce encroachment into Tree #17 to 10.04% of the TPZ. (*Note – The submitted plans have understated the encroachment as 9.7%*)
- Cantilevered deck to Dwelling 3 removed and replaced with a patio, located away from the canopy of Tree #17
- Northern wall to Bedroom 2 of Dwelling 2 recessed by 0.2m

The dwellings are laid out in a tandem formation with two crossovers, including the retention of the existing crossover to service Dwelling 1 and a new crossover along the southern boundary to service Dwellings 2 and 3. All dwellings are to have a double car garage.

## 59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd

All three dwellings are three-bedroom with living areas and the master suite at the ground floor and an additional two bedrooms and retreat on the first floor. The primary SPOS is to the north and east of the dwellings and accessed via the dining/living room. The dwellings are generally traditional in appearance with a hipped slate roof, render to the ground floor walls and weatherboard finish to the first floor. The façade is treated with a large portico and stone piers.

The proposal seeks the removal of four (4) trees which require a permit for removal under the Vegetation Protection Overlay – Schedule 1.

A proposed landscaping plan has been submitted. The landscaping plan proposes the retention of the Fraxinus (Claret Ash), one additional large tree within the front setback (Lemon Scented Gum) and seven medium canopy trees throughout the site.

	Secluded private open space	Car parking provision	Bedrooms	Height
Dwelling 1	45.5m <sup>2</sup>	Two car garage	Three	Double storey
Dwelling 2	62.9m <sup>2</sup>	Two car garage	Three	Double storey
Dwelling 3	112.5m <sup>2</sup>	Two car garage	Three	Double storey

Dwelling Density	1:356m <sup>2</sup>
Site Coverage	39.3%
Impervious Site Coverage	57.1%
Garden Area	36.1%

### 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

There are no previous planning permits associated with the site.

59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd

SUBJECT SITE AND SURROUNDING AREA

Locality Plan



Subject Site



**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

<b>Site area</b>	1077m <sup>2</sup>
<b>Frontage x Depth</b>	20.12m wide x 54.03m deep
<b>Easements</b>	No
<b>Subject to flooding?</b>	No
<b>Topography</b>	Slopes up to the north east corner of the site from 74.5m at Kelvin Avenue to 81.2m at the north east corner.
<b>Existing and Neighbouring Vegetation</b>	Subject site: The subject site is heavily vegetated with a mixture of native, exotic and weed species. Neighbouring: Neighbouring sites are generally well vegetated with a mixture of native and exotic species.
<b>Existing Dwelling</b>	Single storey weatherboard dwelling with flat roof
<b>Fencing</b>	Subject site: The front title boundary is unfenced, although does have a 0.7m rock retaining wall. The southern boundary has a 1.5m paling fence, increasing to 1.8m at the rear boundary and 1.95m to the northern boundary. Front fences are uncommon in this area of Kelvin Avenue, although properties to the eastern side (high side) of the street mostly have rock retaining walls less than 1m in height.
<b>Surrounds</b>	The subject site is located approximately 120m north of the Montmorency Train Station and adjacent Were Street local precinct.
<b>Existing Character</b>	Medium Change The site is located within a limited incremental area and retains a defined character of undulating topography, native vegetation and dwellings generally subordinate to the landscape. Despite this, there are numerous examples of multi-unit development in the local area given the proximity to the train station and local commercial centre. Such examples include 52, 53, 54, 55, 61 and 63 Kelvin Avenue.

**PUBLIC NOTIFICATION**

One sign was erected on the site and notices posted to the owners and occupiers of surrounding properties. Four objections were received on the following grounds:

- Vegetation removal and impact;
- Overdevelopment;
- Buildings and works higher than 8m;
- Overlooking;
- Inadequate landscaping response;
- Inadequate parking; and
- Inconsistency with Banyule Vehicle Crossover policy.

Two additional objections were received, however, were later withdrawn after the applicant provided a written response to address the concerns. The concerns generally echoed the main grounds of objection including tree removal, overlooking and overdevelopment of the site.

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

**CONSULTATION**

Upon completion of public notification, the applicant elected to submit a written response to each objection. This was received by Council on 18 February 2020 and sent the following day. The response addressed general concerns relating to site coverage, vegetation removal and on site parking.

Specifically, the response addressed the objections raised from a nearby objector. This included the clarification that Tree #19 was supported for removal by both the project arborist and Council's arborist due to its health and that overlooking concerns could be mitigated with appropriate permit conditions. Subsequently, the objection was withdrawn.

**REFERRAL COMMENTS**

The application was internally referred to Council's Development Engineering Services Section, Arborist, Waste Officer and Landscape Consultant.

Developments & Drainage

No significant concerns were raised. Standard permit conditions to be including requiring the submission of stormwater drainage plans.

Development Arborist

Council's Development Planning Arborist advised that although there will be a significant loss of foliage on the site, most trees are of poor health or exotic species not protected under the VPO1. The extent of vegetation removal is supported.

Council's arborist has also advised the proposal can be supported subject to plan amendments to reduce the encroachment into Tree #17 and suitable tree protection conditions. These include a modified foundation design to sections of Dwelling 3 within the TPZ of Tree #17 (condition 12k) and a condition to ensure excavation for posts for the Dwelling 3 deck are undertaken by hand (condition 12j).

Waste Management

Council's Waste Services Section has advised that the site frontage is wide enough to accommodate Council collection for three dwellings.



**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

**PLANNING CONTROLS**

<b>Planning controls:</b>	<u>Control</u>	<u>Permit triggered?</u>
	Neighbourhood Residential Zone (NRZ3)	Yes
	Vegetation Protection Overlay (VPO1)	Yes
	Design and Development Overlay (DDO8)	Yes
	Development Contributions Plan Overlay (DCPO1)	Applies
	Clause 52.06: Car parking	No
<b>Policies considered:</b>	Clause 11: Settlement	
	Clause 12: Environmental and Landscape Values	
	Clause 15: Built Environment and Heritage	
	Clause 16: Housing	
	Clause 21.04: Land Use	
	Clause 21.05: Natural Environment	
	Clause 21.06: Built Environment ( <u>Limited Incremental area</u> )	
	Clause 22.02: Residential Neighbourhood Character Policy (Bush Garden)	
	Clause 22.03: Safer Design Policy	
	Clause 22.05: Environmentally Sustainable Design	
	Clause 55: ResCode	
<b>Current amendments:</b>	None relevant	

**TECHNICAL CONSIDERATION**

Council must consider this application within the strategic context of the site location, the response to the character and amenity of the area, including the crossover policy and the impact of vegetation removal and tree planting as well as ResCode compliance. These are discussed below.

**Strategic and Neighbourhood Context**

The site is within the Neighbourhood Residential Zone (NRZ3) and a limited incremental area under Banyule's 'Residential Areas Framework' of the scheme. The strategic controls relevant to the subject site recognise the defining characteristics of areas east of the Plenty River, including the prevalence of large trees and undulating topography. As such, limited and dispersed multi-unit development is envisaged.

The subject site is located 120m north of the Montmorency Train Station, within the Principal Public Transport Network (PPTN) and in proximity to the Were Street Activity Centre. In addition, the subject site is within 400m of the Sherbourne Road light industrial precinct, Montmorency Primary School and Petrie Park.

There is an emerging pattern of multi-unit developments in the south-east section of Kelvin Avenue between Baldwin Avenue and Montmorency Train Station.

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

**Residential Vehicle Crossing Policy**

The *Banyule Residential Vehicle Crossing Policy 2012* is a document referenced in Council's Residential Neighbourhood Character Policy (Clause 22.02). The policy siting criteria section indicates a site frontage is required to be 22m for two crossovers to be considered to a multi-unit site in the bush garden precinct.

As the frontage of 59 Kelvin Avenue is 20.12m, the provision of two vehicular crossovers is a policy variation and would generally not be supported.

The unit developments within this section of Kelvin Avenue rely on a single vehicle crossing with the exception of a five-unit development at 54 Kelvin Avenue which was approved by the Victorian Civil and Administrative Tribunal.

Based on the policy frontage threshold and existing neighbourhood character, there would need to be an exceptional circumstance to support the request for two vehicle crossings. However, it is noted that the degree of change occurring in the small residential pocket south-east of Baldwin Avenue and proximity to the Montmorency Activity Centre and Train Station provide a strategic basis for policy variation in this instance given that the proposal is generally acceptable having regard to other relevant provisions of the Planning Scheme.

**Tree planting and Neighbourhood Character**

Changes to the proposal placed on public notification including those set out on the amended plans received 9 April 2020 with further conditions can result in an appropriate neighbourhood character outcome, noting the following:

- The proposal provides adequate planting area to meet the tree planting ratio of 1:200 in the Bush Garden precinct. This is achieved through the retention of two large and planting of two medium canopy trees and a number of small trees.
- A reduction in the upper floor of Dwelling 2 to remove sheer walls and reduce the visual bulk of the dwellings when viewed from adjoining properties.
- The proposed retaining walls on the front boundary and driveway are to be conditioned to be constructed of stone (basalt) to match existing with the stone to be reused.

**Response to Clause 55 (ResCode)**

The proposal has been assessed against the objectives and standards of Clause 55 – ResCode. Further discussion is provided in the attachment to this report.

**59 KELVIN AVENUE, MONTMORENCY - DEVELOPMENT OF THREE DWELLINGS (P1002/2019) cont'd**

**CONCLUSION**

The proposed development, subject to permit conditions, is consistent with State and Local Planning Policies, including Council's Residential Neighbourhood Character Policy and Clause 55 of the Banyule Planning Scheme. It is considered the strategic location of the site, in walking distance to public transport and the local activity centre justifies the proposed development and policy variations. As such, the application should be supported with appropriate conditions.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Revision Plans 9 April 2020	
2	Neighbourhood Character Assessment	
3	ResCode (Clause 55) Assessment	
4	Advertising Plans	

## **5.2 NEW TELSTRA PAYPHONES AND ELECTRONIC SIGNAGE - VARIOUS LOCATIONS**

Author: Joel Elbourne - Manager Planning & Building, City Development

### **Previous Items**

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

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### **EXECUTIVE SUMMARY**

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

Permits are sought for the display of electronic promotion signs (each 1.47m<sup>2</sup> in area), to be established in conjunction with permitted Telstra payphones in eight locations within the municipality. The proposals have been publicly notified and two objections have been received to each application, with additional objections received in relation to 65 Watsonia Road, Watsonia (three in total) and 78 Nepean Street, Watsonia (four in total).

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

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

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

### **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

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

conjunction with Telstra Smart City Pay Phones) at 40 Norman Street IVANHOE, 48 Aberdeen Road MACLEOD, 35 Watsonia Road WATSONIA, 57 Greville Road ROSANNA, 65 Watsonia Road WATSONIA 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/m<sup>2</sup>):
  - Day-time – 2500 cd/m<sup>2</sup>
  - Dusk/dawn – 400 cd/m<sup>2</sup>
  - Night-time – 150 cd/m<sup>2</sup>
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/m<sup>2</sup>):
  - Day-time – 2500 cd/m<sup>2</sup>
  - Dusk/dawn – 400 cd/m<sup>2</sup>
  - Night-time – 150 cd/m<sup>2</sup>
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.
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/m<sup>2</sup>):
    - Day-time – 2500 cd/m<sup>2</sup>
    - Dusk/dawn – 400 cd/m<sup>2</sup>
    - Night-time – 150 cd/m<sup>2</sup>
  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.
    - (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**

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.

<b>Planning Permit Application:</b>	Various (see below)
<b>Development Planner:</b>	Hayley Plank
<b>Address:</b>	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
<b>Proposal:</b>	Display of electronic promotion sign (in conjunction with Telstra Smart City Pay Phones)
<b>Existing Use/Development:</b>	Road reserve
<b>Applicant:</b>	JCDecaux Australia
<b>Zoning:</b>	Commercial 1 Zone (all sites except 40 Norman Street, Ivanhoe) Road Zone 2 (40 Norman Street, Ivanhoe)

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

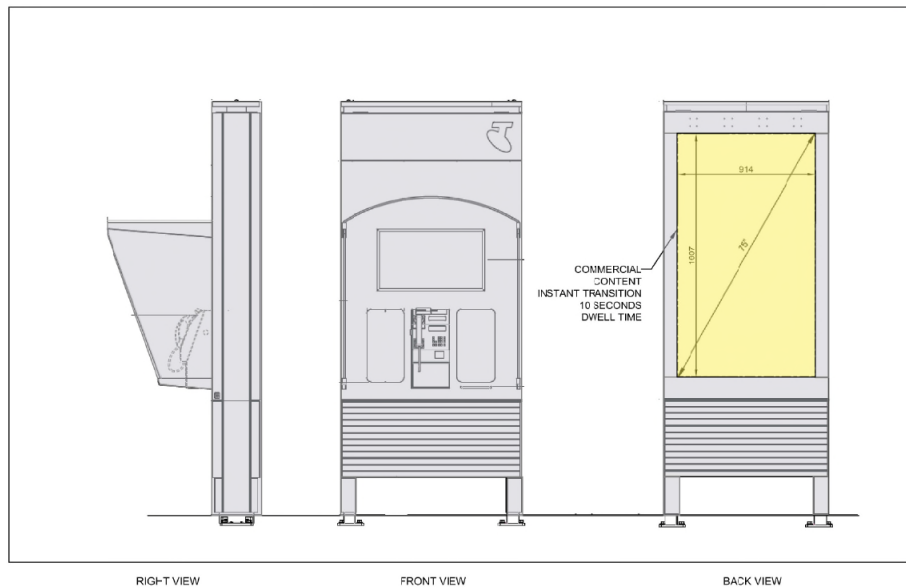
<b>Overlays:</b>	Design and Development Overlay (Schedule 11) (40 Norman Street, Ivanhoe only) Design and Development Overlay (Schedule 8 (111 Mountain View Road, Briar Hill only) Development Contributions Plan Overlay (Schedule 1) (all sites) Vegetation Protection Overlay (Schedule 1) (111 Mountain 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)
<b>Notification (Advertising):</b>	Notices to adjoining owners and occupiers Notices in newspapers
<b>Objections Received:</b>	65 Watsonia Road, Watsonia – 3 78 Nepean Street, Watsonia - 4 All other sites - 2
<b>Wards:</b>	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 1.47m<sup>2</sup> (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. The recent Federal Court decision operates on this assumption.

A further 10 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.

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

**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.

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.

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

Status of applications at other councils

Following the deferral of the item for a second time on 15 March 2020 it is understood that now Kingston, Whittlesea and Bayside Councils have issued planning permits for the new phone booths and associated signage.

Applications at Stonnington, Yarra and Port Phillip Councils are yet to be finalised and determined. 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.



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

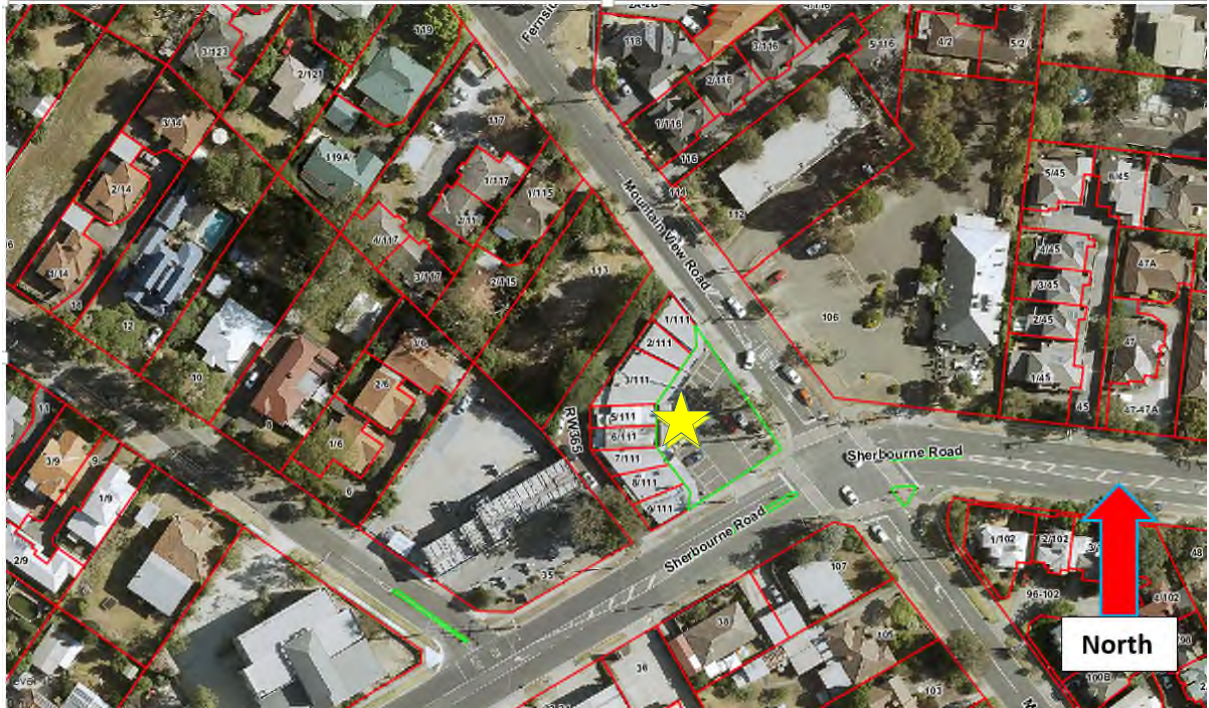
The upgraded payphone will replace an existing payphone in the same location, on the south side of Nepean Street. The site is adjoined by small scale commercial buildings and uses and associated parking to the south, with residential dwellings to the north, east and west.



## 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 summarised below:

- 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.

A query was raised as to whether the Nepean Street payphone could be relocated more centrally along the south east of the Diamond Village shops. The applicant has indicated that this would not be feasible with regard to service connection.

## 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
<b>PPF</b>	
Planning for Places	11.01
Built Environment and Heritage	15
Economic Development	17
<b>LPPF</b>	
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 3m<sup>2</sup> 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)

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

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 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

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

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.

### 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”. This has now been confirmed by the courts as outlined below.

### Legal consideration

In *Telstra Corporation Limited v Melbourne City Council* [2020] FCA 285 (the **Telstra decision**) the Federal Court ruled that installation of Telstra’s new payphones are considered as ‘low impact’ facilities. In doing so, the Court operated on the assumption that the use of the digital screens to display third party advertising would require a planning permit and that the display of Telstra associated advertising would not.

Based on this decision, a planning permit is not required for the payphones without third party advertising, but Telstra advertising would still be included. Arguably, the amenity impact of such an outcome without third-party advertising would be similar as if third party advertising was included.

## **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**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Outdoor advertising policy	
2	Location of signs	

## **5.3 AMENDMENT C124 PART 1 - PUBLIC OPEN SPACE ZONING CORRECTIONS**

Author: Nicola Rooks - Strategic Planner, City Development

### **Previous Items**

Council on 11 Dec 2017 7.15pm (Item 5.7 - Public Open Space Amendment C124 and Omnibus Banyule Planning Scheme Amendment C114)

Council on 24 Jun 2019 7.00pm (Item 5.1 - Planning Scheme Amendment C124 - Exhibition Outcome)

Council on 28 Nov 2016 7.45pm (Item 7.4 - Proposed Rezoning of Barclay Park, Greensborough)

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### **EXECUTIVE SUMMARY**

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

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

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

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

### **RECOMMENDATION**

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

### **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".

**AMENDMENT C124 PART 1 - PUBLIC OPEN SPACE ZONING CORRECTIONS  
cont'd**

**BACKGROUND**

Planning Scheme Amendment C124 originated from a Council resolution on 28 November 2016 to support the rezoning of Barclay Park in Greensborough from a residential zone to Public Park and Recreation Zone (PPRZ), as requested by the local community. To warrant the best use of limited Council resources Barclay Park was included as part of a wider review of Council owned land that was either:

- Serving a public open space function and was not zoned for that purpose; or
- Had a public open space zoning but was not serving that purpose.

Based on the subsequent municipal wide Public Open Space Analysis, Council resolved to seek authorisation to commence C124 Public Open Space Zoning Corrections on 11 December 2017.

Authorisation to prepare Amendment C124 was applied for on 14 June 2018. Following consideration by the Department of Environment, Land, Water and Planning, the Minister for Planning granted authorisation to commence Amendment C124 on 30 October 2018.

Amendment C124 was on public exhibition for six weeks from 7 February to 22 March 2019. Council received a total of nine submissions, six in support and three raising issues with the amendment. Of the three submissions raising issues with the amendment, two were resolved and subsequently withdrawn. The one remaining opposing submission relates to a single property, the land at the rear of 7a Curzon Street, Ivanhoe.

Council considered submissions at its meeting on 24 June 2019, and resolved to split the amendment into two parts:

- Part 1, the Amendment as exhibited excluding the land at the rear of 7a Curzon Street, Ivanhoe
- Part 2, the section of land at the rear of 7a Curzon Street, Ivanhoe as specified in the exhibited Amendment

Planning Scheme Amendment C124 Part 1 was adopted and submitted to the Minister for Planning for approval. Part 2 remains outstanding and will be the subject of future but separate decisions of Council and the Minister for Planning.

Amendment C124 Part 1 applies to 154 individual properties across the municipality and makes the following changes:

- Rezone or partially rezone 142 Council parks and reserves from various zones to Public Park & Recreation Zone (PPRZ) and Public Conservation & Resource Zone (PCRZ)
- Rezone or partially rezone two Council owned properties from PPRZ and PCRZ to Neighbourhood Residential Zone 3 that are proposed for potential future sale and require rezoning to be consistent with current and future land use (9 Pederson Way, Montmorency & 162 Main Road, Lower Plenty)
- Partially rezone five properties that adjoin Council owned land to correct anomalies identified as a consequence of the rezoning of Council land
- Rezone two electricity supply reserves from PPRZ to Public Use Zone 1 (Service & Utility)
- Rezone three parcels incorrectly zoned PPRZ to correct anomalies and ensure zoning is consistent with use



## **AMENDMENT C124 PART 1 - PUBLIC OPEN SPACE ZONING CORRECTIONS cont'd**

Further information on Amendment C124 Part 1 is available on the State Government planning [website](#).

### **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.

### **CURRENT SITUATION**

Banyule Planning Scheme Amendment C124 Part 1 has been approved without changes under delegation from the Minister for Planning. Approval of Amendment C124 Part 1 was published in the Victoria Government Gazette on 27 March 2020. Changes sought by the amendment are now reflected in the Banyule Planning Scheme.

### **DISCUSSION**

The approval of Amendment C124 Part 1 is a positive step towards further protecting Banyule's valued green spaces. As summarised in one of the submissions in support of the amendment:

*Re-zoning of these green areas from residential to recreational will ensure that they remain green and their important physical and mental health benefits, climate change mitigation, wildlife habitat and wildlife corridors are maintained.*

Approval of the amendment also ensures a number of zoning errors and anomalies were corrected and that two Council owned properties that were not operating as public open space were appropriately zoned to reflect their current and future use.

The six submitters to Amendment C124 Part 1 have been notified of the Amendments approval.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

Section 80C of the *Local Government Act 1989* (The 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.

**AMENDMENT C124 PART 1 - PUBLIC OPEN SPACE ZONING CORRECTIONS  
cont'd**

**CONCLUSION**

The approval of Banyule Planning Scheme Amendment C124 Part 1 finalises work that began in 2016 as a result of community interest in rezoning Barclay Park in Greensborough from a residential zone to Public Park and Recreation Zone. Barclay Park was included in a municipal wide review of all public open space that enabled the omnibus Amendment C124.

The amendment ensures that Council parks and reserves have the correct public open space zoning, that various zoning errors and anomalies are corrected and that two Council owned properties that have not been serving as public open space are zoned to reflect their current use.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Amendment C124 Part 1 Approval Letter	

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

Author: Walla Idris - Development Planner, 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 09 Dec 2019 7.00pm (Item 5.6 - Council Report Bellfield Planning Scheme Amendment C153 and Community Consultation Report)

Council on 16 March 2020 (Item 7.1 - Bellfield Project Update: Delivery of Market Housing, Social Housing and Community Hub)

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### **EXECUTIVE SUMMARY**

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

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

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

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

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

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

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

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

**BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

**RECOMMENDATION**

That Council;

1. Adopts Banyule Planning Scheme Amendment C153 in accordance with the recommendation of the independent Planning Panel making minor changes to correctly refer to the Bellfield Urban Design Guidelines (2020) rather than the Bellfield Master Plan Design Guidelines.
2. Make changes to the Municipal Strategic Statement Clause 21.06 in response to the Panel's specific recommendation as follows:
  - a) delete the final strategy under Objective 4 Housing Change relating to the Bellfield Precinct Redevelopment Site
  - b) delete the reference to the Bellfield Master Plan Design Guidelines (2019)
3. Adopts the updated Bellfield Urban Design Guidelines (2020) which includes all changes required by Council on 25 February 2019 but as a stand alone document excluding the Bellfield Masterplan.
4. Submit Amendment C153 with minor changes described above to the Minister for Planning for approval.

**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**

The redevelopment project at Bellfield is located on land bordered by Oriel Road, 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 and 100 Oriel Rd, with current tenants being the existing Bellfield Community Centre and Community Garden.

The Bellfield Urban Design Guidelines (UDG) sets out the general design requirements and future aspirations for the site. The UDG were endorsed by Council at the OM on 25 February 2019. The final UDG incorporates the feedback obtained during a 10 week community consultation program to ensure the future redevelopment not only meets community aspirations but creates a sense of community pride with a positive legacy into the future.

In order to ready the site for new residential development on the Park and Village and Neighbourhood Precincts of the site, a Planning Scheme Amendment C153 is underway.

Planning Scheme Amendment C153 proposes to:

- i. Rezone 96, 98 and 100 Oriel Road from Public Use Zone (PUZ6) and General Residential Zone (GRZ1) to Residential Growth Zone (RGZ2). This

**BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

- rezoning will allow a variety of housing types to be built on the land, including medium density housing and apartments.
- ii. Include a Development Plan Overlay Schedule 8 (DPO8) on 96-100 Oriel Road and 232 Banksia Street. This Development Plan Overlay will allow the implementation of the Bellfield UDG.
  - iii. Remove a Restrictive Covenant from land at 98 Oriel Road. The Restrictive Covenant currently in place restricts the land usage for the purposes of an Australian Disability Employment Enterprise only (formerly known as a Sheltered Workshop).
  - iv. Make associated changes to the Banyule Planning Scheme, which includes Amending Clause 21.04 Land Use and Clause 21.06 Built Environment to reflect the associated changes with the amendment.

The Amendment C153 was publicly exhibited for a period of six weeks from 10 October 2019 to 18 November 2019.

Council received feedback from six (6) different parties;

- One (1) submission in support
- One (1) submission in support but requesting changes to strengthen deliberative housing opportunities at the site.
- One (1) submission comprised four issues; insufficient car parking for residents, increased traffic congestions, pedestrian safety, and increased dwelling density.
- Three (3) parties provided comments opposing the closure of Hi-City and associated covenant removal which were considered informal submissions.

A Council Meeting held on 9 December 2019 resolved to negotiate with submitters and refer unresolved submissions to the Planning Panel.

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

The Panel Report was received by Council on 8 April 2020.

**LEGAL CONSIDERATION**

The *Planning and Environment Act 1987 (Act)* governs Planning Scheme Amendments. Section 27 requires that a planning authority must consider the panel's report before deciding whether or not to adopt the amendment.

**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.

**BELFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

**Locality Plan**



Figure 1: The subject site

**DISCUSSION**

At the Panel Hearing held on 5 March 2020 one submitter was present on behalf of Co-housing Banyule and Co-housing Australia. Council was represented by Ethos Urban and Scott Walker, Director of City Development.

Following this hearing Planning Panels Victoria provided a Panel report to Council dated 8 April 2020. The Panel report is included as **Attachment 1**. The report comprises a response to all exhibition documents, submissions, observations from its site visit and other material presented at the hearing.

The Panel concluded;

- *The Amendment is strategically justified and should proceed, subject to addressing the more specific issues raised in submissions.*
- *The covenant should be removed from the land, subject to Council satisfying itself that it has met its obligations under the Act to identify and notify all beneficiaries of the covenant.*
- *Changes to the DPO8 sought by Cohousing Banyule are not necessary because most are already well covered in state and local planning policy, the Design Guidelines and Amendment C120 (assuming it is approved). Others would fall foul of the Ministerial Direction on the Form and Content of Planning Schemes.*
- *The proposed development will not have adverse impacts on transport routes, congestion, carparking or pedestrian safety.*

**BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

- *The densities envisaged on the subject land under the Design Guidelines and the DPO8 are appropriate. The RGZ is the appropriate zone to achieve the envisaged densities.*
- *Environmentally sustainable design principles are adequately addressed in the Planning Policy Framework and do not need to be addressed in DPO8.*

**Local Planning Policy Framework**

The Panel Report includes a discussion (Item 6.4 page 31) with respect to the changes to the Municipal Strategic Statement (MSS) outlined in the conditions of Authorisation from the Department of Environment Land Water and Planning. The Panel did not support the inclusion of the Bellfield Design guidelines as a reference document in the MSS. The Panel did not support the inclusion of the additional strategy relating to the development of the site in accordance with the Design Guidelines. The panel supported the addition of references to strategic development sites and the clarifications to the Residential Areas Framework map.

The Panel recommended that C153 be adopted as exhibited, subject to the following:

Amend Clause 21.06-1 to:

- a) delete the final strategy under Objective 4 Housing Change relating to the Bellfield Precinct Redevelopment Site
- b) delete the reference to the Bellfield Master Plan Design Guidelines (2019)

The updated Clause 21.06-1 is included in **Attachment 2**.

**Notification of Covenant Removal**

The Panel concluded that the Covenant associated with 98/98A Oriel Road should be removed from the land subject to Council satisfying itself that it has met its obligations under the Act to identify and notify all beneficiaries of the Covenant. The Panel also indicated that Council has been comprehensive in its notification of the Amendment to the local community. As previously reported (OM 9 December 2019), Amendment C153bany was publicly exhibited for six weeks, from 10 October 2019 to 18 November 2019. Consultation included:

- Direct notice to neighbouring landowners and occupiers;
- Direct notice to parties to the Bellfield Masterplan;
- Direct notice to public authorities, prescribed Ministers, State and Federal Members of Parliament;
- Information on Council's website and on Shaping Banyule including an online submission form;
- Notice in the Heidelberg Leader and Government Gazette;
- Information at Council's Greensborough, Rosanna and Ivanhoe office; and
- Three community drop-in sessions at Bellfield Community centre

Given the extensive notification completed as part of the PSA process, it is considered that the extent of notification associated with the removal of the Covenant from the land is sufficient.

## **BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

### **Cohousing Banyule**

Extensive discussions were held with Cohousing Banyule during exhibition of the Amendment and following the submission closure. At OM 9 December 2019, Council resolved to continue to negotiate with submitters to address key issues in an effort to negate the need for their submissions to be referred to the Planning Panel. As part of these negotiations a without prejudice proposition was offered to include an additional change to the PSA in an endeavour to resolve the issues without the need to progress to a Planning Panel. While Cohousing Banyule was supportive of the suggested changes, it chose to pursue a number of other changes it wanted made to the Amendment and wanted to proceed to the Panel Hearing.

Cohousing Banyule presented to the Panel. The Panel considered the requested changes and concluded that the changes are not necessary because most are already well covered in State and local planning policy, the design guidelines and Amendment C120 (assuming it is approved as it is currently sitting with the Minister for Planning for approval). In addition, the Panel concluded that it is not appropriate or justified to single out deliberative housing in DP08, hence it is considered that this change should not be pursued.

### **Bellfield Urban Design Guidelines**

The Bellfield Masterplan Urban Design Guidelines prepared by MGS Consultants in 2019 has now been separated into two discrete documents: the Bellfield Urban Design Guidelines March 2020 and the Indicative Masterplan March 2020 to avoid confusion between the role of each of the documents. A copy of the stand-alone Urban Design Guidelines is attached as **Attachment 3**.

## **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.

## **CONCLUSION**

Amendment C153 has been exhibited and the submissions considered by a Planning Panel appointed by the Minister for Planning.

The Panel recommended approval of the exhibited version of the amendment, subject to some minor changes.

It is considered that Council should adopt Amendment C153 with the required changes and submit the amendment to the Minister for Planning for approval.



**BELLFIELD PLANNING SCHEME AMENDMENT C153 - PANEL REPORT AND ADOPTION OF AMENDMENT cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Banyule Planning Scheme Amendment C153bany Panel Report	
2	Banyule Planning Scheme Amendment C153bany - Clause 21.06 UPDATED	
3	Bellfield Urban Design Guidelines	



## **7.1 BELLFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING**

Author: Lucy Rasdell - Strategic Property Manager, City Development

Ward: Olympia

### **Previous Items**

Council on 16 March 2020 (Item 7.1 - Bellfield Project Update: Delivery of Market Housing, Social Housing and Community Hub)

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)

Council on 19 March 2018 (Item 11.1 - Bellfield Master Plan Implementation)

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

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### **EXECUTIVE SUMMARY**

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

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

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

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

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

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

**BELLFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING cont'd**

**RECOMMENDATION**

That Council:

1. Having complied with sections 189 and 223 of the *Local Government Act 1989* giving public notice in the Heidelberg Leader on 17 March 2020 to sell the land for market housing (96, 98, 98A, 100 Oriel Rd and 232 Banksia St, Bellfield) agrees to sell the land.
2. Conducts the sale of land through a public Expression of Interest and Request for Proposal process, carried out in the best interest of the community and providing the best result, both financial and non-financial for the Council and the community.
3. Notes that Council is not ultimately obliged to sell the land following the completion of the EOI and RFP process referred to in 2 above.
4. Having complied with sections 190 and 223 of the *Local Government Act 1989* giving public notice in the Heidelberg Leader on 17 March 2020 to lease part of Council-owned land at 230 Banksia Street, Bellfield for social housing now agrees to lease the land to a social housing provider.
5. Conducts the selection of a social housing provider through a competitive Expression of Interest and Request for Proposal process which is already underway as agreed at OM 16 March 2020.
6. Notes that Council is not ultimately obliged to lease the land following the completion of the EOI and RFP process referred to in 2 above.

**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**

Work has commenced on preparations for the sale of Council land for market housing. An Expression of Interest (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. Part of the preparations were based on a favourable outcome on the Planning Scheme Amendment C153 (PSA) to facilitate residential redevelopment of the site. The Planning Panel report on the PSA has now been received and a separate Council report recommending adoption of the recommendations and approval to submit the report to the Minister for Planning for approval is included in the OM 27 April 2020 agenda.

Land adjacent to the new Bellfield Community Hub has been set aside for the delivery of social housing. It is expected that a minimum of 30 dwellings will be built. A long-term ground lease will be offered (at a peppercorn rent) to a social housing provider who will fund, manage the construction, secure tenants and collect the rental income. The selection of a housing provider will be through an Eoi/RfP process and

## **BELLFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING cont'd**

only available to housing associations and providers registered under Victoria's regulatory system which is overseen by the State appointee, the Housing Registrar of which there are 37 registered associations. The EoI for the social housing is underway, as agreed by Council at OM 16 March 2020.

### **LEGAL CONSIDERATION**

#### **Sale of Land**

Prior to selling land, section 189 of the *Local Government Act 1989* (Act) provides that Council must give public notice of its intention to do so and obtain a valuation. Section 223(1)(b) of the Act provides that a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the proposal to sell land. Where a person makes a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council, giving reasonable notice of the day, time and place of the meeting.

#### **Lease of Land**

Prior to leasing land, section 190 of the *Local Government Act 1989* (Act) provides that Council must give public notice of its intention to do so. Section 223(1)(b) of the Act provides that a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the proposal to lease land. Where a person makes a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council, giving reasonable notice of the day, time and place of the meeting.

#### **Public Notice**

Public notice of Council's intention to both sell and lease land at Bellfield was given in the "*Heidelberg Leader*" on 17 March 2020, with written submissions on the proposals invited in accordance with section 223 of the Act. Two separate notices were publicised showing the subject sites as per **Figures 1** and **2** below.

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

In addition, letters were sent to owners and occupiers of adjacent streets notifying them of the public notices and submission timeline.

### **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.

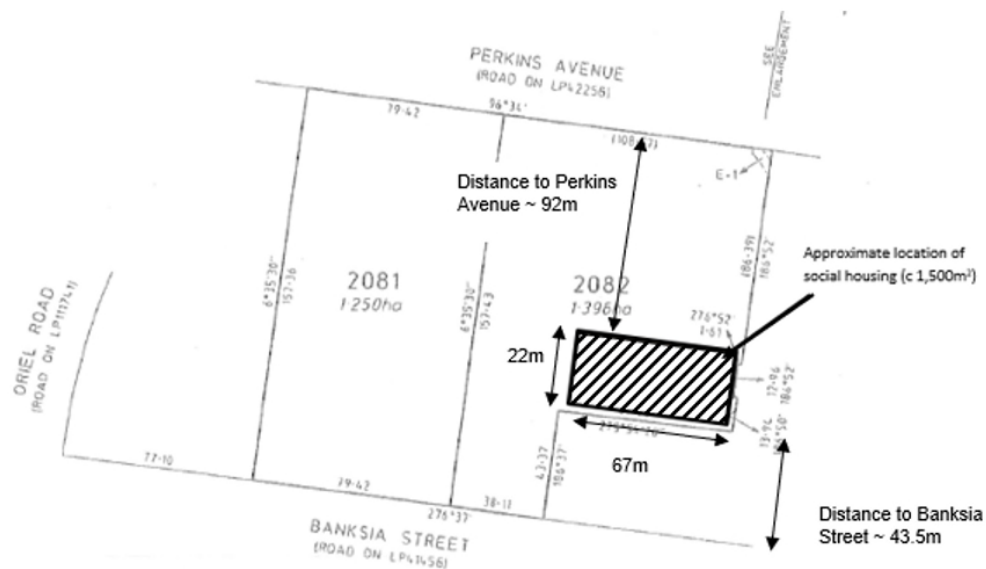
It is considered that the subject matter does not raise any human rights issues because sections 189 and 190 of the Act gives Council the legislative power to sell or lease land. Section 223 of the Act also provides an opportunity for any person to make a written submission with respect to such proposal.

**BELFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING cont'd**



**Figure 1: Sale of land** – the properties indicated in the above aerial picture are:

1. 232 Banksia Street, Bellfield
2. 98 and 98A Oriel Road, Bellfield
3. 96 Oriel Road, Bellfield
4. 100 Oriel Road, Bellfield



**Figure 2: Lease of land** – the property indicated above is part of 230 Banksia Street, Bellfield being an area of approximately 1,500m<sup>2</sup>. The exact area to be used for the

**BELLFIELD - DECISION FOLLOWING NOTICE OF INTENTION TO SELL LAND FOR A RESIDENTIAL DEVELOPMENT AND NOTICE OF INTENTION TO LEASE LAND FOR SOCIAL HOUSING cont'd**

social housing will be surveyed, pegged and accurately identified in the Agreement for Lease and Lease documentation to be supplied at the RfP stage.

**Section 223 process**

At the time of writing this report there were no submissions received by Council. Given there are no submissions, Council must now make a decision on whether or not to proceed with the sale and lease of the land parcels at Bellfield or retain the land for municipal purposes. Council will not be ultimately obliged to sell or lease the respective land parcels following the Eol and RfP processes.

**CONSULTATION**

In addition to the public notice placed in the "*Heidelberg Leader*", letters were sent to owners and occupiers of adjacent streets notifying them of the public notices and submission timeline.

**DISCUSSION**

The giving of public notice of Council's intention to sell land for the market housing and lease land for the provision of social housing does not compel Council to do either. Council is merely complying with its statutory obligations under the Act to give public notice and to hear and consider written submissions on such a proposal before deciding whether or not to sell or lease land as previously described.

In this instance no submissions have been received. Having complied with its statutory obligations under the Act to give public notice it is now appropriate for Council to make its decision.

**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**

There have been no written submissions received on either the sale of land for **market housing** (96, 98, 98A, 100 Oriel Rd and 232 Banksia St, Bellfield) or the lease of part of Council-owned land (230 Banksia St, Bellfield) for social housing. It is therefore considered that both the sale and lease of the land proceed through the public Eol and RfP processes detailed in this report.

**ATTACHMENTS**

Nil

## **7.2 162 MAIN ROAD LOWER PLENTY - PROPOSED LEASE**

Author: Amanda Allen - Property Coordinator, City Development

Ward: Hawdon

### **Previous Items**

Council on 28 Oct 2019 7.00pm (Item 7.3 - 162 Main Road, Lower Plenty - Veterans Support Centre)

Council on 07 Oct 2019 7.00pm (Item 9.1 - Veterans Support Centre - 162 Main Road, Lower Plenty)

Council on 25 Jun 2018 7.00pm (Item 7.4 - 162 Main Road, Lower Plenty - Proposed Veterans Support Centre)

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### **EXECUTIVE SUMMARY**

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

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

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

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

### **RECOMMENDATION**

That Council:

1. Having complied with sections 190 and 223 of the Local Government Act 1989 by:
  - (a) giving public notice in the "Diamond Valley Leader" on 4 March 2020; and
  - (b) inviting written submissions on the proposal in accordance with section 223 of the Act and providing an opportunity for any submitters to be heard at Council's Ordinary Meeting of Monday 27 April 2020; and
2. Recording that no submissions or requests were received;



**162 MAIN ROAD LOWER PLENTY - PROPOSED LEASE cont'd**

3. Grants a lease to Greensborough RSL Sub-Branch Inc. for the front residence of the property at 162 Main Road, Lower Plenty for a term of 10 years commencing 1 July 2020 for \$1,092.22 plus GST per annum.
4. The necessary documentation to effect the lease be signed and sealed at the appropriate time.

**COUNCIL PLAN**

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

**BACKGROUND**

Council owns the land and improvements at 162 Main Road, Lower Plenty and has two leases in place, both expiring on 9 September 2020. The Veterans and Community Men's Shed Inc. has occupied the shed at the rear of the property since 2010. The Greensborough RSL has occupied the residence at the front of the property since 2018 for the purpose of a Veterans Support Centre.

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

At its meeting on 28 October 2019 (CO2019/227) it was resolved that Council:

1. *Notes the report and expiry of the lease for 162 Main Road, Lower Plenty on 9 September 2020.*
2. *Ends the existing lease prior to the current lease expiry date of 9 September 2020 by both parties entering into a deed of surrender for the premises.*
3. *Advertises the Notice of Intention to Lease in accordance with section 190 and section 223 of the Local Government Act.*
4. *Enters into a new lease with Greensborough RSL Sub-Branch for the premises at 162 Main Road Lower Plenty for a term of 10 years.*
5. *Signs and seals the necessary documentation to effect the lease of the premises at the appropriate time.*

This report is in response to item 3 of that resolution.

**LEGAL CONSIDERATION**

A proposal to lease for a period of ten years or more triggers the requirement to give public notice under Section 190 of the Local Government Act 1989 (Act).

Public Notice of Council's intention to lease the Land was given in the "Diamond Valley Leader" on 4 March 2020 with written submissions on the proposal invited in accordance with section 223 of the Act. The submission period closed at 5pm on Thursday 2 April 2020 with no submissions having been received.

## 162 MAIN ROAD LOWER PLENTY - PROPOSED LEASE 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



Figure 1: 162 Main Road, Lower Plenty shown crosshatched

### POLICY IMPLICATIONS

Under Council's *Lease and Licence Framework* (2018), the term of any agreement will not be greater than five years unless Council resolves to grant a longer-term lease.

### DISCUSSION

The Greensborough RSL Sub-Branch Inc. has provided a brief list of works to be completed and paid for by them conditional on a 10-year lease being approved by Council. The scope of works for the refurbishment which was recently provided by Greensborough RSL includes general repairs, cleaning, carpeting and painting but no substantial renovations.

The giving of public notice of Council's intention to lease does not compel Council to lease the land. Council is merely complying with its statutory obligations under the Act to give public notice and to hear and consider written submissions on such a proposal before deciding, at a future meeting of the Council, whether or not to lease the Land.

Furthermore, as part of the Public Open Space Amendment C124, the property has been recently rezoned from Public Park and Recreation Zone (PPRZ) to Neighbourhood Residential Zone 3 (NRZ3). The rationale for rezoning was for possible future sale and redevelopment, which would be the subject of a future

**162 MAIN ROAD LOWER PLENTY - PROPOSED LEASE cont'd**

Council report. Rezoning does not preclude Council from ownership or lease dealings.

**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**

Having not received any submissions or requests in response to the public notice of intention to lease, it is considered appropriate for Council to make a decision on the granting of the lease.

The proposal to grant a lease to the Greensborough RSL Sub-Branch Inc. with regard to the Council-owned land and improvements at the front of 162 Main Road Lower Plenty, for the term of 10 years commencing 1 July 2020 should be supported to enable the continued support of the local veteran community.

**ATTACHMENTS**

Nil

## 7.3 ASSEMBLY OF COUNCILLORS

Author: Mary-Jane Borg - Governance Administrative Support 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

<b>1</b>	<b>Date of Assembly:</b>	6 April 2020, 6.30pm
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	Items on the Council Agenda for the Ordinary Meeting of 16 March 2020 (excluding confidential items) as listed below:	
	3.1 Banyule City Council's Response to COVID-19 4.1 Solar and Batteries in Banyule Council's Climate Action Program 5.1 Notice of Intention to Declare a Special Rate – The Bell Street Mall Shopping Centre 5.2 Notice of Intention to Declare a Special Rate – Rosanna Village Shopping Centre	
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Philips <i>arrived at 6.45pm</i>		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Gina Burden – <i>Manager Governance &amp; Communication</i>		

**ASSEMBLY OF COUNCILLORS cont'd**

Vivien Ferlaino – <i>Governance Coordinator</i>	
<b>Others Present:</b> Nil	
<b>Conflict of Interest:</b>	Nil

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

<b>3</b>	<b>Date of Assembly:</b>	31 March 2020, 7.00pm
	<b>Type of Meeting:</b>	Councillor Briefing – Online Meeting
	<b>Matters Considered:</b>	
<ul style="list-style-type: none"> <li>• North East Link</li> </ul>		
<b>Councillors Present:</b>		

**ASSEMBLY OF COUNCILLORS cont'd**

Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Scott Walker – <i>Director City Development</i> Jonathan Risby – <i>Manager Transport</i>	
<b>Others Present:</b>	
Nil	
<b>Conflict of Interest:</b>	Nil

**RECOMMENDATION**

That the Assembly of Councillors report be received.

**ATTACHMENTS**

Nil

## 7.4 QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020

Author: Tania O'Reilly - Manager Finance & Procurement, Corporate Services

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### EXECUTIVE SUMMARY

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

#### Operating Surplus – As at 31 March 2020

- Banyule City Council in its Quarterly Report to Council acknowledges the unprecedented changes to all aspects of our lives to deal with coronavirus (COVID-19). The non-essential services closures were in place for approximately one week prior to month end and the financial impacts have been reflected in the year to date March 2020 results.
  - Where known the potential financial impact due to COVID-19 has been factored into the March 2020 forecasts results (excluding Banyule's Economic Relief Package announced at the 6 April 2020 Council meeting).
  - There has been a significant reduction in both income and expenditure to accommodate for the changing circumstances of the services delivered by council.
  - Non-essential expenditure has been minimised with the aim to maintain a surplus position at 30 June 2020; to deliver the \$65m capital works program and the Banyule Economic Relief Package announced on 6 April 2020 by Council.
- The economic disruption caused by the COVID-19 has had little impact on the year to date results as Council has as at 31 March 2020 reported a year to date surplus of **\$5.899m** favourable to budget. It is however estimated that the net cost impact on Banyule, for the period to 30 June 2020, is approximately \$0.985m. Income is forecast to be \$4.720m unfavourable and expenses \$3.736m favourable to budget.
- Banyule City Council has forecasted to deliver an operating surplus of **\$7.880m** for the year ended 2019/2020. This is \$1.892m favourable to the adopted budget of \$5.988m.
- The key movements and significant components of this favourable variance are:
  - Employee cost-savings from vacant positions and reduced staff working hours to accommodate for the reduced income from the non-essential business closures - \$2.721m favourable to budget.
  - Materials, contracts and services cost, including a review by all business units to remove non-essential costs and minimise all discretionary costs - \$0.732m favourable to budget.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

- Continuation of operating grants funding for the Commonwealth Home Support Programme (CHSP) – \$0.728m.
  - Unbudgeted insurance and work-cover reimbursement income - \$0.617m.
- partly offset by:
- Income reductions on some Council fees and Statutory fees and charges after Victoria moved to Stage Three coronavirus restrictions - \$1.090m and \$1.976m unfavourable to budget.
  - A reduction in interest income, \$0.464m, as a result of the continued low interest rate market.
- The 2019/20 underlying operating result is forecast to be a surplus of **\$0.366m** against a budgeted underlying operating deficit of **\$1.194m**. This underlying result is determined after adjusting for non-recurrent capital grants and capital contributions of \$7.514m.
  - The financial effects of the COVID-19 pandemic are challenging to model and assess. The March 2020 forecast is predicted on several assumptions about how it will affect Council various business operations. These assumptions may need to be refined throughout the quarter and as new government policies are introduced.

**Capital Works Performance**

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

**Economic Support Package**

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



**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

**RECOMMENDATION**

That Council note:

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

**COUNCIL PLAN**

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

**BACKGROUND**

The 31 March 2020 quarterly financial management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, other key financial information.

(Note: explanations for variances greater than \$0.300m are provided in this report).

## QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

**TABLE 1 - Income Statement**

	YTD Actual	YTD Budget	YTD Variance	Notes	Forecast	Annual Budget	Annual Variance	Notes
	\$000	\$000	\$000		\$000	\$000	\$000	
<b>Income</b>								
Rates and charges	103,617	103,213	404	1	103,463	103,268	195	
Grants - Operating	8,804	8,116	688	2	11,534	10,806	728	13
Grants - Capital	2,246	2,202	44		3,659	3,297	362	14
Statutory fees and fines	7,110	7,135	(25)		8,530	10,506	(1,976)	15
User fees and charges	16,529	15,107	1,422	3	18,566	19,656	(1,090)	16
Contributions	4,477	3,930	547	4	5,397	5,242	155	
Interest	1,669	2,013	(344)	5	2,034	2,498	(464)	17
Rental	1,761	1,932	(171)		2,242	2,531	(289)	
Net gain – Asset Disposal	145	150	(5)		258	165	93	
Other	1,046	423	623	6	1,279	662	617	18
<b>Total income</b>	<b>147,404</b>	<b>144,221</b>	<b>3,183</b>		<b>156,962</b>	<b>158,631</b>	<b>(1,669)</b>	
<b>Expenses</b>								
Employee costs	50,211	51,474	1,263	7	65,992	68,713	2,721	19
Materials and services	30,796	32,034	1,238	8	43,182	43,914	732	20
Utility charges	2,732	3,110	378	9	4,269	4,568	299	
Depreciation and amortisation	16,509	16,154	(355)	10	21,989	21,539	(450)	21
Borrowing costs	1,885	1,852	(33)		2,495	2,457	(38)	
Donations expenditure	753	591	(162)		763	623	(140)	
Contribution expense	7,484	7,488	4		9,037	9,015	(22)	
Other	897	1,280	383	11	1,355	1,814	459	22
<b>Total expenses</b>	<b>111,267</b>	<b>113,983</b>	<b>2,716</b>		<b>149,082</b>	<b>152,643</b>	<b>3,561</b>	
<b>Surplus for the year</b>	<b>36,137</b>	<b>30,238</b>	<b>5,899</b>		<b>7,880</b>	<b>5,988</b>	<b>1,892</b>	
<b>Grants – Non-recurrent Capital</b>	1,608	1,590	18		2,490	2,315	175	
<b>Contributions – Other Sources</b>	4,151	3,782	369	12	5,024	4,867	157	
<b>Underlying Surplus/(Deficit)</b>	<b>30,378</b>	24,866	5,512		366	(1,194)	1,560	

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

**NOTES: Year to Date (YTD) - Major Variances**

As at 31 March 2020 the net result year to date is \$5.899m favourable, and year to date income and expenditure is tracking favourable, \$3.183m and \$2.716m respectively. The YTD financial impact and business exposure to the disruption caused by COVID-19 is minimal as at 31 March 2020, representing approximately one week of non-essential business closures during the month.

The significant contribution to the year to date (YTD) variance comprises of:

1. Rates and charges - \$0.404m favourable to budget as a result of additional supplementary valuations and penalty interest income received to date. Any subsequent income from penalty interest on rates is expected to be minimal and the reduction is reflected in the forecast.

Council adopted an Economic Relief Package (announced at the 6 April 2020 Council meeting) to support ratepayers who face financial hardship and interest currently accrued is expected to be waived once financial hardship applications are received and processed. Penalty interest on hardship applications will not be charged for the period of the deferral. In addition, to support the local business, Council provides additional funding for the special rates and charges scheme by paying the business contribution for 2019/20 last quarter, resulting in a reduction of \$0.153m on special rates and charges income.

2. Grants – Operating: \$0.688m favourable to budget. This variance is mainly driven by the receipt of unexpected additional funding (\$0.723m) for CHSP. Funding was anticipated to cease in 2018/19 but has now been extended to 2019/20 inclusively.
3. User fees and charges income is \$1.422m favourable mainly driven by:
  - Additional income from the Transfer Station (\$0.455m) as a result of higher volumes of usage.
  - Income from parking meters and occupation permits are higher than budget expectation by \$0.120m.
  - Ivanhoe Aquatic Centre has experienced greater usage during summer season this year and thus generated \$0.262m more than budgeted YTD.
  - Social Support Groups, Property Maintenance and Home Modification departments have increased service delivery hours in line with funding targets and Council's future direction for older people, generating \$0.159m more than budget.
  - Early Childhood Services have experienced lower enrolments across the 5 centres in the last 3 months resulting in an unfavourable YTD variance of \$0.117m.

A number of these services will experience a negative financial impact during the next quarter and where feasible the forecast has been amended for current known trends.

The Economic Support Package (to be forecast in April 2020) will result in a decline in this income category where fees and charges are being waived for community groups and local businesses.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

4. Contributions income is \$0.547m favourable to budget. This variance is driven by:
  - Public Open Space contributions (\$0.370m) where most of the contributions have been generated from developments in Heidelberg and Ivanhoe precincts. This favourable variance is not anticipated to be maintained and the forecast has been reduced by \$0.200m due to the COVID-19 virus outbreak which may have a significant impact on the economy including property development.
  - The budgeted 18/19 and 19/20 Emergency Management contribution from Manningham City Council (\$0.160m) has been recognised in the YTD actuals.
  - Development Contribution Plan (DCP) contributions income of \$0.171m has been generated since the implementation of the scheme in October 2019.
  - The budgeted \$0.110m capital contribution to Eaglemont tennis pavilion access work will not be received during 2019/2020. The club will be invoiced for this amount when construction works commence during 2020/2021.
  
5. Interest income: \$0.344m unfavourable to budget. The reinvestment of term deposits is at lower interest rates than that budgeted. This is a direct result of The Reserve Bank of Australia (RBA) lowering its cash rate throughout the financial year.
  
6. Other Income is \$0.623m favourable to budget, which is mainly driven from Workcover reimbursements (\$0.239m), Ford Park demolition insurance claim (\$0.133m), and North East Link project cost reimbursements (\$0.120m). In addition, Council received an additional \$0.111m of revenue for disposing of Right of Ways and miscellaneous assets.
  
7. Employee Benefit expenditure is \$1.263m favourable to budget as a result of:
  - Vacant positions: Several departments are using agency to backfill the vacant positions while Council endeavours to recruit for key professions. As a result of the delay in recruiting for these positions, agency costs YTD is above budget (refer the table below) and Employee Benefit expenditure is under the YTD budget.
  
8. Materials and services cost: \$1.238m favourable to budget mainly driven by Contractors and Consultancy cost yet to be incurred, offset by expenditure associated with agency resourcing and legal services. Refer below:

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

**VARIANCE TABLE - Agency, Consultancy and Contractor Costs – 31 March 2020:**

Banyule City Council	Actual YTD	Budgeted YTD	Variance YTD	Forecast FY	Budget FY	Variance FY
Agency Cost *	\$2.666m	\$1.700m	(\$0.966m)	\$3.207m	\$2.364m	(\$0.903m)
Consultancy #	\$1.206m	\$1.822m	\$0.616m	\$2.027m	\$2.314m	\$0.287m
Contractor Cost ^	\$9.930m	\$11.252m	\$1.322m	\$14.911m	\$15.679m	\$0.768m

\* Agency cost YTD variance is \$0.966m unfavourable, offset by savings in employee benefits. Agency is used to cover short term vacancies in staff. Agency has also been used to support the Banyule Service Promise initiative which aims to reduce customer wait time.

# North East Link advocacy project was budgeted mainly against consultancy cost (\$0.457m) now expended against legal cost within Materials and Services costs (\$0.807m). The current expenditure on this project has been managed within the allocated funding, which is expected to extend over multiple years.

^ The contractor costs are tracking favourable by \$1.322m. The YTD variances reflect the timing of various initiative projects, service provision and contractor costs which are not always known when setting a budget. The projects and services having variance (>\$0.075m) are:

- Business Case - Onsite Renewable Energy Generation (\$0.198m)
- Building maintenance service (\$0.177m)
- Asset unscheduled repair service (\$0.099m)
- DCP Implementation & Operation (\$0.112m)
- Advanced Capital Works Programming (\$0.088m)
- Farm Raiser Living Rivers Grant (\$0.080m)
- Waste Recovery Centre Redevelopment -Business Case (\$0.080m)
- One Flintoff Management (\$0.075m)

Non-essential spending in the discretionary spend categories above have been minimised, reflecting a substantial saving on the forecast projections. Some projects will need to be deferred into 2020/2021.

9. Utility charges are \$0.378m lower than YTD budget, mainly due to lower water usage.
10. Depreciation and amortisation expenditure \$0.355m higher than YTD budget as a result of the implementation of the new accounting standard, AASB 16 Leases. All leased assets including gym, IT equipment, properties are now required to be recognised as Council's assets and amortised throughout the term of the lease.
11. Other Expenses \$0.383m higher than budget which is primarily due to the new accounting standard AASB 16. Budgeted lease cost for leased assets has been now recognised as amortisation expenditure in Note 10.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

12. Capital Contributions (from other sources) is \$0.369m above budget and mainly represents the additional Public Open Space contributions received as a result of more developments in Heidelberg and Ivanhoe precincts (note 4).

**NOTES: Full Year (FY) Forecast - Major Variances**

The operating forecast as at 31 March 2020 is a surplus of \$7.880m, which is \$1.892m favourable to budget (\$5.988m). The surplus remains favourable to budget, both income and expenditure have been significantly impacted and revised by taking into account the effects of COVID-19 pandemic.

The significant contributions to the full year forecast variance are:

13. Grants – Operating: \$0.728m favourable to budget. This variance is mainly driven from the unexpected additional funding for CHSP, which was anticipated to be ceased in 2018/19, but rescheduled to extend to 2019/20. In February, DHHS requested Council to initiate the Sleep and Settling Program, this grant income was not included in the original Budget and is expected to be recurrent.
14. Grants – Capital: \$0.362m favourable to budget. This variance is mainly related to:
- Non-recurrent grants for seven preschool works, were budgeted in 2018/19 and have been received in the current financial year (\$0.502m).
  - Unbudgeted VicRoads grants have been confirmed to support transport and traffic (\$0.109m Yando Street – speed and volume control and \$0.257m Haig Street – development of traffic management).
  - Nets Stadium redevelopment grant partly budgeted in 2018/19 is now forecasted to be received in full this financial year (\$0.375m)
  - The Olympic Park Program project was paid and recognised at the end of 2018/19 and resulting in a \$1.000m unfavourable income variance both forecast and YTD budget.
15. Statutory fees and charges are forecasted to be \$1.976m lower than budget. As the COVID-19 pandemic continues to expand, and Victoria has moved to Stage Three coronavirus restrictions, this outbreak is unfolding daily with significant impact on the economy and business including Banyule. As a result, various statutory fees and Council's revenue from fees and charges (Refer Note 16) are anticipated to be significantly reduced by the end of the financial year. Statutory fees unfavourable to budget are noted in the below business units:
- Parking Management (infringements): \$1.050m
  - Development Planning: \$0.110m
  - Banyule Permits and Inspections: \$0.092m
  - Municipal Laws: \$0.040m

As a part of Banyule's Economic Support Council will also refund street trader permits fees paid in advance; provide rent relief for local businesses and community groups for the quarter ended 30 June 2020. The financial impact of

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

this Council resolution as adopted on 6 April 2020 will be included in the April 2020 forecast.

16. User fees and charges are \$1.090m unfavourable to budget. This significant adverse movement is the foreseeable footprint of the impact from the COVID-19, specific areas impacted include:
  - The Transfer Station is expecting a 33% reduction in activity in the last quarter of 2019/20 (\$0.400m).
  - During the closure of Council's leisure centres, no direct income is expected to be generated (\$1.058m income not generated as planned). Whilst the center is not in operation it is projected that a further \$0.646m of revenue losses will be incurred.
  - Early Childhood Services have experienced lower enrolments mainly at Morobe Street and Audrey Brooks over the period. As an essential service, Banyule's childcare centres will remain open and further losses are anticipated for the remainder of the year. No further parents fee income can be raised under the Federal government's \$1.6 billion COVID-19 childcare overhaul and a further \$0.160m income losses are projected to continue to run these centres without full funding through to June 2020.
  - As a result of Stage Three coronavirus restrictions, \$0.187m of income from parking meters will not be raised.
17. Interest income: \$0.464m unfavourable to budget. On 20 March 2020, the Reserve Bank of Australia (RBA) lowered the cash rate to 0.25% to response to the effect of COVID-19 on businesses, which is also the fifth reduction since June 2019. As a result, Council's return on investment is forecast to be lower than budget.
18. Other Income: \$0.617m favourable to budget, which is mainly driven from insurance reimbursement: Workcover (\$0.199m), Ford Park demolition (\$0.133m), and North East Link project (\$0.153m).
19. Employee Benefit expenditure is \$2.721m favourable to budget as a result of a delay in filling vacant positions across Council (agency is used as a short-term solution – refer note 20). The labour force required has also been reduced as some business operations have been classified as non-essential and have been closed due to the advice and restrictions introduced by the Australian and Victorian Governments. Banyule has closed customer service centres, libraries, leisure centres, sporting club facilities, playgrounds and other community facilities to appropriately respond to the COVID-19 crisis.
  - The business units have reviewed and updated the forecast based on their current EFT, vacancies and timing of recruitment, partially offset by additional Agency cost.
  - Council has adjusted staff working hours, particularly casual staff, to accommodate for the changes to services. Services such as leisure centres, childcare centres, and customer services are being significantly impacted by COVID-19 restrictions. As a number of services provided to the community generate a net loss, the closure of these facilities will generate a financial saving of approximately \$1.222m and projected to remain closed until 30 June 2020.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

20. Materials, contracts, and services is \$0.732m favourable to budget after close assessment of all non-essential spending.
- Reductions were made across all business units for spending for essential activities thus minimising programs and non-essential spending over the next 3 months. The resulting temporary costs savings of actively reducing costs across council are in excess of \$0.900m.
  - A total of \$0.903m additional agency cost is forecasted to be used to temporary backfill vacant positions and to support the Banyule Service Promise initiative which aims to reduce customer wait time to improve the customer experience through the temporary contract labour hire.
  - The waste transfer station disposal cost are estimated to reduce by \$0.360m to reflect the loss of income. The commercial service has been significantly expanded generating a forecast net profit of \$0.195m (i.e both income and expenditure have been reduced).
  - Due to less parking infringements being issued (\$1.050m less than budget), the associated contractor cost has also been adjusted down by \$0.275m accordingly.
  - Council is no longer required to collect building permit levy and remit it to Victoria Building Authority. This impacts on both income (Statutory income shortfall) and expenditure (\$0.285m)
  - Additional \$0.150m was approved by Council in February to commence the legal challenge against the North East Link project for the better outcomes to the City. The current expenditure invested has been managed within the project budget, which is expected to extend over multiple years.
  - \$0.072m of Health and Aged projects (carried from the previous years) will be not delivered within this financial year.
21. Depreciation and amortisation expenditure are forecasted to be \$0.450m over the initial budget which directly relates on the implementation of the new accounting standard, AASB 16 Leases. All leased assets including gym, IT equipment, properties are now required to be recognised as Council's assets and amortised throughout the term of the lease.
22. Other Expenses are estimated to be \$0.459m under budget which is primarily due to the new accounting standard AASB 16. Budgeted lease cost for leased assets has been now recognised as amortisation expenditure in Note 21.

**COVID-19 impact on forecast**

The financial impacts of COVID-19 is unfolding daily with significant impact on the economy and business including Banyule.

The financial effects of the COVID-19 pandemic are challenging to model and assess. The March 2020 forecast is predicated on several assumptions about how it will affect various business operations across Council. These assumptions will continue to be refined throughout the quarter and as new government policies are introduced.

It is estimated that the net impact on Banyule for the period to 30 June 2020 is approximately \$0.985m. Income will be \$4.720m unfavourable and expenses \$3.736m favourable.



## QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

### COVID-19 – Economic Support Package

Council will provide strong financial assistance to the community during this current emergency. Council resolved on 6 April 2020 to implement Banyule's Economic Support Package for ratepayers, businesses and the local community to support those in need and complement the measures put in place by the Australian and Victorian governments.

The financial implications of this package will be incorporated into the April 2020 forecast. The financial implications are not included in the 2019/2020 forecast.

The Proposed Council Plan 2017-2021 (Year 4) and Budget 2020/2021 will be revised to address new planning and budgetary considerations due to COVID-19, including the financial implications of Banyule's Economic Support Package.

### Financial Sustainability

The current assessment of the Financial Sustainability of the Organisation is measured against the VAGO indicators.

<b>March 2020</b>	Net Results (5 Year Avg)	Indebtedness (1 Year)	Liquidity (1 Year)	Internal Financing (1 Year)	Capital Replacement (5 Year Avg)	Renewal Gap (5 Year Avg)
Forecast	9.85%	24.38%	3.14	50.14%	1.74	1.28

Note: The internal financing for 2019/20 measures Banyule's ability to finance capital works using cash generated by operating cash flows. The capital works expenditure that is forecast to be funded from operating cash flow is 50.14% for 2019/2020 (75% or greater is financially sustainable).

The 'red' internal financing ratio is isolated to the current year and will be managed through continuing to maintain the operational returns and maximising revenue from commercial activities and property sales over the next few years.

With the COVID-19 financial impacts on Banyule's future cashflow it is likely that internal financing will continue to decline. The net result and liquidity will be impacted, however remain healthy according to the VAGO indicators.

The impact on Council's income, particularly fees and charges and related expenditure will continue to be monitored over the next quarter. The Budget 2020/2021 will be re-cast for the significant financial implications arising from the impacts of services decisions made by Council and those imposed by the Australian and Victorian governments.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

**TABLE 2 - Council Resolutions: impact on financial performance**

The table below lists 2019/20 resolutions carried by Council as at 31 March 2020 which will have an impact on the financial statements (excludes Confidential Council meeting resolutions).

Resolution	Description	EFT	Impact on Forecast	\$'000
CO2019/213	Continue the partnership with the Alliance for gambling reform		Materials, contracts & services	25
CO2019/235	Two new locations for school crossing supervision	0.4	Employee Benefit	15
CO2019/237	Continue to work towards achieving its aspiration of the creation of 100 new jobs for its vulnerable community over a three years period.	1	Employee Benefit	97
CO2019/82	Ivanhoe Learning Hub - Naming and branding		Materials, contracts & services	15
CO2020/23	Financial support to Himilo Community Connect		Contribution Expense	70
Amount included in income statement - Table 1		<b>1.4</b>	<b>Total Operating</b>	<b>222</b>
CO2019/141	Support the accessible entry including ramp and deck at the Lower Plenty Scout Club		Buildings	30
CO2019/60	Brixton Avenue Pipe Duplication Stage 1		Drainage	59
CO2020/14	Contract award - Kalparrin Gardens Park Master Plan Implementation		Parks and Gardens	19
CO2020/15	Contract award - De Winton Park female friendly & pavilion upgrade		Buildings	60
Amount included in Capital works statement- Table 3		<b>-</b>	<b>Total Capital Works</b>	<b>168</b>

## QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

### Local Authorities Superannuation Fund Defined Benefit Plan (LASF DB) – Vested Benefit Index (VBI)

The estimated VBI for the Defined Benefit Plan (DB) on 30 March is 100.00% (quarterly estimation) and satisfies APRA's Superannuation Prudential Standard 160 (SPS 160). Vision Super has begun the quarterly estimation of the LASF DB VBI as at 31 March 2020.

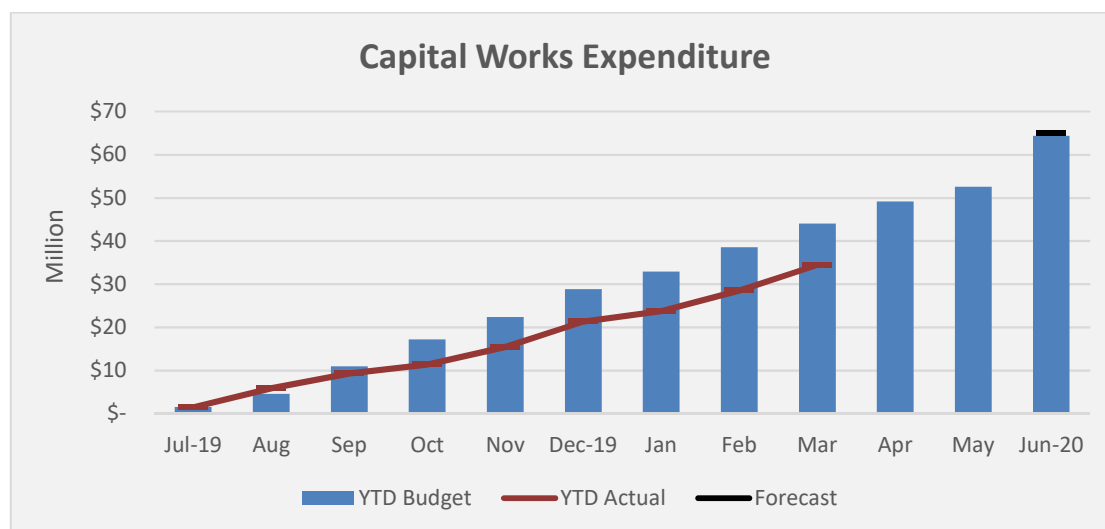
Under the superannuation prudential standards, no specific action is required when the VBI is above the fund's nominated shortfall threshold of 97% (or 100% during an actuarial investigation). Where the VBI falls below the relevant threshold, a restoration plan is required to restore VBI to 100% within 3 years.

If Vision Super is required to establish a restoration plan, the final restoration plan must be approved within 3 months of the Trustee receiving the Fund Actuary's report which includes the Fund Actuary's recommended restoration plan. If LASF DB sub-plan's 30 June 2020 VBI is less than 100%, the Fund Actuary's report will be received by 31 December 2020.

### Capital Works Expenditure

As at 31 March 2020 the YTD capital works expenditure is **\$34.478m** (budget YTD of **\$44.051m**). The amount of capital works expenditure carried forward to the 2019/20 financial year was **\$15.618m**.

The forecast has been revised to **\$65.069m** to reflect these carried forward projects and current project status (such as the Ivanhoe Library and Cultural Hub) resulting in a net \$0.724m variance to the adopted budget of **\$64.345m**.



A summary of the Capital program status and delivery is as follows:

- 93% of projects are underway of which 40% are completed
- 4% of projects have been deferred
- 3% projects are yet to commence

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

Twenty projects have been identified as either delayed, carried forward or will be completed in 2020/2021. Several projects that have been programmed to be undertaken during the Easter school holiday break which will equate to around another 10% of the program.

Council's current forecasted completion rate is at 95% for the year 2019/2020. This percentage may be impacted by delays due to shortage of materials, contractor or staff absences as a result of COVID 19.

**TABLE 3 - Capital Works Expenditure**

	YTD Actual \$000	YTD Budget \$000	YTD Variance \$000	Forecast \$000	Annual Budget \$000	Annual Variance \$000
<b>Infrastructure</b>						
Roads, streets and bridges	5,289	7,156	1,868	10,111	9,368	(742)
Drainage	564	1,850	1,286	1,722	2,100	378
Parks and gardens	7,306	9,656	2,350	12,055	11,205	(850)
Playgrounds	400	135	(265)	856	755	(101)
<b>Total infrastructure</b>	<b>13,559</b>	<b>18,797</b>	<b>5,239</b>	<b>24,744</b>	<b>23,428</b>	<b>(1,315)</b>
<b>Property</b>						
Freehold land	101	0	(101)	720	1,000	280
Freehold buildings	17,143	19,436	2,293	28,181	31,826	3,645
<b>Total property</b>	<b>17,244</b>	<b>19,436</b>	<b>2,192</b>	<b>28,901</b>	<b>32,826</b>	<b>3,925</b>
<b>Plant and equipment</b>						
Motor vehicles	2,441	4,103	1,663	8,021	5,406	(2,616)
Plant and equipment	913	440	(473)	1,188	785	(403)
Furniture and fittings	135	175	40	395	385	(10)
<b>Total plant and equipment</b>	<b>3,489</b>	<b>4,718</b>	<b>1,230</b>	<b>9,604</b>	<b>6,576</b>	<b>(3,029)</b>
<b>Other assets</b>						
Intangible assets	156	1,100	944	1,770	1,500	(270)
Art collection	30	0	(30)	50	15	(35)
<b>Total capital works expenditure</b>	<b>34,478</b>	<b>44,051</b>	<b>9,575</b>	<b>65,069</b>	<b>64,345</b>	<b>(724)</b>

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

**July 2019 - March 2020 – Key Capital Projects completions**

- Castlereagh Place Feeder Path Lighting Project.
- Watsonia RSL Carpark construction.
- Olympic park pedestrian bridge construction.
- Yulong reserve - Bundoora bowling club lights.
- Weidlich Road – Traffic concerns around the Holy Trinity Catholic Primary School.
- New Footpath Program - connecting existing path at Watsonia North Preschool to Elwers Street and connecting Townsend Street and Lower Heidelberg Road (through non-trafficable road reserve)
- Gresswell Park - unsealed car park - Design & Construct.
- Rosanna Tennis Club Upgrade – Design.
- Malahang reserve Improvement Plan - Water Sensitive Urban Design Car Park (WSUD) – Construction.
- 5 one sided Soccer Pitch - Malahang Reserve.
- St Mary's Tennis Court Surface & Lighting upgrade
- 460 Lower Heidelberg Rd replace air conditioning throughout the building
- Greensborough Bowling Club - Replace Canopy on Court 2
- Loyola Reserve Multi Purpose Nets
- Viewbank Tennis Club - Fence Renewal
- Seddon Reserve Sports Field Lighting - West Ivanhoe Sporting Club Construction
- Simms Road Lighting Construction
- Cyril Cummins Reserve, Bellfield – Resurfacing

Footpath program Status Update: \$130,000 was allocated in the 2019/20 Capital Works program for the design and construction of a new footpath on Bonds Road, Lower Plenty, between Rosehill Road and Old Eltham Road. Consultation was undertaken with residents of Bonds Road and surrounding streets

Further assessment of the proposal and feedback received from residents indicates that the project is not a high priority at this time. The following higher priority footpath projects will be delivered this financial year.

- Main Road, Lower Plenty
- Para Road, Montmorency;
- Petrie Park, Montmorency;
- Finlayson Street, Rosanna

**Investment Activity**

The current short-term term deposit interest rates held by Council are in the range of 1.40% to 1.70%. The current weighted average return, 1.53%, is expected to decrease in the future as a reflection of the RBA cash rate cuts to 0.25% on 20 March 2020.

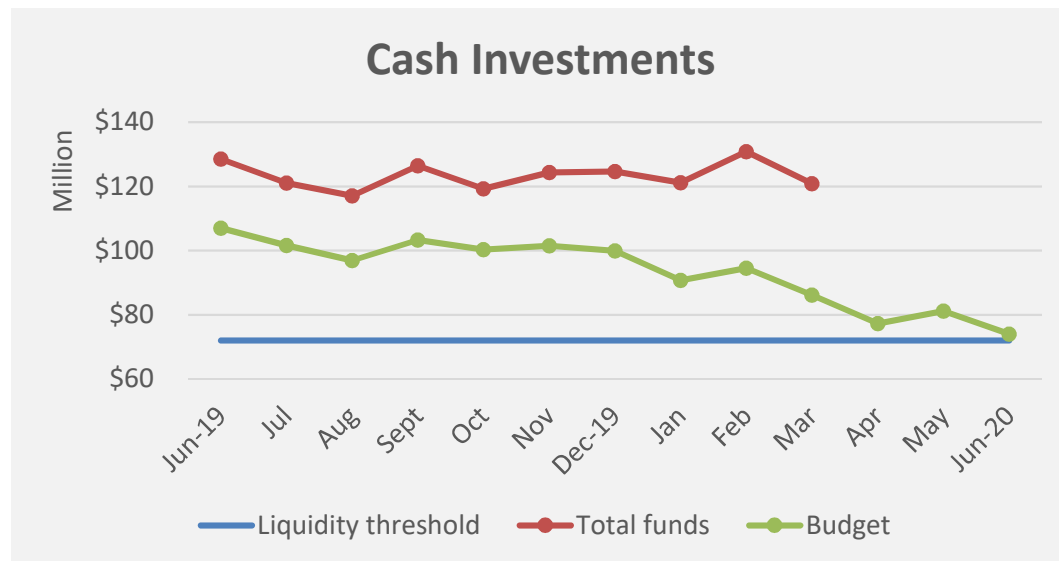
The linear gap between budget and actual cash balance depicted in the graph below is the result of a higher cash opening balance than budget projections as at 30 June 2019. Most of this variance comprises allocated funds from 2018/19 carried over capital expenditure to 2019/20 after the budget was developed.

The YTD variance is driven by the rescheduling of capital works delivery (\$9.575m lower than budget) and the favourable YTD operating results. The variance for the

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

year is expected to be reduced as Council deliver the capital works program including the carry forward projects as scheduled in 2019/20.

Rate instalment payment dates are in September, November, February & May.



*Note: Liquidity threshold represents the liquidity position 2:1 to cover budgeted short-term liabilities for the year end 30 June 2020.*

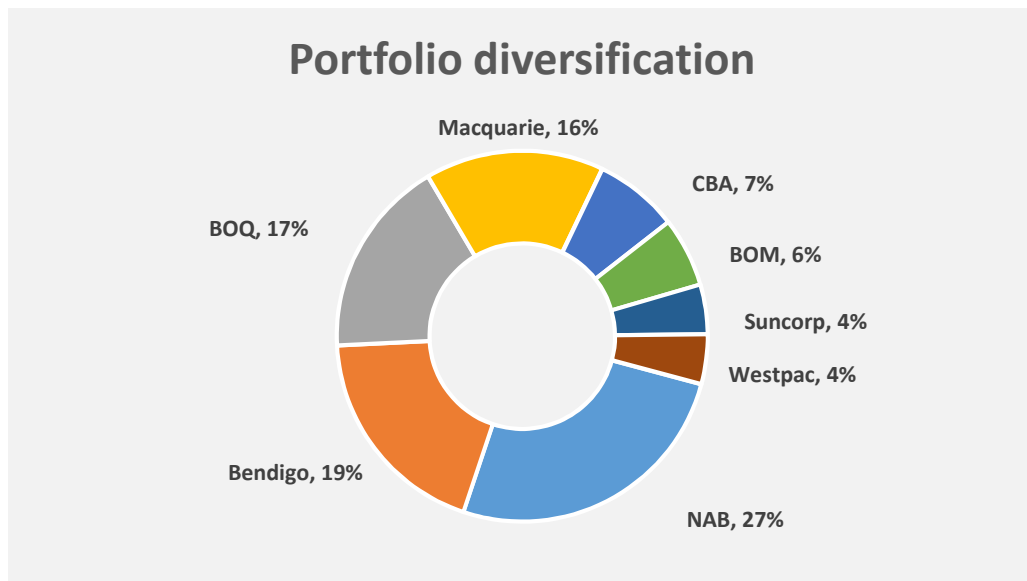
The duration of the term deposits range between 4 to 9 months. Banyule City Council aim to spread maturities throughout the year to match cash outflows. Income from rates will supplement other inflows from which to pay staff salaries and supplier invoices during the year.

All cash investments are directly invested by Council in Australian financial institutions in accordance with our investment policy, using the Standard & Poors (S&P) short term credit rating.

In February 2020, Banyule has converted one term deposit into a Green Deposit with Westpac, the Green Deposits are allocated to certified investment to meet the Climate Bonds Standard, allowing BCC to collaborate with other organisation in the Climate Change actions.

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

The portfolio diversification of investments is outlined in the chart below:



S&P rating	Banks	Investment portfolio	Maximum % holding in a single Financial Institution	Maximum % holding in a single credit rating level
<b>A 1 +</b>	CBA	7%	50%	
	NAB	27%	50%	
	BOM	6%	50%	
	Westpac	4%	50%	
<b>Total A1+</b>		<b>46%</b>		<b>100%</b>
<b>A 1</b>	Suncorp	4%	50%	
	Macquarie	16%	50%	
<b>Total A1</b>		<b>20%</b>		<b>100%</b>
<b>A 2</b>	BOQ	17%	30%	
	Bendigo	19%	30%	
<b>Total A 2</b>		<b>36%</b>		<b>50%</b>

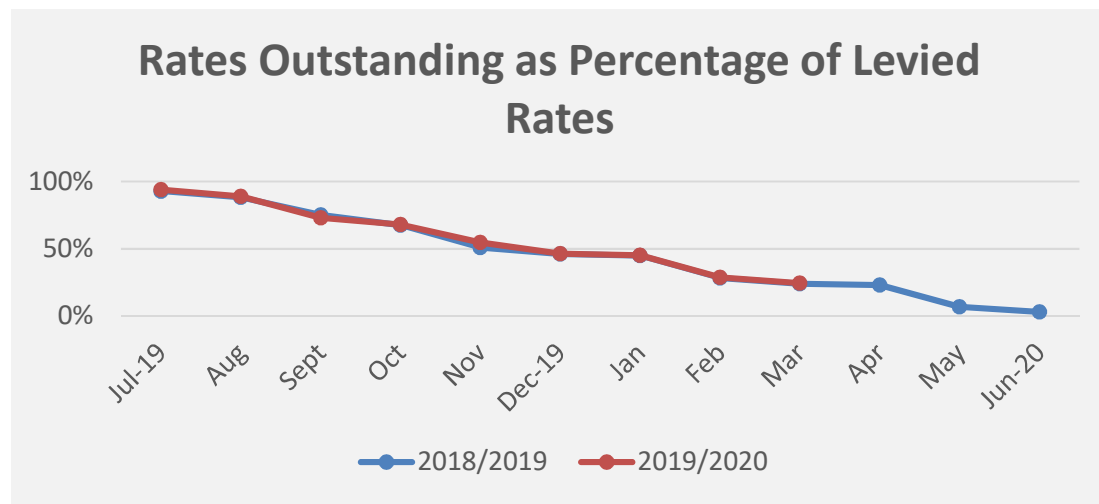
The table above supports Council investments follows Council's current investment policy.

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd**

**Rates Outstanding**

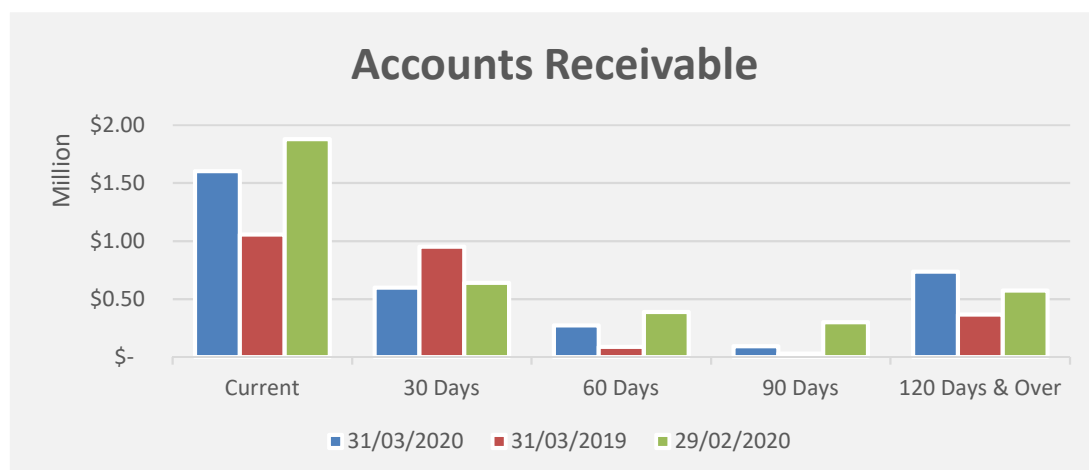
For the year 2019/20 Banyule City Council has levied a total of \$104.74m in rates revenue (includes waste charges from the schedule of fees and charges and excludes the fire services property levy). The total outstanding balance as at 31 March 2020 is \$27.954m, 24.26% of the current year levied rate income.

While the March trend of outstanding balance is consistent with prior year, Council is continuing to monitor the unfolding impacts of COVID-19 on ratepayers.



**Accounts Receivable**

The accounts receivable function of Council raises revenue and collects payments for Children's centres, Aged & Disability services, Health Department, Leisure bookings, Banyule BPI and sundry accounts. (This function does not include revenue for the Planning Department, Animal Registrations and Parking Infringements as these are currently decentralised).



As at 31 March 2020, the total outstanding debtors balance was \$3.306m representing a decrease of \$0.475m from previous month (\$3.781m in February 2020)



## QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

Financial Statements

Table 4 - Balance Sheet

	2019/20 31-Mar-20 \$'000	2019/20 29-Feb-20 \$'000
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	13,832	22,869
Trade and other receivables	34,049	35,691
Other financial assets	107,000	108,000
Inventories	39	39
Other assets	1,300	1,300
<b>Total current assets</b>	<b>156,220</b>	<b>167,899</b>
<b>Non-current assets</b>		
Trade and other receivables	175	175
Investments in associates and joint ventures	3,183	3,183
Property, infrastructure, plant and equipment	1,593,211	1,589,509
Intangible assets	841	867
Investment Property	32,030	32,030
<b>Total non-current assets</b>	<b>1,629,440</b>	<b>1,625,764</b>
<b>Total assets</b>	<b>1,785,660</b>	<b>1,793,663</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Trade and other payables	9,781	8,703
Provisions	15,218	15,126
Interest-bearing loans and borrowings	1,537	1,541
Trust funds and deposits	3,805	3,805
<b>Total current liabilities</b>	<b>30,341</b>	<b>29,175</b>
<b>Non-current liabilities</b>		
Provisions	1320	1320
Interest-bearing loans and borrowings	31,575	31,715
Trust funds and deposits	867	867
<b>Total non-current liabilities</b>	<b>33,762</b>	<b>33,902</b>
<b>Total liabilities</b>	<b>64,103</b>	<b>63,077</b>
<b>Net assets</b>	<b>1,721,557</b>	<b>1,730,586</b>
<b>Equity</b>		
Accumulated surplus	507,589	516,618
Reserves	1,213,968	1,213,968
<b>Total equity</b>	<b>1,721,557</b>	<b>1,730,586</b>

QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 cont'd

Table 5 - Statement of Cash Flows

	2019/20 31-Mar-20 \$'000	2019/20 29-Feb-20 \$'000
	Inflows (Outflows)	Inflows (Outflows)
<b>Cash flows from operating activities</b>		
<b>Receipts:</b>		
Rates and charges	80,818	79,391
Grants - operating	8,971	8,470
Grants - capital	2,246	1,377
Statutory fees and fines	6,977	6,228
User fees and charges	16,670	14,970
Contributions - monetary	4,477	3,960
Interest received	2,950	2,789
Rental income	1,734	1,598
Other receipts	1,046	850
<b>Payments:</b>		
Employee costs	(49,417)	(43,914)
Materials and services	(35,389)	(33,305)
Utility charges	(2,732)	(2,525)
Other payments	(9,167)	(6,489)
<b>Net cash provided by operating activities</b>	<b>29,184</b>	<b>33,400</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equipment	(34,476)	(29,007)
Proceeds from sale of property, plant and equipment	580	580
Net (purchases)/redemption of financial assets	12,000	11,000
<b>Net cash used in investing activities</b>	<b>(21,896)</b>	<b>(17,427)</b>
<b>Cash flows from financing activities</b>		
Borrowing costs - interest	(1,862)	(1,655)
Repayment of borrowings	(1,172)	(1,027)
<b>Net cash used in financing activities</b>	<b>(3,034)</b>	<b>(2,682)</b>
<b>Net increase in cash and cash equivalents</b>	<b>4,254</b>	<b>13,291</b>
Cash and cash equivalents at the beginning of the financial year	9,578	9,578
<b>Cash and cash equivalents at the end of the month</b>	<b>13,832</b>	<b>22,869</b>

**QUARTERLY FINANCIAL MANAGEMENT REPORT - MARCH 2020 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.

**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 has forecasted to deliver an operating surplus of \$7.880m for the year ended 2019/2020. This is \$1.892m favourable to the adopted budget of \$5.988m.

It is estimated that the direct net impact on Banyule from COVID-19 for the period to 30 June 2020 is approximately \$0.985m.

Banyule's Economic Support Package adopted by Council on 6 April 2020 is expected to have a financial impact on the 2019/2020 financial year of approximately \$0.594m. This is not included in the 31 March 2020 forecast numbers.

**ATTACHMENTS**

Nil