

Minutes of the Ordinary Meeting of Council



Held on the 3 February 2020

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

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MINUTES

The Meeting opened at 7.03pm.

Acknowledgement of the Traditional Custodians

The Mayor read an acknowledgement of the traditional custodians, the Wurundjeri Woiwurrung people.

Present

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

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 9 December 2019 and Special Meeting of Council held 16 December 2019

Moved: Cr Craig Langdon
Seconded: Cr Tom Melican

CARRIED

Disclosure of Interests

Nil

Presentation

1. URGENT BUSINESS

NIL

2. PETITIONS

2.1 11 MACORNA STREET WATSONIA NORTH - OBJECTION TO PROPOSED DEVELOPMENT

EXECUTIVE SUMMARY

A joint objection with 55 signatures has been received regarding the proposed development at 11 Macorna Street, Watsonia North.

The joint objection states:

"I object to the proposed side-by-side development at 11 Macorna Street, Watsonia North. The proposed development is not in keeping with the neighbourhood character of Watsonia North and is inconsistent with Banyule Council's residential neighbourhood character provisions."

Resolution (CO2020/1)

That Council

1. Receives and notes the joint objection.
2. Notes that a refusal notice for the planning application was issued on 2 January 2020.
3. Advise the primary signatory of this resolution.

Moved: Cr Craig Langdon
Seconded: Cr Rick Garotti

CARRIED

2.2 REQUEST FOR INSTALLATION OF A SKATE PARK IN HEIDELBERG

Noah Bennett and Kevin Biaggini spoke to the item.

EXECUTIVE SUMMARY

A letter with 29 signatures has been received regarding a request for Council to install a skate park in Heidelberg.

The joint letter request is as follows:

"I am 10 years old and a student at St John's Primary School, Heidelberg and a resident of Banyule City Council. I love to scooter but most of the skate parks I go to are too far away, actually they're about 20 minutes away but I heard there was meant to be a skate park next to Possum Hollow, Is that true?"

I'm sure if you have kids you want them to be healthy, scootering is a great way to get fit and active and keeps kids off digital devices. Kids in this decade are always on their phones, ipads, ps4 and Xboxes. By putting a skate park next to Possum Hollow you will make the park appeal to all generations and bring more business to the new café there.

I have many classmates agree with me as we all always have to travel to either Northcote or West Heidelberg or Greensborough to access the skate parks.

We urge you to install a skate park in the next year as it will be used very often by me and others, to get more people in the great outdoors. Please find attached a petition signed by my grade 4M who strongly agree with me."

Resolution (CO2020/2)

That Council

1. Receives and notes the joint letter.
2. Notes that there are no plans for a skate park at Possum Hollow at this present time and refer the matter to the Youth, Recreation and Facilities review.
3. Advise the head letter writer of this resolution and thank them for sending this letter to Council.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

Nil

4. PLANET – ENVIRONMENTAL SUSTAINABILITY

Nil

5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT

5.1 NORTH EAST LINK - MINISTER FOR PLANNING ASSESSMENT OF ENVIRONMENTAL EFFECTS

Mariella Di Fabio, Katie George, Michelle Giovas, Fred Buono, Ryan George and David Mulholland Spoke to the item.

EXECUTIVE SUMMARY

An Environment Effects Statement (EES) including both the construction and operational impacts of the North East Link project (the Project) was required under the *Environment Effects Act 1978*. A joint Inquiry and Advisory Committee (IAC) was appointed to consider the EES, along with proposed planning scheme amendment and works approval. The nine week IAC public hearing started in late July 2019.

The IAC provided a report containing its recommendations to the Minister of Planning at the end of the hearing process. The Minister subsequently released his assessment of the environmental effects of the Project early in December 2019.

The IAC report contained 29 recommendations across a range of potential social, business and environmental impacts of the Project. This included a comprehensive set of modifications to the draft planning scheme's Environmental Management Framework, Environmental Protection Requirements (EPR's) and Incorporated Document.

The Minister in his assessment supported (at least in principle) the majority of the 29 recommendations. Only five recommendations were expressly not supported and three of these are of major significance to Banyule. The Minister did not support the exclusion of Borlase Reserve as a tunnel boring machine launch site, the pursuit of an extended tunnel option, or the designation of Simpson's Barracks as a no-go zone.

On 3 January 2020 following the Ministers assessment, the associated Planning Scheme Amendment GC98 was gazetted to bring it into effect.

In a separate Federal Government process a Public Environment Report (PER) was required for the Project. Based on this report, the Federal Minister for the Environment approved the Project under the Environment Protection and Biodiversity Conservation Act on 13 December 2019.

Resolution (CO2020/3)

That Council:

1. Advocate with the North East Link Project bidding consortia in their design development to minimise the social, business, environmental and construction impacts to Banyule especially those at Borlase Reserve and Watsonia Village Activity Centre identified by the IAC including consideration of:
 - a. An extended tunnel design.
 - b. A reduced footprint design that improves outcomes at Watsonia.
 - c. Declaration of the Simpson Army Barracks as a project "NO GO ZONE"
 - d. Excluding Borlase Reserve as a Tunnel Boring Machine Launch or Retrieval Site
2. Endorses the updated Banyule City Council North East Link project advocacy list (3 February 2020) and continues to advocate for the projects on the list including:
 - a. Better bus services in the northeast of Melbourne.
 - b. A Civic Drive / Greensborough Bypass intersection upgrade.
 - c. Provision of a safe shared user underpass at Banksia Street (on the Main Yarra Trail).

- d. Better east west cycling connections especially to La Trobe NEIC (in addition to the proposed path at Drysdale Street).
 - e. An on road bicycle route on Yarra Street, Heidelberg (to connect to the bridge over the yarra).
 - f. Upgrades of the Main Yarra Trail between Banksia Street and Burke Road and in the Banyule Flats.
3. Provides input and feedback into the Watsonia Urban Design Framework Plan and advocate for enhancements to Watsonia including:
 - a. Watsonia Station upgrade (including DDA compliance)
 - b. The use of Monopoles where power pylons are being replaced including relocation of existing power pylons adjacent to Watsonia Library
 - c. Development of a town square
 - d. A green bridge connection over the North East Link
 4. Continues to advocate for minimisation of impacts to businesses in Watsonia including access, customer travel times to shops, parking availability, and business viability and amenity.
 5. Provides input and feedback on the Borlase Reserve and Lower Plenty Road Interchange Urban Design Framework Plan including:
 - a. Reinstatement of Banyule Creek
 - b. Improved amenity outcomes for surrounding residents
 6. Writes to North East Link Project requesting clarification on the proposed voluntary property acquisition scheme and the implications for residents in terms of property valuation reporting, eligibility requirements and expected implementation.
 7. Provides input and feedback into the M80 Interchange Urban Design Framework Plan including advocating for:
 - a. A gateways structure for Greensborough
 - b. Reduction of through traffic for Greensborough
 8. Provides input to the Open Space Relocation and Replacement Plan to be developed by North East Link Project for setting out temporary or permanent relocation arrangements for both active (sports) and passive (parklands).
 9. Continues to advocate for the relocation of Macleod Cricket Club and Macleod Junior Football Club to Macleod College.
 10. Writes to the North East Link Project to raise concerns with the lack of information being provided to residents of Macleod, Rosanna, Viewbank and Yallambie around the scope, timing and impacts of the early works proposed in and around Borlase Reserve and the future acquisition of affected properties as part of the voluntary property acquisition scheme.
 11. Provide a copy of the report and resolution be forwarded to local members seeking their support for Council's actions.

Moved: Cr Tom Melican
Seconded: Cr Craig Langdon

CARRIED

The Mayor called for a short break at 8.26pm.

The Meeting resumed at 8.34pm. Councillor Peter Castaldo was not in the chamber when the meeting resumed.

Councillor Castaldo returned to the Chamber at 8.35pm.

5.2 240 SOUTHERN ROAD, HEIDELBERG WEST - OLYMPIC PARK REDEVELOPMENT (P956/2019)

EXECUTIVE SUMMARY

The proposal is for Stages 2-4 of the Olympic Park redevelopment and incorporates a number of upgrades to facilities throughout the park including additional car parking, new multi-purpose sporting pitches, family play spaces and a memorial garden. Some vegetation is proposed to be removed and offset with new planting throughout the park.

One objection was received as a result of public notification, however it was withdrawn following discussions. VicRoads, Melbourne Water and the Department of Environment, Land, Water and Planning do not object to the proposal subject to conditions.

The works are designed to consider the sensitive environmental and cultural context of Olympic Park and adjacent residential properties. They will enable the space to meet the future demands of the growing population, community groups and clubs which utilise the venue and improve recreational opportunities for community members, groups and clubs as a result of this upgrade. Accordingly, they should be approved and a permit issued.

Resolution (CO2020/4)

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolve to issue a Planning Permit in respect of Application P956/2019 for Buildings and works in the Environmental Significance Overlay, Special Building Overlay and Land Subject to Inundation Overlay, vegetation removal and creation of access to a road in a Road Zone, Category 1 at 240 Southern Road HEIDELBERG WEST subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:
 - (a) The location of the existing security fence along the eastern boundary of the park to the rear of the residential properties on Liberty Parade;
 - (b) The provision of wheel stops for car spaces adjacent to footpaths;
 - (c) The accessway gradients to comply with Design Standard 3 of Clause 52.06-9;
 - (d) The provision of 20 bicycle spaces;
 - (e) The Tree Management and Protection Plan (TMPP) in accordance with Condition 4 of this permit;

Landscaping

2. The development permitted by this permit must not be commenced until satisfactory detailed landscaping plans to the satisfaction of the Responsible Authority are submitted to and approved by the Responsible Authority. The plans must be generally

in accordance with the Landscape and Planting Concept Layout prepared by Michael Smith and Associates and dated 21 June 2019. When approved, the plans will be endorsed and will then form part of the permit.

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.

Tree Protection

4. Before the plans required by Condition 1 of this permit are endorsed, a Tree Management and Protection Plan (TMPP) to the satisfaction of the Responsible Authority, must be submitted to, and approved in writing by, the Responsible Authority. The TMPP must be prepared by a suitably qualified and experienced arborist in relation to the management and maintenance of all Trees retained onsite. The Tree Management and Protection Plan must include (but not be limited to):
 - a) The design modifications, particular construction techniques and impact mitigation set out in the Arborist Report by Claudine Reynolds, February 2019.
 - b) A tree protection plan drawn to scale.
 - c) All tree protection zones and structural root zones to be indicated on the plan.
 - d) All TPZ areas where ground protection systems will be used.
 - e) The types of footings used within tree protection zones to be indicated on the plans.
 - f) All services to be located within the tree protection zones and a notation to state that all services will either be located outside the tree protection zone or bored under the tree protection zone.
 - g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the project arborist.
 - h) A management regime for all trees during the demolition, construction and post-construction phases of the development. Matters to be addressed, to include the location/design of tree protection fencing, mulching/watering requirements, requirements regarding any suitable excavation and the storage of any related building materials outside the TPZ of retained trees.
 - i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the project arborist to the satisfaction of the Responsible Authority.
 - j) The project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans in regards to any pruning required to enable clearance from the proposed buildings and works (including any temporary scaffolding requirements). Specific details of the pruning must include photographic diagrams. All tree pruning must then be carried out by the 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.

NOTE:

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

The approved Tree Management and Protection Plan must be implemented to the satisfaction of the Responsible Authority. Written confirmation from the project arborist that the tree management works undertaken are satisfactory and are in accordance with the

approved Tree Management Plan must be submitted to the Responsible Authority, to its satisfaction.

Melbourne Water (Conditions 5 and 6)

5. A Site Environmental Management Plan (SEMP) must be developed and implemented during the works. This must include controls to prevent the direct or indirect discharge of polluted or sediment-laden waters into receiving waterways.
6. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Drainage

7. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

NOTE:

Any connection to Council's drainage system

- (a) Within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

8. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

Flooding

9. No alteration to existing topography within the existing stormwater drainage easement or stormwater overland flow path is permitted.
10. All boundary and internal fencing must be permeable to overland stormwater flows.
11. Proposed structures must allow for and not restrict or impede the free passage of overland stormwater flows, so that it does not cause higher flood levels or faster flows.

VicRoads (Conditions 12 -15)

12. Before the works associated with the development commences, the following functional layout plans must be submitted to and approved by the Roads Corporation. The plans must be generally in accordance with the concept plan submitted with the application (Traffic Works, Drawing No. 180354-FLT-01, Issue P1, dated 18/12/2018) and must show:
 - a) The proposed left-in, left-out access point on Southern Road including the deceleration lane;
 - b) Any associated works.

13. Before the development commences, the following roadworks (as approved by the Roads Corporation) must be completed at no cost to and to the satisfaction of the Roads Corporation and the Responsible Authority:
 - a) The proposed left-in, left-out access point on Southern Road including the deceleration lane;
 - b) Any associated works.
14. Within 12 months of the development operating/commencing a post development Traffic Impact Assessment report must be submitted to and approved by the Roads Corporation. The Traffic Impact Assessment must include the following:
 - a) An assessment on the operation of the road network post development including adjacent intersections;
 - b) Identify any mitigation measures that may be required to improve the access to Southern Road;
 - c) Traffic Impact Assessment to identify the safety and operational issues with the constructed left-in, left-out intersection and any mitigation measures.
15. Within 18 months of the development operating/commencing the following must be completed at no cost and to the satisfaction of the Roads Corporation:
 - a) Mitigation measures outlined in the post development Traffic Impact Assessment and associated works.

Car Parking

16. 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.
17. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
18. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.
19. In areas set aside for parking, kerbs or barriers or other means of protection must be installed to the satisfaction of the Responsible Authority so as to prevent damage by vehicles to the fences of adjoining properties or landscape areas.

Native vegetation (DELWP Conditions 20 – 25)

20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. The total area of native vegetation proposed to be removed totals 0.592 hectare, comprised of:
 - a) 10 patches of native vegetation with a total area of 0.592 hectare
 - b) One large scattered tree
 - c) 12 small scattered trees

22. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.126 general habitat units:
 - a) Located within the Port Phillip and Westernport Catchment Management boundary or Banyule municipal area
 - b) With a minimum strategic biodiversity score of at least 0.156, and
 - c) The offset(s) secured must also protect one large trees.
23. Before any native vegetation is removed this evidence must be one or both of the following:
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
24. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip Region regional office.
25. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.

Time limits

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

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

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

PERMIT NOTES

(A) Expiry of Permit

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

(B) Additional approvals required

Building Permit Required

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

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.

Native vegetation

Before any works on public land start, a permit to take protected flora under the *Flora and Fauna Guarantee (FFG) Act 1988* is to be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Port Phillip regional office of the Department of Environment, Land, Water and Planning on (03) 9450 8600.

Moved: Cr Craig Langdon
Seconded: Cr Tom Melican

CARRIED

5.3 17 - 19 ESTER STREET, GREENSBOROUGH - ADDITIONS TO AN EXISTING PRESCHOOL AND MATERNAL AND CHILD HEALTH CENTRE (P1187/2019)

EXECUTIVE SUMMARY

The proposal is for additions to the Greensborough Preschool and Maternal and Child Health Centre in Ester Street, Greensborough and reduction in the standard car parking requirements.

The proposal includes the following:

- Single storey extension to rear of existing building, including secondary play room, kitchen, store room, consultation room and bathrooms;
- Internal reconfiguration of preschool and maternal and child health centre;
- Altered façade treatment;
- Removal of shrubs and a small tree;
- Increase in 33 children for a total of 66 children;
- A reduction of two car parking spaces from the statutory requirements;
- Alterations to the existing car parking including the introduction of one accessible parking space.

Public notification of the application was undertaken and no objections have been received.

The proposal provides updated and improved community facilities for the Greensborough community and should be supported, subject to conditions.

Resolution (CO2020/5)

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987 resolves to issue a Planning Permit in respect of Application No. P1187/2019 for Buildings and works associated with a Section 2 use (existing child care and medical centre) and reduction of car parking at 17-19 Ester Street GREENSBOROUGH subject to the following conditions:

Plans

1. Before the development permitted by this permit starts, amended plans and additional information 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) Swept path diagrams for vehicles entering and exiting end spaces to demonstrate compliance with Design Standard 1 of Clause 52.06. Amendments to the car parking spaces may be required to demonstrate compliance.
 - (b) The accessible parking spaces designed in accordance with AS 2890.6 (2009) clause 2.2.1. AS2890.6- 2009 and the Building Code of Australia including a kerb ramp providing access from the accessible parking space and shared space to the footpath.
 - (c) The accessible car parking space swapped with the shared space.

- (d) All access way widths and car parking space dimensions notated on the plans and designed in accordance with Design Standard 2 of Clause 52.06.
 - (e) Tree Management Plan in accordance with Condition 2 of this permit.
 - (f) Tree Protection Zones in accordance with Condition 6 of this permit.
2. Before the plans required by Condition 1 of this permit are endorsed, a Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of the Trees #1, #5 - #9. The Tree Management & Protection Plan must include (but not be limited to):
- (a) The design modifications and particular construction techniques set out in the Arborist Report by Nick Withers December 2019.
 - (b) A tree protection plan drawn to scale.
 - (c) All tree protection zones and structural root zones to be indicated on the plan.
 - (d) All TPZ areas where ground protection systems will be used.
 - (e) The types of footings used within tree protection zones. Which must also be indicated on the plans
 - (f) All services to be located within the tree protection zones and a notation to state that all services will either be located outside the tree protection zone or bored under the tree protection zone.
 - (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) and pruning of any roots required to be undertaken by the project Arborist.
 - (h) A management regime, for all trees during the demolition, construction and post-construction phases of the development. Matters to be addressed, to include the location/design of tree protection fencing, mulching/ watering requirements, requirements regarding any suitable excavation and the storage of any related building materials to be located outside the TPZ of retained trees.
 - (i) Supervision timetable and certification (sign off sheet) of tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority.
 - (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 Pruning of amenity trees, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a qualified arborist 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.

The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority. Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

3. Before the development permitted by this permit starts, engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, showing a properly prepared design with computations for the internal drainage and method for disposal of stormwater from all roofed areas and sealed areas including:
 - (i) The use of an On-site Stormwater Detention (OSD) system;
 - (ii) The connection to the Council nominated legal point of discharge;
 - (iii) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (iv) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
 - (v) All drainage plans must show for Trees #1, #5, #6, #7, #8 and #9: 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 Nick Withers December 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.

General

4. 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.
5. The development hereby permitted must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 'Design Rules for Access by the Disabled' to the satisfaction of the Responsible Authority.

Tree Protection

Tree Preservation Zones

6. 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 Trees #1, #5, #6, #7, #8 and #9. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' the suitably qualified project arborist (AQF Level 5) which must include photographic evidence of the below requirements. This correspondence must be sent to enquiries@banyule.vic.gov.au. Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:
 - (a) Tree Preservation Zones must be provided to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land
 - (b) 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.

Weed control

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

Fencing

- (d) 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*.

Signage

- (e) 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".

Irrigation

- (f) 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).

Access to Tree Preservation Zone

- (g) No persons, vehicles or machinery are to enter the Tree Protection Zone except with the consent of the Responsible Authority;
- (h) 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;
- (i) No storage of material, equipment or temporary building is to take place within the Tree Preservation Zone;
- (j) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

Ground Protection

- (k) 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 6 (a). 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.

Arborist supervision

7. A suitably qualified arborist (AQF Level 5) must supervise any activity within the calculated TPZ of a retained tree on or adjoining the subject site. The arborist must ensure no roots greater than 40mm in diameter are cut or damaged during any part of the construction process. In addition, the arborist must ensure that approved buildings and works do not have an adverse impact on the health or stability now or into the future of Trees #1, #5, #6, #7, #8 and #9.
8. All excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must be undertaken outside the calculated structural root zone of any tree unless otherwise approved.
9. A qualified arborist must be present during the excavation works where within the TPZ of Tree #1. Any exposed roots <40mm must be carefully and cleanly cut (pruned) with

tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. There must be no root pruning within the SRZ.

10. The project arborist and builder must ensure that TPZ fencing conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Underground Services

11. Any underground service installations within the calculated Tree Protection Zone of any retained tree must be bored 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:

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

Restrictions on Use

12. Except with the prior written consent of the Responsible Authority, the maximum number of children accommodated on site at any time shall not be more than 66.

13. Except with the prior written consent of the Responsible Authority, the maximum number of practitioners within the health centre at any time shall not be more than 3.

Car Parking / Access

14. 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.

15. 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.

16. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

Time Limits

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

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

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

- Before the permit expires, or
- Within six months afterwards, or

- Within 12 months afterwards if the development started lawfully before the permit expired.

PERMIT NOTES

(A) Expiry of Permit

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

(B) Additional approvals required

Building Permit Required

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

Building over Easements

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

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.

Moved: Cr Mark Di Pasquale
Seconded: Cr Craig Langdon

CARRIED

5.4 DUPLEX (TWO DWELLINGS SIDE BY SIDE) DEVELOPMENT GUIDELINES FOR THE POSTCODE 3081 AREA

EXECUTIVE SUMMARY

At its meeting on 5 August 2019, Council resolved to seek a further report which reviews and provides advice on locations within the 3081 postcode area where duplex typologies (two dwellings side by side) could be considered as well as establishing criteria for acceptable design.

This report outlines a strategic basis to allow for a greater degree of change to the existing residential character within accessible housing areas that are zoned General Residential Zone 1 in the postcode 3081 area. With additional design guidance, Development Planning may consider duplex typologies in this area to facilitate outcomes that are consistent with a preferred future character.

The design guidance sets out a criteria for a proposed duplex to:

- Ensure that width of a lot can support a duplex typology
- Ensure that the extent of garages are not a dominant feature of the street façade relative to the lot width
- Ensure passive surveillance opportunities
- Avoid boundary to boundary construction across the width of the site.

If a development proposal can respond appropriately to the design guidance, as well as key policies including Banyule's Residential Neighbourhood Character and Residential Vehicle Crossing policies as well as ResCode, it is recommended that duplex typologies can be considered within accessible housing areas that are zoned General Residential Zone 1 in the postcode 3081 area.

Resolution (CO2020/6)

That Council facilitate appropriate duplex typologies (two dwellings side by side) on land zoned General Residential Zone (Schedule 1) within the postcode 3081 area by:

1. Applying the following guidelines in addition to the relevant ResCode and Residential Neighbourhood Character Strategy objectives, standards, design responses and decision guidelines:
 - a) Where car parking access cannot be provided at the rear of the site, the minimum lot width of the development site must be 15 metres.
 - b) Where garages or carports can only be accessed from the front of a lot the development site lot width for:
 - (i) Two single space garages/carports is a minimum of 15 metres.
 - (ii) One single space and one double space garage/carport is a minimum of 20 metres.
 - (iii) Two double car space garages/carports is a minimum of 25 metres.
 - c) Dwellings must provide genuine passive surveillance from a ground level habitable room window.
 - d) A setback must be provided from one side boundary of the development site with the dimension having regard to the rhythm of spacing in the streetscape.
2. Subject to compliance with the above guidelines, exercising discretion to support variations to Council's "Residential Vehicle Crossing Policy 2012, 7. Policy Siting Criteria - dot point 2" which sets out that:

- For a site with more than one dwelling, additional single width vehicle crossings is generally acceptable, if the:
 - Width of the existing front boundary is equal to or greater than 20 metres within neighbourhood character precincts GC1, GC2 (South), GC2 (North) [west of Greensborough Bypass], GC2 (West), GC3, GS1, GS2 and GS3.

3. Outlining the above approach and expectations on Council's website.

Moved: Cr Craig Langdon
Seconded: Cr Wayne Phillips

CARRIED

5.5 DEVELOPMENT PLANNING ACTIVITIES REPORT (JULY - DECEMBER 2019)

EXECUTIVE SUMMARY

This report presents and provides commentary on the July to December 2019 activities of Development Planning.

Key highlights from the review period include:

- Live planning applications and requests decreased from 447 to 389 over the review period;
- The average percentage of applications determined within the statutory timeframe increased from 57.7% to 71% with a high of 80% in September.
- The number of live planning investigations reduced from 108 to 47 in the review period;
- There has been a decrease in the number of Council's decisions which have been overturned by the Tribunal throughout the review period with 46% of applications for review set aside by the Tribunal compared to 56% in the previous six months.
- A number of applications with significant community interest were processed in the review period within the statutory timeframe.

Resolution (CO2020/7)

That Council:

1. Note the Development Planning Activities report and in particular the reduced backlog of application with a lower number of 'live' outstanding matters, increase in the percentage of applications determined within the statutory timeframe and improved success rate at the Victorian Civil and Administrative Tribunal;
2. Thanks the Development Planning Team for their hard work over a long period of time, that has achieved these significant improvements in all important key performance indicators.

Moved: Cr Tom Melican
Seconded: Cr Wayne Phillips

CARRIED

5.6 PLANNING FEES & CHARGES

EXECUTIVE SUMMARY

Council sets its fees annually as part of its budgeting process. This includes non-statutory fees for services that are not covered by the Planning Regulations. These fees support the department to facilitate improvements to planning processes and to focus on providing best practice customer service delivery.

Due to changes introduced by Land Use Victoria in relation to Section 173 agreements, it is proposed to introduce a new fee of \$400 to recover Councils costs when lodging agreements with the titles office.

Following an internal review of fees associated with amending drainage plans approved as part of planning permit outcomes it is proposed to introduce a new fee category. This category will result in a fee schedule that is reasonable for applicants when changes are sought to drainage plans.

The revised non-statutory fee structure supports the department in being able to provide a higher quality of customer service, be adaptive to the changing processes of Land Use Victoria and is in line with Council's City Plan key direction to "*Deliver best value services and facilities*".

Resolution (CO2020/8)

That Council endorse new and amended Planning Fees in the Fees and Charges Schedule 2019/20 as follows:

- Lodgement of Section 173 Agreements - \$400.00; and
- Secondary Consent Applications (Amendments to endorsed drainage plans) - \$300.00.

Moved: Cr Wayne Phillips

Seconded: Cr Mark Di Pasquale

CARRIED

6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE**6.1 ADVISORY COMMITTEES' REPORT**

Kevin Biaggini spoke to the item.

EXECUTIVE SUMMARY

Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective issue.

Advisory Committees provide important linkages between Council, Community and State agencies and interest groups. Following an Advisory Committee meeting, a report is submitted to Council to note the minutes.

Recommendations to Council from Advisory Committees will generally be made to the next Council meeting.

The following Minutes are presented for noting:

1. Banyule Disability and Inclusion Advisory Committee
2. Banyule Arts and Culture Advisory Committee
3. Banyule Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee
4. Banyule Aboriginal and Torres Strait Islander Advisory Committee
5. Banyule Age-friendly City Advisory Committee.

Resolution (CO2020/9)

That Council notes the following minutes/reports:

- 1) Banyule Disability and Inclusion Advisory Committee meeting on 11 December 2019.
- 2) Banyule Arts and Culture Advisory Committee on 3 December 2019
- 3) Banyule Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee meeting on 12 December 2019.
- 4) Banyule Aboriginal and Torres Strait Islander Committee meeting on 5 December 2019
- 5) Banyule Age-friendly City Advisory Committee meeting on 16 December 2019.

Moved: Cr Craig Langdon

Seconded: Cr Rick Garotti

CARRIED

6.2 NOMINATIONS FOR CASUAL VACANCIES ON BANYULE ADVISORY COMMITTEES

EXECUTIVE SUMMARY

Banyule's Advisory Committees give advice to Council and Council officers on matters affecting residents from Banyule's diverse populations.

The Advisory Committees are made up of people:

- with disabilities (Banyule Disability and Inclusion Advisory Committee);
- from multicultural communities (Banyule Multicultural Advisory Committee);
- with diverse sexualities (Banyule LGBTIQ+ Advisory Committee);
- from Aboriginal communities (Banyule Aboriginal and Torres Strait Islander Advisory Committee).

The Committees help ensure that Council policies, practices and programs are inclusive and respectful to all.

Due to movement in current membership across each of these committees, a mid-term expression of interest to fill vacancies has been undertaken.

Vacancies exist for each Committee as follows:

Committee	Vacancy
Banyule Disability and Inclusion Advisory Committee (BDIAC)	3
Banyule Multicultural Advisory Committee (BMAC)	5
Banyule LGBTIQ+ Advisory Committee (LGBTIQ+)	3
Banyule Aboriginal and Torres Strait Islander Advisory Committee	6

Nominations were received and assessed.

Council is now being asked to determine the appointments to fill the various vacancies on the committees.

Resolution (CO2020/10)

That Council approve the following member appointments:

- a) Emily Churchill, Julie Santamaria and Lachlan Wellington to the Banyule Disability and Inclusion Advisory Committee.
- b) Shabnam Astraki, Veronica Heng Teng Lee, Lan Jiang, Leonidas Nitereka and Susan Zhou to the Banyule Multicultural Advisory Committee.
- c) Paul Byrne-Moroney, Ashleigh Keenan and Billie Weir to the Banyule LGBTIQ+ Advisory Committee.
- d) Cathy Garlett and Joanne Quinn to the Banyule Aboriginal and Torres Strait Islander Advisory Committee.

Moved: Cr Rick Garotti
Seconded: Cr Craig Langdon

CARRIED

7. PERFORMANCE - USE OUR RESOURCES WISELY

7.1 COUNCIL ELECTIONS 2020

David Mulholland spoke to the item.

Councillor Di Pasquale left the Chamber at 09:46 pm.

EXECUTIVE SUMMARY

The next 4 yearly council elections for 78 of the 79 of Victorian councils will be held on 24 October 2020. The Victorian Electoral Commission (VEC) is the statutory election service provider for Victorian local councils. The VEC became the legislated provider of election services in 2015 following changes to *the Local Government Act 1989* and successfully conducted the 2016 General Elections for all councils.

In 2019 the VEC conducted a Review of Banyule City Council's Electoral Structure. The Review involved two stages of public consultation where Council and members of the public made submissions on their view of the best electoral structure for Banyule.

At the conclusion of the Review the VEC recommended a change to Banyule's structure to the Minister for final approval. The VEC's recommendation was that Banyule City Council consist of nine (9) single councillor wards. Pending a decision from the Minister for Local Government, any changes to the electoral structure of Banyule will take place at the 2020 election.

Councils are able to choose between conducting attendance voting or postal voting elections. Banyule has in the past conducted its elections by attendance voting including the last election held in 2016.

The preliminary estimates from the VEC for conducting an attendance election for Banyule have been received and indicate that the costs have increased by 20% from 2016. In addition the added cost of two additional councillors means the total cost of conducting the election in 2020 will be \$1,008,938.13 (ex GST) if Council wishes to continue with attendance voting. An election by postal method of voting will cost approximately \$808,490.43 (ex GST).

The Local Government Bill 2019 has not yet been passed by Parliament which will provide for the Minister to select the voting method for all councils. At this point in time the current Local Government Act 1989 requires Council to select its voting method.

Council has until 24 February 2020 to confirm the method of voting for Banyule's election and to advise the VEC. It is recommended that postal method of voting be the preferred method of voting to be used for the 2020 Banyule General Elections.

Councillor Di Pasquale returned to the Chamber at 09:49pm.

Resolution (CO2020/11)

That:

1. Council note the report and the planning that is underway for the conduct of the 2020 Victorian Local Government General Elections; and
2. Council confirm attendance voting as the method of voting to be used for the 2020 Banyule General Elections.

3. A further report be presented to Council should any changes be made to the method of voting as a result of the changes to the new Local Government Act.
4. Council Inform residents and community of its decision as timely as possible.
5. Council write to the VEC seeking consideration of reducing the number of polling booths per ward and other efficiencies to reduce the cost.

Moved: Cr Rick Garotti
 Seconded: Cr Wayne Phillips

CARRIED

7.2 REPORT ON PROPERTY TRANSACTIONS FOR THE SIX MONTHS ENDING 31 DECEMBER 2019

EXECUTIVE SUMMARY

At its Ordinary Meeting on 11 July 2016, Council requested six monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.

This report provides an update to the Council and the community where settlement of land and property transactions occurred in the six month period from 1 June 2019 to 31 December 2019.

This information is presented to Council in February and August yearly.

Resolution (CO2020/12)

That:

1. Council notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending on 31 December 2019.

Land and Property involved

Address	Zone	Description	Area m ²	Price Incl. GST
Part 11 & 11A Porter Street, Briar Hill	NRZ3	Creation of Drainage Easement within Council Reserve (No actual transfer of land)	140.59	\$19,903.40 (For the provision of drainage easement rights within the land)

2. A further report be presented to Council in August 2020 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 30 June 2020.

Moved: Cr Rick Garotti
 Seconded: Cr Craig Langdon

CARRIED

7.3 ASSEMBLY OF COUNCILLORS**EXECUTIVE SUMMARY**

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

*A meeting of an advisory committee of the Council, if at least one Councillor is present or;
A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:*

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

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

RECORD OF ASSEMBLIES

1	Date of Assembly: Type of Meeting: Matters Considered: Councillors Present: Staff Present: Others Present: Conflict of Interest:	26 November 2019 North East Link Forum North East Link Peter Castaldo Alison Champion Mark Di Pasquale Tom Melican Geoff Glynn – <i>Acting Chief Executive Officer</i> Scott Walker – <i>Director City Development</i> Jonathan Risby – <i>Manager Transport</i> Paul Bellis – <i>Transport Planning & Advocacy Coordinator</i> Rachel Kamath – <i>Transport Planner, Major Projects</i> Various – Large public forum with members of the public Nil
2	Date of Assembly: Type of Meeting: Matters Considered:	3 December 2019 Arts & Cultural Advisory Committee <ul style="list-style-type: none"> • Art Acquisitions • Malahang Community Festival • Pinpoint Networking Series • Banyule Open Studio Pilot • Public Art Policy Update • Olympic Park – Local Histories Project • Ivanhoe Library & Cultural Hub Update • BACAC Evaluation & 2020 Meeting Dates • Carols / Boulevard Lights • Future Histories Exhibition • Napier Wallace House Tour • Arts & Culture Tips for Summer

Councillors Present:	Craig Langdon
Staff Present:	Hannes Berger – <i>Arts & Culture Team Leader</i> Nikki Ralston – <i>Arts & Cultural Development Officer</i>
Others Present:	Rosemary Crosthwaite Fran Lee Anne Bennett Les Walkling Kevin Ritchie Genelle Ryan Joanne O’Hara Sandra Diaz June Gassin
Conflict of Interest:	Nil

3	Date of Assembly:	9 December 2019
	Type of Meeting:	Councillor Briefing
	Matters Considered:	<p>Items on the Council Agenda for the Ordinary Meeting of 9 December 2019 (excluding confidential items) as listed below:</p> <ul style="list-style-type: none"> 3.1 The Banyule Graffiti Strategy 2020-24 3.2 Banyule Public Art Policy 2020-2024 3.3 Inclusion, Access and Equity Mid Term Achievements Report 2017-2019 3.4 HiCity (Bedford Group) Transition Plan Update 4.1 Banyule Environment Advisory Committee - New membership endorsement 4.2 2018/19 State of the Environment Report 4.3 Council's Corporate Emissions Reduction Plan, 2020 – 2023 5.1 69-71 Banyule Road, Rosanna - Development of 27 Dwellings, Vegetation Removal and partial removal of an easement (P858/2019) 5.2 32 Yando Street, Greensborough - Shared pathway and removal of vegetation within Kalparrin Gardens (P786/2019) 5.3 294 Bell Street, Heidelberg West - Planning Permit Application for a Mixed Use Multi Level Development (P312/2010 Section 72 Amendment) 5.4 New Telstra Payphones and Electronic Signage - Various Locations 5.5 Banyule Road and Beverley Road, Rosanna - Intersection Safety Concerns 5.6 Council Report Bellfield Planning Scheme Amendment C153 and Community Consultation Report 5.7 Hurstbridge Railway Line Upgrade Stage 2 - Urban Design Principles and Project Update 7.1 Land Transactions Framework 7.2 Public Consultation - Banyule City Council's Rating Strategy 2020-2021 7.3 Public Consultation - Banyule City Council's Draft Schedule of Fees and Charges 2020/2021

<p>Councillors Present:</p> <p>Staff Present:</p> <p>Others Present:</p> <p>Conflict of Interest:</p>	<p>7.4 New Public Interest Disclosures 7.5 Award of contract for '1014-2020 Design & Construct for Glenauburn Modular Pavilion' 7.6 Award of Contract '1011 -2020 Contractors for Irrigation Renewal Program' 7.7 Award of Contract '0989-2019 Provision of Stormwater Harvesting Maintenance Services' 7.8 Award of Contract for '1013-2020 Construction of Outdoor Courts and Design & Construction of Roof Structure - Nets Stadium Banyule' 7.9 Assembly of Councillors</p> <p>Urgent Business Item: 1.1 North East Link Project Environment Effects Statement Assessment Report</p> <p>Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti <i>at 5:37pm</i> Craig Langdon Tom Melican Wayne Philips</p> <p>Geoff Glynn – <i>Acting Chief Executive Officer</i> Robbie Colosimo – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Darren Bennett – <i>Acting Director Assets & City Services</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Jonathan Risby – <i>Manager Transport</i> Joel Elbourne – <i>Manager Planning & Building</i> Shawn Neilsen – <i>Acting Manager Environment & Place</i> Lucy Rasdell – <i>Manager Strategic Property</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Walla Idris – <i>Development Planner</i></p> <p>Nil</p> <p>Nil</p>
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<p>4</p> <p>Date of Assembly:</p> <p>Type of Meeting:</p> <p>Matters Considered:</p>	<p>11 December 2019</p> <p>Banyule Disability & Inclusion Advisory Committee</p> <ul style="list-style-type: none"> • Announcement of Banyule Council's new CEO, Allison Beckwith • Information on MAV project to survey Victorian Councils' disability advisory groups • Reports on internal and external activities and events for the International Disability Day • Early discussion on the possibility of a disability employment summit or forum in conjunction with our neighbouring Councils
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	<ul style="list-style-type: none"> • Banyule's Inclusive Employment Program • Safe Access Audit in Were Street Montmorency • Update from Disability Planner <p>Councillors Present: Craig Langdon</p> <p>Staff Present: Lisa Raywood – <i>Manager Health Aged & Community Planning</i> Michael Uniacke – <i>Social & Community Planner</i> Hilary Coward – <i>Health Promotion & Project Support Officer</i></p> <p>Others Present: Stephen Bell – <i>Project Officer, Municipal Association of Victoria</i> Erin Gook – <i>Auslan Interpreter</i> Thomas King - <i>Notetaker</i></p> <p>Conflict of Interest: Nil</p>
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5	<p>Date of Assembly: 16 December 2019</p> <p>Type of Meeting: Councillor Briefing</p> <p>Matters Considered: Items on the Council Agenda for the Special Council Meeting of 16 December 2019 (excluding confidential items) as listed below:</p> <ul style="list-style-type: none"> 2.1 Rosanna Station Kiosk Lease between Banyule City Council and Youth Projects Ltd 6.1 Award of Contract No '0999-2019, The Centre Ivanhoe - Venue Management, Catering and Hospitality Services' 6.2 Award of Contract for '1009-2019 Changeroom and Pavilion Upgrade at De Winton Reserve' 6.3 Award of Contract No '1017-2020 Construction – Rosanna Village Precinct Streetscape Renewal' <p>Councillors Present: Peter Castaldo Alison Champion Rick Garotti Craig Langdon Tom Melican Wayne Phillips</p> <p>Staff Present: Geoff Glynn – <i>Acting Chief Executive Officer</i> Robbie Colosimo – <i>Acting Director Community Programs</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Darren Bennett – <i>Acting Director Assets & City Services</i> Gina Burden – <i>Manager Governance & Communication</i> Ellen Kavanagh – <i>Governance Officer</i></p> <p>Others Present: Nil</p> <p>Conflict of Interest: Nil</p>
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6	Date of Assembly: Type of Meeting: Matters Considered: Councillors Present: Staff Present: Others Present: Conflict of Interest:	16 December 2019 Age Friendly City Advisory Committee <ul style="list-style-type: none"> • Welcome and Apologies • Actions from Previous Minutes • Age Friendly Australia National Forum: Review • Update on Bellfield Community Hub • Older Adults Action Plan 2018-2019 • General Discussion Alison Champion Craig Langdon Leanne Horvath – <i>Service Planning, Assessment & Community Support Coordinator</i> Jacqui Stephenson – <i>Senior Project Manager</i> Age Friendly Advisory Committee Members: Glenn Swafford Susanne Walker Jennifer Helmich Marita Carmody Allison Ryan Karlene Lang Stewart Morrirt Bev Moss Mary Ann Williams Margaret Breare Jenny Dale Nil
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Resolution (CO2020/13)

That the Assembly of Councillors report be received.

Moved: Cr Tom Melican
Seconded: Cr Wayne Phillips

CARRIED

7.4 AWARD OF CONTRACT NO 1004-2020 "CONSTRUCTION OF KALPARRIN GARDENS SHARED PATHWAY"**EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1004 - 2020 for "Construction of Kalparrin Gardens Shared Pathway".

A masterplan was prepared for Kalparrin Gardens Reserve, Greensborough, in consultation with community and stakeholders and was adopted by Council on the 20th February 2017. The construction of the Kalparrin Gardens Shared Pathway is a recommendation within the adopted masterplan.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to Geoff Brereton Engineering for the lump sum price of \$949,341 (ex GST) in accordance with the tender and conditions as determined by Council.

Resolution (CO2020/14)

That:

1. Contract No. '1004 - 2020' for 'Construction of Kalparrin Gardens Shared Pathway' be awarded to Geoff Brereton Engineering for \$949,341 (excl.G.S.T)
2. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

7.5 AWARD OF CONTRACT NO 1009-2019 "CHANGEROOM AND PAVILION UPGRADE AT DE WINTON RESERVE"

Kevan Hill spoke to the item.

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 1009-2019 for "Changeroom and Pavilion Upgrade at De Winton Reserve".

As part of the 2019/20 financial year Capital Works program, Council is proposing to upgrade the De Winton Pavilion to meet current Female Friendly guidelines.

Tenders were advertised in *The Age* and on Council's website. During this period twenty seven (27) companies downloaded the tender documents and ten (10) submissions were received by the closing time.

A report was originally presented at the 18 November Council meeting and Council adopted the officer recommendation to award the contract to Harris HMC Interiors (Vic) Pty Ltd. Upon requesting the required documentation to finalise the contract, the contractor advised Council that they had "uncovered some concerns" with their tender submission. As a result of these concerns, Council was advised by the contractor that an adjustment to the tendered lump sum was required to complete the project.

As a result of the above, the tender was re-evaluated with the updated price from Harris HMC Interiors (Vic) Pty Ltd. Following the re-evaluation, the Tender Evaluation Panel recommends that Council award Contract No 1009-2019 'Changeroom and Pavilion Upgrade at De Winton Reserve', for the lump sum price of \$818,796 (excl. GST), to Alchemy Construct Pty Ltd.

The project will also be delayed approximately eight weeks due to the change of contractor which will result in a significant impact on the sporting clubs. To avoid this, it is proposed to commence construction at the completion of the 2020 football season. Alchemy Construct have agreed to hold their tendered price to accommodate this.

Resolution (CO2020/15)

That Council:

1. Note Harris HMC Interiors (Vic) Pty Ltd, the successful tenderer awarded Contract No. 1009-2019 for 'Changeroom and Pavilion at De Winton Pavilion' at the Council meeting on 18 November 2019, has withdrawn their submitted tender price for \$678,612.59 (ex. GST) and have advised they cannot fulfil the terms and conditions of the contract under the tendered price. The revised price submitted results in a change to their overall ranking, making them no longer the highest ranked tenderer.
2. Having assessed the submitted tenders, award Contract No. 1009-2019 for 'Changeroom and Pavilion at De Winton Pavilion' to Alchemy Construct Pty Ltd, for \$818,796.00 (excl. GST).
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican
Seconded: Cr Wayne Phillips

CARRIED

7.6 AWARD OF CONTRACT NO NR-2019-42 "PROVISION OF CLEANING SERVICES - NORTHERN REGION COLLABORATION"**EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No NR-2019-42 for "Cleaning Services".

Banyule City Council participated in a collaborative tendering process with 4 Northern Region Councils, led by City of Whittlesea, to seek submissions from suitably qualified and capable contractors to provide Cleaning Services to the 5 municipalities.

Tenderers were also requested to submit a response that delivers social and economic initiatives to the Northern Region Community, providing employment for residents from disadvantaged backgrounds such as young school leavers, new migrants, long term unemployed etc.

The Contract term sought is 5 years, with an initial period of three years and the option to extend for up to another two years.

The Banyule City Council Tender Evaluation Panel (TEP) has recommended awarding the contract to Cleaning Melbourne Pty Ltd in accordance with the tender and conditions as determined by Council.

Resolution (CO2020/16)

That:

1. Contract No. NR-2019-42 for "Cleaning Services" be awarded to Cleaning Melbourne Pty Ltd for a total estimated value of \$5,764,781 (exc GST) on a lump sum pricing basis for routine services and on a schedule of rates basis for additional reactive services.
2. The Contract term is for an initial 3 year period with an extension option for a further 2 year period at Council's discretion.
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.
4. The Director of Assets and City Services be authorised to award an extension of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year Contract term.

Moved: Cr Rick Garotti

Seconded: Cr Wayne Phillips

CARRIED

7.7 AWARD OF CONTRACT NO PA 2103-0839 "MULTI FUNCTION DEVICES (HARDWARE & SOFTWARE) AND MANAGED SERVICES"

EXECUTIVE SUMMARY

This report is to consider the awarding of Contract No 'PA2103-0839' for 'Provision of Multi Function Devices (Hardware & Software) and Managed Devices'.

Council previously approved the use of Procurement Australia (PA) contracts. This contract provides benefits of collective purchasing and to improve efficiency in the procurement process of Council's Multi Function Device (MFD) equipment.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to Sharp Corporation of Australia Pty Ltd (Sharp) for a period of three (3) years with options of further 2 extension periods of 12 months each in accordance with the quotation and conditions as determined by Council.

The total overall cost of the Multi Function Devices and the managed print services is estimated to be \$842,514.28 over the 5 year maximum term of the contract. This total estimated cost includes the lump sum cost of \$397,363.72 for MFD leasing, software and managed print services, and an estimated cost of \$444,150.56 for copy/print click charges. This contract represents a decrease in operational costs of approximately \$111,550.76 over the 5 year maximum term.

Resolution (CO2020/17)

That:

1. Contract No. 'PA2103-0839' for 'Provision of Multi Function Devices (Hardware & Software) and Managed Devices' be awarded to Sharp Corporation of Australia Pty Ltd for a total estimated value of \$842,514.28, including lump sum of \$397,363.72 for MFD leasing, software and managed services, and on a schedule of rates basis for copy/print click charges.
2. The contract is over a 3 year period with an extension option for a further 2 extension periods of 12 months each at Council's discretion.
3. The Director of Corporate Services be authorised to sign the contract and any other associated documents.
4. The Director of Corporate Services be authorised to award an extension of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year Contract term.
5. Officers continue to focus on reducing paper usage by utilising the new features introduced in the proposed solution, including integration with Council's document management system and online cloud storage and introducing other digital initiatives.

Moved: Cr Peter Castaldo

Seconded: Cr Rick Garotti

CARRIED

7.8 AWARD OF CONTRACT NO PA 2110-0503 "SUPPLY OF MOBILE BINS"**EXECUTIVE SUMMARY**

This report is to consider opting into Procurement Australia Contract "PA 2103-0503" for the 'Supply of Mobile Bins'.

Council provides approximately 150,000 mobile garbage bins to residential and commercial premises to enable them to participate in Council's waste collection services. Bins are constantly being replaced.

In accordance with Section 186 of the Local Government Act 1989, Council opted into the contract for the current 1801/0503 Mobile Garbage Bins via Procurement Australia (PA) Contract Panel.

The current PA Contract Panel contract expired 30 November 2019, and these services have now been renewed through a new public tender process undertaken by Procurement Australia and established a panel of four suppliers.

The Tender Evaluation Panel has recommended awarding the contract to Trident Plastics (SA) P/L for an initial period of 2 years with an option to extend for a further 2 periods of 12 months each.

Resolution (CO2020/18)

That

1. Council opts into the Procurement Australia Contract 2110-0503 for the Supply of Mobile Bins to Council and appoints Trident Plastics Pty Ltd on a schedule of rates basis as the Preferred Supplier to Council for the supply of mobile bins and spare parts.
2. The contract is over a 2-year period with an extension option for a further 2 extension periods of 12 months each at Council's discretion.
3. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.
4. The Director of Assets and City Services be authorised to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 2-year Contract Term.

Moved: Cr Tom Melican

Seconded: Cr Peter Castaldo

CARRIED

7.9 AUDIT & RISK ADVISORY COMMITTEE MINUTES - 13 SEPTEMBER 2019

EXECUTIVE SUMMARY

The Audit & Risk Advisory Committee is an Advisory Committee whose role is determined by the *Local Government Act 1989*. The responsibilities and terms of reference of the Audit & Risk Advisory Committee are defined in the Committee's Charter.

The Minutes of the meeting of the Audit & Risk Advisory Committee are required to be reported to a Council Meeting. Consequently, the Minutes of the meeting held on the 13 September 2019 are being presented to Council for noting.

Resolution (CO2020/19)

That Council note the Audit & Risk Advisory Committee Minutes for the meeting held on the 13 September 2019.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

8. SEALING OF DOCUMENTS

Nil

9. NOTICES OF MOTION

9.1 REVIEW OF COUNCIL WASTE SERVICES FOR ALL RATED PROPERTIES

Brian Grace and Kevan Hill spoke to the item.

Cr Peter Castaldo submitted a Notice of Motion.

Resolution (CO2020/20)

That a report comes to Council to explore the options including costs and issues associated with providing a waste and recycling service to all rated properties within the municipality that currently do not receive a waste service from Council with an objective of providing a better service with improved environmental outcomes.

Moved: Cr Peter Castaldo

Seconded: Cr Wayne Phillips

CARRIED

10. GENERAL BUSINESS

10.1 QWERE ST FESTIVAL

Cr Champion thanked the Montmorency Traders Association and Banyule Council officers for putting on another successful QWere St Festival last Saturday evening.

Many of the LGBTIQ+ community joined together with the locals to enjoy each others' company, participate in the games, play on the Party Bus, bounce on the Jumping Castle, dance to the DJ's very happy music, have their faces painted, and eat and drink at the many food and beverage outlets.

We look forward to next year's event.

10.2 ROSEMARY SURRIDGE

Cr Langdon would like to pay his respect on behalf of Council to Rosemary Surridge who passed away on 22 January 2020. Rosemary was born on 2nd October 1938.

Rosemary moved to Ivanhoe East when she retired from school teaching some 25 years ago. Rosemary devoted her time to the Uniting Church in Heidelberg & was involved in charity work throughout the community mentoring & reaching out with hospitality & devoted to the ecumenical cause within Banyule.

Rosemary was a passionate volunteer with the Prison fellowship & the longest serving member of the team thus far, organising Christmas presents for the children of prisoners through Angel Tree.

Rosemary will always be remembered for her loyalty and friendship within the community.

10.3 YARRA VALLEY HOCKEY CLUB - FIRE DISASTER RELIEF AND RECOVERY FUNDRAISING EVENT

Cr Langdon congratulated the Yarra Valley Hockey Club for their Fire Disaster Relief and Recovery twilight fundraising event held on Friday 24th January 2020. The Club, and in particular Tracey Cox, should be congratulated in raising over \$3000 to support those suffering from the fires. Cr Langdon thanked the Mayor Alison Champion for attending the event.

10.4 PAULINE HARRIS OAM

Cr Langdon acknowledged and congratulated Pauline Harris on being recognised in this year's Australia Day Honours list with being awarded an 'Order of Australia Medal (OAM)'. He stated that it was a wonderful recognition a local resident (Watsonia) for all her work in the community over many years. In particular for work with Lions International and the Lions House Foundation which raised over \$1m for Lions House at the Repatriation Hospital. Lions House assists regional Victorians and interstate residents who require low cost accommodation for family members of patients at the Austin & Mercy Hospitals.

ADJOURNMENT OF MEETING

Resolution (CO2020/21)

That the Meeting be adjourned for Public Question Time.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

The Meeting adjourned for the Public Question Time at 10.41pm.

PUBLIC QUESTION TIME

1	<p>Name & Suburb</p> <p>Michael Pye – Bellfield</p>
	<p>Question:</p> <p>I have lived in Bellfield for the past 12 months and have had 4 attempted break-ins during that time. The safer Banyule program has run for 2 of 4 years, has crime reduced in the Heidelberg West / Bellfield areas and can further crime reductions be expected?</p>
	<p>Response:</p> <p>Lisa Raywood – Acting Director of Community Programs</p> <p>Crime rates in the Heidelberg West and Bellfield area have generally been reducing since 2012, particularly in relation to robbery and burglary/break-ins.</p> <p>Council works closely with Victoria Police to identify crime and anti-social behaviour in Banyule. In 2019 Council and Victoria Police established the Community Safety Steering Committee, which provides an opportunity for organisations to meet and proactively target emerging issues in a holistic manner.</p> <p>The establishment of this committee fits with the aims of the Safer Banyule Plan and has seen an increased understanding of the inclusion crime prevention methods when designing public spaces. While it can be difficult for Council to directly impact the behaviours of individuals who are committing crime, Council will continue working with Police, key organisations and the community to build resilience, connectedness and community pride.</p> <p>Council recommend that any crime or attempted crime is reported to Police to ensure that risks and opportunities for improvement can be identified by Victoria Police's Crime Prevention Unit who regularly collaborate with Council.</p>

2	<p>Name & Suburb</p> <p>Kevin Biaggini, Ivanhoe</p>
	<p>Question:</p> <p>What is the average daily car usage within Banyule per weekday and what does Council consider it to be over the next ten years?</p>
	<p>Response:</p> <p>Geoff Glynn – Director Assets & City Services</p> <p>The Victorian Integrated Survey of Travel & Activity (VISTA) estimates 400,000 trips per weekday in Banyule based on their 2018 data. Around 296,000 trips or 74% of those trips were by private vehicle. This had increase by around 5,500 trips or 1.9% from the survey conducted in 2008. The forecasted population increase in Banyule over the next 10 years is 6%. We would therefore expect an increase in trips of 2-6% in the next 10 years.</p>

3	<p>Name & Suburb</p> <p>Kevan Hill, Ivanhoe</p>
	<p>Question:</p> <p>The draft Rating Strategy 2020-2021 and draft Schedule for Fees & Charges 2020-2021 was advertised to the public prior to the Summer Holiday/Christmas Holiday period.</p> <p>Does Council agree or disagree that in relation to subject Drafts its engagement and feedback objectives have in all likelihood not been maximized in this scenario?</p>
	<p>Response:</p> <p>Marc Giglio – Director Corporate Services</p> <p>This is the third year that Council has sought public feedback on the Rating Strategy and Fees & Charges separate to the consultation process for the annual budget. The approach was in response to feedback from the community about getting earlier opportunity to provide feedback.</p> <p>To achieve this outcome, and taking into account the significant amount of time and effort it takes officers to review fees (including benchmarking and opportunities to not increase fees where possible) and the rating strategy, December to February is the most appropriate time to seek feedback. This also allows officers sufficient time to incorporate feedback into the proposed budget.</p> <p>The public have been given an extended period of eight weeks to provide their feedback.</p>

4	<p>Name & Suburb</p> <p>David Mulholland, Heidelberg Heights</p>
	<p>Question:</p> <p>What process has Council gone through to ensure no Councillor or officer was or is subject to conflict of interest in regards to this permit approval for 294 Bell Street Heidelberg West?</p>
	<p>Response:</p> <p>Scott Walker – Director City Development</p> <p>Councillors and staff are required to declare conflicts of interest under the Local Government Act 1989.</p> <p>The Councillors' and Staff code of conduct requires that conflicts are avoided and disclosed. Specifically:</p> <ul style="list-style-type: none"> • All Council officers when assessing an application are required to declare any conflicts of interest. • Council staff when writing, reviewing and approving council reports are required to declare that they have no conflict of interest in the matter or otherwise be removed from the matter • All Councillors must declare any conflicts on any matter before Council. • Councillors, senior officers and nominated officers must complete Ordinary returns twice a year which captures potential conflicts <p>Specifically in relation to item 5.3 of the Council Agenda for the meeting of 9 December 2019 it was stated that Council officers involved in the preparation of this report have no conflict of interest in this matter.</p> <p>Further to this, no reference has been made to this site, the owner or applicant in any of the ordinary returns of officers involved in the preparation or authorisation of this report.</p> <p>No Councillors have declared a conflict of interest in this matter.</p>

The Public Question Time concluded at 10.47pm.

Closure of Meeting to the Public

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

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

The Meeting was adjourned at 10.47pm.

Closure of Meeting

The Meeting was closed at *11.03pm*.

DATED: DAY OF 2020

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 24 February 2020.