

# Agenda



**Monday, 15 November 2021 7.00pm**

Ordinary Meeting of Council

Meeting held online

## **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.”*

## **Diversity Statement**

*“Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community.”*

## **Apologies and Leave of Absence**

## **Confirmation of Minutes**

*Ordinary Meeting of Council held 25 October 2021*

*Special Meeting of Council held 8 November 2021*

## **Disclosure of Interests**

### **1. Urgent Business**

## **REPORTS:**

### **2. Our Inclusive and Connected Community**

- 2.1 Hybrid Council Meetings ..... 5
- 2.2 Final Draft Child and Youth Framework 2021-2031 ..... 8

### **3. Our Sustainable Environment**

Nil

### **4. Our Well-Built City**

- 4.1 173-177 Upper Heidelberg Road, IVANHOE - Mixed Use Development (P1428/2020) ..... 13
- 4.2 89-97 Bond Street, IVANHOE - Community Care Accommodation (P1596/2020) ..... 33

### **5. Our Valued Community Assets and Facilities**

- 5.1 345-347 Bell Street Bellfield - Proposed Sale of Land ..... 57

### **6. Our Thriving Local Economy**

Nil

### **7. Our Trusted and Responsive Leadership**

- 7.1 Record of Councillor Meetings ..... 61
- 7.2 Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products ..... 64
- 7.3 Quarterly Financial Management Report - September 2021 ..... 70

### **8. Petitions**

Nil

**9. Sealing of Documents**

Nil

**10. Notices of Motion**

Nil

**11. General Business**

**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 ensure compliance with the Government's COVID -19 restrictions.*

*The livestream will be available on Council's Facebook and website*

*[www.banyule.vic.gov.au](http://www.banyule.vic.gov.au)*

*The next Ordinary Meeting of Council will be held on Monday, 6 December 2021.*



## 2.1 HYBRID COUNCIL MEETINGS

Author: Kerryn Woods - Executive & Councillors Team Leader, Corporate Services

---

### SUMMARY

1. In response to the COVID-19 pandemic, temporary provisions were inserted in the *Local Government Act 2020* (the Act) to allow for virtual council meetings so that councils could continue to make decisions during the coronavirus pandemic.

These provisions have been extended twice by Parliament and will expire on 27 April 2022. After this time, unless there are further legislative changes made, there will be no provisions for virtual meetings and all meetings must return to 'in person' only.

2. Some councils have called for virtual meetings to be made permanent. Consequently, Local Government Victoria (LGV) has developed a policy reform proposal to consider whether councils and regional libraries be permanently allowed to conduct meetings virtually.
3. *Section 394* of the Act provides that Council meeting attendance can be met by Councillors and any other person required or wanting to attend, via electronic means of communication.
4. COVID-19 still poses interruptions to the 'in person' model of council meetings as there may be lockdowns or quarantine periods that impact only specific people.
5. A hybrid model meeting provides the opportunity for inclusion of all to attend in person or via electronic means of communication.
6. Should Council make available a hybrid model of meetings (until 27 April 2022), this can only be done via a Council resolution.
7. This paper proposes that Council acknowledge that the attendance of councillors and council staff, or any other person required or wanting to attend, be able to participate in meetings via a hybrid model as required.

### RECOMMENDATION

That Council:

1. Allow for the attendance of Councillors, Council staff and any other person required or wanting to attend a council meeting through a hybrid model that comprises appearance in person or via electronic means of communication.
2. Review this decision as necessary in the face of changing legislation and regulation, and in particular the Chief Health Officer's orders, or other COVID restriction legislation that may be enacted.

## **HYBRID COUNCIL MEETINGS cont'd**

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Support a connected, inclusive and involved community".

### **BACKGROUND**

- In response to the COVID-19 pandemic, temporary provisions were inserted in the *Local Government Act 2020* (the Act) to allow for virtual council meetings so that councils could continue to make decisions during the coronavirus pandemic.
- These provisions have been extended twice by Parliament and will expire on 27 April 2022. After this time, unless there are further legislative changes made, there will be no provisions for virtual meetings and all meetings must return to 'in person' only.
- Some councils have called for virtual meetings to be made permanent. Consequently, Local Government Victoria (LGV) has developed a policy reform proposal to consider whether councils and regional libraries be permanently allowed to conduct meetings virtually.
- *Section 394* of the LGA 2020 provides that Council meeting attendance can be met by Councillors and any other person required or wanting to attend, via electronic means of communication.

### **KEY ISSUES**

- COVID-19 still poses interruptions to the 'in person' model of council meetings as there may be lockdowns or quarantine periods that impact only specific people.
- Hybrid meetings are permitted under Part 12 of the Act, however it is the decision of individual councils how council meetings are to operate under the Part
- Should Council seek to make allow for a hybrid model of meetings (until 27 April 2022), a Council resolution will be required.

### **SUPPORTING REPORT DETAILS**

- Local Government Victoria have provided guidelines for virtual meetings, the implementation of a hybrid model would follow the guidelines to ensure best practice is being maintained. A copy of the *Ministerial Good Practice Guideline 1 (MGPG-1): Virtual Meetings* has been attached to this report for information.

### **Legal Consideration**

- The provisions for holding council meetings are set out in Division 2 of the *Local Government Act 2020*. Temporary procedures to allow for virtual meetings during the COVID-19 pandemic were inserted in Part 12 of the Act and expire on 27 April 2022. After this time, unless there are further legislative changes made, there will be no provisions for virtual meetings and all meetings must return to 'in person' only.
- To ensure transparency of proceedings and effective participation, participation by Councillors by electronic means is only allowed where the Councillor can:
  - Hear proceedings and be heard.
  - See other Councillors and be seen.

## **HYBRID COUNCIL MEETINGS cont'd**

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

- The *Local Government Act 2020* (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.

### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter may raise issues in relation to two of rights in the Charter, the *Right to Freedom of Expression* and the *Right to Participate in Public Life*.
- The *Right to Participate in Public Life*, applies to a wide range of activities such as state and local politics and public administration. It might include being involved in politics or sharing your opinion in an election or referendum, attending a public forum to help make decisions on local issues, or attending a meeting of a local council. It could also be participating in a public debate or dialogue with a representative such as a member of a local council.
- It is considered that allowing the ability for Councillors, Council staff and any other persons required or wanting to attend a council meeting to participate through a hybrid model supports the Human Rights Charter objectives during the ongoing restrictions of the COVID-19 pandemic.

### **Sustainable Procurement Outcomes**

- There are no sustainable procurement activities arising from the recommendation contained in this report.

### **Financial Implications**

- Council meetings are budgeted for during the Annual Budget process, there are no further financial impacts associated with the hybrid model being implemented.

### **Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* 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.

## **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Ministerial Good Practice Guidelines	

## **2.2 FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031**

Author: Sherryn Prinzi - Community Programs Strategic Development Lead, Community Programs

### **Previous Items**

Council on 30 Aug 2021 7.00pm (Item 3.5 - Draft Child and Youth Framework)

---

### **SUMMARY**

1. The Draft Banyule Child and Youth Framework was approved for public consultation by Council on 30 August 2021.
2. After a six-week consultation period, nine responses were received from community, all supportive of the Framework's approach and consistent with feedback received as part of consultation on the development of the Framework.
3. Community proposed improvements to the Framework. Key suggestions include reference to the convention on the rights of the child, enhanced focus on public realm infrastructure necessary to support outdoor play, early literacy and developmental delay supports and a greater focus on COVID-19 responses. Suggestions, where relevant to Council's role, have been incorporated into the Framework. Others will be considered in the context of the Action Plans.

### **RECOMMENDATION**

That Council:

1. Having received and considered feedback following community consultation, adopt the Final Draft Banyule Child and Youth Framework 2021-2031.
2. Acknowledges and thanks the Child, Youth and Family Committee for their feedback and contribution towards the development of the Final Draft Banyule Child and Youth Framework 2021-2031.
3. Receives annual reports specific to the First 1000 Days Action Plan, The Children's Plan, and the Youth Plan.

### **COUNCIL PLAN**

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

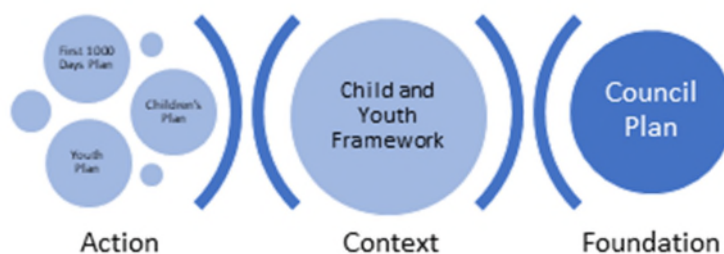
### **BACKGROUND**

- Children and young people aged 0-24 years represent 25% of the Banyule population, approximately 40,000 residents (2020):
  - 8,500 children under school age;
  - 23,300 primary and secondary school aged people; and
  - 8,600 young adults.



**FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031 cont'd**

- The Final Draft Child and Youth Framework 2021-31 (the Framework) **Attachment 1**, is Banyule's commitment to supporting children and young people from pre-birth to 24 years and supports the Australian Research Council for Children and Youth's vision: "all children and youth are loved and safe, have material basics, are healthy, are learning and are participating and have a positive sense of culture and identity".
- Investment in children and young people is important to create strong communities. PWC (2017) offers evidence that demonstrates providing quality and sustained supports for children and their families helps:
  - Grow Australia's GDP.
  - Realise the full potential of children.
  - Reduce the impacts of disadvantage.
- The Framework extends from pre-pregnancy to 24 years because these life stages exist on an important continuum, featuring critical dependencies that can shape the trajectories of children and young people and will be considered to represent Council's Municipal Early Years Plan.
- Three operational action plans will sit under this Framework. This is in recognition of the unique needs of children and young people over this period, and because Council's role changes with different life stages. These action plans represent how Council plans contribute to strengthening community assets; The First 1000 Days Action Plan; Children's Action Plan; Youth Action Plan. The diagram below represents the relationships between the plans.



- Public consultation provided strong support for the Framework. Nine responses were received in the six-week consultation period, an anticipated result considering the extensive consultation previously undertaken to inform the development of the Framework.
- All respondents agreed with the direction of the Framework. Key suggestions include reference to the convention on the rights of the child, focus on public realm infrastructure to support outdoor play, early literacy and developmental delay supports and greater focus on COVID-19 responses. Suggestions, where relevant to Council's role, have been incorporated into the Framework. Suggestions not reflected in the Framework because of their specificity, will be considered in the context of the Action Plans.

## **FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031 cont'd**

### **KEY ISSUES**

- A pragmatic approach is required that clearly establishes the value of children and young people within the municipality and the priorities Council will invest in over the next ten years to help them realise their potential.
- A clear articulation of how Banyule's approach aligns with international, national, state policy and reform agendas and legislation, is required to position Council to offer a complementary local agenda and attract funding for services and programs.
- As Council is one of many stakeholders that support children and young people, a community and evidence-informed approach that brings together commonalities and shared perspectives is needed to serve as a shared roadmap to uplift outcomes for Banyule's children and young people.
- A contextual long-term vision, that will be actioned through the delivery of iterative life stage plans, are needed to respond to the dynamic environment in which we live and opportunities that will emerge over the decade.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

##### ***Local Government Act 2020***

- The Final Draft Child and Youth Framework contributes to progressing the state, federal and international priorities; strengthen the local support assets that contribute to a good life; commit to working alongside children, young people and their families.

#### **Equality Impact Assessment**

- Assessment was undertaken in line with the requirement in the *Gender Equality Act 2020*. It was determined that the Final Draft Child and Youth Framework complies.

#### **Victorian Child Safe Standards**

- The Final Draft Child and Youth Framework specifically responds to Council's obligation under Standard 7 - Empowering children.

#### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter promotes and supports the rights of children and young people and upholds obligations under the *United National Convention on the Rights of the Child*.
- Specifically responding to:
  - Article 3 - all organisations concerned with children should work towards what is best for each child.

## **FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031 cont'd**

- Article 5 - Governments should respect the rights and responsibilities of families to guide their children so that, as they grow up, they learn to use their rights properly.
- Article 6 - Children have the right to live a full life. Governments should ensure that children survive and develop healthily.
- Article 12 - Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.
- It is considered that the subject matter does not raise any human rights issues.

### **Sustainable Procurement Outcomes**

- There are no sustainable procurement activities arising from the recommendation contained in this report.

### **Financial Implications**

- There are no financial implications arising from the recommendation contained in this report.

### **Innovation and Continuous Improvement**

- The Framework supports Council's Innovation and Continuous Improvement methodology as it establishes aspirational end goals and allows for the iterative development of plans to achieve those goals, led by teams within the Youth and Family Services Department. This approach features learning by design, and buildings in agility to respond to changing needs of community and leveraging opportunities through partnerships and funding, to add value for community over the life of the Framework.

### **Community Engagement**

- The Final Draft Child and Youth Framework was developed through collaboration with the Banyule Child, Youth and Family Committee 2018-20 and 2021-23 and extensive community consultation including:
  - 68 children under school age were consulted. Their responses advocated for a focus on community spaces that respond to children's needs and welcome their participation, opportunities to experience natural environments and "allowing us [children] to be ourselves".
  - 122 responses were received from primary school aged students. They echoed the priorities suggested by younger children and added that Council should consider how to better support parents, provide opportunities for children to give back to community and help them amplify their voice at Council.
  - 194 responses were gathered from young people online. They seek spaces and opportunities to connect, skills and quality education, employment pathways and support to have a voice and access the services they need to overcome the impacts of COVID.
- 37 families responded to an online survey. They highlighted similar priorities to children and young people - address climate change and sustainable living; place-making and 20-minute neighbourhoods; investment in employment for women with children and affordable housing; supporting parents to navigate

**FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031 cont'd**

the challenges; respond to social isolation; reliable consistent information; opportunities to be heard; and supporting children and young people to contribute to community.

- During the six-week public consultation period from 1 September – 10 October, 9 respondents provided comment on the Framework.

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Final Draft Banyule Child and Youth Framework 2021-2031	

## **4.1 173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020)**

Author: Chris McInnes - Development Planner, City Development

Ward: Chelsworth

---

### **SUMMARY**

1. The application seeks to construct a mixed use development 173-177 Upper Heidelberg Road, Ivanhoe in the Ivanhoe Activity Centre.
2. The building presents as four storeys to Upper Heidelberg Road with a setback fifth floor. The maximum height of the proposed building is 15.57 metres at the front of the site. The building contains 14 dwellings and 2 shops at ground level.
3. The proposal provides 33 car parking spaces. This is in excess of the statutory rate required.
4. The application was put on public notice twice. A consultation meeting was conducted with the permit applicant and objectors, resulting in the applicant amending the application attempting to resolve issues raised.
5. Permit conditions have been proposed to provide a more sympathetic response to the adjoining buildings within the Ivanhoe Shopping Centre heritage precinct.
6. The proposal achieves a high level of compliance with State and Local Planning Policy, the applicable Heritage and Design and Development Overlay, and ResCode.
7. The proposal, subject to conditions, should be supported.

### **RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P1428/2020 for the development of the land for the construction of a mixed-use building comprising two (2) ground floor shops and fourteen (14) dwellings on land subject to a Heritage Overlay (HO90) and a Design and Development Overlay (DDO11-5) at 173-177 Upper Heidelberg Road IVANHOE subject to the following conditions:

#### **FURTHER PLANS AND/OR DOCUMENTS TO BE SUBMITTED TO THE RESPONSIBLE AUTHORITY PRIOR TO COMMENCEMENT OF DEVELOPMENT**

##### **General plans**

1. Before the development permitted by this permit commences, 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 be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

with the amended plans submitted on 6 August 2021 (Petridis Architects Job No. 20-59 dated 6 August 2021) but modified to show:

- (a) The building must not exceed the mandatory 15 metres height limit at any point above NGL pursuant to Schedule 11 of Clause 43.02;
- (b) Car parking spaces within the basement to be allocated to each dwelling and shop within the building;
- (c) A concrete collar to be constructed to delineate between the unnamed right of way and the rear title boundary of the site;
- (d) Adequate security lighting to illuminate the vehicle access point to the unnamed right of way;
- (e) A warning light system installed in the basement car park to warn drivers of oncoming vehicles to avoid conflicts along the access ramps;
- (f) Swept path diagrams confirming that vehicles can enter and exit the site at the unnamed right of way;
- (g) Swept path diagrams demonstrating circulation within the basement car park;
- (h) Swept path diagrams for parking spaces 7, 8, 25 and 26 confirming that entry/exit is suitable;
- (i) Swept path diagrams demonstrating vehicle access and egress from the car stackers;
- (j) Confirmation that at least 25% of the mechanical car parking spaces can accommodate a vehicle clearance height of 1.8 metres;
- (k) The building must be constructed within the title boundaries of the site;
- (l) The first floor façade to visually 'connect' with the street level, in the same way that the adjoining heritage properties have structural piers that connect to the parapets above;
- (m) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
- (n) The mail boxes located in accordance with Australia Post guidelines;
- (o) Corner splays on each side of the basement accessway in accordance with Design Standard 1 of Clause 52.06;
- (p) Lateral clearance for the basement ramp to comply with Design Standard 1 – Accessways of Clause 52.06;
- (q) The accessway designed to accommodate simultaneous movement at the changes of direction within the basement carpark;
- (r) All sustainable design features indicated in the amended Sustainable Management Plan (SMP). Where sustainable design features outlined in the SMP cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (s) The Clause 58 table on Sheet TPA17 amended to indicate the operability of windows (type and percentage);

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

- (t) Any changes necessary to reflect any outcome of an adverse position claim in relation to the south-western boundary.
- (u) Development Drainage Plans in accordance with Condition 2 of this permit;
- (v) An amended Sustainability Management Plan (SMP) in accordance with Condition 4 of this permit;
- (w) An amended Waste Management Plan in accordance with Condition 5 of this permit;
- (x) A Construction Management Plan in accordance with Condition 6 of this permit.

**Development Drainage Plans**

2. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:
- (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated legal point of discharge;
  - (c) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment/Sustainable Management Plan and STORM report and include drainage details as a result of landscaping;

Please note the 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.

**Landscaping Plan**

3. Before the development permitted by this permit commences, a satisfactory detailed landscaping plan must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:
- (a) Amendments required by Condition 1 of this permit;
  - (b) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
  - (c) Specification of all pot sizes for planting on upper level balconies and terraces;

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

- (d) How planting on upper levels will be drained and irrigated;
- (e) Location and details of paving, steps, retaining walls, water tanks, Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

When approved the plan will be endorsed and form part of this permit. Landscaping in accordance with this approved plan and schedule must be completed prior to the occupation of the development.

**Sustainability Management Plan**

- 4. Before the development permitted by this permit commences, an amended Sustainability Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The amended SMP must be substantially in accordance with the SMP submitted with the application (Frater Consulting dated 18 December 2020) but modified to show:
  - (a) All electric appliances and systems for a gas-free development;
  - (b) NatHERS ratings to achieve 7-Star rating or higher;
  - (c) Solar PV array to contribute to electricity consumption;
  - (d) Bicycle parking to each apartment;
  - (e) Electric Vehicle charging infrastructure to be installed in the basement car park;
  - (f) Compost system for organic waste and kitchen joinery to allow for separate disposal of soft plastic, recycling and general waste.

Once approved, the Sustainability Management Plan will be endorsed and form part of this permit. The development must be constructed in accordance with this plan and ongoing requirements must be adhered to be the owners of the development unless otherwise agreed in writing by the Responsible Authority.

**Waste Management Plan**

- 5. Before the development permitted by this permit commences, an amended Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The amended WMP must be substantially in accordance with the WMP submitted with the application (Frater Consulting dated 18 December 2020) but modified to show:
  - (a) Residential waste collection to be undertaken weekly;
  - (b) Plan demonstrating that the waste collection vehicle can manoeuvre within the basement and both enter and exit the basement via rear laneway. The waste collection vehicle must enter and exit the basement in a forward direction;



**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

- (c) Bulk cardboard storage area for the shops;
- (d) Hard waste storage area;
- (e) Separate waste storage area for dwellings and shops;
- (f) Internal access to the waste storage area for Shop 1;

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

**OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT**

**Construction Management Plan**

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

**Development Infrastructure Levy**

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

**Section 173 Agreement**

- 8. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at (Insert land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement must require that:
  - (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1428/2020.

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

**ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT**

**Occupation of Development**

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

9. 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).

**ONGOING REQUIREMENTS OF THIS PERMIT**

**General**

10. 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.

**Car Parking/Access**

11. 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.
12. 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 to the satisfaction of the Responsible Authority.
13. 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 naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. 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.

**Urban Design and Landscaping**

14. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
15. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
16. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

17. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

**Waste Management**

18. All waste collection shall be collected by a private contractor to the satisfaction of the Responsible Authority generally in accordance with the amended Waste Management Plan required by Condition 5 of this Permit. Council's Waste Collection Services will not access the subject land to collect waste.
19. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.
20. A revised Waste Management Plan (WMP) will be required should either of the shops subsequently be used as a food and drinks premises must be submitted to and approved by the Responsible Authority.

**Maintenance of property**

21. The occupiers must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Responsible Authority.

**Permit Expiry**

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

**PERMIT NOTES**

**A. Expiry of Permit**

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

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

In the event that this permit expires or the subject land is proposed to be used or developed for purposes different from those for which this permit is

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

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. Building Permit Required**

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

**C. Building over Easements**

No structure, including sheds and water tanks shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

**D. 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.

**E. 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).

**F. Completion of Development**

Immediately upon completion of the development permitted by this permit, the owner or developer of the subject land must notify Council's Development Planning Section that the development is complete and complies with all requirements of the permit. The development will then be inspected to ensure compliance. An early inspection process will ensure that the subdivision approvals including the Statement of Compliance can be issued without delay.

**G. 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.

**H. 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:

Shop 1 Shop 1/173-177 Upper Heidelberg Road IVANHOE  
Shop 2 Shop 2/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 1 1/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 2 2/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 3 3/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 4 4/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 5 5/173-177 Upper Heidelberg Road IVANHOE

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

Dwelling 6 6/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 7 7/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 8 8/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 9 9/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 10 10/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 11 11/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 12 12/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 13 13/173-177 Upper Heidelberg Road IVANHOE  
Dwelling 14 14/173-177 Upper Heidelberg Road IVANHOE

**I. Memorandum of Consent for Works**

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.

**J. Building Site Code of Practice**

All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

**K. No Additional Signage**

Unless no permit is required under the Planning Scheme, signs must not be constructed or displayed without a further permit.

**L. Construction Management Plan**

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

**PROPOSAL**

<b>Planning Permit Application:</b>	P1428/2020
<b>Development Planner:</b>	Chris McInnes
<b>Address:</b>	173-177 Upper Heidelberg Road IVANHOE
<b>Proposal:</b>	Development of the land for the construction of a mixed-use building comprising two (2) ground floor shops and fourteen (14) dwellings on land

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

<b>Existing Use/Development:</b>	subject to a Heritage Overlay (HO90) and a Design and Development Overlay (DDO11-5) Double storey mixed use building with shops at ground level and an office on the upper level
<b>Applicant:</b>	Petridis Architects
<b>Zoning:</b>	Commercial 1 Zone
<b>Overlays:</b>	Design and Development Overlay (DDO11-5) Heritage Overlay (HO90) Development Contributions Plan Overlay (DCPO1)
<b>Notification (Advertising):</b>	Signs on site Notices to nearby owners and occupiers Amended application re-advertised
<b>Objections Received:</b>	Total number of objectors: Seven
<b>Ward:</b>	Chelsworth

- The proposal can be generally described as follows:
  - Demolition of the existing commercial building on the site
  - Construction of a four storey mixed use building with a two level basement car park.
  - It is proposed to use half of the ground level fronting Upper Heidelberg Road as two shops, with the balance of the building to be used for 14 dwellings
  - Building will be constructed boundary to boundary at ground level with a zero front setback at ground level, stepping back 2.2 metres at the first floor, 6 metres on level 2, and 10 metres on level 4. It will have a height of 15.57 metres above NGL when viewed from Upper Heidelberg Road.
  - The front façade of the building will feature a number of different architectural features and construction materials.
  - A rear setback of 1 metre is proposed at ground level, increasing to 2 metres at level 1, 3 metres on level 2 and 7 metres on level 4.
  - There is no existing vegetation on the site.
  - Landscaping in planter boxes is proposed on balconies.
  - Vehicle access is proposed via a crossover to a rear laneway at the west corner of the site.
  - 33 car parking spaces to be provided within the basement. Ten of these spaces will be provided within a mechanical car stacker.
  - Eight bicycle spaces are also to be provided within the basement.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

- A copy of the advertised plans form **Attachment 1** to this report.

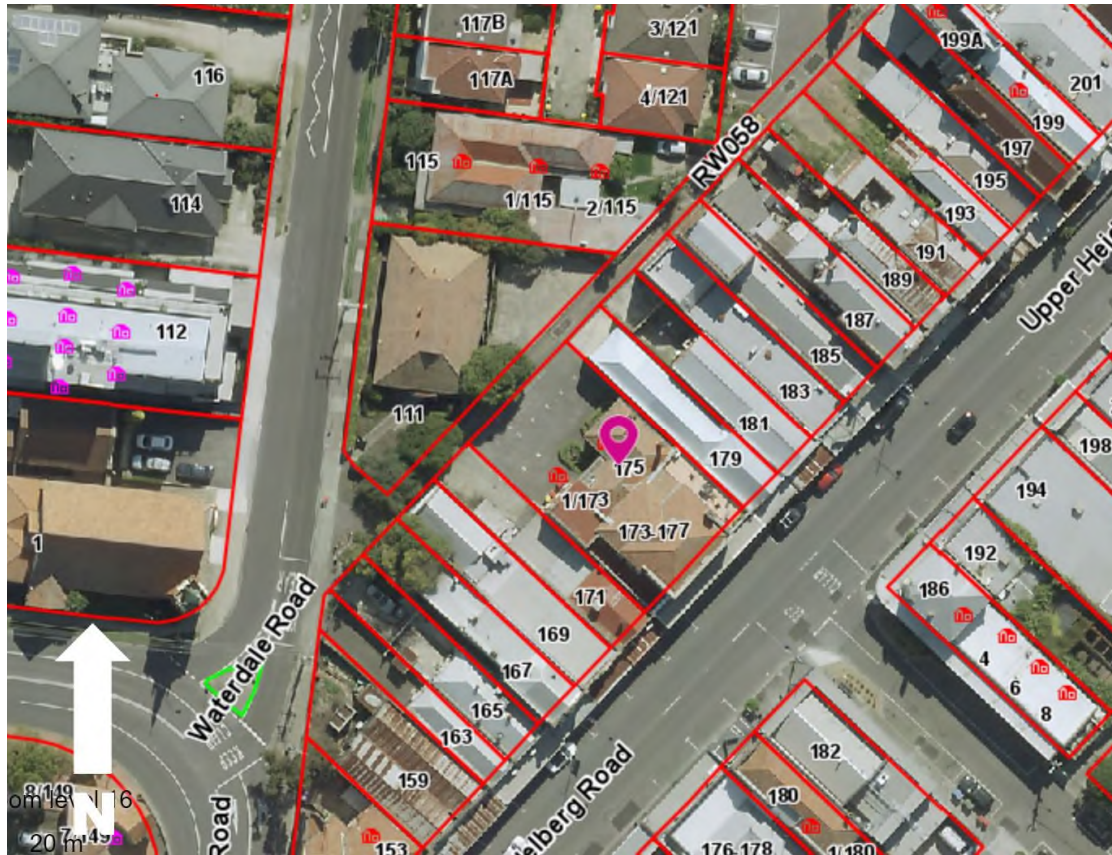
**SUBJECT SITE AND SURROUNDING AREA**

- The site is located on the northwest side of Upper Heidelberg Road within the Ivanhoe Activity Centre, approximately 70 meters north east of the intersection of Upper Heidelberg Road and Waterdale Road.
- The immediate surrounds comprise of commercial buildings with shops at ground level fronting Upper Heidelberg Road.
- Planning Permit P280/2019 was directed to be issued by the Victorian Civil and Administrative Tribunal (VCAT) on 30 June 2020 for a four storey mixed use building on the adjoining site at 171 Upper Heidelberg Road.

<b>Site area</b>	537m <sup>2</sup>
<b>Topography</b>	Slope east to west, fall of approximately 2 metres
<b>Existing and Neighbouring Vegetation</b>	N/A
<b>Existing Dwelling</b>	Double storey commercial building with shops at ground level and an upper floor office
<b>Fencing</b>	N/A
<b>Easements</b>	Nil

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

**Locality Plan**



**BACKGROUND**

- There are no live investigation matters or outstanding enforcement history on this site.

**PUBLIC NOTIFICATION**

<p><b>Advertising Period</b></p>	<p>14 days (20 April 2021 to 4 May 2021) Re-advertised for an additional 14 days (21 September 2021 to 5 October 2021)</p>
<p><b>Advertising methods</b></p>	<p>Public notification was undertaken in accordance with Section 52 of the Act. One sign was erected on the site and notices posted to the owners and occupiers of surrounding properties for the first advertising period, no sign erected for the second period of public notification</p>
<p><b>Objections received</b></p>	<p>First period of notification: 7 Second period of notification: 4 Total number of objectors: 7</p>



**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

<b>Grounds of objections (summarised)</b>	<ul style="list-style-type: none"><li>• Impact on heritage</li><li>• Neighbourhood character and compliance with DDO11-5 preferred setbacks and heights</li><li>• Overdevelopment</li><li>• Internal and visual amenity concerns</li><li>• Increased traffic on rear laneway</li><li>• Provision of accessible parking</li><li>• Impact on views</li><li>• Maintenance of landscaping on private property</li><li>• Location of site services</li><li>• Glazed awnings at street level do not provide shade</li><li>• Insufficient rainwater tank</li><li>• Inaccuracies on plans in relation to voids</li><li>• Building signage excessive</li><li>• Boundary alignment with adjoining property at 171 Upper Heidelberg Rd</li></ul>
---	---

**CONSULTATION**

- A Consultation Meeting was held on 17 June 2021 with the Council Planning Officer, permit applicant, two Councillors including Ward Councillor and five objectors in attendance.
- The permit applicant and Council representatives were able to answer questions from objectors during the meeting to assist in their understanding of the proposal.
- The permit applicant subsequently amended the application with amended plans which attempted to address objector concerns on 30 August 2021. The application was then re-advertised (amended plans dated 6 August 2021). The amendments to the plans can be summarised as follows:
  - Dwelling floorplans amended to improve access to natural light, a larger lightwell and provide internal stairway access to the basement for Shop 1.
  - Modifications to the front and rear façades of the building, including a slight increase to the rear setback.
  - Shopfront entrance floor levels align more closely with existing footpath levels.
  - A comparison with plans approved by VCAT in 2020 on the adjoining site at 171 Upper Heidelberg Road.
- An objector alerted the Development Planning team to an unresolved adverse position claim in relation to the south-west boundary of the site. In recognition of this, a condition has been included to enable variation to the upper levels to reflect any variation to this boundary should any change eventuate.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

**REFERRAL COMMENTS**

<b>Department/ Officer</b>	<b>Objection?</b>	<b>Conditions /Comments</b>
Developments & Drainage	No	Council's Developments & Drainage team supports the proposal, subject to conditions for drainage plans to be submitted requested to be placed on any permit issued
Traffic & Transport	No	Council's Traffic & Transport team supports the proposal, subject to conditions relating to how the parking spaces are allocated to each use
Waste Management	No	Council's Waste Management Section supports the proposal, subject to conditions requiring amendments to the Waste Management Plan.
Heritage Consultant	No	Council's Heritage Consultant supports the proposal, subject to conditions on any permit issued to ensure the new building responds to existing double storey buildings along Upper Heidelberg Road.
ESD	No	Council's ESD Advisor supports the proposal, subject to conditions to be placed on any permit issued which will improve the ESD performance of the building.
City Futures	No	Council's City Future team advised that the rear setback of the building should be increased to provide landscaping opportunities at the rear of the site.
Property Services	No	Council's Property Services team advised that the minimum required setback for a garage/carport should be 1.5 metres from the title boundary. A concrete collar should be constructed to delineate the title between the right of way and the subject site. Adequate security lighting to illuminate the access point to the unnamed 'road' (right of way) should also be installed.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

**PLANNING CONTROLS**

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Commercial Zone (C1Z)	34.01	Yes
Heritage Overlay (HO90)	43.01	Yes
Design and Development Overlay (DDO11-5)	43.02	Yes
Development Contribution Plan Overlay (DCPO1)	45.06	No
Car Parking	52.06	No

**POLICIES CONSIDERED**

Table 2: Relevant Planning Scheme Policy

Policy	Clause
<b>Local Planning Policy Framework (LPPF)</b>	
Settlement	11
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Built Environment (Diversity area)	21.06
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05
ResCode	58

**TECHNICAL CONSIDERATION**

- It is considered that the proposed development is largely consistent with relevant Planning and Local Planning Policy Frameworks.
- The site is located within the Ivanhoe Activity Centre. A relevant strategy is to encourage community services, offices or residential development to be located in the upper levels of mixed use developments, maintaining active uses at the street level, such as retail and hospitality.
- Key considerations with regards to this application include:
  - The location of the site within the Ivanhoe Activity Centre;
  - The proposed use;
  - The overall height and setbacks of the building;
  - Heritage controls;
  - Environmentally sustainable development.
- A copy of Schedule 11 to the Design and Development Overlay is included as **Attachment 2** of this report.
- A detailed Technical Consideration assessment is included as **Attachment 3** of this report.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

**Land Use**

- The subject site is located within the Commercial 1 Zone (C1Z). The purpose of the Commercial Zone is to implement the Municipal Planning Strategy and the Planning Policy Framework, to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, and to provide for residential uses at densities complementary to the role and scale of the commercial centre.
- Both shop and accommodation land uses are a Section 1 Use within the C1Z and do not require planning permission. The uses proposed are therefore anticipated within this area.

**Building Height, Setbacks and Design**

- The Design and Development Overlay (DDO11) seeks to ensure that the upper storey elements of new developments are not unduly bulky or visually intrusive and that these taller elements are located so as to enable a transition in height to surrounding lower scale buildings.
- This control also seeks to ensure that the colours, materials and finishes of new development complements the texture and fine grain nature of the surrounding area.
- The DDO11-5A contains maximum building heights to which buildings should be constructed. For all zones not within the General Residential Zone, there is a mandatory height limit of 15 metres. Amended re-advertised plans indicate a maximum height of 15.57 metres above NGL when viewed from Upper Heidelberg Road. A permit condition is proposed requiring the building to not exceed 15 metres above NGL at any point.
- Some objectors have raised concern about the height of the building and the potential for city views to be blocked, however 15 metres is the maximum height allowable within the DDO11-5A and it is not considered that the building will have a discernible adverse impact upon any views.
- DDO11-5A also contains preferred front and rear setback requirements. The preferred front setback is 0 metres from the title boundary up to 9 metres of building height, then a 6 metre setback for any part of the building above 9 metres. For the rear, a 4 metre setback from the title boundary up to 10 metres of building height, then a 6 metre setback for any part of the building above 10 metres.
- The proposed design accords with the preferred front setback, which is the critical interface on Upper Heidelberg Road. However, a variation to the preferred rear setback facing the rear laneway is proposed.
- The rear setback on the readvertised plans is 1 metre at ground level (0 metres at first floor level due to a balcony) increasing to 3 metres at third floor level.
- A variation to the rear setback is considered acceptable in this instance, the laneway is primarily a service road providing access to car parking areas behind the shops fronting Upper Heidelberg Road. The area on the opposite side of the laneway to the site is also an open car park.
- It is noted that the adjoining building approved in 2020 by VCAT at 171 Upper Heidelberg Road has a zero setback to the rear laneway at first floor level and the

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

readvertised plans are largely consistent with the plans approved on the adjoining site.

**Heritage Overlay**

- The site is affected by a Heritage Overlay (HO90). The heritage place is known as Ivanhoe Shopping Centre, Upper Heidelberg Road, Ivanhoe.
- The façade of the existing building has been heavily modified to an extent that it no longer contributes to the heritage character of the Upper Heidelberg Road streetscape. Council's Heritage Advisor therefore raised no objection to the demolition of the existing building.
- The proposed zero front setback to Upper Heidelberg Road at ground floor level is considered acceptable as this will be consistent with the adjoining commercial street frontages in the street. The introduction of recessed entries to the shops and the residential entrance reflects the character of original shopfronts in the street.
- The recessed balconies at the front of the first floor level partially maintain the appearance of a two storey street wall, although the open areas on the sides give the impression that the front part of the building is somewhat reduced in width.
- To reinforce the two-storey character of the nearby heritage facades, Council's Heritage Advisor recommends that the first floor façade should visually 'connect' with the street level, in the same way that the adjoining heritage properties have structural piers that connect to the parapets above.
- A condition has been proposed to achieve a stronger connection between the ground and first floor levels of the building façade and reduce the impression of a disconnected architectural element dominating the view of the building from the streetscape.
- Some objectors have raised concerns relating to the demolition of the existing building and the design of the new building in a heritage context – particularly relating to the inclusion of rooftop terraces.
- As noted elsewhere within this report, Council's Heritage Officer has not raised concern about the demolition of the existing building. Although it is acknowledged that part of the original roof form can be seen from some viewpoints, the distinctive character of the original bank building was originally in the architectural detailing of its façade which has been lost, and the original building is no longer recognisable.
- The Heritage Overlay and Design and Development Overlay applicable to the site do not specifically discourage roof terraces. The suitability of the upper level and associated terrace is an important consideration and it is noted that it has been designed to minimise its visibility from the street and nearby properties. The frequency of use by future residents is not a planning consideration.

**Car Parking**

- The proposal generates a requirement for 18 resident car spaces, no visitor car spaces and six parking spaces allocated to the shop uses for a total of 24 spaces
- The amended re-advertised plans provide 33 car parking spaces within the basement. The car parking provision is therefore in excess of the statutory car parking rate.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

- Conditions of permit has been proposed requiring that the car spaces be allocated on plans, a warning light system be put in place to warn drivers of oncoming vehicles to avoid conflicts along the access ramps, swept path diagrams be provided confirming that vehicles can enter and exit the site at the laneway, and swept path diagrams must also be provided demonstrating circulation about the site.
- Concern was raised in objections that the development will increase the amount of traffic using the rear laneway. The laneway is considered to be adequate to handle the additional vehicle movements. Conditions of permit have been included requiring corner splays on each side of the basement accessway to aid in visibility for vehicles exiting the basement car park, and swept path diagrams confirming that vehicles can enter and exit the site safely.

**Amenity**

- As the dwellings are apartments, the application is required to be assessed against Clause 58 of the Banyule Planning Scheme (ResCode).
- A number of Standards within Clause 58 relate to internal amenity of dwellings. The application has been assessed as achieving a high standard of compliance. An assessment is included as **Attachment 3** to this report.
- Amended plans which were re-advertised include changes to floor plans in relation to the light well to increase access to ventilation and natural light for future residents of the dwellings.
- Due to the high site coverage (82%) there is only limited opportunity for landscaping at ground floor level at the rear of the site, however re-advertised plans include extensive planting on the balconies and terraces on upper levels. A permit condition is proposed requiring a landscaping plan to ensure pot sizes are appropriate, that the plants can be irrigated and to ensure that the species selected are appropriate.

**Environmentally Sustainable Design**

- A Sustainability Management Plan (SMP) was submitted with the application and a number of opportunities to improve the performance of the building from an ESD perspective have been identified.
- The residential component of the proposal achieves a BESS score of 52%.
- Permit conditions have been proposed to further increase the energy efficiency and sustainability performance of the proposal, including requiring the building to achieve a 7 star or higher NatHERS rating, electric vehicle recharging infrastructure within the basement, bicycle parking to each dwelling, installation of a solar PV system, compost system for organic kitchen waste and no gas fired kitchen appliances in dwellings.
- A condition of permit is proposed which will require an amended Sustainability Management Plan (SMP) be provided, in order to address the abovementioned measures.

**OBJECTORS CONCERNS**

- The majority of objectors' concerns have been addressed in the Technical Consideration section of this report and attachments, however the following require further discussion:

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT (P1428/2020) cont'd**

*Visual amenity issues from balconies (clothes drying visible from street)*

- This is not a planning matter.

*Glazed awnings at street level will not provide shade*

- It is noted that the glazed section of the awning forms only a small section of the frontage above the building entrance with the majority of the awning along the frontage being solid providing shade to pedestrians.

*Rainwater insufficient*

- The application has been referred to Council's ESD Officer and no concern was raised in relation to the capacity of the rainwater tank.

*Accessible parking provision*

- This application does not generate any requirement for disabled parking.

*Inaccuracies in plans relating to voids*

- The void on the south west side of the building abutting 171 Upper Heidelberg Road changes in relation to the title boundary, which changes at different levels dependant on height.

*Neighbourhood character*

- The site is located within the Commercial 1 Zone, it is therefore not affected by Council's Neighbourhood Character Policy.

*Excessive building signage*

- No application has been made for signage. A permit note has been proposed stating that separate planning permission will be required for signage.

*Site Services*

- It is unavoidable for some site services such as fire hydrants are visible at street level. Conditions have been proposed requiring gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm, and for mail boxes located in accordance with Australia Post guidelines.

*Boundary alignment dispute with adjoining property at 171 Upper Heidelberg Road*

- This is not a planning consideration, however a permit condition is proposed requiring that the building be constructed within the title boundaries of the site.

*Maintenance of landscaping on private property*

- The responsibility for the ongoing maintenance of the building and landscaping in shared areas is a matter for any future Owners Corporation which will need to ensure that any conditions of permit should one issue are complied with.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* 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.

**173-177 UPPER HEIDELBERG ROAD, IVANHOE - MIXED USE DEVELOPMENT  
(P1428/2020) cont'd**

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

**CONCLUSION**

- It is considered that the site provides a good opportunity for a mixed use development within the Ivanhoe Activity Centre which will facilitate additional employment in this location, as well as add new dwellings in close proximity to public transport and other services. The height and scale of the development, subject to conditions, will achieve an appropriate outcome and adequately address impacts to the adjoining properties and surrounding area. The application should be supported and a notice of decision to grant a permit be issued.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Advertised Plans	
2	Schedule 11 to Clause 43.02 Design and Development Overlay	
3	Planning assessment attachment	



## **4.2 89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION (P1596/2020)**

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

---

### **SUMMARY**

1. The application seeks approval for the development of extensions to the existing building, the use of the building for community care accommodation and the associated removal of protected vegetation.
2. A total of 30 objections were received during the public notification period raising concerns in relation to the use, the impacts on neighbourhood character and residential amenity, loss of vegetation and lack of car parking. The application has been subject to a number of amendments throughout the process and following a consultation meeting with residents. Public notification has also been undertaken on three separate occasions, following the submission of amended plans.
3. It is considered that the proposal is an appropriate use for a building traditionally used for non-residential purposes and that the development proposed is respectful in terms of the preferred character of the area and minimising impacts on adjoining residential properties. The development will provide an appropriate level of on-site parking for the use and the removal of vegetation is considered acceptable having regard to the condition and retention value of the trees impacted.
4. The proposal is considered to appropriately accord to the Planning Policy Framework, including the Neighbourhood Character Policy, the purpose of the General Residential Zone and objectives of the Vegetation Protection Overlay.
5. It is considered that the proposal should be supported noting a number of improvements included in the proposal by the applicant throughout the application process including:
  - Reduction from 15 to 11 apartments;
  - Increase in car parking spaces on site from two to six;
  - Relocation of parking spaces outside of the front setback and creation of greater opportunities for landscaping in this area;
  - Additional setbacks and wall treatments of the west elevation;
  - Provision of secure bicycle parking; and
  - Provision of a landscaping plan for the site, comprising a mix of trees, shrubs and understorey vegetation.

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

**RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P1596/2020 for Development and use of the land for community care accommodation and associated vegetation removal at 89-97 Bond Street IVANHOE subject to the following conditions:

1. Before the development permitted by this permit commences, 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 be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans, revision J, dated 30 September 2021 modified to show:
  - (a) Staff parking spaces at the rear of the building reoriented to lie east-west and supported by swept path diagrams to demonstrate ease of access and egress;
  - (b) A note stating that the driveway from Stanley Street to the parking spaces at the rear of the building will be formed with an all-weather seal coat, to the satisfaction of the Responsible Authority;
  - (c) Reconfiguration of the internal layout of Apartment 7 to ensure Bedroom 2 is provided with a window for natural daylight.
  - (d) Any separate structure containing electrical meters or other site services must not exceed 1.5 metres in height and must be located behind the front line of the dwelling facing the street or adjacent to the side boundary fence;
  - (e) Location and illumination level of external lighting;
  - (f) Acoustic treatment of screens surrounding air conditioning units located on the roof of the building;
  - (g) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
  - (h) 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;
  - (i) Driveway to be constructed of concrete/permeable with muted colours;
  - (j) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
  - (k) Provision of hard standing bin area;
  - (l) All sustainable design features indicated in the submitted Sustainable Management Plan (SMP). Where sustainable design features outlined in the SMP cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
  - (m) Development Drainage Plans in accordance with Condition 2 of this permit;

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

- (n) A Landscape Plan in accordance with Condition 3 of this permit;
- (o) A Sustainability Management Plan (SMP) in accordance with Condition 4 of this permit;
- (p) A Waste Management Plan in accordance with Condition 5 of this permit;
- (q) A Noise and Amenity Action Plan in accordance with Condition 6 of this permit;
- (r) A Construction Management Plan in accordance with Condition 7 of this permit;
- (s) Tree Preservation Fencing in accordance with Condition 8 of this permit.

**Development Drainage Plans**

2. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:

- (a) The use of an On-site Stormwater Detention (OSD) system;
- (b) The connection to the Council nominated legal point of discharge;
- (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
- (d) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report and include drainage details as a result of landscaping;
- (e) All drainage plans must show for Trees #1-4, #8-10 and #17: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Dean Simonsen Feb 2021 TreeMap.

Please note the 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.

**Landscape Plan**

3. Before the development permitted by this permit commences, a satisfactory detailed landscaping plan must be submitted to and approved by the Responsible Authority. Such plan must be in general accordance with the advertised landscape concept plan prepared by Habitat Landscape and

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

Environmental Design Consultants, issue C, dated September 2021 and must show:

- (a) Amendments required by Condition 1 of this permit;
- (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
- (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;
- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
- (e) Provision of the following minimum plantings:
  - i. One large canopy tree (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre) within the front setback;
  - ii. Four medium canopy trees (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre); and
  - iii. 34 small canopy trees (mature height of at least 5m) planted throughout the site;
- (f) The provision of at least one small tree within the front setback, located in the space between the parking space and the front boundary. One or both of the *Banksia marginata* may be relocated for this purpose.
- (g) Retention of the existing hedgerow of *Photina robusta* to the east boundary and Bond Street frontage;
- (h) Increased width of the garden bed along the west boundary to 1.3 metres and replacement of *Callistemon viminalis* 'Slim' with larger and taller shrubs such as *Callistemon* 'Kings Park', *Elaeocarpus reticulatus* or similar;
- (i) Replacement of *Archontophoenix cunninghamiana* 'Bungalow Palm' on the west boundary with an alternative species providing better screening value, to the satisfaction of the Responsible Authority;
- (j) An indigenous and/or drought tolerant planting theme;
- (k) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (l) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (m) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

- (n) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

When approved the plan will be endorsed and form part of this permit. Landscaping in accordance with this approved plan and schedule must be completed prior to the occupation of the development.

**Sustainability Management Plan**

4. Before the development permitted by this permit commences, a Sustainability Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must include:
- (a) An amended BESS to enter details for each non-residential and residential spaces in the development. Development must be set as a “mixed used” type, as the dwellings and spaces determine which pathways, questions and credits apply to the project in BESS. Although under the National Construction Code, student accommodation and boarding houses are considered as Class 3 buildings and treated as commercial premises, these spaces use is destined for residential use. BESS must be assessed accordingly.
  - (b) An “Implementation Schedule” (table style) identifying each ESD strategy, the responsible party in each project stage of the project and include a “Reference” column to indicate supporting evidence (location on drawings, letter of commitment, etc).
  - (c) A Preliminary Energy Report to demonstrate building energy reduction. Please note, although Class 3 buildings are not subject to residential energy efficiency requirements, NatHERS methodology can be used to assess the performance of the apartments.
  - (d) A WSUD, to provide details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). The report must include, at minimum:
    - A suitable assessment using an industry recognised stormwater tool (STORM/MUSIC);
    - The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

- A plan illustrating where all impervious surfaces will be treated and drained;
  - A construction and maintenance schedule for each treatment in place
- (e) Details of the number of PV panels to be installed, including the dimension and power capacity of the PV system array.
- (f) A detailed Daylight Report, to include at minimum: modelling parameters; mark ups of designated areas and illustration of results.
- (g) Cross flow ventilation paths depicted on drawings, to be compliant with BESS requirements (refer to [BESS tool notes](#)).
- (h) An “ESD Drawing” to include all ESD design strategies applied, as per SMP/BESS commitments. The plan must, at minimum:
- Describe and demonstrate each claimed strategy, in accordance with the SDA report and BESS requirements (all categories);
  - Include location of systems and appliances, indicating WELS and energy ratings.
  - Indicate the minimum NatHERS rating to be achieved.

Once approved, the Sustainability Management Plan will be endorsed and form part of this permit. The development must be constructed in accordance with this plans and ongoing requirements must be adhered to be the owners of the development unless otherwise agreed in writing by the Responsible Authority.

**Waste Management Plan**

5. Before the development permitted by this permit commences, a Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must specify that collection is to be by a private contractor and provide details such as:
- (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;
  - (b) How fully laden bins will be taken to and from the collection point;
  - (c) Anticipated frequency, hours and duration of collection;
  - (d) Demonstrate that the waste collection vehicle will be able to enter and exit the waste collection point in a forwards direction at all times (if required);
  - (e) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise.

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

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

**Noise and Amenity Action Plan**

6. Unless otherwise agreed in writing, prior to the commencement of the use hereby approved, a detailed Noise and Amenity Action Plan must be prepared and approved to the satisfaction of the Responsible Authority addressing the following issues:
- (a) Identifying all noise sources associated with the premise likely to impact on adjoining residents (including, but not limited to, music noise, entries and exits to the premise and play areas).
  - (b) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
  - (c) Details of staffing arrangements including numbers and working hours of staff, on-premises manager and other staff i.e. cleaners etc.
  - (d) Lighting within the boundaries of the site.
  - (e) Security lighting outside the premises.
  - (f) Details of a waste storage and hours of collection for general rubbish.
  - (g) Contact details of persons responsible for ensuring that amenity impacts on adjoining properties are minimised and the procedures for responding to complaints.

Once approved, the Noise and Amenity Action Plan must always be adhered to by the owners of the development unless otherwise approved in writing by the Responsible Authority.

**Construction Management Plan**

Prior to the commencement of any works including demolition, a construction management plan must be submitted to and endorsed by the responsible authority. The plan must be consistent with the Banyule City Council's General Local Law No. 1 2015. Once endorsed, the plan must be implemented to the satisfaction of the Municipal Laws Construction Management Officer.

**OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT**

**Tree Protection**

7. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #1-4, #8-10 and #17 to the satisfaction of the Responsible Authority:

At least 14 days prior to commencement of works, you must submit a 'Statement of Compliance' (from a suitably qualified Arborist - AQF Level 5) which must include photographic evidence of the installed TPZ requirements. Submission must be made to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) referencing the [address and planning permit number](#).

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Dean Simonsen Feb 2021 TreeMap**.

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
  - iii. Mulch across the surface of a TPZ within the subject Land to a depth of 100mm and undertake supplementary watering in summer months as required.
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within a TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
  - v. All supports and bracing for fencing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
  - vi. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
  - vii. Where there are approved works within the 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.
  - viii. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over).
  - ix. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
  - x. Where necessary install trunk and limb protection to a minimum height of 2m in accordance with AS4970-2009.
  - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area. It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. 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.

Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority.



**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

8. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
  - a) A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.
  - b) Any root severance within a TPZ must be undertaken by the project Arborist (AQF Level 5) in accordance with the Australian Standard *AS4373-2007 Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
  - c) Any tree pruning is to conform to *AS4373-2007 Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) 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.
  - d) The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

**Council Trees**

9. No Council trees are to be removed without the prior written consent of the Responsible Authority.

**Section 173 Agreement**

10. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at 89-97 Bond Street must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement must require that:
  - (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1596/2020.

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

**Accessibility Requirements**

11. The building hereby permitted must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 'Design

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

Rules for Access by the Disabled' to the satisfaction of the Responsible Authority.

**ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT**

**Occupation of Development**

12. 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).

**ONGOING REQUIREMENTS OF THIS PERMIT**

**General**

13. 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.

**Use and Amenity**

14. Unless with the prior written consent of the Responsible Authority, no more than 10 women and their dependents may be accommodated on the premises at any one time, together with one caretaker.
15. Except with the prior written consent of the Responsible Authority:
  - (a) Deliveries to the site, and
  - (b) Garbage collection from the siteshall only occur between 7am and 6:30pm Monday to Friday, and shall not occur during the peak drop-off and pick-up times.
16. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
17. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
18. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
19. Except with the further consent of the Responsible Authority no form of public address or music amplification system shall be used on the premises so as to be audible outside the building.
20. Noise emissions from the Subject Land must comply with *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial*

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

*and Trade Premises and Entertainment Venues (Noise Protocol), EPA Publication 1826.4 May 2021.*

**Car Parking/Access**

21. Areas set aside for the parking of vehicles together with the aisles and access lanes (including the driveway from Stanley Street to the rear parking spaces) 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.
22. 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 to the satisfaction of the Responsible Authority.
23. 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 naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. 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.

**Urban Design and Landscaping**

24. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
25. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
26. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
27. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.
28. Unless otherwise agreed in writing by 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.

**Waste Management**

29. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.

**Maintenance of property**

30. The occupiers must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Responsible Authority.

**Permit Expiry**

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

**PERMIT NOTES**

**A. Expiry of Permit**

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

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

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

**B. Signage**

This permit does not include approval for any signage on the site. If signage is proposed, it must comply with the requirements in Clause 52.05, or a separate planning permit granted.

**C. Building Permit Required**

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

**D. Building over Easements**

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

No structure, including sheds and water tanks shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

**E. 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.

**F. 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).

**G. Completion of Development**

Immediately upon completion of the development permitted by this permit, the owner or developer of the subject land must notify Council's Development Planning Section that the development is complete and complies with all requirements of the permit. The development will then be inspected to ensure compliance. An early inspection process will ensure that the subdivision approvals including the Statement of Compliance can be issued without delay.

**H. Memorandum of Consent for Works**

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.

**I. Building Site Code of Practice**

All construction works must comply with the requirements of the 'Building Site Code of Practice – Banyule City Council'. A copy of the Code is available on the Banyule City Council website or at Council Service Centres.

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

<b>Planning Permit Application:</b>	P1596/2020
<b>Development Planner:</b>	Hayley Plank
<b>Address:</b>	89-97 Bond Street IVANHOE
<b>Proposal:</b>	Development and use of the land for community care accommodation and associated vegetation removal
<b>Existing Use/Development:</b>	Two storey non-residential building
<b>Applicant:</b>	Good Samaritan Inn Ltd
<b>Zoning:</b>	General Residential Zone (Schedule 2)
<b>Overlays:</b>	Vegetation Protection Overlay (Schedule 5) Heritage Overlay (Schedule 181) (part)
<b>Notification (Advertising):</b>	Signs on site Letters of the owners and occupiers of adjoining and surrounding properties
<b>Objections Received:</b>	41 (total over three notification periods)
<b>Ward:</b>	Chelsworth

**PROPOSAL**

- The applicant is seeking approval for the development of extensions to the existing building on the site, its use for community care accommodation and associated removal of vegetation.
- The main features of the proposal are as follows:
  - Two storey extensions to the west, north-east and south-east sides of the existing building, increasing floor area to 1126m<sup>2</sup>.
  - Maximum building height to match existing building (7.5m above natural ground level).
  - Use of the extended building to accommodate 11 studio, one- or two-bedroom apartments. These will be used to accommodate low risk women and their dependents for short terms periods (up to 12 months).
  - The maximum occupancy is approximately 30 persons.
  - The provision of communal facilities, administration and play space at ground floor level to support the community care use.
  - Caretaker to reside on the site in one of the apartments.
  - Up to two staff members on site during business hours providing support and mentoring, with other occasional visitors.

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

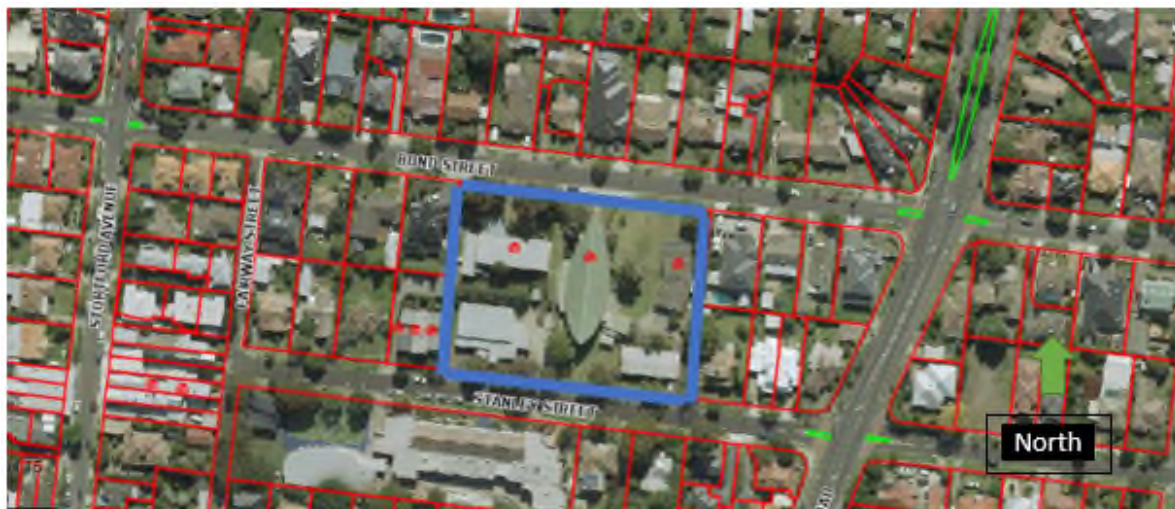
- Provision of four car parking spaces on the main development area, with an additional two (staff only) spaces at the rear of the site.
- Existing accesses from Bond and Stanley Streets retained.
- Removal of two trees protected by the VPO5, as well as additional trees not protected by the planning scheme.
- Fencing to the east and south side of the building to create an area separated from the wider site.
- Additional landscaping within the front setback and along the west and south side boundaries of the development area.
- The application plans are included as **Appendix 1**.

**BACKGROUND**

- There have been no previous applications of relevance for this site.
- The planning scheme includes a particular provision relating to Community Care Accommodation (Clause 52.22). This provision exempts the requirement for a permit for this use in a General Residential Zone for a use funded by, or on behalf of, a government or public authority, where no more than 20 clients are accommodated on site and no more than 5 persons who are not residents may access support services provided on the land.

**SUBJECT SITE AND SURROUNDING AREA**

**Locality Plan**



**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

<b>Site area</b>	6791m <sup>2</sup> (total), with approximately 1336m <sup>2</sup> subject to this proposal
<b>Topography</b>	Generally Flat
<b>Existing and Neighbouring Vegetation</b>	<p>There are a large number of trees scattered across the wider site.</p> <p>The part of the site subject to this proposal contains 6 trees with the street setback (Trees #5-10), two trees close to the front of the existing building (Trees #11-12) and two trees to the rear of the existing building (Trees #13-14). There are also two groups of trees (Tree groups #15 and 16) between the existing building and the adjacent school building fronting Stanley Street. The trees are a mix of native and exotic species and all trees have been given a “low” retention value by the applicant’s arborist, except for Tree #10, which is considered to have “moderate” retention value.</p> <p>There are four street trees along the frontage of this part of the site.</p> <p>There are four small trees on the neighbouring site to the south-west (66 Stanley Street) close to the location of the rear access via Stanley Street.</p> <p>Of the trees assessed as part of this proposal, Trees #5-10 are protected under the VPO5.</p>
<b>Existing Buildings</b>	<p>The north-western corner of the site contains a double storey brick non-residential building which has previously been used for community type uses, most recently for child care.</p> <p>The wider site contains several other buildings associated with St Bernadette’s Catholic Church and adjoining primary school. The church is a large oval shaped building located in the centre of the site and is affected by Heritage Overlay (Schedule 181). None of the proposed works will occur with the Heritage Overlay.</p>
<b>Fencing</b>	<p>The frontage of the north-western of the site contains an existing metal and wire fence, with a height of approximately 1.5m.</p> <p>Timber paling fence to the west boundary and south of the existing building.</p>
<b>Easements</b>	There are no easements on the part of the site affected by this proposal.
<b>Surrounding Area</b>	The application site is a significant parcel of land located within a residential area lying to the west of Oriel Road. The site adjoins residential dwellings to the north, east and west, with the main site associated with St Bernadette’s Primary School located on the southern side of Stanley Street. The residential dwellings within the local area comprise a mix of single and double storey



**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

	<p>buildings on sites of approximately 600-800m<sup>2</sup>. These are predominantly single dwelling sites, with a small number of multi dwelling sites within the immediate area.</p> <p>Bond Street is a local street which experiences above average traffic movements and on-street parking during some periods as a result of the church and school uses in the area. There are no parking restrictions on this part of the street.</p>
--	--

**PUBLIC NOTIFICATION**

<b>Advertising Period</b>	<p>This application has been placed on public notification on three separate occasions:</p> <ul style="list-style-type: none"> <li>• 23 April – 7 May 2021</li> <li>• 3 – 17 September 2021</li> <li>• 1-15 October 2021</li> </ul>
<b>Advertising methods</b>	<p>Public notification was undertaken as follows:</p> <ul style="list-style-type: none"> <li>• Sign on site (first two advertising periods only)</li> <li>• Letters to all adjoining properties and all previous objectors</li> </ul>
<b>Objections received</b>	<p>Total objections received – 41</p> <ul style="list-style-type: none"> <li>• First public notification period – 22</li> <li>• Second public notification period – 16</li> <li>• Third public notification period - 3</li> </ul> <p>A number of these were repeat objections from the same party. Objectors were received from a total to 30 separate objectors.</p>
<b>Grounds of objections (summarised)</b>	<ul style="list-style-type: none"> <li>• Development is not in keeping with the character of the area.</li> <li>• Dominance of built development on adjoining property.</li> <li>• Use is inappropriate for area.</li> <li>• Impacts of use on residential amenity – noise, unrest and disturbance.</li> <li>• Lack of parking.</li> <li>• Loss of trees.</li> <li>• Area is not well serviced.</li> <li>• Devaluation of properties in street.</li> <li>• Visibility of use.</li> </ul>

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

<b>Consultation</b>	<ul style="list-style-type: none"> <li>A consultation meeting was held with the applicant and objectors on 1 June 2021. Formal amendments were made to the application in response to some issues discussed at this meeting.</li> </ul>
---------------------	---

**REFERRAL COMMENTS**

Department/ Officer	Objection?	Conditions /Comments
Developments & Drainage	No	<p>Council's Developments &amp; Drainage Section has advised that:</p> <ul style="list-style-type: none"> <li>Standard conditions should be applied to any permit issued.</li> </ul>
Transport & Traffic	No	<p>Council's Development Planning Arborist has advised that:</p> <ul style="list-style-type: none"> <li>A maximum parking demand of 5 spaces is accepted for this use.</li> <li>Parking spaces at the rear of the site should be reorientated to provide better function.</li> <li>Proposed bicycle parking is acceptable.</li> </ul>
Development Planning Arborist	No	<p>Council's Development Planning Arborist has advised that:</p> <ul style="list-style-type: none"> <li>No high retention value trees are proposed for removal.</li> <li>All trees proposed for removal are supported.</li> <li>It is recommended that Tree #7 is also removed.</li> <li>The design is unlikely to affect neighbouring or street trees subject to tree protection measures.</li> </ul>
Landscape Consultant	No	<p>Council's Landscape Consultant has advised that:</p> <ul style="list-style-type: none"> <li>Trees to be removed should be marked and botanically labelled on the landscape plan.</li> <li>The hedgerow of <i>Photinia robusta</i> to the east boundary and Bond Street frontage should be retained, rather than replaced.</li> </ul>

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

		<ul style="list-style-type: none"> <li>The garden bed to the western boundary should be widened to support larger and taller shrubs.</li> <li>Palm trees in the south-west corner should be replaced with species with better screening value.</li> </ul>
ESD Consultant	No	<p>Council's ESD Consultant has advised that:</p> <ul style="list-style-type: none"> <li>The submitted SDA should be replaced with a SMP.</li> <li>Further details should be provided to demonstrate how the claimed measures will be met.</li> </ul>

**PLANNING CONTROLS**

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
General Residential Zone (GRZ2)	32.08	Yes
Vegetation Protection Overlay (VPO5)	42.02	Yes
Heritage Overlay (HO181)	43.01	No
Development Contributions Plan Overlay (DCPO1)	45.06	No
Car Parking	52.06	No
Community Care Accommodation	52.22	No

**POLICIES CONSIDERED**

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Natural Environment	21.05
Built Environment ( <u>Incremental area</u> )	21.06
Residential Neighbourhood Character Policy (Precinct GS3)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05
ResCode	55

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

**TECHNICAL CONSIDERATION**

- Council must consider this application within the strategic context of the site location, the response to the land use, neighbourhood character and amenity of the area, traffic and car parking and vegetation impacts.

**Land Use**

- The use of land within the GRZ2 is anticipated by both the provisions of the zone, which include “community care accommodation” as a Section 1 use, and specific Clause 52.22, which sets a number of conditions relating to this use. Community care accommodation which meets the conditions contained set out in the clause (including that no more than 20 clients are accommodated) are exempt from requiring a permit for the use or buildings and works in a GRZ2, in order to meet the following purposes:
  - *To facilitate the establishment of community care accommodation.*
  - *To support the confidentiality of community care accommodation.*
- The applicant has advised that one apartment will be used to accommodate the site caretaker. The remaining 10 apartments proposed will have the capacity to accommodate approximately 30 people (women and children) so therefore, a permit is required to allow the additional 10 residents.
- The site is considered appropriate for the proposed use, being an existing building which has traditionally been used for community purposes and on a site which is shared with other community based facilities. The existing building and larger site represents an opportunity to provide a more practical facility in providing both accommodation and support services than might be available if a typical dwelling on a smaller site was converted for this purpose.

**Neighbourhood Character**

- A full assessment against the provisions of Clause 22.02 (for the Garden Suburban 3 Precinct) is contained in **Attachment 2**. This assessment concludes that the relevant objectives are generally met.
- It is acknowledged that the building on site already exists and is not particularly sympathetic to the preferred neighbourhood character. It however sits within the context of a site containing a group of non-residential buildings and uses. The extensions proposed will maintain the scale, form and appearance of the existing building.
- A variation is proposed in relation to the location of one accessible car parking space in front of the building. As noted in the assessment, this variation is considered acceptable having regard to the need to provide such as space, the location selected to minimise hard surface and the ability to continue to provide a large garden area within the front setback, capable of accommodating large trees and other vegetation.
- The application originally sought to provide all on-site parking (two spaces) within the front setback, to the east side of the access driveway. This arrangement would have resulted in the plantable area of the front setback, west of the access pathway reduced to approximately 63m<sup>2</sup>. A setback of just 2.8m would be provided between the street and a parked vehicle. The amended plans increase this plantable area to approximately 95m<sup>2</sup> and, importantly, increase the front setback to 5.8m. Landscaping proposed in this area includes low hedging and

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

shrubs, combined with one large and two small trees. In order to improve the level of screening provided to this parking space, it is recommended that the two small trees proposed (*Banksia marginata*) either be relocated so they sit between the parking space and the street or an additional small tree provided to fill this space.

**Amenity**

- A full assessment against the provisions of Clause 55 is contained in **Attachment 3**. This assessment concludes that the relevant objectives and standards are generally met. The development will only have a direct interface with one residential dwelling (to the west at 99 Bond Street). The impacts on this site will be within the acceptable parameters set out by Clause 55 in relation to proximity of built form, access to daylight, overshadowing and overlooking.
- The proposed use is residential and is therefore not expected to result in any types of amenity impacts which are not generally anticipated within a residential zone. However, the intensity of residential use is greater than what would be expected for a typical dwelling use. The building is generally well separated from other existing dwellings and has been designed so that communal areas which may generate greater levels of noise (such as the children's play areas) and located within the centre of the site to minimise impacts. It is however recommended that the applicant prepare and adhere to a Noise and Amenity Protection Plan, which can set out measures for minimising disturbance to other residents and set clear expectations for how concerns can be addressed.

**Car and Bicycle Parking**

- Clause 52.06 does not provide a specific car parking requirement for community care accommodation therefore car parking must be provided on site to Council's satisfaction.
- There is no formalised parking on site dedicated to the existing building. A Transport Impact Assessment, prepared by One Mile Grid reviewed previous car parking demand studies for social housing uses, concluding that likely demand would be 5 parking spaces.
- The majority of objections received have suggested that on-street parking can be particularly heavy in the area, due to the church and school uses, and have considered the proposed parking arrangements insufficient. In response, the application has been amended from that originally proposed (two on-site spaces) to provide a total of six spaces. These will include three secure spaces within the garage at the front of the building, one accessible space in front of the building and two spaces for staff at the rear of the building, accessed from Stanley Street.
- Council's Traffic Engineers have advised they are satisfied with this number of spaces. In addition, the frontage of this part of the site has a length of approximately 40 metres and is therefore capable of accommodating several additional vehicles. There are no parking restrictions on this part of the street. The site is also located within the Principle Public Transport Network and is therefore considered to be relatively accessible to public transport services.
- The parking spaces indicated on the plans meet the requirements on Clause 52.06 in terms of dimensions and ease of access/egress. However, those proposed at the rear of the building would require multiple manoeuvres to exit

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

and it is therefore recommended that these spaces are reoriented so they can function with greater ease.

- Bicycle parking is proposed both in a secure location (three spaces within the garage) and on rails near the entrance of the building.

**Vegetation Impacts**

- The application proposes to remove two protected trees at the front of the site (Trees #5 and 6), four trees in the vicinity of the building (Trees 11-14) and some of the group of trees at the rear of the site to provide for the additional parking spaces and access (Trees 15-16 and 20).
- Trees 11-16 and 20 have been assessed to be of low retention value and accepted by Council's arborist as being appropriate to remove. They are generally a mix of small weed and exotic species not protected by the VPO5.
- Trees #5 (*Melaleuca sypheiioides* Prickly Leaved Paperbark) and 6 (*Eucalyptus sideroxylon* Red Ironbark) are both located within the front setback and are both mature trees which provide a good level of screening to the existing building within the streetscape. Both have been assessed by the project arborist as being of fair or poor health and poor structure, and in the case of Tree #6, showing evidence of decay resulting in a low retention value and removal recommended. Council's arborist has reviewed the application and agrees with the views of the applicant's arborist.
- The applicant has considered whether opportunities exist to retain Tree #6, whereby retaining the element of screening and amenity it currently provides. However, given the large TPZ of this tree (almost 10 metres) and the requirement to provide an accessible car park within the site, there is no opportunity to both retain the tree and provide this legally required parking space.
- It is further noted that Council's arborist also recommends the removal of Tree #7 (*Eucalyptus sideroxylon* Red Ironbark), which is proposed to be retained by the applicant but has been indicated to be of similarly poor health and form. It is understood that Trees #6 and #7 were planted at the same time. Removal of both trees would result in an even more significant gap in the vegetated frontage. It is therefore recommended that Council accept the removal of Tree #6 and require its replacement with a species capable of reaching a similar height. Tree #7 can be retained as it is unlikely to be impacted by the proposed development. Should the applicant seek to remove this tree at some time in the future, planning approval and replacement with a suitable species would be required.

**Environmentally Sustainable Development**

- A Sustainable Design Assessment has been submitted with the application, which included a BESS assessment achieving a score of 58%. Measures proposed which contribute to this score include the provision of solar PV system, 20,000 rainwater storage, double glazing throughout, no connection to gas, water efficient taps and fixtures, insulation, secure bicycle parking and end of trip facilities.
- A review by Council's ESD consultant has noted that the building exceeds 1000m<sup>2</sup> in gross floor area and therefore a Sustainability Management Plan should be submitted to replace the SDA submitted. The SMP should include additional information to further detail the measures claimed in the SDA, including the preliminary energy report, capacity of solar panels, stormwater treatment

**89-97 BOND STREET, IVANHOE - COMMUNITY CARE ACCOMMODATION  
(P1596/2020) cont'd**

measures, daylight report and ventilation paths. The submission of this report is recommended as a condition on the permit.

**Development Contributions**

- Schedule 1 to the DCPO states that social housing development delivered by and for registered housing associations is exempt from the contributions usually required under this overlay.

**OBJECTORS CONCERNS**

- The majority of objectors' concerns have been addressed in the Technical Consideration section of this report and attachments, however the following require further discussion:

Devaluation of Property

- This is not a matter which can be considered under the planning scheme.

Visibility of Use

- The planning scheme does not set any requirements around the visibility of community care accommodation and it is up to the provider to ensure protocols around safety and confidentiality are met. It is noted that the application does not seek approval for any signage which would publicly identify the use.

Accessibility to Services

- The site is located within the Principal Public Transport Network and therefore is considered to be reasonably accessible to public transport services. The planning scheme does not restrict community care accommodation to locations considered more convenient in terms of shops, transport or other services.

**CONCLUSION**

The proposed use and development have achieved an appropriate level of compliance with the relevant Planning and Local Planning Policies, including the Neighbourhood Character Policy and Rescode, and is considered appropriate for this site. For these reasons, the application should be supported subject to conditions.

**Officer Declaration of Conflict of Interest**

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

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Advertised plans	
2	Assessment against Neighbourhood Character Clause 22.02	
3	Assessment against Clause 55	





## **5.1 345-347 BELL STREET BELLFIELD - PROPOSED SALE OF LAND**

Author: Andrea Turville - Property Officer, City Development

Ward: Olympia

### **Previous Items**

Council on 20 Sep 2021 7.00pm (Item 7.1 - 345-347 Bell Street, Bellfield - Proposed Sale of Land)

---

### **SUMMARY**

- Council owns the land and improvements known as 345 – 347 Bell Street, Bellfield (Land) which currently accommodates the Audrey Brooks Preschool.
- Following completion of the new Bellfield Community Hub (Hub), due in early 2022, the activities of the Audrey Brooks Preschool will relocate from its current premises to the new Hub. It is proposed to sell the Land at this time.
- Council has undertaken its statutory procedures pursuant to sections 55 and 114 of the *Local Government Act 2020* (the Act) giving notice of its intention to sell the land.
- Public notice was given on Council's website and signage erected on the land from 24 September 2021 advising of Council's intention to sell the land. Public submissions were invited in accordance with Council's Community Engagement Policy and Procedures. The submission period closed on 22 October 2021. No submissions were received.
- Council has completed statutory procedures under section 114 of the Act regarding the proposed sale of land and can now decide whether or not to sell the Land.

### **RECOMMENDATION**

That Council:

1. Records that no submissions were received in respect of Council's intention to sell the Council owned land and improvements known as 345 – 347 Bell Street, Bellfield, pursuant to section 114 of the Local Government Act 2020.
2. Agrees to sell the Council-owned land and improvements known as 345 – 347 Bell Street, Bellfield on the basis that following completion of the Bellfield Community Hub and the relocation of tenants, the Land and building is no longer required for Council purposes.
3. Conducts the sale of 345 – 347 Bell Street, Bellfield through a public 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.
4. Receive a further report on setting the reserve price for the sale of 345 – 347 Bell Street, Bellfield.
5. Authorise the Chief Executive Officer or delegate to sign and seal the necessary documentation relating to the sale of 345 – 347 Bell Street, Bellfield at the appropriate time.

## **345-347 BELL STREET BELLFIELD - PROPOSED SALE OF LAND cont'd**

### **COUNCIL PLAN**

- This report is in line with Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".

### **BACKGROUND**

- Council owns the land and improvements known as 345 – 347 Bell Street Bellfield (see Figure 1), which currently accommodates the Audrey Brooks Preschool.
- Following completion of the Bellfield Community Hub, anticipated in early 2022, the Audrey Brooks Preschool will relocate to the Hub. The Land will be considered surplus to Council requirements and is proposed for sale.
- A decision was made at the 20 September 2021 Ordinary Meeting to give public notice of its 'intention to sell' in accordance with s.114 of the Act and Council's community engagement process.



**Figure 1: 345 – 347 Bell Street Bellfield shown outlined yellow**

### **KEY ISSUES**

- Noting that in accordance with s.114 of the *Local Government Act 2020*, public notice of Council's intention to sell the land was undertaken and recorded no submissions.
- The Land is considered surplus to Council requirements and it is considered in the interest of Council and the community to dispose of this parcel.

**345-347 BELL STREET BELLFIELD - PROPOSED SALE OF LAND cont'd**

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Prior to selling any land, Council must give public notice of its intention to sell the land and invite public submissions. Council must also obtain a valuation not more than six months prior to the sale of the Land.
- The giving of public notice of Council's intention to sell does not compel Council to sell 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 sell the subject land.

**Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues. Section 114 of the Act gives Council the legislative power to sell land and also provides an opportunity for any person to make a written submission with respect to such proposal.

**Sustainable Procurement Outcomes**

- There are no sustainable procurement activities arising from the recommendation contained in this report.

**Financial Implications**

- There are no financial implication arising from the recommendation contained in this report.

**Community Engagement**

- Community engagement has been undertaken in accordance with Council's policy and procedures. Public notice was given on Council's website and a sign placed on site from 24 September 2021.
- Submissions were invited to the proposal and closed on 22 October 2021. At the close of the submission period, no submissions were received.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* 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.

**ATTACHMENTS**

Nil



## 7.1 RECORD OF COUNCILLOR MEETINGS

Author: Fletcher Coburn - Executive Customer Support Officer, Corporate Services

### SUMMARY

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

### Record of Meetings

<b>1</b>	<b>Date of Meeting:</b>	18 October 2021 – 6.30pm
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Climate Action Reporting Update</li> <li>• ESD Briefing</li> <li>• Ivanhoe Sports Precinct</li> <li>• Community Infrastructure Workshop</li> </ul> <p>General Business</p>	
<b>Councillors Present:</b>		
<p>Peter Castaldo                  Alison Champion                  Mark Di Pasquale                  Alida McKern                  Tom Melican                  Fiona Mitsinikos                  Elizabeth Nealy</p>		
<b>Staff Present:</b>		
<p>Allison Beckwith - <i>Chief Executive Officer</i>                  Darren Bennett – <i>Director Assets &amp; City Services</i>                  Marc Giglio – <i>Director Corporate Services</i>                  Joel Elbourne – <i>Acting Director City Development</i>                  Kath Brackett – <i>Director Community Programs</i>                  Kerry Woods – <i>Executive &amp; Councillors Team Leader</i>                  Lisa Raywood – <i>Acting Manager Environment and Place</i>                  Sian Gleeson – <i>Environment Coordinator</i>                  Ellie Hall – <i>Sustainability Officer</i>                  Nicole Maslin – <i>Manager Leisure and Cultural Services</i>                  Sherryn Prinzi – <i>Community Programs Strategic Development Lead</i></p>		

RECORD OF COUNCILLOR MEETINGS cont'd

	<b>Others Present:</b> Nil
	<b>Conflict of Interest:</b> Nil

2	<b>Date of Meeting:</b>	21 October 2021 – 5.30pm
	<b>Type of Meeting:</b>	LGBTIQ Committee meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Community engagement</li> <li>• Committee processes</li> <li>• Council updates</li> <li>• Community updates</li> </ul>	
	<b>Councillors Present:</b> Peter Castaldo	
<b>Staff Present:</b> Cheree Hunter – <i>Acting Manager Public Health Protection, Aged &amp; Community Planning</i> Theonie Tacticos – <i>Community and Social Planning Coordinator</i> Myfan Jordan – <i>Community and Social Planner</i>		
<b>Others Present:</b> David LM (Guest) Richard Peterson (Guest) Jason Turner (Guest) Morganne Blackburn (Guest) Paul M Byrne-Moroney (Guest speaker - Aust Intersex Human Rights) Cr Tomas Lightbody (Manningham) (Guest) Fleassy Malay (Mother Tongue Rep) Nevena Spirovska Vic Pride Lobby Rep Harper Figliomeni Will Delaney Nicole El-Hage Lara Hunter		
<b>Conflict of Interest:</b> Nil		

3	<b>Date of Meeting:</b>	25 October 2021 5.30pm
	<b>Type of Meeting:</b>	Council Meeting
<b>Matters Considered:</b>		
<ul style="list-style-type: none"> <li>• Establishment of the Banyule Community Fund</li> <li>• Inclusive Employment Program 2020/21 Update</li> <li>• 419 and 421 Upper Heidelberg Road, Ivanhoe - proposed land exchange</li> <li>• 10A Tate Street, Ivanhoe - Proposed Sale of Land</li> <li>• 87-131 Bell Street, IVANHOE - Amendment to an approved mixed use development (P363/2019)</li> </ul>		

**RECORD OF COUNCILLOR MEETINGS cont'd**

<ul style="list-style-type: none"><li>• Northern Metro Land Use Framework Plan Submission</li><li>• Quarter 1 Advisory Committees Report</li><li>• Banyule Council Plan 2021-2025 and Financial Plan 2021-2031</li><li>• Record of Councillor Meetings</li><li>• Audit &amp; Risk Committee Minutes - 17 September 2021</li><li>• Audit &amp; Risk Committee - Re-appointment of Independent Representative</li><li>• Annual Report 2020/2021</li><li>• Digital Transformation Strategy and Action Plan 2022 - 2025</li><li>• Variation - Contract No PA 2110-0503 Supply of Mobile Bins</li><li>• Planning Scheme Amendments - State and Local Projects</li></ul>		
<p><b>Councillors Present:</b></p> <p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>		
<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Kath Brackett – <i>Director Community Programs</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Nicholas Van – <i>Governance Officer</i> David Pascolo – <i>IT Infrastructure Technical Analyst</i> Duncan Stephen - <i>JETS Sound Engineer/Project Assistant</i></p>		
<table border="1"><tr><td><b>Conflict of Interest:</b></td><td>Nil</td></tr></table>	<b>Conflict of Interest:</b>	Nil
<b>Conflict of Interest:</b>	Nil	

**RECOMMENDATION**

That the Record of Councillor meetings report be received.

**ATTACHMENTS**

Nil

## **7.2 PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS**

Author: Claudia Oqueli - Operations Infrastructure Coordinator, Assets & City Services

---

### **SUMMARY**

1. This report is to consider opting into Procurement Australia Contract "PA 2409-0334" for that 'Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products'.
2. Council previously approved the use of Municipal Association of Victoria (MAV) Procurement, National Procurement (NPN) contracts, Procurement Australia (PA) and State Government Contracts. These contracts provide benefits of collective purchasing and to improve efficiency in the procurement process of Council's Assets & City Services, City Development and Corporate Services Directorates.
3. As is permitted under the new Local Government Act 2020 and Council's Procurement Policy and Guidelines, Council elected to participate in the Procurement Australia tender process for Contract PA 2409-0334 for Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products.
4. This Panel of Prequalified Suppliers will provide Council with the ability to source required signage and infrastructure items & associated products from an established panel of suppliers at competitive rates to minimise Council's operational expenses.
5. Council has approved funding for approximately \$200,000 per annum for the overall purchase of required signage and associated products needed across the organisation.
6. The contract commenced on 1 October 2021 and will end 30 September 2024. The Initial Contract Term shall be for a maximum initial period of 3 year(s) with the option to extend for further periods of any duration up to a maximum extension period of 2 years based on satisfactory performance and meeting Council objectives.

### **RECOMMENDATION**

That Council:

1. Opts into the Procurement Australia Contract 2409-0334 for the **Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products** for an initial term of 3 years with 2 optional extension periods of 12 months each.
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's



**PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS cont'd**

business needs, at the conclusion of the initial three (3) year contract term and extension periods.

**COUNCIL PLAN**

This report is in line with Banyule’s Council Plan key direction to “*Provide responsible management of procurement activity in a way that enhances social, economic and environmental outcomes*”.

**TENDER DETAILS**

Contract Period	Initial Contract Term of 3 years, with two (2) optional extension periods of 12 months each.
Contract Type	Goods (Signage, Lighting, and associated Traffic Products)
Advertising Period	Tuesday 15 June 2021 in the Sydney Herald Sun; Wednesday 16 June 2021 in The Herald Sun; Wednesday 16 June 2021 in The Adelaide Advertiser.
Tenders Closed	3.00 pm AEST Wednesday 7 July 2021
Works/Project	Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products
No. of tender documents downloaded	22 Organisations downloaded the Tender Documents 15 Suppliers submitted a Tender by the closing date.
Tender Evaluation Panel	Procurement Australia
Tender Evaluation Criteria	<ul style="list-style-type: none"> <li>• Compliance</li> <li>• Technical Criteria which includes:               <ol style="list-style-type: none"> <li>1. Professional Competence &amp; Capability</li> <li>2. Customer Focus</li> <li>3. Corporate Social Responsibility Profile</li> </ol> </li> <li>• Price Related Criteria</li> </ul>
Other Background	<ul style="list-style-type: none"> <li>• Procurement Australia, on behalf of its participating Members located nationally, invited tenders from qualified parties to be part of a panel of providers for the supply and delivery of Road Signs &amp; Lighting, Grates, Covers, and Associated Traffic Products</li> <li>• The Scope of the Goods and Services included:               <ol style="list-style-type: none"> <li>1. Category 1: Road and Traffic Signs &amp; Accessories;</li> <li>2. Category 2: Grates, Access Covers &amp; Associated Products;</li> <li>3. Category 3: Traffic Calming Devices;</li> <li>4. Category 4: Work Zone &amp; Associated Products</li> <li>5. Category 5: Road &amp; Pedestrian Lighting &amp; Associated Products.</li> </ol> </li> </ul>

**PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS cont'd**

	<ul style="list-style-type: none"><li>• Council opted in to all categories under this contract to cover any anticipated requirements across the organisation.</li><li>• The ability to purchase signage, lighting, covers, grates and other associated traffic and infrastructure items is critical in ensuring that Council's operational expenses are minimised.</li><li>• This contract will provide Council's Assets and City Services, City Development and Corporate Services Directorates with options to source required signage and associated products from an established panel of suppliers at competitive rates.</li><li>• It is expected that Council staff will source quotations from the established panel to give opportunity to suppliers over the life of the contract, while giving preference to local/Victorian suppliers.</li><li>• Utilising this Procurement Australia contract also eliminates the need for individual Council departments to undertake separate quotations or tender processes for this category which is a value-added benefit and Council resources.</li></ul>
--	--

**TENDER/QUOTATION EVALUATION**

- Procurement Australia undertook the following tender evaluation process:
  - Conducted a thorough tender evaluation process, including initial compliance check, qualitative assessment, criteria assessment and pricing assessment to determine an overall value proposition.
  - Post the evaluation of the tenders, the Procurement Australia Tender Evaluation Panel recommended that the ten (10) tenders be accepted in relation to the Categories they tendered for in accordance with their Weighted Consolidated Score. This is summarized below.

**Category 1 – Road & Traffic Signs & Accessories**

Adelaide Signs Group Pty Ltd  
Artcraft Pty Ltd  
Barrier Signs Pty Ltd  
Central Signs Road and Safety (Aust) Pty Ltd  
DeNeefe Pty Ltd t/a DeNeefe Signs  
National Safety Products Pty Ltd  
Roadside Services and Solutions Pty Ltd

**Category 2 – Grates, Access Covers & Associated Products**

B.R Durham & Sons  
Roadside Services and Solutions Pty Ltd  
Road Safety Grating  
Terra Firma Industries

**PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS cont'd**

**Category 3 – Traffic Calming Devices**

Adelaide Signs Group Pty Ltd  
Artcraft Pty Ltd  
DeNeefe Pty Ltd t/a DeNeefe Signs  
National Safety Products Pty Ltd  
Roadside Services and Solutions Pty Ltd

**Category 4 – Work Zone & Associated Products**

Adelaide Signs Group Pty Ltd  
Artcraft Pty Ltd  
Barrier Signs Pty Ltd  
Central Signs Road and Safety (Aust) Pty Ltd  
DeNeefe Pty Ltd t/a DeNeefe Signs  
National Safety Products Pty Ltd  
Roadside Services and Solutions Pty Ltd

**Category 5 – Road & Pedestrian Lighting & Associated Products**

DeNeefe Pty Ltd t/a DeNeefe Signs

It is anticipated the following four (4) suppliers will be set up for Council staff to access the required products from, however Council can seek quotes from the other available panel members.

1. DeNeefe Pty Ltd t/a DeNeefe Signs
2. Artcraft Pty Ltd
3. Roadside Service & Solution Pty Ltd
4. Terra Firma Industries

**NON-CONFORMING TENDER**

- Two tenderers were deemed to be non-conforming. One tenderer did not conform with the evaluation criteria and therefore was not evaluated and the second proposed contract departures post tender which is a non-conformance in the tendering process.
- Three other tenderers did not achieve a high enough consolidated score and therefore were considered unsuitable to deliver the service.

**Council Requirements**

- Council will utilise this contract for the supply of road and street signs, grates and guard rails, purchase traffic signs, replace and upgrade corporate signage throughout the municipality which includes recreational, township and tourist type signs.
- The ability to utilise this contract at the most cost-effective price and process is critical in ensuring that Council's operational expenses are minimised.
- Procurement Australia provide the Head Agreement only and any individual RFQ's will include Council's standard terms and conditions.

**PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS cont'd**

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

- Section 186 of the *Local Government Act 1989* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$150,000 (including GST) for contracts for the purchases of goods or services; or \$200,000 (including GST) for contracts for the carrying of works.
- The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989* (this section will be repealed with the new 2020 Act provisions taking effect on 1 July 2020).

**Human Rights Charter** • In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

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

**Sustainable Procurement Outcomes**

- Council staff will source quotations from the established panel to give opportunity to suppliers over the life of the contract, while giving preference to local/Victorian suppliers.

**Financial Implications**

- Council has approved funding for approximately \$200,000 per annum for the overall purchase of required signage and associated products needed across the organisation.
- Based on historical spend it is anticipated up to \$1,000,000 could be spent across Council over the life of this new contract.

**Additional information**

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

**Banyule Procurement Policy**

- Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*. *Local Government Act 1989* and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

**PROVISION OF ROAD SIGNS AND LIGHTING, GRATES, COVERS AND ASSOCIATED TRAFFIC PRODUCTS cont'd**

- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council.
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

**Officer Declaration of Conflict of Interest**

- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	2409-0334 Procurement Australia Tender Evaluation Report - <b>CONFIDENTIAL</b>	

## **7.3 QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021**

Author: Michael Fan - Financial Performance & Planning Coordinator, Corporate Services

---

### **SUMMARY**

1. This Quarterly Financial Management Report is for the period ended 30 September 2021 and provides assessment of the following:
  - Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
  - Capital Works Expenditure – summary of actual spend, budget and forecast.
  - Investment activity – compliance against the current Investment Policy
  - Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements

### **Financial Performance:**

2. As of 30 September 2021, the year to date operating deficit is \$3.332m unfavourable to budget, due mainly to the financial impact from the unexpected COVID-19 lockdowns (number 5 and 6) resulting in some council services prevented from operating and/or postponed.
3. The September forecast is projected to be a \$9.974m operating surplus compared to the adopted budget surplus of \$14.581m (\$4.608m unfavourable movement).
4. The 2021/22 underlying operating deficit is forecasted to be \$8.422m compared to a budgeted underlying deficit result of \$1.185m (\$7.258m unfavourable). The underlying result is determined after adjusting for non-recurrent capital grants and capital contributions which represent \$18.416m of Council's income.
5. The key forecast variances are:
  - a. Net unfavourable business impact of COVID-19 forced lockdowns is \$3.637m.
  - b. Council endorsed, in August 2021, a further \$1.727m of funding of the 2021/22 Economic Support Package (initiative and operating budget) to \$3.540m.
  - c. Capital Works project costs transferred to Operational Budget: FOGO \$1.050m
  - d. Carry forward initiatives and unspent grant income: net position (increase in revenue) \$1.610m favourable

### **Capital Works Performance:**

6. As of 30 September 2021, a total of \$5.889m has been spent on capital works.

## QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021 cont'd

7. The capital works expenditure is forecast to be \$73.302m including \$9.248m of carry forwards projects from previous financial year and partially offset by the temporary savings generated from the projects which will be postponed to the next year. (the adopted capital budget is \$66.745m).

### RECOMMENDATION

That the Quarterly Financial Management Report for the period 30 September 2021 be noted with the following impacts and highlights:

- a) The forecast to deliver an operating surplus of \$9.974m against the adopted budget deficit of \$14.581m for the year ended 30 June 2021.
- b) The underlying operating deficit of \$8.442m is after adjusting for non-recurrent capital grants and capital contributions of \$18.416m.
- c) The net cost impact on the forecast directly from COVID-19 restrictions is \$3.637m unfavourable to budget.

### COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

### BACKGROUND

- The 30 September 2021 Financial Management report comprises a review of the current performance against year to date budget, full year budget and full year forecast, and other key financial information.
- Note: material variances are explained – refer notes (variances greater than \$0.500m are considered material).

### KEY ISSUES

#### Financial Sustainability

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

September 2021	Net Results	Adjusted Underlying Results	Liquidity	Internal Financing	Indebtedness	Capital Replacement	Renewal Gap
Forecast	5.34%	-5.44%	1.99	59.96%	16.30%	3.35	3.12

Note: The 2021/22 Economic Support Package and COVID business impact has significantly impacted on the adjusted underlying results.

- The Adjusted Underlying Results measures an entity's ability to generate surplus in the ordinary course of business.
- The 'red' Adjusted Underlying Results will be managed through continuing to maintain the operational returns and maximising revenue from commercial

## **QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021 cont'd**

activities and property sales over the next few years. In a normal year, Council aims for 5% or greater against the ratio.

- The 'red' Internal Financing for 2021/22 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 59.96% for 2021/22 (75% or greater is financially sustainable).
- With the COVID-19 financial impacts and forecast adjustment of Economic Support Package on Banyule's future cash flow, Net Results, Adjusted Underlying Results and Internal Financing will continue to be impacted throughout the year.

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

- Section 97 of the *Local Government Act 2020* requires a quarterly budget report to Council as soon as practical after the end of each quarter. A quarterly budget report must include a comparison of the actual and budgeted results to date, an explanation of any material variations, any other matters prescribed by the regulations.

#### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

#### **Sustainable Procurement Outcomes**

- There are no sustainable procurement activities arising from the recommendation contained in this report.

#### **Financial Implications**

- This Quarterly Financial Management Report is for the period ended 30 September 2021 and provides assessment of the following:
  - Key income and expenditure actual operating results against budget
  - Capital Works financial performance
  - COVID-19 financial impact
  - Other key financial indicators
- The September forecast is projected to be a \$9.974m surplus compared to the adopted budget deficit of \$14.581m (a \$4.608m unfavourable movement).
- The 2021/22 underlying operating deficit is forecast to be \$8.442m compared to a budgeted underlying deficit result of \$1.185m (a \$7.258m favourable movement).
- As of 30 September 2021, a total of \$5.899m has been spent on capital works.
- The capital works expenditure is forecast to be \$73.302m (the adopted capital budget is \$66.745m).



**QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021 cont'd**

- The economic disruption caused by COVID-19 is anticipated to have had an additional \$3.637m net financial cost impact on Council's businesses than anticipated in the adopted budget. With continued uncertainty and COVID-19 restrictions the flow on financial outcomes will continue to impact on the forecast.
- The Council's \$1.5m Economic Support Package has been reforecast to \$3.540m to include further \$1.727m to funding to support the Banyule community and local business.

**Officer Declaration of Conflict of Interest**

- The *Local Government Act 2020* 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.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Quarterly Financial Management Report - September 2021	