

Minutes of the Ordinary Meeting of Council



Held on the 15 November 2021

Meeting held online

PRESENT	3
APOLOGIES.....	3
LEAVE OF ABSENCE	3
CONFIRMATION OF MINUTES.....	3
DISCLOSURE OF INTERESTS	3
PRESENTATION	3
1. URGENT BUSINESS.....	3
2. OUR INCLUSIVE AND CONNECTED COMMUNITY	4
2.1 Hybrid Council Meetings	4
2.2 Final Draft Child and Youth Framework 2021-2031.....	5
3. OUR SUSTAINABLE ENVIRONMENT.....	6
Nil	
4. OUR WELL-BUILT CITY	7
4.1 173-177 Upper Heidelberg Road, IVANHOE - Mixed Use Development (P1428/2020).....	7
4.2 89-97 Bond Street, IVANHOE - Community Care Accommodation (P1596/2020).....	16
5. OUR VALUED COMMUNITY ASSETS AND FACILITIES.....	28
5.1 345-347 Bell Street Bellfield - Proposed Sale of Land.....	28
6. OUR THRIVING LOCAL ECONOMY	29
Nil	
7. OUR TRUSTED AND RESPONSIVE LEADERSHIP.....	29
7.1 Record of Councillor Meetings.....	29
7.2 Provision of Road Signs and Lighting, Grates, Covers and Associated Traffic Products	32
7.3 Quarterly Financial Management Report - September 2021	33
8. PETITIONS.....	35
9. SEALING OF DOCUMENTS	35
Nil	
10. NOTICES OF MOTION.....	35
Nil	
11. GENERAL BUSINESS	35
PUBLIC QUESTION TIME.....	ERROR! BOOKMARK NOT DEFINED.
CLOSURE OF MEETING.....	35

MINUTES

The Meeting opened at 7.00pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

The Mayor read Council's statement on its commitment to diversity and its principles.

Present

Mayor Cr Elizabeth Nealy, Cr Rick Garotti, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Mark Di Pasquale, Cr Alida McKern, Cr Tom Melican, Cr Fiona Mitsinikos,

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 25 October 2021
and Mayoral Election held 8 November 2021*

Moved: Cr Tom Melican
Seconded: Cr Peter Dimarelos

CARRIED

Disclosure of Interests

Nil

Presentation

Nil

1. URGENT BUSINESS

Nil

2. OUR INCLUSIVE AND CONNECTED COMMUNITY

2.1 HYBRID COUNCIL MEETINGS

A written statement was read out on behalf of Michelle Giovas by Kath Brackett, Director Community Programs.

Following this, pre-recorded videos were played of Kevan Hill and Brian Grace speaking on this item.

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.

Resolution (CO2021/223)

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 line with any legislative or regulatory requirements regarding the ability for councils to hold online or hybrid meetings.
3. Is presented a further report to the first Council Meeting in 2022 reviewing the effectiveness of the hybrid model of Council Meetings and establishing appropriate governance protocols for the operation of hybrid meetings.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

2.2 FINAL DRAFT CHILD AND YOUTH FRAMEWORK 2021-2031

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.

Resolution (CO2021/224)

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.

Moved: Cr Tom Melican
Seconded: Cr Alida McKern

CARRIED

3. OUR SUSTAINABLE ENVIRONMENT

Nil

4. OUR WELL-BUILT CITY

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

Written statements were read on behalf of Kevin Biagginic, Pippa Griffith and Robyn Roberts by Darren Bennet, Director Assets & City Services and Marc Giglio, Director Corporate Services.

Following this, a pre-recorded video was played of Kevan Hill speaking on this item.

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.

Resolution (CO2021/225)

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 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) Rear setback of the building to comply with the preferred minimum rear setback to allow space for the planting of medium sized canopy trees at ground level pursuant to Schedule 11 of Clause 43.02 and redesign of the car parking so that the statutory car parking rate is achieved.
- (c) The external materials schedule amended to include more muted colours, finishes and non-reflective materials pursuant to Schedule 90 of Clause 43.01. Material selection and colours must include red clinker brick and terracotta colours similar to existing surrounding buildings;
- (d) The glazed veranda roof is to be replaced with an opaque material consistent with non-transparent veranda roof materials of adjoining buildings;
- (e) Car parking spaces within the basement to be allocated to each dwelling and shop within the building;
- (f) Adequate security lighting to illuminate the vehicle access point to the unnamed right of way;
- (g) A warning light system installed in the basement car park to warn drivers of oncoming vehicles to avoid conflicts along the access ramps;
- (h) Swept path diagrams confirming that vehicles can enter and exit the site at the unnamed right of way;
- (i) Swept path diagrams demonstrating circulation within the basement car park;
- (j) Swept path diagrams for parking spaces 7, 8, 25 and 26 confirming that entry/exit is suitable;
- (k) Swept path diagrams demonstrating vehicle access and egress from the car stackers;
- (l) Confirmation that at least 25% of the mechanical car parking spaces can accommodate a vehicle clearance height of 1.8 metres;
- (m) The building must be constructed within the title boundaries of the site;
- (n) 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;
- (o) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
- (p) The mail boxes located in accordance with Australia Post guidelines;
- (q) Corner splays on each side of the basement accessway in accordance with Design Standard 1 of Clause 52.06;
- (r) Lateral clearance for the basement ramp to comply with Design Standard 1 – Accessways of Clause 52.06;
- (s) The accessway designed to accommodate simultaneous movement at the changes of direction within the basement carpark;
- (t) 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);

- (u) The Clause 58 table on Sheet TPA17 amended to indicate the operability of windows (type and percentage);
- (v) Any changes necessary to reflect any outcome of an adverse position claim in relation to the south-western boundary.
- (w) Development Drainage Plans in accordance with Condition 2 of this permit;
- (x) An amended Sustainability Management Plan (SMP) in accordance with Condition 4 of this permit;
- (y) An amended Waste Management Plan in accordance with Condition 5 of this permit;
- (z) A Construction Management Plan in accordance with Condition 6 of this permit.
- (aa) The construction of a speed hump within the right of way to the rear of the proposed development to the satisfaction of the responsible authority at the cost of the developer.

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) The three (3) trees in planter boxes shown on the second level balcony to be deleted and replaced with an alternative form of green infrastructure for

shading, cooling and visual amenity in keeping with heritage character of Upper Heidelberg Road;

- (c) 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;
- (d) Specification of all pot sizes for planting on upper level balconies and terraces;
- (e) How planting on upper levels will be drained and irrigated;
- (f) 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.
 - (g) A commitment by the future Owners Corporation of the building to provide accredited green power or equivalent to all parts of the development for the duration of the development's life, and that evidence of such to be submitted to Council within the first six months of the establishment of the Owners Corporation.

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;
- (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.
 - (b) The Owners Corporation provide green power or equivalent to all parts of the development for the duration of the development's life and

evidence of this be submitted to the Responsible Authority within the first six months of the establishment of the Owners Corporation.

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

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.
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 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 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 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
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.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

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

Written statements were read on behalf of Kevin Biaggini, Lee Miot, Maria Miot and Damian Loughman by Kath Brackett, Director Community Programs and Marc Giglio, Director Corporate Services.

Following this, pre-recorded videos were played of Father Bill Edebohls and Sue Moorhen speaking on this item.

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.

Resolution (CO2021/226)

PART A

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application 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) Retention of Tree #6 and redesign of the disabled car space and bicycle parking to accommodate retention of the tree.
 - (b) 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;
 - (c) 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;
 - (d) Reconfiguration of the internal layout of Apartment 7 to ensure Bedroom 2 is provided with a window for natural daylight.
 - (e) 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;
 - (f) Location and illumination level of external lighting;
 - (g) Acoustic treatment of screens surrounding air conditioning units located on the roof of the building;
 - (h) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
 - (i) 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;
 - (j) Driveways to be constructed of permeable material with muted colours;
 - (k) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
 - (l) Provision of hard standing bin area;
 - (m) 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);
 - (n) Development Drainage Plans in accordance with Condition 2 of this permit;
 - (o) A Landscape Plan in accordance with Condition 3 of this permit;
 - (p) A Sustainability Management Plan (SMP) in accordance with Condition 4 of this permit;
 - (q) A Waste Management Plan in accordance with Condition 5 of this permit;
 - (r) A Noise and Amenity Action Plan in accordance with Condition 6 of this permit;
 - (s) A Construction Management Plan in accordance with Condition 7 of this permit;
 - (t) 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:
 - (d) The use of an On-site Stormwater Detention (OSD) system;
 - (e) The connection to the Council nominated legal point of discharge;
 - (f) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (g) 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;
 - (h) All drainage plans must show for Trees #1-4, #6, #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 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 and lawn areas in the front setback with raised barrier edging of a minimum height of 800mm, designed and installed to prevent vehicle parking in the designated landscape areas. The barrier should be visually permeable and integrated with the landscaping outcome;
 - (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 native species that will reach a minimum height of 5 metres when mature and will provide a visually dense screen to the dwelling on the abutting property, 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;
- (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 (SMP) 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;
 - 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.

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

7. 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

8. 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, #6, #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 referencing the address and planning permit number.

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.

9. 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 confirm 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

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

Section 173 Agreement

11. 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:
 - (c) 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

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

ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT

Occupation of Development

13. 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

14. 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

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Noise emissions from the Subject Land must comply with *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Noise Protocol), EPA Publication 1826.4 May 2021.

Car Parking/Access

22. 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.

23. 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.
24. 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

25. 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.
26. 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.
27. 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.
28. 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.
29. Tree #6 must be retained and managed in accordance with AS4373-2007 *Pruning of Amenity Trees*, until such time as the new canopy trees within the front setback reach a minimum height of 6 metres, unless otherwise agreed in writing by the Responsible Authority.
30. 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

31. 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.

Maintenance of property

32. 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

33. 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**M. 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.

N. 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.

O. Building Permit Required

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

P. 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.

Q. Drainage Plan Requirements

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

R. 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).

S. 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.

T. 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.

U. 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.

PART B

That Council request that Good Samaritan Inn Ltd consider any further opportunities for the proposed development to achieve a zero net carbon performance standard given the significance of the project to deliver long term positive environmental outcomes.

Moved: Cr Alida McKern
Seconded: Cr Peter Castaldo

CARRIED

5. OUR VALUED COMMUNITY ASSETS AND FACILITIES

5.1 345-347 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.

Resolution (CO2021/227)

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.

Moved: Cr Peter Dimarelos

Seconded: Cr Tom Melican

CARRIED

6. OUR THRIVING LOCAL ECONOMY

Nil

7. OUR TRUSTED AND RESPONSIVE LEADERSHIP**7.1 RECORD OF COUNCILLOR MEETINGS****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

1	Date of Meeting:	18 October 2021 – 6.30pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Climate Action Reporting Update • ESD Briefing • Ivanhoe Sports Precinct • Community Infrastructure Workshop 	
	General Business	
	Councillors Present:	
Peter Castaldo Alison Champion Mark Di Pasquale Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & 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> Kerryn Woods – <i>Executive & 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>		
Others Present:		
Conflict of Interest:	Nil	

2	Date of Meeting:	21 October 2021 – 5.30pm
	Type of Meeting:	LGBTIQ Committee meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Community engagement • Committee processes • Council updates • Community updates 	
	Councillors Present:	
Peter Castaldo		
Staff Present:		
Cheree Hunter – <i>Acting Manager Public Health Protection, Aged & Community Planning</i> Theonie Tacticos – <i>Community and Social Planning Coordinator</i> Myfan Jordan – <i>Community and Social Planner</i>		
Others Present:		
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		
Conflict of Interest:	Nil	

3	Date of Meeting:	25 October 2021 5.30-6.35pm
	Type of Meeting:	Council Meeting
	Matters Considered:	
Establishment of the Banyule Community Fund Inclusive Employment Program 2020/21 Update 419 and 421 Upper Heidelberg Road, Ivanhoe - proposed land exchange 8 10A Tate Street, Ivanhoe - Proposed Sale of Land 9 87-131 Bell Street, IVANHOE - Amendment to an approved mixed use development (P363/2019) 10 Northern Metro Land Use Framework Plan Submission Quarter 1 Advisory Committees Report Banyule Council Plan 2021-2025 and Financial Plan 2021-2031 Record of Councillor Meetings		

<p>Audit & Risk Committee Minutes - 17 September 2021 Audit & Risk Committee - Re-appointment of Independent Representative Annual Report 2020/2021 Digital Transformation Strategy and Action Plan 2022 - 2025 Variation - Contract No PA 2110-0503 Supply of Mobile Bins Planning Scheme Amendments - State and Local Projects Confidential Report – 7 Flintoff – Development Opportunity</p>	
<p>Councillors Present:</p> <p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>	
<p>Staff Present:</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 & City Services</i> Jonathan Risby – <i>Acting Director City Development</i> Gina Burden – <i>Manager Governance & Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Kerryn Woods – <i>Executive & 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>	
<p>Conflict of Interest:</p>	<p>Nil</p>

Resolution (CO2021/228)

That the Record of Councillor meetings report be received.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

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

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.

Resolution (CO2021/229)

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

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

7.3 QUARTERLY FINANCIAL MANAGEMENT REPORT - SEPTEMBER 2021**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.
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).

Resolution (CO2021/230)

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.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

8. PETITIONS

Nil

9. SEALING OF DOCUMENTS

Nil

10. NOTICES OF MOTION

Nil

11. GENERAL BUSINESS**11.1 RETIREMENT OF BRETT ROSS**

A general business item was raised by Cr. Tom Melican acknowledging the retirement of Brett Ross from Open House after 27 years of service as a volunteer and manager.

11.2 NORTHERN ALLIANCE FOR GREENHOUSE ACTION (NAGA)

A general business item was raised by Cr. Alida McKern acknowledging the Northern Alliance for Greenhouse Action (NAGA)

11.3 BANYULE URBAN FORESTRY REVIEW

A general business item was raised by Cr. Alida McKern acknowledging the first meeting of the Banyule Urban Forestry Review

11.4 IT'S IN THE BAG DRIVE

A general business item was raised by Cr. Fiona Mitsinikos who spoke about Sharing the Dignity's annual It's in the Bag Drive – generous Australians donate bags which are distributed to charities who donate the bags to people in need for Christmas.

Closure of Meeting

The Meeting was closed at 8.31pm.

DATED: DAY OF 2021

.....
MAYOR

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

PUBLIC QUESTION TIME

1.	<p>Name & Suburb:</p> <p>Sheldon Williams, Rosanna</p>
	<p>Question:</p> <p>Why are Council not supporting the traditional East Ivanhoe Boulevard Christmas lights again this year, noting that from 24 Nov, with 90% of the state fully vaxxed, virtually all COVID-19 restrictions will be removed?</p>
	<p>Response:</p> <p><i>Hannes Berger, Team Leader Arts & Culture</i></p> <p>Council's decision is to not support the Boulevard Christmas Lights as an Event.</p> <p>By 24 November most COVID-19 restrictions will be lifted, and it seems likely there will be no density quotients or capping, however Victoria will have entered the 'vaccinated economy' and there will still be requirements in place regarding COVID-safe events.</p> <p>Just as with shops, restaurants and venues, public events will only be able to be attended by those with double vaccination status, who must check in via QR code. It is the responsibility of the 'presenter' to ensure this is adhered to. This can be managed at the Flemington Racecourse and the MCG, but it would be impossible (and inappropriate) to apply these restrictions to a neighbourhood.</p> <p>For this reason, Council will not be promoting or providing event infrastructure or traffic management along the Boulevard this December.</p> <p>We agree that our community need and deserve pleasures and relief after the year we have endured, and to that end Council will be presenting a free Carols by Candlelight concert on 18 December at Greensborough War Memorial Park, where the COVID-safe requirements can be suitably met.</p> <p>We are also working with our Traders Associations to activate and program entertainment in the trading and activity centres across the whole municipality throughout December.</p> <p>Boulevard Christmas Lights is a wonderful community tradition and residents will continue to decorate along the Boulevard, and visitors will come, but Council's approach this year is to support smaller scale, local activations and celebrations across the municipality in line with regulations, rather than focus on one grand scale event in Ivanhoe.</p>
2.	<p>Name & Suburb:</p> <p>Anonymous</p>
	<p>Question:</p> <p>Certain councillors have claimed that they feel it is council's responsibility to ensure that posts made on facebook (both public and private pages) accurately reflect</p>

	<p>council's point of view (or claims), so could council advise which Facebook pages are monitored and which topics council has decided to regulate?</p> <p>Answer:</p> <p><i>Gina Burden, Manager Corporate Governance & Communication</i></p> <p>Council staff manage content on Banyule Council Facebook pages including the central Banyule Council page, Banyule Arts and Culture page and Banyule Business page. Staff also monitor "tags" and mentions of Banyule Council on Facebook and if staff become aware of inaccurate or misleading information being shared on non-Council pages effort is made to correct that information through commenting or contacting page administrators.</p>
3.	<p>Name & Suburb:</p> <p>Anonymous</p> <p>Question:</p> <p>Residents are noticing that a number of councillors are joining private and public facebook pages with BOTH a personal profile account and a second/separate councillor profile account, so could council clarify how the code of conduct and the corresponding social media policy would differ in application for these two types of facebook profile accounts, when both relate to the same councillor?</p> <p>Answer:</p> <p><i>Gina Burden, Manager Corporate Governance & Communications</i></p> <p>The Code of Conduct applies to social media accounts connected to a councillor profile. Councillors with social media accounts are required to clearly identify which accounts relates to their position as a councillor and are also required to clearly separate personal opinions from positions of council.</p>
4.	<p>Name & Suburb:</p> <p>Anonymous</p> <p>Question:</p> <p>In council's 2021 Budget, there is a claim of 400 jobs being created, but how many FTE's does this equate to and over what period of time will they be created?</p> <p>Answer:</p> <p><i>Marc Giglio, Director Corporate Services</i></p> <p>The 2021/22 Budget reference to the 400 jobs created is based on jobs created in the community as a result of Council's 2021/22 Capital works program and Banyule's inclusive jobs and social enterprise initiatives.</p> <p>The majority of the jobs are created from the capital program using economic impact modelling, which uses data from National Institute of Economic and Industry Research (NIEIR).</p>

	<p>It enables us to explore how the spend in one sector of the local economy will impact on all other sectors of the economy, by modelling the flow-on effects across different industries. These roles are not directly employed by Council.</p> <p>Adding jobs in a particular sector, like civil construction, will not only add to the value of that sector, but also to other industries related to the supply chain (eg. suppliers, wholesalers) and service industries (retail, food services, administration) which will expand to service the additional workforce.</p> <p>Council's Inclusive Employment Program receives an intake of approximately 8 FTE's on a six month rolling program.</p>
5.	<p>Name & Suburb:</p> <p>Emilia Williams, Rosanna</p>
	<p>Question:</p> <p>Given that the State Government has recently allowed 10,000 people to attend the Melbourne Cup, will Council allow a public gallery attend the next meeting on December 6th? if not, why not?</p>
	<p>Answer:</p> <p><i>Gina Burden, Manager Corporate Governance & Communications</i></p> <p>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.</p> <p>Councils are permitted to conduct Hybrid Meetings where attendance can be in person or via electronic means. It is the decision of individual councils how council meetings are to operate. A report was considered and Council has resolved to conduct Hybrid Meetings.</p> <p>The public may be able to attend (in person) the Ordinary Council Meeting on Monday 6 December. However, in accordance with Council's COVID Safe Plan density limits will apply, all attendees will be required to register their interest and must be fully vaccinated or an excepted person (including under 16 years of age).</p> <p>Full details will be available on Council's website.</p>
6.	<p>Name & Suburb:</p> <p>Michelle, Heidelberg</p>
	<p>Question:</p> <p>Has council signed, or has council been asked to sign any non-disclosure agreements with DELWP in relation to planning matters, and what is the purpose of these agreements? Thank you</p>
	<p>Answer:</p>

	<p><i>Jonathan Risby, Acting Director City Development</i></p> <p>Council has no current non-disclosure agreements with DELWP regarding planning matters. From time to time we have signed funding agreements with DELWP that typically have a confidentiality clause regarding the sharing of confidential information. The most recent was in 2018 regarding height controls in Ivanhoe Activity Centre.</p>
7.	<p>Name & Suburb:</p> <p>Alicia Curry, Rosanna</p>
	<p>Question:</p> <p>The previous Mayor's, (Rick Garotti) Facebook page was taken down shortly before his appearance at the IBAC enquiry into corruption, is this page managed by council officers, and when will it be restored?</p>
	<p>Answer:</p> <p><i>Gina Burden, Manager Corporate Governance and Communications</i></p> <p>Council officers do not manage the social media accounts of individual councillors.</p>
8.	<p>Name & Suburb:</p> <p>Julie Fechner, Montmorency</p>
	<p>Question:</p> <p>Is there any reason for the lighting in the new Ivanhoe Library to be on 24/7? What is the current electricity cost? And how does this meet Council's aims of reducing carbon emissions?</p>
	<p>Answer:</p> <p><i>Darren Bennett, Director Assets & City Services</i></p> <p>It is standard practice to illuminate Civic Buildings to ensure community safety and security around public buildings.</p> <p>The 2021/12 budget for utilities (which includes electricity and gas) is \$72,000.</p> <p>All lights within the precinct are LED, the building has a 5 Stars "Australian Excellence" under the Green Star Design and as built v1.1 rating tool. M The facility also includes 99.9 kW Rooftop Solar PV System, which offsets the power usage of the precinct.</p> <p>By incorporating sustainable building design into this new Civic Precinct ensure the facility is fit for purpose, safe and consistent with Council's aim of reducing its carbon emissions.</p>