

# Agenda of Ordinary Meeting of Council - Monday, 18 July 2022

commencing at 7.00pm

Nellie Ibbott Chambers, Ivanhoe Library and Cultural Hub, 275 Upper  
Heidelberg Rd, Ivanhoe, 3079



FREEDOM OF INFORMATION STATUS EXEMPT (SECTION 38)

RELATING TO ITEMS IN RESPECT OF WHICH THE  
MEETING MAY BE CLOSED TO MEMBERS OF THE PUBLIC

## 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.”

## Inclusive Banyule 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 27 June 2022*

## Disclosure of Interests

## Presentations

Parks and Leisure Australia (VIC/TAS) Playspace Award Presentation

### 1. *Urgent Business*

#### 2. *Petitions*

Nil

#### REPORTS:

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

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### 4. *Our Sustainable Environment*

Nil

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

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

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### 7. *Our Thriving Local Economy*

Nil

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

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## **9. Sealing of Documents**

Nil

## **10. Notices of Motion**

Nil

## **11. General Business**

### **Public Question Time**

### **Closure of Meeting to the Public**

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:

### **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, 15 August 2022.*



### **3.1 IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES**

Author: Nicole Maslin - Manager Healthy & Active Communities, Community Wellbeing

#### **Previous Items**

Council on 08 Oct 2018 7.00pm (Item 6.2 - Ivanhoe Sports Precinct Plan)

Council on 24 May 2021 7.00pm (Item 6.1 - Ivanhoe Sports Precinct Plan)

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#### **SUMMARY**

1. Council resolved to fund an Ivanhoe Sports Precinct Plan (the Plan) at Council Meeting 8 October 2018.
2. The Draft Ivanhoe Sports Precinct Plan, (Attachment 1) development began in 2019 with the establishment of a Community Reference Group and an agreed set of principles to guide the plans development. The reference group has been engaged and consulted with throughout the entire project.
3. Following an extensive amount of assessment, investigation, club stakeholder engagement and analysis of options, Council resolved to release the Draft Ivanhoe Sports Precinct Plan Issues and Options Report, Option One (Attachment 2) for broad community consultation at its meeting on 24 May 2021
4. The consultation period concluded on 30 August 2021 and a range of consultation opportunities were delivered over this three-month period.
5. The Ivanhoe Sports Precinct Plan Consultation and Engagement Summary Report, (Attachment 3), presents summary data and key feedback from Pop Up sessions, email and letter submissions, meetings with stakeholder clubs and shaping Banyule data.
6. Stakeholder sports clubs and surrounding residents who utilise the precinct for active participation or passive recreation were the main providers of feedback.
7. Most of the feedback received relates to the following:
  - Ivanhoe Park and the plans proposal to replace the East Ivanhoe Bowls Club (EIBC) greens with three netball training courts, both in support and opposition.
  - Improvements to sports facilities across the Precinct and support for sports field lighting and upgrade of pavilion/s at Chelsworth Park.
  - Traffic management and car parking across Precinct.
  - Importance of amenity and passive recreation use across Precinct.
8. There has been support for the plan from the majority of stakeholder clubs and community, 62.66% of survey respondents through Shaping Banyule were supportive or somewhat supportive of the proposed plan with 37.04% not supportive or somewhat not supportive.
9. Shaping Banyule survey identified the top three priorities as Chelsworth Park clubrooms improvements and sports field lighting (21.49%), construction of the

**IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

three netball courts (18.18%), retention of East Ivanhoe Bowls Club in its current location (18.6%)

10. There was a considerable opposition expressed throughout the consultation to the removal of the bowling green from Ivanhoe Park. The East Ivanhoe Bowling Club (EIBC) submission indicates a growth in membership and a number of other initiatives to support their sustainability as a viable club in the future.
11. There was a great deal of support for netball, supporting female participation and the provision of training courts at Ivanhoe Park expressed through the consultation.
12. Councillors were presented with all consultation data, a copy of all email and letter feedback submitted, minutes of stakeholder club meetings, feedback and submissions at Councillor briefings.
13. Given the mixed feedback and strong support to accommodate both bowls and netball, Councillors requested that Officers explore the feasibility of retaining the EIBC green and include netball courts at Ivanhoe Park.
14. The attached is the result of this investigation which provides a revised feasible option – Ivanhoe Sports Precinct Revised Option July 2022 (Attachment 4) that retains the EIBC green as well as providing two netball courts (not three) as was originally proposed in Draft Option One.
15. This revised option still retains all the other key components of the original option that community was consulted on, the major change being the retaining of green and provision of two netball courts not three.

**RECOMMENDATION**

That Council:

1. Receive the Ivanhoe Sports Precinct Plan Consultation Engagement Summary Report, (Attachment 3), noting the key findings contained as well as the detailed submissions provided to Council.
2. Endorse the revised Ivanhoe Sports Precinct Revised Option (Attachment 4) as the final Ivanhoe Sports Precinct Masterplan, which includes the following key changes from those proposed in the Draft Issues and Options Paper (Attachment 2).
  - Retaining of the East Ivanhoe Bowling greens and synthetic lanes at Ivanhoe Park
  - Construction of two outdoor netball courts with storage and amenities at the current site of two tennis courts at Ivanhoe Park
  - Replacement of existing lighting on Southern oval at Chelsworth Park to LED and removal of lighting proposed for Northern oval

**IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

3. Note that staging priorities and high-level costings will be developed and presented back to Council.
4. Acknowledge the work of the Ivanhoe Sports Precinct Reference Group in the development of the Ivanhoe Sports Precinct Plan and thank the representatives for their work.
5. Formally note that the Ivanhoe Sports Precinct Plan consultation process is now complete and the Ivanhoe Sports Precinct Reference Group is no longer required to meet, and from the date of this Council resolution the Reference Group is dissolved.

**COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Promote active and connected living through a range of accessible and inclusive opportunities for all people of all ages through sport and recreation".

**BACKGROUND**

- Ivanhoe Park is one of Banyule's prime reserves and currently supports a number of sporting activities including football, cricket, lawn bowls, croquet and tennis. Chelsworth Park and Ivanhoe Recreation Reserve (John Street) are located within close proximity to Ivanhoe Park and collectively these three sites form a very significant and highly valued sporting and recreation precinct serving the local and broader community.
- Council resolved to fund an Ivanhoe Sports Precinct Plan (the Plan) at Council Meeting 8 October 2018. This was in response to several separate budget submissions from clubs requesting -addressing of ageing facilities, improving access, investigating bowling club merger options, increasing standards, accommodating new growth and sports participation opportunities.
- The development of the plan commenced in May 2019 with appointment of Otium Consulting to assist Council followed shortly thereafter with the formation of the Ivanhoe Sports Precinct Plan Community Reference Group represented by the key sports club stakeholders.
- A set of principles was developed in consultation with the reference group to help drive and guide the development of the plan that is aiming to guide sports and recreation facility development across the three sites over the next 10 years as well as shape how people access and move around and the planning of assets, infrastructure and amenities. The principles are as follows:
  - Responsive to changing participation trends, community needs and demand.
  - Consolidation of assets for more efficient and cost-effective asset management.
  - Facilities that are fit for purpose and meet contemporary compliance guidelines.
  - Maximise net open space.
  - Improving facilities while maintaining local amenity.
  - Provide for a variety of open space uses.

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

- Improve community wellbeing and encourage healthy active lifestyles.
- Encouraging active / sustainable transport modes.

Stage one consultation undertaken during 2019-2020 identified a range of key needs and issues and included:

- Formation of Reference group with 6 meetings throughout key stages of project.
  - Key stakeholder interviews – Clubs, State Sporting Associations, Ivanhoe Grammar School to identify, needs, demands, future trends.
  - Local resident survey –to ascertain use, like and dislikes of current facilities.
  - Discussions with Bowls Victoria and Netball Victoria - regarding participation current and future, facility and development planning.
  - Council briefings and site visits.
  - Site reviews and assessment with Council staff representing cross section of Council areas – parks, traffic and transport, environment, sports and recreation, property services, assets and capital delivery.
- Based on this initial consultation, key issues identified and the site assessments an Issues and Options Summary Report was prepared that identified future development options for the precinct. These options were presented for discussion and feedback with the Project Reference Group and Council as well as being tested against the projects key planning principles above.
  - Based on the feedback received two preferred options were identified for further consideration. Council resolved to release the Draft Ivanhoe Sports Precinct Plan Issues and Options Report, Option One for broad community consultation at its meeting on 24 May 2021 (Attachment 2), endorse the community engagement approach and receive a further report on engagement outcomes. The option (known as Option One) includes the following key elements:

### **John Street**

- Consolidation of bowls.
- Retention of the newly surfaced tennis courts and inclusion of a hot shot or pickleball court.
- Redevelopment of an accessible club rooms to create an integrated bowls/tennis facility.

### **Ivanhoe Park**

- Maintenance of the existing bowling club pavilion for potential broader community use.
- Development of three (3) netball courts on the site of the bowling green.
- Improvements to the sporting fields and practice cricket wickets.
- Extension of the croquet playing surface, to support hosting of regional events.
- Redevelopment and improvement to create a connected walking track.
- Demolition of the two tennis courts.
- Removal of the bowling club care takers residence.
- Improved and diverse open space and support amenities in line with the objectives of the Banyule Public Open Space Plan 2016-2031.



## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

### **Chelsworth park**

- Upgrade of the sports pavilion's facilities.
- Improvement to the tennis courts.
- Improved lighting to the sports fields.
- Redevelopment of a connected walking track.
- Improve traffic management.

### **KEY ISSUES**

- The Option One that was released for consultation is strongly opposed by the EIBC and their members, who do not support the consolidation of Bowls to the facility at John Street (Ivanhoe Bowls Club) or a merger with Ivanhoe Bowls Club. EIBC submission indicates a growth in membership that supports their sustainability as a viable club for the future.
- The Table on Page 19 and 20 of Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3) provides a summary of the key issues by location identified through the community consultation and engagement and how this issue could be responded to in the development of a Final Draft Master Plan.
- Most issues can be quite easily resolved with the major exception of Ivanhoe Park and the support for the retention of the East Ivanhoe Bowling Club at the existing site. For this to occur an alternate solution for netball provision is required.

Options considered include:

- Do not address needs of netball at Ivanhoe Park.
- Find an alternate site for netball elsewhere.
- Find an alternate location in precinct i.e. site of 2 existing tennis courts at Ivanhoe Park.
- Based on the consultation feedback Council is seeking to accommodate both bowls and netball at Ivanhoe Park with a revised option that supports:
  - EIBC retaining their club and green facilities.
  - Delivery of 2 outdoor netball courts with clubhouse for storage and amenities.
  - Maintains Ivanhoe Park as the active sporting precinct.
  - Maintains synergies between junior football, cricket and netball.
  - Improved public space, passive recreation and landscaping amenity of corner boulevard (removal of caretakers' cottage).
  - Consolidates tennis at John Street, with addition of a pickleball court and potential for some shared use of the Chelsworth tennis courts.
  - Likely reduction in overall project cost.
  - Improves the overall amenities across all three sites within the precinct ie pathways, lighting, landscaping, car parking.
- Ivanhoe Netball Club as the only non-tenant stakeholder club advocated strongly for three courts at Ivanhoe Park and are very supportive of the Option One to support their current and future needs. Council understands that Ivanhoe Park is the most suitable and preferred location for netball and the revised option whilst supporting this, falls short of their expectations and needs identified with a reduction of 1 court to 2 on the existing two tennis courts.

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

- Unfortunately, there is not enough space to accommodate three courts if the bowling greens are to be retained. A small amenities /storage room to support the netball training courts is included in revised option.

### **SUPPORTING REPORT DETAILS**

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

#### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *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 is a project that will be implemented over many years and once the draft Masterplan is resolved staging priorities and high-level costing will be confirmed and finalised.
- Council has the following budget allocations in the 4-year budget at this stage:
  - 22/23 - \$50,000.00
  - 23/24 - \$300,00.00
  - 24/25 - \$350,000.00
- The \$50,000.00 allocated for 22/23 will be utilised to commence concept and design work on the priorities identified in the final Ivanhoe Sports Precinct Masterplan.
- State Government funding will be investigated, and advocacy documents prepared once staging of projects identified to support implementation of this project.
- Chelsworth Park Tennis project has a budget allocation of \$350,000.00 funding for 22/23 with upgrade of courts so this will be completed in next 12 months.

#### **Community Engagement**

- A Community reference group was appointed to the development of this plan with the following purpose identified in the terms of reference:
  - To work with Council to prepare a precinct plan that strategically positions the reserves, facilities and clubs, explores synergies, realises opportunities and supports the growing community and sporting club needs for the future.

**IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

Expressions of interest were promoted to those eligible to apply and all applications received were accepted.

Membership of the reference group consisted of representatives from:

- Ivanhoe Tennis Club
  - Ivanhoe Junior Football Club
  - Ivanhoe Netball Club
  - East Ivanhoe Bowling Club
  - Ivanhoe Cricket Club
  - Ivanhoe Bowling Club
  - Ivanhoe Park Croquet Club
  - Old Ivanhoe Soccer Club –
  - Chelsworth Park Tennis Club
  - Ivanhoe Harriers Athletic Club
  - Chelsworth Park Advisory Community representative
- The reference group played an important role in the plan's development, meeting thorough key stages of the project as different options evolved to provide feedback and discuss issues, concerns and opportunities as a collective group. They were instrumental in developing the agreed principles to help guide the plans development.
  - The representatives from each club were also an excellent single point of contact for the Council and Otium consultants to discuss matters and feedback from a club view as well as disseminate information to their broader members.
  - The Draft Ivanhoe Sports Precinct Plan Issues and Options Report, Option One (Attachment 2) was discussed at the 25 March 2021 Councillor Briefing and endorsement of community engagement approach was resolved at the Council meeting on 24 May 2021.
  - The project was featured on Shaping Banyule immediately following the Council meeting and the consultation activities included:
    - Two in-person pop up consultation sessions (16 & 19 June) - A total of 33 people attended across two sessions.
    - Online community survey via Shaping Banyule -360 Responses.
    - Key Stakeholder online interviews with 15 tenant and stakeholder sporting clubs.
    - Written and email submissions – 52.

A DL postcard delivered to surrounding households of each precinct advising of the project and directing them to Shaping Banyule for further information was distributed twice during the consultation period

- The consultation period was to conclude on the July 2, however was extended to the August 30, following a request from EIBC in consideration of COVID restrictions and the challenges this presented with communication to members.
- The EIBC President and patron also had the opportunity to share their concerns regarding the draft Plan during this period via separate online meetings with Senior staff, CEO and the Mayor.

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

### **Consultation Feedback Overview – OPTION ONE (attachment 1)**

#### **East Ivanhoe Bowls Club (EIBC)**

- EIBS submitted a submission folder with a number of documents to detail their significant objection to the Plan and its replacement of the EIBC Bowling Club Green with three outdoor netball courts. EIBC want to remain at their club with their current facilities. Their key objections are summarised around the following key issues:
  - Club growth - membership data used in the Ivanhoe Sports Precinct Summary Report is not reflective of the club's current membership which they indicate has grown over the last two years, in particular bare foot bowls. (2019:50 members, 2021:60 player members and 197 social/barefoot bowlers).
  - Sustainable future - with membership growth and community use of the facility, the club indicates they are a viable club and, in the future, have plans to introduce ancillary programs such as Rookie Rollers and Jack Rabbit to support further growth.
  - Do not support merger – original position to consider merge with Ivanhoe Bowls Club is not position of the current committee.
  - Dissatisfaction with consultation process – present that it was flawed and in favour of netball, also that two Concept options should have been released for community consultation and feedback.
  - Loss of home for members - members will stop playing bowls if they don't have a home, and indicate that existing members won't use Ivanhoe Bowls Club .
  - Need for netball at Ivanhoe Park questioned – based on participation and ask if netball could be accommodated elsewhere.
  - Lack of support for Older Adults – Indicate that Option One Concept is ageism and contrary to Councils recently adopted Diversity Strategy.

A summary of their objection is provided in Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3). A full copy of their submission has been provided to Council in the Ivanhoe Sports Precinct Plan Confidential Submissions and Consultation Notes (Attachment 5), Their submission was also reviewed and discussed at Councillor briefing in October 21 along with all other submissions and consultation data.

#### **Other Club Feedback**

- The Ivanhoe Netball Club have been advocating to Council for a number of years for a place to call home with training court facilities and to be considered in this Precinct plan. They strongly support Option 1 that delivers three training courts at Ivanhoe Park to sustain their growth. A summary of their objection is provided in Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3).
- All other tenant clubs and Ivanhoe Grammar School have indicated support for Option 1 except for Ivanhoe Amateur Football Club who would like to see the EIBC retain its current site. A summary of all stakeholder club feedback via one on one interviews on Option 1 is provided in Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3). Several clubs also provided separate email

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

submissions that have been provided in the Ivanhoe Sports Precinct Plan Confidential Submissions and Consultation Notes (Attachment 5).

### **Written Submissions**

- Council received 52 email submissions some of which formed parts of the EIBC submission. Most of the email submissions are in objection to the EIBC Bowls Club greens being replaced with three netball courts. Key themes include:
  - Support for the retention of East Ivanhoe Bowls Club at its current site.
  - Concern that Council is destroying the EIBC and the impact that this will have on members and community.
  - Support for Council to proceed with the upgrade of the sporting facilities in the precinct.
  - The need to ensure community access to Chelsworth Park is retained.
  - Traffic and car parking concerns across the precinct.
  - Need for the upgrade of the Chelsworth Park- pavilion and sports lighting.

A summary of key themes from email submissions is provided in Attachment 3 and a copy of all these written submissions has been provided to Councillors to review and consider.

### **Pop Up Sessions**

- A total of 33 people attended the Two “Pop Up” sessions which were held to provide residents and stakeholders with an opportunity to attend a scheduled in person consultation session. The two sessions were held on Wednesday 16 June 2021 at Ivanhoe Park Football Club rooms and Saturday 19 June 2021 at the Chelsworth Park Scout Hall.
- The sessions were promoted through Shaping Banyule, Social media, club data bases and the DL postcard that was delivered to residents surrounding the each facility within the precinct.
- The session at Ivanhoe Park Football Club was attended mainly by members of EIBC and Ivanhoe Croquet club with a couple of community members. The Chelsworth Park session attracted more passive recreation users of the precinct.

Key feedback included:

- Concern from members of the EIBC around loss of Club and history, indicating that the club is iconic and an important part of Banyule's history, question as to why destroy the green?
- membership data in the summary report for the precinct plan was incorrect and misrepresented the actual number of bowlers and the increase in barefoot bowlers over the past two years.
- The development of the area should retain as much green open space as possible.
- Confirmation required from Council that there is no proposal to sell off land at John Street.

**IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

- Why only 1 plan released for comment?
- Full support for the inclusion of walking tracks and links with the exercise equipment.
- Additional lighting along the paths should be included to ensure safety at night.
- Need to retain and improve the passive recreation elements, such as dog off leash and walking tracks.
- Need to upgrade the pavilion to include female change and address accessibility – this should be a high priority.
- Concerns there was insufficient parking proposed across the precinct, traffic management important across all 3 sites.

Summary of all comments collected provided in Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3).

**Shaping Banyule Survey**

- The survey provided through Shaping Banyule provided the broader Banyule community and club members to have a say and received a strong response rate of 360 people. Key findings from the survey include:
  - Most users of the precinct are members of a club that use facilities within the precinct (61.25%), 47.75% of respondents identified they use the facilities within the precinct for unstructured activities.
- The main sporting clubs' respondents were members of were:
  - East Ivanhoe Bowls Club
  - Ivanhoe Bowls Club
  - Ivanhoe Netball Club
  - Old Ivanhoe Soccer Club
- Approximately 62.66% of respondents were supportive or somewhat supportive of the proposed Option One plan.
- Approximately 37.04% of respondents were not supportive or somewhat not supportive of the proposed Option One plan.
- From the 360 people that responded to the survey, 260 people (72.22%) provided comments on what they thought the positive aspects of the plan. Most frequent responses were; Netball Courts (n=65, 23.32%) and improvements to the available sporting facilities (n=21, 20.65%).
- From the 360 people that responded to the survey, 174 people (48.33%) provided comments on what they thought were negative aspects of the plan. The most frequent response was the proposed relocation of the East Ivanhoe Bowls Club (n=91, 52.30%).
- The upgrades to Chelsworth Park including the clubrooms and sports field lighting were identified as the priorities by the community (21.49%), followed by construction of the netball courts (18.18%) the retention of East Ivanhoe Bowls Club in its current location (18.6%).

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

All Shaping Banyule data and commentary provided in Ivanhoe Sports Precinct Plan Engagement Summary Report, (Attachment 3). Noting that any inflammatory comments have been removed.

### **Collaboration**

- Otium Consulting engaged with each relevant State Sporting Associations to understand and confirm participation trends and demands as well as facility and infrastructure guidelines for each sport to ensure proposals or changes in draft plan are fit for purpose.

### **Consultation Feedback– Revised Option**

- In responding to the feedback and exploring a solution that can accommodate both bowls and netball at Ivanhoe Park, following the October 21 Briefing further analysis and discussions were undertaken to test the feasibility of the revised Option. This included:
  - One on one meetings with Ivanhoe Netball Club, East Ivanhoe Bowls Club to flag the potential of a revised option and discuss any concerns and issues. Council representatives included Mayor Banyule, Banyule CEO and Manager of Healthy and Active Communities.
  - Communication to reference group members to advise of the investigation of a revised option.
  - Internal Staff workshop presenting Draft Option and revised Option with the retaining greens and two courts to discuss any impacts, challenges or opportunities. Open space and amenity, onsite parking and tree protection.
  - Site analysis by Otium Consulting to test feasibility of accommodating 2 courts on existing tennis and retaining bowling greens.
  - A further briefing to Council to report on outcomes and confirm that this revised option is feasible.

### **Key Considerations**

The following has been considered in the revised option.

#### **Ivanhoe Park**

- Accommodates both Bowls and Netball. East Ivanhoe Bowling club retains its bowling green and therefore its capacity to function as a club and not be required to consolidate at John Street with Ivanhoe Bowling Club.
- The removal of the Caretakes cottage associated with the EIBC is a non-negotiable in both Option One and revised option. This is on public land and the site will be returned to public open space
- Ivanhoe Netball Club need for three courts will not be achieved as only two courts can be accommodated on site of existing tennis courts if bowling green is to be retained. This is a compromise for Ivanhoe Netball Club, and they will be disappointed however it does deliver 2 courts at Ivanhoe Park and a small club house for storage and bathroom amenity, so the Club is being catered for in the revised plan but not to the capacity that they had hoped for.
- Ivanhoe Tennis Club are current uses of the two tennis courts proposed to be removed in both Option 1 and revised. The club has indicated support of this, with

## **IVANHOE SPORTS PRECINCT PLAN CONSULTATION OUTCOMES cont'd**

the condition that the inclusion of a pickleball court can be considered at John Street to support club participation opportunities.

- Ivanhoe Croquet Club courts will remain as two courts with an extension to meet State standards guideline to support their capacity to host regional tournaments. The club house will also be upgraded to address access issues.
- In regard to car parking at Ivanhoe Park no additional car park is required when considering the existing on-street parking availability during peak periods. The following recommendations are considered for the revised plan in relation to Ivanhoe Park:
  - The existing Ivanhoe Park car park should be sealed and line-marked to increase efficiency as existing use existing users tend to leave additional gaps between vehicles and not utilise all the available space.
  - The existing parking spaces allocated to specific uses should be removed and made available to all uses.
  - Additional line-marking for kerbside parking spaces should occur along The Boulevard between Lower Heidelberg Road and the roundabout to encourage the use of the spaces and shift vehicles towards the centre line to improve safety.

Investigate removal of the on-street parking spaces on the southern side of the Boulevard to a bicycle lane to encourage alternative transport modes.  
*Phontina* trees around the tennis court and are not high retention value trees and are not on the significant tree register These recommendations will be addressed in the detailed design stages of the plan's development. •

As with all Council Masterplans detailed staging and costings will be developed to prioritise implementation over a number of years.

### **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.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Draft Ivanhoe Sports Precinct Plan	
2	Draft Ivanhoe Sports Precinct Plan - Issues and Options Report Option One	
3	Ivanhoe Sports Precinct Plan Engagement and Consultation Summary Report 010722 Council Meeting July(2)	
4	Ivanhoe Sports Precinct Plan Revised Option July 2022	
5	Ivanhoe Sports Precinct Plan - Confidential Submission and Consultation Notes - <b>CONFIDENTIAL</b>	



## **3.2 RECONCILIATION ACTION PLAN ANNUAL UPDATE - YEAR 1**

Author: Blair Colwell - Barrbunin Beek Coordinator, Community Wellbeing

### **Previous Items**

Council on 7 September 2020 (Item 3.2 - Adoption of Banyule's Reconciliation Action Plan)

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### **SUMMARY**

1. Reconciliation Action Plans (RAPs) are nationally recognised plans which enable organisations to make their contribution to a reconciled Australia.
2. RAPs emphasise the public commitments an organisation will make to improve understanding and attitudes towards Aboriginal and Torres Strait Islander people and improve opportunities to reduce disadvantage for Aboriginal and Torres Strait Islander people.
3. Banyule's first Innovate Reconciliation Action Plan (RAP) was endorsed by Reconciliation Australia and adopted by Council in September 2020.
4. This report presents Banyule's annual report which outlines Council's progress in advancing reconciliation in Banyule for the period of September 2020 to December 2021.
5. The Banyule Reconciliation Action Plan Advisory Committee (RAP) has played a key role in supporting Council and community to realise aspirations toward reconciliation, embedding First Nations voice, input, and cultural perspectives into this plan.
6. A summary of key progress overall indicates that Council is tracking well and has made some strong achievements.
7. Of the 103 actions outlined in the RAP, 67 have been completed and 36 in part completed or are pending further action; some of which were disrupted due to Covid-19 impacts. While there are some areas that require further commitment for completion by the end of the overall RAP period, Council is well positioned to deliver.

### **RECOMMENDATION**

That Council:

1. Notes the progress of the Banyule City Council Reconciliation Action Plan (RAP) Year One Action Plan 2020-2021.
2. Thank the Banyule Reconciliation Action Plan Advisory Committee for their continuing advice and guidance on the implementation of the Reconciliation Action Plan (RAP).
3. Continues to work in partnership with the Banyule Reconciliation Action Plan Advisory Committee and First Nations Community to support local community engagement and Truth Telling as part of the journey towards Constitutional Recognition of Aboriginal and Torres Strait Islander peoples.

## **RECONCILIATION ACTION PLAN ANNUAL UPDATE - YEAR 1 cont'd**

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Enhance our relationship and work in respectful partnership with the Traditional Custodians of Banyule, the Wurundjeri people, identified Elders and other Aboriginal and Torres Strait Islanders".

### **BACKGROUND**

- Reconciliation Action Plans (RAPs) are nationally recognised plans which enable organisations to make their contribution to a reconciled Australia.
- RAPs emphasise the public commitments an organisation will make to improve understanding and attitudes towards Aboriginal and Torres Strait Islander people and improve opportunities to reduce disadvantage for Aboriginal and Torres Strait Islander people.
- Council adopted its first Innovate RAP in September 2020. Banyule's RAP defines the shared approach Council has taken with Aboriginal and Torres Strait Islander people to develop innovative strategies for advancing reconciliation in our workplace and across Banyule.
- The RAP has been developed in partnership with Aboriginal and Torres Strait Islander peoples to ensure Council decisions impacting their lives, extended families, and communities, are decided upon through shared decision-making, fairness, respect, and trust.
- Council RAP embeds a whole of Council and community approach to reconciliation within Banyule, ensuring ownership of actions across the organisation.
- Council's introduction of its Innovate RAP has benefited from the establishment of two (2) previous Aboriginal and Torres Strait Islander plans developed by Council since 2014. These plans designed in consultation with Aboriginal communities laid the foundations for the RAP's development, embedding Council's commitment to working in partnership with Aboriginal and Torres Strait Islander communities.

### **KEY ISSUES**

- This report highlights the progress Council has made in addressing its actions as outlined in the Innovate Reconciliation Action Plan (RAP) for the period of September 2020 to December 2021.
- Accompanying this report is the Annual Report, which provides further information of the work undertaken in response to committed RAP actions and is a component of Council's reporting responsibilities to Reconciliation Australia, **Attachment 1**.
- Alongside community, Council has achieved strong progress toward its RAP within this reporting period. The following provides a summary of some of the key highlights:
  - The formation of the RAP Advisory Committee. The group has played a key role in supporting Council and community to realise aspirations toward reconciliation.
  - The appointment of the Barrbunin Beek Gathering Place Coordinator. This role is vital to supporting the activation of the gathering place and

## **RECONCILIATION ACTION PLAN ANNUAL UPDATE - YEAR 1 cont'd**

- programming and providing support to a community-led committee for the space.
- The establishment of a community led Barrbunin Beek Committee.
- Council acting as an auspice for external funding and lease arrangements for Barrbunin Beek Gathering Place.
- Approval for renovations to the Barrbunin Beek Gathering Place.
- The provision of a pathway to employment for a local resident that identifies as an Aboriginal person through Council's award-winning Inclusive Employment Program.
- Undertaken work in partnership with Wurundjeri Woi-wurrung to care for country.
- Established important relationships with strategic partners such as Melbourne Aboriginal Sport & Recreation (MAYSAR), Darebin City Council and Aboriginal community-controlled organisations.
- The growing recognition of the importance of Aboriginal and Torres Strait Islander voices as evidenced in financial remuneration for RAP Advisory Committee members and the appointment of an identified First Nations Committee Co-Chair.
- The Covid-19 pandemic has impacted on Council's progress in addressing actions uniformly or in its entirety as initially planned. Of the 103 actions outlined in the RAP, 67 have been completed and 36 are partially completed or pending further action.
- While there are some areas that require further consideration for completion by the end of the overall RAP period, Council is well positioned to deliver significant inroads into the delivery of our first Innovate Recondition Action Plan.
- Council will continue to work with the Aboriginal Community and Non-Aboriginal Community, external stakeholders and internally in the spirit of reconciliation with a commitment to shared decision-making, fairness, respect, and trust.
- As we the move into year two RAP actions a strong focus will be working in partnership with the Banyule Reconciliation Action Plan Advisory Committee and First Nations community to support local community engagement and Truth Telling as part of the journey towards Constitutional Recognition of Aboriginal and Torres Strait Islander peoples.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

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

### **Human Rights Charter**

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

## **RECONCILIATION ACTION PLAN ANNUAL UPDATE - YEAR 1 cont'd**

- Banyule's RAP enhances the rights of our First Peoples by defining the shared approach Council will take with Aboriginal and Torres Strait Islander peoples to develop innovative strategies for advancing reconciliation within the municipality.
- The RAP supports section 19 of the Human Rights Charter – Cultural Rights, and supports the rights of First Peoples, as Aboriginal persons hold distinct cultural rights which must not be denied.

### **Sustainable Procurement Outcomes**

- There are no sustainable procurement activities arising from the recommendation

### **Financial Implications**

- Resources required for the continued implementation of the RAP are met within the 2021-22 and 2022-23 annual budgets.
- Some of the actions in the RAP have resource implications across multiple years and will be referred to Council's annual budget processes for consideration.

### **Community Engagement**

- Council recognises true reconciliation is only possible by working collaboratively to develop respectful relationships with Aboriginal and Torres Strait Islander people. A key feature in promoting this value has been Council's continued engagement with the Banyule Reconciliation Action Plan Advisory Committee. The group assists with monitoring progress of actions, as well as providing advice and recommendation on initiatives which contribute to delivering actions and support engaging the broader community in deliverables.
- Council also acknowledges the considerable community consultation conducted in the formation of Banyule's Reconciliation Action Plan. During the development phase stakeholders such as Banyule Traditional Custodian Elders, Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Aboriginal community partners, the Banyule Aboriginal and Torres Strait Islander Advisory Committee, Local Aboriginal Networks, RAP specialists and other Aboriginal Services were consulted. Working with these stakeholders ensured from the outset that the construction of Council's RAP has been guided and developed through the lens of First Nations people, embedding First Nations voice, input, and cultural perspectives into this plan.

### **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.

## **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Banyule Innovate - Reconciliation Action Plan - Annual Report - 2022	

## **5.1 89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS (P1280/2021)**

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

Ward: Chelsworth

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### **SUMMARY**

1. The proposal is for the development of four dwellings on the subject site in a tandem arrangement. The dwellings each contain three bedrooms and associated living, dining, bathroom and kitchen areas. Car parking is provided as double garages at a semi basement level.
2. The subject site is located within the Ivanhoe Accessible Residential Area, close to the Ivanhoe Activity Centre and train station with good access to services, transport and shopping facilities. It is covered by the Design and Development Overlay – Schedule 12 (DDO12).
3. A total of eight objections were received during the public notification period raising concerns relating to neighbourhood character and residential amenity, vegetation removal and heritage impacts to neighbouring dwellings.
4. A community consultation meeting was held on 12 May 2022 with three objectors, the permit applicant and three Councillors in attendance.
5. The proposed development, subject to conditions, is considered to provide an appropriate response to the Ivanhoe Structure Plan and the character of the area and compliance with the objectives of DDO12. The DDO12 supports the development of sensitive multi-dwelling developments, such as townhouses and low-rise apartments, while ensuring buildings are of a high quality design and respond to the desired future streetscape, height, siting and built for character.
6. The development will result in the loss of nine trees which are protected under the Vegetation Protection Overlay (VPO3). None of these trees are of high retention value and their removal is supported subject to appropriate replacement planting.
7. The development as submitted achieves a 55% Built Environment Sustainability Scorecard (BESS) score in relation to Environmentally Sustainable Development (ESD). Further to this, the applicant has agreed to additional initiatives, including provision of solar photovoltaics and all dwellings being all-electric. These additional initiatives will be secured via conditions on permit and would result in a higher BESS Score
8. Further conditions of permit are proposed to increase the front and side setback to ensure compliance with the DDO12, screen the basement entry, retain Tree 14 (Canary Island Date Palm) in the rear corner of the site and address internal amenity concerns relating to secluded private open space and dwelling entries.
9. The proposal should be supported, subject to conditions.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) 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. P1280/2021 for Development of the land for the construction of four (4) dwellings and removal of vegetation at 89 Marshall Street IVANHOE subject to the following conditions:

**Amended 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 advertised plans submitted on 17 December 2021 the application but modified to show:
  - (a) Front setback increased to 9m with no changes to the existing building setbacks to the north, west and south.
  - (b) South side setback to basement increased to 1.5m with reconfiguring of the basement layout as necessary to ensure vehicles can enter and exit the site in a forward direction.
  - (c) Provision of a timber batten gate (or similar) at the entrance to the parking area to screen this area from public view. The gate must not be located forward of the building line.
  - (d) Provision of a secondary private open space on the south side of Dwellings 1-3, allowing for a combined area of Secluded Private Open Space of at least 25m<sup>2</sup> for each dwelling.
  - (e) Relocation of the entrance to Dwelling 1 to the east (street facing) elevation of the building with separate pedestrian access provided.
  - (f) Retention of Tree 14 and relocation of retaining wall (as necessary) in rear Secluded Private Open Space of Dwelling 4.
  - (g) Height of front fence (above retaining wall) to not exceed 1.2m.
  - (h) Provision and storage location of 4 bins per dwelling.
  - (i) Sufficient overhead clearance for a waste collection vehicle to enter the property and collect bins (if provided for in WMP).
  - (j) Location and details of any equipment/infrastructure required for handling or transporting waste (if provided for in WMP).
  - (k) Location and sizing of photovoltaic electricity generation systems for all dwellings.
  - (l) Notes stating that the development will be natural gas free.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- (m) The installation of shading devices to all north-facing windows and balconies, designed to provide appropriate shading during summer and allow solar access during winter;
- (n) Roof colour amended to a lighter shade to the satisfaction of the Responsible Authority to minimise the urban heat island effect.
- (o) 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;
- (p) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
- (q) The location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties;
- (r) The mailboxes located in accordance with Australia Post guidelines with elevations and details of design;
- (s) Provision of a minimum 3000L rainwater storage tank for each of the dwellings including its location, sizing and a notation of the connections and end use;
- (t) All upper floor windows or private outdoor spaces must be provided with non-openable fixed obscure glass or permanently fixed external screens of no more than 25% transparency to a height of 1.7 metres above floor level where required to meet standard B22;
- (u) Lateral clearance in lower basement ramp to comply with Design Standard 1 – Accessways of Clause 52.06;
- (v) The accessway designed to accommodate simultaneous movement at the changes of direction within the basement carpark;
- (w) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (x) Development Drainage Plans in accordance with Condition 2 of this permit;
- (y) An Amended Landscape Plan in accordance with Condition 3 of this permit;
- (z) A Tree Protection and Management Plan in accordance with Condition 4 of this permit;
- (aa) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (bb) An Amended Sustainable Design Assessment (SDA) in accordance with

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

Condition 6 of this permit;

- (cc) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (dd) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit;
- (ee) Tree Preservation Fencing in accordance with Condition 13 of this permit.

**Development Drainage Plans**

2. Before the development permitted by this permit commences, Development Drainage Plans must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer 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 (WSUD) features in accordance with the endorsed Sustainable Design Assessment (SDA) and STORM report and include drainage details as a result of landscaping;
  - (e) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - (f) All drainage plans must show for Trees #1 and #2: 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 Stem Arboriculture, September 2021.

**Landscape Plan**

3. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by Hansen, Reference LCD-001, Revision A dated 15/12/2021 but modified to include:
  - (a) Amendments required by Condition 1 of this permit;
  - (b) Landscaping strip along the southern boundary increased to 1.5m width.



**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- (c) Retention of Tree #14 (*Phoenix canariensis* Canary Island Date Palm)
- (d) All trees to be located along the rear (west) boundary to be relocated at least 2 metres from the rear boundary (outside the easement area).
- (e) Replacement of *Acacia pycnantha* with *Callistemon viminalis*.
- (f) Replacement of the following species (currently included along boundaries) with a more suitable species to provide appropriate screening, to the satisfaction of the Responsible Authority:

- *Cassinia longifolia*
- *Callistemon viminalis*
- *Banksia spinulosa*
- *Correa glabra*

The following species are recommended as replacements:

- *Elaeocarpus reticulatus*;
  - *Syzygium australe* "Pinnacle" (on plan);
  - *Syzygium australe* "Backyard Bliss"
  - *Juniperus* "Spartan"
- (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
  - (h) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
  - (i) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

**Tree Protection & Management Plan**

- 4. Before the development permitted by this permit commences, a Tree Protection & Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:
  - (a) The management and maintenance of the Trees #1 and #2.
  - (b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures condition as part of planning permit P1280/2021;
  - (c) A tree protection plan drawn to scale;

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- (d) All tree protection zones and structural root zones to be indicated on the plan;
- (e) The design modifications and specific construction techniques set out in the Arborist Report by Stem Arboriculture, September 2021.
- (f) The types of footings used within tree protection zones which must also be indicated on the plans;
- (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;
- (h) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used;
- (i) Tree removal methods for approved vegetation;
- (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;
- (n) Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

**Waste Management Plan**

5. Before the development permitted by this permit commences, an amended

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Traffix Group G30544R-02A, dated December 2021 but modified to include:

- (a) Collection is to be by way of private contractor;
- (b) Provision of bins to accommodate four waste streams (rubbish, recycling, FOGO, glass);
- (c) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area and collection point without obstructing the public footpath or laneway;
- (d) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
- (e) How waste and recycling materials are to be managed within the site and collected from the site;
- (f) Demonstrate that the waste collection vehicle will be able exit the waste collection point in a forwards direction at all times;
- (g) The location of the bin store and any bin wash;
- (h) Anticipated frequency, hours and duration of collection(s);
- (i) The size of the waste collection vehicle;
- (j) Minimum headroom clearance;
- (k) Specify times for such collection;
- (l) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise;
- (m) Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

**Sustainable Design Assessment (SDA)**

- 6. Before the development permitted by this permit commences, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The SDA must be generally in accordance with the SDA prepared by Frater Consulting Services dated 8/12/2022 but modified to include:
  - (a) A full NatHERS Star Rating Certificate for each dwelling;
  - (b) An Implementation Schedule, identifying the responsible parties and project stage for the implementation of each ESD strategy.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- (c) Solar photovoltaic electricity generation systems to be installed on the rooftop of each dwelling.
- (d) All electric household appliances and systems and a natural gas free development.
- (e) Kitchen joinery to provide for separate waste disposal of soft plastic, recycling, organic and general waste in all dwellings.

**Environmentally Sustainable Development (ESD) Drawing**

7. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must include:

- (a) Location and sizing of solar photovoltaic energy generation systems;
- (b) Notations that the development is natural gas free;
- (c) Rainwater Tanks claimed with connections and end use with connections to toilets, laundry;
- (d) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- (e) Water Efficient Landscaping design features;
- (f) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
- (g) The Hot Water unit type and energy rating;
- (h) The Heating System type and energy rating;
- (i) The Cooling System type and energy rating;
- (j) Clotheslines and locations;
- (k) External Lighting including Motion Detectors in their respective locations;
- (l) Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- (m) Cross-flow ventilation paths annotated for each room, noting the minimum window opening required to meet the calculated to meet 2% or 1 m<sup>2</sup> opening requirement;
- (n) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (o) Section details of external shading devices to northern windows demonstrating an appropriate shading angle for preventing summer sun for Melbourne to the satisfaction of the Responsible Authority;

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- (p) Placement of living areas annotated for orientation to the north to benefit from passive heating (must directly face between 20°W & 30° E of solar north);
- (q) Bicycle space infrastructure location and details (bicycle spaces need to be securable and cannot be located on the floor of a garage hindering parking spaces);
- (r) On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;
- (s) Aerial assessment of the proposed vegetated site coverage; this is the area covered in vegetation such as canopy tree cover, plantings and grass;
- (t) Design measures annotated to minimise the urban heat island effect e.g. light coloured roof, light coloured paving, vegetated site coverage.

**Water Sensitive Urban Design (WSUD) Drawing**

8. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must include:

- (a) All features nominated within the associated SDA and STORM identified under Condition 6.  
The drawing(s) must include the following:
  - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to toilets and laundry, as claimed;
  - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
  - iii. A plan demonstrating the portion of untreated impervious areas.
- (a) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet and laundry connections, including responsibility, key serviceable components and frequency of maintenance.

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

**Notification of Responsible Authority of other matters**

9. Before the development permitted by this permit commences, the owner of the land must ensure the Responsible Authority is notified when any plans/documents required by external agencies and shown as conditions on this permit are approved by those agencies and provide copies of any such approval.

**Construction Management Plan**

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

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

**Note:**

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.

**Section 173 Agreement (Waste)**

11. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit starts, the owner of the land at 89 Marshall Street IVANHOE must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1280/2021;
  - (b) 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.

**Development Infrastructure Levy**

12. 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.

**Tree Protection**

13. 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, #2 and #14 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)

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

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.

14. 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 Stem Arboriculture, September 2021.
  - (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 1319-1994.
    - iii. Mulch across the surface of the TPZ 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 the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
    - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
    - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
    - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
    - viii. 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.
    - ix. 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).
    - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
    - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). 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 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

15. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
  - i. 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.
  - ii. 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.
  - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) 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.
  - iv. 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**

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

**ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT**

**Right of Drainage**

17. Prior to the completion of the development or any subdivision of the land (whichever occurs sooner), the 'right of drainage' at the rear of the property must be in the same ownership as the subject site.

**Occupation of Development**

18. 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).

**ESD Inspection**

19. Prior to the issue of Statement of Compliance or Occupation (whichever



**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

comes first), the owner or developer must notify Council's Development Planning section that the development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

*\*Please retain all manufacturers stickers on window glazing, WELS and Energy Ratings for fixtures and appliances, hot water services, heating and cooling units for evidencing purposes\**

**ONGOING REQUIREMENTS OF THIS PERMIT**

**General**

20. 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**

21. 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.
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. Any air-conditioning or cooling units, condensers and the like must not be located on external walls and, if located on balconies, must be screened, to the satisfaction of the Responsible Authority.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

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. Outdoor lighting must be provided, 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.
28. 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.
29. 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.
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.

**No Damage to Vegetation**

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

**Permit Expiry**

34. 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

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- The development is not completed within four years of the date of this permit.

**PROPOSAL**

<b>Planning Permit Application:</b>	P1280/2021
<b>Development Planner:</b>	Chris McInnes
<b>Address:</b>	89 Marshall Street, Ivanhoe
<b>Proposal:</b>	Development of the land for the construction of four (4) dwellings and removal of vegetation
<b>Existing Use/Development:</b>	Single Dwelling
<b>Applicant:</b>	Mr Shehan Warusevitane c/o Michael Constantine
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Overlays:</b>	Design and Development Overlay – Schedule 12 Vegetation Protection Overlay – Schedule 3 Development Contributions Plan Overlay – Schedule 1
<b>Notification (Advertising):</b>	Sign on site Notices to adjoining and opposite properties
<b>Objections Received:</b>	Eight
<b>Ward:</b>	Chelsworth

**PROPOSAL**

- The applicant is seeking approval for the development of four, three-bedroom dwellings on the subject site, in an attached tandem arrangement.
- Each dwelling is two storey above the semi basement. The building will have a height ranging between 6m and 7.7m above natural ground level, due to the existing slope of the land. A setback of 8.24m is proposed from Marshall Street and 6m from the rear.
- Each dwelling will have access to a double garage at basement level. The basement will be accessed via a single crossover at the southern end of the site. Shared pedestrian access to all dwelling is provided along the northern boundary.
- Secluded private open space is provided for each dwelling in a form of a small terrace (12m<sup>2</sup>) for Dwellings 1-3 and a 106m<sup>2</sup> area at the rear of Dwelling 4.
- The proposal will result in the removal of most of the existing trees from the site, nine of which are protected by the VPO3. The retention of one palm tree at the

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

rear has been offered by the applicant following consultation with objectors. A replacement landscaping concept plan has been included with the application, which provides for seven canopy trees within the front and rear setbacks and shrub species along each side boundary.

**BACKGROUND**

- There are no previous relevant planning applications for the subject site.

**SUBJECT SITE AND SURROUNDING AREA**

<b>Site area</b>	725m <sup>2</sup>
<b>Topography</b>	The site has a fall of approximately 2.5 metres from the northwest to southeast corners.
<b>Existing and Neighbouring Vegetation</b>	The site has low level vegetation with two larger trees at the rear. This is typical of the surrounding area.
<b>Existing Dwelling</b>	The existing dwelling is a single storey brick dwelling with tiled roof.
<b>Fencing</b>	There is a low level brick fence/retaining wall with metal inserts along the front boundary.
<b>Easements</b>	There is a 1.53m right of drainage behind the property along the west boundary of the site.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS (P1280/2021) cont'd**

**Locality Plan**



**PUBLIC NOTIFICATION**

<b>Advertising Period</b>	18 February 2022 – 4 March 2022
<b>Advertising methods</b>	One sign on site Notices to abutting and opposite properties
<b>Objections received</b>	Eight
<b>Grounds of objections (summarised)</b>	<ul style="list-style-type: none"> <li>• Loss of period home.</li> <li>• Impacts on heritage properties to rear.</li> <li>• Neighbourhood character, dwelling density and design detail.</li> <li>• Removal of significant vegetation.</li> <li>• Overlooking and loss of privacy.</li> <li>• Overshadowing.</li> <li>• Stormwater run off.</li> <li>• Misleading documentation</li> </ul>

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS (P1280/2021) cont'd**

	<ul style="list-style-type: none"> <li>• Damage to adjoining dwellings during construction.</li> </ul>
<b>Consultation</b>	<ul style="list-style-type: none"> <li>• A consultation meeting was held on 12 May 2022.</li> </ul>

**REFERRAL COMMENTS**

<b>Department/ Officer</b>	<b>Conditions /Comments</b>
Development Arborist	Council's Development Planning Arborist has reviewed the proposal and advised that the proposal can be supported subject to tree protection conditions.
Developments and Drainage	Council's Developments & Drainage Department have reviewed the proposal and advised that the proposal can be supported subject to standard permit conditions.
ESD	Council's ESD Advisor has reviewed the proposal and advised that the proposal can be supported subject to conditions for additional ESD documentation to be submitted.
Waste Management	Council's Waste Management Department have reviewed the proposal and advised that private waste collection is required. This will be specified through conditions.
Landscape	Council's Landscape Consultant has reviewed the proposal and advised that the proposal can be supported subject to the replacement of some species shown on the landscape plan with more suitable species.
Property	Council's Property team have advised that the Right of Drainage (23A Liston) has been identified as an easement to be transferred as part of the current Titles project and recommended that permit conditions be included to address landlock and associated maintenance issues.

**PLANNING CONTROLS**

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

Table 1: Applicable Planning Controls

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

Control	Clause	Permit Triggered
General Residential Zone – Schedule 1 (GRZ1)	32.08	Yes
Vegetation Protection Overlay – Schedule 3 (VPO3)	42.02	Yes
Design and Development Overlay – Schedule 12 (DDO12)	43.02	Yes
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies
Car Parking	52.06	No

**POLICIES CONSIDERED**

Table 2: Relevant Planning Scheme Policy

Policy	Clause
<b>Local Planning Policy Framework (LPPF)</b>	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16
Land Use	21.04
Natural Environment	21.05
Built Environment (Accessible Area)	21.06
Residential Neighbourhood Character Policy (Garden Suburban 3 Precinct)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05
ResCode	55

**TECHNICAL CONSIDERATION**

- Council must consider this application within the strategic context of the site location, neighbourhood character and amenity of the area, traffic and car parking as well as vegetation impacts. It is acknowledged that this site is located within the area covered by the Ivanhoe Structure Plan (ISP) and included as part of the Accessible Residential Precinct within this plan.

**Strategic Framework**

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

**Design and Development Overlay – Schedule 12**

- The subject site is located within the Garden Suburban 3 Precinct. The Residential Neighbourhood Character Policy outlines that the Ivanhoe Activity Centre is in this

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

precinct and the preferred future character of the Activity Centre will be guided by Schedules 11 and 12 to the Design and Development Overlay.

- The western side of Marshall Street is still largely single dwellings, with attached townhouses and units being more prevalent on the eastern side. However, the attached townhouse/apartment typology is one which is anticipated through the ISP, Clause 21.06-2 and the DDO12 applying to the site. The DDO12 requires that new developments meet a number of design objectives, which aim to ensure development in keeping with the preferred character of the precinct in terms of streetscape, building height, siting and built form.
- The proposed development is considered appropriate with respect to the key requirements of the Design and Development Overlay – Schedule 12 as follows:
  - Conditions of permit are proposed to increase the front setback to 9 metres in accordance with the Overlay and increase south side setback of the basement to 1.5 metres to provide greater planting opportunity.
  - The ground level rear setbacks at 6 metres is in accordance with the DDO12 setback requirements and provides space for canopy tree planting.
  - The upper level rear setback proposed is 7.5 metres which as proposed is a variation to the DDO12 setback standards which set out a requirement 9 metres. These setback requirements aim to protect the privacy of adjoining properties, reduce visual bulk and provide an improved internal amenity for future occupants. A permit condition will be included requiring that the Right of Drainage at the rear of the property be purchased by the land owner. This will effectively increase the rear setback to 9.03m in accordance with the standard. In addition to this, the setback is considered appropriate as the building is only two levels and therefore perceptions of visual bulk are reduced by a lack of third storey. In addition, the rear elevation is well articulated, with a greater setback (over 8m) achieved across approximately two-thirds of the elevation. The proposed rear setback also reduces the potential for overlooking or other amenity impacts on these residents. The setback also proposed provides sufficient space for landscaping, as demonstrated on the landscape concept plan and allows for the retention of one existing tree within the setback.
  - The proposed site coverage is 44.17%, considerably less than the 75% preferred under the overlay.
  - Access is provided from a single vehicle entry point along Marshall Street in the eastern frontage. All car parking is within the semi-basement. A condition of permit will require a timber batten gate (or similar) at the entrance to screen the basement from street.

**Landscaping**

- The landscaping outcome, subject to conditions to increase setbacks, maintains and strengthens the landscape setting and provides suitable screening opportunity to the adjoining sites.
- Landscaping opportunities include the planting of two large indigenous canopy trees (Yellow Box), one within the front setback and one within the rear setback and five small to medium canopy trees throughout the site including three along the rear boundary to screen the development from adjoining properties.



**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- Conditions of permit will also include the retention of Tree 14 (Canary Island Date Palm) in the rear setback and replacement of certain species.
- The existing street tree will be retained.
- The proposed location of services and design detail has been included on the plans and are considered to be appropriately integrated into the design of the pedestrian entry area to avoid adverse impacts on the streetscape.

**Vegetation Impacts & Removal**

- There are 15 trees on the site which are all proposed for removal. Nine of the trees proposed for removal require a planning permit. All trees requiring a permit which are proposed for removal are considered to be low retention value. The removal of all trees is supported subject to replacement planting.
- Tree 14 (Canary Island Date Palm) will be retained and protected through permit conditions.
- Tree protection conditions will be included for the street tree and trees on adjoining properties.

**Amenity**

- The proposal, subject to conditions, has a high level of compliance with Clause 55 of the Banyule Planning Scheme (ResCode). Offsite amenity impacts such as overlooking, overshadowing and noise have been designed in accordance with the ResCode standards.
- The proposal, subject to conditions, provides for appropriate internal amenity for future residents in accordance with the ResCode standards. This includes a requirement for additional secluded private open space to be provided for Dwellings 1 to 3 and higher screens to ensure these areas are private for future residents. The screen for Dwelling 1 will be visible from the street, however it will be setback in line with the front dwelling wall and unlikely to be a prominent visual feature. The screens will be constructed of permeable metal battens and will provide an alternative design element to the frontage.
- Improvement to the dwelling entries will also be secured through permit conditions to make these more identifiable.

**Car Parking**

- The proposal generates a standard car parking requirement of 8 car parking spaces (2 per dwelling) which have been provided in the semi-basement garages. No visitor car parking is required to be provided.
- The car park and vehicle access has generally been designed in accordance with the design requirements of the planning scheme.

**Environmentally Sustainable Design**

- A Sustainable Design Assessment (SDA) 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 proposal achieves a BESS score of 55%.

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

- Permit conditions have been proposed to further increase the energy efficiency and sustainability performance of the proposal, including requiring the installation of a solar PV system, having an all-electric development and provision for multiple waste streams within the development. The applicant has volunteered these additional initiatives which would increase the BESS score.
- A condition of permit is proposed which will require an amended SDA be provided, in order to address the above mentioned measures.

**OBJECTORS CONCERNS**

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

**Loss of period home**

- The subject dwelling has not been recognised as warranting heritage protection. Whilst the dwelling is representative of a period, retention of existing dwellings must be balanced with other policies and objectives including increased dwelling densities within areas that provide good access to facilities including public transport and the Ivanhoe Activity Centre.

**Heritage Impacts**

- The proposed rear setback of 6.0m together with an additional drainage easement ensure that the proposal will not impact on the adjoining dwellings to the rear that are located within a heritage area. The streetscape of the heritage area will remain intact and the proposal will not be significantly visible from Linton Street due to the distance and existing built forms.

**Stormwater run off**

- Council's Drainage Engineer has reviewed the proposal and indicated that subject to conditions including the construction of outfall drainage, the proposal will not cause an unacceptable impact on the stormwater drainage in the area.

**Misleading documentation**

- The documentation refers to the applicant's assessment/interpretation of the policies and controls applying to the site which may differ from objectors or Councillor assessment/interpretation.

**Damage to adjoining dwellings during construction**

- Builders have obligations under the Building Act 1993 to protect adjoining properties from potential damage. Required protection works are determined at the building permit stage, not the planning permit stage.

**SUPPORTING REPORT DETAILS**

**Legal Consideration**

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

**89 MARSHALL STREET, IVANHOE - DEVELOPMENT OF FOUR DWELLINGS  
(P1280/2021) cont'd**

**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.

**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.

**CONCLUSION**

- The site provides a good opportunity for a development of this type, which is encouraged by the Design and Development Overlay – Schedule 12. The subject site is located within the Ivanhoe Accessible Residential Area, close to the Ivanhoe Activity Centre and well located to transport options.
- The proposed development is consistent with the Planning Policy Framework, including the Design and Development Overlay and complies with Clause 55 of the Banyule Planning Scheme. As such, the application should be supported with appropriate conditions.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Advertised Plans	



## **6.1 SOCIAL INFRASTRUCTURE FRAMEWORK 2022-2032**

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

### **Previous Items**

Council on 7 February 2022 (Item 6.1 - Draft Social Infrastructure Framework)

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### **SUMMARY**

1. Council resolved at the Council Meeting on 8 February 2021, "*That a report be presented to Council regarding the development of a community services and facilities infrastructure plan*", therefore the Social Infrastructure Framework has been prepared for Council's consideration and adoption accordingly.
2. The Social Infrastructure Framework 2022-2032 was iterated based on community feedback and learnings generated from the community infrastructure planning process. A range of adaptations were made to the Framework to strengthen the approach.
3. The Social Infrastructure Framework 2022-2032 will inform the development of a Community Infrastructure Plan. This Plan will use the multi-criteria assessment measures outlined in the Framework and will establish a set of social infrastructure investment priorities over the next decade.
4. The Community Infrastructure Plan is in the final stages of development and the draft will be presented to Council in August 2022 for consideration and feedback.

### **RECOMMENDATION**

That Council:

1. Adopts the Social Infrastructure Framework 2022-2032.
2. Notes the community feedback, valuable comments and suggestions provided during the Community consultation period.
3. Notes that a draft Community Infrastructure Plan outlining infrastructure development priority will be presented to Council in August 2022 for consideration and feedback

### **COUNCIL PLAN**

- This report is in line with Banyule's Council Plan strategy to "Strategically plan, build and renew community assets and facilities that meet current and future service needs and instil a sense of civic pride".

## SOCIAL INFRASTRUCTURE FRAMEWORK 2022-2032 cont'd

### BACKGROUND

- Council resolved at the Council meeting on 7 February 2021, “That a report be presented to Council regarding the development of a community services and facilities infrastructure plan”, and as such the Community Services and Infrastructure Framework (Social Infrastructure) has been prepared for Council’s consideration.
- On 7 February 2022, Council received the draft Social Infrastructure Framework and approved a six-week public consultation period.
- Over the six-week public consultation period, Council received 48 responses from community through the Shaping Banyule platform. Feedback lead to the following key changes:
  - Elevated definition of social infrastructure.
  - Strengthened reference to First Nations People and cultural diversity.
  - Refined the benchmarks for physical infrastructure:
    - **Fit for people** added “strategically located to achieve maximum community benefit” and removed “buildings support cultural safety and social cohesion”. Replaced “Buildings are physically safe and flexibly configured to support diverse uses over time” a with “A diverse range of people are supported to use the buildings”
    - **Fit for purpose** moved “The needs of diverse users are met” to Fit for People and added “Flexible configuration supports diverse uses over time”.
    - **Fit for place** removed “Their form and fit relates to the local community” and refined “Local arts, culture and heritage is reflected and protected”
  - Refined the benchmarks for service infrastructure:
    - **High quality** Removed “Uphold Council’s strategic objectives, values, and inclusion and diversity principles” as the community told us this is not necessary to include; moved “Offer affordable access to residents” to **Affordable**.
    - **Complementary** added “Adapt to respond to future needs and gaps”.
    - **Affordable** Added “The cost of the service is appropriate and proportionate to community outcomes”.
  - On pages 11-15, a range of adaptations were made to the Implementation Plan steps, based on testing through the community infrastructure planning process, and to ensure the multi-criteria assessment measures are feasible.
- To strengthen clarity and synergies, the portfolio of community infrastructure Council owns and maintains in addition to buildings for community functions as defined in the Social Infrastructure Framework have been cited.

### KEY ISSUES

- The Social Infrastructure Framework establishes an approach to social infrastructure management that supports Council to demonstrate best practice in governance, financial sustainability, and positions Council to advocate for Community priorities and aspirations. This approach reflects key strategies identified in the *Banyule Community Vision 2041* including:
  - Spending more on fixing existing infrastructure rather than building new
  - Less reliance on borrowing funds to build new infrastructure
  - Finding efficiencies to reduce costs and fully utilise existing assets.
- The Social Infrastructure Framework draws on the drivers of social infrastructure provision, including Council strategy, service delivery requirements and the needs

## **SOCIAL INFRASTRUCTURE FRAMEWORK 2022-2032 cont'd**

of local organisations including community groups and clubs. It acknowledges our communities have diverse needs, and to create equity, the Framework positions Council to take a detailed and localised investigation using multiple inputs and perspectives.

- The Social Infrastructure Framework establishes benchmark standards for service and infrastructure provision. The implementation plan guides the development of the Community Infrastructure Plan, establishes a multi-criteria assessment, and will identify a set of priority infrastructure development projects over a 10-year time horizon.
- The draft Community Infrastructure Plan is being prepared for Council consideration and will be presented for discussion in August 2022.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

- The *Local Government Act 2020* directs Council to adopt an integrated approach to strategic planning and reporting whilst aligning with the overarching governance principles including the pillars of sustainability, long-term benefit and community engagement.

### **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*.
- This Framework promotes a balanced approach to infrastructure investment, aimed at promoting and extending the rights of all people, promoting access to affordable and useable services and uplifting opportunities to participate in culturally safe and inclusive facilities and services. These measures create greater levels of equity across Banyule.

### **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.

### **Innovation and Continuous Improvement**

To deliver on the Social Infrastructure Framework commitments, Council needs to change business-as-usual approaches to social infrastructure delivery and make best use of opportunities. This means Council will consider ways to:

- Make better use of existing infrastructure to deliver broader services and community benefits.
- Use new infrastructure investment as an opportunity to deliver more integrated outcomes for liveable, sustainable communities.

## **SOCIAL INFRASTRUCTURE FRAMEWORK 2022-2032 cont'd**

- Leverage community buildings to support achievement of Council's environmental targets and of Council's social enterprise development and job creation targets as identified in the Council's strategic action plans.
- Use technology and innovation to deliver better services.
- Strengthen and integrate data sets to create intelligence.
- Adopt a place-based approach to social infrastructure across the municipality to drive better urban design, planning and development decisions.
- Enhance cross-agency collaboration to delivery social infrastructure through strategies such as joint funding, co-location, shared use or coordinated delivery.

### **Community Engagement**

- The development of the Framework was informed by engagement through the Shaping Banyule platform, a meeting with a community group and engagement with two Banyule committees.
- To inform the development of the Framework, the community were offered two different consultation periods, one in November 2021 and the second in April 2022. During these two separate consultation periods, a total of 59 responses were received.

### **Collaboration**

- The Framework was informed by consultations with three local government areas who have provided advice and learnings based on their Community Infrastructure planning experience.

### **Key Considerations**

- The Social Infrastructure Framework will be operationalised by the Community Infrastructure Plan. This plan is in development and a draft Community Infrastructure Plan is being prepared for presentation to Council in August 2022.

### **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	Banyule Social Infrastructure Framework 2022-2032	



## **8.1 BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2022/23**

Author: Linda Chapple - Contracts Officer, Corporate Services

### **Previous Items**

Council on 24 May 2021 7.00pm (Item 7.2 - Procurement Policy 2021-25)

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#### **Brief explanation:**

1. Council approved the new Procurement Policy on 24 May 2021 to come into effect on 1 July 2021.
2. As part of the adoption of the new Procurement Policy, the Chief Executive Officer (CEO) Delegation increased to \$1.0 million from \$0.5 million.
3. With an increased financial delegation limit, ensuring transparency on the awarding of contracts under delegation is important. Transparency is supported using the following criteria:
  - a. Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1.0 million under the Chief Executive Officer's delegation to be presented to Council annually
  - b. Exemptions from public tender or expressions of interest to be presented to Council annually
  - c. An Annual Procurement Plan is to be presented to Council in the first quarter of each financial year.
4. The attached Annual Procurement Plan for the financial year 2022/23 incorporates all the currently known and planned sourcing events (as at 1 July 2022).
5. Sustainable and collaborative procurement opportunities have also been considered against each known sourcing event.
6. The Procurement Plan is continually reviewed and updated throughout the year.
7. This Report provides for an update to Council on the number of contracts executed under delegation by the Chief Executive Officer valued between \$0.5 million and \$1.0 million in the 2021/ 2022 financial year, details relating to the Annual Procurement Plan for 2022/2023 and a commitment to Council that the Procurement Plan is regularly reviewed and updated throughout the year.

#### **RECOMMENDATION**

That Council receives and notes:

1. That the Chief Executive Officer awarded 5 contracts, each valued between \$0.5 million and \$1.0 million, under delegation in the 2021/22 financial year

**BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2022/23 cont'd**

2. The 2022/2023 Annual Procurement Plan detailing the anticipated procurement activity that includes the expenditure for anything over \$100,000 as attached to this Report.
3. The sustainable and collaborative procurement opportunities for the known strategic sourcing events have been considered and classified
4. That the Procurement Plan is continually reviewed and updated throughout the year.

**COUNCIL PLAN**

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

**BACKGROUND**

- The Procurement Policy was adopted by Council on 24 May 2021 and came into effect on 1 July 2021 with a legislative requirement for Council to review the Policy every 4 years.
- It is proposed that the Procurement Policy is reviewed prior to 2025 to provide enough time to measure the efficacy of the policy and the proposed social and sustainable procurement KPIs and targets.
- As part of the adoption of the new Procurement Policy, the CEO Delegation increased to \$1.0 million from \$0.5 Million. With an increased delegation limit, ensuring transparency on the awarding of contracts under delegation will be enabled via:
  - Ongoing reporting to Council on procurement contracts approved between \$0.5 million and \$1.0 million under the Chief Executive Officer's delegation is recommended to be presented to Council annually
  - Exemptions from public tender or expressions of interest is also recommended to be presented to Council annually
  - In addition, an Annual Procurement Plan was recommended to be presented to Council in the first quarter of each financial year. The Procurement Plan is a point in time document that may change throughout the year to include unforeseen sourcing events
- Further reports will be provided throughout the year on 'Request for Quote' (RFQ) and 'Request for Tender' (RFT) value, exemptions and sustainability.

**KEY ISSUES**

- In the 2021/22 the following contracts, each valued between \$0.5 million and \$1.0 million, established via public tenders, were awarded under CEO delegation:
  - 1140-2021 Lead Design Consultant for Ivanhoe Aquatic Centre Stage 2
  - 1151-2022 Construction of Olympic Park Car Park
  - 1152-2022 Panel for Civil & Drainage Maintenance Works
  - 1157-2022 Provision of Human Resource Information System (HRIS)
  - 1159-2022 Construction of Operations Depot Fire Services UpgradeRefer to the attached report for the detailed list of contracts.

## **BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2022/23 cont'd**

- In 2021/22 there were no contracts established under an exemption from public tendering.
- The attached 2022/23 Annual Procurement Plan is a document used by the Procurement team to plan and allocate resources to its tendering activities throughout the year.
- The Procurement Plan is prepared in collaboration with business units and is informed by other artefacts such as the Capital Works program, the Digital Transformation Strategy and the budget.
- The benefits and impacts of having an annual procurement plan are:
  - Promotes better collaboration between procurement and business units and encourages early planning and engagement with the procurement team to drive the right market approach and best value for money outcomes
  - Provides visibility into upcoming Sustainable Procurement opportunities (refer below section on Sustainable Procurement Outcomes)
  - The Procurement plan provides transparency to Council and the community on planned quotation and tendering activities
  - The Procurement Plan provides ongoing continuous improvement through the application of strategic and proactive procurement as opposed to a transactional and reactive approach.

## **SUPPORTING REPORT DETAILS**

### **Legal Consideration**

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

### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *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**

- The Procurement Policy sets out Council's commitment to Sustainable Procurement through:
  - Standardised sustainable procurement, principles and objectives.
  - the setting of KPIs and targets.
- The Annual Procurement Plan identifies Sustainable Procurement Opportunities which suitably tailored and weighted evaluation criteria will be applied to.
- Sustainable Procurement opportunities have been considered and classified in the Procurement Plan for each known sourcing event, to identify high, medium and low opportunities across social, environmental and economic categories.

**BANYULE CITY COUNCIL'S ANNUAL PROCUREMENT PLAN - 2022/23 cont'd**

- Those sourcing events with the highest opportunities are colour coded in dark green, medium opportunities are a medium-green and the lowest opportunities are a light green.
- Procurement is continuing to work with business units on the customisation of appropriate sustainable procurement opportunities.

**Financial Implications**

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

**Innovation and Continuous Improvement**

- The Annual Procurement Plan will be used as a key document to identify collaborative procurement opportunities with the Northern Council Alliance Group (NCA)

**Collaboration**

- The Procurement Plan was developed through collaboration between procurement and business units. The document will be amended reactively throughout the year to include unforeseen procurement.

**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	Contracts Approved under CEO Delegation	
2	Banyule City Council - Annual Procurement Plan 2022-23	
3	Internal Spend Estimates – Procurement Plan 2022/23 - <b>CONFIDENTIAL</b>	

## 8.2 COUNCIL MEETING PRAYER

Author: Gina Burden - Manager Corporate Governance & Communication,  
Executive

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### SUMMARY

1. At the Council Meeting held on 21 March 2022, Council received and considered a Notice of Motion (NOM) on the introduction of a Council Meeting Prayer and resolved that a report be presented to a future meeting of Council investigating the possible inclusion a prayer at the beginning of Ordinary Council Meetings along with the Acknowledgement of Traditional Custodians and Diversity Statement.
2. This report responds to the request raised in the Notice of Motion and presents the findings of investigation and research pertaining to council prayers, including: benchmarking; previous practices at Banyule Council; analysing census data regarding religious identification; and relevant legislative and policy obligations.
3. The report concludes that based on being representative and serving in the best interests of the community of Banyule, there are no compelling or justifiable reasons to introduce a Council Prayer that refers to God or has religious association.
4. There may, however, be benefit in introducing a good governance pledge or commitment statement which reinforces the Councillor Oath/Affirmation of Office and the governance principles enshrined in the *Local Government Act 2020*. Though it is not being recommended to introduce such a pledge at this time, further exploration could be undertaken as part of the upcoming review of the Banyule Governance Rules.

### RECOMMENDATION

That Council:

1. Noting the investigation and findings regarding the possible introduction of a Council Meeting Prayer, acknowledges that a prayer should not be introduced for Banyule Council Meetings; and
2. Includes consideration of the possible introduction of a good governance pledge or commitment statement as part of the consultation process for the upcoming review of the Banyule Governance Rules.

### COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

## **COUNCIL MEETING PRAYER cont'd**

### **BACKGROUND**

- At the Council meeting held on 21 March 2022, Council received and considered a Notice of Motion (NOM) on the introduction of a Council Meeting Prayer and resolved:

“That a report be presented to a future meeting of Council investigating the possible inclusion a prayer at the beginning of Ordinary Council Meetings along with the Acknowledgement of Traditional Custodians and Diversity Statement.”
- The background explanation submitted with the NOM was:

“In years past Council (including the former Diamond Valley and Heidelberg Councils) meetings were opened with formalities that included a prayer.

The foundation of all our laws and Constitution, as inherited from the “Crown”, are grounded in the acknowledgement of a higher being – God. It was always the intent of this acknowledgement to notify mortal men and women that they are ultimately accountable.

In investigating the introduction of a prayer all relevant stakeholders should be consulted including the Banyule Interfaith Network.”
- A similar NOM was submitted to Council in July 2013, with the explanation including that many councils commence their meetings with a prayer/affirmation, a that the purpose of reintroducing a prayer is to reaffirm that the Council is making its decisions in the best interest of the Community.
- In considering the matter, Council did not introduce a prayer but instead determined to allow provision in the Meeting Procedures Code for an affirmation which would confirm Council’s respect for all traditions and beliefs, and pledge to be responsible and accountable in the decisions made on behalf of the community.
- In 2015, as part of the making of Governance Local Law No. 2 (2015) - incorporating the Meeting Procedure Code, provision was made for Council to be able to include an affirmation at the start of Council meetings, however, Council did not at any stage thereafter resolve to exercise the ability to include such an affirmation in its meetings.
- Subsequently, an Inclusive Banyule Statement was introduced to the start of Council meetings, in addition to the Acknowledgement of Traditional Owners. In August 2020 the Meeting Procedure Code was superseded by the Governance Rules as required by the then new *Local Government Act 2020* (the LG Act).
- The Governance Rules do not include the provision for an affirmation to be read out, but this would not preclude Council from resolving at any stage to do so. Unlike the former Meeting Procedure Code, the Governance Rules do not prescribe the order of business for the Council meetings, noting that the agenda and order of business for a Council meeting is to be determined by the Chief Executive Officer (Clause 18 (1)).

### **KEY ISSUES**

- In responding to the latest request to re-examine whether a prayer should be introduced at the start of Council meetings, research was undertaken and data gathered, to assist Council make an informed decision regarding the need for a prayer or similar.

## **COUNCIL MEETING PRAYER cont'd**

### **Previous Banyule Prayer**

- A rationale provided for introducing a Council Meeting prayer is that Banyule Council previously had a meeting prayer and therefore it should be reintroduced.
- Investigation of old minutes indicates that the former Heidelberg Council and Diamond Valley Shire, which were amalgamated in December 1994 to form Banyule City Council, both had prayers. It was common practice for Victorian councils to have prayers in the pre-amalgamation days.
- A prayer continued to be used by the Commissioners (of which there were 3) when they governed the newly formed Banyule Council, however, upon the election of the first ever councillors for Banyule, which occurred in early 1997, the prayer was no longer included in the meetings.
- Effectively, the elected Banyule Council has never had a prayer, so to say it should be reintroduced for Banyule is incorrect, as technically it would be introduced for the first time.

### **Benchmarking – Victorian Councils**

- Data relating to which Victorian councils have meeting prayers is available, and was sourced from, the National Secular Lobby of Australia website [www.nsl.or.au](http://www.nsl.or.au), and from checking individual council meeting minutes on their websites.
- The research indicates that of the 79 Victorian councils 38 still recite a prayer and 41 do not.
- Of the councils that continue to recite a prayer the large majority are smaller rural councils, 26 of 48 rural councils (54%), compared to 12 of the 31 metropolitan councils (39%).

### **Census Data – Religious Affiliation**

- The demographics related to religious affiliation/identity for Australians has changed significantly in the past decade, and particularly so for Banyule. Where once Banyule was predominantly a Christian society, there has been a steady decline in the number and percentage of persons that identify as Christian.
- The Census data, including the recently released 2021 Census figures, demonstrates the big shift that has occurred in the past 10 years, with the majority of persons in Banyule (55%) now identifying as being non-Christian. Refer to Table 1 below.

**Table1: Banyule Residents by Religion – Comparative Census Data**

	<b>2011</b>	<b>2016</b>	<b>2021</b>
Christianity	60.1%	50.6%	45%
No Religion	25.8%	35%	43%
Not stated/Other	14.1%	14.4%	12%

Source: Australian Bureau of Statistics

- From the figures above, it is evident that the biggest growth in the past decade has been in the percentage of people in Banyule who no longer identify with any religion and would hold secular beliefs. The decline in Christianity over that same

## **COUNCIL MEETING PRAYER cont'd**

period is almost comparable to the rise in no religion, rather than an increase in other religions. What is not known is of the 45% that currently identify as being Christian, how many of these actively practice the religion.

- Another interesting statistic of note is Banyule's continuing trend of being above the Greater Melbourne average regarding people identifying as being of no religion. Refer to Table 2.

**Table 2: Banyule Residents Compared to Greater Melbourne Average – No Religion**

	<b>2011</b>	<b>2016</b>	<b>2021</b>
Banyule	25.8%	35%	43%
Greater Melbourne Average	23.5%	31.3%	37%

Source: Australian Bureau of Statistics

### **Trends – Meeting Prayers**

- Of the councils that continued to recite a meeting prayer, post council amalgamations, several have since ceased the practice, including Mt Alexander Shire (2003); Surf Coast Shire (2014); Gannawarra Shire Council (2016); Mornington Peninsula Shire Council (2020) which replaced the prayer with a secular pledge to act in the best interests of the community; and most recently Bendigo Council (2021) replacing the prayer with an extended Acknowledgement of Country and a moment of silence.
- It is unknown whether any of the councils that continue to recite a prayer, introduced the prayer since the time of council amalgamations, though it likely most would have retained the prayer from the time of their formation in 1994.
- Another reason that has been cited for why a prayer should be introduced is that the Federal and State Parliaments still recite the Lord's Prayer, except for the ACT where (since 1995) the sitting day begins with a period of silent reflection. However, there is change occurring at this level also.
- In Victoria, following a failed motion in 2021 to have the Lord's Prayer scraped in favour of a Welcome to Country and a moment of silent reflection; the Labor Government has committed to removing the prayer in both houses if re-elected in November 2022 and to consult on an appropriate replacement model.

### **Legislative/Statutory Obligations**

- In determining whether it is appropriate for Council to introduce a meeting prayer, specifically a Christian prayer, as with any Council decision it is important to consider the legislative and statutory obligations that may impact Council's decision. The following are some of the relevant considerations that should be taken into account:
  - A Council must in the performance of its role give effect to the overarching governance principles; and priority is to be given to achieving the best outcomes for the municipal community, including future generations (s9 *Local Government Act 2020*)
  - The role of every councillor includes: representing the interests of the municipal community in decision making; and to consider the diversity of interests and needs of the municipal community (s28 *Local Government Act 2020*)



## **COUNCIL MEETING PRAYER cont'd**

- A Councillor must in considering the diversity of interests and needs of the municipal community, treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities. (Schedule 1- Local Government (Governance and Integrity) Regulations 2020)
  - Councillors are also required to act in accordance with their adopted Councillor Code of Conduct. There are various elements within the Banyule Code that Councillors need to be mindful of, including in Part 2 – Values – Inclusion – b) embrace each other's differences, values, culture and perspectives.
  - The right to freedom of thought, conscience, religion and belief (S14 – Victorian Charter of Human Rights and Responsibilities). This is discussed below in the Human Rights Charter section.

### **Purpose of a Prayer**

- It is important to also consider the purpose or need for a Council Meeting Prayer. The two NOMs which have raised this matter make reference to being accountable to a higher being (21 March 2022) and to reaffirm that Council is making its decisions in the best interest of the Community (1 July 2013).
- As indicated previously, some of the councils and government institutions that have moved away from reciting a prayer have replaced it with a pledge which has the purpose of reaffirming the need of decision makers to act in the best interest of the community and to be held to account for their decisions.
- In recent years Banyule Council has added an Inclusive Banyule Statement to the start of Council meetings which follows the Acknowledgement of Traditional Owners, it reads:

“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.”
- The Inclusive Banyule Statement serves to remind Councillors and the community that the decisions being made at the Council meeting are to be made with a commitment to the principles expressed within the statement, ie access, equity, participation and rights for everyone.
- It is debatable whether the addition of a prayer or pledge is required to expand on Council's commitment to good decision making. If so, it should focus on reinforcing the good governance principles of the Local Government Act, or the Oath/Affirmation of Office which states:

“I solemnly and sincerely declare and affirm (or I swear by Almighty God) that I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.”
- In some instances, the prayer has been replaced with a moment of silent prayer or reflection which allows for individual choice but acknowledges the importance of the task ahead in making good decision of behalf of the community.

## **COUNCIL MEETING PRAYER cont'd**

### **SUPPORTING REPORT DETAILS**

#### **Legal Consideration**

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

#### **Human Rights Charter**

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- Section 14 of the Charter of Human Rights and Responsibilities protects the right to freedom of thought, conscience, religion and belief.
- Central to this Right is the freedom to adopt and practice a religion or belief of a person's choosing. The Charter also enshrines that a person must not be coerced or restrained in a way that limits that person's freedom to have or adopt a religion or belief in worship, observance, practice or teaching.
- The subject matter of this report does raise Human Rights implications as a person, particularly councillors or staff, who identify as being of no religion or holding secular beliefs or other non-Christian beliefs, may feel coerced by having to recite a Christian prayer as part of the Council Meeting formalities.
- Others may argue they have a right to practice their religion and adopting a meeting prayer would allow them to do so. It is important that individual rights are balanced and do not infringe or limit the rights of others without justification, and that any impacts need to be mitigated.
- Not including a formal group prayer as part of the Council meeting does not prevent individuals from reciting their own prayer privately should they wish to do so. No person is currently being prevented from adopting or practicing their religion or belief.

#### **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**

- No community engagement has been undertaken on this subject matter at this stage. It would be strongly recommended that Council not consider adopting a Prayer or similar without first consulting the Banyule Community. In doing so, given the proportion of people now identifying as secular or non-Christian, it is likely to be a divisive and polarising issue.
- The strong opposition was evident the last time Council considered the matter back in 2013, with local news headlines such as "Prayer call out of line", and there has been opposition voiced to the current NOM which revisits the issue.

## **COUNCIL MEETING PRAYER cont'd**

- Should Council determine to further investigate introduction of a Council Good Governance Pledge or Statement, consultation about this would be included as part of the community engagement for the Governance Rules review which will be commencing soon.

### **Key Considerations**

- The demographics data demonstrates that the Banyule Community's religious affiliations have changed dramatically in the past 10 years, with a 60% increase since 2011 in the number of people now identifying as having no religion, and whereas Christianity was the dominant religion in 2011, it now accounts for less than half of the Banyule population (45%). This means that a Christian prayer would not be reflective of the Banyule Community as they are today.
- The notion of looking back to the days when Council had a meeting prayer (pre 1995), is not consistent with Council's goals of continuous improvement and innovation. Initiative is one of the six values Councillors have committed to as part of the Councillor Code of Conduct, which requires Councillors to challenge the way things have been done in the past.
- There is no indication that any other councils or government institutions, which previously had prayers, are considering reintroducing them, indeed the opposite is true. The trend is to move away from prayers and instead introduce good governance pledges or moments of silent reflection.
- From a role and function perspective there is little that supports the need for a meeting prayer. Council and councillors are required to be accepting and representative of their diverse communities. Banyule currently ascribes to this by reciting the Inclusive Banyule Statement at the start of each meeting.
- If the main objective of a prayer is to focus attention on being accountable to others and committing to make decisions in the best interests of all, a non-religious pledge or commitment statement of good governance would likely be more suitable.

### **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, however, in the interests of public transparency, it is disclosed that the author of this report was raised within a Christian religion, is non practicing, and identifies as having no religion.

## **ATTACHMENTS**

Nil

## 8.3 RECORD OF COUNCILLOR MEETINGS

Author: Nicholas Van - Council Business Officer, Executive

### SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, and meet the following definition:

If there is a meeting of Councillors that:

1. Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
2. Is attended by at least one member of Council staff; and
3. Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting

are to be tabled at the next convenient Council Meeting and recorded in the meeting minutes of that Council meeting.

### Record of Meetings

<b>1</b>	<b>Date of Meeting:</b>	22/06/2022
	<b>Type of Meeting:</b>	Advisory Committee Meeting: Disability and Inclusion, LGBTIQ+ and Multicultural Integrated Committee Meeting
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Inclusive Banyule Overview</li> <li>• Data trends and themes</li> <li>• Draft Inclusive Banyule Action Plan</li> </ul>
	<b>Councillors Present:</b>	Alison Champion Rick Garotti Fiona Mitsinikos
	<b>Staff Present:</b>	<ul style="list-style-type: none"> <li>• Kath Brackett – <i>Director Community Wellbeing</i></li> <li>• Jo Wilson – <i>Manager Resilient &amp; Connected Communities</i></li> <li>• Laura Mannix – <i>Social Policy &amp; Planning Team Leader</i></li> <li>• Vickie Martinez – <i>Community &amp; Social Planner</i></li> <li>• Lisa King – <i>Community &amp; Social Planner</i></li> <li>• Xenia Taunt – <i>Rivers - Community &amp; Social Planner</i></li> </ul>
	<b>Others Present:</b>	<ul style="list-style-type: none"> <li>• Samira Liban</li> <li>• Jeyarajah (Raj) Ramanathan</li> </ul>

**RECORD OF COUNCILLOR MEETINGS cont'd**

	<ul style="list-style-type: none"> <li>• Susan Zhou</li> <li>• Ginger (Lan) Jiang</li> <li>• Alaa Elzokm</li> <li>• Laila Fernandez</li> <li>• Parvin Ahadi</li> <li>• Donna Prichard</li> <li>• Emma Lowe</li> <li>• Sarah Hockey</li> <li>• Dani Stramandinoli</li> <li>• Ros Melling</li> <li>• David Landis-Morse</li> <li>• Morganne Blackburn</li> <li>• Fleassy Malay</li> <li>• Ilias Katis</li> <li>• Michelle McNamara</li> <li>• Richard Peterson</li> </ul>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 40%;"><b>Conflict of Interest:</b></td> <td>NIL</td> </tr> </table>	<b>Conflict of Interest:</b>	NIL
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<b>2</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 40%;"><b>Date of Meeting:</b></td> <td>27/06/2022</td> </tr> <tr> <td><b>Type of Meeting:</b></td> <td>Pre-meeting Briefing</td> </tr> </table>	<b>Date of Meeting:</b>	27/06/2022	<b>Type of Meeting:</b>	Pre-meeting Briefing
<b>Date of Meeting:</b>	27/06/2022				
<b>Type of Meeting:</b>	Pre-meeting Briefing				
	<p><b>Matters Considered:</b></p> <p>Petition - Parklets on Upper Heidelberg Rd          Watsonia Town Square - Community Consultation Summary &amp; Preferred Concept Design          North East Link Urban Design Landscape Plan          Adoption of 10 Year Asset Plan          Temporary Outdoor Dining Parklets and Pop-Up Program          Proposed Budget 2022-2026 - Declarations of Interest          Council Plan 2021-2025 - Adoption of Year 2 Annual Action Plan 2022/2023          Adoption of Financial Plan 2022-2032          Adoption of Revenue and Rating Plan 2022-2026          Adoption of Rates Financial Hardship Assistance Policy 2022-2026          Adoption of Banyule City Council Budget 2022-2026          Contract for the Provision of Parking and Traffic Enforcement and Administration Services          Record of Councillor Meetings</p>				
	<p><b>Councillors Present:</b></p> <p>Peter Castaldo (virtual)          Alison Champion          Peter Dimarelos          Rick Garotti          Alida McKern (virtual)          Tom Melican (virtual)          Fiona Mitsinikos          Elizabeth Nealy</p>				
	<p><b>Staff Present:</b></p>				

**RECORD OF COUNCILLOR MEETINGS cont'd**

Allison Beckwith - <i>Chief Executive Officer (virtual)</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Corporate Governance &amp; Communication</i> Krysten Forte – <i>Governance Coordinator</i> Michael Tanner – <i>Manager Parks &amp; Natural Environment</i> Karen Leeder – <i>Manager City Futures</i> Lucy Rasdell – <i>Manager Strategic Properties &amp; Projects</i> Jonathan Risby – <i>Manager Transport &amp; Environment</i>	
<b>Others Present:</b>	
NIL	
<b>Conflict of Interest:</b>	NIL

<b>3</b>	<b>Date of Meeting:</b>	4/7/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	Customer Experience – Quarterly Update Banyule Activity Centre Governance Review Recommendations Review of Planning and Building Enforcement Framework Bell Street Development – Completion of Request for Proposal Phase 15-17 Flintoff Street – Commuter Car Park and Bus Interchange – Update on Continued Advocacy Watsonia Town Square – Land Matter	
	<b>Councillors Present:</b>	
Peter Castaldo Alison Champion Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Michael Tanner – <i>Acting Director Assets and City Services</i> Robbie Colosimo – <i>Acting Director Community Wellbeing</i> Joel Elbourne – <i>Acting Director City Development</i> Karen Leeder – <i>Manager City Futures</i> Dani Ahimastos – <i>Economic Development Officer</i> Joseph Linnestad – <i>Manager Customer Experience &amp; Business Improvement</i> Megan Kemp – <i>Councillor Support &amp; Civic Events Officer</i>		
<b>Others Present:</b>		

**RECORD OF COUNCILLOR MEETINGS cont'd**

	NIL
	<b>Conflict of Interest:</b> NIL

**RECOMMENDATION**

That Council receives and notes the Record of Councillor Meetings report.

**ATTACHMENTS**

Nil