

Minutes of the Ordinary Meeting of Council



Held on the 26 September 2022

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

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MINUTES

The Meeting opened at 7:00pm.

Acknowledgement of the Traditional Custodians

The Mayor read an acknowledgement of the traditional custodians, the Wurundjeri Wo-wurrung people.

Diversity Statement

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

Present

Mayor Cr Elizabeth Nealy, Cr Rick Garotti, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Alida McKern, Cr Tom Melican

Apologies

Cr Fiona Mitsinikos, Cr Mark Di Pasquale

Officers Present:

Allison Beckwith – Chief Executive Officer
Natasha Swan – Director City Development
Marc Giglio – Director Corporate Services
Roberta Colosimo – Acting Director Community Wellbeing
Darren Bennett – Director Assets & City Services
Gina Burden – Manager Corporate Governance & Communications
Krysten Forte – Governance Coordinator
Amy Woolcombe – Council Business Officer,
Joel Elbourne – Manager Planning & Building Laws

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 5 September 2022

Moved: Cr Alida McKern
Seconded: Cr Rick Garotti

CARRIED

Disclosure of Interests

Nil

Official Statement From the Mayor Regarding the Passing of Queen Elizabeth II on 8 September 2022

The Mayor read the following statement on behalf of Council: The recent passing of Her Majesty Queen Elizabeth II on 8 September 2022 brings deep sadness to the people of the United Kingdom, our fellow Australians and her many admirers across the globe. We recognize this is a time of profound personal loss for the Royal Family and extend our condolences to all.

Her Majesty The Queen was Head of the Commonwealth, and we join with the extended Commonwealth nations in mourning her loss.

We offer gratitude for a life of service and duty, may our Queen rest in peace.

PROCEDURAL MOTION – GENERAL BUSINESS REORDER

That the items of general business be brought forward to the start of the Council meeting before officer reports are considered.

(CO2022/164)

Resolution

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

Item 11 – General Business was brought forward and was discussed. All items regarding General Business are listed under item 11.

Presentation

1. PETITIONS

Nil

2. OUR INCLUSIVE AND CONNECTED COMMUNITY

3.1 IVANHOE AQUATIC CENTRE STAGE 2 REDVELOPMENT - CONSULTATION FEEDBACK AND REVISED CONCEPT DESIGN

SUMMARY

1. On the 5 September 2022 the Council resolved to defer the Ivanhoe Aquatic Centre Stage 2 Redevelopment – Consultation Feedback and Revised Concept Plan (which was found at item 3.1 of that agenda), with the Council resolution being *That Council defer the item to the next Ordinary Council Meeting scheduled for 26 September 2022 to review viability options of the current Concept Plan.*
2. The Motion was moved by Cr Alida McKern and seconded by Cr Rick Garotti and Carried by Council.
3. In line with the implementation of the above Council decision, Officers reviewed the viability options of the current Concept Plan and recommend to Council no change to the Concept Plan and detailed Officer Report as originally presented to Council on 5 September 2022 Ordinary Council Meeting. As such, the below Report and Officer recommendation has been represented to Council for consideration without change.
4. The Ivanhoe Aquatic and Recreation Centre is a key leisure facility for the residents of the City of Banyule that is managed by Council.
5. A staged multimillion-dollar masterplan was developed in 2012 to bring the ageing facility up to standard. Stage one of the Masterplan was completed in 2016.
6. The Stage 2 redevelopment is focused on expanding and improving the aquatics spaces to meet increasing community requirements. The project will also deliver on

Council's commitment to net zero through an all-electric, 5 Star Green Star accredited facility outcome.

7. Council endorsed the Ivanhoe Aquatic Centre Stage 2 concept plan for community consultation at its 11 April 2022 Council meeting, **Attachment 1**.
8. The consulted option - Ivanhoe Aquatic Centre Stage 2 (Option 1) has been preliminary costed at \$21.6 million.
9. The consultation feedback received on Option 1 strongly supports that a further expansion of the aquatics spaces is needed to meet future demand.
10. Based on this feedback, peer review of both concepts and industry benchmarking, a revised concept (Option 2), **Attachment 2**, has been developed and preliminary costed at \$28.7 million. This responds to the feedback to deliver increased water spaces for learn to swim, lap swimming and aquatics programming.
11. Both options have been independently analysed to assess the financial, economic, social and health impacts that will be stimulated.
12. Option 1 has been assessed as delivering a facility that will only address the short term, immediate needs of the centre. Option 2 has been assessed as delivering a facility that will address both the immediate demand and the long-term growth projections, delivering a centre that will service the needs of the community for the next 30-50 years.
13. Proceeding with detailed design on Option 2 is a commitment to keep the project progressing and becoming shovel ready.
14. The current budget allocation over three financial years is \$12.7 million. Council will be advocating for funding opportunities from external bodies throughout the design development process and refer any shortfall to future budget processes.
15. Council will receive a further report on the outcome of the funding strategy that presents options to respond to the project budget shortfall, to successfully deliver Stage 2.

Resolution (CO2022/165)

That Council:

1. Note the community consultation feedback and analysis on Option 1.
2. Endorse the revised Concept Plan - Option 2, **Attachment 2**, to proceed to schematic design, noting that this has been assessed as delivering a facility that will address both the immediate demand and the long-term growth projections.
3. Note that Council has a current budget allocation of \$12.7million over the next 3 years for Ivanhoe Aquatic Centre Stage 2 re-development and a funding strategy is currently being planned.
4. Receive a further report on the outcome of a funding strategy, that presents options to respond to the project budget shortfall, to successfully deliver Ivanhoe Aquatic Centre Stage 2 re-development.

Moved: Cr Alida McKern
Seconded: Cr Tom Melican

CARRIED

3.2 IVANHOE AQUATIC CENTRE STAGE 2 REDEVELOPMENT - CONTRACT VARIATION

SUMMARY

1. On 5 September 2022 the Council resolved to defer the decision on the Ivanhoe Aquatic Centre Stage 2 Redevelopment – Contract Variation Report (Item 3.2 of that agenda) with the Council resolution being *That Council defers the decision on the Ivanhoe Aquatic Centre Stage 2 Redevelopment – Contract Variation to a future Council meeting when the officer report on the Ivanhoe Aquatic Centre Stage 2 Redevelopment Concept Plan is presented back to Council for consideration.*
2. The Motion was moved by Cr Alida McKern and Seconded by Cr Rick Garotti and Carried by Council.
3. In line with the implementation of the above Council decision, and in line with the Officer Report regarding Ivanhoe Aquatic Centre Stage 2 Redevelopment – Consultation Feedback and Revised Concept Plan as presented in this Agenda at Item 3.1 in the agenda, Officers now recommend to Council no change to the Officer Report as originally presented to Council on 5 September 2022 Ordinary Council Meeting regarding the Ivanhoe Aquatic Centre Stage 2 Redevelopment - Contract Variation, and such, the below Report and Officer recommendation has been represented to Council for consideration without change.
4. This report is to be considered in conjunction with the Ivanhoe Aquatic Centre Stage 2 Redevelopment – Consultation Feedback and Revised Concept Design Report listed as Item 3.1 in the agenda for the 26 September 2022 Ordinary Meeting of Council.
5. This report recommends a revised concept be endorsed for a design that expands on the original scope in order to meet the current and future needs of the community for the next 30 – 50 years.
6. Due to the proposed increase in project scope from the consulted concept plan to concept Option 2 (\$28.7 million), a variation in the architectural fees of \$334,000 is being sought to progress to detailed design.
7. The variation to the contract will exceed the CEO's delegation and this report seeks Council approval to delegate its power to the CEO to approve the variation under delegation.

Resolution (CO2022/166)

That Council:

1. Approves the \$334,000 (inc GST) variation to Contract number 1140-2021 to reflect the uplift in cost required for design services as a result of the revised scope and increase in overall project cost for Ivanhoe Aquatic Centre Stage 2 redevelopment;

2. Notes that the additional funds will be funded by the current budget allocation for the Ivanhoe Aquatic Centre Redevelopment;
3. Approves for the delegation to the CEO to sign all necessary documentation that approves the \$334,000 variation;
4. Notes that Haskell Architects will be advised of the decision to proceed to schematic and detailed design which represent project phases 2 and 3;
5. Notes that at this stage a request is being made for the additional funds for phases 2 and 3 only. If the project funding is realised, a separate report will come to Council for approval of Phases 4 and 5.

Moved: Cr Alida McKern
Seconded: Cr Rick Garotti

CARRIED

3.3 ADVISORY COMMITTEES REPORT - APRIL - AUGUST 2022

SUMMARY

1. Advisory committees are made up of Councillors and Community members.
2. They have terms of references and meet to discuss relevant issues, advise Council on specific matters based on Committee's purpose and objectives, and oversee the implementation of Council's strategic plan for their respective focus.
3. Advisory Committees provide important linkages between Council, Community, State agencies and interest groups. Following each advisory committee meeting, a report is submitted to Council to note the minutes from the committee meetings held during April - August 2022 and draw attention to specific recommendations that each advisory committee wishes to bring to the attention of Council.
4. Where there have been actions requested or recommendations made by the committee, officer comments have been provided in the report.
5. The following minutes are presented to Council for noting:
 - Inclusive Banyule Advisory Committee – 30 June 2022
 - Reconciliation Action Plan Advisory Committee – 8 June 2022 and 13 July 2022
 - Arts and Culture Advisory Committee – 5 May 2022
 - Banyule Environment and Climate Action Committee – 9 June 2022
 - Multicultural Committee – 25 May 2022 and 17 August 2022
 - Banyule Disability and Inclusion Committee – 27 April 2022, 22 June 2022 and 24 August 2022
 - LGBTIQA+ Committee – 21 April 2022 and 18 August 2022
 - Age Friendly Committee – 23 June 2022
 - Disability and Inclusion, LGBTIQA+ and Multicultural Committee Meeting

(Combined Meeting) – 22 June 2022

Resolution (CO2022/167)

That Council:

1. Notes the following meeting minutes and reports:
 - a) Inclusive Banyule Advisory Committee – 30 June 2022
 - b) Reconciliation Action Plan (RAP) Advisory Committee – 8 June 2022 and 13 July 2022
 - c) Arts and Culture Advisory Committee – 5 May 2022
 - d) Banyule Environment and Climate Action Committee – 9 June 2022
 - e) Multicultural Committee – 25 May 2022 and 17 August 2022
 - f) Banyule Disability and Inclusion Committee – 27 April 2022, 22 June 2022 and 24 August 2022
 - g) LGBTIQA+ Committee – 21 April 2022 and 18 August 2022
 - h) Age Friendly Committee – 23 June 2022
 - i) Disability and Inclusion, LGBTIQA+ and Multicultural Committee Meeting (Combined Meeting) – 22 June 2022
2. Note that a recommendation was received from the Reconciliation Action Plan Advisory Committee and Council will receive a further report to consider the proposal for the renaming of Bolden Street Heidelberg.
3. Note that a recommendation was received from the LGBTIQA+ Advisory Committee and Council will receive a further report to consider the establishment of a memorial to the LGBTIQA+ community lost to discrimination.

Moved: Cr Tom Melican

Seconded: Cr Peter Castaldo

CARRIED

4. OUR SUSTAINABLE ENVIRONMENT

Nil

5. OUR WELL-BUILT CITY

5.1 44 & 72 TURNHAM AVENUE, ROSANNA - SUPERMARKET AND ROSANNA LIBRARY DEVELOPMENT (P1260/2015)

Michelle Bateman addressed the Council in person

Susan Martin addressed the Council in person

Alicia Curry addressed the Council in person

Steven Paul addressed the Council in person

A written statement was read out on behalf of Daniel Mueller

SUMMARY

- The proposal is to seek an amendment to the current planning permit for the development of a new supermarket adjacent to the proposed new Rosanna Library building.
- The current library is proposed to be demolished, with a new facility offering triple the floorspace to cater for various community needs, including maternal child health. The supermarket building would remain within the approved footprint on the southern part of the site, whilst extending further north to provide additional floorspace.
- The proposal includes removal a further 27 trees, including three high retention trees, and would expand on-site parking to 126 spaces to be shared by library users and shoppers.
- Two community drop-in sessions were held during the public notification period. 110 objections have been received at the time of report writing and concerns regarding traffic, parking, loss of vegetation, built form and the relationship between a council building and a commercial building have been raised.
- The redevelopment of the library enables the provision of social and physical infrastructure to support growing community needs. The proposal is designed for its accessible setting with an opportunity to revitalise Turnham Avenue through the design of a new streetscape plan to be finalised prior to commencement of development.
- The application should be supported subject to amended conditions, including conditions sought to be amended by the applicant and other new conditions appropriate to the amended proposal (see attachment).

Resolution (CO2022/168)

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 an Amended Planning Permit** in respect of Application No. P1260/2015 for use and development of the land for a supermarket and associated car parking, use of the land for car parking associated with a library, liquor licence (packaged liquor), reduction in parking, removal of native and other vegetation, display advertising signage and removal of easements subject to the following amendments:

1. Amend the permit preamble to include:
 - Use of the land for car parking associated with a library
 - Display advertising signage
 - Removal of easements
2. Delete Conditions 1(a), (i), (n), (o)
3. Amend/re-number Conditions 1(b), (c), (d), (f), (g), (h), (k), (p), (q), 3 - 29

4. Include new Conditions 1(m), (n), (o), (p), (q), (r), (s), (t), 3, 4, 5, 6, 7, 8, 9, 10(e), 13, 16, 17, 24, 38, 39 and 40

Condition 1(m)

Design to demonstrate that appropriate external shading has been provided consistently across the development to manage occupant thermal comfort. The following areas must be addressed to the satisfaction of the Responsible Authority:

- i. East facing "The Arch" glazing to Ground and to Level 1, and Level 2 glazing of the library to be provided with appropriate external shading to manage direct solar exposure and improve occupant comfort;
- ii. West facing glazing to Level 2 of the library to be provided with appropriate external shading to manage direct solar exposure and improve occupant comfort;
- iii. West facing glazing to the Woolworths shop front to appropriately manage afternoon sun;

Condition 1(n)

Additional planters to the east edge of the library terrace to provide natural screening;

Condition 1(o)

An amended Sustainability Management Plan in accordance with Condition 3 of this permit;

Condition 1(p)

An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 4 of this permit;

Condition 1(q)

A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 5 of this permit;

Condition 1(r)

The location of the asset within the E-3 easement as identified in a level B drain survey;

Condition 1(s)

All changes so that buildings are setback from the edge of the E-3 asset identified through the level B drain survey to the satisfaction of Melbourne Water or otherwise agreed in writing and to the satisfaction of Melbourne Water. The setback required from the edge of the E-3 asset must take into account opportunity to access the asset in easements in favour of Melbourne Water to the east of the asset.

Condition 1(t)

The location of Trees #19, #20, #21 and #22 in accordance with the original arboricultural construction impact assessment prepared by Greenwood Consulting Pty Ltd dated 22 March 2016.

Condition 3

Sustainability Management Plan (SMP)

Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. The plan must be generally in accordance with the SMP prepared by Sustainable Design Consultants dated 07/07/2022 but modified to include:

-
- (a) A preliminary Energy Assessment Report, as per Green Star requirements for Credit 22, to demonstrate that the building's expected energy use is reduced by at least 10% compared to a reference building (30% for the Library);
 - (b) An airtightness target and an airtightness test result of less than 5 m³/(hr m²) @ 50 Pa, with airtightness testing to be undertaken as proposed in Green Star Buildings V1.B Credit 3 following the commissioning process at the stages outlined including Schematic design, Design Development, Pre-Construction and Construction;
 - (c) Details of the proposed all electric heating and cooling systems and minimum efficiency to be provided;
 - (d) Details of the proposed all electric heating systems and minimum efficiency to be provided;
 - (e) Charging capacity of EV charging infrastructure, to support a minimum Level 2, 7 kW (240V, 32A, single phase) car charging at each port;
 - (f) Charging capacity of EV 'future installation' infrastructure and required electrical infrastructure (switchboards and cabling) to support a minimum Level 2, 7 kW (240V, 32A, single phase) car charging at each port;
 - (g) Details confirming that the design of the End of Trip Facilities is integrated to allow for easy access to parking, lockers and changing to meet the credit requirements of Credit 27 of the Green Star guidelines, to the satisfaction of the Responsible Authority;
 - (h) A Maintenance Schedule for the green walls to be developed and provided to the building operator at practical completion;

Condition 4

Environmentally Sustainable Development (ESD) Drawing

Before the development permitted by this permit commences, a set of Environmentally Sustainable Development (ESD) Drawings must be submitted to and approved by the Responsible Authority. The ESD Drawings must include all features nominated within the associated SMP prepared by Sustainable Design Consultants dated 07/07/2022 identified under Condition 3 to achieve a Green Star Buildings V1.B minimum 4 star rating to represent "Best Practice" design. This should include as a minimum, a drawing for each representative level of the proposed development. When approved the assessments and plans will be endorsed and form part of the permit.

Condition 5

Water Sensitive Urban Design (WSUD) Drawing

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 SMP and MUSIC Report identified under Condition 3, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - iii. The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB. Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s;

- iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
- (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;
- (c) A MUSIC model and report demonstrating that minimum pollutant load reductions are met;

When approved the assessments and plans will be endorsed and form part of the permit.

Condition 6

ESD Inspections

Pre-build

Prior to commencement of work, a site meeting is to be held with the council's ESD Adviser, ESD Consultant and Head Contractor to discuss the ESD features that must be adhered to on the subject site to achieve the Green Star Buildings V1.B minimum 4 Star rating to represent "Best Practice" design as awarded by the Green Building Council of Australia.

Condition 7

Mid-build

Prior to the 'lock-up' stage (prior to internal wall and ceiling finishes being applied), the builder/project manager must contact the Responsible Authority to organise at least on mid-build ESD inspection and implementation discussion on-site with the council's ESD Adviser.

Condition 8

Final inspection

Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the builder/project manager 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.

Condition 9

ESD Certification

Prior to the issue of Statement of Compliance or Occupation (whichever comes first), a report from the author of the Sustainable Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must confirm that all ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

- (a) Photographic evidence of each ESD features;
- (b) Invoices/receipts and product specifications evidencing the energy ratings of appliances as claimed in the SMP;
- (c) Invoices/receipts and product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
- (d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;
- (e) Product specifications evidencing the U-Values and SHGCs of windows, glazed doors and skylights as claimed in the approved NatHERS Energy Report or Section J Energy Efficiency Report to address the NCC;

- (f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable);

Condition 10(e)

A signage and line marking plan for all parking areas.

Condition 13

Level B Drain Survey

Prior to the endorsement of plans under Condition 1, a level B drain survey must be prepared and submitted to the satisfaction of Melbourne Water demonstrating the location of the assets within the E-3 easement on plan of subdivision PS703973P.

Condition 15

Construction Management Plan

Before the development starts, a Construction Management Plan must be submitted to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. Unless otherwise agreed in writing the plan is to be consistent with the City of Banyule General Local Law No. 1, particularly in relation to:

- a. Containment of building sites
- b. Dust control
- c. Building site refuse
- d. Building works hours
- e. Construction, use and maintenance of vehicle crossings
- f. Occupation of, and obstructions on, roads and Council land
- g. Spoil on roads
- h. Unsightly land

Condition 16

Waste Management Plan

The Waste Management Plan (prepared by Ratio Consultants dated 5 July 2022) endorsed as part of this permit 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.

Condition 23

Development Infrastructure Levy

Prior to the commencement of development, the permit holder must pay to Banyule City Council a development 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.

Condition 37

Tree Protection/Management Plan

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 Trees 23, 24, 25, 26, 28, 29, 30, 31, 32, 45, 46, 47, 48, 49, 50, 51, 52, 53, 76, 79, 80, 81, 82, 83 and 84.
- (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 P1260/2015.
- (c) A tree protection plan drawn to scale.
- (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 **Xylem Tree Care, March 2022**.
- (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 Protection and Management Plan must be submitted to the Responsible Authority to its satisfaction.

Condition 38

Tree Protection

Unless otherwise agreed in writing by the responsible authority, prior to the commencement of building 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 23, 24, 25, 26, 28, 29, 30, 31, 32, 45, 46, 47, 48, 49, 50, 51, 52, 53, 76, 79, 80, 81, 82, 83 and 84 to the satisfaction of the Responsible Authority.

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

Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Xylem Tree Care, March 2022**.

- (a) Tree protection zone measures are to be established in accordance with 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, construction 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, fencing and mulching should be placed at the outer point of the construction area.
 - ix 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.
 - x 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).
 - xi For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land.
 - xii 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 a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.
 - xiii Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority.
- (b) 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 stability of any retained tree now or into the future.
 - ii. Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority.

- 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.

Weed control

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

Fencing

- (d) Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS4687-2007 Temporary fencing and hoardings. The fences must not be removed or relocated without the prior consent of the Responsible Authority. Canopy and Limb protection must be provided in accordance with the guidelines detailed in AS4970-2009 Protection of Trees on Development sites.

Signage

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

Irrigation

- (f) The area must be irrigated during the summer months with 1 litre of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a weekly basis.

Access to Tree Preservation Zone

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

Condition 39

Signs Not Altered

The location and details of the sign(s) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

5. Amended plans including:
 - o Increase of the supermarket building footprint by 624m²
 - o Reduction of the supermarket building height and changes to materials and finishes
 - o New three storey library building, including shared basement parking below
 - o Addition of advertising and identification signs to both buildings
 - o Provision of 126 car spaces across the entire site
 - o Removal of an additional 27 trees, including four which need a permit

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

5.2 AWARD OF CONTRACT FOR OLYMPIC PARK PLAYING FIELDS STAGE 4 SUMMARY

1. Redevelopment of Olympic Park in Heidelberg West has been guided by a masterplan which was adopted by Council in 2017. To date, 3 stages of the plan have been substantially delivered. A tender has been undertaken for completion of both cricket and soccer pitches which are part of the stage 4 scope of works.
2. This report is to consider awarding of Contract No 1205-2202 for construction of these pitches. Subject to future funding, a subsequent tender will be let for the construction of a new pavilion which is also associated with this stage of the masterplan. Separate procurement processes for the provision of water for irrigation of the pitches and sewage upgrades for the pavilion, as well as refurbishment of the space currently used by Barrbunin Beek will also be undertaken.
3. The tender was advertised in the local government tender section of The Age newspaper on Saturday 28 May 2022 and closed on Wednesday 22 June 2022. Twenty-one (21) genuine prospective companies downloaded the tender document from Council's website and six (6) contractors submitted their tenders by the closing date. Three of the 6 submissions were assessed as conforming tenders.
4. Following an extensive tender and evaluation process, the Tender Evaluation Panel (TEP) has recommended awarding the contract to RMS Groundworks Pty Ltd in accordance with the tender and conditions as determined by Council.

Resolution (CO2022/169)

That Council:

1. Agrees to award Contract No. '1205-2022' for 'Reconstruction of Olympic Park Sports Fields – Stage 4 at Olympic Park' to RMS Groundworks Pty Ltd for the contracted amount of \$3,923,368.57 (ex. GST).
2. Authorises the Director City Development to sign the contract and any other associated documents at the appropriate time.

Moved: Cr Peter Dimarelos
Seconded: Cr Rick Garotti

CARRIED

5.3 PLANNING SCHEME AMENDMENT C107 - TREETOPS ADVENTURE PARK IN YARRA FLATS - EXTENSION TO LAPSE DATE

Michelle Giovas addressed the Council in person
Robyn Roberts addressed the Council in person

SUMMARY

1. Banyule Planning Scheme Amendment C107 (C107) facilitates the use and development of Parks Victoria land in Yarra Flats Park, Ivanhoe East for an outdoor recreation facility (Treetops Adventure Park).
2. C107 was requested by the proponent, Ecoline, who seeks to operate the facility under a lease from Parks Victoria. Parks Victoria chose the site for the proposed activity and is the sponsor of the proposal.
3. Council considered the Panel Report at the Ordinary Council Meeting of 4 October 2021 and resolved to adopt the amendment, subject to satisfactory progress being made with the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) around the need for a cultural heritage management plan (CHMP).
4. C107 is due to lapse on 29 October 2022 in accordance with Section 30 of the *Planning and Environment Act 1987*. Council can request the Minister for Planning to extend the lapse date.
5. Ecoline have advised Council that a meeting is scheduled with the WWCHAC on 2 November 2022. The meeting was unable to take place prior to the lapse date due to resourcing constraints of the WWCHAC.
6. To allow for this meeting, and any further work that may result, the proponent has requested an extension to the lapse date.
7. A request for an extension of time is largely a procedural matter. A further report to Council will be necessary, subject to resolution of cultural heritage matters, for final adoption and approval request to the Minister for Planning.

Motion

Cr Alida Mckern moved:

That Council extend the lapsed date for the Banyule Planning Scheme Amendment C107 until 9 November 2022.

LOST for want of a seconder

Resolution (CO2022/170)

That Council submit a request to the Minister for Planning for a 12-month extension to the lapsed date for Banyule Planning Scheme Amendment C107.

Moved: Cr Peter Dimarelos

Seconded: Cr Rick Garotti

CARRIED

Cr Alida McKern called for a **Division**:

FOR: Cr Rick Garotti, Cr Tom Melican, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Elizabeth Nealy

AGAINST: Cr Alida McKern

The Chairperson declared the motion **CARRIED**

5.4 1 KING STREET, EAST IVANHOE - KINDERGARTEN REDEVELOPMENT (P809/2022)

SUMMARY

1. This application is associated with the redevelopment Council's East Ivanhoe Kindergarten to continue the use as a kindergarten, the reduction of one (1) car park and removal of one (1) protected tree (Tree #7).
2. The use of the site as a kindergarten benefits from existing use rights as the existing kindergarten has been operating for greater than 15 years. As the building is proposed to be replaced, a planning permit is required to continue the kindergarten use under Clause 63.10 of the Banyule Planning Scheme.
3. As a local government project under Clause 52.31 the demolition of the existing building and construction of the replacement kindergarten does not require planning permission.
4. The application has been publicly advertised and one objection was received during the public notification period raising concerns with safety, after hours car parking and disorderly behaviour. It has been agreed to install a gate to the carpark to restrict after hours access and improve security.
5. It is considered that the continuation of the kindergarten use, proposed car parking reduction and tree removal is appropriate in the context of the Planning Policy Framework and the planning controls applying to the site. Furthermore, the proposal is considered appropriate due to the community benefit that will be obtained through the upgrade of this community facility.
6. On this basis, it is considered that the proposal should be supported.

Resolution (CO2022/171)

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. P809/2022 for the continuation of the use of the land as a kindergarten pursuant to Clause 63.10, reduction of one (1) car parking space and removal of one (1) protected tree at 1 King Street EAST IVANHOE subject to the following conditions:

General

1. The development and use as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

Tree Protection Measures

2. 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 Tree #1, 3-4, 8-10, 13-14, and 16 -17 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Arboricultural Assessment and Report prepared by STEM Arboriculture, dated 14th June 2022** as follows:

- a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - (i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - (iii) Mulch across the surface of 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).

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

3. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
 - a) A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.

- b) Any 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.
 - c) 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.
 - d) The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.
4. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plans or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Time Limits

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

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

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

Cr Peter Dimarelos left the Chamber at 8.13pm

Moved: Cr Peter Castaldo
Seconded: Cr Rick Garotti

CARRIED

6. OUR VALUED COMMUNITY ASSETS AND FACILITIES

6.1 STREET LIGHTING PROGRAM - UPGRADE TO LED

Cr. Peter Dimarelos returned to the Chamber at 8.14pm

Cr. Tom Melican left the Chamber at 8.14pm

Cr. Tom Melican returned to the Chamber at 8.15pm

SUMMARY

1. Council allocated funds as part of its 2021/22 Capital Works Budget towards the replacement of inefficient lighting in open space, sports field and street lighting with energy efficient LED as part of Council's 2028 zero net emissions target.
2. A consultant was engaged in 2021 to undertake audits & prepare a business case on the replacement of street lighting (unmetered) and open space/reserve (metered) public lighting across Banyule.
3. The consultant reports also consider the use of smart control technology for public lighting. The key findings of the business case reports are summarised in this report.
4. Having regard for the new information now available, a revised scope and timeframe for this project delivery is proposed.

Resolution (CO2022/172)

That Council:

1. Endorse the revised scope and timeframe for this project delivery, which includes:
 - a. Prioritising upgrades to lighting in open space (metered) in 2022/23, as it is anticipated that both AusNet and Jemena may fund upgrades to unmetered lights in the coming years.
 - b. Implement smart control technology for open space (metered) lighting in conjunction with these upgrades and rectify any unmetered lighting in council open space to metered.
 - c. Unspent project funds in 2021/22 (approximately \$1.5 million) be returned to the *Asset Renewal Reserve*, use planned 2022/23 & 2023/24 budget for delivery and allocate the returned *Reserve* funding to year three (2024/25) of the capital works program.
 - d. Pursue AusNet's offer to replace MV street lights with LED's.

Moved: Cr Peter Castaldo

Seconded: Cr Rick Garotti

CARRIED

7. OUR THRIVING LOCAL ECONOMY

7.1 'IN PRINCIPLE' APPROVAL OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2022

SUMMARY

1. In line with *Local Government Act 2020 ('The Act')* section 98-100, Council is required to complete its Annual Report as soon as practicable after the end of the financial year.
2. The Council must pass a resolution giving its 'in principle approval' to the performance and financial statements before officially submitting to the auditor for reporting.
3. The performance and financial statements, in their final form (after any changes recommended or agreed by the auditors), must be certified by two Councillors authorised by the Council, the Chief Executive Officer and the Principal Accounting Officer.
4. The Financial Statements and Performance Statement are subject to external audit by the Victorian Auditor General or their contracted agent. The detailed audit of the Financial Statements and Performance Statement for the year ended 30 June 2022 was undertaken by an agent of the Victorian Auditor General during August 2022.
5. The Audit and Risk Committee will hold its meeting on 21 September 2022 to review the Financial Statements and Performance Statement for the year ended 30 June 2022.
6. The Audit and Risk Committee will consider, following audit clearance, its recommendation to Council to approve 'in principle' the Financial Statements and Performance Statement pursuant to Section 99(2) of the Act, prior to formal presentation to the Auditor General.
7. Once the final audit opinion has been received from the Victorian Auditor General's Office, the finalised annual report will be presented to the public at the subsequent Council Meeting.

Resolution (CO2022/173)

That Council:

1. Approve 'in principle' the Financial Statements and the Performance Statement for the year ended 30 June 2022.
2. Authorise its Councillor representatives on the Audit and Risk Committee and in their absence any other Councillor as substitute, to sign the Financial Statements and Performance Statement for the year ended 30 June 2022 in their final forms, after any changes recommended or agreed to by the Victorian Auditor-General, have been made.
3. Upon receipt of the Victorian Auditor General's Audit Reports on the Financial Statements and Performance Statement, a report be prepared as soon as is practicable to adopt and present the Annual Report 2021/22, inclusive of the Report of Operations, Financial Statements and Performance Statement at the Special Council Meeting.

Moved: Cr Rick Garotti
Seconded: Cr Peter Dimarelos

CARRIED

7.2 PROPOSED DECLARATION OF A SPECIAL CHARGE - WATSONIA SHOPPING CENTRE

SUMMARY

1. Following the Ordinary Council Meeting held on 9 May 2022, and in accordance with the statutory process under the *Local Government Act 1989* (“**Act**”) for the declaration of a Special Charge (“Special Charge” and “Scheme” and “Proposed Declaration”), a statutory public notice of Council’s intention to declare the Special Charge for Watsonia Shopping Centre was advertised in the “*The Herald Sun*” newspaper on 17 May 2022, and placed on Council’s website.
2. Separate letters, advising of Council’s intention to declare the Special Charge were mailed by ordinary post, on 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration and could make a written objection to the Council under section 163B of the Act.
4. The closing date for submissions and objections was 17 June 2022. Council received by this date a total of six written submissions in support of the proposed Scheme and no objections.
5. Council formally considered the written submissions at its ordinary meeting held on 15 August 2022 and heard one speaker in support of the scheme and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 26 September 2022.

Resolution (CO2022/174)

That Council:

1. Council, having considered all submissions received under section 223 of the *Local Government Act 1989* (“**Act**”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the Watsonia Traders Association (“**Traders Association**”), for the purposes of:
 - (a) Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - (b) A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - (c) Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Precinct.
2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2022 and ending on 30 June 2027.
3. Based on the 69 rateable assessments included in the Scheme, an amount of \$44,850 per annum will be raised for a period of five years. This amount will be

supplemented by Council's contribution of a further \$26,827 per annum to provide a total annual budget to \$71,677.

4. The area for which the Special Charge is declared is the land referred to as The Watsonia Shopping Centre, as identified in **Attachment 1**.
5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Charge will be levied by Council sending a notice of levy ("Notice") in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner:
 - a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - b) by four quarterly instalments.
7. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders' Association be authorised on behalf of the Council, administratively only and subject always to the supervision, direction and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders' Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**").
9. The Funding Agreement must be approved by the Chief Executive Officer and will include the suite of reforms that were endorsed by Councillors at the Council Meeting on the 5 September 2022.
10. The new Funding Agreement must contain a condition which replaces Condition 6 of the funding agreement previously entered into between the Council and the Traders' Association for the previous Special Charge. This new condition was agreed to by Council last year in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must –

 - (a) give the Council the legal right, in its absolute and unfettered discretion (and without first requiring any recourse to the Traders' Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders' Association 7 days' written notice of the Council's decision to terminate the Funding Agreement; and
 - (b) following such termination, allow the Council, by utilising the Council's own staff or any contracted third party, to assume ongoing responsibility for the administration of the Special Charge."
11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Charge commencing on 1 July 2022, and the reasons for the decision.

12. The Traders' Association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Moved: Cr Rick Garotti
Seconded: Cr Peter Dimarelos

CARRIED

7.3 PROPOSED DECLARATION OF A SPECIAL CHARGE - MACLEOD VILLAGE SHOPPING CENTRE

SUMMARY

1. Following the Ordinary Council Meeting held on 9 May 2022, and in accordance with the statutory process under the *Local Government Act 1989* ("**Act**") for the declaration of a Special Charge ("Special Charge" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Charge for Macleod Shopping Village was advertised in the "*The Herald Sun*" newspaper on 17 May 2022, and placed on Council's website.
2. Separate letters, advising of Council's intention to declare the Special Charge were mailed by ordinary post, on 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration and could make a written objection to the Council under section 163B of the Act.
4. The closing date for submissions and objections was 17 June 2022. Council received by this date a total of two written submissions in support of the proposed Scheme and no objections.
5. Council formally considered the written submissions at its ordinary meeting held on 15 August 2022 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 26 September 2022.

Resolution (CO2022/175)

That Council:

1. Council, having considered all submissions received under section 223 of the *Local Government Act 1989* ("**Act**") and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the Macleod Traders Association ("**Traders Association**"), for the purposes of:
 - (a) Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,

-
- (b) A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - (c) Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Precinct.
 2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2022 and ending on 30 June 2027.
 3. Based on the 43 rateable assessments included in the Scheme, an amount of \$19,170 per annum will be raised for a period of five years. This amount will be supplemented by Council's contribution of a further \$18,400 per annum to provide a total annual budget to \$37,570.
 4. The area for which the Special Charge is declared is the land referred to as The Macleod Shopping Village, as identified in **Attachment 1**.
 5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
 6. The Special Charge will be levied by Council sending a notice of levy ("Notice") in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner:
 - a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - b) by four quarterly instalments.
 7. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
 8. Subject to paragraph 9 of this proposed Declaration, the Traders' Association be authorised on behalf of the Council, administratively only and subject always to the supervision, direction and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders' Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**").
 9. The Funding Agreement must be approved by the Chief Executive Officer and will include the suite of reforms that were endorsed by Councillors at the Council Meeting on the 5 September 2022.
 10. The new Funding Agreement must contain a condition which replaces Condition 6 of the funding agreement previously entered into between the Council and the Traders' Association for the previous Special Charge. This new condition was agreed to by Council last year in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must –

- (a) give the Council the legal right, in its absolute and unfettered discretion (and without first requiring any recourse to the Traders' Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders' Association 7 days' written notice of the Council's decision to terminate the Funding Agreement; and

(b) following such termination, allow the Council, by utilising the Council's own staff or any contracted third party, to assume ongoing responsibility for the administration of the Special Charge."

11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Charge commencing on 1 July 2022, and the reasons for the decision.

12. The Traders' Association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

7.4 PROPOSED DECLARATION OF A SPECIAL CHARGE – GREENSBOROUGH TOWN CENTRE

SUMMARY

1. Following the Ordinary Council Meeting held on 9 May 2022, and in accordance with the statutory process under the *Local Government Act 1989* ("**Act**") for the declaration of a Special Charge ("Special Charge" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Charge for Greensborough Town Centre was advertised in the "*The Herald Sun*" newspaper on 17 May 2022 and placed on Council's website.
2. Separate letters, advising of Council's intention to declare the Special Charge were mailed by ordinary post, on 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Rate or Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration and could make a written objection to the Council under section 163B of the Act.
4. The closing date for submissions and objections was Friday, 17 June 2022. Council received by this date a total of seven written submissions in support of the proposed Scheme and no objections.
5. Council formally considered the written submissions at its ordinary meeting held on 15 August 2022 and heard one speaker in support of the scheme and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 26 September 2022.

Resolution (CO2022/176)

That Council:

1. Council, having considered all submissions received under section 223 of the *Local Government Act 1989* (“**Act**”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the Greensborough Chamber of Commerce (“**Traders Association**”), for the purposes of:
 - (a) Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - (b) A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - (c) Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Precinct.
2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2022 and ending on 30 June 2027.
3. Based on the 373 rateable assessments included in the Scheme, an amount of \$180,000 per annum will be raised for a period of five years. This amount will be supplemented by Council’s contribution of a further \$105,000 per annum to provide a total annual budget to \$285,000.
4. The area for which the Special Charge is declared is the land referred to as Greensborough Town Centre, as identified in **Attachment 1**.
5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Charge will be levied by Council sending a notice of levy (“Notice”) in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –
 - a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - b) by four quarterly instalments.
7. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders’ Association be authorised on behalf of the Council, administratively only and subject always to the supervision, direction and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders’ Association first enter into a funding agreement with the Council for the period of the Special Charge (“**Funding Agreement**”).
9. The Funding Agreement must be approved by the Chief Executive Officer and will include the suite of reforms that were endorsed by Councillors at the Council Meeting on the 5 September 2022.

10. The new funding agreement must contain a condition which replaces Condition 6 of the funding agreement previously entered into between the Council and the Traders' Association for the previous Special Charge. This new condition was agreed to by Council last year in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must –

- (a) give the Council the legal right, in its absolute and unfettered discretion (and without first requiring any recourse to the Traders' Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders' Association 7 days' written notice of the Council's decision to terminate the Funding Agreement; and
 - (b) following such termination, allow the Council, by utilising the Council's own staff or any contracted third party, to assume ongoing responsibility for the administration of the Special Charge."
11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Charge commencing on 1 July 2022, and the reasons for the decision.
 12. The Traders' Association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

7.5 PROPOSED DECLARATION OF A SPECIAL CHARGE – EAGLEMONT VILLAGE SUMMARY

1. Following the Ordinary Council Meeting held on 9 May 2022, and in accordance with the statutory process under the *Local Government Act 1989* ("Act") for the declaration of a Special Charge ("Special Charge" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Charge for Eaglemont Village Shopping Precinct was advertised in the "*The Herald Sun*" newspaper on 17 May 2022, and placed on Council's website.
2. Separate letters, advising of Council's intention to declare the Special Charge were mailed by ordinary post, on 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration and could make a written objection to the Council under section 163B of the Act.

4. The closing date for submissions and objections was Friday 17 June 2022. Council received by this date a total of nine written submissions in support of the proposed Scheme and no objections.
5. Council formally considered the written submissions at its ordinary meeting held on 15 August 2022 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 26 September 2022.

Resolution (CO2022/177)

That Council:

1. Council, having considered all submissions received under section 223 of the *Local Government Act 1989* ("**Act**") and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the Eaglemont Village Traders Association ("**Traders Association**"), for the purposes of:
 - (a) Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - (b) A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - (c) Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the Shopping Precinct.
2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2022 and ending on 30 June 2027.
3. Based on the 25 rateable assessments included in the Scheme, an amount of \$15,000 per annum will be raised for a period of five years. This amount will be supplemented by Council's contribution of a further \$12,500 per annum to provide a total annual budget to \$27,500.
4. The area for which the Special Charge is declared is the land referred to as The Eaglemont Village Shopping Precinct, as identified in **Attachment 1**.
5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Charge will be levied by Council sending a notice of levy ("Notice") in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –
 - a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - b) by four quarterly instalments.

7. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders' Association be authorised on behalf of the Council, administratively only and subject always to the supervision, direction and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders' Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**").
9. The funding agreement must be approved by the Chief Executive Officer and will include the suite of reforms that were endorsed by Councillors at the Council Meeting on the 5 September 2022.
10. The New Funding agreement must contain a condition which replaces Condition 6 of the funding agreement previously entered into between the Council and the Traders' Association for the previous Special Charge. This new condition was agreed to by Council last year in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must –

- (a) give the Council the legal right, in its absolute and unfettered discretion (and without first requiring any recourse to the Traders' Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders' Association 7 days' written notice of the Council's decision to terminate the Funding Agreement; and
 - (b) following such termination, allow the Council, by utilising the Council's own staff or any contracted third party, to assume ongoing responsibility for the administration of the Special Charge."
11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Charge commencing on 1 July 2022, and the reasons for the decision.
 12. The Traders' Association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Moved: Cr Peter Castaldo
Seconded: Cr Peter Dimarelos

CARRIED

8. OUR TRUSTED AND RESPONSIVE LEADERSHIP

8.1 RECORD OF COUNCILLOR MEETINGS

SUMMARY

1. 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, meet the following definition:
2. If there is a meeting of Councillors that:
 - Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
 - Is attended by at least one member of Council staff; and
 - Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting
3. Are tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

Resolution (CO2022/178)

Moved: Cr Peter Castaldo
Seconded: Cr Rick Garotti

CARRIED

9. SEALING OF DOCUMENTS

Nil

10. NOTICES OF MOTION

Nil

11. GENERAL BUSINESS

11.1 SUPPORT TO THE IRANIAN WOMEN ASSOCIATION

Cr Garotti raised a general business item in relation to the brutal murder of 22 year old Iranian woman, Mahsa Amini (also known as Jhina Amini).

Mahsa was arrested for not wearing her hijab properly.

Cr Garotti on behalf of Council sent his condolences to Mahsa's family and friends and others like her, whose life was taken far too early.

He noted that Banyule is a proud Refugee Welcome Zone and we support the Iranian people in their pursuit for freedom, peace and human rights.

11.2 BANYULE CLEAN ENERGY EXPO – BANYULE CLEAN ENERGY GROUP

Cr Castaldo acknowledged Banyule's first Clean Energy Expo held on 25 September 2022 that was organised by Banyule Clean Energy Group and supported by Banyule Council

Noting the significant work by Paul Gale Baker who lead the project and made it the success it was along with the hundreds of event attendees that arrived throughout the day. The event

included a range of stall holders and presentations that covered many areas regarding the journey towards zero emissions.

11.3 YOUTHFEST

Cr Champion reflected on Banyule's YouthFest w held on Sunday 11 September 2022 in Macleod Park. Many residents and families attended to celebrate 'everything youth'.

11.4 NORTHERN COUNCIL ALLIANCE (NCA)

The Mayor spoke in relation to the Northern Council Alliance. This group advocates for improvements and services for residents and business and advocates for approximately 1 million people who live across seven (7) councils which include Banyule, Darebin, Hume, Mitchell, Merri-bek (previously Moreland), Nillumbik and Whittlesea, linking major businesses.

The Mayor reflected on Banyule's priorities which are transportation access, jobs and skills growth, health and wellbeing, and regional collaboration.

The formal launch of NCA will be Tuesday 18th October.

11.5 ST HELENA BUSH RESERVE 30 YEARS

The Mayor raised a general business item in relation to the Friends of St Helena Bushland reserves fighting and saving forest vegetation since the 1980s, and they have been looking after it ever since.

The Mayor reflected on the fact that the indigenous vegetation diversity of the fauna in this reserve is of state significance.

PUBLIC QUESTION TIME

1	<p>Name & Suburb Anonymous</p>
	<p>Question: Can Council advise its residents the waste collection baseline key indicators such as (a) Reduction of waste to landfill (% of total residential waste collected) (b) Costs of the previous and FOGO waste collection systems and at what dates these were measured/calculated compared to cost of FOGO collection service?</p>
	<p>Response:</p> <p>Reduction statistics are calculated and published annually to account for seasonal variation in waste generation (warmer months = higher waste reduction).</p> <p>Council publishes the diversion rates annually in the State of the Environment Report (2021/22 figures will be reported in November 2022) and also provides these figures to Sustainability Victoria and Recycling Victoria for public reporting and transparency.</p> <p>For the month of August 2022 (1st full month since the month of July when households were adjusting to the new service).</p> <ul style="list-style-type: none"> • 30% reduction of waste to landfill (by weight). • 500t less to landfill than the 5 years August average (pre-FOGO) down from 1724 tonnes to 1224 tonnes. <p>The pricing information that Council is charged for sending waste to landfill and for composting is not able to be provided as it is commercial in confidence.</p> <p>Since the Towards Zero Waste Management Plan 2019-2023 and the business case for FOGO the cost saving of sending food for composting vs landfill has been strengthened with the landfill levy charged by the State Government increased from \$65.90 per tonne to \$125.90 per tonne. Further above CPI increases are a possibility as Victoria's rate is less than that charged in NSW.</p> <p><i>Darren Bennett – Director of Assets & City Services</i></p>

2	<p>Luke Keech Montmorency</p>
	<p>Question:</p>

	<p>Please can you explain how you can justify fining someone on a Saturday parking in a no standing spot at 2:30pm at a kids basketball game?</p> <p>Response:</p> <p>A fine for an offence is set by state legislation and listed in terms of a penalty unit. The value of a penalty unit is set annually by the Victorian Treasurer. For a No Stopping offence, the fine is set at 1 penalty unit which was \$182 in the 21/22 year.</p> <p><i>Natasha Swan – Director City Development</i></p>
<p>3</p>	<p>Alicia Curry Rosanna</p> <p>Banyule Council is listed as a client of Redbridge Group PTY LTD (a state government lobbyist group), however after researching council documents I can find no reference to this company or its directors. Could council please provide detail on this engagement such as budget, cost, length of engagement and the purpose/s of the lobbying to state government?</p> <p>Response:</p> <p>The Red Bridge Group were engaged through a competitive process to support our advocacy to encourage the State Government to commit to funding monopolies as part of the Watsonia Town Square development.</p> <p>The engagement was from October 2021 – January 2022. We are unable to provide the cost given that would be deemed commercial in confidence information about the company</p> <p><i>Erica Hardie – Senior Project Manager</i></p>
<p>4</p>	<p>Roger Fyfe Ivanhoe</p> <p>Ivanhoe Residential Parking Permit Precincts 59, 60 & 61 are proposed to be combined into a single Precinct 60 in the Review currently open for submissions. If adopted, then Permit Holders would be able to park anywhere in the combined Precinct residential areas, where there are 2 Hour or longer Parking Restrictions. This is contrary to the purpose of the Precincts as set out below.</p> <p>Resolution CO2016/129 on 9/5/2016 included in the Executive Summary: "In consideration of the feedback received, the wording of the RPPP has been updated and areas have been further refined to ensure that each parking area does not promote relocating parking from one location within the parking permit area to another location."</p> <p>Further (File: F2015/57 Ford Street Question on Notice) a 10/4/2015 response to my question included the following assurance: "The questionnaire forwarded to the Ford Street residents was a 'preliminary survey' ... As the response indicates that residents do not wish Council to consider parking restrictions, a follow up survey will not be necessary.....Therefore no restrictions are proposed for Ford Street."</p> <p>Question: Will the new Precinct 60 be abandoned, given it is contrary to precincts established in 2016 and further clarified for Precinct 59?</p>

	<p>Response:</p> <p>Consultation is currently being undertaken on the draft Banyule Residential Parking Permit Policy 2022. This policy will replace previous versions of this policy. Your comments will be considered as part of this process. Given the consultation is currently active, we will not commit to any changes to the draft policy until the consultation is complete.</p> <p><i>Natasha Swan – Director City Development</i></p>
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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 prior to considering the confidential matters: 12.1, 12.2, 12.3 and 12.4.

- 12.1 Olympic Park Project
- 12.2 Watsonia Town Square Project – Purchase of Land
- 12.3 Potential Strategic Property Acquisition
- 12.4 Outcomes of CEO Employment Matters Committee Meeting – 12 September 2022

Moved: Cr Peter Castaldo
 Seconded: Cr Tom Melican

CARRIED

The Meeting was closed to the public at 8:31pm in order to discuss items 12.1, 12.2, 12.3 and 12.4.

Items 12.1, 12.2 and 12.3 were designated confidential pursuant to section 3(1)(g) of the *Local Government Act 2020*, as they contained confidential information relating to private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets; or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Item 12.4 was designated as confidential pursuant to s 3(1)(f) of the 2020 Act as the information within the report contained personal information, being information which if released, would result in the unreasonable disclosure of information about the CEO and their personal affairs.

Closure of Meeting

The Meeting was closed at 9.31pm.

DATED: DAY OF 2020

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 MAYOR

The next Ordinary Meeting of Council will be held on Monday, 17 October 2022