

# Minutes of the Ordinary Meeting of Council



**Held on the 30 May 2022**

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

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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 Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Alida McKern, Cr Tom Melican, Cr Fiona Mitsinikos,

**Apologies**

Cr Rick Garotti  
Cr Mark Di Pasquale

**Leave of Absence**

**Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 9 May 2022*

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

**Disclosure of Interests**

Nil

**Presentation**

**1. URGENT BUSINESS**

## 2. PETITIONS

### 2.1 PETITION - JAMES RESERVE - RELOCATION OF SOCCER CLUB

There were 2 speakers on this item.

Wendy Palliser addressed Council in person.

A written statement was read out on behalf of Peter Mansour.

#### SUMMARY

1. A petition titled "James Reserve – Relocation of Soccer Club" has been received with 77 names in support.
2. Entries which have been deemed ineligible by officers have not been included as valid signatories.
3. Officers have taken ineligible signatories to include those that do not have a full address provided including suburb or street number, or where a name was not provided in line with s 46(1)(e) of Council's Governance Rules.
4. As such, of the 77 submissions of support received there are 21 ineligible signatories for a total of 56 complete signatories.
5. Of the 56 complete signatories, 51 are from within the Banyule municipality and 5 are from outside of municipality.
6. The petition request is summarised as follows:

We, the undersigned, petition and request Banyule Council to:

1. Reduce the increased soccer games being played at James Reserve (increased to 3 in one day recently) in particular no games to be played from 6.00pm to 9.00pm Saturdays.
2. Relocate the soccer club that fits the needs of the soccer club that does not conflict with the residence quiet enjoyment of their property (Residential Act), safety, and community expectation of what the reserve has become during COVID being a much needed green space in this highly developing area and forthcoming developments (Bell Street developments).
3. Stop the fences going up that changes the character of the reserve that serve no real purpose
4. Not to amalgamate the basketball nets along the side the cricket field as in plan, keep as is.

**Resolution (CO2022/88)**

That Council:

1. Receives and notes the petition titled “James Reserve – Relocation of Soccer Club”;
2. Refers the petition to the Sport and Leisure Department in the Community Wellbeing Division for investigation
3. Request a report be brought back to future meeting of Council detailing the outcomes of the investigations; and
4. Advise the primary petitioner of this resolution as soon as practicable.

Moved: Cr Peter Dimarelos  
Seconded: Cr Alida McKern

**CARRIED**

### 3. OUR INCLUSIVE AND CONNECTED COMMUNITY

#### 3.1 MONTMORENCY BOWLING CLUB REDEVELOPMENT

##### SUMMARY

1. In June 2016, Council adopted the Petrie Park and Rattray Reserve Master Plan. A key recommendation was that a feasibility study be undertaken to determine the viability of consolidating the pigeon club and the scout hall with the bowling club, to create a larger multi-purpose community facility.
2. Findings and recommendations of the 2016/17 final report issued by the consultants were not implemented due to site constraints and cost. Importantly the report did recognise that Montmorency Bowling Club needed an upgrade and more space.
3. At the 6 August 2018 Council meeting a report was considered on the feasibility of a multipurpose community building at Petrie Park that consolidated the pigeon club and the scout hall with the Montmorency Bowling Club (MBC).
4. Council resolved at this meeting that this option was no longer viable and to:
  - abandon the feasibility study
  - re-allocate the remaining \$170,000 to investigate what upgrade opportunities exist for the Montmorency Bowling Club
  - request officers explore opportunities in relation to the rectangular parcel of land behind the Montmorency Bowling Club (adjacent to the rear property of 1 Allens Rd)
  - receive a further report to consider concept designs and cost estimates to upgrade the Montmorency Bowling Club building.
5. Following the 2018 Council meeting, officers commenced exploring land exchange to facilitate an enhanced facility upgrade at a more affordable project cost. Council resolved to exchange land at its June 2020 meeting and in February 2022 the application was officially lodged at LandVic.
6. Officers have also been working extensively with Montmorency Bowling Club over the last three years to develop a scope of works that addresses the needs of the Club, members and the broader community. Progress has been intermittent to allow for the negotiation and statutory requirements associated with the land swap to unfold, as this outcome impacted scope.
7. Currently Council has \$1 million allocated in the draft 2022/23 budget for construction and the focus is on enhancing the meeting and storage space, improving the out-dated amenities/kitchen and removing the access barriers to make the facility more accessible and inclusive.
8. Detailed design and cost estimates are presented based on this scope which are estimated at \$1.7 million expenditure for redevelopment, **Attachment 1**.
9. Officers have applied for State Government funding under the Sport and Recreation Victoria LSIF grant stream for \$250,000. The outcome will be confirmed by mid-June 2022.
10. If the funding application is successful, there will be a potential budget shortfall of \$450,000. If unsuccessful a shortfall of \$700,000 is anticipated.
11. Officers have explored options of re-designing the scope, however this will not meet the club's future needs or bring the pavilion up to current standards.

**Resolution (CO2022/89)**

That Council:

1. Refers the shortfall amount of \$700,000 for Montmorency Bowling Club Redevelopment to the 2022/2023 budget process.
2. Notes that a funding application for \$250,000 has been submitted to the Local Sports Infrastructure Fund – Community Facilities stream to support the project implementation.
3. Advocates to the current State Member for Eltham and any prospective candidates for funding support for this project via an election commitment for the upcoming state election

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

**CARRIED**

**4. OUR SUSTAINABLE ENVIRONMENT**

Nil



## 5. OUR WELL-BUILT CITY

### 5.1 AMENDMENT C119 - PROTECTION OF SIGNIFICANT TREES - PANEL REPORT SUMMARY

1. The purpose of this report is to consider the independent Planning Panel Report (19 April 2021) and its findings on Banyule Planning Scheme Amendment C119bany – Protection of Significant Trees (**C119**) and decide whether or not to adopt the amendment.
2. On 6 December 2021, Council resolved to refer all fourteen (14) submissions received during formal public exhibition of C119 to an independent planning panel (**Panel**).
3. The Panel Hearing was held on 17 March 2022 which provided submitters to C119 with the opportunity to present information and speak to their submission in an independent forum.
4. The Panel Report (included at **Attachment 1**) found *'the Amendment is well founded and strategically justified, and should proceed'*. It recommends the amendment be adopted as exhibited subject to minor corrections identified by Council. The Panel has found that Council's approach to significant trees is built on sound policy justification.
5. In line with the Panel's recommendation it is recommended Council adopt Amendment C119 and submit to the Minister for Planning for final approval.
6. The *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* (see **Attachment 2**) has been updated to accommodate the minor changes supported by Panel. The Tree and Vegetation Assessments provide the strategic basis for the amendment and will be included in the Planning Scheme as a background document. It is recommended the document be adopted by Council.
7. Beyond the scope of Amendment C119 but discussed by the Panel Report, Council has already identified a need to 'tidy up' some of the language, terminology, references and planning permit triggers within its vegetation controls to improve consistency and legibility of the Planning Scheme. This work is being progressed as part of a Vegetation Protection Controls Review – albeit Council will need to understand what changes the State Government may make to planning provisions in relation to its 'Cooling and Greening' program. The Panel acknowledged and supported this approach, noting it had no bearing upon C119.
8. Interim tree protection controls for significant trees that were approved by the Minister for Planning via Amendment C117 are due to expire on 31 May 2022. A request via Planning Scheme Amendment C168 under 20A of the *Planning and Environment Act 1987* has been made asking the Minister for Planning to extend the interim controls by six months until 30 November 2022 and correct technical errors. This allows time for C119 to be considered for adoption by Council and submitted to, and considered for approval by, the Minister for Planning. Such an extension is typical of 'interim' controls where a permanent amendment is appropriately advanced.

**Resolution (CO2022/90)**

That Council:

1. Note and accept the recommendations of the Planning Panel in the *Banyule Planning Scheme Amendment C119 Additions to the Significant Tree and Vegetation Register, Panel Report* (19 April 2022) at Attachment 1 in accordance with Section 27 of the *Planning and Environment Act 1987*.
2. Adopt Amendment C119 to the Banyule Planning Scheme with changes included in the Panel preferred version of the Environmental Significance Overlay Schedule 4 at Appendix C of the *Banyule Planning Scheme Amendment C119 Additions to the Significant Tree and Vegetation Register, Panel Report* (19 April 2022) in accordance with Section 29 of the *Planning and Environment Act 1987*.
3. Submit the adopted Amendment at Recommendation 2 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
4. Adopt the *Banyule Significant Tree and Vegetation Assessments 2020 (v.2)* at Attachment 2.
5. Note the request to the Minister for Planning to prepare Amendment C168 under section 20A of the *Planning and Environment Act 1987* to extend the interim controls on significant trees applied by Amendment C117 and correct some minor technical errors.
6. Continue work on the Vegetation Protection Controls Review to consider improvements to vegetation controls in the Planning Scheme.
7. Continues advocacy to the State Government for tree protection controls to be incorporated into the building regulations
8. Receives a further report into the investigation of the effectiveness of pruning exemptions in protecting trees on the significant tree register.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

## 5.2 230-232 BANKSIA STREET & 96-100 ORIEL ROAD, BELLFIELD - BELLFIELD REDEVELOPMENT PRECINCT (P1616/2021)

There was 1 speaker on this item.

A pre-recorded video statement was played on behalf of Billy Rebakis.

### SUMMARY

1. This planning application for the Bellfield Redevelopment Precinct follows Council's approval of the Development Plan at the 21 March 2022 Council Meeting.
2. The proposal seeks approval for buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements.
3. Public notification of the proposal has been undertaken with a letter sent to the Waratah Special Development School as the only direct abuttal. No submissions have been received. This follows extensive notification of the Development Plan application.
4. The assessment of this proposal concludes that while there are some minor variations in the context of the approved Development Plan, specifically with regards to ESD outcomes; the proposal continues to meet the objectives and directions of both the Urban Design Guidelines (UDG) and Development Plan Overlay – Schedule 8 (DPO8), in addition to applicable ResCode objectives.
5. It is recommended that the proposal be approved subject to conditions to improve amenity outcomes for future occupants, ensure tree retention, specify ESD outcomes, improve urban design and public open space in addition to standard conditions.

### Resolution (CO2022/91)

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P1616/2021 for Buildings and works for a staged mixed-use development incorporating the construction of up to 340 dwellings and alterations of access to a Transport Zone 2, use of the land for a shop or food & drink premises, and the reduction of car parking requirements. At 96-100 Oriel Road BELLFIELD and 230-232 Banksia Street BELLFIELD subject to the following conditions:

#### General plans

1. Before the development permitted by this permit commences (excluding early works and demolition), amended plans and documents 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 plans (TP 00.00 – 3.30, Revision A prepared by Rothelowman) and accompanying documents submitted 19 April 2022, but modified to show:
  - (a) Reconfiguration of Class 1 Townhouses, Lots 42-44, to enable the retention of Tree #18 and accompanying arboricultural evidence to ensure associated encroachment and pruning of the tree is to the satisfaction of the Responsible Authority;
  - (b) Tree #18 to be located in common property;

- (c) Provision of a detailed solar orientation assessment to provide solar access opportunities in accordance with essential requirement E of the EnviroDevelopment tool;
- (d) Provision of appropriate external shading in accordance with the results of the solar assessment requested in condition 1(c) and to the satisfaction of the Responsible Authority;
- (e) Electric vehicle charging infrastructure to be notated on plans in accordance with the SMP;
- (f) A minimum of 15% of the Class 1 townhouses to achieve a minimum NatHERS rating of 7 stars;
- (g) Demonstrated of calculation of 20% improvement over minimum lighting power densities in accordance with the submitted SMP prepared by *Ark Resources*;
- (h) Demonstration of compliance with JV3 preliminary section J for the commercial premises in accordance with the submitted SMP prepared by *Ark Resources*;
- (i) Notation of rainwater storage tank capacity for Class 1 townhouses including details of connections and end use;
- (j) The electrical kiosk in the public open space relocated to the basement or if it can be demonstrated that this is not possible, it must outside of the public open space area or not included in the calculated 5% area and sited and appropriately screened to minimise visual impact from the public realm;
- (k) The 'retail premises' to be labelled as 'Commercial: Shop or Food & Drink Premises' or other similar Section 1 use;
- (l) Additional details of external fencing to ground floor private terraces, including materials and style;
- (m) Framing to north elevation of Stage 2 townhouses (Perkins Avenue Façade) to be finished in a darker colour than the external walls to strengthen the podium view from the streetscape and subsequent updates to external materials schedule;
- (n) 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 for Class 1 townhouses;
- (o) All mail boxes located in accordance with Australia Post guidelines;
- (p) Any modifications required to ensure all windows and balconies of the townhouses comply with Standard B23 'Internal Views'; Demonstrating of compliance with Standard B23 must be provided;
- (q) Details of location of all external lighting to be provided for the safety of residents and pedestrian, to be baffled where necessary to minimise light spill;
- (r) A staging plan showing the order in which stages/sections of the development will be constructed and to include all public realm works to be constructed within each stage;
- (s) A site services plan showing details (location, heights, colours, screening) of all external services including air conditioners, solar panels, meters, water storage tanks etc
- (t) Stage 1 Development Drainage Plans in accordance with Condition 2 of this permit
- (u) Environmentally Sustainable Development (ESD) Drawings as required by Condition 3 of this permit;
- (v) A Water Sensitive Urban Design (WSUD) Drawing as required by Condition 4 of this permit;
- (w) Tree Preservation Fencing in accordance with Condition 9 of this permit.

#### **Development Drainage Plans**

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2. Before the development permitted by this permit commences (excluding early works and demolition), Stage 1 Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Drainage plans for subsequent stages must be submitted and approved by the Responsible Authority prior to commencement of buildings and works for that stage. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:
- (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated legal point of discharge;
  - (c) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and include drainage details as a result of landscaping;
  - (d) All drainage plans must show for Trees #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76: 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 Arbor Survey, December 2021.

Please note the plans must show all protected and/or retained trees on the development site, on adjoining properties where tree canopies encroach the development site and along proposed outfall drainage and roadway alignments (where applicable) and every effort must be made to locate services away from the canopy drip line of trees and where unavoidable, details of hand work or trenchless installation must be provided.

#### **Environmentally Sustainable Development (ESD) Drawing**

3. Before the development permitted by this permit commences (excluding early works and demolition), satisfactory indicative ESD Drawings dedicated to demonstrating all features claimed within SMP Report must be submitted to and approved by the Responsible Authority. This will include a minimum of one indicative floor plan and elevations for the apartments, lofts and townhouses respectively. The drawing/s must include the following, **as applicable**:
- (a) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in the SDA/SMP and their respective locations;
  - (b) Water efficient garden design features annotated i.e. indigenous plant species, mulched garden beds, drip irrigation;
  - (c) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
  - (d) The Hot Water unit type and energy rating;
  - (e) The Heating System type and energy rating;
  - (f) The Cooling System type and energy rating;
  - (g) All electric (no natural gas uses) development features;
  - (h) External Lighting including Motion Detectors in their respective locations;
  - (i) Clothes lines/efficient clothes dryer installed location;
  - (j) Solar panels installed location, their system size (kW), inverter level system and respective locations;
  - (k) The Water Sensitive Urban Design (WSUD) measures on the property (as calculated using STORM or MUSIC) claimed, i.e Rainwater Tanks, Raingardens, Permeable Paving, etc and

the path of connection to their respective end use, such as rainwater tank connection to toilets;

- (l) 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;
- (m) Location and type of adjustable shading devices to north, east and west facing windows (i.e internally fitted louvres, internal blinds, external blinds/shutters/etc);
- (n) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (o) Electrical Vehicle charging infrastructure;
- (p) Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- (q) Design measures annotated to minimise the urban heat island effect eg. light coloured roof, light coloured paving, vegetated site coverage;
- (r) Product specification of paints /sealants/adhesives/carpets/ engineered wood (as applicable) which meet maximum total indoor pollutant emission limits eg. VOC or formaldehyde;
- (s) Details of signage and educational measures to encourage recycling and organic waste practice.

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

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

4. Before the development permitted by this permit commences (excluding early works and demolition), a satisfactory WSUD Drawing demonstrating all features claimed within the MUSIC report and SMP report is to be submitted to and approved by the Responsible Authority.

- A dedicated drawing including all features, their location and corresponding catchment area (m<sup>2</sup>) as claimed in the Melbourne Water STORM Calculator/ MUSIC Modelling Reporting Tool;
- An excerpt of the most recent Melbourne Water STORM Calculator or MUSIC Modelling Report included on plan with a pass rate that reflects the SMP report;
- A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;

It must include the following **as applicable**;

- The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
- A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
- The location, area (m<sup>2</sup>) 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;
- The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;

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

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**OTHER ACTIONS REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT****ESD Inspections and Certifications**

5. Prior to commencement of each stage of the development (excluding early works and demolition), a pre-build ESD meeting must be undertaken to advise relevant parties of ESD requirements and initiatives. A copy of the meeting minutes must be provided to Council.
6. During the construction of each stage of the development, 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 relevant ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

- Photographic evidence of each ESD features;
  - Product specifications evidencing the energy ratings of appliances as claimed in the SMP;
  - Product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
  - Product specifications evidencing the R-Values of all building fabric insulation used on the project;
  - 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; (reference to endorsed smp)
  - Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable);
7. Prior to the issue of Statement of Compliance or Occupation of each stage, the owner or developer must notify Council's Development Planning section that the stage of 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.*

8. Within 18-24 months of occupation of the development, climate active certification for the Stage 1 apartments must be provided to the satisfaction of the Responsible Authority.

**Tree Management and Protection Plan**

9. Before the development permitted by this use commences, a Tree Management & Protection Plan (TMPP) to the satisfaction of the responsible authority, must be submitted to, and approved in writing by, the responsible authority. The TMPP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of the Trees #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76

The Tree Management & Protection Plan must include (but not be limited to):

- (a) A management regime for all trees during the demolition, construction and post construction phases of the development must include and consider all Tree Protection measures condition as part of planning permit P1616/2021
- (b) A tree protection plan drawn to scale.
- (c) All tree protection zones and structural root zones to be indicated on the plan.

- (d) The specific construction techniques set out in the Arborist Report by Arbor Survey, December 2021.
- (e) The types of footings used within tree protection zones where applicable.
- (f) Details of how root systems of the trees to be protected 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
- (g) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used.
- (h) Tree removal methods for approved vegetation
- (i) 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. Pruning requirements must be noted to be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Pruning requirements must be restricted to the removal of the minimum amount of live canopy of individual trees to achieve construction clearance requirements.
- (j) Details regarding site access points by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees.
- (k) Details of the treatment of all underground services in relation to the TPZ of retained trees. The Tree Protection Plan 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.
- (l) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority.

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

### Public Open Space Plan

10. Unless otherwise agreed in writing by the Responsible Authority, the development permitted by this permit may not be commenced (excluding early works and demolition) until a satisfactory detailed landscape plan for the public open space reserve within the development is submitted to and approved by the Responsible Authority. Such plan must be prepared by suitably qualified or experienced person/s and shall include as appropriate:
- (a) Details of landscaping and development of the public open space reserve which is to include:
    - (i) Lighting, seating, bollards and public art, including suitable bollards or fencing along the roadside boundary;
    - (ii) Water supply and taps;
    - (iii) Facilities that are to be contained within it must comply with the Disability Discrimination Act. The public open space must be designed for open public access with no restricted access areas included;
    - (iv) The provision of lighting for the safety and security of open space users. Lighting must be designed to avoid the creation of excessive light spillage that could cause a nuisance to adjacent residents;
    - (v) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal;
    - (vi) An indigenous and/or drought tolerant planting theme;
    - (vii) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
    - (viii) Tree protection measures for trees to be retained;
    - (ix) All footpaths to comply with relevant Banyule City Council specifications;



- (x) Details of how the public open space will be delineated from other areas of the site;
- (xi) Details of methods to ensure no vehicles can access the designated public open space area;
- (xii) Details of the proposed raingarden;
- (xiii) Details and specifications of the proposed shade structure, with selected design and materials to ensure maintenance requirements are minimised;
- (xiv) Details of fencing, screening and/or vegetation to incorporate the electrical kiosk into the landscaping scheme of the public open space.

### Landscaping Plans

11. Unless otherwise agreed by the Responsible Authority, before each of the relevant stages of the development permitted by this permit commences (excluding early works and demolition), satisfactory detailed landscaping plans for that stage must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:
- (a) Any amendments required by Condition 1 or other conditions of this permit;
  - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
  - (c) An indigenous and/or drought tolerant planting theme;
  - (d) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
  - (e) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
  - (f) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;
  - (g) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and WSUD report, with reference to connection details on the engineering plans.

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

### Construction Management Plan

12. Before the development and use permitted by this permit commences. A construction management strategy must be submitted and approved by the Responsible Authority. The plan will then be endorsed and must include:
- (a) Details of measures to be implemented to minimise adverse impacts during the development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
  - (b) Details of the measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
  - (c) The designation of tree protection zones for canopy trees to be retained on the land.
  - (d) The location of site offices, security fencing, cranes, off-street vehicle parking for construction and trades employees and construction vehicle routes.
  - (e) Details of the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
  - (f) Details of the hours of construction on the site.

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All works conducted on the land must be in accordance with the approved Construction Management Strategy.

#### **Notification of Responsible Authority of other matters**

13. Before the development and use 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.
14. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until the Tree protection measures required by the Tree protection/landscape condition 5 of this permit are installed to the satisfaction of the Responsible Authority.

#### **Development Infrastructure Levy**

15. 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**

16. 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 #6, #18, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #55, #58, #60, #70, #71, #72, #73, #74 and #76 to the satisfaction of the Responsible Authority:

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and Condition 9 'Tree Protection and Management Plan'

- (a) Tree protection fencing 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 TPF area 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 there are approved works within the TPF area, it may only be reduced to the required amount by the project arborist only during approved construction

within the TPZ and must be restored in accordance with the above requirements at all other times.

17. 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 the minimum amount of live canopy of individual trees to achieve construction clearance requirements.
  - (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 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.

#### **Underground Services**

18. Any underground service installations within the calculated Tree Protection Zone of any retained Tree must be bored to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained Tree required for the connection of services must be:
- (a) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of Trees under the supervision of the project arborist;
  - (b) Approved by the Project Arborist and a certification document of the works must be submitted to the Responsible Authority as required.

#### **Section 173 Agreement**

19. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences (excluding early works and demolition), the owner of the land at 230-232 Banksia Street BELLFIELD and 96-100 Oriel Road BELLFIELD must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement must require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P1616/2021.
  - (b) The owner acknowledge that occupants of the dwellings will not be granted on street or off street parking by way of a resident or visitor vehicle parking permit.
  - (c) The owner acknowledge that an Owners Corporation is responsible for the maintenance and upkeep of all proprietary stormwater devices to the satisfaction of the Responsible Authority.

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

#### **ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT**

##### **Council Trees**

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

#### **Foot Way Easement**

21. Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of Stage 1 of the development approved under this planning permit, the owner of the land at 230-232 Banksia Street BELLFIELD and 96-100 Oriel Road BELLFIELD must register on title a foot way easement to allow for free and unfettered pedestrian access to any persons across the pedestrian footpath areas between the linear park and Oriel Road.

#### **Civil Works**

22. Unless otherwise agreed in writing by the Responsible Authority, Prior to occupation of the relevant stage of the development approved under this planning permit, a civil works plan showing design and construction details for the footpath on the eastern bank of the North-South Boulevard and any other relevant works must be submitted and to the satisfaction of the Responsible Authority;

#### **Occupation of Development**

23. Unless otherwise agreed in writing by the Responsible Authority, each stage of the proposed development must not be occupied until:
- (a) The parking areas shown on the endorsed plans for the stage have been constructed to the requirements and satisfaction of the Responsible Authority;
  - (b) The landscape areas shown on the endorsed plans for the stage have been substantially planted to the requirements and satisfaction of the Responsible Authority;
  - (c) Drainage works for the stage have been undertaken and completed to the requirements and satisfaction of the Responsible Authority;
  - (d) Driveway, pathway, basement and undercroft lighting for the stage is installed in accordance with the relevant Australian Standards.
  - (e) All relevant public realm and civil works for the stage have been substantially completed to the satisfaction of the Responsible Authority.

#### **ONGOING REQUIREMENTS OF THIS PERMIT**

##### **General**

24. 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.

##### **Public Open Space**

25. At the time of vesting in Council, the designated public open space must be completed to be suitable for use as public open space to the satisfaction of the Responsible Authority.
26. The designated public park must be generally level and made publicly available. The land must be vested in Council and constitutes its public open space contribution as required by Clause 53.01 of the Banyule Planning Scheme.

**Car Parking/Access**

27. 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.
28. 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.
29. 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 nature strip 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.

**Restrictions on use (Commercial)**

30. The commercial use must only operate between the following hours except with the further written consent of the Responsible Authority:
  - (a) Sunday-Wednesday: 7am-10pm
  - (b) Thursday-Saturday: 7am-11pm
31. Except with the prior written consent of the Responsible Authority:
  - (a) Deliveries to the site, and
  - (b) Garbage collection from the site

shall only occur between 7am and 6:30pm Monday to Friday.

**Amenity (Commercial Use)**

32. The commercial use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
33. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
34. Except with the further consent of the Responsible Authority no form of public address or music amplification system shall be used within the retail premises so as to be audible outside the building.
35. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.
36. In respect of commerce, industry and trade development and/or use, noise emissions from the commercial space must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).
37. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).

**Urban Design and Landscaping**

38. 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.
39. 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.
40. 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.
41. 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.
42. The owner must ensure that the landscaped areas shown on the endorsed plan and schedule 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.
43. 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**

44. 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.
45. Waste management must be carried out in accordance with the Waste Management Plan approved as part of this permit.

**Maintenance of property**

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

**Permit Expiry**

47. 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 first stage of the development is not commenced within two years of the date of this permit; or
  - (b) The final stage of the development is not completed within six years of the date of this permit.
  - (c) The use of the commercial premises is not commenced within four years of the completion of the relevant stage.
  - (d) The use of the commercial premises ceases to operate for a period of two years once commenced.
48. This permit has no force or effect until the restriction that affects the land on Crown allotment 2082 is removed or the plans are amended so that the proposal does not result in a breach of the restriction.

Moved: Cr Peter Dimarelos  
Seconded: Cr Tom Melican

CARRIED

**5.3 3/214 AQUEDUCT ROAD, ST HELENA - PACKAGED LIQUOR LICENCE (P130/2022)**

There were 4 speakers on this item.

Laura Thomas addressed Council in person.

Written statements were read out on behalf of Katherine Melitsis, Chris Shipsides and Mary Rostan.

**SUMMARY**

1. A planning permit application has been received by Council. The application seeks approval for the sale of packaged liquor at 3/214 Aqueduct Road, St Helena. A planning permit is required under Clause 52.27 – Licensed Premises of the Banyule Planning Scheme.
2. The proposed hours of operation are as follows:
  - Monday – Saturday: 9am – 10pm
  - Sunday: 10am – 10pm
  - ANZAC Day: 12 noon – 10pm
  - Good Friday & Christmas Day: No trade
3. A total of twelve objections were received during public notification raising concerns relating to need for a second liquor store within the commercial centre, proximity to educational facilities, safety and security, visibility of liquor store from public realm, degeneration of the commercial centre and traffic impacts.
4. A community consultation meeting was held on 10 May 2022 with five objectors in attendance and representatives from the Development Planning Team as well as the Ward Councillor.
5. The proposal is considered appropriate within the commercial context of the site and achieves an acceptable level of compliance with the decision guidelines included under Clause 52.27. For these reasons, the proposal should be supported subject to permit conditions.

**Resolution (CO2022/92)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolve to issue a Refusal to Grant a Planning Permit in respect of Application No. P130/2022 for the Use of the land for the sale of liquor (packaged licence) at 3/214 Aqueduct Road ST HELENA on the following grounds:

1. The proposed sale of packaged liquor would have an adverse impact on the amenity of the area contrary to the provisions of Clause 52.27 – Licensed Premises of the Banyule Planning Scheme.

Moved: Cr Alison Champion  
Seconded: Cr Elizabeth Nealy

**CARRIED**



#### 5.4 BELL STREET DEVELOPMENT - RESOLUTION OF NOTICE OF INTENTION TO SELL LAND

##### SUMMARY

1. Council owns the land at 310 Bell Street, Heidelberg West, which currently functions as a carpark for the Bell Street Mall. There is an opportunity to revitalise the Bell Street Mall area with a purpose-built community facility and associated higher-density, mixed-use development. A section of the subject land, located on the corner of Oriel Road and Bell Street, has been identified for this potential strategic development opportunity.
2. As part of the proposed sale of land, Council would retain ownership of the new community facility within the development.
3. At its meeting on 9 May 2022, Council received and considered four written submissions in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act') regarding the proposed sale of land at 310 Bell Street, Heidelberg West.
4. The major issues raised by submitters were:
  - The protection of the existing trees at the corner of Oriel Rd and Bell St, and incorporation of greenery within the new development
  - The visibility of and access to existing business within the Mall
  - The current usage level of the existing car park on Bell Street, and the subsequent inconvenience of using the alternative car parks
  - The potential effects of other new developments (e.g. Bell/Bardia) on parking and traffic.
5. Council gave notice of its intention to sell under Section 114 of *the Local Government Act 2020 (Act)* to sell Council land by private treaty and can now make a decision whether or not to sell the Council Land.

**Resolution (CO2022/93)**

That Council:

1. Having complied with sections 55 and 114 of the *Local Government Act 2020*:
  - a. by giving public notice on Council's website and onsite;
  - b. by inviting written submissions and requests to be heard in support of any submissions at Council's Ordinary Meeting of 9 May 2022; and
  - c. by recording that four written submissions were received

is of the opinion that the land at 310 Bell Street, Heidelberg West, as described within this report and on titles Vol 08096 Folio 171 Plan Res1 PS 33018 and Vol 08096 Folio 171 R1 PS 33018, is not required or suitable for any current, or reasonably anticipated, Council projects.

2. Resolves to sell the land to a private developer as the sale will catalyse the development of the site and its surroundings, and ensure Council achieves its long-held vision to deliver a Council-owned community facility within the Bell Street Mall precinct.
3. Notes that Council is not ultimately obliged to sell the land following completion of negotiations with a preferred development partner.
4. Authorises the Chief Executive Officer or delegate to sign and seal the necessary documentation at the appropriate time.
5. Advises submitters of Council's resolution and reasons for its decision in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020* ('the Act').

Moved: Cr Tom Melican

Seconded: Cr Peter Dimarelos

CARRIED

***Councillor Dimarelos left the Chamber at 7.38 pm.***

***Councillor Dimarelos returned to the Chamber at 7.41 pm.***

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## 6. OUR VALUED COMMUNITY ASSETS AND FACILITIES

### 6.1 46A MOUNTAIN VIEW ROAD MONTMORENCY - REMOVAL OF RESERVATION STATUS AND SALE OF RESULTANT LAND

#### SUMMARY

1. The drainage reserve known as 46a Mountain View Road, Montmorency (the Land) runs between 44 and 46 Mountain View Road and 3 and 5 St Faiths Road, Montmorency. Part of the Land is currently enclosed within the fenceline of 5 St Faiths Road.
2. There is no strategic or long- term purpose to retain the reserve status on the Land, which has been enclosed within the fenceline of the adjoining properties for over 50 years.
3. Council has undertaken its statutory procedures pursuant to section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020 (the Act) giving notice of its intention to remove the reservation status and sell the resultant land.
4. Public notice was given on Council's website and signage erected on the land from 1 April 2022 advising of Councils intention to remove the reservation status and sell the Land. Public submissions were invited in accordance with Council's Community Engagement Policy and Procedures. The submission period closed on 29 April 2022. No submissions were received.
5. This report discusses the removal of the reserve status from the Land and advises Council of the outcome of the statutory procedures and proposed sale of the resultant Land to the adjoining owners.

#### Resolution (CO2022/94)

That Council:

Being of the opinion that the drainage reserve known as 46a Mountain View Road, Montmorency (the Land) is surplus to Council's and the community's needs, now directs that:

1. Pursuant to Section 24A of the *Subdivision Act* 1988 and section 114 of the *Local Government Act* 2020, the statutory procedures to remove the reservation status and sell the resultant Land have been completed and records that no submissions were received.
2. Following confirmation that no submissions were received, Council will decide whether or not to sell part of the Land to the owner of 5 St Faiths Road, Montmorency.
3. Balance of the Land to be retained in Council's ownership pending interest from adjoining property owner.
4. Authorise the Chief Executive Officer or delegate to sign and seal the necessary documentation relating to the sale of the Land.

Moved: Cr Alison Champion  
Seconded: Cr Peter Dimarelos

CARRIED

**6.2 BUNDOORA HALL AND ANNEX - CAPITAL PROJECT FUNDING 22/23****SUMMARY**

1. An allocation of \$500,000 was provided in the 2021/22 capital budget for improvement works to Bundoora Hall Annex and Hall to support the operations of the Contact Centre and benefit other casual hall users.
2. Officers have been working with the Contact Centre to develop a scope of works that responds to their needs and address the building constraints and challenges associated with access, amenity and storage.
3. A Quantity Surveyor (QS) Report on the architectural concept design is indicating a potential \$159,000 shortfall in funds.

**Resolution (CO2022/95)**

That Council:

1. Refers the budget shortfall of \$159,000 for the Bundoora Hall and Annex Upgrade to the 2022/23 budget process.

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

CARRIED

**7. OUR THRIVING LOCAL ECONOMY**

Nil

## 8. OUR TRUSTED AND RESPONSIVE LEADERSHIP

### 8.1 BANYULE ADVOCACY FRAMEWORK AND PRIORITIES

#### SUMMARY

1. This report provides an overview of Banyule's first ever Advocacy Framework and four-year Advocacy Action Plan for the 2022 -2026 period.
2. The Advocacy Framework demonstrates how Council's advocacy work aligns with the Community Vision and Council Plan and includes a set of guiding principles that help determine advocacy priorities, and an approach for reporting back to Council.
3. The Framework identifies the varied roles that Council plays in advocating, including:
  - Supporting our community to advocate for themselves
  - Identifying partnerships with our community and stakeholders for a united voice on advocacy projects
  - Taking the lead on major advocacy priorities.
4. The Advocacy Action Plan lists actions for Council to strengthen its advocacy approach over the next four years.
5. A list of twenty-six (26) advocacy priorities have been identified for the 2022-23 year that respond to each of the priority themes identified in the Community Vision. Advocacy priorities will be presented to Council every twelve months for review and endorsement to ensure they remain consistent with community needs.
6. The 2022-23 advocacy priorities will guide Council's pre-budget submissions to the Victorian and Australian Governments and inform discussions with local MPs and relevant Ministers.
7. Council has identified four key projects to actively campaign for Victorian Government investment in the lead up to the Victorian State Election in November 2022. These are:
  - Better traffic features and land use options to be included in the northern part of the North East Link
  - Re-design of the proposed Greensborough Transport Interchange and commuter carpark
  - Electrification of the Ivanhoe Aquatic and Leisure Centre
  - Accessibility of the Watsonia Station.

**Resolution (CO2022/96)**

That Council:

1. Endorse the Advocacy Framework and four-year Advocacy Action Plan
2. Endorse the 2022-23 Advocacy Priorities and prepare advocacy plans to identify opportunities to engage with local Members of Parliament, Ministers, and Government officials, to secure funding for priority projects.
3. Actively campaign, in the lead-up to the 2022 State Election, for:
  - The northern section of the North East Link to include better transport and land planning options to improve connectivity for residents and commuters, financial viability for local traders, reduced noise, and address environmental concerns.
  - Funding to bring the Watsonia Railway Station up to ground level so that it is accessible to all commuters.
  - Electrification of the Ivanhoe Aquatic Centre, making it one of the first retrofitted leisure centres to achieve five star green accreditation
  - Re-design the Greensborough Bus Interchange and Commuter Carpark to be located on, or adjoining, the Greensborough Railway Station site.

Moved: Cr Alida McKern

Seconded: Cr Tom Melican

CARRIED

## 8.2 INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER

### SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. The current Instrument of Delegation from Council to the Chief Executive Officer, also known as s5 or Schedule 5, was executed on 24 May 2021.
3. There are no material changes proposed to the Instrument of Delegation from Council to the Chief Executive Officer from when it was executed on 24 May 2021.
4. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
5. Council subscribes to the Maddocks (Lawyers) Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and the provision of template instruments, which are then tailored to organisational requirements.
6. The proposed Instrument of Delegation from Council to the Chief Executive Officer (s5) is presented to Council for consideration as attached to this Report at **Attachment 2**.

### Resolution (CO2022/97)

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Banyule City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer (Attachment 2 to this report)* subject to the conditions and limitations specified in that Instrument;
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Tom Melican  
Seconded: Cr Alida McKern

CARRIED

### 8.3 INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

#### SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. Council subscribes to Maddocks (Lawyers) Delegations and Authorisations In-Depth Service which provides a range of schedules for Council to utilise and modify according to their organisational needs in line with relevant legislation.
3. One of the instruments that Maddocks structure and prepare in their service is the Instrument of Delegation from Council to Members of Council staff, also known as Schedule 6 or s6.
4. Previously at Banyule City Council the legislation that is encompassed in the s6 was broken down into separated instruments per required legislation and Council had resolved in August 2020 to execute those instruments individually. Those Instruments are effective and have enabled the Council and organisation to transact business.
5. As a process change, and in line with the Maddocks Delegation and Authorisation In Depth Service, those individual instruments of delegation as per each legislation is now encompassed into the s6 schedule.
6. The s6 has been prepared for Council's consideration and provides a schedule of the legislation that only Council can delegate directly to Members of Council staff, and that the Chief Executive Officer is unable to sub delegate under the *Local Government Act 2020*.
7. Members of Council staff from across the organisation have been involved in the consultation process to inform the relevant positions within Council to be 'delegated' the right duties, powers and functions under each respective piece of legislation to support the implementation of Council's decisions and transact the business of Council effectively and efficiently in line with the laws of the day.
8. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
9. The revised Instrument of Delegation from Council to Members of Council Staff (s6) is presented to Council for consideration as attached to this Report.



**Resolution (CO2022/98)**

That Council:

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument (**Attachment 1**) of delegation, resolves that -

1. There be delegated to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

***Councillor Castaldo left the Chamber at 8.11 pm.***

***Councillor Castaldo returned to the Chamber at 8.12 pm.***

#### 8.4 INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

##### SUMMARY

1. The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.
2. Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks (Lawyers) Authorisations and Delegations In Depth Service, which Council subscribes to.
3. Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution.
4. Maddocks recommends that Council execute the appointment and authorisation of authorised officers under the *Planning and Environment Act 1987* because these Acts place limitations on what powers can be sub-delegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.
5. Authorisations are different to delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.

##### Resolution (CO2022/99)

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the instrument as attached at **Attachment 1** be appointed and authorised as set out in the instrument;
2. The instrument comes into force immediately as it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

Moved: Cr Alison Champion  
Seconded: Cr Tom Melican

CARRIED

**8.5 INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND  
AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017****SUMMARY**

1. The Environment Protection Act 2017 (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.
2. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed however, there have been changes to the laws and powers of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to councils.
3. Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council.
4. Following this, Maddocks (Lawyers) advised that Council should now sub-delegate these powers, as conferred by section 437(2) of the Act to Council officers.
5. The attached Instrument of Sub-Delegation from Council to Members of Council Staff reflects this advice and is presented to Council for adoption.
6. It is important to note that the powers contained in the Instrument of Sub-delegation can only be delegated to council staff who are authorised under section 242(2) of the Act.
7. For this reason, both the Instrument of Delegation and the Instrument of Appointment to Authorised Officers are also presented to Council for adoption (**Attachment 1 and Attachment 2**) to this report.

**Resolution (CO2022/100)**

That Council:

1. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Banyule City Council (Council) resolves that:
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (**Attachment 1**) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
3. The instrument comes into force immediately after the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
  - a) The members of Council staff referred to in the instruments be appointed and authorised as set out in the instrument (**Attachment 2**).
  - b) The instrument comes into force immediately the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument and remains in force until Council determines to vary or revoke it.

Moved: Cr Peter Dimarelos  
Seconded: Cr Fiona Mitsinikos

CARRIED

## 8.6 AWARDING OF CONTRACT NO.1183-2022 FOR CARPENTRY SERVICES ON COUNCIL FACILITIES AND ASSETS

### SUMMARY

- This report is to consider the awarding of Contract No. 1183-2022 for a panel of contractors for the carpentry services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The carpentry panel forms one of the key services undertaking these works.
- The appointment of a panel of contractors under this contract, will support Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
- The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
- Tenders were received from thirteen companies.
- The Tender Evaluation Panel (TEP) has recommended awarding the contract to five contractors in accordance with the tender conditions as determined by Council.

### Resolution (CO2022/101)

That Council:

1. Award Contract No. 1183-2022 for Carpentry Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to the following panel of contractors.
  - i. Building Impressions Pty Ltd ATF Building Impressions Unit Trust
  - ii. JR Building and Maintenance Pty Ltd
  - iii. Stylus Building and Maintenance P/L
  - iv. Harris HMC Interiors Pty Ltd
  - v. Arden Building Maintenance Pty. Ltd
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to approve extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

Moved: Cr Alison Champion  
Seconded: Cr Peter Dimarelos

CARRIED

## 8.7 AWARDING OF CONTRACT NO.1185-2022 FOR PAINTING SERVICES ON COUNCIL FACILITIES AND ASSETS

### SUMMARY

1. This report is to consider the awarding of Contract No. 1185-2022 for a panel of contractors for the painting services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The painting panel forms one of the key services undertaking these works.
2. The appointment of a panel of contractors under this contract will support Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion, on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from twelve companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to four contractors in accordance with the tender conditions as determined by Council.

### Resolution (CO2022/102)

That Council:

1. Award Contract No. 1185-2022 for Painting Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to the following panel of contractors.
  - i. Building Impressions Pty Ltd ATF Building Impressions Unit Trust
  - ii. Hue Painting and Decorating Pty Ltd
  - iii. Programmed Property Services Pty Ltd
  - iv. GBCC Pty Ltd
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to approve extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two(2) year contract term and extension periods.

Moved: Cr Alison Champion  
Seconded: Cr Peter Dimarelos

CARRIED

## 8.8 AWARDING OF CONTRACT NO.1184-2022 FOR ELECTRICAL SERVICES ON COUNCIL FACILITIES AND ASSETS

### SUMMARY

1. This report is to consider the awarding of Contract No.1184-2022 for the electrical services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The electrical contract forms one of the key services undertaking these works.
2. The appointment of a single contractor under this contract, will support the Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from twenty companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a single contractor in accordance with the tender conditions as determined by Council.

### Resolution (CO2022/103)

That Council:

1. Award Contract No. 1184-2022 for Electrical Services on Council Facilities and Assets, for the initial two(2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to:
  - Alert Electrical Group
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

Moved: Cr Alison Champion  
Seconded: Cr Fiona Mitsinikos

CARRIED

**8.9 AWARDING OF CONTRACT NO.1186-2022 FOR PLUMBING SERVICES ON COUNCIL FACILITIES AND ASSETS****SUMMARY**

1. This report is to consider the awarding of Contract No.1186-2022 for the plumbing services on Council facilities and assets. Council deliver a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The plumbing contract forms one of the key services undertaking these works.
2. The appointment of a single contractor under this contract, will support the Banyule's Council Plan key direction to "Develop community assets and facilities that are environmentally sustainable, innovative, safe and continue to be of appropriate standard".
3. The initial contract term is two (2) years from 1 July 2022. Council reserves the right to extend the Contract on a yearly basis for a maximum period of three (3) additional years at its sole discretion on a single year by year basis (3 x 1 years). Exercising the optional extension period(s) shall be subject to the Contractor's satisfactory performance during the Initial Contract Term.
4. Tenders were received from fifteen companies.
5. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a single contractor in accordance with the tender conditions as determined by Council.

**Resolution (CO2022/104)**

That Council:

1. Award Contract No. 1186-2022 for Plumbing Services on Council Facilities and Assets, for the initial two (2) year term commencing 1 July 2022, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to:
  - New Plumbing Solutions
2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two (2) year contract term and extension periods.

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

CARRIED



## 8.10 COUNCIL PLAN 2021-2025 - PROGRESS REPORT JULY 2021 - MARCH 2022 SUMMARY

1. The *Local Government Act 2020* requires a Council to provide progress reporting on the implementation of the Council Plan, and Council has committed to reporting to the community on a regular basis (including quarterly reporting on annual actions).
2. This reporting forms a key part of Council's commitment to keeping the community informed on how we are tracking with delivery of the Banyule Community Vision 2041 and Council Plan.
3. The Council Plan was developed in partnership with the Community, and was adopted by Council on 25 October 2021, taking effect from 1 July 2021.
4. The Council Plan works together with key plans such as the Municipal Public Health and Wellbeing Plan, Financial Plan, Budget, Revenue and Rating Plan, Asset Plan, and a range of other policies and plans to deliver services and infrastructure and enhance health and wellbeing outcomes for the community.
5. The Council Plan 2021-2025 Progress Report July 2021-March 2022 (**attached**) is Council's 2nd progress report to the community about the new Council Plan.
6. The report covers progress for the Annual Action Plan 2021/2022 over the period 1 July 2021 – 31 March 2022 and shows that Council is on track with the 3rd quarter target, achieving 90% of the target for this reporting period.
7. The progress report includes: a brief message from the Mayor, a progress snapshot for every action (in terms of on-track, off-track, etc), along with several highlights and key achievements for each objective.

### Resolution (CO2022/105)

That Council:

1. Note the Council Plan 2021-2025 Progress Report July 2021-March 2022.
2. Acknowledge progress for the Annual Action Plan 2021/2022 over the period 1 July 2021 – 31 March 2022 is on track, achieving 90% of the target for this reporting period.
3. Make the Council Plan 2021-2025 Progress Report July 2021-March 2022 available on Council's website and promote the progress of Council Plan actions via the Banner newsletter.

Moved: Cr Alison Champion  
Seconded: Cr Fiona Mitsinikos

CARRIED

## 8.11 INTEGRATED PLANNING PROJECT - CONSIDERATION OF COMMUNITY ENGAGEMENT FEEDBACK

### SUMMARY

1. At the Ordinary Council Meeting on 11 April 2022, Council resolved to give notice for the preparation of the following integrated planning documents:
  - o Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23
  - o Proposed Budget 2022-2026
  - o Asset Plan 2022-2032
  - o Revised Financial Plan 2022-2032
  - o Revised Revenue and Rating Plan 2022-2026
2. Subsequently, Council commenced a public consultation period from 12 April 2022 to 3 May 2022 and the integrated planning documents were made available for community comment, enabling members of the community to provide written feedback.
3. Sixty-Three (63) pieces of feedback were received across all the five integrated planning documents and seventeen (17) people requested to speak to their submissions at the Councillor forum on 11 May 2022.
4. This report is to enable Council to formally consider community engagement feedback and submissions received on these integrated planning documents.
5. The community engagement feedback received on the integrated planning documents is presented in the Integrated Planning Project Report *'Results from Shaping Banyule and workshop consultation – April to May 2022'* attached to this report.
6. This report provides a summary of the review of feedback for each of the integrated planning documents and identifies where there is a financial impact to the proposed Budget.
7. In summary, the proposed changes to the Budget 2022-2026 from the Integrated Planning feedback and submissions and supported by officers is:
  - a. 1 year impact: \$0.77m for specific budget requests made
  - b. 4 year impact: \$2.24m for specific budget requests made
8. The integrated planning documents will be updated with the details and financial impact, as identified, and as determined by the outcome of Council's consideration of the community engagement feedback.
9. Consideration to adopt the integrated planning documents with or without amendment will be held at the Ordinary Council Meeting on Monday, 27 June 2022.

### Resolution (CO2022/106)

That Council:

1. Note the community engagement component of the Integrated Planning project 2022 has now concluded and the results from this consultation are attached to this report.
2. Note all changes to the following plans will be undertaken prior to Council considering their adoption at the Ordinary meeting of Council on Monday, 27 June 2022.
  - a. Council Plan 2021-2025 - Year 2 Annual Action Plan 2022/23

- b. Budget 2022-2026
  - c. Asset Plan 2022-2032
  - d. Financial Plan 2022-2032
  - e. Revenue and Rating Plan 2022-2026
3. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Council Plan Year 2 Annual Action Plan 2022/23 in accordance with section 90 of the *Local Government Act 2020*:
  - a. Notes participants are supportive of Council's strategic direction for the future.
  - b. Notes minor changes, as identified from the feedback received, will be incorporated into the Year 2 Annual Action Plan 2022/23 as required.
4. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Budget 2022-2026 in accordance with section 94 of the *Local Government Act 2020*:
  - a. Notes the feedback, issues, concerns and or support from budget feedback.
  - b. Endorses changes to the Budget 2022-2026 as detailed in the attached 'Budget Feedback Recommendations for Council Consideration' for Budget Feedback items 6, 7, 9, 10, 12, 13, 19, 22, 23, 25, 26, 28, 29 and Council Plan Feedback item 5.
  - c. Notes that no changes be made to the Budget 2022-2026 for Budget Feedback items 1, 2, 3, 4, 5, 8, 11, 14, 15, 16, 17, 18, 20, 21, 24, 27 as either the feedback has been noted without any specific funding required, has funding support in the budget, or the request is not supported at this present time (*refer to the attached 'Budget Feedback Recommendations for Council Consideration'*)
5. Having considered the integrated Planning Community Engagement results in respect of Council's intention to adopt the Asset Plan 2022-2032 in accordance with section 92 of the *Local Government Act 2020*:
  - a. Notes the high level of support for most of the Asset Plan recommendations received during the consultation.
  - b. Notes minor changes, as identified from the feedback received, will be incorporated into the proposed Asset Plan 2022-2032 as required.
6. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Financial Plan 2022-32 in accordance with section 91 of the *Local Government Act 2020*:
  - a. Notes the diversity of the feedback received.
  - b. Notes minor changes, as identified from the feedback received, will be incorporated into the revised Financial Plan 2022-2032 as required.
7. Having considered the Integrated Planning Community Engagement results in respect of Council's intention to adopt the Revenue and Rating Plan 2022-2026 in accordance with section 93 of the *Local Government Act 2020*:
  - a. Notes the overall support received to introduce rate waivers and the separation of the kerbside waste rate and public waste rate from general rates.
  - b. Notes minor changes, as identified from the feedback received, will be incorporated into the revised Revenue and Rating Plan 2022-2026 as required.

8. Advise all proposed Budget 2022-2026 submitters who requested specific funding changes of the outcome of their specific budget request.
9. Update the Proposed Budget 2022-2026 with the financial impact of the Integrated Planning Project feedback to be considered for adoption by Council at its meeting on Monday 27 June 2022.

Moved: Cr Alison Champion  
Seconded: Cr Tom Melican

CARRIED

**8.12 RECORD OF COUNCILLOR MEETINGS****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, 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 tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

**Record of Meetings**

<b>1</b>	<b>Date of Meeting:</b>	2/5/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Cemetery Trust Meeting</li> <li>• North East Link update</li> <li>• Public Toilet Strategy</li> <li>• Draft Banyule Advocacy Framework and Advocacy Priorities</li> <li>• Digital Transformation</li> <li>• General Business</li> </ul>	
<b>Councillors Present:</b>		
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Tom Melican Fiona Mitsinikos Elizabeth Nealy		
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</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> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Jan Richardson – <i>Cemetery Administration and Support Officer</i> Greg Gale – <i>Manager Delivery and Assets</i> Michele Purtle – <i>Advocacy Officer</i> Shawn Neilsen – <i>Communications, Advocacy and Engagement Coordinator</i>		

<b>Others Present:</b>	
Duncan Elliott – CEO North East Link Project (NELP)	
Michael Calk – Delivery Director Central (NELP)	
Marco Di Pietro – Package Director (NELP)	
Conor Kiernan – Communication and Stakeholders Lead (NELP)	
Paul Yerondais – Spark Consortium	
Marco Assorati – Spark Consortium	
Dieter Lim – Tract	
Jefa Greenaway – Greenaway Architects	
Mitch Keddell – Woodmarsh	
Tony Frodsham - Smedtech	
<b>Conflict of Interest:</b>	<i>NIL</i>

2	<b>Date of Meeting:</b>	5/5/2022
	<b>Type of Meeting:</b>	Banyule Arts and Culture Advisory Committee
<b>Matters Considered:</b>		
<ul style="list-style-type: none"> <li>• Welcome &amp; Apologies</li> <li>• Introductions, Food &amp; Networking</li> <li>• Ivanhoe Library &amp; Cultural Hub Tour</li> <li>• Arts &amp; Culture Grants 2022 – Assessment Panel</li> <li>• Arts &amp; Culture Strategic Plan Update</li> <li>• Other Business &amp; What's On</li> </ul>		
<b>Councillors Present:</b>		
Peter Dimarelos		
<b>Staff Present:</b>		
Kath Brackett – <i>Director Community Wellbeing</i>		
Hannes Berger – <i>Arts &amp; Culture Coordinator</i>		
Courtney Blackney – <i>Arts &amp; Culture Programs Support Officer</i>		
<b>Others Present:</b>		
Kate Hansen		
Craig Eloranta		
Kevin Ritchie		
June Gassin		
Leah Crossman		
Janelle Dunstan		
Kate Hansen		
Craig Eloranta		
Kevin Ritchie		
June Gassin		
Leah Crossman		
Janelle Dunstan		
<b>Conflict of Interest:</b>	<i>NIL</i>	

<b>3</b>	<b>Date of Meeting:</b>	9/5/2022
	<b>Type of Meeting:</b>	Pre-Council Meeting Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Provide Itemised Tax Invoice to Owners</li> <li>• Installation of Safety Bollards at the Greville Road Shopping Precinct</li> <li>• Inclusive Banyule draft</li> <li>• Audit &amp; Risk Committee Meeting Minutes - 25 March 2022</li> <li>• Advisory Committees Report - Quarter Three, 2021/22</li> <li>• Elevating ESD Targets Project - Stage 2</li> <li>• Draft Banyule Residential Parking Permit Policy</li> <li>• Watsonia Town Square - Community Consultation Summary &amp; Preferred Concept Design</li> <li>• Amendment C165 - Proposed Heritage Overlay - Consideration of Submissions</li> <li>• 2A Moola Close, Yallambie - Sports Pavilion Additions (P152/2022)</li> <li>• 7 Dunstan Street, MACLEOD - Development of Three Dwellings (P762/2021).</li> <li>• Translating the Banyule Planning Scheme into a New Framework</li> <li>• Bell Street Development - Public Submissions to Notice of Intention to Sell Land</li> <li>• Notice of Intention to Declare a Special Charge - Watsonia Shopping Centre</li> <li>• Notice of Intention to Declare a Special Charge - Macleod Village Shopping Centre</li> <li>• Notice of Intention to declare Special Charge – Eaglemont Village</li> <li>• Notice of Intention to declare Special Rate and Charge – Greensborough Town Centre</li> <li>• Award of Contract No. MAV DO60125 - Provision of Park and Playground Equipment &amp; Associated Products and Services</li> <li>• Record of Councillor Meetings</li> <li>• Quarterly Financial Management Report – March 2022</li> </ul>	
<b>Councillors Present:</b>		
<p>Peter Castaldo          Alison Champion          Peter Dimarelos          Rick Garotti          Tom Melican          Fiona Mitsinikos          Elizabeth Nealy</p>		
<b>Staff Present:</b>		
<p>Allison Beckwith - <i>Chief Executive Officer</i>          Darren Bennett – <i>Director Assets &amp; City Services</i>          Marc Giglio – <i>Director Corporate Services</i>          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>          Nicholas Van – <i>Council Business Officer</i></p>		
<b>Others Present:</b>		
NIL		

<b>Conflict of Interest:</b>	<i>NIL</i>
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<b>4</b>	<b>Date of Meeting:</b>	11/5/2022
	<b>Type of Meeting:</b>	Community Feedback Forum – Integrated Planning Framework Project
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>Hearing of verbal feedback from the community engagement process seeking feedback on the Planning Framework Documents</li> </ul>
	<b>Councillors Present:</b>	Elizabeth Nealy Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Tom Melican Fiona Mitsinikos
	<b>Staff Present:</b>	Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</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> Tania O'Reilly – <i>Manager Finance and Procurement</i>
	<b>Others Present:</b>	Scott Carne Marissa Johnpillai Sharon Fittock Daniel Fuge Jeremy Richards (appeared via pre-recorded video) Rob Wendel Zac Anver Felicity Gordon Sarah Willis Gavin Watson
	<b>Conflict of Interest:</b>	<i>NIL</i>



<b>5</b>	<b>Date of Meeting:</b>	16/5/2022
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Olympic Leisure Centre Community Co-design Team – Presentation on outcome of community consultation</li> <li>• Delegations and Authorisations</li> <li>• Integrated Planning feedback including: <ul style="list-style-type: none"> <li>○ Council Plan 2021-2025 - Year 2 Annual Action Plan (2022/23)</li> <li>○ Budget 2022-26</li> <li>○ Ten-year Asset Plan 2022-32</li> <li>○ Financial Plan 2022-32</li> <li>○ Revenue and Rating Plan 2022-26</li> </ul> </li> </ul>	
	<b>Councillors Present:</b>	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Fiona Mitsinikos	
<b>Staff Present:</b>		
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</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> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Sherryn Prinzi – <i>Community Impact Coordinator</i>		
<b>Others Present:</b>		
Community members form the Olympic Leisure Centre Community Co-design Team		
<b>Conflict of Interest:</b>	NIL	

**Resolution (CO2022/107)**

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

Moved: Cr Tom Melican  
Seconded: Cr Alison Champion

CARRIED

**9. SEALING OF DOCUMENTS**

Nil

**10. NOTICES OF MOTION**

Nil

## 11. GENERAL BUSINESS

### 11.1 ANNUAL NATIONAL SIMULTANEOUS STORY TIME EVENT

On Wednesday May 25<sup>th</sup> Cr Champion, Cr Nealy and Cr Melican took part in National Simultaneous Story Time at Ivanhoe Library and Community Hub by reading 'Family Tree' to children at 11am along with all other libraries and schools throughout Australia.

### 11.2 ANNUAL IDAHOBIT CELEBRATION

On Tuesday May 17<sup>th</sup> Cr Champion celebrated the annual International Day Against Homophobia, Biphobia, Intersexism and Transphobia 2022 with Banyule residents and special guests Fleasy Malay and Emerson Zandegu who presented their own art works as well as others. Cr Champion thanked the Arts and Culture officers and acknowledged her nephew Emerson on his development as an artist and small business owner.

### 11.3 GREEN STREET REVEGETATION GROUP CELEBRATION

On May 22<sup>nd</sup> Cr McKern celebrated and acknowledged the residents of Green Street who have revegetated banks of the Darebin Creek with indigenous plants. The group celebrated their 10,000<sup>th</sup> plant on the creek.

### 11.4 VOLUNTEERS DINNER

On May 18<sup>th</sup> at The Centre Ivanhoe Cr McKern along with other Councillors attended the Volunteers dinner. Cr McKern acknowledged the event which was well attended by volunteers from many different areas of voluntary participation such as sport, environment and social justice groups. Cr McKern also thanked all volunteers for their contribution to Banyule City.

### 11.5 CHELSWORTH WARD MEETING

Cr McKern apologised to residents who did not receive the local newsletter until after the ward meeting and missed out as a result. Cr McKern thanked residents for their interest and thanked Council Officers for their work.

### 11.6 NATIONAL SORRY DAY

Cr Nealy acknowledged National Sorry Day on May 26<sup>th</sup>, an annual event since 1998 which remembers and commemorates all mistreatment of Australia's indigenous people. Smoking ceremonies at Greensborough and Ivanhoe were attended by Councillors and Cr Nealy acknowledged Uncle Charles, Aunty Eva and Uncle Ian.

### 11.7 FOGO CHAMPIONS

Cr Nealy raised the Food Organics and Garden Organics scheme which is about to begin in Banyule and the importance of composting and reducing waste in Banyule.

### 11.8 NATIONAL RECONCILIATION WEEK

Cr Castaldo acknowledged National Reconciliation Week (May 27<sup>th</sup> to June 3<sup>rd</sup>), a time for all Australians to learn about our shared histories, cultures and achievements and to explore how each of us can contribute to achieving reconciliation in Australia. Cr Castaldo highlighted the following Reconciliation Week events held in Banyule:

- May 12 – Growing Connections, run by Karen Lovett
- May 26 – two Sorry Day events at Greensborough and Ivanhoe
- May 27 – Heidelberg Junior Football Club night gala event including tribute and custom designed jumpers
- May 28 – Uncle Trevor Gallagher Forest walkthrough
- May 29 – Cultural Excellence Workshop
- June 1 – Banyule will show film "High Ground"

**11.9 WARRINGAL CONSERVATION SOCIETY 50<sup>TH</sup> ANNIVERSARY CELEBRATION**

On May 15<sup>th</sup> the Warringal Conservation Society was able to celebrate it's 50<sup>th</sup> anniversary after a year of postponement. Cr Castaldo, Cr McKern and Cr Melican attended the celebration and Cr Castaldo acknowledged the work of the group and specifically Chris Callahan and John Wilkins.

**11.10 LATE BARBARA TEMBY**

Cr Melican offered Council's condolences to the family of the late Barbara Temby, a Heidelberg City Councillor from 1978-1987. Cr Melican acknowledged and thanked Barbara for all of her good work in Banyule which included starting the 'Frail and Confused Oldies', opening her house to the public, volunteering into her 80s, sitting on over 30 boards including the Austin Hospital and being a Justice of the Peace.

**11.12 ROSIE BRAY OAM**

Cr Melican acknowledged Rosie Bray OAM and congratulated her on her 90th birthday. Cr Nealy also thanked Rosie for her involvement in Council Meetings on behalf of Banyule.

**PUBLIC QUESTION TIME**

<b>1</b>	<p><b>Name &amp; Suburb</b> Roger Marcus Fyfe, Ivanhoe</p>
	<p><b>Question:</b> It is proposed that Residential Parking Permit Zones 59, 60 and 61 in Ivanhoe be combined as a single Zone 60 in the Residential Parking Permit Review to be undertaken commencing July 2022. Currently, Zone 59 does not require Permit Parking.</p> <p>Consequently, will Council undertake to inform residents by letterbox drop of the justification for this proposal and publish the responses by existing zones - not aggregate results for the proposed, larger, Zone 60.</p> <p>Explanation: There is currently no requirement for Parking Permits in Zone 59. There has been no demonstrable change in parking pressure since the Ivanhoe Parking Plan was approved by Council in 2018. Any circular must include a justification for the change - noting the Ryder-Cheshire Homes are within Zone 59 and the Ivanhoe Aquatic Centre adjacent in Bond Street.</p>
	<p><b>Response:</b></p> <p>As indicated in the Council report regarding the Draft Banyule Residential Parking Permit, it is intended to undertake consultation using various methods including letters to residents directly impacted by proposed changes. It is considered that residents and properties with zones 59, 60 and 61 are directly impacted and as such will receive a letter requesting feedback. Any feedback or submission received will be considered by Council.</p> <p><i>Natasha Swan – Director City Development</i></p>

**Closure of Meeting to the Public**

That in accordance with Section 66(2)(a) and (g) of the *Local Government Act 2020*, Council close the Meeting to members of the public prior to considering the confidential matters in 12.1, 12.2 and 12.3.

Moved: Cr Alida McKern

Seconded: Cr Alison Champion

CARRIED

*The Ordinary Council meeting was closed to the public at 8.50pm.*

The Confidential Council meeting was opened at 8.56pm to discuss Item 12.1 Social Enterprise Partnership Agreement Breach – Nomads Pizza and Café, 12.2 Proposed Change to Boots For All Funding Arrangement and 12.3 Waterdale Road Pocket Park.

Item 12.1 was designated confidential pursuant to section 3(a) of the *Local Government Act* as it relates to Council business information, being information that could prejudice the Council’s positions in commercial negotiations if prematurely released.

Item 12.1, 12.2 and 12.3 were all designated confidential pursuant to section 3(g) of the *Local Government Act*) as they relate to private commercial information being information provided by a business, commercial or financial undertaking that if released, would expose both Council and the business, commercial or financial undertaking to disadvantage.

The premature release of this information in the open Council Meeting could prejudice and diminish Council’s position on the Matter.

Council did not determine to release any of the resolution relating to 12.1 Social Enterprise Partnership Agreement Breach – Nomads Pizzas and Cade, 12.2 Proposed Change to Boots For All Funding Arrangement or 12.3 Waterdale Road Pocket Park to the public and therefore the resolution is not included in the meeting minutes in line with Council’s obligations under section 125 of the *Local Government Act 2020*.

**Closure of Meeting**

The Meeting was closed at 9.30pm.

DATED: ..... DAY OF ..... 2022

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 27 June 2022.*