

Agenda of Ordinary Meeting of Council - Monday, 17 July 2023

commencing at 7pm

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



Acknowledgement of the Traditional Custodians

“Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as Traditional Custodians of the land and we pay respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region’s history.”

Diversity Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 26 June 2023

Disclosure of Interests

1. Urgent Business

2. *Petitions*

Nil

Reports

3. *Our Trusted and Responsive Leadership*

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4. *Our Inclusive and Connected Community*

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5. *Our Sustainable Environment*

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6. *Our Well-Built City*

- 6.1 9 The Panorama, Eaglemont - New Dwelling in the Significant Landscape Overlay (P1/2023) 31
- 6.2 2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod - Proposed aged care development (P58/2021) 49

7. *Our Valued Community Assets and Facilities*

Nil

8. *Our Thriving Local Economy*

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9. *Notices of Motion*

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10. General Business

Public Question Time

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed.

The livestream will be available on Council's Facebook and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 7 August 2023.

3.1 WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO. 1291-2023

Author: Nick McKay - Senior Project Manager, City Development

Ward: Bakewell Ward

SUMMARY

1. This report is to consider the awarding of Contract No. 1291-2023 - Construction of Civil Works for Watsonia Town Square These works include construction of a shared use path from High Street to Watsonia Road, Upgrade of the intersection at Watsonia Road, Upgrade of the High Street intersection Upgrades of Morwell Avenue and carpark. Future works will be undertaken in a separate tender to complete the landscaping component of this project.
2. Future works will be undertaken in a separate tender to complete the landscaping component of this project. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Evergreen Civil Pty Ltd in accordance with the tender and conditions as determined by Council.
3. Tenders were received from seven companies.
4. The contract will commence 1/08/2023. The Initial Contract Term shall be for a maximum initial period of 1 year based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. 1291-2023 - Construction of Civil Works for Watsonia Town Square to Evergreen Civil for \$6,362,886.34 (ex. G.S.T) for a period of 12 months.
2. Authorise the Chief Executive Officer and Director City Development to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer and Director City Development 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 1 year contract term.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to *"plan and manage the systems and assets that support Council's service delivery"*.

WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO. 1291-2023 cont'd

TENDER DETAILS

Contract Period	1 Year
Contract Type	Works Contract
Advertising Period	24/04/2023 to 24/05/2023 in the Age
Tenders Closed	24/05/2023
Works/Project	Construction of Civil Works for Watsonia Town Square
No. of tender documents downloaded	Thirty-eight (38)
Tender Evaluation Panel	<ul style="list-style-type: none"> • Team Leader Civil– Capital Works • Senior Project Manager – Strategic Property & Projects • Senior Project Manager – Strategic Property & Projects
Tender Evaluation Criteria	<ul style="list-style-type: none"> • Tendered price; • Capacity of Tenderer to undertake Services, including provision of similar streetscape projects, scheduling and works methodology; • Capability of Tenderer to undertake Services including qualifications and capability of nominated staff and sub-contractors • Local and social sustainability, including economic and environmental; and • Existence of Accredited Management Systems and procedures Quality, Environmental & OH& S.

TENDER/QUOTATION EVALUATION

- Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.
- The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.
- The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. The weighted score for the tender was:

Table 1 – Tenders received and weighted scores	
Contractor	Weighted Score
Tenderer A	80.64
Tenderer B	68.25
Tenderer C	81.83
Tenderer D	71.08

WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO. 1291-2023 cont'd

Tenderer E	52.66
Tenderer F	51.88
Tenderer G	Non-conforming submission

NON-CONFORMING TENDER

- Tenderer G was deemed to be non-conforming because the submission was only a brochure of hire equipment.
- Following an initial evaluation, the TEP shortlisted the following tenderers for tender clarifications:
 - Tenderer A
 - Evergreen Civil Pty Ltd
- As part of the clarifications, tender exclusions and other conditions stated in the tender submissions of two tenderers were discussed.
- Two contractors were subsequently requested to explain price exclusions that were listed in their tender submissions and submit their revised prices.
 - Tenderer A submitted a revised tender price of \$8,259,927.05 and;
 - Tenderer C submitted a revised tender price of \$6,362,886.34.
- Council also undertook independent financial and reference checks on the contractors after which the Evaluation Team carried out a further evaluation, using the weighted evaluation matrix. Following is the final score of the preferred contractors:

Contractor	Weighted Scores
Evergreen Civil Pty Ltd	81.83
Tenderer A	81.31
Tenderer B	70.39
Tenderer D	73.04
Tenderer E	53.75
Tenderer F	53.79

- It is evident from the above weighted scores that Evergreen Civil Pty Ltd has obtained the highest score and will deliver best value for money to Council.
- The submission provided by Evergreen Civil Pty Ltd. was robust and scored highly for many of the criteria determined by Council. The evaluation panel agreed Evergreen Civil was the preferred contractor for several reasons:
 - The respondent demonstrated experience, capacity (both operational and financial) and resources to deliver their proposed design.
 - They were also able to deliver the greatest value for money to Council. Remaining budget will be used to construct the landscape component of this project.

WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO. 1291-2023 cont'd

- The respondent has committed to a considered delivery schedule and methodology reducing impacts of construction.
- A corporate scorecard assessment was undertaken for Evergreen Civil and was assessed as satisfactory by Council's finance team.

SUPPORTING REPORT DETAILS

Legal Consideration

- Section 108 of the *Local Government Act 2020* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than \$300,000 (including GST) for contracts for the purchases of works, goods or services.
- The awarding of this contract complies with the tendering provisions of Section 108 of the *Local Government Act 2020*.

Human Rights Charter

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

Sustainable Procurement Outcomes

- Local and Social Sustainability weighted criteria in assessment.

Financial Implications

- Council has allocated \$6.5m in its 2023/24 Capital Works budget for the purchase/supply of the Construction of Civil Works for Watsonia Town Square.
- Additional budget is available in future financial years for construction of further landscaping areas. Projections indicate that there is a shortfall in remaining budget and the scope of the landscaping areas. The scope will be reviewed to ensure that deliverables for this stage are able to be completed within the remaining available budget.

Additional information

- Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with the 3(1)(g) of the *Local Government Act 2020*; as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

**WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO.
1291-2023 cont'd**

Banyule Procurement Policy

- Council's Procurement Policy is made under *Section 108 of the Local Government Act 2020*. *The Local Government Act 2020* and Councils Procurement Policy are the primary reference points for how all procurement should be performed.
- The Policy specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council
- The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.
- In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration, and no conflicts were declared.

ATTACHMENTS

No.	Title	Page
1	1291-2023 - Summary of Submissions for Watsonia Town Square Works - CONFIDENTIAL	

3.2 RECORD OF COUNCILLOR MEETINGS

Author: Amy Woollcombe - Council Business Officer, Executive

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 14 November 2022 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

1	Date of Meeting:	8/06/2023, 6pm
	Type of Meeting:	Banyule Environment and Climate Action Advisory Committee Meeting (BECAAC)
	Matters Considered: <ol style="list-style-type: none">1. State of the Environment Report2. Community Batteries3. Adaptation and Corporate Emissions4. Biodiversity Working Group5. Urban Food Working Group6. North East Link	
	Councillors Present: Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern	
Staff Present:		

RECORD OF COUNCILLOR MEETINGS cont'd

Damien Harrison - <i>Environment Coordinator</i> Ellie Hall - <i>Community Climate Action Lead</i>	
Others Present: BECAAC Members: Paul Gale Baker Vicky Rowe Alex Tzikas Kellie Watson Michelle Giovas	
Conflict of Interest:	Nil

2	Date of Meeting:	26/06/2023, 5:30pm
	Type of Meeting:	Pre-Brief Council Meeting
	Matters Considered: <ul style="list-style-type: none"> 2.1 Petition: Banyule Council to Provide a Community Centre for the Eaglemont Community 3.1 Governance Rules Stage 2 Review 3.2 Proposed Annual Budget 2023-2027 - Declarations of Conflicts Interest 3.3 Council Plan 2021-2025 - Adoption of Year 3 Annual Action Plan 2023/2024 3.4 Adoption of Revenue and Rating Plan 2024-2027 3.5 Adoption of Rates Hardship Assistance Policy 2023-2024 3.6 Adoption of Banyule City Council Budget 2023-2027 3.7 Award of Contract No. MAV NPN04-13 Supply of Waste Trucks 3.8 Direct Purchase of two (2) Waste Trucks 3.9 Record of Councillor Meetings 4.1 Public health concerns surrounding the retail of e-cigarettes and vapes and Council's advocacy options 5.1 Draft Urban Food Strategy: Endorsement for Public Exhibition 6.1 Interim Social and Affordable Housing Policy 6.2 Housing Discussion Paper 7.1 Community Infrastructure Plan 7.2 Adoption of Banyule Aquatic Strategy 8.1 Update on Parklets Program and Adoption of Parklet Policy 8.2 Update on Extended Outdoor Dining Permits 9.1 Notice of Motion - Advocacy options for Council regarding Statutory Planning Matters under the Planning & Environment Act 1987 	
Councillors Present: <ul style="list-style-type: none"> Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Peter Dimarelos – arrived at 5:58pm 		

RECORD OF COUNCILLOR MEETINGS cont'd

	<p>Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Fiona Mitsinikos</p>		
	<p>Staff Present: Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Krysten Forte – <i>Governance Coordinator</i> Karen Leeder - <i>Manager City Futures</i> Linda Chapple – <i>Governance & Council Business Specialist</i> Rachael Hudson – <i>Council Business Officer</i></p>		
	<p>Others Present: Nil</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Conflict of Interest:</td> <td>Nil</td> </tr> </table>	Conflict of Interest:	Nil
Conflict of Interest:	Nil		

3	<p>Date of Meeting: 3 July 2023, 6.33pm</p> <p>Type of Meeting: Councillor Briefing</p>
	<p>Matters Considered: Active Transport Opportunities in Banyule Completion of the SALDHIG Diverse Communities Project City Development Efficiencies, Opportunities and Challenges Disability website project update 7 Wellington Street Montmorency Asset Management Policy Review Waste Management Quarterly Report Strategic Planning Update and VCAT Summaries - April to May 2023</p>
	<p>Councillors Present: Mayor Cr Peter Castaldo Cr Alison Champion Cr Rick Garotti Cr Tom Melican</p>
	<p>Staff Present:</p>

RECORD OF COUNCILLOR MEETINGS cont'd

<p>Marc Giglio – <i>Acting Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Roberta Colosimo – <i>Acting Director Community Wellbeing</i> Joseph Linnestad– <i>Acting Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Megan Kemp – <i>Strategic Executive Assistant to CEO and Mayor</i> Kathleen Petras – <i>Transport, Planning and Projects Coordinator</i> Sanjev Sivananthanayagam – <i>Transport Engineering Coordinator</i> Leonie Farrell – <i>Youth Services Coordinator</i> Kate James – <i>Youth Engagement Officer</i> Sadia Ali – <i>Youth Engagement Officer</i> Saeed Ahmed – <i>Youth Programs Officer</i></p>	
<p>Others Present: Fatima Mohamed, Department of Transport (DOT), A/Executive Director Inner Metro David Smith, Department of Transport (DOT) A/Director Active Transport Development & Delivery</p>	
<p>Conflict of Interest:</p>	<p>Nil</p>

RECOMMENDATION

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

ATTACHMENTS

Nil

4.1 ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE

Author: Laura Cattapan - Community Connections Coordinator, Community Wellbeing

Previous Items

Council on 25 Oct 2021 7.00pm (Item 3.1 - Establishment of the Banyule Community Fund)

SUMMARY

1. The purpose of this paper is to seek Council's adoption of the Banyule Community Fund (BCF) Granting Framework and Assessment Panel Terms of Reference and endorse the BCF Priority Area recommendations for 2023 and 2024.
2. At the 25 October 2021 Council meeting Council resolved to establish the Banyule Community Fund (BCF), a philanthropic fund in partnership with the Australian Communities Foundation (ACF) as the trustees.
3. The BCF will enable businesses, organisations, and individuals to make taxable and non-taxable donations and will have a strong focus on building the capacity of our community, where social, environmental, and cultural justice is maximised across our corporate and community sectors.
4. The funds raised will be granted back out into local non-profit causes, meaning all funds will be raised locally and spent locally.
5. The BCF has now been registered as a philanthropic fund named under the Auspice of ACF. As trustees of the Fund, ACF will provide strong oversight and governance structures of the BCF. ACF will complete all the administrative work including compliance and due diligence and will have legal responsibilities for the donated funds.
6. To guide Council with the administration and decision-making processes a Draft Banyule Community Fund Granting Framework (**Attachment 1**) has been developed. The Framework provides guidelines for Council, potential donors, BCF recipients and the wider community in relation to the BCF.
7. ACF require Council to have two dedicated BCF Advisors as follows:
 - **BCF Advisor 1** is required to be a senior officer with delegation powers and is the ultimate decision maker for the allocation of the BCF. To align with delegations outlined in Council's Community Grants Guidelines and the Banyule Grants Program Policy February 2022, the BCF Advisor 1 is the Director of Community Wellbeing.
 - **BCF Advisor 2** is the project worker for the BCF and is responsible for coordinating the fund within Council. The Banyule Community Fund Development Officer is BCF Advisor 2.
8. To ensure the BCF is allocated fairly and transparently a BCF Assessment Panel will be established. The role of the Panel is to assess all grant applications and make recommendations on which applicants should be

ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd

allocated funds. The recommendations will then be provided to the BCF Advisor 1 for their consideration, as the ultimate decision maker for the BCF. A Draft BCF Assessment Panel Terms of Reference (**Attachment 2**) has been developed.

9. Council is responsible for determining the priority areas for the BCF allocation of funds and will be required to review and decide on future priority areas.
10. BCF will largely be promoted through a range of communication mediums to engage the wider Banyule community, with more targeted promotional activities and events, to attract key external stakeholders and future donors.
11. A formal launch of the BFC is scheduled to take place in September 2023. This will be Council's key community engagement and promotional event to attract potential donors and engage the wider Banyule community.
12. It has been identified that a Gender Impact Assessment (GIA) for the BCF Framework will be completed retrospectively to assess the impacts of gender and diversity in the implementation of the Framework. The GIA will be completed by September 2023.

RECOMMENDATION

That Council:

1. Adopt the Banyule Community Fund Granting Framework (**Attachment 1**).
2. Adopt the Banyule Community Fund Assessment Panel Terms of Reference (**Attachment 2**).
3. Endorse the following BCF Priority Areas for where funds will be allocated in 2023 and 2024. These priorities have been identified as areas of need that will benefit from gaining additional resources:
 - Community connectedness and inclusion
 - Mental health supports
 - Food security
 - Housing and homelessness
 - Emergency relief
 - Climate Change and Environmental Sustainability
 - Arts and culture

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Enable and empower philanthropic and business partners to support our community through the establishment of the Banyule Community Fund".

ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd

BACKGROUND

- Council is committed to Banyule being a thriving, sustainable, inclusive, and connected community.
- At the 25 October 2021 Council meeting Council resolved to establish the Banyule Community Fund (BCF), a philanthropic fund in partnership with the Australian Communities Foundation (ACF) as the trustees.
- The BCF will enable businesses, organisations, and individuals to make taxable and non-taxable donations and will have a strong focus on building the capacity of our community, where social, environmental, and cultural justice is maximised across our corporate and community sectors. The funds raised will be granted back out into local non-profit causes, meaning all funds will be raised locally and spent locally.
- The BCF has now been registered as a philanthropic fund named under the Auspice of ACF. ACF will provide strong oversight and governance structures of the BCF and complete all the administrative work including compliance and due diligence and will have legal responsibilities for the donated funds.
- The BCF will not incur any establishment costs, however Council has contributed an initial \$20,000 donation to establish the fund, which is held as a fund minimum and granted out if/when the fund is closed.
- To be eligible to receive a grant through a BCF grant round, applicants must meet the following eligibility criteria:
 - Have a Deductible Gift Recipient 1 (DGR1) status; subject to the ACF criteria. That is, they use taxable donations to conduct charitable works.
 - Provide a direct charitable benefit to the broader community.
 - Non-profit organisations and groups who receive funding must operate within Banyule or primarily service Banyule residents.

KEY ISSUES

Banyule Community Fund (BCF) Advisors

- ACF require Council to have two (2) dedicated Fund Advisors.
- The BCF Advisor No. 1 is required to be a senior officer with delegation powers and is the ultimate decision maker for the allocation of the BCF.
- ACF will only take formal directions in relation to any adjustments and allocation of funds from BCF Advisor No. 1.
- To align with delegations outlined in Council's Community Grants Guidelines and the Banyule Grants Program Policy February 2022, the BCF Fund Advisor No. 1 will be the incumbent holding the position of the Director of Community Wellbeing (acting or permanent).
- BCF Advisor No. 2 is deemed as the project worker for the BCF and is responsible for coordinating the fund within Council.
- The Banyule Community Fund Development Officer (acting or permanent) will take on the delegation as BCF Advisor No. 2.

ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd

BCF Granting Framework

- To guide Council with the administration and decision-making processes a draft Banyule Community Fund Granting Framework (**Attachment 1**) has been developed.
- The Framework provides guidelines for Council, potential donors, BCF recipients and the wider community in relation to the BCF.

BCF Assessment Panel

- To ensure the BCF is allocated fairly and transparently a BCF Assessment Panel will be established.
- The role of the Panel is to assess all grant applications and make recommendations on which applicants should be allocated funds. The recommendations will then be provided to the BCF Advisor 1 for their consideration, as the ultimate decision maker for the BCF.
- The Panel will comprise of relevant internal stakeholders, including:
 - the Banyule Citizen of the year; and
 - Nominated representatives from Council's Population and Advisory Committees.
 - The BCF Advisor No. 2 will be the executive support officer.
- A draft BCF Assessment Panel Terms of Reference (**Attachment 2**) has been developed.

BCF Priority Areas

- Council will determine the priority areas for the BCF allocation of funds annually. These priorities have been identified as areas of need that will benefit from gaining additional resources.
- Council will be required to review and decide on future priority areas. Priority areas may vary from grant round to grant round.
- Aligned to the Council Plan 2021 – 2025 and the Community Vision 2041 it is recommended that the following priority areas be considered for the 2023/2024 BCF grants rounds:
 - Community connectedness and inclusion
 - Mental health supports
 - Food security
 - Housing and homelessness
 - Emergency relief
 - Climate Change and Environmental Sustainability
 - Arts and culture

ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd

Gender Impact Assessment

- The *Gender Equality Act 2020* requires Council to consider the impacts of gender when developing policies, plans, programs, or services that directly impact the Banyule community.
- It has been identified that a Gender Impact Assessment (GIA) for the BCF Framework will be completed retrospectively to assess the impacts of gender and diversity in the implementation of the Framework.
- The GIA will be completed by September 2023.
- Should the GIA identify that immaterial changes are required that don't affect the main purpose of the Framework, these changes will be incorporated immediately. If the GIA identifies any significant changes these changes will be taken back to Council via a formal Report.
- The following tables outlines the key actions and next steps to be implemented at such time that Council adopts the BCF Granting Framework (**Attachment 1**) and Assessment Panel Terms of Reference (**Attachment 2**) and endorses the recommended BCF Priority Areas.

Key Actions	Timeframe
BCF webpage to go live on the Banyule website outlining identified Priority Areas and the inclusion of the BCF Granting Framework.	July 2023
Implementation of the BCF promotional strategy and community engagement commences.	July 2023 ongoing
Recruitment and selection of the BCF Assessment Panel	July – August 2023
Commence engagement with potential donors and key external stakeholders	July 2023 ongoing
Plan and deliver the BCF Launch event.	August – September 2023
Gender Impact Assessment	September 2023

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*. This pertains specifically to Part 2 – Human Rights, Sections 7 to 27 of the Charter.

ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd

- The BCF Priority Areas outlined in the BCF Granting Framework have the potential to impact a wide section of Human Rights and are aligned with the Human Rights Charter of human dignity, equality, and freedom.
- The project also aligns with the Australian Human Rights Commission principles of participation, accountability, non-discrimination and equality, empowerment, and legality.

Sustainable Procurement Outcomes

- The impact of environmental sustainability and climate change has been identified as one of the BCF Priority Areas.

Financial Implications

- The BCF will not incur any establishment costs, however Council has contributed an initial \$20,000 donation to establish the fund, which is held as a fund minimum and granted out if/when the fund is closed.
- The BCF will be charged an annual Donor Administration and Support Fee, and Investment Management Fee. This will include annual fees of 2.2% for administration and 0.37% for investment based on the balance of the ACF pooled corpus.

Innovation and Continuous Improvement

- The Banyule Community Fund (BCF) is Council's vehicle for structured charitable giving. It's a modern and innovative approach to grant giving and reflects best practice in social transformation and philanthropy.

Community Engagement

- A BCF landing page is being developed for Council's website. The Fund is now listed on ACF's website.
- BCF will largely be promoted through a range of communication mediums to engage the wider Banyule community, with more targeted promotional activities and events, to attract key external stakeholders and future donors.
- A formal launch of BFC is scheduled to take place in September 2023. This will be Council's key community engagement and promotional event to attract potential donors and engage the wider Banyule community.

Collaboration

- Banyule Community Fund is Council's philanthropic fund that is being delivered in partnership with the Australian Communities Foundation as the trustees.

Key Considerations

- In addition to the main Banyule Community Fund, a Banyule Community Fund Extension has been established. Donations made to the Extension Fund are not tax deductible but does allow for the allocation of BCF grants to not for profit groups and services that do not have the Deductable Gift Recipient 1 (DGR1).
- During the first 12-month period of the Fund's operations, the option of transferring the existing Council grant fund program to the BCF Extension Fund

**ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK
AND ASSESSMENT PANEL TERMS OF REFERENCE cont'd**

will be considered. This will involve reviewing what efficiencies this will provide to Council and community.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Banyule Community Fund Granting Framework	
2	Banyule Community Fund Assessment Panel Terms of Reference May 2023	

5.1 **KERBSIDE CONTAMINATION MANAGEMENT POLICY**

Author: Andrew Croft - Waste Management Coordinator, Assets & City Services

SUMMARY

1. Council provides a three-bin kerbside waste service, the contents of two (2) of the three (3) bins (Recycling and Food Organics & Garden Organics) can be recycled and therefore diverted from landfill.
2. If 'no-go' items are placed in the bins it can affect the processing of the material for example, bagged rubbish in a recycling bin is manually removed and rediverted to landfill. No-go items in bins are known as contamination.
3. Contamination of bins has adverse financial and environmental impacts, in addition to posing a safety risk for waste sector workers (e.g. Syringes in bins).
4. Contamination of FOGO has cost Council approximately \$1.5M in penalties in the last 3 years.
5. Council does not currently have a Kerbside Contamination Management Policy, therefore it has limited options available to address persistent contamination.
6. It is thought that most households that are contaminating bins are doing so unintentionally, therefore this policy aims to achieve behaviour change through awareness, education, support, and engagement through a six-step process.
7. The Strategy provides multiple opportunities for those contaminating, to change their behaviour through education, support, and engagement.
8. Where education, support and engagement are unsuccessful the policy permits a change in service to a Contaminated Waste Service (a service where all bins are diverted to landfill). The charge for this service is in addition to the standard kerbside rate and is in line with Council's Fees & Charges for that year.
9. The policy does not propose to remove or cease service to a property as this can result in waste being placed in neighbouring bins, filling of public place bins, or resulting in an increase in dumped rubbish. Ensuring a property has access to a waste service is important for the overall health of the community.

RECOMMENDATION

That Council:

1. Adopts the Kerbside Contamination Management Policy (**Attachment 1**).
2. Notes the Frequently Asked Questions (FAQ) document (**Attachment 3**) explains the Policy's intent, methodology, and support technology which will be published in the Banyule Banner and on Council's website.

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

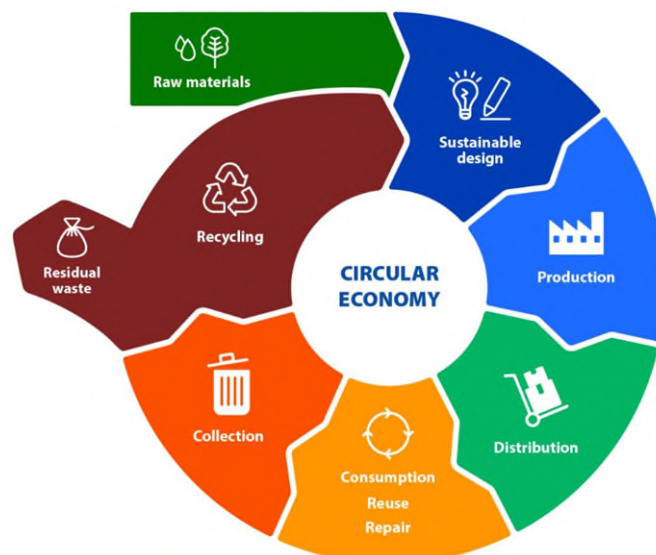
COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Avoid waste generation and encourage and support the community to achieve zero waste to landfill by 2030".

BACKGROUND

- Australians produce an average of 540kg of waste per person each year, which is the weight of a full-grown horse, a grand piano, or a baby grey whale!
- With the world's population and consumption growing rapidly, waste generation is also increasing at an alarming pace. The result is overflowing landfills, polluted rivers and oceans, and a severe impact on our environment.
- Proper waste management is crucial to prevent pollution, conserve natural resources, and reduce the adverse financial and environmental impacts of waste, this can be achieved through a circular economy.
- The circular economy is a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling existing materials and products as long as possible. In this way, the life cycle of products is extended.
- In practice, it implies reducing waste to a minimum. When a product reaches the end of its life, its materials are kept within the economy wherever possible thanks to recycling. These can be productively used repeatedly, thereby creating further value.

The circular economy model:
less raw material, less waste, fewer emissions



- The introduction of a Food Organics and Garden Organics (FOGO) is an excellent example of how Council and Banyule residents can contribute to a circular economy. Food that was once going to landfill is now being diverted and reprocessed to make high-quality compost for farm use.
- However, sometimes the good efforts of Banyule residents are hindered by contamination of bins.

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

- Council provides three bins/ waste streams for residents – Rubbish (red lidded), Recyclables (yellow lidded), and FOGO (lime-green lidded). For each bin there is a list of 'no-go' items that cannot be placed in bins. Some recent Banyule examples of 'no-go' items placed in bins:
 - FOGO bin – syringes, toaster, electric blanket, bagged household rubbish, power tools.
 - Recyclables – car batteries, bagged household rubbish, laptop, clothes/ textiles.
 - Rubbish – building waste, electronics, bricks, rocks, batteries
- When items such as these are placed in the bin, it not only contaminates the bin but, in some cases, also the entire truck. Recently, a container of syringes was spotted in a FOGO truck– the entire load (18 tonnes) was diverted to landfill due to the safety risk it posed to processing staff who sort by hand (potential needle stick injury). Needle stick injuries are a persistent threat to worker safety in the waste industry.
- The facilities that process Banyule's waste material monitor each load for contamination. Material which they cannot process must be either manually removed or the entire load diverted to landfill.
- Excessive contamination has both an environmental and financial cost. The cost of contamination of Banyule FOGO / Garden Organics over the past three years is in the vicinity of \$1.5 million in unbudgeted penalties. This cost is borne by the Banyule rate payers. This avoidable \$1.5 million expense is estimated to have been caused by less than 3% of Banyule households.
- The per tonne cost for FOGO processing increases as the percentage contamination increases. Therefore, there is a financial incentive for Council to continually address contamination.

Kerbside Contamination Management

- Given the environmental and financial consequences of contamination a policy position is required to provide clear guidance on how contamination will be managed for Council provided kerbside waste services.
- It is important to note that Council believe that very few people intentionally contaminate bins, often contamination occurs due to confusion about what can and cannot go in each bin and/ or the implications of contamination.
- Reducing contamination in bins is important to Banyule residents. More than 1,000 responses were received from residents for the 2023 Towards Zero Waste Management Plan survey and 92% of residents indicated that it is important for Council to take action to eliminate contamination from bins.
- In the same survey, 92% of residents felt Council should respond to contamination detected in bins and over 81% of respondents indicated that Council should respond strongly.
- The objectives of this policy are:
 - Support behaviour change through awareness, education, and engagement strategies e.g., ensure residents have a clear understanding of what can and cannot be placed in each of Councils kerbside bins.
 - Support households to understand the importance of separating their waste correctly and the consequences of contamination.

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

- Ensure most residents are not incurring additional costs through contamination caused by a small proportion of households.
- The key component of the policy is a 6-step process that is based on awareness, education, support, and engagement. By including multiple steps in the process, it provides several opportunities for residents to engage with Council to facilitate a change in behaviour.
- As a last step and only for those who choose not to change their behaviour a fee for a contaminated waste service will be applied. The charge for a Contaminated Waste Service reflects the cost of sending the contents of a recycling and/or FOGO bin to landfill rather than for reprocessing (which reflects the true cost of managing their household waste).
- The table below outlines the Six – Step Contamination Management Process.

Table 1 – Six Step Contamination Management Process

Action	Purpose
Step 1 – Contamination label placed on bin	Notifying (awareness) of contamination Assist with education if contacted by household
Step 2 – 1st Notification Letter	Opportunity for 1:1 engagement
Step 3 – 2nd Notification Letter	Awareness, education, and support strategies may include phone calls, site visit, education materials
Step 4 – Final Notification Letter	
Step 5 – Notification of intention to change waste service	Notify Council's intention to change their service to a Contaminated Waste Service. Offer and provide support to encourage behaviour change
Step 6 – Transfer to Contaminated Waste Service	Move to a contaminated waste service Provide ongoing support to assist with behaviour change

- Following placement of a contamination label (**Attachment Two**) at each step, progression to the next step requires additional contamination to have occurred within six-month period.
- As the intent of this Policy is to support behaviour change, should contamination cease for a continuous period of six months, the service user is considered to have demonstrated sufficient behaviour change and any future contamination will then begin at Step 1.
- The Contamination Waste Service charge is in accordance with Council's published Fees & Charges and is \$1,650 in FY 2023/24.
- The policy does not propose to remove or cease service to a property as this can result in waste being placed in neighbour bins, filling of public place bins, or resulting in an increase in dumped rubbish.
- Ensuring a property has access to a waste service is important for the overall health of the community.

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

KEY ISSUES

- Contamination of bins (i.e., putting the wrong items in the rubbish, recycling and/ or FOGO bin) has significant environmental and financial impacts for the Banyule community.
- Reducing contamination in bins is important to Banyule residents. More than 1,000 responses were received from residents for the 2023 Towards Zero Waste Management Plan survey and 92% of residents indicated that it is important for Council to take action to eliminate contamination from bins.
- In the same survey, 92% of residents felt Council should respond to contamination detected in bins and over 81% of respondents indicated that Council should respond strongly.
- It is thought that most people do not contaminate intentionally, therefore an approach of awareness, education, and support is the best fit for this issue and will lead to better outcomes. A Frequently Asked Questions (FAQ) document (**Attachment Three**) has been prepared and will
- However, for those that are unable to change their behaviour, will move to a *Contaminated Waste Service* which is a higher cost and reflects the cost of disposing bin contents to landfill.

SUPPORTING REPORT DETAILS

Legal Consideration

- *The Privacy and Data Protection (PDP) Act 2014* places obligations on Councils to handle personal information in accordance with the Information Privacy Principles (IPPs).
- Council collects and handles personal information of individuals in line with Council Privacy Policy to deliver services to residents in accordance with duties and powers in the *Local Government Act 2020*. Personal information is used to perform the collection and disposal of the Council waste function.

Human Rights Charter

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

Gender Impact Assessment

- The Gender Impact Assessment (GIA) did not identify a specific gender issue that could be addressed and incorporated in the proposed *Kerbside Contamination Policy*.
- The GIA did identify that there may be gender specific issues which could arise during the implementation of the Policy. These are considered likely to present in the form of:
 - Lower income households;
 - Primary care-giver obligations; and
 - Non-English-speaking backgrounds

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

- To ensure the individual needs of these households are understood and supported accordingly, engagement on a one-to-one basis between Council and the households is required. The individual circumstances of households will be understood and the appropriate support to facilitate affective change management will be provided.

The proposed *Kerbside Contamination Policy* will also provide an opportunity for Council to identify households which may be eligible for assistance via the existing *Special Consideration Service* which provides additional assistance to households with special needs. **Sustainable Procurement Outcomes**

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

Financial Implications

- It is anticipated that Council will incur additional administration costs through the implementation of this policy due to the high level of support and education that will be provided to households found to be contaminating.
- However, this cost will be offset by the reducing the likelihood of incurring financial penalties from processors due to contaminated waste streams.
- The community benefits will far outweigh the net costs likely to be incurred through the adoption of the proposed Kerbside Contamination Policy.

Innovation and Continuous Improvement

- Over the past number of years advances in technology has assisted with improving waste services. The fitting of camera technology in waste trucks has offered many benefits including improved safety practices; helping the driver to reverse and manoeuvre a large vehicle in residential streets, assisting with insurance claims, allowing the driver to monitor what is disposed within a bin, fire detection, and contamination detection.
- Another innovation that has assisted Councils with improving waste services is the transition of printed serial bin numbers to electronic serial numbers. The serial numbers are similar to barcodes in a supermarket, they do not record information, the information is registered against the serial number. For example, just like a jar is registered as a type of jam, a bin is registered to a property; in addition, just as you scan a jam jar to record the jar has been purchased, the bin is scanned to record that it has been picked up for collection.
- Serial numbers offer the following benefits:
 - Continuity of household specific services
 - The technology is useful when a regular driver is on leave as the replacement driver is alerted to tasks that need to be completed (special customer collection requirements).
 - Ability to provide greater customer service
 - Confirmation if a bin has been picked up
 - Drivers can record issues such as if a bin is too heavy to lift or if a bin is jammed and will not empty. This information is helpful to Council's Customer Services teams when a resident calls and asks what happened.

KERBSIDE CONTAMINATION MANAGEMENT POLICY cont'd

- Ability to confirm that a bin has been fixed or replaced.
- Ability to provide targeted 1:1 support
 - Contamination will be recorded at a property level, which will enable Council to directly engage and support households with contamination
 - Bin serial numbers provide Council with an operational tool to help deliver the waste service.
- All red lidded bins (rubbish bins) and black body FOGO or recycling bins have electronic serial numbers. To enable the best application of the proposed policy, older bins will be retrofitted with electronic serial number for the benefits outlined above.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

No.	Title	Page
1	Kerbside Contamination Management Policy	
2	Bin Labels - Rubbish, FOGO & Recyclables	
3	FAQ Kerbside Contamination Management Policy	

6.1 9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023)

Author: Scott Seide - Development Planner, City Development

Ward: Griffin

SUMMARY

1. It is proposed to develop the site with a two-storey dwelling of contemporary design, including render and glass external finishing and perforated metal, architectural feature screens. A planning permit is required as the dwelling exceeds six metres in height in the Significant Landscape Overlay – Schedule 1 (SLO1).
2. The assessment of this proposal must consider the purpose as well as the relevant objectives and decision guidelines that relate to the site, as contained within the SLO1. The stated purpose being ‘to conserve and enhance the character of the significant landscape’ and the relevant objective being to ‘retain vegetation that contributes to landscape character, heritage values or neighbourhood character’. In this instance the significant landscape is the Yarra (Birrarung) River Corridor Environs.
3. The application received seven objections during public notification, including concerns relating to landscaping, building height, design, setbacks, drainage, traffic, parking, construction and amenity impacts.
4. A consultation meeting attended by the permit applicant (and their representative), objectors, and the Ward Councillor was held to discuss the objectors concerns and limitations of the planning assessment under the SLO1.
5. Following the consultation meeting the applicant submitted a set of ‘without prejudice’ plans for further consideration and generally include increased setbacks to the front and side boundaries to facilitate more space for landscaping.
6. It is considered that the proposal can be supported on account of the additional landscaping opportunities afforded by these changes, together with the proposal meeting the relevant objective of the Significant Landscape Overlay. This includes opportunities to soften built form when viewed from off-site vantages and protection of trees on adjoining land, should works under the permit proceed.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P1/2023 for ‘Construction of one dwelling exceeding 6m in height in the Significant Landscape Overlay – Schedule 1’ subject to the following conditions:

General plans

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans submitted 16/3/2023 with the application but modified to show:
 - (a) The design modifications as detailed in discussion plans (TP02 – TP07 Rev. B - received at Council 9/6/2023) included on all relevant plans, to the satisfaction of the Responsible Authority.

Modifications include:

 - i. The ground floor butler and laundry room walls setback a minimum of 1.2m from the south boundary;
 - ii. The ground floor cellar & entry lounge walls setback a minimum of 2.5m from the southern boundary;
 - iii. The garage setback a minimum of 7.5m from the front boundary;
 - iv. The garage wall setback a minimum of 1.04m from the north boundary;
 - v. The 'entry lounge' setback a minimum of 8.5m from the front boundary; and
 - vi. Associated changes to the dwelling layout required by the above.
 - (b) The location of tree protection zones and structural root zones for Tree #8 shown on all relevant plans;
 - (c) The area analysis table at Plan TP03 – Rev. B updated to reflect the revised area analysis calculations at Plan TP08 – Rev. B;
 - (d) All relevant tree sensitive construction methods including surface treatments, annotated on the plans;
 - (e) 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;
 - (f) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (g) An Amended Landscape Plan in accordance with Condition 3 of this permit; and
 - (h) Tree Preservation Fencing in accordance with Condition 8 of this permit

Layout Not to Be Altered

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

Landscape Plan

3. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects dated 24/2/2023 but modified to include:
- (a) Amendments required by Condition 1 of this permit;
 - (b) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
 - (c) Increased screen planting to the north boundary adjacent to the driveway and garage;
 - (d) Increased screen planting of varying heights and species incorporated through the length of the southern boundary;
 - (e) A minimum of one small indigenous canopy tree (mature height of at least 5m) to the southern setback of the 'entry lounge' wall;
 - (f) The 'Jacaranda mimosifolia' deleted from the front setback and replaced with a large canopy tree (mature height of at least 12m), planted at a semi-advanced state (minimum pot size 40 litre) of a species selected from the list below:
 - Eucalyptus melliodora* - Yellow Box
 - Eucalyptus polyanthemos* - Red Box
 - Eucalyptus rubida* – Candlebark
 - Eucalyptus ovata* – Swamp Gum
 - Eucalyptus blakelyi* – Blakely's Red Gum
 - Eucalyptus leucoxylon subsp. megalocarpa* - Yellow Gum
 - Eucalyptus mannifera* – Red Spotted Gum
 - Brachychiton populneus* – Kurrajong
 - (g) The 'Arbutus glandulosa' in the front setback deleted and replaced with a small indigenous shade tolerant canopy tree (mature height of at least 5m);
 - (h) The 'Acer rubrum' at the northwest corner of the site, replaced with a medium – large indigenous, evergreen canopy tree (mature height of at least 8m), planted at a semi-advanced state (minimum pot size 16 litre);
 - (i) Planting adjacent to the driveway and within landscaping zones to consist of varying heights and species;
 - (j) An indigenous and/or drought tolerant planting theme;
 - (k) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;

- (l) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;

Urban Design

- 4. 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.
- 5. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

No Damage to Vegetation

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

Vegetation Retention

- 7. All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.

Tree Protection Zone

- 8. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #1-2 and #8 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Dean Simonson April 2023:

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
 - xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (min. AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

- does not adversely impact the health and or stability of any retained tree now or into the future.
- ii. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not excavate or alter the existing ground level or topography of the land greater than 10% within 2.5m of the north boundary fence where within the TPZ of tree #8.
 - iii. Any root severance within a TPZ must be undertaken by the project Arborist in accordance with the Australian Standard AS4373-2007 Pruning of Amenity Trees, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
 - iv. Any tree pruning is to confirm to AS4373-2007 Pruning of Amenity Trees, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority.
 - v. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Specific Tree Protection Measures

9. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:
 - (a) Any underground service installations within the calculated Tree Protection Zone of any retained tree must be bored to a depth of at least 800mm.
 - (b) Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:
 - i. Undertaken after written approval is received from the responsible authority;
 - ii. Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

No Damage to Vegetation

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

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

Vegetation Retention

11. All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.

Drainage General

12. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority so as to prevent the discharge of stormwater from the subject land across any road or footpath or onto adjoining land.

Approved Drainage Outlet

13. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.
- (a) Any connection to Council's drainage system:
- vii. Within the road reserve must be carried out under a Memorandum of Consent for Works;
 - viii. Other than within a road reserve must be carried out under a Drainage Connection Permit.
- (b) This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

Expiry of permit

14. 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 development is not commenced within two years of the date of this permit; and
- (b) The development is not completed within four years of the date of this permit.

PERMIT NOTES

(A) Permit Extension

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, within six months afterwards, or within twelve months afterwards if the development started lawfully before the permit expired.

(B) ResCode Assessment not Undertaken

This application has not been assessed against Clause 54 of the Banyule

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

Planning Scheme (ResCode). Assessments should be undertaken by the relevant building surveyor.

(C) Building Permit Required

Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

(D) Building over Easement

No structure (including but not limited to sheds, retaining walls, eaves, water tanks, paving and landings) shall be built over any easement on the subject land except with the consent of the relevant Responsible Authority.

(E) Copy of Endorsed Plans to Building Surveyor

The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

(F) Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

Planning Permit Application:

P1/2023

Development Planner:

Scott Seide

Address:

9 The Panorama EAGLEMONT

Proposal:

Construction of one dwelling exceeding 6m in height in the Significant Landscape Overlay – Schedule 1.

Existing Use/Development:

Residential / Dwelling

Applicant:

William Tan

Zoning:

Neighbourhood Residential Zone – Schedule 3

Overlays:

Vegetation Protection Overlay – Schedule 3
Significant Landscape Overlay – Schedule 1

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

Notification (Advertising):	Development Contributions Plan Overlay – Schedule 1. One sign on site and letters posted to neighbouring and nearby properties.
Objections Received:	Seven
Ward:	Griffin

- The main features of the proposal are as follows:
 - Construction of a two-storey dwelling of contemporary design. The building is designed as three distinct portions, including a larger central section connected to wings, to the east and west.
 - Proposed finishes are predominantly white render and glass with beige perforated metal screens incorporated as an architectural feature to the east and west wings of the building.
 - The proposal includes a swimming pool and water feature adjoining the northern boundary and a basketball area to the rear.
 - Site coverage of 42.41%.
 - Site Permeability 32.9%
 - Garden Area of 43%.
 - Altered landscaping treatment to the front, side and rear setbacks.
 - Maximum building height is proposed at 8.97m above natural ground level.
- A set of the Advertised Plans are included at Appendix 1. The 'without prejudice' plans (received 9/6/2023) are included at Appendix 2.

BACKGROUND

- There are no previous planning applications for the subject site or current planning investigations.

SUBJECT SITE AND SURROUNDING AREA

Site area	957.25m ²
Topography	Site gradient falls approx. 5m from the southwest (rear) corner to the northeast (front) corner of the site. Site topography includes existing flat terraced sections and retaining works.

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

<p>Existing and Neighbouring Vegetation</p>	<p><u>Site trees</u></p> <p>The submitted arborist report identifies five trees on the site numbered Trees 3 – 7. No site trees meet the requirements for protection under the VPO3 or the SLO1.</p> <p><u>Surrounding trees</u></p> <p>A further 3 adjoining trees are identified within close proximity of adjoining boundaries (Trees 1, 2 & 8).</p>
<p>Existing Dwelling</p>	<p>Single storey weatherboard dwelling with a tiled hipped roof and associated double garage to the front of the building.</p>
<p>Fencing</p>	<ul style="list-style-type: none"> • Existing paling fencing to the north and south side boundaries. • Bamboo fencing to the rear (west) boundary. • Fence heights are not detailed on the plans. • No front fencing
<p>Easements</p>	<p>None</p>
<p>Covenant</p>	<p>The land is affected by Covenant 061147 restricting the construction of a dwelling for less than 500 pounds or use the land for brickmaking, quarrying, fellmongery, butchering or other offensive / dangerous pursuits.</p> <p>The proposed development does not breach this covenant</p>

Locality Plan

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd



PUBLIC NOTIFICATION

Advertising Period	21 April 2023 to 5 May 2023
Advertising methods	Public notification was undertaken as follows: <ul style="list-style-type: none"> • Sign on site • Letters to all adjoining properties
Objections received	Seven
Grounds of objections (summarised)	<ul style="list-style-type: none"> • Excessive building height • Inappropriate setbacks • Architectural style and design detailing not in keeping with surrounding area • Drainage and stormwater impacts • Insufficient landscaping

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

	<ul style="list-style-type: none"> • Removal and impacts to trees • Overlooking • Construction impacts
Consultation	<p>A consultation meeting attended by objectors and the applicant was held 31 May 2023 where concerns were discussed by the parties and objectors informed of the limitations of the planning assessment, having regard to neighbourhood character, setbacks, drainage and amenity considerations.</p> <p>In response to these discussions the applicant submitted a set of 'without prejudice' amended plans on 9/6/2023.</p> <p>The 'without prejudice' plans have been circulated to objectors and include the following changes:</p> <ul style="list-style-type: none"> • The ground floor butler and laundry room walls setback a minimum of 1.2m from the south boundary; • The ground floor cellar & entry lounge walls setback a minimum of 2.5m from the southern boundary; • The garage setback a minimum of 7.5m from the front boundary; • The garage wall setback a minimum of 1.04m from the north boundary; • The 'entry lounge' setback a minimum of 8.5m from the front boundary; and • Associated changes to the dwelling layout required by the above.

REFERRAL COMMENTS

Department/ Officer	Conditions /Comments
Arborist / Landscape Architect	<p>Council's Development Planning Arborist and Landscape Architect generally support the proposal, subject to an increased indigenous planting schedule and recommended tree protection conditions, should a permit proceed.</p> <p>It is considered that the amended plans, with the application of recommended conditions address these requirements.</p> <p>This is discussed in the 'technical consideration' section of the report.</p>

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Neighbourhood Residential Zone (NRZ3)	32.09	No
Vegetation Protection Overlay – Schedule 3 (VPO3)	42.02	No
Significant Landscape Overlay – Schedule 1 (SLO1)	42.03	Yes
Car Parking	52.06	No

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Settlement	02.03-1
Natural Environment	02.03-2
Safer Design	02.03-4
Housing	02.03-5
Settlement	11
Environment and Landscape Values	12
Built Environment and Heritage	15
Housing	16

TECHNICAL CONSIDERATION

Significant Landscape Overlay – Schedule 1

- The broad purpose of the Significant Landscape Overlay – Schedule 1 (SLO1) is to both conserve and enhance the significant landscape character of the Yarra (Birrarung) River Corridor and its associated vegetated parklands and reserves. This includes the conservation of river views; protection of valued flora, fauna and habitat; protection of geological and geomorphological assets; and protection of water quality and flow regimes. Accordingly, the landscape character objectives of the overlay primarily focus on the protection of views both from the river corridor and impacts to the river environs directly.
- Consideration of the scale, form, siting and design of new buildings, (including materials, colours and finishes) is also relevant in some instances, however only to the degree that development can be seen from the river corridor environs and its corresponding visual impact to this area. This is a site specific consideration based on the site location and type of development proposed.
- When the SLO1 includes residential properties that do not directly interface with the river and its associated parks & reserves and are not visible from these vantages (due to factors such as to distance, terrain, buildings and trees), the

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

objectives to be achieved under the overlay there are limited opportunities to apply Council's Residential Neighbourhood Character Strategy.

- In this application, the assessment of built-form impacts is only triggered for development above a discretionary height of six metres, the scope of assessment for buildings and works under the decision guidelines of the overlay is further confined to tree impacts and building heights. The location of the proposed development at the western edge of the SLO1, (away from the river vantages) confines the built form assessment to the 'purpose' of the overlay and whether it generally *'conserves and enhances the significant landscape character'*
- Importantly, the six metres height referenced in the SLO1 provisions is a discretionary height that determines whether a planning permit is required (or is not required). This is not a mandatory requirement. In this instance, no part of the proposed dwelling exceeds the mandatory maximum dwelling height limits of two storeys and nine metres, set out in the NRZ3 provisions.
- The submitted architectural plans highlight the sections of building that exceed 6 metres in yellow as shown in Figure 1 below:

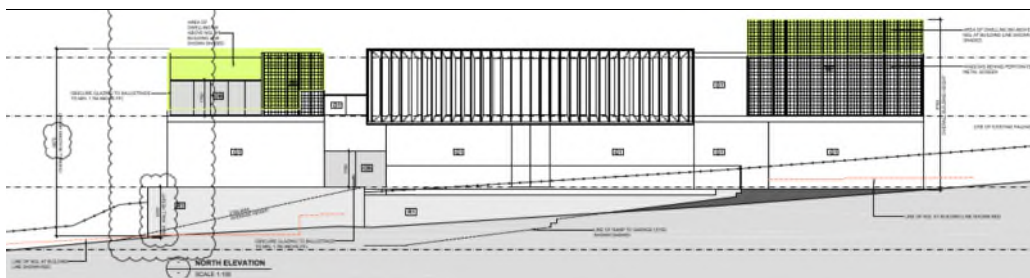


Figure 1: North Elevation showing yellow areas which exceed 6 metres in height (Without Prejudice Plans)

- These areas include:
 - A portion of the upper-level parent room that extends approx. 0.2 metre – 1.2 metre above six metres, a two metre high section of 'stand-alone' perforated metal architectural screening (that extends above the upper-level balcony on this side) and associated 1.7 metre high obscure screen along this side.
 - A one metre high section of parapet roof (externally clad with perforated architectural screening) adjacent to the upper level, southern lounge area on the west side of the building.
 - A 1.6 metre high 'stand-alone' section of perforated metal screening to the north side of the upper level master bedroom.

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Built form

- The proposed development is required to appropriately integrate with the natural landscape setting of the river corridor by way of its scale, form, siting, design and landscape response.
- The built form of the proposal is considered acceptable in response to SLO1 landscape character as the proposed height of the building is comparable to the height of the existing dwelling and is less than the height of dwellings on nearby properties in the street (Refer to Figure 2 below). In addition to this the site is located over 500m from the Yarra River Parklands and would be screened from view through the undulating topography, existing canopy cover and existing development between it and the parklands.

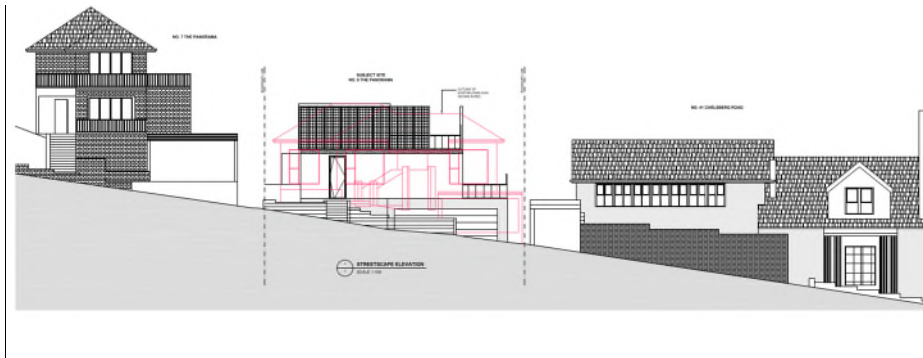


Figure 2: Proposed streetscape (east) elevation with overlay of existing dwelling in red (Without Prejudice Plans)

Landscaping

- Sufficient landscaping is required to conserve and enhance the existing character of the significant landscape and provide space to effectively filter views between buildings.
- The design modifications proposed by the applicant increases the northern setback of the garage to 1 metre, the ground floor (front) setback of the entry lounge to 8.5 metres, and the southern setback of the building to 1.2 metres – 2.5 metres which allows for additional planting area to the front and sides of the dwelling.
- Five small, exotic and non-indigenous, low retention value site trees are proposed to be removed from the site, none of which are protected or exceed 2.5 metres in height. The proposed landscaping together with the recommended conditions would incorporate a total of eight canopy trees on site, comprising four indigenous and four exotic species along with screen planting to boundaries and understorey plantings.
- Therefore, subject to the recommended conditions for the replacement of certain species proposed, the proposed landscaping is considered to effectively

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integrate with the indigenous and exotic mix of planting that make up the local landscape character of the area and will in time provide an improved landscape response that will enhance the existing character of the significant landscape and provide visual filtering of the development between buildings.

Vegetation Removal and Impacts

- All site trees are proposed to be removed. No trees are protected under the Significant Landscape Overlay – Schedule 1 or the Vegetation Protection Overlay – Schedule 3 and no permit is required for their removal
- The encroachment of the dwelling into the TPZ of adjoining property Trees #1 and #8, is acceptable due to existing retaining walls and hard surfacing adjacent to the north and south boundaries that currently limits root growth to these trees. The Development Planning Arborist has reviewed the arborist report submitted by the applicant assessing the impacts to these trees and is satisfied that the level of encroachment can be supported, subject to tree protection conditions.

Neighbourhood Character and ResCode

- The construction of a single dwelling on a lot exceeding 500m² does not trigger a planning permit under the Neighbourhood Residential Zone – Schedule 3 (NRZ3), however a permit is required as the building exceeds six metres in height above natural ground level within the SLO1.
- As a permit is not required under the zone, a Clause 54 (ResCode) assessment is not applicable and local neighbourhood character policies have limited application. The ability to consider local neighbourhood character policies in these circumstances has been tested previously at VCAT, with the Tribunal affirming that only the *'wider landscape, policy objectives of maintaining and strengthening the garden dominated character of the area'* can be considered, where development in the SLO1 is the only permit trigger. Therefore, the assessment is confined to the SLO1 'Decision Guidelines' contained at Clause 42.03 of the Banyule Planning Scheme.
- ResCode consideration including setbacks, overlooking and overshadowing are considered through the building permit assessment. Any ResCode requirements which are not met are subject to a 'Report and Consent' process which allows Council's Building team to consider if variations should be supported.

OBJECTORS CONCERNS

- The majority of objectors' concerns have been addressed above however the following additional response is provided:

Three storey development is not permitted

- The submitted section drawings include measurements demonstrating that the basement level does not protrude more than 1.2m above NGL, where there are

9 THE PANORAMA, EAGLEMONT - NEW DWELLING IN THE SIGNIFICANT LANDSCAPE OVERLAY (P1/2023) cont'd

two storeys directly above. Accordingly, this level is not considered to be a storey. Plan annotations are included on the plans confirming that no part of the basement level exceeds 1.2m above NGL where there are 2 storeys above.

Detrimental drainage impacts to adjoining properties and lack of drainage information provided

- Drainage implications for this development will be assessed at the building permit stage where a drainage system designed to the requirements and satisfaction of the relevant Building Surveyor is required to be submitted and approved.

Increased traffic and parking

- The proposed development provides two car parking spaces on site as required for a three or more bedroom dwelling. It is noted that use of the land for a single dwelling does not require a permit and accordingly consideration of increases in traffic is not relevant.

Increased dirt, dust, trucks and mess during construction phase / construction along the boundary

- This is a short term amenity issue that cannot be considered given that once a development has been completed, the issue is no longer relevant. Noise and dust in the short term are matters which are not controlled by the Planning Department and are policed by Council's Local Laws and Environmental Health Units and through the building regulations.
- All building works including construction on and near boundaries are assessed as part of the building permit process in this instance.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

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CONCLUSION

- The proposed development, subject to permit conditions, should be supported as it provides an acceptable response to the Significant Landscape Overlay – Schedule 1 for which a permit is required.

ATTACHMENTS

No.	Title	Page
1	Advertised Plans	
2	Without Prejudice Amended Plans	

6.2 2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)

Author: Jonathan Atkinson - Development Planning Team Leader, City Development

Ward: Ibbott

SUMMARY

1. The proposal detailed in this report is for a residential aged care development, including various accommodation and community-based facilities resulting in a total of 230 beds. Permission is also sought to remove two (2) easements and sixteen (16) protected trees.
2. The development will replace an existing retirement village comprising forty-four (44) units and support services, and a recently demolished three (3) storey aged care building containing fifty (50) rooms and twenty-six (26) nursing ward beds, constructed in the late 1970s. The proposal seeks to provide modern services and accommodation suitable for residents with varying care needs which are not currently available on site.
3. The design is assessed against the purpose and requirements of the Residential Aged Care Facility planning provision at Clause 53.17 of the Banyule Planning Scheme.
4. The application has been placed on public notification twice, including most recently in May 2023 during which a public information session was hosted. A total of 207 objections have been received to date on various grounds, however the most common issues raised include overdevelopment, buildings not in character with the area, parking and traffic concerns and vegetation removal.
5. It is considered that the proposed development strikes an acceptable balance between competing policy objectives which support aged care development in appropriate settings, but having regard to neighbourhood character, landscape, vegetation, traffic, and parking considerations. The proposal should be supported subject to permit conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P58/2021 for Development of a residential aged care facility, removal of easements and vegetation removal at 2-8 Glenmore Street, 44-50 Highview Crescent and 35 Thornton Street MACLEOD subject to the following conditions:

General plans

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the amended plans submitted 1 December 2022 but modified to show:
 - (a) The IRCF2 roof plant re-located to be central to the building and appropriately screened and treated to reduce noise emission;
 - (b) The IRCF1 roof plant screen detail, including material and finishes;
 - (c) The black/charcoal cement cladding proposed to all buildings replaced with a lighter muted tone, such as grey or brown, and the building facades designed to include natural timber elements;
 - (d) The north-east upper-level windows of accommodation Type '3D' facing No. 33 Thornton Street to be obscured up to 1.7 metres above finished floor level;
 - (e) The height, materials and finishes of all proposed retaining walls;
 - (f) The substation area setback three metres from Highview Crescent to allow for landscaping and screening to the satisfaction of the Responsible Authority;
 - (g) The fire booster cabinet and water meter assembly adjacent to Glenmore Street to be dimensioned and finished in a muted tone;
 - (h) Further details of the hydrant booster adjacent to Highview Crescent, including height and appearance;
 - (i) All hydrant cupboards and electrical boards to be finished in a muted tone;
 - (j) IRCF1 and IRCF2 bin room detail to include:
 - a. Hard waste storage areas;
 - b. Bumper rails fitted to walls;
 - c. Sink for mops;
 - d. Pathway from bin room to truck collection point to be flat;
 - (k) The proposed pedestrian connection from Broadford Crescent to the Cherry Street reserve to be no less than 3 metres wide;
 - (l) New bus stop detail in accordance with Condition 12 of this permit;
 - (m) Development Drainage Plans in accordance with Condition 3 of this permit;

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

- (n) An amended Landscape Plan in accordance with Condition 4 of this permit;
- (o) An amended Waste Management Plan in accordance with Condition 5 of this permit;
- (p) An amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (q) An amended Green Travel Plan in accordance with Condition 7 of this permit;
- (r) An Environmentally Sustainable Development (ESD) drawing in accordance with Condition 8 of this permit;
- (s) A Water Sensitive Urban Design (WSUD) drawing in accordance with Condition 9 of this permit;
- (t) A Tree Protection and Management Plan (TPMP) in accordance with Condition 10 of this permit;
- (u) Tree Preservation Fencing in accordance with Condition 20 of this permit;

Layout Not to Be Altered

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Development Drainage Plans

3. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to the Council nominated legal point of discharge;
 - (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
 - (d) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC report and include drainage details as a result of landscaping;
 - (e) The Tree Protection Zone and Structural Root Zone of Tree #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68 as identified in the submitted Arboricultural Report shown to be retained.

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

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

Landscape Plan

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Fitzgerald Frisby Landscape Architecture dated 16 September 2022 but modified to include:
- (a) Amendments required by Condition 1 of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;
 - (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - (e) An indigenous and/or drought tolerant planting theme;
 - (f) 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;
 - (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements, and existing trees;
 - (h) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;
 - (i) Location, details, and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC 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.

Waste Management Plan

5. Before the development permitted by this permit commences, an amended Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must be

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

generally in accordance with the plan prepared by Leigh Design dated 21 September 2022 but modified to include:

- (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;
- (b) Use of 1100L MGB to reduce collection frequency requirements;
- (c) Anticipated frequency, hours and duration of collection;

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

Sustainability Management Plan

6. Before the development permitted by this permit commences, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Mott MacDonald dated 19.09.2022 but modified to include (but not limited to):

- (a) A BESS Report that:
 - i. Achieves 'best practice' with a minimum overall score of 55%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
 - ii. Proposes all-electric measures with no natural gas included;
 - iii. Reflects the total average NatHERS across the residential units (e.g. weighted average from modelling provided), or include both average scores (for 'Type 2' and 'Type 3' accommodation respectively);
- (b) NatHERS certificates of a representative sample of dwelling typologies for both 'Type 2' and 'Type 3' accommodation to support the 6.5 and 7.12-star targets outlined in the SMP;
- (c) More details around metering strategy, including extent (e.g. individual dwellings and common areas) and scope (electricity, water, gas, solar etc.);
- (d) EV charging infrastructure to include *cabling* back to the main switchboard (for IRCF1/2 basement) that has a minimum capacity to support Level 2 (Mode 3) (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

- Amp single phase) to allow the aged care facility to install / provide EV charging at a later date (when demand increases);
- (e) More details within the SMP and Landscape Plan regarding species selection (native, indigenous and drought tolerant) and specific irrigation strategy (e.g., sub-surface drip or hand watered until established);
 - (f) Amended wording within the SMP to reflect 16.4% reduction in energy demand for the non-residential component (not 17% as highlighted in the SMP);
 - (g) Clarification on whether the basement car park is to be mechanically ventilated with CO monitors or naturally ventilated;
 - (h) Clarification of the type of electric cooling system proposed;
 - (i) Confirmation of the type of electric hot water system proposed;
 - (j) Amended rooftop plan and ESD Drawing to specify the total (minimum) solar PV system size (not indicative);
 - (k) Amended 'Type 3 accommodation' design to incorporate an external shading treatment (e.g. eave, awning, blinds, or louvres etc.) for North and West (preferably operable) facing glazing elements to habitable rooms that are not shaded by a retaining wall. Provide amended elevations or cross-section details to illustrate;
 - (l) Amended IRCF2 building design to include an external shading treatment for exposed bedrooms on the north-west and north-east facades. Provide amended elevations or cross-section details to illustrate;
 - (m) Amended discrepancies in the stormwater strategy, including clearly demonstrating which buildings are connected to rainwater tanks;
 - (n) Consideration to revise stormwater strategy to include rainwater tanks for the 'Type 3' accommodation – individually or in a similar cluster – to reduce the reliance on raingardens for stormwater quality;
 - (o) Consideration to increase the size of the rainwater tank to service toilet flushing throughout IRCF1 or IRCF2 (or both) and to reduce the reliance on raingardens for stormwater quality;

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- (p) A revised plan (as on page 31) detailing collective raingarden areas, and a detailed plan of the 55 sqm raingarden (either as part of the stormwater strategy or within the Landscape Plan) to support its design;
- (q) The full daylight assessment summarised in appendix C (SMP, p. 38);
- (r) Clarification of the extent of double glazing throughout the development (given the credit was not claimed in BESS), through a statement within the SMP of revised elevations;
- (s) Clarification of misalignment in bicycle parking between BESS/SMP and plans and amend documentation accordingly;
- (t) Clarification of provision and location of end-of-trip facilities as per the BESS Report and amend plans accordingly;
- (u) Amended construction waste commitment to include a target to re-use or recycle (min) 80% of demolition and construction waste and include within procurement requirements for waste contractor;
- (v) Amended language within materials section (removing phrases such as 'where possible) to outline firm commitments (e.g. % by cost / weight);
- (w) Amended Landscape Plan (with annotation or symbols) to clearly identify food producing areas to align with BESS commitments (46 sqm for apartments, 24 sqm for office and 127 sqm for public building);
- (x) A statement as to how the design has/will contribute to urban heat mitigation – replace roofing with 'cool' alternatives (Maximum SA of 0.70 / minimum SRI of 0.45), and consider increasing climbing vegetation to shield dark external elements from direct sunlight;
- (y) Clarification of strategy to reduce embodied carbon of concrete (through portland cement reduction) and steel (through responsible steel maker and reductions where possible);
- (z) Clarification of best-practice approach to use of PVC materials or alternatives;

Green Travel Plan

7. Before the development permitted by this permit commences, an amended Green Travel Plan (GTP) must be submitted to and approved by the

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cont'd**

Responsible Authority. The GTP must be prepared by a suitably qualified environmental and traffic engineer or consultant. When approved, the amended GTP will be endorsed and will form part of this permit. The GTP must be generally in accordance with the GTP prepared by Patrick Phelan, ESD Consultant dated 19/09/2022 but modified to include (but not limited to):

- (a) A definition of 'sustainable travel' within the introduction that includes a transition towards electric and low emissions vehicles, active commuting and public transportation;
- (b) Updated timelines for objectives and targets to align with delivery and operation of the development;
- (c) An additional column within the actions table to include a 'target date' (and not just 'ongoing') for the proposed actions;
- (d) Actions relating to electric vehicle charging and support for low emissions vehicles within the development;
- (e) Identification of key physical actions which are to be included on the ESD Drawing and plans (i.e., bicycle parking pedestrian pathways);
- (f) Identification of confirmed or proposed car-share parking locations and actions for applying for and installing these;
- (g) Amended review period to be annual (and not just 'in a consistent way') and indication of who is responsible for conducting annual review of the GTP.

Environmentally Sustainable Development (ESD) Drawing

8. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect. When approved, the ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must include:

- (a) All features nominated within the associated SMP identified under Condition 6.

The drawing(s) must include (but not limited to) the following;

- i. A notation committing to the delivery of a Building Users Guide;
- ii. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
- iii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- iv. Water Efficient Landscaping design features;
- v. The location and system size of the Solar PV systems;
- vi. The NatHERS Energy Rating for each dwelling, annotated and

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

- emboldened;
- vii. The Hot Water unit type and energy rating;
 - viii. The Heating System type and energy rating;
 - ix. The Cooling System type and energy rating;
 - x. Clotheslines and locations;
 - xi. External Lighting including Motion Detectors in their respective locations;
 - xii. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
 - xiii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
 - xiv. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
 - xv. The location and depth of external fixed horizontal overhangs to all north facing windows;
 - xvi. Section details of external fixed horizontal overhangs to all north facing demonstrating an appropriate shading angle for blocking unwanted summer sun for Melbourne to the satisfaction of the Responsible Authority;
 - xvii. The location and shading type of adjustable external shading to all east and west facing windows;
 - xviii. Secure bicycle parking storage spaces location and type of storage system;
 - xix. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity to support Level 2 (Mode 3) EV charging (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase);
 - xx. On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;
 - xxi. Tap and Floor Waste (drain) locations in private open spaces and balconies;
 - xxii. Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
 - xxiii. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70 / minimum Solar Reflective Index (SRI) value of 0.45;
 - xxiv. Utility metering provided for all individual residential dwellings;
 - xxv. Utility metering provided for all individual commercial tenants;
 - xxvi. Separate submetering to all major common area services
 - xxvii. Building Systems Water Use Reduction measures to reduce potable water consumption by >80% in the buildings air-conditioning chillers and when testing fire safety systems;

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
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- xxviii. Carpark Ventilation measures either (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans;
- xxix. Ceiling fans provided to regular use areas;
- xxx. Notation for all paints, sealants and adhesives to meet the maximum total indoor pollutant emission limits;
- xxxi. Notation for all carpet meet the maximum total indoor pollutant emission limits;
- xxxii. Notation for all engineered wood meet the maximum total indoor pollutant emission limits;
- xxxiii. Bicycle Parking location and details;
- xxxiv. Bicycle Visitor Parking location and details;
- xxxv. End of Trip Facilities (showers and lockers) location and details;

WSUD Drawing

9. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant or architect. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:
 - (a) All features nominated within the associated SMP, and MUSIC Report identified under Condition 6, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - iii. The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s;
 - iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
 - v. A clear notation of the locations and respective areas (m²) of rooftop catchment areas, trafficable catchment areas, driveways / pathways, permeable pavements, and garden areas that align with MUSIC Model Treatment Train;
 - (b) A Maintenance Schedule for stormwater treatment devices such as

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rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components, and frequency of maintenance;

- (c) STORM Report Rating Identifying a 100% pass mark without the use of SQID's, Buffer Strips and Raingardens where possible;
- (d) An amended STORM Report Rating Identifying a 100% pass mark without the use raingardens where possible; projects are encouraged to prioritise low maintenance initiatives such as rainwater tanks, connected to toilets and laundry;

Tree Protection and Management Plan

10. Before the development permitted by this permit, commences, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:

- (a) The management and maintenance of Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68;
- (b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures condition as part of planning permit P58/2021;
- (c) A tree protection plan drawn to scale;
- (d) All tree protection zones and structural root zones to be indicated on the plan;
- (e) The design modifications and specific construction techniques to be implemented to reduce impact on retained trees;
- (f) The types of footings used within tree protection zones which must also be indicated on the plans;
- (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;
- (h) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground

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protection systems will be used;

- (i) Tree removal methods for approved vegetation;
- (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;

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.

ESD Certification

11. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must confirm that all ESD features have been implemented in the development as approved.

This report must at a minimum include the following:

- (a) Photographic evidence of each ESD features;
- (b) Invoices/receipts and product specifications evidencing the energy

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ratings of appliances as claimed in the SMP;

- (c) Invoices/receipts and product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
- (d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;
- (e) Invoices/receipts and product specifications evidencing the U-Values and SHGCs of windows, glazed doors and skylights as claimed in the approved NatHERS Energy Report and Section J Energy Efficiency Report to address the NCC;
- (f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable);

ESD Inspection

12. Prior to the occupation of the development, the owner or developer must notify Council's Development Planning section that 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 on window glazing, WELS and Energy Ratings for fixtures and appliance, hot water services, heating and cooling units for evidencing purposes.*

Department of Transport

13. Unless otherwise agreed in writing with the Head, Transport for Victoria before the development starts, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the submitted plans but modified to show:
- a. New/updated bus stop and all associated infrastructure in an agreed location on Highview Crescent outside the development site;
 - b. A new shelter and barrier kerb as required;
 - c. The bus stop clear of any street furniture and obstacles, and
 - d. A design compliant with the Disability Discrimination Act 1992 (Cth);

All to the satisfaction of the Head, Transport for Victoria

14. If the existing bus stop on Highview Crescent cannot be used during the demolition and construction of the development, a temporary bus stop must be

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provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.

15. Any request for written consent to disrupt bus operations or the bus stop relocation on Highview Crescent during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption/works and must detail measures that will occur to mitigate the impact of the planned disruption.
16. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop must be completed at no cost and to the satisfaction of the Head, Transport for Victoria. Any temporary bus stop (if required) must be removed and the site reinstated to the satisfaction of the Head, Transport for Victoria.

Notification of Responsible Authority of other matters

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

Development Infrastructure Levy

18. 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.

Removal and Replacement of Council Trees – Payment

19. Prior to the commencement of development and removal of Trees #20, #29, #40, #44, #46, #48 and #70, the required fee for the planting of seven (7) new street trees must be paid to the Responsible Authority. The cost of the tree removal is to be paid by the permit holder.

Note: The planting of a street trees will be carried out as part of Council's works schedule and only during the May to August planting season.

Tree Protection

19. Prior to the commencement of any building and/or demolition works, 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 the endorsed plans, including Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Open Space Management dated April 2021.

- (a) Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 and including the following:
- (i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - (iii) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - (iv) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - (v) All supports, and bracing should be outside the TPZ and any excavation for supports, or bracing should avoid damaging roots where possible.
 - (vi) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
 - (vii) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
 - (viii) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
 - (ix) For street trees, protection must be to the extent of the entire nature strip where the calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - (x) For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - (xi) Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or

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crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;

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

- (b) Any underground service installations within the calculated Tree Protection Zone (TPZ) of any retained tree must be bored to a depth of at least 800mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:
- (i) Undertaken after written approval is received from the Responsible Authority;
- (ii) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.

Construction Management Plan

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

The Plan must also include (but not be limited to) details of the following:

- Appropriate location of parking for all tradespersons, to ensure as far as practicable a design and measures for trades vehicles to park on-site where possible. This may include utilisation of basement carparking.
- A sign to be displayed on site at all times advising tradesman to park on the site where practicable and if parking on-street, not to illegally park across any driveway.

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- A likely timeframe for construction (including demolition, commencement and any staging).
- Access and egress points for all vehicles to the site.
- Location of construction workers' amenities away from abutting dwellings.

Note:

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

Road Discontinuance/Sale of Land

21. The development permitted by this permit must not commence until the land acquisition within Broadford Crescent and Highview Crescent, including the land swap to provide a pedestrian connection to the Cherry Street reserve, is finalised and the new title lodged with the Land Titles Office.

Occupation of Development

22. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering, replacement of street trees).

Car Parking/Access

23. 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.
24. 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.
25. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

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Urban Design and Landscaping

26. 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.
27. 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.
28. 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.
29. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
30. 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.
31. 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

32. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare except during collection. Odour must not be emitted from any such receptacle to cause offence to any person outside the subject land, to the satisfaction of the Responsible Authority.

Maintenance of property

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

Permit Expiry

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

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PERMIT NOTES

A. Expiry of Permit

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

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

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

B. Building Permit Required

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

C. Building over Easements

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

D. Drainage Plan Requirements

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

E. Access to Council Reserve

No permission can be granted either temporary or otherwise by Council and/or its employees with respect to access to the adjacent Council owned land (including the road reserve) for any purposes relating to the proposal (e.g. parking of surplus vehicles, delivery of materials etc.), without application being made for the requisite permit (i.e. Local Law Permit).

F. Completion of Development

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

G. Development Infrastructure Levy

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Please refer to Schedule 1 to the Development Contributions Plan Overlay of the Banyule Planning Scheme for charge areas and levies payable. To request an invoice for payment, please email dcpofficer@banyule.vic.gov.au including the address of the land that is being developed.

H. Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or
- A "Drainage Connection Permit" for any works other than within a road reserve.

I. Building Site Code of Practice

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

J. Street Numbering

Please note that property addresses are allocated by Council. This is usually formalised at the time of the issue of a certified plan.

PROPOSAL

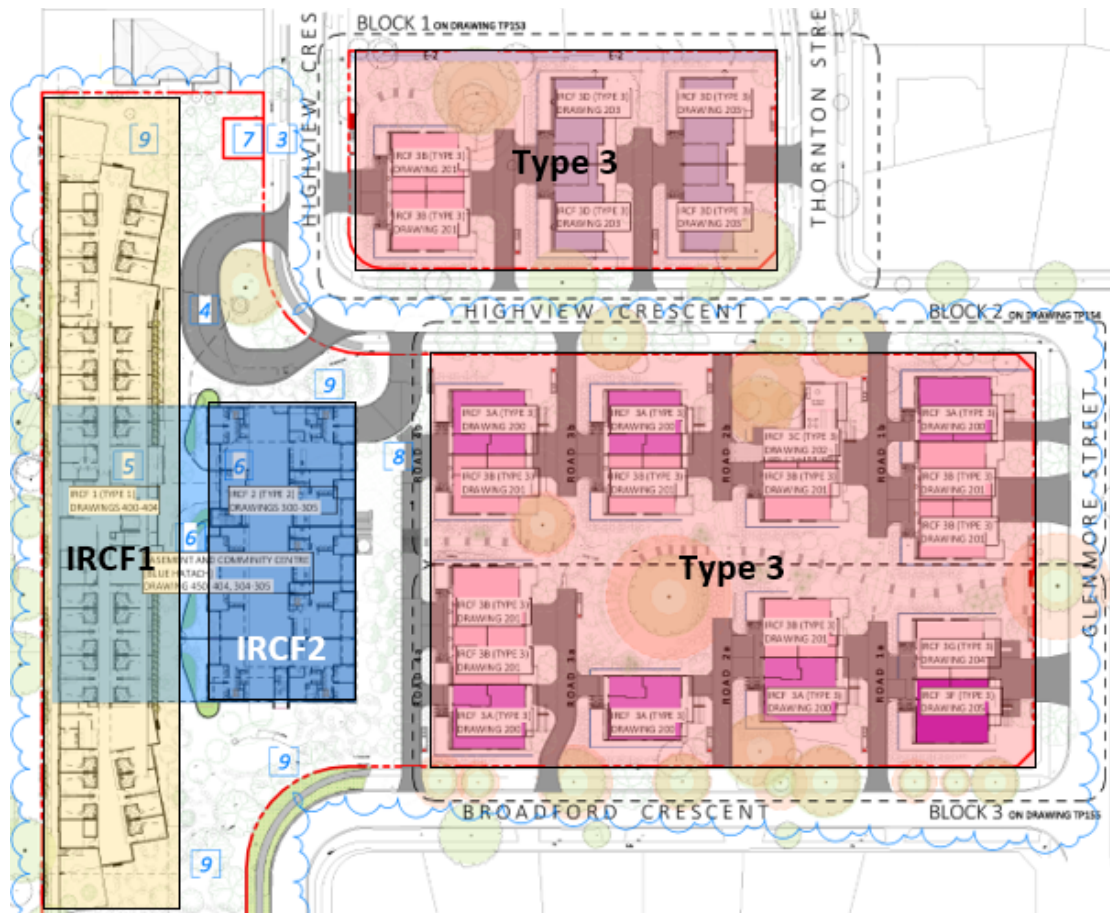
Planning Permit Application:	P58/2021
Development Planner:	Mr Jonathan Atkinson
Address:	2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod
Proposal:	Development of a residential aged care facility, removal of easements and vegetation removal
Existing Use/Development:	Retirement village
Applicant:	Mayflower Reservoir
Zoning:	General Residential Zone – Schedule 2 (GRZ2)
Overlays:	Vegetation Protection Overlay – Schedule 5 (VPO5) Special Building Overlay – Schedule 1 (SBO1)

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	Development Contributions Plan Overlay (DCPO1)
Notification (Advertising):	Five signs on site Notices to surrounding properties
Objections Received:	207
Ward:	Ibbott

- The proposal broadly includes:
 - Development of a three storey 'high care' integrated residential care facility (IRCF1) including 72 beds;
 - Development of a three to three and a half storey 'low care' integrated residential care facility (IRCF2) including 25 apartments;
 - Community centre facilities including a café, bar/games lounge, cinema, gym and arts rooms;
 - Development of 46 'low care' (Type 3 accommodation) cottages, each with one parking space;
 - Removal of 33 trees, including 16 trees protected by the Vegetation Protection Overlay – Schedule 5;
 - Basement parking underneath the IRCF1/IRCF2 buildings providing 54 parking spaces, including 25 spaces reserved for the IRCF2 apartments;

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Proposed building layout and accommodation types

Building Site coverage	44%
Impervious Site Coverage	65%
Residential beds	230
Parking spaces	100
Tree removal	33 (16 require a permit for removal)
Proposed tree planting	263

BACKGROUND

- The subject land has been used and developed in conjunction with residential aged care and retirement living since the late 1970s. Previously operated by various institutions, including most recently Southern Cross Care Victoria, the land has long held a mix of independent living units and more intensive care services. This included the former Terry Barker Nursing Home and Macleod Village Hostel which provided approximately 50 private rooms, 26 nursing ward beds and various communal facilities including kitchen, dining and lounge areas, offices and private nursing rooms. This building was demolished in approximately 2017 and the land has since been transferred to Mayflower as the current service provider.
- A number of planning permits have been issued during this period to enable incremental development of the site, however no permits have been issued in the last 15 years.

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SUBJECT SITE AND SURROUNDING AREA

Site area	18,540m ²
Topography	Substantial slope of 20 metres from north-west to south-east across Parcel A. Slope of 9 metres from north-west to south-east across Parcel B)
Existing and Neighbouring Vegetation	Both parcels contain a number of large trees, including natives, scattered amongst the existing dwellings, driveways, paths and garden beds. The adjacent Cherry Street Reserve to the west is heavily vegetated with native canopy trees.
Existing buildings	There are 13 separate split level units across Parcel A and 7 split level units across Parcel B. The units are built with dark brown brick and include dark green or dark red fascias and garage doors. They have low pitched gabled roof forms finished with tiles.
Fencing	The interfaces with Broadford Crescent, Glenmore Street, Highview Crescent and Thornton Street are unfenced.
Easements	Parcel A has a 2.44 metre wide drainage and sewerage easement running through the centre of the site in an east-west direction. Parcel B has a 1.83 metre wide drainage and sewerage easement running along the northern (side) boundary in an east-west direction. Another 1.83 metre wide drainage and sewerage easement runs through the centre of the site in a north-south direction.

Locality Plan

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PUBLIC NOTIFICATION

Advertising Period	Original application: 5 April to 19 April 2022 Amended application: 28 April to 12 May 2023
Advertising methods	Five signs on sites Letters to surrounding properties
Objections received	207
Grounds of objections (summarised)	<ul style="list-style-type: none">• Traffic impacts, including noise and safety• Inadequate parking• Overdevelopment• Visual bulk/impact of buildings• Building materials not characteristic of the area• Loss of vegetation

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	<ul style="list-style-type: none"> • Overlooking/privacy • Light pollution • Overshadowing • Access to Cherry Street Reserve • Loss of housing for existing residents • Property value • Lack of community consultation
Consultation	<ul style="list-style-type: none"> • An information session was held on Tuesday, 2 May 2023 at the Macleod NETS Stadium. Approximately 35 community members attended to review the amended plans and discuss the proposal.

REFERRAL COMMENTS

- The application was referred to the Department of Transport, Melbourne Water and Yarra Valley Water – see a summary of comments in Attachment 1. No objection was received from these authorities subject to permit conditions.
- The application was internally referred to Council's Drainage Engineering Unit, Development Planning Arborist, Traffic Engineering Unit, Parks and Urban Forestry Unit, Waste Management Coordinator, Environmentally Sustainable Development Advisor and Property Services Unit. A summary of the comments is provided in Attachment 1. No objection was received from these authorities subject to permit conditions.

PLANNING CONTROLS

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

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
General Residential Zone – Schedule 2 (GRZ2)	32.08	Yes
Vegetation Protection Overlay – Schedule 5 (VPO5)	42.02	Yes
Special Building Overlay – Schedule 1 (SBO1)	44.05	No
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies
Easements	52.02	Yes
Signs	52.05	No
Car Parking	52.06	No
Native Vegetation	52.17	No

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Planning Policy Framework (PPF)	
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Safer Design Policy	15.01-1L-02
Environmentally Sustainable Design	15.01-2L-02
Preferred Neighbourhood Character (Garden Suburban Precinct 2)	15.01-5L-01
Housing	16
Economic Development	17
Transport	18
Infrastructure	19
Residential Aged Care Facility	53.17

TECHNICAL CONSIDERATION

- Council must consider this application within the strategic context of the site location, the response to the land use, neighbourhood character and amenity of the area, traffic and car parking and vegetation impacts.
- A more detailed response is included in Attachment 1, however an assessment summary is provided below.

Strategic Framework

- The relevant provisions of the Planning Policy Framework include Clause 11 – Settlement, Clause 15 – Built Environment, Clause 16 – Housing, Clause 17 – Economic Development, Clause 18 – Transport and Clause 19 – Infrastructure. There are a variety of objectives and strategies across the PPF which are relevant for the proposal, some of these include:
 - Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
 - Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people.
 - To facilitate the development of well-designed and appropriately located residential aged care facilities.
 - Recognise that residential aged care facilities are different to dwellings in their purpose and function and will have a different built form (including height, scale and mass).
 - Provide for a mix of housing for older people with appropriate access to care and support services.
- The policy directs that a balanced approach must be taken when considering a proposal for a residential aged care facility. It sets out that there is a need for

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

these facilities and that there should not be an expectation that facilities in residential settings will completely blend into an existing neighbourhood. However, understanding amenity impacts and ensuring good quality outcomes with respect to design, architecture and landscaping within a prescribed setting must also be given consideration.

Land Use

- A permit is not required to use land for a residential aged care facility in the General Residential Zone. Furthermore, the subject land has a history of aged care and retirement village uses for almost 50 years. Continuing to provide aged care health services is consistent with the purpose of the zone and the planning policy framework.
- The proposal is a strategic opportunity to provide more aged care accommodation and services on an existing site which is largely buffered from nearby dwellings by the street network and the Cherry Street reserve.

Neighbourhood Character

- Key considerations include building site coverage, building height and design, proposed materials and finishes, and the integration with existing vegetation as well as the opportunity for new vegetation. Further discussion on building height, design and materials is provided below.
- The proposed building site coverage is 44% which exceeds the prescribed 40% in Schedule 2 to the General Residential Zone, but well less than the allowable 80% within Clause 53.17 – Residential Aged Care Facility. This is considered an appropriate balance as it enables the retention of various mature trees and enables new trees and landscaping to maintain and enhance the garden suburban character.
- The submitted landscape plan proposes the planting of over 260 trees, including species such as *Eucalyptus melliodora*, *Eucalyptus leucoxylon ssp. megalocarpa*, *Allocasuarina littoralis* and *Acacia implexa*. Whilst a mix of native and exotic species are proposed to support local biodiversity and the amenity of the neighbourhood, a predominant indigenous and native species landscape theme is suitable for the area given the nearby Cherry Street Reserve and Gresswell Forest Wildlife Reserve. This can be required as a condition on any permit issued.

Built Form and Amenity Impacts

- The proposed development layout has been designed to minimise impacts on external properties and maintain important characteristics of the current layout. This is achieved through the following:
 - A modest overall site coverage with an effective increase from approximately 34% to 44% whilst providing an increase of 70 beds across the site.
 - The provision of the larger apartment style buildings to the rear of the site adjacent to the parklands and generously setback from adjoining residential properties.

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

- The 'low care accommodation' units are provided with landscaped and treed spacing between groups of units. Design elements of these units include aspects consistent with the existing units on site and nearby residential development through the use of hipped roofs and double storey built form.
- A number of design improvements have also been achieved through the application process include:
 - Reduced proposed site coverage from 48% to 44%.
 - Consolidated basement for the IRCF1 and IRCF2 buildings to streamline traffic movements.
 - Reduced IRCF1 and IRCF2 building heights.
 - Increased IRCF1 and IRCF2 street setbacks and more landscaping/tree planting opportunities.

Height

- The proposed building heights are as follows:
 - The IRCF1 building has a maximum height of 12.2 metres
 - The IRCF2 building has a maximum height of 14.4 metres
 - The 'low care' Type 3 units have heights ranging from 4.5 – 7.25 metres.
- The heights are within the height limit of 16 metres within Clause 53.17 – Residential Aged Care Facility. The taller IRCF1 and IRCF2 buildings are designed to have their tallest parts central to the site to manage visual impacts external to the site.

Setbacks

- The IRCF1 building is setback 13.9 metres from Broadford Crescent and 17 metres from Highview Crescent. The IRCF2 building is setback 11.5 metres from Broadford Crescent and 9.4 metres from Highview Crescent. The Type 3 'low care' accommodation setbacks vary between 3 and 8 metres. The setbacks enable the characteristics of the Garden Suburban area to be retained.
- Side and rear setbacks exceed the minimum requirements and will enable landscaping along interfaces with neighbouring property.

Design Detail

- Proposed materials and finishes for the IRCF1 and IRCF2 buildings include light grey cement render, black/charcoal, white and natural grey fibre cement cladding, cream/grey brick cladding, concrete render, and green feature tiles. An alternative solution would be to replace the black/charcoal cement cladding finishes with lighter muted tones, including brown and natural timber elements as these materials are prevalent in the neighbourhood and better respond to the Cherry Street reserve backdrop. This can be addressed through a condition on any permit issued.
- The Type 3 'low care' cottages propose a mix of cream and brown brick cladding, black/charcoal fibre cement cladding and aluminium screen battens. As stated above, the black/charcoal cement cladding should be replaced. Subject to this change, the materials are considered acceptable.

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

Site services and roof plant

- Various services are proposed around the site – these include electrical boards, hydrant cupboards and boosters and water meters. These required services are mostly co-located – including with red/brown brick bin enclosures where suitable – and can be finished in muted tones subject to a permit condition. Appropriate landscaping can be provided to soften the appearance of services.
- A substation area is also proposed near the north-east corner of Parcel A – a condition can be included on any permit issued requiring this to be setback three metres from Highview Crescent to enable landscaping.
- The IRCF2 roof plant decks are proposed at the south and north ends of the building which interface the Broadford Crescent and Highview Crescent streetscapes respectively. A more appropriate outcome is for roof plant to be centrally located and appropriately screened to reduce noise and visual impact – this can be required as a condition on any permit issued.

Environmentally Sustainable Development (ESD)

- The submitted Sustainability Management Plan proposes various strategies to ensure the development meets best practice and aligns with Council's ESD policy. The proposal achieves a Built Environment Sustainability Score (BESS) of 55%, exceeding the mandatory best practice target of 50%. This will be further improved through permit conditions requiring an updated Sustainability Management Plan.
- Measures proposed or agreed to include gas-free (electricity only) development, 15,000L rainwater tank, 40kW rooftop solar PV, and bicycle parking. Permit conditions should be included to ensure consistency between the supporting documents and development plans.
- An amended Green Travel is required through permit conditions including improved definitions, clearer timelines and target dates and actions relating to EV charging.

Car Parking/Traffic

- The parking rate for a residential aged care facility is 0.3 spaces to each lodging room. In total, there are 230 rooms provided which results in a statutory requirement for 69 spaces. A total of 100 parking spaces are provided across the development including the following:
 - 29 spaces unallocated for staff and visitors
 - 25 spaces for the Type 2 accommodation (one per apartment)
 - 46 spaces for the Type 3 'low care' accommodation (one per unit) which includes seven (7) x three (3) bedroom units, thirty-eight (38) x two (2) bedroom units and one (1) x one (1) bedroom unit.
- The parking exceeds the required rate and provides an acceptable allocation based on the different accommodation types.
- Although not within the Principal Public Transport Network, the site is accessible by bus (Route #561) and is approximately 800 metres from Macleod Train Station, providing alternative transport options to private vehicles.

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

- The traffic impact assessment submitted with the application states that a maximum of ninety-four (94) vehicle movements per hour are expected and that peak demand associated with staff changeover would occur outside standard peak commuter hours. This compares to an estimated sixty-six (66) vehicle movements per hour from the previous facility when in operation. Council's Traffic and Transport team have advised that the surrounding streets are not operating at peak capacity, therefore it is considered the surrounding road network has the capacity for the additional vehicle movements likely to be generated by the development.

Vegetation Impacts

- A total of thirty-three (33) trees are proposed for removal. Proposed tree removal is demonstrated in the table below:

Tree #	Retention Value	Protected?
#2, #47	Medium	Yes – VPO5
#3, #4, #20, #20A, #21, #24, #26, #28, #35, #36, #43A, #46, #49, #60	Low	Yes – VPO5
#28	Medium	No
#5, #6, #7, #8, #19, #22, #23, #27, #40, #44, #48, #55, #62, #63, #69, #70	Low	No

- The objectives of Schedule 5 to the Vegetation Protection Overlay include:
 - To retain and protect existing trees, and to promote further planting of new trees as a significant component of local identity and neighbourhood character.
 - To ensure that, where tree removal is permitted, appropriate replacement planting is provided and located appropriately on site.
- The proposed vegetation removal is acceptable for the following reasons:
 - Most vegetation to be removed is not protected by the overlay and can be replaced.
 - 14 of the protected trees to be removed have a low retention value.
 - The two protected trees (Tree #2 and #47) recorded as having medium retention value are not suitable for retention as their locations pose a significant development constraint which would impact the porte-cochere and two cottages.
 - The proposed development can achieve substantial tree re-planting (>7 trees for each tree removed) in response to the overlay and neighbourhood character objectives.

**2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021)
cont'd**

Other matters

- A permit is required to remove two easements from the subject land – consent has been provided from the relevant authorities (Banyule City Council and Yarra Valley Water).
- No signs are sought through this application and would be subject to a future planning permit application.
- The development is subject to a road discontinuance application and sale of land to purchase part of the existing court bowls abutting the subject land along Broadford Crescent and Highview Crescent. Such application will also account for the provision of a pedestrian pathway from Broadford Crescent to the Cherry Street reserve as has already been discussed and agreed to by the permit applicant. A condition will be included on any permit issued requiring the road discontinuance application and sale of land to be finalised prior to the commencement of development.

OBJECTORS CONCERNS

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

Light pollution

- A permit condition can be included requiring outdoor lighting to be designed to minimise light spill.

Existing resident evictions

- The aged care provider has contacted existing residents committing to providing services and financial assistance to support relocation prior to redevelopment.

Property value

- Perceived loss of property value is not a matter for consideration and when assessing and determining a planning application under the Banyule Planning Scheme

No resident consultation undertaken by provider prior to public notification

- This was acknowledged by the aged care provider in a letter to existing residents of the retirement village dated 5 May 2022. Consultation has been undertaken through the assessment of this application.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

2-8 GLENMORE STREET, 44-50 HIGHVIEW CRESCENT & 35 THORNTON STREET, MACLEOD - PROPOSED AGED CARE DEVELOPMENT (P58/2021) cont'd

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

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

- The proposed development, subject to permit conditions, is acceptable as it provides a balanced response to competing planning policy objectives.

ATTACHMENTS

No.	Title	Page
1	Planning assessment	
2	Public Notificaiton Plans	

8.1 CONSIDERATION OF SUBMISSIONS AND OBJECTION RECEIVED - EAST IVANHOE VILLAGE SPECIAL CHARGE RENEWAL

Author: Daniela Parisella - Economic Development Officer, City Development

Ward: Griffin

Previous Items

Council on 17 April 2023 (Item 8.2 - Notice of Intention to Declare a Special Charge - East Ivanhoe Village)

SUMMARY

1. This report is to enable Council to formally consider the written submissions and the objection received regarding the proposed Special Charge Scheme for the “East Ivanhoe Village” (“Shopping Precinct”).
2. Following the Ordinary Meeting of Council on Monday 17 April 2023 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* (“the Act”) for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Precinct was advertised in the “*The Age*” on Thursday 20 April 2023 and placed on Council’s public website.
3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Friday 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice enclosed.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 19 May 2023. Council received by this date a total of three submissions in support of the proposed scheme and one objection.
6. No submitters or objectors have requested to appear in person before Council.

RECOMMENDATION

That Council:

1. In respect of Council’s published intention to declare a Special Charge for the East Ivanhoe Village precinct (“Proposed Special Charge”) and having –
 - a. received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*;and

CONSIDERATION OF SUBMISSIONS AND OBJECTION RECEIVED - EAST IVANHOE VILLAGE SPECIAL CHARGE RENEWAL cont'd

- b. considered that one objection was received under section 163B of the Local Government Act 1989.
- c. resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

BACKGROUND

- Following the Ordinary Council Meeting on Monday 17 April 2023, where Council advised of its intention to commence the statutory process to declare a Special Charge for East Ivanhoe Village "Shopping Precinct". The following processes have been undertaken by Council to carry out its functions under the *Local Government Act 1989* and the *Local Government Act 2020*.
 - Council commences the statutory process under *the Act* to reintroduce a Special Charge for the properties included in the Shopping Precinct to raise an amount of \$48,125 per annum for a period of five years, commencing on 1 July 2023 and ending on 30 June 2028.
 - Public notice was given in "The Age" newspaper on Thursday 20 April 2023 of the intention of Council to declare a Special Charge at its Ordinary Meeting to be held on Monday 7 August 2023, and placed on Council's public website.
 - Separate letters enclosing a copy of the public notice were sent to the owners and occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of the Special Charge, advising of the intention of Council to declare the Special Charge at its Ordinary Meeting to be held on Monday 7 August 2023.
 - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of the Special Charge.
 - The East Ivanhoe Business Association has been advised of the above matters.
 - Copies of all the written submissions and the objection received by Council during the statutory advertising period have been separately provided to Councillors.

KEY ISSUES

- Only a person who is liable or required to pay a Special Rate and/or Charge under a proposed Scheme has the right to 'object' to the scheme under section 163B of the *Local Government Act 1989*. The right to object is different from, and in addition to the right to make a 'submission' under sections 183A and 223 of the *Local Government Act 1989*.

CONSIDERATION OF SUBMISSIONS AND OBJECTION RECEIVED - EAST IVANHOE VILLAGE SPECIAL CHARGE RENEWAL cont'd

- Any person may make a submission in relation to a proposal to declare a Special Rate and/or Charge, however, the number of submission received does not necessarily limit Councils power to declare a special Rate and/or Charge.
- By contrast, if a proposed Scheme received more than 50% of objections from those persons who are liable or required to pay the Special Rate and/or Charge, then Council cannot proceed with the declaration (section 163B(6)) of *The Local Government Act 1989*.
- There were three submissions received supporting the proposed scheme and one objection opposing the proposed Scheme.
- The fact that there was only one (1) objection to the proposed Special Charge Scheme reflects positively on past performance and future plans for the Shopping Precinct.

SUPPORTING REPORT DETAILS

Legal Consideration

- The statutory process provides the community generally, affected ratepayers and property owners and occupiers in particular, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme.
- Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of The Local Government Act 1989, prior to making a final decision with respect to the declaration of a Special Charge Scheme for Shopping Centres.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989* and *Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to council on the proposed Scheme. Council will consider any submissions and take into account and objections in accordance with the *Local Government Act 1989* and *Local Government Act 2020* prior to making a final decision.

CONSIDERATION OF SUBMISSIONS AND OBJECTION RECEIVED - EAST IVANHOE VILLAGE SPECIAL CHARGE RENEWAL cont'd

- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.
- A best practise approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current scheme and facilitating genuine engagement with traders and property owners when developing the five - year business plan
- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of the East Ivanhoe Business Association to review the current scheme and inform the Business Association five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Business Association's request to renew the Special Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

Key Considerations

- *Submissions received in support of the Scheme – three in total*

Submission 1

- This submission was received from the President of the East Ivanhoe Business Association noting the importance of the scheme in promoting businesses in the precinct and integral in keeping the village competitive.

Submission 2

- This submission was received from a long-standing business owner from the precinct noting the importance of the scheme in promoting, advocating for and showcasing the village as well as providing training and development opportunities for those included in the scheme.

Submission 3

- This submission was received from a business owner in the village noting the scheme as essential and valued in being able to advertise and promote the village and to draw in people and encourage them to shop.

- *Objections received opposed to the Scheme – one in total*

Objection 1

- This objection was received from a property owner who also operates a business in the Village. The objection notes transparency, equity, and longevity of the scheme benefits as a concern.
- It is considered that the objection received does not raise any substantive issues which would prevent, limit or restrict Council from proceeding with the proposed Scheme, if that is what Council chooses to subsequently do.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission

**CONSIDERATION OF SUBMISSIONS AND OBJECTION RECEIVED - EAST
IVANHOE VILLAGE SPECIAL CHARGE RENEWAL cont'd**

under Section 223 of *The Act*. No submitters or objectors have indicated that they would like to be heard.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

8.2 CONSIDERATION OF SUBMISSIONS RECEIVED - IVANHOE SHOPPING CENTRE SPECIAL RATE AND CHARGE RENEWAL

Author: Daniela Parisella - Economic Development Officer, City Development

Ward: Chelsworth

Previous Items

Council on 17 April 2023 (Item 8.1 - Notice of Intention to Declare a Special Rate and Charge - Ivanhoe Shopping Centre)

SUMMARY

1. This report is to enable Council to formally consider the written submissions received regarding the proposed Special Rate and Charge Scheme for the "Ivanhoe Shopping Centre" ("Shopping Precinct").
2. Following the Ordinary Meeting of Council on Monday 17 April 2023 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* ("the Act") for the declaration of the Special Rate and Charge, the public notice of Council's intention to declare a Special Rate and Charge for the Shopping Precinct was advertised in the "The Age" on Thursday 20 April 2023 and placed on Council's public website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Friday 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice enclosed.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Rate and Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 19 May 2023. Council received by this date a total of eleven (11) submissions in support of the proposed scheme and no objections.
6. No submitters have requested to appear in person before Council.

RECOMMENDATION

That Council:

1. In respect of Council's published intention to declare a Special Rate and Charge for the Ivanhoe Shopping Precinct ("Proposed Special Rate and Charge") and having –
 - a. received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*;
and

CONSIDERATION OF SUBMISSIONS RECEIVED - IVANHOE SHOPPING CENTRE SPECIAL RATE AND CHARGE RENEWAL cont'd

- b. considered that no objections were received under section 163B of the *Local Government Act 1989*.
- c. *Resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.*

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Create distinctive, appealing and thriving shopping centres and industrial precincts that have a local identity and contribute to a strong sense of place".

BACKGROUND

- Following the Ordinary Council Meeting on Monday 17 April 2023, where Council advised of its intention to commence the statutory process to declare a Special Rate and Charge for Ivanhoe Shopping Centre "Shopping Precinct". The following processes have been undertaken by Council to carry out its functions under the *Local Government Act 1989 and the Local Government Act 2020*.
 - Council commences the statutory process under *the Act* to reintroduce a Special Rate and Charge for the properties included in the Shopping Precinct to raise an amount of \$140,000 per annum for a period of five years, commencing on 1 July 2023 and ending on 30 June 2028.
 - Public notice was given in "The Age" newspaper on Thursday 20 April 2023 of the intention of Council to declare a Special Rate and Charge at its Ordinary Meeting to be held on Monday 7 August 2023, and placed on Council's public website.
 - Separate letters enclosing a copy of the public notice were sent to the owners and occupiers of the properties referred to and set out in the listing of rateable properties in the Proposed Declaration of the Special Rate and Charge, advising of the intention of Council to declare the Special Rate and Charge at its Ordinary Meeting to be held on Monday 7 August 2023.
 - The letter also notified persons of the submissions and objections process in relation to the Proposed Declaration of the Special Rate and Charge.
 - The Ivanhoe Traders Association has been advised of the above matters.
 - Copies of all the written submissions received by Council during the statutory advertising period have been separately provided to Councillors.

KEY ISSUES

- Only a person who is liable or required to pay a Special Rate and/or Charge under a proposed Scheme has the right to 'object' to the scheme under section 163B of the *Local Government Act 1989*. The right to object is different from, and in addition to the right to make a 'submission' under sections 183A and 223 of the *Local Government Act 1989*.

CONSIDERATION OF SUBMISSIONS RECEIVED - IVANHOE SHOPPING CENTRE SPECIAL RATE AND CHARGE RENEWAL cont'd

- Any person may make a submission in relation to a proposal to declare a Special Rate and/or Charge, however, the number of submissions received does not necessarily limit Councils power to declare a Special Rate and/or Charge.
- By contrast, if a proposed Scheme received more than 50% of objections from those persons who are liable or required to pay the Special Rate and/or Charge, then Council cannot proceed with the declaration (section 163B(6)) of *The Local Government Act 1989*.
- There were submissions received supporting the proposed scheme and no objections opposing the proposed Scheme.
- The fact that there were no objections to the proposed Special Rate and Charge Scheme reflects positively on past performance and future plans for the precinct.

SUPPORTING REPORT DETAILS

Legal Consideration

- The statutory process provides the community generally, affected ratepayers and property owners and occupiers in particular, with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme.
- Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act, prior to making a final decision with respect to the declaration of a Special Rate and Charge Scheme for Shopping Centres.

Human Rights Charter

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

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- To declare a Special Rate and Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989* and *Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to council on the proposed Scheme. Council will consider any submissions and take into account any objections in accordance with the *Local Government Act 1989* and *Local Government Act 2020* prior to making a final decision.

CONSIDERATION OF SUBMISSIONS RECEIVED - IVANHOE SHOPPING CENTRE SPECIAL RATE AND CHARGE RENEWAL cont'd

- In addition to the requirement to give statutory public notice, the community engagement to be undertaken by Council was in accordance with Council's community engagement policy, the community engagement principles set out in section 56 of the *Local Government Act 2020*, Council's public transparency policy and the public transparency principles set out in section 58 of the *Local Government Act 2020*.
- A best practise approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current scheme and facilitating genuine engagement with traders and property owners when developing the five - year business plan
- For the proposed scheme a survey was prepared, and owners and occupiers were invited to a meeting of the Ivanhoe Traders Association to review the current scheme and inform the Trader Association five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Trader Association's request to renew the Special Rate and Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

Key Considerations

- *Submissions received in support of the Scheme – 11 in total*

Submissions 1- 5 and 7-11

- These submissions are from business owners operating in Ivanhoe and note the importance of the focused approach to marketing and the physical and beautification improvements the scheme supports.

Submission 6

- This submission is from the President of Ivanhoe Traders Association and notes the importance of the focused approach to marketing and physical and beautification improvements that the scheme supports. In addition, it also recognizes the benefits member receive and how the scheme can position the center as a cultural and style capital in Melbourne's North East.
- A person making a submission is entitled to request to appear in person or to be represented by another person in support of the submission under Section 223 of *The Act*. No submitters have indicated that they would like to be heard.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

**CONSIDERATION OF SUBMISSIONS RECEIVED - IVANHOE SHOPPING
CENTRE SPECIAL RATE AND CHARGE RENEWAL cont'd**

ATTACHMENTS

Nil

8.3 JOBS VICTORIA ADVOCATE PROGRAM CLOSE OUT

Author: Gabrielle Hegarty - People & Culture Consultant, Community Wellbeing

SUMMARY

1. This report is to update Council on the conclusion of the Jobs Victoria Advocate Program.
2. In 2020, Council secured a grant to become a delivery partner of the Jobs Victoria Advocate program funded by the Department of Jobs, Precincts & Regions.
3. Council's funding agreement with Jobs Victoria for the Jobs Victoria Advocate program was established on 1 April 2021. The grant agreement included income of \$991,160 over a 3-year period, which covered 100% of costs to deliver the program.
4. An additional funding agreement of \$62,000 over a 12-month period to fund a Jobs Victoria Assistant Traineeship opportunity was awarded to Council in June 2021 as part of the delivery of the program.
5. Council's Jobs Victoria Advocate program commenced 1 April 2021 across several outreach locations. Despite COVID-19 impacts, the service has continued to be delivered, with 4870 interactions of support delivered to community members since its inception.
6. The Jobs Victoria Advocate team have provided pre-employment support to a wide range of jobseekers in Banyule including providing information on training opportunities, sharing resources, helping jobseekers set goals and boost confidence as well as link jobseekers with employment opportunities and pathways. The team have provided a value-added service to Council and to the community and have formed strong industry partnerships, networks with local community organisations and neighbouring councils in the northern region.
7. In the first half of the Jobs Victoria Advocate program, one of the eight Milestone KPIs was not met due to COVID-19 restrictions, however, in the last financial year all program KPIs were achieved, demonstrating excellent delivery of this service for local jobseekers.
8. The 2023-23 Victorian State Budget announced significant changes to Jobs Victoria's employment services, including the end of the Jobs Victoria Advocate program. As such, Banyule will cease delivery of this program from 30 June 2023.

RECOMMENDATION

That Council:

1. Notes the achievements of the Jobs Victoria Advocate Program and the commitment to maintain the valuable relationships the program created with key stakeholders.

JOBS VICTORIA ADVOCATE PROGRAM CLOSE OUT cont'd

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| <p>2. Notes the conclusion of the Jobs Victoria Advocate Program from 30 June 2023.</p> |
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COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Partner with local employers, agencies and other organisations to create inclusive jobs".

BACKGROUND

- In response to COVID-19's impact on the employment and education sector as well as record high levels of unemployment, the Victorian Government allocated \$41.4 million in the 2020-21 Victorian State Budget to establish a network of Jobs Victoria Advocates in local communities.
- Jobs Victoria Advocates are a component of the Victorian Government's \$600 million dollar investment to deliver an integrated, comprehensive package of assistance to support Victorian jobseekers under the banner of Jobs Victoria. The program provided employment support to Victorians facing barriers to finding employment.
- The Jobs Victoria Advocate program strongly aligns to Council's strategic direction of supporting local job outcomes and economic participation. Aligning with Council's fifth priority, "Our Thriving Local Economy" as well as the Inclusive Local Jobs Strategy 2020-2025, the program supports jobseekers to access pre-employment, job readiness and core job skill building supports to move towards gaining and maintaining meaningful employment.

KEY ISSUES

- In 2020, Council secured a grant to become a delivery partner of the Jobs Victoria Advocate program funded by the Department of Jobs, Precincts & Regions (Jobs Victoria).
- Council's funding agreement with Jobs Victoria for the Jobs Victoria Advocate program was established on 1 April 2021. The grant agreement included income of \$991,160 over a 3-year period, which covered 100% of costs to deliver the program plus an additional \$62,000 to fund a twelve-month Assistant Traineeship position.
- Banyule's Jobs Victoria Advocate program commenced 1 April 2021 and concludes on 30 June 2023. The service provided critical support to jobseekers in the Banyule area, delivering more than 4870 interactions of support to community members over the life of the program.
- Advocates worked directly with the community, using a place-based approach, helping people to navigate employment, education and training information, and providing advice and referrals. This included the delivery of job readiness and pathway programs, workshops and events tailored to meet the needs of local people experiencing barriers to employment.
- Advocates serviced community members at outreach locations throughout Banyule & Nillumbik, as well as online and by phone. The Advocates have seen success working with key community stakeholders and organisations to

JOBS VICTORIA ADVOCATE PROGRAM CLOSE OUT cont'd

implement place-based and informed services directly to the community, and value-adding to many of Council's existing services. Stakeholders have included but are not limited to neighbourhood houses, libraries, Olympic Adult Education, JETS, TAFE's, Local Learning & Employment Networks, community support organisations, local secondary schools, Maternal Child Health Services and other Jobs Victoria services. The success of collaborative efforts has resulted in strong community engagement and various service gaps being identified and filled by the service.

- The Jobs Victoria Advocate program focused on supporting people experiencing barriers to work, and filled a critical gap in the employment services sector, often working with jobseekers who were not connected in with Commonwealth funded employment service providers, and who would otherwise would have fallen through the cracks in the employment system. The main cohorts who accessed the Advocate service were young people (15-25 years), CALD communities, people living with a disability and Aboriginal and Torres Strait Islander people.
- Key Program highlights
 - Careers at Council delivered in partnership with Banyule Nillumbik Local Learning and Employment Network (BNLLEN). Provided secondary school students with an introduction to employment opportunities at Council. After the event JETS Studio reported 11 students had applied for work experience because of the event.
 - First Nations Jobs Fair delivered in partnership with Darebin and Whittlesea Councils. More than 100 jobseekers attended, with 30 stallholders promoting job vacancies. Three people reported gaining employment within two weeks following the event.
 - Local Jobs Forum, held at Shop 48 in partnership with SHEP and Northlink. Supported 11 jobseekers within the 3081 postcode area.
 - Stall holder at the CALD Careers Expo delivered by Yarra Plenty Regional Libraries and Himilo. Supported 25 jobseekers and was deemed a great networking opportunity with the community and local agencies.
- In the first half of the Jobs Victoria Advocate program, one of the eight Milestone KPIs was not met due to COVID-19 restrictions, however, in the last financial year all program KPIs were achieved, demonstrating excellent delivery of this service for local jobseekers.
- The 2023-23 Victorian State Budget announced significant changes to Jobs Victoria's employment services, including the end of the Jobs Victoria Advocate program.
- Next steps for the Inclusive Enterprise and Local Jobs team (IELJ)
 - Effective as of 30 June 2023, three Jobs Victoria Advocates, one Administration Assistant and one Job Skills and Readiness Program Lead will cease their employment at Council.
 - The IELJ team are setting up processes and networking opportunities to continue to maintain the valuable relationships the program created with key stakeholders.

JOBS VICTORIA ADVOCATE PROGRAM CLOSE OUT cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people, those from culturally and linguistically diverse backgrounds, LGBTQIA+ and other underrepresented population groups.

Sustainable Procurement Outcomes

- Where possible, any items to be procured by Council in the delivery of the Jobs Victoria Advocate program has been sought from social benefit and/or local suppliers.

Financial Implications

- Services delivered under the Jobs Victoria Advocate program were fully funded by the grant delivered by State Government, no additional costs to Council were incurred.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

9.1 **OPTIONS PAPER FOR THE ESTABLISHMENT OF A PLANNING DELEGATED COMMITTEE OF COUNCIL**

Author: Cr Alida McKern

TAKE NOTICE that it is my intention to move:

That Council:

1. Note that Council have not established a Delegated Committee of Council since the *Local Government Act 2020* came into force.
2. Note that planning is a critical function of local government that requires both Council and Officer oversight.
3. Request for a report to a future Council Meeting detailing the various legislative impacts, governance, resource and planning requirements Council would need consider in the planning and establishment of a Delegated Planning Committee of Council.
4. Request that the report considers examples of delegated planning committee models in local government and how planning matters are determined in like size councils in metropolitan Melbourne.
5. Request that the report includes other options and considerations that Council could consider in the statutory planning function of Council should a Delegated Committee of Council not be a viable option for Council.

Statutory Planning Permit Application decision making framework

- Under the *Planning and Environment Act 1987* Council is the Responsible Authority for Deciding on statutory Planning Permit applications.
- In practice at Banyule City Council, decision making is delegated to the Development Planning Team however, Councillors remain engaged in applications of significance or broad community interest while council officers have delegation to determine all other applications for planning permits as a default position for planning decisions.
- This enables Councillors to focus on strategic planning policy decisions and direction for the municipality and the efficient processing of applications for planning permits.

OPTIONS PAPER FOR THE ESTABLISHMENT OF A PLANNING DELEGATED COMMITTEE OF COUNCIL cont'd

- In practice a very small number of applications are actually 'called up' by councillors however, a ward councillor is able to 'call in' any planning application or formal amendment to a Council meeting where a decision is made in the public forum by Council.
- The majority of Planning Permit applications that do come before a Council Meeting are referred by the Development Team when Council is the applicant or there is significant community interest or significant policy consideration.

Delegated Committees of Council

- S 63 of the *Local Government Act 2020* allows the provision of the establishment of a 'Delegated Committee' of Council. Certain stipulations must be met for a delegated committee to come into force.
- These conditions are set out below:
 - The Delegated Committee must include at least 2 Councillors; and
 - May include any other persons appointed to a Delegated Committee by the Council who is entitled to vote.
 - A meeting of a Delegated Committee established by Council must be Chaired by a Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee.
 - Or, if the Councillor appointed by the Council or the Mayor to chair meetings of the delegated committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.
- Section 61 of the *Local Government Act 2020* applies to a meeting of a delegated committee as if the members were Councillors (section 61 being requirements of Council meetings).
- The Delegated Committee would need to adhere to the adopted Banyule City Council Governance Rules and other key elements of the legislation including but not limited to:
 - **Conflicts of interest regime** under the *Local Government Act 2020*
 - **S 123 – misuse of position** - a person who is, or has been, a Councillor or member of a delegated committee must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or to cause, or attempt to cause, detriment to the Council or another person. (penalty 600 penalty units or imprisonment for 5 years).

OPTIONS PAPER FOR THE ESTABLISHMENT OF A PLANNING DELEGATED COMMITTEE OF COUNCIL cont'd

- **S 124 – directing a member of Council staff** - A Councillor must not intentionally direct, or seek to direct, a member of Council staff in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.
- **S 125 – confidential information** - a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information (penalty 120 penalty units).
- Some governance considerations that would need to be taken into account in the establishment of a delegated committee include but are not limited to:
 - The development of an Instrument of Delegation for the Committee
 - Roles and responsibilities clarity
 - Membership requirements
 - Quorum/ voting and other Governance Rules Requirements
 - Induction on *Local Government Act 2020* and delegated committee member requirements (as set out in this report)
 - Induction and training on meeting procedure and Governance Rules
 - Internal resources in the preparation of a delegated committee meeting (room set up, agenda and meeting minute preparation, administration support, livestreaming etc).
- An alternative approach to delegated decision making is to refer more applications to a Council meeting or to a Sub-Committee (Planning Committee). This would mean that the Councillor group is directly responsible for determining statutory planning applications.
- If a Planning Committee was established, consideration would need to be given to:
 - How often the committee meets and how many councillors should sit on the committee.
 - The model and threshold for which applications come before the committee.
 - The impact on resourcing and statutory timeframes.
 - The provision for objectors and applicants to speak at the committee.

**OPTIONS PAPER FOR THE ESTABLISHMENT OF A PLANNING DELEGATED
COMMITTEE OF COUNCIL cont'd**

CR ALIDA MCKERN
Chelsworth Ward

ATTACHMENTS

Nil

9.2 **IMPROVING WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE**

Author: Cr Tom Melican

TAKE NOTICE that it is my intention to move:

That Council:

1. Request that a report be presented back to Council on or before 30 October 2023 detailing the current approach and funding options available to improve walking and cycling access to schools in the Banyule community.
2. Request that the report includes information regarding the current timetable to complete Safe Access Audits at all schools, the funding required to undertake audits and the estimated budget that should be allocated to rectify items identified in the Safe Access Audits.

Explanation

- Recently there has been a number of accidents across Victoria and in Banyule involving school children.
- The purpose of this Notice of Motion is to provide Council the opportunity to understand Council's current approach to improving walking and cycling access to all schools in Banyule.
- The Banyule Safe Travel Plan 2016-2026 includes a strategic direction - *'Remove physical barriers to safe, convenient and confident local journeys'*
- One of the implementation actions to do this is as follows:
 - In consultation with each local community, plan and conduct a sequential program of safe pedestrian, cyclist and mobility scooter access audits at:
 - each of the 10 neighbourhood centres in Banyule.
 - other high pedestrian activity locations, such as libraries, sports fields, schools, meeting places.
 - Provide obvious, obstruction-free, safe and direct pedestrian access to and within each neighbourhood centre
- There is already funding in the budget to audit about 5 schools this year and in future years and funding of \$50,000 allocated to implement the findings of the audits as part of the Pedestrian Infrastructure Improvements program.

**IMPROVING WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN
BANYULE cont'd**

- The report should explore how much funding and resources it would take to audit every school in one year and how much it would cost implement the rectification of items identify in the audits in 5 years.

CR TOM MELICAN
Ibbott Ward

ATTACHMENTS

Nil