

# Minutes of the Ordinary Meeting of Council



**Held on the 11 December 2023**

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

<b>PRESENT .....</b>	<b>4</b>
<b>APOLOGIES.....</b>	<b>4</b>
<b>LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>CONFIRMATION OF MINUTES.....</b>	<b>4</b>
<b>DISCLOSURE OF INTERESTS .....</b>	<b>4</b>
<b>1. URGENT BUSINESS.....</b>	<b>4</b>
<b>2. PETITIONS.....</b>	<b>4</b>
Nil	
<b>3. OUR TRUSTED AND RESPONSIVE LEADERSHIP .....</b>	<b>5</b>
3.1 78-80 Hawdon St, Heidelberg - Notice of Intent to Sell - Hearing of Submissions .....	5
3.2 Awarding of Sportsfield Maintenance Services Contract 1316-2023 .....	6
3.3 Award of Contract - Ivanhoe East Streetscape.....	9
3.4 Award of Contract No.1331 - 2023 - Provision of Cyclic Tree Pruning 2023/2024.....	10
3.5 Response to Governance recommendations - Operation Sandon.....	12
3.6 Audit & Risk Committee - Recruitment of New Independent Representative Member.....	14
3.7 Banyule Cemeteries Trust - Financial Statement .....	15
3.8 Banyule Cemeteries Trust - Operations Report.....	16
3.9 Record of Councillor Meetings .....	17
<b>4. OUR INCLUSIVE AND CONNECTED COMMUNITY .....</b>	<b>20</b>
4.1 Yarra Plenty Regional Library Service Annual Report .....	20
4.2 Heads of Agreement Chelsworth Park Pavilion Project.....	21
4.3 Local Sports Infrastructure Fund - Proposed Application to Sport and Recreation Victoria.....	24
<b>5. OUR SUSTAINABLE ENVIRONMENT.....</b>	<b>25</b>
5.1 State of the Environment Report .....	25
<b>6. OUR WELL-BUILT CITY .....</b>	<b>26</b>
6.1 145 Weidlich Road ELTHAM NORTH - Proposed Child Care Centre (P480/2023).....	26
6.2 7-11 Cartmell Street HEIDELBERG - Redevelopment of the Cartmell Street Car Park with a Mixed Use Building and New Car Park (P366/2023).....	52
6.3 Proposed State Government Changes to Car and Bicycle Parking Standards .....	78
6.4 1 Stradbroke Avenue - EOI Evaluation.....	80
<b>7. OUR VALUED COMMUNITY ASSETS AND FACILITIES.....</b>	<b>81</b>
7.1 Public Toilet Plan 2023 .....	81
7.2 Banyule Art Collection - Recommendation to Acquire New Artworks .....	83
<b>8. OUR THRIVING LOCAL ECONOMY .....</b>	<b>84</b>
8.1 Adoption of the Proposed Banyule Volunteer Policy and Proposed Memorandum of Understanding - Banyule Environmental Friends of Groups.....	84

**MINUTES ORDINARY MEETING OF COUNCIL**

**11 DECEMBER 2023**

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**9. NOTICES OF MOTION.....86**

    9.1 Risks to Banyule's Biodiversity & Cat Confinement Options.....86

    9.2 Pedestrian and Cyclist Safety, Advocacy & Proactive Traffic  
        Management Planning in the North East of Banyule .....87

**10. GENERAL BUSINESS .....88**

**PUBLIC QUESTION TIME.....90**

**CLOSURE OF MEETING.....91**

**MINUTES**

The Meeting opened at 7.00pm.

**Acknowledgement of the Traditional Custodians**

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

**Diversity Statement**

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

**Present**

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

Allison Beckwith – Chief Executive Officer, Marc Giglio – Director Corporate Services, Kath Brackett – Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Natasha Swan – Director City Development, Krysten Forte – Manager Governance & Integrity, Linda Chapple- Governance & Integrity Coordinator, Rachael Hudson – Council Business Officer, Fletcher Coburn – Governance Customer Support Officer, Joe Schipano – IT Service Desk Officer, David Lelis– Livestream Contractor, Alain Behran – Live Stream Contractor.

**Apologies**

Nil

**Leave of Absence**

Nil

**Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 20 November 2023*

Moved: Cr Fiona Mitsinikos

Seconded: Cr Elizabeth Nealy

CARRIED

**Disclosure of Interests**

Cr Peter Dimarelos declared a material conflict of interest for item 4.2 Heads of Agreement Chelsworth Park Pavilion Project and was not present for the vote.

C Peter Dimarelos' material conflict of interest was declared as one of his children attends Ivanhoe Grammar School and pending the outcome of Council's decision on the item, he believes that she may gain a benefit or suffer a loss depending on the outcome of the decision.

**1. URGENT BUSINESS**

Nil

**2. PETITIONS**

Nil

**3. OUR TRUSTED AND RESPONSIVE LEADERSHIP****3.1 78-80 HAWDON ST, HEIDELBERG – NOTICE OF INTENT TO SELL – HEARING OF SUBMISSIONS**

Pippa Griffith addressed Council in person and was speaking in support of her written submission.

Jane Crone addressed Council in person and was speaking in support of her written submission.

Alicia Curry addressed Council in person and was speaking in support of her written submission.

**SUMMARY**

1. Council owns the land at 78-80 Hawdon Street, Heidelberg, publicly referred to as the Hawdon Street Community Hall (or Hawdon Hall).
2. At the time that the Community Hub at Bellfield was planned, Council contemplated relocation of other users into this new facility. This was to occur in conjunction with the subsequent sale of ageing buildings. One of the buildings from which users were to be moved was the Hawdon Street Community Hall.
3. From the point at which Council advised that it would consider the sale of the Hawdon Street Community Hall, Council's Community Facilities Team has been working individually with each current user group to find an alternate community venue that meets their needs.
4. There are seven (7) regular not-for-profit community groups currently located at Hawdon Hall. Six (6) have identified a suitable alternative community hall that they are happy to relocate to and are working with Council officers to ensure a smooth transition. One group has chosen not to continue operating, noting that this is not due to the potential sale.
5. One of the other main user groups is a commercial dance studio that services and supports many local young girls and women to access dance classes for activity and competition. Council can provide a mix of other halls to replace Hawdon Hall, however the times and venue spread remains problematic. Council officers are currently looking at other community facility options in consultation with the dance school and are confident a viable solution can be found.
6. At the 25 September 2023 Ordinary Meeting of Council, Council gave notice of its intention under Section 114 of the *Local Government Act 2020* to potentially sell the Council land by private treaty at 78-80 Hawdon Street, Heidelberg.
7. The report was presented to Council on 20 November 2023 and was deferred until the 11 December 2023 Council meeting. The deferral was due to a process oversight. All 6 submitters have been invited to speak to Council During the Request to Speak Process if they would like to.
8. The purpose of this report is for Council to consider the six separate written submissions received in response to the notice of intention to sell. Each submitter has been advised of the presentation of this report to Council and advised of the opportunity to register to be heard by Council at the meeting.

**RECOMMENDATION**

That Council:

1. Receive and consider six (6) written submissions with regards to the sale of 78-80 Hawdon Street, Heidelberg, in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020*.
2. Receive and Consider the verbal submissions presented to Council who requested to speak to Council in regards to their written submission.
3. Note a further report will be submitted to Council at its meeting on 5 February 2024 to resolve on the sale of land proposal.

**Resolution (CO2023/225)**

That Council:

1. Receive and consider six (6) written submissions with regards to the sale of 78-80 Hawdon Street, Heidelberg, in accordance with Council's Community Engagement Policy and Plans pursuant to section 55 of the *Local Government Act 2020*.
2. Receive and Consider the verbal submissions presented to Council who requested to speak to Council in regards to their written submission.
3. Note a further report will be submitted to Council at its meeting on 5 February 2024 to resolve on the sale of land proposal

Moved: Cr Rick Garotti

Seconded: Cr Alida McKern

CARRIED

**3.2 AWARDING OF SPORTSFIELD MAINTENANCE SERVICES CONTRACT 1316-2023****SUMMARY**

1. This report is to consider the awarding of Contract No. 1316-2023 "Sportsfield Maintenance Services".
2. The purpose of the tender is to provide Council with a panel of experienced contractors with expertise in a range of sportsfield maintenance categories.
3. The general service categories required under this arrangement are:
  - Grass Cutting
  - Turf Wicket Tables – top dressing and leveling
  - Aeration
  - Top Dressing – Sportsfields/Ovals
  - Grassing/turfing
  - Fertiliser and Amendment Application
  - Herbicides, Pesticide and Wetting Agent Spraying
  - Supply of Various Horticultural Products
  - Turf Wicket Preparation
  - Consulting

4. The Tender Evaluation Panel (TEP) has recommended awarding Contract 131-2023 – Sportsfield Maintenance Services in accordance with the tender and conditions as determined by Council.
5. Tenders were received from thirteen (13) companies.
6. The contract will commence 18 December 2023 if approved by Council. The Initial Contract Term shall be for a period of one (1) year, with the option to extend for further periods of any duration up to a maximum extension period of three (3) years. Any extension will be based on satisfactory performance and meeting Council objectives.
7. The Tender Evaluation Panel (TEP) has recommended awarding the contract to a panel of nine (9) suppliers across ten (10) different categories in accordance with the tender.

That Council:

1. Award Contract No. 1316–2023 “Sportsfield Maintenance Services” to a Panel of Suppliers consisting of nine (9) suppliers across ten (10) different categories for an initial term of one (1) year with the option to extend, subject to satisfactory performance. The recommended suppliers by category are:

- 1.

- **Grass Cutting**
  - Green Options Pty Ltd
  - Elite Turf Services Pty Ltd
  - DGM Turf Contractors Pty Ltd
- **Turf Wicket Tables – Topdressing/leveling**
  - Green Turf Pty Ltd
  - Elite turf Services Pty Ltd
- **Aeration**
  - Elite turf Services Pty Ltd
  - Evergreen Turf Group
  - Green Options Pty Ltd
- **Top Dressing – Sportsfields/Ovals**
  - Green Turf Pty Ltd
  - Elite turf Services Pty Ltd
  - Evergreen Turf Group
- **Grassing/turfing**
  - Evergreen Turf Group
  - Alfco Investments Pty Ltd t/as Independent Turf Services
  - Green Turf Pty Ltd
- **Fertiliser and Amendment Application**
  - DGM Turf Contractors Pty Ltd
  - Australian Agribusiness t/as Nuturf
  - Green Options Pty Ltd
- **Herbicides, Pesticide and Wetting Agent Spraying**
  - Australian Agribusiness t/as Nuturf
  - Alfco Investments Pty Ltd t/as Independent Turf Services
  - Elite turf Services Pty Ltd
- **Supply of Various Horticultural Products**
  - Australian Agribusiness t/as Nuturf
  - Green Options Pty Ltd
  - K & B Adams Pty Ltd

- **Turf Wicket Preparation**
    - Green Options Pty Ltd
    - Elite Turf Services Pty Ltd
  - **Consulting**
    - Australian Agribusiness t/as Nuturf
    - Endeavour Turf Professionals Pty Ltd
2. Authorise the Chief Executive Officer or Delegate to sign the contract and any other associated documents.
  3. Authorise the Chief Executive Officer or Delegate 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 one (1) year contract term and extension periods.

**Resolution (CO2023/226)**

That Council:

1. Award Contract No. 1316–2023 "Sportsfield Maintenance Services" to a Panel of Suppliers consisting of nine (9) suppliers across ten (10) different categories for an initial term of one (1) year with the option to extend, subject to satisfactory performance. The recommended suppliers by category are:
  2.
    - **Grass Cutting**
      - Green Options Pty Ltd
      - Elite Turf Services Pty Ltd
      - DGM Turf Contractors Pty Ltd
    - **Turf Wicket Tables – Topdressing/leveling**
      - Green Turf Pty Ltd
      - Elite turf Services Pty Ltd
    - **Aeration**
      - Elite turf Services Pty Ltd
      - Evergreen Turf Group
      - Green Options Pty Ltd
    - **Top Dressing – Sportsfields/Ovals**
      - Green Turf Pty Ltd
      - Elite turf Services Pty Ltd
      - Evergreen Turf Group
    - **Grassing/turfing**
      - Evergreen Turf Group
      - Alfco Investments Pty Ltd t/as Independent Turf Services
      - Green Turf Pty Ltd
    - **Fertiliser and Amendment Application**
      - DGM Turf Contractors Pty Ltd
      - Australian Agribusiness t/as Nuturf
      - Green Options Pty Ltd
    - **Herbicides, Pesticide and Wetting Agent Spraying**
      - Australian Agribusiness t/as Nuturf
      - Alfco Investments Pty Ltd t/as Independent Turf Services
      - Elite turf Services Pty Ltd
    - **Supply of Various Horticultural Products**
      - Australian Agribusiness t/as Nuturf



- Green Options Pty Ltd
- K & B Adams Pty Ltd
- **Turf Wicket Preparation**
  - Green Options Pty Ltd
  - Elite Turf Services Pty Ltd
- **Consulting**
  - Australian Agribusiness t/as Nuturf
  - Endeavour Turf Professionals Pty Ltd

2. Authorise the Chief Executive Officer or Delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or Delegate 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 one (1) year contract term and extension periods.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

### **3.3 AWARD OF CONTRACT - IVANHOE EAST STREETSCAPE**

#### **SUMMARY**

1. This report is to consider the awarding of Contract No. 1321 - 2023.
2. The Tender Evaluation Panel (TEP) has recommended awarding the contract for Construction of Ivanhoe East Streetscape in accordance with the tender and conditions as determined by Council.
3. The tender process for the Construction of Ivanhoe East Streetscape was undertaken in two (2) stages. An Expression of Interest was released to market on 2 September 2023, with five (5) responses received.
4. Post evaluation of these submissions, Council sought proposals via a restricted tender request to the four (4) shortlisted Contractors for the construction and delivery of Ivanhoe East Streetscape, Lower Heidelberg Road.
5. Three (3) of the shortlisted contractors responded to the tender. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Kaizen Civil Pty Ltd in accordance with the tender and conditions as determined by Council.
6. The contract will commence February 2024 should Council award the contract. The Initial Contract Term shall be for an initial period of February 2024 to 30 June 2024. This is less than what was originally anticipated as a 12 month construction.

#### **RECOMMENDATION**

That Council:

1. Award Contract No. 1321-2023 to Kaizen Civil Pty Ltd for \$1,497,108 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

3. Authorise the Chief Executive Officer or delegate to execute the contract and make appropriate budget provisions to achieve an accelerated delivery of the project within the 2023/24 budget and forecast Capital Budget for 2024/25.

**Resolution (CO2023/227)**

That Council:

1. Award Contract No. 1321-2023 to Kaizen Civil Pty Ltd for \$1,497,108 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or delegate to execute the contract and make appropriate budget provisions to achieve an accelerated delivery of the project within the 2023/24 budget and forecast Capital Budget for 2024/25.
4. Continue to advocate to Department of Transport and Planning for the reconstruction of the eastern pedestrian crossing.

Moved: Cr Peter Castaldo

Seconded: Cr Alida McKern

CARRIED

### **3.4 AWARD OF CONTRACT NO.1331 - 2023 - PROVISION OF CYCLIC TREE PRUNING 2023/2024**

#### **SUMMARY**

1. This report is for consideration in awarding of Contract No. 1331 – 2023 “Cyclic Tree Pruning”.
2. The municipality is divided into eight maintenance pruning precincts with four being complete each year, within a two year timeframe.
3. Council sought Tenders from experienced and qualified Contractors to undertake cyclic tree pruning of four precincts within the municipality.
4. Prior to going to market, Council’s Urban Forestry Team scoped and compiled a list of pruning tasks for each of the required precincts (2, 6, 7 and 8) in accordance with Energy Safety Victoria (ESV) minimum clearance specifications, Australian Standard AS4373-2007 Pruning of Amenity Trees, and Council’s cyclic tree pruning specifications.
5. Council reserved the right to appoint one (1) Contractor to undertake all the precinct works or appoint multiple Contractors to undertake single or multiple precincts.
6. The contract will commence from 18 December 2023 should Council award the contract. The Contract Term shall be for a period of two (2)months after commencement of works. Contractors appointed for more than one precinct must ensure works are completed in the timeframe required.
7. The primary tree pruning services for the contract are:
  - a. Tree clearance for overhead electrical; infrastructure (power distribution, domestic service wires)
  - b. Tree clearance for roads
  - c. Tree clearance for footpaths
  - d. Tree clearance of property, signs, and streetlights

- e. Pruning trees for sanitation and risk mitigation (e.g. deadwood and crossing branches)
  - f. Removal of trees that meet removal criteria.
8. Tenders were received from seven (7) companies. The total value of best/lowest price tenders (\$1,366,676) received across the four precincts exceeded the remaining budget (\$889,246) for cyclic works in 2023-24. The Tender Evaluation Panel (TEP) has recommended the remaining budget is best acquitted by prioritising precincts six, seven and eight. Precinct two will be completed in 2024/25 FY under a new contract, satisfying Council's risk and compliance obligations for tree management and electrical line clearance given the pruning of precinct two will occur within the two-year timeframe threshold.
  9. The TEP has recommended awarding the contract 1331-2023 – Cyclic Tree Pruning in accordance with the tender and conditions as determined by Council.

### RECOMMENDATION

That Council:

1. Award Contract No. 1331-2023 "Cyclic Tree Pruning to two suppliers for the precincts in table below.

Tenderer	Precinct	Price
Aspect Tree Management	Six	\$294,613.93 (Exc. GST)
TreeServe Pty Ltd	Seven	\$310,000.00 (Exc. GST)
Aspect Tree Management	Eight	\$337,192.25 (Exc. GST)

2. Authorise the Chief Executive Officer or Delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or Delegate to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two months contract term and extension periods.

### Resolution (CO2023/228)

That Council:

1. Award Contract No. 1331-2023 "Cyclic Tree Pruning to two suppliers for the precincts in table below.

Tenderer	Precinct	Price
Aspect Tree Management	Six	\$294,613.93 (Exc. GST)
TreeServe Pty Ltd	Seven	\$310,000.00 (Exc. GST)
Aspect Tree Management	Eight	\$337,192.25 (Exc. GST)

2. Authorise the Chief Executive Officer or Delegate to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer or Delegate to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial two months contract term and extension periods.

Moved: Cr Rick Garotti  
Seconded: Cr Alison Champion

CARRIED

**3.5 RESPONSE TO GOVERNANCE RECOMMENDATIONS - OPERATION SANDON**

Alicia Curry addressed Council in person and was speaking FOR the Officer recommendation.

**SUMMARY**

1. Public integrity, transparency and building community trust is integral to Council meeting its obligations and delivering the most effective services to its community.
2. In 2023, the Independent Broad-based Anti-Corruption Commission (IBAC) released Operation Sandon Special Report. A full copy of the Special Report is detailed here [Operation Sandon special report | IBAC](#).
3. In short, Operation Sandon was an investigation commissioned by IBAC which related to allegations of corrupt conduct involving Councillors and property developers in the City of Casey in Melbourne's south-east.
4. The 34 recommendations detailed in Operation Sandon relate to local government statutory and strategic planning and governance related issues.
5. The Special Report has been considered by Council at previous Council Meetings in 2023 and implementation of some of the recommendations have commenced as it related to statutory planning.
6. In line with Operation Sandon's planning recommendations, changes to Councils Planning Protocols have been made as it relates Councillor 'Call in Request' for planning permits and advocacy regarding recommendation 11(a) has also occurred as requested by Council.
7. Notwithstanding the importance of the planning recommendations, the primary focus of this report is Council's response to some of the governance recommendations.
8. Officers acknowledge the merit of all the governance recommendations and highlight and respond specifically to recommendations # 17, 18, 20, 21,23, 24 and 27 for implementation or continued implementation, and recommendations # 22(b) and 34(b) for further sector wide advocacy and engagement.
9. Most of the recommendations have not yet become ministerial directions.
10. However, this month, the Minister for Local Government announced legislative reform to the *Local Government Act 2020* which aims to address recommendations 17 and 18 in Operation Sandon relating to model Councillor codes of conduct and mandatory Councillor training.
11. The purpose of this report is for Council to consider endorsing governance improvements that can be made immediately and call for further sector engagement on recommendations 22(b) and 34(b).

**RECOMMENDATION**

That Council:

1. Receive and note this report highlighting Councils response to some of the governance recommendations as set out in IBAC's Special Report: Operation Sandon.
2. Approves that until further Ministerial direction occurs in response to the recommendations in Operation Sandon, Council will endorse the following practices and note that they will come in force for the first Council meeting in 2024:
  - a. Prohibit the use of en bloc motions in Council meetings.

- b. Detail in Council meeting minutes the Councillors who spoke for and against an item to improve the record and transparency of an items debate.
  - c. Detail in Council meeting minutes the Councillors who voted for or against or abstained to an item to improve transparency on Council decision making without the need to call for a Division.
3. Note that these changes will be proposed to be enshrined in Council's Governance Rules when it is next reviewed and until such time, will become a matter of endorsed practice.
4. Acknowledge that there are a range to recommendations in Operation Sandon that are long standing governance practices of Council as it relates to Councillor training, conflicts of interest declarations and Councillor induction such as detailed below & Council will continue to implement accordingly:
  - a. Provision of midterm induction program training to all Councillors.
  - b. Mandating that conflict-of-interest declarations are clear, descript, timely and provide details on the type of conflict of interest that exists and why.
  - c. Council meeting procedure training and administration
  - c. Councillor Code of Conduct that contains Councillor Staff Interaction Protocols.
5. Request that the Mayor write to the Minister for Local Government seeking further targeted sector engagement in response to the recommendations 22(b) 'Model Transparency Policy' and 34(b) 'CEO employment and recruitment processes'.

**Resolution (CO2023/229)**

That Council:

1. Receive and note this report highlighting Councils response to some of the governance recommendations as set out in IBAC's Special Report: Operation Sandon.
  2. Approves that until further Ministerial direction occurs in response to the recommendations in Operation Sandon, Council will endorse the following practices and note that they will come in force for the first Council meeting in 2024:
    - a. Prohibit the use of en bloc motions in Council meetings.
    - b. Detail in Council meeting minutes the Councillors who spoke to each item to improve the record and transparency of an items debate.
    - c. Detail in Council meeting minutes the Councillors who voted for or against or abstained to an item to improve transparency on Council decision making without the need to call for a Division.
  3. Note that these changes will be proposed to be enshrined in Council's Governance Rules when it is next reviewed and until such time, will become a matter of endorsed practice.
  4. Acknowledge that there are a range to recommendations in Operation Sandon that are long standing governance practices of Council as it relates to Councillor training,
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conflicts of interest declarations and Councillor induction such as detailed below & Council will continue to implement accordingly:

- a. Provision of midterm induction program training to all Councillors.
  - b. Mandating that conflict-of-interest declarations are clear, descript, timely and provide details on the type of conflict of interest that exists and why.
  - c. Council meeting procedure training and administration
  - c. Councillor Code of Conduct that contains Councillor Staff Interaction Protocols.
5. Request that the Mayor write to the Minister for Local Government seeking further targeted sector engagement in response to the recommendations 22(b) 'Model Transparency Policy' and 34(b) 'CEO employment and recruitment processes'.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

### **3.6 AUDIT & RISK COMMITTEE - RECRUITMENT OF NEW INDEPENDENT REPRESENTATIVE MEMBER**

#### **SUMMARY**

1. The Audit and Risk Committee (the Committee) is established in compliance with section 53(1) of *the Local Government Act 2020* (the Act).
2. The Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
3. Current membership of the Committee consists of two Councillor Representatives and three Independent Representatives. Councillor Representatives are appointed annually. The Committee charter states that independent Representatives will not be appointed for more than two 3-year consecutive terms.
4. Dr Irene Irvine has been an integral part of the Committee since her appointment on 1 February 2018. Dr Irvine's tenure on the Committee will conclude 31 January 2024 to be in accordance with the charter.
5. Recruitment for the replacement of Independent Representative of the Audit & Risk Committee commenced on 19 August 2023 and closed on 8 September 2023.
6. Following shortlisting, interviews were conducted on 10 November 2023, and it is recommended that Lisa Young be appointed as the new Independent Representative member commencing from 1 February 2024 for a period of three years (3 years).

#### **RECOMMENDATION**

That Council:

1. Endorses the Selection Panel's recommendation to appoint Ms Lisa Young as the new Independent Representative on Council's Audit and Risk Committee for a term of three (3) years, with the option to extend for a further two (2) years.
2. Notes that the skills and attributes of the recommended independent committee members fulfil the requirements pursuant to section 53(3)(b) of the *Local Government Act 2020*.

3. Formally thanks and acknowledges the contribution, skills and attributes of Dr Irvine to the Committee during her tenure.

**Resolution (CO2023/230)**

That Council:

1. Endorses the Selection Panel's recommendation to appoint Ms Lisa Young as the new Independent Representative on Council's Audit and Risk Committee for a term of three (3) years, with the option to extend for a further three (3) years.
2. Notes that the skills and attributes of the recommended independent committee members fulfil the requirements pursuant to section 53(3)(b) of the *Local Government Act 2020*.
3. Formally thanks and acknowledges the contribution, skills and attributes of Dr Irvine to the Committee during her tenure.

Moved: Cr Peter Dimarelos

Seconded: Cr Rick Garotti

CARRIED

**3.7 BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT****SUMMARY**

1. At the Banyule Cemeteries Trust meeting of the 5 December 2022, Council resolved to incorporate the Cemetery Trust Reports into Council's Ordinary Council Meeting.
2. The Financial Statement provides a quarterly update on the financial results of the Council run and managed cemeteries.
3. This report provides a financial update for the three (3) months from 1 July 2023 to 30 September 2023.
4. The overall Operating Surplus for the three (3) months is \$30,967.
5. The Trust had budgeted for an Operating Loss for the three (3) months of \$37,428.
6. The variance is \$68,395 or 182.74% better than budgeted.
7. The basis for the good result is primarily due to more burials and ashes interments and interest on investment than what was budgeted.
8. The Banyule Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.

**RECOMMENDATION**

That Council:

1. Endorse the Banyule Cemeteries Trust Financial Statement for the three (3) months from 1 July 2023 to 30 September 2023; and
2. Notes that the Financial Statement indicates that:
  - The overall Operating Surplus for the three (3) months is \$30,967.
  - The variance is \$68,395 or 182.74% better than budgeted.

- The basis for the good result is primarily due to more burials and ashes interments and interest on investment than budgeted.

**Resolution (CO2023/231)**

That Council:

1. Endorse the Banyule Cemeteries Trust Financial Statement for the three (3) months from 1 July 2023 to 30 September 2023; and
2. Notes that the Financial Statement indicates that:
  - The overall Operating Surplus for the three (3) months is \$30,967.
  - The variance is \$68,395 or 182.74% better than budgeted.
  - The basis for the good result is primarily due to more burials and ashes interments and interest on investment than budgeted.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

**3.8 BANYULE CEMETERIES TRUST - OPERATIONS REPORT****SUMMARY**

1. The Operations Report provides an update on the operations of the Council run and managed cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise and require reporting.
2. The number of burials and ashes interments for the three (3) months from 1 July 2023 to the 30 September 2023 is slightly less than the same period in the previous year.
3. During the current financial year burials account for 59% of business (52% in 2022/23) and ashes purchases and interments 41% of business (48% in 2022/23).
4. The Department of Health undertakes a performance audit of a random selection of Class B cemeteries each year.
5. The Department of Health has contracted NTT Australia Digital Pty Ltd to conduct a performance audit of Banyule Cemeteries Trust for the 2021-2022 financial year.
6. Recent vandalism of one particular grave and the plaques on that grave at Warringal Cemetery have been reported to Victoria Police who are currently investigating.
7. The Cemetery Data Base and Mapping System Project is progressing towards endorsement by Council's internal ICT Steering Committee.
8. Advertising for a Request for Quote and additional resources (already approved in the Council Budget for 2023-2024) for this project are currently scheduled to take place in January 2024.
9. The Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.

**RECOMMENDATION**



That Council:

1. Endorse the Banyule Cemeteries Trust Operations Report; and
2. Notes the Operational Report details including the number of burials and ashes interments for the three (3) months of this financial year is slightly less than the same period in the previous year.

**Resolution (CO2023/232)**

That Council:

1. Endorse the Banyule Cemeteries Trust Operations Report; and
2. Notes the Operational Report details including the number of burials and ashes interments for the three (3) months of this financial year is slightly less than the same period in the previous year.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

**CARRIED**

### **3.9 RECORD OF COUNCILLOR MEETINGS**

#### **SUMMARY**

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 30 October 2023 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

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

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

#### **Record of Meetings**

<b>1</b>	<b>Date of Meeting:</b>	13 November 2023 (5.40pm – 6.30pm)
	<b>Type of Meeting:</b>	Pre-Brief Mayoral Election
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Election process and procedure</li> <li>• Appointments to Advisory, Population and External Committees</li> </ul>
	<b>Councillors Present:</b>	

Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos Cr Mark Di Pasquale – arrived 5.40pm Cr Rick Garotti Cr Tom Melican Cr Elizabeth Nealy	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance &amp; Integrity</i> Linda Chapple – <i>Governance &amp; Integrity Coordinator</i>	
<b>Others Present:</b>	
n/a	
<b>Conflict of Interest:</b>	n/a

2	<b>Date of Meeting:</b>	20 November 2023 (5.34pm-6.37pm)
	<b>Type of Meeting:</b>	Pre-Brief Council Meeting
	<b>Matters Considered:</b>	
3.1 Record of Councillor Meetings 3.2 78-80 Hawdon St, Heidelberg - Notice of Intent to Sell - Hearing of Submissions 3.3 Insurance Renewal Analysis 2023/24 3.4 Quarterly Financial Management Report - September 2023 3.5 Audit & Risk Committee Minutes 22 September 2023 3.6 CEO Employment & Remuneration Policy & CEO Employment Matters Terms of Reference Review 4.1 Advisory and Population Committees Report - July - October 2023 4.2 Creative Banyule: Proposed Arts and Culture Strategy 2023 - 2031 4.3 Olympic Leisure Centre - Report on programming, visitation, and community engagement Greensborough Baseball Club Batting Cage - Additional Funding Request 6.1 North East Link - Ring Road Completion Urban Design and Landscape Plan – Council submission 6.2 230-232 Banksia Street and 96 Oriel Road BELLFIELD – Bellfield Redevelopment Precinct Amendment (P1616/2021 pt2) 6.3 Ivanhoe Grammar School Development Plan 6.4 Draft Banyule Public Realm Strategy 7.1 7 Wellington Street Montmorency Community Hub Expression of Interest Outcome 7.2 Response to Community Infrastructure Opportunities at Public Schools Notice of Motion		
<b>Councillors Present:</b>		

Cr Tom Melican Cr Peter Castaldo Cr Alison Champion Cr Mark Di Pasquale Cr Alida McKern Cr Fiona Mitsinikos Cr Elizabeth Nealy	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Manager Governance &amp; Integrity</i> Linda Chapple – <i>Governance &amp; Integrity Coordinator</i> Jonathan Risby – <i>Manager Transport &amp; Environment</i>	
<b>Others Present:</b>	
<b>Conflict of Interest:</b>	n/a

3	<b>Date of Meeting:</b>	27 November 2023 (6.35pm- 10pm)
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
<ul style="list-style-type: none"> <li>• Councillor Request Management Update 2022-2023</li> <li>• Corporate Emissions Reduction Plan Redevelopment - Issues and Opportunities</li> <li>• Ivanhoe Traders Association</li> <li>• Long Term Financial Planning, Budget and Integrated Planning process for 2024/25</li> <li>• Monthly Financial Management Report - October 2023</li> <li>• Existing Parklets - Future Options</li> <li>• Banyule Transport Strategies and Actions Update</li> <li>• State Government's Housing Statement</li> <li>• Paid Parking - Cash Collection Service Review - Update</li> <li>• Public Toilet Plan Review</li> <li>• Watermarc Banyule Emersion program (show video)</li> <li>• Launch Housing tour. Are any councillors that missed the launch interested in attending a tour?</li> <li>• Councillors Christmas celebration options:</li> <li>• Planning Day Sunday 28<sup>th</sup> January – half day planning session at a bowling club followed by lunch and bowls with families.</li> <li>• Urban food strategy opening</li> <li>• Cartmell St and Developer complaint</li> </ul>		
<b>Councillors Present:</b>		

<p>Cr Tom Melican  Cr Peter Castaldo  Cr Alison Champion  Cr Mark Di Pasquale – arrived at 8.10pm for the Traders Association Conversation  Cr Alida McKern  Cr Fiona Mitsinikos  Cr Elizabeth Nealy  Cr Rick Garotti  Cr Peter Dimarelos</p>	
<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i>  Darren Bennett – <i>Director Assets &amp; City Services</i>  Marc Giglio – <i>Director Corporate Services</i>  Natasha Swan – <i>Director City Development</i>  Kath Brackett – <i>Director Community Wellbeing</i>  Krysten Forte – <i>Manager Governance &amp; Integrity</i>  Linda Chapple – <i>Governance &amp; Integrity Coordinator</i>  Tania O'Reilly – <i>Manager Finance &amp; Procurement</i>  Greg Gale – <i>Manager Delivery &amp; Assessts</i>  Karen Leeder – <i>Manager City Futures</i>  Fletcher Coburn – <i>Councillor Request Management Officer</i>  Damien Harrison – <i>Environment Coordinator</i>  Russell Whip – <i>CX Data&amp; Systems Analyst</i>  Abdul Firoze - <i>Corporate Emissions Reduction Lead</i></p>	
<p><b>Others Present:</b></p>	
<p><b>Conflict of Interest:</b></p>	<p>n/a</p>

**RECOMMENDATION**

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

**Resolution (CO2023/233)**

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

Moved: Cr Alison Champion

Seconded: Cr Mark Di Pasquale

CARRIED

**4. OUR INCLUSIVE AND CONNECTED COMMUNITY****4.1 YARRA PLENTY REGIONAL LIBRARY SERVICE ANNUAL REPORT**

Alicia Curry addressed Council in person and was speaking FOR the Officer recommendation.

**SUMMARY**

1. Yarra Plenty Regional Library (YPRL) is a corporation formed to provide library services for three (3) member Councils – Banyule City Council (BCC), City of Whittlesea, and Nillumbik Shire Council in 1985.
2. YPRL provides the current region-wide shared library service via a network of nine (9) Branch Libraries, one Mobile Library, one Mobile Outreach service and an extensive range of eServices available via the website and multiple mobile applications.
3. BCC signed the current 5-year Library Agreement in 2020, with the new Agreement due in 2025. This Agreement sets out the buildings that Council allocates to YPRL to deliver library services from, defines the Board member and Chairperson allocation, and sets out the cost apportionment model for Council's share of the whole of service costs.
4. Membership continued to grow over the 2022-2023 financial year – YPRL now has 156,426 members across the network of branches and hubs, and just over 48,000 Banyule residents are YPRL members. This represents 38% of the population of Banyule. Banyule residents are also avid readers with almost 545,000 items borrowed in the last financial year.
5. YPRL have been working hard to create inviting spaces where diverse members of the local community feel safe, respected and included. As part of YPRL's commitment to diversity and inclusion, the principles of codesign have been embedded within all aspects of YPRL's work.
6. A copy of the Yarra Plenty Regional Library Annual Report 2022-2023 has been included in **Attachment 1**.

**RECOMMENDATION**

That Council:

1. Note the provision of library services and programming by Yarra Plenty Regional Library on behalf of Banyule City Council.
2. Note the Yarra Plenty Regional Library Annual Report 2022-2023 included in **Attachment 1**

**Resolution (CO2023/234)**

That Council:

1. Note the provision of library services and programming by Yarra Plenty Regional Library on behalf of Banyule City Council.
2. Note the Yarra Plenty Regional Library Annual Report 2022-2023 included in **Attachment 1**

Moved: Cr Alison Champion

Seconded: Cr Rick Garotti

CARRIED

**4.2 HEADS OF AGREEMENT CHELSWORTH PARK PAVILION PROJECT**

Mark Dixon addressed Council in person and was speaking FOR the Officer recommendation.

**Cr Mark Di Pasquale left the Chamber at 7.57pm, returned to the Chamber at 7.59pm and was present for the vote.**

**Cr Peter Dimeralos declared a material conflict of interest and left the Chamber at 7.54pm prior to discussion and debate on the item, returned to the Chamber at 8.02pm and was not present for the vote.**

### SUMMARY

1. The purpose of this report is to present the final negotiated Heads of Agreement (HOA) for the Chelsworth Park Pavilion Project with Ivanhoe Grammar School (IGS) for Council's consideration and endorsement.
2. This HOA details the statutory and other processes required for the granting of a new lease and obtaining planning approval for the proposed development of two pavilions. It also sets out the key terms of an IGS Agreement for Lease (AFL) which can be signed by both parties before detailed drafting of the AFL and a new lease commences (**Attachment 1**).
3. At the Council meeting on 30 October 2023, Council resolved subject to the statutory process, under the *Local Government Act 2020*, that the terms and conditions of the proposed lease in general remain the same as the existing lease with the following new key terms and modifications endorsed for inclusion: These key terms including the following are included in the attached HOA :
  - Tenure - 30 years plus 2 x 5-year options (total 40 years)
  - Rental – \$12,000 per year (plus annual increase of 4%)
  - Repairs and maintenance remain the responsibility of IGS, currently \$400,000 pa.
  - Removal of current obligation on IGS to install a fourth tennis court and multi court.
  - Review of role, purpose, and membership of Chelsworth Park Reference Group – remove from the lease and establish as an advisory committee to Council.
  - Removal of current obligation on IGS to contribute \$6,000 per year to a sinking fund, having regard to the proposed increase in rental.
  - Removal of Council receiving 50% of sporting club fees and charges for ground and pavilion use.
4. Following the 30 October 2023 Council meeting an additional draft term has been included as follows:
  - a. The Tenant acknowledges and agrees that public access to Chelsworth Park (other than the new pavilions to be constructed by IGS) must be maintained at all times during the Term and Further Terms and that IGS will not erect any fences or other obstructions on or around the Premises to prevent such public access.
5. IGS is proposing to invest in the development of two new sports pavilions to replace the existing facilities at an estimated cost of between \$12 million and \$14 million.
6. Given the significant increase from the capital projects stipulated in the current lease with IGS, if agreed, the proposed works requires a new lease and, therefore, Council must conduct a community engagement process to comply with Section 115 of the *Local Government Act 2020*.

7. Prior to commencing any pavilion works, IGS will also need to obtain planning approval for the use and development. In these cases, it is customary for parties to enter into an Agreement for Lease (AFL) that includes the requirement to obtain planning approval as a precondition for granting the lease.
8. The HOA will serve as a mutually agreed roadmap for Council and IGS, highlighting the process that will be followed. Once endorsed, detailed drafting of the AFL and lease will commence with the associated community consultation.
9. Nine (9) Banyule sporting clubs currently use the sports fields and sports facilities, for training and competition purposes and this use accounts for over 80% of total programmed use of the site. IGS use the ovals for school sports and this use accounts for less than 10% of total hours available (**Attachment 2**).
10. This project presents a unique opportunity to deliver significant community sports infrastructure for generations to benefit from at no cost to Council. It aligns strongly with several of Council's key strategies and organisational priorities.
11. The endorsing of a HOA by both parties is the first critical step for this project that will lay the foundations for the extensive community consultation and engagement that will be undertaken for both the new lease and planning application stages.
12. This consultation is outlined in the attached consultation and engagement plan that describes the various stages of consultation and how community can have their say and share their feedback on the proposed pavilion project.

## RECOMMENDATION

That Council:

1. Endorses the Heads of Agreement – Chelsworth Park (**Attachment 1**) and authorises the Chief Executive Officer to sign this agreement on behalf of Council.
2. Endorses the attached community consultation plan (**Attachment 3**) for the Chelsworth Park Pavilion Project.
3. Receives a further report in February 2024 that will give notice of Council's intention to enter into an Agreement for Lease and provide details of the public notice, engagement and submission process.

## Resolution (CO2023/235)

That Council:

1. Endorses the Heads of Agreement – Chelsworth Park (Attachment 1) and authorises the Chief Executive Officer to sign this agreement on behalf of Council.
2. Notes the Agreement for Lease Terms outlined in the draft Heads of Agreement addresses General Obligations related to the premises, including aspects such as signage, and these remain unchanged from the existing lease.
3. Endorses the attached community consultation plan (Attachment 3) for the Chelsworth Park Pavilion Project.
4. Notes at each stage of the consultation an additional weekend onsite session be included to cater for people who cannot attend during weekday hours.

5. Receives a further report in February 2024 that will give notice of Council's intention to enter into an Agreement for Lease and provide details of the public notice, engagement and submission process.

Moved: Cr Alida McKern  
 Seconded: Cr Rick Garotti

CARRIED

#### **4.3 LOCAL SPORTS INFRASTRUCTURE FUND - PROPOSED APPLICATION TO SPORT AND RECREATION VICTORIA**

***Cr Rick Garotti left the Chamber at 8.01pm and returned to the Chamber at 8.03pm and was present for the vote.***

##### **SUMMARY**

1. The Local Sports Infrastructure Fund (LSIF) has recently been announced for the development of high-quality, accessible community sport and active recreation infrastructure. Applications close on Wednesday 13 December 2023.
2. Banyule Council has benefited from this funding stream in the past to deliver several significant sports infrastructures projects.
3. The fund supports projects across three (3) funding streams Community Facilities Stream – up to \$300,000; Community Sports Lighting Stream – up to \$250,000 and Planning Stream - up to \$40,000.
4. An unlimited number of applications can be received for each stream but cannot exceed the maximum grant dollars available. Funding ratios apply to LSIF - \$1 for \$1
5. The project that Officers consider meets the funding criteria and are proposing for approval to proceed to application under the Community Facilities Stream is - Anthony Beale Reserve Pavilion Redevelopment
6. This project is currently listed in the 2024/25 draft capital works budget. The Anthony Beale Pavilion has a detailed design and cost estimate at \$1,800,000 meeting the necessary requirement for the application process.

##### **RECOMMENDATION**

That Council:

1. Endorse submission of the following grant application to the Local Sports Infrastructure Fund and confirm Council contribution to the project.
  - Anthony Beale Reserve Pavilion Redevelopment – Grant Request \$300,000. Council contribution \$1.5 million in 2024/25 draft budget
2. Note that the Council contribution of \$1.5 million is identified in the 2024/25 draft budget and to be ratified in the draft budget process.
3. Receives a further report on the outcome of this grant application once advised.

##### **Resolution (CO2023/236)**

That Council:

1. Endorse submission of the following grant application to the Local Sports Infrastructure Fund and confirm Council contribution to the project.



- Anthony Beale Reserve Pavilion Redevelopment – Grant Request \$300,000. Council contribution \$1.5 million in 2024/25 draft budget
2. Note that the Council contribution of \$1.5 million is identified in the 2024/25 draft budget and to be ratified in the draft budget process.
  3. Receives a further report on the outcome of this grant application once advised.

Moved: Cr Elizabeth Nealy

Seconded: Cr Mark Di Pasquale

CARRIED

## **5. OUR SUSTAINABLE ENVIRONMENT**

### **5.1 STATE OF THE ENVIRONMENT REPORT**

Michelle Giovas from Friends of Banyule addressed Council in person and was speaking FOR the Officer recommendation.

#### **SUMMARY**

1. The Banyule State of the Environment report (SOE) details Council's performance as it relates to key environmental policy, programs and indicators for the previous financial year. These indicators relate to targets and measures that respond to the Council Plan Theme 2: Our Sustainable Environment.
2. The 2022/23 SOE has been prepared (Attachment 1) and shows that Council is performing well against most indicators and is on track to meet several of its environmental targets.
3. Key highlights for 2022/23 include:
  - A second population of the Endangered Eltham Copper Butterfly found in Montmorency and now monitored by Council.
  - A minor decrease in total annual corporate GHG emissions (Scope 1 & 2) from the year prior.
  - A slight decrease in Community Emissions since prior years (1.87% reduction since 2021/2022).
  - A significant increase in waste diverted from landfill (>10%) as a result of FOGO.

#### **RECOMMENDATION**

That Council:

1. Endorses the Banyule State of Environment 2022-2023 Report.
2. Makes the report available on Council's website and at Council's service centres.
3. Notes that Council is progressing well against the environmental key performance indicators.

#### **Resolution (CO2023/237)**

That Council:

1. Endorses the Banyule State of Environment 2022-2023 Report, subject to the following change being made:
  - a) Inclusion of a graph showing the total amount of waste and the composition for the last three years.
2. Makes the report available on Council's website and at Council's service centres.
3. Notes that Council is progressing well against the environmental key performance indicators.
4. Notes that a review of the current model of reporting will be completed for implementation by the next edition of the State of Environment Report.
5. As part of the review, a report be tabled to a future meeting of the Banyule Environmental Climate Action Advisory Committee in 2024 that considers expanding the size, scope and detail and delivery of the State of Environment Report every two (2) years.

Moved: Cr Alida McKern  
Seconded: Cr Rick Garotti

CARRIED

## **6. OUR WELL-BUILT CITY**

### **6.1 145 WEIDLICH ROAD ELTHAM NORTH - PROPOSED CHILD CARE CENTRE (P480/2023)**

Mark Chester from IMEG Nominees P/L addressed Council in person and was speaking FOR the Officer recommendation.

Greg Lyne addressed Council in person and was speaking AGAINST the Officer recommendation.

#### **SUMMARY**

1. The application is for a child care centre including building construction, reduction to the required number of car spaces and vegetation removal.
2. The subject site is located within the residential area of Eltham North, on a corner site with a Council reserve to the west. A Milk Bar (convenience store) is currently located on the site together with a dwelling.
3. The proposed building is contemporary in nature and consists of two levels with basement car parking. A total of 96 children are proposed to be cared for at the centre. The proposal includes the retention of three native trees.
4. A total of 16 objections were received during public notice, raising concerns with the traffic of the area, car parking arrangements, noise impacts, building design and flooding concerns.
5. It is acknowledged that the proposed use is an intensification of the non-residential use as compared to the previous use of the site and is of a contemporary design, however it is considered appropriate given it is located on a corner site, allows for the retention of mature vegetation and additional landscaping and is a well-designed building.

6. It is recommended the proposal be supported, subject to conditions including a requirement for the on-street parking in Glen Katherine Drive to be retained, improved internal vehicle access and an acoustic fence being provided along the southern boundary.

### **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. P480/2023 for Use and development of the land for a child care (education) centre, buildings and works within the Special Building Overlay – Schedule 2 and associated reduction to the number of required car parking spaces and vegetation removal at 145 Weidlich Road ELTHAM NORTH subject to the following conditions:

### **Amended Plans**

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 4 September 2023 with the application but modified to show:
    - (a) Six (6) parallel parking spaces to be provided along the Glen Katherine Drive frontage within the road reserve, to the satisfaction of the Responsible Authority;
    - (b) Before the use and development commences, an acoustic screen fence (minimum 1.8 metre) must be erected along the southern boundary of the land. The fence must be designed by a suitably qualified acoustic engineer to the satisfaction of the responsible authority including details of the acoustic performance;
    - (c) Footpath connectivity to be introduced along the northern frontage within the nature strip section, to the satisfaction of the Responsible Authority;
    - (d) Removal of the bollards in car space 17, and installation of wheel stops to car spaces 16 and 17;
    - (e) Tree #1 to be notated as a Council tree;
    - (f) Removal of tree #16 from plans;
    - (g) Trees #2-5 proposed for removal;
    - (h) The finished floor level of habitable areas of any proposed development at this site should be at least 300mm above the applicable flood level (or at least 71.873m AHD);
    - (i) The finished floor level of access entry/exit points should be at least 300mm above the applicable flood levels (or at least 71.873m AHD);
    - (j) No alteration to existing topography within the first 6 metres from the north title boundary of the site;
-

- (k) All proposed boundary and internal fencing along the northern title boundary must be permeable to overland stormwater flows;
- (l) Site services, including mail boxes and electricity, gas and water meters to be nominated on the plans and elevations and be designed, screened, and co-located (where possible) to integrate with the development and the streetscape. Mail boxes are to be located in accordance with Australia Post guidelines and any mailboxes or services greater than 900mm in height must be located outside the pedestrian visibility splay area;
- (m) Air conditioner units and hot water systems to be nominated on the plans and screened to minimise visibility from the public realm and neighbouring properties;
- (n) Driveway to be feature landscaping strip along the north and south boundaries and constructed of concrete material with muted colours;
- (o) Location and sizing of solar hot water units;
- (p) Location and sizing of photovoltaic power generation systems;
- (q) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
- (r) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (s) The location and dimensions of shading devices, to be provided to all north facing windows as external fixed horizontal overhangs and to all east and west facing windows as adjustable external shading devices e.g. louvres, screens, external blinds/shutters, (unless shaded by adjacent buildings or fences), to the satisfaction of the Responsible Authority;
- (t) Notations for the use of double-glazed windows in conjunction with the SDA on all applicable windows;
- (u) Alternative selection of the roof colour required to minimise the urban heat island effect with a maximum Solar Absorptance (SA) of 0.70;
- (v) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (w) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
- (x) All buildings and works for the demolition of the site, excavation/site cut and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 5 metres of Tree #1.
- (y) Development Drainage Plans in accordance with Condition 3 of this permit;
- (z) An Amended Landscape Plan in accordance with Condition 4 of this permit;

- (aa) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (bb) An Amended Sustainable Design Assessment (SDA) in accordance with Condition 6 of this permit;
- (cc) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (dd) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit;
- (ee) Tree Preservation Fencing in accordance with Condition 20 of this permit.

**Layout Not to Be Altered**

- 2. The use and 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 use and development permitted by this permit commences, Development Drainage Plans must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated Legal Point of Discharge;
  - (c) The specified flood level for the property;
  - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Design Assessment (SDA) and STORM report and include drainage details as a result of landscaping;
  - (e) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - (f) The Tree Protection Zone and Structural Root Zone of Trees #1, #6-15 and #17 as identified in the submitted Arboricultural Report shown to be retained;

**Landscape Plan**

- 4. Before the use and development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by Zenith Concepts Pty Ltd dated 23 August 2023 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 surrounding the basement ramp;
- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
  - (e) Provision of the following minimum plantings:
    - i. Three (3) medium canopy tree(s) (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre) within the north-west, south-west, and eastern corners/sides of the site;
  - (f) An indigenous and/or drought tolerant planting theme;
  - (g) 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;
  - (h) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
  - (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
  - (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

### **Waste Management Plan**

5. Before the use and development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Traffix Group dated September 2023 but modified to include:
- (a) Collection is to be by way of private contractor;
  - (b) All waste to be collected from Glen Katherine Drive or Weidlich Road, or internally within the basement, to the satisfaction of the Responsible Authority;
  - (c) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area and collection point without obstructing the public footpath or laneway;
  - (d) Demonstrate that the waste collection vehicle will be able to enter and exit the waste collection point in a forwards direction at all times;
  - (e) The location of the bin store and any bin wash;
  - (f) Anticipated frequency, hours and duration of collection(s);
  - (g) The size of the waste collection vehicle;
  - (h) Minimum headroom clearance;
  - (i) Specify times for such collection;

- (j) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise;

Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

### **Sustainable Design Assessment (SDA)**

6. Before the use and development permitted by this permit commences, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will form part of this permit. The SDA must be generally in accordance with the SDA prepared by Frater Consulting Services dated 31 August 2023 but modified to include (but not limited to):
- (a) A BESS Report that achieves 'best practice' with a minimum overall score of 56%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
  - (b) Prior to construction provide a Section J Energy Report (JV3) with a comparison against an NCC reference building (of proposed building fabric, and proposed building fabric and proposed services) to support claims of >10% reduction in heating and cooling energy consumption;
  - (c) Amend the plans to articulate electric vehicle charging commitment and show location of GPOs (or future charging pod) accessible for two parking spaces;
  - (d) Amend the SMP to align with the automatic drip irrigation system proposed within the Landscape Plan and specify natural colour mulch (i.e. NOT black mulch);
  - (e) Amend the plant schedule table within the Landscape Plan that details whether species are locally indigenous, native, or exotic to support drought tolerant claims;
  - (f) Amend the plans and ESD drawing to clearly show the location of ceiling fans as outlined in the SDA;
  - (g) Confirm the provision of operable windows to allow the option for natural ventilation (despite fresh air rates being exceeded), and amend plans and elevations accordingly;
  - (h) Provide a statement as to how the development has responded to and mitigates the urban heat island (UHI) effect, and amend the materials schedule to include Solar Absorptance (SA) values of external cladding and roofing material that does not exceed 0.70 – and consider increasing climbing vegetation along North and West façade to facilitate urban cooling outcomes;

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

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

- (a) All features nominated within the associated SDA identified under Condition 6.
- The drawing(s) must include (but not limited to) the following;
- i. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
  - ii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
  - iii. Water Efficient Landscaping design features;
  - iv. The location and system size of the Solar PV systems;
  - v. The improvement in heating and cooling energy demand over NCC 2019 reference case (as claimed in the BESS report);
  - vi. The Hot Water unit type and energy rating;
  - vii. The Heating System type and energy rating;
  - viii. The Cooling System type and energy rating;
  - ix. Clotheslines and locations;
  - x. External Lighting including Motion Detectors in their respective locations;
  - xi. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
  - xii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
  - xiii. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
  - xiv. The location and depth of external fixed overhangs or fins to all north, east and west facing windows;
  - xv. Secure bicycle parking storage spaces location and type of storage system;
  - xvi. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging at each garage/carport;
  - xvii. 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;
  - xviii. Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
  - xix. Tap and Floor Waste (drain) locations in private open spaces and balconies;
  - xx. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.



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

8. Before the use and development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. 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 SDA and STORM 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;
  - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;

**ESD Statement/Inspection**

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

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

10. Prior to occupation, a Compliance Verification Summary or Disclosure Statement from the waste contractor(s) must be provided demonstrating that minimum 80% of the demolition and construction waste was diverted from landfill (via reuse and recycling).
11. Prior to occupation, a statement from the ESD consultant and/or engineer must be provided confirming the level of achievement against all material commitments outlined in the SMP (i.e. certified timber, flooring and joinery and procurement of steel) and reduction in portland cement content and use this to inform future project targets (and remove ambiguous language).

**Occupation of Development**

12. 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,
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parking, landscaping, drainage and water sensitive urban design, street numbering, replacement of street trees and any environmentally sustainable development features).

### **Urban Design**

13. 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.
14. 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.
15. 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.
16. 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.
17. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

### **Development Contribution Levy**

18. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

### **Construction Management Plan**

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

Note: Prior to the submission of the Construction Management Plan, please contact

the Construction Management Assessment Officer to ensure the Plan is consistent with the Banyule City Council's General Local Law No. 1 2015.

### **Tree Protection Zone**

20. 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, #6-15 and #17 to the satisfaction of the Responsible Authority:

At least 14 days prior to commencement of works, you must submit a 'Statement of Compliance' (from a suitably qualified Arborist - AQF Level 5) which must include photographic evidence of the installed TPZ requirements. Submission must be made to [enquiries@banyule.vic.gov.au](mailto: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 Paul Jameson, September 2022 or as follows:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
  - 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
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- 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 (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
  - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
  - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
  - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works;

### **No Damage to Vegetation**

21. 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**

22. 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.

**Amenity**

23. The amenity of the area must not be detrimentally affected by the development and/or use, through:
- (a) The transport of materials, goods or commodities to or from the land;
  - (b) The appearance of any building, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) The presence of vermin;
  - (e) Any other way, to the satisfaction of the Responsible Authority.

**Hours of Operation (General)**

24. The use must operate only between the hours of:

Monday to Friday - 6:30am to 6:30pm .

Unless with the further written consent of the Responsible Authority.

**Noise Control**

25. All noise emanating from the land must comply with *State Environment Protection Regulations 2021 (as amended from time to time)*, as measured in accordance with the EPA Noise Control, to the satisfaction of the Responsible Authority.
26. At the Responsible Authority's request, the permit holder at their own expense, must engage a suitably qualified professional acoustic consultant to determine the extent of compliance with *State Environment Protection Regulations 2021*. A copy of the consultant's report must be submitted to the Responsible Authority. If measures under the *State Environment Protection Regulations 2021* are being exceeded then the permit holder must carry out such structural alterations and/or management measures to achieve compliance to the satisfaction of the responsible Authority.

**Noise Must Not Be Audible**

27. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.

**Security Alarms**

28. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.
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**No External Sound System or Amplified Equipment**

29. No form of public address system, loudspeakers or sound amplification equipment shall be used on the premises for the purpose of announcement, broadcast, playing of music or similar purpose.

**Plant Equipment or Features on Roof**

30. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

**Control of Light Spill**

31. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

**Car Park**

32. 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.
33. 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.
34. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. 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.
35. Before the use allowed by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- (a) Constructed to the satisfaction of the Responsible Authority;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - (d) Drained and maintained to the satisfaction of the Responsible Authority;

- (e) Line-marked to indicate each car space, loading bay and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority;
- (f) In accordance with any Council adopted policy and guidelines for the construction of car parks including vehicle crossings.

**Parking Spaces Clearly Indicated**

36. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

**Directional Sign**

37. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3m<sup>2</sup> in area.

**Disabled Access and Facilities**

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

**Parking for Disabled People**

39. Parking space(s) earmarked for disabled people and must be clearly set aside for such purposes and no other use of such space(s) will be permitted.

**Removal of Existing Signs**

40. Any existing advertising sign on the land must be removed prior to the commencement of the use and development authorised by this permit.

**Separate Application for Signs**

41. This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.

**Expiry of Permit**

42. 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 (2) years from the date of permit issue;
- (b) The development is not completed within four (4) years from the date of permit issue.
- (c) The use is not commenced within four years of the date of this permit; or
- (d) The use is discontinued for a period of two years.

**Resolution (CO2023/238)**

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. P480/2023 for Use and development of the land for a child care (education) centre, buildings and works within the Special Building Overlay – Schedule 2 and associated reduction to the number of required car parking spaces and vegetation removal at 145 Weidlich Road ELTHAM NORTH subject to the following conditions:

**Amended Plans**

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 4 September 2023 with the application but modified to show:
  - (a) A revised ground floor and upper floor building layout to accommodate no more than 90 children with a reduction to the southern end of the building footprint and the southern end of the upper level outdoor play terrace to meet the required minimum design standards;
  - (b) Revised materials and finishes to replace the white cladding and white powdercoat metal with darker muted tones such as Colorbond 'Wallaby', and including natural timber or an engineered wood alternative, to the satisfaction of the Responsible Authority;
  - (c) The provision of an open style arbour/trellis over the basement ramp to incorporate climbing plants;
  - (d) Six (6) parallel parking spaces to be provided along the Glen Katherine Drive frontage within the road reserve to the satisfaction of the Responsible Authority;
  - (e) The provision of two (2) street trees within the Weidlich Road frontage;
  - (f) Before the use and development commences, an acoustic screen fence (minimum 1.8 metre) must be erected along the southern boundary of the land. The fence must be designed by a suitably qualified acoustic engineer to the satisfaction of the responsible authority including details of the acoustic performance;
  - (g) Footpath connectivity to be introduced along the northern frontage within the nature strip section, to the satisfaction of the Responsible Authority;



- (h) Removal of the bollards in car space 17, and installation of wheel stops to car spaces 16 and 17;
- (i) Tree #1 to be notated as a Council tree;
- (j) Removal of tree #16 from plans;
- (k) Trees #2-5 proposed for removal;
- (l) The finished floor level of habitable areas of any proposed development at this site should be at least 300mm above the applicable flood level (or at least 71.873m AHD);
- (m) The finished floor level of access entry/exit points should be at least 300mm above the applicable flood levels (or at least 71.873m AHD);
- (n) No alteration to existing topography within the first 6 metres from the north title boundary of the site;
- (o) All proposed boundary and internal fencing along the northern title boundary must be permeable to overland stormwater flows;
- (p) Site services, including mail boxes and electricity and water meters to be nominated on the plans and elevations and be designed, screened, and co-located (where possible) to integrate with the development and the streetscape. Mail boxes are to be located in accordance with Australia Post guidelines and any mailboxes or services greater than 900mm in height must be located outside the pedestrian visibility splay area;
- (q) Air conditioner units and hot water systems to be nominated on the plans and screened to minimise visibility from the public realm and neighbouring properties;
- (r) Driveway to be feature landscaping strip along the north and south boundaries and constructed of concrete material with muted colours;
- (s) Location and sizing of photovoltaic power generation systems;
- (t) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
- (u) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (v) The location and dimensions of shading devices, to be provided to all north facing windows as external fixed horizontal overhangs and to all east and west facing windows as adjustable external shading devices e.g. louvres, screens, external blinds/shutters, (unless shaded by adjacent buildings or fences), to the satisfaction of the Responsible Authority;
- (w) Notations for the use of double-glazed windows in conjunction with the SDA on all applicable windows;
- (x) Alternative selection of the roof colour required to minimise the urban heat island effect with a maximum Solar Absorptance (SA) of 0.70;

- (y) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (z) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
- (aa) All buildings and works for the demolition of the site, excavation/site cut and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 5 metres of Tree #1.
- (bb) Development Drainage Plans in accordance with Condition 3 of this permit;
- (cc) An Amended Landscape Plan in accordance with Condition 4 of this permit;
- (dd) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (ee) An Amended Sustainable Design Assessment (SDA) in accordance with Condition 6 of this permit;
- (ff) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (gg) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit;
- (hh) Tree Preservation Fencing in accordance with Condition 20 of this permit.

**Layout Not to Be Altered**

2. The use and 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 use and development permitted by this permit commences, Development Drainage Plans must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated Legal Point of Discharge;
  - (c) The specified flood level for the property;
  - (d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Design Assessment (SDA) and STORM report and include drainage details as a result of landscaping;
  - (e) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - (f) The Tree Protection Zone and Structural Root Zone of Trees #1, #6-15 and #17 as identified in the submitted Arboricultural Report shown to be retained;

**Landscape Plan**

4. Before the use and development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must

be generally in accordance with the Landscape Plan prepared by Zenith Concepts Pty Ltd dated 23 August 2023 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 surrounding the basement ramp;
- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
- (e) Provision of the following minimum plantings:
  - i. Four (4) medium canopy tree(s) (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre) within the north-west, south-west, and eastern corners/sides of the site;
  - ii. The provision of small canopy trees, shrubs and ground covers in lieu of open play area around the southern side of the building;
  - iii. Climbing plants to grow over the basement ramp arbour/trellis
- (f) An indigenous and/or drought tolerant planting theme;
- (g) 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;
- (h) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (i) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (j) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

### **Waste Management Plan**

5. Before the use and development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Traffix Group dated September 2023 but modified to include:
  - (a) Collection is to be by way of private contractor;
  - (b) All waste to be collected from Glen Katherine Drive or Weidlich Road, or internally within the basement, to the satisfaction of the Responsible Authority;
  - (c) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area and collection point without obstructing the public footpath or laneway;

- (d) Demonstrate that the waste collection vehicle will be able to enter and exit the waste collection point in a forwards direction at all times;
- (e) The location of the bin store and any bin wash;
- (f) Anticipated frequency, hours and duration of collection(s);
- (g) The size of the waste collection vehicle;
- (h) Minimum headroom clearance;
- (i) Specify times for such collection;
- (j) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise;

Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

#### **Sustainable Design Assessment (SDA)**

6. Before the use and development permitted by this permit commences, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will form part of this permit. The SDA must be generally in accordance with the SDA prepared by Frater Consulting Services dated 31 August 2023 but modified to include (but not limited to):
  - (a) A BESS Report that achieves 'best practice' with a minimum overall score of 56%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
  - (b) Prior to construction provide a Section J Energy Report (JV3) with a comparison against an NCC reference building (of proposed building fabric, and proposed building fabric and proposed services) to support claims of >10% reduction in heating and cooling energy consumption;
  - (c) Amend the plans to articulate electric vehicle charging commitment and show location of GPOs (or future charging pod) accessible for two parking spaces;
  - (d) Amend the SMP to align with the automatic drip irrigation system proposed within the Landscape Plan and specify natural colour mulch (i.e. NOT black mulch);
  - (e) Amend the plant schedule table within the Landscape Plan that details whether species are locally indigenous, native, or exotic to support drought tolerant claims;
  - (f) Amend the plans and ESD drawing to clearly show the location of ceiling fans as outlined in the SDA;
  - (g) Confirm the provision of operable windows to allow the option for natural ventilation (despite fresh air rates being exceeded), and amend plans and elevations accordingly;
  - (h) Provide a statement as to how the development has responded to and mitigates the urban heat island (UHI) effect, and amend the materials schedule to include Solar Absorptance (SA) values of external cladding and roofing

material that does not exceed 0.70 – and consider increasing climbing vegetation along North and West façade to facilitate urban cooling outcomes;

**Environmentally Sustainable Development (ESD) Drawing**

7. Before the use and development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. 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 SDA identified under Condition 6.

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

- i. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
- ii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- iii. Water Efficient Landscaping design features;
- iv. The location and system size of the Solar PV systems;
- v. The improvement in heating and cooling energy demand over NCC 2019 reference case (as claimed in the BESS report);
- vi. The Hot Water unit type and energy rating;
- vii. The Heating System type and energy rating;
- viii. The Cooling System type and energy rating;
- ix. Clotheslines and locations;
- x. External Lighting including Motion Detectors in their respective locations;
- xi. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- xii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
- xiii. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- xiv. The location and depth of external fixed overhangs or fins to all north, east and west facing windows;
- xv. Secure bicycle parking storage spaces location and type of storage system;
- xvi. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging at each garage/carport;
- xvii. 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;
- xviii. Vegetated area site coverage; this is the area covered in vegetation

including plantings and grass;

- xix. Tap and Floor Waste (drain) locations in private open spaces and balconies;
- xx. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.

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

8. Before the use and development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. 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 SDA and STORM 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;
- (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;

#### **ESD Statement/Inspection**

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

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

- 10. Prior to occupation, a Compliance Verification Summary or Disclosure Statement from the waste contractor(s) must be provided demonstrating that minimum 80% of the demolition and construction waste was diverted from landfill (via reuse and recycling).
- 11. Prior to occupation, a statement from the ESD consultant and/or engineer must be provided confirming the level of achievement against all material commitments outlined in the SMP (i.e. certified timber, flooring and joinery and procurement of steel) and reduction in portland cement content and use this to inform future project targets (and remove ambiguous language).

#### **Occupation of Development**

12. 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 and water sensitive urban design, street numbering,

replacement of street trees and any environmentally sustainable development features).

### **Urban Design**

13. 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.
14. 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.
15. 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.
16. 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.
17. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

### **Development Contribution Levy**

18. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy in accordance with the amount specified in Table 6 of the *Banyule Development Contributions Plan 2016-17, September 2018*. The contribution amount payable in the table will be adjusted annually from 1 July 2017, each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics.

### **Construction Management Plan**

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

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

### **Tree Protection Zone**

20. 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, #6-15 and #17 to the satisfaction of the Responsible Authority:

At least 14 days prior to commencement of works, you must submit a 'Statement of Compliance' (from a suitably qualified Arborist - AQF Level 5) which must include photographic evidence of the installed TPZ requirements. Submission must be made to [enquiries@banyule.vic.gov.au](mailto: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 Paul Jameson, September 2022 or as follows:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
  - 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 (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
  - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
  - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
  - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works;

#### **No Damage to Vegetation**

21. 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**

22. 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.

#### **Planting of new Council street trees**

23. Prior to the commencement of development, the required fee for the planting of two (2) new street trees must be paid to the Responsible Authority.

#### **Amenity**

24. The amenity of the area must not be detrimentally affected by the development and/or use, through:
- (a) The transport of materials, goods or commodities to or from the land;
  - (b) The appearance of any building, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) The presence of vermin;

- (e) Any other way, to the satisfaction of the Responsible Authority.

**Hours of Operation (General)**

25. The use must operate only between the hours of:

Monday to Friday - 6:30am to 6:30pm.

Unless with the further written consent of the Responsible Authority.

**Number of Children**

26. The total number of children cared for on the premises at any one time must not exceed 90 except with the written consent of the Responsible Authority.

**Noise Control**

27. All noise emanating from the land must comply with *State Environment Protection Regulations 2021 (as amended from time to time)*, as measured in accordance with the EPA Noise Control, to the satisfaction of the Responsible Authority.
28. At the Responsible Authority's request, the permit holder at their own expense, must engage a suitably qualified professional acoustic consultant to determine the extent of compliance with *State Environment Protection Regulations 2021*. A copy of the consultant's report must be submitted to the Responsible Authority. If measures under the *State Environment Protection Regulations 2021* are being exceeded then the permit holder must carry out such structural alterations and/or management measures to achieve compliance to the satisfaction of the responsible Authority.

**Noise Must Not Be Audible**

29. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.

**Security Alarms**

30. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.

**No External Sound System or Amplified Equipment**

31. No form of public address system, loudspeakers or sound amplification equipment shall be used on the premises for the purpose of announcement, broadcast, playing of music or similar purpose.

**Plant Equipment or Features on Roof**

32. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

**Control of Light Spill**

33. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

**Car Park**

34. 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.

35. 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.
36. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. 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.
37. Before the use allowed by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
  - (a) Constructed to the satisfaction of the Responsible Authority;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - (d) Drained and maintained to the satisfaction of the Responsible Authority;
  - (e) Line-marked to indicate each car space, loading bay and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority;
  - (f) In accordance with any Council adopted policy and guidelines for the construction of car parks including vehicle crossings.

**Indented Car Parking**

38. The provision of the indented parking spaces along Glen Katherine Drive must be paid for by the owner of the land at 145 Weidlich Road ELTHAM NORTH to the satisfaction of the Responsible Authority.

**Parking Spaces Clearly Indicated**

39. The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

**Directional Sign**

40. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority. The sign(s) must not exceed 0.3m<sup>2</sup> in area.

**Disabled Access and Facilities**

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

**Parking for Disabled People**

42. Parking space(s) earmarked for disabled people and must be clearly set aside for

such purposes and no other use of such space(s) will be permitted.

**Removal of Existing Signs**

43. Any existing advertising sign on the land must be removed prior to the commencement of the use and development authorised by this permit.

**Separate Application for Signs**

44. This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.

**Expiry of Permit**

45. 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 (2) years from the date of permit issue;
- (b) The development is not completed within four (4) years from the date of permit issue.
- (c) The use is not commenced within four years of the date of this permit; or
- (d) The use is discontinued for a period of two years.

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

**6.2 7-11 CARTMELL STREET HEIDELBERG - REDEVELOPMENT OF THE CARTMELL STREET CAR PARK WITH A MIXED USE BUILDING AND NEW CAR PARK (P366/2023)**

Misty Byrne addressed Council in person and was speaking AGAINST the Officer recommendation.

Allan Savige addressed Council in person and was speaking AGAINST the Officer recommendation.

Anthony Mackay addressed Council in person and was speaking AGAINST the Officer recommendation.

Alistair Benson addressed Council in person and was speaking AGAINST the Officer recommendation.

Michelle Giovas addressed Council in person and was speaking AGAINST the Officer recommendation.

Peter Storey from Hallmark Developments addressed Council in person and was speaking FOR the Officer recommendation.

**SUMMARY**

1. A planning application to develop the Cartmell Street carpark site at 7-11 Cartmell Street, Heidelberg has been received following Council's decision to sell the air rights above the carpark to a developer.

2. The proposal seeks approval for the construction of an 8-10 storey mixed use building incorporating 114 residential apartments and a food and drink premises, along with vegetation removal. The proposal also includes a public basement carpark with 182 spaces, to be vested in Council.
3. Public notification of the proposal has been undertaken with three signs on site and letters to surrounding owners and occupiers. Thirty-nine (39) objections have been received with key concerns relating to height, bulk, parking and traffic and amenity. A public information session was held at the Bellfield Community Hub during the public notification period.
4. The assessment of this proposal concludes that there is strong strategic support for the proposal given the site's location in the Heidelberg Major Activity Centre and its designation as a key opportunity site in the Heidelberg Structure Plan. The proposal will provide a net community benefit through the provision of additional public parking, a pedestrian connection between Cartmell Street and Sheffields Lane and higher density housing.
5. It is recommended that the proposal be approved subject to conditions to reduce the height of the building, address visual bulk and design and to improve amenity outcomes to adjoining properties.

### **RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P366/2023 for:

- Construction of mixed-use building in the Residential Growth Zone (Schedule 1) and Commercial 1 Zone
- Construct a building or construct or carry out works for a Section 2 use in the Residential Growth Zone
- Use of the land for a food and drink premises
- Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 5)
- Remove vegetation in the Vegetation Protection Overlay (Schedule 5)  
In accordance with the endorsed plans  
at 7-11 Cartmell Street HEIDELBERG subject to the following conditions:

### **Amended Plans**

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 31 August 2023 (*Malcolm Elliott Architects, Revision C, Sheets A001 – A601*) with the application but modified to show:
    - (a) Reduction in overall building height by one level through the deletion of Levels 5 or 6;
    - (b) Deletion of north eastern blade wall and increased setback to adjacent balconies of Apartments 1.17 and 2.17, with appropriate screening, to retain wall slit of adjoining apartments at 3-5 Cartmell Street;
-

- (c) Deletion of the westernmost bedroom of Apartments 3.16 and 4.16 and consolidation with Apartments 4.16 and 4.17 respectively, with internal reconfiguration, to improve sight lines to internal communal area;
- (d) Deletion, reconfiguration or reduction to the internal laundry of Apartments 1.15 and 2.15 to improve sightlines and access to internal communal corridor;
- (e) Details of internal screening to north facing Level 5 and 6 balconies;
- (f) Screening to 1.7m above the floor level of balconies at Apartments 1.11, 1.12 (both levels), 2.08 and 2.11;
- (g) Screening to 1.7m above the floor level of balconies and east facing bedrooms to apartments 2.01 – 7.01 (corresponding at each level);
- (h) Provision of vertical framing elements to Cartmell Street façade above podium;
- (i) Provision of an alternative lightweight material to the uppermost level to crown the building;
- (j) Details of screening to rooftop condenser units to reduce visual impact to adjoining properties;
- (k) Detailed elevation inset of booster cupboard to demonstrate streetscape appearance;
- (l) Detailed elevation of the Sheffields Lane interface at the ground floor, including raingardens, main switch room and substation;
- (m) Improved activation of the Sheffields Lane ground floor interface through public art and lighting;
- (n) Details of vehicle warning systems to one-way ramps;
- (o) Notation that the common gym is for internal resident use only;
- (p) One car space to be set aside and notated for use of the food and drink premises;
- (q) Details of storage provision to all residential dwellings in accordance with Standard D21 of Clause 58 'Better Apartment Design Standards';
- (r) Sizing of photovoltaic power generation systems shown;
- (s) Notation of EV charging pre-wiring to at least one car space to each residential apartment;
- (t) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials. The schedule should be presented on a separate sheet and must include colour samples;
- (u) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
- (v) Provision of an acoustic assessment of noise impacts from vehicles using the Cartmell Street crossover on 3-5 Cartmell Street and incorporation of any recommendations arising from the assessment;

- (w) Development Drainage Plans in accordance with Condition 3 of this permit;
- (x) An Amended Landscape Plan in accordance with Condition 4 of this permit;
- (y) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (z) An Amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (aa) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (bb) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit; and
- (cc) Tree Preservation Fencing in accordance with Condition 20 of this permit.

**Layout Not to Be Altered**

2. The use and 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 must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated Legal Point of Discharge;
  - (c) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
  - (d) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas; and
  - (e) The Tree Protection Zone and Structural Root Zone of the street trees as identified in the submitted Arboricultural Report shown to be retained.

**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 prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by **CDA Design Group dated March 2023** but modified to include:
  - (a) Amendments required by Condition 1 of this permit;

- (b) Additional planting, including climbers to internal courtyard spaces;
- (c) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified; and
- (d) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

### **Waste Management Plan**

5. Before the development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by **TTM Consultants dated 30 August 2023** but modified to include:
- (a) Commitments to waste minimisation options in Section 4;
  - (b) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
  - (c) How waste and recycling materials are to be managed within the site and collected from the site; and
  - (d) Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

### **Sustainability Management Plan (SMP)**

6. Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. 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 **ADP Consulting dated 30 August 2023** but modified to include (but not limited to):
- (a) Amend appendix E to clearly state apartment numbers and types;
  - (b) Provide a draft copy of the Building Users Guide (BUG) illustrating the sustainable features of the development and strategies towards behaviour change (i.e. use of natural ventilation and blinds for shading, EV charging, waste management etc.);
  - (c) Confirm the provision of heating and cooling systems within one star of the best available or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER)



- not less than 85% of the CoP & EER of the most efficient equivalent capacity unit available;
- (d) Provide detailed cross-sections of the proposed raingardens within the Landscape Plan and WSUD Drawing (in addition to the drainage plan), ensuring they are above ground, planter box-style for construction and maintenance purposed;
  - (e) Confirm that post-development stormwater flows will not exceed pre-development levels;
  - (f) Amend the EV strategy to include pre-wiring to at least one car space to each residential apartment to support Level 2 (Mode 3) 7 kW 32 Amp EV charging, through dedicated switchboard, cabling, and a load management system;
  - (g) Provide taps and waste drainage on each balcony to assist residents to maintain their own vegetation;
  - (h) Amend the rooftop plan and material schedule to clearly specify that roofing will have a three-year SRI of (min) 64 as per the claims within the SMP;
  - (i) Provide a statement from the ESD Consultant outlining the extent of recycled, or certified 'sustainable' materials and products used within the development (such as reduced Portland cement content, recycled materials, post-consumer content in products etc.);
  - (j) Remove low VOC paint, 80% demolition waste and cool roofing as Innovation credits as they are legacy initiatives from Green Star Design & As Built and are no longer deemed innovative; and
  - (k) Confirm the strategies proposed to reduce the embodied carbon in concrete and steel such as the reduction of Portland cement content (by 20-30%) or procurement of steel from a certified ISO 14001 supplier.

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

7. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect.

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

- (a) A notation committing to the delivery of a Building Users Guide;
  - (b) Water Recycling Systems to Class A grade recycled water;
  - (c) Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
  - (d) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
  - (e) Water Efficient Landscaping design features;
-

- (f) The location and system size of the Solar PV systems;
- (g) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
- (h) The types of Hot Water unit, heating and cooling systems and their energy ratings;
- (i) Clotheslines and locations;
- (j) Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- (k) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (l) Secure bicycle parking storage spaces location and type of storage system;
- (m) Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging;
- (n) 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;
- (o) Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- (p) Details of any proposed green walls/facades/roofs including sectional details, product information, plant species, soil profiles, maintenance and watering details. A plan notation should be included that the green walls will be provided with irrigation;
- (q) Tap and Floor Waste (drain) locations in private open spaces and balconies;
- (r) Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- (s) Utility metering provided for all individual residential dwellings and commercial tenants;
- (t) Separate submetering to all major common area services;
- (u) Internal lighting type and density of installation required to achieve the maximum illumination power density (W/m<sup>2</sup>) in at least 90% of the area of the relevant building class meet the requirements in Table J6.2a of the NCC 2019 Vol 1;
- (v) 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;
- (w) Bicycle Parking, including visitor parking, location and details;
- (x) Motorbikes / Mopeds location and details to meet a minimum of 5% of vehicle parking spaces designed and labelled for motorbikes (must be at least 5 motorbike spaces);

- (y) Communal spaces location and area (m<sup>2</sup>) to meet the requirements of 1m<sup>2</sup> for each of the first 50 occupants, additional 0.5m<sup>2</sup> for each occupant between 51 and 250 and additional 0.25m<sup>2</sup> for each occupant above 251; and
- (z) Innovation initiatives claimed in BESS, including Air Quality and Urban Heat Island Effect

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

8. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must 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 STORM 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 (m<sup>2</sup>) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s; and
    - iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
  - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance.

**ESD Certification (10+ Dwellings or Commercial >1,000 sqm)**

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

This report must at a minimum include the following:

- (a) Photographic evidence of each ESD features;
  - (b) Invoices/receipts and product specifications evidencing the energy ratings of appliances as claimed in the SMP;
  - (c) Invoices/receipts and product specifications evidencing the Water WELS ratings
-

of fixtures and appliances as claimed in the SMP;

- (d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;
- (e) 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
- (f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable).

### **ESD Inspection**

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

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

### **Occupation of Development**

- 11. 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, private parking, landscaping, drainage and water sensitive urban design, street numbering, replacement of street trees and any environmentally sustainable development features).

### **Urban Design**

- 12. 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.
- 13. 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.
- 14. 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.

15. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

#### **Development Contribution Levy**

16. 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.

#### **Construction Management Plan**

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

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

#### **Planting of new Council Street trees**

18. Prior to the commencement of development, the required fee for the planting of two (2) new street trees must be paid to the Responsible Authority.

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.

#### **Section 173 Agreement (Waste)**

19. Unless otherwise agreed in writing by the Responsible Authority, before the use and development permitted by this permit starts, the owner of the land at 7-11 Cartmell Street HEIDELBERG must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:

- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P366/2023.
- (b) The owner acknowledge that occupants of the dwellings will not be granted on
-

street or off street parking by way of a resident or visitor vehicle parking permit.

- (c) The owner acknowledge that an Owners Corporation is responsible for the maintenance and upkeep of all proprietary stormwater devices to the satisfaction of the Responsible Authority.
- (d) A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

### **Tree Protection Zone**

20. 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 street trees to the satisfaction of the Responsible Authority:

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 **Jack Machar (11 April 2023)**:

- (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 (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
  - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
  - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard *AS4373-2007 Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority; and
  - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

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](mailto:enquiries@banyule.vic.gov.au) referencing the address and Planning Permit number.

**No Damage to Vegetation**

21. 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.

**Car Park**

22. 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.
23. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
24. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

**Restrictions on use (Commercial)**

27. The commercial use must only operate between the following hours except with the further written consent of the Responsible Authority:
- (a) Monday - Sunday: 6am – 9pm
28. Except with the prior written consent of the Responsible Authority:
- (a) Deliveries to the site, and
- (b) Garbage collection from the site
- shall only occur between 7am and 6:30pm Monday to Friday.

**Amenity (Commercial Use)**

29. The commercial use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.



30. Outdoor lighting associated with the commercial use must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
31. Except with the further consent of the Responsible Authority no form of public address or music amplification system shall be used within the retail premises so as to be audible outside the building.
32. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.
33. In respect of commerce, industry and trade development and/or use, noise emissions from the commercial space must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).
34. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with the *Environmental Protection Regulations 2021* and incorporated EPA Publication 1826 (Noise Protocol).

**Waste Management**

35. 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.
36. Waste management must be carried out in accordance with the Waste Management Plan approved as part of this permit.

**Maintenance of property**

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

**Expiry of permit**

38. 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;
  - (b) The development is not completed within four years of the date of this permit;
  - (c) The use is not commenced within four (4) years from the date of permit issue; and
  - (d) The use is discontinued for a period of two (2) years.

**Resolution (CO2023/239)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P366/2023 for:

- Construction of mixed-use building in the Residential Growth Zone (Schedule 1) and Commercial 1 Zone
-

- Construct a building or construct or carry out works for a Section 2 use in the Residential Growth Zone
- Use of the land for a food and drink premises
- Construct a building or construct or carry out works in the Design and Development Overlay (Schedule 5)
- Remove vegetation in the Vegetation Protection Overlay (Schedule 5)

In accordance with the endorsed plans

at 7-11 Cartmell Street HEIDELBERG subject to the following conditions:

#### Amended Plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 31 August 2023 (*Malcolm Elliott Architects, Revision C, Sheets A001 – A601*) with the application but modified to show:
  - (a) Reduction in overall building height by two levels through the deletion of Levels 5 and 6;
  - (b) Deletion of north eastern blade wall and increased setback to adjacent balconies of Apartments 1.17 and 2.17, with appropriate screening, to retain wall slit of adjoining apartments at 3-5 Cartmell Street;
  - (c) Deletion of the westernmost bedroom of Apartments 3.16 and 4.16 and consolidation with Apartments 4.16 and 4.17 respectively, with internal reconfiguration, to improve sight lines to internal communal area;
  - (d) Deletion, reconfiguration or reduction to the internal laundry of Apartments 1.15 and 2.15 to improve sightlines and access to internal communal corridor;
  - (e) Details of internal screening to north facing Level 5 and 6 balconies;
  - (f) Screening to 1.7m above the floor level of balconies at Apartments 1.11, 1.12 (both levels), 2.08 and 2.11;
  - (g) Screening to 1.7m above the floor level to the southern edge of balconies and east facing bedrooms to apartments 2.01 – 7.01 (corresponding at each level);
  - (h) Deletion of obscure glazing to north facing bedroom window to apartments 1.02 – 4.02 (corresponding at each level)
  - (i) Provision of vertical framing elements to Cartmell Street façade above podium;
  - (j) Provision of an alternative lightweight material to the uppermost level to crown the building;
  - (k) Details of screening to rooftop condenser units to reduce visual impact to adjoining properties;
  - (l) Detailed elevation inset of booster cupboard to demonstrate streetscape

- appearance;
- (m) Detailed elevation of the Sheffields Lane interface at the ground floor, including raingardens, main switch room and substation;
  - (n) Improved activation of the Sheffields Lane ground floor interface through public art and lighting;
  - (o) Details of vehicle warning systems to one-way ramps;
  - (p) Notation that the common gym is for internal resident use only;
  - (q) One car space to be set aside and notated for use of the food and drink premises;
  - (r) Details of storage provision to all residential dwellings in accordance with Standard D21 of Clause 58 'Better Apartment Design Standards';
  - (s) Sizing of photovoltaic power generation systems shown;
  - (t) Notation of EV charging pre-wiring to at least one car space to each residential apartment;
  - (u) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials. The schedule should be presented on a separate sheet and must include colour samples;
  - (v) Notation to be included on plans indicating that obscured film or spray applied to clear glazing is not accepted as 'obscured glazing';
  - (w) Provision of an acoustic assessment of noise impacts from vehicles using the Cartmell Street crossover on 3-5 Cartmell Street and incorporation of any recommendations arising from the assessment;
  - (x) All street trees located in the Cartmell Street road reserve forward of the subject site shown for removal with six replacement street trees provided to increase canopy cover and reduce urban heat island impacts;
  - (y) Development Drainage Plans in accordance with Condition 3 of this permit;
  - (z) An Amended Landscape Plan in accordance with Condition 4 of this permit;
  - (aa) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
  - (bb) An Amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
  - (cc) An Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
  - (dd) A Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 of this permit; and
  - (ee) Tree Preservation Fencing in accordance with Condition 20 of this permit.

**Layout Not to Be Altered**

2. The use and 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 must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (g) The use of an On-site Stormwater Detention (OSD) system;
  - (h) The connection to the Council nominated Legal Point of Discharge;
  - (i) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
  - (j) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas; and
  - (k) The Tree Protection Zone and Structural Root Zone of the street trees as identified in the submitted Arboricultural Report shown to be retained.

#### **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 prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by **CDA Design Group dated March 2023** but modified to include:
  - (k) Amendments required by Condition 1 of this permit;
  - (l) Additional planting, including climbers to internal courtyard spaces;
  - (m) 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; and
  - (n) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

#### **Waste Management Plan**

5. Before the development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by **TTM Consultants dated 30 August 2023** but modified to include:

- (k) Commitments to waste minimisation options in Section 4;
- (l) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
- (m) How waste and recycling materials are to be managed within the site and collected from the site; and
- (n) Once approved, the Waste Management Plan must be adhered to by the owner(s) and operator(s) of the development at all times unless otherwise approved in writing by the Responsible Authority.

### **Sustainability Management Plan (SMP)**

6. Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. 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 **ADP Consulting dated 30 August 2023** but modified to include (but not limited to):
- (a) Amend appendix E to clearly state apartment numbers and types;
  - (b) Provide a draft copy of the Building Users Guide (BUG) illustrating the sustainable features of the development and strategies towards behaviour change (i.e. use of natural ventilation and blinds for shading, EV charging, waste management etc.);
  - (c) Confirm the provision of heating and cooling systems within one star of the best available or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER) not less than 85% of the CoP & EER of the most efficient equivalent capacity unit available;
  - (d) Provide detailed cross-sections of the proposed raingardens within the Landscape Plan and WSUD Drawing (in addition to the drainage plan), ensuring they are above ground, planter box-style for construction and maintenance purposed;
  - (e) Confirm that post-development stormwater flows will not exceed pre-development levels;
  - (f) Amend the EV strategy to include pre-wiring to at least one car space to each residential apartment to support Level 2 (Mode 3) 7 kW 32 Amp EV charging, through dedicated switchboard, cabling, and a load management system;
  - (g) Provide taps and waste drainage on each balcony to assist residents to maintain their own vegetation;
  - (h) Amend the rooftop plan and material schedule to clearly specify that roofing will have a three-year SRI of (min) 64 as per the claims within the SMP;

- (i) Provide a statement from the ESD Consultant outlining the extent of recycled, or certified 'sustainable' materials and products used within the development (such as reduced Portland cement content, recycled materials, post-consumer content in products etc.);
- (j) Remove low VOC paint, 80% demolition waste and cool roofing as Innovation credits as they are legacy initiatives from Green Star Design & As Built and are no longer deemed innovative; and
- (k) Confirm the strategies proposed to reduce the embodied carbon in concrete and steel such as the reduction of Portland cement content (by 20-30%) or procurement of steel from a certified ISO 14001 supplier.

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

7. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect.

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

- (a) A notation committing to the delivery of a Building Users Guide;
- (b) Water Recycling Systems to Class A grade recycled water;
- (c) Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;
- (d) The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- (e) Water Efficient Landscaping design features;
- (f) The location and system size of the Solar PV systems;
- (g) The NatHERS Energy Rating for each dwelling, annotated and emboldened;
- (h) The types of Hot Water unit, heating and cooling systems and their energy ratings;
- (i) Clotheslines and locations;
- (j) Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- (k) The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- (l) Secure bicycle parking storage spaces location and type of storage system;
- (m) Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging;
- (n) 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;

- (o) Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- (p) Details of any proposed green walls/facades/roofs including sectional details, product information, plant species, soil profiles, maintenance and watering details. A plan notation should be included that the green walls will be provided with irrigation;
- (q) Tap and Floor Waste (drain) locations in private open spaces and balconies;
- (r) Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- (s) Utility metering provided for all individual residential dwellings and commercial tenants;
- (t) Separate submetering to all major common area services;
- (u) Internal lighting type and density of installation required to achieve the maximum illumination power density (W/m<sup>2</sup>) in at least 90% of the area of the relevant building class meet the requirements in Table J6.2a of the NCC 2019 Vol 1;
- (v) 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;
- (w) Bicycle Parking, including visitor parking, location and details;
- (x) Motorbikes / Mopeds location and details to meet a minimum of 5% of vehicle parking spaces designed and labelled for motorbikes (must be at least 5 motorbike spaces);
- (y) Communal spaces location and area (m<sup>2</sup>) to meet the requirements of 1m<sup>2</sup> for each of the first 50 occupants, additional 0.5m<sup>2</sup> for each occupant between 51 and 250 and additional 0.25m<sup>2</sup> for each occupant above 251; and
- (z) Innovation initiatives claimed in BESS, including Air Quality and Urban Heat Island Effect

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

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

- (c) All features nominated within the associated SMP and STORM 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 (m<sup>2</sup>) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s; and
  - 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;
- (d) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance.

**ESD Certification (10+ Dwellings or Commercial >1,000 sqm)**

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

This report must at a minimum include the following:

- (a) Photographic evidence of each ESD features;
- (b) Invoices/receipts and product specifications evidencing the energy ratings of appliances as claimed in the SMP;
- (c) Invoices/receipts and product specifications evidencing the Water WELS ratings of fixtures and appliances as claimed in the SMP;
- (d) Invoices/receipts and product specifications evidencing the R-Values of all building fabric insulation used on the project;
- (e) 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
- (f) Specifications demonstrating materials properties of low toxic and/or sustainably sourced materials (if applicable).

**ESD Inspection**

10. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the owner or developer must notify Council's Development Planning section that the development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence



to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

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

### **Occupation of Development**

11. 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, private parking, landscaping, drainage and water sensitive urban design, street numbering, replacement of street trees and any environmentally sustainable development features).

### **Urban Design**

12. 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.
13. 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.
14. 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.
15. All screening measures required to prevent overlooking in accordance with Standard B22 of Clause 55.04-6 of the Banyule Planning Scheme must be erected prior to the occupation of the building and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority. The use of obscure film or spray fixed to transparent glass is not acceptable as 'obscure glazing'.

### **Development Contribution Levy**

16. 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.

### **Construction Management Plan**

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

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

### **Removal and Replacement of Council Street Trees – Payment**

18. Prior to the commencement of development and removal of street tree ID #VYU-953 and 39684, the required fee for the planting of six (6) new street trees must be paid to the Responsible Authority. The cost of the tree removal is to be paid by the permit holder.

### **Section 173 Agreement (Waste)**

19. Unless otherwise agreed in writing by the Responsible Authority, before the use and development permitted by this permit starts, the owner of the land at 7-11 Cartmell Street HEIDELBERG must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P366/2023.
  - (b) The owner acknowledge that occupants of the dwellings will not be granted on street or off street parking by way of a resident or visitor vehicle parking permit.
  - (c) The owner acknowledge that an Owners Corporation is responsible for the maintenance and upkeep of all proprietary stormwater devices to the satisfaction of the Responsible Authority.
  - (d) A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

### **Tree Protection Zone**

20. 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 street trees to the satisfaction of the

Responsible Authority:

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 **Jack Machar (11 April 2023)**:

- (c) 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;

- (d) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority:
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
  - ii. Any tree pruning is to conform to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
  - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority; and
  - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

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](mailto:enquiries@banyule.vic.gov.au) referencing the address and Planning Permit number.

### **No Damage to Vegetation**

21. 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.

### **Car Park**

22. 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.

23. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
24. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to occupation of the building. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

#### **Restrictions on use (Commercial)**

27. The commercial use must only operate between the following hours except with the further written consent of the Responsible Authority:
  - (a) Monday - Sunday: 6am – 9pm
28. Except with the prior written consent of the Responsible Authority:
  - (a) Deliveries to the site, and
  - (b) Garbage collection from the siteshall only occur between 7am and 6:30pm Monday to Friday.

#### **Amenity (Commercial Use)**

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

**Waste Management**

35. 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.
36. Waste management must be carried out in accordance with the Waste Management Plan approved as part of this permit.

**Maintenance of property**

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

**Expiry of permit**

38. 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;
  - (b) The development is not completed within four years of the date of this permit;
  - (c) The use is not commenced within four (4) years from the date of permit issue; and
  - (d) The use is discontinued for a period of two (2) years.

Moved: Cr Peter Castaldo

Seconded: Cr Alida McKern

CARRIED

**6.3 PROPOSED STATE GOVERNMENT CHANGES TO CAR AND BICYCLE PARKING STANDARDS****SUMMARY**

1. The Department of Transport and Planning (DTP) have released a discussion paper relating to *Modernising Car and Bicycle Parking Requirements* in October 2023 and have sought feedback on the proposed changes.
2. The discussion paper proposes five changes to the planning requirements relating to car and bicycle parking and the provision of end of trip facilities, as follows:
  - a) Adoption of the Public Transport Accessibility Level (PTAL) as a measure of a site's connectivity to public transport and alignment of car parking policy on this basis.
  - b) Grouping of land uses together based on car parking demand.
  - c) Updating rates, including provision of minimum and maximum rates, aligned with the PTAL.
  - d) Increasing bicycle and end of trip facilities aligned to the land use and PTAL, and new design standards for infrastructure.
  - e) Consolidating parking and end of trip provisions in the VPP.

3. The proposed changes are considered to have merit in principle, however there is lack of clarity around how the PTAL will apply in Banyule and it is therefore difficult to fully understand the implications for future developments and land uses. The mapping will not be undertaken until the changes have been adopted.
4. There have also been a number of issues identified in relation to the proposed land use groupings, application of minimum and maximum parking rates to different uses in different PTAL areas, bicycle design standards and impacts on Parking Overlays which are required to be clarified or amended.

**RECOMMENDATION**

That Council:

1. Notes the proposed changes outlined within the discussion paper Modernising Car and Bicycle Parking Requirements (October 2023).
2. Adopts the submission included in Attachment 1 to the Department of Transport and Planning, which outlines:
  - a) The PTAL approach has merit and is consistent with the *Banyule Integrated Transport Plan (2015-2035) (BITP)* and *Banyule Bicycle Strategy and Action Plan 2022-2027*.
  - b) Further information is required to fully understand the implications for Banyule.
  - c) Concerns with respect to minimum car parking rates for some land uses.
- d) General support for changes to bicycle parking provisions, with improvement opportunities noted

**Resolution (CO2023/240)**

That Council:

1. Notes the proposed changes outlined within the discussion paper Modernising Car and Bicycle Parking Requirements (October 2023).
2. Adopts the submission included in Attachment 1 to the Department of Transport and Planning, which outlines:
  - a) The PTAL approach has merit and is consistent with the *Banyule Integrated Transport Plan (2015-2035) (BITP)* and *Banyule Bicycle Strategy and Action Plan 2022-2027*.
  - b) Further information is required to fully understand the implications for Banyule.
  - c) Concerns with respect to minimum car parking rates for some land uses.
  - d) General support for changes to bicycle parking provisions, with improvement opportunities noted.
3. Write to the Minister for Planning, Shadow Minister for Planning and local State Members of Parliament (MPs) to express our concerns with the reduction in parking and the impacts for our communities which would include increased on-street parking, noise and amenity impacts and a poorer quality urban environment should they be adopted and request a meeting to voice these concerns.

Moved: Cr Rick Garotti  
Seconded: Cr Alison Champion

CARRIED

## 6.4 1 STRADBROKE AVENUE - EOI EVALUATION

### SUMMARY

1. At the 27 February 2023 Ordinary Meeting of Council, Council confidentially agreed to commence an Expression of Interest (EOI) campaign for 1 Stradbroke Avenue as it was determined to be land surplus to Council requirement.
2. Prior to the commencement of the EOI, officers engaged with key stakeholders (Austin Hospital, Warringal Hospital, and the City of Heidelberg Bowls Club) regarding the potential future development. Of the three (3), Warringal Hospital and the bowls club accepted the offer to have a meeting to discuss their queries and concerns about the future development, which were included in the EOI documentation. Other locals in the area received a distribution postcard to inform them of the EOI.
3. The EOI was facilitated to test the market and determine whether the site was of interest to potential purchasers, whilst ensuring any future development is complimentary to surrounding land uses.
4. The EOI documentation package was issued to the public on 26 September 2023, with responses received on 10 November 2023 closing date.
5. All EOI submissions have been detailed in the confidential attachment to this report (**Attachment 1**) due to the commercial nature of the EOI process.

### RECOMMENDATION

That Council:

1. Notes the outcome of the Expression of Interest (EOI) for the Council owned land at 1 Stradbroke Avenue, Heidelberg.
2. Accepts the Strategic Properties Project Control Group recommendation of the shortlisted developers and authorises the Chief Executive Officer, or their delegate, to proceed with a Request for Proposal (RFP) campaign in early-mid 2024.
3. Agrees to formal notification of the other respondents indicating they were unsuccessful in being shortlisted for the Request for Proposal.
4. Agrees to the Notice of Intent to Sell process (as per s114 of the Local Government Act 2020) commencing once the preferred developer is nominated.

### Resolution (CO2023/241)

That Council:

1. Notes the outcome of the Expression of Interest (EOI) for the Council owned land at 1 Stradbroke Avenue, Heidelberg.
2. Accepts the Strategic Properties Project Control Group recommendation of the shortlisted developers and authorises the Chief Executive Officer, or their delegate, to proceed with a Request for Proposal (RFP) campaign in early-mid 2024.
3. Agrees to formal notification of the other respondents indicating they were unsuccessful in being shortlisted for the Request for Proposal.



4. Agrees to the Notice of Intent to Sell process (as per s114 of the Local Government Act 2020) commencing once the preferred developer is nominated.

Moved: Cr Peter Castaldo  
 Seconded: Cr Rick Garotti

CARRIED

## **7. OUR VALUED COMMUNITY ASSETS AND FACILITIES**

### **5.1 PUBLIC TOILET PLAN 2023**

Pippa Griffith addressed Council in person and was speaking AGAINST the Officer recommendation.

Marcus Wigan addressed Council in person and was speaking AGAINST the Officer recommendation.

#### **SUMMARY**

1. The Banyule Public Toilet Plan (the Plan) sets out a ten-year capital works program and action plan for the provision and management of Council owned and managed public toilets across the municipality.
2. The draft Public Toilet Plan was presented to Council on 25 September 2023 and endorsed for a 4-week community exhibition period from 27 September 2023 to 26 October 2023, including an option for paper based feedback and public notices displayed at service centres and libraries in Banyule.
3. The purpose of this report is to present the revised Public Toilet Plan (**Attachment 1**) for adoption following this second stage of community feedback.
4. Council received 50 responses in total, 44 through Shaping Banyule and 6 paper submissions. 56% of respondents supported the draft plan including the 10-year works program and action plan. 28% of respondents did not support it and 16% were unsure.
5. Some respondents raised concerns about the location of the proposed new toilet at Rosanna Parklands. The plan has been revised to include the investigation of recommissioning the existing public toilet block at Macleod Park (adjacent to the oval) as a first step prior to committing to a new toilet block in Rosanna Parkland. If a new toilet block in Rosanna Parkland is required, the siting will be determined through community consultation undertaken as part of preparing the Rosanna Parklands Masterplan.
6. Residents also seek to have a new toilet in Eaglemont. The plan already includes an advocacy program with State Government for the provision of public toilets at the Eaglemont Railway Station, including investigating the opportunity for community access to existing staff toilets.
7. The 10 year renewal program of existing toilets has also been revised to better align these renewal works with other projects in the same precinct. It reduces the renewal funding requirement by \$135,000 over the 10 years.
8. The proposed new toilet program has not changed, except for extending the implementation timelines, primarily to reduce the funding gap over the next few years.
9. The proposed work program will require an estimated \$1.28 million additional funding over the next 10 years, which has reduced from \$1.52 million in the previous draft.

#### **RECOMMENDATION**

That Council:

1. Adopt the proposed Public Toilet Plan 2023 (**Attachment 1**).
2. Note the Public Toilet Plan - Background and Technical Document 2023 (**Attachment 2**).

**Motion**

That Council:

1. Adopt the proposed Public Toilet Plan 2023 (**Attachment 1**) with the following amendments:
  - a) Note the renewal of Chelsworth Park Public Toilet (attached to the current pavilion) will be included in the renewal program for 2028/29.
  - b) Should Council endorse the new pavilion(s) at Chelsworth Park, the renewal of Chelsworth Park Public Toilet (attached to the current pavilion) will be removed from the renewal program for 2028/29.
  - c) Amend Action A22 to read "Update information annually about Council owned and managed toilets on the National Public Toilet Map within Banyule, including reconciling with data shown on Apple and Google Maps".
2. Note the Public Toilet Plan - Background and Technical Document 2023 (**Attachment 2**).
3. Pursues a 12 month advocacy period for toilets to be opened at Eaglemont Station, if not successful that an investigation be explored for the inclusion of new toilets in the Eaglemont area.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

LOST

**Resolution (CO2023/242)**

That Council:

1. Adopt the proposed Public Toilet Plan 2023 (**Attachment 1**) with the following amendments:
  - a) Note the renewal of Chelsworth Park Public Toilet (attached to the current pavilion) will be included in the renewal program for 2028/29.
  - b) Should Council endorse the new pavilion(s) at Chelsworth Park, the renewal of Chelsworth Park Public Toilet (attached to the current pavilion) will be removed from the renewal program for 2028/29.
  - c) Amend Action A22 to read "Update information annually about Council owned and managed toilets on the National Public Toilet Map within Banyule, including reconciling with data shown on Apple and Google Maps".
2. Note the Public Toilet Plan - Background and Technical Document 2023 (**Attachment 2**).

Moved: Cr Mark Di Pasquale

Seconded: Cr Rick Garotti

CARRIED

## 5.2 BANYULE ART COLLECTION - RECOMMENDATION TO ACQUIRE NEW ARTWORKS

### SUMMARY

1. The Banyule Art Collection is a unique and valuable asset for the City that aims to develop and maintain a visual art collection of national significance for the Banyule community that stimulates discussion, thinking and debate about current, social and cultural issues.
2. The *Banyule Art Collection Policy* (the Policy) describes the guidelines, criteria and procedure for acquiring new works of art into the collection. Council allocates \$30,000 annually towards purchasing new acquisitions, and maintenance and storage requirements of the collection.
3. As per the Policy's acquisition guidelines, the Banyule Art Collection Working Group met in October 2023 to consider seven art works, mostly selected from the recent Banyule Award for Works on Paper Finalists Exhibition – plus one donation by the Estate of prestigious Banyule artist Murray Griffin – for accession into the collection.
4. All seven (7) artworks were considered worthy of acquisition and presented to the Banyule Arts and Culture Advisory Committee on 2 November 2023 who voted unanimously to recommend Council purchase the works for acquisition and accept the Murray Griffin donation.

### RECOMMENDATION

That Council:

1. Endorse the Banyule Arts and Culture Advisory Committee's recommendation to acquire the seven (7) artworks being:
  - Untitled: By Murray Griffin
  - High Roads, Low Roads (No Exit): By Ryan Presley
  - Legacy: One Umbrella, Eight hundred and eighty thousand voices, sixty thousand years of occupancy: By Brian Robinson
  - Pinampi Country thigga (remember my Country): By Virginia Keft
  - Kaalpa (Kalypa, Canning Stock Route Well 23): By Corban Clause Williams
  - Guuma-li / gather: By Juanita McLauchlan
  - Scanning Country ONE (SC1): By Bruno Leti

at a total cost of \$23,396, to further develop the significance and value of the Banyule Art Collection.

2. Note the purchasing process will be undertaken in accordance with procurement policies and best practice arts industry standards.

### Resolution (CO2023/243)

That Council:

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1. Endorse the Banyule Arts and Culture Advisory Committee's recommendation to acquire the seven (7) artworks being:

- Untitled: By Murray Griffin
- High Roads, Low Roads (No Exit): By Ryan Presley
- Legacy: One Umbrella, Eight hundred and eighty thousand voices, sixty thousand years of occupancy: By Brian Robinson
- Pinampi Country thigga (remember my Country): By Virginia Keft
- Kaalpa (Kalypa, Canning Stock Route Well 23): By Corban Clause Williams
- Guuma-li / gather: By Juanita McLauchlan
- Scanning Country ONE (SC1): By Bruno Leti

at a total cost of \$23,396, to further develop the significance and value of the Banyule Art Collection.

2. Note the purchasing process will be undertaken in accordance with procurement policies and best practice arts industry standards.

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

## 8. OUR THRIVING LOCAL ECONOMY

### 8.1 ADOPTION OF THE PROPOSED BANYULE VOLUNTEER POLICY AND PROPOSED MEMORANDUM OF UNDERSTANDING - BANYULE ENVIRONMENTAL FRIENDS OF GROUPS

#### SUMMARY

1. The Proposed Banyule Volunteer Policy 2023 (**Attachment 1**) has been developed to provide Council with a consistent and coordinated approach to engaging and supporting volunteers across the whole organisation and includes Council's Population and Advisory Committee members.
2. The Proposed Volunteer Policy 2023 also outlines Council's arrangements with volunteer-involving community groups (who have volunteers) operating on Council land and/or in Council facilities. These groups operate independently of Council. Their relationship to Council is supported by various binding documentation.
3. At the 15 August 2022 Council Meeting, Council resolved to receive a report regarding:
  1. *The development of a Banyule Volunteer Framework.*
  2. *Inclusion of guidelines for environmental volunteers working on Council land to be incorporated as a subset of the broader proposed Banyule Volunteer Framework.*
  3. *A process for Council collaboration with the Banyule community, including existing Friends groups and other environmental volunteers to prepare guidelines.*
4. In addition to proposing the Volunteer Policy a separate proposed Memorandum of Understanding (MoU) with Banyule Environment Friends of Groups (EFoG),

**(Attachment 2)**, has been developed as a first step to address the above resolution. The MoU outlines an agreed approach on how EFoG conduct their volunteer activities when operating on Council land and what Council would commit to in supporting this work.

5. At the 25 September 2023 Council meeting, Council resolved to endorse the proposed Banyule Volunteer Policy and proposed MoU - Banyule EFoG to go out for targeted community engagement. Two additional face-to-face engagement consultation forums were also conducted with EFoGs with an invitation also extended to members of the Friends of Darebin Parklands and Friends of Eaglemont Village.
6. Targeted community engagement on the Proposed Volunteer Policy and MoU – Banyule EFoG took place from the 1 October to 31 October 2023.
7. The targeted consultation process involved an internal stakeholder session, meetings with individual stakeholders, two focus group sessions with EFoGs, Friends of Darebin Parklands and Friends of Eaglemont Village and an online survey provided to all current Council volunteers and members of Council’s Population and Advisory Committees.
8. Feedback from the sessions was positive and constructive in relation to both the Proposed Volunteer Policy and development of the Banyule EFoGs Proposed MOU.
9. Minor changes have been made to the Proposed Volunteer Policy and Proposed MoU based on the feedback received as part of the consultation process.

## RECOMMENDATION

That Council:

1. Adopt the Proposed Banyule Volunteer Policy 2023 (**Attachment 1**) and Proposed Memorandum of Understanding (MoU) - Banyule Environmental Friends of Groups (**Attachment 2**).
2. Acknowledge the feedback obtained and thank those that participated in the targeted community engagement and consultation process that was undertaken in the development of the Proposed Banyule Volunteer Policy 2023 and the Proposed Memorandum of Understanding (MoU) – Banyule Environmental Friends of Groups.

## Resolution (CO2023/244)

That Council:

1. Adopt the Proposed Banyule Volunteer Policy 2023 (Attachment 1) and
2. Adopt the Proposed Memorandum of Understanding (MoU) - Banyule Environmental Friends of Groups (Attachment 2) with the following amendments
  - a. Section 1 Background paragraph five: “Council is responsible for the conservation management of public land within Banyule City Council. Council officers recognise the experience and skills community members bring and work closely and in collaboration with community volunteer groups, called Environmental Friends of Groups (EFoG) on the conservation management of Council’s public land.
  - b. Section 8 Consent for Works: 8.1 EFoG may perform working bees, ongoing maintenance, and other environmental activities on Council land in accordance with the approved annual working bee or activity plan that will

be tailored to each EFOG having regard for the experience and expertise of its members.

3. Acknowledge the feedback obtained and thank those that participated in the targeted community engagement and consultation process that was undertaken in the development of the Proposed Banyule Volunteer Policy 2023 and the Proposed Memorandum of Understanding (MoU) – Banyule Environmental Friends of Groups.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

## 9. NOTICES OF MOTION

### 9.1 RISKS TO BANYULE'S BIODIVERSITY & CAT CONFINEMENT OPTIONS – CR MCKERN

**TAKE NOTICE** that it is my intention to move:

That Council:

1. Notes the concerning impact that roaming feral and domestic cats can have on Banyule's biodiversity, wildlife, and nuisance issues without confinement strategies in place.
2. Request that an Officer report is presented back to Council before March 2024 providing Council with information regarding:
  - (a) The number, types, and trends of complaints that Council receives relating to roaming cats in the past 12 months.
  - (b) Current Local, State and Federal action and opportunities for further advocacy relating to cat controls.
  - (c) What options Council could take, if any, to implement different cat containment, confinement, and curfew strategies.
  - (d) The regulatory framework within local government to support containment, confinement, and curfew strategies.
  - (e) How the strategies could be implemented and enforced and what resource implications Council would need to consider establishing these in line with the upcoming public order review.
  - (f) Outcomes from a benchmarking exercise looking into industry standards on how other local councils manage cat containment, confinement and curfews strategies that reduce risks of roaming cats to native animals and biodiversity.
  - (g) Strategies to engage and educate the broader Banyule Community to help reduce the impacts of roaming cats on the community.

#### **Resolution (CO2023/245)**

That Council:

1. Notes the concerning impact that roaming feral and domestic cats can have on Banyule's biodiversity, wildlife, and nuisance issues without confinement strategies in place.

2. Request that an Officer report is presented back to Council before March 2024 providing Council with information regarding:
  - (a) The number, types, and trends of complaints that Council receives relating to roaming cats in the past 12 months.
  - (b) Current Local, State and Federal action and opportunities for further advocacy relating to cat controls.
  - (c) What options Council could take, if any, to implement different cat containment, confinement, and curfew strategies.
  - (d) The regulatory framework within local government to support containment, confinement, and curfew strategies.
  - (e) How the strategies could be implemented and enforced and what resource implications Council would need to consider establishing these in line with the upcoming public order review.
  - (f) Outcomes from a benchmarking exercise looking into industry standards on how other local councils manage cat containment, confinement and curfews strategies that reduce risks of roaming cats to native animals and biodiversity as well as to the health of cats in the neighbourhood.
  - (g) Strategies to engage and educate the broader Banyule Community to help reduce the impacts of roaming cats on the community.

Moved: Cr Alison Champion

Seconded: Cr Alida McKern

CARRIED

## **9.2 PEDESTRIAN AND CYCLIST SAFETY, ADVOCACY & PROACTIVE TRAFFIC MANAGEMENT PLANNING IN THE NORTH EAST OF BANYULE**

Frank Salamone addressed Council in person and was speaking FOR the Officer recommendation.

**TAKE NOTICE** that it is my intention to move:  
That Council:

1. Note current concerns in the north east of Banyule regarding increased traffic, pedestrian and cyclist safety and the additional traffic that is projected to use this area to access the North East Link.
2. Call for an officer report to be presented back to Council on or before May 2024 providing information regarding the following:
  - a. Advocacy efforts that Council could make to the State Government around the safety for pedestrians, cyclist and traffic management in the north east of Banyule specifically in relation to footpath and cycling bridge connectivity to the Plenty River Trail.
  - b. Request that the advocacy should also include what could be implemented to reduce the traffic concerns and improvements to safety in the area and at major intersections, including the Diamond Creek Road and Civic Drive intersection at the end of the North East Link.
  - c. What actions Council could take including traffic management reports that allow the assessment of the impacts of the North East Link once it opens.

**Resolution (CO2023/246)**

That Council:

1. Note current concerns in the northeast of Banyule regarding increased traffic, pedestrian and cyclist safety and the additional traffic that is projected to use this area to access the North East Link.
2. Call for an officer report as a matter of urgency, to be presented back to Council in early 2024 providing information regarding the pedestrian and cyclist safety issues and the separate traffic management issues as detailed below:
  - a. Advocacy efforts that Council could make to the State Government around the safety for pedestrians and cyclists and traffic management in the north east of Banyule specifically in relation to footpath and cycling bridge connectivity to the Plenty River Trail.
  - b. Request that the advocacy should also include what could be implemented to make improvements to safety and traffic flow in the area and at major intersections, including the Diamond Creek Road and Civic Drive intersection at the end of the North East Link.
  - c. What actions Council could take including traffic management reports that allow the assessment of the impacts of the North East Link once it opens.

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

**10. GENERAL BUSINESS****International Day of People with Disability – 3 December 2023**

Cr McKern attended an event at Ivanhoe Library to celebrate International Day for people with Disability. Cr McKern shared with the Chamber, a poem by Mary Nixon 'Community to me' from *The Diverse City* zine, a small circulation publication which captures writing and images from members across the disability spectrum and provided two copies of the book to be donated to Banyule Libraries.

**Banyule City Council Calendar 2024**

Cr McKern promoted the 2024 Banyule City Council Calendar. Copies can be requested on line via the Banyule Website or can be collected from Customer Service Centres.

**Northern Business Achievement Awards - Thursday 7 December 2023**

Cr Nealy discussed the Thursday December 7 2023 Northern Business Achievement Awards – a partnership of industry, education, local and state government and decision makers across Melbourne's north.

Local businesses winners included *Little Heroes Australia*, an NDIS provider specialising in early intervention and support for children, and PartMaker exporter of the year with expertise in crafting custom dental implant solutions assisting patients dealing with facial cancers.



The young Banyule Business Achiever was Ahmed Muridi, owner of Crooks Barbershop in Heidelberg. Ahmed engages in community development providing training and volunteer opportunities for young individuals in a not for profit youth centre.

**Diamond Valley Library 50<sup>th</sup> Birthday Celebrations - Saturday December 9 2023**

Cr Champion attended the Diamond Valley Library's 50<sup>th</sup> Birthday Celebrations along with Deputy Mayor of Nillumbik Council, Cr Karen Eagan and Nillumbik Cr Natalie Duffy. The Library was started in 1973 by a group of women providing books to the community from a basement.

This significant community milestone was celebrated in 1970s styling, fashion, and music. The event included the Diamond Creek Karaoke Choir, a petting zoo, facepainting, and a silent disco. Cr Champion thanked the Library staff, and sent congratulations to the CEO, Jane Cowell for creating a culture of community, connection, safety and learning.

**Viewbank Scouts visit the Banyule City Council Chambers - Wednesday 6 December**

Cr Mitsinikos and Banyule Council CEO Allison Beckwith hosted approximately 30 scouts providing explanation and examples about Council's roles, responsibilities and services. A mock Council meeting was held with young scout dedicated and inquisitive Councillors emerging.

Cr Mitsinikos thanked the Council CEO, Strategic Executive Assistant to the CEO, and the Scout Leaders who volunteer so much of their personal time for the kids.

**Christmas Day Luncheon – 25 December 2023**

Cr Mitsinikos promoted the Christmas Day Luncheon which is held in support of those who may feel isolated or alone on Christmas Day. It is organised in conjunction with Exodus Community and Bansic and held at Belfield Community Hub

85 Places are currently filled with 35 positions still available. People can call shop 48 on 8582 9501 to register for attendance. Cr Mitsinikos' family will be in attendance on the day to assist with the event.

**Condolence motion - Mr Tom Payne (OAM)**

Mayor Cr Tom Melican spoke on the recent passing of Tom Payne who passed away on 28 November 2023 at the age of 90. Born in Fitzroy in 1933 and attending school at St Brigid's, Mr Payne started his working life as a bellboy at aged 14 and married Lurline in 1954. They had two children John and Peter and four grandchildren, Stephanie, Larissa, Bronte and Audrey.

Tom managed the Old England Hotel from 1957 and became owner in 1958. He was president of the Victorian Hotels association and served on the executive of the General Body. He was a life member of state and National Hotels Association and is in the Hotels association's hall of fame. He has been a member of Rotary since 1960 and was awarded the OAM in 2012. Tom supported many community activities including the Heidelberg Arts society.

Cr Melican reflected on Tom's life from humble beginnings to successful business man valuing family and community and offered condolences to Tom's family.

**LaTrobe University and State Government BIONTECH – Joint funding agreement**

Cr Melican acknowledged the recent and significant joint funding agreement announced on 8 December between the State and Federal Government and BioNTech to establish an mRNA manufacturing facility at LaTrobe University which is likely to create eight to ten thousand jobs over the next ten years.

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The announcement was attended by the Premier of Victoria Jacinta Allan, Victorian Treasure Tim Pallas Minister for Economic Growth, LaTrobe University Chancellor, the Hon. John Brumby AO and Vice Chancellor Professor John Dewar.

BioNTech is committed to improving the health of people by the development of Immunotherapy utilizing the full potential of the immune system to fight serious diseases. Together in partnership with Pfizer they were one of the first to announce an approved Covid 19 vaccination.

An additional project was announced for a research and development facility with an investment of 12 million dollars from State Government to develop an AI research centre for the development of medical procedures using AI.

### **PUBLIC QUESTION TIME**

<b>#1</b>	<p><b>Name and Details</b> Wendy Palliser</p>
	<p><b>Background Information</b></p>
	<p><b>Question</b> Why is council not acknowledging the majority of public and sports opinion that James reserve is a great park but not a fit for purpose sports ground no matter how much money you spend on it and monies should be spent on upgrading the park for the ever-increasing population in the area.</p>
	<p><b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b> Council undertook an extensive masterplan process with the community to determine the current and future needs from this space and the upgrades the community would like to see to ensure ongoing enjoyment of James Reserve. An initial concept plan was shared with the community in February 2020 which was supported by 73% of respondents with 254 individuals providing comments. Several amendments were suggested by community members during this initial consultation period including retaining pavilion in current location, expanding playground and community facilities further which was incorporated into a final masterplan. The final masterplan was supported by 83% of respondents, including Heidelberg Eagles Soccer Club, which shows considerable support for the actions identified in the masterplan and was subsequently adopted by Council in April 2021.</p> <p>Council is currently undertaking the detailed design of the playground and community facilities in line with the adopted masterplan, with a budget allocation included in the draft 2024-25 budget for delivery (subject to adoption).</p> <p><i>Kath Brackett – Director Community and Wellbeing</i></p>

<b>#2</b>	<p><b>Name and Details</b> Kevan Hill</p>
	<p><b>Background Information</b></p>

	<p><b>Question</b></p> <p>Does Council conduct post-completion audits of capital works projects and how do ratepayers access this data?</p> <p>If Council does, I would like to request a copy for the new pocket park corner Waterdale Rd and Upper Heidelberg Road Ivanhoe including data on the number of patrons visiting the pocket park since it was commissioned.</p>
	<p><b>Governance Rules</b></p> <p>This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b></p> <p>Council undertakes a final inspection with all appropriate internal stakeholders to ensure contracted works have been delivered to the specification prior to the Practical Completion Certificate being issued to the contractor. Given this a contractual document, this information is not available to the public.</p> <p>In addition, Council typically employs pedestrian counters when its unsure of whether a park is successful or requires upgrade due to over-usage. Given Waterdale Pocket Park is a new asset and Council has received very positive feedback from the community, Council has no data in relation to use of the Waterdale Pocket Park.</p> <p>Darren Bennett– <i>Director Assets and City Services</i></p>

### Closure of Meeting

The Meeting was closed at 10.44pm.

*The next Ordinary Meeting of Council will be held on Monday, 5 February 2024*

*Minutes Confirmed: 5<sup>th</sup> Day of February 2024*

*Signed by: Cr Tom Melican*

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*Mayor*

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